

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-SP-2-24-3) FROM C-2 (INTERMEDIATE COMMERCIAL) TO C-2 SP (INTERMEDIATE COMMERCIAL, SPECIAL PERMIT).

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

SECTION 1. The zoning of a 1.88-acre property located approximately 125 feet south of the southwest corner of Cave Creek Road and Hartford Avenue in a portion of Section 34, Township 4 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "C-2" (Intermediate Commercial) to "C-2 SP" (Intermediate Commercial, Special Permit) to allow a sales, parts and service dealership for new and used UTVs, ATVs, motorcycles, personal watercrafts, etc., and all underlying C-2 uses.

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 maximum area for outdoor display of vehicles built to carry passengers or cargo shall be 3,100 square feet and shall be clearly identified on the site plan, as approved by the Planning and Development Department.
2. The maximum parking or staging area for vehicles built to carry passengers or cargo needing repair shall be 4,000 square feet and shall be clearly identified on the site plan, located within a screened area setback a minimum of 185 feet from the north property line and a minimum of 200 feet from the east property line, as approved by the Planning and Development Department.
3. The required perimeter landscape areas, and the perimeter landscape areas as depicted on the conceptual landscape plan date stamped January 9, 2025, shall be replenished with minimum 2-inch caliper, large canopy, shade trees, planted 20 feet on center or in equivalent groupings, and a minimum of five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
4. The existing retention basin, as depicted on the site plan date stamped January 10, 2025, shall be replenished with minimum 2-inch caliper, large canopy, shade trees, planted 20 feet on center or in equivalent groupings, and a mixture of shrubs, accents, and vegetative groundcovers evenly distributed throughout the landscape area to achieve a minimum of 50% live coverage, as approved by the Planning and Development Department.
5. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper, single-trunk, large canopy, shade trees. Existing surface parking landscape planters shall be replenished with minimum 2-inch caliper, single-trunk, large canopy, shade trees and five 5-gallon shrubs per tree. Landscaping shall be dispersed throughout the parking area and achieve 25% shade, as approved by Planning and Development Department.
6. All bicycle parking spaces 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.
7. Bicycle parking spaces shall be provided per the requirements of Section 1307.H of the Phoenix Zoning Ordinance through Inverted U and/or artistic racks located near the building entrance 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.

8. A minimum of one of the provided bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
9. A minimum of 5% of the required parking spaces shall include Electric Vehicle (EV) Installed Infrastructure, as approved by the Planning and Development Department.
10. 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.
11. Provide a landscape irrigation plan that includes zones to establish the amount of irrigation to apply based on maturity and type of the landscaping. Irrigation should be applied efficiently based on the maturity and need for the vegetation.
12. 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.
13. Upon complete redevelopment or development that modifies the cumulative floor area of the building by 2,000 square feet or more, including demolition, building additions, and new building(s) or structure(s), from that depicted on the site plan date stamped January 10, 2025, all existing overhead utilities adjacent to the development, within the public right-of-way, and on site shall be undergrounded. The developer shall coordinate with all affected utility companies for their review and permitting.
14. The developer may submit a request to the Street Transportation Department to enter into an agreement, for their consideration, allowing the use of nonstandard materials within the existing 25-foot right-of-way easement on Cave Creek Road. Consideration of the agreement shall be contingent upon, at a minimum, the following items:
 - a. The property owner assuming financial responsibility for maintenance, repair, and replacement of any encroachment within the existing roadway easement along Cave Creek Road.
 - b. The property owner assuming financial responsibility for the removal of

any encroachment if future dedications and improvements to Cave Creek Road are required by the Street Transportation Department.

- c. The property owner obtaining all necessary entitlements and setback requirements as prescribed by the Zoning Ordinance.
 - d. Permanent structures or walls are prohibited within the right-of-way easement.
15. The existing streetscape beginning at the back of curb shall be replenished with the landscaping listed below along Cave Creek Road and shall provide sidewalks a minimum of 75% shade, as approved by the Planning and Development Department.
- a. Minimum 2-inch caliper, single-trunk, large canopy, shade trees, planted 20 feet on center, or in equivalent groupings.
 - b. A mixture of shrubs, accents, and vegetative groundcovers with a maximum mature height of two feet evenly distributed throughout the landscape area 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.

16. Unused driveways shall be replaced with sidewalk, curb, and gutter. Also, any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets shall be replaced and all off-site improvements shall be upgraded to be in compliance with current ADA guidelines.
17. 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.
18. 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.
19. 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.

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 9th day of April, 2025.

