# CITY COUNCIL AGENDA

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

**WORK SESSION**
**March 3, 2008**
**6:00 PM**

## CALL TO ORDER BY MAYOR ROGERS

**1 ROLL CALL BY THE CITY CLERK**

**2 LEGISLATIVE UPDATE**

City Staff will update the Council on the State Legislative items currently being considered at the State Legislature and seek the Council's input and direction into the City's lobbying efforts. For information, discussion and direction.

**3 WORK SESSION – DISCUSSION ITEM –AMENDMENT OF THE ZONING ORDINANCE SECTION 3 COMMERCIAL ZONE DISTRICTS**

Staff will present major areas that staff is recommending be changed in Section 3of the Zoning Ordinance, Commercial Zone Districts. The Council will take appropriate action.

**4 AMENDMENT OF SECTION 6 OF THE ZONING ORDINANCE**

Staff will present a proposed amendment to Section 6, Planned Area Development (PAD) within the Zoning Ordinance regarding PAD zoning districts. For information, discussion and direction.

**5 ADJOURNMENT**

Respectfully submitted,

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:**
LEGISLATIVE UPDATE

**MEETING DATE:**
March 3, 2008

**TO:** Mayor and Council

**FROM:** Shirley Gunther

**THROUGH:** Charlie McClendon, City Manager

**PURPOSE:**

To update the Council on the State Legislative items currently being considered at the State Legislature and to seek the Council's input and direction into the City's lobbying efforts.

**BACKGROUND:**

Each year the State Legislature considers close to 2,000 bills. The Intergovernmental Affairs manager is responsible for reviewing the bills and advocating on behalf of the City of Avondale. Throughout the Legislative Session, staff provides an update to the Council on key policy issues being considered at the Legislature that may positively or adversely affect the City and seeks Council's input and direction. This is the first report to Council as part of the Second Regular Session of the Forty-eighth Legislature.

**DISCUSSION:**

**FY 2007-08 BUDGET Update**
The Senate and House Appropriations Committees recently passed budget bills designed to close the deficit for FY 2007-08. Revenue sharing and HURF (Highway User Revenue Fund) were not touched in these bills. These bills did take over $600 million from the state Rainy Day Fund, leaving a balance of only about $70 million for future use, and did not include any bonding for school construction. The Governor has said that she is in favor of bonding for schools in order to free up approximately $400 million for use in the current budget year. Additionally, the Governor's budget proposal would take less money out of the Rainy Day Fund.

**BILLS**
**Weapons** - The Senate Government Committee recently passed **Senate Bill 1214** Concealed *weapons; school grounds*. The bill is sponsored by **Senator Karen Johnson (R-Mesa)** and allows a person with a valid concealed carry weapons (CCW) permit to possess a concealed weapon on college and community college grounds. Therefore, the measure would mandate that Estrella Community College permit students and faculty to carry weapons.

To date, the Intergovernmental Affairs Office has been opposing the measure as it creates many public safety issues for Avondale police officers.

**HOV – SB 1041 HOV***lane usage; hybrid* sponsored by Senator Harper (R-Surprise) passed allows hybrid vehicles with at least 45 percent fuel efficiency in combined city-highway fuel economy to use High Occupancy Vehicle (HOV) lanes.

To date, Intergovernmental Affairs Office has been monitoring the measure but has not taken a position on the bill.

**Photo enforcement - SB1505***photo enforcement zones; signs; citations* makes multiple changes related to photo radar enforcement.

Requires the placement of additional signs indicating that a photo radar system is present and operational to be placed 600 feet before the photo radar system.

Requires a citation issued for a violation detected by photo radar to include a signed statement by a sworn law enforcement officer indicating that photo radar signage standards and specifications were met during the operation of the photo radar system at the time of the violation.

Requires a court to award a person attorney fees if a person challenges a photo radar citation and the citation is dismissed.

Repeals the exemption from photo radar signage requirements for a city that has been issued a permit by the Arizona Department of Transportation to conduct a photo enforcement demonstration project on a state highway.

The Intergovernmental Affairs Office has been monitoring the measure but has not taken a position on the bill.

**Sign Walkers** - Two identical bills are moving through the House and Senate that mandate cities pass ordinances allowing sign walkers in their cities and towns. **Senate Bill 1076***sign walkers* sponsored by **Senator Jack Harper (R-Surprise)** and **House Bill 2066** sponsored by **Representative Bob Robson's (R-Chandler)** allow cities to define the time, place and manner of sign walkers somewhat different than the bill passed and vetoed by the Governor last year.

The Intergovernmental Affairs Office has been opposing the measure as it creates public safety concerns and preempts local control.

**Use Permits - SB1439***water; general industrial use permits* sponsored by **Senator Jake Flake (R-Snowflake)** which stipulates that, for the purposes of issuing a general industrial use permit, the failure to offer water service within 30 days of receiving a request from an animal industry is deemed to be a denial of service if the service will be at a cost that exceeds the cost of withdrawing groundwater by 25 percent. The bill receive its first hearing 2/27/08 and the Arizona Municipal Water Users Association has been working with the stakeholders to get an amendment on the bill so that the measure only applies to Pinal County.

The Intergovernmental Affairs Office has been monitoring the measure but has not taken a position on the bill.

**Urban Revenue Sharing** - The Senate Finance Committee recently passed **Senate Bill 1254** *Urban revenue sharing; tax credit* sponsored by **Senator Bob Burns (R-Peoria)**. Retroactive to the tax year beginning Jan 1, 2008, residents who live outside the boundaries of any incorporated city or town are allowed a credit against their income tax in an amount equal to 15% of their liability after all other credits have been applied. Beginning is fiscal 2008-09, the Urban Revenue Sharing Fund is reduced by the total amount claimed by rural taxpayers using this credit. A purpose section states that the intent of this act is to relieve rural taxpayers from the burden of the urban revenue sharing program.

The Intergovernmental Affaires Office has been opposing the measure as it decreases the city's revenue sharing which is applied to services for those living in the county and using city services.

**Renewable Energy** - The House Water and Agriculture Committee and the Ways and Means Committee recently passed **HB 2613***renewable energy enterprise zones*. Sponsored by **Representative Lucy Mason (R-Prescott)** the bill establishes a property tax incentive for generating electricity using renewable energy or for manufacturing renewable energy equipment. To qualify for the incentive the facility or manufacturer must be located in an enterprise zone. There are currently 26 enterprise zones; Avondale is currently in the Western Maricopa County Enterprise Zone.

To date, the Intergovernmental Affairs Office has been supporting this measure as it provides an economic development tool the Council may want to consider using in the future.

**Impact Fees** - **Senator Tim Bee (R-Tucson)** has agreed to sponsor a Striker to **SB 1406***municipal*

*development fees; technical correction*. The Striker was spurred by the development community. Currently, the amendment:

- Clarifies that development fees must be spent within the area in which they are collected (as defined in your Infrastructure Improvements Plan)
- Clarifies that credits provided to the developer for infrastructure must be based on the costs identified in the Infrastructure Improvements Plan
- Requires the city to forecast the contributions of the new development (by way of taxes, fees, assessments, etc.) and to include those contributions in estimating the new development's burden
- Requires a comparison of the existing services provided within the city and the services to be provided to the new development, if those services are subject to a development fee
- Requires a forecast of the revenue sources and time to provide any service that a development fee is charged for
- Prohibits cities and towns from assessing new or any increased portion of a development fee (except for indexed changes) for two years after a site plan or subdivision plat is final approved
- Specifies cities and towns must have a process in place (by ordinance) that a developer must receive a certified fee schedule if the developer requests
- Clarifies that final site plans and subdivision plats may not be re-filed or amended to restart the exemption from new fees

The Striker will be heard 2/ 27/08. The Intergovernmental Affairs office will not take a position.

**GPLET** - **Representative John Nelson (R-Glendale)** is the sponsor of **House Bill 2803**, which makes reforms to the government property lease excise tax (GPLET). The bill passed out of the House Counties, Municipalities and Military Affairs Committee (CMMA). The measure, provides for greater transparency in the way cities designate GPLET properties. **House Bill 2803** provides a better alternative to municipalities than **Senate Bill 1360**. Sponsored by **Senator Ken Cheuvront (D-Phoenix)** SB 1360 narrowly restricts the way cities use GPLET.

To date, the Intergovernmental Affaires Office has been supported HB 2803 and has opposed SB 1360.

**RECOMMENDATION:**

Staff seeks input and direction from the Council regarding the Legislative activities.

**ATTACHMENTS:**

**Click to download**

No Attachments Available

# DEVELOPMENT SERVICES

**SUBJECT:**
Work Session – Discussion Item –Amendment of the Zoning Ordinance Section 3 Commercial Zone Districts

**MEETING DATE:**
March 3, 2008

**TO:** Mayor and Council

**FROM:** Brian Berndt, Development Services Director

**THROUGH:** Charlie McClendon, City Manager

---

**BACKGROUND:**

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

The Zoning Ordinance currently contains 6 commercial 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 and propose any necessary text amendments. Additionally, following the completion of the City Center Specific Plan, staff is proposing to draft a City Center zoning district, based on the recommendations of the City Council.

**SUMMARY OF REQUEST:**

Staff is recommending a text amendment to Section 3 of the Avondale Zoning Ordinance, Commercial Districts. Staff is soliciting input and direction from the Planning Commission and City Council regarding changes to this section to bring the ordinance up to date, make improvements for development in the city, make the ordinance more reader-friendly, and meet the intent of the General Plan.

**ANALYSIS:**

Staff is proposing to amend Section 3 as follows:

- Amend the permitted use lists for the Commercial Office, Neighborhood Commercial, and Community Commercial to be consistent with the goals of the land use designations of the General Plan;
- Revise the use list and purpose of the Major Commercial district to create a Freeway Commercial district, in order to create an appropriate zone district for areas along or near freeways and major arterials;
- Create a Residential Office district to provide for low-intensity, residential-scale office development, adaptive reuse of existing residential areas, and create a district that can act as a buffer area between larger office parks and traditional residential uses;
- Revise the commercial use list in order to make Section 3 more user-friendly;
- Reduce the number of routine public hearings by changing some Conditional Uses to Uses Permitted with Conditions; and
- Revise the Development Standards for the commercial districts to ensure that the standards meet the intent of the commercial districts.

The vast majority of commercial developments in the City are zoned either C-2 or PAD with C-2 uses. A

limited number 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. The C-3 would 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 more intense commercial/office developments.

Staff is proposing to revise the format and 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, and to help users identify which uses are allowed in each district.

Staff is proposing to classify certain uses as Permitted with Conditions. These are uses that may or may not have an impact on surrounding areas and in the past were only 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 ensure 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 propose revisions to the development standards for the commercial districts, including building and parking setbacks, building height, and lot coverage. Staff examined the current building and parking setbacks, maximum building heights, and maximum lot coverage for the commercial districts to ensure that properties will develop in a way that is consistent with the intent of the districts.

For reference, the following documents are included:

- The current land use, with notes indicating the changes, if any, to each use (Exhibit A);
- The draft proposed new land use table (Exhibit B);
- Current purpose statements for the existing commercial zone districts (Exhibit C);
- Draft proposed new purpose statements for the districts (Exhibit D);
- Proposed conditions for the uses proposed to be Permitted with Conditions (Exhibit E);
- Summary sheet of the major differences between the existing districts and the districts as proposed (Exhibit F);
- The proposed revisions to the commercial district development standards (Exhibit G); and
- The current draft of the revised text of Section 3 (Exhibit H).

## RECOMMENDATION:

Staff will identify in the presentation the major areas of recommended changes in Section 3. The City Council may pose questions to staff, and offer comments to provide direction regarding proposed amendments to Section 3 of the Zoning Ordinance. No action is required.

