# CITY COUNCIL AGENDA

CITY COUNCIL CHAMBERS . 11465 WEST CIVIC CENTER DRIVE . AVONDALE, AZ 85323

**SPECIAL MEETING**
**January 14, 2008**
**6:00 PM**

**CALL TO ORDER BY MAYOR ROGERS**
**PLEDGE OF ALLEGIANCE**

**1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK**

**2 UNSCHEDULED PUBLIC APPEARANCES**

(Limit three minutes per person. Please state your name.)

**3 RESOLUTION 2713-108 - AMENDING THE PLANNING COMMISSION BY-LAWS**

The Council will consider a resolution amending the Planning Commission by-laws regarding the appointment of the Chairperson and Vice-Chairperson and other minor items. The Council will take appropriate action.

**4 APPOINTMENT OF BOARDS, COMMISSION AND COMMITTEE MEMBERS**

Staff is requesting City Council approval of the Sub-committee recommendations for appointments to the Board of Adjustment, Neighborhood and Family Services Commission, Parks and Recreation Advisory Board, Planning Commission, Risk Management Trust Fund Board and Water Wastewater Advisory Board and selection of a Chairperson and Vice Chairperson for the Planning Commission. The Council will take appropriate action.

**5 PATROL PROCEDURAL CHANGE TO ANIMAL CALLS FOR SERVICE**

Council and staff will discuss patrol procedures for animal calls for service. For information, discussion, and direction only.

**6 TEXT AMENDMENT FOR SECTION 3 OF THE ZONING ORDINANCE - COMMERCIAL ZONE DISTRICTS**

The Council will review, discuss and comment on an update and amendment to Section 3 of the Zoning Ordinance - Commerical Zone Districts. For review, discussion and direction only.

**7 TEXT AMENDMENT FOR SECTION 6 OF THE ZONING ORDINANCE - PLANNED AREA DEVELOPMENT DISTRICT**

The Council will review, discuss and comment on an update and amendment to Section 6 of the Zoning Ordinance - Planned Area Development District. For review, discussion and direction only.

**8 EXECUTIVE SESSION**

**a.** The Council may hold an executive session pursuant to ARIZ. REV. STAT. § 38-431.03 (A)(4) for discussion or consultation with the City's attorney in order to consider its position and instruct the City's attorney regarding the council's position regarding possible amendments economic development agreements and possible development agreements.

**9 ADJOURNMENT**

Respectfully submitted,

Linda M Farris

Linda Farris, CMC
City Clerk

Any individual with a qualified disability may request a reasonable accommodation by contacting the City Clerk at 623-333-1200 at least 48 hours prior to the council meeting.

# CITY COUNCIL REPORT

**SUBJECT:**
RESOLUTION 2713-108 - AMENDING THE PLANNING COMMISSION BY-LAWS

**MEETING DATE:**
January 14, 2008

**TO:** Mayor and Council

**FROM:** Sammi Curless, Assistant to the Mayor and Council (623)333-1613

**THROUGH:** Charlie McClendon, City Manager

**PURPOSE:**

A revision to the Planning Commission by-laws is being recommended to change the process for the appointment of the Chair and Vice Chair and also to update the by-laws.

**BACKGROUND:**

The current by-laws of the Planning Commission, last revised in March 2001, sets forth that the members of the Planning Commission annually elect a Chair and Vice Chair from among the appointed members at the first meeting held in January.

**DISCUSSION:**

The Mayor and City Council requested a revision to the by-laws of the Commission setting forth that the Chair and Vice Chair be appointed each year by the City Council from current appointed members of the Commission.

This appointment by the City Council would occur prior to the January meeting of the Planning Commission.

The City Attorney has reviewed the by-laws and made revisions to reduce duplications and inconsistancies therein.

**RECOMENDATION:**

Staff recommends approval of the resolution revising the Planning Commission by-laws.

**ATTACHMENTS:**

**Click to download**

- Resolution 2713-108

**RESOLUTION NO. 2713-108**

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ADOPTING THE CITY OF AVONDALE AMENDED AND RESTATED PLANNING AND ZONING COMMISSION BYLAWS.

**BE IT RESOLVED** BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. That the City of Avondale Planning and Zoning Commission Bylaws, Amended and Restated January 14, 2007, are hereby adopted in the form attached hereto in Exhibit A, and incorporated herein by reference.

SECTION 2. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

**PASSED AND ADOPTED** by the Council of the City of Avondale, January 14, 2008.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Linda M. Farris, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 2713-108

[Planning and Zoning Commission Bylaws, Amended And Restated January 14, 2008]

See following pages.

BYLAWS
PLANNING AND ZONING COMMISSION
CITY OF AVONDALE, ARIZONA

**AMENDED AND RESTATED JANUARY 14, 2008**

# I. ORGANIZATION

## A. MEMBERSHIP

(1) The City Planning Commission shall be composed of a total of seven (7) members and one or more alternate members who shall be selected and serve as set forth in the city council rules of procedure.

(2) Members shall be residents of Avondale.

## B. POWERS AND DUTIES

(1) It shall be the duty of the Avondale Planning Commission:

(a) To formulate, create and administer any lawful plan duly adopted by the City Council for the present and future growth of the City, pertaining to the use of land and buildings for any purpose, together with all incidental activities usually associated therewith.

(b) To recommend to the City Council revisions in such plans which, in the opinion of the Commission, are for the best interest of the citizens of the City.

(c) To advise the Council in all such matters that may pertain to planning and zoning.

(2) In matters requiring official action by the Mayor and Council, the Commission shall, after giving due public notice thereof, hold at least one public hearing, wherein it shall determine the nature of its recommendations by the affirmative vote of at least four (4) of its members, enter its action thereon over the signature of the Chairman, and forward its recommendation to the Mayor and City Council for public hearing and action.

## C. OFFICERS AND STAFF

(1) Prior to the first January meeting of the Commission each year, the Mayor and City Council shall select a Chairman and Vice Chairman from among the current members of the Commission.

(a) The term of Chairman and Vice Chairman shall be one (1) year. Any member serving as Chairman or Vice Chairman shall be eligible for re-appointment.

(b) The Vice-Chairman shall act as Chairman in the Chairman's absence. In the absence of the Chairman, the senior member, based upon years of membership, shall act as Chairman.

(c) Any vacancy for Chairman or Vice Chairman as may occur for any reason shall be filled from the Commission membership by the City Council, for the remainder of the term.

(2) The Chairman shall preside at all meetings and hearings of the Commission, decide all points of order and procedure, and perform any duties required by law, ordinance, or these by-laws. The Chairman shall have the right to vote on all matters before the Commission, and shall also have the right to make or second motions in the absence of a motion, or a second made by a member.

(3) The City of Avondale Development Services Director, or his designated representative, shall serve the Commission as Secretary. The City of Avondale Planning Staff shall furnish professional and technical advice to the Commission.

(4) The Avondale City Attorney, or his designated representative, shall have the responsibility of furnishing such legal advice on all points of points of order, procedure, or other matters as may be requested by the City Council from time to time.

## II. MEETINGS

### A. REGULAR MEETINGS

(1) The Commission shall hold at least one regular meeting each month. Regular meetings shall be held at the Council Chambers, 11465 West Civic Center Drive, Avondale, Arizona, unless advertised differently.

(2) Regular meetings of the Commission shall be open to the public and the minutes of its examinations and other official actions, shall be filed in the Development Services Department as a public record. For any matter under consideration, any person may submit written comments and recognized by the Chairman and stating his or her name and address and the names of any persons on whose behalf he or she is appearing.

(3) The Commission may, by a single consent motion, approve routine or non-controversial matters before the Commission. Should any members of the Commission or public so request, the Chairman shall withdraw any item from the consent agenda for the purpose of public discussion and separate action.

### B. WORK SESSIONS

(1) The Commission may hold work sessions as necessary.

(2) Work sessions may be held on the call of the Chairman, request of two or more members or by Staff request. All work session notices shall be given at least twenty-four (24) hours before the meeting.

(3) Work sessions may be held before or after any regular meeting, subject to providing notice as provided herein. When a matter is set for a work session, public testimony may be barred or limited.

### C. EXECUTIVE SESSIONS

If the City Attorney is present, the Commission may hold an executive session closed to the public during a regular or special meeting to consider matters permissible in executive sessions pursuant to the laws of the State of Arizona.

D. **NOTICE OF MEETINGS AND HEARINGS**

(1) Written notice of all meeting to Commission members shall be delivered by mail or in person at least twenty-four (24) hours before the date of meeting; except that where required by an actual emergency, members may be notified by telephone by the Secretary.

(2) Notice of time and place of any public hearing to be held by the Commission shall be given as required by State Law and City ordinances.

(3) Hearings on all matters on which a decision of the Commission is required by law, shall be open to the public. The applicant shall appear in his or her behalf, or may be represented by counsel or agent.

E. **QUORUM**

A majority of the members of the Commission shall constitute a quorum for transacting business at any Meeting. No action shall be taken at any Meeting in the absence of a quorum, except to adjourn the meeting to a subsequent date.

F. **AGENDA**

An agenda shall be prepared by the Secretary for each Regular Meeting, Work Session, and Executive Session of the Commission. The agenda shall include the various matters of business as scheduled for consideration by the Commission.

G. **WITHDRAWAL OF REQUEST**

Any request may be withdrawn upon request to the Secretary, but no request shall be withdrawn after posting of hearing notice or legal ad published for notification prior to the public hearing thereon without formal consent of the Commission.

II. **ORDER OF BUSINESS**

A. **MEETING PROCEDURE**

The Chairman shall conduct all Meetings pursuant to the City Council Rules of Procedure.

B. **HEARING CONDUCT**

(1) The Chairman may exclude irrelevant or redundant testimony and may make such other rulings as may be necessary for the orderly conduct of the proceedings, while ensuring basic fairness and a full airing of the issues involved.

(2) Any evidence supporting the granting or denial of an application shall be submitted to the Development Services Department prior to the public meeting or to the Commission during the public meeting.

(3) The Commission may continue the hearing up to sixty (60) days on any application or other matter for which the applicant fails to appear, unless the applicant has requested in writing that the Commission act without him or her being present at the hearing; provided, however, the Commission may hear those persons requesting to speak in response to the notice of hearing.

C. **VOTING**

(1) After all evidence has been submitted to the Commission, each case shall be heard, considered and acted upon in public meeting.

(2) In taking action on any application or other matter, the Commission may grant approval, grant approval with conditions, modify the request, or deny the item In these actions, the Commission shall be guided by the provisions of the City of Avondale General Plan and elements thereof, the Avondale Zoning Ordinance, Subdivision Code, and other development standards, policies, and area plans as adopted by the City Council.

(3) By majority vote, the Commission may defer action on any matter when it concludes that additional time for further study or input is necessary.

(4) A majority vote of those Commission members present and voting shall be required to take official action. When a motion in favor of any application or other matter fails to receive an affirmative majority vote, i.e., a tie vote, it shall be entered into the minutes as a vote to deny the application considered. In the event that there is no motion, or the motion dies for a lack of a second, it shall be entered into the minutes as a denial of the application being considered. Nothing herein shall prevent any member from making a subsequent motion on any matter where a prior motion is not approved by a majority vote of all members present.

(5) A member shall disqualify himself or herself and abstain from voting whenever he or she has, or may have, a conflict of interest in the case under consideration, as described and provided by Arizona Revised Statutes (ARIZ. REV. STAT. § 38-501, *et seq.*) and the Avondale City Code.

(6) Each member attending shall be entitled to one (1) vote. The minutes of the proceedings shall indicate the vote of each absence or failure to vote. No member shall be excused from voting except on matters involving conflicts of interest.

(7) A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified, be deemed to include adoption of all proposed findings and execution of all actions recommended in the staff report on file in the matter.

D. **RECOMMENDATION TO CITY COUNCIL**

The Commission shall forward a recommendation to City Council of its findings and/or action (s) in writing respect to the merits of an application within thirty (30) days of the conclusion of the public hearing on the matter.

# CITY COUNCIL REPORT

**SUBJECT:**
Appointment of Boards, Commission and Committee Members

**MEETING DATE:**
January 14, 2008

**TO:** Mayor and Council

**FROM:** Linda Farris, City Clerk (623)333-1211

**THROUGH:** Charlie McClendon, City Manager

**PURPOSE:**

Staff is requesting approval of the Council Sub-committee recommendations for the appointment of members to the Board of Adjustment, Neighborhood and Family Services Commission, Parks and Recreation Advisory Board, Planning Commission, Risk Managment Trust Fund Board and Water Wastewater Advisory Board.

