

Section 655. Rio Salado Interim Overlay (RSIO) District. ⁺¹

A. Purpose

The Rio Salado Interim Overlay District is a unique district and does not set a precedent for future expansion of the interim overlay district. It addresses immediate concerns identified in this reach of the river. It is designed to protect the investment in and maximize the benefits of the Rio Salado Habitat Restoration Project. The overlay district is designed to control open, outdoor land uses and other uses in order to have a positive impact on the Rio Salado Habitat Restoration Project and add to the long-term value of adjacent land. ⁺¹

B. Applicability

The RSIO District applies to all new land uses or new development established after the effective date of this ordinance within the area bounded by the centerlines of Interstate 17/Interstate 10 on the north, 19th Avenue on the west, 32nd Street on the east and Broadway Road on the south. The RSIO District will not apply to those properties that have preliminary site plan approval or a building permit prior to the effective date of this ordinance. Uses prohibited in the RSIO District, if existing legally prior to the effective date of the overlay district and have become non-conforming uses due to the overlay district, may expand the use on the same or adjacent parcel under the conditions and development standards of this district. ⁺¹

C. Prohibited Uses

The following uses are not permitted within the RSIO District. ⁺¹

1. New outdoor advertising structures (billboards). ⁺¹
2. Commercial slaughtering of any animals. ⁺¹
3. New junk yards, wrecking yards and salvage yards. ⁺¹

D. Special Permit Uses

The following uses shall be subject to a special permit in accordance with Section 504.1. ⁺¹

1. Homeless shelters in A-2 zoning. ⁺¹
2. Open, outdoor primary uses within five hundred feet of the Rio Salado Habitat Restoration Project or as depicted on the map. Those primary uses shall include, but are not limited to, dead storage, storage of vehicles for a period of one week or more, outdoor storage of equipment for a period of one week or more or any primary use conducted outside of an enclosed structure. ⁺¹
3. Commercial waste facilities used to collect, treat, store, process, transfer or dispose of solid waste. Solid waste means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities. Solid waste does not include solid or dissolved materials in domestic sewage, or solid and dissolved materials in irrigation return flows, or discharges from point sources subject to permits issued pursuant to 33 USC Section 1342 or Arizona Revised Statutes Section 49-255.01, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, or facilities that treat, store or dispose of hazardous waste as defined in Section 648 of the Phoenix Zoning Ordinance. Facility includes all contiguous land, structures, other appurtenances and improvements on the land. ⁺²

E. Use Permit Uses

The following uses shall be subject to a use permit in accordance with Section 307: Zoning Administrator. ⁺¹

1. Day labor hiring and associated transportation centers in A-1 and A-2 zoning districts. ⁺¹
2. Pawn shops in C-3, A-1 and A-2 Zoning Districts. ⁺¹
3. Tattoo shops in A-1 and A-2 Zoning Districts. ⁺¹

4. All development that is not subject to a special permit and is within five hundred feet of the Rio Salado Habitat Restoration Project or as depicted on the map shall be subject to a use permit. The use permit should address screening of outdoor or open land use activities adjacent to the project and/or public right-of-way. The use permit may also address landscape materials.⁺¹

F. District Restrictions.⁺¹

1. A geotechnical plan prepared and sealed by a registered engineer shall be submitted to the Development Services Department for filling and compaction of pits that exceed ten feet in depth. The geotechnical plan will comply with the City Code Chapter 32A and the Maricopa Association of Government (MAG) Standard Specification Sections 210 and 211. Follow-up reports certified by the owner of the property and sealed by a registered engineer shall be submitted every three months confirming adherence to the approved plan. The goal of this requirement is to ensure stability and enable future development on the site.⁺¹⁴
2. All new land uses or new development, greater than ten acres or in increments that equal ten acres or more, zoned A-1 and A-2 in the RSIO boundaries shall be subject to the development standards of Section 626.H, the Commerce Park District Standards, as they apply to Commerce Park/General Commerce Park. New land uses or new development on parcels that are less than ten acres are subject to administrative review by the Planning Director or his/her designee. The Planning Director shall determine which screening and setback standards of Section 626.H shall apply. Where solid walls are required, other appropriate screening may be applied and/or waived. The Planning Director's decision can be appealed to the Planning Commission and ultimately to the City Council. For those uses or development standards that are considered non-conforming due to the RSIO District, the new standards shall apply only to expansion areas.⁺¹
3. All new homes in the Rio Salado Interim Overlay District shall be subject to the design review process of Section 507 Tab A, II. 2.12 Single Family Design Review. The design review shall apply to all new homes regardless of lot width. In addition, new one and two dwelling units per lot residential development shall be subject to the following provisions.
 - a. All driveways and parking spaces shall be hard surface.
 - b. Each dwelling unit shall have at least one covered parking space located in a garage or under a carport. The design of the covered parking shall be substantially similar with regard to texture, color and material to that of the housing.
 - c. The front yard open space of a two unit per lot development shall be landscaped and separated from the driveway and parking areas by a three foot wall, fence, or physical barrier.
 - d. Unless all Zoning Ordinance required parking is provided along an alley, a contiguous one-half of the area between the rear lot line and the setback line shall be landscaped and separated from the driveway and parking areas by a physical barrier such as a three foot wall or fence.
 - e. Where two detached units are placed on a single lot, a notice that the lots are not to be split without prior City approval shall be recorded prior to issuance of building permits and the recorded document noted on the submitted site plan.

Date of Addition/Revision/Deletion - Section 655

⁺¹ Addition on 12-19-2001 by Ordinance No. G-4403, eff. 1-18-2002

⁺² Addition on 4-17-2002 by Ordinance No. G-4428, eff. 5-17-2002

⁺³ Addition on 6-4-2003 by Ordinance No. G-4517, eff. 6-4-2003

⁺⁴ Revision on 10-13-2004 by Ordinance No. G-4650, eff. 11-12-2004