

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-47-22-1) FROM C-1 (NEIGHBORHOOD RETAIL) TO C-2 (INTERMEDIATE COMMERCIAL).

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

SECTION 1. The zoning of a 1.56-acre property located at the southwest corner of 35th Avenue and Paradise Lane in a portion of Section 3, Township 3 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "C-1" (Neighborhood Retail) to "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:

1. The maximum building height shall be 12 feet.
2. A minimum building setback of 25 feet shall be required along the west property line.
3. The primary customer parking area shall be located on the southeast quadrant of the site, as approved by the Planning and Development Department.
4. The applicant shall provide a 25-foot by 25-foot enhanced landscape area at the northeast corner of the site to include a minimum of two 4-inch caliper trees with five 5-gallon shrubs per tree and raised flower beds to compliment the landscape theme, as approved by the Planning and Development Department.
5. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 11-foot-wide landscape strip located between the sidewalk and back of curb, along the west side of 35th Avenue, planted to the following standards and as approved by the Planning and Development Department.
 - a. Minimum 75 percent two-inch caliper single-trunk drought-tolerant shade trees and 25 percent three-inch caliper single-trunk drought-tolerant shade trees planted a minimum of 20 feet on center or in equivalent groupings and provide a minimum of 75 percent shade at maturity.
 - b. Drought tolerant vegetation to achieve 75 percent live coverage at maturity.

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

6. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 8-foot-wide landscape strip located between the sidewalk and back of curb, along the south side of Paradise Lane, planted to the following standards and as approved by the Planning and Development Department.
 - a. Minimum 75 percent two-inch caliper single-trunk drought-tolerant shade trees and 25 percent three-inch caliper single-trunk drought-tolerant trees planted a minimum of 20 feet on center or in equivalent groupings and provide a minimum of 75 percent shade at maturity.
 - b. Drought tolerant vegetation to achieve 75 percent live coverage at maturity.

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

7. A 25-foot-wide multi-use trail easement (MUTE) shall be dedicated along the south side of Paradise Lane and a minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement, in accordance with the MAG supplemental detail indicated in Section 429 and as modified or approved by the Planning and Development Department.
8. Where pedestrian pathways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped, or colored concrete, or other pavement treatments that visually contrasts with parking and drive aisle surfaces, as approved by the Planning and Development Department.
9. A minimum of 4 bicycle parking spaces shall be provided through Inverted U and/or artistic racks installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, or in a secure room, as approved by the Planning and Development Department.
10. The developer shall construct a bus stop pad along southbound 35th Avenue with right-of-way dedication as necessary. The design shall be according to City of Phoenix Standard Detail P1260 with a depth of 10 feet and located from the intersection of Paradise Lane according to City of Phoenix Standard Detail P1258.
11. The developer shall dedicate minimum 30-feet of right-of-way for the south half of Paradise Lane, as approved by the Planning and Development Department.
12. The developer shall dedicate minimum 55-feet of right-of-way for the west half of 35th Avenue, as approved by the Planning and Development Department.
13. 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.
14. 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.
15. 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.
16. No signage shall be located along Paradise Lane, as approved by the Planning and Development Department.
17. No digital or neon signage or graphics shall be allowed.

18. Any vehicular access along Paradise Lane shall be restricted to emergency vehicle use only. The gate and fence shall be wrought iron with slats to compliment the building and roof materials, as approved by the Planning and Development Department.
19. A minimum 8-foot-high wall shall be provided along the west side of the site, as approved by the Planning and Development Department. This wall shall either replace the existing shared wall or a new wall shall be constructed adjacent to the existing wall.

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 7th day of December, 2022.

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)

DRAFT

EXHIBIT A

THE NORTH 205 FEET OF LOT 5, SECTION 3, TOWNSHIP 3 NORTH, RANGE 2
EAST OF THE GILA AND SALT RIVER BASE & MERIDIAN, ACCORDING TO THE
COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA;

EXCEPT ALL COAL, GAS, OIL, AND OTHER MINERAL DEPOSITS, AS RESERVED
IN PATENT FROM THE UNITED STATES OF AMERICA.

