

ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,
ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (Z-76-23-8) FROM S-1 (RANCH OR FARM RESIDENCE) TO R1-18 (SINGLE-FAMILY RESIDENCE DISTRICT).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of a 25.71-acre site located at the northeast corner of 23rd Avenue and Dobbins Road in a portion of Section 1, Township 1 South, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "S-1" (Ranch or Farm Residence) to "R1-18" (Single-Family Residence District).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit "B."

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. The development shall be in general conformance with the site plan date stamped April 22, 2024, as modified by the following stipulations and approved by the Planning and Development Department with specific regard to the following:
 - a. The development shall be limited to a maximum of 58 lots.
 - b. Lots 1-17 and 20-32 shall be a minimum of 70 feet in width. All other lots shall be a minimum of 65 feet in width.
 - c. Lot 22 shall be a minimum of 40 feet from the eastern perimeter property line.
 - d. Lots 15 and 16 shall be a minimum of 60 feet from the eastern perimeter property line.
 - e. Lots 53 through 58 shall be limited to one-story or 25 feet.
2. All landscape setbacks shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant trees, 20 feet on center, or in equivalent groupings, with five 5-gallon shrubs per tree, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment for installing the required plants.
3. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
4. All lots in the development shall be subject to Single-Family Design Review.
5. Building elevations shall contain multiple colors, exterior accent materials and textural changes that exhibit quality and durability such as brick, stone, colored textured concrete or stucco, or other materials to provide a decorative and aesthetic treatment, as approved by the Planning and Development Department.
6. Fences and walls shall be in general conformance with the wall plan (wall elevations) date stamped April 22, 2024, as modified by the following stipulations, and approved by the Planning and Development Department:
 - a. Perimeter fencing shall be a minimum of 75% view fencing, except on Lots 23 through 32.

- b. Perimeter walls bounding the rear or side yard property lines of residential lots along 23rd Avenue and Dobbins Road shall include minimum three-foot offsets, and material and textural differences, such as stucco, and/or split face or slump block or a decorative element, such as tile or stamped designs, as approved by the Planning and Development Department.
- 7. A landscaped median of no less than 5 feet in width shall be provided within the primary access drive to the development and landscaped with a mix of ornamental trees and shrubs, as approved by the Planning and Development Department.
- 8. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized throughout the subdivision including common areas and front yards of individual residential lots. This restriction shall be included in the Covenants, Conditions, and Restrictions for the subdivision.
- 9. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.
- 10. All sidewalks along 23rd Avenue shall be a minimum of 5 feet in width and detached with a minimum 5-foot-wide landscape strip located between the sidewalk and back of curb and planted with minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant, shade trees planted 20 feet on center, or in equivalent groupings, that provide shade to a minimum 50%, as approved by the Planning and Development Department.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment for installing the required plants.

- 11. All sidewalks along Dobbins Road shall be a minimum of 5 feet in width and detached with a minimum 8-foot-wide landscape strip located between the sidewalk and back of curb and planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant, shade trees planted 20 feet on center, or in equivalent groupings, that provide shade to a minimum 50%.
 - b. Drought tolerant vegetation to achieve a minimum of 75% live coverage.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment for installing the required plants.

12. All sidewalks within the development shall be detached with a minimum 5-foot wide landscape strip located between the sidewalk and back of curb and shall include minimum 2-inch caliper, single trunk, shade trees planted at a minimum rate of two trees per lot, or a minimum of 20 feet on center, or equivalent groupings, as modified and approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
13. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along the east side of 23rd Avenue, along the west side of the property. A minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement in accordance with the MAG supplemental detail and as approved or modified by the Planning and Development Department.
14. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along the north side of Dobbins Road, along the south side of the property. A minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement in accordance with the MAG supplemental detail and as approved or modified by the Planning and Development Department.
15. A minimum 45 feet of right-of-way shall be dedicated for the north side of Dobbins Road, to be measured from the existing southern property line, adjacent to the development.
16. A minimum 30 feet of right-of-way shall be dedicated for the east side of 23rd Avenue, adjacent to the development.
17. A pedestrian pathway shall be provided on the southern and western site boundary to allow for direct pedestrian access to the adjacent multi-use trails. The developer shall construct an 8-foot-wide shaded pedestrian pathway consisting of decorative material such as brick, pavers or alternative material treatment, as approved by the Planning and Development Department.
18. The developer shall submit an engineer sealed Sight Visibility Analysis in accordance with AASHTO guidelines for departure sight distance at the proposed access points along Dobbins Road to the City. No preliminary approval of plans shall be granted until the study has been reviewed and proposed access is approved by the Street Transportation Department.
19. A Traffic Impact Study (TIS) shall be submitted to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed

and approved by the Street Transportation Department. The TIS shall include signal warrant analysis for 23rd Avenue and Dobbins Road. If the approved TIS determines that a signal is warranted at this intersection, the developer shall be required to fund 100% of the cost and construct the signal, if the TIS does not warrant the signal, the developer shall be required contribute, 25% of traffic signal cost in an escrow account to the Street Transportation Department. If the signal is installed by others, the development shall be responsible for 100% of the cost for signal relocation and/or modifications.

20. Conduit and junction boxes shall be provided at the northeast corner of the 23rd Avenue and Dobbins Road intersection for future traffic signal equipment.
21. All existing electrical utilities within the public right-of-way shall be undergrounded, adjacent to the development. The developer shall coordinate with the affected utility companies for their review and permitting.
22. Existing SRP facilities along Dobbins Road are to be relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish the appropriate process to relocate the facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
23. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
24. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
25. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
26. In the event archeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archeologist, and allow time for the Archeology Office to properly assess the materials.
27. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development the existence and

operational characteristics of agricultural uses. These documents must advise purchasers that, under Section 3-112(E), Arizona Revised Statutes, the City of Phoenix may not declare an agricultural operation conducted on farmland to be a nuisance if the agricultural use is lawful, customary, reasonable, safe and necessary to the agriculture industry. The form and content of such documents shall be reviewed and approved by the City prior to recordation.

28. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development the existence and operational characteristics of the Phoenix Regional Police Academy gun range. The form and content of such documents shall be reviewed by the City prior to recordation.
29. Prior to final site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims forms. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.
30. The conceptual elevations and landscape plan for future development of the site shall be reviewed and approved by the Planning Hearing Officer through the public hearing process, including review by the South Mountain Village Planning Committee, for stipulation modification prior to final site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements will be determined by the Planning Hearing Officer and the Planning and Development Department.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 1st day of July, 2024.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

Exhibits:
A – Legal Description (1 Page)
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-76-23-8

A PORTION OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION, MONUMENTED BY A MARICOPA COUNTY BRASS CAP IN POTHOLE, WHICH LIES AS A BASIS OF BEARING, SOUTH 89 DEGREES 40 MINUTES 07 SECONDS WEST, 2617.93 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION, MONUMENTED BY A MARICOPA COUNTY ALUMINUM CAP IN POTHOLE;

THENCE ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, NORTH 00 DEGREES 47 MINUTES 48 SECONDS EAST, 920.31 FEET;

THENCE DEPARTING SAID WEST LINE, NORTH 89 DEGREES 39 MINUTES 55 SECONDS EAST, 1311.46 FEET TO THE EAST LINE OF SAID SOUTHEAST QUARTER;

THENCE ALONG SAID EAST LINE, SOUTH 00 DEGREES 57 MINUTES 06 SECONDS WEST, 511.33 FEET;

THENCE DEPARTING SAID EAST LINE AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, SOUTH 89 DEGREES 40 MINUTES 07 SECONDS WEST, 178.04 FEET;

THENCE SOUTH 00 DEGREES 57 MINUTES 06 SECONDS WEST, 409.10 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER;

THENCE ALONG SAID SOUTH LINE, SOUTH 89 DEGREES 40 MINUTES 07 SECONDS WEST, 1130.92 FEET TO THE **POINT OF BEGINNING**.

SAID PORTION OF LAND CONTAINING 1,132,794 SQUARE FEET, OR 26.0054 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND/OR RIGHTS-OF-WAYS OF RECORD OR OTHERWISE.

THIS DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY, OR ANY OTHER LAND DIVISION RESTRICTIONS.

EXHIBIT B

Zoning Case Number: Z-76-23-8

Zoning Overlay: N/A

Zoning Overlay: N/A
Planning Village: South Mountain



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