CITY COUNCIL AGENDA

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

REGULAR MEETING
March 2, 2009
7:00 PM

CALL TO ORDER BY MAYOR ROGERS
PLEDGE OF ALLEGIANCE
MOMENT OF REFLECTION

1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

2 UNSCHEDULED PUBLIC APPEARANCES

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

3 CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

a. APPROVAL OF MINUTES

a. Work Session of February 9, 2009
b. Regular Meeting of February 9, 2009

b. SPECIAL EVENT LIQUOR LICENSE – RACEWAY ELKS – ST. PATRICK'S DAY FUNDRAISER

City Council will consider a request to approve a special event liquor license application submitted by Mr. Gary Bruce on behalf of Raceway Elks #2852 for a St. Patrick's Day Fundraiser event to be held on March 14, 2009 at the Masonic Temple located at 1015 North 8th Street in Avondale. The Council will take appropriate action.

c. RESOLUTION 2804-209 - REPEAL

City Council will consider a request to repeal previously adopted Resolution 2804-209. This resolution was intended to approve an IGA with the Department of Homeland Security for the CERT program, however the resolution was agendized for adoption with a different description. The Council will take appropriate action.

d. RESOLUTION 2804-309 - IGA WITH ARIZONA DEPARTMENT OF HOMELAND SECURITY FOR THE CITIZEN CORPS TRAINING AND RESPONSE CAPABILITIES 333208-01

City Council will consider a resolution approving an IGA between the City of Avondale and the Arizona Department of Homeland Security for the purpose of executing grant 333208-01 which will allow the City of Avondale to spend $11,183 on items associated with Citizen Corps training and response capabilities to assist the Avondale Fire Department's Anti-terrorism efforts and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

e. **RESOLUTION 2805-309 - IGA WITH THE ARIZONA DEPARTMENT OF HOMELAND SECURITY FOR CERT TRAINING AND CAPABILITY AGREEMENT 444202-01**
City Council will consider a resolution approving an IGA between the City of Avondale and the Arizona Department of Homeland Security for the purpose of executing grant 444202-01 which will allow the City of Avondale to spend $13,800 on items associated with training capability for Avondale Fire Department's Anti-terrorism efforts and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

f. **RESOLUTION 2809-309 - ADOPTION OF FY2010 CITY COUNCIL GOALS**
City Council will consider a resolution establishing the City Council Goals for FY 2009-2010. The Council will take appropriate action.

g. **RESOLUTION 2810-309 - AMENDMENT TO THE IGA WITH GOODYEAR AND BUCKEYE POLICE DEPARTMENTS REGARDING THE FAMILY ADVOCACY CENTER**
City Council will consider a resolution approving an amendment to the Intergovernmental Agreement with the Goodyear and Buckeye Police Departments regarding the Family Advocacy Center and the method of accepting and using public donations and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

h. **ORDINANCE -ORDINANCE 1347-309, 1353-309, 1354-309 AND 1355-309 ACQUISITION OF FORECLOSED PROPERTY FOR THE NEIGHBORHOOD STABILIZATION PROGRAM**
City Council will consider four ordinances authorizing the acquisition of four pieces of real property (APN 500-18-286, 500-18-287, 500-18-336 AND 500-17-087) eligible for purchase with Neighborhood Stabilization Program funds and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

i. **ORDINANCE 1348-309 - SRP EASEMENT FOR ASHTON POINTE**
City Council will consider an ordinance accepting a new SRP Power Distribution Easement at the northeast corner of Friendship Park and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

j. **ORDINANCE 1349-309 - ACCEPTING SEWER EASEMENT AT AGUA FRIA RIVER AND 4TH STREET ALIGNMENT**
The City Council will consider an ordinance accepting an easement for the purpose of constructing and maintaining a sewer force main located at the flood control levee on the northwesterly bank of the Agua Fria River at the 4th Street alignment and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

k. **ORDINANCE 1350-309 - AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR RIGHT-OF-WAY FOR THE HILL STREET EXTENSION PROJECT**
The City Council will consider an ordinance authorizing the purchase of two (2) parcels of land for right-of-way required for the Hill Street Extension Project, authorize the transfer of $110,000 from 304-1122-00-8420, Dysart – Main to Riley Improvements to a newly created line item for the Hill Street Extension Improvements, and authorize the Mayor or City Manager, and City Clerk to execute the necessary documents.

l. **ORDINANCE 1356-309 - AUTHORIZATION TO PURCHASE A RIGHT-OF-WAY EASEMENT FOR THE VAN BUREN STREET AND ELISEO C. FELIX JR. WAY TRAFFIC SIGNAL PROJECT**
City Council will consider an ordinance authorizing the purchase of an easement for right-of-way purposes pertaining to the Van Buren Street and Eliseo C. Felix Jr. Way Traffic Signal; authorize the transfer of $28,400 from 304-1089-00-8420, Van Buren – Bridge to Fairway to 304-1242-00-8420, Traffic Signal Eliseo Felix/Van Buren; and authorize the Mayor or City Manager, and City Clerk to execute the necessary documents. The Council will take appropriate action.

4 PUBLIC HEARING, RESOLUTION 2807-309 AND ORDINANCE 1352-309 - TEXT AMENDMENT OF THE ZONING ORDINANCE SECTION 6 PLANNED AREA DEVELOPMENT DISTRICTS

City Council will hold a public hearing and consider Resolution 2806-309 declaring a public record the text amendment to Section 6 of the Zoning Ordinance - Planned Area Development Districts and adopt said ordinance. The Council will take appropriate action.

5 PUBLIC HEARING, RESOLUTION 2806-309 AND ORDINANCE 1351-309 - TEXT AMENDMENT OF THE ZONING ORDINANCE SECTION 2 RESIDENTIAL DISTRICTS

City Council will hold a public hearing and consider a resolution declaring a public record the amendments to Section 2 - Residential Districts of the Zoning Ordinance and adopt said ordinance. The Council will take appropriate action.

6 RESOLUTION 2808-309 - APPROVAL OF THE WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION AGREEMENT

City Council will consider a resolution approving the White Mountain Apache Tribe Water Rights Quantification Settlement Agreement and authorize the Mayor or City Manager and the City Clerk to execute the necessary documents. The Council will take appropriate action.

7 2ND QUARTER FISCAL REPORT

Staff will provide the City Council with an update on the City's current financial status. For information and discussion only.

8 EXECUTIVE SESSION

a. The Council may hold an executive session pursuant to ARIZ. REV. STAT. § 38-431.03 (A)(3) for discussion or consultation for legal advice with the City's Attorney relating to certain code amendments.

b. The Council may hold an executive session pursuant to Ariz.Rev. Stat. § 38-431.03 (A)(4) for discussion or consultation with the City's Attorney in order to considers its position and instruct the City Attorney regarding the Council's position regarding (i) an economic development agreement that is the subject of negotiations and (ii) threatened litigation relating to reduction in force.

9 ADJOURNMENT

Respectfully submitted,

Carmen Martinez
City Clerk

Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the Council Meeting.

CITY COUNCIL REPORT

SUBJECT:
APPROVAL OF MINUTES

MEETING DATE:
March 2, 2009

TO: Mayor and Council

FROM: Carmen Martinez, City Clerk (623) 333-1214

THROUGH: Charlie McClendon, City Manager

PURPOSE:

a. Work Session of February 9, 2009
b. Regular Meeting of February 9, 2009

ATTACHMENTS:

Click to download

No Attachments Available

CITY COUNCIL REPORT

SUBJECT:
Special Event Liquor License – Raceway Elks – St. Patrick's Day Fundraiser

MEETING DATE:
March 2, 2009

TO: Mayor and Council

FROM: Carmen Martinez, City Clerk (623) 333-1214

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council consider a request for a special event liquor license from Gary Bruce on behalf of the Raceway Elks #2852, for a fundraiser event to be held on March 14, 2009 at the Masonic Temple located at 1015 North 8th Street Avondale, Arizona.

DISCUSSION:

The City Clerk's Department has received an application for a special event liquor license from Gary Bruce, representing the Raceway Elks #2852, to be used in conjunction with a charitable fundraiser.

This event will be held on Saturday, March 14, 2009 from 5:00 p.m. to 11:00 p.m., at the Masonic Temple.

The required fees have been paid. Staff has determined that the applicant is not requesting any city support other than normal city services. The Police and Fire Departments have reviewed the application and are recommending approval. Their comments are attached.

Staff reviewed this application using the 14 factors set forth in Ordinance 1031-04. The findings are as noted below:

1. The event will be restricted to members only
2. Criminal history of the applicant - A background check of the representative, Mr. Gary Bruce, revealed no contact with the Avondale Police Department
3. The event is a charitable fundraiser
4. Security measures taken by the applicant – The Police Department has reviewed the security plan and determined it to be sufficient
5. All spirituous liquors will be served
6. Beverages will be dispensed in disposable cups and cans
7. The organization held a similiar event in February and no neighborhood disturbances were reported
8. Event activities will be confined to the Masonic Temple so there is no potential for problems in the neighborhood in terms of noise, hours and time of the event
9. The event will last six hours
10. Sanitary facilities are available at the temple
11. Zoning is C-2 Community Commercial and Development Services staff has indicated that the proposed use will not result in incompatible land uses
12. Anticipated total daily attendance is 80
13. Music will be provided by a disc jokey that will use his own sound amplification system

14. Per the Police Department, traffic control measures will not be necessary

RECOMMENDATION:

Staff recommends that the City Council approve the request for a special event liquor license from the Raceway Elks #2852 for a St. Patrick's Day Fundraiser event to be held on March 14, 2009 at the Masonic Temple located at 1015 North 8th Street Avondale, Arizona.

ATTACHMENTS:

Click to download

- State application
- Comments

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #521
Tucson AZ 85701-1352
(520) 628-6595

APPLICATION FOR SPECIAL EVENT LICENSE

Fee = $25.00 per day, for 1-10 day events only
A service fee of $25.00 will be charged for all dishonored checks (A.R.S.§ 44-6852)

PLEASE NOTE: THIS DOCUMENT MUST BE FULLY COMPLETED OR IT WILL BE RETURNED.

DEPT USE ONLY
LIC#

****APPLICATION MUST BE APPROVED BY LOCAL GOVERNMENT**

1. Name of Organization: RACEWAY ELKS #2852
2. Non-Profit/I.R.S. Tax Exempt Number: 80-0132941
3. The organization is a: (check one box only)
   - ☐ Charitable
   - ☒ Fraternal (must have regular membership and in existence for over 5 years)
   - ☐ Civic
   - ☐ Political Party, Ballot Measure, or Campaign Committee
   - ☐ Religious
4. What is the purpose of this event? St Patrick's Day Charitable Fund Raiser
5. Location of the event: 1015 N. 8th St Avondale Maricopa 85323
   Address of physical location (Not P.O. Box) | City | County | Zip

Applicant must be a member of the qualifying organization and authorized by an Officer, Director or Chairperson of the Organization named in Question #1. (Signature required in section #18)

6. **Applicant:** Bruce Gary J.
   Last | First | Middle | Date of Birth
7. Applicant's Mailing Address: 11882 W. Washington St. Avondale AZ. 85323
   Street | City | State | Zip
8. Phone Numbers: ( ) Site Owner # ( ) Applicant's Business # ( ) Applicant's Home #
9. Date(s) & Hours of Event: (Remember: you *cannot* sell alcohol before 10:00 a.m. on Sunday)

	Date	Day of Week	Hours from A.M./P.M.	To A.M./P.M.
Day 1:	3-14-09	Saturday	5:00 pm	11:00 pm
Day 2:				
Day 3:				
Day 4:				
Day 5:				
Day 6:				
Day 7:				
Day 8:				
Day 9:				
Day 10:				

Lic 0106 05/2004

***Disabled individuals requiring special accommodations, please call (602) 542-9027**

10. Has the applicant been convicted of a felony in the past five years, or had a liquor license revoked?
☐ YES ☒ NO (attach explanation if yes)

11. This organization has been issued a special event license for 2 days this year, including this event (not to exceed 10 days per year).

12. Is the organization using the services of a promoter or other person to manage the event? ☐ YES ☒ NO
If yes, attach a copy of the agreement.

13. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds.
THE ORGANIZATION APPLYING MUST RECEIVE 25% of the gross revenues of Alcoholic Beverage Sales.

Name	Address	Percentage
RACEWAY ELKS	1015 N. 8th ST AVONDALE, AZ	100%

(Attach additional sheet if necessary)

14. Knowledge of Arizona State Liquor Laws Title 4 is important to prevent liquor law violations. If you have any questions regarding the law or this application, please contact the Arizona State Department of Liquor Licenses and Control for assistance.

NOTE: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.
"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT PREMISES."

15. What security and control measures will you take to prevent violations of state liquor laws at this event?
(List type and number of security/police personnel and type of fencing or control barriers if applicable)

_____# Police ☒ Fencing
_____# Security personnel ☐ Barriers

THE BUILDING IS ENCLOSED WITH A CHAIN LINK FENCE WITH ENTRANCE & EXIT THROUGH A GATE. IT WILL BE MANNED BY OFFICERS OF THE ELKS

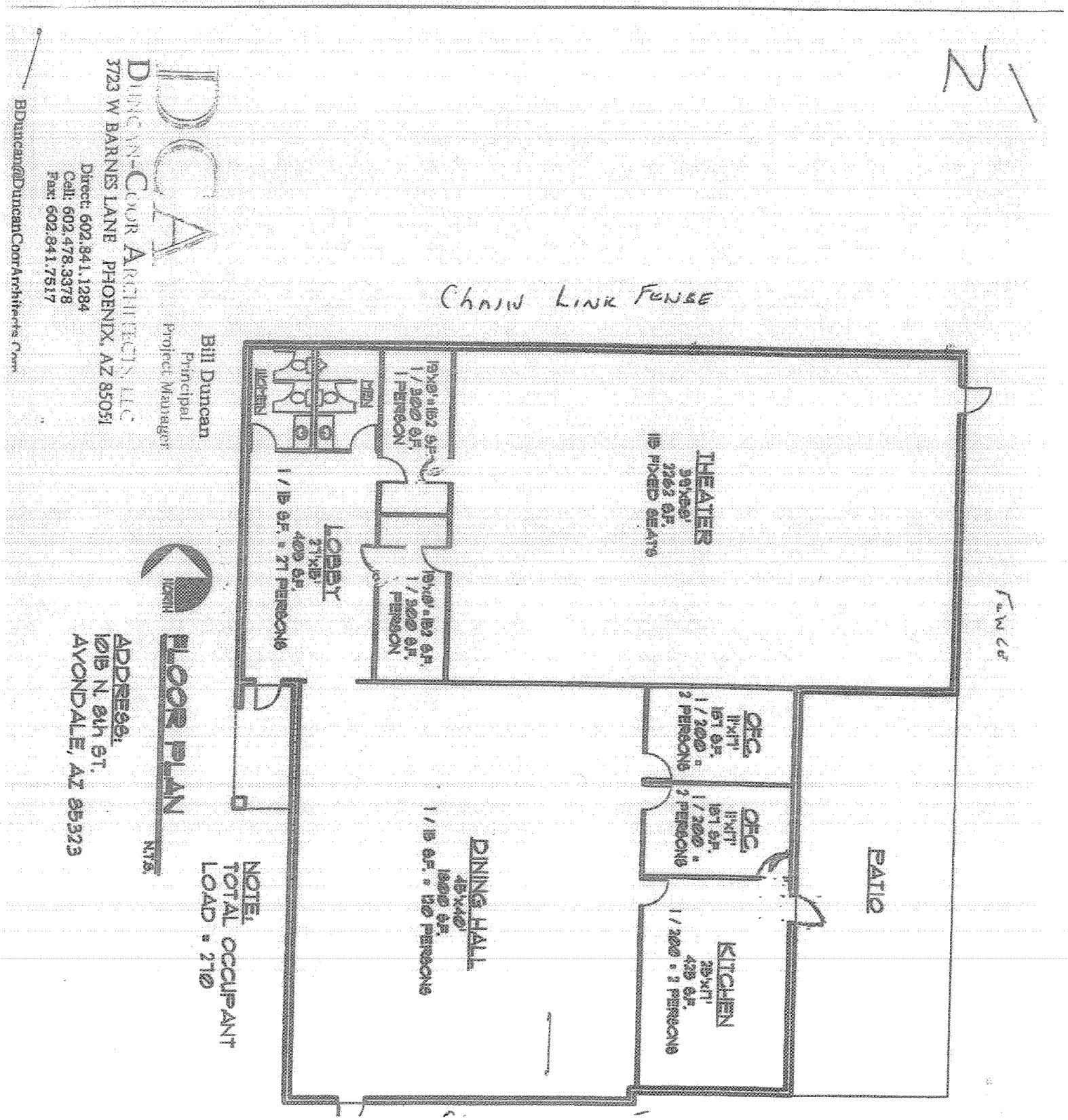
16. Is there an existing liquor license at the location where the special event is being held? ☐ YES ☒ NO
If yes, does the existing business agree to suspend their liquor license during the time period, and in the area in which the special event license will be in use? ☐ YES ☐ NO
(ATTACH COPY OF AGREEMENT)

_____ (_____) _____
Name of Business Phone Number

17. Your licensed premises is that area in which you are authorized to sell, dispense, or serve spirituous liquors under the provisions of your license. The following page is to be used to prepare a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades or other control measures and security positions.

SPECIAL EVENT LICENSED PREMISES DIAGRAM
(This diagram must be completed with this application)

Special Event Diagram: (Show dimensions, serving areas, and label type of enclosure and security positions)
NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.



THIS SECTION TO BE COMPLETED ONLY BY AN OFFICER, DIRECTOR OR CHAIRPERSON OF THE ORGANIZATION NAMED IN QUESTION #1

18. I, DAVID A ELIA (Print full name) declare that I am an Officer/Director/Chairperson appointing the applicant listed in Question 6, to apply on behalf of the foregoing organization for a Special Event Liquor License.

x [signature] (Signature) TRUSTEE (Title/Position) 10-23-08 (Date) (623) 925 1748 (Phone #)

RAMSES A. AMILLANO
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Commission Expires
March 30, 2012

State of ARIZONA County of MARICOPA

The foregoing instrument was acknowledged before me this 23 (Day) October (Month) 2008 (Year)

My Commission expires on: March 30, 2012 (Date) [signature] (Signature of NOTARY PUBLIC)

THIS SECTION TO BE COMPLETED ONLY BY THE APPLICANT NAMED IN QUESTION #6

19. I, GARY J. BRUCE (Print full name) declare that I am the APPLICANT filing this application as listed in Question 6. I have read the application and the contents and all statements are true, correct and complete.

x [signature] (Signature)

RAMSES A. AMILLANO
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Commission Expires
March 30, 2012

State of ARIZONA County of MARICOPA

The foregoing instrument was acknowledged before me this 23 (Day) 10 (Month) 08 (Year)

My commission expires on: March 30, 2012 (Date) [signature] (Signature of NOTARY PUBLIC)

You must obtain local government approval. City or County *MUST* recommend event and complete item #20 The local governing body may require additional applications to be completed and submitted 60 days in advance of the event. Additional licensing fees may also be required before approval may be granted.

LOCAL GOVERNING BODY APPROVAL SECTION

20. I, _____ (Government Official) _____ (Title) hereby recommend this special event application on behalf of _____ (City, Town or County) _____ (Signature of OFFICIAL) _____ (Date)

FOR DLLC DEPARTMENT USE ONLY

Department Comment Section:

_____

_____ (Employee) _____ (Date)

☐ APPROVED ☐ DISAPPROVED BY: _____

_____ (Title) _____ (Date)

City of Avondale
CITY CLERK'S OFFICE

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:
☒ SPECIAL EVENT LIQUOR LICENSE

ROUTING:
☐ POLICE DEPARTMENT
☒ FIRE DEPARTMENT

APPLICANT'S NAME: GARY BRUCE

ORGANIZATIONS NAME: RACEWAY ELKS #2852

EVENT ADDRESS: 1015 NORTH 8TH STREET

CITY: AVONDALE **STATE:** AZ **ZIP CODE:** 85323

PURPOSE OF EVENT: ST. PATRICK'S DAY CHARITABLE FUNDRAISER

DEPARTMENTAL COMMENTS:

☒ **APPROVED**
☐ **DENIED**

Jim J. Hoover
SIGNATURE

Fire Inspector
TITLE

2/4/09
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MARCH 2, 2009
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEBRUARY 12, 2009

City of Avondale
CITY CLERK'S OFFICE

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:
☒ SPECIAL EVENT LIQUOR LICENSE

ROUTING:
☒ POLICE DEPARTMENT
☐ FIRE DEPARTMENT

APPLICANT'S NAME: GARY BRUCE

ORGANIZATIONS NAME: RACEWAY ELKS #2852

EVENT ADDRESS: 1015 NORTH 8TH STREET

CITY: AVONDALE **STATE:** AZ **ZIP CODE:** 85323

PURPOSE OF EVENT: ST. PATRICK'S DAY CHARITABLE FUNDRAISER

DEPARTMENTAL COMMENTS:

☒ **APPROVED**
☐ **DENIED**

SIGNATURE

ASSISTANT POLICE CHIEF
TITLE

070309
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MARCH 2, 2009
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEBRUARY 12, 2009

CITY COUNCIL REPORT

SUBJECT:
Resolution 2804-209 - Repeal

MEETING DATE:
March 2, 2009

TO: Mayor and Council

FROM: Carmen Martinez, City Clerk (623) 333-1214

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is recommending repeal of Resolution 2804-209 adopted by Council on February 2, 2009.

DISCUSSION:

At its regular meeting of February 2, 2009, the City Council adopted Resolution 2804-209. As prepared by the City Attorney, this resolution was intended to approve an IGA between Arizona Department of Homeland Security and Avondale Fire Department for the Citizen Corps Training and Response Capabilities 333208-01.

Also at February 2, 2009, staff intended to request adoption of another resolution to approve an IGA between the Arizona Department of Homeland Security and the City of Avondale for the purpose of executing a grant for CERT Training.

Unfortunately, due to the similarity in titles, staff confused the items and improperly agendized the adoption of Resolution 2804-209 and failed to include adoption of another resolution for approval of the grant for CERT training. Adoption of these two resolutions is being submitted for your consideration tonight under separate recommendations.

RECOMMENDATION:

Staff is recommending repeal of Resolution 2804-209.

ATTACHMENTS:

Click to download

No Attachments Available

CITY COUNCIL REPORT

SUBJECT:
Resolution 2804-309 - IGA with Arizona Department of Homeland Security for the Citizen Corps Training and Response Capabilities 333208-01

MEETING DATE:
March 2, 2009

TO: Mayor and Council

FROM: Rogene Hill, Assistant City Manager (623) 333-1012

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council authorize the approval of an IGA between the City of Avondale and State of Arizona Department of Homeland Security for the purpose of executing grant 333208-01 which will allow the City of Avondale to spend $11,183 on items associated with citizen corps training and response capabilities to assist the Avondale Fire Department's Anti- terrorism efforts.

BACKGROUND:

Over the last three years the City of Avondale's Fire Department has been an active participant in State Homeland Security Grant Program. Chief Snapp and Susan Pistoia have made it a point to attend all of the necessary meetings and have managed to seize funding opportunities that will assist the City with homeland security equipment, trainings, and technical assistance.

DISCUSSION:

The Fire Department's active participation in the State Homeland Security Grant Program has allowed the City to receive $48,280 this fiscal year. The previous fiscal year Avondale was awarded $92,000. An additional $11,183 was later awarded to the City for Citizen Corp Training and Response Capabilities. This new funding will be spent in accordance with the 2007 funding.

The Citizen Corp Training and Response Capabilities grant for $11,183 will allow the Fire Department to purchase equipment to support multi-jurisdictional training and employment of Avondale CERT volunteers. This additional funding will be used to support continuing efforts to strengthen planning and citizen preparedness.

BUDGETARY IMPACT:

There is not match requirement for this grant.

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution approving an IGA between the City of Avondale and State of Arizona Department of Homeland Security for the purpose of executing grant 333208-01, which will allow the City of Avondale to spend $11,183on items, associated with Citizen Corp Training and Response Capabilities for the Avondale Fire Department's Anti- terrorism efforts.

ATTACHMENTS:

Click to download

Resolution 2804-309

RESOLUTION NO. 2804-209

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ACCEPTING A HOMELAND SECURITY GRANT AWARD FROM THE ARIZONA DEPARTMENT OF HOMELAND SECURITY RELATING TO CITIZEN CORPS TRAINING AND RESPONSE CAPABILITY.

WHEREAS, the Arizona Department of Homeland Security ("AZDOHS") has awarded the City of Avondale (the "City") a Homeland Security Grant Award (the "Grant") in the amount of $11,183.00, for the project entitled "Citizen Corps Training and Response Capability"; and

WHEREAS, the Council of the City of Avondale desires to accept the Grant funds.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. That the Subgrantee Agreement with the AZDOHS relating to the Grant (the "Agreement") is hereby approved in the form attached hereto as Exhibit A.

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

PASSED AND ADOPTED by the Council of the City of Avondale, February 2, 2009.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 2804-209

[Subgrantee Agreement]

See following pages.

CITY COUNCIL REPORT

SUBJECT:
Resolution 2805-309 - IGA with the Arizona Department of Homeland Security for CERT Training and Capability Agreement 444202-01

MEETING DATE:
March 2, 2009

TO: Mayor and Council

FROM: Rogene Hill, Assistant City Manager (623) 333-1012

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council adopt a resolution approving an IGA between the City of Avondale and State of Arizona Department of Homeland Security for the purpose of executing grant 444202-01 which will allow the City of Avondale to spend $13,800 on items associated with training capability for Avondale Fire Department's Anti-terrorism efforts.

BACKGROUND:

The Fire Department's active participation in the State Homeland Security Grant Program has allowed the city to receive $62,080 this fiscal year. The funding will be used for Citizen Corps Deployment ($14,450), Terrorism Liaison Sustainability ($4,000), Urban Area Volunteer Reception Center (16,030) and the CERT Training and Capability funding (13,800).

DISCUSSION:

The CERT Training and Capability funding will allow the Fire Department to enable local jurisdictions to be prepared for natural catastrophes and potential terrorist threats. Avondale will increase the number of trained volunteers to assist with sheltering, communications, administrative support and the volunteer reception center.

BUDGETARY IMPACT:

There is no match requirement for this grant.

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution approving an IGA between the City of Avondale and State of Arizona Department of Homeland Security for the purpose of executing grant 444202-01, which will allow the City of Avondale to spend $13,800 on items, associated with CERT training and capability for Avondale Fire Department Anti- terrorism efforts.

ATTACHMENTS:

Click to download

- Resoluton 2805-309

RESOLUTION NO. 2805-209

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ACCEPTING A STATE HOMELAND SECURITY GRANT AWARD FROM THE ARIZONA DEPARTMENT OF HOMELAND SECURITY RELATING TO CERT TRAINING AND CAPABILITY.

WHEREAS, the Arizona Department of Homeland Security ("AZDOHS") has awarded the City of Avondale (the "City") a State Homeland Security Grant Award (the "Grant") in the amount of $13,800.00, for the project entitled "CERT Training and Capability"; and

WHEREAS, the Council of the City of Avondale desires to accept the Grant funds.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. That the Subgrantee Agreement with the AZDOHS relating to the Grant (the "Agreement") is hereby approved in the form attached hereto as Exhibit A.

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

PASSED AND ADOPTED by the Council of the City of Avondale, February 2, 2009.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 2805-209

[Subgrantee Agreement]

See following pages.

CITY COUNCIL REPORT

SUBJECT:
Resolution 2809-309 - Adoption of FY2010 City Council Goals

MEETING DATE:
March 2, 2009

TO: Mayor and Council

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

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council adopt a resolution establishing Council goals for fiscal year 2009-2010.

BACKGROUND:

The Avondale City Council held the first of two Council Goal Setting Retreats at Public Safety Facility #172 on December 6, 2008. The retreat was attended by the Mayor and City Council members, the City Manager, staff from the City Manager's Office and Department Directors.

The purpose of the retreat was to discuss proposed budget reductions as well as begin to formulate Council's operational goals for the upcoming 2009-2010 fiscal year. City Manager Charles McClendon presented a review of reductions necessary to balance the budget in light of the current economic trends. Staff also presented a financial forecast. The Council then discussed its priority goals for the upcoming year.

At the end of the retreat, it was determined that a second visioning retreat was necessary to finalize complete goals for the upcoming fiscal year. The second visioning retreat was held on Saturday, January 31, 2009.

During the January 31 discussion, the City Council defined what "quality of life" meant to them and how that relates to goals for the upcoming fiscal year.

DISCUSSION:

The primary purpose in establishing these goals was to give staff direction in preparing the budget and departmental work plans for the next fiscal year. As such, it is anticipated that the final budget presented to Council for fiscal year 2009-2010 will allocate resources necessary to accomplish these goals. The Mayor and City Council developed the following goals for the 2009-2010 fiscal year:

Goal: Community & Economic Development
Strive to make Avondale an attractive investment opportunity for retail, commercial, office and light industrial development and ensure that all development in the community meets quality standards.

- Focus on the development of the City Center to attract future investment to the area
- Maintain established standards for home construction (lot sizes, infrastructure, phasing)
- Build and diversify the employment base, with an emphasis on attracting companies that are major employers

Goal: Community Involvement
Encourage effective coordination and involvement with community groups and other levels of government; promote community involvement among residents.

- Temporarily suspend major special events and instead provide smaller, cost effective activities and events for the community, exploring partnerships to keep costs low
- Continue Resident Appreciation Night
- Continue to support youth programming, particularly through the efforts of the Avondale Youth Advisory Commission

Goal: Financial Stability
Ensure long-term financial stability of the City. Maintain the fund balance, contingency reserves, and service levels to ensure efficient operations.

- Develop long range funding plans for public safety
- No new positions or salary increases for FY10 (except for consideration to offset medical cost increases)
- Maintain the Intergovernmental Affairs program to protect Avondale's interests at the state and federal levels

Goal: Quality of Life
Provide quality of life options and opportunities in the community.

- Promote functional art as part of Avondale's public arts program
- Develop strategies to expand educational options and opportunities in Avondale
- Housing is a priority
    - Address foreclosures by developing strategies to absorb excess housing inventory
    - Focus efforts on housing rehabilitation to bring housing stock up to market standards
    - Encourage programs and community involvement/leadership to promote stable neighborhoods

Goal: Public Safety
Improve public safety in the community.

- Maintain sworn staffing levels in Police and Fire Departments
- Develop strategies to reduce crime
- Develop operational improvements to make the best use of existing Police staff (including photo enforcement)

Goal: Environmental Leadership
Meet, and wherever possible, exceed regulations pertaining to water conservation, air-quality and storm water management.

- Utilize environmentally-sound ideas/programs that realize cost savings or are revenue neutral

- Ensure adequate ongoing funding of the City's water/sewer enterprises to maintain high federal/state standards pertaining to water quality and conservation, and public health and safety

- Explore the integration of green technology into City operations wherever feasible; seek ways to attract private sector projects involved in green initiatives

Goal: Staff Retention
Encourage recruitment and retention of quality and diverse staff and improve administrative capacity.

- Continue Green Friday program and other flexible schedules wherever possible

Goal: Transportation Management
Optimize multi-modal transportation and traffic flow in the community.

- Represent Avondale's interests at MAG, RPTA, ADOT, and the federal level

- Develop consensus among council members on Avondale's position related to the SR801 (freeway v. parkway and alignment)

- Actively engage in seeking funding for infrastructure projects as part of any federal stimulus package

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution establishing Council goals for fiscal year 2009-2010.

ATTACHMENTS:

Click to download

- Resolution 2809-309

RESOLUTION NO. 2809-309

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ESTABLISHING PRIORITY GOALS FOR FISCAL YEAR 2009-2010.

WHEREAS, on December 31, 2008, the Council of the City of Avondale (the "City Council") held a goal setting retreat (the "Retreat") with the City of Avondale staff; and

WHEREAS, the City Council established priority goals for fiscal year 2009-2010 at the Retreat.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. That the City Council's priority goals are hereby adopted for fiscal year 2009-2010 in the form attached hereto as Exhibit A and incorporated herein by reference.

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

PASSED AND ADOPTED by the Council of the City of Avondale, March 2, 2009.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 2809-309

[Council Goals]

See following pages.

City Council Goals for Fiscal Year 2009-2010

Goal: Community & Economic Development
Strive to make Avondale an attractive investment opportunity for retail, commercial, office and light industrial development and ensure that all development in the community meets quality standards.

- Focus on the development of the City Center to attract future investment to the area
- Maintain established standards for home construction (lot sizes, infrastructure, phasing)
- Build and diversify the employment base, with an emphasis on attracting companies that are major employers

Goal: Community Involvement
Encourage effective coordination and involvement with community groups and other levels of government; promote community involvement among residents.

- Place major special events on temporary hold and instead provide smaller, cost effective activities and events for the community, exploring partnerships to keep costs low
- Continue Resident Appreciation Night
- Continue to support youth programming, particularly through the efforts of the Avondale Youth Advisory Commission

Goal: Financial Stability
Ensure long-term financial stability of the City. Maintain the fund balance, contingency reserves, and service levels to ensure efficient operations.

- Develop long range funding plans for public safety
- No new positions or salary increases for FY10 (except for consideration to offset medical cost increases)
- Maintain the Intergovernmental Affairs program to protect Avondale's interests at the state and federal levels

Goal: Quality of Life
Provide quality of life options and opportunities in the community.

- Promote functional art as part of Avondale's public arts program
- Housing is a priority
    - Address foreclosures by developing strategies to absorb excess housing inventory
    - Focus efforts on housing rehabilitation to bring housing stock up to market standards
    - Encourage programs and community involvement/leadership to promote stable neighborhoods
- Develop strategies to expand educational options and opportunities in Avondale

Goal: Public Safety
Improve public safety in the community.

- Maintain sworn staffing levels in Police and Fire departments
- Develop strategies to reduce crime
- Develop operational improvements to make the best use of existing police staff (including photo enforcement)

Goal: Environmental Leadership
Meet, and wherever possible, exceed regulations pertaining to water conservation, air-quality and storm water management.

- Utilize environmentally-sound ideas/programs that realize cost savings or are revenue neutral
- Ensure adequate ongoing funding of the city's water/sewer enterprises to maintain high federal/state standards pertaining to water quality and conservation, and public health and safety
- Explore the integration of green technology into city operations wherever feasible; seek ways to attract private sector projects involved in green initiatives

Goal: Staff Retention
Encourage recruitment and retention of quality and diverse staff and improve administrative capacity.

- Continue Green Friday program and other flexible schedules wherever possible

Goal: Transportation Management
Optimize multi-modal transportation and traffic flow in the community.

- Represent Avondale's interests at MAG, RPTA, ADOT, and the federal level
- Develop consensus among council members on Avondale's position related to the SR801 (freeway v. parkway and alignment)
- Actively engage in seeking funding for infrastructure projects as part of any federal stimulus package

CITY COUNCIL REPORT

SUBJECT:
Resolution 2810-309 - Amendment to the IGA with Goodyear and Buckeye Police Departments Regarding the Family Advocacy Center

MEETING DATE:
March 2, 2009

TO: Mayor and Council

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

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the Mayor and City Council adopt a Resolution approving an amendment to the Intergovernmental Agreement with the Goodyear and Buckeye Police Departments relative to the Family Advocacy Center and the method of accepting and using public donations.

BACKGROUND:

The City Council previously approved an intergovernmental agreement for the Avondale Police Department to join with the Goodyear and Buckeye Police Departments to establish the Family Advocacy Center (FAC). The Advocacy center opened in May 2008 and provides a location for victims of violent crime to be interviewed and receive support services in a safe environment.

DISCUSSION:

At times various groups and individuals provide donations to the FAC.
This amendment to the IGA provides a method for the FAC to receive donations and a method to determine how donations will be spent in order to meet the operational needs of the FAC. If approved, the Steering Committee which consists of the three Police Chiefs from each agency involved in this IGA, will determine how donations are to be spent.

BUDGETARY IMPACT:

There is no budgetary impact associated with this amendment.

RECOMMENDATION:

Staff recommends that the Mayor and City Council adopt a Resolution approving an amendment to the Intergovernmental Agreement with the Goodyear and Buckeye Police Departments relative to the Family Advocacy Center and the method of accepting and using public donations.

ATTACHMENTS:

Click to download

- Resoltuion 2810-309

RESOLUTION NO. 2810-309

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING AN AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT WITH TOWN OF BUCKEYE AND THE CITY OF GOODYEAR RELATING TO THE DESIGN, CONSTRUCTION AND OPERATION OF A DOMESTIC VIOLENCE VICTIM ADVOCACY CENTER.

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

SECTION 1. That the Amended and Restated Intergovernmental Agreement with the Town of Buckeye and the City of Goodyear relating to the design, construction and operation of the Domestic Violence Victim Advocacy Center (the "Agreement") is hereby approved in substantially the form attached hereto as Exhibit A.

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

PASSED AND ADOPTED by the Council of the City of Avondale, March 2, 2009.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 2810-309

[Intergovernmental Agreement]

See following pages.

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE CITY OF AVONDALE, THE TOWN OF BUCKEYE AND THE CITY OF GOODYEAR
FOR DESIGN, CONSTRUCTION AND OPERATION OF A DOMESTIC VIOLENCE VICTIM ADVOCACY CENTER
AMENDED AND RESTATED
_____, 2009

THIS INTERGOVERNMENTAL AGREEMENT (this "Agreement") is entered into on _____, 2009, by and between the City of Avondale, an Arizona municipal corporation ("Avondale"), the Town of Buckeye, an Arizona municipal corporation ("Buckeye") and the City of Goodyear, an Arizona municipal corporation ("Goodyear") (referred to individually as a "Partnering Agency" and collectively identified as the "Partnering Agencies"), for design, construction and operation of the Avondale, Buckeye and Goodyear Domestic Violence Victim Advocacy Center (the "Center")

RECITALS

A. At present, the number of reported child and vulnerable sexual/physical abuse, sexual abuse of adults and domestic violence cases in the cities of Avondale and Goodyear and the Town of Buckeye is increasing, representing a continuing threat to the mental, physical, emotional welfare and safety of the victims within the corporate limits of Avondale, Buckeye and Goodyear.

B. Despite the Partnering Agencies' best efforts to protect victims, the current systems used by Avondale, Buckeye and Goodyear often cannot meet many victims' needs.

C. Each Partnering Agency currently implements a system that is designed for and oriented to all victims of these crimes, but which has few provisions tailored to the specific needs of individual victims. The advocacy system is designed to reduce trauma associated with crimes of child and vulnerable sexual/physical abuse, sexual abuse of adults and domestic violence cases by consolidating interviews, streamlining communication and coordination between agencies, providing specialized interviewing techniques and providing forensic medical exams.

D. Avondale, Buckeye and Goodyear believe that all three municipalities can improve services provided to victims of child and vulnerable sexual/physical abuse, sexual abuse of adults and domestic violence by the creation, development and implementation of a multi-disciplinary team approach in the investigation, assessment, referral for prosecution and medical and therapeutic treatment involving child and vulnerable sexual/physical abuse, sexual abuse of adults and domestic violence cases.

E. Each of the Partnering Agencies shall have specific responsibilities (as outlined in the attached guidelines) with regard to the investigation, assessment, medical treatment, and prosecution of child and vulnerable sexual/physical abuse, sexual abuse of adults and domestic violence cases.

F. The multi-disciplinary team approach, through the institution of the Center, will serve to enhance the individual efforts of each Party.

G. Avondale, Goodyear and Buckeye have authority to enter into the Agreement pursuant to ARIZ. REV. STAT. § 11-952.

H. The Agreement was entered into between the Partnering Agencies on March 3, 2007. The Agreement was Amended and Restated on July 9, 2007 to change the day-to-day operations manager of the Center from Buckeye to Avondale, add the location of the Center's Initial Facility, add the responsibilities of each party regarding Joint Use Items and to add an Initial Budget for the Center.

I. The Partnering Agencies have determined that it is necessary to amend and restate the Agreement to address the treatment of donations made to the Center and the distribution of the Center's assets at the termination of this Agreement.

AGREEMENT

NOW, THEREFORE, IN CONSIDERATION of the foregoing recitals, which have been incorporated herein by reference, the covenants, promises, terms and conditions set forth herein and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Partnering Agencies agree as follows:

1. Purpose and Intent of Agreement.

1.1 The Partnering Agencies intend to develop, own and manage the Center for use by the Partnering Agencies to provide on-site agency collaboration through the use of the multi-disciplinary team approach in prevention, investigation, assessment, protection, referral for prosecution and treatment of child and vulnerable sexual/physical abuse, sexual abuse of adults and domestic violence cases.

1.2 This Agreement provides for the operation and funding of the Center and supersedes any and all agreements previously entered into for the operation of said facility.

1.3 This Agreement shall not become effective or binding as to any Partnering Agencies unless and until all Partnering Agencies duly approve and execute this Agreement, and at such time as the last Partnering Agency duly approves and executes this Agreement, it shall be effective and binding for a term of three years thereafter unless sooner terminated as set forth in Section 11 below.

1.4 Avondale shall act as the overall day-to-day manager of the Center subject to the guidance of the Operations Committee (as defined below).

2. Contributions by Partnering Agencies. Each Partnering Agency shall make contributions toward annual operating, maintenance and repair costs ("O&M Costs") in equal shares, as more fully set forth in Section 7 below.

3. Center Governance.

3.1 The overall goal in governing the Center shall be to establish operational and management structures that will provide the opportunity for Partnering Agencies to actively participate in the ongoing administration and management throughout the term of this Agreement.

3.2 The Operations Committee is hereby established by this Agreement. The duties and responsibilities of the Operations Committee are set forth in Section 4 below.

3.3 The governance objectives of this Agreement include:

A. Provide a structure that enables administrative and fiscal review of the operation and maintenance of the Center by the Partnering Agencies.

B. Establish an organization that facilitates decision-making.

C. Develop an organization that will remain flexible and meet the needs of the Partnering Agencies over the term of the Agreement.

4. Operations Committee.

4.1 The Operations Committee consists of the Avondale Police Chief, the Buckeye Police Chief and the Goodyear Police Chief.

A. The Avondale employee charged with the day-to-day operations of the Center (the "Center Director") will attend Operations Committee meetings as a non-voting member. The Operations Committee will meet as necessary but not less than semi-annually. Meetings will be scheduled on not less than 30 days' written notice to each Partnering Agency, except upon consent of all of the members of the Operations Committee.

B. Operations Committee members may appoint alternates who may attend Operations Committee meetings but who shall not have a vote except in the absence of the respective committee member. Members of the Operations Committee shall vote on all items on the basis of one vote per Operations Committee representative. In the case of an absence of an Operations Committee member, an appointed alternate shall have a voting right on behalf of the respective Partnering Agency. An Operations Committee member may not designate another Operations Committee member to be his proxy for voting purposes.

C. The Avondale Police Chief shall serve as the initial chairman of the Operations Committee and shall preside at and conduct all meetings of the Operations Committee. Thereafter, at its first meeting at the beginning of each fiscal year (July 1 through June 30), the Operations Committee shall elect a chairman. Avondale will provide a secretary to take minutes. As soon as possible after each meeting, a copy of the minutes shall be provided to each of the members.

4.2 Role, Duties, and Responsibilities of the Operations Committee:

A. Review and approve any capital improvement plan for the Center.

B. Review and approve the annual Center operating and maintenance budget for the period July 1 through June 30 or portion thereof for each year of operation, by February 1st for the following fiscal year.

C. Review and approve the operations manual that governs the Center planning and operating functions, including policies and procedures and any amendments thereto (the "Center Operations Manual").

D. Make recommendations to the City/Town Managers and legal counsel for their respective Partnering Agencies regarding the disposition or settlement of any legal action, claim or lawsuit involving the Center or Partnering Agencies arising out of, or in connection with, operations of the Center.

E. Subject to Section 12 below, review and approve donations to the Center.

F. All other duties and responsibilities as provided for in this Agreement, as may be amended from time to time.

4.3 Before any action or decision of the Operations Committee is taken or made, the members present shall have the opportunity to discuss their respective Partnering Agency's positions or opinions on matters before the Operations Committee. Actions shall be determined by a unanimous vote of members present at a meeting.

5. Center Director and Day-to-Day Management.

5.1 As the day-to-day manager of the Center, Avondale shall have the responsibility to:

A. Maintain the Center in good condition and repair. Initially, the Partnering Agencies intend to operate the Center in a leased building located at 140 North Litchfield Road, Goodyear, Arizona, or other facility mutually agreeable to the Partnering Agencies (the "Initial Facility"). Avondale shall enter into a lease for the Initial Facility and shall be responsible for all necessary payments related thereto. The Partnering Agencies shall equally share in all costs related to the Initial Facility which costs shall be itemized not less than annually by Avondale, acting by and through the Center Director, and presented to Buckeye and Goodyear. All costs for furniture, equipment and supplies used at the Center shall be borne by the Partnering Agency using same. The cost for any furniture, equipment or supplies authorized by the Operations Committee to be jointly purchased for use by all Partnering Agencies (the "Joint Use Items") shall be shared equally by the Partnering Agencies.

B. Develop facility management contracts with vendors.

C. Make emergency repairs as required. Emergency repairs will be defined as those repairs that are immediately necessary to protect buildings, facilities and grounds from further damage and to keep the Center functional.

D. Establish and maintain accounts and records, including personnel, property, financial, project management, and other records as required by Avondale and consistent with generally accepted accounting principles to ensure proper accounting for all ongoing O&M Costs.

E. Subject to subsection 12.7 below, review and approve all agreements, contracts, trusts and other legal instruments pertaining to donations to the Center.

5.2 The Center Director shall be appointed by and serve at the pleasure of the Avondale City Manager, as provided herein, and shall be in the classified service of Avondale. The Center Director's salary and benefits shall be paid for out of the Center O&M Budget.

A. The members of the Operations Committee will participate in the selection process of the Center Director and will make a recommendation to the Avondale City Manager regarding selection of the Center Director. After considering recommendations from the Operations Committee members participating in the selection process, the Avondale City Manager will select the Center Director.

B. Through the Operations Committee's annual review and approval of the annual budget for the Center, the Operations Committee will establish priorities for the Center Director for the upcoming year as they relate to the Center. The Operations Committee may make recommendations to Avondale regarding the Center Director's performance at the time when Avondale is preparing to conduct the Director's evaluation. Avondale agrees to consider the Operations Committee's recommendations in conducting the Center Director's performance evaluation and, in addition, Avondale may use additional criteria in evaluating the Center Director's performance for the year.

C. If the Center Director's position becomes vacant while this Agreement is in effect, Avondale agrees to provide an interim Center Director and to recruit and select a new Center Director as outlined herein. All cost for recruitment and selection for the position of Center Director shall be paid for by the Center O&M Budget.

5.3 The Center Director will be responsible for overseeing the day-to-day maintenance, operations and repair of the Center by the Initial Facility property owner, which oversight will be subject to review of and advice from the Operations Committee. Pursuant to Section 12 below, the Center Director will be primarily responsible for implementing the decisions of the Operations Committee or the Operations Committee and the Partnering Agencies, as the case may be, with respect to donations to the Center.

5.4 Each Partnering Agency will acquire, hold or dispose of the personal property necessary to operate its respective portion of the Center. All fixed facilities and equipment shall

belong to the Partnering Agency that installed them. Partnering Agencies will acquire, hold or dispose of respective Partnering Agency property housed at the Center. Subject to the termination provisions set forth in subsection 11.1(B) below, all Joint Use Items shall be held by Avondale for the benefit of and use by all Partnering Agencies. Avondale shall not dispose of or otherwise convert any such Joint Use Items without the consent of the Operations Committee.

6. Operations Manual.

6.1 The Center Director will develop a Center Operations Manual to be submitted to the Operations Committee for review and approval. The Operations Manual will include but is not limited to the following:

A. Scheduling procedures.

B. Policies, procedures and practices for day-to-day (or otherwise necessary and beneficial to the) operations of the Center.

C. The staffing and organizational structure of the Center.

D. Policies, procedures, practices, terms and rental fees, if any, for use of the Center by non-participating agencies.

E. Partnering Agency responsibilities when using the Center.

F. General guidance for the Center Director necessary for the professional operation and management of the Center.

G. Any other matters deemed necessary or beneficial by the Center Director and Operations Committee.

6.2 The Center Director will develop an annual schedule for the Center for approval by the Operations Committee outlining each Partnering Agency's anticipated usage for the upcoming fiscal year. This schedule shall include all the received requests for facility usage from all the Partnering Agencies. Any subsequent requests will be handled on a first come, first served basis.

7. Budget, Finances and Partnering Agency Costs.

7.1 Annual operating, maintenance, and repair costs for the Center shall be shared by the Partnering Agencies equally. The Center Director will develop an estimated annual Center O&M Budget not later than November 15th and a final Center O&M Budget not later than January 15th for the following fiscal year in order for the Operations Committee to approve the O&M Budget not later than February 1st for the following fiscal year. The initial Center O&M Budget is hereby approved by the parties in the form attached hereto as Exhibit A and incorporated herein by reference.

7.2 Annual operating, maintenance and repair costs for the Center will include:

A. Authorized personnel salaries and benefits.

B. Services and supplies including, but not necessarily limited to, utilities, office supplies, maintenance supplies and contractual services.

C. Expenditures related to facility repair and maintenance.

D. Liability Insurance as provided in Section 9 below.

E. Other expenditures approved by the Operations Committee.

7.3 Each Partnering Agency shall bear, at its own expense, the operating, repair, and maintenance costs incurred solely for the benefit of each respective Partnering Agency (i.e., Partnering Agency-provided office furniture and equipment used by each jurisdiction).

7.4 Avondale, acting by and through the Center Director, shall invoice each Partnering Agency on at least annually for its proportionate share of O&M and contingency contributions, if any, by July 30th for each following fiscal year. For purposes of municipal budgeting and planning purposes, an estimate of the proportionate share for the following fiscal year will be provided to each Partnering Agency not later than February 1st of each year.

7.5 Each Partnering Agency shall reimburse the Center for the costs of repair of damage, beyond ordinary wear and tear, caused by that Partnering Agency. The Center Director shall determine the costs of repair and whether such repairs are beyond ordinary wear and tear and report to the Operations Committee. This provision does not apply to claims covered under any property coverage or insurance.

7.6 Avondale will administer the financial activities of the Center as a separate special revenue fund (the "Center Fund") in accordance with generally accepted accounting principles. All Center accounts are subject to oversight and control of the Operations Committee.

A. Expenditures from the Center Fund require the approval of the Center Director or the chair of the Operations Committee or vice-chair in the chair's absence.

B. The Center Fund will receive and separately account for all income belonging to the Center, including the Partnering Agencies' annual contributions and outside rental income, if any.

C. All monies not expended in the Center Fund will remain the property of the fund and roll forward into the next fiscal year for expenditure in accordance with subsection 7.2 above.

D. Any interest earned on the monies in the Center Fund, after deducting applicable bank charges, must be credited to this fund.

7.7 Nothing in this Agreement will act as an abrogation of the budgeting and appropriation authority of the legislative and/or governing bodies of the respective Partnering Agencies.

8. Hold Harmless and Indemnification.

8.1 Each Partnering Agency agrees that it will be responsible for any liability or loss that may be incurred as a result of any claim, demand, cost or judgment made against that Partnering Agency to the extent arising from any negligent, reckless or intentional act or omission by any of that party's employees, agents or servants in connection with work or responsibilities performed pursuant to this Agreement.

8.2 Each Partnering Agency shall be solely responsible for the costs of repair of damage to the Center caused by that Partnering Agency, as the case may be.

8.3 To the extent permitted by law, each Partnering Agency (an "Indemnitor") shall indemnify, hold harmless, and defend the Center and each other Partnering Agency (the "Indemnified Parties") for, from and against all claims and lawsuits resulting from any claim, demand, cost or judgment made against the Center and the Indemnified Parties to the extent arising from any negligent act or intentional misconduct by any of the Indemnitor's employees, agents, or servants in connection with work or responsibilities performed pursuant to this Agreement.