## ATTACHMENTS:

**Click to download**

- Section 3 work session Exhibits A-G
- Section 3 - MCC Worksession Exhibit H

**PROJECT MANAGER:**

Scott Wilken, Senior Planner

Section 3 – Commercial Districts list of exhibits
City Council Work Session
3/3/2008

| | |
|---|---|
| Exhibit A - | Existing commercial land use table with proposed change notes |
| Exhibit B - | Draft commercial land use table |
| Exhibit C - | Current purpose statements for the commercial zone districts |
| Exhibit D - | Draft purpose statements for the commercial zone districts |
| Exhibit E - | Draft conditions for uses Permitted with Conditions |
| Exhibit F - | Summary of major land use changes |
| Exhibit G - | Draft commercial district development standards |
| Exhibit H - | Draft text of Section 3 – Commercial Districts |

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 | Combined with leasing; PC in C-2 and C-3 |
| Automobile leasing facility | - | C | C | P | Added to sales; removed from C-1; PC in C 2 and C-3 |
| Automobile service and diagnostic facility | - | - | C | C | PC in C-2 and C-3 |
| Car wash, mechanical, self service | - | - | C | C | Eliminated |
| Emissions testing facility | - | - | - | P | Moved to A-1 |
| Gas service station with retail gasoline sales, convenience store, and car wash | - | - | C | C | No change |
| Tire sales, repair and mounting | - | - | C | C | PC in C-2 and C-3 |
| Truck stop, including wash | - | - | - | C | No change |
| **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 | Listed separately |
| 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 |

## Existing Land Use Table

| 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 |
| 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- |
| 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 |

## Existing Land Use Table

| 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; removed from C-1, C-2, 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; PC in C-3 |
| 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 | PC 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 |

**EXHIBIT B**

## 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 | PC |
| Automobile service and diagnostic facility | - | - | - | PC | PC |
| Automobile, boat, recreational vehicle, or motorcycle, sales and/or leasing | - | - | - | PC | PC |
| 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 |
| Body piercing studios | - | - | - | C | - |
| Bowling alley | - | - | - | P | P |
| Brewery, ancillary to a bar or restaurant | - | - | - | P | P |
| Bus terminals | - | - | - | - | P |
| Business, technical, or vocational school | - | P | - | - | - |
| 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 and/or car wash | - | - | - | C | C |
| Health and exercise center | - | - | PC | P | P |
| Hospitals | - | - | - | - | P |
| Hotel or motel | - | - | - | P | P |
| Ice skating rink, indoor | - | - | - | P | P |

## 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 |
|---|---|---|---|---|---|
| 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 | - |
| Movie theater, indoor | - | - | - | P | P |
| Music studio | - | - | P | P | P |
| Nail salon | - | - | P | P | - |
| Night Club | - | - | - | C | PC |
| 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 | - | - | - |
| 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 | - | - | - | - | PC |
| Rodeo grounds, outdoor | - | - | - | - | C |
| Roller rink, indoor | - | - | - | P | P |
| Shooting range, indoor | - | - | - | C | C |
| Sidewalk Café | - | - | P | P | - |
| Social/private clubs | - | - | PC | PC | PC |
| 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 | - |

**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 |
|---|---|---|---|---|---|
| Swimming club, outdoor | - | - | - | - | C |
| Tanning salon | - | - | P | P | - |
| Tattoo parlors | - | - | - | C | - |
| Telecommunication Tower | PC | PC | PC | PC | PC |
| Theater, excluding movie theaters | - | - | C | P | P |
| Thrift store | - | - | PC | PC | - |
| 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 | - | - | - | C | PC |
| 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.

**EXHIBIT D**

## 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.

**EXHIBIT E**

## Uses Permitted with Conditions
## Draft Conditions

**A. Automobile, boat, recreational vehicle, or motorcycle sales and/or leasing (PC in C-2 and C-3)**

1. No more than 6 vehicles shall be stored on site in association with an office location that is part of a commercial center, or commercial complex that includes retail uses
2. Vehicle storage shall be limited to paved areas and shall not occupy required parking spaces or drive aisles
3. Accessory uses, such as vehicle washing, refueling stations, and minor maintenance garages, may be allowed on site only if such uses are screened from off site view and are not used by the general public. Such uses shall be designed and sited as to limit the noise impacts to surrounding properties.

**B. Automobile rental facility with on-site storage (PC in C-2 and C-3)**

1. No more than 6 vehicles shall be stored on site in association with an office location that is part of a commercial center, or commercial complex that includes retail uses
2. Vehicle storage shall be limited to paved areas and shall not occupy required parking spaces or drive aisles
3. Accessory uses, such as vehicle washing, refueling stations, and minor maintenance garages, may be allowed on site only if such uses are screened from off site view and are not used by the general public. Such uses shall be designed and sited as to limit the noise impacts to surrounding properties.
4. Storage of vehicles shall be screened from off site view by a 3' or taller screen wall

**C. Automobile service and diagnostic facility (PC in C-2 and C-3)**

1. Where the site or use abuts or adjoins any residentially zoned property or use, there shall be a solid masonry wall at least six (6) feet in height constructed according to the City of Avondale Design Manuals, with a minimum twenty (20) foot landscaping buffer inside the wall adjacent to the residentially zoned property or use
2. Buildings shall be sited to ensure that garage bay doors do not face public streets.

**D. Banks and financial institutions without drive-thru, excluding non-chartered financial institutions (PC in C-O)**

1. Banks and financial institutions included within an office building shall not occupy more than 25% of the gross floor area

**E. Bars (PC in C-3)**

1. The exterior building wall of a bar shall not be located within one thousand three hundred and twenty (1,320) feet of the exterior property lines of a public or private school, church, or other bar, night club, or wine bar

**F. College or university (PC in C-3)**

1. Colleges and universities shall be developed as a campus or park development, rather than as or within a shopping center

**G. Drive-thru uses, including restaurants and financial institutions (PC in C-1, C-2 and C-3)**

1. Payment and/or pick-up windows shall not face public streets.
2. Drive thru canopies shall be included covering any payment or pick-up windows. Canopies shall be fully architecturally integrated in to the building consistent with the requirements of the Design Manuals.
3. Drive thru lanes shall be screened from view by a minimum 3' tall masonry wall.
4. Speaker boxes shall be located a minimum of 70' from any residentially zoned property or residential use
5. Drive thru cueing length shall be approved in accordance with a traffic study as approved by the City Engineer.

**H. Funeral homes (PC in R-O)**

1. Sites shall be designed such that parking, circulation, and access will not adversely affect adjacent or nearby residentially zoned property or residential use.

**I. Health and exercise centers (PC in C-1)**

1. Heath and exercise centers located within neighborhood shopping centers shall be limited to no larger than 3,000 square feet in area.

**J. Night clubs (PC in C-3)**

1. The exterior building wall of a bar shall not be located within one thousand three hundred and twenty (1,320) feet of the exterior property lines of a public or private school, or other bar, night club, or wine bar

**K. Pet boarding and day care facilities, excluding any outdoor exercise/play areas, (PC in C-2)**

1. All activities shall be conducted entirely within enclosed buildings.
2. Buildings shall be constructed in a manner that limits exterior noise from activities inside the building to a maximum of forty-five (45) DBA measured at the exterior building wall. A statement from a registered architect to this effect is required at the time of construction plan submittal.
3. Buildings shall be setback a minimum of one hundred (100) feet from any residential district.
4. Solid animal waste must be bagged separately from other refuse.

**L. Pet boarding and day care facilities, including any outdoor exercise/play areas, (PC in C-2)**

1. Direct access shall not be provided from animal housing units to the outside of the building.
2. Buildings shall be constructed in a manner that limits exterior noise from activities inside the building to a maximum of forty-five (45) DBA measured at the exterior building wall. A statement from a registered architect to this effect is required at the time of construction plan submittal.
3. Outdoor walks and exercise must take place within specified play/exercise areas.
4. Animals must be supervised by a facility employee at all times when in an outdoor play/exercise area.
5. Animals shall not be allowed outside between the hours of 7:00 p.m. and 7:00 a.m.
6. Buildings shall be set back a minimum of one hundred (100) feet from any residential district.
7. Outdoor play/exercise areas shall be set back a minimum of two hundred fifty (250) feet from any residential district.

8. A solid block wall with a minimum height of eight (8) feet shall enclose the perimeter of any outdoor play/exercise area.
9. Animal waste shall be removed from outdoor play/exercise areas every five hours during time periods when these areas are in use.
10. Solid animal waste must be bagged separately from other refuse.

**M. Public utility buildings, structures, uses, facilities and equipment (PC in R-O, C-O, C-1, C-2 and C-3)**

1. Sites shall be screened from off-site view by a minimum 6' tall masonry wall. Screen wall may be required to be 8' tall as determined by staff. All screen walls shall comply with wall standards set forth in the Design Manuals.

**N. Retail/wholesale sales of lumber, landscaping and building materials, excluding outdoor storage (PC in C-3)**

1. All pick-up areas, loading and unloading areas, and truck wells shall be screened from off site by a minimum 6' masonry wall. All screen walls shall comply with the wall standards set forth in the Design Manuals.

**O. Social/Private Club (PC in C-1, C-2, and C-3)**

1. Any restaurant or bar operated in connection with a social/private club shall be an integral part of a principal building, shall have no public entrance except from within the building and shall make no exterior display or advertising of any commercial activity, however incidental.

**P. Telecommunication Towers (PC in R-O, C-O, C-1, C-2 and C-3)**

1. Telecommunication towers shall be setback from all property lines a minimum of a distance equal to 1' for every 1' of the tower's height above grade.
2. Telecommunication towers shall be architecturally designed to give the appearance of blending in with its surroundings.

**Q. Thrift stores are allowed in certain commercial zone districts provided that:**

1. Outdoor donation bins shall be prohibited
2. Signage shall be required on site clearly stating that after-hours drop-off is prohibited
3. Loading and unloading areas shall not face or be visible from public streets.
4. Garage bay doors shall be closed except during drop-off or pick-up of items
5. All items shall be stored indoors at all times

**R. Tire sales, repair and mounting facilities (PC in C-2 and C-3)**

1. Where the site or use abuts or adjoins any residentially zoned property or use, there shall be a solid masonry wall at least six (6) feet in height constructed according to the City of Avondale Design Manuals, with a minimum twenty (20) foot landscaping buffer inside the wall adjacent to the residentially zoned property or use.
2. Buildings shall be sited to ensure that garage bay doors do not face public streets.

**S. Veterinary hospital, offices and clinics, excluding animal boarding (PC in C-1, C-2 and C-3)**

1. Clinic activities shall be restricted to the medical care and treatment of small animals during regular office hours. The confinement of such animals on the premises shall be limited to essential and occasional overnight care and shall be entirely within enclosed structures. The boarding and breeding of animals shall be prohibited.

2. Clinics shall be constructed to be completely contained as to prevent emission of any noise or odor.
3. Outdoor runs or exercise pens shall be prohibited unless approval from the City Council is obtained prior to site plan submittal. Additionally, no outdoor runs, pens or enclosures shall be located closer than one hundred (100) feet to any street, residential district or existing restaurant, hotel or motel.

**T. Wine bars (PC in C-3)**

1. The exterior building wall of a bar shall not be located within one thousand three hundred and twenty (1,320) feet of the exterior property lines of a public or private school, or other bar, night club, or wine bar.

Exhibit F

## Summary of proposed major land use changes to commercial zone district land use table

| Use | Currently | Proposed Change |
|---|---|---|
| Auto body and engine repair, upholstery, painting facilities, and similar uses | currently allowed as a CUP in C-3 | staff is proposing to only allow this use in General Industrial (A-1) zone district |
| Automobile service and diagnostic facility and Tire sales, repair and mounting | currently allowed with CUP in C-2 and C-3 | staff is proposing to make these uses Permitted with Conditions |
| Drive-thru restaurants | currently allowed with a CUP in C-1, and are permitted in C-2 and C-3 | staff is proposing for this use to be Permitted with Conditions in C-1, C-2, and C-3 |
| Vocational school | currently Permitted in C-2 and C-3 | staff is proposing to change this to be Permitted only in C-O |
| Business or technical school | currently Permitted in C-O, C-2, and C-3 and allowed with a CUP in C-1 | staff is proposing to change this to be Permitted only in C-O |
| Schools and educational institutions (public and private), excluding colleges, universities, and vocational schools | currently Permitted in C-O, C-2, and C-3 and allowed with a CUP in C-1 | staff is proposing to remove these uses completely from Commercial districts and allow them only in Residential districts |
| Ambulance service facility | currently allowed with a CUP in C-2 and C-3 | staff is proposing to remove this use from Commercial and allow it only in General Industrial (A-1) |
| Day labor hiring centers | currently allowed with a CUP in C-3 | staff is proposing to remove this use from Commercial and allow it only in General Industrial (A-1) |
| Office warehouses | currently allowed with a CUP in C-2 and Permitted in C-3 | staff is proposing remove this use from Commercial and allow it only in General Industrial (A-1) |
| Bars, night clubs, and wine bars | currently allowed with a CUP in C-2 and C-3; | staff is proposing to keep this a CUP in C-2 and allow them as Permitted with Conditions in C-3. |

