

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-28-24-1) FROM RE-43 (ONE-FAMILY RESIDENCE) AND RE-43 SP (ONE-FAMILY RESIDENCE, SPECIAL PERMIT) TO R1-6 (SINGLE-FAMILY RESIDENCE DISTRICT) AND C-2 (INTERMEDIATE COMMERCIAL).

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

SECTION 1. The zoning of a 80.31-acre site located at the southwest corner of 36th Avenue and Pinnacle Peak Road in a portion of Section 15, Township 4 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from 24.91 acres of "RE-43" (One-Family Residence) and 55.40 acres of "RE-43 SP" (One-Family Residence, Special Permit) to 74.50 acres of "R1-6" (Single-Family Residence District) and 5.81 acres of "C-2" (Intermediate Commercial).

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:

Overall Development

1. 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.
2. All bicycle infrastructure and pedestrian pathways, including sidewalks, shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, as approved by the Planning and Development Department.
3. A minimum of 10 percent of the provided bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
4. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized, as approved or modified by the Planning and Development Department. Pursuant to Stipulation No. 32, Xeriscaping in rear yards for individual single-family lots shall be encouraged.
5. Natural turf, excluding allowances pursuant to Stipulation No. 35 for individual single-family residential lots, shall only be utilized for required retention areas (bottom of basin, and only allowed on slopes if required for slope stabilization) and functional turf areas, as approved by the Planning and Development Department.
6. Pressure regulating sprinkler heads and/or drip lines shall be utilized in any turf areas to reduce water waste.
7. A leak detection device shall be installed for the irrigation system for landscape areas larger than 10,000 square feet.
8. An enhanced pedestrian connection shall be provided on the southern site boundary to allow for direct pedestrian access to the adjacent Adobe Dam Area Trail 1. The developer shall construct an 8-foot-wide shaded pedestrian pathway consisting of decorative material such as brick, pavers or alternative material providing, as approved by the Planning and Development Department.

9. Funds totaling \$2.3 Million dollars shall be deposited into an escrow account to the Street Transportation Department to reimburse City installed improvements adjacent to Pinnacle Peak Road by project ST85100400, prior to final site plan approval.
10. The existing streetscape beginning at the back of curb shall be replenished with the following landscaping along Pinnacle Peak Road on both sides of the existing detached sidewalk, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant, shade trees, planted 20 feet on center or in equivalent groupings.
 - b. Drought-tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live coverage.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

11. Replace unused driveways with sidewalk and curb and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
12. All streets within and adjacent to the development shall be constructed 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 property owner shall record documents that disclose the existence, and operational characteristics of Deer Valley Airport 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.
14. The property owner shall record documents that disclose the existence of, and operational characteristics of, Maricopa County Adobe Dam Regional Park to future owners or tenants of the property, including characteristics of noise, lighting, dust, and traffic. The form and content of such documents shall be reviewed and approved by the City prior to recordation.
15. 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.

16. Prior to final 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.
17. A minimum of one pedestrian connection shall be provided connecting the residential area to the commercial area on the subject site. The pathway may be constructed at grade with an alternative surface, as approved by the Planning and Development Department.

C-2 Zoned Area

18. The conceptual site plan, elevations, and landscape plan for future development of the commercially zoned area shall be reviewed and approved 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 will be determined by the Planning Hearing Officer and the Planning and Development Department.
19. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
20. Bicycle parking shall be provided per the requirements of Section 1307.H. through Inverted U and/or artistic racks and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
21. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant, shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25% shade, as approved by Planning and Development Department.
22. A minimum of 10% of the vehicle parking spaces shall be EV Capable.
23. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.

24. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the City of Phoenix Businesses Water Efficiency Program for a minimum of 10 years, or as approved by the Planning and Development Department.
25. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.