8.4 In the event of any lawsuit that names the Center or more than one Partnering Agency as a defendant ("Defendant Party" or "Defendant Parties"), the Defendant Parties shall seek to secure an allocation of comparative negligence among themselves where appropriate and each Defendant Party shall provide contribution to each other Defendant Party to the extent of the comparative allocation.

8.5 The Partnering Agencies further agree that they are not joint employers for the purpose of workers compensation coverage and that any Partnering Agency employee assigned to the Center shall remain an employee of such Partnering Agency. To the extent that employees of one Partnering Agency performs duties on behalf of another Partnering Agency, such employee shall be deemed to be an "employee" of both public agencies while performing pursuant to this Agreement solely for purposes of ARIZ. REV. STAT. § 23-1022 and the Arizona Workers' Compensation laws. The primary employer shall be solely liable for any workers' compensation benefits, which may accrue. Each party shall post a notice pursuant to the provisions of ARIZ. REV. STAT. § 23-1022 in substantially the following form:

> "All employees are hereby further notified that they may be required to work under the jurisdiction or control or within the jurisdictional boundaries of another public agency pursuant to an intergovernmental agreement or contract, and under such circumstances they are deemed by the laws of Arizona to be employees of both public agencies for the purposes of worker's compensation."

9. Insurance.

9.1 Partnering Agencies mutually agree to provide for their respective financial responsibilities as respects liability arising out of this Agreement through either the purchase of insurance or the provision of a self-funded insurance program.

9.2 Except as set forth in subsection 8.5 above, each Partnering Agency shall be fully responsible for any workers' compensation claims made by any individual assigned by that particular Partnering Agency to the Center for training, education or development.

9.3 The Center Director shall secure and maintain indemnification and proper proof of insurance coverage from any non-partnering agency assigning individuals to the Center.

9.4 The Center Director shall make provision for and maintain all standard and prudent liability insurance coverage with a deductible in an amount equal to the mandatory arbitration limit as set by the Maricopa County Superior Court. Coverage shall be secured though the placement of coverage with a third party insurer. All costs of coverage will be incorporated into the Center O&M Budget, and will be divided equally between the Partnering Agencies on an annual basis.

9.5 This Section shall be limited to the extent provided for in the contract for insurance secured through a third party insurer. The authority for the settlement of any claim or lawsuit against the Center or all of the Partnering Agencies shall lay with the City/Town Council of each Partnering Agency and shall be provided for by funds allocated among the Partnering Agencies, whether such funds are available through the Center O&M Budget or additional contributions from the Partnering Agencies are required. Except to the extent provided for in the contract for insurance secured through a third party insurer, the authority to settle any claim or lawsuit arising out of or connection with the use or operation of the Center made against an individual Partnering Agency or some of the Partnering Agencies not amounting to all of the Partnering Agencies shall lay with the individual Partnering Agency or Agencies in accordance with any governing legal authorities applicable to such Partnering Agency or Agencies, as the case may be.

9.6 This Section shall be limited to the extent provided for in the contract for insurance secured through a third party insurer. In the event a liability claim or lawsuit is filed against the Center or all of the Partnering Agencies related to the use and operation of the Center, there shall be a meeting between the risk managers and attorneys from each Partnering Agency to discuss how best to address the claim or lawsuit. Should the parties agree to settle any claim or lawsuit against the Center, the risk managers and attorneys will make such a recommendation to their respective Town/City Council. Notwithstanding the foregoing, the authority to settle any claim or lawsuit arising out of or connection with the use or operation of the Center made against an individual Partnering Agency or some of the Partnering Agencies not amounting to all of the Partnering Agencies shall lay with the individual Partnering Agency or Agencies in accordance with any governing legal authorities applicable to such Partnering Agency, Agencies, as the case may be.

10. Agreement Modification and Integration.

10.1 Prior to processing an amendment to this Agreement, a recommendation shall be provided by the Center Director and forwarded to the Operations Committee for approval. To be effective, any modification of this Agreement must be in writing, signed by the parties and approved by their respective governing bodies. The addition of any new Partnering Agency shall constitute an amendment to this Agreement and shall be processed pursuant to this Section.

10.2 This Agreement, including the attachments and any amendments and such other documents as are specifically incorporated by reference, represents the entire understanding of the parties with respect to the matters contained herein. Oral or written commitments not contained herein shall have no force or effect to alter any term or condition of this Agreement.

11. Termination of Agreement and Assignment.

11.1 Voluntary Termination.

A. Any Partnering Agency wishing to terminate participation prior to the end of the three-year term must provide not less than 60 days written notice of intent to terminate.

B. Any Partnering Agency voluntarily terminating in accordance with this Section shall forfeit (1) any contribution made to the annual operating, maintenance, and repair costs referenced in Section 7 of this Agreement, (2) any contributions made toward the acquisition of , or any interest in, the Joint Use Items and (3) any interest in the donation(s) made to the Center pursuant to Section 12 below.

11.2 Assignment.

A. A Partnering Agency may fully assign its rights and obligations under this Agreement as provided herein. No partial assignment of a Partnering Agency's rights and obligations hereunder shall be permitted.

B. The assigning Partnering Agency's rights and obligations hereunder may only be assigned by a written instrument approved by the respective governing bodies of the new partner and remaining Partnering Agencies, recorded in the Official Records of Maricopa County, Arizona, expressly assigning such rights, and approved by the governing body of the new partner, specifically assuming such rights and obligations.

C. Upon approval of an assignment and assumption hereunder, the assigning Partnering Agency's rights and obligations hereunder shall terminate.

11.3 Involuntary Termination.

A. The failure of any Partnering Agency to adhere to the terms and conditions of this Agreement, including timely payment of fees due, may constitute grounds for that Partnering Agency's involuntary termination from participation in the Center.

B. A Partnering Agency in breach of any of the terms of this Agreement ("Breaching Party") must be notified in writing by the Center Director that, unless it comes into compliance within 30 days of receipt of written notice, its participation in the Center may be involuntarily terminated.

C. If the Breaching Party fails to remedy the breach within the specified time frame, the issue of its involuntary termination will be considered by the Operations Committee.

D. The Operations Committee will provide the Breaching Party an opportunity to appear before it and to show why its participation in the Center should not be involuntarily terminated. The failure of the Breaching Party to appear shall constitute a waiver of any future right to do so.

E. Upon unanimous agreement of the Partnering Agencies not in default, the Operations Committee will notify the Breaching Party in writing that its participation in the Center is terminated and that it will forfeit any claim to any Center assets.

11.4 Avondale retains the right to seek legal redress, if necessary, to obtain payment on amounts due from other Partnering Agencies.

11.5 A Partnering Agency terminated for late or non-payment forfeits any claim to any Center assets or use of the Center as a Partnering Agency to this Agreement.

11.6 A Partnering Agency whose participation in the Center has been involuntarily terminated in accordance with this Section shall forfeit any (a) contribution made to the annual operating, maintenance and repair costs referenced in Section 7 of this Agreement, (b) any contributions made toward the acquisition of, or any interest in, the Joint Use Items and (c) any interest in the donation(s) made to the Center pursuant to Section 12 below.

11.7 Notwithstanding subsection 5.4 above and subject to subsections 11.1 and 11.3 above, at the termination of this Agreement, the Operations Committee shall meet to determine the distribution of the Center's assets.

12. Donations to the Center.

12.1 Avondale is authorized to accept donations on behalf of the Center. The Partnering Agencies will direct all inquiries regarding potential donations to the Center to the Center Director, who will have the primary responsibility for negotiating the terms of each potential donation. The Center Director will inform the Operations Committee of the details of the offered donations. The Operations Committee will have the discretion to accept or reject proposed donations provided that the Operations Committee will reject any offered donation which, in the Operations Committee's sole discretion, (i) would negatively affect the Center's reputation, (ii) include designated uses for the donation specified by the potential donor that are inconsistent with the purposes of the Center, (iii) are from a potential donor who lacks the authority or mental capacity to make the donation, or (iv) subject to subsection 12.2(C), where the donated property is not

capable of being promptly and easily converted to cash or a cash equivalent. Once the Operations Committee has accepted a proposed donation pursuant to subsection 12.4 below, the Center Director will cause the donor to execute a Domestic Violence Victim Advocacy Center Gift Agreement ("Gift Agreement"), substantially in the form attached as Exhibit B. Avondale shall maintain a system to hold, account for and distribute such donations.

12.2 All donations of property other than cash, or cash equivalents may be accepted by Avondale on behalf of the Center subject to the following provisions:

A. Real Property: Subject to the following conditions, Avondale may accept donations of real property on behalf of the Center:

1. Avondale will not accept a donation of real property without the receipt of a preliminary title report or commitment for title insurance in favor of Avondale and including a copy of all title exceptions allowing Avondale to obtain a title insurance policy for the property subject only to title exceptions accepted by the Operations Committee.

2. Avondale will not accept a donation of real property without receipt of a recent appraisal by an appraiser who has no business or other relationship to the donor and who is approved by the Operations Committee.

3. Avondale will not accept a donation of real property without first receiving the results of an appropriate environmental Phase I review by a qualified environmental engineer and certified to Avondale to determine whether there is a likelihood of the existence of any past or present environmental pollution or violations. A Phase II will be ordered and testing will be performed if, and as recommended, in the Phase I report. The donor will pay for all environmental review and testing and will provide Avondale with an environmental indemnity. Contaminated property will not be accepted by Avondale without a careful and thorough legal and economic analysis of the potential liability and costs resulting from the contamination.

4. Prior to presentation to the Operations Committee, the Center Director, or his or her designee, must conduct a visual inspection of the property. If the property is located in a geographically isolated area, a local real estate broker selected by the Center Director may conduct the visual inspection.

5. The Operations Committee will carefully evaluate the receipt of real property encumbered by a mortgage and will consult necessary tax or legal professionals prior to acceptance. The Center Director will also determine whether there is any provision in the mortgage that will cause the debt to become immediately due and payable upon the transfer of the real property.

B. Personal Property: Subject to the following conditions, Avondale may accept gifts of personal property on behalf of the Center:

1. Subject to subsection 12.2(C), Avondale will not accept donations of personal property unless the Operations Committee believes the property may be disposed of promptly and efficiently.

2. Avondale will not accept perishable or live property, nor will Avondale accept any property requiring special facilities or security.

C. Unless the Operations Committee determines that the retention of donated property would further the purposes of the Center, the Operations Committee will direct the Center Director to promptly sell, or cause to be sold, all donated property, which sale shall be conducted according to the Avondale Procurement Code and any applicable laws and regulations. The Center Director will treat the proceeds from such sales as a cash donation under subsection 12.3. Avondale will not accept donation under circumstances that obligate Avondale to own such donated property for a definite term or in perpetuity. Neither the Center Director, the Operations Committee, nor the Partnering Agencies will make any representation to any donor or potential donor that property will or will not be held by the Center for a specific period of time.

D. When appropriate, the Center Director will assist the appropriate Avondale staff member in preparation and execution of an IRS Form 8283, Non-Cash Charitable Contributions, when presented by the donor for signature. A qualified appraisal must be attached to IRS Form 8283. When appropriate, the Center Director will assist the appropriate Avondale staff member in preparation and filing of an IRS Form 8282, Donee Information Return, with the Internal Revenue Service promptly after the sale of donated property.

12.3 Avondale will deposit into the Center Fund all donations of cash, check or by credit card, and all proceeds from the sale of property donations. All checks will be made payable to "City of Avondale."

12.4 All donations made to Avondale on behalf of the Center will be used in accordance with the desires of each donor, if specified by the donor in the Gift Agreement, but in any event, for the exclusive benefit, and to satisfy the purposes, of the Center. Except as otherwise stated in this subsection 12.4, (i) the Operations Committee will have the sole authority to direct the Center Director concerning the use of each donation which is equal to or less than $25,000 and (ii) the Operations Committee and the Partnering Agencies will jointly direct the Center Director concerning the use of each donation which is in excess of $25,000. The City/Town Manager of each of the Partnering Agencies, or his or her designee, is authorized to give final approval on behalf of their respective Partnering Agency with respect to this subsection 12.4. The Center Director will be primarily responsible for implementing the decisions of the Operations Committee or the decisions of the Operations Committee and the Partnering Agencies, as the case may be.

12.5 Unless authorized by the donor in the Gift Agreement, all information concerning the identity of donors and prospective donors will be kept confidential, to the extent permitted by law. Unless authorized by the donor in the Gift Agreement, there will be no publicizing of any such donations without the permission of the donor.

12.6 The Center Director will advise all donors and prospective donors to seek

independent legal and tax advice regarding all aspects of their proposed donation. The Center Director, the Operations Committee, and the Partnering Agencies shall not make any representation to any donor or potential donor regarding the state or federal tax treatment of any donation to Avondale on behalf of the Center. The Operations Committee will consult with a tax advisor to ensure that the Center's acceptance of donations complies with state and federal tax law.

12.7 The Center Director is not authorized to execute any agreement, contract, trust or other legal document pertaining to a donation to the Center: all such agreements, contracts, trusts or legal documents shall be approved by Avondale's City Manager after review by the Avondale City Attorney.

13. General Terms.

13.1 Nothing contained in this Agreement confers any right to any person, (including, but not limited to, the Center Director or entity not a party to this Agreement.

12.2 No member, official or employee of the any of the Partnering Agencies may have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement that is prohibited by law. All parties hereto acknowledge that this Agreement is subject to cancellation pursuant to the provisions of ARIZ. REV. STAT. § 38-511.

13.3 Each Partnering Agency warrants that it has not paid or given, and will not pay or give, any third person any money or other consideration for obtaining this Agreement, other than normal costs of conducting business and costs of professional services.

13.4 No member, official or employee of any Partnering Agency will be personally liable to the other Partnering Agencies, or any successor in interest, in the event of any default or breach by that Partnering Agency or for any amount which may become due to another Partnering Agency, or on any obligation under the terms of this Agreement.

13.5 Except as otherwise expressly provided in this Agreement, any failure or delay by any Partnering Agency in asserting any of its rights or remedies as to any default will not operate as a waiver of any default, or of any such rights or remedies, or deprive any such party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies.

13.6 If any provision of this Agreement shall be found invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement will not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law, provided that the fundamental purposes of this Agreement are not defeated by such severability.

13.7 The captions contained in this Agreement are merely a reference and are not to be used to construe or limit the text.

13.8 The provisions of this Agreement for payment of funds by the Partnering Agencies shall be effective when funds are appropriated for purposes of this Agreement and are

actually available for payment. The Partnering Agencies shall be the sole judge and authority in determining the availability of funds under this Agreement and the Partnering Agencies shall keep the other Partnering Agencies fully informed as to the availability of funds for its program. The obligation of the Partnering Agencies to make any payment pursuant to this Agreement is a current expense of the Partnering Agencies, payable exclusively from such annual appropriations, and is not a general obligation or indebtedness of the Partnering Agencies. If the City/Town Councils of the Partnering Agencies fail to appropriate money sufficient to pay the reimbursements as set forth in this Agreement during any immediately succeeding fiscal year, this Agreement shall terminate at the end of then-current fiscal year and the Partnering Agencies shall relieved of any subsequent obligation under this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Intergovernmental Agreement to be effective the date first written above.

[SIGNATURES ON FOLLOWING PAGES]

CITY OF AVONDALE:

By:_____
Marie Lopez Rogers, Mayor

Date:

ATTEST:

_____
Carmen Martinez, City Clerk

CERTIFICATION BY LEGAL COUNSEL

The foregoing domestic violence victim advocacy center intergovernmental agreement between the City of Avondale, the Town of Buckeye and the City of Goodyear is in proper form and is within the powers and authority of the City of Avondale granted under the laws of the state of Arizona.

_____
Andrew J. McGuire, City Attorney

TOWN OF BUCKEYE:

By:_____
Jackie Meck, Mayor

Date:

ATTEST:

_____
Linda Garrison, Town Clerk

CERTIFICATION BY LEGAL COUNSEL

The foregoing domestic violence victim advocacy center intergovernmental agreement between the City of Avondale, the Town of Buckeye and the City of Goodyear is in proper form and is within the powers and authority of the Town of Buckeye granted under the laws of the state of Arizona.

_____
Scott W. Ruby, Town Attorney

CITY OF GOODYEAR:

By:_____
James Cavanaugh, Mayor

Date:

ATTEST:

_____
Lynn Mulhall, City Clerk

CERTIFICATION BY LEGAL COUNSEL

The foregoing domestic violence victim advocacy center intergovernmental agreement between the City of Avondale, the Town of Buckeye and the City of Goodyear is in proper form and is within the powers and authority of the City of Goodyear granted under the laws of the state of Arizona.

_____
Roric V. Massey, City Attorney

EXHIBIT A
OF
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE CITY OF AVONDALE, THE TOWN OF BUCKEYE AND THE CITY OF GOODYEAR
FOR DESIGN, CONSTRUCTION AND OPERATION OF A
DOMESTIC VIOLENCE VICTIM ADVOCACY CENTER
AMENDED AND RESTATED
_____, 2009

[Initial Budget]

See following page.

Family Advocacy Center
Proposed Budget
FY 2007-08

Lease agreement	$	409,571
Director Salary and benefits		122,520
Admin. Assistant salary and benefits		60,000
Total on-going		592,091
Capital		150,000
Total Budget	$	742,091

Projected Share	Ongoing	One-time	Total
Avondale	$ 197,364	$ 50,000	$ 247,364
Goodyear	$ 197,364	$ 50,000	$ 247,364
Buckeye	$ 197,364	$ 50,000	$ 247,364
			742,091

EXHIBIT B
OF
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE CITY OF AVONDALE, THE TOWN OF BUCKEYE AND THE CITY OF GOODYEAR
FOR DESIGN, CONSTRUCTION AND OPERATION OF A DOMESTIC VIOLENCE VICTIM ADVOCACY CENTER
AMENDED AND RESTATED
_____, 2009

[Domestic Violence Victim Advocacy Center Gift Agreement]

See following pages.

AVONDALE, BUCKEYE AND GOODYEAR
DOMESTIC VIOLENCE VICTIM ADVOCACY
CENTER GIFT AGREEMENT

THIS AVONDALE, BUCKEYE AND GOODYEAR DOMESTIC VIOLENCE VICTIM ADVOCACY CENTER GIFT AGREEMENT (this "**Agreement**") is made _____, 20__, by and between the City of Avondale ("**Avondale**"), an Arizona municipal corporation, and the following donor ("**Donor**"):

Name: _____

Address: _____

_____

Home Phone: _____

Other Phone: _____

Facsimile: _____

E-Mail: _____

Avondale serves as the day-to-day manager for the Avondale, Buckeye and Goodyear Domestic Violence Victim Advocacy Center (the "**Center**").

The Center gratefully acknowledges Donor's thoughtful generosity in assisting the Center to fulfill its mission to prevent, protect and treat victims of sexual or physical abuse and victims of domestic violence (the "**Mission**").

1. **Cash Gift Pledge**. Donor hereby agrees to make a cash gift to the Center in the amount of $_____. Donor agrees to pay this cash pledge in full on or before the ____ day of _____, 2____, in the following manner (please complete all that apply):

☐ by $_____ cash enclosed;

☐ by $_____ check enclosed, made payable to "City of Avondale";

☐ by $_____ credit card charge as follows:

☐ Visa ☐ MasterCard ☐ American Express ☐ Discover

Credit Card No. _____

Exp. Date: _____ 3-Digit Code: _____

☐ by $_____ cash or check in the following payments:

Regular Payments of $_____ each:

Monthly beginning on _____, 2_____
Quarterly beginning on _____, 2_____
Semi-annually beginning on _____, 2_____
Annually beginning on _____, 2_____

OR

Modified Payment Schedule:

1st payment of $_____ on _____, 2_____
2nd payment of $_____ on _____, 2_____
3rd payment of $_____ on _____, 2_____
4th payment of $_____ on _____, 2_____

☐ by bequest or other planned gift in the amount of $_____, as follows: _____
_____.

Recognizing that the Center is relying upon Donor's commitment in order to continue to carry out its Mission, and acknowledging the importance of the timeliness of such payments, Donor agrees to consult with the Center in the event it is deemed necessary or advisable to modify the above payment schedule.

2. **Real or Personal Property Gift Pledge**. Donor hereby agrees to make a gift to the Center of real or personal property described as follows: _____
_____
_____
_____.

3. **Further Assurances**. Avondale and Donor each agrees to perform all further acts and to execute, acknowledge and deliver any additional documents or instruments that are necessary to carry out the provisions of this Agreement, including, in the case of a gift of real property, the completion of a special warranty gift deed, substantially in the form attached as Exhibit A.

4. **Representations and Warranties**. Donor represents and warrants that:

(a) Authorization. All actions on the part of Donor which are required for the execution, delivery and performance by Donor of this Agreement have been duly and effectively taken. Donor has full power and authority to enter into and perform its obligations under this Agreement. The person(s) executing this Agreement on behalf of Donor have full power and authority to do so and to perform every act and to

execute and deliver every document and instrument necessary or appropriate to consummate the transaction contemplated hereby.

(b) Binding Obligation. This Agreement constitutes a legal, valid and binding obligation of Donor, enforceable against Donor in accordance with its terms.

(c) Title. Donor has good title to all property being donated pursuant to this Agreement and, upon execution of this Agreement, Avondale shall have and receive good and marketable title to the donated property free and clear of any liens except those liens identified in the attached Exhibit B.

(d) No Other Agreement. Donor has not entered into, there is not existing as of the date of this Agreement, and Donor covenants that it shall not hereafter enter into any other agreement, written or oral, under which Donor is obligated to donate, sell or lease to any third party the property being donated pursuant to this Agreement.

(e) Environmental Matters. With respect to any real property being donated pursuant to this Agreement, Donor has not caused any material violation of applicable environmental law, regulation, ordinance or order of any government entity, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act, as amended, the Resource Conservation and Recovery Act, as amended, the Federal Clean Water Act, as amended, the Federal Clean Air Act, as amended, the Federal Toxic Substances Control Act, as amended, and any regulations promulgated thereunder, or any other federal, state or local laws relating to contamination of or adverse effects on the environment except as those environmental matters identified in the attached Exhibit C.

(f) Litigation. Donor has no knowledge of any pending or threatened condemnation or similar proceeding affecting the property being donated pursuant to this Agreement or any portion thereof.

5. **Permitted Purposes**. Donor acknowledges that Avondale will make use of Donor's gift for the Center's benefit to further its Mission. Donor may specify below one or more purposes for use of the gift, provided that such purpose(s) are consistent with the Center's Mission, which the Center shall determine in its sole discretion. Unless otherwise specified below, the Center shall have the sole discretion to determine the use of the gift in accordance with the Mission and the Center's governing documents.

☐ I desire that my gift be used for the following purpose(s): _____
_____
_____
_____.

6. **Donor Recognition/Publicity**. Unless Donor specifically authorizes the Center to publicly recognize Donor, the Center will keep the identity of Donor strictly confidential, to the extent permitted by law. If Donor agrees that the Center may make public statements regarding the gift, including the amount thereof, and use such information in its efforts to solicit additional contributions and/or for other informational purposes, please indicate below:

☐ Donor agrees that Center may disclose the identity of Donor and the amount of Donor's gift.

7. **Tax Treatment**. THE CENTER MAKES NO REPRESENTATIONS TO DONOR WITH RESPECT TO THE STATE OR FEDERAL TAX TREATMENT OF DONOR'S GIFT. DONOR IS ADVISED TO SEEK THE ADVICE OF DONOR'S ATTORNEY AND TAX ADVISOR REGARDING ALL ASPECTS OF DONOR'S GIFT.

8. **Governing Law**. This Agreement shall be governed by the laws of the State of Arizona, without regard to conflict of law principles.

9. **Entire Agreement**. The parties understand and agree that this Agreement, including the attached Exhibits: (i) sets forth the entire agreement between the parties with respect to Donor's gift; (ii) supersedes all prior discussions, agreements and understandings, whether written or oral, relating to the subject matter hereof; (iii) may be amended or modified only by a subsequent writing which is signed by both parties; and (iv) is binding upon Donor and the Center, and their respective heirs, personal representatives and successors.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

Donor:	**Avondale:**
_____	By: _____
Print Name: _____	Name Title: _____
Date: _____	Date: _____

EXHIBIT A

When Recorded Mail To:

City Clerk
City of Avondale
11465 West Civic Center Drive, Suite 200
Avondale, Arizona 85323

SPECIAL WARRANTY GIFT DEED

THIS DEED IS EXEMPT FROM THE REQUIREMENT OF FILING AN AFFIDAVIT OF VALUE PURSUANT TO ARIZ. REV. STAT. § 11-1134(A)(7).

GRANTOR: _____

GRANTEE: City of Avondale, an Arizona municipal corporation (the "City")

As a gift and without the receipt of consideration, Grantor hereby conveys to the City all right, title and interest in the following real property situated in _____County, Arizona, together with all rights and privileges appurtenant thereto:

See Exhibit A attached hereto and incorporated herein by reference.

SUBJECT TO all existing taxes, assessments, liens, encumbrances, reservations in patents, covenants, conditions, restrictions, rights-of-way, easements and leases of record and all matters that a physical inspection of the properties would reveal.

Grantor hereby binds itself and its successors to warrant and defend the title as against all acts of Grantor herein and none other, subject to the matters above set forth.

DATED:_____, 20__.

"**Grantor**"

_____

By:_____
_____, _____

ACCEPTED BY:
"**Grantee**"

CITY OF AVONDALE, an Arizona municipal corporation

By:_____
_____, Mayor

ATTEST:

_____
_____, City Clerk

(ACKNOWLEDGMENTS)

STATE OF _____)
) ss.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 20__, by _____, _____ of _____, a _____, on behalf of the company.

_____
Notary Public in and for the State of _____

My Commission Expires:

_____

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 20__, by _____, the Mayor of the CITY OF AVONDALE, an Arizona municipal corporation, on behalf of the City of Avondale.

_____
Notary Public in and for the State of Arizona

My Commission Expires:

_____

EXHIBIT A
TO
SPECIAL WARRANTY GIFT DEED

[Legal Description]

EXHIBIT B
TO
SPECIAL WARRANTY GIFT DEED

[Existing Liens]

EXHIBIT C
TO
SPECIAL WARRANTY GIFT DEED

[Disclosed Environmental Matters]

CITY COUNCIL REPORT

SUBJECT:
Ordinance -Ordinance 1347-309, 1353-309, 1354-309 and 1355-309 Acquisition of Foreclosed Property for the Neighborhood Stabilization Program

MEETING DATE:
March 2, 2009

TO: Mayor and Council

FROM: Gina Montes, Neighborhood and Family Services Director (623)333-2727

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff requests approval of ordinances authorizing the acquisition of real property at 527 North 4th Street Unit A (parcel # 500-18-286), 527 North 4th Street Unit B (parcel # 500-18-287), Casa Lomas swimming pool property adjacent to 527 North 4th Street (parcel # 500-18-336), and 317 East Hill Drive (parcel # 500-17-087).

BACKGROUND:

The U.S. Department of Housing and Urban Development recently released Neighborhood Stabilization Program (NSP) funds to the City of Avondale for the purpose of redeveloping foreclosed homes. The subject properties are bank-owned and are potential acquisitions under the Neighborhood Stabilization Program (NSP). The properties would be redeveloped into an eligible use either as rental housing for a low-income family or other eligible NSP activity.

DISCUSSION:

The subject properties are vacant and are in need of rehabilitation. The rehabilation and subsequent occupancy of the properties will be a benefit to the neighborhood.

Acquisition of the properties will be contingent on an environmental review and other requirements of the program. Price will be negotiated and must be at a discount.

BUDGETARY IMPACT:

A total of $616,500 in NSP funds are allocated toward the acquisition and rehabilitation of properties for redevelopment into rental housing.

RECOMMENDATION:

Staff recommends approval of ordinances authorizing the acquisition of real property at 527 North 4th Street Unit A (parcel # 500-18-286), 527 North 4th Street Unit B (parcel # 500-18-287), Casa Lomas swimming pool property adjacent to 527 North 4th Street (parcel # 500-18-336), and 317 East Hill Drive (parcel # 500-17-087).

ATTACHMENTS:

Click to download

- Ordinance 1347-309
- Ordinance 1353-309
- Ordinance 1354-309

Ordinance 1355-309

ORDINANCE NO. 1347-309

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR PUBLIC USE.

WHEREAS, Article 1, Section 3 of the Avondale City Charter (the "Charter"), authorizes the City of Avondale (the "City") to acquire real property in fee simple or any lesser interest, inside or outside its corporate limits for any City purpose, when the public convenience requires it and in accordance with the provisions of State law; and

WHEREAS, the City Council desires to authorize the acquisition of certain real property necessary for public use.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. That the acquisition, by purchase, condemnation or dedication of ± 0.161 acres of real property, Maricopa County Assessor's Parcel No. 500-17-087, generally located north of Western Avenue, east of 3rd Street, in Avondale, Arizona (the "Acquisition Property"), as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is hereby authorized.

SECTION 2. That, in the event that a negotiated purchase cannot be reached for the Acquisition Property, the City Attorney is hereby authorized and directed to immediately initiate condemnation proceedings, including all actions necessary to enable the City to take possession of said property at the earliest possible date.

SECTION 3. That, if any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision of portion hereof shall be deemed separate, distinct, and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, March 2, 2009.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1347-309

[Legal description and map of Acquisition Property]

See following pages.

ORDINANCE NO. 1353-309

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR PUBLIC USE.

WHEREAS, Article 1, Section 3 of the Avondale City Charter (the "Charter"), authorizes the City of Avondale (the "City") to acquire real property in fee simple or any lesser interest, inside or outside its corporate limits for any City purpose, when the public convenience requires it and in accordance with the provisions of State law; and

WHEREAS, the City Council desires to authorize the acquisition of certain real property necessary for public use.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. That the acquisition, by purchase, condemnation or dedication of ± 0.075 acres of real property, Maricopa County Assessor's Parcel No. 500-18-336, generally located north of Ludlow Drive, east of 4th Street, in Avondale, Arizona (the "Acquisition Property"), as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is hereby authorized.

SECTION 2. That, in the event that a negotiated purchase cannot be reached for the Acquisition Property, the City Attorney is hereby authorized and directed to immediately initiate condemnation proceedings, including all actions necessary to enable the City to take possession of said property at the earliest possible date.

SECTION 3. That, if any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision of portion hereof shall be deemed separate, distinct, and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, March 2, 2009.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1353-309

[Legal description and map of Acquisition Property]

See following pages.

Property description
Swimming Pool property
Parcel #: 500-18-336

That part of the common elements of Casa Lomas Condominiums as recorded in Book 252 Page 19 in the official records of Maricopa County, Arizona described as follows;

Commencing at the intersection Ludlow Drive and 4th Street;

Thence North 0 Degrees 10 Minutes 32 Seconds West along the centerline of 4th Street for a distance of 150.00 feet to a point on a curve concave westerly, having a radius of 157.73 feet and a central angle of 21 Degrees 32 Minutes 15 Seconds;

Thence northerly along the arc of said curve to the left a distance of 59.29 feet;

Thence North 21 Degrees 42 Minutes 47 Seconds West A distance of 16.13 feet;

Thence North 68 Degrees 17 minutes 13 Seconds East 25.00 feet to a point on the Northeast Right of Way of 4th Street and the True Point Of Beginning;

Thence Continuing North 68 Degrees 17 Minutes 13 Seconds East a distance of 25.98 Feet;

Thence South 14 Degrees 0 Minutes 20 Seconds East 50.35 feet;

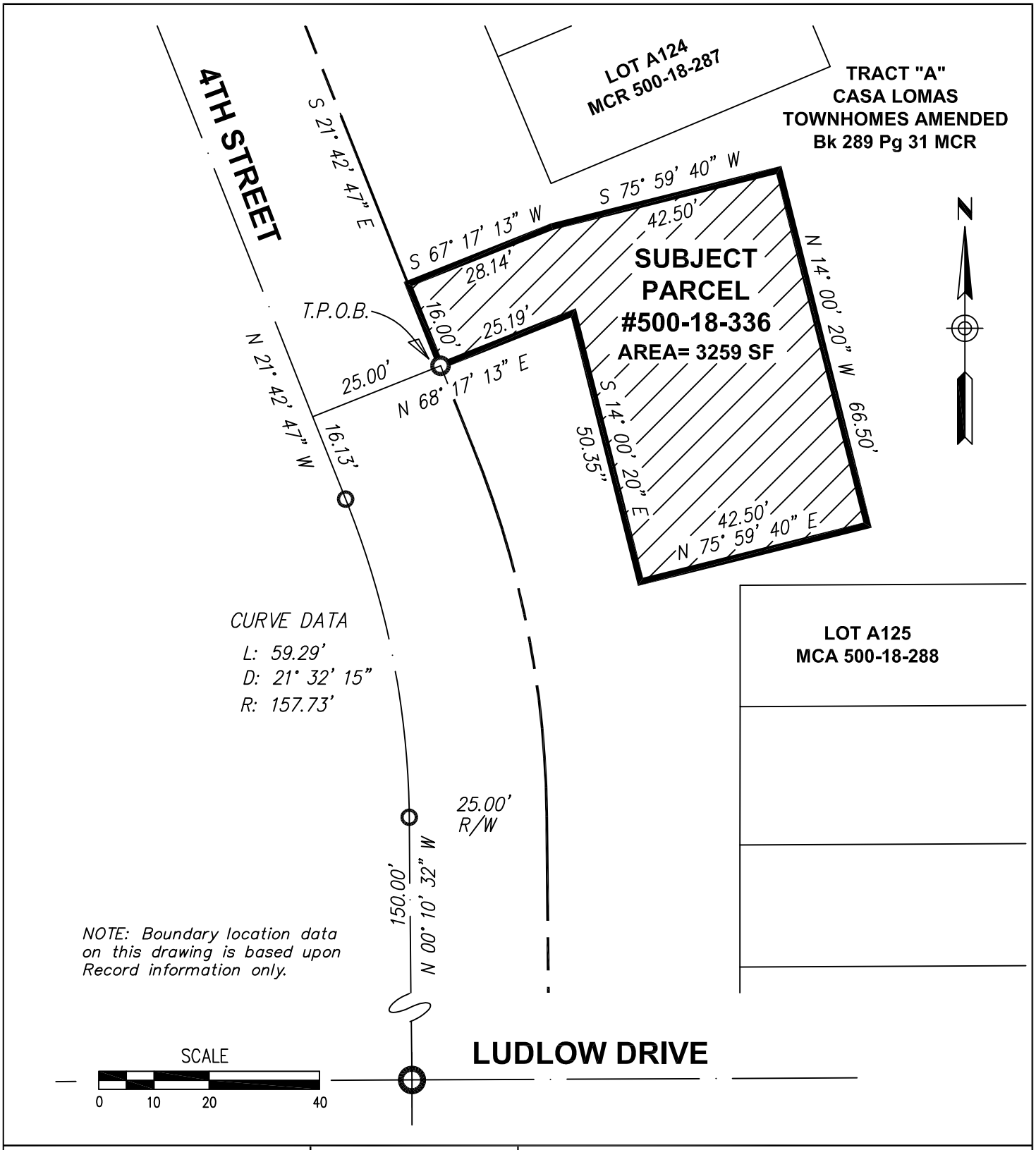
Thence North 75 Degrees 59 Minutes 40 Seconds East 42.50 feet;

Thence North 14 Degrees 0 Minutes 20 Seconds West 66.50 feet;

Thence South 75 Degrees 59 Minutes 40 Seconds West 42.50 feet;

Thence South 68 Degrees 17 Minutes 13 Seconds West 28.14 feet;

Thence South 21 Degrees 42 Minutes 47 Seconds East 16 feet to the True Point Of Beginning.



City of Avondale

GIS – LAND SERVICES DIV

EXHIBIT MAP
PARCEL 500–18–336
"CASA LOMAS" POOL

DATE: 2–18–2009
DSN:
DRN. LS
CHK:

NEIGHBORHOODS
PROPERTY ACQUISITION

PAGE
2 OF 2

ORDINANCE NO. 1354-309

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR PUBLIC USE.

WHEREAS, Article 1, Section 3 of the Avondale City Charter (the "Charter"), authorizes the City of Avondale (the "City") to acquire real property in fee simple or any lesser interest, inside or outside its corporate limits for any City purpose, when the public convenience requires it and in accordance with the provisions of State law; and

WHEREAS, the City Council desires to authorize the acquisition of certain real property necessary for public use.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. That the acquisition, by purchase, condemnation or dedication of ± 0.032 acres of real property, Maricopa County Assessor's Parcel No. 500-18-286, generally located north of Ludlow Drive, east of 4th Street, in Avondale, Arizona (the "Acquisition Property"), as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is hereby authorized.

SECTION 2. That, in the event that a negotiated purchase cannot be reached for the Acquisition Property, the City Attorney is hereby authorized and directed to immediately initiate condemnation proceedings, including all actions necessary to enable the City to take possession of said property at the earliest possible date.

SECTION 3. That, if any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision of portion hereof shall be deemed separate, distinct, and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, March 2, 2009.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

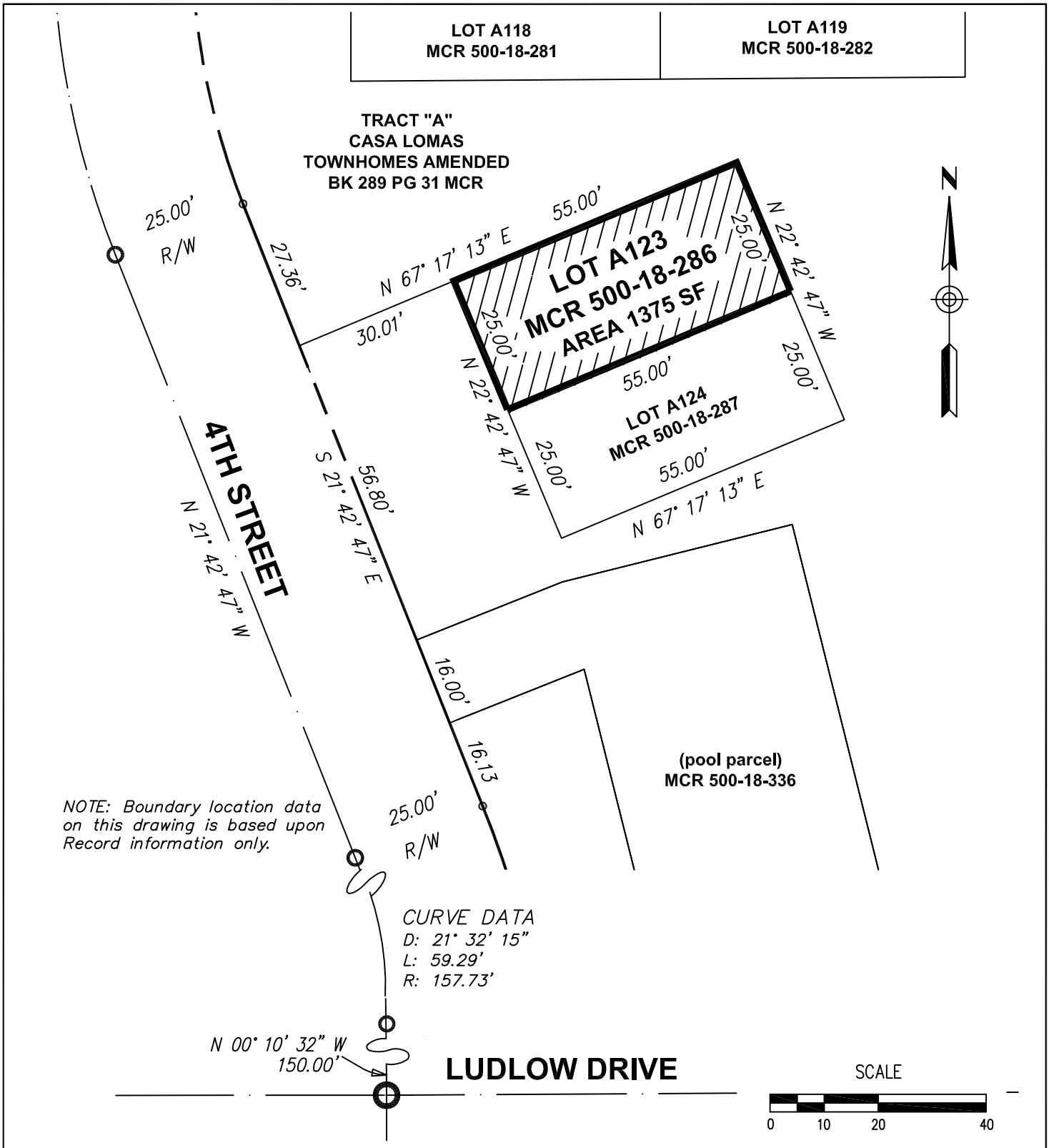
EXHIBIT A
TO
ORDINANCE NO. 1354-309

[Legal description and map of Acquisition Property]

See following pages.

Property description:
527 N 4th Street, Unit A
Parcel #: 500-18-286

Lot A123, CASA LOMAS TOWNHOMES AMENDED, as recorded in Book 289, Page 31 of the official Records of Maricopa County, Arizona



City of Avondale

GIS – LAND SERVICES DIV

EXHIBIT MAP
MCA PARCEL 500–18–286
LOT A123 CASA LOMAS TOWNHOMES AMENDED
BK 289 PG 31 MARICOPA COUNTY, ARIZONA

DATE: 2–18–2009
DSN:
DRN. LS
CHK:

NEIGHBORHOODS
PROPERTY ACQUISITION

PAGE
2 OF 2

ORDINANCE NO. 1355-309

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR PUBLIC USE.

WHEREAS, Article 1, Section 3 of the Avondale City Charter (the "Charter"), authorizes the City of Avondale (the "City") to acquire real property in fee simple or any lesser interest, inside or outside its corporate limits for any City purpose, when the public convenience requires it and in accordance with the provisions of State law; and

WHEREAS, the City Council desires to authorize the acquisition of certain real property necessary for public use.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. That the acquisition, by purchase, condemnation or dedication of ± 0.032 acres of real property, Maricopa County Assessor's Parcel No. 500-18-287, generally located north of Ludlow Drive, east of 4th Street, in Avondale, Arizona (the "Acquisition Property"), as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is hereby authorized.

SECTION 2. That, in the event that a negotiated purchase cannot be reached for the Acquisition Property, the City Attorney is hereby authorized and directed to immediately initiate condemnation proceedings, including all actions necessary to enable the City to take possession of said property at the earliest possible date.

SECTION 3. That, if any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision of portion hereof shall be deemed separate, distinct, and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, March 2, 2009.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

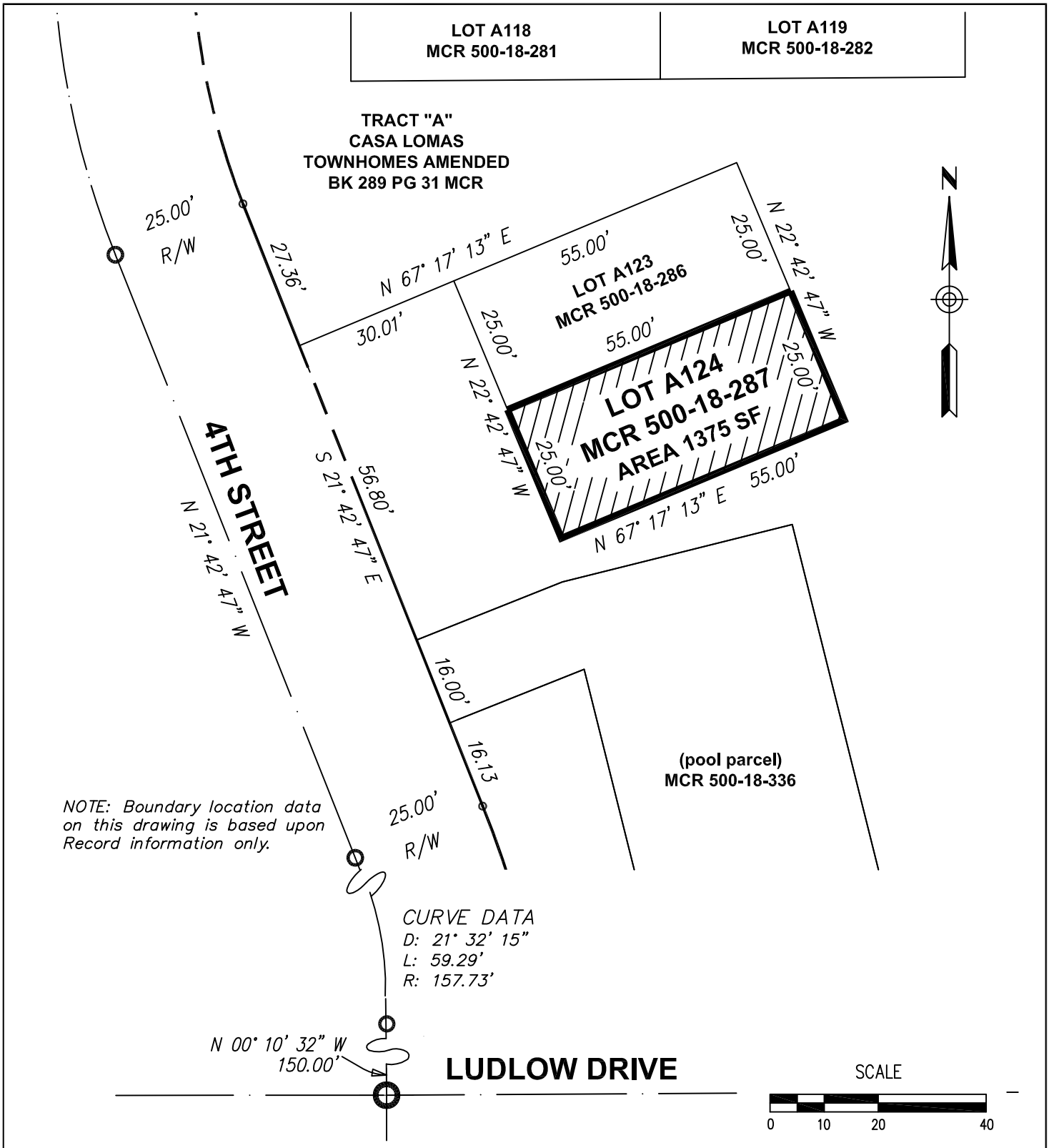
EXHIBIT A
TO
ORDINANCE NO. 1355-309

[Legal description and map of Acquisition Property]

See following pages.

Property description:
527 N 4th Street, Unit B
Parcel #: 500-18-287

Lot A124, CASA LOMAS TOWNHOMES AMENDED, as recorded in Book 289, Page 31 of the official Records of Maricopa County, Arizona



City of Avondale

GIS – LAND SERVICES DIV

EXHIBIT MAP
MCA PARCEL 500–18–287
LOT A124 CASA LOMAS TOWNHOMES AMENDED
BK 289 PG 31 MARICOPA COUNTY, ARIZONA

DATE: 2–18–2009
DSN:
DRN. LS
CHK:

NEIGHBORHOODS
PROPERTY ACQUISITION

PAGE
2 OF 2

CITY COUNCIL REPORT

SUBJECT:
Ordinance 1348-309 - SRP Easement for Ashton Pointe

MEETING DATE:
March 2, 2009

TO: Mayor and Council

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

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council adopt an ordinance granting an SRP Power Distribution Easement at the NE corner of Friendship Park to provide electrical service to Ashton Pointe Apartments.

BACKGROUND:

Ashton Pointe Apartments is a new development adjacent to Friendship Park. See attached Vicinity Map. SRP requires an additional approximately 10'x10' easement at the NE corner of Friendship Park in order to provide power to the Ashton Pointe Apartments.

DISCUSSION:

There is an existing 8' wide by approx. 670' long SRP easement that runs from the proposed easement location to the southwest; the additional 10' x 10' area is required for placement of an equipment pad area.

BUDGETARY IMPACT:

No financial impact to the City.

RECOMMENDATION:

Staff recommends that the City Council adopt an ordinance to accept a new SRP Power Distribution Easement at the NE corner of Friendship Park

ATTACHMENTS:

Click to download

- Vicinity Map
- Ordinance 1348-309

VICINITY MAP

CITY OF AVONDALE

Proposed Easement Location

ORDINANCE NO. 1348-309

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, GRANTING A POWER DISTRIBUTION EASEMENT TO SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. That a power distribution easement is hereby granted to Salt River Project Agricultural Improvement and Power District through, over, under and across ± 0.002 acres of real property, generally located south of McDowell Road, west of 119th Avenue, in the form attached hereto as Exhibit A and incorporated herein by reference.

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

PASSED AND ADOPTED by the Council of the City of Avondale, March 2, 2009.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1348-309

[Salt River Project Power Distribution Easement Agreement]

See following pages.

CITY COUNCIL REPORT

SUBJECT:
Ordinance 1349-309 - Accepting Sewer Easement at Agua Fria River and 4th Street Alignment

MEETING DATE:
March 2, 2009

TO: Mayor and Council

FROM: Wayne Janis, Water Resources Director (623)333-4444

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council adopt an ordinance accepting an easement for the purpose of constructing and maintaining a sewer force main located at the flood control levee on the northwesterly bank of the Agua Fria River at the 4th Street alignment.

BACKGROUND:

On July 27, 1987 City Council approved resolution 755 authorizing an IGA with the Flood Control District of Maricopa County (FCDMC) for the construction of pipe sleeves beneath the Agua Fria levee. The agreement included provisions for granting right of way for access and construction of sewer pipelines within the sleeves. As-built plans dated September 13, 1990 show a 16" diameter sewer force main was constructed there. The agreement intended that a formal easement would be prepared and approved by the City and District. The District recently discovered the fact that the easement was never formally granted to the City and requests finalizing this document.

DISCUSSION:

The easement provides for the construction, maintenance, repair and operation of a sewer pipeline. This 16" diameter pipeline is a section of the primary sewer connection from the 4th Street lift station to the water reclamation facility. The easement is about 280 foot long, 20 foot wide strip diagonally crossing FCDMC property under the flood control levee structure at the Northwesterly bank of the Agua Fria River. The easement begins about 84 feet east of the projected centerline of 4th Street 800 feet south of Lower Buckeye Road. That location is also immediately southeast of the Avondale Municipal Operations Facility.

BUDGETARY IMPACT:

There is no impact to the budget from this ordinance.

