

## 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-57-22-4) FROM C-2 (INTERMEDIATE COMMERCIAL) AND R1-6 (APPROVED P-1) (SINGLE-FAMILY RESIDENCE DISTRICT, APPROVED PASSENGER-AUTOMOBILE PARKING, LIMITED) TO C-2 (INTERMEDIATE COMMERCIAL) AND R-3 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 0.91 acre site located at the southeast corner of 7th Street and Whitton Avenue, in a portion of Section 28, Township 2 North, and Range 3 East, as described more specifically in Exhibit "A", is hereby changed from 0.76-acres of "C-2" (Intermediate Commercial) and 0.15-acres of "R1-6" (Approved P-1) (Single-Family Residence District, Approved Passenger-Automobile Parking, Limited) to 0.76-acres of "C-2" (Intermediate Commercial) and 0.15-acres of "R-3" (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 public sidewalk along 7th Street shall be constructed to a width of 5 feet and detached from the back of curb by a minimum 11-foot-wide landscape area planted to the following standards, 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. Minimum 3-inch caliper, large canopy, single-trunk, shade trees shall be placed 25 feet on center or in equivalent groupings.
  - b. At tree maturity, the trees shall shade the sidewalks to a minimum 75 percent.
  - c. 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.
2. The developer shall dedicate a 10-foot-wide sidewalk easement for the east side of 7th Street along the subject site's frontage, as approved by the Planning and Development Department.
3. The public sidewalk along Whitton Avenue shall be constructed to a width of 5 feet and detached from the back of curb by a minimum 5-foot-wide landscape area located between the sidewalk and planted to the following standards, 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, shade trees shall be placed 25 feet on center or in equivalent groupings. Fifty percent of the required trees shall be a minimum 3-inch caliper and 50 percent shall be a minimum 2-inch caliper.
  - b. At tree maturity, the trees shall shade the sidewalks to a minimum 75 percent.
  - c. Drought tolerant shrubs and vegetative groundcovers shall be maintained at a maximum height of 24 inches to provide a minimum of 75 percent live coverage at maturity.

4. The development shall be limited to 15 feet in height within 30 feet of the east property line where adjacent to a residential zoning district, as approved by the Planning and Development Department.
5. All building elevations oriented to 7th Street and Whitton Avenue shall contain architectural embellishments such as textural changes, pilasters, offsets, recesses, variation in window size and location, and/or overhang canopies, as approved by the Planning and Development Department.
6. The developer shall provide secure bicycle parking at a rate of two spaces per dwelling unit which may be located inside garages if a dedicated space is allocated, as approved by the Planning and Development Department.
7. 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.
8. 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.
9. 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.
10. 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.
11. Recycling services shall be provided on site.

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 December,  
2022.

\_\_\_\_\_  
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

Within a portion of Section 28, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

### Parcel No. 1:

Lot 1, Block 2, Amended Plat of Lots 1, 2, 3, 4, 5, 6, and 7, of Whitton Acres, according to Book 4 of Maps, page 23, records of Maricopa County, Arizona; and the North 6.75 feet of Lot 2, Block 2, Amended Plat of Lots 1, 2, 3, 4, 5, 6, and 7, of Whitton Acres, according to Book 4 of Maps, Page 23, records of Maricopa County, Arizona;

Except the West 7 feet thereof; and

Except that part of said Lot 1 as follows:

Beginning at the Northeast corner of the West 7 feet of said Lot;

Thence easterly along the North line of said lot, a distance of 7 feet;

Thence Southwesterly to the intersection of the South line of the North 7 feet of said Lot with the East line of the West 7 feet thereof;

Thence to the point of beginning.

### Parcel No. 2:

Lot 2, Block 2, and the North 7.35 feet of Lot 3, Block 2, Amended Plat of Lots 1, 2, 3, 4, 5, 6, and 7, of Whitton Acres, according to Book 4 of Maps, page 23, records of Maricopa County, Arizona;

Except the North 6.75 feet of said Lot 2;

Except the West 7 feet thereof.

### Parcel No. 3:

Lot 3, Block 2, and the North 8.75 feet of Lot 4, Block 2, Amended Plat of Lots 1, 2, 3, 4, 5, 6, and 7, of Whitton Acres, according to Book 4 of Maps, page 23, records of Maricopa County, Arizona;

Except the North 7.53 feet of said Lot 3;

Except the West 7 feet thereof conveyed to the City of Phoenix in Deed recorded in Docket 2870, page 85.

