

## 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 STIPULATIONS APPLICABLE TO  
REZONING APPLICATION Z-47-17-8 PREVIOUSLY APPROVED BY  
ORDINANCE G-6560.

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

SECTION 1. The zoning stipulations applicable located approximately  
130 feet north of the northwest corner of 19th Avenue and Latona Lane in a portion of  
Section 1, Township 1 South, Range 2 East, as described more specifically in  
Attachment "A", are hereby modified to read as set forth below.

#### STIPULATIONS:

1. The development shall be in general conformance with the site plan date  
stamped JUNE 30, 2022 ~~July 28, 2017~~, as modified by the following  
stipulations and approved by the Planning and Development  
Department, WITH SPECIFIC REGARD TO THE FOLLOWING:
  - A. THE SITE PLAN SHALL DEPICT STAGGERED FRONT  
SETBACKS FOR COVERED BUILDING ELEMENTS, SUCH THAT  
ANY TWO ADJACENT LOTS SHALL PROVIDE A MINIMUM  
VARIATION IN FRONT SETBACK OF 4 FEET.
2. All sidewalks shall be detached with a minimum 5-foot wide landscaped  
strip located between the sidewalk and back of curb and shall include a  
minimum 2-inch caliper shade trees planted a minimum of 20 feet on  
center or equivalent groupings staggered along both sides of the  
sidewalk, as approved by the Planning and Development Department.

The landscape strip shall be installed by the developer and maintained by the HOA.

3. Architectural elevations shall be presented to the South Mountain Village Planning Committee for review and comment prior to final site plan approval.
4. ~~Conceptual elevations shall be reviewed and approved for consistency with the Rio Montaña Area Plan by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval. This is a legislative review for conceptual purposes only. Specific development standards and requirements may be determined by the Planning Hearing Officer and the Planning and Development Department.~~

THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE ELEVATIONS DATE STAMPED AUGUST 17, 2022, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

5. COVERED PORCHES A MINIMUM OF SIXTY SQUARE FEET IN AREA AT A DEPTH OF AT LEAST SIX FEET SHALL BE PROVIDED IN THE FRONT YARD OF FIFTY PERCENT OF THE HOMES IN A SUBDIVISION. NO PORCH SHALL TERMINATE WITHIN THE PLANE OF A DOOR OR WINDOW.
6. The perimeter wall adjacent to 19th Avenue shall include minimum 3-foot offsets at a minimum spacing of every 50 feet and material and textural differences, such as stucco and/or split face block with a decorative element, such as tile, glass insets, or stamped designs, as approved by the Planning and Development Department.
7. Fence and wall materials adjacent to common areas and open space as depicted on the site plan date stamped July 28, 2017 shall consist of wrought iron, split rail, corral fencing, or a combination of 3 feet of solid masonry topped by open wrought iron or a similar material, or a combination of the aforementioned fence types and open farm fencing, as approved by the Planning and Development Department.
6. THE DEVELOPER SHALL DEDICATE MINIMUM 50-FEET OF RIGHT-OF-WAY ALONG THE WEST SIDE OF 19TH AVENUE. IMPROVEMENTS SHALL INCLUDE A MINIMUM 5-FOOT-WIDE DETACHED SIDEWALK AND MINIMUM 11-FOOT-WIDE LANDSCAPE STRIP LOCATED BETWEEN THE BACK OF CURB AND SIDEWALK, AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. LANDSCAPE STRIP PLANTING REQUIREMENTS TO BE APPROVED BY PLANNING AND DEVELOPMENT.
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9. The developer shall dedicate right-of-way totaling 25 feet for the east half of 20th Avenue, as approved by the Planning and Development Department
10. 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.
11. 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.
12. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) 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.
13. 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 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6560 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6560 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. 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 2nd day of November, 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

Located in the Northeast Quarter of Section 1, Township 1 South, Range 2 East, Gila and Salt River Meridian, Maricopa County, Arizona. Described as follows:

Commencing at the East Quarter corner of said Section 1;

Thence North  $01^{\circ}00'21''$  East, along the East line of said Northeast Quarter, a distance of 590.28 feet to the POINT OF BEGINNING;

Thence departing said East line, North  $89^{\circ}56'01''$  West, a distance of 658.57 feet;

Thence North  $00^{\circ}57'19''$  East, a distance of 336.90 feet;

Thence North  $89^{\circ}45'35''$  East, a distance of 658.94 feet to said East line;

Thence South  $01^{\circ}00'21''$  West, along said East line, a distance of 340.43 feet to the POINT OF BEGINNING.