RECOMMENDATION:

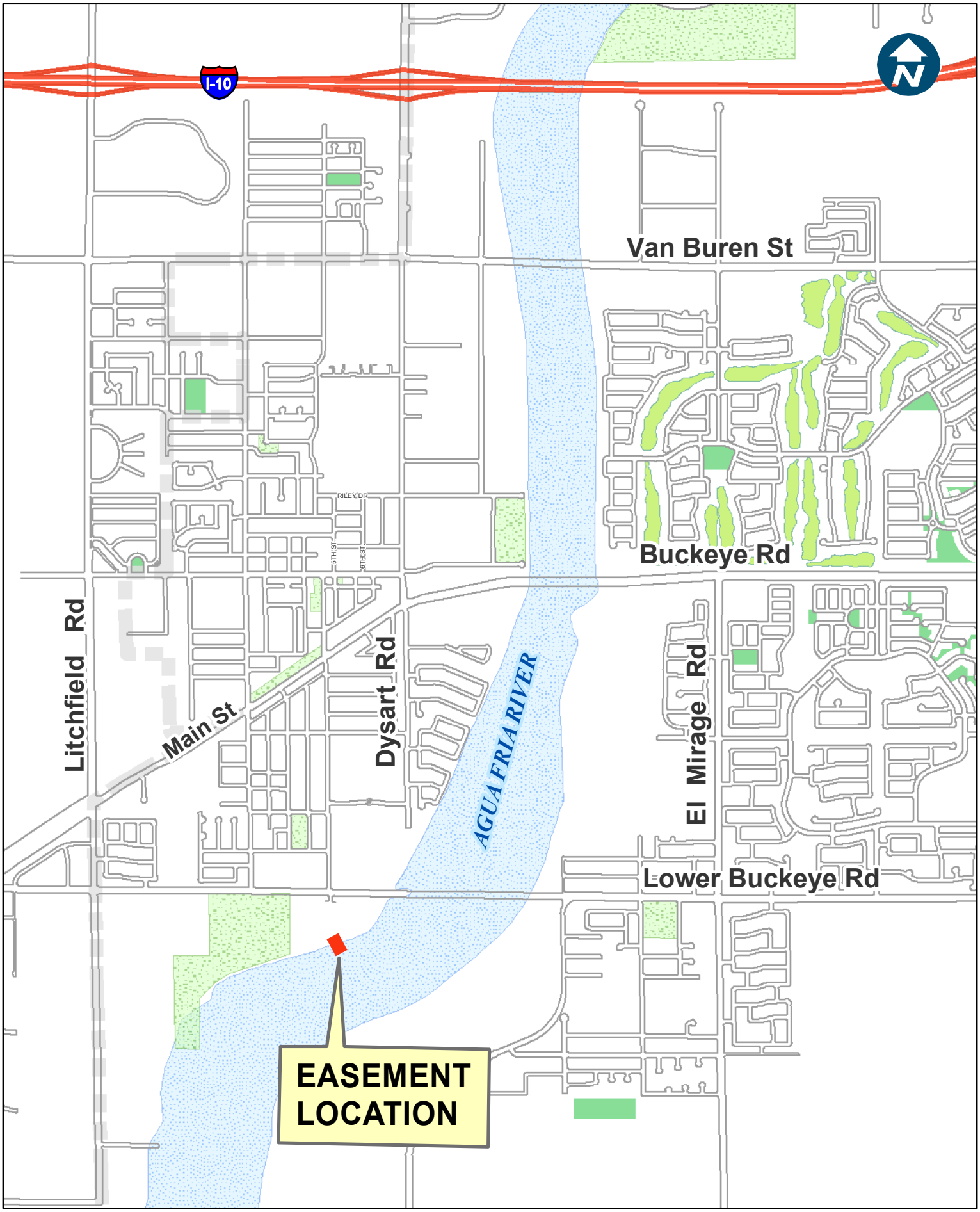
Staff is recommending that the City Council adopt an Ordinance accepting an easement for the purpose of constructing and maintaining a sewer force main located at the Levee on the Northwesterly bank of the Agua Fria River at the 4th Street alignment.

ATTACHMENTS:

Click to download

- Vicinity Map
- Easement
- Ordinance 1349-309

VICINITY MAP



0 0.25 0.5 Miles

SEWER EASEMENT

WATER RESOURCES - GIS - LS
Prepared: February 17, 2009

When recorded, return to:
Flood Control District
of Maricopa County
2801 West Durango Street
Phoenix, Arizona 85009 (LLH)

A.R.S 11-1133, A2

IGA-FCD87036
[R-1999-R016]

SEWER LINE EASEMENT

Project: Agua Fria Levee

Item: APN#500-61-002M, 005M

FCD Parcel No.:A-131567-SSE
A-13163-SSE

THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY, a municipal corporation and political subdivision of the State of Arizona, **GRANTOR**, for and in consideration of the of One Dollar ($1.00) and other valuable consideration (IGA–FCD-87036 recorded at document # 1987- 654306) the receipt of which is hereby acknowledged, does hereby grant and convey solely unto the **CITY OF AVONDALE**, **GRANTEE,** its successors and assigns, a perpetual easement for the sole purpose of constructing, operating, repairing, and maintaining an underground sewer line and appurtenant facilities across, and under the surface of the premises hereinafter described.

See attached legal description, marked "Exhibit A"

The **GRANTEE** shall have the right of ingress and egress to and along said easement, together with the right to operate, repair, replace, maintain, and remove said utility and appurtenant facilities from said premises; and to trim or remove any trees or shrubs that may interfere with the construction or endanger the operation of said underground lines and/or facilities. Prior to any construction, the **GRANTEE** agrees to submit plans of proposed changes for the **GRANTOR'S** review. **GRANTEE** shall notify **GRANTOR** in the case of any emergency as soon as time will permit.

The **GRANTOR** reserves the right to have unrestricted access to the subject property for the purpose of operating and maintaining the flood control project within the lineal of said easement in a manner which will not unreasonably interfere with **GRANTEE'S** right of access to its underground sewer line and/or appurtenant facilities. **GRANTEE** assumes all risk of damage to its improvements resulting from the property functioning as a flood control project. Any future utility projects within this easement must be permitted by the **GRANTOR** and approved by the City of Avondale. All permitting fees apply.

The **GRANTEE** further agree(s) to indemnify and hold harmless the **GRANTOR**, its agents, officers, employees, successors or assigns against any and all claims, actions, costs or expenses (including, but not limited to attorney's fees for appellate proceedings) for property damages or personal injuries caused by said operation and/or related to rights herein granted, except those caused solely and exclusively by the negligence of the **GRANTOR**.

GRANTEE'S duty to defend, indemnify and hold harmless the **GRANTOR**, its agents, officers, employees, successors or assigns shall arise in connection with any claim, damage , loss or expense that is attributable to bodily injury, sickness, disease, death or injury to, impairment of, or destruction of tangible property, including loss of use resulting therefrom, caused by negligent acts, errors, omissions, or mistakes in the exercise of **GRANTEE'S** use of the easement rights granted herein, but only to the extent caused by negligent acts or omissions, of the **GRANTEE**, a subcontractor, anyone directly or indirectly employed by them, or anyone for whose acts they may be liable, regardless of whether or not such claim, damage, loss, or expense is caused in part by a party indemnified hereunder.

In the event the rights, privileges and easement herein shall be abandoned and permanently cease to be used for the purposes herein granted, all rights herein granted shall cease and revert to the **GRANTOR**, its heirs or assigns.

GRANTEE: CITY OF AVONDALE, an Arizona Municipal Corporation,

By: _____
Marie Lopez Rogers, Mayor

ATTEST:

By: _____ Date: _____
City Clerk

APPROVED AS TO FORM:

BY: _____ Date: _____
City Attorney

RECOMMEND FOR APPROVAL

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY

_____

Timothy S. Phillips, P.E. Date
Chief Engineer and General Manager

_____

Michael D. Wilson Date
Manager
Public Works Real Estate Division

APPROVED AND ACCEPTED:

BOARD OF DIRECTORS OF FLOOD CONTROL DISTRICT OF MARICOPA COUNTY

_____

Chairman of the Board Date

ATTEST:

_____

Clerk of the Board

Date: _____

LEGAL DESCRIPTION
20' SANITARY SEWER EASEMENT
APN's 500-61-005M & 500-61-002M

All that portion of a 20' strip of land lying within that parcel of land described in Document 1987-613734 records of Maricopa County, Arizona, and lying within that parcel of land described in Document 1988-578577 records of Maricopa County, Arizona, and lying within the N ½ of Section 22, Township 1 North, Range 1 West of the Gila and Salt River Meridian, being more particularly described as follows:

Commencing at the northwest corner of the northeast quarter of the northeast quarter of said Section 22, from which the northeast corner of said Section 22 bears South 89°44'01" East, 1320.24 feet, being marked by a Brass Cap in pothole, and from which the north quarter corner of said Section 22 bears North 89°44'01" West, 1320.24 feet, being marked by a Maricopa County Highway Department Brass Cap in hand hole;

Thence along the west line of the northeast quarter of the northeast quarter South 00°08'57" West, 801.24 feet to a point on the south line of that parcel as shown on Results of Survey filed in Book 761, Page 10, records of Maricopa County, Arizona, also being the north line of said parcel described in Document 1987-613734;

Thence along said south and said north line North 72°00'21" East, 83.92 feet to the **Point of Beginning**;

Thence continuing along said south and said north line North 72°00'21" East, 20.89 feet;

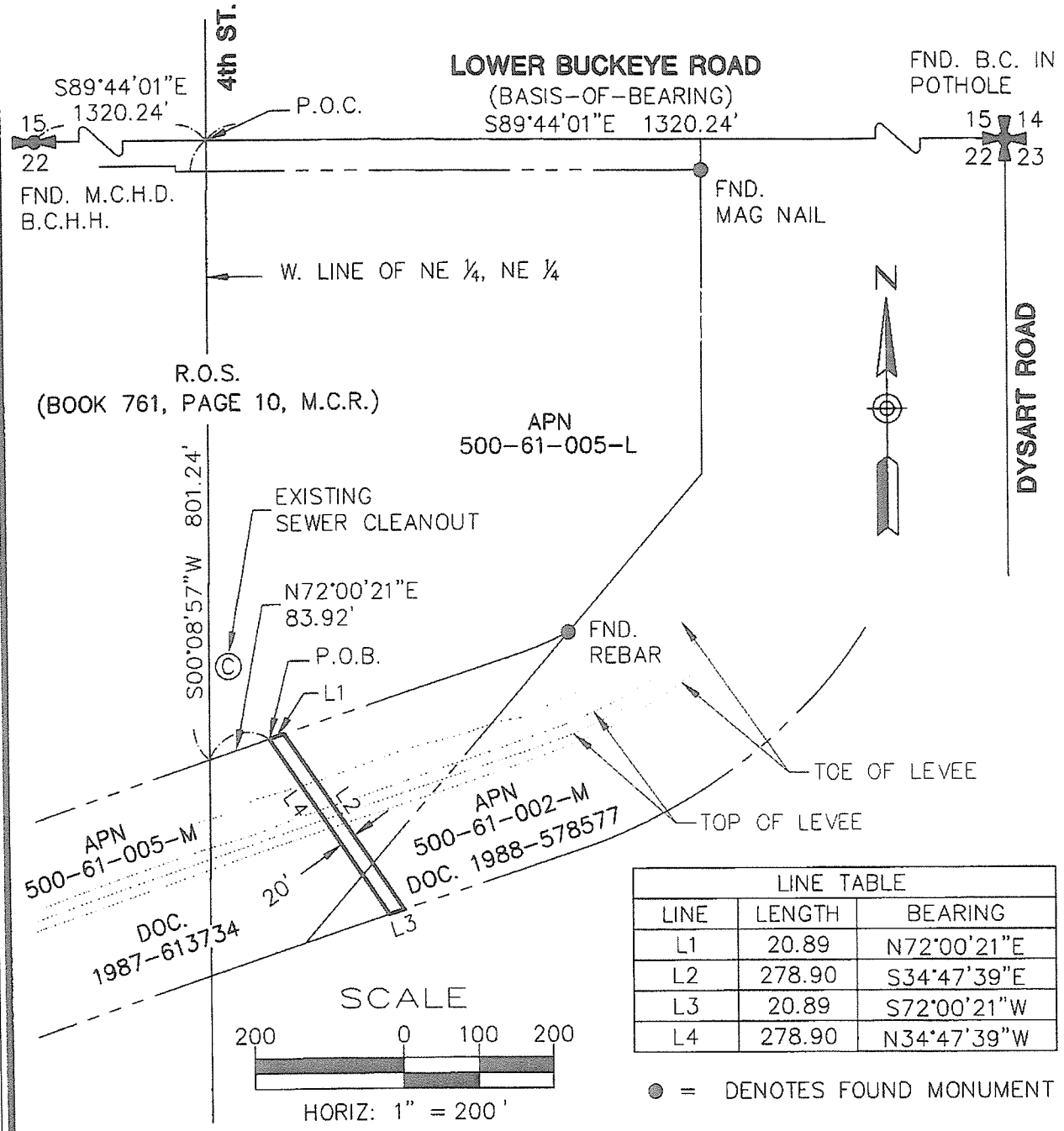
Thence South 34°47'39" East, 278.90 feet to the south line of said parcel as described in Document 1988-578577;

Thence along said south line South 72°00'21" West, 20.89 feet;

Thence North 34°47'39" West, 278.90 feet to the **Point of Beginning**;

Contains 5,578 square feet, more or less.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
35980
ROLAND
MICHAUD
Date Signed 12/10/08
ARIZONA, U.S.A.
Expires 03/31/10



LINE TABLE		
LINE	LENGTH	BEARING
L1	20.89	N72°00'21"E
L2	278.90	S34°47'39"E
L3	20.89	S72°00'21"W
L4	278.90	N34°47'39"W

● = DENOTES FOUND MONUMENT

BROOKS STRAND ASSOCIATES INC.
STRAND ASSOCIATES, INC.® ENGINEERS
4602 E. ELWOOD STREET #16
PHOENIX, ARIZONA 85040
(PHONE) (602) 437-3733
(FAX) (480) 858-0204

REGISTERED LAND SURVEYOR
CERTIFICATE NO. 35980
ROLAND MICHAUD
Date Signed 12/10/08
ARIZONA, U.S.A.
EXPIRES 3/31/10

EXHIBIT MAP
A.P.N. 500-61-005M & -002M
SANITARY SEWER EASM'T
SEC. 22, T.1N., R.1W., G&SRM

CLIENT:	CITY OF AVONDALE
DATE:	12/09/08
DRN:	B. FLIPPO
CHK:	R. MICHAUD
PROJ: 3409.001	PAGE: 2 OF 2

ORDINANCE NO. 1349-309

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ACCEPTING A SEWER EASEMENT FROM THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. That a sewer easement over a ± 0.128 acre parcel of real property, being a portion of Maricopa County Assessor's Parcel Nos. 500-61-002M and 500-61-005M, generally located south of Lower Buckeye Road, and east of 4th Street, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is hereby accepted by the City of Avondale from the Flood Control District of Maricopa County.

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

PASSED AND ADOPTED by the Council of the City of Avondale, March 2, 2009.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1349-309

[Legal description and map of Easement]

See following pages.

LEGAL DESCRIPTION
20' SANITARY SEWER EASEMENT
APN's 500-61-005M & 500-61-002M

All that portion of a 20' strip of land lying within that parcel of land described in Document 1987-613734 records of Maricopa County, Arizona, and lying within that parcel of land described in Document 1988-578577 records of Maricopa County, Arizona, and lying within the N ½ of Section 22, Township 1 North, Range 1 West of the Gila and Salt River Meridian, being more particularly described as follows:

Commencing at the northwest corner of the northeast quarter of the northeast quarter of said Section 22, from which the northeast corner of said Section 22 bears South 89°44'01" East, 1320.24 feet, being marked by a Brass Cap in pothole, and from which the north quarter corner of said Section 22 bears North 89°44'01" West, 1320.24 feet, being marked by a Maricopa County Highway Department Brass Cap in hand hole;

Thence along the west line of the northeast quarter of the northeast quarter South 00°08'57" West, 801.24 feet to a point on the south line of that parcel as shown on Results of Survey filed in Book 761, Page 10, records of Maricopa County, Arizona, also being the north line of said parcel described in Document 1987-613734;

Thence along said south and said north line North 72°00'21" East, 83.92 feet to the **Point of Beginning**;

Thence continuing along said south and said north line North 72°00'21" East, 20.89 feet;

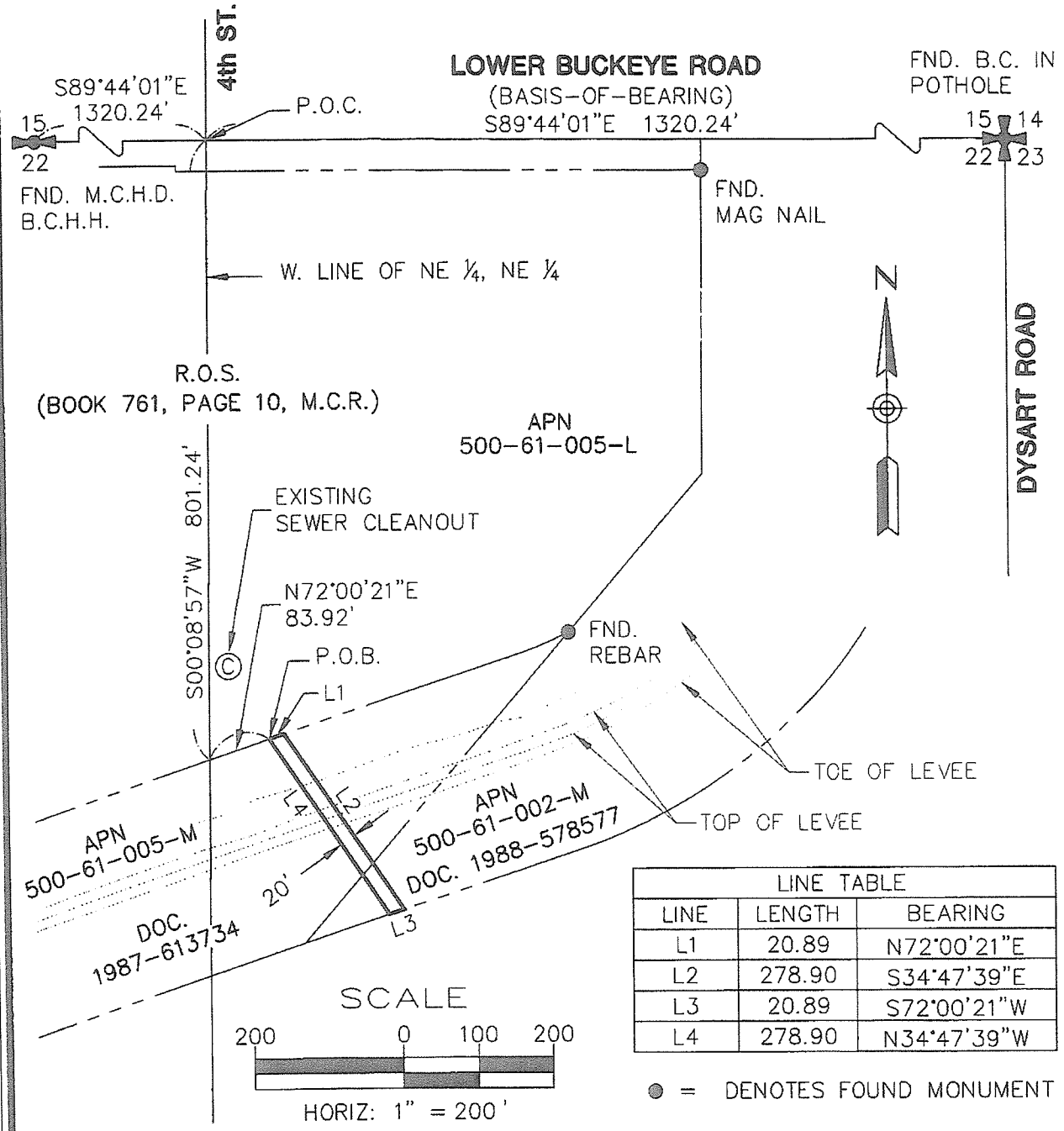
Thence South 34°47'39" East, 278.90 feet to the south line of said parcel as described in Document 1988-578577;

Thence along said south line South 72°00'21" West, 20.89 feet;

Thence North 34°47'39" West, 278.90 feet to the **Point of Beginning**;

Contains 5,578 square feet, more or less.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
35980
ROLAND
MICHAUD
Date Signed 12/10/08
ARIZONA, U.S.A.
Expires 03/31/10



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L2	278.90	S34°47'39"E
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REGISTERED LAND SURVEYOR
CERTIFICATE NO. 35980
ROLAND MICHAUD
Date Signed 12/10/08
ARIZONA, U.S.A.
EXPIRES 3/31/10

EXHIBIT MAP
A.P.N. 500-61-005M & -002M
SANITARY SEWER EASM'T
SEC. 22, T.1N., R.1W., G&SRM

CLIENT:	CITY OF AVONDALE
DATE:	12/09/08
DRN:	B. FLIPPO
CHK:	R. MICHAUD
PROJ: 3409.001	PAGE: 2 OF 2

CITY COUNCIL REPORT

SUBJECT:
Ordinance 1350-309 - Authorizing the Acquisition of Real Property for Right-of-Way for the Hill Street Extension Project

MEETING DATE:
March 2, 2009

TO: Mayor and Council

FROM: Sue McDermott, P.E., City Engineer, 623-333-4211

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council approve an ordinance authorizing the acquisition by purchase of two (2) parcels of land for right-of-way required for the Hill Street Extension Project , authorize the transfer of $110,000 from 304-1122-00-8420, Dysart – Main to Riley Improvements to a newly created line item for the Hill Street Extension Improvements, and authorize the Mayor or City Manager, and City Clerk to execute the necessary documents.

BACKGROUND:

The City plans to construct street extension improvements on Hill Street from 3rd Street to 5th Street (see attached vicinity map). Community meetings were held and property owners along Hill Street expressed concerns about various activities that take place in the dead end of Hill Street. Staff evaluated this request and developed a street improvement project to address property owner concerns. The street extension improvements will open the Hill Street corridor allowing easier police access as well as increased visibility with the addition of street lights.

DISCUSSION:

Staff completed the preliminary design and determined that the required right-of-way necessary to construct a street does not exist. In order to construct the street extension improvements, the acquisition of two (2) parcels from the property owner along the Hill Street alignment is necessary. Staff contacted the property owner regarding their interest in selling the land. The current owner is willing to sell the two (2) parcels to the City. In order to construct the planned street improvements, staff recommends that the City proceed with the purchase of parcel 500-20-138 (102 N. 5th Street) and parcel 500-20-139 (104 N. 5th Street).

BUDGETARY IMPACT:

Funding in the amount of $110,000 for the purchase and associated legal fees, including survey services and Phase I environmental review, is available in CIP Street Fund Line Item No. 304-1122-00-8420, Dysart – Main to Riley Improvements and will be transferred to a newly created line item for the Hill Street Extension Improvements.

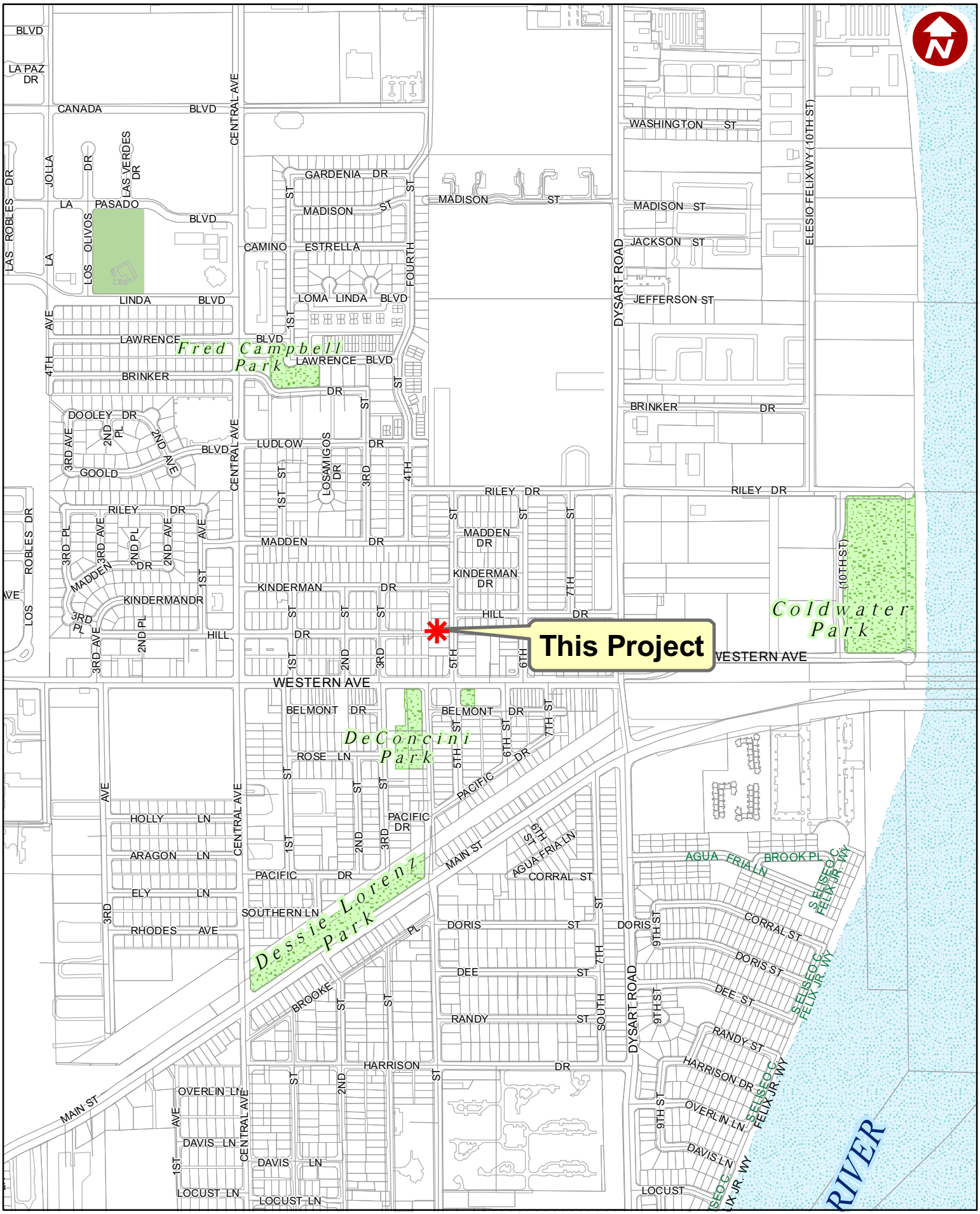
RECOMMENDATION:

Staff recommends that the City Council approve an ordinance authorizing the acquisition by purchase of two (2) parcels of land for right-of-way required for the Hill Street Extension Project, authorize the transfer of $110,000 from 304-1122-00-8420, Dysart – Main to Riley Improvements to a newly created line item for the Hill Street Extension Improvements, and authorize the Mayor or City Manager, and City Clerk to execute the necessary documents.

ATTACHMENTS:

Click to download

- Vicinity Map
- Ordinance 1350-309



Prepared February 2009
Avondale GIS/Water Resources

City of Avondale

Hill Street Extension Project

ORDINANCE NO. 1350-309

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR PUBLIC USE.

WHEREAS, Article 1, Section 3 of the Avondale City Charter (the "Charter"), authorizes the City of Avondale (the "City") to acquire real property in fee simple or any lesser interest, inside or outside its corporate limits for any City purpose, when the public convenience requires it and in accordance with the provisions of State law; and

WHEREAS, the City Council desires to authorize the acquisition of certain real property necessary for public use.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. That the acquisition, by purchase, condemnation or dedication of certain real property, Maricopa County Assessor's Parcel Nos. 500-20-138 and 500-20-139, generally located north of Western Avenue, west of 5th Street, in Avondale, Arizona (the "Acquisition Properties"), as more particularly described in Exhibit A, attached hereto and incorporated herein by reference, is hereby authorized.

SECTION 2. That, in the event that a negotiated purchase cannot be reached for the Acquisition Properties, the City Attorney is hereby authorized and directed to immediately initiate condemnation proceedings, including all actions necessary to enable the City to take possession of said property at the earliest possible date.

SECTION 3. That, if any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision of portion hereof shall be deemed separate, distinct, and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, March 2, 2009.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

964086.1

EXHIBIT A
TO
ORDINANCE NO. 1350-309

[Legal description of Acquisition Properties]

Lot 19 and the North half of Lot 20, Block 8, Irving Place, according to Book 28 of Maps, Page 24, Records of Maricopa County, Arizona;

Except the West 16 feet.

CITY COUNCIL REPORT

SUBJECT:
Ordinance 1356-309 - Authorization to Purchase a Right-of-Way Easement for the Van Buren Street and Eliseo C. Felix Jr. Way Traffic Signal Project

MEETING DATE:
March 2, 2009

TO: Mayor and Council

FROM: Sue McDermott, P.E., City Engineer, 623-333-4211

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff recommends that the City Council adopt an ordinance authorizing the purchase of an easement for right-of-way purposes pertaining to the Van Buren Street and Eliseo C. Felix Jr. Way Traffic Signal; authorize the transfer of $28,400 from 304-1089-00-8420, Van Buren – Bridge to Fairway to 304-1242-00-8420, Traffic Signal Eliseo Felix/Van Buren; and authorize the Mayor or City Manager, and City Clerk to execute the necessary documents.

BACKGROUND:

The City is currently under contract with Combs Construction Company for the installation of a traffic signal system at the intersection of Van Buren Street and Eliseo C. Felix Jr. Way. The scope of work for this project includes trenching and conduit for APS electrical service for the signal system, removal of ramp curbing, installation of signal pole access pads, signing and marking, relocation of streetlights, removing and salvaging of existing signs, and maintenance of existing landscape and irrigation during construction. The acquisition of a right-of-way easement is necessary for the construction and maintenance of the signal system.

DISCUSSION:

The existing right-of-way along the project's northerly boundary is currently 33 feet from the section line. Abutting the existing right-of-way, Flood Control District of Maricopa County (FCDMC) has a parcel 22 feet in width from the quarter section line in Eliseo C. Felix Jr. Way to the bridge 458.61 feet east. This parcel, extending from the Agua Fria Bridge to Eliseo C. Felix Jr. Way, is utilized to provide a maintenance road to the Agua Fria Channel. In order to install and maintain the traffic signal system equipment, the existing FCDMC's land will need to be acquired as an easement. The maintenance road to the Agua Fria Channel will remain accessible.

Approximately nine (9) months ago, staff initiated right-of-way coordination and negotiation with FCDMC, current owners of Parcel A.P.N. 500-02-013S. An agreement has been reached concerning the purchasing of the required right-of-way easement.

RIGHT-OF-WAY NEEDS:

The required additional right-of-way for this project incorporates 22 feet by 458.61 feet (10,012 square feet, or 0.23 acres) of a rectangular roadway easement necessary for construction and maintenance of roadway facilities, including the traffic signal system along the Maricopa County Flood Control District Parcel A.P.N. 500-02-013S. The 10,012 square feet of area is described in Exhibit "A".

BUDGETARY IMPACT:

Funding in the amount of $28,400 is available in CIP Street Fund Line Item No. 304-1089-00-8420, Van Buren – Bridge to Fairway and will be transferred to CIP Street Fund Line Item No. 304-1242-00-8420, Traffic Signal - Van Buren and Eliseo C. Felix Jr. Way.

RECOMMENDATION:

Staff recommends that the City Council adopt an ordinance authorizing the purchase of an easement for right-of-way purposes pertaining to the Van Buren Street and Eliseo C. Felix Jr. Way Traffic Signal; authorize the transfer of $28,400 from 304-1089-00-8420, Van Buren – Bridge to Fairway to 304-1242-00-8420, Traffic Signal Eliseo Felix/Van Buren; and authorize the Mayor or City Manager, and City Clerk to execute the necessary documents.

ATTACHMENTS:

Click to download

- Vicinity Map
- Ordinance 1356-309

VICINITY MAP

CITY OF AVONDALE

Eliseo C Felix Jr Way. & Van Buren St. Proposed Signal

ORDINANCE NO. 1356-309

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING THE ACQUISITION OF A CERTAIN RIGHT-OF-WAY EASEMENT FROM THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. That the purchase of a certain right-of-way easement over ± 0.23 acres of real property, generally located along the north side of Van Buren Street, east of Eliseo C. Felix Jr. Way, in Avondale, Arizona, as more particularly described and depicted in Exhibit A attached hereto and incorporated herein by reference, is hereby authorized.

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

PASSED AND ADOPTED by the Council of the City of Avondale, March 2, 2009.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1356-309

[Legal description and map of Right-of-Way Easement]

See following pages.

L E G A L D E S C R I P T I O N

New Right of Way from APN 500-02-013

A Portion of Land located in the Southeast Quarter of the Southwest Quarter of Section 2, Township 1 North, Range 1 West of The Gila and Salt River Meridian, Maricopa County, Arizona, Being More fully described as follows:

Commencing at the Southwest Corner of Section 2:

THENCE South 88 degrees 21 minutes 58 seconds East for a Distance of 1,319.26 feet to a point on the South line of Section, 2 (Van Buren Street);

THENCE North 00 degrees 40 minutes 03 seconds East for a Distance of 33.00 feet To The True Point of Beginning;

THENCE continuing North 00 degrees 40 minutes 03 seconds East for a Distance of 22.00 feet To an Angle Point;

THENCE South 88 degrees 21 minutes 58 seconds East for a Distance of 454.85 feet To an Angle Point;

THENCE South 09 degrees 00 minutes 06 seconds East for a Distance of 22.38 feet To an Angle Point;

THENCE North 88 degrees 21 minutes 58 seconds West for a Distance of 458.61 feet back to the True Point of Beginning;

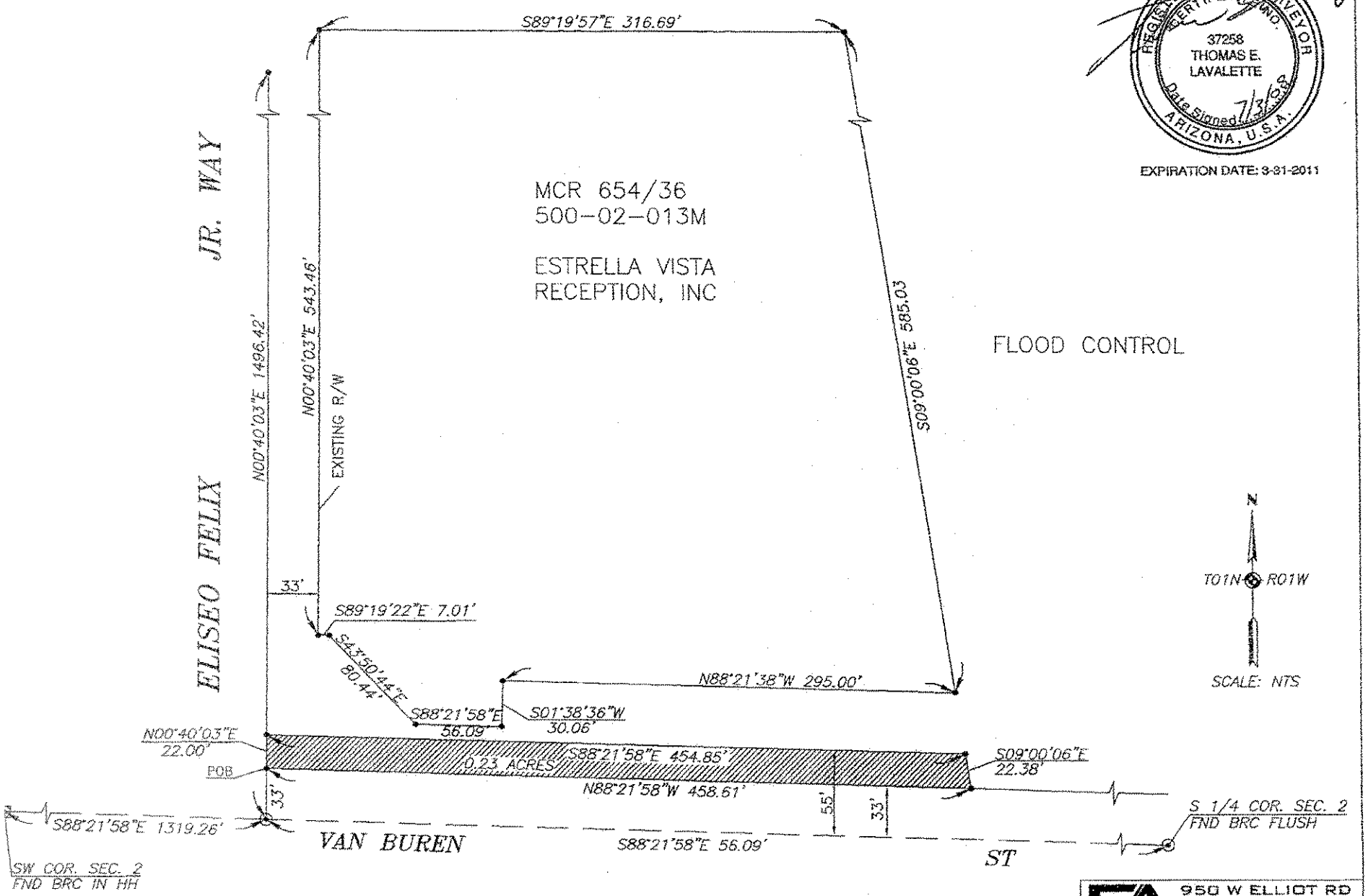
Together with and subject to covenants, easements, and Restrictions of record.

Said property contains 10,046 sq ft or 0.23 acres more or less.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37258
THOMAS E.
LAVALETTE
Date Signed 7/3/08
ARIZONA, U.S.A.

EXPIRATION DATE: 3-31-2011

EXHIBIT 'A'



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37258
THOMAS E.
LAVALETTE
Date Signed 7/3/08
ARIZONA, U.S.A.

EXPIRATION DATE: 3-31-2011

950 W ELLIOT RD
SUITE 126
TEMPE, AZ 85284
ENGINEERING ALLIANCE

DEVELOPMENT SERVICES

SUBJECT:
Public Hearing, Resolution 2807-309 and Ordinance 1352-309 - Text Amendment of the Zoning Ordinance Section 6 Planned Area Development Districts

MEETING DATE:
March 2, 2009

TO: Mayor and Council

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

THROUGH: Charlie McClendon, City Manager

REQUEST: Text Amendment of the Zoning Ordinance Section 6, Planned Area Development Districts (TA-08-1)

PARCEL SIZE: N/A

LOCATION: City-wide

APPLICANT: Staff-initiated Request

OWNER: N/A

BACKGROUND:

As part of a comprehensive update to the Avondale Zoning Ordinance, staff is proposing to amend Section 6, Planned Area Development (PAD) Districts.

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.

SUMMARY OF REQUEST:

The request will amend the following portions of Section 6:

- Section 601: Purpose
- Section 602: General Provisions
- Section 603 PAD Procedures
- Section 604 Establishment of PAD District
- Section 605 Amendments to the PAD
- Section 606 Common open space
- Section 607 Enforcement

- Section 608 Findings

- Section 609 Design review criteria

PARTICIPATION:

Staff invited interested parties to a neighborhood meeting held on November 27, 2007 to discuss proposed amendments to Section 6 and the proposed Design Manuals. A notice was published in the November 7, 2007 edition of the West Valley View. Approximately 20 interested persons attended the meeting, 11 of whom signed the sign-in sheet (Exhibit A).

Work sessions with the City Council were held on January 14, 2008, March 3, 2008, and November 17, 2008, and with Planning Commission on February 21, 2008. Direction to staff included clarifying expiration of PAD zoning and providing for extensions, extensions of PAD zoning should be public hearings, minimum area for a PAD not necessary, and increase the amount of Open Space (Exhibit B).

A public hearing for TA-08-1 Section 6 was held by the Planning Commission March 20, 2008 and April 17, 2008. The item was withdrawn by staff to further consult with members of the development community. Issues of concern were the increase in the minimum amount of Open Space required for residential and non-residential PAD developments and the requirements for PAD zoning expiration (Exhibit C).

Staff invited interested parties to a second neighborhood meeting held on January 5, 2009 to solicit additional comment from the public regarding the latest draft of the proposed amendment. A newspaper notice was published in the West Valley View December 30, 2008, and persons on an email contact list of interested parties was emailed a notice of the meeting and a copy of the proposed Text Amendment on December 29, 2008 (Exhibit D). Five members of the legal and development community attended the meeting (Exhibit E).

Throughout the 14 month public participation process, staff has corresponded with and met with interested parties regarding the propose Text Amendments (Exhibit F). Every effort to understand and address concerns has been met or taken under consideration. Staff has been available and responsive to requests for meeting or to consider alternate language.

Areas of concern expressed and addressed by the proposed amendment:

- Allow for less than a 10% increase in numbers of dwelling units or acreage devoted to commercial or industrial uses to qualify as a minor amendment of a PAD.

- Opposes use of comparable zoning districts to proposed standards without language to allow for small adjustments.

- Opposes an imposition of a 12 month maximum time limit from PAD approval to beginning construction of the first phase of infrastructure.

- Opposes a minimum of 5,000 contiguous square feet to qualify as open space for single family residential without provision for sections of trail that may be broken by roadways or parcels or provision of other amenities acceptable by the Zoning Administrator or designee.

- Opposes an expiration of PAD zoning of two years after approval of the PAD, preferring three years, with provisions for extensions with good cause.

There are two outstanding issues remaining as expressed by the development community:

- Provide an opportunity for large developments (e.g. 1000 acres or more) to negotiate an alternate expiration of PAD zoning deadline beyond 3 years (Section 603.D). Staff feels that 3 years to begin construction of infrastructure is adequate, and that the provision for up to four additional 1-year extensions, for a total of potentially 7 years, is sufficient to accommodate even large developments.

- Remove language that requires all public infrastructure with in the right-of-way on the exterior perimeter of the development site be included in the first phase of development. Staff feels that this requirement (Section 602.F.2) is reasonable and desirable for the orderly construction of streets and underground utilities. The perimeter improvements are typically along arterial or collector streets, and closing of these for construction should be minimized for the safety and convenience of the public.

PLANNING COMMISSION ACTION:

Planning Commission held a public hearing on this item January 15, 2009 (Exhibit I). Notice to the public was published in the West Valley View newspaper on December 30, 2009, and those on the Zoning Ordinance Public Distribution List were informed of the date and provided a draft of the proposed text amendment. Planning Commission unanimously recommended approval with the following changes:

1. **603.D.5 PAD Expiration** - The City Council may grant up to ~~two (2)~~**four (4)** one-year extensions of the time condition.

2. **603.D.8 PAD Expiration** - **The provisions of 603.D shall apply to all current and unexpired PADs.**

3. **602.F.3 Phasing** - Prior to commencement of the first phase infrastructure improvements, the owner/applicant shall ~~post performance and payment bonds~~**provide financial assurances** for construction of such portions of the infrastructure improvements located within the public right-of-way on the exterior of the PAD, ~~as~~**in the amount** determined by the City Engineer and in the form approved by the City Attorney.

4. **603.E.1.e Major Amendment of a PAD** - Amending the uses allowed by adding a permitted use, a use permitted with conditions, or a use requiring a Conditional Use Permit, unless the Zoning Administrator has determined that the use to be added is **nearly** analogous to an allowed use.

ANALYSIS:

The PAD District is a custom zoning district in which the uses and development standards are tailored to a development plan for a unique site. Creativity and innovation are to be encouraged while providing for specific standards applicable to all PAD Districts.

Staff is proposing to amend Section 6 into four primary areas:

- Purpose
- General Provisions
- Establishment of a PAD District
- PAD Narrative and Development

Purpose

The intent of this section is to convey a clear vision to the applicant of what the City's expectations are for Planned Area Development. Innovation, quality, a mix of uses, and unique developments are important concepts and components for future PAD development in the City.

General Provisions

This section provides regulations for use of comparable zoning districts as a beginning point of comparison with which to evaluate and qualify the uses and development standards being proposed in the PAD District. The Zoning Administrator or designee will determine the comparable zoning district by identifying the closest matching zoning district to the one(s) being proposed for the PAD based upon the General Plan and Zoning Ordinance uses and development standards.

This section authorizes the applicant and the City Council to modify uses and development standards for the PAD to produce a superior project.

This section also provides for use of the Design Manuals adopted by City Council to be the basis of site and architectural design.

This section addresses phasing of the development and requires that all public infrastructure in the right-of-way on the external perimeter of the project be included in the first phase. Typically these would be arterial or major collector streets and main water and sewer lines. This requirement ensures that these improvements are addressed first and at one time, rather than closing roads several times during a project's development. This section also authorizes the City Engineer to require financial assurances (examples of such are performance bonds, irrevocable letters of credit, etc.) to ensure that the work is completed once started.

Establishment of a PAD District

This section provides for required findings, an approval process, incorporation of stipulations at approval into the PAD zoning, while also providing for expiration and amendment of the PAD zoning. This section remains substantially the same as the current zoning regulations, with the following exceptions:

- Three additional required findings for rezoning to PAD District.
- Expiration of PAD zoning is increased from 2 years to 3 years from the PAD zoning approval date, and provides for a maximum of four 1-year extensions of PAD zoning.
- PADs less than 5 acres must begin vertical construction within 3 years, and PADs 5 acres or large must begin construction of infrastructure within 3 years of approval.
- The approved PAD development schedule will be monitored by staff and deficiencies will be brought to the developer's attention.
- Defines "commencement of development" with regard to expiration of PAD zoning.
- Increases less than 10% of the number of dwelling units or acreage devoted to commercial or industrial uses constitutes a minor amendment of a PAD instead of a major amendment.
- Changing the approved use list constitutes a major amendment of the PAD as opposed to a minor amendment, and allowing for the Zoning Administrator or designee to make determinations of whether an unlisted use is nearly analogous to those approved.
- Changes to development phasing affecting 25% or more of the development constitutes a major amendment of the PAD.

PAD Narrative and Development Plan

This section requires that all PADs contain a PAD Narrative that follows the same outline and format as provided in this section. The advantages to the applicant are in providing structure for creating a PAD Narrative and insuring that all identified areas of development are addressed. The advantages to the Planning Commission and City Council are in review and comparison of PADs with each other and ease of locating specific information in the PAD Narratives. This will help staff in both the review and later implementation of PADs.

This section also provides for prescriptive requirements, where appropriate, to assure that minimum requirements of development are met. Among the proposed changes are:

- A residential density bonus up to the maximum allowed by the General Plan is presented when more open space is offered by applicants. Bonus density will be proportional to additional Open Space provided.

- Single family residential Open Space is increased from 10% to 15%, and requiring provision of Open Space for commercial, industrial and multi-family residential developments per the Design Manual. For multi-family residential this is an increase from 10% to 20% Open Space. The statements of what does and does not qualify as Usable Active Open Space remain substantially the same with the addition of allowing shaded pedestrian refuge areas to qualify, and allowing provision for parcels less than 5,000 square feet to qualify as Open Space if a part of a trail system or provisioned with amenities as approved by the Zoning Administrator or designee.

- Site layout, building design, landscaping, and perimeter improvements are regulated by the Design Manuals.

- Allow maximum signage to exceed the Zoning Ordinance maximums by up to 10%.

- Requiring statements of justification when deviating from the standards of the comparable zoning district, and providing mitigation for the deviation(s).

The proposed amendment of Section 6 is intended to be concise and clear, and will be of increased benefit to applicants, the Council and Commission and to staff. It introduces a vision and expectation for these developments, it provides regulation for comparison and evaluation, provides regulations for adopting, amending and zoning expiration, and provides a frame work for all PAD Narratives including minimum development and design requirements.

Off-Site Improvements

In Section 602.F Phasing, staff is proposing that all public infrastructure in the right-of-way on the exterior perimeter of a development be constructed in the first phase of development, and that the City Engineer may require financial assurances to ensure completion of the construction. Off-site improvements comprise streets, sidewalks, curbs and gutters, driveway breaks, medians and turn lanes, public transportation pull-outs and shelters, traffic signals, traffic signage, pavement striping, street lights, water and sewer lines and right-of-way landscaping.

A phasing plan is a required exhibit of the PAD Narrative, and this phasing plan will indicate when and how the perimeter and off-site improvements are to be completed. In the past, phasing of perimeter and off-site improvements have been required through a stipulation on a case-by-case basis, based on the type of development. Some applicants have voiced concerns that requiring all perimeter off-site improvement in the first phase is an economic and finance hardship. However, by imposing this requirements uniformly on all PAD developments through a requirement in Section 6, applicants will be aware of the expectation prior to submittal of the application and can make adjustments to their finance structure.

Expiration of PAD Zoning

Currently, Section 607.A provides that PAD zoning shall expire 2 years after the date of zoning approval unless development of the first development unit commences or an extension is obtained. It is being recommended to increase this time period to three years, provide for a maximum of four one-year extensions, and to make clearer what level of development constitutes vesting with regard to the time period expiration. Because of the vagueness of the term "development unit," and a lack of a clear understanding of what "commencing development" entails, staff is recommending that the language be revised to make these clear. Staff's proposed additional language in 603.D.7 that makes these terms clear, and provides requirements for level of construction activity based upon whether the PAD is less than 5 acres or 5 acres or greater in area. PADs less than 5 acres are required to obtain a building permit and be engaged in vertical construction, which means that infrastructure is substantially complete. PADs 5 acres or greater are required to obtain permits for construction of on-site and off-site infrastructure. Compliance with these terms will avoid expiration of PAD zoning. Letting associated building permits expire beyond the 3 year anniversary of the PAD approval date would be a violation of this provision, and the PAD would be subject to reversion unless a one-year extension is granted by City Council.

Open Space

In an upcoming proposed amendment of Section 1, Definitions, of the Zoning Ordinance, staff is proposing the following definition of open space: **"Open Space:" Areas within a development that are designated and intended for the common use or enjoyment of the residents, guests and patrons for leisure time activities. Said areas are comprised of built amenities, complementary structures and improvements as are necessary and appropriate for the intended users.**

<u>Single Family Residential</u>

The proposal to amend Section 604.E.1 includes an increase in the minimum residential open space from 10% to 15%. This increase is justified by City Council's goals and expectations to provide an increased amount of amenities within master planned communities, and by conformance to the adopted Design Manuals. The open space required for residential development is recreational in nature, such as parks, trails, playgrounds, sports fields, courts, etc.

The intent of the PAD district is to provide flexibility in design while achieving higher standards when compared to the other zoning districts that do not afford the benefits of customized uses and development and design standards. The proposed minimum 15% single family residential open space requirement is consistent with development standards throughout the Valley.

<u>Commercial/Industrial/Multi-Family Residential</u>

The proposed amendment to Section 604.E.2 proposes to regulate Open Space amount and design through the approved Design Manuals. For multi-family residential development, the Design Manuals call for 20% Open Space. For commercial and industrial developments, the Design Manuals do not establish a minimum of site area to be devoted to Open Space. Instead they require that commercial buildings over 10,000 square feet and industrial buildings over 30,000 square feet provide a minimum open space of 500 square feet in an area with at least a 20 foot dimension (storage facilities are exempt). Open Space should be shaded pedestrian plazas, turf areas with seating, walkways dispersed throughout the project. The Design Manual provides requirements regarding design of these amenities while allowing flexibility on the developer's part.

Conclusion:

Based on the information provided, the public input received and the analysis by staff, staff recommends approval of the requested text amendment. This request meets the required criteria and will conform to the conditions of approval.

FINDINGS:

1. The proposed amendment meets the intent of the General Plan.

2. The proposed amendment meets the requirements and intent of the Zoning Ordinance.

3. The proposed amendment provides for the application of the Design Manuals to all Planned Area Developments.

RECOMMENDATION:

The City Council should **APPROVE** application TA-08-1.

PROPOSED MOTION:

I move that the City Council accept the findings and **APPROVE** application TA-08-1, a request for Text Amendment of the Zoning Ordinance Section 6 Planned Area Development Districts.

ATTACHMENTS:

Click to download

- Exhibit A - 11/29/2007 Neighborhood Meeting Sign-in Sheet
- Exhibit B - Work Session Minutes for City Council & Planning Commission
- Exhibit C - 3/20/2008 & 4/17/2008 Planning Commission Minutes
- Exhibit D - Zoning Ordinance Public Distribution List
- Exhibit E - 1/5/2009 Neighborhood Meeting Sign-In Sheet
- Exhibit F - Public Participation Correspondence
- Exhibit G - Proposed Amended Section 6 - Clean Copy
- Exhibit H - Proposed Amended Section 6 - Strike-thru & underline
- Exhibit I - 1/15/2009 Planning Commission DRAFT Minutes
- Resolution 2807-306
- Ordinance 1352-309
- Planned Area Development Zoning District Ordinance
- PAD - Binary Comparison

FULL SIZE COPIES (Council Only):

None

PROJECT MANAGER:

Eric Morgan, Planner II (623-333-4017)

Earl, Curley & Lagarde
~~2525~~ 3101 N. Central Ave. 1000
PX 85012

~~RICARDO TORRES~~
RIC TORIS

Design Manuals & Zoning Ordinance Update
Public Participation Meeting
Council Chambers – Mojave Room
November 29, 2007
6pm

Name	Company	Phone	Email	Address	Design Manuals	Z.O. Updates
Jennifer Grombacher	Withey Morris	602 230.0600	jeg@ witheymorris.com	2525 E AZ Biltmore Cir #A-212 85016	✓	✓
Janiene Lambert	Parkland	623 742 9180	janiene@ parklanddevelopmentcom	10320 W. McDowell Rd 85372	✓	✓
Lindsay Olesak	South Mester	602 300 3540	lolesak @hogsofelliott.com	12115 W. Van Buren #2722 Avondale, AZ 85323	✓	✓
Benjamin Maresca	Rose Law Group	480 505 3943	bmaresca@ roselawgroup.com	6613 N. Scottsdale RD Ste 200 Scottsdale AZ 85250	✓	✓
Ross + Sharon Willard	Citizens	623 518.2355	R.willard@ cox.net	12368 W. Harrison St Avondale 85323		

Name	Company	Phone	Email	Address	Design Manuals	Z.O. Updates
Luigi Benvin	Cavan	480 747-9458	Lbenvin@ cavan.net	15333 N. Pima #305 Scottsdale AZ 85260	✓	✓
DAVID IWANSKI	Citizen	623-847-9649	diwansk@ goodyearaz.gov	11221 W. Sierra Pl		
Roy Taniguchi	resident	623 229-0820	Roy.taniguchi@luke.af.mil	10414 W. Mulberry Avondale, AZ 85392	✓	✓
Matt Butcher	Evergreen	602-808-8600	matt@ evergreendev.com	2390 E Camelback Rd Phx, 85016	✓	✓
MIKE SMITH	COX	623-333-4035	MSMITH@ AVONDALE.ORG	✓		

Exhibit B

City Council Work Session held March 3, 2008 at 6:00 p.m.

