

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-179-25-4) FROM C-2 (INTERMEDIATE COMMERCIAL) AND C-3 (GENERAL COMMERCIAL) TO WU CODE T5:5 (WALKABLE URBAN CODE, TRANSECT 5:5 DISTRICT).

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

SECTION 1. The zoning of a 1.43-acre site located at the northwest corner of 35th Avenue and McDowell Road in a portion of Section 34, Township 2 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from 0.59-acres of "C-2" (Intermediate Commercial) and 0.84-acres of "C-3" (General Commercial) to "WU Code T5:5" (Walkable Urban Code, Transect 5:5 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 site plan and elevations shall be presented for review and comment to the Maryvale Village Planning Committee prior to preliminary site plan approval.
2. The maximum building height shall not exceed 48 feet, except that the maximum building height may be increased to 56 feet, if a minimum of 30% of the dwelling units are provided as Affordable Housing, as approved by the Planning and Development Department and Housing Department.
3. The bus pad and bay on westbound McDowell Road west of 35th Avenue shall be retained, as approved or modified by the Public Transit Department.
4. The following bicycle infrastructure shall be provided, as approved by the Planning and Development Department.
 - a. All required bicycle parking for multifamily use, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.
 - b. Guest bicycle parking for multifamily residential use shall be provided at a minimum of 0.05 spaces per unit spaces near entrances of buildings and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance.
 - c. A bicycle repair station ("fix it station") shall be provided on the site, and separated from vehicular maneuvering areas, where applicable. The repair station shall include, but not be limited to:
 - i. Standard repair tools affixed to the station;
 - ii. A tire gauge and pump affixed to the base of the station or the ground;
 - iii. A bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
 - d. Standard electrical receptacles shall be installed for a minimum of 10% of the required bicycle parking spaces for electric bicycle charging capabilities.

5. A minimum of 50 feet of right-of-way shall be dedicated for the north side of McDowell Road.
6. A minimum of 50 feet of right-of-way shall be dedicated for the west side of 35th Avenue.
7. Sufficient right-of-way at the 35th Avenue and McDowell Road intersection shall be dedicated to encompass all public infrastructure, as approved by the Street Transportation Department.
8. There shall be a minimum 6-foot-wide detached sidewalk separated by a minimum 10-foot-wide landscape area between the back of curb and sidewalk along the north side of McDowell Road, planted to the landscape standards of Section 1309 of the Zoning Ordinance, as approved by the Planning and Development Department.

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

9. There shall be a minimum 6-foot-wide detached sidewalk separated by a minimum 10-foot-wide landscape area between the back of curb and sidewalk along the west side of 35th Avenue, planted to the landscape standards of Section 1309 of the Zoning Ordinance, as approved by the Planning and Development Department.

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

10. A Traffic Impact Analysis shall be accepted by the Street Transportation Department prior to submitting for preliminary site plan review. All mitigation improvements shall be constructed and/or funded as identified in the forthcoming accepted Traffic Impact Analysis.
11. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, and 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. A minimum of 5% of the required vehicle parking spaces shall include EV Capable infrastructure.
14. Natural turf shall only be utilized for required retention areas (at the bottom of the basin and only allowed on slopes if required for slope stabilization), and functional turf areas, as approved by the Planning and Development Department.
15. A minimum of 25% of any surface parking areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum two-inch caliper, drought tolerant, shade trees, or a combination thereof.
16. A minimum of two green stormwater infrastructure (GSI) elements for stormwater management shall be implemented, as approved or modified by the Planning and Development and/or Street Transportation departments. This includes but is not limited to stormwater harvesting basins, bioswales, permeable pavement, etc., per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management.
17. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the Phoenix Water Efficiency Checkup Program for a minimum of 10 years, or as approved by the Planning and Development Department.
18. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor 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.
19. 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.
20. 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. This stipulation shall not be applicable if the property is owned by the City of Phoenix.

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 March, 2026.

