

## 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-27-20-1 PREVIOUSLY APPROVED BY  
ORDINANCE G-6790.

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

SECTION 1. The zoning stipulations applicable located on the  
southwest corner of 28th Drive and Sahuaro Drive, in a portion of Section 23,  
Township 3 North, Range 2 East, as described more specifically in Attachment "A",  
are hereby modified to read as set forth below.

#### STIPULATIONS:

- ~~1. The maximum building height shall be 30 feet.~~
1. All elevations of the buildings shall contain architectural embellishments
- ~~2.~~ and detailing, such as: textural changes, pilasters, offsets, recesses,  
variation in window size and location, and/or overhang canopies.
2. The public sidewalk along 28th Drive shall be detached with a minimum
- ~~3.~~ 5-foot-wide landscape area located between the sidewalk and back of  
curb and planted to the following standards. 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 with a maximum mature height of 24 inches to provide a minimum of 75 percent live coverage at maturity.
- 3. All ground level units with adjacency to a public street shall incorporate a
  - 4. direct pedestrian pathway from a unit entry to the public sidewalk, as approved by the Planning and Development Department.
- 4. No solid perimeter wall greater than 40 inches in height shall be situated
  - 5. in any required building setback adjacent to a public street, as approved by the Planning and Development Department.
- 5. The developer shall incorporate bicycle infrastructure as described below
  - 6. and as approved by the Planning and Development Department.
- a. "Secured/Covered Facilities" and/or "Outdoor/Covered Facilities" shall be provided for residents at a rate of 0.25 spaces per dwelling unit, up to a maximum of 50 spaces.
  - b. Inverted-U style bicycle racks with a capacity for a minimum six bicycles for guests shall be located near the primary pedestrian entrance to the building.
  - c. A bicycle repair station ("fix it station") shall be provided in an area of high visibility, separated from vehicle maneuvering areas, and located within close proximity to 28th Drive. 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.
- 6. The developer shall dedicate a 10-foot wide sidewalk easement on the
  - 7. west side of 28th Drive, as approved by the Planning and Development Department.
- 7. The developer shall construct all streets within and adjacent to the
  - 8. 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
  - 9. 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
- ~~40.~~ 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-6790 this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-6790 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 16th 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)

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EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-22--Z-27-20-1

LOT 16, LAKE BILTMORE VILLAGE, ACCORDING TO BOOK 166 OF MAPS, PAGE 4, RECORDS OF MARICOPA COUNTY, ARIZONA. SECTION 23, TOWNSHIP 3N, RANGE 2E.

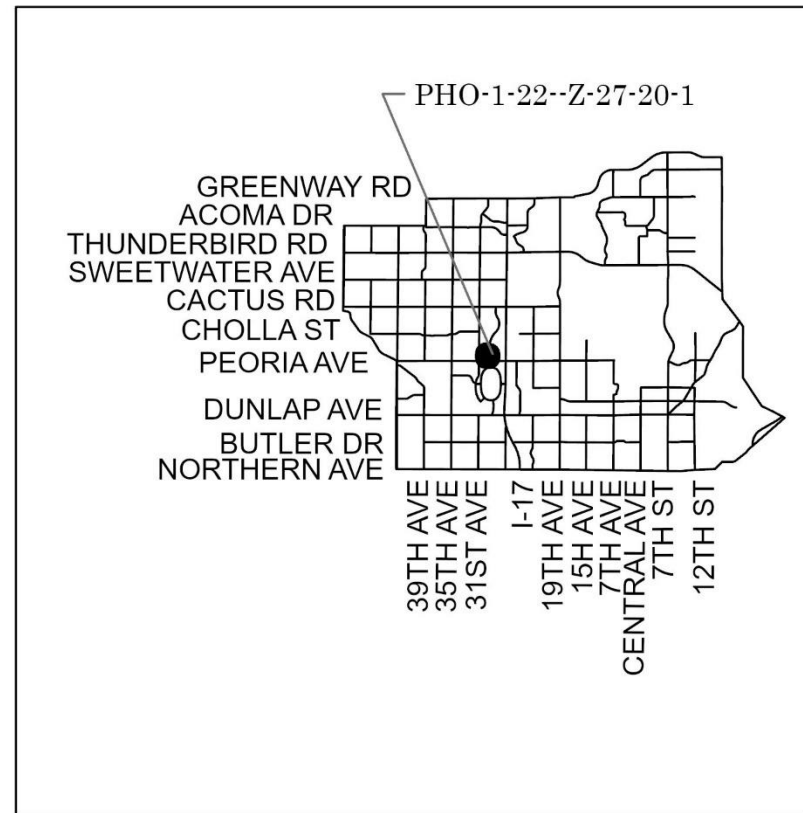
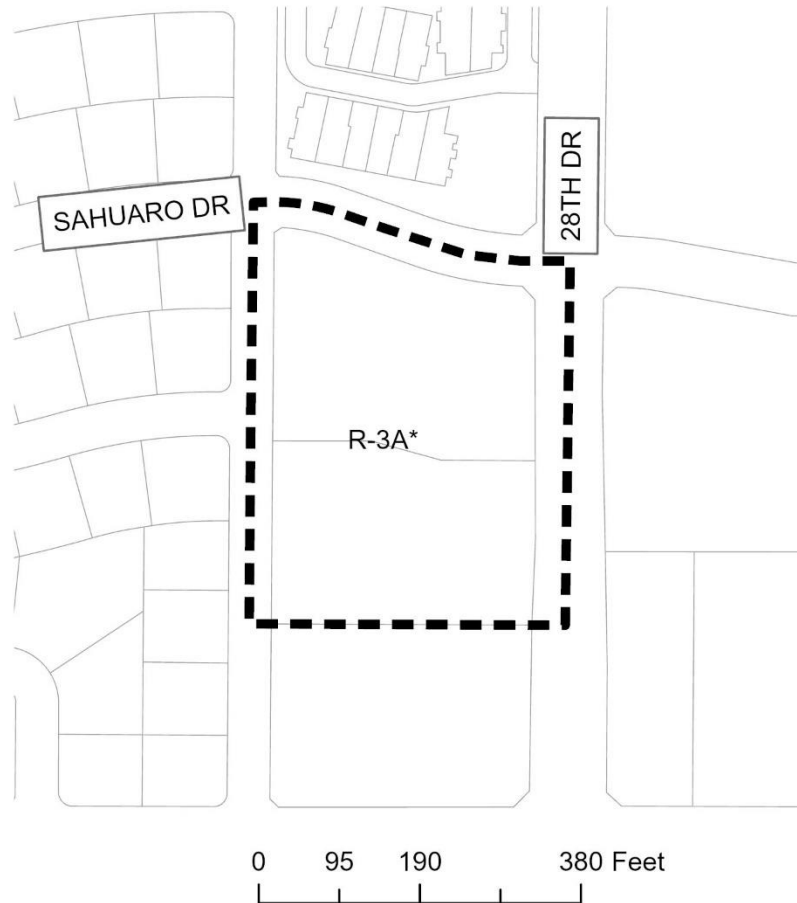
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# ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: PHO-1-22--Z-27-20-1  
Zoning Overlay: N/A  
Planning Village: North Mountain



NOT TO SCALE



Drawn Date: 10/19/2022