Item: **TA-08-1 Text Amendment of Section 6, Planned Area Development**
Staff: **Eric Morgan**

4) AMENDMENT OF SECTION 6 OF THE ZONING ORDINANCE

Eric Morgan, Planner II, Development Services Department, stated that the Planned Area Development (PAD) districts are custom zoning districts, and Staff wants to amend Section 6 to encourage design innovation and creativity, high quality, mix of uses, integrated designs, and master planned developments. Staff will also provide structure to provide uniformity for ease of review and for enforcement down the road. Mr. Morgan recapped that Council had directed research into three areas: minimum acreage, the amount of open space required, and the amount of active/passive open space. He explained that originally Staff was proposing a minimum acreage of 15 acres to rezone to PAD. Staff surveyed 11 cities, and out of 10 cities the most common response was the cities had no minimum acreage to rezone to PAD, and when there was a minimum to rezone, it was a very low number, such as 1 to 3 acres. Staff also examined the amount of open space provided. Mr. Morgan informed the Council that the new Design Guidelines suggest 15%, while the PAD language that exists today is 10%. Staff was proposing 15% open space. Looking at areas outside the city, the most common amount of open space suggested was 30%, but there was no distinction between active or passive open space, which was also a Council directive for research. The other cities included agricultural uses, detention areas, unimproved areas, etc., as open space. Mr. Morgan stated that Staff would like to add another type of open space, that being pedestrian refuge areas for the public that are aesthetically pleasing and that provide seating and shade.

Mr. Morgan informed the Council that the Planning Commission on February 21, 2008 spoke in favor of no minimum size to rezone to PAD. They favored providing a minimum to the residential lot areas and setbacks. He explained that currently the PAD does not set a minimum in the PAD section and a developer's first guide is to look at other areas in the zoning ordinance, and then the General Plan will tell the developer the density. He stated the PAD now states that in between two different sized lots, there must be a visible difference. The Planning Commission also questions allowing un-turfed detention basins to qualify as open space. Staff's position was detention areas should be turfed, and if they do not have to be turfed, then the area will not be used and should not qualify as active open space.

Mr. Morgan stated that Staff recommends: 1) No minimum acreage required to rezone to PAD. 2) Increase the open space minimum to 20%. As the Design Guidelines state 15% in hard zoned areas, Staff believes why not ask for more with the PADs. 3) Open space must be actively usable, with the inclusive of shaded pedestrian areas. 4) PADs will expire in two years if no building permit is obtained; although, unlimited one year extensions are available and the PAD must come back before the Council for each extension.

Council Member Buster voiced agreement with the Staff recommendations. He thinks Avondale needs to heed what other cities are doing in not setting a minimum acreage for PADs. He likes the idea of an open space minimum of 20% and the open space should be usable, not just gravel. He thinks two years on PADs with one year extensions is a good idea given the slow down in the building community right now.

Council Member Wolf stated he is fine with no minimum acreage to rezone to PAD as long as there are other standards that get across to the development community that a PAD is different than any of the other districts. He is in agreement with the open space minimum of 20% and that the open space should be usable. He cautioned that there could be gravel in a detention area and it would still be usable space with walking paths, etc., and the Council could still include a stipulation that would say that is a component of the open space calculations, and he would not want to write away the Council's flexibility in the event a developer is doing something special. Council Member Wolf commented that he is still not comfortable that the City has the best expiration policy on the PADs and he wonders if there is another system where the City does not make the rezoning effective until the building permit is pulled, and if the permit is not pulled within a two year period, then there never was a rezoning. He stated the null and void zoning is good just as long as it takes for someone to try to fight it, and he is not sure under Proposition 207 that the City has the authority to completely rezone unless going into the zoning the developer gives up that right. While he is okay with the two years on the PADs with one year extensions, he would like the two year evaluation to be on whether the building permit is pulled so that the zoning becomes effective at that time as opposed to making the zoning effective on day 31 and then having to revoke it. He asked for Staffs' thoughts on that.

Andrew McGuire, City Attorney, stated he had considered how the delayed effective date would impact a rezoning case, and he had concluded that it would not be workable in that most property owners would not be able to go to their lender and have any kind of certainty that they have zoning unless it is past its effective date. If the City extended the effective date out to some date in the future, under the way the Referendum law is drafted and State law is interpreted, he would have to determine that it would not be final and available to be referred until that later date, at which point the lenders would be in a state of flux. He stated that the Proposition 207 concerns have always been around the null and void provision, but they have been comfortable with that because null and void is a term that does not have a whole lot that can be argued the other way. The PAD that was applied for and granted years ago that has become null and void is certainly not a full-blown PAD and they can raise that argument. The problem they have always faced is determining what it is. He reported that Staff has thought about having provisions in the rezoning ordinance that are automatic triggers with the due process in the front end, and then everybody understands that there will be no due process on the tail end. However,

the State statute states you have to return to Council in order to revert zoning; therefore, there must be something on the tail end that states it will be mandatory or it will be flexible.

Council Member Wolf asked if under Proposition 207 there is the opportunity for the City to state that if a building permit is not pulled in two years or within an applicable extension period and the Council reverts the zoning, there will be no legal action taken. City Attorney, Andrew McGuire, replied that one of the issues he has always had a concern with is an argument from a subsequent property owner. He explained that what Staff has been doing is using a waiver that states that the developer has asked for X, and if the City does X, then they will not be held liable for acting consistently with the developer's request. He stated for the most part everyone understands that if a developer obtains a Development Agreement, they will get a provision that states under Proposition 207 you waive your rights to sue if the City acts consistently with the Development Agreement. He stated his concept is that this will probably treat a PAD rezoning in much the same way, and the developer will know that if they do not act consistently with the provision, it will go away and the developer has waived their right to sue under Proposition 207.

Mr. McGuire stated some concern had been raised by Mr. Ed Boles, Evergreen Communities, regarding what is the proper trigger, and while Staff has no agreement with Mr. Boles as to what makes a valid trigger or how to address what happens with the Council afterwards, he thinks that a revisionary clause is contemplated and authorized by the statute, and the Council should not be dinged for having followed the statute. He stated that Staff has anticipated that a 207 waiver is the best way to handle the matter, but Staff still needs to come up with the language to make sure that they have no flexibility and that is what they need direction from the Council on. Staff is recommending that the PAD expires without further action and becomes null and void, and then it goes through the process of reverting, but Staff can handle any number of methods that Council wants to do. He stated the real question tonight is whether Council wants to support Staff's position of automatically losing the zoning and it goes through the process of revocation, or does the Council want flexibility built into the front end of the process to allow a longer period of time.

Council Member Wolf stated he was assuming that this process would be something administratively put into place as far as requiring a waiver before Staff accepts a PAD, and that would be something that has to go into the ordinance. Andrew McGuire, City Attorney, replied that it may or may not have to go into the ordinance, and he is leaning towards having the requirement in the ordinance because like a Development Agreement, a PAD is a special piece of legislation custom tailored to a development. Council Member Wolf replied that is his leaning as well. As far as the flexibility or inflexibility, Council Member Wolf stated that if Staff and Council can identify what the triggers

should be to grant a one year extension, he would be fine with that. He stated his only concern is that if the Council takes action that they are not going to extend, it would be his preference that that action be a reversion of the zoning back to its original zoning. He suggested that if the triggers can be negotiated up front with the PAD, it will reduce the number of PADs via the process, and the triggers can be put into the actual PAD rezoning. He summarized that he would like it to be an extension or a reversion.

Council Member Karlin stated the Council has not talked about active and passive open space and asked the Council Members if there should be a special discussion on open space.

Council Member Wolf stated that the Council Members have not addressed the Council's common vision of active open space directly, but he knows in the zoning requests that he has seen, it seems that the truly obvious passive open spaces are not included in the calculations. He stated he would be in support of the Council Members having a discussion on what they consider to be an active open space design, but in his opinion he thinks Staff has a good idea of what Council expects as far as open space.

Council Member Karlin stated the City has been involved with the West Valley Recreation Corridor, the Tres Rios and the El Rio Projects, and she would like to see the Council Members look at the City for the future in conjunction with these other processes and look at the City as a whole when talking about open space.

Vice Mayor Weise agreed with the 20% minimum of open space as long as it is active. He agreed with Council Member Wolf on the PAD expiration, as he wants to cut down on the land speculators that come into Avondale and sit on the property and the entitlements, and then sell the property. He stated Tempe's process is a one year expiration tied to the development plan. He asked if that could be done in Avondale. Andrew McGuire, City Attorney, replied that on one end the State law is for vesting of an entitlement on a piece of property, which is a substantial investment-backed expectation, and on the other end is a soft approval of things like plan approval, site plan approval, and subdivision plat, and the problem is that the gulf between those can be enormous. He stated if the Council is talking about expiration along the review process, it will be difficult to try and pick a specific date. Mr. McGuire stated what Staff would need to find is the appropriate trigger that is a Council approval date and one that indicates that all of the back and forth is done, and that there has been some final plans approved and there is something there to go forward from, and then Staff needs to figure out what does progress mean with respect to different types of development. Vice Mayor Weise stated he was wondering if extension or reversion back to the original zoning would come back and negatively affect the City. Mr. McGuire stated with respect to all of the old PAD null and void zoning currently in the City, they will not be impacted by this ordinance as they exist now under the current law. This amendment would impact everyone going

forward, and the combination of a more clearly articulated ordinance as to what is required in order to continue under a particular PAD, coupled with a clear understanding on the front end through stipulation and through waiver, will cause everyone to understand what is going to happen if the developer does not reach a certain point of expectation within a specified time frame. Those two things together will give the City a handle to ensure that something happens at the end of the timeframe and a determination will be made one way or the other.

Council Member Karlin expressed concern about maintenance of property on a PAD approved with certain stipulations where landscaping or architectural features are removed down the road and never replaced. She asked if a certain number of complaints were made, could there be something in place to have the property owner return the property to its original approved condition. Mr. Morgan responded that that situation is a matter of compliance with an approved plan and it becomes a matter of Code Enforcement. He stated as soon as the site plan is not complied with, the property owner needs to be contacted by Code Enforcement. He stated Staff is working on Section 1 of the Zoning Code and perhaps Staff can make it clearer that any approval for site plan that later is not meeting what is approved is a violation, and therefore future permits can be held up or the property owner can be cited by Code Enforcement. Council Member Karlin stated perhaps this has not been made clear to developers and homeowners.

Mayor Lopez Rogers invited further questions and comments, and hearing none, called for a motion to adjourn.

City Council Work Session held November 17, 2008 at 6:00 p.m.

Item: **TA-08-1 Text Amendment of Section 6, Planned Area Development**
Staff: **Eric Morgan**

4) ZONING ORDINANCE TEXT AMENDMENT – SECTION 6, PLANNED AREA DEVELOPMENT (PAD) DISTRICTS

Staff will brief the City Council on the amended uses and development standards in Section 6, Planned Area Development (PAD) Zoning District, of the Avondale Zoning Ordinance.

Charlie McClendon, City Manager, stated that items 3 and 4 would be presented by Eric Morgan. Item 3 deals with Section 2, Residential Zoning Districts, and Item 4 deals with Section 6, Planned Area Development (PAD) districts.

Eric Morgan, Planner II, Development Services, stated that a neighborhood meeting was held on Sections 2 and 6 on April 9, 2008 and e-mail drafts of the text amendments have been sent to the

development community and interested parties. Mr. Morgan stated that Section 2 – Residential, regulates single-family detached and attached multiple family and mobile homes, and it provides for uses, development standards, and design standards.

Staff proposes changes to the Uses of Section 2 – Residential.

- Move temporary trailers and construction sales offices to Section 7.
- Remove mobile homes from every district except for R-5, Mobile Home district.
- Guest houses permitted in the Agricultural district in line with that already allowed in RR-43 and RR-18, and guest houses permitted in all single family districts except for the small districts, R1-5, R1-6, and R1-8.
- The word church replaced with place of worship and such uses will be allowed in all districts with a Conditional Use Permit provided they are either on an arterial or an intersection of two collector streets.
- Delete cemeteries, country clubs, and golf courses.
- Mr. Morgan noted that single family homes were taken out of the R-4 district, which is reserved for apartments, condominiums, etc.

Staff proposed changes to the Development Standards of Section 2 – Residential.

- Minimum site area for R1-35 changed from 35,500 to 35,000 square feet.
- Minimal lot width for R1-8 changed from 75 to 80 feet.
- Minimum lot depth in R1-8 and R1-6 changed from 94 to 100.
- Minimum side setbacks from 5 to 8 for single family and a total of 15 to 18 for the R1-8 and R1-6 districts.
- R1-5 district downsized to a smaller lot.
- Minimum lot widths in R-2, R-3, and R-4 districts changed to 50 and 100 across the board for consistency's sake.

Staff proposes changes to the Design Standards of Section 2 – Residential.

- Reliance on standards as shown in the Design Manuals.
- Encourage a variety of lot sizes.
- Garages will require a 20 X 20 minimum dimension for two car garages for single-family and multi-family homes. Apartments and condominiums with 100 units or more require garages for at least 25 percent of the units.
- Open space for single family subdivisions of 15 percent, and 20 percent for multi-family subdivisions.
- All landscaping standards deleted from Section 2 and put into a special landscaping section in the Zoning Ordinance.

Vice Mayor Weise invited questions and comments from the Council and heard none.

Eric Morgan, Planner II, Development Services, continued his presentation on a text amendment for Section 6, PAD Districts. He stated that a PAD district is a custom zoning district and allows

design standards tailored to a specific development. It provides guidance on types of PAD developments that are desired and expected in the City; provides minimum standards of development, design, and performance; and provides a framework for organization of the regulations. Section 6 provides the purpose of the district; is consistent with the Design Manuals; lists required findings; requires PAD amendments, a narrative and development plans; provides justification and mitigation; and lists required exhibits.

Staff is seeking direction on the areas of expiration of PAD zoning, open space, and off-site improvement phasing.

Regarding the expiration of PAD zoning, Staff is proposing that developers follow a development schedule, complete or bond the infrastructure for the first phase, that one year extensions are allowed with a maximum of three, and initiation of reversion of the zoning should the PAD expire within 30 days.

Council Member Wolf stated his concern is that the first phase can be defined in a number of ways. He is okay with the changes if the first phase is considered to include the entire public infrastructure required for the project. He does not have a problem with one year extensions being limited to a maximum of three.

Eric Morgan, Planner II, Development Services, indicated that staff is proposing an increase in residential open space from 10% to 15% Non-residential open space will not have a percentage assigned, but rather will be set by the Design Manuals.

Council Member McDonald asked for clarification of active and usable open space. He asked if a path and grass in a depressed area in a flood district constitutes active and usable open space. Mr. Morgan stated the general idea is an area where kids can play or a picnic can be held. If the area allows activity, then it is considered usable. It would require a walking surface and perhaps furniture, pedestrian scale lighting, and trash receptacles, depending on the size of the open space. Council Member McDonald stated that in that case, he does not see a problem with stating a percentage of open space will be required for non-residential properties.

Vice Mayor Weise stated the percentage of open space is harder to define for non-residential properties because it varies so much from property to property. He does not see how a percentage of open space can be dictated for non-residential without inhibiting someone's business. He is okay with the residential open space being stated as 15%.

Council Member Wolf stated 15% is a reasonable minimum expectation and agrees with using the Design Manuals for non-residential properties.

Eric Morgan, Planner II, Development Services, indicated that staff proposes that the first phase of infrastructure defined in the PAD and accepted would have to begin construction within 12

months of the PAD approval, or the developer would post bonds if they do not begin construction within 12 months. He noted that a developer would have two years to complete the first phase of infrastructure or post the bonds.

Council Member Wolf asked if the City of Avondale would be the "insured" named in the bonds. Mr. Morgan replied that the City would be the "insured." Council Member Wolf cautioned that Staff needs to make sure the bonds are enforceable because he would not want to have to default developers in order to trigger the bonds. They need a date certain for the funding.

Eric Morgan, Planner II, Development Services, stated that the text amendments for Sections 2 and 6 will go before the Planning Commission on December 18, 2008 and then will be back before Council on January 20, 2009 for approval and adoption.

Vice Mayor Weise called for a motion to adjourn.

Planning Commission Work Session held February 21, 2008 at 5:30 p.m.

Item: **TA-08-1 Text Amendment of Section 6, Planned Area Development**
Staff: **Eric Morgan**

2. Zoning Ordinance Section 6 PAD Amendment

Eric Morgan, Planner II, Development Services, stated this is an amendment of Section 6 that provides regulations for rezoning to Planned Area Development (PAD) zoning district. He explained that PAD is a custom zoning district that allows developers to arrange uses and standards as far as heights, setbacks, etc., through a negotiation process with the City in order to achieve a specific purpose. Mr. Morgan stated that Staff hopes with this amendment to encourage more innovation, creativity, higher quality, and to obtain a mix of uses, integrate the uses together, and to try to get developers to think in terms of master planning a development. Staff proposes that everyone will follow the same structure, which will make it easier on the applicant, will be straightforward, will be easier on the Staff for review analysis and implementation, and it will be easier for the Planning Commission and the Council to review and evaluate.

Mr. Morgan stated this item was taken to a City Council Work Session on January 14, 2008 and Council expressed three areas of concern. One area involved minimum acreage required to rezone to PAD. Staff had proposed a minimum of 15 acres. Another area involved the amount of open space that Staff proposed, 15%, while Council suggested a higher amount of open space be required. The last area of concern involved specifics on what counts as open space. He

reported that the City Council was also interested in opinions from outside the Valley. Mr. Morgan explained that out of 10 cities, it was most common that there was no minimum acreage required to rezone to PAD, and if there was a minimum acreage, it was 1 to 3 acres. Staff proposed 15 acres thinking that for an integrated mix of uses, it would be hard to do with one acre. The cities also reported a surprisingly high amount of open space required, some as high as 30-35%, but with no distinction between active and passive open space, and in some cases there was no number given for the open space requirement. Mr. Morgan stated Staff is requesting the Planning Commission's opinion on these three concerns.

Chairperson Iwanski invited questions from the Commission.

Vice Chair Demlong inquired how the minimum requirement of 15 acres to rezone to PAD had been determined. Mr. Morgan replied that Staff had arrived at that number as a middle ground between a small minimum not allowing for a mix of uses in the development and a large minimum excluding all but a few parcels left in the City. Fifteen acres is a point for further deliberation. Vice Chair Demlong asked what are the benefits to the citizens of Avondale to require a minimum of 15 acres to rezone to PAD. Mr. Morgan stated that it would prevent many one-use developments, such as apartments or shopping centers, from requesting to zone to PAD in order to be let out of one or two requirements of the Zoning Ordinance such as height or setbacks, or to "shop" for a few uses desired that would not otherwise be allowed. He stated that the proposed minimum acreage would exclude many in-fill pockets within the City. Vice Chair Demlong stated he did not see value in limiting the size to rezone to PAD, and his opinion is to leave the size requirement open-ended to allow for more creativity.

Vice Chair Demlong pointed out qualitative terms such as "there exists adequate" "will result in compatible" "substantial character," and asked how would the City enforce or quantify that. Mr. Morgan replied that some qualitative terms can get a City in trouble when it needs to set absolute standards, but with a custom zoning district, Staff is looking at more of a mix of uses and a negotiation process, and if these things are defined in absolute terms, creativity is circumscribed. He explained that these subjective terms are arrived at through policy and practice, and this is where the Commission would express its opinion as cases go forward. Vice Chair Demlong confirmed these subjective terms allow the Commission and the Staff a certain amount of flexibility, but it would change with each Commission and each Council, and with each year the Staff moves on. Mr. Morgan responded that one would want that because a community would grow at the same time and this approach does not limit the developer. Vice Chair Demlong commented this issue would be interesting if it got to court. He pointed out that Page 7, No. 3, was difficult to read and suggested it be reworded, and he suggested that the word "Commission" be capitalized throughout the document.

Vice Chair Demlong noted on Page 11, Section 6, Unsloped Turfed Areas, Staff is specifying "turfed areas," and to him "turfed areas" mean high water usage. He stated the City relies on ground water 100% and the City should be promoting water conservation efforts whenever

possible, and suggested that the word "turfed" be removed as it is not compatible with the City's mission. He expressed his very positive support and accolades for the good job done by Brian Berndt, Development Services Director, and the Staff.

Chairperson Iwanski asked if Vice Chair Demlong was suggesting that Staff take "turfed areas" out entirely. Vice Chair Demlong replied it should read "unsloped areas" because kids play in a granite or dirt lot and the City does not need to be promoting more turf, especially because these often represent large percentages of these areas and use a lot of water. As the Valley has been in a drought since approximately 1995 and things are not looking any better, and the City relies 100% on ground water, he does not think the City should promote the waste of more water on turf.

Commissioner Lageschulte pointed out Page 6, "Single-Family Residential Development shall provide different sized lots." He asked if Staff planned to drop from a 6,000 square foot lot to a 2,000 square foot lot, and from a 60 foot wide lot to a 10 foot lot width. Mr. Morgan explained these are not absolute minimum sizes for a lot, but are the minimum difference between sizes of lots within a residential subdivision. He described an example where a development is proposed with lots 63 feet wide, 68 feet wide, and 73 feet wide, the result being that driving down the street you don't notice much difference in the size of the lots.. Staff is proposing to make the differences in lots larger, more substantial. If a developer proposes 63 foot wide lots, the next size would have to be at least 73 feet wide. Commissioner Lageschulte asked what the minimum size lot a developer may propose. Mr. Morgan stated that lot sizes are tied to a comparable zoning district of the Zoning Ordinance such as R1-6, R1-8, etc., and to what density is allowed by the General Plan. He cited Page 2, under B, PAD Uses and Development Standards, as it states "All uses and standards of the PAD district shall conform to the comparable zoning district or districts except for explicitly modified by the PAD narrative." Commissioner Lageschulte inquired about setbacks required when lots proposed aren't the same as in the Zoning Ordinance. Mr. Morgan gave an example of a residential development with 10,000 square foot lots, which is not a lot that directly corresponds with any zoning districts of the Zoning Ordinance. Staff would determine the nearest comparable zoning district, perhaps R1-8 with 8,000 square foot lots, and use that as the basis for setbacks. Staff would expect the developer to provide setbacks, and other development standards, that meet or exceed those of the R1-8 zoning district for the 10,000 square foot lots.

Commissioner Lageschulte expressed concern that minimum standards are not specified. He expressed concern that the City's new PAD regulations are telling developers to bring in any development and build whatever they want because the City has no standards unless they want to look them up in the Zoning Ordinance, and he asked if that is a correct interpretation. Mr. Morgan stated that is not the case because the minimum standards are those of the rest of the Zoning Ordinance. The Zoning Ordinance and General Plan will provide minimums and maximums, and within that framework staff, Commission and Council will negotiate a better development with the developers.

Commissioner Cotera stated she is concerned that if the word "turf" is removed, the City will end up with dirt lots. She suggested the wording be "unsloped but landscaped areas." Mr. Morgan pointed out that Staff was referring exclusively to storm water detention areas and if they specify landscaping, then they have to consider how active the space is. Commissioner Cotera asked if usable active space includes storm water detention areas. Mr. Morgan stated if a developer wants to include the storm water detention and flood ways, it has to be one of six types, i.e., a basketball court, a trail, etc. Commissioner Cotera clarified that her concern was that by removing the word "turfed" from "unsloped areas," the space would become an unimproved area and she would not want that counted as usable open space.

Chairperson Iwanski asked Mr. Morgan to explain the next steps. Mr. Morgan stated this item would be taken to a Council Work Session on March 3, 2008, and the last date to submit comments to Staff is March 7, 2008 by e-mail or phone.

PLANNING COMMISSION
REGULAR MEETING

CITY COUNCIL CHAMBERS
11465 W. CIVIC CENTER DR.
AVONDALE, AZ 85323

Thursday, March 20, 2008
6:30 P.M.

VII. PUBLIC HEARING ITEMS

3. TA-08-1: This is a public hearing before the Planning Commission to review and solicit public input on application TA-08-1, a Staff initiative to amend Section 6, Planned Area Development (PAD) zoning district to include updates to the purpose, rezoning, procedures, expiration, amendment, open space and minimum requirements. **Staff Contact: Eric Morgan.**

Tracy Stevens, Planning Manager, Development Services Department, informed the Planning Commission that Staff requests a continuance of the item to the April 17, 2008 Planning Commission meeting, as they recently made some changes to the open space section and would like additional time to work with the development community on the wording. She stated there was a member of the public who would like to speak tonight.

Chairperson Iwanski asked legal counsel if the item could be continued and the Planning Commission still hear the speaker. Chris Schmaltz, City Attorney, recommended that Chairperson Iwanski open the public hearing, take the testimony of the public, and then continue the public hearing to the April 17, 2008 Planning Commission meeting.

Chairperson Iwanski opened the public hearing on Item TA-08-1.

Mr. Brett Heron, 2390 E. Camelback Rd., Phoenix, AZ, Evergreen Development, stated his group had been before the Planning Commission before on Fleming Farms and Hillcrest, which are combination Residential and Commercial PADs. He stated he is before the Commission tonight to the extent that the new PAD ordinance would impact those approved PADs, and also because they think there is the possibility they will have other projects in Avondale in the future. Mr. Heron stated they had been before the Council previously at a Work Session and have been working with Staff and the City Attorney, and they appreciate the time City Staff has given them on the feedback they have offered. Mr. Heron stated a lot of the changes in the draft ordinance are very good, especially from the standpoint that they provide clarity to a developer coming in

and reading the ordinance in knowing what the City wants. However, there are items they would like to have further discussion on.

- The timeframe relating to the PAD expiration: Mr. Heron explained that the prior language stated the developer needed to commence development within two years, and the new language states there needs to be a building permit issued for a primary building within the first two years. Their concern is with respect to a single family residential PAD. He elaborated that in a Retail, Industrial, Apartment PAD, the building permit for a primary building typically comes at about the time one commences development, but in a single family residential project it typically comes much later. On a single family development they would start the off-site improvements and the subdivision infrastructure long before a building permit is issued for a primary building. Therefore, they do not feel that two years is long enough for a single family project. Mr. Heron offered options of changing the trigger from primary building to something else, or changing the timeframe to make it longer than the two years.

- Extensions of a PAD: While they understand the consensus is that there would be the ability to have more than one 1-year extension of the PAD, they would like to see that clarified.

- Expiration of a PAD: The language states that once a PAD has "expired," it becomes null and void, and then it goes to the Council so the Council can decide if it wants to revert the zoning. They think the proper process is once the zoning administrator decides that the timeline has passed, that it goes to the Council before it becomes null and void.

- Development phasing: Mr. Heron stated a list of exhibits needs to be attached per the Ordinance, one of which is development phasing, stating that the off-site improvements should all be completed in the first phase of the development or within 24 months of PAD approval. They think having it done in the first phase of development is fine, but in the context of a single family development, getting the off-site improvements completed within 24 months is not workable within that timeframe.

Chairperson Iwanski, hearing no further requests to speak from the public, invited further discussion from the Commission. Hearing none, Chairperson Iwanski entertained a motion to continue the public hearing on Text Amendment TA-08-1 until April 17, 2008.

Commissioner Lageschulte **MOVED** that the Planning Commission recommend a continuance of Text Amendment TA-08-1 to the April 17, 2008 Planning Commission meeting.

Chris Schmaltz, City Attorney, clarified that the Planning Commission does not need to make a recommendation to continue the item, but can simply move to continue the item.

Chairperson Iwanski noted that point of order, that Commissioner Lageschulte **MOVED** that the Planning Commission continue the item until April 17, 2008. Commissioner Demlong **SECONDED** the motion.

Chairperson Iwanski invited further discussion, and hearing none, called for a vote.

ROLL CALL VOTE

Chairperson Iwanski	Aye
Vice Chair Demlong	Aye
Commissioner Lageschulte	Aye
Commissioner Grimsley	Absent
Chairperson Meringer	Aye
Commissioner Cotera	Aye
Commissioner Webster	Aye

The motion passed unanimously.

PLANNING COMMISSION
REGULAR MEETING

CITY COUNCIL CHAMBERS
11465 W. CIVIC CENTER DR.
AVONDALE, AZ 85323

Thursday, April 17, 2008
6:30 P.M.

VII. PUBLIC HEARING ITEMS

2. TA-08-1: This is a public hearing before the Planning Commission to review and solicit public input on application TA-08-1, a staff initiative to amend Section 6, Planned Area Development (PAD) zoning district, to include updates to the purpose, rezoning, procedures, expiration, amendment, open space and minimum requirements. **Staff Contact: Eric Morgan**.

Eric Morgan, Planner II, Development Services Department, stated this is a request for approval of a text amendment to Section 6, Planned Area Development (PAD). This item was continued from last month at Staff's request. He stated Section 6 covers purpose, general provisions, establishment of a PAD district, and PAD narratives and exhibits that must be submitted with the PAD rezoning approval. The Planning Commission has been provided with a copy of the suggested changes, which are the result of ongoing discussions with the development community

and Staff. Mr. Morgan outlined the proposed changes to Section 6 to include changing the purpose and re-envisioning by encouraging innovation, high quality and a mix of uses. Changes to the general provisions provide regulations for use of comparable zoning districts as a beginning point of comparison with which to evaluate and qualify the uses and development standards being proposed in the PAD district. The Zoning Administrator will determine the comparable zoning district by identifying the closest matching zoning district to the one being proposed based upon the General Plan and the Zoning Ordinance uses and development standards. Staff proposes adding language for use of the Design Manuals to be the basis of site and architectural design. Staff has added a recommendation for changing the required findings. Staff has deleted language requiring that the schedule of development be monitored by Staff, that Planning Commission holds hearings on why the schedule is not being met, and that recommendation for granting an extension is made by the Planning Commission to the City Council. Language has been added limiting the number of one year extensions to three, instead of unlimited, and making it clear that extensions are granted by a public hearing. Language was added to allow Council to provide for an alternative to obtaining a building permit for a primary building in order to avoid expiration of the PAD zoning. Staff has proposed that changing the approved use list constitutes a major amendment of the PAD as opposed to a minor amendment. Some of the specific standards have been deleted because they are now in the Design Manual. Staff proposes an increase in open space from 10% to 20% for residential and to 15% for non-residential. Staff has added language to make it clearer that when a developer wants to deviate from the established zoning districts, the developer shall provide justification, explanation and rationale, and then mitigation to show where the developer is improving over what could have been achieved through the original zoning. A development plan has been laid out exactly on what the end result should be, which should be the biggest help to the applicant to know what to provide, but also to the Staff and the Commission who will see the same format each time and can compare the projects much more easily.

Mr. Morgan outlined the most recent revisions to the text amendment. The first change is in regarding to open space. It had been Staff's direction that open space should be 20% applied to residential and non-residential. After meetings with the development community, Staff is proposing 15% non-residential open space and 20% for residential. Staff has heard no comments from anyone in the development community that 20% for residential is unreasonable. The second change is to strike out language that states that off-site improvements shall be completed within 24 months of PAD zoning approval. Staff proposes that all perimeter and off-site improvements, such as water, sewer, roads, etc., shall be completed with the first phase of development. Staff has also studied open space and landscaping requirements applicable to non-residential from other cities. Goodyear has a 0% open space requirement, but requires 15% landscaping. Glendale has a 0% open space requirement, but requires 20% landscaping. Surprise has a flat 15% open space requirement. Peoria has a 20% landscaping requirement, and of that, 5% must be open space. Scottsdale has a 20% open space requirement with an additional 0.4 of 1% per foot of building height over 38 feet requirement. Landscaping requirements state that 40 feet away from rights-of-way should be landscaped, but it does allow for parking.

Staff is recommending approval of the revised addition of the text amendment TA-08-1. Adopting the Design Manuals does much to provide guidance and minimums. Staff's expectation is that PADs provide developments that are innovative and unique. Mr. Morgan reminded the Commission that should this item go forward tonight, it is scheduled for the City Council agenda on May 5, 2008. It is a part of ongoing revisions to the Zoning Ordinance. He informed the Commission that next month's Commission meeting will contain a Work Session for Section 1, Administrative; Section 2, Residential; and Section 4, Industrial.

Chairperson Iwanski asked if tonight's version of the text amendment handed out, the 4/14/08 version, replaces the 4/9/08 version in the packet, which Mr. Morgan confirmed. Chairperson Iwanski invited questions from the Commissioners.

Commissioner Lageschulte asked if the City is still trying to attract business to Avondale. Mr. Morgan confirmed. Chairperson Iwanski stated he agreed with the drop from 20% to 15% on non-residential open space, but he would like to know what a non-residential industrial park would do with 15% open space. He opined that 10% would likely attract business to Avondale. He asked how the requirement of 15% open space had been reached. Mr. Morgan replied the 15% was the original proposal by staff for both residential and non-residential PADs, 15% being an increase over the existing PAD ordinance of 10% open space. He explained that the General Plan guides where industrial parks would be allowed with PAD zoning. Staff's proposed changes are meant to encourage innovation in site design and a mix of uses for PADs. It could be envisioned that PAD commerce parks might have an industrial component in the rear of the project. If Commerce Park zoning contains incidental and support commercial uses as staff will be proposing in the proposed amendments to Section 4, such as copy centers, small sandwich shops, banks, etc., then more people will be coming to the PAD commerce park sites. It is important to have open space when either visitors or employees are coming to a site. It should look nice from the public road and from areas where the public visit. Open space is being proposed to encompass landscaping and hardscape pedestrian areas, such as fountains, seating areas, etc.. The 15% open space requirement is consistent with other Valley cities'. PADs are suppose to be innovative and special. If a developer wants to build a traditional industrial park, a PAD is not encouraged. Hard zoning to an industrial zoning would be more appropriate.

Vice Chair Demlong asked what were Phoenix's percentages of open space. Mr. Morgan replied that Phoenix was not studied in the comparison. Vice Chair Demlong asked who comprised the development community that Staff worked with. Mr. Morgan stated some of the members of the development community are present tonight: Vanessa Hickman and Brett Heron with Evergreen, Dustin Jones and Shane Allman, and also representatives of Rose Law Firm. Vice Chair Demlong asked how these developers became involved. Mr. Morgan informed the Commission that these developers were informed during the course of application review of their ongoing cases, at which point they asked for a copy and then continued to show interest throughout the process. A neighborhood meeting on Sections 1, 2 and 4 was held on April 9, 2008 during which several persons previously mentioned attended, and Section 6 proposed amendments were discussed as well. Vice Chair Demlong asked if Mr. Morgan was confident

that he had a broad perspective of opinions. Mr. Morgan stated he is confident that those who have chosen to take an interest have expressed their opinions.

Chairperson Iwanski stated he is of the same opinion as Commissioner Lageschulte. He would like to see unequivocally 10% active open space for non-residential. He stated it would be of benefit to have the figures on the City of Phoenix. He stated there is a lot of wiggle room in how the landscaping is calculated vis-à-vis square footage, height, etc. He thinks 10% is fair and allows for a very reasonable rate of return for the people that want to invest their money in the city.

Chairperson Iwanski invited further questions, and hearing none, opened the public hearing for Item TA-08-1. Chris Schmaltz, City Attorney, clarified that the public hearing was continued from the last meeting and this is a continuance of that public hearing.

Vanessa Hickman, Withey Morris, 2525 E. Arizona Biltmore Circle, Phoenix, AZ, stated she is here tonight on behalf of Cavan Real Estate Investments, who own approximately 83 acres at the southwest corner of 107th Avenue and I-10, as well as the remaining undeveloped area that is part of the Kitchell-Avondale-Gateway PAD. She stated they had attended the open meeting held in November and at that time had no concerns with the proposal. At that time the open space requirement was strictly applied to the residential PADs in Avondale. A month ago she realized the open space requirements applied to non-residential PADs as well. She stated in their last meeting with Staff, she proposed 10% open space for non-residential PADs, which they think is fair when looking at neighboring municipalities, as well as for trying to attract development to Avondale. She informed the Commission that Phoenix requires 10% open space and Buckeye requires 0%. She opined that in this proposal, landscaping and open space are being intertwined, when they are two separate items. Staff has accommodated them with adding additional items that will count for open space, but they would like to see the 10% for non-residential PADs. They are specifically concerned that the PAD they are proposing on their 83 acre site does have a more traditional business park area with smaller users, and they have envisioned a Scottsdale Air Park element. To reach a 15-20% open space on the area for smaller users is burdensome and difficult to reach. They are also concerned with the language concerning the development phasing schedule. They feel it is unduly burdensome to ask a developer to put in all perimeter and off-site improvements in conjunction with the first phase of development. She believes the project should be phased as specific users are identified and the finances are available.

Chairperson Iwanski invited questions for Ms. Hickman. Chairperson Iwanski asked if Ms. Hickman had a chance to work with Staff on the development phasing schedule. Ms. Hickman replied that if Staff wanted to reinsert the language "or within the first 24 months of PAD zoning approval" that is something they can live with; though, they would like to see the language removed entirely.

Chairperson Iwanski stated he would give Staff a chance to respond to Ms. Hickman's comments. He invited further questions from the Commissioners, and heard none.

Carolyn Oberholtzer, Rose Law Group, 6613 Scottsdale Rd., Scottsdale, AZ, echoed Vanessa Hickman's comments. She thanked Staff and the City for undertaking the PAD ordinance revisions. She stated she is confused by the fact that the ordinance restricts the City's ability to put development schedules on zoning cases more so than what the State statute allows, as she is not used to working in cities that adopt ordinances that take away the City's powers. She handed out copies of the statute to the Commissioners and read it for the audience. "The legislative body may approve a change of zone conditioned upon a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, the legislative body after notification by certified mail to the owner and applicant who requested the rezoning shall schedule a public hearing to take administrative action to extend, remove, or determine compliance with the schedule for development, or take legislative action to cause the property to revert to the former zoning classification."

Ms. Oberholtzer stated the current draft going forward reads the City is limited to only considering a two year window, which the statute does not require. A process is also required in that once the developer does not meet the schedule, that is added as a stipulation of the zoning and it can go straight back to Council when the developer is not in compliance, and Council takes either the administrative action to determine compliance or to revert that zoning. Ms. Oberholtzer recommended that the provision 603.E be eliminated, which at the end of the day decreases the City's statutory authority. As Staff has pointed out, PADs are meant to be special and considered on a case by case basis, and as written, this amendment of the Zoning Ordinance will not allow the City to do that.

Chairperson Iwanski invited questions for Ms. Oberholtzer. Hearing none, he asked Ms. Oberholtzer to restate her comments.

Ms. Oberholtzer stated that Section 603.E – Expiration, talks about how zoning is subject to expiration if the developer has not built something within two years, and then the City is limited to granting extensions. The statute does not limit the City to two years nor limit how many extensions the City can give. The text states "Failure to commence development renders the PAD null and void, and thereafter the City Council shall initiate an amendment to the zoning map to revert." The statute in the same scenario leaves the City Council four options: To administratively remove the stipulation; extend it; determine compliance; or revert the zoning. Ms. Oberholtzer opined that this section of the ordinance perhaps was an attempt at some point to outline the process, but in doing so, it restricts what the City can do. She suggested the City let the statute govern what they can do, and on every case the City can put on whatever schedule they want and work it out with the applicant.

Chris Schmaltz, City Attorney, stated developers are always asking for certainty, and this ordinance gives that. While Ms. Oberholtzer's points are well taken with regard to Avondale's articulation of the statutory requirements, which are broad in terms of what it allows the City to do regarding zoning and timing, Avondale has determined in its PAD that properties that receive PAD approval get the PAD approval subject to the provisions of the ordinance. Therefore, there is certainty with regard to the approvals that they receive, as well as certainty with regard to the approach that Staff and the Council wants to take with regard to PAD approvals. He and Staff are comfortable with the recommended changes and he is comfortable that the expiration provisions provide the framework for the City of Avondale to address the statutory provisions that Ms. Oberholtzer has highlighted.

Commissioner Lageschulte again asked the Staff if the City was trying to bring business to Avondale. He stated the City is telling developers they have to complete all perimeter and off-site improvements with the first phase of development, which is difficult with a 100 acre development. He does not know why the language "or within 24 months of the approval date of the PAD zoning" was removed, as that still gives the developer a timeline. Mr. Morgan responded that Staff is trying to attract business to the City, but not just any business. The Diamond P Ranch is 245 acres and they agreed to do all offsite improvements. Hillcrest is a large development and they are doing all the offsite improvements. He shared with the Commission that when developers do not do the off-site improvements, the City ends up with piecemeal roads, waterlines and sewage lines. He cited Van Buren Street as an example of what development of piecemeal off-site improvements look like. He reminded the Commission that the PAD is supposed to be a special district and a developer is supposed to come in with one vision to build a master planned development. If the developer wants to develop small parcels according to market demand with piecemeal infrastructure, then the choice the City wants to encourage is straight zoning. Staff proposed changes the Zoning Ordinance will be aimed at improving the development standards and architecture of the straight zoning districts so that Council and Commission will be more confident and comfortable with the resulting development being reviewed and approved by staff. Staff's proposed amendments to Section 6 are geared toward moving PAD zoning from typical development to special development. With staff's proposed changes, three-quarter acre commerce park offices are supposed to be straight zoned, not PADs.

Ms. Oberholtzer stated that the off-site provision is troublesome simply because it is not taking into account size or dealing with developments on a case by case basis. She does not think there is an example anywhere in Avondale or in the West Valley where there was a PAD and the primary structure was built within two years of approval of the PAD. She thinks the City is creating an administrative problem in having to come back and re-look at the zoning and ask for extensions.

Commissioner Cotera stated if she was reading Section 603.E correctly, it states a building permit shall be issued in two years, not that the primary building must be built in two years, and asked if there is a difference there. Ms. Oberholtzer stated there is a difference, but it is not

much. Getting a building permit for a PAD, the developer still has to go through the plat process, and if dealing with commercial, the developer has to go through the master site plan process and then do all the offsite improvements. Commissioner Cotera stated that under the current statute, if the developer has not reached that point, they can come to the Commission and state what they have completed and that they need another year extension, at which point, the Commission would say okay. The language was included to give the Commission a guarantee that they will not have a development sitting there for three or four years that could have been developed somewhere else. She does not have a problem with it because it seems to provide flexibility up to five years, and it is not asking that it be completed, but it is asking that the developer obtain a building permit, which shows the developer is moving forward in good faith.

Commissioner Grimsley stated he thought Ms. Oberholtzer's project was already approved, so this amendment would not affect her project. Ms. Oberholtzer replied she is present tonight because Staff has informed her that this amendment will apply to all previously zoned cases.

Commissioner Grimsley inquired if this amendment of the Zoning Ordinance was retroactive. Chris Schmaltz, City Attorney, stated there may be process provisions of the amendment to the Zoning Ordinance that will apply to existing cases, but it will not apply to substantive changes on existing PAD approvals. Process-related changes can and should apply to existing PADs.

Ms. Oberholtzer asked for clarification. Chris Schmaltz, City Attorney, gave an example that if there is a PAD that does not have a Development Agreement and it has a two year approval, if the timing is going to run out, it will be subject to the extension requirements or existing PAD reversion, etc. Those provisions are not changing other than to clarify how many extensions you may receive. Those will apply because they are process oriented as opposed to substantive. Ms. Oberholtzer stated that the current language of the PAD ordinance states that development of the first unit shall commence within two years of the date upon which the PAD district amendment was approved. Therefore, commencing development on the first unit is different than pulling a building permit, and therein lies their concern. Mr. Schmaltz stated that Staff will have to look at the specific application of the language to a specific project to understand how it will apply in that specific instance. As a general matter, process-oriented changes will apply to existing PAD approvals if they are not complete.

Chairperson Iwanski asked for suggestions from the Commissioners.

Commissioner Lageschulte stated he would like to research this item a little more regarding off-site improvements. He would like to see the open space at 10% for non-residential. He suggested continuing the item in order to get a better recommendation from the City Council before the next Planning Commission meeting on how to go about the off-site improvements, such as wording it "on a case by case basis." He thinks the current language is pushing Avondale out of competition and developers will look at this and move on.

Chairperson Iwanski closed the public hearing on text amendment TA-08-1. Commissioner Lageschulte moved that the Planning Commission continue text amendment TA-08-1, a request to amend Section 6 with changes to No. 2, Non-Residential open space to 10%, and a clarification of No. 2, Phase Schedule, under Item No. 5, to the May 15, 2008 Planning Commission meeting. Commissioner Grimsley seconded the motion.

Chairperson Iwanski invited further discussion.

Commissioner Cotera stated she is not opposed to continuing the item in light that the most recent changes were just handed to the Commissioners when they walked in tonight, and she would like to mull it over. She does not oppose the 15% open space, as it is commensurate with other areas and she does not believe it will unduly restrict the developers, and it will provide a better quality of product. She pointed out that Avondale would still be 5% less than Scottsdale, and they bring in development. She asked for clarification on the specific deadlines between the building permit and at build out. She does like keeping the two years with the one year extension, in that bringing it back for review will act as a public check on the system and is a good thing. As for the perimeter and off-site improvements, she asked for clarification on what the City has done in the past. She asked if there could be a sliding scale as far as the offsite improvements for larger developments.

Commissioner Lageschulte clarified that currently the requirement is for 10% open space and some of the percentages announced tonight were for landscaping. He noted that landscaping is still required, and the 10% requirement is for open space.

Commissioner Cotera stated she thought the 15% included landscape.

Eric Morgan, Planner II, stated that for non-residential, currently all of the landscaping is counted towards open space, so the 10% open space language in this amendment would be equal to 10% landscaping. Commissioner Cotera stated when the figures were given for the surrounding cities, the figures included percentages on landscaping and open space. She asked if the landscaping and open space in other cities' provisions typically adds up to 15%. Mr. Morgan replied that most of those cities use some landscaping to count towards their open space, but typically retention areas are not allowed. This PAD does allow retention areas to be counted. In other cities, if the developer wants to count retention areas as non-residential open space, they have to be improved to make them active open space, such as pedestrian seating, etc. Commissioner Cotera asked if that was in the residential or non-residential. Mr. Morgan replied that all the statistics given regarding other cities' open space were non-residential requirements only. He clarified that the other cities do not allow retention areas to be counted as open space unless you can play in it or it has some sort usable furniture. What Staff is proposing here would allow retention as long as it is landscaped. Commissioner Cotera stated basically Avondale's restrictions would not be more onerous than other surroundings communities, and in some ways are less onerous. Mr. Morgan confirmed her statement. Staff is referring to the requirement as

Open Space, instead of merely landscaping, because open space includes more than just landscaping; it includes hardscape areas such as around a fountain or art or seating or a plaza.

Chairperson Iwanski asked Staff to produce a concrete definition of what non-residential open space constitutes, active open space plus or minus landscaping, so that the Commission knows what they are supporting or opposing.

Commissioner Cotera suggested a table with columns for open space, landscape, and totals.

Vice Chair Demlong stated he has confidence that Eric Morgan, Planner II, has done due diligence and has given the community the best product. He is comfortable with the amendment as written. He asked for clarification, particularly from legal counsel, regarding the statute that was brought up tonight, and for clarification on open space versus landscaping. He stated during his tenure it has been more typical than not that the Commission requires the developers to make a commitment to ensure contingency on these projects by requiring all that up front, and by doing that, the developers show good faith. He is uncomfortable with the motion on the floor right now because it has a couple of stipulations he does not think should be included. He suggested continuing Item TA-08-1 without any other contingencies.

Chairperson Iwanski asked legal counsel for clarification. Chris Schmaltz, City Attorney, responded that the motion contained two items of focus for the purpose of reporting for the next meeting on the proposed change to 10% instead of 15%, as well as the information related to doing all offsite improvements in the first phase.

Vice Chair Demlong stated he would like the motion to continue without the two items of focus, as he does not think that is correct procedure. Mr. Schmaltz replied that procedurally the motion can be an expression of Commissioner Lageschulte's intent, that it be continued with Staff's and the Commission's focus on those areas to discuss at the next meeting. It does not limit the Commission to only discussing those two items.

Commissioner Lageschulte stated the only reason he stated the motion as such is to include the basis for continuing the item, but he will take them out if desired.

Vice Chair Demlong stated he would be happy just to know that this item will be continued to the May 15, 2008 meeting.

Chairperson Iwanski stated he interpreted the City Attorney's remarks as that is exactly what is going to happen. Chris Schmaltz, City Attorney, confirmed that is correct.

Chairperson Iwanski invited further discussion.

Commissioner Cotera asked for clarification on procedural issues. Mr. Schmaltz replied there is a pending motion with a second on the floor, and the point of order is to vote on that motion.

Chairperson Iwanski called for a roll call vote.

ROLL CALL VOTE

Chairperson Iwanski	Aye
Vice Chair Demlong	Nay
Commissioner Lageschulte	Aye
Commissioner Grimsley	Aye
Chairperson Meringer	Aye
Commissioner Cotera	Nay
Commissioner Webster	Excused

The motion passed - 4 Ayes 2 Nays.

EXHIBIT D

ZONING ORDINANCE TEXT AMENDMENTS

PUBLIC DISTRIBUTION LIST

revised 1.6.2009

The sections of the Zoning Ordinance being revised that are of specific interest to the person are listed beneath their name and email address.

Name	Company	Contact	Avondale Projects
Shaine Alleman	Tiffany & Bosco Law Group	sta@tblaw.com	None currently
Dustin Jones	Tiffany & Bosco Law Group	dcj@tblaw.com	None currently
Vanessa Hickman	Withey Morris Law Group	vph@witheymorris.com	CAVAN
Carolyn Oberholtzer	Rose Law Group	CarolynO@roselawgroup.com	Entorno
Benjamin Mareson	Rose Law Group	bmareson@roselawgroup.com	Entorno
Stephan Earl	Earl, Curley & Legarde Law	searl@ECLLAW.com	Lakin Ranch
Adrian Williamson	Earl, Curley & Legarde Law	awilliamson@ECLLAW.com	Lakin Ranch
Ric Toris	Earl, Curley & Legarde Law	rtoris@ECLLAW.com	Avondale Com. Ctr.
Rus Brock	Home Builders Assoc. of Central AZ	Brockr@hbaca.org	N/A
Mr. Kendall Baxley	Home Builders Assoc. of Central AZ	BaxleyK@hbaca.org	N/A
Myra Irizarry	Independent	Myrairizarry@yahoo.com	N/A
Janiene Lambert	Parkland Development	janiene@parklanddevelopment.com	West 10
Janet Herlyck	Carlson Development	jherlyck@carlson.com	99th Ave. Business Ctr.
Brett Heron	Evergreen Devco	Brett@Evergreendev.com	Fleming Farms Hillcrest
Matt Butcher	Evergreen Devco	Matt@Evergreendev.com	Fleming Farms Hillcrest
Dennis Michem	EF Moore Co.	dennis@efmooreco.com	Lakin Ranch
Dave Mount	Insight Land Co.	dmount@insightland.com	Lakin Ranch
Bob Giocomo		bgiocomo@cox.net	Lakin Ranch
Alisa Lyons	Commercial Real Estate Advocacy Association	alyons@valleypartnership.org	N/A
Tom Blake	Journey Land (?)	tblake@journey-land.com	
Ed Reichenberg	(Civica consultant)	rap1948@gmail.com	Pasadera
Bill Pennington	Civica Development	bpennington@civicadevelopment.com	Pasadera
Adam Valente	The Davis Experience (formerly DFD)	AValente@thedavisexperience.com	N/A
Vance Marshall	VJ Properties	VMarshall@vjproperties.com	Agua Fria River Front PAD & Cox Comm. Bldg.
Hillary Marshall	VJ Properties	HMarshall@vjproperties.com	
Ted Kohan		ted@b2bmarkets.com	City Point
Linsay Olesak	Westerner newspaper	Lolesak@houseofelliott.com	N/A
Damien Nunez	interested citizen	damiannunez@cox.net	N/A
Roy Taniguchi	interested citizen	Roy.Taniguchi@luke.af.mil	N/A

Project: TA-08-1 Section 6, Planned Area Dev.
TA-08-3 Section 2, Residential Dist.