Key:
CUP = Requires a conditional use permit
Permitted = Use is permitted outright
Permitted with Conditions = Use would be permitted outright, but subject to pre-determined conditions
C-O = Commercial Office zone district
C-1 = Neighborhood Commercial zone district
C-2 = Community Commercial zone district
C-3 = Major Commercial zone district (proposed to become Freeway Commercial zone district)

**Exhibit G**

## Draft commercial district development standards

| | R-O | C-O | C-1 | C-2 | C-3 |
|---|---|---|---|---|---|
| Minimum Lot Width | 45’ | 60' | None | None | None |
| Minimum Site Depth | 100’ | 100' | None | None | None |
| Maximum Lot Coverage | 35% | 35% | None | None | None |
| Maximum Building Height | 30’ | 30' | 30' | 30' | 30' |
| Front Setback | 20’ | 20' | 20' | 20' | 20' |
| Street Setback | 20’ | 20' | 20' | 20' | 20' |
| Rear Setback | 20’ | 20’ | 20’ | 20’ | 20’ |
| Side Setback | 20’ | 15’ | 15’ | 15’ | 20’ |
| Interior Setback | None | None | None | None | None |
| Setback from a Residential District or Use | 1’ per 1’ bldg height | 1’ per 1’ bldg height | 1’ per 1’ bldg height | 50’ | 50' |
| Maximum Accessory Structure Height | 15’ | 15’ | 15’ | 15’ | 15’ |

Section 3 COMMERCIAL DISTRICTS
Sections
301 Purpose and intent.
302 ~~Establishment of commercial districts.~~ **Commercial district statements of purpose**
303 Land use matrix.
304 ~~General regulations~~ [moved to Section 306] **Uses permitted with conditions**.
305 Conditional use development standards.
306 **Commercial development standards**
~~306~~ **307** Old Town Avondale Zoning Overlay District.
~~307~~ **308** Cashion Business District.
~~308 Property development standards~~. [moved to Section 306]

**301 Purpose and intent.**
Commercial districts provide activity centers with shopping and services, employment for local residents and additional revenue to strengthen the city's economic base. Commercial zoning standards are intended to ensure convenience, safety, positive community image, variety in retail uses, commerce and office development that enhances the citizens' quality of life. Zoning classifications include classifications for (i) offices, (ii) neighborhood, community and regional businesses and (iii) unique commercial uses found in the city's traditional commercial area. Use intensities and site development criteria are intended to mitigate impact on, as well as maintain compatibility with adjacent residential areas.

**302** ~~Establishment of commercial districts.~~ **Commercial district statements of purpose**
The following commercial districts are established:

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

**B.** Commercial Office District (C-O): ~~This district is intended~~ **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.** ~~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~~

DRAFT

~~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.~~

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

**C.** Neighborhood Commercial District (C-1): ~~This district is intended~~ **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 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.~~

1. **Provide for neighborhood commercial centers with a trade area limited generally to adjacent and nearby neighborhoods.**
2. **Act as the primary type of neighborhood commercial development**
3. **Be located at the intersection of arterial streets with at least one property line directly abutting a residential zone**
4. **Have users that generally do not exceed seventy thousand (70,000) gross building square feet**
5. **Encourage development that is consistent with the policies and the guidelines established in any specific plan and the General Plan**

**D.** Community Commercial District (C-2): ~~This district is intended~~ **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. ~~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.~~

1. **Encourage commercial centers that are planned, developed and managed as integrated complexes with individual users.**
2. **Be located so that primary driveways access arterial streets.**
3. **Include users with a building square footage up to two hundred thousand (200,000) gross building square feet.**

DRAFT

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

~~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.~~

E. **Freeway Commercial District (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.**
   1. **Provide an area for large-scale commercial developments while avoiding the disruption of less intensive residential or commercial activities**
   2. **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**
   3. **Encourage commercial centers that are planned, developed and managed as integrated complexes with individual users**
   4. **Include users with a building square footage in the range greater than two hundred thousand (200,000) gross square feet**
   5. **Encourage development that is consistent with the policies and the guidelines established in any specific plan and the General Plan**

F. Old Town Avondale Zoning Overlay District (OTAB): The Old Town Avondale Zoning Overlay District, hereinafter referred to as Old Town Avondale Business District (OTAB), is intended to provide for general retail, residential, professional office/service, and mixed-use activities serving a regional/community-wide need under design standards which ensure compatibility and harmony with adjoining land uses, and which encourage the highest quality design and development. The OTAB zone is intended to promote a strong pedestrian orientation through its mix of permitted uses and specific development standards.

**303 Land use matrix**

The following land use matrix shows the uses, which are permitted outright (P), permitted ~~conditionally~~ **with a conditional use permit** (C), **permitted with conditions (PC),** permitted as accessory uses (A) or prohibited (-) in specific commercial zoning districts in the City of Avondale. The land use matrix is intended to serve as a guide for the convenience of the user of this zoning ordinance. Where the text of this zoning ordinance differs from the land use matrix, the text shall prevail.

DRAFT

Land Use Matrix

| ~~LAND USE~~ | ~~CO~~ - | ~~C1~~ - | ~~C2~~ - | ~~C3~~ - |
|---|---|---|---|---|
| ~~AUTO-ORIENTED USES~~ | | | | |
| ~~Auto supply store, indoor~~ | — | ~~C~~ - | ~~C~~ - | ~~C~~ - |
| ~~Autobody and engine repair, upholstery, painting facilities, and similar uses~~ | — | — | — | ~~C~~ - |
| ~~Automobile, boat, recreational vehicle, or motorcycle, sales and rental~~ - | — | — | ~~C~~ - | ~~P~~ - |
| ~~Automobile leasing facility~~ | — | ~~C~~ - | ~~C~~ - | ~~P~~ - |
| ~~Automobile service and diagnostic facility~~ | — | — | ~~C~~ - | ~~C~~ - |
| ~~Car wash, mechanical, self service~~ | — | — | ~~C~~ - | ~~C~~ - |
| ~~Emissions testing facility~~ | — | — | — | ~~P~~ - |
| ~~Gas service station with retail gasoline sales, convenience store, and car wash~~ | — | — | ~~C~~ - | ~~C~~ - |
| ~~Tire sales, repair and mounting~~ | — | — | ~~C~~ - | ~~C~~ - |
| ~~Truck stop, including wash~~ | — | — | — | ~~C~~ - |
| ~~EATING & DRINKING ESTABLISHMENTS~~ | | | | |
| ~~Restaurants and similar uses~~ | ~~C~~ - | ~~P~~ - | ~~P~~ - | ~~P~~ - |
| ~~Drive-thru restaurants~~ | — | ~~C~~ - | ~~P~~ - | ~~P~~ - |
| ~~Tavern, bar, lounge or establishment that sells beer or intoxicating liquor for consumption on premise, excluding restaurants and adult uses~~ | — | — | ~~C~~ - | ~~C~~ - |
| ~~ENTERTAINMENT, COMMERCIAL RECREATION & ASSEMBLY USES~~ | | | | |
| ~~Commercial sporting complexes, concert facilities, stadiums, and similar outdoor recreational facilities~~ | — | — | — | ~~C~~ - |

DRAFT

| | | | | |
|---|---|---|---|---|
| ~~Convention centers and exhibition halls~~ | ~~—~~ | ~~—~~ | ~~P-~~ | ~~P-~~ |
| ~~Dancing, theatrical or music studio~~ | ~~—~~ | ~~C-~~ | ~~P-~~ | ~~P-~~ |
| ~~Health and exercise center~~ | ~~C-~~ | ~~C-~~ | ~~P-~~ | ~~P-~~ |
| ~~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-~~ |
| ~~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-~~ |
| ~~Reception centers, recreation and social/private clubs~~ | ~~—~~ | ~~—~~ | ~~C-~~ | ~~P-~~ |
| ~~Resorts~~ | ~~—~~ | ~~—~~ | ~~P-~~ | ~~P-~~ |
| ~~INSTITUTIONAL USES~~ | | | | |
| ~~Vocational school~~ | ~~—~~ | ~~—~~ | ~~P-~~ | ~~P-~~ |
| ~~Business or technical school~~ | ~~P-~~ | ~~C-~~ | ~~P-~~ | ~~P-~~ |
| ~~College or university~~ | ~~—~~ | ~~—~~ | ~~P-~~ | ~~P-~~ |
| ~~Churches, synagogues, temples, and similar places of worship~~ | ~~P-~~ | ~~P-~~ | ~~P-~~ | ~~P-~~ |
| ~~Cultural institutions~~ | ~~P-~~ | ~~C-~~ | ~~P-~~ | ~~P-~~ |
| ~~Child care center~~ | ~~C-~~ | ~~C-~~ | ~~C-~~ | ~~C-~~ |
| ~~Libraries and museum~~ | ~~P-~~ | ~~P-~~ | ~~P-~~ | ~~P-~~ |
| ~~Assisted living facility, nursing or convalescent home, long term care facility & hospices, and group care facility~~ | ~~C-~~ | ~~—~~ | ~~—~~ | ~~—~~ |
| ~~Post office~~ | ~~P-~~ | ~~P-~~ | ~~P-~~ | ~~P-~~ |

DRAFT

| | | | | |
|---|---|---|---|---|
| ~~Public service and non-profit community uses~~ | ~~C-~~ | ~~C-~~ | ~~C-~~ | ~~C-~~ |
| ~~Public utility buildings, structures, uses, facilities and equipment~~ | ~~C-~~ | ~~C-~~ | ~~C-~~ | ~~C-~~ |
| ~~Schools and educational institutions (public and private), excluding colleges, universities, and vocational schools~~ | ~~P-~~ | ~~C-~~ | ~~P-~~ | ~~P-~~ |
| ~~Substance abuse detoxification and treatment centers, halfway house~~ | ~~—~~ | ~~—~~ | ~~—~~ | ~~C-~~ |
| ~~Zoo (private, public)~~ | ~~—~~ | ~~—~~ | ~~—~~ | ~~C-~~ |
| ~~OFFICE/MEDICAL USES~~ | | | | |
| ~~Ambulance service facility~~ | ~~—~~ | ~~—~~ | ~~C-~~ | ~~C-~~ |
| ~~Emergency medical care facility~~ | ~~P-~~ | ~~C-~~ | ~~P-~~ | ~~P-~~ |
| ~~Employment agencies~~ | ~~P-~~ | ~~P-~~ | ~~P-~~ | ~~P-~~ |
| ~~Hospitals~~ | ~~—~~ | ~~—~~ | ~~P-~~ | ~~P-~~ |
| ~~Medical, dental or health offices, clinics and laboratories, excluding plasma centers~~ | ~~P-~~ | ~~C-~~ | ~~P-~~ | ~~P-~~ |
| ~~Veterinary hospital, offices and clinics, excluding animal boarding~~ | ~~—~~ | ~~C-~~ | ~~C-~~ | ~~C-~~ |
| ~~Pet boarding and day care facility~~ | ~~—~~ | ~~—~~ | ~~C-~~ | ~~—~~ |
| ~~Professional, administrative or business offices, banks and financial institutions, excluding non-chartered financial services~~ | ~~P-~~ | ~~P-~~ | ~~P-~~ | ~~P-~~ |
| ~~Non-chartered financial services~~ | ~~—~~ | ~~—~~ | ~~C-~~ | ~~—~~ |
| ~~Plasma centers~~ | ~~—~~ | ~~—~~ | ~~C-~~ | ~~—~~ |
| ~~PERSONAL SERVICES USES~~ | | | | |
| ~~Appliance service and repair~~ | ~~—~~ | ~~C-~~ | ~~P-~~ | ~~P-~~ |
| ~~Clothing alteration, custom dressmaking or tailor shop~~ | ~~—~~ | ~~P-~~ | ~~P-~~ | ~~P-~~ |

