

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-113-23-3) FROM C-O (COMMERCIAL OFFICE – RESTRICTED COMMERCIAL) TO WU CODE T5:5 (WALKABLE URBAN CODE, TRANSECT T5:5 DISTRICT).

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

SECTION 1. The zoning of a 7.20-acre site located approximately 810 feet west of the northwest corner of 23rd Avenue and Townley Avenue in a portion of Section 36, Township 3 North, Range, 2 East, as described more specifically in Exhibit “A,” is hereby changed from “C-O” (Commercial Office – Restricted Commercial) to “WU Code T5:5” (Walkable Urban Code, Transect 5:5 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 site plan and conceptual elevations shall be administratively approved by the Planning Hearing Officer prior to final site plan approval with specific regard to the inclusion of the below elements. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Planning and Development Department.
 - a. The development shall contain a minimum of one north-south public pedestrian accessway that complies with Section 1304.H. of the Phoenix Zoning Ordinance which shall be located approximately on the 25th Avenue alignment.
 - b. The building elevations along Townley Avenue shall contain a minimum of 10 percent premium materials such as brick, stone, metal, or other comparable materials.
2. A public pedestrian accessway shall be situated approximately (no less than 100 feet from) the 25th Avenue alignment to facilitate pedestrian and bicyclist travel toward the light rail station at 25th Avenue and Dunlap Avenue. The public pedestrian accessway shall be no less than 10 feet in width and comply with the following, as approved or modified by the Planning and Development Department.
 - a. Shall comply with Section 1304.H. of the Phoenix Zoning Ordinance.
 - b. A minimum of one continuous building frontage lining one side of the public pedestrian accessway for no less than 50 percent of the total distance.
 - c. Include no less than 45 percent of the required publicly accessible open space under Section 1304.G of the Phoenix Zoning Ordinance in or adjacent to the accessway.
 - d. Include signage for wayfinding from Townley Avenue to the stipulated paseo within the site.
3. The following ground-level activation shall be provided with some frontage on the 25th Avenue public pedestrian accessway or Townley Avenue, as approved or modified by the Planning and Development Department:
 - a. The ground floor shall include a minimum of 5,000 square feet of non-residential uses. Non-residential uses shall not include lobby, exercise, reception areas, or other similar uses intended for exclusive use by

residents.

- b. Five Live-Work units shall be provided. Live-Work units may be characterized as two-level units that are designed to allow for professional services or sale of goods (inside) Live-Work units shall have a storefront “frontage type” (outside). Live-Work Units shall be designed for small commercial entrepreneurs and/or professional servicers to live and work in their unit.
4. A minimum 6-foot-wide sidewalk detached from the back of curb by a minimum 8-foot-wide landscape area shall be constructed on the north side of Townley Avenue, 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 the creation of a comfortable pedestrian environment.
 - a. Large canopy, single-trunk, drought-tolerant shade trees shall be planted 25 feet on center or in equivalent groupings.
 - b. Drought-tolerant shrubs and vegetative groundcovers shall be maintained at maximum height of 24 inches to provide a minimum of 75 percent live coverage at maturity.
5. Within the sidewalk easement adjacent to the Townley Avenue right of way, there shall be a minimum of one foot candle illumination throughout the easement. Uniform lighting shall be placed along the entire easement to avoid bright high glare areas and low visibility dark areas.
6. A Traffic Impact Study shall be required for this development, and no preliminary approval of plans shall be granted until the City has reviewed and approved the study. The developer shall be responsible for funding and construction of all recommendations of the study.
7. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, curb ramps on all streets and upgrade all off-site improvements to comply current ADA guidelines.
8. 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.
9. Along Townley Avenue, there shall be no continuous frontage type exceeding 200 linear feet. For the purpose of this requirement, “common entry” frontage types do not interrupt the above-referenced measurement because they

provide street access to upper units.

10. A minimum of four building entries shall be provided with the building frontage design along Townley Avenue to provide direct pedestrian access from upper and interior units to adjacent sidewalks, as approved by the Planning and Development Department.
11. Pedestrian pathways shall be provided to connect building entrances, public sidewalks, bus stops, and community amenities, using the most direct route for pedestrians, as approved by the Planning and Development Department.
12. The following bicycle infrastructure shall be provided, and as approved by the Planning and Development Department.
 - a. All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
 - b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit spaces near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.
 - c. A minimum of one bicycle repair stations (“fix it stations”) shall be provided and maintained along public pedestrian accessway or Townley Avenue.
 - d. Standard electrical receptacles shall be installed for a minimum of 10 percent of the required bicycle parking spaces for electric bicycle charging capabilities.
13. A minimum five percent of the required parking spaces shall be EV capable. A minimum of five of the required parking spaces shall have EV infrastructure installed.
14. 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.
15. A minimum of 25 percent of the surface parking areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum 2-inch caliper, drought tolerant, shade trees at maturity, or a combination thereof.
16. Only materials listed in the Phoenix Active Management Area Low-Water-

Use/Drought-Tolerant Plant List shall be utilized, as approved or modified by the Planning and Development Department.

