

ATTACHMENT A

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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 (CASE Z-124-23-1) FROM C-2 (INTERMEDIATE COMMERCIAL) AND R-2 (MULTIFAMILY RESIDENCE DISTRICT) TO R-2 (MULTIFAMILY RESIDENCE DISTRICT DISTRICT).

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

SECTION 1. The zoning of a 14.29-acre site located approximately 2,260 feet north of the northeast corner of North Black Canyon Highway and Circle Mountain Road in a portion of Section 3, Township 6 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from 13.74 acres of "C-2" (Intermediate Commercial) and 0.55 acres of "R-2" (Multifamily Residence District) to "R-2" (Multifamily 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 maximum density shall be 5.04 dwelling units per gross acre.
2. A minimum of 10% of common open space shall be provided, and shall be evenly dispersed throughout the development, as approved by the Planning and Development Department.
3. The building elevations for single-family residential development shall comply with the following standards, and if multifamily residential development occurs it shall comply with a and b below, as approved by the Planning and Development Department.
 - a. Materials and colors shall blend with the natural desert environment.
 - b. Enhanced building materials and four-sided architecture shall be provided.
 - c. A minimum of nine varying elevations shall be provided.
 - d. A minimum of five architectural styles shall be provided.
 - e. A minimum of six of the elevations shall include a front covered porch measuring a minimum of 6 feet deep by 12 feet and 7 inches wide.
 - f. A maximum of three of the elevations may include a covered entry with a minimum width of 2 feet and 6 inches.
 - g. Enhanced decorative windows shall be used on all front sides of homes.
 - h. Elevations shall have varying rooflines of the homes.
 - i. All garage doors shall have windows and recessed panels.
4. A minimum building setback of 58 feet shall be provided along the west property line, as approved by the Planning and Development Department.
5. A minimum landscaped setback of 30 feet shall be provided along the west property line, as approved by the Planning and Development Department.

6. All perimeter landscape setbacks adjacent to public streets shall be planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 50% 2-inch caliper and 50% 3-inch caliper, large canopy, drought-tolerant, shade trees, planted 20 feet on center, or in equivalent groupings with a staggered row of trees for every 20 feet of setback.
 - b. In areas using non-salvaged drought tolerant shrubs, accents, and vegetative groundcovers, a minimum of 75% live coverage at maturity shall be achieved.
 - c. In areas using salvaged native desert shrubs, accents, and vegetative groundcovers, a minimum of 50% live coverage at maturity shall be achieved.
7. 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.
8. All pedestrian pathways and trails, including sidewalks, shall be shaded by a structure, landscaping, or a combination of the two to provide minimum 75% shade, as approved by the Planning and Development Department.
9. If multifamily residential development occurs, where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
10. If a pedestrian walkway or trail crosses private lots, a pedestrian access easement shall be dedicated across the private lots, as approved by the Planning and Development Department.
11. Guest bicycle parking spaces shall be provided at a minimum rate of 0.05 spaces per unit. Bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near open space areas and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
12. If multifamily residential development occurs, a minimum of 0.25 secured bicycle parking spaces per dwelling unit shall be provided, as approved by the Planning and Development Department.
13. If multifamily residential development occurs, a minimum of 10% of the required

bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities.

14. If multifamily residential development occurs, a bicycle repair station ("fix it station") shall be provided and maintained on site within an amenity area or near a primary site entrance. The bicycle repair station ("fix it station") shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include, but not be limited to, standard repair tools affixed to the station, a tire gauge and pump affixed to the base of the station or the ground, and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
15. A Water Master Plan, Wastewater Master Plan, and Trails and Pedestrian Circulation Master Plan for the overall development, per the requirements of the Planned Community District (PCD), Section 636 of the Phoenix Zoning Ordinance, shall be submitted for review and shall include the following elements, as approved by the Planning and Development Department.
 - a. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along the west side of the property adjacent to the I-17 frontage road and a minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement in accordance with the MAG supplemental detail.
 - b. A north-south pedestrian connection shall be provided through the center of the overall development to provide an ultimate connection from Circle Mountain Road to Jenny Lin Road and shall comply with Section 1304.H of the Phoenix Zoning Ordinance.
 - c. One pedestrian connection shall be provided from the site leading to the adjacent trails directly east or west of the site, adjacent to the development, which may be provided along the minor collector road along the southern boundary of the development.
 - d. Pedestrian access shall be provided, adjacent to the development, to future development to the east, which may be provided along the minor collector road along the southern boundary of the development.
16. The indoor noise levels of residential units shall not exceed a decibel day-night level (DNL) of 45 decibels, as approved by the Planning and Development Department. Certification by an acoustical consultant with a proficiency in residential sound mitigation or noise control shall be included with the building plans submitted for Phoenix Building Construction Code compliance review to the Planning and Development Department. The acoustical consultant shall note in the analysis that the building design is capable of achieving the required noise level reduction.
17. Noise mitigation walls shall be provided adjacent to the western perimeter of the

site. The wall height shall be a minimum of 8 feet tall or higher, as determined through a noise analysis prepared by an Acoustical Consultant. The wall shall be constructed of minimum 8-inch-thick concrete masonry units (CMU) or of cast-in-place concrete; and contain no openings unless they are above the minimum height required for adequate noise mitigation, for drainage, or for pedestrian connections to the multi-use trail, as approved by the Planning and Development Department.