DRAFT

| | | | | |
|---|---|---|---|---|
| ~~Dry cleaning and laundry establishment~~ | ~~C~~ | ~~P~~ | ~~P~~ | ~~P~~ |
| ~~Laundromat, self-service~~ | ~~—~~ | ~~P~~ | ~~P~~ | ~~P~~ |
| ~~Nail salon, barber shop, and beauty salon~~ | ~~C~~ | ~~P~~ | ~~P~~ | ~~P~~ |
| ~~Personal service establishments such as tanning salon, massage therapy, palm readers, phrenologists, fortune tellers and astrologers, excluding adult uses~~ | ~~—~~ | ~~—~~ | ~~C~~ | ~~C~~ |
| ~~Photographic developing and printing studio~~ | ~~—~~ | ~~P~~ | ~~P~~ | ~~P~~ |
| ~~Ticket and travel agency~~ | ~~P~~ | ~~P~~ | ~~P~~ | ~~P~~ |
| ~~Tattoo parlors and body piercing studios~~ | ~~—~~ | ~~—~~ | ~~C~~ | ~~—~~ |
| ~~RESIDENTIAL & LODGING USES~~ | | | | |
| ~~One caretakers quarters~~ | ~~A~~ | ~~A~~ | ~~A~~ | ~~A~~ |
| ~~Dwelling units above the ground floor of a building~~ | ~~C~~ | ~~C~~ | ~~C~~ | ~~C~~ |
| ~~Hotel or motel~~ | ~~—~~ | ~~—~~ | ~~P~~ | ~~P~~ |
| ~~RETAIL USES~~ | | | | |
| ~~Retail sales of new merchandise within enclosed buildings, excluding liquor stores~~ | ~~A~~ | ~~P~~ | ~~P~~ | ~~P~~ |
| ~~Equipment sales, rental and storage yard~~ | ~~—~~ | ~~—~~ | ~~—~~ | ~~C~~ |
| ~~Monument sales and engraving shop~~ | ~~—~~ | ~~—~~ | ~~—~~ | ~~P~~ |
| ~~Pawn shop~~ | ~~—~~ | ~~—~~ | ~~—~~ | ~~C~~ |
| ~~Plant nursery~~ | ~~—~~ | ~~—~~ | ~~C~~ | ~~P~~ |
| ~~Retail/wholesale sales of lumber, landscaping and building materials, excluding outdoor storage~~ | ~~—~~ | ~~—~~ | ~~C~~ | ~~P~~ |
| ~~Specialty stores and services, indoor, excluding liquor stores~~ | ~~—~~ | ~~P~~ | ~~P~~ | ~~P~~ |

DRAFT

| | | | | |
|---|---|---|---|---|
| ~~Surplus store, thrift store~~ | ~~—~~ | ~~—~~ | ~~—~~ | ~~P~~ - |
| ~~Liquor stores~~ | ~~—~~ | ~~—~~ | ~~C~~ - | ~~—~~ |
| ~~Consignment shops~~ | ~~—~~ | ~~—~~ | ~~P~~ - | ~~—~~ |
| ~~MISCELLANEOUS USES~~ | | | | |
| ~~Accessory buildings, structures and uses customarily incidental to a permitted use~~ | ~~A~~ - | ~~A~~ - | ~~A~~ - | ~~A~~ - |
| ~~Automatic teller machine (ATM)~~ | ~~P~~ - | ~~P~~ - | ~~P~~ - | ~~P~~ - |
| ~~Bus terminals~~ | ~~—~~ | ~~—~~ | ~~C~~ - | ~~C~~ - |
| ~~Cemetery, crematorium, mausoleum, funeral home and chapel, mortuaries and columbariums~~ | ~~—~~ | ~~—~~ | ~~C~~ - | ~~C~~ - |
| ~~Day labor hiring centers~~ | ~~—~~ | ~~—~~ | ~~—~~ | ~~C~~ - |
| ~~Mini-storage warehouses~~ | ~~—~~ | ~~—~~ | ~~C~~ - | ~~C~~ - |
| ~~Moving truck, trailer and equipment rental~~ | ~~—~~ | ~~—~~ | ~~C~~ - | ~~P~~ - |
| ~~Office warehouses~~ | ~~—~~ | ~~—~~ | ~~C~~ - | ~~P~~ - |

| 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 | PC |
| Automobile service and diagnostic facility | - | - | - | PC | PC |
| Automobile, boat, recreational vehicle, or motorcycle, sales and/or leasing | - | - | - | PC | PC |
| Banks and financial institutions without drive-thru, excluding non-chartered financial institutions | - | PC | P | P | P |

DRAFT

| LAND USE | R-O | C-O | C-1 | C-2 | C-3 |
|---|---|---|---|---|---|
| Bar | - | - | - | C | PC |
| Barber shop | - | - | P | P | - |
| Beauty salon | - | - | P | P | - |
| Bingo Hall | - | - | - | - | P |
| Body piercing studios | - | - | - | C | - |
| Bowling alley | - | - | - | P | P |
| Brewery, ancillary to a bar or restaurant | - | - | - | P | P |
| Bus terminals | - | - | - | - | P |
| Business, technical, or vocational school | - | P | - | - | - |
| 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 and/or car wash | - | - | - | C | C |
| 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 | - |
| Movie theater, indoor | - | - | - | P | P |
| Music studio | - | - | P | P | P |

| LAND USE | R-O | C-O | C-1 | C-2 | C-3 |
|---|---|---|---|---|---|
| Nail salon | - | - | P | P | - |
| Night Club | - | - | - | C | PC |
| 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 | - | - | - |
| 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 | - | - | - | - | PC |
| Rodeo grounds, outdoor | - | - | - | - | C |
| Roller rink, indoor | - | - | - | P | P |
| Shooting range, indoor | - | - | - | C | C |
| Sidewalk Café | - | - | P | P | - |
| Social/private clubs | - | - | PC | PC | PC |
| 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 | - | - | - | C | - |
| Telecommunication Tower | PC | PC | PC | PC | PC |
| Theater, excluding movie theaters | - | - | C | P | P |
| Thrift store | - | - | PC | PC | - |
| Ticket and travel agency | P | P | P | P | P |
| Tire sales, repair and mounting | - | - | - | PC | PC |

| LAND USE | R-O | C-O | C-1 | C-2 | C-3 |
|---|---|---|---|---|---|
| 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 | - | - | - | C | PC |
| Zoo | - | - | - | - | C |

P = Permitted Use
C = Conditional Use Permit required.
**PC = Permitted with Conditions**
A = Accessory Use
- = Not Permitted
(Ord. No. 1134-05, 8-15-05; Ord. No. 1133-05, § 4, 12-19-05; Ord. No. 1203-906, § 2, 9-18-06; Ord. No. 1211-1106, § 2, 11-20-06; Ord. No. 1241-107, § 2, 1-2-07)

~~304 General regulations~~.
**[The following moved to the new section 306]**
~~A. All activities, except as otherwise permitted herein, shall be conducted entirely within enclosed buildings.~~
~~B. Outdoor storage of goods and materials shall be prohibited.~~
~~C. Warehousing or indoor storage of goods or material beyond that normally incidental to permitted uses shall be prohibited.~~
~~D. All new buildings and uses of land or substantial additions to or remodeling of existing buildings/uses shall be subject to site plan review in accordance with Section 106.~~
~~E. Office buildings uses as the primary use: Retail sales of new merchandise and restaurants shall be allowed provided that such uses shall not exceed twenty-five (25) percent of the gross square footage of the building.~~

**304 Uses Permitted With Conditions**

**The following land uses are listed in the land use matrix as Permitted with Conditions. These uses are permitted by right only if the conditions listed below for the individual uses are met. Based on site plan review, staff may add additional conditions of approval deemed necessary to protect the health, safety, and public welfare.**

**A. Automobile, boat, recreational vehicle, or motorcycle sales and/or leasing is allowed in certain commercial zone districts provided that:**
**1. No more than 6 vehicles shall be stored on site in association with an office location that is part of a commercial center, or commercial complex that includes retail uses**

DRAFT

2. Vehicle storage shall be limited to paved areas and shall not occupy required parking spaces or drive aisles
3. Accessory uses, such as vehicle washing, refueling stations, and minor maintenance garages, may be allowed on site only if such uses are screened from off site view and are not used by the general public. Such uses shall be designed and sited as to limit the noise impacts to surrounding properties.

B. Automobile rental facility with on-site storage is allowed in certain commercial zone districts provided that:
1. No more than 6 vehicles shall be stored on site in association with an office location that is part of a commercial center, or commercial complex that includes retail uses
2. Vehicle storage shall be limited to paved areas and shall not occupy required parking spaces or drive aisles
3. Accessory uses, such as vehicle washing, refueling stations, and minor maintenance garages, may be allowed on site only if such uses are screened from off site view and are not used by the general public. Such uses shall be designed and sited as to limit the noise impacts to surrounding properties.
4. Storage of vehicles shall be screened from off site view by a 3' or taller screen wall

C. Automobile service and diagnostic facility is allowed in certain commercial zone districts provided that:
1. Where the site or use abuts or adjoins any residentially zoned property or use, there shall be a solid masonry wall at least six (6) feet in height constructed according to the City of Avondale Design Manuals, with a minimum twenty (20) foot landscaping buffer inside the wall adjacent to the residentially zoned property or use. [currently, as part of the CUP the 20' landscape buffer is required outside the wall]
2. Buildings shall be sited to ensure that garage bay doors do not face public streets.

D. Banks and financial institutions without drive-thru, excluding non-chartered financial institutions are allowed in certain commercial zone districts provided that:
1. Banks and financial institutions included within an office building shall not occupy more than 25% of the gross floor area

E. Bars are allowed in certain commercial zone districts provided that:
1. The exterior building wall of a bar shall not be located within one thousand three hundred and twenty (1,320) feet of the exterior property lines of a public or private school, church, or other bar, night club, or wine bar. [conditions for Bar, Night Club, and Wine Bar are the same]

F. College or university is allowed in certain commercial zone districts provided that:
1. Colleges and universities shall be developed as a campus or park development, rather than as or within a shopping center

DRAFT

G. Drive-thru uses, including restaurants and financial institutions are allowed in certain commercial zone districts provided that:

1. Payment and/or pick-up windows shall not face public streets.
2. Drive thru canopies shall be included covering any payment or pick-up windows. Canopies shall be fully architecturally integrated in to the building consistent with the requirements of the Design Manuals.
3. Drive thru lanes shall be screened from view by a minimum 3' tall masonry wall.
4. Speaker boxes shall be located a minimum of 70' from any residentially zoned property or residential use. [Sonic at The Sanctuary was approved with a CUP for the speaker to be 53' away from the neighborhood, Popeye's was 100']
5. Drive thru cueing length shall be approved in accordance with a traffic study as approved by the City Engineer.

H. Funeral homes are allowed in certain commercial zone districts provided that:

1. Sites shall be designed such that parking, circulation, and access will not adversely affect adjacent or nearby residentially zoned property or residential use.

I. Health and exercise centers are allowed in certain commercial zone districts provided that:

1. Heath and exercise centers located within neighborhood shopping centers shall be limited to no larger than 3,000 square feet in area.

J. Night clubs are allowed in certain commercial zone districts provided that:

1. The exterior building wall of a bar shall not be located within one thousand three hundred and twenty (1,320) feet of the exterior property lines of a public or private school, or other bar, night club, or wine bar. [conditions for Bar, Night Club, and Wine Bar are the same]

K. Pet boarding and day care facilities, excluding any outdoor exercise/play areas, are allowed in certain commercial zone districts provided that:

1. All activities shall be conducted entirely within enclosed buildings.
2. Buildings shall be constructed in a manner that limits exterior noise from activities inside the building to a maximum of forty-five (45) DBA measured at the exterior building wall. A statement from a registered architect to this effect is required at the time of construction plan submittal.
3. Buildings shall be setback a minimum of one hundred (100) feet from any residential district.
4. Solid animal waste must be bagged separately from other refuse.

L. Pet boarding and day care facilities, including any outdoor exercise/play areas, are allowed in certain commercial zone districts provided that:

1. Direct access shall not be provided from animal housing units to the outside of the building.
2. Buildings shall be constructed in a manner that limits exterior noise from activities inside the building to a maximum of forty-five (45) DBA measured at the exterior building wall. A statement from a registered

DRAFT

architect to this effect is required at the time of construction plan submittal.

3. Outdoor walks and exercise must take place within specified play/exercise areas.
4. Animals must be supervised by a facility employee at all times when in an outdoor play/exercise area.
5. Animals shall not be allowed outside between the hours of 7:00 p.m. and 7:00 a.m.
6. Buildings shall be set back a minimum of one hundred (100) feet from any residential district.
7. Outdoor play/exercise areas shall be set back a minimum of two hundred fifty (250) feet from any residential district.
8. A solid block wall with a minimum height of eight (8) feet shall enclose the perimeter of any outdoor play/exercise area.
9. Animal waste shall be removed from outdoor play/exercise areas every five hours during time periods when these areas are in use.
10. Solid animal waste must be bagged separately from other refuse.

M. Public utility buildings, structures, uses, facilities and equipment are allowed in certain commercial zone districts provided that:

1. Sites shall be screened from off-site view by a minimum 6' tall masonry wall. Screen wall may be required to be 8' tall as determined by staff. All screen walls shall comply with wall standards set forth in the Design Manuals.