Staff is also requesting that the Council select members of the Planning Commission to serve as Chairperson and Vice Chairperson of that Commission for a term of one year.

**BACKGROUND:**

On December 18, 2007, a Council Sub-committee consisting of Vice Mayor Wolf and Council Member Scott interviwed several citizens interested in serving on the Board of Adjustment, Neighborhood and Family Services Commission, Parks and Recreation Advisory Board, Planning Commission, Risk Managment Trust Fund Board and Water Wastewater Advisory Board.

**DISCUSSION:**

Based on the interviews conducted on December 18, 2007, the Sub-committee is making the following recommendations for appointment:

| | Position | Term Expiration |
|---|---|---|
| ***Board of Adjustment*** | | |
| Rob Gutowski | Alternate | 12/31/10 |
| ***Neighborhood and Family Services*** | | |
| Grace Carrillo | Regular | 12/31/10 |
| Rosalie Baldonado | Alternate | 12/31/10 |
| ***Parks and Recreation Advisory Board*** | | |
| Donald Buth | Regular | 12/31/10 |
| ***Planning Commission*** | | |
| Angela Cotera | Regular | 12/31/10 |
| Michael Demlong | Regular | 12/31/10 |
| ***Risk Management Trust Fund Board*** | | |
| Betty Lynch | Regular | 12/31/10 |
| ***Water Wastewater Advisory Board*** | | |
| Curtis Nielson | Regular | 6/30/11 |

In addition, Staff is requesting that the Council appoint a Chair and Vice Chair for the Planning Commission from the following list of current regular members. The Chair and Vice Chair are to serve for a term on one year

David Iwanski
Kevin Grimsley
Edward Meringer
Al Lageschulte
Linda Webster

**RECOMENDATION:**

Staff recommends Council approval of the Sub-committee's recommendations for appointment to the City's Boards, Commissions and Committees and selection of members of the Planning Commision to serve as Chair and Vice Chair for a term of one year.

**ATTACHMENTS:**

**Click to download**

No Attachments Available

# CITY COUNCIL REPORT

**SUBJECT:**
Patrol procedural change to animal calls for service

**MEETING DATE:**
January 14, 2008

**TO:** Mayor and Council

**FROM:** Kevin Kotsur, Chief of Police (623)333-7201

**THROUGH:** Charlie McClendon, City Manager

**PURPOSE:**

In order to better allocate resources to priority calls for service, the Police Department is proposing to implement procedural changes related to non-essential animal calls for service. This report will provide background information to support this operational change, which may initially result in some customer complaints, but in the long run, will allow Animal Control Officers, Park Rangers and Police Officers to focus their time on more essential public safety calls for service.

**BACKGROUND:**

The Avondale Animal Control Unit was activated in February, 2000. The function of the unit was to have a civilian employee respond to animal related calls for service, thereby freeing up Police Officers to respond to higher priority calls for service, as well as increasing their neighborhood patrol time. The program currently has two full time Animal Control Officers (ACOs). Half of one of the full time positions is funded by the City of Tolleson and 40 hours of animal control service are provided to Tolleson per month. ACOs respond to a variety animal related calls for service in Tolleson. On average, ACOs respond to 316 animal related calls for service per year in Tolleson. They also conducted 480 self initiated dog-at-large calls for a total of 796 calls for service in Tolleson during fiscal year 2006/2007.
Per the existing inter-governmental agreement (IGA), Tolleson provides a temporary kennel facility within its jurisdiction for animals captured in both Tolleson and Avondale. These animals are housed temporarily at this kennel until the animal is transported to the Maricopa County animal shelter.

A total of 4,298 animal calls for service were handled by the Avondale Animal Control Unit for fiscal year 2006/2007 for the cities of Avondale and Tolleson. The types of services are as follows:

| | |
|---|---|
| Animal Bite | 110 |
| Animal Cruelty | 164 |
| Deceased Animal | 266 |
| Barking Dog | 658 |
| Dog at Large | 2746 |
| Injured Animal | 142 |
| Vicious Animal | 2 |

ACOs responded to 2,718 of these calls for service while Patrol Officers responded to 1,567 of these animal-related calls for service. This does not include the self generated dog at large calls that were initiated by the ACOs,which added an additional 2,016 animal pick-ups in 2006/07.

The number of animal related calls for service for FY 05-06 were compared to FY 06-07. The calls for service handled by the ACOs increased during this time frame by 5% from 2,577 to 2,718. The number of animal calls for service handled by Avondale Police Officers increased by 65% from 957 to 1,580. Overall there was a 21.79% increase in the number of animal related calls for service during this time frame. It is estimated the number of animal related calls for service will increase in 2007/08 by an additional 12.7%. Please see

attached chart and table.

- Each animal related call for service requires an average of 55 minutes to handle, for a total of 3,211 hours spent on call. In 2006/07 Patrol Officers and ACOs responded to 4,298 animal calls for service.
- The total number of dispatched and self initiated calls for service handled in Avondale and Tolleson during 2006/2007 was 6,852, which equates to 6,281 hours spent on the call. One full-time ACO works approximately 1,863 hours per year. In order to have ACOs handle all animal related calls for service, rather than Police Officers, a total of 3.5 ACOs are needed.

**DISCUSSION:**

A review of the time spent handling animal control calls for service indicates ACOs, Patrol Officers and Park Rangers are largely responding to calls for service that are not a threat to public safety. The following call types do not require a public safety response;

- Non-vicious dog at large calls
- Barking dog calls
- Contained animal calls
- Animal nuisance calls

These calls are the responsibility of the pet owner, not the police department. By no longer responding to such calls for service, it will free up police personnel to handle higher priority calls while increasing the time available for Police Officers to conduct proactive patrols in their assigned beat.

**Non-Vicious dog at large calls:** Last year, the police department responded to 2,746 non-vicious dog at large complaints. Patrol Officers handled 613 of these calls, resulting in 562 hours spent on call. These calls are often time-consuming and usually go unresolved because the officer is rarely able to locate or catch the dog. Moreover, if a police officer responds and locates the dog, he or she does not have the training or equipment to recover the dog.

**Barking dog calls:** Currently ACOs and Patrol Officers respond to all barking dog complaints. In many cases, the caller does not provide an exact location of where the noise is coming from, in addition, many of the callers do not want to be listed a victim, but simply want the homeowner to be advised. To better manage this workload, the police department will refer first time callers to an information hotline where the complaint will be recorded. This hotline will be checked by the next on-duty ACO. First time barking dog complaints will receive a letter written by a VIP to the violator, warning them they are in violation of the City noise ordinance. Subsequent complaints from the same address will result in dispatching an ACO to address noise ordinance.

**Contained animals:** These calls involve stray dogs that are lost, abandoned or running loose. Many times, businesses or residences will attempt to catch dogs at large and will hold them in a cage for the ACO/Patrol officer to pick up and take to the Maricopa County animal Control Center (MCACC.) This type of call does not require an immediate response since these animal do not pose a threat to public safety. In order to better manage these calls, contained animals will only be picked up during the work hours of the ACO. If a call for a contained animal is received during after hours, the caller will be referred to the hotline and an ACO will respond during their next shift.

**Animal nuisance calls:** These calls involve situations where a dog or cat is running through a resident's yard, creating a nuisance such as digging holes or defecating on the property. In most cases, the animal is gone by the time the ACO/Patrol officer arrives. Typically these calls involve a neighbor dispute and rarely involve a violation of city ordinance. These calls will also be diverted to the hotline and the next on-duty ACO will assess the call and determine the appropriate response.

**Public Education/Marketing campaign:** In order to explain to the community the operational changes made to animal calls for service a public education campaign will be required. The Police Department will work with the Community Relations & Public Affairs Department to publicize these changes in the local media, on the City website, and through a brochure. Additionally, letters will be mailed to all citizens who contacted the

police department in the past year regarding animal control issues, explaining these changes that go into effect February, 2008.

**Shake a Paw Campaign:** Several of the animal related calls for service handled by the police department that are not a public safety concern involve pet owners who fail to be responsible pet owners. In some cases, pet owners are not aware of the resources available to assist them. In order to establish a partnership with the community, Animal Control Officers and Police VIP members will kick off the "Shake a Paw" campaign. This grant-funded program will provide valuable information to the community on steps to become responsible pet owners. "Shake a Paw" will also sponsor spay and neutering programs designed to control the pet population, which will have the long-term effect of reducing the number of animal-related calls for service.

**Action Items:**

· Discontinue responding to some calls for service that have traditionally been handled by the Animal Control Unit and by Police Officers that are not a public safety concern.

· Create an Animal Control Hotline to respond to animal related calls for service during the work hours of the ACOs, thereby averting time spent by Park Rangers and Police Officers answering these calls.

· Develop a public education campaign using City resources (website, Avondale 11, city publications), local media outlets, and direct mailings to the community explaining the changes to be made when providing animal control services.

· Develop the "Shake a Paw" campaign designed to provide spay and neutering opportunities and public information on how to become a more responsible pet owner.

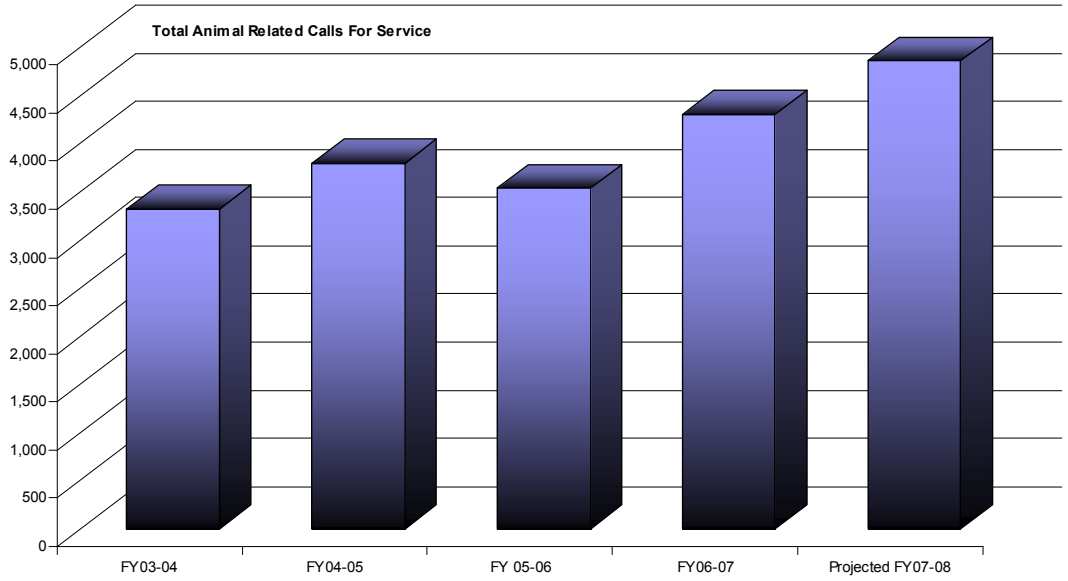
**RECOMENDATION:**

This item is provided for information and discussion only.

