

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 ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-88-22-5) FROM IND.PK (INDUSTRIAL PARK) TO R-5 (MULTIFAMILY RESIDENCE DISTRICT).

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

SECTION 1. The zoning of a 5.11-acre site located approximately 350 feet south of the southwest corner of 22nd Avenue and Dunlap Avenue in a portion of Section 36, Township 3 North, Range 2 East, as described more specifically in Exhibit “A”, is hereby changed from “IND.PK” (Industrial Park) to “R-5” (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. For any development that modifies the cumulative floor area of any building by more than 25 percent, including demolition, from that depicted on the site plan date stamped December 14, 2022, the public sidewalk along 22nd Avenue shall be constructed to a minimum width of 6 feet and detached from the back of curb by a minimum 8-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. 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 maximum height of 24 inches to provide a minimum of 75 percent live coverage at maturity.
2. The public sidewalk along 23rd Avenue shall be constructed to a minimum width of 6 feet and detached from the back of curb by a minimum 8-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. 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.
3. The developer shall dedicate sidewalk easements along 22nd Avenue and

23rd Avenue as needed to fully encompass the public sidewalks as stipulated, as approved by the Planning and Development Department.

4. The developer shall provide an internal network of shaded pedestrian thoroughfares as described below and as approved or modified by the Planning and Development Department.
 - a. Include internal and direct pedestrian pathways of no less than 5 feet in width between the building entrances, the public sidewalks along both 22nd and 23rd avenues, and the amenity areas.
 - b. All internal pathways shall include a clear separation from vehicular maneuvering areas with all vehicular crossings being clearly delineated using decorative pavers, stamped or colored concrete, or other pavement treatment, other than those used to pave the parking surfaces and drive aisles.
 - c. All internal pathways shall be shaded to a minimum 50 percent.
5. The developer shall incorporate bicycle infrastructure as described below and as approved by the Planning and Development Department.
 - a. Bicycle parking shall be provided at a minimum of 0.25 spaces per unit up to a maximum of 50 spaces, located near the entrances to the building, and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance. Alternatively, bicycle parking may be provided entirely with secure bicycle parking facilities or a mix thereof.
 - b. One bicycle repair station shall be provided and maintained by the developer in an area of high visibility to residents.
6. For redevelopment that modifies the cumulative floor area of any building by more than 50 percent, including demolition, from that depicted on the site plan date stamped December 14, 2022, a minimum of 10 percent of the required parking spaces shall be EV Ready.
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.

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 3rd day of May 2023.

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-88-22-5

COMMENCING AT THE NORTH QUARTER OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA: THENCE SOUTH $00^{\circ}17'31''$ WEST ALONG THE NORTH/SOUTH MIDSECTION LINE OF SAID SECTION 36, SAID LINE ALSO BEING THE CENTERLINE OF 23RD AVENUE, A DISTANCE OF 575.03 FEET TO THE POINT OF BEGINNING; THENCE NORTH $89^{\circ}28'00''$ EAST, A DISTANCE OF 335.05 FEET; THENCE NORTH $00^{\circ}17'54''$ EAST, A DISTANCE OF 218.03 FEET; THENCE NORTH $89^{\circ}27'22''$ EAST, A DISTANCE OF 438.72 FEET TO THE CENTERLINE OF 22ND AVENUE; THENCE SOUTH $00^{\circ}32'14''$ EAST, ALONG THE SAID CENTERLINE, A DISTANCE OF 299.82 FEET TO A POINT OF CURVATURE; THENCE THRU A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF $4^{\circ}21'20''$, A RADIUS OF 1100.00 FEET AND AN ARCLength OF 83.62 FEET TO A POINT; THENCE SOUTH $89^{\circ}29'56''$ WEST, A DISTANCE OF 776.16 FEET TO A POINT ON THE CENTERLINE OF THE SAID 23RD AVENUE, THENCE NORTH $00^{\circ}17'31''$ EAST, ALONG SAID CENTERLINE, A DISTANCE OF 164.85 FEET TO THE POINT OF BEGINNING. CONTAINING 224,356 S.F. OR 5.15 ACRES +/-