N. Retail/wholesale sales of lumber, landscaping and building materials, excluding outdoor storage is allowed in certain commercial zone districts provided that:

1. All pick-up areas, loading and unloading areas, and truck wells shall be screened from off site by a minimum 6' masonry wall. All screen walls shall comply with the wall standards set forth in the Design Manuals.

O. Social/Private Club is allowed in certain commercial zone districts provided that:

1. Any restaurant or bar operated in connection with a social/private club shall be an integral part of a principal building, shall have no public entrance except from within the building and shall make no exterior display or advertising of any commercial activity, however incidental.

P. Telecommunication Towers are allowed in certain commercial zone districts provided that:

1. Telecommunication towers shall be setback from all property lines a minimum of a distance equal to 1' for every 1' of the tower's height above grade.
2. Telecommunication towers shall be architecturally designed to give the appearance of blending in with its surroundings. [Is this something we want to always require? Is there a better way to say this?]

Q. Thrift stores are allowed in certain commercial zone districts provided that:

1. Outdoor donation bins shall be prohibited

DRAFT

2. Signage shall be required on site clearly stating that after-hours drop-off is prohibited
3. Loading and unloading areas shall not face or be visible from public streets.
4. Garage bay doors shall be closed except during drop-off or pick-up of items
5. All items shall be stored indoors at all times

R. Tire sales, repair and mounting facilities are allowed in certain commercial zone districts provided that:
1. Where the site or use abuts or adjoins any residentially zoned property or use, there shall be a solid masonry wall at least six (6) feet in height constructed according to the City of Avondale Design Manuals, with a minimum twenty (20) foot landscaping buffer inside the wall adjacent to the residentially zoned property or use. [currently, as part of the CUP the 20' landscape buffer is required outside the wall]
2. Buildings shall be sited to ensure that garage bay doors do not face public streets.

S. Veterinary hospital, offices and clinics, excluding animal boarding are allowed in certain commercial zone districts provided that:
1. Clinic activities shall be restricted to the medical care and treatment of small animals during regular office hours. The confinement of such animals on the premises shall be limited to essential and occasional overnight care and shall be entirely within enclosed structures. The boarding and breeding of animals shall be prohibited.
2. Clinics shall be constructed to be completely contained as to prevent emission of any noise or odor.
3. Outdoor runs or exercise pens shall be prohibited unless approval from the City Council is obtained prior to site plan submittal. Additionally, no outdoor runs, pens or enclosures shall be located closer than one hundred (100) feet to any street, residential district or existing restaurant, hotel or motel. [these three conditions are currently required as a CUP; number three needs to be reworded as they won't be required to go before Council anymore]

T. Wine bars are allowed in certain commercial zone districts provided that:
1. The exterior building wall of a bar shall not be located within one thousand three hundred and twenty (1,320) feet of the exterior property lines of a public or private school, or other bar, night club, or wine bar. [conditions for Bar, Night Club, and Wine Bar are the same]

305 Conditional use development standards.

**The following land uses are listed in the land use matrix as being allowed with a Conditional Use Permit. All uses being granted a Conditional Use Permit shall comply with the conditions listed below for the individual uses, if applicable. Based on review of the Conditional Use Permit application, the City Council may add additional conditions of approval deemed necessary to protect the health, safety, and public welfare.**

DRAFT

~~A. Automobile service and diagnostic facilities, auto supply stores, auto body and engine repair facilities, upholstery and painting facilities, tire sales repair and mounting facilities and similar uses may be allowed as conditional uses in certain commercial districts subject to the following provisions:~~

~~1. Outdoor displays of merchandise sold on the premises, not exceeding one-hundred (100) square feet, shall be allowed during normal business hours. However, no outdoor storage shall be permitted.~~

~~2. The exterior design of all buildings shall meet the City of Avondale design requirements.~~

~~3. Where the site or use abuts or adjoins any residentially zoned property there shall be a solid masonry wall at least six (6) feet in height constructed according to the City of Avondale wall standards, with a minimum twenty (20) foot landscaping buffer between the masonry wall and the property line abutting the residentially zoned property.~~

~~B. Automobile leasing facilities may be allowed as conditional uses in certain commercial zones, provided that:~~

~~1. No more than six (6) vehicles shall be stored on site in association with an office location, which is part of a commercial center, or commercial complex that includes retail uses.~~

~~2. Automobile storage shall be limited to paved areas and shall not occupy required parking spaces or access lanes.~~

~~C. Car washes, mechanical, and self service may be allowed as conditional uses in certain commercial zones provided that:~~

~~1. The site for the car wash shall have a minimum width of one hundred fifty (150) feet and a minimum area of twenty-two thousand five hundred (22,500) square feet after dedication of all required public right-of-way.~~

~~2. Where the site or use abuts or adjoins any residentially zoned property there shall be a solid masonry wall at least six (6) feet in height, with a minimum ten (10) foot landscaping buffer between the masonry wall and the property line abutting residentially zoned property.~~

~~3. Lighting shall be directed toward the site and shall not cause undesirable glare to nearby residential properties.~~

~~4. Design of structures and site shall be compatible with the type of development in or anticipated in the nearby areas and meet the design criteria of the City of Avondale.~~

~~5. All bays shall be oriented away from adjacent streets and residential areas. Appropriate screening may be used when approved by the community development director.~~

~~D. Convenience stores/gas service stations~~

**A. Gas stations with or without convenience stores** may be permitted as conditional uses in certain commercial districts, provided that:

1. Facilities for tire changing and repair, polishing, lubing, washing and minor repair and servicing of motor vehicles shall be entirely within an enclosed building. Body repair, engine rebuilding, bumping, painting, vehicle or trailer rental and general sales of auto parts shall be expressly prohibited.
2. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in turf or landscaping.

DRAFT

3. The site has minimum frontage of one hundred fifty (150) feet on one arterial street.
4. The design of all buildings shall meet City of Avondale ~~design requirements~~ **Design Manuals** and be compatible with the existing and anticipated surrounding development. In addition, the roofline and the architecture of the canopies shall be stylistically consistent with the other buildings on the site and shall not exceed one hundred fifty (150) lineal feet on any side.
5. All canopies, accessory equipment and fuel pump mechanisms shall meet the principal building setback requirements of the applicable zone.
6. Convenience stores/gas service stations proposed at the intersection of two arterial streets shall receive approval from the City Council prior to site plan submittal. [Is this something we want to keep?]
7. Service and car wash bays shall not face residential properties or public streets unless entirely screened in a method acceptable to the development services director. [What are we using in place of "development services director?"]

~~E. A tavern, bar, lounge or similar establishment that sells beer or intoxicating liquor on the premises for consumption on premises, excluding restaurants,~~

**B. Bars, night clubs, and wine bars** may be permitted as a conditional use in certain commercial districts, provided that:

**1.** The exterior building wall of a tavern, bar, lounge, or establishment that sells beer or intoxicating liquor on the premises for consumption on the premises shall not be located within one thousand three hundred and twenty (1,320) feet of the exterior property lines of a public or private school, church ~~or other tavern, bar or lounge.~~ **or other bar, night club, or wine bar.**

~~F. Recreation facilities and social clubs and reception centers~~

**C. Reception centers** may be permitted as conditional uses in certain commercial districts provided that:

1. Any restaurant or bar operated in connection with ~~a recreation and social club or~~ a reception center shall be an integral part of a principal building, shall have no public entrance except from within the building and shall make no exterior display or advertising of any commercial activity, however incidental.
2. ~~Golf fairways, greens and tees, swimming pools, tennis courts and similar outdoor recreation facilities shall be located not less than twenty-five (25) feet from any property line.~~

~~G.~~ **D.** An assisted living facility, ~~nursing or convalescent home,~~ or similar use may be permitted as a conditional use in certain commercial districts, provided that no such facility is located on a lot with a property line within one thousand, three hundred twenty (1,320) feet, measured in a straight line in any direction, of the lot line of another facility or group home.

~~H. Veterinary offices, hospitals and clinics (excluding animal boarding) may be permitted as conditional uses in certain commercial districts, provided that:~~

~~1. Clinic activities shall be restricted to the medical care and treatment of small animals during regular office hours. The confinement of such animals on the premises shall be limited to essential and occasional overnight care and shall be entirely within enclosed structures. The boarding and breeding of animals shall be prohibited.~~

DRAFT

~~2. Clinics shall be constructed to be completely contained as to prevent emission of any noise or odor.~~
~~3. Outdoor runs or exercise pens shall be prohibited unless approval from the City Council is obtained prior to site plan submittal. Additionally, no outdoor runs, pens or enclosures shall be located closer than one hundred (100) feet to any street, residential district or existing restaurant, hotel or motel.~~

~~I.~~**E.** Mini-storage warehouses may be permitted as a conditional use in certain commercial districts, provided that:

1. Doors of the storage areas shall not front or face onto any public street or residential use.
2. Only indoor storage shall be permitted and there shall be no sale or rental of goods, materials or other tangible or intangible property from the facility or any part thereof and there shall be no activities conducted on the premises whether related to the stored items or otherwise. The sale of insurance by the operator on goods stored therein or the sale therein or the sale by the operator of items used in connection with the storage of goods at the site shall not be prohibited.
3. No hazardous or flammable materials, as defined in the Avondale Building Code, shall be stored in such facility.
4. Any structure may be exempt from side and rear yard setbacks, provided, that in all cases where the conditional use abuts any residential district on its side or rear lot lines, there shall be a side yard of not less than twenty-five (25) feet and a rear yard of not less than twenty-five (25) feet.
5. A wall with a minimum height of six (6) feet and a landscaping ~~screen~~ **area a minimum of 20' wide**, all as approved by the development services director, shall be constructed on the side and/or rear property lines.

~~J. Pet boarding and day care facilities, excluding any outdoor exercise/play areas, may be permitted as a conditional use in certain commercial districts, provided that:~~
~~1. All activities shall be conducted entirely within enclosed buildings.~~
~~2. Buildings shall be constructed in a manner that limits exterior noise from activities inside the building to a maximum of forty-five (45) DBA measured at the exterior building wall. A statement from a registered architect to this effect is required at the time of construction plan submittal.~~
~~3. Buildings shall be setback a minimum of one hundred (100) feet from any residential district.~~
~~4. Solid animal waste must be bagged separately from other refuse.~~
~~K. Pet boarding and day care facilities, including outdoor exercise/play areas, may be permitted as a conditional use in certain commercial districts, provided that:~~
~~1. Direct access shall not be provided from animal housing units to the outside of the building.~~
~~2. Buildings shall be constructed in a manner that limits exterior noise from activities inside the building to a maximum of forty-five (45) DBA measured at the exterior building wall. A statement from a registered architect to this effect is required at the time of construction plan submittal.~~
~~3. Outdoor walks and exercise must take place within specified play/exercise areas.~~

DRAFT

~~4. Animals must be supervised by a facility employee at all times when in an outdoor play/exercise area.~~
~~5. Animals shall not be allowed outside between the hours of 7:00 p.m. and 7:00 a.m.~~
~~6. Buildings shall be set back a minimum of one hundred (100) feet from any residential district.~~
~~7. Outdoor play/exercise areas shall be set back a minimum of two hundred fifty (250) feet from any residential district.~~
~~8. A solid block wall with a minimum height of eight (8) feet shall enclose the perimeter of any outdoor play/exercise area.~~
~~9. Animal waste shall be removed from outdoor play/exercise areas every five hours during time periods when these areas are in use.~~
~~10. Solid animal waste must be bagged separately from other refuse.~~

~~L.~~ **F.** Body piercing studios, tattoo parlors, non-chartered financial services, pawnshops, liquor stores, and plasma centers may be permitted as a conditional use in certain commercial districts provided that:

1. The minimum separation between any of the above-listed uses shall be one thousand three hundred twenty (1,320) feet, measured in a straight line from the nearest property line of each property.
2. The above-listed uses shall not be located within one thousand three hundred twenty (1,320) feet of ~~a tavern, bar or cocktail lounge or an adult use~~ **a sexually oriented business as defined by Section 10, bar, night club, or wine bar.**
3. The minimum separation required for the above uses shall apply regardless of whether the other use is located within the incorporated area of the City of Avondale or another jurisdiction. (Ord. No. 1203-906, § 3, 9-18-06; Ord. No. 1211-1106, § 3, 11-20-06)

**306 Commercial Development Standards**

**The following development standards shall apply to all commercial developments zoned R-O, C-O, C-1, C-2, or C-3, except if otherwise noted above.**

**A. All activities, except as otherwise permitted herein, shall be conducted entirely within enclosed buildings.**

**B. Outdoor storage of goods and materials shall be prohibited.**

**C. Warehousing or indoor storage of goods or material beyond that normally incidental to permitted uses shall be prohibited.**

**D. All new buildings and uses of land or substantial additions to or remodeling of existing buildings/uses shall be subject to site plan review in accordance with Section 106.**

**E. The following table outlines the minimum development standards within each district. Yard, height, and area requirements in excess of these minimum standards may be required in accordance with the design standards outlined in the Zoning Ordinance, conditions required of conditional use permits or uses permitted with conditions, and/or the Design Manuals:**

DRAFT

| | R-O | C-O | C-1 | C-2 | C-3 |
|---|---|---|---|---|---|
| Minimum Lot Width | 45’ | 60' | None | None | None |
| Minimum Site Depth | 100’ | 100' | None | None | None |
| Maximum Lot Coverage | 35% | 35% | None | None | None |
| Maximum Building Height | 30’ | 30' | 30' | 30' | 30' |
| Front Setback | 20’ | 20' | 20' | 20' | 20' |
| Street Setback | 20’ | 20' | 20' | 20' | 20' |
| Rear Setback | 20’ | 20’ | 20’ | 20’ | 20’ |
| Side Setback | 20’ | 15’ | 15’ | 15’ | 20’ |
| Interior Setback | None | None | None | None | None |
| Setback from a Residential District or Use | 1’ per 1’ bldg height | 1’ per 1’ bldg height | 1’ per 1’ bldg height | 50’ | 50' |
| Maximum Accessory Structure Height | 15’ | 15’ | 15’ | 15’ | 15’ |

~~306~~ **307** Old Town Avondale Zoning Overlay District.