**ATTACHMENTS:**

**Click to download**

- Total Animal Related Calls for Service - Chart
- Call Nature - Table


Total Animal Related Calls For Service
5,000
4,500
4,000
3,500
3,000
2,500
2,000
1,500
1,000
500
0
FY03-04
FY04-05
FY 05-06
FY06-07
Projected FY07-08

| Call Nature | FY 05-06 | | | FY06-07 | | | Changes | | |
|---|---|---|---|---|---|---|---|---|---|
| | ACO | Patrol | **Totals** | ACO | Patrol | **Totals** | *ACO* | *Patrol* | *Totals* |
| Animal A/H Tol. | 13 | 0 | **13** | 11 | 0 | **11** | *-15.38%* | *NC* | *-15.38%* |
| Animal Bite | 91 | 19 | **110** | 56 | 31 | **87** | *-38.46%* | *63.16%* | *-20.91%* |
| Animal Bite Inj | 10 | 2 | **12** | 10 | 2 | **12** | *0.00%* | *0.00%* | *0.00%* |
| Animal Cruelty | 79 | 35 | **114** | 106 | 58 | **164** | *34.18%* | *65.71%* | *43.86%* |
| Animal Deceased | 0 | 0 | **0** | 3 | 263 | **266** | *NC* | *NC* | *NC* |
| Animal Noise | 149 | 377 | **526** | 176 | 482 | **658** | *18.12%* | *27.85%* | *25.10%* |
| Animal Prob.Tol | 282 | 20 | **302** | 248 | 13 | **261** | *-12.06%* | *-35.00%* | *-13.58%* |
| Animal Problem | 1,765 | 417 | **2,182** | 1,873 | 612 | **2,485** | *6.12%* | *46.76%* | *13.89%* |
| Animal Sick/Inj | 186 | 86 | **272** | 234 | 119 | **353** | *25.81%* | *38.37%* | *29.78%* |
| Vicious Animal | 2 | 1 | **3** | 1 | 0 | **1** | *-50.00%* | *-100.00%* | *-66.67%* |
| **Grad Totals** | **2,577** | **957** | **3,534** | **2,718** | **1,580** | **4,298** | ***5.47%*** | ***65.10%*** | ***21.62%*** |

# DEVELOPMENT SERVICES

**SUBJECT:**
Text Amendment for Section 3 of the Zoning Ordinance - Commercial Zone Districts

**MEETING DATE:**
January 14, 2008

**TO:** Mayor and Council

**FROM:** Brian Berndt, Development Services Director (623)333-4011

**THROUGH:** Charlie McClendon, City Manager

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**BACKGROUND:**

As part of a comprehensive update to Avondale's Zoning Ordinance, staff is proposing to amend Section 3, Commercial Zone Districts.

The Zoning Ordinance currently contains 6 commercial zone districts: Commercial Office (C-O); Neighborhood Commercial (C-1); Community Commercial (C-2); Major Commercial (C-3); Old Town Avondale Business District (OTAB); and Cashion Business District. Staff is proposing to amend the C-O, C-1, C-2, and C-3 districts in order to better implement the goals and objectives of the General Plan.

Following the completion of the Old Town Avondale revitalization plan, staff will examine the existing OTAB and Cashion Business District zone districts and propose any necessary text amendments for those portions of Section 3. Additionally, following the completion of the City Center Area Plan, staff is planning to draft a zoning district specific for the City Center area, based on the recommendations of the final plan.

**ANALYSIS:**

Staff is proposing to amend Section 3 in the following ways:

- Amending the permitted use lists for the Commercial Office, Neighborhood Commercial, and Community Commercial to better match the goals of the land use designations of the General Plan;
- Revising the use list and purpose of the Major Commercial zone district to create a Freeway Commercial district, in order to create an appropriate zone district for areas along or near freeways and major arterials;
- Creating a Residential Office zone district to provide for low-intensity, residential-scale office development, adaptive reuse of existing residential areas, and create a zone district that can act as a buffer area between larger office parks and traditional single-family and multi-family residential uses;
- Revising the commercial use list as a whole in order to make Section 3 more user-friendly; and
- Reducing the number of routine public hearings by changing many Conditional Uses to Uses Permitted with Conditions.

The vast majority of commercial developments in the City are zoned either C-2 or PAD with C-2 uses. A handful of neighborhood shopping centers are zoned C-1, and very few properties are zoned C-O. A goal of this ordinance update will be to revise these three districts so that they include more land uses that are compatible with the areas of the city for which they were designed and designated by the General Plan.

Currently only one property in the city is zoned C-3. Staff believes that C-3 could be better used as a Freeway Commercial zone district, for larger and more intense land uses that are most appropriate in close proximity to freeway access. These uses include large scale entertainment uses, like amusement parks and stadiums as well as large-scale retail uses. Many of the large uses allowed in the proposed C-3 district are also currently

permitted in the Special Use District.

Staff is also proposing to create a new Residential Office district. This district would be designed for smaller office uses, at a residential scale. This district is also designed to allow for live-work uses, which combine small offices with traditional residential development. The Residential Office district will be able to act as a buffer between traditional residential and commercial/office developments.

Staff is proposing to revise the layout of the commercial land use table to make it more user-friendly. The biggest change will be putting the land uses in alphabetical order, rather than grouping the uses in broader categories. The goal is to help make land uses easier to find in the table, to help users identify which uses are allowed in which districts.

Finally, staff is proposing to classify certain uses as Permitted with Conditions. These are uses that may or may not have an impact on surrounding area and in the past were allowed as conditional uses. Many of these conditional uses have standard conditions of approval that are applied to every Conditional Use approval. Staff is proposing to make some of these uses permitted, but only if they comply with a set list of conditions, which, combined with other conditions deemed necessary by staff, will mitigate any adverse effects on surrounding properties and uses. This will have the effect of ensuring that the potential negative effects of all uses are mitigated, while eliminating routine conditional use permits.

As part of this text amendment, staff will also be revising development standards for the commercial districts, including building and parking setbacks, building height, and lot coverage. Many of these items will be set by other documents, such as the upcoming Design Manuals and the Specific Area Plans, and will be formalized as part of the Zoning Ordinance with this text amendment.

For reference, the current land use table is included as an attachment, with notes indicating the changes, if any, to every use on the list (Exhibit A). Also included is the draft proposed new land use table (Exhibit B), current purpose statements for the existing commercial zone districts, and draft proposed new purpose statements for the districts.

## RECOMMENDATION:

This item is presented for discussion and Council direction only. No action is needed.

## ATTACHMENTS:

**Click to download**

- Section 3 text amendment Exhibits A-D

## PROJECT MANAGER:

Scott Wilken, Senior Planner

Commercial Zone Districts text amendment
City Council work session January 14, 2008
List of exhibits

| | |
|---|---|
| Exhibit A | Existing Commercial Land Use Table (with notes on proposed changes) |
| Exhibit B | Proposed Commercial Land Use Table |
| Exhibit C | Existing Commercial Zone District purpose statements |
| Exhibit D | Proposed Commercial Zone District purpose statements |

Exhibit A

**Existing Land Use Table**

| LAND USE | C-O | C-1 | C-2 | C-3 | Change |
|---|---|---|---|---|---|
| **AUTO-ORIENTED USES** | | | | | |
| Auto supply store, indoor | - | C | C | C | Now considered retail, P in C-1, C-2, C-3 |
| Autobody and engine repair, upholstery, painting facilities, and similar uses | - | - | - | C | Moved to A-1 |
| Automobile, boat, recreational vehicle, or motorcycle, sales and rental | - | - | C | P | No change |
| Automobile leasing facility | - | C | C | P | Added to automobile szles; removed from C-1 |
| Automobile service and diagnostic facility | - | - | C | C | PC in C-2 and C-3 |
| Car wash, mechanical, self service | - | - | C | C | PC in C-3 |
| Emissions testing facility | - | - | - | P | Moved to A-1 |
| Gas service station with retail gasoline sales, convenience store, and car wash | - | - | C | C | C in C-2, PC in C-3 |
| Tire sales, repair and mounting | - | - | C | C | PC in C-2 and C-3 |
| Truck stop, including wash | - | - | - | C | C in C-3 |
| **EATING & DRINKING ESTABLISHMENTS** | | | | | |
| Restaurants and similar uses | C | P | P | P | No change |
| Drive-thru restaurants | - | C | P | P | PC in C-1, C-2, and C-3 |
| Tavern, bar, lounge or establishment that sells beer or intoxicating liquor for consumption on premise, excluding restaurants and adult uses | - | - | C | C | Listed as "Bar,"C in C-2, PC in C-3 |
| **ENTERTAINMENT, COMMERCIAL RECREATION & ASSEMBLY USES** | | | | | |
| Commercial sporting complexes, concert facilities, stadiums, and similar outdoor recreational facilities | - | - | - | C | Listed separately; large uses C in C-3, P in Special Use District |
| Convention centers and exhibition halls | - | - | P | P | removed from C-2 |
| Dancing, theatrical or music studio | - | C | P | P | Listed separately; added as P in C-1 |
| Health and exercise center | C | C | P | P | Removed from C-O, PC in C-1 |
| Indoor commercial recreation/entertainment uses such as movie theaters, bowling alleys, game rooms, video arcades, ice and roller skating rinks, shooting ranges, pool and dance halls, bingo halls, and similar uses, excluding adult uses and taverns bars and lounges | - | - | P | P | Listed separately |
| Outdoor commercial recreational/entertainment uses such as amusement parks, fairgrounds, golf courses, golf driving ranges, commercial racetrack, rodeo grounds, shooting range, swimming and tennis clubs, and similar uses | - | - | - | C | Moved to Special Use District |
| Reception centers, recreation and social/private clubs | - | - | C | P | Listed separately; no change for reception centers; P in C-1 and C-2 |
| Resorts | - | - | P | P | No change |
| **INSTITUTIONAL USES** | | | | | |
| Vocational school | - | - | P | P | combined with business or technical school; P in C-O only |
| Business or technical school | P | C | P | P | combined with vocational school; P in C-O only |
| College or university | - | - | P | P | PC in C-3 only |

| LAND USE | C-O | C-1 | C-2 | C-3 | Change |
|---|---|---|---|---|---|
| Churches, synagogues, temples, and similar places of worship | P | P | P | P | renamed "Place of worship." otherwise no change |
| Cultural institutions | P | C | P | P | combined with Museum; removed from C-O and C-1 |
| Child care center | C | C | C | C | No change |
| Libraries and museum | P | P | P | P | separated; removed from C-O, museum removed from C-1 |
| Assisted living facility, nursing or convalescent home, long term care facility & hospices, and group care facility | C | - | - | - | C in R-O and C-O |
| Post office | P | P | P | P | Combined with Public Use; no other change |
| Public service and non-profit community uses | C | C | C | C | Removed from C-3; to be clarified by definition |
| Public utility buildings, structures, uses, facilities and equipment | C | C | C | C | PC in all districts |
| Schools and educational institutions (public and private), excluding colleges, universities, and vocational schools | P | C | P | P | moved to residential districts |
| Substance abuse detoxification and treatment centers, halfway house | - | - | - | C | separated; halfway house moved to residential; other uses C in C-O |
| Zoo (private, public) | - | - | - | C | C in C-3; included in Special Use District |
| **OFFICE/MEDICAL USES** | | | | | |
| Ambulance service facility | - | - | C | C | Moved to A-1 |
| Emergency medical care facility | P | C | P | P | P in C-O, C-1, C-2, and C-3 |
| Employment agencies | P | P | P | P | No change |
| Hospitals | - | - | P | P | removed from C-2 |
| Medical, dental or health offices, clinics and laboratories, excluding plasma centers | P | P | P | P | No change |
| Veterinary hospital, offices and clinics, excluding animal boarding | - | C | C | C | PC in C-1, C-2, and C-3 |
| Pet boarding and day care facility | - | - | C | - | PC in C-2 |
| Professional, administrative or business offices, banks and financial institutions, excluding non-chartered financial services | P | P | P | P | No change |
| Non-chartered financial services | - | - | C | - | No change |
| Plasma centers | - | - | C | - | No change |
| **PERSONAL SERVICES USES** | | | | | |
| Appliance service and repair | - | C | P | P | removed from C-1 and C-3 |
| Clothing alteration, custom dressmaking or tailor shop | - | P | P | P | Removed from C-3 |
| Dry cleaning and laundry establishment | C | P | P | P | Changed to drop-off only; removed from C-O |
| Laundromat, self-service | - | P | P | P | removed from C-3 |
| Nail salon, barber shop, and beauty salon | C | P | P | P | removed from C-O and C-3 |
| Personal service establishments such as tanning salon, massage therapy, palm readers, phrenologists, fortune tellers and astrologers, excluding adult uses | - | - | C | C | Tanning and Massage P in C-1 and C-2; others to be moved to OTAB; added Massage Therapy (medical) to be treated like medical office |
| Photographic developing and printing studio | - | P | P | P | No change |
| Ticket and travel agency | P | P | P | P | No change |

