

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-32-21-3) FROM C-2 (INTERMEDIATE COMMERCIAL DISTRICT) AND R1-14 (ONE-FAMILY RESIDENCE DISTRICT) TO R-2 HILLSIDE DNS/WVR (MULTIFAMILY RESIDENCE DISTRICT, HILLSIDE DENSITY WAIVER).

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

SECTION 1. The zoning of a 4.25-acre site located on the southeast corner of 23rd Street and Cave Creek Road in a portion of Section 10, Township 3 North, Range 3 East, as described more specifically in Exhibit "A", is hereby changed from "C-2" (Intermediate Commercial District) and "R1-14" (One-family Residence District) to "R-2 Hillside DNS/WVR" (Multifamily Residence District, Hillside Density Waiver).

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 limited to a maximum of 22 dwelling units.
2. The required landscape setback along Cave Creek Road and shall be planted with minimum 50 percent 2-inch caliper, 25 percent 3-inch caliper and 25 percent 4-inch caliper large canopy drought-tolerant trees, to provide a minimum of 50 percent shade at maturity along the sidewalk. Additionally, five 5-gallon shrubs shall be provided per tree, as approved by the Planning and Development Department.
3. Drought tolerant vegetation shall be utilized throughout the site, as approved by the Planning and Development Department.
4. Building elevations shall include exterior detailing on all sides of the elevations, such as but not limited to: recesses and/or pop-outs; accent materials, such as stone or masonry; large picture windows, casement windows, and/or clerestory windows; and oversized overhangs, as approved by the Planning and Development Department.
5. Building and wall colors shall be muted and blend with rather than contrast strongly with the surrounding desert environment, as approved by the Planning and Development Department.
6. Any perimeter walls along the west side of the site shall be open view fencing, or a combination of maximum 3 feet of solid wall topped by open view fencing, as approved by the Planning and Development Department.
7. Solid walls shall be prohibited along the perimeters of the site within 25 feet of a property line adjacent to the Phoenix Shadow Mountain Preserve, as approved by the Planning and Development Department.
8. A central amenity open space area shall be provided within close proximity to the primary vehicular entrance into the development, as approved by the Planning and Development Department.
9. The development shall incorporate bicycle infrastructure located within the central amenity open space area as described below and as approved by the Planning and Development Department.
 - a. A minimum of four bicycle parking spaces shall be provided via inverted U-bicycle racks, artistic style bicycle racks, or "Outdoor/Covered

Facilities". All bicycle racks shall adhere to Appendix K of the Comprehensive Bicycle Master Plan.

- b. One bicycle repair station ("fix it station") shall be provided and maintained. The bicycle repair station ("fix it station") shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include: standard repair tools affixed to the station; a tire gauge and pump affixed to the base of the station or the ground; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
10. Pedestrian paths within the site and connecting to the public sidewalk shall be shaded to a minimum of 75 percent using architectural shade and/or shade trees at maturity, as approved by the Planning and Development Department.
11. The primary vehicular entrance to the development shall include the following elements, as approved by the Planning and Development Department:
- a. The driveway surface shall be constructed of decorative pavers, stamped, or colored concrete, or another material, other than those used to pave the parking surfaces, as approved by the Planning and Development Department.
 - b. Traffic calming measures shall be provided to slow vehicles departing the development, prior to crossing the public sidewalk.
 - c. Pedestrian pathways shall be provided to connect the interior of the development to the public sidewalks along both sides of the vehicular driveway.
 - d. The pedestrian pathways shall be detached from the vehicular driveway and separated by minimum 5-foot wide landscape planters. The planters shall include a mix of ornamental trees (no less than 2-inch caliper), shrubs (no less than five 5-gallon shrubs per tree), and other vegetative groundcover providing a minimum of 75 percent live cover.
 - e. Where pedestrian pathways cross drive aisles, they shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.
12. 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

13. The developer shall dedicate a 10-foot-wide sidewalk easement along the east side of Cave Creek Road, as approved by the Planning and Development Department.
14. The use of blasting, both on-site and off-site, for grading and construction shall be subject to the City of Phoenix Implosion/Demolition Policy (TRT 00590) and the Implosion/Demolition Checklist (TRT 00591) with specific regard to those sections related to blasting, as approved by the Planning and Development Department.
15. The use of blasting during on-site or off-site construction shall be subject to the review and approval by the City of Phoenix Water Services Department, and their regulatory agency Arizona Department of Water Resource. The developer shall provide evidence of this review and approval to the Planning and Development Department prior to the issuance of any blasting approvals on the site.
16. In the event archeological 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.
17. 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 5th day of January 2022.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Cris Meyer, City Attorney

By:

REVIEWED BY:

Jeffrey Barton, City Manager

REVIEWED BY:

_____ City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-32-21-3

A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 3 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER;

THENCE SOUTH 89 DEGREES 47 MINUTES 21 SECONDS EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, 191.80 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF CAVE CREEK ROAD MARKING THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89 DEGREES 47 MINUTES 21 SECONDS EAST, ALONG SAID SOUTH LINE, 422.00 FEET;