A. Permitted uses. In the OTAB zone, the following uses and their accessory buildings and uses are permitted, subject to the general revisions and exceptions set forth by this ordinance:

1. Antiques and collectibles shops.
2. Art galleries.
3. Artists' studios, and artisans' and craftspersons' studios or workshops, including retail sales.
4. Athletic clubs, health clubs.
5. Bakeries.
6. Banks and financial institutions, excluding non-chartered financial services.
7. Beauty salons, nail salons, and barber shops, without massage services.
8. Bicycle and sporting good stores.
9. Bookstores.
10. Camera shops.
11. Candy/confectioner's shops.
12. Churches.
13. Clothing, resort-wear, and t-shirt shops, selling only new merchandise.
14. Clothing consignment shops.
15. Clubs and lodges.
16. Coffee houses.
17. Curio shops.
18. Delicatessens.
19. Florists and flower shops.
20. Furniture sales, but not furniture, office, or household item rental.
21. Gift shops.

DRAFT

22. Herbal, natural remedy and metaphysical shops.
23. Ice cream shops.
24. Import stores.
25. Jewelry stores.
26. Juice bars.
27. Medical, dental, and optical offices.
28. Museums.
29. Music, record, and CD stores.
30. Newsstands.
31. Offices for professional, administrative, clerical, and sales service.
32. Outdoor gear stores.
33. Photography studios.
34. Plant nurseries with outdoor display.
35. Restaurants, restaurant/bars, and cafes of a sit-down nature, including those with outdoor dining.
36. Retail shops, as an accessory use to any of the primary uses permitted in this section.
37. Shoe stores and shoe repair shops.
38. Specialty grocers and food stores, without gasoline sales.
39. Specialty retail, such as flag, kite, magic, and puppet shops, etc.
40. Tailors and dressmaking shops.
41. Toy shops.
42. Video and DVD rental stores.
43. Sidewalk vendors. Vending on public streets and sidewalks in the OTAB District promotes the public interest by contributing to an active and attractive pedestrian environment. However, reasonable regulation of street and sidewalk vending is necessary to protect the public health, safety, and welfare.

The purpose of this section is to set forth the conditions and requirements under which sidewalk vendors may be permitted to operate within the OTAB District.

a. Definition. For purposes of this section, the following definitions shall apply:

1) "Stand," means a pushcart, wagon, or any other wheeled vehicle or device which may be moved without the assistance of a motor and is used for the displaying, storing, or transporting of articles offered for sale by a vendor.

2) "Vending" means the sale of food or merchandise from a stand operating on private property within the downtown area.

b. Vendors license required. Selling, or offering for sale, any food, beverage or merchandise on any property within the downtown shall comply with City of Avondale Municipal Code licensing requirements.

c. Applications. The application for a vendor's license shall be signed by the applicant and shall include:

1. The name, home, and business address of the applicant, and the name and address of the owner, if other than the applicant, of the vending stand to be used in the operation of the vending business,
2. A description of the type of food, beverage, or merchandise to be sold.
3. A description and photograph (including signage and colors) of any stand to be used in the operation of the business.

DRAFT

4. Proof of an insurance policy, issued by an insurance company licensed to do business in the State of Arizona, protecting the licensee and the city from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the license. Such insurance shall name as additional insured the city and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advance written notice to the city.

d. Issuance and fees. Not later than thirty (30) days after the filing of a completed application for a vendor's license, the applicant shall be notified of the decision on the issuance or denial of the license.

1. Fees shall be determined by resolution of the City Council and shall be paid prior to issuance of a permit.
2. Licenses to vend within the OTAB District shall be reviewed and approved by development services director in conjunction with the city clerk.
3. Locations for vending within the OTAB District area shall be approved by the development services director. Vending locations shall be designated based on the ability of the site to safely accommodate the use and to assure, as much as practical, that the sidewalk vendor is not selling merchandise that is primarily sold "on premise" within three hundred (300) feet of the vending locations.
4. Vending locations may change only upon written request by an applicant and approval by the development services director.
5. All locations of vending stands shall be in conjunction with right-of-way considerations, pedestrian safety, and proximity to existing vendors. All locations shall be within the OTAB District with primary emphasis at major intersections in the downtown core.
6. As an initial pilot program, it is recommended that a maximum of six (6) sidewalk vendors be allowed in Old Town Avondale. The director of may review this program periodically development services.

e. Term and renewal. All licenses are valid for one year unless revoked or suspended prior to expiration. An application to renew a license shall be made not later than sixty (60) days before the expiration of the current license. License fees and renewal procedures shall be established in accordance with the City of Avondale Municipal Code.

f. Prohibited conduct and hours of operation. It shall be prohibited for any outdoor vendor to operate under any of the following conditions:

1. Vend between 10:00 p.m. to 6:00 a.m. unless in conjunction with a special event.
2. Leave any stand or motor vehicle unattended.
3. Store, park, or leave any stand overnight on any public street or sidewalk, or park any motor vehicle other than in a lawful parking place.
4. Sell food or beverages for immediate consumption unless there is a litter receptacle available for patrons' use.
5. Leave any location without first picking up, removing, and disposing of all trash or refuse remaining from sales made from by him. Trash and refuse generated by the vending cart operations shall not be disposed in public trash receptacles.
6. Allow any items relating to the operation of the vending business to be placed anywhere other than in, on, or under the stand.

DRAFT

7. Set up, maintain, or permit the use of any additional table, crate, carton, rack, or any other device to increase the selling or display capacity of his/her stand where such terms have not been described in his/her application.
8. Solicit or conduct business with persons in motor vehicles.
9. Sell anything other than that which he/she is licensed to vend.
10. Sound or permit the sounding of any device that produces a loud and raucous noise, or use or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract the attention of the public.
11. Vend without the insurance coverage previously specified.
g. Vending stand requirements. Vendor shall be required to submit a photograph or drawing of the vending stand to be used for review during application approval process, including materials, colors and signage. No stand shall exceed four (4) feet in width, eight (8) feet in length, and eight (8) feet in height.
h. Safety requirements. All vehicles in or from which food is prepared or sold shall comply with the following requirements:
1. All equipment installed in any part of the vehicle shall be secured in order to prevent movement during transit and to prevent detachment in the event of a collision or overturn.
2. All utensils shall be stored in order to prevent their being hurled about in the event of a sudden stop, collision or overturn. A safety knife holder shall be provided to avoid loose storage of knives.
3. Compressors, auxiliary engines, generators, batteries, battery chargers, gas fueled water heaters, and similar equipment shall be installed so as to be hidden from view to the extent possible and be easily accessible.
i. Display of license. All licenses shall be displayed in a visible and conspicuous location at all times during the operation of the vending business.
j. Advertising. No advertising, except the posting of prices, shall be permitted on any stand, except to identify the name of the product or the name of the vendor.
k. Denial, suspension, and revocation. Any license may be denied, suspended, or revoked in accordance with the procedures in the City of Avondale Municipal Code for any of the following causes:
1. Fraud or misrepresentation contained in the application for the license.
2. Fraud or misrepresentation made in the course of carrying on the business of vending.
3. Conduct of the licensed business in such manner as to create a public nuisance, or constitute a danger to the public health, safety, welfare, or morals.
4. Conduct, which is contrary to the provisions of this section.
B. Uses permitted subject to a conditional use permit. In the OTAB District, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of Section 107:
1. Alcoholic beverage sales for off premises consumption (1iquor stores).
2. Cocktail lounges, bars, nightclubs, taverns, with or without entertainment and/or dancing.
3. Commercial parking lots and garages. Alleyway or side street ingress and egress is preferred for such lots and garages, as is their location to the rear of street side businesses, such that they are not visible from Western Avenue. Parking garages may be

DRAFT

required by the development services director to accommodate commercial or civic uses on ground floors adjacent to the street.
4. Dwellings not part of a commercial development (fourteen and one-half (14.5) dwelling units/acre maximum). For lots fronting on Western Avenue, no front yard setbacks are required and the maximum setback permitted shall be ten (10) feet which may be used for landscaping, pedestrian circulation, entry court, and similar uses related to a downtown pedestrian environment. Development standards for such dwellings shall be determined on a case-by-case basis, taking into account the character of the surrounding area.
5. Dwellings which are an integral part of a commercial development (fourteen and one-half (14.5) du/ac maximum). Must be located above ground floor, or to the side or the rear, of the commercial development. Development standards for such dwellings shall be determined on a case-by-case basis, taking into account the character of the surrounding area.
6. Hotels, motels and bed and breakfast inns.
7. Movie theaters (enclosed buildings), especially art film theaters, but excluding adult theaters.
8. Performing arts theaters, but excluding adult live entertainment establishments.
9. Restaurants with a separate bar/lounge area, with or without entertainment and/or dancing.
10. Veterinary offices provided such offices are constructed to prevent objectionable noises and odors outside the walls of the office. The boarding of animals shall be permitted only for short time periods for the purpose of observation incidental to care.
11. Uses similar to and not more detrimental than those permitted herein, excluding tattoo parlors, body piercing studios, pawn shops, plasma centers, and non-chartered financial services.
12. Sidewalk cafes. Sidewalk cafes on public sidewalks can enhance the pedestrian ambiance of Old Town Avondale and are encouraged. The purpose of this section is to set forth the conditions and requirements under which a sidewalk cafe, as defined below, may be permitted to operate on a public sidewalk within the OTAB District.
a. Definition. A sidewalk cafe is any group of tables and chairs, and its authorized decorative and accessory devices, situated and maintained upon the public sidewalk or along the private porches and arcades for use in connection with the consumption of food and beverage sold to the public from or in an adjoining indoor restaurant or delicatessen.
b. Conditional use permit required. A conditional use permit is required for all sidewalk cafes. Fees for the conditional use permit may be waived by City Council Resolution as an incentive for sidewalk cafes.
c. Findings and conditions. In connection with approval of a conditional use permit, the development services director shall make findings that the proposed operation meets the limitations of this section. The development services director may impose such conditions in granting approval as deemed necessary to assure that the proposed operation will meet the operating requirements and conditions set forth in this section and to assure that the general public health, safety and welfare will be protected.
d. Term and renewal. A conditional use permit for a sidewalk cafe may be approved by the development services commission for a maximum period of one year. Thereafter, the development services director, if an extension application is filed prior to any expiration

DRAFT

date of the conditional use permit, may extend the permit for additional periods, not to exceed one year each, following his review and approval of the cafe's operations. In the event the development services director considers additional or revised conditions are necessary and should be imposed if the permit is to be extended or if the development services director is of the opinion that the permit should not be extended at all, he or she shall refer the application to the Planning Commission which shall hold a public hearing and thereafter decide the matter. The Planning Commission may make any extension of a conditional use permit subject to such additional and revised conditions and requirements as it deems appropriate or necessary and any extensiongranted by the Planning Commission shall not exceed a period of one year.

e. Revocation. A conditional use permit may be revoked by the development services director, following notice to the permitted and a public hearing, upon a finding that any of the following are true:

1. One or more conditions of the permit have been violated;
2. That one or more conditions of this section have been violated;
3. That the sidewalk cafe is being operated in a manner which constitutes a nuisance; or
4. That the operation of the sidewalk cafe unduly impedes or restricts the movement of pedestrians past the sidewalk cafe.

f. Appeals. The applicant or any interested party may appeal a decision of the development services director to the Planning Commission. All applications for appeal shall be accompanied by the required fee.

g. Limitations and requirements. A sidewalk cafe may be permitted only in the OTAB District it the sidewalk cafe is situated adjacent to an indoor restaurant or delicatessen as specified below, and the sidewalk cafe's operation is incidental to and a part of the operation of such adjacent indoor restaurant or delicatessen.