MAYOR

ATTEST:

Denise Archibald, City Clerk

APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By:

REVIEWED BY:

Ed Zuercher, City Manager

Exhibits:
A – Legal Description (2 Pages)
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-179-25-4

PROPERTY ADDRESS: 3501 W ALMERIA ROAD

APN: 108-24-068

ZIP CODE: 85009

WITHIN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 34,
TOWNSHIP 2 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND
MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

SOUTH HALF OF LOTS 1 AND 2, BLOCK 4, MCDOWELL HOMESITES, ACCORDING
TO BOOK 36 OF MAPS, PAGE 46, RECORDS OF MARICOPA COUNTY, ARIZONA;
EXCEPT THE EAST 4.00 FEET OF SAID LOT 1.

PROPERTY ADDRESS: 3507 W ALMERIA ROAD

APN: 108-24-069

ZIP CODE: 85009

WITHIN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 34,
TOWNSHIP 2 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND
MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

NORTH HALF OF LOTS 1 AND 2, BLOCK 4, MCDOWELL HOMESITES, ACCORDING
TO BOOK 36 OF MAPS, PAGE 46, RECORDS OF MARICOPA COUNTY, ARIZONA;
EXCEPT THE EAST 4.00 FEET OF SAID LOT 1; AND ALSO
EXCEPT THE FOLLOWING PORTION OF SAID LOT 1 DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF THE EAST 4.00 FEET OF
SAID LOT 1;
THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF
7.00 FEET;
THENCE SOUTHEASTERLY TO A POINT ON THE WEST LINE OF SAID EAST 4.00
FEET DISTANT 7.00 FEET SOUTH OF THE POINT OF BEGINNING;
THENCE NORTH ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

PROPERTY ADDRESS: 3502 W MCDOWELL ROAD

APN: 108-24-088A

ZIP CODE: 85009

WITHIN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 34,
TOWNSHIP 2 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND
MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

LOT 20, BLOCK 4, MCDOWELL HOMESITES, ACCORDING TO BOOK 36 OF MAPS, PAGE 46, RECORDS OF MARICOPA COUNTY, ARIZONA;
EXCEPT THE EAST 4.00 FEET OF SAID LOT 20; AND ALSO
EXCEPT THE FOLLOWING PORTION OF SAID LOT 20 DESCRIBED AS
FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF THE EAST 4.00 FEET OF
SAID LOT 20;
THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 20, A DISTANCE OF
16.00 FEET;
THENCE NORTHEASTERLY TO A POINT ON THE WEST LINE OF SAID EAST 4.00
FEET DISTANT 16.00 FEET NORTH OF THE POINT OF BEGINNING;
THENCE SOUTH ALONG SAID WEST LINE TO THE POINT OF BEGINNING; AND
ALSO
EXCEPT THE PORTION OF SAID LOT 20 AS DISCLOSED IN DOCUMENT NO. 2025-
0053294.

PROPERTY ADDRESS: 3506 W MCDOWELL ROAD

APN: 108-24-087A

ZIP CODE: 85009

WITHIN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 34,
TOWNSHIP 2 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND
MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

LOT 19, BLOCK 4, MCDOWELL HOMESITES, ACCORDING TO BOOK 36 OF MAPS,
PAGE 46, RECORDS OF MARICOPA COUNTY, ARIZONA.

PROPERTY ADDRESS: 3512 W MCDOWELL ROAD

APN 108-24-086A

ZIP CODE: 85009

WITHIN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 34,
TOWNSHIP 2 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND
MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