| LAND USE | C-O | C-1 | C-2 | C-3 | Change |
|---|---|---|---|---|---|
| Tattoo parlors and body piercing studios | - | - | C | - | No change |
| **RESIDENTIAL & LODGING USES** | | | | | |
| One caretakers quarters | A | A | A | A | No change |
| Dwelling units above the ground floor of a building | C | C | C | C | renamed "Residential, upper floor"; P in R-O, C in C-O and C-1, PC in C-3 |
| Hotel or motel | - | - | P | P | No change |
| **RETAIL USES** | | | | | |
| Retail sales of new merchandise within enclosed buildings, excluding liquor stores | A | P | P | P | removed from C-O |
| Equipment sales, rental and storage yard | - | - | - | C | P in C-3 |
| Monument sales and engraving shop | - | - | - | P | to be moved to A-1 |
| Pawn shop | - | - | - | C | C in C-2, removed from C-3 |
| Plant nursery | - | - | C | P | removed from C-2 |
| Retail/wholesale sales of lumber, landscaping and building materials, excluding outdoor storage | - | - | C | P | removed from C-2 |
| Specialty stores and services, indoor, excluding liquor stores | - | P | P | P | Separated into "Specialty Retail" and "Specialty Service"; specialty service added as P in C-O |
| Surplus store, thrift store | - | - | - | P | P in C-2, removed from C-3 |
| Liquor stores | - | - | C | - | No change |
| Consignment shops | - | - | P | - | Added as P in C-1 |
| **MISCELLANEOUS USES** | | | | | |
| Accessory buildings, structures and uses customarily incidental to a permitted use | A | A | A | A | use deleted (not necessary to list) |
| Automatic teller machine (ATM) | P | P | P | P | use deleted (not necessary to list) |
| Bus terminals | - | - | C | C | P in C-3, removed from C-2 |
| Cemetery, crematorium, mausoleum, funeral home and chapel, mortuaries and columbariums | - | - | C | C | Funeral Home PC in R-O, P in C-2 and C-3; other uses moved to Special Use District |
| Day labor hiring centers | - | - | - | C | Moved to A-1 |
| Mini-storage warehouses | - | - | C | C | removed from C-3 |
| Moving truck, trailer and equipment rental | - | - | C | P | listed as "Equipment sales and rental"; removed from C-2 |
| Office warehouses | - | - | C | P | Moved to A-1 |

**Draft Proposed Land Use Table**

P = Permitted
C = Conditional Use
PC = Permitted with Conditions

| LAND USE | R-O | C-O | C-1 | C-2 | C-3 |
|---|---|---|---|---|---|
| Adult day care | C | | | | |
| Amusement parks, outdoor | | | | | C |
| Antique Store | | | P | P | |
| Appliance service and repair | | | | P | |
| Aquarium | | | | | C |
| Art gallery | | | | P | P |
| Art studio | P | | C | P | P |
| Assisted living facility | C | C | | | |
| Automobile rental facility with no on-site storage | P | P | P | P | P |
| Automobile rental facility with on-site storage | | | | PC | P |
| Automobile service and diagnostic facility | | | | PC | PC |
| Automobile, boat, recreational vehicle, or motorcycle, sales and/or leasing | | | | C | P |
| Banks and financial institutions without drive-thru, excluding non-chartered financial institutions | | PC | P | P | P |
| Bar | | | | C | PC |
| Barber shop | | | P | P | |
| Beauty salon | | | P | P | |
| Bingo Hall | | | | | P |
| Bowling alley | | | | P | P |
| Brewery, ancillary to a bar or restaurant | | | | P | P |
| Bus terminals | | | | | P |
| Business, technical, or vocational school | | P | | | |
| Car wash, mechanical, self service | | | | | PC |
| Caretakers quarters | A | A | A | A | A |
| Child care center | | C | C | C | C |
| Cigar Bar or tobacco lounge | | | | P | P |
| Clothing alteration, custom dressmaking or tailor shop | | | P | P | |
| College or university | | | | | PC |
| Commercial racetrack, outdoor | | | | | C |
| Commercial sporting complexes | | | | | C |
| Concert facilities, outdoor | | | | | C |
| Consignment shops | | | P | P | |
| Contractor facility with retail sales | | | | | P |
| Contractor storage yard | | | | | C |
| Convention centers and exhibition halls | | | | | P |
| Dance studio | | | P | P | P |
| Drive-thru uses, including restaurants and financial institutions | | | PC | PC | PC |
| Dry cleaning and laundry establishment, pick-up and drop-off only | | | P | P | P |
| Emergency medical care facility | | P | P | P | P |
| Employment agencies excluding day labor | | P | P | P | P |
| Equipment sales and rental | | | | | P |
| Funeral Home | PC | | | P | P |
| Gas station with or without convenience store | | | | C | PC |
| Halfway House | | | | | |

P = Permitted
C = Conditional Use
PC = Permitted with Conditions

| LAND USE | R-O | C-O | C-1 | C-2 | C-3 |
|---|---|---|---|---|---|
| Health and exercise center | | | PC | P | P |
| Hospitals | | | | | P |
| Hotel or motel | | | | P | P |
| Ice skating rink, indoor | | | | P | P |
| Indoor commercial recreation/entertainment uses not otherwise listed | | | | P | P |
| Laundromat, self-service | | | P | P | |
| Libraries | | | P | P | P |
| Liquor stores | | | | C | |
| Massage therapy (medical) | P | P | P | P | P |
| Massage or day spa | | | P | P | |
| Medical, dental or health offices, clinics and laboratories, excluding plasma centers | P | P | P | P | P |
| Museum and cultural centers | | | | P | P |
| Mini-storage warehouses and personal storage | | | | C | |
| Monument sales and engraving shop | | | | | |
| Movie theater, indoor | | | | P | P |
| Music studio | | | P | P | P |
| Nail salon | | | P | P | |
| Night Club | | | | P | P |
| Non-chartered financial services | | | | C | |
| Outdoor commercial recreational/entertainment uses not otherwise listed | | | | | C |
| Outdoor Dining | | | A | A | A |
| Pawn shop | | | | C | |
| Pet boarding and day care facility | | | | PC | |
| Photographic developing and printing studio | | | P | P | P |
| Places of worship | P | P | P | P | P |
| Plant nursery | | | | | P |
| Plasma centers | | | | C | |
| Pre-schools and similar uses | | | C | C | |
| Professional offices | P | P | P | P | P |
| Public service and non-profit community uses | | C | C | C | |
| Public uses | P | P | P | P | P |
| Public utility buildings, structures, uses, facilities and equipment | PC | PC | PC | PC | PC |
| Real Estate office | P | P | P | P | P |
| Reception centers | | | | C | P |
| Residential, occupied by owner or employee of business on property | P | | | | |
| Residential, upper floor | P | C | C | | PC |
| Resorts | | | | P | P |
| Restaurants, without drive-thru | | C | P | P | P |
| Retail sales of new merchandise within enclosed buildings, excluding liquor stores | | | P | P | P |
| Retail/wholesale sales of lumber, landscaping and building materials, excluding outdoor storage | | | | | P |
| Rodeo grounds, outdoor | | | | | C |

P = Permitted
C = Conditional Use
PC = Permitted with Conditions

| LAND USE | R-O | C-O | C-1 | C-2 | C-3 |
|---|---|---|---|---|---|
| Roller rink, indoor | | | | P | P |
| Shooting range, indoor | | | | P | P |
| Sidewalk Café | | | P | P | |
| Social/private clubs | | | P | P | P |
| Specialty retail, indoor, excluding liquor stores | | | P | P | P |
| Specialty services | | P | P | P | P |
| Stadiums | | | | | C |
| Substance abuse treatment centers | | C | | | |
| Substance abuse detoxification centers | | C | | | |
| Surplus store, thrift store | | | | P | |
| Swimming club, outdoor | | | | | C |
| Tanning salon | | | P | P | |
| Tattoo parlors and body piercing studios | | | | C | |
| Telecommunication Tower | PC | PC | PC | PC | PC |
| Theater, excluding movie theaters | | | C | P | P |
| Ticket and travel agency | P | P | P | P | P |
| Tire sales, repair and mounting | | | | PC | PC |
| Truck stop, including wash | | | | | C |
| Truck, trailer and equipment rental | | | | C | P |
| Veterinary hospital, offices and clinics, excluding animal boarding | | | PC | PC | PC |
| Video arcade or game room | | | | P | P |
| Video Rental | | | P | P | P |
| Wine Bar | | | | P | P |
| Zoo | | | | | C |

## Existing Commercial Zoning Districts purpose statements

**Commercial Office District (C-O):** This district is intended to provide an environment desirable for and conducive to development of office and related uses. In addition, certain other kinds of uses are permitted under conditions and standards, which assure compatibility with a general concentration of office uses, as well as with the residential districts, which often adjoin the C-O District. This district will generally serve to provide a transition from more intensive to less intensive uses and will most frequently occur between commercial and residential districts.

**Neighborhood Commercial District (C-1):** This district is intended to accommodate retail and service establishments satisfying the everyday needs of consumers residing in adjacent neighborhoods. The C-1 Commercial District provides for neighborhood commercial centers having a supermarket as a principal tenant and with a trade area limited generally to adjacent neighborhoods. This district is intended to be the primary type of neighborhood commercial development. It is further intended that C-1 Districts be restricted to the intersection of arterial streets. No one user shall have a building in excess of one hundred thousand (100,000) gross square feet.

**Community Commercial District (C-2):** This district is intended to accommodate development of commercial complexes providing goods and services to a community-wide trade area. It is further intended that such commercial centers shall be planned, developed and managed as integrated complexes with individual users with a building square footage in the range of one hundred thousand (100,000) to two hundred thousand (200,000) gross square feet.

**Major Commercial District (C-3):** This district is intended to accommodate development of large-scale planned commercial complexes providing goods and services to a community-wide and regional trade area. It is further intended that such commercial centers shall be planned, developed and managed as integrated complexes with some individual users with a building square footage in excess of two hundred thousand (200,000) gross square feet.

## Draft Commercial Zone Districts purpose statements

### Residential Office (R-O)

The purpose of the Residential Office (R-O) district is to promote professional and administrative services and live-work uses on small parcels located between higher intensity commercial and multi-use zones and residential zones. Residential Office is most appropriate in and around traditional single-family and multi-family residential developments.

A. Encourage a low-intensity environment for office uses at a residential scale
B. Provide an appropriate transition from single-family residential uses to multi-family residential and non-residential uses
C. Support the adaptive reuse of residential structures with direct access to collector and arterial streets for limited office uses.
D. Encourage development that is consistent with the policies and the guidelines established in any specific plan and the General Plan.

### Commercial Office (C-O)

The purpose of the Commercial Office (C-O) district is to provide an environment desirable for and conducive to development of office and related uses, as well as certain other kinds of uses which assure compatibility with office uses and/or the residential districts that often may abut the C-O district.

A. Provide an environment for office park development with maximum heights as prescribed by General Plan, Freeway Corridor Specific Plan, and North Avondale Specific Plans
B. Provide an area for high-quality employment uses is a campus setting as presented in the Employment designation if the General Plan
C. Allow uses that are compatible with an office park that act as support for the uses within the office park
D. Serve to provide a transition from more intensive to less intensive uses, usually between commercial and residential districts.
E. Encourage development that is consistent with the policies and the guidelines established in any specific plan and the General Plan.

### Neighborhood Commercial (C-1)

The purpose of the Neighborhood Commercial (C-1) district is to accommodate retail and service establishments satisfying the everyday needs of consumers residing in adjacent and nearby neighborhoods.

A. Provide for neighborhood commercial centers with a trade area limited generally to adjacent and nearby neighborhoods.
B. Act as the primary type of neighborhood commercial development.
C. Be located at the intersection of arterial streets with at least one property line directly abutting a residential zone.

D. Have users that generally do not exceed seventy thousand (70,000) gross building square feet.
E. Encourage development that is consistent with the policies and the guidelines established in any specific plan and the General Plan.

**Community Commercial (C-2)**
The purpose of the Community Commercial (C-2) district is to accommodate development of commercial complexes providing goods and services to a community-wide trade area.

A. Encourage commercial centers that are planned, developed and managed as integrated complexes with individual users.
B. Be located so that primary driveways access arterial streets.
C. Include users with a building square footage up to two hundred thousand (200,000) gross building square feet.
D. Encourage development that is consistent with the policies and the guidelines established in any specific plan and the General Plan.

**Freeway Commercial (C-3)**
The purpose of the Freeway Commercial (C-3) district is to promote freeway-oriented services and products with a community-wide to regional trade area while avoiding the disruption of less intensive commercial activities. This zone district is most appropriate along major arterial streets or along or near freeways.