18. Perimeter walls, noise walls, and other walls adjacent to perimeter streets shall vary by a minimum of four feet every 400 lineal feet to visually reflect a meandering or staggered setback, as approved by the Planning and Development Department.
19. Where perimeter walls are provided, including the noise wall, they shall incorporate stone veneer, stonework, or integral color CMU block, and shall use materials as approved by the Planning and Development Department.
20. Where walls are provided and longer than 55 feet, a combination of view walls/fencing and partial view walls/fencing (with minimum two feet of view fence atop the wall) shall be incorporated along property lines adjacent to dedicated public or private open space areas, natural and/or improved drainageways or recreational areas, except adjacent to a perimeter street, as approved by the Planning and Development Department.
21. Perimeter walls, including the noise wall, and interior walls (where provided) shall use materials and colors that blend with the natural desert environment, as approved by the Planning and Development Department.
22. Drainage channels shall be designed to look natural in the desert setting through color, texture, landscaping, or other means, as approved by the Planning and Development Department.
23. If multifamily residential development occurs, a minimum of 10% of surface parking lot areas, exclusive of perimeter landscape setbacks, shall be landscaped. The surface parking lot areas shall be landscaped with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees, and shall be dispersed throughout the parking area to achieve a minimum 25% shade, as approved by the Planning and Development Department.
24. If multifamily residential development occurs, a minimum of 10% of the required parking spaces shall include Electric Vehicle (EV) Installed infrastructure, as approved by the Planning and Development Department.
25. 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.

26. Natural turf shall only be utilized on individual single-family lots (behind the front yard); required retention areas (bottom of basin); and functional turf areas within common areas, as approved by the Planning and Development Department.
27. Pressure regulating sprinkler heads and drip lines shall be utilized in any turf areas to reduce water waste.
28. A leak detection device shall be installed for the irrigation system of retention areas larger than 10,000 square feet.
29. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
30. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized in the common areas and within the front yards of individual residential lots, as approved or modified by the Planning and Development Department.
31. Participation in the City of Phoenix Homeowner's Association Water Efficiency Program shall be incorporated into to Covenants, Conditions, and Restrictions for the subdivision, prior to final site plan approval.
32. Minimum 5-foot-wide detached sidewalks separated by minimum 5-foot-wide landscape strips located between the back of curb and sidewalk shall be constructed along both sides of all streets within the development, excluding private accessways used only for rear alley garage loading if technical appeals for this design are granted, planted to the following standards, and 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.
 - b. Drought tolerant shrubs, accents, and vegetative groundcovers with a maximum mature height of two feet to achieve a minimum of 50% live coverage.

Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

33. A minimum of 65 feet of right-of-way shall be dedicated for the east half of the I-17 frontage road and shall be constructed per the Maricopa County Department of Transportation (MCDOT) Rural Minor Arterial cross section, as required and

approved by MCDOT.

34. A minimum 5-foot-wide detached sidewalk, or wider to meet Maricopa County Department of Transportation (MCDOT) minimum standards, separated by a minimum 5-foot-wide landscape strips located between the back of curb and sidewalk, or wider to meet MCDOT minimum standards, shall be constructed along the east side of the I-17 frontage road, planted to the following standards. The developer shall record a landscaping maintenance agreement with the Maricopa County Department of Transportation (MCDOT) requiring the landowner and/or property management company/homeowners' association to maintain the installed landscaping within MCDOT right-of-way, as approved by MCDOT and 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.
 - b. Drought tolerant shrubs, accents, and vegetative groundcovers with a maximum mature height of two feet to achieve a minimum of 75% live coverage.

Where utility conflicts arise, the developer shall work with the MCDOT and the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

35. A minimum of 60 feet of right-of-way shall be dedicated and constructed for the full width of a minor collector street along the southern boundary of the site, adjacent to the development. The improvements shall be consistent with the Minor Collector Cross Section F, as approved by the Planning and Development Department.
36. Minimum 5-foot-wide detached sidewalks separated by minimum 8-foot-wide landscape strips located between the back of curb and sidewalk shall be constructed along both sides of the minor collector street along the southern boundary of the development, planted to the following standards, and 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.
 - b. Drought tolerant shrubs, accents, and vegetative groundcovers with a maximum mature height of two feet to achieve a minimum of 50% live coverage.

Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

37. Where the north-south pedestrian connection and multi-use trail cross a street, the walkways shall be constructed of an alternative pavement material that visually contrasts the street surface, as approved by the Street Transportation Department and the Planning and Development Department.
38. 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.
39. The property owner shall record documents that disclose to prospective purchasers and renters of property within the development the existence of noise from the I-17 Freeway. 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.
40. If determined necessary by the Phoenix Archeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
41. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.
42. 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.
43. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. 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.

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 12th day of June,
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

A portion of land being situated within Section 3, Township 6 NORTH, Range 2 EAST of the Gila and Salt River Meridian, MARICOPA County, Arizona, being more particularly described as follows:

COMMENCING at the Center of said Section 3, marked by a found ½" rebar with tag "RLS 38862", from which the North Quarter corner, marked by a found 1" iron pipe with no I.D., thereof bears North 00°00'26" East, 2647.85 feet; THENCE North 00°00'26" East, 792.67 feet on the Easterly boundary of the

THENCE South 89°59'34" West 391.86 feet to the POINT OF BEGINNING;

THENCE South 04°16'48" West, 686.35 feet; to the beginning of a tangent curve concave to the left, having a radius of 500.00 feet;

THENCE along said curve, through a central angle of 23°55'39", an arc length of 208.81 feet to a tangent line;

THENCE South 19°38'51" East, 77.53 feet;

THENCE South 19°42'17" East, 60.00 feet;

THENCE South 70°17'43" West, 25.00 feet; to a non-tangent curve, concave left, having a radius of 20.00 feet, the center of which bears South 70°17'43" West;

THENCE along said curve, through a central angle of 90°00'00", an arc length of 31.42 feet to a non-tangent line;

THENCE South 70°17'43" West, 161.54 feet; to the beginning of a tangent curve concave to the left, having a radius of 300.00 feet;

THENCE along said curve, through a central angle of 13°40'04", an arc length of 71.57 feet to a tangent line;

THENCE South 56°37'38" West, 9.97 feet; to the beginning of a tangent curve concave to the right, having a radius of 290.00 feet;

THENCE along said curve, through a central angle of 35°50'39", an arc length of 181.42 feet to a tangent line;

THENCE North 87°37'08" West, 192.20 feet;

THENCE North 04°16'45" East, 1174.58 feet;

THENCE South 87°21'11" East, 527.65 feet; to the POINT OF BEGINNING.

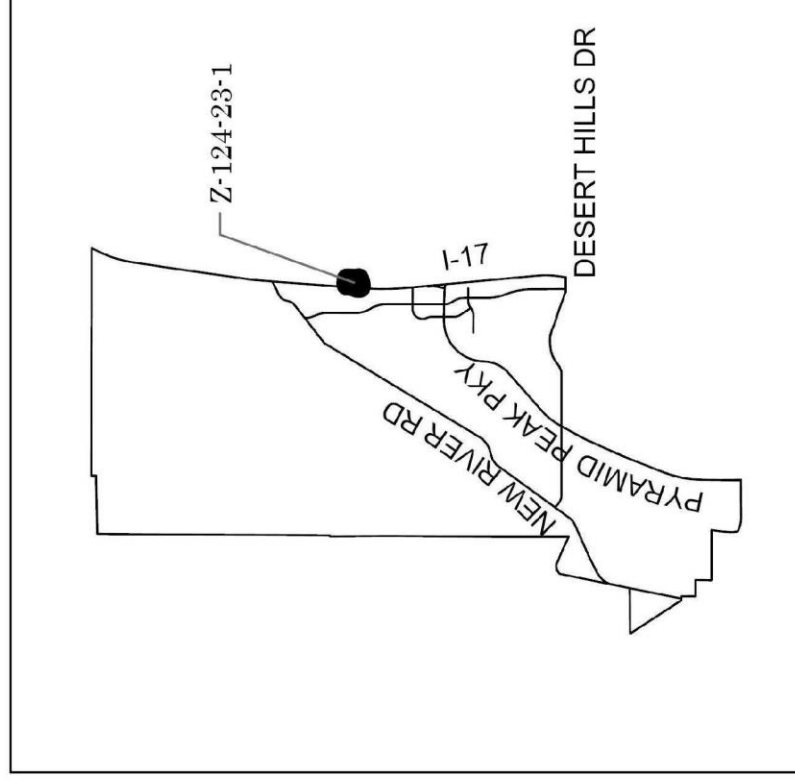
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-124-23-1
Zoning Overlay: N/a
Planning Village: Rio Vista



Drawn Date: 5/8/2024