

## 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 (CASE Z-33-22-2) FROM C-2 HGT/WVR NBCOD (INTERMEDIATE COMMERCIAL, HEIGHT WAIVER, NORTH BLACK CANYON OVERLAY DISTRICT) TO C-2 HGT/WVR DNS/WVR NBCOD (INTERMEDIATE COMMERCIAL, HEIGHT WAIVER, DENSITY WAIVER, NORTH BLACK CANYON OVERLAY DISTRICT).

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

SECTION 1. The zoning of a 15.86 acre property located at the southeast corner of North Valley Parkway and Sonoran Desert Drive in a portion of Section 24, Township 5 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "C-2 HGT/WVR NBCOD" (Intermediate Commercial, Height Waiver, North Black Canyon Overlay District) to "C-2 HGT/WVR DNS/WVR NBCOD" (Intermediate Commercial, Height Waiver, Density Waiver, North Black Canyon Overlay 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 development shall be in general conformance with the site plan and elevations date stamped July 12, 2022, as modified by the following stipulations and approved by the Planning and Development Department.
2. The development shall utilize the R-5 Planned Residential Development option.
3. The maximum density for the project shall not exceed 22 dwelling units per acre.
4. A minimum of four amenities shall be provided, such as a pool, ramadas, a bicycle repair station, clubhouse, or similar element, as approved by the Planning and Development Department.
5. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
6. The developer shall construct a minimum 5-foot-wide shared use path (SUP) within a sidewalk easement along the east side of North Valley Parkway, as approved by the Planning and Development Department. Where conflicts or restrictions exist, the developer shall work with the Site Planning section on an alternate design through the technical appeal process.
7. The developer shall dedicate a 30-foot-wide multi-use trail easement (MUTE) along the south side of Sonoran Desert Drive and construct a minimum 10-foot-wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail and as approved by the Planning and Development Department. Where conflicts or restrictions exist, the developer shall work with the Site Planning section on an alternate design through the technical appeal process.
8. All uncovered surface parking lot areas shall be landscaped with minimum 2-

inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25% shade at maturity, as approved by Planning and Development Department. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution.

9. The developer shall construct a minimum 5-foot-wide detached sidewalk along the east side of North Valley Parkway with a minimum 11-foot-wide landscaped strip located between the sidewalk and back of curb, planted to the following standards, as approved by the Planning and Development Department:
  - a. Minimum 2-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
  - b. Drought tolerant shrubs and vegetative groundcovers maintained to a maximum height of 24 inches to provide a minimum of 50% live coverage at maturity.
  - c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
10. The developer shall construct a minimum 5-foot-wide detached sidewalk along the south side of Sonoran Desert Drive with a minimum 11-foot-wide landscaped strip located between the sidewalk and back of curb, planted to the following standards, as approved by the Planning and Development Department:
  - a. Minimum 2-inch caliper shade trees placed a minimum of 20 feet on center or in equivalent groupings.
  - b. Drought tolerant shrubs and vegetative groundcovers maintained to a maximum height of 24 inches to provide a minimum of 50% live coverage at maturity.
  - c. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
11. Pedestrian pathways shall be provided to connect building entrances, public sidewalks, bus stops, and community amenities, using the most direct route for pedestrians, as approved by the Planning and Development Department.
12. The developer shall provide direct pedestrian access (path and gate) from the northwest corner of the site to the signalized intersection at Sonoran Desert Drive and North Valley Parkway, as approved by the Planning and

Development Department.

13. Sidewalk and pedestrian path crossings, constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave the parking surfaces and drive aisles, shall be provided across drive aisles, as approved by the Planning and Development Department.
14. The developer shall dedicate a minimum of 70-feet of right-of-way and construct the south side of Sonoran Desert Drive, as approved by the Planning and Development Department.
15. The developer shall dedicate a minimum of 70-feet of right-of-way and construct the east side of North Valley Parkway, as approved by the Planning and Development Department.
16. The developer shall construct a minimum 24-foot-wide landscaped median along Sonoran Desert Drive, as approved by the Street Transportation Department.
17. 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.
18. The developer shall provide secured bicycle parking per Section 1307 of the City of Phoenix Zoning Ordinance. Additionally, a minimum of 17 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near building entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
19. The right-of-way shall be dedicated, and a bus stop pad constructed along the deceleration lane east of North Valley Parkway, as approved by the Planning and Development Department.
20. 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.
21. 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.

22. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of the property the existence and operational characteristics of active mining operations and the North Gateway Solid Waste and Recycling Transfer Facility. 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.
23. Prior to occupancy, signage must be provided within the development's sales/leasing office (or equivalent signage) that is visible to prospective renters or purchasers which discloses the existence and operational characteristics of active mining operations and the North Gateway Solid Waste and Recycling Transfer Facility, as approved by the Planning and Development Department.

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 12th day of October, 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

Lot 2, a portion of North Valley Parkway and Sonoran Desert Drive as shown on the final plat of LIV North Valley, recorded in Book 335, page 47, Maricopa County Records (MCR), lying within the northwest quarter of Section 24, Township 5 North, Range 2 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Beginning at the southwest corner of said Lot 2;

Thence leaving said southwest corner, North 90°00'00" West, 70.00 feet, to the centerline of North Valley Parkway;

Thence along said centerline, North 00°21'15" West, 686.77 feet, to the centerline of Sonoran Desert Drive;

Thence along said Sonoran Desert Drive centerline, North 89°55'50" East, 1100.25 feet;

Thence leaving said centerline, South 00°15'34" East, 70.00 feet to the northeast corner of said Lot 2;

Thence along the easterly line of said Lot 2, South 00°15'34" East, 506.40 feet, to the southerly line of said Lot 2;

Thence along said southerly line, South 71°47'50" West, 142.87 feet;

Thence South 89°57'14" West, 746.40 feet;

Thence South 52°40'01" West, 109.61 feet;

Thence North 90°00'00" West, 59.34 feet to the Point of Beginning.

Containing 691,063 Square Feet or 15.86 Acres more or less.  
Subject to easements, restrictions and rights of way of record.

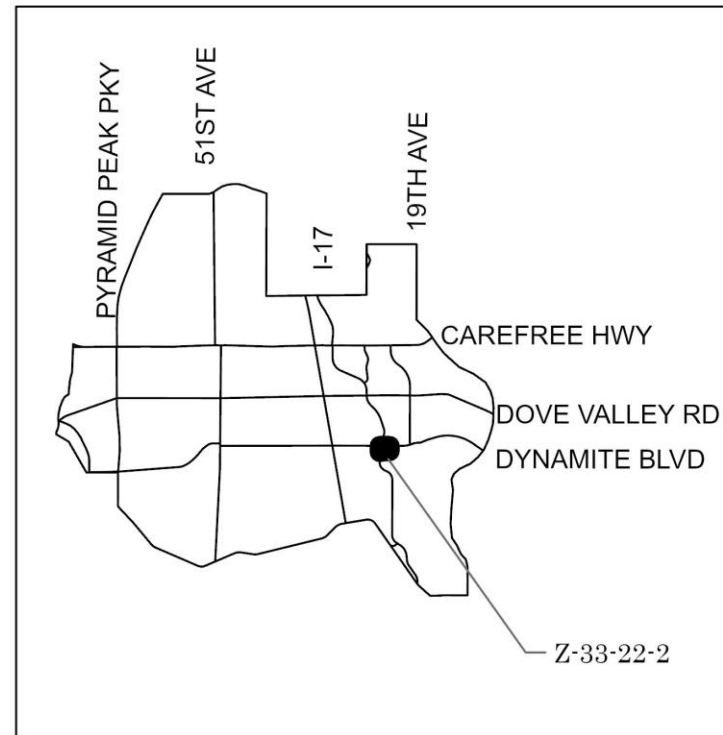
# ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-33-22-2  
Zoning Overlay: North Black Canyon Overlay District  
Planning Village: North Gateway



NOT TO SCALE



Drawn Date: 9/19/2022