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 (1 Page)
- B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE NORTH 25 FEET AND THE EAST 65 FEET FOR ROADS; AND

EXCEPT THE SOUTH 100 FEET OF THE NORTH 125 FEET OF THE WEST 150 FEET OF THE EAST 215 FEET.

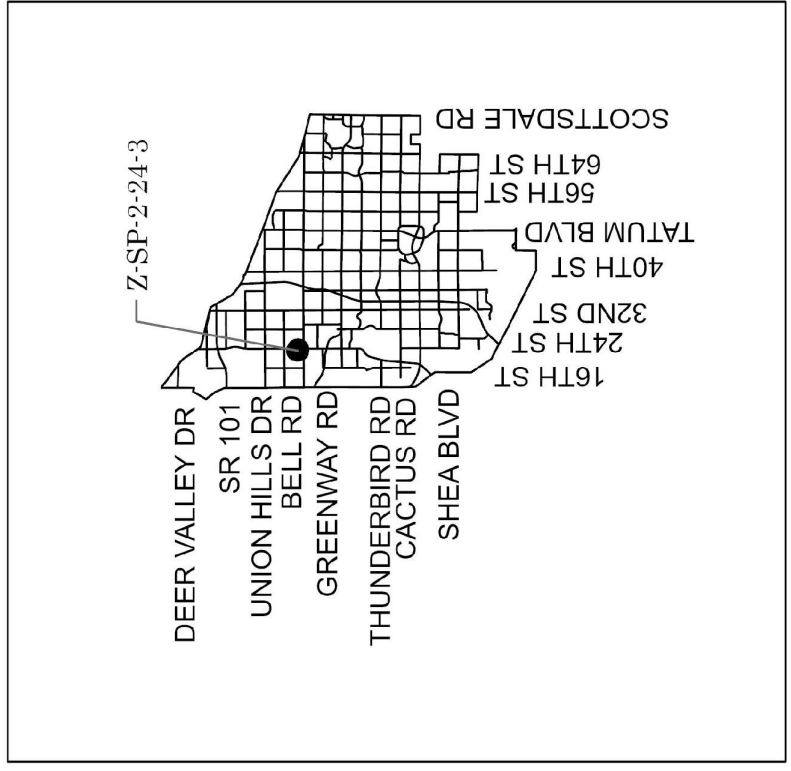
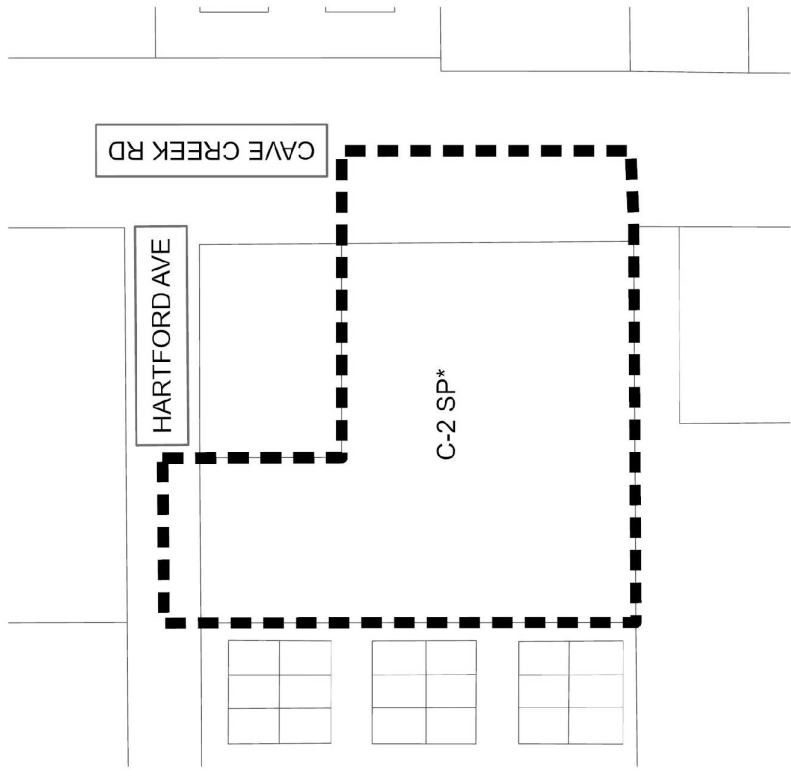
DRAFT

EXHIBIT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-SP-2-24-3
Zoning Overlay: N/A
Planning Village: Paradise Valley

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: - - - - -



NOT TO SCALE



Drawn Date: 3/7/2025