### Parcel No. 4:

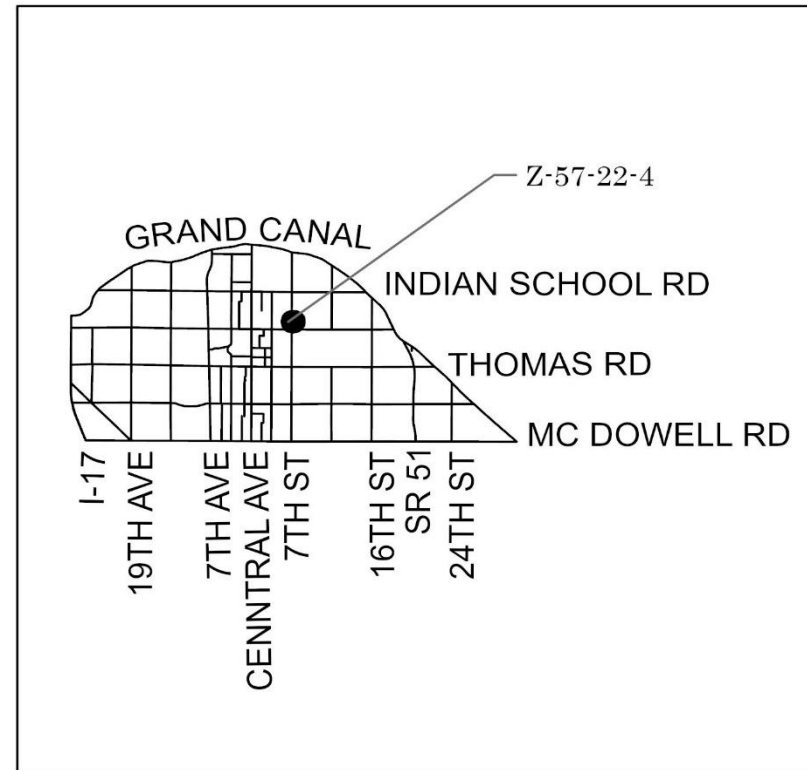
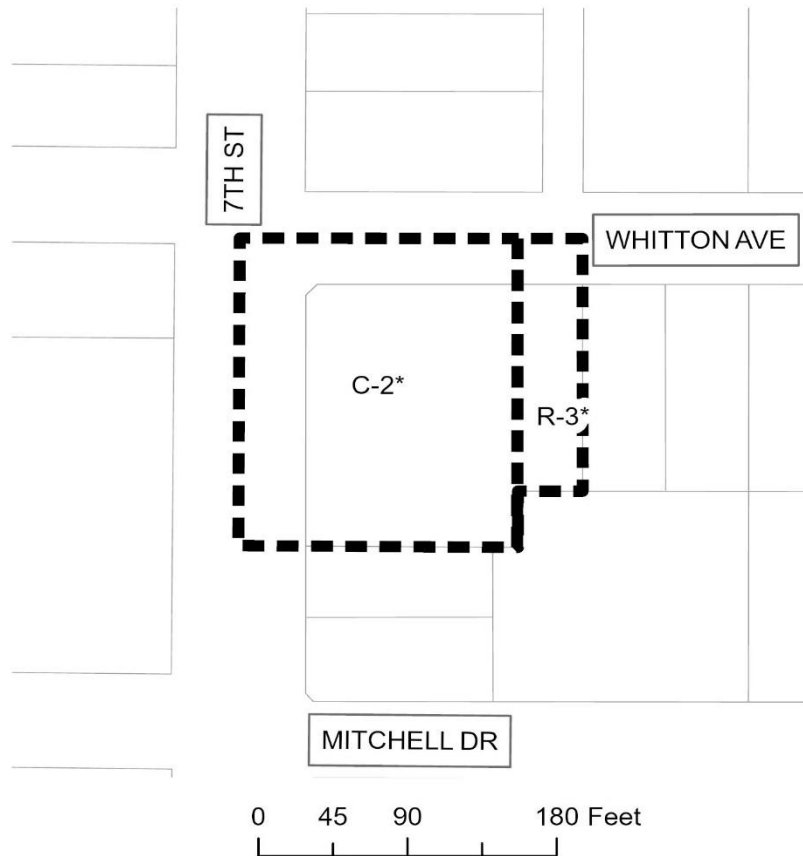
Lot 6, Block 2, Amended Plat of Lots 1, 2, 3, 4, 5, 6, and 7, of Whitton Acres, according to Book 4 of Maps, page 23, records of Maricopa County, Arizona.

# ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: \*  
SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-57-22-4  
Zoning Overlay: N/A  
Planning Village: Encanto



NOT TO SCALE



Drawn Date: 11/8/2022