Facilitator: Eric Morgan, Project Manager

Name	Title	Company	Phone	E-Mail
Eric Morgan	Planner II	City of Avondale DSD	(623) 333-4017	emorgan@avondale.org
Tom Burke		Journey Land Group	602-399-3206	TBLAKE Journey-Land.com
Brett Heron		Evergreen	6028088600	brett@evergreendev.com
Matt Gutcher		Evgrn	602 808-8600	matt@evergreendev.com
Carolyn Oberholtzer		Rose Law	480.505 3934	Carolyno@rosellaw.com
Dawn Meidinger		Edge Land Consulting - Estrella project	602-522-2205	dawn@edgeland.com

EXHIBIT F

Eric Morgan

From: Brett Heron [Brett@Evergreendev.com]
Sent: Thursday, April 17, 2008 8:24 AM
To: Eric Morgan; Brett Heron
Cc: cschmaltz@gustlaw.com; Tracy Stevens
Subject: RE: Section 6 PAD amendment

Thanks for the explanation, with that understanding I believe the new strike through version is a significant improvement over the prior language.

--Message sent by wireless handheld device--

-----Original Message-----
From: "Eric Morgan" <emorgan@avondale.org>
To: "Brett Heron" <Brett@Evergreendev.com>
Cc: "cschmaltz@gustlaw.com" <cschmaltz@gustlaw.com>; "Tracy Stevens" <tstevens@avondale.org>
Sent: 4/17/08 8:14 AM
Subject: RE: Section 6 PAD amendment

Mr. Heron,

Staff's position is that ALL off-site improvements will be installed with 1st phase.

The exception would be if a development had a Development Agreement that stated there was an alternative method of development.

The large projects to which everyone was referring, like Lakin Ranch, are such rare exceptions that they need to be handled with an exceptional method (Development Agreement). If you recall, Diamond P Ranch (245 acres) is installing all off-site improvements in the first phase. Staff doesn't imagine too many more Lakin Ranch projects for Avondale, which most being the size of Diamond P Ranch or smaller.

With regards,

Eric Morgan, Planner II

Planning Division

Development Services Department

11465 West Civic Center Drive, Suite110

City of Avondale, Arizona 85323-6804

emorgan@avondale.org

(623) 333-4017

From: Brett Heron [mailto:Brett@Evergreendev.com]
Sent: Thursday, April 17, 2008 7:15 AM

To: Eric Morgan
Subject: RE: Section 6 PAD amendment

Eric,

Thanks for the opportunity to look this over. As to the strike thru on Page 9 I think it makes it better, but I still have one lingering question on the purpose of the language. In our conference call with Brian, Ed and Chris, there was confusion as to whether this section
meant:

1) All off-site and perimeter improvements shall be installed in the 1st phase; or

2) The exhibit shall describe which perimeter and offsite improvements shall be installed in the 1st phase

My opinion is that it should be option 2 so that staff is not locked in to having to require an applicant on a large project to install all offsite infrastructure in the 1st phase (since it would not economically be feasible for a large project, such as Lakin Ranch). If option 2 is what you are intending, it would be clearer if it was re-written as
follows:

"4. Map of the development designating the phases and sequence of development. The map shall also specify which offsite improvements will be installed in the first phase of development."

See you tonight.

Brett

From: Eric Morgan [mailto:emorgan@avondale.org]
Sent: Wed 4/16/2008 5:00 PM
To: Shaine T. Alleman; Vanessa P. Hickman; Brett Heron
Subject: Section 6 PAD amendment

Mr. Alleman and Ms. Hickman and Mr. Heron,

Attached is the latest version of Section 6 Planned Area Developments as proposed to be amended. (Dated 4.17.2008)

Two changes are indicated: 1) by strike-thru and underline (page 9), and
2) by moving subsection (7) Pedestrian Refuge Areas to its own subsection "g" because

under the previous formatting they are listed as a part of detention areas.

Also attached is some language that staff is considering presenting to Commission tomorrow night as an alternative.

I would be interested in your comments and opinions on the alternative language.

PLEASE RETURN COMMENTS TO ME EARLY TOMORROW. STAFF WILL BE MEETING TO DISCUS THESE CHANGES BEFORE NOON TO FINALIZE WHAT WE WILL PRESENT TO PLANNING COMMISSION (April 17).

Thank you.

Eric Morgan, Planner II

Planning Division

Development Services Department

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(623) 333-4017

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3101 North Central Avenue
Suite 1000
Phoenix, Arizona 85012

May 12, 2008

Chairperson David Iwanski and
Members of the Avondale Planning Commission
City of Avondale Planning Department
11465 W. Civic Center Drive, Suite 110
Avondale, AZ 85323

RE: City Initiated Text Amendments to Section 6 – Planned Area Development (PAD) Zoning District (TA-08-1); and, City Initiated Text Amendments to Section 2 – Residential Zoning Districts

Dear Chairperson Iwanski and Members of the Avondale Planning Commission:

The City of Avondale planning staff is conducting a comprehensive update to the City of Avondale Zoning Ordinance. This correspondence is relative to the upcoming revision review and recommendation to Section 6 – Planned Area Development (PAD) of the Zoning Ordinance and work session review of Section 2 – Residential Districts of the Ordinance. Our firm represents Lakin Ranch, which consists of over 1,200 acres in the south Avondale Planning Area. Unfortunately, we along with the Lakin Ranch ownership were only recently informed of the proposed revisions to the Zoning Ordinance updates and consequently our comments and concerns have just recently been expressed to the City planning staff in a general context. This letter will outline the comments and concerns that have been verbally provided to staff. Since the PAD section revisions are being considered by the Commission for recommendation, the emphasis of this letter will relate to the PAD section, though general comments regarding the Residential section of the Ordinance that is being presented as a work session item to the Commission are also included.

I. KEY ISSUES OF THE PROPOSED PAD ZONING DISTRICT REVISIONS

The following items are arranged in the order of the proposed text amendment to the PAD section of the Zoning Ordinance:

- 602.A. Comparable Zoning Districts – Since there is a proposal within the amendment of the Residential Districts section of the Ordinance to specify particular residential zoning districts for particular General Plan designations, it should clarified within the PAD section of the Ordinance that comparable zoning districts may vary from the list provided in the Residential Districts section so long as the proposed PAD does not exceed the allowable density for the

applicable General Plan designation. Otherwise, it may be interpreted that only the comparable zoning districts with associated uses and development standards will be allowed within a particular General Plan designation thus eliminating flexibility and creativity.

- 603.E. Expiration – As we have expressed to staff and as has been expressed to the Commission through the text amendment process, the expiration of PAD approval in a time frame of two years is difficult, and becoming increasingly so, for residential developments. Based on the typical development patterns, building permits for a single-family residential development do not occur until after preliminary plat, final plat, infrastructure improvement plans and infrastructure construction occur, which can easily stretch well beyond two years to receive Staff review and approvals and install the base infrastructure required by the City prior to issuance of building permits. In addition, the current market does not lend itself to achieving the two year time frame. We suggest the Ordinance be modified to grant an initial approval period of three years with the availability of additional time extensions. We also suggest the extension time frames be at the discretion of the City Council so that developers do not need to extend annually if difficulties persist or the market conditions are not positive for development.

- 603.F Amendment – The Amendment section does not allow for the slightest variation in the number of dwelling units or amount of land use categories without a Major Amendment being required. A maximum percentage change in units or land use categories should be considered as an option for Minor Amendment so that a small/minor modification does not have to proceed through the rigors of the Major Amendment process. By way of example, under the current proposal, an increase or decrease of one dwelling unit in an approved PAD or the increase of one acre in a commercial land use category would trigger a Major PAD Amendment. In our view, the Major PAD Amendment process, with its attendant public hearings, Planning Commission and City Council hearings should be reserved for those instances where a significant amendment to the PAD is proposed rather than for those instances where the proposed modification is relatively insignificant.

- 604.B. Proposed Uses – The language of the proposed Ordinance regarding uses does not provide for staff interpretation of analogous uses. Not all uses are listed in the Zoning Ordinance or for that matter are always realized (or even exist) at the time of a PAD approval. Because the proposed Ordinance language states "All uses not specifically provided for herein are prohibited" Staff is unable to make a determination that a particular use is analogous to an approved or listed use, all analogous uses will require a Major Amendment to the PAD. Again, the proposed Ordinance language imposes a costly and lengthy process to a simple and solvable circumstance and deprives Staff the flexibility to make a determination regarding analogous uses.

- 604.D.1. Lot Size Differential – Requiring lot size diversity with a minimum 2,000 square foot lot area difference and 10-foot lot width difference both stymie the diversity of development and require such drastic lot differences that developers cannot afford to develop (in particular south Avondale where there is no infrastructure). The current Ordinance provides 500 square foot lot area steps and five-foot lot width differences. While the current

standards are easier to achieve than the proposed revisions, even they prescribe particular development standards that limit the creativity and flexibility of alternative product types as identified as one of the main purposes of the PAD section of the Ordinance. Additionally, requiring 2,000 square foot lifts in lots sizes does not in and of itself guarantee a quality development. We suggest that a design guideline approach could be implemented (as has been done in many other Valley municipalities) whereby quality and design excellence can be promoted through enforceable standards. It is in this way that quality development can be achieved without the crippling effect on development that the 2000 square foot lot lift and 10-foot lot width variation proposals would cause.

- 604.E.1. Useable Active Open Space – The proposed 20% net development acreage for active open space is in our view an excessive requirement, especially in view of the fact that most Valley communities require a maximum open space of 15% or less. The current Ordinance requires 10% gross site area open space. The proposed Ordinance provision will double the current amount of open space required for a master planned community. This is a significant burden for any developer and in particular for the Lakin Ranch site, since significant regional power line and drainage corridors exist or will exist across the development for which minimal open space credit can be obtained based on the areas allowed to be calculated for usable open space in the proposed Ordinance. Furthermore, there is no allowance to decrease the overall open space requirement when larger lot development may be incorporated as a component of a master planned community, which will provide more private open space for residents.

The Lot Size Differential and Active Open Space requirements will likely prohibit any developer from feasibly being able to develop a master planned community in the City of Avondale based on the cost-benefit analysis of implementing the City's requirements and the number of residential lots achievable to absorb the infrastructure and amenity costs to develop. We understand the emphasis of quality development being expressed by the City, but the prescriptive measures being proposed will only cause developers to seek other communities to develop, or properties to remain in the County and develop under the County standards. There are other mechanisms to achieve high quality development, such as Design Guidelines, enhancement of amenity packages and entry features, encouragement of alternative housing (i.e. court homes, townhomes, Z-lots, etc.).

II. KEY ISSUES OF THE PROPOSED RESIDENTIAL ZONING DISTRICT REVISIONS

The following are items of concern regarding the proposed revisions of Section 2 Residential Districts of the Zoning Ordinance:

- 205.A. Single Family Districts – In the minimum Development Standards Table, the minimum combined side yard setback of 18 feet and minimum side yard setback of 8 feet in the R1-5 and R1-6 districts are problematic for homebuilders since housing product cannot fit the allowed lot size of the district with the restrictive setback requirements. The R1-5

district should be allowed the current provision of 10-foot combined and 5-foot minimum providing a building width of 40 feet as opposed to the proposed building width of 32 feet. The R1-6 district should be a 15-foot combined and 7-foot minimum.

- 207.A. Standards for Subdivisions – The increase from 10% to the proposed 15% of active open space does not differentiate between small lot development and large lot development. In developments with larger lots, the requirements for common open space are typically less due to each residential lot having more private open space. This needs to be evaluated and accounted for.

- General – Tree sizes throughout the Residential section, as well as the entire Zoning Ordinance, are being upgraded to a standard that is difficult for all developers to accomplish. The standard calls for required trees to be a minimum of 2-inch caliper measured at four feet above adjacent grade. The Arizona Nursery Association Grower's (ANA) standard for measuring most tree calipers is 4-6 inches above soil line for 15-gallon and 24-inch box trees, and 6-12 inches above soil line for 36-inch to 54-inch box trees. The City's current standard to measure at four feet above the soil line provides that most all trees would be 36-inch box or greater in size thus imposing a significant financial burden on developers. We would suggest utilizing the ANA or other organization's measuring standards to ensure that appropriately sized trees are installed in developments and the quality desired by the City is achieved.

III. CONCLUSION

We are in agreement with the City that the highest quality of development needs to be provided. We suggest that there are different routes to accomplish this common goal short of the drastic measures being proposed to the PAD and Residential District Ordinances. The proposed PAD and Residential District changes will serve to discourage development without providing any assurances that development that does occur is of the quality desired by the City.

We request that the Planning Commission continue the PAD text amendment and request staff continue to discuss the proposed Ordinance revisions with the property owners and development community in order to arrive at solutions that will best serve the interests of the entire community. Please feel free to contact me or Scott McCoy of my office with any questions or comments. Thank you for your time and consideration.

Very truly yours,

Stephen C. Earl

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602 General Provisions

A. **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. Provided the overall densities of a PAD proposal do not exceed the allowable General Plan Land Use Designation densities, any residential zoning district may be utilized within the PAD district. The approved PAD Narrative shall state uses, development standards, and shall provide justification and mitigation for development standards that deviate from the Zoning Ordinance.

B. **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.

C. **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.

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

E. **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).

2. The proposed PAD meets the PAD requirements of the Zoning Ordinance, Subdivision Ordinance and/or other applicable regulations and requirements, unless otherwise modified by the PAD narrative.

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. In the event a Development Agreement is approved in conjunction with a PAD Zoning District, the terms and conditions of the Development Agreement shall govern in the event there is a conflict between the PAD Regulations and the Development Agreement.

E. **Expiration.**

1. A building permit shall be issued for a primary building, or as deemed appropriate by the City Council, in the first phase of development within four ~~two~~ (~~2~~4) years of the date upon which the PAD District amendment was approved. The City Council may, upon request and for good cause, extend the expiration period for an additional two (2) ~~for one (1)~~ years the period of commencement of development, not to exceed three (3) extensions. A public hearing shall be required for the extension.

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 Zoning Administrator or designee determines that development is not proceeding in accordance with the schedule, the applicant of record shall be informed. 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 PAD Narrative until resolution is agreed upon by the City Council.

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~~ ten (10) percent 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;

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

e. Amending the uses allowed by adding a permitted use or a use requiring a conditional use permit.

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, unless a subsequent determination by the Zoning Administrator or his designee finds a specific use to be an analogous use to a permitted use." 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. 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. The size differentials and their respective quantities shall compliment the character of the area and demonstrate superior design and a unique housing product mixture as established in the City's Residential Design Guidelines.

~~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) foot lot width.~~

E. Open Space

Open Space that is attractive shall be an integral part of a PAD development, shall be provided in an amount comparable to the size of the development, and should be designed central to the internal functions of the site.

1. Residential Open Space

a. A minimum of ~~twenty~~ fifteen (~~20~~15) percent of the ~~net~~ gross development shall be provided as Open Space.

b. Areas that shall count as Open Space ~~in proportion to the improved area as follows~~ include:

(1) Dedicated park sites, provided that the location, size and geometry are acceptable to the City;

(2) Dedicated tracts for bicycle, equestrian, hiking or multi-use trails;

(3) Private park and recreation areas dedicated to, and maintained by, an Owners Association that meets the park improvement standards as determined by the Zoning Administrator or designee;

(4) Reserved or dedicated steep slope areas;

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

(6) Basketball, tennis, or other sport courts, baseball, softball, and soccer fields, tot lots, and ramadas with barbeque areas; and

(7) Stormwater detention and floodway areas, but only those proportions containing un-sloped turf areas.

(8) Any other improvements deemed acceptable as determined by the Zoning Administrator or his designee.

c. Areas that shall not count as Open Space are as follows:

(1) Areas less than five-thousand (5,000) contiguous square feet;

(2) Public rights-of-way, dedicated streets and alleys, vehicular drives, parking, parking landscape areas, loading, and storage areas;

(3) Required setback areas;

(4) School and park sites that require purchase of the land;

(5) Concrete or rock-lined areas designated primarily for the conveyance of water;

(6) Utility corridor easements, unless substantially improved to make the area usable for outdoor activities. Only that proportion substantially improved shall be counted as Open Space. Substantially improved shall include any of the improvements contemplated in Section 604.E.1.b above or any other improvements deemed substantial by the Zoning Administrator or his designee.

d. Open Space areas shall be provided at a rate equal to or greater than the rate of construction of the residential areas.

2. Non-Residential Open Space

a. A minimum of fifteen (15) percent of the ~~net~~ gross development shall be provided as Open Space.

b. Areas that shall count as Open Space include ~~proportion to the improved area are~~:

(1) Pedestrian refuge areas provided with shade and seating. Sitting areas to be shaded with trees or structures or a combination of both.

(2) Pedestrian walkways provided they are shaded intermittently with trees or structures or a combination of both.

(3) Landscape/hardscape plaza areas, fountains and water features, landscape retention areas, landscape setback areas, or public art features.

c. Areas that shall not count as Open Space are as follows:

(1) Public rights-of-way, dedicated streets and alleys, vehicular drives, parking, loading, and storage areas, and any other space that does not contribute to the quality of the development;

(2) Concrete or rock-lined areas designated primarily for the conveyance of stormwater;

(3) Utility corridor easements, unless substantially improved with landscaping to make the area aesthetically appealing. Only that proportion substantially improved shall be counted as Open Space. Substantially improved shall include any of the improvements contemplated in Section 604.E.2.b above or any other improvements deemed substantial by the Zoning Administrator or his designee.

F. Architectural Design

INCOMPLETE

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 Areas and Adjacent Rights-of-way

1. Open Space areas shall be identified and reserved as tracts on a plat, or as easements when no plat is necessary. Maintenance of these areas shall be provided for by an Owners Association.

2. A statement shall also be placed on the approved site plan or plat, as appropriate, stating that landscaping in adjacent rights-of-way areas shall be maintained by the 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.
   5. Unless otherwise required by a Development Agreement approved by City Council, all perimeter and off-site improvements to be completed during the first phase of development, with the exception of local streets outside the first phase boundary line.

3. Open Space and Amenities. Location and acreage of 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.

202 Compatibility to the General Plan

The table below assigns the Residential Districts to the appropriate land use designation of the General Plan, according to the intents, goals and policies of the General Plan.

General Plan Designation	Residential Zoning District Allowed(s)
Rural Low Density Residential	AG, RR-43
Low Density Residential	R1-35, RR-18, R1-15
Medium Density Residential	R1-8, R-2
Medium High Density Residential	R1-6, R1-5, R-2, R-3
High Density Residential	R-2, R-3, MH
Multi-Family Residential	R-2, R-3, R-4

205 Development Standards for the Residential Districts

A. Single Family Districts

The following table provides the minimum development standards within the specified zoning district.

District	AG	RR-43	R1-35	RR-18	R1-15	R1-8	R1-6	R1-5
Min. net site area (square feet)	5 ac.	43,000	35,000	18,000	15,000	8,000	6,000	5,000
Minimum lot width	200'	150'	140'	120'	115'	80'	60'	50'
Minimum lot depth	200'	N/A	175'	150'	120'	100'*	100'*	100'*
Maximum height	30'	30'	30'	30'	30'	30'	30'	30'
Maximum building coverage	15%	15%	15%	30%	20%	40%	40%	45%
Min. yard setbacks: Front yard	40'**	40'**	40'**	25'**	25~~35~~'**	20~~25~~'**	20'**	20'**
Minimum total both side yards	40'	40'	40'	30'	30'	13~~8~~'	13~~8~~'	13~~8~~'
Minimum side yard	20'	20'	20'	15'	15'	5~~8~~'	5~~8~~'	5~~8~~'/0'#
Rear yard	40'	35'	35'	30'	30'	20'	15'	15'
Street side yard	40'	25'	25'	20'	20'	10'	10'	10'

* Adjacent to a freeway or arterial street, all reverse frontage lot shall have a depth of one-hundred and five (105) feet.

** Minimum front yard setbacks may be reduced by five (5) feet when providing a side-entry garage for a third car.

Zero lot line development is allowed, providing minimum separation between buildings shall be ten (10) feet.

B. Multiple Family District
The following table provides the minimum development standards within the specified zoning district.

District	R-2	R-3	R-4
Minimum lot area/unit (square feet)	5,445	3,000	1,980
Minimum lot width	60'	60'	60'
Minimum lot depth	100'	100'	100'
Maximum height	30'	30'	30'
Maximum bldg. coverage	45%	45%	45%
Minimum setbacks: Front Yard	20'	25'	25'
Side Yard	15'*	15'*	15'*
Rear Yard	15'	15'	15'
Street Side	20'**	20'	20'

* Zero (0) feet for lots with common walls; fifteen (15) feet for lots with no common walls.
** May be reduced to ten (10) feet in the case of single-family attached or detached units.

206 Design Standards

A. Single Family Districts

1. Design Manuals. The Design Manuals adopted by City Council and maintained by the Zoning Administrator or designee shall serve as guidelines for site and architectural design in all districts.

B. Multiple Family Districts

1. Design Manuals. The Design Manuals adopted by City Council and maintained by the Zoning Administrator or designee shall serve as guidelines for site and architectural design in all districts.

2. Open Space

Open Space that is attractive shall be an integral part of a multiple family development. Open Space shall be provided in an amount comparable to the size of the development.

a. A minimum of fifteen ~~twenty~~ (15~~20~~) percent of the net development shall be provided as Usable Active Open Space. Open Space areas shall be the central focus of the development. To the extent possible, ~~O~~open space should link recreation facilities with the dwellings and be uninterrupted by vehicular circulation or parking areas.

b. Regulations for provision of Open Space shall are provided by Section 604.E of this Zoning Ordinance

c. Stormwater detention basins shall not occupy more than fifty (50) percent of any landscaped area fronting on a public street. Where slopes do not exceed 10-to-1 and exceptional design is exhibited through contouring and landscaping, as determined by the Zoning Administrator or designee, a greater use of the frontage landscaped area may be allowed.

4. Relationship of Project to Surrounding Uses

Particular sensitivity shall be displayed to the relationship between a multi-family project and adjacent residential uses of lesser density to minimize the impact on those less-dense areas.

a. Multi-family buildings two (2) stories in height, or greater, shall not be placed within seventy-five (75) feet of a single-family residential area or zoning district.

b. Individual design situations may dictate additional conditions or considerations to minimize the impact of a multi-family development on adjacent residential uses through the imposition of one or more of the following design considerations:
(1) Use of one-story buildings;
(2) Additional landscaping to serve as buffer area;
(3) Wider setbacks from property line;
(4) Modifying the orientation of buildings;
(5) Modifying the orientation of windows and balconies;
(6) Providing screen walls.

c. Common recreation facilities in a project shall be located to minimize the intrusion of noise into adjacent residential area.

d. Pedestrian and visual linkages shall be made between a project and off-site amenities.

e. The project shall be designed to minimize negative traffic impacts on the surrounding uses.

207 Platted Residential Developments

The intent of these standards is to establish a minimum level of environmental quality within Avondale as well as a consistent method of evaluating new projects. In the event of conflict between the provisions of this Section and Section G, "Yard, Height, Area, and Density Requirements", the provisions of this Section shall supercede.

A. Standards for all Single-Family Residential Subdivisions

1. Subject to the Design Manuals adopted by City Council and maintained by the Zoning Administrator or designee.

2. A variety of different lot sizes are encouraged to be provided in developments of more than one hundred ~~twenty-five~~ (100~~25~~) lots. A minimum of twenty-five (25) percent of the lots shall be of a different size.

. . .

11. A landscaping package for each lot shall be provided by the builder/developer consisting of a minimum of two (2) trees with a minimum height of eight (8) feet and a caliper of two (2) inches measured at twelve (12) inches ~~four (4)~~ above abutting grade per unit to be planted along the street frontage.

Home Builders Association of Central Arizona
Myra Irazarry - comments
Received 9.18.2008

SECTION 6
PLANNED AREA DEVELOPMENT DISTRICT

Sections

601 Purpose
602 General Provisions
603 Establishment of a PAD District
604 PAD Narrative and Development Plan

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 residential subdivisions that include residential, commercial or business park development according to an overall plan. It is the intent of the PAD District to:**

~~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 creative and innovative planning principles by providing greater flexibility in design.**

B. **Establish mixed use 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, product type, densities and complementary uses.**

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

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

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

G. Encourage development that is consistent with the policies and the guidelines established in applicable specific plans and the General Plan while at the same time offering applicant flexibility in the planning, design and construction of such development not typically found in traditional zoning districts.

602 General Provisions

~~A. Qualifications. A PAD District may be established on any parcel of land.~~

~~B.~~**A.** ~~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 reasonably conform to ~~the property development standards of~~ **a** comparable zoning district~~s~~**, or combination of compatible zoning districts.** ~~established in the City of Avondale Zoning Ordinance~~. ~~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 reasonably deemed appropriate. The approved PAD Narrative shall state uses, development standards, and shall provide justification and mitigation for development standards that deviate from the comparable Zoning Ordinances.**

~~C.~~**B. Modification of** Development Standards**.** ~~Modification Procedures. Where necessary to insure compatibility of buildings and uses with each other and with off-site properties,~~ At the request of Applicant and **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 districts.** ~~The Council may specify modification of the regulations,~~

Deleted: Based

~~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~~ equal to or superior to that produced by existing standards.

~~B.~~**C.** 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~~ **Regulations** 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.~~

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

E. 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 Regulations, Design Manuals, and other applicable regulations and requirements, unless otherwise modified by the PAD Narrative.**

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

4. **The proposed PAD will result in compatible land use relationships within the proposed development and with adjacent properties.**

5. **The development standards of the proposed PAD are consistent with or exceed 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 may approve 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. Conditions 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. Following approval of the PAD District, the Zoning Administrator or designee shall monitor the development to ensure compliance with the approved phasing schedule. Should the development fail to proceed as scheduled, a hearing shall be held with City Council to determine the cause of the delay. No further vesting of zoning or approval of the site plans or plats shall occur for the project until:

   a. It is determined that good cause exists for delay in the development; thereafter City Council may impose additional conditions on the PAD or entertain an application to amend the PAD development phasing schedule. Should this occur the authorized applicant is required to follow the initial process for zoning approval.

2. All infrastructure for the first phase of the development, as identified in the PAD Narrative phasing schedule, shall either be accepted by the City, or bonds posted for completion, within two (2) years of the PAD rezoning City Council approval date, unless otherwise approved by City Council. Infrastructure shall comprise streets, sidewalks, curb and gutter, street lights, landscaping, water and sewer.

3. Prior to expiration of PAD zoning the City Council may, upon request and for good cause, extend for one (1) year the zoning expiration date, not to exceed three (3) extensions. A public hearing shall be required for an extension.

4. Failure to obtain City acceptance of the infrastructure, or to post bonds, within the time limits above shall cause the PAD District classification to become null and void. No further vesting of zoning, approval of final site plans, subdivision plats or issuance of permits shall occur for the PAD development. Within thirty (30) days of the expiration date, the City Council may initiate an amendment to the zoning map to revert the zoning classification to its prior designation.

~~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 the advice

Comment [AT1]: This should be done administratively within the Planning Department not require applicant reappearing before Council only to appeal any decision of the Planning Department.

and recommendation of the Planning Commission. Minor Amendments shall require administrative approval by the Zoning Administrator or designee only. No amendment to a PAD will be approved without concurrent revision of its development plan.

~~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~~ **A ten (10) percent or more** 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. Amending the uses allowed by adding a permitted use or a use requiring a Conditional Use Permit.

Comment [AT2]: What becomes a significant change?

~~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 a Major Amendment 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 stated otherwise 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, unless a subsequent determination by the Zoning Administrator finds a specific use to be an analogous use to a permitted use."

C. Density. (Residential only)
State the density for the overall project as well as the densities of each specific development subsection or neighborhood.

1. 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.

2. Density Bonus. Providing Open Space in excess of the minimum amount may be used as justification and mitigation for exceeding the Target Density. The density bonus should be in proportion to the amount of Open Space provided.

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. Residential developments shall provide different sizes of lots. The size differentials and their respective quantities shall compliment the character of the area and demonstrate superior design and a unique housing product mixture as established in the City's Residential Design Manual.

~~606~~ E. ~~Common~~ Open Space.
~~Common~~ Open Space ~~and recreation areas~~ that is attractive shall be an integral part of a PAD development, ~~where residential uses are included in the project,~~ shall be provided in an amount comparable

Comment [AT3]: Should this read "active" and what is going to be the definition of "active" open space? If it is "attractive", what is the criteria necessary to make it "attractive"? If it is "attractive", it seems open to very vague and subjective decision making.

to the size of the development, and should be designed central to the internal function of the site. ~~The following standards shall apply.~~

1. Residential Open Space

~~A.~~**a.** 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~~ **Open Space**. ~~The minimum size of an open space area counting towards this requirement shall be 5,000 square feet.~~

~~1.~~**b.** Areas that ~~may be included in the calculation of~~ **shall count as Open Space** ~~shall~~ include: ~~the following:~~

~~a.~~**(1)** Dedicated park sites~~.~~**, provided that the location, size and geometry are reasonably acceptable to the City;**

~~b.~~**(2)** Dedicated ~~separate right-of-way~~ **tracts** for ~~bike~~ **bicycle,** ~~paths~~ equestrian**,** ~~and~~ hiking ~~trials~~ **or multi-use trails**~~.~~**;**

~~c.~~**(3)** Private Park and recreation areas **dedicated to, and maintained by, an Owners Association** that meet**s the** ~~minimum~~ park improvement standards as determined by the ~~Development Services Director~~ **Zoning Administrator** or designee~~.~~**;**

~~d.~~**(4)** Reserved or dedicated steep slope areas~~.~~**;**

~~e.~~**(5) Up to a maximum of fifty (50) percent of an area identified as a** ~~G~~**g**olf course ~~areas for not more than (50) percent of the required usable open space.~~**;**

(6) Basketball, tennis, or other sport courts, baseball, softball, and soccer fields, tot lots, and ramadas with barbeque areas;

~~f.~~**(7) Stormwater** ~~Retention~~ **detention** and Floodway 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 un-sloped turf areas; and**

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

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

~~(3) Pedestrian multi-use paths and trails.~~**;**

~~(4) Tot lots.~~

~~(5) Ramadas with a barbeque area.~~

(8) Any other areas deemed acceptable as determined by the Zoning Administrator.

~~2.~~**c.** Areas that ~~may~~ **shall** not ~~be~~ counted as Open Space ~~include the~~ **are as** follow~~ing~~**s**:

(1) Areas less than five-thousand (5,000) contiguous square feet;

~~a.~~**(2) Public rights-of-way,** ~~D~~**d**edicated streets~~,~~ **and** alleys, ~~and other public rights-of-way, except as provided above,~~ vehicular drives, **parking,** parking **landscape areas**, loading, and storage areas~~.~~**;**

~~b.~~**(3)** Required setback areas~~.;~~

~~c.~~**(4)** ~~Reservation of a school or park site for which the City or school district shall be required to purchase.~~ **School and park sites that require purchase of the land;**

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

~~e.~~**(5)** Concrete or rock-lined areas designed primarily for the conveyance of water~~.~~**;**

(6) Utility corridor easements, unless substantially improved to make the area usable for outdoor activities. Only that portion substantially improved shall be counted as Open Space. Substantially improved shall include any of the improvements listed in Residential Open Space above, or any other improvements deemed substantial by the Zoning Administrator.

~~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.~~**d.** ~~Common~~ **Open Space** areas shall be provided ~~and improved by the applicant or project owner~~ at a rate proportionally equal to or greater than the rate of construction of residential ~~uses~~ **areas**.

2. Non-Residential Open Space

a. Open Space shall be provided in the form of pedestrian refuge areas with shaded seating, landscaped and hardscape plaza areas, and public art features when appropriate.

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 Feature Designs and Materials

I. Signage

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

1. 1. Open Space areas shall be identified and reserved as tracts on a plat, or as easements when no plat is necessary. Maintenance of these areas shall be provided for by an Owners Association.

2. A statement shall also be placed on the approved site plan or plat, as appropriate, stating that landscaping in adjacent rights-of-way areas shall be maintained by the 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
The following exhibits shall be provided with the Development Plan:

1. Property boundary and legal description.

2. Areas designating lot sizes, densities and land use(s).

3. Circulation plan to include arterial and collector streets, and vehicular and pedestrian circulation routes.

4. Phasing schedule, to include:

a. Type of development;
b. Density;
c. Floor Area Ratios for each phase; and
d. Map of the development designating the phases and sequence of development. The map shall include a schedule of development with action dates. All infrastructure improvements shall be shown and scheduled for the entire

development.

i. The phasing schedule shall provide for a requirement at 24 months after PAD approval to begin construction of the first phase infrastructure improvements, or post bonds for their construction.

5. Open Space and Amenities. Location and acreage of Open Space as well as listing amenities to be provided.

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

Comment [AT4]: Times have changed; we are not building and developing under the model visible in the early to mid 2000's. It is going to take longer to get projects approved internally and development financing arranged.

Deleted: 12

~~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.B.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 5,000 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 vaules 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) foot 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 608.3.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.~~

99th & Indian School LLC

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October 1, 2008

CITY OF AVONDALE
OCT 2 2008
DEVELOPMENT SERVICES

City of Avondale Development Services
Attn: Eric Morgan
11465 W. Civic Center Dr., Ste. 110
Avondale, AZ 85323

RE: Proposed Amendment to Planned Area Development (PAD) District Ordinance – Avondale City Code Section 6

Dear Eric:

In response to City staff's request for comment on the proposed amendment to the PAD ordinance, please find the following comments on behalf of 99th & Indian School LLC, the owners of the Entorno project located in Avondale at 99th Avenue & Indian School Road. The comments will be broken down by reference to the specific code section for ease of reference.

A. Section 603 (E) (1) - We are concerned how this section will apply to prior approved PADs (such as Entorno) that may not have specific phasing schedules set forth therein. In addition, to the extent a project is delayed and a hearing is held, there are no standards set forth relative to determining what may constitute a "good cause" for delay finding by City Council. We are equally concerned that even where "good cause" might be established, the ordinance states that the PAD would then be subject to additional conditions or required amendments. Further, each applicant would then have to go through the entire zoning approval process as opposed to a pursing a minor staff-processed letter amendment. To the extent there is "good cause" for delay, a PAD should not be subject to modification or amendment.

B. Section 603(E)(2) - This section is perhaps one of the most problematic. It is very difficult, if not impossible, for larger PAD projects to commence and/or complete first phase infrastructure construction within two (2) years of the rezoning approval. This is going to be a huge problem, especially as the market attempts to recover, because the zoning of the project is in question. As you know, zoning is merely the first step of a long process toward the construction of vertical structures. That process includes, engineering design and site construction drawings for backbone infrastructure, identification of end users for the particular site, preparation and approval of end user site plans/plats including on-site engineering approvals, construction bidding and site preparation. We recommend instituting a "project checkup" process where if a project has not submitted for a plat, infrastructure plan or site plan approval within two (2) years, that the Council may request a hearing to find out status and then may institute a development schedule based on the findings in that hearing.

C. Section 603(E)(4) – We question the legality of "nullifying" or "voiding" approved zoning to the extent a project fails to meet the time limits for development set forth in the ordinance. The statutes governing the zoning authority require hearings and notifications prior to altering a property's zoning without the owner's authorization.

D. Section 603(F) –This section is internally inconsistent with Section 602(E)(1)(a) which states that amendments to the PAD are required to follow the initial process for zoning approval.

E. Section 604(L)(4)(d)(i) – Requiring that PAD phasing schedules provide for a requirement to begin first phase infrastructure construction 12 months after the PAD is approved is proven in even the best of markets to be unworkable and also internally inconsistent with the language proposed in Section 603(E)(2) (which requires infrastructure construction within 24 months of PAD approval).

We thank the staff for their consideration of these comments. In this challenging time, we would hope that the City of Avondale would work to be as competitive as possible in attracting development as opposed to punitive when market forces are making it extremely difficult to succeed. We look forward to taking part in the planned stakeholder meetings to discuss these concerns further.

Sincerely,

Dawn Meidinger

CC: Tracey Stevens (via- regular mail)
Brian Berndt (via – regular mail)
Eddie Gutzman (via e-mail)
Carolyn Oberholtzer (via e-mail)

EVERGREEN
REAL ESTATE DEVELOPMENT

2390 E Camelback Rd, Suite 410 · Phoenix, Arizona 85016 · P 602 808 8600 · F 602 808 9100
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October 2, 2008

Via Email

Eric Morgan
Development Services Department
City of Avondale
11465 W Civic Center Dr, Ste 110
Avondale, AZ 85323

Re: Revisions to Section 6; PAD Ordinance

Dear Eric:

Thank you again for the opportunity to provide feedback on the proposed revisions to the PAD Ordinance. We appreciate the time spent by staff to review these issues with us, both in the early stages of this process and at this time as you try to finalize the document.

We appreciate many of the changes staff has made to the ordinance since the last draft was circulated. Our comments come from both the standpoint that we would like to develop more projects in Avondale and also from the standpoint of having two existing approved PAD's (Hillcrest and Fleming Farms). The following are our comments with respect to the September 18, 2008 draft you recently circulated:

Development Time Frame.

We continue to believe that requiring residential projects to have the first phase of infrastructure accepted, or to have bonds posted, within two years of PAD approval is too short of a time period. We note that Section 603(E)(2) of the new draft contains the "unless otherwise approved by the City Council" language, which is helpful, but we still believe that the standard time frame for residential projects should be longer because of the more complex nature of processing the final plat and engineering plans.

"Null & Void".

We still believe that the language in Section 603(E)(3), which renders a PAD "null and void" is contrary to state law. Rendering the PAD "null and void" and refusing to further process plans and permits removes the rights granted under the zoning without first taking the public hearing and notification steps to revert the zoning as required by state law.

Transition.

We remain concerned with the applicability of the new PAD Ordinance to existing, approved PAD's. We have received differing feedback from various members of Avondale staff with respect to the whether the procedural portions of the new ordinance will apply to existing PAD's. Our concerns primarily relate to:

Requirement to commence improvements. The previous language required the applicant to "commence development" for the first unit. The new language is more restrictive in that it requires the applicant to have a pre-identified set of improvements accepted by the City or to post bonds for those improvements.

Deletion of Section 604(D) of the existing ordinance. The current PAD Ordinance provides that the zoning shall vest upon final subdivision approval for that unit. The deletion of this provision is more restrictive than the proposed ordinance (which does not contain that provision). Further, projects that have already obtained final subdivision approval are considered vested under the current ordinance and it would not seem possible to remove those vested rights with the adoption of the new ordinance.

Restriction of extensions. The current PAD Ordinance allows for an unlimited number of one year extensions. The proposed ordinance permits only three extensions.

Density Bonus.

We believe there are items other than open space which should serve to justify an increase in density. As currently written, Section 604(C)(2) appears to allow increased open space as the only justification. If that is not the intent, we suggest adding language to clarify that other items can be used to justify densities above the target density.

Exhibits.

Section 604(L)(4)(d)(i) requires construction of the first phase of infrastructure within 12 months of PAD approval. It is virtually impossible for a residential project to accomplish this. We suggest deleting this section and instead taking a case by case approach depending on the size and nature of each PAD.

Thank you once again for the opportunity to participate in this process. If you would like any further clarifications on our comments, please feel free to call me at (602) 808-8600.

Sincerely,

Brett Heron
Managing Principal
Evergreen Communities, LLC

EARL, CURLEY & LAGARDE, P.C.
ATTORNEYS AT LAW

Telephone (602) 265-0094
Fax (602) 265-2195

3101 North Central Avenue
Suite 1000
Phoenix, Arizona 85012

October 3, 2008

CITY OF AVONDALE
OCT 6 2008
DEVELOPMENT SERVICES

VIA E-MAIL
Eric Morgan, Planner II
Planning Division
Development Services Department
11465 West Civic Center Drive, Suite110
Avondale, Arizona 85323-6804
emorgan@avondale.org

RE: Comments to Revised Section 6 – Planned Area Development (PAD) Zoning District

Dear Eric:

Thank you for providing us with a copy of the September 18, 2008 staff revisions to the City of Avondale Zoning Ordinance, Section 6 – Planned Area Development (PAD). The purpose of this letter is to provide you with our comments to the September 18, 2008 revised Section 6. We appreciate staff's consideration of the issues we discussed previously regarding Section 6 and the opportunity to provide you with additional comments as you move forward in developing a final version of the Ordinance.

As an initial observation, and from our perspective, the majority of the staff revisions represent an improvement over previous versions. However, some of the revisions have created new concerns for our clients as they move forward with developing their properties using the PAD Zoning District. The following are our comments relating to the September 18, 2008 revisions to Section 6:

I. SECTION 602

The revised Section 602.B now includes a process to address the modification of development standards, however we still have concerns about the ambiguity relating to modifying comparable zoning district uses through a PAD proposal. If it is the intent of the PAD Zoning District to establish those uses that will be permitted within the PAD development area, consistent with the densities identified in the land use designations of the General Plan, then the Ordinance should explicitly establish that intent.

II. SECTION 603

As you may recall, our original Section 603 concerns related to the expiration time frame established in the previous version. While Section 603.E.2 provides some discretion to the City

Council relating to the two-year expiration date, we still believe a two-year development time frame is unrealistic.

In addition, the revisions to Section 603.E.1 creating a development schedule and a process whereby the applicant may demonstrate good cause for deviating from the development schedule appear unnecessary and unduly burdensome to the applicant and a waste of City resources. Requiring an applicant to establish a development schedule beyond those already established by City ordinance (plat approval expirations, building plan and permit expirations) seems redundant. Furthermore, requiring an applicant to process a PAD amendment following the same procedures as the original zoning approval (applications, supporting documentation, notice and postings of public hearings, multiple public hearings) will only serve to delay development without adding any additional public benefits. Finally, allowing the imposition of additional PAD approval conditions, after having made a showing of good cause for development delays, creates considerable hardships for the applicant. Many development decisions are made based on the approved PAD. For example, civil plans for infrastructure, plats, phasing sequences and other actions are prepared in reliance on the approved PAD. Opening up the PAD for wholesale changes by Council because development has been delayed for good cause is an unjustifiable imposition that will again serve to delay, and possibly frustrate further development.

In reference to Section 603.E.2 and the infrastructure timing established thereunder, we reassert out position that a two-year development time frame is unrealistic and applicants should be afforded more time to negotiate through the various City development processes. In connection with this comment we would also note that Section 604.E.2(L)(4)(d)(i) requiring commencement of infrastructure improvements, or bonding for those improvements, to occur within twelve months after PAD approval is unrealistic. It is not unusual for the plating process to extend beyond the one year mark, and in some instances can take as long as two or three years. Add to that process the review and approval process for improvement plans and it becomes apparent the twelve month requirement of Section 604.E.2(L)(4)(d)(i) is not obtainable. We recommend additional consideration more in line with the review process timelines be given in establishing a time frame whereby infrastructure must be installed or bonded.

In reference to Section 603.E.3 we note the current code allows for unlimited extensions of PAD zoning approvals whereas the September 18, 2008 draft limits the number of one-year extensions to a maximum of three. We propose a revision allowing for three, two-year extensions which would allow approved PAD zoning to remain valid during temporary, but extended, market downturns.

Finally, in reference to Section 603.F.1(b) and (c) we note the use of the phrase "significant" in reference to amendments affecting boundary lines and areas adjoining a PAD. Our concern is that "significant" is an undefined and subjective term that means different things to different people. It is a constitutional prerequisite that all laws be sufficiently clear and avoid ambiguity. Without some clear guidance as to what is considered "significant" the determination of whether an amendment is minor or major is entirely dependent upon a subjective determination and fails to accomplish the degree of certainty required by well established constitutional principles.

III. SECTION 604

In reference to Section 604.E.1(a) relating to open space, we remain concerned that the 15% net minimum open space requirement is excessive, especially in light of the limitations in Section 604.E.1(b) as to what shall qualify as open space. Additionally, the change in this Section from "gross" to "net" and the modifications to what is deemed allowable open space serve to increase the minimum open space required in the current ordinance and well beyond that of other similarly situated municipalities and also serve to create a disadvantage for property owners with property in Avondale. Furthermore, and as we have discussed previously, excessive open space requirements limit the flexibility and desirability of providing large lot developments within a PAD.

Lastly, with respect to Section 604.E.1(c)(6), the use of the phrase "substantially improved" in reference to utility corridors creates a perverse outcome when considering industry regulations and the context of the overall development. Many utility corridors are not permitted to be "substantially improved" due to industry regulations. However, most utility corridors can be improved to some level by installing landscaping, trail systems, art work, plant identification placards and other improvements. If improvements as discussed in the previous sentence do not qualify as "significant improvements" under the Ordinance and additional improvements cannot be made due to industry regulations, there is no incentive to the developer to make any improvements to the utility corridors with the result that the corridor will appear as a graded, un-vegetated gouge through residential developments. Moreover, in our experience improved utility corridors and detention and floodway areas (turf or rock-lined) are a public benefit when improved by the developer and maintained by the Homeowners Association. Walking a narrow landscaped trail adjacent to a minimally landscaped stark barren utility corridor, detention and floodway area is a different experience than walking the same area where the entire utility corridor, detention and floodway area is well planted and maintained. Open space areas that are not defined as "useable" by the Ordinance still retain significant value. Many people choose to walk off-trail and consider that experience preferable to the confines of a trail system. Additionally, well landscaped areas have become wildlife corridors and habitat (particularly relevant when considering the Lakin Property and its proximity to the river) benefiting the entire community. Consequently, we urge staff to reconsider the improvement requirements for designating utility corridors, retention basins and floodways as open space with an eye towards relaxing those requirements. One suggestion would be to limit the area designated as open space that meets the definition of a utility corridor, detention or floodway but that does not comply with Section 604.E.1.b (but does satisfy some identified level of improvement standard) to a maximum of 5% of the total required open space area dedication.

IV. CONCLUSION

Much positive progress has been made in crafting an ordinance that will promote high quality development while preserving the flexibility to adapt to market conditions and consumer demands. As discussed herein, further refinements to Section 6 are necessary to ensure its effectiveness and to accomplish the goals of the City and development community. We are firmly convinced our comments and suggestions to Section 6 provide balance and perspective

and will help promote innovation and excellence for future development within Avondale. We appreciate your consideration and the opportunity to have a voice in your process.

Very truly yours,

Stephen C. Earl

KSM:as

cc: Dennis Mitchem
Bob Giocomo
Tom Blake

O:\INDEX\Lakin Properties\Lakin Ranch PAD - Avondale\Letters\Response to Section 6 revisions.doc

Home Builders Association of Central Arizona
Kendall Baxley - comments
Received 11.13.2008

SECTION 6
PLANNED AREA DEVELOPMENT DISTRICT

Sections

601 Purpose
602 General Provisions
603 Establishment of a PAD District
604 PAD Narrative and Development Plan

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 residential subdivisions that include residential, commercial or business park development according to an overall plan. It is the intent of the PAD District to:**

~~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 creative and innovative planning principles by providing greater flexibility in design.

B. Establish mixed use 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, product type, densities and complementary uses.

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

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

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

G. Encourage development that is consistent with the policies and the guidelines established in applicable specific plans and the General Plan while at the same time offering applicant flexibility in the planning, design and construction of such development not typically found in traditional zoning districts.

602 General Provisions

~~A. Qualifications. A PAD District may be established on any parcel of land.~~

~~B.~~**A.** ~~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 reasonably conform to ~~the property development standards of~~ **a** comparable zoning district~~s~~**, or combination of compatible zoning districts.** ~~established in the City of Avondale Zoning Ordinance. 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 reasonably deemed appropriate. The approved PAD Narrative shall state uses, development standards, and shall provide justification and mitigation for development standards that deviate from the comparable Zoning Ordinances.**

~~C.~~**B** **Modification of** Development Standards. ~~Modification Procedures. Where necessary to insure compatibility of buildings and uses with each other and with off-site properties,~~ At the request of Applicant and **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 districts.** ~~The Council may specify modification of the regulations,~~

Deleted: Based

~~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~~ equal to or superior to that produced by existing standards.

~~B.~~**C.** 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~~ **Regulations** 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.~~

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

E. 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 Regulations, Design Manuals, and other applicable regulations and requirements, unless otherwise modified by the PAD Narrative.**

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

4. **The proposed PAD will result in compatible land use relationships within the proposed development and with adjacent properties.**

5. **The development standards of the proposed PAD are consistent with or exceed 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 may approve 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. Conditions 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;~~

From: Tom Blake [TBlake@Journey-Land.com]
Sent: Tuesday, January 06, 2009 9:00 AM
To: Eric Morgan
Subject: Section 2 and Section 6

Eric,

We very much appreciated the input from Ken and yourself at the neighborhood meeting last evening. Just to reiterate some of our remaining concerns regarding the text amendments for sections 2 and 6:

Section 2

Section 207 - The minimum net area sites are actually higher than what you are showing because the minimum lot width need greater lot depths to have a marketable single family residential lot. For example, R1-8 shows a minimum lot width of 80'. An 80' lot would require a depth of at least 120' to have any market value and thus the real minimum net site area is 9,600 sf vs. the 8,000 as shown. This is also the case for the R1-5 through the R1-35 lots as well.

Section 207 - R1-6- the mimimum side yard setbacks of 18' and 60' lot minimum will cause problems for builders in this market and for the forseeable future. Builders and Home Buyers would much rather have a 55' x 115' lot with a 15' side setback to put a 40' wide product on. The same 40' product will go on the 60' x 110'? lot and the only difference is it will cost more $$'s for the Home Buyers and they'll have less yard where they want it and more where they don't.

I know that the PAD allows for exceptions; however, our concern is that these minimums will be referred to as the benchmark by both P&Z and Council.

Section 6

Expiration of PAD after 1 or 2 years if construction has not yet commenced - as we discussed last night, this would be VERY problematic for anyone submitting a residential subdivision PAD in the next few years. We need language for 3 years minumum plus expectation that larger projects (like Lakin Ranch) would address separately in Development Agreement. The extensions are still needed, but they need to be almost "automatic" since we still can't be at the mercy of future Council's to grant extentions after we've spent significant $'s to get a PAD approved that is NOT changing. We understand the staff's concern regarding developers "pushing through" zoning. Our thought is much different. We feel this is the right time to entitle things and do them "right" and if approved, they should be projects that would still be great projects even if the market puts them on hold for an extra couple of years.

Open Space - we want to make sure on the Lakin project that we'll be able to have some flexibility regarding open space in the utility corridors and the regional drainage channel as long as we work with staff to make channels and corridors usable to a great extent.

Phasing - we would ask that phasing language regarding "City Manager may require bond for construction" be deleted as well as reference to all public infrastructure on the exterior being completed in the first phase of development. If staff and City engineer determine it is necessary, than stips can address rather than assuming now that it makes sense for all projects. Bonds are not currently attainable for 95% of developers and I doubt they will be in the future so we need some other form of financial assurance (proof of funds or C of O hold prior to grading or offsites).