1. Existing indoor restaurants and delicatessens must conform to all sections of the City of Avondale Municipal Code in order to be eligible for approval of sidewalk services.
2. A sidewalk cafe may be located on the public sidewalk immediately adjacent to and abutting the indoor restaurant or delicatessen which operates the cafe, provided that the area in which the sidewalk cafe is located extends no farther along the sidewalk's length than the actual sidewalk frontage of the operating indoor restaurant or delicatessen and all other applicable provisions of this section are fulfilled.
3. An indoor restaurant or delicatessen may be permitted to operate only one sidewalk cafe and each sidewalk cafe shall be confined to a single location or the sidewalk.
4. A sidewalk cafe may be permitted only where the sidewalk or porch is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the proposed cafe. There shall be a minimum forty-eight (48) inches clear distance free of all obstructions, in order to allow adequate pedestrian movement.
5. All outdoors dining furniture, including tables, chairs, umbrellas, and planters, shall be movable. Umbrellas must be secured with a minimum base of not less than sixty (60) pounds. Outdoor heaters, amplified music, or speakers shall be reviewed at the time of application for a conditional use permit.
6. No signing shall be allowed at any outdoor cafe except for the name of the establishment on an awning or umbrella valance.
7. A sidewalk cafe may serve only food and beverages prepared or stocked for sale at the adjoining indoor restaurant or delicatessen; provided that the service of beer or wine,

DRAFT

or both, solely for on-premises consumption by customers within the area of the sidewalk cafe has been authorized as part of a conditional use permit approval. Each of the following requirements must also be met:

i. The area in which the sidewalk cafe is authorized is identified in a manner, as approved by the development services director, which will clearly separate and delineate it from the areas of the sidewalk, which will remain open to pedestrian traffic.

ii. The sidewalk cafe operation is duly licensed in accordance with, the City of Avondale Municipal Code, or prior to the service of any beer or wine at the cafe, will be duly licensed, by state authorities to sell beer or wine, or both, for consumption within the area of the sidewalk cafe.

iii. The outdoor preparation of food and busing facilities are prohibited at sidewalk cafes. The presetting of tables with utensils, glasses, napkins, condiments, and the like is prohibited. All exterior surfaces within the cafe shall be easily cleanable and shall be kept clean at all times by the permitted.

iv. Trash and refuse storage for the sidewalk cafe shall not be permitted within the outdoor dining area or on adjacent sidewalk areas and the permitted shall remove all trash and litter as they accumulate. The permitted shall be responsible for maintaining the outdoor dining area, including the sidewalk surface and furniture and adjacent areas in a clean and safe condition.

8. Hours of operation shall be identical to those of the indoor restaurant or delicatessen. All furniture used in the operation of an outdoor cafe shall be removed from the sidewalk and stored indoors whenever the indoor restaurant or delicatessen is closed.

9. The city shall have the right to prohibit the operation of a sidewalk cafe at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades, repairs to the street or sidewalk, or emergencies occurring in the area. To the extent possible, the permitted will be given prior written notice of any time period during which the operation of the sidewalk cafe will beprohibited by the city.

10. The sidewalk cafe shall not require the provision of additional off-street parking.

11. Uses similar to and not more detrimental than those permitted herein, excluding tattoo parlors, body piercing studios, pawn shops, plasma centers, and non-chartered financial services.

C. Property development standards.

1. Area and density. No standard is established.

2. Coverage. Full coverage is allowable provided minimum loading space; parking, landscaping, and setbacks have been provided, unless otherwise approved by the City Council.

3. Setbacks.

a. Front yard. No front yard setbacks are required and the maximum setback permitted shall be ten (10) feet which may be used for landscaping, pedestrian, circulation, entry court, outdoor dining, and similar uses related to a downtown pedestrian environment.

b. Side yard. No side yard setbacks shall be required, except as follows:

1. Where the side property line abuts residential zoned property, no setback shall be required for the ground floor portion of the structure or first fifteen (15) feet of structure height, whichever is less. Portions of the structure above the ground floor or fifteen (15) feet in height shall be set back a minimum of ten (10) feet from the side property line.

DRAFT

2. Where the side property line abuts dedicated alley which separates such side property line from abutting residential zoned property, the side yard shall have a minimum depth of ten (10) feet, which shall be measured from the center line of said alley and the forty-five-degree angle of the afore described plane may be measured at the ground level along the center line of said alley.

c. Rear rard. No rear yard setbacks shall be required except as follows:

1. Where the rear property line abuts residential zoned property a minimum rear yard setback of twenty (20) feet shall be maintained, except that no portion of any structure shall encroach through a plane projected from an angle of forty-five (45) degrees measured at the ground level along the rear property line.

2. Where the rear property line abuts a dedicated alley which separates such rear property line from abutting residential zoned property, the rear yard shall have a minimum depth of twenty (20) feet which shall be measured from the center line of said alley and the forty-five (45) degree angle of the afore described plane may be measured at the ground level along the center line of said alley.

4. Height. Maximum height of all structures shall be three (3) stories.

5. Width. For purposes of regulating the division of existing storefronts, no minimum storefront width shall apply. For the purpose of this section, a storefront is the primary (front facade) and secondary (rear/side facade) building entrance where access is taken from a public street, alley, public or private parking lot, or pedestrian mall/arcade or passage.

6. Design standards. Any exterior modification of a building, structure or site within the OTAB District shall be subject to the standards set forth in the Old Town Avondale Business District Design Guidelines as adopted by the City Council. The Old Town Avondale Business District Design Guidelines shall supersede the design requirements respecting site organization and development, building design, landscaping, lighting, signage and public art set forth elsewhere in this ordinance. The required approval process shall be as follows:

a. Exterior modifications requiring a building permit shall be subject to the site plan review process and the appeal procedures for site plan review set forth in Section 106 of this ordinance.

b. Exterior modifications that do not require a building permit shall be reviewed and approved by city staff according to procedures established by the City Manager or designee.

7. OTAB joint-use parking. Joint-use parking standards are based on the assumption that patrons will use a single parking space for more than one destination in Old Town Avondale and that one parking space will be open and available for short-term parking to serve many different uses which may have different peak hours.

a. The following categories of development shall be eligible to use joint-use parking standards to meet parking requirements:

1. Non-residential new construction on sites of less than twenty thousand (20,000) square feet in size.

2. New construction on sites greater than twenty thousand (20,000) square feet in size for retail commercial, restaurants, and movie theaters;

3. Existing buildings with uses or occupancies as specified in Section 306 of this ordinance, including additions to and rehabilitation of such buildings; and

DRAFT

4. Changes in uses or occupancies of existing buildings from uses or occupancies not listed in Section 306 of this ordinance to any uses or occupancies specified in Section 306 of this ordinance.

b. Ineligible development. The following types of uses are not eligible to use joint-use parking standards:

1. New or existing residential uses; and
2. New construction of hotel or office uses on sites greater than twenty thousand (20,000) square feet in size.

8. Alternative joint-use parking standards. Section 8 the City of Avondale Zoning Ordinance shall determine circumstances in which parking shall be required. Once it has been established that parking is required, eligible projects within the OTAB District may choose to provide required parking by using the Alternative Joint-Use Parking Standards (Table 1) or to provide parking for the projects exclusive use under the standards established in Section 8.

9. Joint-use parking agreement. A11 parking developed under joint-use parking standards shall be required to enter into an agreement with the city and recorded by the city clerk, requiring the parking to be operated on a non-exclusive basis, to be open and available to the public for joint-use short-term public parking during normal business hours.

ALTERNATIVE JOINT-USE PARKING STANDARDS
MINIMUM PARKING RATIOS

TABLE INSET:

| Use | Minimum Parking Ratios |
|---|---|
| OFFICE | 3.0 spaces/1,000 sf of gross usable area |
| Including: | |
| 1. Banks, Savings and Loans, Other Financial Institutions. | |
| 2. Medical or Dental Office. | |
| 3. Professional or Unspecified Office. | |
| RETAIL COMMERCIAL | 4.0 Spaces/1,000 sf of gross usable area |
| PUBLIC ASSEMBLY | |
| Including: | |
| 1. Movie Theater | 1.0 space/4 seats |
| 2. Museum. | 3.0 Spaces/1,000 of gross usable area |
| RESTAURANT | |
| Including: | |
| 1. Restaurant, Coffee House, Juice | 3.0 spaces/1,000 of gross usable area |

DRAFT

| | |
|---|---|
| Bar under 1,000 square feet of gross usable area. | |
| 2. Restaurant over 1,000 square feet of gross usable area. | 5.0 spaces/1,000 of gross usable area |
| 3. Outdoor dining areas associated with a restaurant. | 0 spaces |
| RESIDENTIAL | Excluded from use of joint-use parking standards |
| NEW CONSTRUCTION OF OFFICE OR HOTEL USES ON LOTS GREATER THAN 20,000 SQUARE FEET | Excluded from use of joint-use parking standards |
| OTHER | Any category not listed above may be reviewed by the city on a case-by-case basis, taking into consideration the impact on peak-hour parking usage and the established parking standards contained in Section 8 of the City of Avondale Zoning Ordinance |

10. OTAB in-lieu parking fee. The existence of small parcels within Old Town Avondale often makes it difficult to provide on-site parking. As an alternative to on-site parking, the city may establish an in-lieu parking fee as part of a transportation system development charge. The fees would be "banked" by the city to provide funds to develop and maintain centralized public parking facilities.
11. Use of alleys within OTAB. For existing structures, a public alley may be used as part of the required maneuvering aisle for on-site parking that is immediately adjacent to the alley.
12. Structured parking within OTAB. For any proposed project in the OTAB District, up to a maximum twenty-five (25) percent reduction in required parking spaces may be allowed for the development of structured parking provided that a finding can be made that adequate parking will be available to serve the subject project.
13. On-street parking within OTAB. The number of on-street parking spaces within one hundred (100) feet of a parcel in the OTAB District, or the number that will be within one hundred (100) feet upon completion of planned street/parking improvements, whichever is greater, may be counted toward the required number of parking spaces.
14. Parking reductions within OTAB. For new and existing development within the OTAB area, required parking may be reduced on a case-by-case basis in compliance with Section 106.
15. OTAB parking lot landscaping and lighting requirements. Parking lot landscaping and lighting requirements shall be included as components of the OTAB District design standards which are promulgated administratively pursuant to Section 306 of this ordinance, under property development standards, item (6).
16. Business address required. Each business or structure (as appropriate) shall provide its address in numbers a minimum of six (6) inches in height. The address shall be placed on the building, awning valance, or canopy in a manner to be clearly visible from the

DRAFT

adjacent street, alley, and sidewalk. The preferred locations are above the main pedestrian entrance and at rear or side entrances. (Ord. No. 1211-1106, §§ 4, 5, 11-20-06)

~~307~~ **308** Cashion Business District.

A. Permitted uses.

Automatic teller machines.
Church, synagogue, temple, similar place of worship.
Clothing alteration, custom dressmaking, or tailor shop.
Cultural institution.
Dancing, theatrical, or music studio.
Child care center.
Dry cleaning and laundry establishment.
Laundromat, self-service.
Library or museum.
Medical, dental or health office, clinic, or laboratory.
Nail salon, barbershop, or beauty salon.
Photographic developing and printing studio.
Post office.
Professional, administrative, or business office, bank or financial institution, or similar use, excluding non-chartered financial services.
Public service or non-profit community use.
Restaurants, including drive-thru restaurants.
Retail sales of new merchandise in enclosed buildings, excluding liquor stores.
Retail sales of new merchandise and produce in open-air markets (mercados), excluding liquor sales and sidewalk sales.
Schools and educational institutions (public and private), excluding colleges, universities, and vocational schools.
Specialty stores and services, indoor, excluding liquor stores, pawn shops, tattoo parlors, body piercing studios, plasma centers and non-chartered financial services.
Ticket and travel agency.