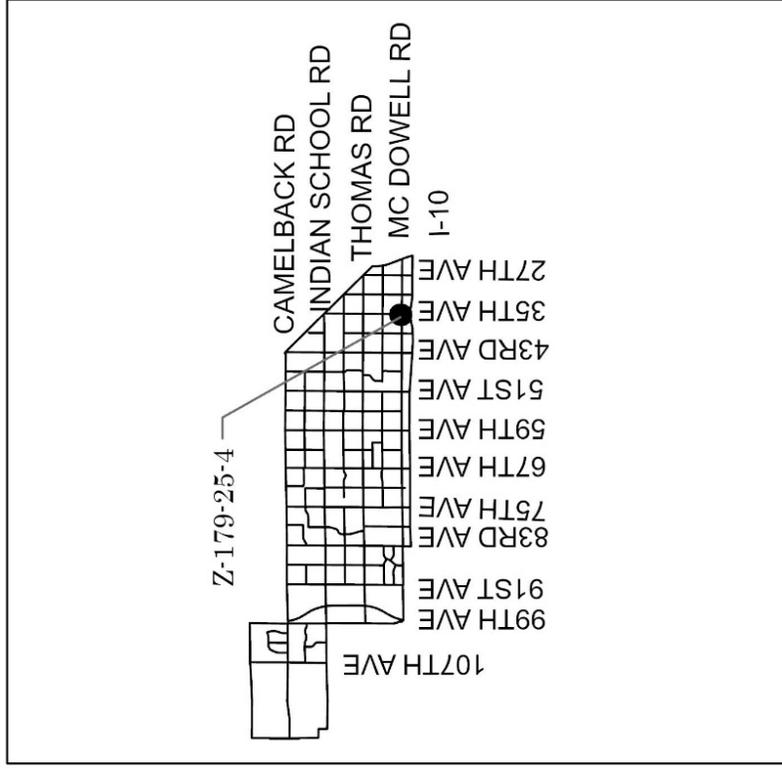
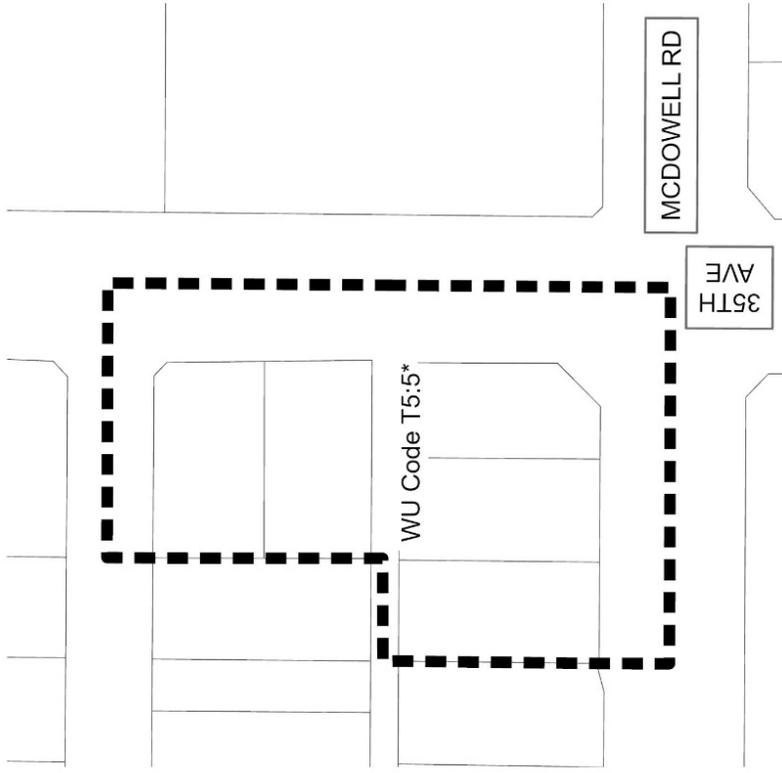
LOT 18, BLOCK 4, MCDOWELL HOMESITES, ACCORDING TO BOOK 36 OF MAPS,
PAGE 46, RECORDS OF MARICOPA COUNTY, ARIZONA.

EXHIBIT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-179-25-4
Zoning Overlay: N/A
Planning Village: Maryvale

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



NOT TO SCALE



Drawn Date: 2/3/2026