Thanks very much for your consideration and all your hard work on this,

Tom Blake
Journey Land Group

SECTION 6
PLANNED AREA DEVELOPMENT DISTRICT

Sections

601 Purpose
602 General Provisions
603 Establishment of a PAD District
604 PAD Narrative and Development Plan

601 Purpose

The purpose of the Planned Area Development (PAD) District is to promote the development of mixed use developments and/or residential subdivisions that include residential, commercial or business park development according to an overall plan. It is the intent of the PAD District to:

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

B. Establish mixed use 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 to the unique characteristics of the site.

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

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

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

602 General Provisions

A. **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 the extent possible, to a comparable Avondale zoning district, or districts. Wherever used in this Section 6, the phrase "comparable zoning district" shall mean to the most closely similar Avondale zoning district based upon the land use designation, the General Plan, proposed uses, densities and lot sizes. The Zoning Administrator or designee

shall determine the comparable zoning district(s) based upon the land use designation, the General Plan, proposed uses, densities, lot sizes 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 standard Zoning Ordinance requirements for the comparable zoning district.

B. **Modification of Development Standards**. Based upon a recommendation of the Planning Commission, the City Council may eliminate otherwise permitted uses in any comparable zoning district and may specify modification of the regulations, requirements, and standards than might be otherwise permitted by the comparable zoning district. No modification of development standards shall be permitted unless the applicant provides substantial evidence indicating that the modifications will produce an environment superior to that which could have been produced by strict application of existing standards for comparable zoning districts.

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

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

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

F. **Phasing**. The PAD may provide for certain on-site and off-site infrastructure to be constructed in phases, subject to the following limitations.

1. The first phase infrastructure improvements shall commence prior to expiration of the PAD zoning as set forth in 603.D below.

2. Complete construction of all public infrastructure within the public right-of-way on the exterior of the PAD site shall be included within the first phase of development.

3. Prior to commencement of the first phase infrastructure improvements, the owner/applicant shall provide financial assurances for construction of such portions of the infrastructure improvements located within the public right-of-way on the exterior of the PAD, in the amount determined by the City Engineer and in the form approved by the City Attorney.

603 Establishment of a PAD District

A. **Approvals; Required Findings**. The applicant shall address each of the required findings (set forth below) individually, and shall demonstrate with sufficient, objective information, how the proposed PAD complies with each. The City Council, following a recommendation from the Planning Commission, may approve an amendment of the Zoning Map of the City of Avondale to reflect establishment of the PAD district on the subject property upon determining that all of the following findings have been met:

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

2. The proposed PAD meets the PAD requirements of the Zoning Ordinance, Subdivision Regulations, Design Manuals, and other applicable regulations and requirements, unless otherwise modified by the PAD Narrative.

3. That either there exists adequate public infrastructure and services to serve the proposed development or all necessary public infrastructure and services to serve the proposed development will be completed in connection with development within the PAD.

4. The proposed PAD will result in compatible land use relationships within the proposed development and with adjacent properties.

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

B. **Conditions and Stipulations of Approval**. The City Council may, in its sole discretion, approve a PAD subject to conditions or stipulations. Conditions and stipulations included in the City Council action establishing a PAD District shall become part of the regulations governing the use and development of the PAD.

C. **PAD Regulations**. The PAD Narrative, site plan, design standards and any other documents, exhibits or plans associated with the PAD, in the form approved by the City, shall become part of the regulations governing the use and development of the PAD and the Zoning Map shall be amended to reflect adoption of the PAD and the related documents and plans.

D. **Expiration**. Approval of any PAD zoning is conditioned on development of the first phase of the project commencing within three (3) years of the effective date of the ordinance approving the PAD zoning on the property.

1. Prior to the expiration of the three (3) year time condition, the property owner or authorized representative may submit an application for an extension to the City. A submittal of an application for extension of the

three (3) year time condition does not toll the running of the time condition. Should the three (3) year time condition expire between the submittal of an application for a time extension and the public hearing on the requested extension, the PAD shall be subject to reversion as set forth in 603.D.3 below. Upon receipt of a request for extension, the Zoning Administrator shall submit the request to the City Council for consideration at a public hearing held pursuant to 603.D.2 below.

2. The City Council shall, after notices via certified mail to the property owner and authorized representative have been provided at least fifteen (15) days prior to the date of the scheduled hearing, hold a public hearing on the extension request. The City Council may, in its sole discretion, grant an extension of the time condition, subject to the limitation on the number of extensions set forth in 603.D.5 below. If the public hearing is held after expiration of the time condition, the City Council may also, at that public hearing, take action to revert the zoning on the property to its prior zoning classification.

3. In the event the project's first phase has not commenced within the three (3) year time period and no request for time extension has been received as provided in 603.D.1 above, the Zoning Administrator may submit the PAD to the City Council for consideration of reversion, pursuant to the hearing procedure set forth in 603.E.4 below.

4. The Zoning Administrator shall notify the property owner and authorized representative by certified mail of the City Council's intention to hold a hearing to determine compliance with the three (3) year time condition, and to revert the zoning on the property to its former classification if the condition is determined by the City Council to have not been met. All such notices shall be made at least fifteen (15) days prior to the date of the scheduled hearing. The City Council may, in its sole discretion, either grant an extension of the time condition, subject to the limitation on the number of extensions set forth in 603.D.5 below, or revert the zoning on the property to its prior zoning classification.

5. The City Council may grant up to four (4) one-year extensions of the time condition.

6. Following the commencement of the first phase of the project, the Zoning Administrator shall monitor the project to ensure compliance with the approved PAD phasing schedule. Upon the Zoning Administrator's initial determination that the phasing schedule is not being met, no further review or approval of any project site plan or plat shall occur until it is determined that good cause exists for delay in the construction of the project. Should the project fail to proceed as scheduled, a public hearing shall be held by the City Council to determine the cause of the delay. At the public hearing on

the matter, if the City Council determines that there is not good cause for the delay, it may impose additional conditions on the PAD to ensure compliance with the phasing schedule. If such additional conditions and the phasing schedule are not met, the Zoning Administrator may set the matter for public hearing, according to the process set forth in 603.D.4 above, on a possible reversion of the PAD zoning. If the City Council determines that good cause exists, it may amend the PAD development phasing schedule.

7. For purposes of this section, the terms "commence," "commencing" and "commencement" shall mean (a) for a PAD smaller than five (5) acres, physical vertical construction activity in accordance with a valid building permit issued by the City and (b) for a PAD five acres and larger, beginning of construction of on-site and off-site infrastructure including streets, sidewalks, water and wastewater, so long as such infrastructure is completed prior to expiration of the City-issued development permit issued therefore.

8. The provisions of 603.D shall apply to all current and unexpired PADs.

E. **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 the advice and recommendation of the Planning Commission. Minor Amendments shall require administrative approval by the Zoning Administrator or designee only. No amendment to a PAD will be approved without concurrent revision of its development plan.

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

   a. A ten (10) percent or more 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.

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

   e. Amending the uses allowed by adding a permitted use, a use permitted with conditions, or a use requiring a Conditional Use Permit, unless the Zoning Administrator has determined that the use to be added is nearly analogous to an allowed use.

f. Changes to, or addition of, phasing for a PAD when such changes impact 25% or more of the land area contained within the PAD district.

2. **Minor Amendment**. All amendments of a PAD District not determined by the Zoning Administrator to be a Major Amendment shall be a Minor Amendment.

604 PAD Narrative and Development Plan

The narrative text shall 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 stated otherwise herein by this PAD."

B. **Proposed Uses**.

1. List permitted uses.

2. List uses permitted with conditions.

3. List uses permitted with a Conditional Use Permit.

4. Provide the following statement - "All uses not specifically provided for herein are prohibited, unless a subsequent determination by the Zoning Administrator finds a specific use to be an analogous use to a permitted use."

C. **Density (Residential only)**. State the density for the overall project as well as the densities of each specific development subsection or neighborhood.

1. 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.

2. Density Bonus. Providing Open Space in excess of the minimum amount may be used as justification and mitigation for exceeding the Target Density. The density bonus should be in proportion to the amount of Open Space provided.

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. Residential developments shall provide different sizes of lots. The size differentials and their respective quantities shall compliment the character of the area and demonstrate superior design and a unique housing product mixture as established in the applicable Design Manuals.

E. **Open Space**. Open Space shall be an integral part of a PAD development, shall be provided in an amount commensurate to the size of the development, in minimum amounts not less than set forth below and shall, to the extent possible, be designed central to the internal functions of the site.

1. Single Family Residential Open Space.

a. A minimum of fifteen (15) percent of the net development area shall be provided as Open Space.

b. The following areas shall count as Open Space:

(1) Dedicated park sites, provided that the location, size and geometry are acceptable to the City.

(2) Dedicated tracts for bicycle, equestrian, hiking or multi-use trails.

(3) Private park and recreation areas dedicated to, and maintained by, an Owners Association that meets the park improvement standards as determined by the Zoning Administrator or designee.

(4) Reserved or dedicated steep slope areas.

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

(6) Basketball, tennis, or other sport courts, baseball, softball, and soccer fields, tot lots, and ramadas with barbeque areas.

(7) Stormwater detention and floodway areas, but only those proportions containing un-sloped turf areas.

(8) Any other areas deemed acceptable as determined by the Zoning Administrator or designee.

c. The following areas that shall not count as Open Space:

(1) Areas less than five-thousand (5,000) contiguous square feet, unless such areas either are part of a larger trail system or contain significant project amenities in accordance with the applicable Design Manual, as determined by the Zoning Administrator.

(2) Public rights-of-way, dedicated streets and alleys, vehicular drives, parking, parking landscape areas, loading, and storage areas.

(3) Required setback areas unless such areas contain significant project amenities in accordance with the applicable Design Manual, as determined by the Zoning Administrator.

(4) Reserved school and park sites that require subsequent purchase of the land.

(5) Concrete or rock-lined areas designated primarily for the conveyance of water.

(6) Utility corridor easements, unless substantially improved to make the area usable for outdoor activities. Only that proportion substantially improved shall be counted as Open Space. "Substantially improved" shall include any of the improvements listed in Residential Open Space above, or any other improvements deemed substantial by the Zoning Administrator.

d. Meaningful Open Space areas shall be included within all phases of a PAD project and such Open Space shall be provided proportional to the amount of development related to each phase, unless otherwise permitted by the Zoning Administrator and included in the phasing schedule.

2. Commercial/Industrial/Multi-Family Residential Open Space.

   a. Open Space shall be provided in amounts and in the manner set forth in the applicable Design Manual.

   b. Open Space shall be provided in the form of pedestrian refuge areas with shaded seating, landscaped and hardscape plaza areas, and public art features when appropriate.

F. **Architectural Design**. Architectural design shall conform to the applicable Design Manual. In areas with mixed uses, both the Single Family Residential Design Manual and Commercial/Industrial/Multi-Family Design Manual standards must be met and, in the case of a conflict, the more stringent standard governs.

G. **Landscaping**. Landscaping provided along street frontages, around the property perimeter, internal to the site and in parking areas shall conform to the standards set forth in the applicable Design Manual for the most closely comparable zoning district.

H. **Perimeter and Internal Walls, Gates & Entry Feature Designs and Materials**. All perimeter and internal walls, gates and entry feature designs and materials shall conform to the applicable Design Manual. In areas with mixed uses, both the Single Family Residential Design Manual and Commercial/Industrial/Multi-Family Design Manual standards must be met and, in the case of a conflict, the more stringent standard governs.

I. **Signage**. Unless signage is approved as part of a comprehensive sign package, signage shall conform to the comparable zoning category; provided, however, that the total sign area may be up to ten percent (10%) greater than permitted in the comparable zoning category.

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

   1. Open Space areas shall be identified and reserved as tracts or parcels on a plat, or as easements when no plat is necessary. Maintenance of these areas shall be provided for by an Owners' Association.

   2. A statement shall also be placed on the approved site plan or plat, as appropriate, stating that landscaping in adjacent rights-of-way areas shall be maintained by the Owners' Association.

K. **Justification and Mitigation**. Substantial justification and mitigation is required for proposed PAD standards that do not meet the standards of the comparable zoning district.

L. **Exhibits**. The following exhibits shall be provided with the Development Plan for a PAD:

1. Property boundary and legal description.

2. Areas designating lot sizes, densities and land use(s).

3. Circulation plan to include arterial and collector streets, and vehicular and pedestrian circulation routes.

4. Phasing schedule, which shall include all of the following:

    a. Type of development.

    b. Density.

    c. Floor Area Ratios for each phase.

    d. Map of the development designating the phases and sequence of development. The map shall include a schedule of development with action dates. All infrastructure improvements shall be shown and scheduled for the entire development.

5. Open Space and Amenities. The applicant shall document the location and acreage of Open Space as well as listing amenities to be provided at each location.

SECTION 6
PLANNED AREA DEVELOPMENT DISTRICT

Sections

601 Purpose
602 General Provisions
603 Establishment of a PAD District
604 PAD Narrative and Development Plan

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 residential subdivisions that include residential, commercial or business park development according to an overall plan. It is the intent of the PAD District to:**

~~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 creative and innovative planning principles by providing greater flexibility in design.

B. Establish mixed use 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 to the unique characteristics of the site.

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

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

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

602 General Provisions

~~A. Qualifications. A PAD District may be established on any parcel of land.~~

~~B.~~**A.** ~~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~~ **the extent possible, to a** comparable zoning district~~s~~**, or districts. Wherever used in this Section 6, the phrase "comparable zoning district" shall mean to the most closely similar Avondale zoning district based upon the land use designation, the General Plan, proposed uses, densities and lot sizes.** ~~established in the City of Avondale Zoning Ordinance~~. ~~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, lot sizes 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 requirements for the comparable zoning district.**

~~C.~~**B Modification of** Development Standards**.** ~~Modification Procedures~~. ~~Where necessary to insure compatibility of buildings and uses with each other and with off-site properties,~~ **Based upon 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~~ **No modification of development standards shall be permitted unless the applicant provides substantial evidence indicating that the modifications will** produce an environment ~~equal to or~~ superior to that **which could have been** produced by **strict application of** existing standards **for comparable zoning districts**.

~~D.~~**C.** 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~~ **Regulations** 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.~~

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

E. Design Standards. Site layout, architecture and landscaping shall be consistent with the City's Single Family Design Manual and/or Commercial/Industrial/Multi-Family Design Manual, as appropriate, as maintained by the Zoning Administrator or designee.

F. Phasing. The PAD may provide for certain on-site and off-site infrastructure to be constructed in phases, subject to the following limitations.

1. The first phase infrastructure improvements shall commence prior to expiration of the PAD zoning as set forth in 603.D below.

2. Complete construction of all public infrastructure within the public right-of-way on the exterior of the PAD site shall be included within the first phase of development.

3. Prior to commencement of the first phase infrastructure improvements, the owner/applicant shall provide financial assurances for construction of such portions of the infrastructure improvements located within the public right-of-way on the exterior of the PAD, in the amount determined by the City Engineer and in the form approved by the City Attorney.

~~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 **a** PAD District

~~A. Upon approval of the General Development Plan and Program, the Zoning Map of the City of Avondale shall be amended by ordinance to reflect the PAD District designation on the subject property.~~

A. Approvals and Required Findings. The applicant shall address each of the required findings (set forth below) individually, and shall demonstrate with sufficient, objective information, how the proposed PAD complies with each. The City Council, following a recommendation from the Planning Commission, may approve an amendment of the Zoning Map of the City of Avondale to reflect establishment of the PAD district on the subject property upon determining that all of the following findings have been met:

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 Regulations, Single Family Residential Design Manual and/or Commercial/Industrial/Multi-Family Design Manual, and other applicable regulations and requirements, unless otherwise modified by the PAD Narrative.**

3. **That either there exists adequate public infrastructure and services to serve the proposed development or all necessary public infrastructure and services to serve the proposed development will be completed in connection with development within the PAD.**

4. **The proposed PAD will result in compatible land use relationships within the proposed development and with adjacent properties.**

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

B. Conditions and Stipulations of Approval. The City Council may, in its sole discretion, approve a PAD subject to conditions or stipulations. Conditions and stipulations included in the City Council action establishing a PAD District shall become part of the regulations governing the use and development of the PAD.

~~B.~~**C. PAD Regulations.** ~~The Development Program submitted as part of the PAD application~~ **The PAD Narrative, site plan, design standards and any other documents, exhibits or plans associated with the PAD, in the form approved by the City,** shall become part of the regulations governing the use and development of the PAD and **the Zoning Map shall be amended to reflect adoption of the PAD and the related documents and plans** ~~shall be adopted as part of the map amendment as outlined in Subsection A above~~.

~~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.~~

D. Expiration. Approval of any PAD zoning is conditioned on development of the first phase of the project commencing within three (3) years of the effective date of the ordinance approving the PAD zoning on the property.

1. **Prior to the expiration of the three (3) year time condition, the property owner or authorized representative may submit an application for an extension to the City. A submittal of an application for extension of the three (3) year time condition does not toll the running of the time condition. Should the**

three (3) year time condition expire between the submittal of an application for a time extension and the public hearing on the requested extension, the PAD shall be subject to reversion as set forth in 603.D.3 below. Upon receipt of a request for extension, the Zoning Administrator shall submit the request to the City Council for consideration at a public hearing held pursuant to 603.D.2 below.

2. The City Council shall, after notices via certified mail to the property owner and authorized representative have been provided at least fifteen (15) days prior to the date of the scheduled hearing, hold a public hearing on the extension request. The City Council may, in its sole discretion, grant an extension of the time condition, subject to the limitation on the number of extensions set forth in 603.D.5 below. If the public hearing is held after expiration of the time condition, the City Council may also, at that public hearing, take action to revert the zoning on the property to its prior zoning classification.

3. In the event the project's first phase has not commenced within the three (3) year time period and no request for time extension has been received as provided in 603.D.1 above, the Zoning Administrator may submit the PAD to the City Council for consideration of reversion, pursuant to the hearing procedure set forth in 603.E.4 below.

4. The Zoning Administrator shall notify the property owner and authorized representative by certified mail of the City Council's intention to hold a hearing to determine compliance with the three (3) year time condition, and to revert the zoning on the property to its former classification if the condition is determined by the City Council to have not been met. All such notices shall be made at least fifteen (15) days prior to the date of the scheduled hearing. The City Council may, in its sole discretion, either grant an extension of the time condition, subject to the limitation on the number of extensions set forth in 603.D.5 below, or revert the zoning on the property to its prior zoning classification.

5. The City Council may grant up to four (4) one-year extensions of the time condition.

6. Following the commencement of the first phase of the project, the Zoning Administrator shall monitor the project to ensure compliance with the approved PAD phasing schedule. Upon the Zoning Administrator's initial determination that the phasing schedule is not being met, no further review or approval of any project site plan or plat shall occur until it is determined that good cause exists for delay in the construction of the project. Should the project fail to proceed as scheduled, a public hearing shall be held by the City Council to determine the cause of the delay. At the

public hearing on the matter, if the City Council determines that there is not good cause for the delay, it may impose additional conditions on the PAD to ensure compliance with the phasing schedule. If such additional conditions and the phasing schedule are not met, the Zoning Administrator may set the matter for public hearing, according to the process set forth in 603.D.4 above, on a possible reversion of the PAD zoning. If the City Council determines that good cause exists, it may amend the PAD development phasing schedule.

7. For purposes of this section, the terms "commence," "commencing" and "commencement" shall mean (a) for a PAD smaller than five (5) acres, physical vertical construction activity in accordance with a valid building permit issued by the City and (b) for a PAD five acres and larger, beginning of construction of on-site and off-site infrastructure including streets, sidewalks, water and wastewater, so long as such infrastructure is completed prior to expiration of the City-issued development permit issued therefore.

8. The provisions of 603.D shall apply to all current and unexpired PADs.

~~605~~ **E.** ~~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 the advice and recommendation of the Planning Commission. Minor Amendments shall require administrative approval by the Zoning Administrator or designee only. No amendment to a PAD will be approved without concurrent revision of its development plan.**

~~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~~ **A ten (10) percent or more** 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.

e. Amending the uses allowed by adding a permitted use, a use

permitted with conditions or a use requiring a Conditional Use Permit, unless the Zoning Administrator has determined that the use to be added is nearly analogous to a permitted use.

f. Changes to, or addition of, phasing for a PAD when such changes impact 25% or more of the land area contained within the PAD district.

~~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 determined not to be a Major Amendment shall be a Minor Amendment**.

604 PAD Narrative and Development Plan

The narrative text shall 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 buildings 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 stated otherwise herein by this PAD."

B. Proposed Uses

1. List Permitted Uses.

2. List uses permitted with conditions.

3. List uses permitted with a Conditional Use Permit.

4. Provide the following statement - "All uses not specifically provided for herein are prohibited, unless a subsequent determination by the Zoning Administrator

finds a specific use to be an analogous use to a permitted use."

C. Density (Residential only). State the density for the overall project as well as the densities of each specific development subsection or neighborhood.

1. 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.

2. Density Bonus. Providing Open Space in excess of the minimum amount may be used as justification and mitigation for exceeding the Target Density. The density bonus should be in proportion to the amount of Open Space provided.

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. Residential developments shall provide different sizes of lots. The size differentials and their respective quantities shall compliment the character of the area and demonstrate superior design and a unique housing product mixture as established in the applicable Design Manuals.

~~606~~ **E.** ~~Common~~ **Open Space**. ~~Common~~ **Open Space** ~~and recreation areas~~ shall be an integral part of a PAD **development,** ~~where residential uses are included in the project.~~ **shall be provided in an amount comparable to the size of the development, in minimum amounts not less than set forth below and shall, to the extent possible, be designed central to the internal function of the site.** ~~The following standards shall apply.~~

1. Single Family Residential Open Space

~~A.~~**a.** 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~~ **Open Space**. ~~The minimum size of an open space area counting towards this requirement shall be 5,000 square feet.~~

~~1.~~**b.** **The following** ~~A~~**a**reas ~~that may be included in the calculation of~~ **shall count as Open Space** ~~shall~~ include**:** ~~the following:~~

~~a.~~**(1)** Dedicated park sites~~.~~**, provided that the location, size and geometry are acceptable to the City.**

~~b.~~**(2)** Dedicated ~~separate right-of-way~~ **tracts** for ~~bike~~ **bicycle,** ~~paths~~ equestrian**,** ~~and~~ hiking ~~trials~~ **or multi-use trails**.

~~c.~~**(3)** Private Park and recreation areas **dedicated to, and maintained by, an Owners Association** that meet**s the** ~~minimum~~ park improvement standards as determined by the ~~Development Services Director~~ **Zoning Administrator** or designee.

~~d.~~**(4)** Reserved or dedicated steep slope areas.

~~e.~~**(5)** **Up to a maximum of fifty (50) percent of an area identified as a** ~~G~~**g**olf course~~ areas for not more than (50) percent of the required usable open space~~.

(6) Basketball, tennis, or other sport courts, baseball, softball, and soccer fields, tot lots, and ramadas with barbeque areas.

~~f.~~**(7)** **Stormwater** ~~Retention~~ **detention** and Floodway 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 un-sloped turf areas**.

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

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

~~(3) Pedestrian multi-use paths and trails.~~**;**

~~(4) Tot lots.~~

~~(5) Ramadas with a barbeque area.~~

(8) Any other areas deemed acceptable as determined by the Zoning Administrator.

~~2.~~**c. The following** ~~A~~**a**reas that ~~may~~ **shall** not ~~be~~ count~~ed~~ as Open Space ~~include the following~~:

(1) Areas less than five-thousand (5,000) contiguous square feet, unless such areas either are part of a larger trail system or contain significant project amenities in accordance with the applicable Design Manual, as determined by the Zoning Administrator.

~~a.~~**(2)** **Public rights-of-way,** ~~D~~**d**edicated streets~~,~~ **and** alleys, ~~and other public rights-of-way, except as provided above,~~ vehicular drives, **parking,** parking **landscape areas**, loading, and storage areas.

~~b.~~**(3)** Required setback areas **unless such areas contain significant project amenities in accordance with the applicable Design Manual, as determined by the Zoning**

Administrator.

~~c.~~**(4)** ~~Reservation of a school or park site for which the City or school district shall be required to purchase.~~ **Reserved school and park sites that require purchase of the land.**

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

~~e.~~**(5)** Concrete or rock**-**lined areas designed primarily for the conveyance of water.

(6) Utility corridor easements, unless substantially improved to make the area usable for outdoor activities. Only that portion substantially improved shall be counted as Open Space. "Substantially improved" shall include any of the improvements listed in Residential Open Space above, or any other improvements deemed substantial by the Zoning Administrator.

~~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.~~**d.** ~~Common~~ **Meaningful Open Space** areas shall be **included within all phases of a PAD project and such Open Space 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~~ **proportional to the amount of development related to each phase, unless otherwise permitted by the Zoning Administrator and included in the phasing schedule**.

2. Commercial/Industrial/Multi-Family Residential Open Space

a. Open Space shall be provided in amounts and in the manner set forth in the applicable Design Manual.

b. Open Space shall be provided in the form of pedestrian refuge areas with shaded seating, landscaped and hardscape plaza areas, and public art features when appropriate.

F. Architectural Design. Architectural design shall conform to the applicable Design Manual. In areas with mixed uses, both the

Single Family Residential Design Manual and Commercial/Industrial/Multi-Family Design Manual standards must be met and, in the case of a conflict, the more stringent standard governs.

G. Landscaping. Landscaping provided along street frontages, around the property perimeter, internal to the site, and in parking areas shall conform to, or exceed, the standards set forth in the comparable zoning district.

H. Perimeter and Internal Walls, Gates & Entry Feature Designs and Materials. All perimeter and internal walls, gates and entry feature designs and materials shall conform to the applicable Design Manual. In areas with mixed uses, both the Single Family Residential Design Manual and Commercial/Industrial/Multi-Family Design Manual standards must be met and, in the case of a conflict, the more stringent standard governs.

I. Signage. Unless signage is approved as part of a comprehensive sign package, signage shall conform to the comparable zoning category; provided, however, that the total sign area may be up to ten percent (10%) greater than permitted in the comparable zoning category.

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

1. Open Space areas shall be identified and reserved as tracts or parcels on a plat, or as easements when no plat is necessary. Maintenance of these areas shall be provided for by an Owners' Association.

2. A statement shall also be placed on the approved site plan or plat, as appropriate, stating that landscaping in adjacent rights-of-way areas shall be maintained by the Owners' Association.

K. Justification and Mitigation. Substantial justification and mitigation is required for proposed PAD standards that do not meet the standards of the comparable zoning district.

L. Exhibits. The following exhibits shall be provided with the Development Plan for a PAD:

1. Property boundary and legal description.

2. Areas designating lot sizes, densities and land use(s).

3. Circulation plan to include arterial and collector streets, and vehicular and pedestrian circulation routes.

4. Phasing schedule that includes all of the following:

a. Type of development.

b. Density.

c. Floor Area Ratios for each phase.

d. Map of the development designating the phases and sequence of development. The map shall include a schedule of development with action dates. All infrastructure improvements shall be shown and scheduled for the entire development.

5. Open Space and Amenities. The applicant shall document the location and acreage of Open Space as well as listing amenities to be provided at each location.

~~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.~~

PLANNING COMMISSION
REGULAR MEETING

CITY COUNCIL CHAMBERS
11465 W. CIVIC CENTER DR.
AVONDALE, AZ 85323

Thursday, January 15, 2009
6:30 P.M.

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I. CALL TO ORDER

The Regular Meeting was called to order at approximately 6:30 p.m. by Chairperson Iwanski.

II. ROLL CALL

The following members and representatives were present:

COMMISSIONERS PRESENT
David Iwanski, Chairman
Michael Demlong, Vice Chair
Al Lageschulte, Commissioner
Angela Cotera, Commissioner
Linda Webster, Commissioner
Lisa Amos, Commissioner
David Scanlon, Commissioner

CITY STAFF PRESENT
Brian Berndt, Development Services Director
Chris Schmaltz, City Attorney
Eric Morgan, Planner II, Development Services Department
Scott Wilken, Senior Planner, Development Services Department

VII. PUBLIC HEARING ITEMS

2. TA-08-1: This is a public hearing before the Planning Commission to review and solicit public input on application TA-08-1, a Staff-initiated text amendment to Section 6: Planned Area Development (PAD) Zoning District as part of a comprehensive update to the Avondale Zoning Ordinance. Staff Contact: **Eric Morgan**.

Eric Morgan, Planner II, Development Services, stated this item is a request to amend Section 6, the Planned Area Development District section of the Zoning Ordinance. The Planning

Commission previously conducted public hearings on this item on March 30, 2008 and April 17, 2008. The item was withdrawn by Staff request to further address issues of concern and consult with members of the development community. Up to that point in time, Staff had conducted a Neighborhood Meeting, four Work Sessions with the Planning Commission and City Council, and had met with interested parties of the development community. The issues of concern were regarding the requirements for PAD zoning expiration, the increase in the minimum amount of open space required, and with off-site infrastructure phasing.

Since withdrawal of the item, Staff has met and corresponded with interested parties in the development community, and has held another Neighborhood Meeting and a Work Session with the City Council in an effort to resolve the issues of concern. Staff has proposed changes to resolve the issues of concern.

- Expiration of PAD zoning – Existing regulations state that PAD zoning will expire unless development of the first unit commences within two years. A one year extension is provided. Staff is proposing expiration of PAD zoning to increase from two years to three years. PADs less than five acres must begin vertical construction within three years, and PADs five acres or larger must begin construction of infrastructure within three years of approval. Two one-year extensions are proposed.

- Open Space – Existing regulations require a minimum of 10% open space for Residential developments. Staff proposes Single Family Residential open space to be increased from 10% to 15%, and open space for Multi-Family, Commercial or Industrial development to rely on the Design Manual. Open space less than 5,000 contiguous square feet may qualify as open space if it is part of a trail system or provisioned with amenities as approved by the Zoning Administrator.

- Infrastructure Phasing – Existing regulations do not address infrastructure, but it has been Staff policy to require off-site infrastructure with the first phase. Staff is proposing that perimeter off-site infrastructure in the public right-of-way around PADs will be required to be constructed in the first phase. Additionally, Staff is proposing that at the request of the City Engineer, and through consultation with the City Attorney, Staff may require bonds to insure performance, which will ensure infrastructure will be completed once begun.

Mr. Morgan stated that among the proposed amendments to Section 6 is the reformatting of Section 6 into four main subheadings: Purpose, General Provisions, Establishment of a PAD District, and PAD Narrative and Development. Staff proposes to amend some of these statements to make clear the intent of Section 6, which is innovative and creative design, and to promote development that is ready to move forward. Amendments to the General Provisions include the coordination with the Design Manual and the language addresses phasing of the development, requiring that all public infrastructure in the right-of-way on the external perimeter of the project shall be included in the first phase. Amendments to the Establishment of a PAD

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District section include Staff's proposal to change the expiration of the PAD zoning, and changes to what constitutes a major or minor amendment of a PAD. A major amendment requires a public hearing and minor amendments are handled administratively. Other proposed changes under this heading include increases less than 10% in the number of dwelling units or acreage devoted to Commercial or Industrial uses constitute a minor amendment of a PAD instead of a major amendment, and allowing the Zoning Administrator to make a determination of whether an unlisted use is analogous to an approved use. Changes to development phasing affecting 25% or more of the development constitutes a major amendment of the PAD. Amendments to the PAD Narrative and Development Plan include a format with 12 sections that have to be addressed, which will provide the Planning Commission, City Council, and Staff a basis of comparison. PAD applicants may add more information than the 12 required sections, but not less.

Staff recommends approval of the requested text amendment. This item is tentatively scheduled for the February 17, 2009 City Council meeting.

Chairperson Iwanski invited questions.

Commissioner Cotera suggested changing the language for allowing the Zoning Administrator to make a determination on whether an unlisted use is "analogous" to "near analogous." She asked if all exterior perimeter streets will be required by developments in the first phase. Mr. Morgan stated the language expresses that all exterior public infrastructure will have to be constructed in the first phase.

Commissioner Cotera asked if there would be any flexibility. Mr. Morgan replied that Staff has not proposed any leeway. The intent of the PAD is to encourage innovative and creative design, but also developments that are legitimately ready to go.

Commissioner Scanlon asked if the City will require a performance bond for the infrastructure. Mr. Morgan stated the intent is to require the infrastructure in the first phase, up front, and when the PAD comes forward, the City Engineer will determine if a performance bond is necessary and for what amount, before the construction documents will be approved.

Commissioner Scanlon asked what criteria will dictate if a bond is necessary. Mr. Morgan replied that is the City Engineer's determination and it is based on the difficultly of construction, extent of construction, etc.

Commissioner Scanlon asked what other cities do with regard to performance bonds. Mr. Morgan stated he did not know. Commissioner Scanlon stated he had not heard that other cities require a performance bond and he is surprised that the City of Avondale may do so. Mr. Morgan pointed out that there have been a few cases recently of construction starting and not finishing.

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Commissioner Amos asked what led to the recommendation to change the maximum signage to exceed the Zoning Ordinance. Mr. Morgan explained that there have been PAD developments in the past that have requested additions over and above the minimums of the Zoning Ordinance, and since this is a custom zoning ordinance and a developer can ask for anything, Staff feels it is important to establish a maximum cap for signage, but it will allow a developer to negotiate a higher signage allowance in exchange for providing extra amenities somewhere else in the development. Mr. Morgan stated that previously there had been no cap on the maximum signage in the PAD districts.

Commissioner Cotera asked if the Design Manuals were required or recommended. Mr. Morgan explained that the Design Manuals were adopted by City Council by resolution to be used by Staff as a guide. They are a guide in a hard zoned district. If this language is adopted, the Design Manuals will become required to be followed. Staff will determine if a project does or does not comply with the Design Manuals.

Commissioner Cotera asked if some of the language removed and rolled into the Design Manuals is less stringent. Mr. Morgan indicated this was not the case. He gave the example that the requirement for a six foot high block wall around trash enclosures is also in the Design Manuals, and to comply with the Design Manuals, it will still be required. As well, some of the standards have been moved over to the Residential Section, such as setbacks. He added that the sizes of blocks to be used in walls are no longer specified anywhere in required regulations.

Commissioner Scanlon stated it appears to him that the language requires a performance bond as a part of the applicant's responsibilities, and that the City Engineer has the discretion to determine the amount of the bond. He suggested it might be better that the language state "At the City's discretion, a performance or payment bond can be required." He stated such a bond is an extra cost to the developer. Mr. Morgan stated the intent is to state that the developer will give the City a performance bond. The bond may be a nominal amount or larger. Staff wants the language to start off by saying the developer must pay a bond and then the City Engineer will determine the amount of the bond.

Commissioner Scanlon suggested that Staff look at paragraph F.3 and see if the language can be tightened because the City does not want to place a cost burden on developers. He can see a lot of circumstances where a bond could be waived.

Vice Chair Demlong stated he is glad a performance bond will be required. He asked Mr. Morgan to describe the infrastructure phasing again. Mr. Morgan stated it includes infrastructure on the perimeter of the PAD that is in the public right-of-way and that is for public use, and it must be constructed in the first phase.

Vice Chair Demlong asked if a water retention basin with grass in the bottom would be considered an open space. Mr. Morgan replied such an area could count as open space because it has turf in the bottom and can be used for a picnic or games. It is spelled out in the section

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addressing retention basins and open space. Only the flat bottom of the retention basin is counted.

Vice Chair Demlong asked if noting the percentages for open space, dwelling units, signage, etc., will save Staff time and asked what other city percentages are. Mr. Morgan explain that the 10% for signage was not meant as an administrative time-saving feature, but is to draw a line and act as an incentive to providing more amenities. Administrative time-savings may be had by not requiring a major amendment for increases less than 10% of the number of dwelling units or acreage devoted to Commercial or Industrial uses.

Vice Chair Demlong asked if these percentages were a best practice for other cities. Mr. Morgan stated as far as the signage, he is not aware of any other city with the proposed 10% bonus maximum benchmark. The 10% increase in dwelling units or acreage is common among cities for administrative versus public hearing processes. Changes to development phasing affecting 25% or more of the development constituting a major amendment is new, and the City is setting the bar on that. Vice Chair Demlong stated that makes him nervous, in that more pressure can be applied to Staff, but it is also very customer friendly and will save the developer time and money.

Commissioner Amos stated she is supportive of bonds and believes they should be required in all cases because there is a risk to the City of incomplete projects. She does not believe bonds will be a deal killer, as very few contractors balk at bonds. She cautioned about using the term "meaningful" open space because it is open to interpretation. If the City wants open space to be usable for recreation, she thinks the language needs to state that.

Commissioner Cotera stated the City is going outside the box on changes to development phasing affecting 25% or more of the development constituting a major amendment, and asked where the percentage of 25% arose. Mr. Morgan explained that the 25% figure was arrived at through staff discussion and compromise between changes that affect a majority of the PAD or a change that affects any portion of a PAD.

Chairperson Iwanski stated regarding performance bonds, Staff will have to be sensitive now that the economy is in a downturn.

Chairperson Iwanski opened the public hearing for Item TA-08-1.

William Lally, Withey Morris, PLC, 2525 E. Arizona Biltmore Circle, Phoenix, AZ, representing Parkland Development, passed a letter to the Commissioners which summarizes his testimony tonight. He stated Parkland Development owns a 43 acre PAD on the south side of McDowell Road north of I-10 between 107th and 103rd Avenues. Their PAD was approved in early 2006, after which point the owner spent the first year finding the appropriate tenants. At the same time other municipalities were seeking the same tenants. They had anticipated a first phase office building on the west portion of the property, but with the turn in the market, decided

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to focus on the hospitality and the retail section on the east side of the property. They brought in two Hyatt Hotels. The heart of the matter is that after two years, the PADs expire. They sought a one year extension last year, but unfortunately the site plan process took most of the year. Today some of their plans are on hold. While extending the extension of a PAD from two years to three years is a good step, he would suggest that the Commission and the Council consider eliminating the expiration date of PADs because most cities consider PAD as the preferred zoning district. The arbitrary deadlines for expiration will hurt developers seeking to develop a quality PAD. There are 13 major jurisdictions in the Valley that utilize PAD zoning and most jurisdictions do not have a PAD expiration like Avondale. The time constraints will represent a red flag for developers and lenders. If the Parkland Development PAD expires within the next year, they will have to start over, which will be very difficult. They suggest, given the economy, that Staff take this opportunity to eliminate altogether the expiration clause of PADs and/or change the definition of "commencement" to "approval of submittal of the first Master Site Plan."

Chairperson Iwanski asked if the Commission and Council were willing to look at elimination of an expiration date or redefining what the word commencement means, and what the development community would offer in exchange. Mr. Lally stated what the City would gain is parity with other jurisdictions. Avondale would be posed and ready to take advantage of the market when it rebounds and will then have a better chance of generating more sales tax revenue.

Chairperson Iwanski asked how many other projects were similar to the Parkland Development. Mr. Morgan stated there are a few approved PADs that have not commence development yet, and who are under the time constraint of two years; he estimates five or six total developments.

Commissioner Cotera asked if Staff has considered giving automatic PAD extensions in recognition of the current economic downturn. Mr. Morgan replied that Staff would not be in favor of a hiatus on PAD expiration. The current proposal is for a total of five years, including extensions. He reminded the Commission that the economy was jumping a year ago and some speculative PADs did not develop. The idea of an expiration is not to penalize anybody. Avondale is interested in developments that have their ducks in a row. Staff feels that three years plus the two one-year extensions is adequate. A PAD should not be on the books too long because things, regulations, expectations, change in five years.

Commissioner Cotera stated she likes the idea that there are limits, but at the same time Staff should recognize the economy is bad right now. While she does not want to change the guidelines, because in normal times the guidelines are good, a concession should be made that this is not normal times.

Mr. Lally asked if the language provides for two, two-year extensions at the discretion of the City Council. Mr. Morgan explained that the current proposal by Staff is three years plus two one-year extensions.

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Brett Heron, 2390 E. Camelback Rd., Phoenix, AZ, stated they purchased the property for Fleming Farms in early 2005 and got approvals in 2006. They obtained final plat approval early this year. The two-year expiration was extended for one year by the City Council. Now their construction drawings are approved. They started this project four years ago and went as fast as they could, and now find themselves in one of the worst economic times anyone has ever seen. He fully supports Commissioner Cotera's idea of granting additional extensions. The issue with bonds is of concern, in that it requires one specific form of financial insurance - a bond. Many other jurisdictions permit different forms of financial assurances that provide the same level of security to the City, such as a Letter of Credit. The developers are looking for modified language that the financial assurance can be other than a bond. He pointed out that phasing can be a part of any project and when a requirement is in the PAD that says everything has to be constructed on the perimeter of the site for every project, every time, it is not always feasible and takes away the flexibility to arrive at a logical solution. He suggested transition guidelines for projects that are approved under the existing ordinance in order to move from the old code to the new code.

Dawn Mittinger, on behalf of the Entorno Project, yielded her time to Carolyn Oberholtzer, Rose Law Group.

Carolyn Oberholtzer, Rose Law Group, 6613 Scottsdale Rd., stated the Entorno Project is 160 acres and passed a map of the project out to the Commissioners. She stated the property is located at the southwest corner of 99th Avenue and Indian School and it is a unique PAD incorporating every use and designed very carefully. In the current economy, they are not sure which use will be ripe first. A hotel user under the current provisions would have to construct a mile of a 16-inch water line, underground the SRP canal for a mile, construct a mile of roadways, underground a mile of power lines, and construct all of the off-site sewer improvements, which is not going to happen in today's economy. She suggested language stating that at final plat or site plan, it will be determined what improvements need to be made to serve the development and that those are the improvements that will be constructed. She stated that cities have had problems with bonds and suggested language stating that "assurances shall be posted in a form acceptable to the Engineer and the City Attorney." She believes that the proposed language will put Avondale at a competitive disadvantage.

Commissioner Cotera asked Carolyn Oberholtzer what is the status of parcel two on their project. Ms. Oberholtzer informed the Commission that while there was initially a lot of interest, the closings could not occur because of the financial market and everybody got skittish.

Chairperson Iwanski asked for City Attorney input. Chris Schmaltz, City Attorney, stated that the statutes allow for placing time conditions on zoning approvals, but there is no indication of the length of the time condition. What has occurred in Avondale is that all PADs are subject to the blanket time condition of two years; thus, the Avondale Zoning Ordinance restrains the Commission by statute. The proposed ordinance extends that time condition, allows for extensions, and revises the reversion requirements to more directly comply with the statute in

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terms of the reversion process. He reiterated that the statute does not impose a specific time, but gives the City the authority to impose time conditions.

Chairperson Iwanski, having no further requests to speak, closed the public hearing on Item TA-08-1.

Chairperson Iwanski invited further comments and questions.

Commissioner Cotera stated she is seriously concerned that the City is shooting itself in the foot with the current time constriction on PAD expirations. She asked if language could be added that enables the City to recognize the extraordinary economic times.

Vice Chair Demlong asked if PAD expirations have posed a problem to date and what is the risk to the City if PAD expirations are eliminated. Mr. Morgan stated that there are projects that have not been able to meet the expiration deadline, but also there are many projects that have complied in a timely manner. Some PADs are going through the zoning reversion process right now. He stated he did not know if the City has the ability to revert zoning if there is no expiration of PAD zoning. Staff's opinion is that three years should be enough for any project, and should something unexpected happen, extensions are provided for those cases.

Vice Chair Demlong stated the vast percentage of projects were being completed in two years.

Commissioner Cotera stated the operative word is "were" being completed in two years. The financial market is prohibiting developers from building their projects at the current time. She noted that the City does not want Fleming Farms building more houses right now in this over-saturated market. Although Staff's proposal for expiration of PADs makes perfect sense in a steady economic state, the market is not in a steady state right now.

Commissioner Amos believes the Commission is faced with a balancing act between no expirations, which would not be in the best interest of the City, and offering leeway to developers. She questioned if Staff, the Commission, or Council should be given the ability to go beyond five years before the PAD expires. She suggested extensions could be denied based on no activity by the developer for a year, to include no contact with Staff and no submissions. She suggested offering extensions beyond five years based on certain criteria, addressing the question of who can approve the extensions, and adding a caveat that no extensions will be considered if there has been no activity on the developer's part. She is for moving forward with Staff's proposal on PAD expirations and expanding the criteria to suit the current economic times.

Commissioner Scanlon agreed with Commissioners Amos and Cotera. The language is rather rigid, and it is sanguine to think the economy will turn around in a year-and-a-half. He thinks it is always better to offer flexibility. He suggested that upon a finding by the Commission or Council that the developer has acted in good faith and there exists exigent extreme or unusual

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conditions, that in its sole discretion, and where it's beneficial to the City, Council or the Commission can grant additional extensions. This would offer flexibility and eliminate those developers who are not acting in good faith, and would also recognize the current economic times.

Brian Berndt, Development Services Director, advised the Commission that this new ordinance does not apply to any of the previously approved PADs. Any new approvals would then have the five year period before expiration of the PAD. Approving any type of extension is contrary to the ordinance, is outside the authority of the Commission, and must be addressed by the City Council. His preference in this discussion is to keep the discussion consistent with the amended ordinance before the Commission and decide whether five years for expiration of a PAD is appropriate, or if another measure can be an appropriate timeframe or a triggering mechanism to fulfill the obligations on both sides of the agreement. He informed the Commission that there are currently several approved PADs where no activity has occurred for five to seven years whatsoever. All this occurred when financing was not the issue it is today. The City Council has asked for this expiration specificity and that is what Staff has tried to do. He does not think there is a perfect solution. He suggested that the Commission can create a clause that some circumstances warrant that the extension of PADs can go beyond five years.

Commissioner Lageschulte voiced agreement. He suggested a phrase as far as the Council being able to grant extensions up to a maximum of seven years with no possibility of extension of PADs after seven years.

Chris Schmaltz, City Attorney, stated to balance the concerns and maintain the existing policies and desire for certainty, a simple change to the proposed ordinance may be warranted. The limitation at present is on two additional one-year extensions. The simplest change would be three years for expiration of PAD zoning with four one-year extensions. The developer would have to return to Council every year if they cannot move forward with their development and convince the Council and Staff that another one-year extension is absolutely warranted. He would not suggest adding other qualifier language.

Chairperson Iwanski asked if the language could state three years for expiration of PAD zoning with no more than four one-year extensions. Attorney Schmaltz replied that would be an easy change to the language of the ordinance. The language could state expiration of PAD zoning in three years from the PAD zoning approval date and four additional one-year extensions.

Commissioner Cotera asked if previously approved projects would be grandfathered in under the new language on expiration of PADs. Attorney Schmaltz replied he could not offer a blanket answer because each PAD might have different circumstances. The ordinance would have to be applied on a case by case basis.

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Commissioner Cotera asked if the economy is humming in five years, could the expiration of PAD zoning be reverted to two years with two, one-year extensions. Attorney Schmaltz stated that could be done, and from that point it would apply only to new PADs.

Vice Chair Demlong asked for clarification. Attorney Schmaltz stated a modification of the language would be expiration of PAD zoning in three years with no more than three or four one-year extensions. His suggestion is to increase the number of one year extensions that would be allowed.

Chairperson Iwanski asked if developments such as Parkland, Fleming Farms, and Entorno would still be under the existing ordinance requirements. Attorney Schmaltz replied those developments are currently subject to the current PAD ordinance, meaning they can request an extension or build. Their approvals were received under the language of expiration of PAD zoning in two years with two, one-year extensions, and they are subject to that timeline.

Commissioner Cotera asked if the Commission had any ability to retroactively help previously approved PAD developments. Attorney Schmaltz stated that while there could be a solution for those developments, that particular matter is not before the Commission tonight.

Vice Chair Demlong stated he keeps hearing that the developers want no expiration of PAD zoning. He asked if the City removed expiration dates of PADs, what risk would that present to the City. Attorney Schmaltz replied he does not view no expiration of PAD zoning as a risk, but as a complete change in the policy associated with PADs. The PAD is designed to be a higher standard of development for the community, and as part of that higher standard, there is an imposition of requirements associated. PAD zoning is a policy choice on the part of the City. The risk of offering maximum flexibility is that developers will come in and then will fail to proceed. He reiterated this is not a risk, but a change in the policy associated with the PAD ordinance.

Vice Chair Demlong presented the case of a developer with 40 acres that allowed for Multi-Family housing and had no expiration date on their PAD, and the property sat there for 20 years. He asked if the City wanted to amend the General Plan and make the property a hotel center, would that present entitlement issues. Attorney Schmaltz replied if there is unlimited zoning, the City retains the ability to change the zoning, except in the instance of a 20 year, idle PAD. If the City believes there is a better General Plan designation for that property, the City can change the General Plan designation, but because the property would have the PAD zoning, the developer could move forward with the PAD zoning even if it was contrary to the new General Plan designation.

Chairperson Iwanski stated that his intention is to reopen the public hearing and allow the previous speakers three minutes to provide additional input.

Vice Chair Demlong stated he was not done with discussion.

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Chairperson Iwanski asked could he reopen the public hearing on the item. Attorney Schmaltz advised he could.

Commissioner Amos asked with the current code proposed, could any developer return to the Council and request extensions. Attorney Schmaltz stated he believes under the existing code, any developer can request a one-year extension. The new code increases the expiration of the PAD zoning from two years to three years and provides additional time with the two, one-year extensions.

Vice Chair Demlong stated he wants to be sure the financial assurance and infrastructure issues are discussed.

Chairperson Iwanski asked the Commissioners if they had any issues with reopening the public hearing on the item. It was decided to finish the discussion before reopening the public hearing.

Vice Chair Demlong asked what financial assurances does the City receive currently from developers. Mr. Morgan explained that previously the City did not get financial assurances as a matter of policy, but then some had some difficulty with projects beginning construction in the public right-of-way and not completing it. The new City Engineer has implemented a policy that the City will now get the financial assurances for public right-of-way infrastructure and will not move forward on projects without financial surety. He believes changing the language of the ordinance to read "financial assurances" and not specifying it must be a bond is appropriate.

Commissioner Cotera asked why the word "bond" was entered in the language. Mr. Morgan replied he believes it was proposed by the City Engineer, but he believes the City Engineer would be okay with the wording "financial assurance."

Commissioner Scanlon stated that a performance bond is the easiest and most recognized assurance. Irrevocable Letters of Credit can substitute and some developers may find that more convenient, and they would equally protect the City. A restriction to performance bonds only might present an inconvenience to some developers.

Chairperson Iwanski recommended Carolyn Oberholtzer's language, "post financial assurances as determined by the City Engineer and in the form approved by the City Attorney." Attorney Schmaltz pointed out that Ms. Oberholtzer's suggested language reads "assurances" and he would recommend the inclusion of the words "financial assurances."

Vice Chair Demlong asked if the recommended language is "financial assurances acceptable to City Staff." Attorney Schmaltz recommended the language "shall post financial assurances in an amount as determined by the City Engineer and in the form approved by the City Attorney."

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Vice Chair Demlong referenced the proposal to remove language that requires all public infrastructure within the right-of-way on the exterior perimeter of the development site be included in the first phase of development. He asked if such language on infrastructure is modified, what would be the risk if a developer does not have to build a collector road or run a 16-inch main for a mile, in light that somebody has to do it at some point. Brian Berndt, Development Services Director, stated the onus would be placed on somebody else to complete the infrastructure if the first developer did not complete it. Staff's hope is that as the infrastructure improvements occur, there will be a logical progression. It is difficult to define the appropriate amount of infrastructure and he does not know if a defining point can be reached on the exact amount of infrastructure required.

Vice Chair Demlong asked if under current regulations, the Council could give a waiver on part of the infrastructure if a strong argument was made. Mr. Berndt responded that the proposed language would take such flexibility out of the Council's hands.

Commissioner Scanlon stated he would like to know what the possible downside is if the language on public infrastructure is removed, and he suggested pay back agreements. Mr. Berndt replied that the City Council may approve pay back agreements where the improvements are all made and then the cost is paid back as developers come on line. In most cases, all the streets adjacent to PAD developments are the PAD's own streets, and a pay back agreement would not help in those situations.

Commissioner Scanlon stated his suggestion was for a property that may extend a water line, then properties that come along and tap into the water line would pay back the cost.

Commissioner Cotera asked if prior to Fall 2008, had the question on infrastructure ever come up for discussion. Mr. Berndt stated it has always been the City's policy to do the improvements of the significant roads and interior collectors. Commissioner Cotera asked if prior to the Fall of 2008, had a developer returned and asked the City to eliminate the infrastructure requirements. Mr. Berndt replied that every single one of the developers had asked to be released from the requirement of building the significant roads and interior collectors.