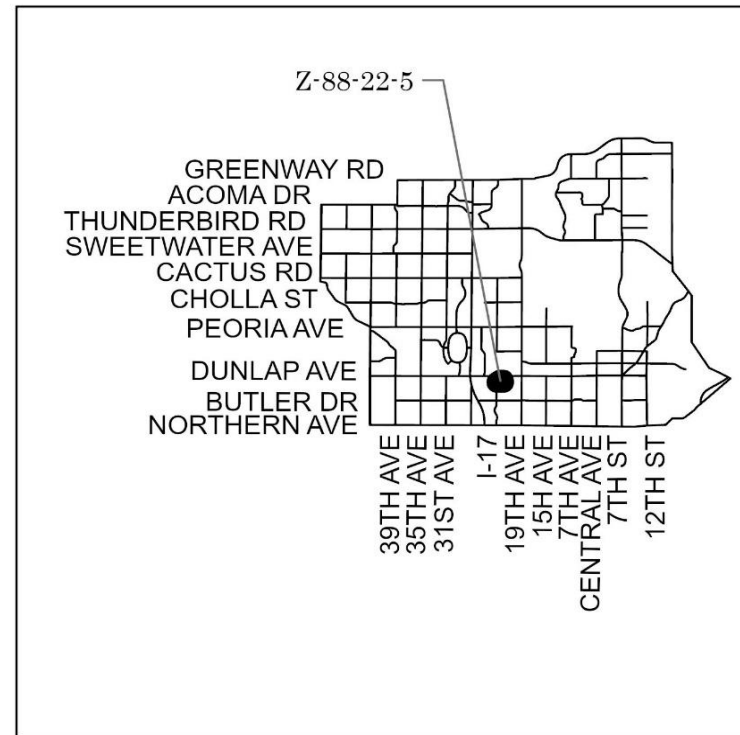
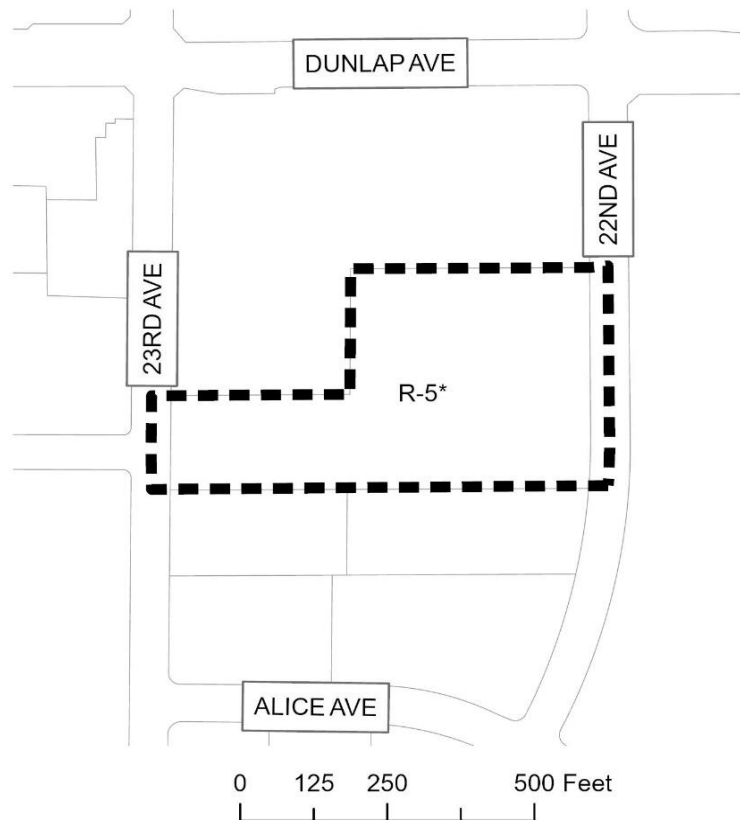
ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-88-22-5
Zoning Overlay: N/A
Planning Village: North Mountain



NOT TO SCALE



Drawn Date: 4/3/2023