

## 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 (CASE Z-19-22-7) FROM R1-8 (SINGLE-FAMILY RESIDENCE DISTRICT) TO R-2 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of an 11.08-acre site located at the northeast corner of 39th Avenue and Vineyard Road in a portion of Section 34, Township 1 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "R1-8" (Single-Family 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 development shall be in general conformance to the site plan and open space exhibit date stamped March 17, 2022, and elevations date stamped July 11, 2022, as modified by the following stipulations and approved by the Planning and Development Department.
2. All garage doors shall have decorative embellishments such as window panels, added materials surrounding the door, and/or trellises, as approved by the Planning and Development Department.
3. The maximum building height shall be 30 feet, except units along the north and east sides of the site shall be limited to a maximum building height of 18 feet, as approved by the Planning and Development Department.
4. The common open space area shall provide a shaded playground element, as approved by the Planning and Development Department.
5. The developer shall provide the option for EV-Ready (wiring for electric vehicle charging) garages and a minimum of 10 EV charging stations.
6. Required landscape setbacks shall be planted with minimum 50-percent 2-inch caliper and 50-percent 3-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, with 5-gallon shrubs per tree, as approved by the Planning and Development Department.
7. Sidewalks along 39th Avenue and Vineyard Road shall be detached with a minimum 5-foot-wide landscaped 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 3-inch caliper, large canopy, single-trunk, shade trees placed to provide a minimum of 75% shade on adjacent sidewalks.
  - b. Drought tolerant shrubs and vegetative groundcovers with a maximum mature height of 24 inches to provide a minimum of 75% live coverage at maturity.
  - c. Where utility conflicts arise, the developer shall work with the Planning and Development on an alternative design solution consistent with a pedestrian environment.
8. The developer shall dedicate a minimum of 30-feet of right-of-way and construct the east side of 39th Avenue, as approved by the Planning and

Development Department.

9. The developer shall dedicate a minimum of 30-feet of right-of-way and construct the north side of Vineyard Road, as approved by the Planning and Development Department.
10. The developer shall underground all electrical utilities within the public right-of-way that are impacted by or need to be relocated as part of the project. The developer shall coordinate with affected utility company for their review and permitting.
11. The developer shall underground and relocate any existing irrigation facilities outside of City right-of-way along 39th Avenue. The developer shall Contact SRP to identify existing land rights and establish appropriate process to relocate facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
12. The developer shall make reasonable efforts to work with the Street Transportation Department and neighbors in proximity to the site to identify improvements, including speed bumps, roundabout, and/or similar improvements, for mitigating vehicle speeding on Vineyard Road and 39th Avenue adjacent to the site agreed upon by neighbors, the Street Transportation Department and developer in accordance with the City's procedures for installing such improvements.
13. The developer shall construct all streets within and adjacent to the development 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.
14. A minimum of 28 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances or amenity 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.
15. If determined necessary by the Phoenix Archaeology 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 Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
16. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the

applicant shall conduct Phase II archaeological data recovery excavations.

17. In the event archaeological 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 Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
18. Prior to preliminary 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 7th day of September, 2022.

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MAYOR

ATTEST:

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Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Cris Meyer, City Attorney

By:

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REVIEWED BY:

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Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

## EXHIBIT A

### LEGAL DESCRIPTION FOR Z-19-22-7

Parcel No. 1:

The East half of the West two-thirds of the Southwest quarter of the Southwest quarter of the Northeast quarter of Section 34, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Parcel No. 2:

The West 40 feet of the West one-third of the Southwest quarter of the Southwest quarter of the Northeast quarter of Section 34, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Parcel No. 3:

The West one-third of the Southwest quarter of the Southwest quarter of the Northeast quarter of Section 34, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; EXCEPT the West 40 feet thereof.