A. Provide an area for large-scale commercial developments while avoiding the disruption of less intensive residential or commercial activities.
B. To create an environment for uses that generally can produce amounts of noise, traffic, and other adverse effects and are of a size that are not compatible with residential development or less intense office and commercial development.
C. Encourage commercial centers that are planned, developed and managed as integrated complexes with individual users.
D. Include users with a building square footage in the range greater than two hundred thousand (200,000) gross square feet.
E. Encourage development that is consistent with the policies and the guidelines established in any specific plan and the General Plan.

# DEVELOPMENT SERVICES

**SUBJECT:**
Text Amendment for Section 6 of the Zoning Ordinance - Planned Area Development District

**MEETING DATE:**
January 14, 2008

**TO:** Mayor and Council

**FROM:** Brian Berndt, Development Services Director (623)333-4011

**THROUGH:** Charlie McClendon, City Manager

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**BACKGROUND:**

As part of a comprehensive update to Avondale's Zoning Ordinance, staff is proposing to amend Section 6, Planned Area Development District.

Section 6 regulates creation, amendment and expiration of the Planned Area Development (PAD) zoning district. The PAD zoning district is a custom zoning district, that encourages imaginative and innovative design. It allows detour from typical development standards when creativity and innovative developments are proposed unique to Avondale.

Many areas of the City are currently zoned PAD. The proposed regulations will not affect existing PADs, with the exception that if an existing PAD wishes to amend, then the new regulations would apply.

Within the past 15 years, requests for rezoning to PAD have out numbered the requests for rezoning to other zoning districts. The importance of this zoning district in the Zoning Ordinance warrants a periodic review and re-evaluation of the regulations. The results of staff's review and re-evaluation are presented herein as proposed amendments to Section 6.

**ANALYSIS:**

The proposed amendments to Section 6 are provided in both a strike-thru-and-underline format with a proposed draft amendment. Staff review and analysis is based upon staff's working knowledge and experience with existing PADs and analysis of proposed PADs through the development process.

The proposed Section 6 addresses three main areas:

1) Vision and purpose

Each paragraph of Section 601 has been re-formatted into user-friendly statements. The re-formatting will provide greater clarity to the applicant, the Council, the Commission with regard to the purpose and intent of the PAD zoning district. A mix of uses, quality and innovation are emphasized.

2) Structure

The existing regulations require a General Development Plan and Program (GDPP), and provide requirements for adoption. Historically, this has resulted in a wide variety of GDPPs in terms of content, organization, clarity and thoroughness. Staff proposes to standardize important areas of development that a PAD should address. The proposed **604 PAD Narrative and Development Plan** provides the framework that all PADs will follow. This will assist applicants by providing direction; aid staff in review and analysis against the Zoning Ordinance; and aid the Planning Commission and City Council by clearly showing what regulations are

being proposed. The proposed PAD Narrative and Exhibits encompass all that the GDPP requires and include areas of development not addressed by the GDPP.

3) Minimum Regulations

1. Throughout the document staff proposes replacing "director," "planning division," "Planning Department," etc. with Zoning Administrator or designee. The other terms are used in the existing Section 6 but are undefined and in some cases no longer exist. The Zoning Administrator is a defined position in Section 1 of the Zoning Ordinance.
2. Staff proposes a minimum threshold of 15 acres to qualify for rezoning to PAD (Section 602.A). Fifteen acres is proposed as a threshold for development to promote the use of the district for specific concepts that are unique to Avondale and developed in areas of the city where innovation and creativity in design is appropriate.
3. Staff proposes language that formalizes the authority of the Zoning Administrator or designee to determined the comparable zoning district most closely resembling that being proposed (Section 602.B). A comparable zoning district is important because it provides staff, Commission and Council with a basis to evaluate the densities, uses, development standards and architecture requirements being proposed by the PAD to what would be allowed by straight zoning.
4. Staff proposes formal language that development shall conform to the adopted PAD zoning district (Section 602.E), and staff proposes formal language that development shall conform to the proposed draft Design Manuals (Section 602.F). The Design Manuals are proposed as a separate set of policies kept and maintained by the Planning Division that potentially will be reviewed and approved by City Council addressing architecture, color, materials and site design.
5. Staff proposes striking existing Section **603 PAD Procedures** that addresse the GDPP because it is replaced with the formalized, structured and more thorough Section **604 PAD Narrative and Development Plan**.
6. Staff proposes five required findings to be met in order to rezone to a PAD (Section 603.A). These five replace and improve upon the two required findings of existing Section 608.
7. The proposed amendments retain the existing language addressing expiration of the PAD zoning, extensions of expirations, and procedures for rezoning the property back to its previous zoning with one exception. Staff proposes that the PAD expire unless a building permit is pulled instead of the existing language. This will better define where the expiration deadline lies, and will ensure that the development that occurs is of a substantial character. The language is moved from existing Section **607 Enforcement** to proposed Section 603.E.
8. The PAD amendment process is retained. Staff proposes that expiration of PAD zoning be tied to a building permit instead of the existing undefined first development unit. Staff proposes formal language authorizing the Zoning Administrator to make the determination of what constitutes a Major Amendment as opposed to a Minor Amendment of a PAD (Section 603.F). Staff proposes language making it clear that Major Amendments must go to Planning Commission and City Council for approval, while Minor Amendments may be approved by staff administratively. And lastly, staff proposes that requests to add a Permitted Use, or change a Conditional Use to a Permitted Use, in a PAD require a Major Amendment of that PAD.
9. In proposed Section 604, staff provides the framework that all PAD Narratives and Exhibits will follow. It requires that the applicant address each section, thus ensuring that staff, Commission and Council receives thorough and clear PAD zoning district regulations.
10. Staff proposes preferred mechanisms for applicants to achieve residential densities greater than the "Target Density" listed in the General Plan for the subject property (Section 604.C).
11. Staff proposes that the minimum difference in residential lot sizes in a PAD be 2000 square feet and 10 feet width. This is an increase of the existing standards of 500 square feet and a 5 foot width of **Section 609.1.f.2**.
12. Staff proposes increasing the minimum open space requirement from 10% to 15%, keeping with the open space standards proposed in the draft Design Manuals (Section 604.E). What does and does not qualify as open space is substantially retained with minor changes and two additions (one of each).
13. Staff proposes that the PAD Narrative identify, justify and mitigate each proposed standard that does not meet the standards of the Zoning Ordinance (Section 604.K). This will help staff, Commission and Council identify where the proposed standards deviate from the straight zoning districts.

14. Staff proposes a set of exhibits that the applicant must provide in order to illustrate key development areas (Section 604.L). This standardization will ensure that staff, Commission and City Council receives the necessary information in a user-friendly format.
15. Lastly, staff proposes striking existing Section **609 Design Review Criteria** because a) all of the minimum site standards will be based upon the comparable zoning district, and b) many of the design standards will be addressed in the draft Design Manuals.

## RECOMMENDATION:

This item is presented for discussion and Council direction only. No action is needed.

## ATTACHMENTS:

**Click to download**

- Section 6 PAD Strike-thru-and-underline
- Section 6 PAD Clean copy

## PROJECT MANAGER:

Eric Morgan, Planner II

SECTION 6
PLANNED AREA DEVELOPMENT DISTRICT

601 Purpose

The purpose of the Planned Area Development (PAD) District is to ~~enable and encourage the planned~~ **promote the** development of ~~large and small tracts of land which are under unified ownership and control, or lands which by reason of existing or planned uses are appropriate for development under this Section, so as to achieve land development patterns which will maintain and enhance the physical, social and economic values of an area.~~ **mixed use developments and/or single family residential subdivisions that include residential, commercial or business park development according to an overall plan. A PAD should:**

~~To this end, there may be provided within such areas a combination of land uses, including a variety of residential types, commercial, industrial, public and semi-public areas, arranged and designed in accordance with modern land planning principles and other development techniques; and in such a manner as to properly relate to each other, the surrounding community, the planned thoroughfare system, and other public facilities such as water and sewer systems, parks, schools, and utilities.~~

~~The Planned Area Development District and procedures are further established to provide a land developer with reasonable assurances that specific uses proposed from time to time, if in accordance with an approved development plan, will be acceptable to the City Council and to provide the Planning Commission and the City Council with a long-term proposal for the development of a given area.~~

~~This zoning district may only be developed in accordance with a specific development plan. The approved development plan is an integral part of this zoning district and all development shall comply with said plan. The district shall also be an instrument for implementation of the City's Comprehensive Plan.~~

**A. Encourage imaginative and innovative planning principles by providing greater flexibility in design.**

**B. Establish commercial developments or residential neighborhoods that have a distinct character and an established sense of place.**

**C. Create residential communities with a mix of lot sizes and complementary uses.**

**D. Provide a process which relates the architecture, urban design and scale of the project which relate to the unique characteristics of the site.**

**E. Require the nature and intensity of development to be supported by adequate utilities, transportation, drainage, and usable open spaces to serve the development and to minimize impact on existing or future adjacent development.**

**F. Encourage the provision of useable open space within the development.**

**G. Encourage development that is consistent with the policies and the guidelines established in any specific plan and the General Plan.**

602 General Provisions

A. ~~Qualifications. A PAD District may be established on any parcel of land.~~ **Minimum acreage. A PAD district shall comprise not less than 15 acres. Existing right-of-way shall not be counted towards satisfying the minimum acreage, but future dedicated right-of-way shall.**

B. ~~Property~~ **PAD Uses and** Development Standards. **All uses and development standards in a PAD district shall be established through the rezoning approval process.** All ~~land~~ uses **and development standards** ~~in~~ **of** a PAD District shall conform to ~~the property development standards of~~ **a** comparable zoning district~~s~~**, or districts,** ~~established in the City of Avondale Zoning Ordinance~~ **except where explicitly modified by the approved PAD Narrative**. ~~The permitted uses allowed, the yard, height, and area requirements, and other requirements within the PAD District shall be those permitted or required in the comparable zoning district, except where modified as hereinafter provided.~~ The ~~City Planner~~ **Zoning Administrator or designee** shall determine~~, primarily on the basis of proposed use and density, which of~~ the **comparable zoning** district**(**s**)** ~~of this Ordinance are most closely comparable to the~~ **based upon the land use designation, the General Plan,** proposed uses~~.~~**, densities and other facts as appropriate. The approved PAD Narrative shall state uses, development standards, and shall provide justification and mitigation for development standards that deviate from the Zoning Ordinance.**

C. **Modification of** Development Standards ~~Modification Procedures~~. ~~Where necessary to insure compatibility of buildings and uses with each other and with off-site properties,~~ **Based on a recommendation of the Planning Commission,** the **City** Council may eliminate otherwise permitted uses in any comparable district **and may specify modification of the regulations, requirements, and standards that might be otherwise permitted by the comparable zoning district**. ~~The Council may specify modification of the regulations, requirements, and standards, including but not limited to, conditioning the zoning upon maximum densities, maximum building heights, maximum lot coverage, and greater setback requirements than might be otherwise permitted by the comparable zoning district.~~ Any modification of development standards shall produce an environment equal to ~~or superior to~~ that produced by existing standards.