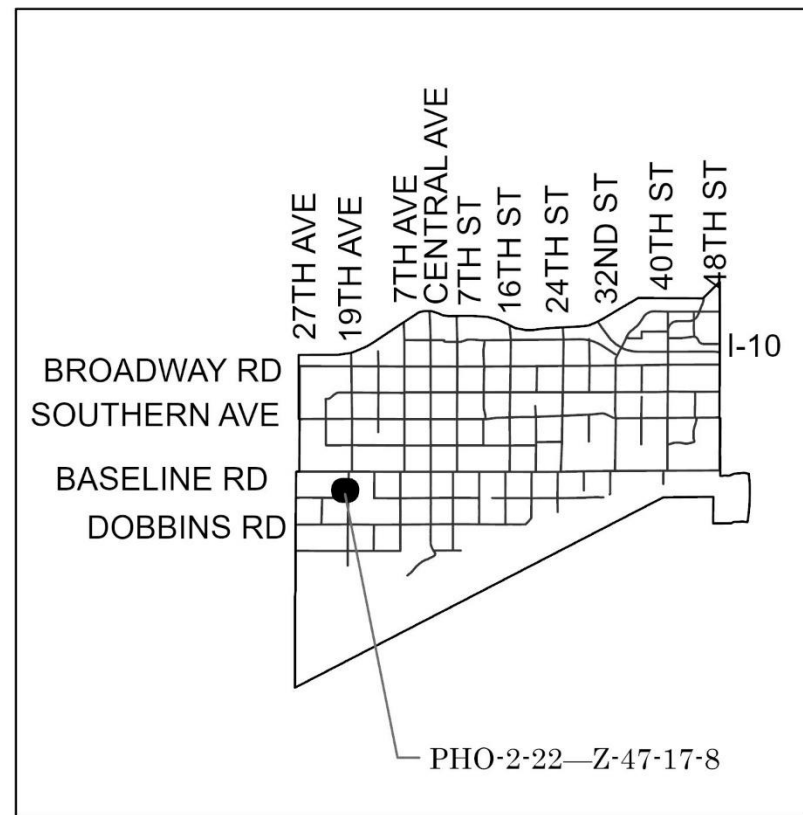
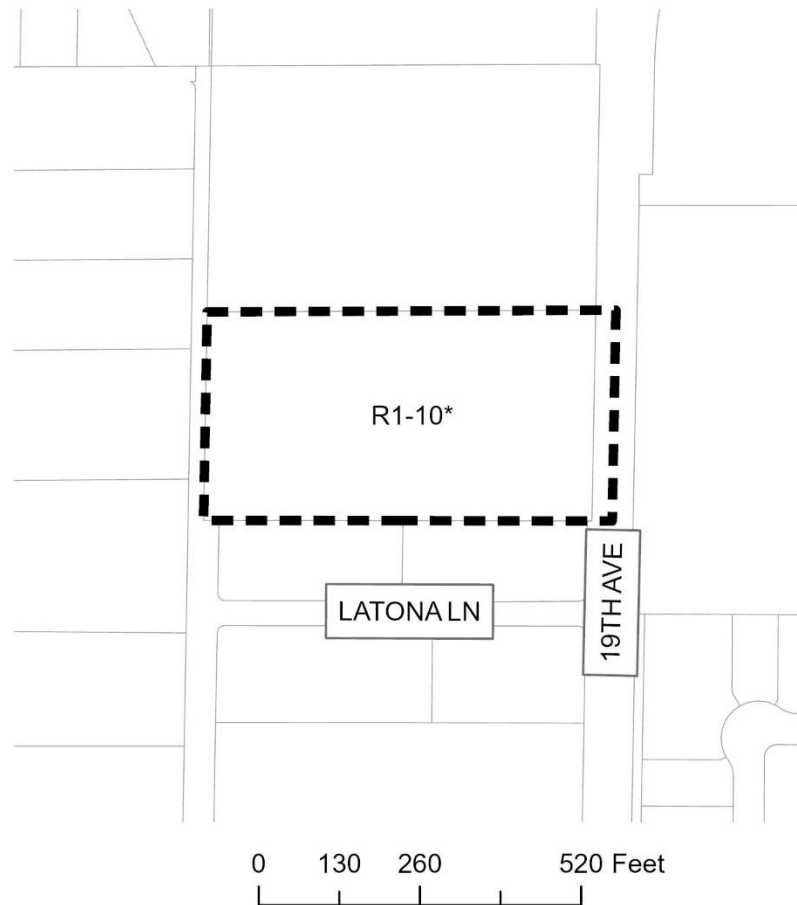
Containing 223,056.73 square feet or 5.12 acres, more or less.

# ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: PHO-2-22—Z-47-17-8  
Zoning Overlay: N/A  
Planning Village: South Mountain



NOT TO SCALE



Drawn Date: 10/10/2022