B. Uses permitted subject to a conditional use permit.

Appliance service and repair.
Assisted living facility, nursing home, hospice, group home.
Auto supply store.
Automobile leasing facility.
Business or technical school.
Car wash, mechanical or self-service.
Caretaker's quarters (one, accessory use).
Dwelling units above the ground floor of a building.
Emergency medical care facility.
Gas service station with retail gasoline sales, convenience store, and car wash.
Health and exercise facility.
Hospitals.
Hotel and motel.
Movie theater.
Plant nursery.

DRAFT

Public utility building, structure, use, facility, equipment.
Reception center, recreation center, or social/private club.
Veterinary hospital, office or clinic, excluding animal boarding.
Vocation school.
C. Prohibited uses. Any use not expressly stated herein is prohibited.
D. Property development standards.
1. Area and density. No standard is established.
2. Coverage. Full coverage is allowable provided minimum loading space; parking, landscaping, and setbacks have been provided, unless otherwise approved by the City Council.
3. Setbacks.
a. Front yard. The minimum setback required shall be ten (10) feet. Within this setback, the first ten (10) feet must be used for landscaping.
b. Side yard. No side yard setbacks shall be required, except as follows:
1. Where the side property line abuts with residential use or zoning, the minimum setback required shall be ten (10) feet from such side property line. Such setback shall be landscaped in accordance with Section 12 of this ordinance.
2. Where the side property line abuts a dedicated alley, which separates such side property line from abutting residential zoned property, the side yard shall have a minimum depth of ten (10) feet. Such side yard shall be landscaped in accordance with Section 12 of this ordinance.
c. Rear yard. No rear yard setbacks shall be required except as follows:
1. Where the rear property line abuts residential zoned property, a minimum rear yard setback of ten (10) feet shall be maintained. Such setback shall be landscaped in accordance with Section 12 of this ordinance.
2. Where the rear property line abuts a dedicated alley, which separates such rear property line from abutting residential zoned property, the rear yard shall have a minimum depth of ten (10) feet. Such rear yard shall be landscaped in accordance with Section 12 of this ordinance.
4. Height. Maximum height of all structures shall be thirty (30) feet.
5. Width. For the purpose of regulating the division of existing storefronts, no minimum storefront width shall apply. For the purpose of this section, a storefront is the primary (front facade) and secondary (rear/side facade) building entrance where access is taken from a public street, alley, or parking lot.
6. Design standard. The Cashion Business District shall be subject to the property development standards found in Section 12, Sections 609.4. and 609.5. of this ordinance, with the exception of subsections 503.C.2. and 3., and the exterior color reference in subsection 609.4.d. In addition, the following design standards shall be applicable to the Cashion Business District:
A Cashion Heritage theme shall be implemented in the Cashion Business District, requiring the use of vibrant facade colors, tinted sidewalks, the color of which shall be prescribed by the City of Avondale Development Services Department, and the planting of one Phoenix roebelenii tree (Pygmy Date Palm) every twenty (20) linear feet within the first ten (10) feet of the required front setback adjacent to the public right-of-way for each property in the district.

DRAFT

7. Cashion Business District joint-use parking. Joint-use parking standards are based on the assumption that patrons will use a single parking space for more than one destination in the Cashion Business District and that one parking space will be open and available for short-term parking to serve many different uses, which may have different peak hours.
a. The following categories of development shall be eligible to use joint-use parking standards to meet parking requirements:
1. Non-residential new construction on sites of less than twenty thousand (20,000) square feet in size.
2. New construction on sites greater than twenty thousand (20,000) square feet in size for retail commercial, restaurants, and movie theater.
3. Existing buildings with uses or occupancies as specified in Section 307 of this ordinance, including additions to and rehabilitations of such building; and
4. Changes in uses or occupancies of existing buildings from uses or occupancies not listed in Section 307 of this ordinance to any uses or occupancies specified in Section 307 of this ordinance.
b. Ineligible development. The following types of uses are not eligible to use joint-use parking standards:
1. Existing residential uses; and
2. New construction of hotel or office uses on sites greater than twenty thousand (20,000) square feet in size.
8. Alternative joint-use parking standards. Section 8 of this ordinance shall determine circumstances in which parking shall be required. Once it has been established that parking is required, eligible projects within the Cashion Business District may choose to provide required parking by using the Alternative Joint-Use Parking Standards (Table 1), or provide parking for the project's exclusive use under the standards established in Section 8.
9. Joint-use parking agreement. All parking developed under joint-use parking standards shall be required to enter into an agreement with the city and recorded by the city clerk, requiring the parking to be operated on a non-exclusive basis, to be open and available to the public for joint-use short-term public parking during normal business hours.
10. Parking reductions within the Cashion Business District. For new and existing development within the Cashion Business District, required parking may be reduced on a case-by-case basis in compliance with subsection 804.F.

TABLE I

TABLE INSET:

| CASHION BUSINESS DISTRICT<br>ALTERNATIVE JOINT-USE PARKING STANDARDS<br>MINIMUM PARKING RATIOS | |
|---|---|
| USE | MINIMUM PARKING RATIOS |
| OFFICE | 3.0 spaces/1,000 sf of gross usable area |
| Including: | |

DRAFT

| | |
|---|---|
| 1. Banks, Savings and Loans, Other Financial Institutions. | |
| 2. Medical or Dental Office. | |
| 3. Professional or Unspecified Office. | |
| RETAIL COMMERCIAL | 4.0 Spaces/1,000 SF of gross usable area |
| PUBLIC ASSEMBLY | |
| Including: | |
| 1. Movie Theater. | 1.0 space/4 seats |
| 2. Social/Private Club. | 3.0 Spaces/1,000 SF of gross usable area |
| RESTAURANT | |
| Including: | |
| 1. Restaurant under 1,000 SF gross usable area. | 3.0 spaces/1,000 sf of gross usable area |
| 2. Restaurant over 1,000 SF gross usable area. | 5.0 Spaces/1,000 SF of gross usable area |
| RESIDENTIAL | Excluded from use of joint-use parking standards. |
| NEW CONSTRUCTION OF OFFICE OR HOTEL USES ON LOTS GREATER THAN 20,000 SQUARE FEET | Excluded from use of joint-use parking standards. |
| OTHER | Variable |
| Any category not listed above may be reviewed by the city on a case-by-case basis. | |

(Ord. No. 1134-05, § 6, 8-15-05; Ord. No. 1211-1106, § 6, 11-20-06)

~~308 Property development standards.~~
~~TABLE INSET:~~

| ~~—~~ | ~~C-0~~ | ~~C-1~~ | ~~C-2~~ | ~~C-3~~ |
|---|---|---|---|---|
| ~~Minimum Lot Width~~ | ~~60'~~ | ~~None~~ - | ~~None~~ - | ~~None~~ - |
| ~~Minimum Site Depth~~ | ~~100'~~ | ~~None~~ - | ~~None~~ - | ~~None~~ - |
| ~~Maximum Lot Coverage~~ | ~~35%~~ | ~~None~~ - | ~~None~~ - | ~~None~~ - |

DRAFT

| | | | | |
|---|---|---|---|---|
| ~~Maximum Height~~ | ~~30'~~ | ~~30'~~ | ~~30'~~ | ~~30'~~ |
| ~~Front Setback~~ | ~~20'~~ | ~~20'~~ | ~~20'~~ | ~~20'~~ |
| ~~Street Setback~~ | ~~20'~~ | ~~20'~~ | ~~20'~~ | ~~20'~~ |
| ~~Interior Setback~~ | ~~None~~ - | ~~None~~ - | ~~None~~ - | ~~None~~ - |
| ~~Minimum Setback from a Residential District or Use *~~ | ~~25'~~ | ~~25'~~ | ~~25'~~ | ~~30'~~ |

~~*When adjacent to a residential district or use, the following side and rear yard setbacks shall apply:~~
~~TABLE INSET:~~

| ~~Building Height~~ | ~~Setback~~ |
|---|---|
| ~~1 Story (15')~~ | ~~25'~~ |
| ~~2 Story (30')~~ | ~~50'~~ |

DRAFT

# DEVELOPMENT SERVICES

**SUBJECT:**
Amendment of Section 6 of the Zoning Ordinance

**MEETING DATE:**
March 3, 2008

**TO:** Mayor and Council

**FROM:** Brian Berndt, Development Services Director

**THROUGH:** Charlie McClendon, City Manager

---

**REQUEST:** Staff is recommending an amendment of Section 6, Planned Area Development (PAD) within the Zoning Ordinance. Section 6 regulates rezoning to, and amendment of, PAD zoning districts. The staff is soliciting input and direction from the City Council regarding improvement and updating this section in the Zoning Ordinance.

**BACKGROUND:**

This is a staff initiated request to update the Zoning Ordinance for future development projects in the City of Avondale. This item was initiated to keep pace with the rising expectations of the City Council, Planning Commission, staff, and citizens alike.

**PLANNING COMMISSION ACTION:**

A work session was held with Planning Commission February 22, 2008. The following are comments from members of the Commission:

- Commissioner stated that there should be no minimum acreage required to rezone to PAD. The draft of Section 6 contains a provision requiring a minimum of 15 acres for a site in order to rezone to PAD (PROPOSED section 602.A).
- Commissioner stated that PROPOSED section 603.E.3 regarding Expiration of PAD zoning was difficult to understand.
- Commissioner stated that in the interests of water conservation, the regulations should not encourage the use of turf areas, as does PROPOSED section 604.E.2.f. The Commissioner requested that the word "turfed" be removed, changing the regulation to allow un-improved, gravel or other surfaces within stormwater detention and floodway areas to count toward satisfying the minimum active open space requirement.
- Commissioner stated that un-sloped areas within stormwater detention and floodway areas should be landscaped at minimum, not allowing them to be gravel or left bare.
- Commissioner opposed removal of language that stated that a minimum lot size be 6000 square feet, a minimum lot width be 60 feet and providing minimum setbacks (section 609.1.f).

**ANALYSIS:**

The PAD Zoning District regulations are intended to encourage planned development, so as to maintain and enhance the physical, social and economic values of an area. Its regulations must provide guidance, structure and development standards while also providing flexibility. The PAD Zoning Dstrict embraces the widest range of development types and sizes within City. It is essential that this section of the Zoning Ordinance reflect the best and highest ideals of the City in order to encourage innovative, high quality, sustainable developments.

The amendments proposed for Section 6 are intended to be a complement to, and be supported by, the other sections of the Zoning Ordinance, such as Section 2 Residential, Section 3 Commercial and Section 4 Industrial. All sections of the Zoning Ordinance, especially Section 6, will be able to take advantage of the

concepts and good practices contained in the Design Manuals recently adopted by Council.

At the last Council Work Session, January 14, 2008, Council directed staff to investigate the development regulations of cities outside the Valley with regard to three issues: 1) Minimum acreage in order to rezone to PAD; 2) minimum amount of Open Space required for a PAD; and 3) Open Space distinctions with regard to active and usable versus passive, un-improved or left in a natural state.

Staff contacted 11 cities: Albuquerque, NM; Banning, CA; Casa Grande, AZ; Cottonwood, AZ; El Paso, TX; Flagstaff, AZ; Las Cruces, NM: Reno, NV; Salt Lake City, UT; Sedona, AZ; and Tucson, AZ. All cities responded except Flagstaff.

Summarizing the results, staff found the following:

1. Most commonly there is no minimum acreage in order to rezone to PAD. When there is a minimum provided, the most common is a low range of 1 to 3 acres.
2. There is wide variety in the amount of Open Space required ranging from no minimum to 7% and to a high of 35%. Some cities have two different amounts required, one for residential and another lower amount for non-residential. Two cities required Open Space in conformance with an established Open Space plan for the entire city (or district).
3. Most cities required Open Space to be usable by people for recreation, though there was no clear consensus on what improvements were required to make it usable. Some cities allowed Open Space to be counted if left in a natural state, and one city even allowed agriculture land to be counted towards Open Space.

## RECOMMENDATION:

Staff will make a presentation that identifies the sections of the zoning district that are being amended and staff's suggestions for revisions. The City Council may pose questions to staff, offer comments and provide direction in the amendment of Section 6 of the Zoning Ordinance.

## PROPOSED MOTION:

No action is required.

## ATTACHMENTS:

**Click to download**

- Section 6 PAD Strike-thru & Underline format
- 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.

DRAFT

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).

DRAFT

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

DRAFT

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;

DRAFT

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.

DRAFT

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

DRAFT

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.

DRAFT

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.

DRAFT

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:
**Eric Morgan, Planner II**
**emorgan@avondale.org**

Revised 1-7-2008

DRAFT