D. Coordination With Subdivision Regulations. It is the intent of ~~the PAD District~~ **these regulations** that ~~subdivision~~ **the** review ~~under the~~ **of the requirements of the** City of Avondale Subdivision Ordinance be carried out simultaneously with the review of the PAD. ~~Development plans submitted under this Section shall, whenever feasible, be submitted in a form which will satisfy the requirements of the Subdivision Ordinance.~~

**E. Conformance. All approved plans, documents and permits shall conform to the approved PAD Narrative.**

**F. Design Standards. Site layout, architecture and landscaping shall be consistent with the Design Manuals as maintained by the Zoning Administrator or designee.**

~~603 PAD Procedures.~~

A. ~~Introduction. The review and approval of a PAD District shall consist of a two-step process composed of (1) a General Development Plan and Program and (2) a Final Development Plan(s). The General Development Plan and Program is intended to provide the City with enough information about the character of the PAD to permit an amendment to the zoning map. Once the General Development Plan and Program is approved, Final Development Plans may then be processed for all or part of the PAD. The Final Development Plan requires more detailed information consistent with the requirements of the City's Subdivision Ordinance or the Site Plan Review Section (Section 106) of this Ordinance, depending on the type of uses or size of the~~

~~development unit.~~

~~B. Application for PAD District~~

~~An application for the PAD District shall conform to Section 110: Application and Fees and shall include the following additional materials:~~

~~1. A General Development Plan showing at least the following:~~

~~a. the boundaries and approximate acreage of each development unit;~~

~~b. the proposed zoning, land use and acreage of each development unit, keyed to comparable zoning districts;~~

~~c. the approximate location of major and collector streets;~~

~~d. the approximate location of public uses proposed, such as schools, parks, playgrounds, drainageways, trails, or other recreation facilities;~~

~~e. the topography of the site.~~

~~2. A Development Program consisting of text, maps, and other materials describing the PAD including;~~

~~a. the number of dwelling units by type and density;~~

~~b. the standards of development and types of uses proposed keyed to comparable zoning districts;~~

~~c. proposed modifications to comparable zoning districts;~~

~~d. preliminary concepts for accommodation of storm drainage, sanitary sewer, and domestic water systems;~~

~~e. a statement of the applicant's purpose and objectives of the project;~~

~~f. a generalized landscape and open space plan including perimeter treatments of the PAD;~~

~~g. a development phasing schedule;~~

~~h. other material required to properly evaluate the PAD dependent on the size and scope of the project.~~

~~C. Processing of General Development Plan and Program~~

~~The General Development Plan and Program shall be processed in accordance with Section 109: Zoning Ordinance Amendments, and~~

~~shall be subject to all public notice and hearing requirements contained therein.~~

~~D. Processing of Final Development Plans~~

~~Upon approval of the General Development Plan and Program, Final Development Plans for all or part of the PAD District may be filed. Final Development Plans shall be submitted in accordance with Section 106, Site Plan Review in the case of multi-family, commercial, or industrial development units, or in accordance with the City Subdivision Ordinance in the case of large-scale development units or single-family uses. The Planning Commission and City Council shall review and approve all Final Development Plans within PAD Districts. All Final Development Plans shall be in conformity with the approved General Development Plan and Program.~~

~~604~~ **603** Establishment of PAD District

**A. Required Findings. The City Council, based on a recommendation of the Planning Commission, may approve an amendment of the Zoning Map of the City of Avondale upon determining all of the following findings:**

1. **The proposed PAD is in conformance with the General Plan and applicable specific area plan(s).**

2. **The proposed PAD meets the PAD requirements of the Zoning Ordinance, Subdivision Ordinance and other applicable regulations and requirements.**

3. **There exists adequate public infrastructure and services to serve the proposed PAD development.**

4. **The proposed PAD will result in compatible land use relationships.**

5. **The development standards of the proposed PAD are consistent with the desired character of development for the area.**

~~A.~~**B. Approval.** ~~Upon approval of the General Development Plan and~~

~~Program,~~ **With a recommendation from the Planning Commission, the City Council shall approval by ordinance an amendment of** the Zoning Map of the City of Avondale ~~shall be amended by ordinance to reflect the PAD District designation on the subject property~~ **to reflect the establishment of a PAD district on the subject property.**

**C. Stipulations of Approval. Stipulations of the ordinance establishing a PAD district shall become part of the regulations governing the use and development of the PAD.**

~~B.~~**D. PAD Regulations.** ~~The Development Program submitted as part of the PAD application~~ **The PAD Narrative** shall become part of the regulations governing the use and development of the PAD and shall be adopted as part of the ~~map amendment as outlined in Subsection A above~~ **Zoning Map**.

~~C. All conditions, modifications, and requirements of approval of the General Development Plan and Program imposed by the City Council, which are not included in written documentation submitted as part of the PAD application, shall become part of the regulations governing the use and development of the PAD.~~

~~D. The specific zoning classification for a development unit shall vest concurrently with final site plan and/or subdivision approval for that unit. No building permits shall be issued on land within a PAD until a Final Development Plan for the development unit has been approved.~~

~~E. Prior to approval of a Final Development Plan for the first development unit, the following additional information shall be submitted and approved:~~

~~1. conceptual master drainage plan;~~

~~2. master street plan for all major and collector streets abutting or within the site;~~

~~3. master water and sanitary sewer plans;~~

~~4. conditions, covenants, and restrictions for the project.~~

**E. Expiration.**

1. **A building permit shall be issued for a building of substantial character in the first phase of development within two (2) years of the date upon which the PAD District amendment was approved. The City Council may,**

**upon request and for good cause, extend for one (1) additional year the period of commencement of development.**

2. **Failure to commence development within the time limits herein shall cause the PAD District classification to become null and void. Thereafter, the City Council shall initiate an amendment to the zoning map to revert the zoning classification to its prior designation.**

3. **The Zoning Administrator or designee shall monitor development of the PAD to ensure compliance with the development phasing schedule. At such time that the Planning Commission determines that development is not proceeding in accordance with the schedule, a hearing shall be held to determine the cause of such delay. No further vesting of zoning or approval of final site plans or subdivisions plats shall occur for that portion of the PAD in non-compliance with the General Development Plan and Program until resolution is agreed upon by the commission and City Council.**

    a. **The commission may determine good cause exists for delay in the development of the PAD and may entertain an application to amend the PAD development schedule.**

    b. **Should the commission determine good cause does not exist for the delay, the commission may impose additional restrictions and conditions on the PAD.**

    c. **The City Council shall hold a public hearing to affirm or overrule the results of the commission's deliberations.**

~~605~~ **F.** ~~Amendments to the PAD~~ **Amendment. The Zoning Administrator or designee shall determine whether a proposed deviation from the approved PAD district is a Major or Minor Amendment. Major Amendments shall require City Council approval with advice and recommendation of the Planning Commission. Minor Amendments shall require administrative approval by the Zoning Administrator or designee only.**

~~Any amendments or modifications to the General Development Plan and Program shall be in accordance with the following procedures.~~

~~A.~~ **1.** Major Amendment~~s~~**.** The following ~~changes to the approved General Development Plan and Program~~ shall be considered ~~major if they involve any one of the following~~ **a Major Amendment of the PAD District**:

~~1.~~**a.** ~~an~~ **An** increase in the ~~approved totals~~ **number** of dwelling units or in the acreages devoted to commercial or industrial uses;

~~2.~~**b.** ~~a~~ **A** significant change in boundary lines of development units;

~~3.~~**c.** ~~any~~ **Any** change which could have significant impact on areas adjoining the PAD;

~~4.~~**d.** ~~any~~ **Any** change which could have a significant traffic impact on roadways adjacent or external to the PAD~~.~~**; and**

**e. Adding a permitted use or conditional use where it was not a permitted or conditional use previously, or changing a conditional use to a permitted use.**

~~B.~~ **2.** Minor Amendment~~s~~**.** All amendments ~~deemed minor by the City Planner shall be reviewed and approved administratively by the City Planner upon finding that the amendment is in substantial conformance to the approved General Development Plan and Program~~ **of a PAD district not determined to be Major Amendments shall be a Minor Amendment**.

**604 PAD Narrative and Development Plan.**

**The narrative text will provide uses and development standards for the PAD district. The PAD Narrative shall be both prescriptive and concise.**

**The PAD narrative shall conform in formatting and organization to the PAD application maintained by the Zoning Administrator or designee. The PAD Narrative shall sufficiently address all of the following as individual sections:**

**A. Introduction and Opening Statements**

**1. Describe the general location within the City, the property boundaries and the surrounding properties.**

2. Identify the land use designation(s) of the subject property in the General Plan, the current zoning and the improvements existing on the subject property (for example, vacant or buildings to be demolished).

3. Provide the following statement - "The requirements of the Zoning Ordinance, as amended, and Avondale Subdivision Ordinance, as amended, shall apply except where explicitly given herein by this PAD."

B. Proposed Uses.

1. List Permitted Uses.

2. List uses permitted with a Conditional Use Permit.

3. Provide the following statement - "All uses not specifically provided for herein are prohibited." Do not list Prohibited Uses.

C. Density. (Residential only)

State the density for the overall project as well as the densities of each specific development subsection or neighborhood.

The density shall not exceed the Target Density identified in the General Plan unless justification and mitigation are provided (see below). In no case shall the maximum density identified in the General Plan be exceeded.

D. Development Standards.

State development standards that deviate from the Zoning Ordinance. In the case where no development standard is provided in the PAD Narrative, the Zoning Administrator shall determine the applicable development standard to apply.

1. Single-family residential developments shall provide different sizes of lots.

   a. Lot size differential in residential single-family detached subdivisions shall be a minimum of two-thousand (2000) square feet lot area and a minimum of ten (10) feet lot width.

~~606~~ **E.** ~~Common~~ **Usable Active** Open Space. **(Residential only)**

~~Common~~ **Usable active** open space ~~and recreation areas~~ **that is attractive** shall be an integral part of a PAD where residential uses are included ~~in the project~~. **Usable active open space shall be provided in an amount comparable to the size of the development.** ~~The following standards shall apply.~~

~~A.~~ **1.** A minimum of ~~ten (10)~~ **fifteen (15)** percent of the ~~total gross area of the~~ **net** development shall be ~~reserved~~ **provided** as ~~common open space and/or recreational areas~~ **usable active open space**. ~~The minimum size of an open space area counting towards this requirement shall be 5,000 square feet.~~

~~1.~~ **2.** Areas that ~~may be included in the calculation~~ **shall count as usable active** of open space ~~shall include the following~~ **in proportion to the improved area as follows**:

a. Dedicated park sites**, provided that the location, size and geometry are acceptable to the City**~~.~~**;**

b. **Easements** ~~D~~**d**edicated ~~separate right-of-way~~ **to the public** for ~~bike paths~~ **bicycle**, equestrian and hiking trials~~.~~**;**

c. Private Park and recreation areas **dedicated to, and maintained by, a Home Owners Association on a plat** that meet**S** ~~minimum~~ **the** park improvement standards as determined by the ~~Development Services Director~~ **Zoning Administrator** or designee~~.~~**;**

d. ~~Reserved or dedicated s~~**S**teep slope areas **reserved or dedicated on a plat**~~.~~**;**

e. ~~Golf course areas for not more than~~ **Up to a maximum of fifty (**50%**)** percent of ~~the required usable open space~~ **an area identified as a golf course**~~.~~**;**

f. **Stormwater** ~~Retention~~ **detention** and ~~F~~**f**loodway areas**,** ~~may be counted as open space when improved with a combination of the following amenities. Said improvements shall be protected from periodic flooding as determined by the Development Services~~

~~Director or designee.~~ **but only those proportions containing the following types of improvements:**

(1) Basketball, tennis, ~~or~~ **and** racquetball courts~~.~~**;**

(2) Baseball, softball, **and** soccer fields~~.~~**;**

(3) ~~Pedestrian m~~**M**ulti-use ~~paths and~~ trails~~.~~**;**

(4) Tot lots~~.~~ **with playground equipment;**

(5) Ramadas with a barbeque area~~.~~**; and**

**(6) Un-sloped turfed areas.**

~~2.~~ **3.** Areas that ~~may~~ **shall** not be counted as **usable active** open space ~~include the~~ **are as** follow~~ing~~**s**:

**a. Areas less than five-thousand (5000) contiguous square feet;**

~~a.~~**b.** ~~Dedicated streets, alleys, and other p~~**P**ublic rights-of-way, ~~except as provided above,~~ **dedicated streets and alleys,** vehicular drives, parking, loading, and storage areas~~.~~**;**

~~b.~~**c.** Required setback areas~~.~~**;**

~~c.~~**d.** ~~Reservation of a s~~**S**chool ~~or~~ **and** park site**s** ~~for which the City or school district shall be~~ **that** required~~d~~ ~~to~~ purchase **of the land**~~.~~**;**

~~d.~~**e.** Areas reserved for the exclusive use or benefit of an individual owner or tenant~~.~~**;**

~~e.~~**f.** Concrete or rock lined areas designed primarily for the conveyance of water~~.~~**;**

**g. Utility corridor easements, unless substantially improved to make the area usable for outdoor activities. Only that portion substantially improved shall be counted as active usable open space.**

~~3. The dedication statement on the final plat shall include provisions reserving all open space and retention areas as tracts, providing for the maintenance of such areas~~

~~and adjacent right-of-way by an established home owners association, and precluding such areas from future development.~~

~~4. Development within any infill area as designated by the City of Avondale Infill Incentive Plan that is not more than 30 gross acres is exempt from the open space requirements stated in Section 606. However, retention/detention areas shall be improved with at least two of the amenities listed above in Section 606.A.1.f.~~

~~B.~~**4.** ~~Common~~ **Usable active** open space areas shall be provided ~~and improved by the applicant or project owner~~ at a rate equal to or greater than the rate of construction of residential ~~uses~~ **areas**.