R1-6 Zoned Area

26. The development shall include a minimum of two centralized amenity areas and pedestrian circulation pathways throughout the subdivision, as depicted on the site plan date stamped April 3, 2024, as approved by the Planning and Development Department.
27. A minimum of 15% of the gross area of the site shall be retained as common open space, as approved by the Planning and Development Department.
28. The development shall be in general conformance with the building elevations date stamped February 13, 2024, as modified by the following stipulations and approved by the Planning and Development Department.
29. The pedestrian circulation walkways, as depicted on the site plan date stamped April 3, 2024, shall comply with the following, as approved by the Planning and Development Department.
 - a. Pedestrian ways shall be a minimum of six feet in width.
 - b. Lighting shall be provided to ensure safety and security, including maximum 15-foot height of lighting fixtures, a minimum of one foot candle illumination to be maintained throughout the walkway, and uniform lighting along the entire walkway to avoid bright high glare areas and low visibility dark areas.
 - c. One of the following elements shall be provided at each entrance to the pedestrian circulation pathways: bollard path light, art, decorative directional signage, or architectural design elements that emphasize the entrance/exit of the pathways.
 - d. Where the pedestrian circulation pathways cross a street, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts with the street.

30. All required street landscape setback shall be planted with minimum 2-inch caliper, drought-tolerant shade trees, as approved by the Planning and Development Department.
31. Guest bicycle parking shall be provided at a minimum rate of 0.05 spaces per unit with a maximum of 25 spaces. Guest bicycle parking shall be provided through Inverted U and/or artistic racks located in open space and amenity areas and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
32. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized throughout the subdivision including the front, and side yards of individual residential lots. This restriction shall be included in the Covenants, Conditions, and Restrictions for the subdivision. Xeriscaping in rear yards shall be encouraged.
33. Prior to preliminary plat approval, documentation shall be provided that demonstrates participation in the Environmental Protection Agency's WaterSense certification program, or an equivalent program, as approved by the Planning and Development and Water Services departments.
34. A WaterSense inspection report from a third-party verifier shall be submitted that demonstrates successful participation in the Environmental Protection Agency's WaterSense certification program, or an equivalent program, prior to certificate of occupancy, as approved by the Planning and Development Department.
35. Natural turf shall not be utilized on portions of individual single-family lots visible from streets. Turf within rear yards of all individual single-family lots shall be restricted such that no more than 20% of a private lot rear yard could contain natural turf. This restriction shall be included in the Covenants, Conditions, and Restrictions for the subdivision.
36. Landscaping in common areas shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
37. Participation in the City of Phoenix Homeowner's Association Water Efficiency Program shall be incorporated into the Covenants, Conditions, and Restrictions for the subdivision, prior to final site plan approval.
38. Swimming pools shall be limited to 550 square feet in size.
39. A minimum of two green infrastructure (GI) techniques for stormwater

management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.

40. The developer shall construct a minimum 4-foot-wide detached sidewalk and a minimum 5-foot-wide landscape strip between the back of curb and sidewalk for internal private sidewalks within the development, planted with a minimum 2-inch caliper drought-tolerant, large canopy, single-trunk shade trees planted 20 feet on center or in equivalent groupings, and as approved by the Planning and Development Department.

Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

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 4th day of September, 2024.

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 (2 Pages)

B – Ordinance Location Map (1 Page)

DRAFT

EXHIBIT A

LEGAL DESCRIPTION FOR Z-28-24-1

PROPOSED R1-6 BOUNDARY DESCRIPTION

A PORTION OF LAND LOCATED IN THE NORTH HALF OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 15, BEING MARKED BY A BRASS CAP IN HANDHOLE, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 15, BEING MARKED BY A BRASS CAP FLUSH BEARS, NORTH 89 DEGREES 33 MINUTES 29 SECONDS EAST, 2630.91 FEET;

THENCE NORTH 89 DEGREES 33 MINUTES 29 SECONDS EAST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 15, 1415.46 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 89 DEGREES 33 MINUTES 29 SECONDS EAST, 1215.46 FEET TO SAID NORTH QUARTER CORNER;

THENCE DEPARTING SAID NORTH LINE, NORTH 89 DEGREES 32 MINUTES 04 SECONDS EAST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15, 1325.47 FEET;

THENCE DEPARTING SAID NORTH LINE, SOUTH 00 DEGREES 23 MINUTES 38 SECONDS EAST, 1314.69 FEET;

THENCE SOUTH 89 DEGREES 25 MINUTES 42 SECONDS WEST, 1325.80 FEET; THENCE SOUTH 89 DEGREES 29 MINUTES 24 SECONDS WEST, 657.87 FEET; THENCE NORTH 45 DEGREES 22 MINUTES 52 SECONDS WEST, 930.37 FEET; THENCE NORTH 00 DEGREES 21 MINUTES 13 SECONDS WEST, 329.68 FEET; THENCE NORTH 89 DEGREES 32 MINUTES 27 SECONDS EAST, 100.00 FEET;

THENCE NORTH 00 DEGREES 21 MINUTES 13 SECONDS WEST, 329.65 FEET TO SAID **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 3,228,525 SQUARE FEET OR 74.1167 ACRES, MORE OR LESS.