Parcel No. 4:

The South 230.00 feet of the East one-third of the Northwest quarter of the Southwest quarter of the Northeast quarter of Section 34, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Parcel No. 5:

The East one-third of the Southwest quarter of the Southwest quarter of the Northeast quarter of Section 34, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona

# ORDINANCE LOCATION MAP

EXHIBIT B

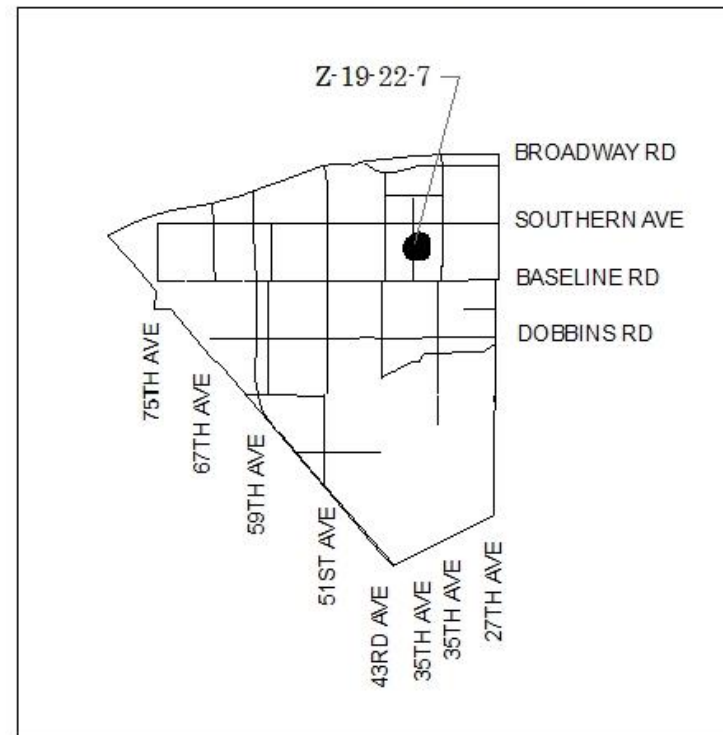
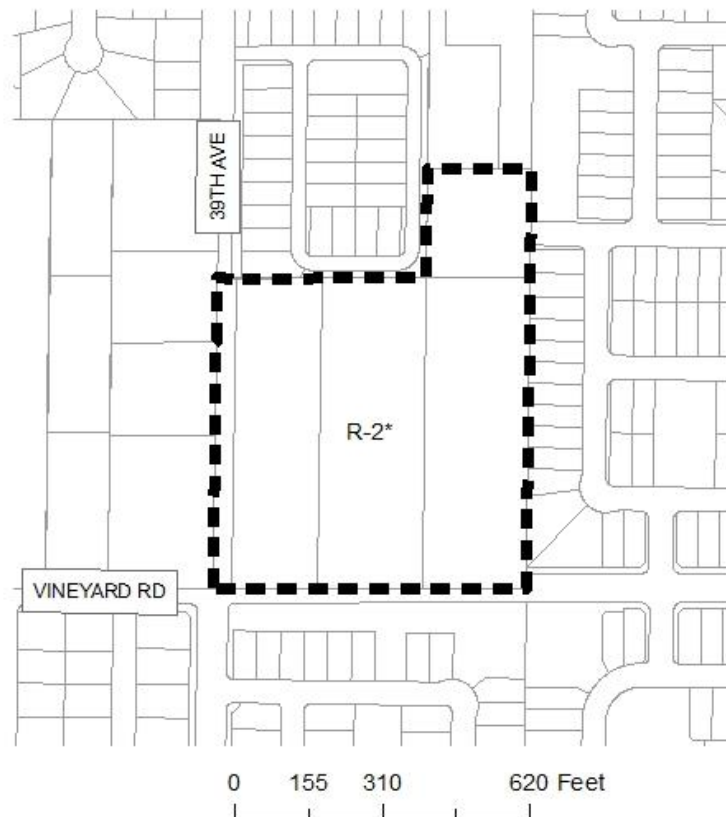
ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-19-22-7

Zoning Overlay: N/A

Planning Village: Laveen



NOT TO SCALE



Drawn Date: 8/11/2022