THENCE NORTH 00 DEGREES 12 MINUTES 39 SECONDS EAST, 450.00 FEET;

THENCE NORTH 89 DEGREES 47 MINUTES 21 SECONDS WEST, 255.46 FEET TO A POINT ON A CURVE ON SAID EASTERLY RIGHT-OF-WAY LINE OF CAVE CREEK ROAD, THE CENTER OF WHICH BEARS SOUTH 59 DEGREES 32 MINUTES 06 SECONDS EAST, 1218.24 FEET;

THENCE SOUTHWESTERLY, ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14 DEGREES 44 MINUTES 07 SECONDS FOR AN ARC DISTANCE OF 313.30 FEET;

THENCE SOUTH 15 DEGREES 43 MINUTES 47 SECONDS WEST, 168.29 FEET TO THE POINT OF BEGINNING;

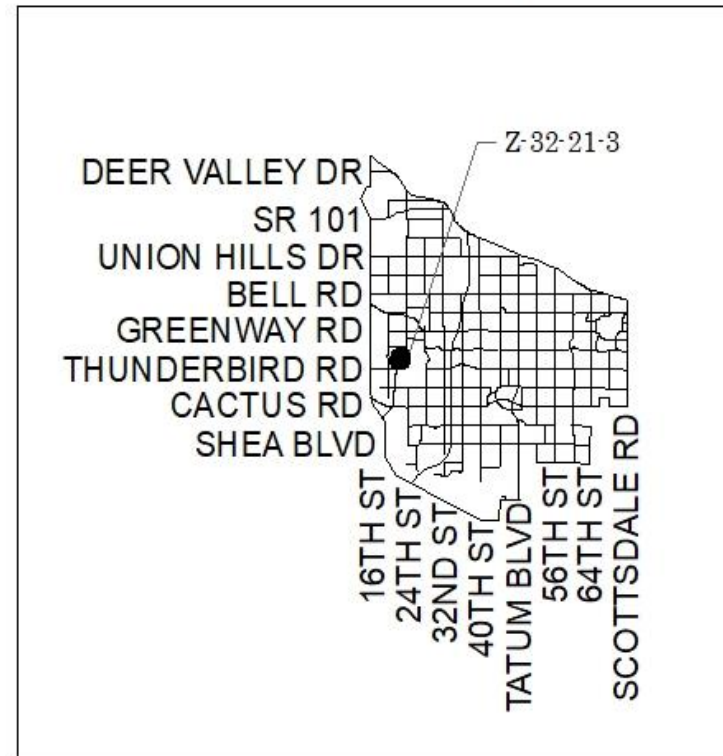
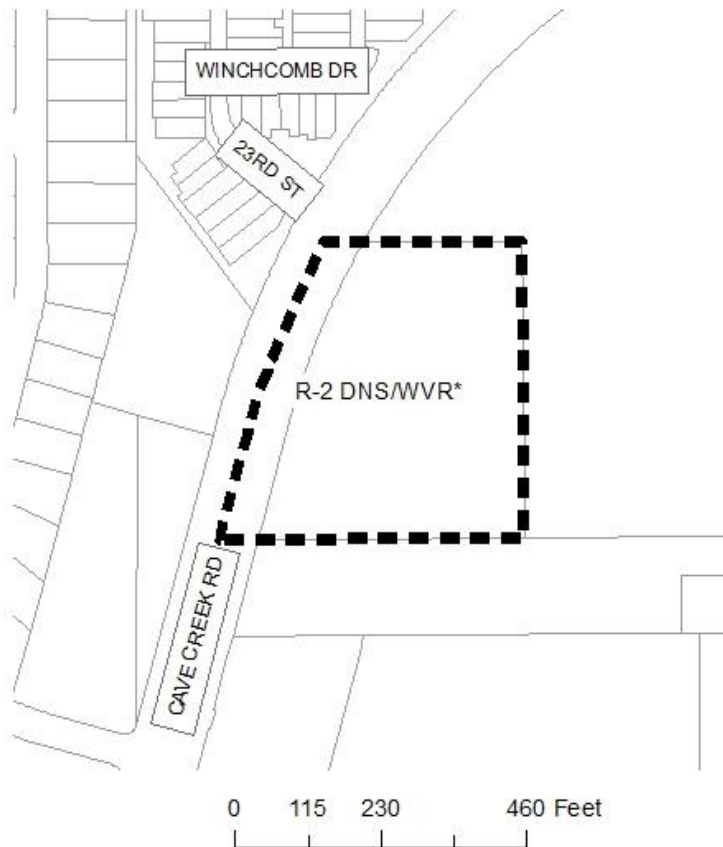
EXCEPT THEREFROM ANY PORTION LYING IN THE SHADOW MOUNTAIN, PHOENIX MOUNTAINS PRESERVE

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-32-21-3
Zoning Overlay: N/A
Planning Village: Paradise Valley



NOT TO SCALE



Drawn Date: 12/7/2021