Vice Chair Demlong added that when a developer funds the infracture, it suggests that the developer is committed to the project and that is a risk of being a capitalist.

Chairperson Iwanski reopened the public hearing on Item TA-08-1.

Carolyn Oberholtzer, Rose Law Group, 6613 Scottsdale Rd., Scottsdale, AZ, stated that under the current code, the two year expiration on PADs does not occur unless the developer has not commenced development, which to a developer means getting PAD and plat approval. It is an enormous departure to go from that to requiring construction to commence in three years. She is not aware of any PAD in the City that began construction within two years. Scott Wilken, Senior Planner, Development Services Department, stated Gateway Crossing and the Hilton

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project began construction within two years and there are others. Ms. Oberholtzer stated they may have begun construction within two years, but she does not believe they were 160 acre projects. She remarked that requiring all public infrastructure had not been an issue in the past because it had not been a requirement. Currently when a developer submits plats and site plans, they submit the traffic study. She is asking that the infrastructure be evaluated on a case by case basis. The harm to the City is in over-requiring infrastructure, which causes the City to take on the maintenance and liability obligation of infrastructure which is potentially unusable, such as a water loop that does not have the water pressure, or sewers. That is why the all-or-nothing approach is so difficult.

Ms. Oberholtzer stated the developers have been under the assumption that the proposed language on PAD expirations would apply to all existing PADs. Attorney Schmaltz stated he did not have an answer tonight on whether current PADs must meet the requirements of the existing PAD expirations as opposed to being under the proposed PAD expirations. Ms. Oberholtzer stated that makes it harder for developers to know what regulations apply to them and makes it even harder for the banks. Attorney Schmaltz interjected that the current rules that apply to existing PADs are very clear.

Ms. Oberholtzer asked if a sentence could be added to the expiration provision stating that section applies to all previously approved PADs. Attorney Schmaltz explained that because that would be a legislative act by the City Council, the Council could approve the addition of that sentence to the expiration provision, making it applicable to all existing PADs. The Commission is within their authority to make such recommendation based upon Ms. Oberholtzer's suggestion. He reiterated that the City Council absolutely can add such language to the proposed expiration provision.

Chairperson Iwanski asked if it was suggested that the new provisions be applied to all PADs. Ms. Oberholtzer stated she was suggesting only the provisions with respect to expirations be applied to all PADs.

Attorney Schmaltz stated it would be appropriate if the ordinance included that language, limited only to the expiration provision.

Ms. Oberholtzer stated this would eliminate a lot of confusion on the part of City Staff in determining what provisions apply to which PADs.

Attorney Schmaltz cautioned with regard to that recommendation that Staff is currently processing reversions of zoning on multiple PADs, and such language would absolutely muddy the waters in those cases, as well as muddy the waters when applying that language to the existing PAD approvals.

Chairperson Iwanski asked if there is a specific trigger for properties that are in reversion. Attorney Schmaltz stated the language could state that this extension does not apply to PADs

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that have expired and are in the reversion process now. He suggested that the ordinance be crafted to state that the timeframe for a PAD approval and the possibility for additional one-year extensions does not apply to any PADs that have expired zoning but are not yet reverted.

Commissioner Cotera suggested language that currently active PADs can apply to be grandfathered in under the PAD zoning deadline of three years with the additional one-year extensions. Attorney Schmaltz stated he would advise against that because there would be possibly 25 extension applications. If the expiration language applies to all currently approved PADs, then everybody knows they have X number of years. There would be less impact on Staff and the developers if the language is very clear, and extensions can be requested based upon the new language. He suggested that the new PAD timeframes would apply to all currently approved PADs and not the PADs that have expired or do not have an existing extension.

Brett Heron stated they are in support of adding a provision that applies the expiration of PADs to all previously approved PADs. He suggested language that a developer who has their final plat approval, has recorded it and dedicated right-of-way to the City, is vested, with an additional sentence stating that PADs approved prior to the effective date shall have the new expiration of PAD zoning apply to them, as well as the qualification that it does not apply to PADs that have expired.

William Lally, Withey Morris, PLC, stated they are supportive of retroactively applying the expiration of PAD zoning and extending the number of extensions allowed to existing PADs. He believes the Parkland PAD will run into the deadline next month for reversion. Attorney Schmaltz stated that drawing a line is necessary in this instance. The easily applicable line to draw is that the three years with the one-year extensions applies to those current PADs at the time the ordinance goes into effect. If a PAD is not current, it is still subject to the reversion process.

William Lally stated there is a possible way for the Parkland PAD to position themselves, they just need to quickly do so, and he appreciates the clarification.

Judge Riekingberg, 3090 N. Litchfield Rd., Goodyear, AZ, stated his concern is on infrastructure requirements for PADs, as it might force a developer to go into multiple PADs rather than to have a comprehensive plan. In the case of a 40 acre PAD, it would be easier to take two 20 acre parcels and then deal with the infrastructure that way rather than through a comprehensive plan.

Chairperson Iwanski closed the public hearing on Item TA-08-1.

Commissioner Cotera asked if a consensus had been reached on the phasing of the infrastructure.

Attorney Schmaltz cautioned the Commissioners on asking for consensus. The idea is to propose a motion with the desired recommendations.

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Commissioner Cotera asked if anybody had a recommendation on infrastructure phasing.

Vice Chair Demlong stated he is happy and comfortable with the language proposed by Staff.

Commissioner Scanlon stated he is not prepared to address the infracture phasing issue.

Commissioner Lageschulte stated he believes each development needs to be handled in a different way as far as the public infrastructure requirements. If a 2,000 acre PAD is required to put in all the infracture, the project will never get started. He voiced the need for language that infracture phasing will be done on a case by case basis. Staff needs to work with the developer because the economic times are different and money is not flowing.

Commissioner Amos voiced agreement with Commissioner Lageschulte. She has seen projects where the developer builds all the infracture and then the project sits there for years, and cities had to assume sewer and water lines that were decrepit. Then when the next developer came in, they had to rebuild the infrastructure. A measured approach will work; although, it does put a burden on the Staff to work the cases on a case by case basis, and it is harder on the developer as well because they do not have the requirements in black and white.

Attorney Schmaltz stated it sounds as if the Commission wants to provide flexibility for larger sites, but likes the idea of requiring all of the infrastructure for other PADs. He suggested adding a phrase to the existing requirement of all improvements in the first phase, "except when otherwise approved by the City Council." In that manner, the developer will complete all improvements, but if they can make the case to the City Council to approve something less, Council can make that determination. However, he cautioned the Commission that it would create an issue where the Council would be in a position of making decisions on one project versus another. When discretionary language is injected in a process associated with a PAD, it creates those types of issues as opposed to clarity. A blanket requirement that all public infrastructure within the right-of-way on the exterior perimeter of a development shall be included in the first phase is simple to apply.

Chairperson Iwanski stated he feels strongly that those types of decisions rest with the Commission. If the language recommended by the City Attorney goes forward, the Commission is just punting to the City Council. That makes it easy for the Commission and it is not supposed to be easy, as the Commission exists to make the tough decisions. He believes that every developer wants phased construction as it saves the developer money up front. His professional experience with water, wastewater, and reuse lines requires him to have confidence in his Planning and Engineering Staff that when they require infrastructure on the exterior perimeter, that it will be permitted, designed and constructed according to City guidelines. He is ready to vote, win, lose or draw.

Vice Chair Demlong shared that he just finished a multimillion dollar project that took many years. In their business plan they knew what was required by the jurisdiction and that was

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money they asked for from the bank, which was good business. There were no surprises and the project was successful.

Commissioner Cotera stated the conclusion had been reached to put the onus on the developer to complete all infrastructure unless the developer can provide a viable reason and plan for doing otherwise. She agrees overall. Her concern is with the requirements over the next two or three years. As long as there is the flexibility to address the current economic climate, she is okay with that.

Commissioner Scanlon stated the flip side of that is that the City will allow phasing and half a project will be done and sit there for six to seven years while the City has responsibility and liability. It strikes him that perhaps developers are biting off more than they can chew when they make the original application if phasing will become an issue down the road. He would like the chance to think this through and receive more advice from Staff.

Chairperson Iwanski asked Eric Morgan to shed some light on the infracture requirement issue. Mr. Morgan stated that the applicants and public speakers present tonight have adequately and thoroughly expressed the view of the development community. He pointed out that when the City asks for the infrastructure, it is within the right-of-way on the exterior perimeter of the development site. They are referring to infrastructure that is going to be used upon completion, such as a road or water and sewer lines that are connecting two points. The concern that infrastructure will be finished but sit and rot because of disuse is not a valid concern.

Commissioner Cotera stated she was ready to make a motion.

Chairperson Iwanski invited further discussion, and hearing none, called for a motion.

Commissioner Cotera moved that the Planning Commission accept the findings and recommend approval of application TA-08-1, a request for text amendment of Section 6, Planned Area Development Districts, of the Zoning Ordinance, and the Planning Commission further recommends that Section 603.D.5 be changed to state that we grant up to four, one-year extensions of the time condition, and the Planning Commission further recommends that this provision be applied to all current PADs, and further recommends that Section 602.F.3 be changed to state that prior to commencement of the first phase infrastructure improvements, the owner/applicant shall post financial assurance for construction of such portions of the infrastructure improvements located within the public right-of-way on the exterior of the PAD as determined by the City Engineer and in the form approved by the City Attorney. Commissioner Lageschulte seconded the motion.

Attorney Schmaltz asked if the motion should be modified to state current and un-expired PADs in order to clarify that “current” means un-expired.

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Commissioner Cotera clarified the motion to state the Planning Commission recommended that current and un-expired PADs be included in the changes to Section 603.D.5. Commissioner Lageschulte seconded the motion.

Chairperson Iwanski called for a vote.

ROLL CALL VOTE

Chairperson Iwanski	Aye
Vice Chair Demlong	Aye
Commissioner Lageschulte	Aye
Commissioner Scanlon	Aye
Commissioner Cotera	Aye
Commissioner Webster	Aye
Commissioner Amos	Aye

The motion passed unanimously.

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RESOLUTION NO. 2807-309

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENTS FILED WITH THE CITY CLERK AND ENTITLED THE "CITY OF AVONDALE PLANNED AREA DEVELOPMENT ZONING DISTRICT ORDINANCE."

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

SECTION 1. That certain document entitled the "City of Avondale Planned Area Development Zoning District Ordinance," of which three copies are on file in the office of the City Clerk and open for public inspection during normal business hours, is hereby declared to be a public record and said copies are ordered to remain on file with the City Clerk.

PASSED AND ADOPTED by the Council of the City of Avondale, March 2, 2009.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

ORDINANCE NO. 1352-309

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE CITY OF AVONDALE ZONING ORDINANCE, SECTION 6, PLANNED AREA DEVELOPMENT DISTRICT, AND ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT KNOWN AS THE CITY OF AVONDALE PLANNED AREA DEVELOPMENT ZONING DISTRICT ORDINANCE.

WHEREAS, all due and proper notices of public hearings on this Ordinance held before the City of Avondale Planning and Zoning Commission (the "Commission") and the Council of the City of Avondale (the "City Council") were given in the time, form, substance and manner provided by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-462.04, the Commission held public hearings on this Ordinance on March 20, 2008, April 17, 2008 and January 15, 2009; and

WHEREAS, the Commission recommended to the City Council that this Ordinance be approved; and

WHEREAS, the City Council held a public hearing on this Ordinance on March 2, 2009.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. That certain document known as the City of Avondale Planned Area Development Zoning District Ordinance, three copies of which are on file in the office of the City Clerk, which document was made a public record by Resolution No. 2807-309 of the City of Avondale, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

SECTION 2. That the City of Avondale Zoning Ordinance (the "Zoning Ordinance"), Section 6, Planned Area Development District, is hereby deleted in its entirety and replaced by the City of Avondale Planned Area Development District Ordinance, which shall be inserted into the Zoning Ordinance as a new Section 6, Planned Area Development District.

SECTION 3. That any person who fails to comply with any provision of the City of Avondale Residential Districts Ordinance shall be subject to shall be subject to civil and criminal penalties as set forth in Section 114 of the Zoning Ordinance. Civil penalties shall not exceed $1,000.00. Criminal penalties shall constitute a class one misdemeanor, punishable by a fine not

to exceed $2,500.00 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense.

SECTION 4. That if any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the City of Avondale Planned Area Development Ordinance adopted herein by reference is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, March 2, 2009.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

CITY OF AVONDALE

PLANNED AREA DEVELOPMENT ZONING DISTRICT ORDINANCE

SECTION 6
PLANNED AREA DEVELOPMENT DISTRICT

Sections

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601 Purpose

The purpose of the Planned Area Development (PAD) District is to promote the development of mixed use developments and/or residential subdivisions that include residential, commercial or business park development according to an overall plan. It is the intent of the PAD District to:

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

B. Establish mixed use 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 to the unique characteristics of the site.

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

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

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

602 General Provisions

A. **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 the extent possible, to a comparable Avondale zoning district, or districts. Wherever used in this Section 6, the phrase "comparable zoning district" shall mean to the most closely similar Avondale zoning district based upon the land use designation, the General Plan, proposed uses, densities and lot sizes. The Zoning Administrator or designee shall determine the comparable zoning district(s) based upon the land

use designation, the General Plan, proposed uses, densities, lot sizes and other facts as appropriate. The approved PAD Narrative clearly delineate the uses and development standards and shall provide justification and mitigation for development standards that deviate from the standard Zoning Ordinance requirements for the comparable zoning district.

B. **Modification of Development Standards**. Based upon a recommendation of the Planning Commission, the City Council may eliminate otherwise permitted uses in any comparable zoning district and may specify modification of the regulations, requirements and standards than might be otherwise permitted by the comparable zoning district. No modification of development standards shall be permitted unless the applicant provides substantial evidence indicating that the modifications will produce an environment superior to that which could have been produced by strict application of existing standards for comparable zoning districts.

C. **Coordination with Subdivision Regulations**. It is the intent of these PAD regulations that the review of the requirements of the City of Avondale Subdivision Regulations be carried out simultaneously with the review of the PAD.

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

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

F. **Phasing**. The PAD may provide for certain on-site and off-site infrastructure to be constructed in phases, subject to the following limitations.

1. The first phase infrastructure improvements shall commence prior to expiration of the PAD zoning as set forth in 603.D below.

2. Complete construction of all public infrastructure within the public right-of-way on the exterior of the PAD site shall be included within the first phase of development.

3. Prior to commencement of the first phase infrastructure improvements, the owner/applicant shall provide financial assurances in the amount determined by the City Engineer and in the form approved by the City Attorney, for construction of such portions of the infrastructure improvements located within the public right-of-way on the exterior of the PAD.

603 Establishment of a PAD District

A. **Approvals; Required Findings**. The applicant shall address each of the required findings (set forth below) individually, and shall demonstrate with sufficient, objective information, how the proposed PAD complies with each. The City Council, following a recommendation from the Planning Commission, may approve an amendment of the Zoning Map of the City of Avondale to reflect establishment of the PAD on the subject property upon determining that all of the following findings have been met:

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

2. The proposed PAD meets the PAD requirements of the Zoning Ordinance, Subdivision Regulations, Design Manuals and other applicable regulations and requirements, unless otherwise modified by the PAD Narrative.

3. That either there exists adequate public infrastructure and services to serve the proposed development or all necessary public infrastructure and services to serve the proposed development will be completed in connection with development within the PAD.

4. The proposed PAD will result in compatible land use relationships within the proposed development and with adjacent properties.

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

B. **Conditions and Stipulations of Approval**. The City Council may, in its sole discretion, approve a PAD subject to conditions or stipulations. Conditions and stipulations included in the City Council action establishing a PAD District shall become part of the regulations governing the use and development of the PAD.

C. **PAD Regulations**. The PAD Narrative, site plan, design standards and any other documents, exhibits or plans associated with the PAD, in the form approved by the City, shall become part of the regulations governing the use and development of the PAD and the Zoning Map shall be amended to reflect adoption of the PAD and the related documents and plans.

D. **Expiration**. Approval of any PAD zoning is conditioned on development of the first phase of the project commencing within three (3) years of the effective date of the ordinance approving the PAD zoning on the property.

1. Prior to the expiration of the three (3) year time condition, the property owner or authorized representative may submit an application for an extension to the City. A submittal of an application for extension of the three (3) year time condition does not toll the running of the time

condition. Should the three (3) year time condition expire between the submittal of an application for a time extension and the public hearing on the requested extension, the PAD shall be subject to reversion as set forth in 603.D.3 below. Upon receipt of a request for extension, the Zoning Administrator shall submit the request to the City Council for consideration at a public hearing held pursuant to 603.D.2 below.

2. The City Council shall, after notices via certified mail to the property owner and authorized representative have been provided at least fifteen (15) days prior to the date of the scheduled hearing, hold a public hearing on the extension request. The City Council may, in its sole discretion, grant an extension of the time condition, subject to the limitation on the number of extensions set forth in 603.D.5 below. If the public hearing is held after expiration of the time condition, the City Council may also, at that public hearing, take action to revert the zoning on the property to its prior zoning classification.

3. In the event the project's first phase has not commenced within the three (3) year time period and no request for time extension has been received as provided in 603.D.1 above, the Zoning Administrator may submit the PAD to the City Council for consideration of reversion, pursuant to the hearing procedure set forth in 603.E.4 below.

4. The Zoning Administrator shall notify the property owner and authorized representative by certified mail of the City Council's intention to hold a hearing to determine compliance with the three (3) year time condition, and to revert the zoning on the property to its former classification if the condition is determined by the City Council to have not been met. All such notices shall be made at least fifteen (15) days prior to the date of the scheduled hearing. The City Council may, in its sole discretion, either grant an extension of the time condition, subject to the limitation on the number of extensions set forth in 603.D.5 below, or revert the zoning on the property to its prior zoning classification.

5. The City Council may grant up to four (4) one-year extensions of the time condition.

6. Following the commencement of the first phase of the project, the Zoning Administrator shall monitor the project to ensure compliance with the approved PAD phasing schedule. Upon the Zoning Administrator's initial determination that the phasing schedule is not being met, no further review or approval of any project site plan or plat shall occur until it is determined that good cause exists for delay in the construction of the project. Should the project fail to proceed as scheduled, a public hearing shall be held by the City Council to determine the cause of the delay. At the public hearing on the matter, if the City Council determines that there is not good cause for the delay, it may impose additional conditions on the PAD to

ensure compliance with the phasing schedule. If such additional conditions and the phasing schedule are not met, the Zoning Administrator may set the matter for public hearing, according to the process set forth in 603.D.4 above, on a possible reversion of the PAD zoning. If the City Council determines that good cause exists, it may amend the PAD development phasing schedule.

7. For purposes of this section, the terms "commence," "commencing" and "commencement" shall mean (a) for a PAD smaller than five (5) acres, physical vertical construction activity in accordance with a valid building permit issued by the City and (b) for a PAD five (5) acres and larger, beginning of construction of on-site and off-site infrastructure including streets, sidewalks, water and wastewater, so long as such infrastructure is completed prior to expiration of the City-issued development permit issued therefore.

8. The provisions of this subsection 603.D shall not apply to any previously approved PAD for which the time condition thereon has expired prior to April 2, 2009.

E. **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 the advice and recommendation of the Planning Commission. Minor Amendments shall require administrative approval by the Zoning Administrator or designee only. No amendment to a PAD will be approved without concurrent revision of its development plan.

1. Major Amendment. Any one of the following shall be considered a Major Amendment of a PAD:

   a. A ten percent (10%) or more 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.

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

   e. Amending the uses allowed by adding a permitted use, a use permitted with conditions or a use requiring a Conditional Use Permit, unless the Zoning Administrator has determined that the use to be added is analogous to a permitted use.

f. Changes to, or addition of, phasing for a PAD when such changes impact twenty-five percent (25%) or more of the land area contained within the PAD district.

2. Minor Amendment. All amendments of a PAD District not determined by the Zoning Administrator to be a Major Amendment shall be a Minor Amendment.

604 PAD Narrative and Development Plan

The narrative text shall 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 Regulations, as amended, shall apply except where explicitly stated otherwise herein by this PAD."

B. **Proposed Uses**.

1. List permitted uses.

2. List uses permitted with conditions.

3. List uses permitted with a Conditional Use Permit.

4. Provide the following statement - "All uses not specifically provided for herein are prohibited, unless a subsequent determination by the Zoning Administrator finds a specific use to be an analogous use to a permitted use."

C. **Density (Residential only)**. State the density for the overall project as well as the densities of each specific development subsection or neighborhood.

1. 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.

2. Providing Open Space in excess of the minimum amount may be used as justification and mitigation for exceeding the Target Density. The density bonus should be in proportion to the amount of Open Space provided.

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. Residential developments shall provide different sizes of lots. The size differentials and their respective quantities shall compliment the character of the area and demonstrate superior design and a unique housing product mixture as established in the applicable Design Manuals.

E. **Open Space**. Open Space shall be an integral part of a PAD development, shall be provided in an amount commensurate to the size of the development, in minimum amounts not less than set forth below and shall, to the extent possible, be designed central to the internal functions of the site.

1. Single Family Residential Open Space.

a. A minimum of fifteen percent (15%) of the net development area shall be provided as Open Space.

b. The following areas shall count as Open Space:

(1) Dedicated park sites, provided that the location, size and geometry are acceptable to the City.

(2) Dedicated tracts for bicycle, equestrian, hiking or multi-use trails.

(3) Private park and recreation areas dedicated to, and maintained by, an Owners' Association that meets the park improvement standards as determined by the Zoning Administrator or designee.

(4) Reserved or dedicated steep slope areas.

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

(6) Basketball, tennis or other sport courts, baseball, softball and soccer fields, tot lots and ramadas with barbeque areas.

(7) Stormwater detention and floodway areas, but only those proportions containing un-sloped turf areas.

(8) Any other areas deemed acceptable as determined by the Zoning Administrator or designee.

c. The following areas that shall not count as Open Space:

(1) Areas less than five thousand (5,000) contiguous square feet, unless such areas either are part of a larger trail system or contain significant project amenities in accordance with the applicable Design Manual, as determined by the Zoning Administrator.

(2) Public rights-of-way, dedicated streets and alleys, vehicular drives, parking, parking landscape areas, loading and storage areas.

(3) Required setback areas unless such areas contain significant project amenities in accordance with the applicable Design Manual, as determined by the Zoning Administrator.

(4) Reserved school and park sites that require subsequent purchase of the land.

(5) Concrete or rock-lined areas designated primarily for the conveyance of water.

(6) Utility corridor easements, unless substantially improved to make the area usable for outdoor activities. Only that proportion substantially improved shall be counted as Open Space. "Substantially improved" shall include any of the improvements listed in Residential Open Space above, or any other improvements deemed substantial by the Zoning Administrator.

d. Meaningful Open Space areas shall be included within all phases of a PAD project and such Open Space shall be provided proportional to the amount of development related to each phase, unless otherwise permitted by the Zoning Administrator and included in the phasing schedule.

2. Commercial/Industrial/Multi-Family Residential Open Space.

a. Open Space shall be provided in amounts and in the manner set forth in the applicable Design Manual.

b. Open Space shall be provided in the form of pedestrian refuge areas with shaded seating, landscaped and hardscape plaza areas and public art features when appropriate.

F. **Architectural Design**. Architectural design shall conform to the applicable Design Manual. In areas with mixed uses, both the Single Family Residential Design Manual and Commercial/Industrial/Multi-Family Design Manual standards must be met and, in the case of a conflict, the more stringent standard governs.

G. **Landscaping**. Landscaping provided along street frontages, around the property perimeter, internal to the site and in parking areas shall conform to the standards set forth in the applicable Design Manual for the most closely comparable zoning district.

H. **Perimeter and Internal Walls, Gates & Entry Feature Designs and Materials**. All perimeter and internal walls, gates and entry feature designs and materials shall conform to the applicable Design Manual. In areas with mixed uses, both the Single Family Residential Design Manual and Commercial/Industrial/Multi-Family Design Manual standards must be met and, in the case of a conflict, the more stringent standard governs.

I. **Signage**. Unless signage is approved as part of a comprehensive sign package, signage shall conform to the comparable zoning category.

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

1. Open Space areas shall be identified and reserved as tracts or parcels on a plat, or as easements when no plat is necessary. Maintenance of these areas shall be provided for by an Owners' Association.

2. A statement shall also be placed on the approved site plan or plat, as appropriate, stating that landscaping in adjacent rights-of-way areas shall be maintained by the Owners' Association.

K. **Justification and Mitigation**. Substantial justification and mitigation is required for proposed PAD standards that do not meet the standards of the comparable zoning district.

L. **Exhibits**. The following exhibits shall be provided with the Development Plan for a PAD:

1. Property boundary and legal description.

2. Areas designating lot sizes, densities and land use(s).

3. Circulation plan to include arterial and collector streets, and vehicular and pedestrian circulation routes.

4. Phasing schedule, which shall include all of the following:

    a. Type of development.

    b. Density.

    c. Floor Area Ratios for each phase.

    d. Map of the development designating the phases and sequence of development. The map shall include a schedule of development with action dates. All infrastructure improvements shall be shown and scheduled for the entire development.

5. The applicant shall document the location and acreage of Open Space as well as listing amenities to be provided at each location.

SECTION 6
PLANNED AREA DEVELOPMENT DISTRICT

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601 Purpose

The purpose of the Planned Area Development (PAD) District is to promote the development of mixed use developments and/or residential subdivisions that include residential, commercial or business park development according to an overall plan. It is the intent of the PAD District to:

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

B. Establish mixed use 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 to the unique characteristics of the site.

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

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

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

602 General Provisions

A. **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 the extent possible, to a comparable Avondale zoning district, or districts. Wherever used in this Section 6, the phrase "comparable zoning district" shall mean to the most closely similar Avondale zoning district based upon the land use designation, the General Plan, proposed uses, densities and lot sizes. The Zoning Administrator or designee shall determine the comparable zoning district(s) based upon the land

use designation, the General Plan, proposed uses, densities, lot sizes and other facts as appropriate. The approved PAD Narrative ~~shall state~~clearly delineate the uses~~,~~ and development standards~~,~~ and shall provide justification and mitigation for development standards that deviate from the standard Zoning Ordinance requirements for the comparable zoning district.

B. **Modification of Development Standards**. Based upon a recommendation of the Planning Commission, the City Council may eliminate otherwise permitted uses in any comparable zoning district and may specify modification of the regulations, requirements~~,~~ and standards than might be otherwise permitted by the comparable zoning district. No modification of development standards shall be permitted unless the applicant provides substantial evidence indicating that the modifications will produce an environment superior to that which could have been produced by strict application of existing standards for comparable zoning districts.

C. **Coordination with Subdivision Regulations**. It is the intent of ~~theses~~these PAD regulations that the review of the requirements of the City of Avondale Subdivision Regulations be carried out simultaneously with the review of the PAD.

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

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

F. **Phasing**. The PAD may provide for certain on-site and off-site infrastructure to be constructed in phases, subject to the following limitations.

1. The first phase infrastructure improvements shall commence prior to expiration of the PAD zoning as set forth in 603.D below.

2. Complete construction of all public infrastructure within the public right-of-way on the exterior of the PAD site shall be included within the first phase of development.

3. Prior to commencement of the first phase infrastructure improvements, the owner/applicant shall ~~post performance and payment bonds~~provide financial assurances in the amount determined by the City Engineer and in the form approved by the City Attorney, for construction of such portions of the infrastructure improvements located within the public right-of-way on the exterior of the PAD~~, in amounts approved by the City Engineer and in the form approved by the City Attorney~~.

603 Establishment of a PAD District

A. **Approvals; Required Findings**. The applicant shall address each of the required findings (set forth below) individually, and shall demonstrate with sufficient, objective information, how the proposed PAD complies with each. The City Council, following a recommendation from the Planning Commission, may approve an amendment of the Zoning Map of the City of Avondale to reflect establishment of the PAD~~ district~~ on the subject property upon determining that all of the following findings have been met:

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

2. The proposed PAD meets the PAD requirements of the Zoning Ordinance, Subdivision Regulations, Design Manuals~~,~~ and other applicable regulations and requirements, unless otherwise modified by the PAD Narrative.

3. That either there exists adequate public infrastructure and services to serve the proposed development or all necessary public infrastructure and services to serve the proposed development will be completed in connection with development within the PAD.

4. The proposed PAD will result in compatible land use relationships within the proposed development and with adjacent properties.

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

B. **Conditions and Stipulations of Approval**. The City Council may, in its sole discretion, approve a PAD subject to conditions or stipulations. Conditions and stipulations included in the City Council action establishing a PAD District shall become part of the regulations governing the use and development of the PAD.

C. **PAD Regulations**. The PAD Narrative, site plan, design standards and any other documents, exhibits or plans associated with the PAD, in the form approved by the City, shall become part of the regulations governing the use and development of the PAD and the Zoning Map shall be amended to reflect adoption of the PAD and the related documents and plans.

D. **Expiration**. Approval of any PAD zoning is conditioned on development of the first phase of the project commencing within three (3) years of the effective date of the ordinance approving the PAD zoning on the property.

1. Prior to the expiration of the three (3) year time condition, the property owner or authorized representative may submit an application for an extension to the City. A submittal of an application for extension of the

three (3) year time condition does not toll the running of the time condition. Should the three (3) year time condition expire between the submittal of an application for a time extension and the public hearing on the requested extension, the PAD shall be subject to reversion as set forth in 603.D.3 below. Upon receipt of a request for extension, the Zoning Administrator shall submit the request to the City Council for consideration at a public hearing held pursuant to 603.D.2 below.

2. The City Council shall, after notices via certified mail to the property owner and authorized representative have been provided at least fifteen (15) days prior to the date of the scheduled hearing, hold a public hearing on the extension request. The City Council may, in its sole discretion, grant an extension of the time condition, subject to the limitation on the number of extensions set forth in 603.D.5 below. If the public hearing is held after expiration of the time condition, the City Council may also, at that public hearing, take action to revert the zoning on the property to its prior zoning classification.

3. In the event the project's first phase has not commenced within the three (3) year time period and no request for time extension has been received as provided in 603.D.1 above, the Zoning Administrator may submit the PAD to the City Council for consideration of reversion, pursuant to the hearing procedure set forth in 603.E.4 below.

4. The Zoning Administrator shall notify the property owner and authorized representative by certified mail of the City Council's intention to hold a hearing to determine compliance with the three (3) year time condition, and to revert the zoning on the property to its former classification if the condition is determined by the City Council to have not been met. All such notices shall be made at least fifteen (15) days prior to the date of the scheduled hearing. The City Council may, in its sole discretion, either grant an extension of the time condition, subject to the limitation on the number of extensions set forth in 603.D.5 below, or revert the zoning on the property to its prior zoning classification.

5. The City Council may grant up to ~~two~~four (~~2~~4) one-year extensions of the time condition.

6. Following the commencement of the first phase of the project, the Zoning Administrator shall monitor the project to ensure compliance with the approved PAD phasing schedule. Upon the Zoning Administrator's initial determination that the phasing schedule is not being met, no further review or approval of any project site plan or plat shall occur until it is determined that good cause exists for delay in the construction of the project. Should the project fail to proceed as scheduled, a public hearing shall be held by the City Council to determine the cause of the delay. At the public hearing on the matter, if the City Council determines that there is not good

cause for the delay, it may impose additional conditions on the PAD to ensure compliance with the phasing schedule. If such additional conditions and the phasing schedule are not met, the Zoning Administrator may set the matter for public hearing, according to the process set forth in 603.D.4 above, on a possible reversion of the PAD zoning. If the City Council determines that good cause exists, it may amend the PAD development phasing schedule.

7. For purposes of this section, the terms "commence," "commencing" and "commencement" shall mean (a) for a PAD smaller than five (5) acres, physical vertical construction activity in accordance with a valid building permit issued by the City and (b) for a PAD five (5) acres and larger, beginning of construction of on-site and off-site infrastructure including streets, sidewalks, water and wastewater, so long as such infrastructure is completed prior to expiration of the City-issued development permit issued therefore.

8. The provisions of this subsection 603.D shall not apply to any previously approved PAD for which the time condition thereon has expired prior to April 2, 2009.

E. **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 the advice and recommendation of the Planning Commission. Minor Amendments shall require administrative approval by the Zoning Administrator or designee only. No amendment to a PAD will be approved without concurrent revision of its development plan.

1. Major Amendment. Any one of the following shall be considered a Major Amendment of a PAD District:

   a. A ten (10) percent (10%) or more 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.

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

   e. Amending the uses allowed by adding a permitted use, a use permitted with conditions or a use requiring a Conditional Use

Permit, unless the Zoning Administrator has determined that the use to be added is analogous to a permitted use.

f. Changes to, or addition of, phasing for a PAD when such changes impact twenty-five percent (25%) or more of the land area contained within the PAD district.

2. Minor Amendment. All amendments of a PAD District not determined by the Zoning Administrator to be a Major Amendment shall be a Minor Amendment.

604 PAD Narrative and Development Plan

The narrative text shall provide uses and development standards for the PAD District. The PAD Narrative shall be both prescriptive and concise. The PAD ~~narrative~~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~~Regulations, as amended, shall apply except where explicitly stated otherwise herein by this PAD."

B. **Proposed Uses**.

1. List permitted uses.

2. List uses permitted with conditions.

3. List uses permitted with a Conditional Use Permit.

4. Provide the following statement - "All uses not specifically provided for herein are prohibited, unless a subsequent determination by the Zoning Administrator finds a specific use to be an analogous use to a permitted use."

C. **Density (Residential only)**. State the density for the overall project as well as the densities of each specific development subsection or neighborhood.

1. 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.

2. ~~Density Bonus.~~ Providing Open Space in excess of the minimum amount may be used as justification and mitigation for exceeding the Target Density. The density bonus should be in proportion to the amount of Open Space provided.

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. Residential developments shall provide different sizes of lots. The size differentials and their respective quantities shall compliment the character of the area and demonstrate superior design and a unique housing product mixture as established in the applicable Design Manuals.

E. **Open Space**. Open Space shall be an integral part of a PAD development, shall be provided in an amount commensurate to the size of the development, in minimum amounts not less than set forth below and shall, to the extent possible, be designed central to the internal functions of the site.

1. Single Family Residential Open Space.

a. A minimum of fifteen ~~(15)~~ percent (15%) of the net development area shall be provided as Open Space.

b. The following areas shall count as Open Space:

(1) Dedicated park sites, provided that the location, size and geometry are acceptable to the City.

(2) Dedicated tracts for bicycle, equestrian, hiking or multi-use trails.

(3) Private park and recreation areas dedicated to, and maintained by, an Owners' Association that meets the park improvement standards as determined by the Zoning Administrator or designee.

(4) Reserved or dedicated steep slope areas.

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

(6) Basketball, tennis~~,~~ or other sport courts, baseball, softball~~,~~ and soccer fields, tot lots~~,~~ and ramadas with barbeque areas.

(7) Stormwater detention and floodway areas, but only those proportions containing un-sloped turf areas.

(8) Any other areas deemed acceptable as determined by the Zoning Administrator or designee.

c. The following areas that shall not count as Open Space:

(1) Areas less than five~~-~~ thousand (5,000) contiguous square feet, unless such areas either are part of a larger trail system or contain significant project amenities in accordance with the applicable Design Manual, as determined by the Zoning Administrator.

(2) Public rights-of-way, dedicated streets and alleys, vehicular drives, parking, parking landscape areas, loading~~,~~ and storage areas.

(3) Required setback areas unless such areas contain significant project amenities in accordance with the applicable Design Manual, as determined by the Zoning Administrator.

(4) Reserved school and park sites that require subsequent purchase of the land.

(5) Concrete or rock-lined areas designated primarily for the conveyance of water.

(6) Utility corridor easements, unless substantially improved to make the area usable for outdoor activities. Only that proportion substantially improved shall be counted as Open Space. "Substantially improved" shall include any of the improvements listed in Residential Open Space above, or any other improvements deemed substantial by the Zoning Administrator.

d. Meaningful Open Space areas shall be included within all phases of a PAD project and such Open Space shall be provided proportional to the amount of development related to each phase, unless otherwise permitted by the Zoning Administrator and included in the phasing schedule.

2. Commercial/Industrial/Multi-Family Residential Open Space.

a. Open Space shall be provided in amounts and in the manner set forth in the applicable Design Manual.

b. Open Space shall be provided in the form of pedestrian refuge areas with shaded seating, landscaped and hardscape plaza areas~~,~~ and public art features when appropriate.

F. **Architectural Design**. Architectural design shall conform to the applicable Design Manual. In areas with mixed uses, both the Single Family Residential Design Manual and Commercial/Industrial/Multi-Family Design Manual standards must be met and, in the case of a conflict, the more stringent standard governs.

G. **Landscaping**. Landscaping provided along street frontages, around the property perimeter, internal to the site and in parking areas shall conform to the standards set forth in the applicable Design Manual for the most closely comparable zoning district.

H. **Perimeter and Internal Walls, Gates & Entry Feature Designs and Materials**. All perimeter and internal walls, gates and entry feature designs and materials shall conform to the applicable Design Manual. In areas with mixed uses, both the Single Family Residential Design Manual and Commercial/Industrial/Multi-Family Design Manual standards must be met and, in the case of a conflict, the more stringent standard governs.

I. **Signage**. Unless signage is approved as part of a comprehensive sign package, signage shall conform to the comparable zoning category~~; provided, however, that the total sign area may be up to ten percent (10%) greater than permitted in the comparable zoning category~~.

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

1. Open Space areas shall be identified and reserved as tracts or parcels on a plat, or as easements when no plat is necessary. Maintenance of these areas shall be provided for by an Owners' Association.

2. A statement shall also be placed on the approved site plan or plat, as appropriate, stating that landscaping in adjacent rights-of-way areas shall be maintained by the Owners' Association.

K. **Justification and Mitigation**. Substantial justification and mitigation is required for proposed PAD standards that do not meet the standards of the comparable zoning district.

L. **Exhibits**. The following exhibits shall be provided with the Development Plan for a PAD:

1. Property boundary and legal description.

2. Areas designating lot sizes, densities and land use(s).

3. Circulation plan to include arterial and collector streets, and vehicular and pedestrian circulation routes.

4. Phasing schedule, which shall include all of the following:

   a. Type of development.

   b. Density.

   c. Floor Area Ratios for each phase.

   d. Map of the development designating the phases and sequence of development. The map shall include a schedule of development with action dates. All infrastructure improvements shall be shown and scheduled for the entire development.

5. ~~Open Space and Amenities.~~ The applicant shall document the location and acreage of Open Space as well as listing amenities to be provided at each location.

Document comparison by Workshare Professional on Wednesday, February 25, 2009 10:29:17 AM

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Description	#906961v10<Phoenix> - CODE - ZO CH 6 - PAD v10
Rendering set	Standard

Legend:	
Insertion	
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Style change	
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Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	20
Deletions	29
Moved from	1
Moved to	1
Style change	0
Format changed	0
Total changes	51

DEVELOPMENT SERVICES

SUBJECT:
Public Hearing, Resolution 2806-309 and Ordinance 1351-309 - Text Amendment of the Zoning Ordinance Section 2 Residential Districts

MEETING DATE:
March 2, 2009

TO: Mayor and Council

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

THROUGH: Charlie McClendon, City Manager

REQUEST: Text Amendment of the Zoning Ordinance Section 2 Residential Districts (TA-08-3)

PARCEL SIZE: N/A

LOCATION: City-wide

APPLICANT: Staff-initiated request

OWNER: N/A

BACKGROUND:

As part of a comprehensive update to the Avondale Zoning Ordinance, staff is proposing to amend Section 2, Residential Districts.

The Zoning Ordinance currently contains six Single Family Residential Districts (Agricultural, R1-35, R1-15, R1-8, R1-6, and R1-5), three Multi-Family Residential Districts (R-2, R-3, and R-4), one Manufactured Home Park District (R-5), and two Rural Residential Districts (RR-43 and RR-18). For each are provided purposes, allowed uses, development standards, and design standards.

Staff is proposing to amend the zoning districts in order to better implement the goals and objectives of the General Plan.

SUMMARY OF REQUEST:

The request will:

- Amend Section 201 Purpose to provide purpose statements for the residential districts.
- Reorganize the Single Family Residential Districts and the Rural Residential Districts into four subsections - Agricultural, Rural Residential, Suburban Residential, and Urban Residential - amend the permitted and conditional uses for each, and place the uses into a table matrix for ease of reference.
- Amend the permitted and conditional uses of the Multi-Family Zoning Districts and place the uses into a table matrix for ease of reference.
- Amend the development standards for all zoning districts.

- Amend the design standards for all zoning districts.

- Amend the uses, development standards, and design standards of the Manufactured Home Park (MH) Zoning District.

PARTICIPATION:

Staff invited interested parties to a neighborhood meeting held on April 9, 2008 to discuss proposed amendments to Section 1, Administration and Procedures, Section 2, Residential Districts, and Section 4, Industrial Districts. A notice was published in the March 25, 2008 edition of the West Valley View, and all those on the Zoning Ordinance Public Distribution List were notified by email of the date, time, location and purpose of the Neighborhood Meeting (Exhibit A). Four interested persons attended the meeting. There was no substantive discussion regarding Section 2.

Work sessions were held with City Council April 14, 2008 and November 17, 2008, and with Planning Commission May 15, 2008 (Exhibit B).

A second neighborhood meeting was held on January 5, 2009 to discus the latest draft of the proposed Section 2 amendment. A public notice was advertised in the December 30, 2008 edition of the West Valley View, and those on the Zoning Ordinance Public Distribution List were notified and provided a copy of the proposed amended Section 2. Five interested persons attended the meeting (Exhibit C).

The Planning Division has received five correspondence comments from the general public (Exhibit D). Areas of concern that were expressed and addressed by the proposed amendment:

- Allow smaller front yard setbacks for side entry garage product types.
- Do not require 8' minimum - 18' total side yard setbacks in the R1-5 Zoning Districts.
- Do not assign specific zoning districts to General Plan Land Use designations.
- When requiring a subdivision to provide more than one size of lot, the minimum number of lots in the subdivision should be 80 or higher.

Areas of concern that were expressed but not addressed by the proposed amendment:

- Do not prohibit using accessory structures for sleeping or living areas. The current Zoning Ordinance prohibits this, and staff opposes changing it to prohibit the proliferation of semi-guest houses in residential areas. Certain zoning districts where appropriate provide for a guest house with a Conditional Use Permit.
- Do not prohibit cooking facilities in, or the renting of, guest house accessory structures. The current Zoning Ordinance prohibits this, and staff opposes changing it. Allowing these activities will, in effect, allow two dwelling units on one lot. The accepted policy for single family residential detached is one dwelling unit per lot. The Multiple Family Zoning Districts make provision for multiple dwelling units on one lot.
- Do not require 8' minimum - 18' total side yard setbacks in the R1-6 Zoning Districts. Staff opposes providing for this change. The minimum lot width of R1-6 is 60 feet. With 18 feet of side setbacks total, this allows a 42 foot width housing product, which is a standard housing product. In addition, minimum 8 feet and total 18 feet side yard setbacks conforms to the current requirement in the Zoning Ordinance for single family residential lots between 6,000 and 10,000 square feet in area if zoned PAD. These more stringent standards should be applied to all of Avondale as a part of the intent of Planning Commission and City Council to raise residential quality.
- Do not increase open space requirements from 10% to 15% for larger lot subdivisions (estate type). The idea is that larger lots allow for more onsite recreation, thus reducing the need for community Open Space recreational amenities. Staff opposes this change because larger lots typically have larger houses on them. Additionally, community parks and trails should be encouraged in all subdivisions, not just in the smaller lot or cluster housing developments.

- Allow guest houses without a conditional use permit if constructed at the same time as the primary dwelling. Staff opposes this change and feels that guest houses should be determined on a case-by-case basis, ensuring adequate access, appropriateness to the area, and public participation. Staff is proposing that guest houses not be allowed in the R1-8, R1-6 and R1-5 Zoning Districts due to the denser areas.
- R1-8 minimum lot dimensions should be 70' x 115' instead of 80' x 100' to achieve 8,000 square feet of area. Developers believe home buyers want reduced side yards and longer backyards. Staff opposes this change. The purpose of the lot width (and side setbacks) is to establish a minimum amount of breathing room between houses. Staff's proposed lot dimensions do not preclude providing a 115' back yard in excess of the minimums, but staff feels it is important to maintain adequate distances between houses in lotted subdivisions.
- R1-8 minimum lot dimensions should be 75' x 110' with 20' front and rear setbacks to accommodate 55' wide housing products. Staff opposes this change as a 55' wide housing product also is accommodated by the proposed 80' x 110' R1-8 lot. Front yard setbacks of 25' are the current standard in the Zoning Ordinance, though staff is proposing a provision to allow front setbacks to be reduced by 5 feet to allow for side entry garages.
- Multiple Family Residential minimum lot dimensions should be 36' x 70' with minimum side setback of 0' and total side setbacks of 10'. The current and proposed Zoning Ordinance provides for 0' side setbacks with a common wall. Staff proposes lot dimensions equivalent to the smallest single family residential district, R1-5. Housing of any type on a property smaller than this should not be encouraged anywhere in the City.
- Increase the maximum proportion of stormwater detention areas fronting public roadways from 50% to 75%. Staff opposes this change. The Zoning Ordinance consistently required this of all residential, commercial and industrial development in the City for some time. This is also a requirement of the Design Manuals. Limiting this amount encourages developments to place retention internal to the site instead of ringing the perimeter with depressed retention areas.
- Solar water heater wiring should not be required to be internal to the home, and the solar panels and associated equipment should be allowed to be visible from adjacent properties with proper screening. Staff is not proposing any change to the existing Zoning Ordinance requirements.
- R1-15 District with minimum 12,000 square foot area should be R1-12 with a minimum 12,000 square foot area with a minimum dimensions of 90' x 135'. The R1-15 is an established district existing in the Zoning Ordinance. R1-15 is intended for smaller estate lots, grouped in the Suburban Residential Districts along with R1-35. Reducing the dimensions would be contrary to the vision and intent of providing for executive housing and estate lots within the City as expressed by the City Council.

PLANNING COMMISSION ACTION:

Planning Commission held a public hearing on this item January 15, 2009 (Exhibit G). Notice to the public was published in the West Valley View newspaper on December 30, 2009, and those on the Zoning Ordinance Public Distribution List were informed of the date and provided a draft of the proposed text amendment. Planning Commission unanimously recommended approval with the following changes:

1. **202 Land Use Matrix** - Greenhouse, for propagation, cultivation, **retail,** and wholesale distribution of plants sold on premises.

2. **202 Land Use Matrix** - Nursery for plants, for propagation, cultivation, **retail,** and wholesale distribution of plants sold on premises.

3. **203.F.1 Guest Houses** - A guest house shall not be rented, leased **or sold** separately from the principle residence or otherwise used for compensation.

4. **206.A.7 Design Standards (solar water heating equipment)** - ~~Solar water heating units which are an integrated part of the roof design are preferred. If the solar water heating units~~

~~are not flat, as preferred, they shall be installed as to not to rise more than eight (8) inches from the roof surface. They shall appear to be part of the roof structure itself and be the same color as the roof or glass enclosed. Collectors requiring a high angle of installation shall be fully screened from view with a material that blends with existing architecture and color.~~

ANALYSIS:

201 Purpose

The existing language is proposed to be kept substantially the same, with additional language referencing aesthetics, amenities, open space and landscaping in the development of neighborhoods.

Purpose statements for each of the Residential District groupings are proposed. The purpose of the Agricultural District is for agriculture, ranching, related uses and also as a holding zoning for land until rezoned in preparation for development. The purpose of the Rural Residential Districts (RR-43 and RR-18) is to encourage and preserve low-density residential development with attendant small scale agricultural or farm animal uses, and to provide a buffer between agricultural and urban lifestyles. The purpose of the Suburban Residential Districts (R1-35 and R1-15) is to provide low density estate-type residential development, and to serve as a buffer between agricultural and urban development. The purpose of the Urban Residential Districts (R1-8, R1-6 and R1-5) is to provide a variety of single family dwelling types at an urban density. The purpose of the Multiple Family Residential Districts is provided separately for each of the constituent zoning districts - R-2 is intended to provide a transition from single family detached neighborhoods to higher intensity developments comprised of single family attached and detached homes, townhomes and patio homes; R-3 is intended to provide for townhomes, condominiums and apartments; and R-4 is intended to provide high density residential near high activity commercial areas of the City with townhomes, condominiums, apartments, lofts and mixed uses. The purpose of the Manufactured Home Park (MH) District is to provide an alternative to conventional single family and multiple family housing, and to provide for standards of screening and separation to enhance the park environment of the development.

202 Land Use Matrix

This section reorganizes and reformats the permitted and conditional use list for each district into permitted, permitted with conditions, and permitted with a conditional use permit for each of the zoning districts. Subsection A addresses the Single-Family Residential Districts, and subsection B addresses the Multiple Family Residential and Manufactured Home Park Districts. See Exhibit F.2 for the zoning district-by-zoning district break down of uses and proposed amendments that are summarized below.

Agricultural (AG District)

- Delete mobile home from the permitted uses. Manufactured and Mobile Homes are provided for in the Manufactured Home Park (MH) District.

- Delete private schools from the permitted uses - public schools unaffected. The propose purpose of the AG District is not compatible with a private school. Staff would encourage private schools to locate to another zoning district or rezone from AG to an appropriate zoning district.

- Delete community swimming pools from the permitted uses. A swimming pool is provided for as an accessory use to a residence. Swimming pools serving a neighborhood would not be appropriate because the AG District is not intended for neighborhoods.

- Delete temporary construction trailers, temporary residential sales offices, and subdivision model home complexes. These are proposed to be moved to Zoning Ordinance Section 7, Supplemental Regulations, in order to make them applicable to all residential uses as well as non-residential uses as appropriate (for example, temporary construction trailers for a commercial site).

- Delete the keeping of chickens and rabbits or similar small animals as a permitted use. They are provided for under "Farm Animals, the keeping and raising of" and through the definition of farm animals proposed for Zoning Ordinance Section 1 Administration and Procedures.

- Delete country clubs, golf courses, community swimming pools, and similar recreational uses as a permitted use. Country clubs and golf courses are provided for under the Special Use District zoning.

- Change public utility from a conditional use to either a use permitted with conditions if it is required for local service, it doesn't have offices, maintenance facilities, outdoor storage, or part-time employees, and a conditional use if it does not meet the requirements of the use permitted with conditions.

- Change guest house from a conditional use to a use permitted with conditions. The conditions proposed are the same as exist currently with two exceptions. One, the language prohibiting cooking facilities has been removed to match language for guest houses in the RR-18 District (which is the most recently adopted language). Two, adding the prohibition that guest houses may not be sold separate from the main lot, per the Planning Commission's recommendation.

- Delete cemeteries, mausoleums, and crematoriums as conditional uses. These are provided for under the Special Use District zoning.

- Delete mobile home subdivisions as a conditional use. Manufactured and Mobile Homes are provided for in the MH District.

- Add kennels for dogs and cats as a conditional use. These were deleted from the Industrial (A-1) District with the amendment of Zoning Ordinance Section 4 with the intent at that time of allowing them in the AG District as a more appropriate location for this use.

Rural Residential (RR-43 District)

- Change guest house from a conditional use to a use permitted with conditions. The conditions proposed are the same as exist currently with two exceptions. One, the language prohibiting cooking facilities has been removed to match language for guest houses in the RR-18 District (which is the most recently adopted language). Two, adding the prohibition that guest houses may not be sold separate from the main lot, per the Planning Commission's recommendation.

- Add retailing as an allowed use for products raised in a greenhouse or nursery on the site, per the Planning Commission's recommendation.

- Change farm animals from a permitted use to a use permitted with conditions. The conditions reflect the same language as listed under the current ordinance.

- Delete corrals, barns, stables, pens, and similar structures from the permitted uses. These are provided for under accessory uses and buildings, rural residential. The nature of these uses and buildings will be given in the definitions subsection of Zoning Ordinance Section 1.

- Delete fowl and aviaries from the permitted uses because they are provided for as uses permitted with conditions under “farm animals.” Apiaries (keeping of bees) are changed from a permitted use to a use permitted with conditions, with the conditions remaining the same as are currently required by the Zoning Ordinance.