**F. Architectural Design.**

**G. Landscaping.**

**Prescribe landscaping provided along street frontages, around the property perimeter, internal to the site and in parking areas.**

**H. Perimeter and Internal Walls, Gates & Entry Features.**

**I. Signage.**

**J. Maintenance of Common Spaces and Adjacent Rights-of-way.**

**1. A dedication statement on the plat shall identify and reserve usable active open space areas as tracts, or easements as deemed appropriate by the Zoning Administrator or designee, and provide for the maintenance of the areas by a Home Owners Association.**

**2. A statement shall also be placed on the plat stating that landscaping in adjacent rights-of-way areas shall be maintained by the Home Owners Association.**

**K. Justification and Mitigation.**

**Justification and mitigation is required for proposed standards that do not meet the standards of the Zoning Ordinance.**

**L. Exhibits.**

**Provide the following exhibits at the end of the document. Additional exhibits may be provided if desired.**

**1. Development Plan.**

**a. Property boundary.**

**b. Areas designating lots sizes, densities and/or uses.**

**c. Circulation. Show arterial and collector streets, and vehicular and pedestrian circulation routes.**

**d. Parks and school sites.**

**2. Development Phasing Schedule. Include a schedule for the phasing of the development that includes the following:**

**1. Type of development.**
**2. Density.**
**3. Floor Area Ratios for each phase.**
**4. Map of the development designating the phases and sequence of development.**

**3. Open Space and Amenities. Location and acreage of usable active open space as well as listing amenities to be provided.**

**4. Required Findings. Address each of the Required Findings individually, and demonstrate how the proposed PAD complies with each.**

~~607 Enforcement~~

~~A. Development of the first development unit shall commence within two (2) years of the date upon which the PAD District amendment was approved. The City Council may, upon request and for good cause, extend for one (1) additional year the period for commencement of development.~~

~~B. Failure to commence development within the time limits in Subsection A above shall cause the PAD District classification to become null and void. Thereafter, the City Council shall initiate an amendment to the zoning map to revert the zoning classification to its prior designation.~~

~~C. The Planning Department shall monitor development of the PAD to ensure compliance with the development phasing schedule. At such time that the Planning Commission determines that development is not proceeding in accordance with the schedule, a hearing shall be held to determine the cause of such delay. No further vesting of zoning or approval of final site plans~~

~~or subdivision plats shall occur for that portion of the PAD in non-compliance with the General Development Plan and Program until resolution is agreed upon by the Commission and City Council.~~

~~1. The Commission may determine good cause exists for delay in the development of the PAD and may entertain an application to amend the PAD development schedule.~~

~~2. Should the Commission determine good cause does not exist for the delay, the Commission may impose additional restrictions and conditions on the PAD.~~

~~3. The City Council shall hold a public hearing to affirm or overrule the results of the Commission's deliberations.~~

~~Section 608: Findings~~

~~At the time of approval of a PAD District, the City Council must find:~~

~~A. That the PAD is in substantial conformance with the Comprehensive Plan of the City and can be coordinated with existing and planned development of surrounding areas.~~

~~B. That the streets and thoroughfares proposed are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated.~~

~~Section 609: Design Review Criteria~~

~~The purpose of a design review process is to promote public and private efforts towards improving the City of Avondale character and image. The intent of the design review process is to encourage development which is attractive, while compatible with surrounding architecture. This process is accomplished by applying design policies to proposed development site plans, building quality, architecture, landscaping design, signage, and compatibility with the surrounding community. The design review process assists in the preservation the City's unique character, benefiting property values, vitality of business, and the maintenance of the tax base for government agencies and schools.~~

~~1. In reviewing any single family detached residential application for approval, the following criteria shall be considered:~~

~~a. All materials used in constructing, finishing, or accenting any building, structure, or sign shall be of concrete materials such as tile, stucco or architectural~~

~~block (as to discourage smooth-face block) and be compatible with any material used in buildings, structures and/or signs in the general proximity to the applicant's property.~~

~~b. The on-site and off-site adjacent Right-Of-Way placement of all power utility lines (less than 69KV) and irrigation ditches shall be underground.~~

~~c. The overall design of the building, structure, sign, and site shall not adversely affect the present or potential development of the nearby sites, and shall conform to California Mission, Santa Fe, or Southwestern architectural style. All buildings shall use earth tones~~

~~for exterior colors, except for California Mission style, which can use white.~~

~~d. On-site illumination shall be architecturally compatible with the overall project and shall not create any negative visual effects to surrounding property (See Section 504.D.3).~~

~~e. Any principal building should not be less than twelve hundred (1,200) square feet of habitable living area; garages or other areas of similar type usage shall not be included in the area considered as habitable living area, even if such buildings are attached to the principal building.~~

~~f. All single-family residential developments shall have a minimum lot area of 6,000 square feet and a minimum lot width of sixty (60) feet, and meet the following requirements:~~

~~1. All lots between 6,000 and 10,000 square feet in area shall have a minimum side yard setback of eight (8) and ten (10) feet for a total requirement of 18 feet. All lots greater than 10,000 square feet in area shall have a minimum side yard setback of ten (10) feet for a total requirement of (20) feet.~~

~~2. All development shall have a minimum of three (3) different lot sizes. The number of lots for any given lot size shall not be less than 20% or more than 40% of the total lots provided. However, development within any infill area as designated by the City of Avondale Infill Incentive Plan that is not more than (30) gross acres shall have a minimum~~

~~of two (2) different lot sizes. For the purposes of this provision, the minimum difference in lot size shall be five hundred (500) square feet and the minimum difference in lot width shall be five (5) feet.~~

~~3. The City Council may grant deviations for cluster developments, town homes, and other unique projects that exceed open space requirements, shows exceptional design and variation, and/or provide exceptional public amenities.~~

~~g. No more than (15%) of the total housing project should contain homes less than (1,300) square feet in size.~~

~~h. A minimum of three (3) elevations for each house plan is required. No adjacent home or home directly across the street shall have the same elevation or roofline. The roofline can be changed by the following options:~~

~~1. alternating the ridgeline from parallel to perpendicular, or vice versa, to the street.~~

~~2. alternating the roof line between flat and pitched.~~

~~3. alternating the roofline between vaults and pitches~~

~~4. alternating between a one (1) and two (2) story home.~~

~~i. For all pitched roofs, homebuilders shall provide at least twelve (12) inches of roof overhang (eave) to all walls of single-family homes.~~

~~j. Home builders shall offer homebuyers not less than six (6) house color combinations, three (3) tile colors, and two (2) tile types. Exterior colors shall be southwestern earth tones.~~

~~k. Home builders shall upgrade the appearance of rear or side elevations that are along an arterial or collector street and open space areas along an arterial or collector street. This can be accomplished by adding pop-out or recess window treatments, decks, fireplaces, staggered walls or overhangs to the structure.~~

~~l. Rear yard setbacks for lots backing on to arterial roads shall be a minimum of thirty (30) feet from R.O.W. line. Lots that are side loaded shall have a minimum of a ten (10) feet side yard setback.~~

~~m. Curvilinear streets are required for all lot areas of less than five thousand (5,000) square feet lots. Homebuilders shall stagger front and rear yard setbacks by three (3) feet for all lots less than (5,000) square feet.~~

~~n. Home builders shall provide arterial, collector, and local street improvements to Public Works standards. ROW dedications shall be as follows:~~

| | |
|---|---|
| ~~1. Major Arterial~~ | ~~130'~~ |
| ~~2. Arterial~~ | ~~110'~~ |
| ~~3. Major Collector Street~~ | ~~110'~~ |
| ~~4. Collector Street~~ | ~~60'~~ |
| ~~5. Major Local Street~~ | ~~80'~~ |
| ~~6. Local Street~~ | ~~50'~~ |

~~i. Direct residential driveway access from arterial and collector streets shall be prohibited.~~

~~ii. All collector streets shall include an eight (8) foot P.U.E. (Public Utility Easement) outside of the right-of-way.~~

~~o. Enhanced entry features shall be provided to create a distinct identity for the development. This may include additional landscape tracts, planters, special landscaping, feature lighting, monuments or upgraded walls with integral signage, decorative paving, landscape medians, artwork, sculpture, or a water feature as determined at the time of development approval. The entry features must compliment the overall design of the subdivision and distinguish between primary and secondary entrances. All entry features shall be owned and maintained by a homeowners association.~~

~~2. A homebuilder shall create and record a set of covenants, conditions, and restrictions, establishing a homeowner's association, which shall be responsible for the maintenance of all landscaping in all common areas and ROW. The following are landscaping design requirements which shall be included in a development's CC& R's:~~

~~a. Landscaping (ADWR-approved) at one (1) tree and two (2) shrubs per twenty (20) feet of linear frontage along arterial or collector streets. Mounding and contouring of landscaped areas is required.~~

~~b. A landscaping package for each home shall be provided by the home builder consisting of a minimum of two (2) fifteen (15) gallon trees.~~

~~c. Inorganic ground cover, specifically decomposed granite, shall be three-fourth (3/4) inch minus for all arterial and collector right-of-way landscaping areas. For properties within the Old Town Avondale business district, the color of the decomposed granite shall be Jesse Red or equivalent.~~

~~3. All perimeter theme walls shall be in accordance with the "City Standard Wall" adopted by the City. All residential walls that front along arterial and collector streets be a combination of six by eight by sixteen (6x8x16) inch smooth face scored block and eight by eight by sixteen (8x8x16) architectural block as seen in design standards. Walls that border common open space shall be six by eight by sixteen (6x8x16) block and shall match the perimeter theme wall. Dully walls shall be used only for side yards and rear yards and consist of four by eight by sixteen (4x8x16) inch block.~~

~~A. Common Design Elements~~

~~Wall Bordering arterial and collector streets shall have:~~

~~1. stained and sealed block and be two-tone in color (southwestern earth tone only).~~

~~2. a cap block eight by eight by sixteen (8x8x16) architectural block.~~

~~3. three bottom courses of eight by eight by sixteen (8x8x16) architectural block.~~

~~4. a geometric pattern consisting of architectural block to be repeated every at least every one hundred fifty (150) feet.~~

~~5. a decorative column at least every three (300) hundred feet consisting of architectural block.~~

~~B. The construction specifications must include the following:~~

~~1. eight by eight by sixteen (8x8x16) CMU solid masonry block construction with architectural block finishes.~~

~~2. a maximum thirty (30) feet spacing of complete wall expansion/construction joints.~~

~~3. two greased, smooth steel dowels per wall expansion/construction joint.~~

~~4. bottom of trench for wall footing to be compacted and to be tested for maximum density of ninety-five (95%) percent every five hundred (500) feet.~~

~~5. the top block row shall be a steel reinforced continuous bond beam, grouted solid with No. 4 steel rebar minimum.~~

~~6. elevation drops in the wall shall be limited to one (1) block height eight (8) inches at a time and only at the wall expansion/construction joints. The wall footing shall be stepped accordingly.~~

~~7. wall footing shall be steel reinforced and have a cross section of a minimum sixteen (16) inch wide and eight (8) inches high.~~

~~Walls with the footing bottom to be a minimum of eighteen (18) inches below finished grade Number Five (5) steel rebar minimum.~~

~~8. block wall shall have solid grouted cells vertically with steel reinforcing located at a maximum of every forty eight (48) inch O.C. (On Center) No. 4 steel rebar minimum.~~

~~9. block wall horizontal steel reinforcing shall use No. nine (9) gauge wire in the joint at sixteen (16) inches O.C.~~

~~10. wall shall be designed using a minimum of fifteen (15) PSF wind load. Allowable soil pressure is an assumed one thousand five hundred (1,500) PSF, subject to geotechnical verification.~~

~~11. footing concrete shall be minimum MAG Class B (2,500 psi at 28 days), width maximum five (5) inch slump.~~

~~12. wall grout to be two thousand (2,000) psi.~~

~~13. wall height to be at least six (6) feet high from finished grade or top of concrete sidewalk if~~

~~closer than twenty (20) feet.~~

~~14. developer/owner shall provide for location and elevation construction staking and for the geotechnical soil, concrete and grout testing as reasonably required by the City Public Works Department.~~