17. Pressure regulating sprinkler heads and drip lines shall be utilized in any turf areas to reduce water waste.
18. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize the maintenance and irrigation water consumption for all on and offsite landscape irrigation.
19. Natural turf shall only be utilized for required retention areas (at the bottom of the basin, and only allowed on slopes if required for slope stabilization), and functional turf areas, as approved by the Planning and Development Department.
20. Prior to final site plan approval, the developer shall provide a qualified engineer's report certifying the average annual interior noise exposure for any residential unit or enclosed public assembly area will not exceed 45 decibels, as approved by the Planning and Development Department.
21. 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.
22. A minimum of 10 percent 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.
23. 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 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-113-23-3

THE LAND REFERRED TO HEREIN BELOW IS SITUATED WITHIN A PORTION OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 2 BANK ONE PLACE, ACCORDING TO BOOK 425 OF MAPS, PAGE 14, RECORDS OF MARICOPA COUNTY, ARIZONA THENCE S 00°21'15" W A DISTANCE OF 242.45 FEET TO THE CENTERLINE OF TOWNLEY AVENUE (60' PUBLIC RIGHT-OF-WAY); THENCE ALONG SAID CENTERLINE N 89°51'33" W A DISTANCE OF 1018.47 FEET; THENCE LEAVING SAID CENTERLINE N 00°20'52" E A DISTANCE OF 335.04 FEET; THENCE S 89°53'32" E A DISTANCE OF 215.01 FEET; THENCE S 00°57'34" W A DISTANCE OF 7.90 FEET; THENCE S 89°51'30" E A DISTANCE OF 321.38 FEET; THENCE N 00°00'07" W A DISTANCE OF 5.12 FEET; THENCE S 89°53'56" E A DISTANCE OF 171.83 FEET; THENCE S 44°50'31" E A DISTANCE OF 127.55 FEET; THENCE S 89°54'11" E A DISTANCE OF 219.89 FEET TO THE POINT OF BEGINNING, HAVING AN AREA OF 313611.40 SQUARE FEET, 7.200 ACRES MORE OR LESS.

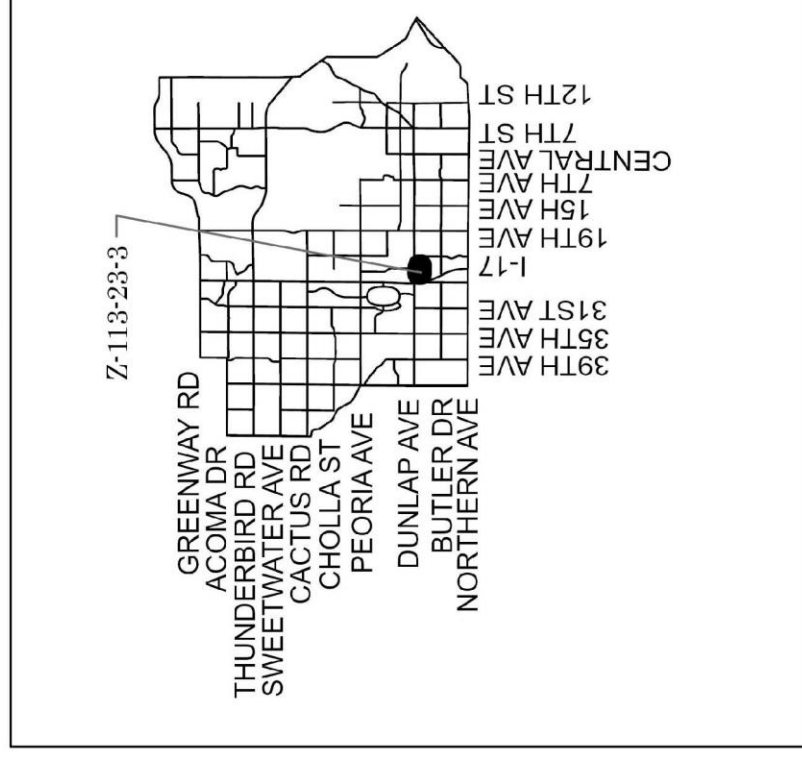
THE DESCRIPTION DERIVED HEREIN WAS PROVIDED AT THE REQUEST OF THE CLIENT TO AID IN REZONING EFFORTS. IT IS MEANT TO PROVIDE THE GROSS ACREAGE OF THE SUBJECT PROPERTY AS DEFINED BY THE CITY OF PHOENIX FOR ZONING BOUNDARIES. IT IS NOT MEANT TO BE CONSTRUED AS A LEGAL BOUNDARY DESCRIPTION TO BE USED FOR CONVEYANCE PURPOSES

EXHIBIT B

Zoning Case Number: Z-113-23-3

Zoning Overlay: N/A

Planning Village: North Mountain



NOT TO SCALE