PROPOSED C-2 BOUNDARY DESCRIPTION

A PORTION OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 15, BEING MARKED BY A BRASS CAP IN HANDHOLE, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 15, BEING MARKED BY A BRASS CAP FLUSH BEARS, NORTH 89 DEGREES 33 MINUTES 29 SECONDS EAST, 2630.91 FEET;

THENCE NORTH 89 DEGREES 33 MINUTES 29 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, 657.73 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 89 DEGREES 33 MINUTES 29 SECONDS EAST, 757.73 FEET;

THENCE DEPARTING SAID NORTH LINE, SOUTH 00 DEGREES 21 MINUTES 13 SECONDS EAST, 329.65 FEET;

THENCE SOUTH 89 DEGREES 32 MINUTES 27 SECONDS WEST, 757.97 FEET;

THENCE NORTH 00 DEGREES 18 MINUTES 43 SECONDS WEST, 329.87 FEET TO SAID **POINT OF BEGINNING**.

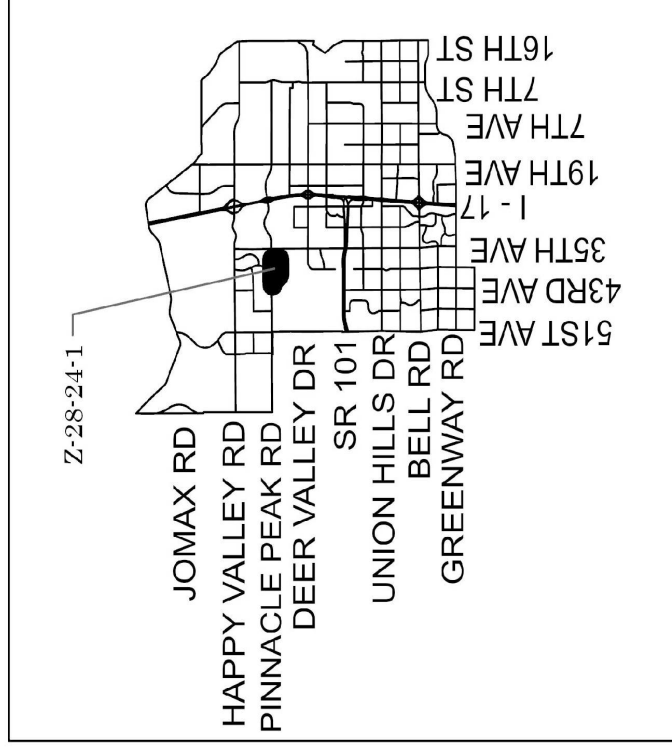
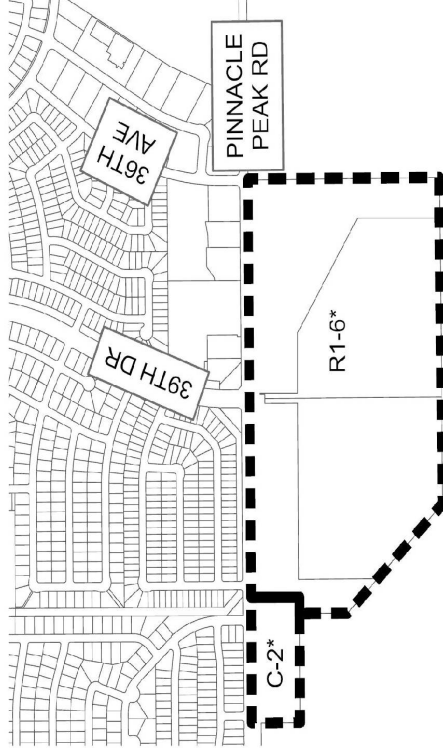
SAID PARCEL CONTAINS 249,907 SQUARE FEET OR 5.7371 ACRES, MORE OR LESS.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-28-24-1
Zoning Overlay: N/A
Planning Village: Deer Valley



NOT TO SCALE



Drawn Date: 7/26/2024