~~4. In reviewing any commercial application for approval, the following criteria shall be considered:~~

~~a. All materials used in constructing, finishing or accenting any building, structure, or sign shall be concrete materials such as tile, stucco, block and architectural block (as to discourage smooth-face block). Further, all materials must be compatible with any material used in buildings, structures and/or signs in the general proximity to the applicant's property.~~

~~b. The special treatment of doors, doorways, windows, and walkways shall be required to provide relief, shadow, and shade whenever possible and be architecturally homogenous with the overall project.~~

~~c. The on-site and off-site adjacent Right-Of-Way placement of all power utility lines (less than 69KV) and irrigation ditches shall be underground.~~

~~d. The overall design of the building, structure, sign, site, and canopy shall conform to California Mission, Santa Fe, or Southwestern architectural style. All buildings shall use southwestern earth tones for exterior colors, except for California Mission style, which can use white.~~

~~e. On-site illumination shall be architecturally consistent with the overall project and southwest architectural style of the area, including the use of southwestern colors, textures and the use of back lighting. No lighting can be used to create negative visual effects to the surrounding residential area (Section 504.D.3).~~

~~5. All commercial screen and buffer walls shall be in accordance with section 609.3.B. (The "City Standard Wall") adopted by the City. Commercial walls shall also include the following design elements:~~

~~a. stained and sealed block in earth tone colors only.~~

~~b. all block type shall be eight by eight by sixteen~~

~~(8x8x16) block.~~

~~c. three (3) foot parking lot screen walls shall include a geometric pattern consisting of architectural block to be repeated at least every one hundred fifty (150) feet.~~

~~d. six (6) foot rear or side buffer walls shall be finished to match the architecture of the primary structure.~~

# SECTION 6
# PLANNED AREA DEVELOPMENT DISTRICT

**601 Purpose.**

The purpose of the planned area development (PAD) district is to promote the development of mixed use developments and/or single family residential subdivisions that include residential, commercial or business park development according to an overall plan. A PAD should:

A. Encourage imaginative and innovative planning principles by providing greater flexibility in design.

B. Establish commercial developments or residential neighborhoods that have a distinct character and an established sense of place.

C. Create residential communities with a mix of lot sizes and complementary uses.

D. Provide a process which relates the architecture, urban design and scale of the project which relate to the unique characteristics of the site.

E. Require the nature and intensity of development to be supported by adequate utilities, transportation, drainage, and usable open spaces to serve the development and to minimize impact on existing or future adjacent development.

F. Encourage the provision of useable open space within the development.

G. Encourage development that is consistent with the policies and the guidelines established in any specific plan and the General Plan.

**602 General Provisions.**

A. **Minimum acreage.** A PAD district shall comprise not less than 15 acres. Existing right-of-way shall not be counted towards satisfying the minimum acreage, but future dedicated right-of-way shall.

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B. **PAD uses and development standards.** All uses and development standards in a PAD district shall be established through the zoning approval process. All uses and development standards of a PAD district shall conform to a comparable zoning district, or districts, except where explicitly modified by the approved PAD Narrative. The Zoning Administrator or designee shall determine the comparable zoning district(s) based upon the land use designation, the General Plan, proposed uses, densities and other facts as appropriate. The approved PAD Narrative shall state uses, development standards, and shall provide justification and mitigation for development standards that deviate from the Zoning Ordinance.

C. **Modification of development standards.** Based on a recommendation of the Planning Commission, the City Council may eliminate otherwise permitted uses in any comparable district and may specify modification of the regulations, requirements, and standards than might be otherwise permitted by the comparable zoning district. Any modification of development standards shall produce an environment superior to that produced by existing standards.

D. **Coordination with subdivision regulations.** It is the intent of theses regulations that the review of the requirements of the City of Avondale Subdivision Ordinance be carried out simultaneously with the review of the PAD.

E. **Conformance.** All approved plans, documents and permits shall conform to the approved PAD Narrative.

F. **Design Standards.** Site layout, architecture and landscaping shall be consistent with the Design Manuals as maintained by the Zoning Administrator or his designee.

**603 Establishment of a PAD District.**

A. **Required Findings.** The City Council, based on a recommendation of the Planning Commission, may approve an amendment of the Zoning Map of the City of Avondale upon determining all of the following findings:

1. The proposed PAD is in conformance with the General Plan and applicable specific area plan(s).

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2. The proposed PAD meets the PAD requirements of the Zoning Ordinance, Subdivision Ordinance and other applicable regulations and requirements.

3. There exists adequate public infrastructure and services to serve the proposed PAD development.

4. The proposed PAD will result in compatible land use relationships.

5. The development standards of the proposed PAD are consistent with the desired character of development for the area.

B. **Approval.** With a recommendation from the Planning Commission, the City Council shall approve by ordinance an amendment of the Zoning Map of the City of Avondale to reflect the establishment of a PAD district on the subject property.

C. **Stipulations of Approval.** Stipulations of the ordinance establishing a PAD district shall become part of the regulations governing the use and development of the PAD.

D. **PAD Regulations.** The PAD Narrative shall become part of the regulations governing the use and development of the PAD and shall be adopted as part of the Zoning Map.

E. **Expiration.**

1. A building permit shall be issued for a building of substantial character in the first phase of development within two (2) years of the date upon which the PAD District amendment was approved. The City Council may, upon request and for good cause, extend for one (1) additional year the period of commencement of development.

2. Failure to commence development within the time limits herein shall cause the PAD District classification to become null and void. Thereafter, the City Council shall initiate an amendment to the zoning map to revert the zoning classification to its prior designation.

3. The Zoning Administrator or designee shall monitor development of the PAD to ensure compliance with the

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development phasing schedule. At such time that the Planning Commission determines that development is not proceeding in accordance with the schedule, a hearing shall be held to determine the cause of such delay. No further vesting of zoning or approval of final site plans or subdivisions plats shall occur for that portion of the PAD in non-compliance with the General Development Plan and Program until resolution is agreed upon by the commission and City Council.

a. The commission may determine good cause exists for delay in the development of the PAD and may entertain an application to amend the PAD development schedule.

b. Should the commission determine good cause does not exist for the delay, the commission may impose additional restrictions and conditions on the PAD.

c. The City Council shall hold a public hearing to affirm or overrule the results of the commission's deliberations.

F. **Amendment.** The Zoning Administrator or designee shall determine whether a proposed deviation from the approved PAD district is a Major or Minor Amendment. Major Amendments shall require City Council approval with advice and recommendation of the Planning Commission. Minor Amendments shall require administrative approval by the Zoning Administrator or designee only.

1. **Major Amendment.** The following shall be considered a Major Amendment of the PAD District:

a. An increase in the number of dwelling units or in the acreages devoted to commercial or industrial uses;

b. A significant change in boundary lines of development units;

c. Any change which could have significant impact on areas adjoining the PAD;

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d. Any change which could have a significant traffic impact on roadways adjacent or external to the PAD; and

e. Adding a permitted use or conditional use where it was not a permitted or conditional use previously, or changing a conditional use to a permitted use.

2. **Minor Amendment.** All amendments of a PAD district not determined to be Major Amendments shall be a Minor Amendment.

**604 PAD Narrative and Development Plan.**

The narrative text will provide uses and development standards for the PAD district. The PAD Narrative shall be both prescriptive and concise.

The PAD narrative shall conform in formatting and organization to the PAD application maintained by the Zoning Administrator or designee. The PAD Narrative shall sufficiently address all of the following as individual sections:

A. Introduction and Opening Statements

1. Describe the general location within the City, the property boundaries and the surrounding properties.

2. Identify the land use designation(s) of the subject property in the General Plan, the current zoning and the improvements existing on the subject property (for example, vacant or buildings to be demolished).

3. Provide the following statement - "The requirements of the Zoning Ordinance, as amended, and Avondale Subdivision Ordinance, as amended, shall apply except where explicitly given herein by this PAD."

B. Proposed Uses.

1. List Permitted Uses.

2. List uses permitted with a Conditional Use Permit.

3. Provide the following statement - "All uses not specifically provided for herein are prohibited." Do not list Prohibited Uses.

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C. Density. (Residential only)

State the density for the overall project as well as the densities of each specific development subsection or neighborhood.

The density shall not exceed the **Target Density** identified in the General Plan unless justification and mitigation are provided. In no case shall the maximum density identified in the General Plan be exceeded.

D. Development Standards.

State development standards that deviate from the Zoning Ordinance. In the case where no development standard is provided in the PAD Narrative, the Zoning Administrator shall determine the applicable development standard to apply.

1. Single-family residential developments shall provide different sizes of lots.

   a. Lot size differential in residential single-family detached subdivisions shall be a minimum of two-thousand (2000) square feet lot area and a minimum of ten (10) feet lot width.

E. Useable Active Open Space. (Residential only)

Usable active open space that is attractive shall be an integral part of a PAD development were residential uses are included. Usable active open space shall be provided in an amount comparable to the size of the development.

1. A minimum of fifteen (15%) percent of the net development shall be provided as usable active open space.

2. Areas that shall count as usable active open space in proportion to the improved area as follows:

   a. Dedicated park sites, provided that the location, size and geometry are acceptable to the City;

   b. Easements dedicated to the public on a plat for bicycle, equestrian and hiking trails;

   c. Private park and recreation areas dedicated to, and maintained by, a Home Owners Association on

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a plat that meets the park improvement standards as determined by the Zoning Administrator or designee;

d. Steep slope areas reserved or dedicated on a plat;

e. Up to a maximum of fifty (50%) percent of an area identified as a golf course;

f. Stormwater detention and floodway areas, but only those proportions containing the following types of improvements:

(1) Basketball, tennis and racquetball courts;
(2) Baseball, softball and soccer fields;
(3) Multiuse trails;
(4) Tot lots with playground equipment;
(5) Ramadas with a barbeque area;
(6) Un-sloped turfed areas.

3. Areas that shall not be counted as usable active open space are as follows:

a. Areas less than five-thousand (5000) contiguous square feet;

b. Public rights-of-way, dedicated streets and alleys, vehicular drives, parking, loading and storage areas;

c. Required setback areas;

d. School and park sites that require purchase of the land;

e. Areas reserved for the exclusive use and benefit of an individual owner or tenant;

f. Concrete or rock lined areas designed primarily for the conveyance of water; and

g. Utility corridor easements, unless substantially improved to make the area usable for outdoor activities. Only that portion substantially improved shall be counted as active usable open space.

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4. Usable active open space areas shall be provided at a rate equal to or greater than the rate of construction of the residential areas.

F. Architectural Design.

G. Landscaping.
Prescribe landscaping provided along street frontages, around the property perimeter, internal to the site and in parking areas.

H. Perimeter and Internal Walls, Gates & Entry Features.

I. Signage.

J. Maintenance of Common Spaces and Adjacent Rights-of-way.

1. A dedication statement on the plat shall identify and reserve usable active open space areas as tracts, or easements as deemed appropriate by the Zoning Administrator or designee, and provide for the maintenance of the areas by a Home Owners Association.

2. A statement shall also be placed on the plat stating that landscaping in adjacent rights-of-way areas shall be maintained by the Home Owners Association.

K. Justification and Mitigation.
Justification and mitigation is required for proposed standards that do not meet the standards of the Zoning Ordinance.

L. Exhibits.
Provide the following exhibits at the end of the document. Additional exhibits may be provided if desired.

1. Development Plan.
   a. Property boundary.

   b. Areas designating lots sizes, densities and/or uses.

   c. Circulation. Show arterial and collector streets, and vehicular and pedestrian circulation routes.

   d. Parks and school sites.

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2. Development Phasing Schedule. Include a schedule for the phasing of the development that includes the following:
    1. Type of development.
    2. Density.
    3. Floor Area Ratios for each phase.
    4. Map of the development designating the phases and sequence of development.

3. Open Space and Amenities. Location and acreage of usable active open space as well as listing amenities to be provided.

4. Required Findings. Address each of the Required Findings individually, and demonstrate how the proposed PAD complies with each.

For Comments regarding this document contact:
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Revised 1-7-2008

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# CITY COUNCIL REPORT

**SUBJECT:**
Executive Session

**MEETING DATE:**
January 14, 2008

**TO:** Mayor and Council

**FROM:** Linda Farris

**THROUGH:** Charlie McClendon, City Manager

**ATTACHMENTS:**

**Click to download**

No Attachments Available