DRAFT

ORDINANCE LOCATION MAP

EXHIBIT B

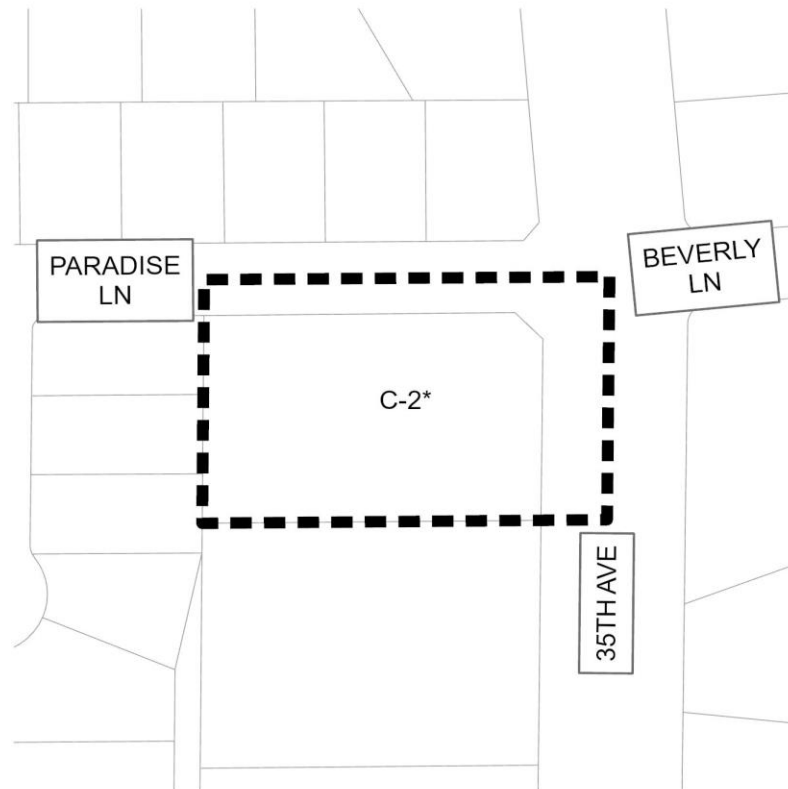
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

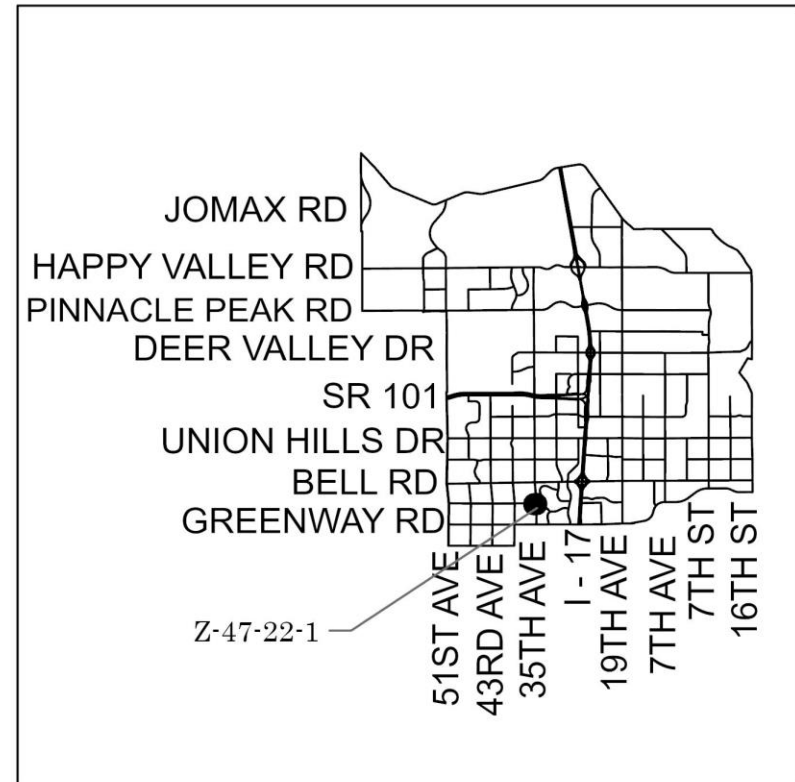
Zoning Case Number: Z-47-22-1

Zoning Overlay: N/A

Planning Village: Deer Valley



0 65 130 260 Feet



NOT TO SCALE



Drawn Date: 11/8/2022