- Change public utility from a conditional use to either a use permitted with conditions if it is required for local service, it doesn’t have offices, maintenance facilities, outdoor storage, or part-time employees, and a conditional use if it does not meet the requirements of the use permitted with conditions.

- Delete cemeteries, mausoleums, and crematoriums as conditional uses. These are provided for under the Special Use District zoning.

- Delete country clubs, golf courses, community swimming pools, and similar recreational uses as a permitted use. Country clubs and golf courses are provided for under the Special Use District zoning.

- Add child care in the home for four or fewer children not related to the residents as a permitted use, as it is in all other residential zoning districts.

- Add child care in conjunction with a place of worship as a conditional use, as it is in all single-family detached residential districts.

- Add child care in the home for five to ten children not related to the residents as a conditional use, as it is in all other residential zoning districts.

Rural Residential (RR-18 District)

- Delete temporary construction trailers, temporary residential sales offices, and subdivision model home complexes. These are proposed to be moved to Zoning Ordinance Section 7, Supplemental Regulations, in order to make them applicable to all residential uses as well as non-residential uses as appropriate (for example, temporary construction trailers for a commercial site).

- Delete mobile home subdivisions as a conditional use. Manufactured and Mobile Homes are provided for in the MH District.

- Delete separate entry for swimming pools, garages, and sheds as accessory uses because they are provided for under the broader use permitted with conditions entry ‘accessory uses and buildings, rural residential.’ No proposed change to what would be allowed.

- Home Occupation requirements remain the same.

- Delete separate entry for gardening as accessory uses because it is provided for under the broader use permitted with conditions entry ‘accessory uses and buildings, rural residential.’

- Change the entry for farm animals from accessory to permitted with conditions. The requirements are not changed.

- Delete separate entry for corrals, barns, stables, pens, aviaries and similar structures uses because they are provided for under the broader use permitted with conditions entry ‘accessory uses and buildings, rural residential.’

- Change the entry for guest house from accessory to permitted with conditions. The requirements are not changed.

- Add the entry 'accessory use and buildings, rural residential' as a use permitted with conditions.

- Add public utility facility required for local service as a use permitted with conditions, provided there are no offices, maintenance facilities, outdoor storage, or part-time employees. Otherwise, it requires a conditional use permit is obtained.

Suburban Residential (R1-35 and R1-15 Districts)

- Delete mobile home from the permitted uses. Manufactured and Mobile Homes are provided for in the Manufactured Home Park (MH) District.

- Change private school from a permitted use to a use requiring a conditional use permit, as it is in all other single-family residential zoning districts except AG (where it is not allowed at all - see AG above).

- Delete community swimming pool and similar recreational facilities because it is provided for under 'accessory uses and buildings, suburban and urban residential.'

- Delete agricultural uses as a permitted use. Backyard gardening plots would be allowed as an accessory use, but the purpose of these districts does not provide for agriculture for wholesale or retail on- or off-site. The purpose of the districts is large estate lots with residential uses (and some animal privileges in R1-35 only).

- Delete temporary construction trailers, temporary residential sales offices, and subdivision model home complexes. These are proposed to be moved to Zoning Ordinance Section 7, Supplemental Regulations, in order to make them applicable to all residential uses as well as non-residential uses as appropriate (for example, temporary construction trailers for a commercial site).

- Change farm animals from a permitted use to a use permitted with conditions. The conditions reflect the same language as listed under the current ordinance.

- Change public utility from a conditional use to either a use permitted with conditions if it is required for local service, it doesn't have offices, maintenance facilities, outdoor storage, or part-time employees, and a conditional use if it does not meet the requirements of the use permitted with conditions.

- Delete cemeteries, mausoleums, and crematoriums as conditional uses. These are provided for under the Special Use District zoning.

- Delete mobile home subdivisions as a conditional use. Manufactured and Mobile Homes are provided for in the MH District.

- Add place of worship as a conditional use (in R1-15 only, it is already allowed as a conditional use in R1-35). Additional conditions require that the place of worship be located on an arterial or the intersection of two collector roads because of the traffic demands these types of uses generate.

Urban Residential (R1-8, R1-6 and R1-5 Districts)

- Delete mobile home from the permitted uses. Manufactured and Mobile Homes are provided for in the Manufactured Home Park (MH) District.

- Change private school from a permitted use to a use requiring a conditional use permit, as it is in all other single-family residential zoning districts except AG (where it is not allowed at all - see AG above).

- Delete community swimming pool and similar recreational facilities because it is provided for under 'accessory uses and buildings, suburban and urban residential.'

- Delete agricultural uses as a permitted use. Backyard gardening plots would be allowed as an accessory use, but the purpose of these districts does not provide for agriculture for wholesale or retail on- or off-site. The purpose of the districts is large estate lots with residential uses (and some animal privileges in R1-35 only).

- Delete temporary construction trailers, temporary residential sales offices, and subdivision model home complexes. These are proposed to be moved to Zoning Ordinance Section 7, Supplemental Regulations, in order to make them applicable to all residential uses as well as non-residential uses as appropriate (for example, temporary construction trailers for a commercial site).

- Change public utility from a conditional use to either a use permitted with conditions if it is required for local service, it doesn't have offices, maintenance facilities, outdoor storage, or part-time employees, and a conditional use if it does not meet the requirements of the use permitted with conditions.

- Delete guest house as a conditional use. A detached guest house is not compatible with the smaller (urban) sized lots.

- Delete cemeteries, mausoleums, and crematoriums as conditional uses. These are provided for under the Special Use District zoning.

- Delete mobile home subdivisions as a conditional use. Manufactured and Mobile Homes are provided for in the MH District.

- Add place of worship as a conditional use. Additional conditions require that the place of worship be located on an arterial or the intersection of two collector roads because of the traffic demands these types of uses generate.

Multiple Family Residential (R-2, R-3 and R-4 Districts)

- Delete single-family <u>detached</u> dwellings from the R-3 and R-4 Districts. The purpose of the R-3 and R-4 Districts is for single-family <u>attached</u> (such as duplexes, triplexes, townhomes) and multi-family (such as apartments and condominiums) dwellings at a higher density than is typical for single-family detached developments.

- Delete multifamily dwellings (such as apartments and condominiums) as a permitted use from the R-2 District. This is because the purpose of the R-2 District is for single-family attached housing at lower densities than the R-3 and R-4 Districts.

- Delete mobile home from the permitted uses. Manufactured and Mobile Homes are provided

for in the Manufactured Home Park (MH) District.

- Private schools are deleted from the permitted uses. The multiple family residential zoning districts are typically located in the higher density land use areas identified by the General Plan. The higher density land use categories are typically located near freeways and high intensity commercial activities. These surroundings are less than idea for a school environment.

- Delete community swimming pool and similar recreational facilities because it is provided for under 'accessory uses and buildings, suburban and urban residential.'

- Delete agricultural uses as a permitted use. This is not an appropriate use in higher density residential developments in addition to the residences themselves.

- Delete temporary construction trailers, temporary residential sales offices, and subdivision model home complexes. These are proposed to be moved to Zoning Ordinance Section 7, Supplemental Regulations, in order to make them applicable to all residential uses as well as non-residential uses as appropriate (for example, temporary construction trailers for a commercial site).

- Change public utility from a conditional use to either a use permitted with conditions if it is required for local service, it doesn't have offices, maintenance facilities, outdoor storage, or part-time employees, and a conditional use if it does not meet the requirements of the use permitted with conditions.

- Delete guest house as a conditional use. A detached guest house is not compatible with multiple family residential development that typically has shared or common areas of property between individual dwelling units.

- Delete cemeteries, mausoleums, and crematoriums as conditional uses. These are provided for under the Special Use District zoning.

- Delete mobile home subdivisions as a conditional use. Manufactured and Mobile Homes are provided for in the MH District.

- Add assisted living facility, convalescent home, group recovery home and nursing home as conditional uses. These uses are similar to the impacts of a boarding/rooming house, which is already a use permitted with a conditional use permit in the R-2, R-3 and R-4 Districts.

- Delete private clubs and lodges from the conditional uses. These uses are provided for in the C-1, C-2 and C-3 Districts.

- Add single-family attached dwellings as a permitted use. The definition of this term includes duplexes, triplexes and townhomes. These housing types had previously been grouped under multi-family in the use list, but the definitions in Zoning Ordinance Section 1 defined multi-family as four or more attached dwelling units without individual ownership of land.

- Add place of worship as a conditional use. Additional conditions require that the place of worship be located on an arterial or the intersection of two collector roads because of the traffic demands these types of uses generate.

205 Development Standards

This section proposes to amend some of the minimum lot area, lot dimensions, building height, maximum building coverage, and setbacks of the Single Family and Multiple Family Residential Districts as follows:

- Delete maximum density from all Single Family and Multiple Family Residential Districts. Density shall be governed by the General Plan Land Use Map in conjunction with minimum lot area requirements.

- Reduce the minimum lot area of R1-35 from 35,500 to 35,000 square feet for consistency with other zoning districts that round numbers to the nearest thousandth.

- Increase the minimum lot width of R1-8 from 75 feet to 80 feet for consistency with the other Urban Zoning Districts (R1-6 and R1-5) that round numbers to the nearest tenth. The additional 5 feet will allow for larger housing products and will allow for greater room between houses in lotted subdivisions.

- Increase the minimum lot depth from 94 feet to 100 feet for the Urban Zoning Districts to provide an even number that is easily applied.

- Increase minimum side yard setbacks from 5 feet to 8 feet, and minimum total both side yard setbacks from 15 feet to 18 feet, for the R1-8 and R1-6 Districts to bring them into conformance with the last adopted amendment of Section 6 of the Zoning Ordinance that requires PADs with residential lots between 6,000 and 10,000 square feet in area to conform to the proposed setbacks above.

- Allow reduced front yard setbacks by 5 feet when providing for a side entry garage for a third car. Side entry garages require less room between the garage and property line/sidewalk to prevent cars from overhanging the sidewalk. Also, side entry garages require more pavement for turning movements, and the reduced setback allows for reduction in some paving. Lastly, side entry garages provide variety to front setbacks in lotted subdivisions by staggering the streetscape.

- Reduce the minimum lot area from 6,000 square feet to 5,000 square feet, reduce the minimum lot width from 60 feet to 50 feet, increase the maximum building coverage on the lot from 40% to 45%, and increase minimum side yard total setbacks from 10 feet to 15 feet in the R1-5 District. The intent of this district is to allow denser developments of a different type than traditional single family detached rectangular lotted subdivisions, such as cluster home and patio home developments.

- Increase the minimum lot area per dwelling until in the R-2 Zoning District from 4,500 to 5,445 square feet in order to require minimum densities of 8 dwelling units to the acre. This density is the upper range of the Medium High Residential, and target density of the High Density Residential, land use categories in the General Plan. The existing minimum of 4,500 square feet yields a density of 9.7 dwelling units to the acre, which does not correspond well with density ranges of the General Plan.

- Adjust the minimum lot width and length of all three Multiple Family Residential Districts to 50 feet by 100 feet, to establish a minimum based upon the smallest Single Family Residential lot R1-5. This minimum is established to prohibit residential development on very small properties.

- Increase side setbacks of all three Multiple Family Residential Districts without a common wall from 10 feet to 15 feet, to conform to minimums proposed for the R1-6 District. Common wall setbacks remain 0 feet as currently exists.

206 Design Standards

This section proposes to amend design of single family residential platted subdivision neighborhoods and multiple family developments as follows:

- Add a requirement to adherence to the Design Manuals for all Single Family and Multiple Family Residential Districts except if there is a conflict with the provisions of the Zoning Ordinance.

- Add a requirement for single family detached subdivisions of more than 80 lots to provide a variety of lot sizes, at least 25% of the lots to be a different size. This is intended to promote variety and reduce monotony of streetscapes.

- Add garage parking requirements for Single Family Residential Districts. Section 8 requires a two-car garage per dwelling unit. This is re-stated in Section 2, as well as requiring the garage to have a minimum dimension of 20 feet by 20 feet. Provisions for surface parking in the front yards to be paved and to not occupy more than 50% of the yard are proposed in order to address unaesthetic parking in front yards in residential neighborhoods.

- Increase the amount of private outdoor space in the form of patios and balconies in the Multiple Family Residential Districts from 60 square feet to 80 square feet.

- Relocate landscaping planting sizes and dimensions from Section 2 to a specific landscape section of the Zoning Ordinance. Staff is currently working on creation of this section.

- Add a requirement that apartment developments of 100 units or greater provide garage parking for a minimum of 25% of the parking, excluding visitor parking. Single family attached, townhomes and condominiums would be required to provided garage parking for each dwelling unit.

207 Manufactured Home Park (MH District)

This section proposes to amend the uses, development standards, and design standards of manufactured home parks as follows:

- Replace R-5 with MH. R-5 as a designation may be desired for a future zoning district.

- Replace the term mobile home with manufactured home in compliance with Federal regulations. Homes built after 1976 which can be towed to a site are manufactured homes. Manufactured homes are treated one of two ways by the Zoning Ordinance: 1) as single family detached dwellings when towing gear is removed and it is attached to a foundation on a lot, per the Building Code; and 2) as mobile homes where when located on a site without a foundation as prescribed by the Building Code, typically on a property that contains multiple manufactured homes in areas for lease instead of ownership.

- Relocate the purpose statement to 201 Purpose for the ease and convenience of the user.

- Relocate the allowed uses to 202.B Land Use Matrix for the ease and convenience of the user.

- Delete recreational vehicle as a permitted dwelling unit in the MH District. The intent is to

discourage living in recreational vehicles anywhere within the City as a permanent residence.

- Add language allowing places of worship and associated child care uses as a conditional use provided they are located on an arterial or intersection of two collector roadways. This is consistent with the proposal to allow these uses in any residential zoning district in the City. Location on an arterial or intersection of two collector roadways is to ensure adequate transportation access without undue imposition on the property owners of the surrounding area.

- Add a requirement that expansion of a manufactured home park, or creation of a new one, requires Site Plan review per Section 1 of the Zoning Ordinance.

- Add language that makes clear that a manufactured home shall be considered a single family residence if it meets a list of seven requirements. These seven requirements are consistent with standards provided to the public by Development Services at the Building Counter of City Hall for a number of years.

Conclusion:

Based on the information provided, the public input received, and the analysis by staff, staff recommends approval of the requested text amendment. This request meets the required criteria.

FINDINGS:

1. The proposed amendment meets the intent of the General Plan.

2. The proposed amendment meets the requirements and intent of the Zoning Ordinance.

3. The proposed amendment provides for the application of the Design Manuals to all Planned Area Developments.

RECOMMENDATION:

The City Council should **APPROVE** application TA-08-3.

PROPOSED MOTION:

I move that the City Council accept the findings and **APPROVE** application TA-08-3, a request for Text Amendment of the Zoning Ordinance Section 2 Residential Districts.

ATTACHMENTS:

Click to download

- Exhibit A - Zoning Ord. Public Distribution List
- Exhibit B - City Council & Planning Commission work session minutes
- Exhibit C - 1/5/2009 Neighborhood Meeting Sign-in Sheet
- Exhibit D - Public Correspondence
- Exhibit E - Proposed Amended Section 2 - Clean Copy (version 1.15.2009)
- Exhibit F.1 - Amended Section 2 - strike-thru & underline
- Exhibit F.2 - Amended Section 2 - Attachment A "Uses"
- Exhibit G - 1/15/2009 Planning Commission DRAFT Minutes
- Resolution 2806-309
- Ordinance 1351-309
- Residential Zoning Districts Ordinance
- Residential Districts Text Amendment - Binary Comparison

FULL SIZE COPIES (Council Only):

None

PROJECT MANAGER:

Eric Morgan, Planner II (623-333-4017)

EXHIBIT A

ZONING ORDINANCE TEXT AMENDMENTS

PUBLIC DISTRIBUTION LIST

revised 1.6.2009

The sections of the Zoning Ordinance being revised that are of specific interest to the person are listed beneath their name and email address.

Name	Company	Contact	Avondale Projects
Shaine Alleman	Tiffany & Bosco Law Group	sta@tblaw.com	City Pointe
Dustin Jones	Tiffany & Bosco Law Group	dcj@tblaw.com	City Point
Vanessa Hickman	Withey Morris Law Group	vph@witheymorris.com	CAVAN
Carolyn Oberholtzer	Rose Law Group	CarolynO@roselawgroup.com	Entorno
Benjamin Mareson	Rose Law Group	bmareson@roselawgroup.com	Entorno
Stephan Earl	Earl, Curley & Legarde Law	searl@ECLLAW.com	Lakin Ranch
Adrian Williamson	Earl, Curley & Legarde Law	awilliamson@ECLLAW.com	Lakin Ranch
Ric Toris	Earl, Curley & Legarde Law	rtoris@ECLLAW.com	Avondale Commercial Center
Rus Brock	Home Builders Assoc. of Central AZ	Brockr@hbaca.org	N/A
Mr. Kendall Baxley	Home Builders Assoc. of Central AZ	BaxleyK@hbaca.org	N/A
Myra Irizarry	Independent	Myrairizarry@yahoo.com	N/A
Janiene Lambert	Parkland Development	janiene@parklanddevelopment.com	West 10
Janet Herlyck	Carlson Development	jherlyck@carlson.com	99th Ave. Business Ctr.
Brett Heron	Evergreen Devco	Brett@Evergreendev.com	Fleming Farms Hillcrest
Matt Butcher	Evergreen Devco	Matt@Evergreendev.com	Fleming Farms Hillcrest
Dennis Michem	EF Moore Co.	dennis@efmooreco.com	Lakin Ranch
Dave Mount	Insight Land Co.	dmount@insightland.com	Lakin Ranch
Bob Giocomo		bgiocomo@cox.net	Lakin Ranch
Alisa Lyons	Commercial Real Estate Advocacy Association	alyons@valleypartnership.org	N/A
Tom Blake	Journey Land Group	tblake@journey-land.com	Lakin Ranch
Ed Reichenberg	(Civica consultant)	rap1948@gmail.com	Pasadera
Bill Pennington	Civica Development	bpennington@civicadevelopment.com	Pasadera
Adam Valente	The Davis Experience (formerly DFD)	AValente@thedavisexperience.com	N/A
Vance Marshall	VJ Properties	VMarshall@vjproperties.com	Agua Fria River Front PAD & Cox Comm. Bldg.
Hillary Marshall	VJ Properties	HMarshall@vjproperties.com	
Ted Kohan		ted@b2bmarkets.com	City Point
Linsay Olesak	Westerner newspaper	Lolesak@houseofelliott.com	N/A
Damien Nunez	interested citizen	damiannunez@cox.net	N/A
Roy Taniguchi	interested citizen	Roy.Taniguchi@luke.af.mil	N/A

EXHIBIT B

Minutes of the Work Session held April 14, 2008 at 6:00 p.m. in the Council Chambers.

5) TEXT AMENDMENT FOR SECTION 2 OF THE ZONING ORDINANCE – RESIDENTIAL DISTRICTS

Charlie McClendon, City Manager, stated items 4, 5 and 6 would be presented together.

Tracy Stevens, Planning Manager, stated that amendments to Sections 1, 2 and 4, were part of the Zoning Ordinance update. Staff will return to the Council on May 12, 2008 for further discussion.

Ms. Stevens stated a neighborhood meeting was held on April 9, 2008 and staff is seeking feedback on some of the comments received at that meeting. She indicated that the development community recommended that the development Site Plan review process be changed to administrative function versus going through Council; the Homebuilders Association commented on the residential text amendment.

Staff recommends proposed changes to Section 1 to include:

- Amend and expand upon the existing definitions.
- Amend the Establishment of Districts to reclassify residential categories and add a Special Use Overlay District.
- Remove a clause regarding maintenance of non-conforming buildings, as the current policy discourages property maintenance.
- Introduce a new Administrative Relief Process, which will permit relief of up to 10% of a development standard (with five required findings being met).
- Site Plan extensions will be administratively approved, as well as Site Plan Amendments.
- Include language requiring maintenance of all properties, including landscaping, be maintained for the duration of the property's use.
- Introduce findings that an applicant is required to meet on the Zoning Map and Text Amendments.

Ms. Stevens reported that the Planning Division has implemented a public participation process which requires the applicant to place and purchase the legal ad in the newspaper, post the public notice sign, and mail the written notices to the owners of property within 500 feet of the subject property. Staff provides the applicant with the language and the notification. Staff is also proposing that all applications be valid for one year from the date of last submittal.

Eric Morgan, Planner II, Development Services, gave an overview on the text amendment for Section 2 of the Zoning Ordinance, Residential Districts. He stated Section 2 has three sections:

- Uses that can happen in those districts.
- Development Standards.
- Design Standards.

Mr. Morgan covered the changes to the Uses, stating Staff proposes allowing guest houses in AG, consistent with the RR-43 and RR-18 districts, and keeping guest houses as a Conditional Use in the remaining single family districts. Mr. Morgan outlined the proposed changes including: move private schools to a Conditional Use in all single family and multi-family districts; adding charter schools as a permitted use, with public schools in conformance with state statutes; replace the term "churches" with "place of worship," and allow them as a Conditional Use in all single family districts provided that the property is located on an arterial street or at the intersection of two collector streets; moving the regulations for temporary trailers for construction or sales and model home complexes to Section 7, Supplemental Regulation; deleting cemeteries, country clubs and golf course uses since they are more appropriate in a Special Use District and are already covered by those regulations; designating public facilities as a Permitted Use in all districts instead of requiring a Conditional Use to Permitted. Mr. Morgan indicated they are also proposing to rename the R-5 to MH, Manufactured Homes, limit the use of manufactured homes to the MH district or where state law states a manufactured home has to be treated the same as a site-built home, which is permitted on single family lots.

Mr. Morgan next discussed the proposed changes to the Development Standards. He stated Staff has assigned the various Zoning Districts to land use categories. He noted that lot dimensions, coverage and setbacks have stayed pretty much the same; although, the side setbacks for R1-5, R1-6 and R1-8 single family districts have been increased from 5 feet to 8 feet, and from a total side of 15 to a total side of 18. He explained that has already been laid out in the Planned Area Development section of the Zoning Code, and so Staff decided to bring the standards up for everybody, and they would like the Council's feedback on that issue.

Next Mr. Morgan covered the changes to the Design Standards, stating developments will now be required to adhere to the recently adopted Design Manual. Open space has been redefined. Apartment complexes with 100 or more units will be required to have garages for 25% or more of the units, and all condominiums and town homes will be required to have garages.

Mr. Morgan then reviewed the text amendment for Section 4 of the Zoning Ordinance, Industrial Districts. He stated this section covers the Uses Permitted, Development Standards, and Design Standards. He pointed out that the name has been changed from Industrial Districts to Employment Districts to agree with the General Plan. Mr. Morgan stated the main change is a re-envisioning of the Commerce Park district. Staff has envisioned a Commerce Park that is more in tune with Commerce Parks around the Valley, which allow for more support services such as copy centers, sandwich shops, etc., for the workers. He explained the existing Zoning Ordinance allows outdoor storage as long as it is screened from view, the proposed amendment prohibits outdoor storage in the Commerce Park districts unless the use is specifically inherent. Mr. Morgan

requested Council feedback on that issue as well as on the inclusion of sports complex facilities in the Employment districts.

Council Member Wolf stated he would not be opposed to sports complex facilities from an economic development perspective if they generate employment.

Charlie McClendon, City Manager, interjected there is flexibility through the use of the Special Use District, which would allow the Council to put a sports complex facility anywhere they chose to put a Special Use District, and it would give the Council the review rather than just allowing it outright.

Council Member Wolf stated he is in favor of providing that kind of flexibility. Regarding outdoor storage, he indicated he is not opposed to it if the requirements are clear, such as requiring screening. Council Member Wolf commented it is prudent for council to take the time to review the Site Plan on behalf of the citizens. Tracy Stevens responded that a comment was made from the development community during the neighborhood meeting stating that having to go through the Council approval process could become an issue, since other cities only require administrative approval.

Council Member Wolf stated that three or four years ago, Avondale consistently received positive feedback on how fast cases got moved through the process and added speedy processing should be the standard. He stated hard zoned cases should come before the Council for Site Plan approval because he does not want to tell the residents that something that is coming to their neighborhood was approved without Council review. He suggested looking at the process to expedite the cases through the process such as coming directly to Council after staff approval under certain conditions or staggering Planning and Zoning in order to get it on the agenda sooner. Regarding the non-conforming buildings, Council Member Wolf stated he is not in favor of removing the clause. He suggested working with the IPMC to address issues that arise.

Council Member Wolf stated the Council needs to be cognizant when discussing residential density and residential side yard setbacks, a few years ago the Council made a significant policy decision setting those standards and putting them in the Code. He stated he would be hesitant to reduce those standards and he sees no reason why the City should be stepping back from those standards. He added that he would like to see a survey presented on May 12th of what other jurisdictions do regarding the changes that staff is proposing such as the garage requirement for apartments. He stated some of these changes could be an economic development impact if they create a significant hardship.

Council Member Buster addressed public facilities being relocated from Conditional Use to Permitted Use in all districts and asked what the code states currently. Mr. Morgan replied that the code currently lists public facilities are a Conditional Use. Council Member Buster stated he has a problem with that, as it is somewhat hypocritical because

government can put a facility anywhere and the private sector has to abide by rules and standards.

Council Member McDonald stated he did not believe anyone on the Council would have a problem with a special meeting being called to review a project that had a time sensitive timeline if it meant a great opportunity for the City. He indicated he concurred with Council Member Wolf that Council approval is important.

Council Member McDonald asked if kitchens in guest houses had been addressed in the proposed staff changes. Mr. Morgan stated that cooking is not allowed in guest houses normally and explained that the section comes from RR-18, which was recently adopted by Council to regulate guest houses. Council Member McDonald stated more feedback was needed.

Mayor Lopez Rogers stated Council would need to revisit that issue because there are questions about that.

Council Member McDonald stated he had no problem with the outdoor storage as long as there is proper screening for storage and the companies have a need for it.

Council Member Karlin addressed Section 4 of the Employment Districts, "Adult businesses are subject to Section 10A-1, Permitted Use with Conditions." She stated she believes there is an ordinance that prohibits adult businesses. Mr. Morgan, Planner II, stated that was listed because of the SOB Ordinance and the requirement for a special location for each use.

Mayor Lopez Rogers voiced agreement with Council Member Wolf on most issues. She asked for research on the process for the Site Plans and on why the development community feels the City is too slow in the process. She asked Staff to bring back timetables to the Council. She asked if the setbacks are increased or lowered. Mr. Morgan stated the setbacks are increased, as normally the minimum is five on the side yard and Staff proposes that that be eight in line with what is approved for the Planned Area Development districts. Mayor Lopez Rogers stated there are still issues Council needs to further research and discuss. She stated she was hearing no disagreement with what has been said tonight.

Project: TA-08-1 Section 6, Planned Area Dev.
TA-08-3 Section 2, Residential Dist.

Facilitator: Eric Morgan, Project Manager

Name	Title	Company	Phone	E-Mail
Eric Morgan	Planner II	City of Avondale DSD	(623) 333-4017	emorgan@avondale.org
Tom Burke		Journey Land Group	602-399-3206	TBLAKE Journey-Land.com
Brett Heron		Evergreen	6028088600	brett@evergreendev.com
Matt Gutcher		Evgrn	602 808-8600	matt@evergreendev.com
Carolyn Oberholtzer		Rose Law	480.505 3934	Carolyno@rosellaw.com
Dawn Meidinger		Edge Land Consulting - Estrella project	602-522-2205	dawn@edgeland.com

Eric Morgan

From: Myra Irizarry [irizarrym@hbaca.org]
Sent: Wednesday, April 09, 2008 3:09 PM
To: Eric Morgan
Cc: Kenneth Weise; Jim Buster; Stephanie Karlin; Jim McDonald; Frank Scott; Chuck Wolf; Marie Lopez Rogers
Subject: Avondale Section 2 Residential Districts

Good Afternoon Eric-

Thank you very much for the opportunity to review and provide comments regarding section two, residential districts section two of the zoning ordinance.
I appreciate your willingness to work with our association and allow us to share the changes to the ordinance with our members for feedback. I explained that the changes in the side yard setbacks from a minimum 5' to 8' and a total of 18' have been made to conform to the PAD when I sent out the zoning ordinance to our members.

In the past I failed to keep the Avondale council up to date as to my efforts to work with city staff on the changes to the design guidelines. In the future I will cc the members in an effort to include them in our process as we work together to address any concerns or issues with the proposed zoning ordinance that you will introduce during next week's council work session.

I would like to include a few comments that I have received thus far:

- Page 7, #11 limiting sleeping or living areas on accessory buildings is too restrictive
  Suggestion: please allow owners to decide how to utilize his or her guesthouse property

- Page 12, A2 restricting the use of the house from cooking provisions and renting or leasing is excessive
  Suggestion: please remove restriction

- Page 17, A many municipalities will allow smaller front yard setbacks for products that have side-loading garages
  Suggestion: allow garages 10' from property line on R1-5, R1-6, and R1-8 designations

- Page 23, #5 sections a, b, and c mention measurements above four
  Suggestion: please clarify four inches or four feet

- Page 25, A5 section A5 uses the word select
  Suggestion: please define select

I will forward more comments as they come into our office. Please contact me if you have any questions. Thank you.

Myra Irizarry - Municipal Affairs
Home Builders Association of Central Arizona
7720 North 16th Street, Suite 310
Phoenix, AZ 85020
602.274.6545

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EARL, CURLEY & LAGARDE, P.C.
ATTORNEYS AT LAW

Telephone (602) 265-0094
Fax (602) 265-2195

3101 North Central Avenue
Suite 1000
Phoenix, Arizona 85012

May 12, 2008

Chairperson David Iwanski and
Members of the Avondale Planning Commission
City of Avondale Planning Department
11465 W. Civic Center Drive, Suite 110
Avondale, AZ 85323

RE: City Initiated Text Amendments to Section 6 – Planned Area Development (PAD) Zoning District (TA-08-1); and, City Initiated Text Amendments to Section 2 – Residential Zoning Districts

Dear Chairperson Iwanski and Members of the Avondale Planning Commission:

The City of Avondale planning staff is conducting a comprehensive update to the City of Avondale Zoning Ordinance. This correspondence is relative to the upcoming revision review and recommendation to Section 6 – Planned Area Development (PAD) of the Zoning Ordinance and work session review of Section 2 – Residential Districts of the Ordinance. Our firm represents Lakin Ranch, which consists of over 1,200 acres in the south Avondale Planning Area. Unfortunately, we along with the Lakin Ranch ownership were only recently informed of the proposed revisions to the Zoning Ordinance updates and consequently our comments and concerns have just recently been expressed to the City planning staff in a general context. This letter will outline the comments and concerns that have been verbally provided to staff. Since the PAD section revisions are being considered by the Commission for recommendation, the emphasis of this letter will relate to the PAD section, though general comments regarding the Residential section of the Ordinance that is being presented as a work session item to the Commission are also included.

I. KEY ISSUES OF THE PROPOSED PAD ZONING DISTRICT REVISIONS

The following items are arranged in the order of the proposed text amendment to the PAD section of the Zoning Ordinance:

- 602.A. Comparable Zoning Districts – Since there is a proposal within the amendment of the Residential Districts section of the Ordinance to specify particular residential zoning districts for particular General Plan designations, it should clarified within the PAD section of the Ordinance that comparable zoning districts may vary from the list provided in the Residential Districts section so long as the proposed PAD does not exceed the allowable density for the

applicable General Plan designation. Otherwise, it may be interpreted that only the comparable zoning districts with associated uses and development standards will be allowed within a particular General Plan designation thus eliminating flexibility and creativity.

- 603.E. Expiration – As we have expressed to staff and as has been expressed to the Commission through the text amendment process, the expiration of PAD approval in a time frame of two years is difficult, and becoming increasingly so, for residential developments. Based on the typical development patterns, building permits for a single-family residential development do not occur until after preliminary plat, final plat, infrastructure improvement plans and infrastructure construction occur, which can easily stretch well beyond two years to receive Staff review and approvals and install the base infrastructure required by the City prior to issuance of building permits. In addition, the current market does not lend itself to achieving the two year time frame. We suggest the Ordinance be modified to grant an initial approval period of three years with the availability of additional time extensions. We also suggest the extension time frames be at the discretion of the City Council so that developers do not need to extend annually if difficulties persist or the market conditions are not positive for development.

- 603.F Amendment – The Amendment section does not allow for the slightest variation in the number of dwelling units or amount of land use categories without a Major Amendment being required. A maximum percentage change in units or land use categories should be considered as an option for Minor Amendment so that a small/minor modification does not have to proceed through the rigors of the Major Amendment process. By way of example, under the current proposal, an increase or decrease of one dwelling unit in an approved PAD or the increase of one acre in a commercial land use category would trigger a Major PAD Amendment. In our view, the Major PAD Amendment process, with its attendant public hearings, Planning Commission and City Council hearings should be reserved for those instances where a significant amendment to the PAD is proposed rather than for those instances where the proposed modification is relatively insignificant.

- 604.B. Proposed Uses – The language of the proposed Ordinance regarding uses does not provide for staff interpretation of analogous uses. Not all uses are listed in the Zoning Ordinance or for that matter are always realized (or even exist) at the time of a PAD approval. Because the proposed Ordinance language states "All uses not specifically provided for herein are prohibited" Staff is unable to make a determination that a particular use is analogous to an approved or listed use, all analogous uses will require a Major Amendment to the PAD. Again, the proposed Ordinance language imposes a costly and lengthy process to a simple and solvable circumstance and deprives Staff the flexibility to make a determination regarding analogous uses.

- 604.D.1. Lot Size Differential – Requiring lot size diversity with a minimum 2,000 square foot lot area difference and 10-foot lot width difference both stymie the diversity of development and require such drastic lot differences that developers cannot afford to develop (in particular south Avondale where there is no infrastructure). The current Ordinance provides 500 square foot lot area steps and five-foot lot width differences. While the current

standards are easier to achieve than the proposed revisions, even they prescribe particular development standards that limit the creativity and flexibility of alternative product types as identified as one of the main purposes of the PAD section of the Ordinance. Additionally, requiring 2,000 square foot lifts in lots sizes does not in and of itself guarantee a quality development. We suggest that a design guideline approach could be implemented (as has been done in many other Valley municipalities) whereby quality and design excellence can be promoted through enforceable standards. It is in this way that quality development can be achieved without the crippling effect on development that the 2000 square foot lot lift and 10-foot lot width variation proposals would cause.

- 604.E.1. Useable Active Open Space – The proposed 20% net development acreage for active open space is in our view an excessive requirement, especially in view of the fact that most Valley communities require a maximum open space of 15% or less. The current Ordinance requires 10% gross site area open space. The proposed Ordinance provision will double the current amount of open space required for a master planned community. This is a significant burden for any developer and in particular for the Lakin Ranch site, since significant regional power line and drainage corridors exist or will exist across the development for which minimal open space credit can be obtained based on the areas allowed to be calculated for usable open space in the proposed Ordinance. Furthermore, there is no allowance to decrease the overall open space requirement when larger lot development may be incorporated as a component of a master planned community, which will provide more private open space for residents.

The Lot Size Differential and Active Open Space requirements will likely prohibit any developer from feasibly being able to develop a master planned community in the City of Avondale based on the cost-benefit analysis of implementing the City's requirements and the number of residential lots achievable to absorb the infrastructure and amenity costs to develop. We understand the emphasis of quality development being expressed by the City, but the prescriptive measures being proposed will only cause developers to seek other communities to develop, or properties to remain in the County and develop under the County standards. There are other mechanisms to achieve high quality development, such as Design Guidelines, enhancement of amenity packages and entry features, encouragement of alternative housing (i.e. court homes, townhomes, Z-lots, etc.).

II. KEY ISSUES OF THE PROPOSED RESIDENTIAL ZONING DISTRICT REVISIONS

The following are items of concern regarding the proposed revisions of Section 2 Residential Districts of the Zoning Ordinance:

- 205.A. Single Family Districts – In the minimum Development Standards Table, the minimum combined side yard setback of 18 feet and minimum side yard setback of 8 feet in the R1-5 and R1-6 districts are problematic for homebuilders since housing product cannot fit the allowed lot size of the district with the restrictive setback requirements. The R1-5

district should be allowed the current provision of 10-foot combined and 5-foot minimum providing a building width of 40 feet as opposed to the proposed building width of 32 feet. The R1-6 district should be a 15-foot combined and 7-foot minimum.

- 207.A. Standards for Subdivisions – The increase from 10% to the proposed 15% of active open space does not differentiate between small lot development and large lot development. In developments with larger lots, the requirements for common open space are typically less due to each residential lot having more private open space. This needs to be evaluated and accounted for.

- General – Tree sizes throughout the Residential section, as well as the entire Zoning Ordinance, are being upgraded to a standard that is difficult for all developers to accomplish. The standard calls for required trees to be a minimum of 2-inch caliper measured at four feet above adjacent grade. The Arizona Nursery Association Grower's (ANA) standard for measuring most tree calipers is 4-6 inches above soil line for 15-gallon and 24-inch box trees, and 6-12 inches above soil line for 36-inch to 54-inch box trees. The City's current standard to measure at four feet above the soil line provides that most all trees would be 36-inch box or greater in size thus imposing a significant financial burden on developers. We would suggest utilizing the ANA or other organization's measuring standards to ensure that appropriately sized trees are installed in developments and the quality desired by the City is achieved.

III. CONCLUSION

We are in agreement with the City that the highest quality of development needs to be provided. We suggest that there are different routes to accomplish this common goal short of the drastic measures being proposed to the PAD and Residential District Ordinances. The proposed PAD and Residential District changes will serve to discourage development without providing any assurances that development that does occur is of the quality desired by the City.

We request that the Planning Commission continue the PAD text amendment and request staff continue to discuss the proposed Ordinance revisions with the property owners and development community in order to arrive at solutions that will best serve the interests of the entire community. Please feel free to contact me or Scott McCoy of my office with any questions or comments. Thank you for your time and consideration.

Very truly yours,

Stephen C. Earl

KSM:aw

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602 General Provisions

A. **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. Provided the overall densities of a PAD proposal do not exceed the allowable General Plan Land Use Designation densities, any residential zoning district may be utilized within the PAD district. The approved PAD Narrative shall state uses, development standards, and shall provide justification and mitigation for development standards that deviate from the Zoning Ordinance.

B. **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.

C. **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.

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

E. **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).

2. The proposed PAD meets the PAD requirements of the Zoning Ordinance, Subdivision Ordinance and/or other applicable regulations and requirements, unless otherwise modified by the PAD narrative.

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. In the event a Development Agreement is approved in conjunction with a PAD Zoning District, the terms and conditions of the Development Agreement shall govern in the event there is a conflict between the PAD Regulations and the Development Agreement.

E. **Expiration**.

1. A building permit shall be issued for a primary building, or as deemed appropriate by the City Council, in the first phase of development within four ~~two~~ (~~2~~4) years of the date upon which the PAD District amendment was approved. The City Council may, upon request and for good cause, extend the expiration period for an additional two (2) ~~for one (1)~~ years the period of commencement of development, not to exceed three (3) extensions. A public hearing shall be required for the extension.

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 Zoning Administrator or designee determines that development is not proceeding in accordance with the schedule, the applicant of record shall be informed. 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 PAD Narrative until resolution is agreed upon by the City Council.

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~~ ten (10) percent 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;

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

   e. Amending the uses allowed by adding a permitted use or a use requiring a conditional use permit.

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, unless a subsequent determination by the Zoning Administrator or his designee finds a specific use to be an analogous use to a permitted use." 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. 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. The size differentials and their respective quantities shall compliment the character of the area and demonstrate superior design and a unique housing product mixture as established in the City's Residential Design Guidelines.

~~c. 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. Open Space

Open Space that is attractive shall be an integral part of a PAD development, shall be provided in an amount comparable to the size of the development, and should be designed central to the internal functions of the site.

1. Residential Open Space

a. A minimum of ~~twenty~~ fifteen (~~20~~15) percent of the ~~net~~ gross development shall be provided as Open Space.

b. Areas that shall count as Open Space ~~in proportion to the improved area as follows~~ include:

(1) Dedicated park sites, provided that the location, size and geometry are acceptable to the City;

(2) Dedicated tracts for bicycle, equestrian, hiking or multi-use trails;

(3) Private park and recreation areas dedicated to, and maintained by, an Owners Association that meets the park improvement standards as determined by the Zoning Administrator or designee;

(4) Reserved or dedicated steep slope areas;

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

(6) Basketball, tennis, or other sport courts, baseball, softball, and soccer fields, tot lots, and ramadas with barbeque areas; and

(7) Stormwater detention and floodway areas, but only those proportions containing un-sloped turf areas.

(8) Any other improvements deemed acceptable as determined by the Zoning Administrator or his designee.

c. Areas that shall not count as Open Space are as follows:

(1) Areas less than five-thousand (5,000) contiguous square feet;

(2) Public rights-of-way, dedicated streets and alleys, vehicular drives, parking, parking landscape areas, loading, and storage areas;

(3) Required setback areas;

(4) School and park sites that require purchase of the land;

(5) Concrete or rock-lined areas designated primarily for the conveyance of water;

(6) Utility corridor easements, unless substantially improved to make the area usable for outdoor activities. Only that proportion substantially improved shall be counted as Open Space. Substantially improved shall include any of the improvements contemplated in Section 604.E.1.b above or any other improvements deemed substantial by the Zoning Administrator or his designee.

d. Open Space areas shall be provided at a rate equal to or greater than the rate of construction of the residential areas.

2. Non-Residential Open Space

a. A minimum of fifteen (15) percent of the ~~net~~ gross development shall be provided as Open Space.

b. Areas that shall count as Open Space include ~~proportion to the improved area are~~:

(1) Pedestrian refuge areas provided with shade and seating. Sitting areas to be shaded with trees or structures or a combination of both.

(2) Pedestrian walkways provided they are shaded intermittently with trees or structures or a combination of both.

(3) Landscape/hardscape plaza areas, fountains and water features, landscape retention areas, landscape setback areas, or public art features.

c. Areas that shall not count as Open Space are as follows:

(1) Public rights-of-way, dedicated streets and alleys, vehicular drives, parking, loading, and storage areas, and any other space that does not contribute to the quality of the development;

(2) Concrete or rock-lined areas designated primarily for the conveyance of stormwater;

(3) Utility corridor easements, unless substantially improved with landscaping to make the area aesthetically appealing. Only that proportion substantially improved shall be counted as Open Space. Substantially improved shall include any of the improvements contemplated in Section 604.E.2.b above or any other improvements deemed substantial by the Zoning Administrator or his designee.

F. Architectural Design

INCOMPLETE

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 Areas and Adjacent Rights-of-way

1. Open Space areas shall be identified and reserved as tracts on a plat, or as easements when no plat is necessary. Maintenance of these areas shall be provided for by an Owners Association.

2. A statement shall also be placed on the approved site plan or plat, as appropriate, stating that landscaping in adjacent rights-of-way areas shall be maintained by the 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.
   5. Unless otherwise required by a Development Agreement approved by City Council, all perimeter and off-site improvements to be completed during the first phase of development, with the exception of local streets outside the first phase boundary line.

3. Open Space and Amenities. Location and acreage of 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.

202 Compatibility to the General Plan

The table below assigns the Residential Districts to the appropriate land use designation of the General Plan, according to the intents, goals and policies of the General Plan.

General Plan Designation	Residential Zoning District Allowed(s)
Rural Low Density Residential	AG, RR-43
Low Density Residential	R1-35, RR-18, R1-15
Medium Density Residential	R1-8, R-2
Medium High Density Residential	R1-6, R1-5, R-2, R-3
High Density Residential	R-2, R-3, MH
Multi-Family Residential	R-2, R-3, R-4

205 Development Standards for the Residential Districts

A. Single Family Districts

The following table provides the minimum development standards within the specified zoning district.

District	AG	RR-43	R1-35	RR-18	R1-15	R1-8	R1-6	R1-5
Min. net site area (square feet)	5 ac.	43,000	35,000	18,000	15,000	8,000	6,000	5,000
Minimum lot width	200′	150′	140′	120′	115′	80′	60′	50′
Minimum lot depth	200′	N/A	175′	150′	120′	100′*	100′*	100′*
Maximum height	30′	30′	30′	30′	30′	30′	30′	30′
Maximum building coverage	15%	15%	15%	30%	20%	40%	40%	45%
Min. yard setbacks: Front yard	40′**	40′**	40′**	25′**	25~~35~~′**	20~~25~~′**	20′**	20′**
Minimum total both side yards	40′	40′	40′	30′	30′	13~~8~~′	13~~8~~′	13~~8~~′
Minimum side yard	20′	20′	20′	15′	15′	5~~8~~′	5~~8~~′	5~~8~~′/0′#
Rear yard	40′	35′	35′	30′	30′	20′	15′	15′
Street side yard	40′	25′	25′	20′	20′	10′	10′	10′

* Adjacent to a freeway or arterial street, all reverse frontage lot shall have a depth of one-hundred and five (105) feet.

** Minimum front yard setbacks may be reduced by five (5) feet when providing a side-entry garage for a third car.

Zero lot line development is allowed, providing minimum separation between buildings shall be ten (10) feet.

B. Multiple Family District
The following table provides the minimum development standards within the specified zoning district.

District	R-2	R-3	R-4
Minimum lot area/unit (square feet)	5,445	3,000	1,980
Minimum lot width	60'	60'	60'
Minimum lot depth	100'	100'	100'
Maximum height	30'	30'	30'
Maximum bldg. coverage	45%	45%	45%
Minimum setbacks: Front Yard	20'	25'	25'
Side Yard	15'*	15'*	15'*
Rear Yard	15'	15'	15'
Street Side	20'**	20'	20'

* Zero (0) feet for lots with common walls; fifteen (15) feet for lots with no common walls.
** May be reduced to ten (10) feet in the case of single-family attached or detached units.

206 Design Standards

A. Single Family Districts

1. Design Manuals. The Design Manuals adopted by City Council and maintained by the Zoning Administrator or designee shall serve as guidelines for site and architectural design in all districts.

B. Multiple Family Districts

1. Design Manuals. The Design Manuals adopted by City Council and maintained by the Zoning Administrator or designee shall serve as guidelines for site and architectural design in all districts.

2. Open Space

Open Space that is attractive shall be an integral part of a multiple family development. Open Space shall be provided in an amount comparable to the size of the development.

a. A minimum of fifteen ~~twenty~~ (15~~20~~) percent of the net development shall be provided as Usable Active Open Space. Open Space areas shall be the central focus of the development. To the extent possible, ~~O~~open space should link recreation facilities with the dwellings and be uninterrupted by vehicular circulation or parking areas.

b. Regulations for provision of Open Space shall are provided by Section 604.E of this Zoning Ordinance

c. Stormwater detention basins shall not occupy more than fifty (50) percent of any landscaped area fronting on a public street. Where slopes do not exceed 10-to-1 and exceptional design is exhibited through contouring and landscaping, as determined by the Zoning Administrator or designee, a greater use of the frontage landscaped area may be allowed.

4. Relationship of Project to Surrounding Uses

Particular sensitivity shall be displayed to the relationship between a multi-family project and adjacent residential uses of lesser density to minimize the impact on those less-dense areas.

a. Multi-family buildings two (2) stories in height, or greater, shall not be placed within seventy-five (75) feet of a single-family residential area or zoning district.

b. Individual design situations may dictate additional conditions or considerations to minimize the impact of a multi-family development on adjacent residential uses through the imposition of one or more of the following design considerations:
(1) Use of one-story buildings;
(2) Additional landscaping to serve as buffer area;
(3) Wider setbacks from property line;
(4) Modifying the orientation of buildings;
(5) Modifying the orientation of windows and balconies;
(6) Providing screen walls.

c. Common recreation facilities in a project shall be located to minimize the intrusion of noise into adjacent residential area.

d. Pedestrian and visual linkages shall be made between a project and off-site amenities.

e. The project shall be designed to minimize negative traffic impacts on the surrounding uses.

207 Platted Residential Developments

The intent of these standards is to establish a minimum level of environmental quality within Avondale as well as a consistent method of evaluating new projects. In the event of conflict between the provisions of this Section and Section G, "Yard, Height, Area, and Density Requirements", the provisions of this Section shall supercede.

A. Standards for all Single-Family Residential Subdivisions

1. Subject to the Design Manuals adopted by City Council and maintained by the Zoning Administrator or designee.

2. A variety of different lot sizes are encouraged to be provided in developments of more than one hundred ~~twenty-five~~ (100~~25~~) lots. A minimum of twenty-five (25) percent of the lots shall be of a different size.

. . .

11. A landscaping package for each lot shall be provided by the builder/developer consisting of a minimum of two (2) trees with a minimum height of eight (8) feet and a caliper of two (2) inches measured at twelve (12) inches ~~four (4)~~ above abutting grade per unit to be planted along the street frontage.

From: Brett Heron [Brett@Evergreendev.com]
Sent: Thursday, July 24, 2008 2:51 PM
To: Eric Morgan
Cc: Matt Butcher
Subject: RE: DRAFT Section 2 Residential Districts

Eric,

Thanks for the opportunity to comment on these. The following are a few suggested changes:

In the General Plan table on Page 3, I think there can be some duplication in which zone districts are permitted in each GP category. For example, I think R1-35 can go in Rural Low Density Residential as well as Low Density Residential. R1-8 should work in Low density Residential and Medium density residential. R1-6 should work in medium density residential and medium high density residential.

I see that detached guesthouses require a conditional use permit. Is there a way to provide an exception so that if they are consturcted with the initial construction of the house, no CUP is needed?

In the single family development standards table on Page 18, I think the minimum lot widths and depths should be adjusted in the R1-15 and R1-18 categories. At these lot sizes an 8,000 s.f. lot is usually platted at 70' x 115' (a little narrower and a little deeper than the 80' x 100' shown). In the R1-15 range, I think a 100 x 150 miminim standard is more appropriate.

In Section 207A on page 24, I think the min number of lots should be higher than 25. Most builders need to be able to build a minimum of 80 lots of one type to get the economies of scale to build a model complex. I would suggest that 207(A)(2) be re-written to read:

"A variety of lot sizes are encouraged to be provided in developments of more than eighty (80) lots. In subdivisions of more than 80 lots, a minimum of twenty-five (25) percent of the lots shall be a different size."

Let me know if you need any clarification on these comments.

Thanks,

Brett

From: Eric Morgan [mailto:emorgan@avondale.org]
Sent: Wed 7/9/2008 8:00 AM
To: Shaine T. Alleman; dcj@tblaw.com; searl@ECLLAW.com; Adrian Williamson; Hilary Marshall; Myra Irizarry; Brett Heron; Matt Butcher; dennis@efmooreco.com; dmount@insightland.com; bgiocomo@cox.net; Lolesak@houseofelliott.com; damiannunez@cox.net
Subject: DRAFT Section 2 Residential Districts

Everyone,

Attached is the latest draft of Section 2, Residential Districts, of the Zoning Ordinance proposed to be amended by staff. It may not incorporate all comments received in the last month due to concentration on getting the amendment to Section 4 Industrial Districts to Council.

Please take this opportunity to review and comment on the proposed DRAFT of Section 2. Comments are due by the end of July. Staff envisions then taking the comments and revising the draft again, and re-distributing it internally and externally. The TENTATIVE schedule for adoption of this amendment is Planning Commission September 18 and City Council October 20.

Please email written comments to me directly.

With regards,

ERIC MORGAN, PLANNER II
PLANNING DIVISION
DEVELOPMENT SERVICES DEPARTMENT
11465 WEST CIVIC CENTER DRIVE, SUITE 110
CITY OF AVONDALE, ARIZONA 85323-6804
EMORGAN@AVONDALE.ORG
(623) 333-4017

Beginning June 2, our new City Hall hours are designed to serve you better and help the environment! Extended hours Monday through Thursday:

From: Myra Irizarry [irizarrym@hbaca.org]
Sent: Monday, August 04, 2008 10:12 AM
To: Eric Morgan
Subject: Draft Section 2 Residential

Hi Eric-

Here are a few more comments I received....

Section 205 A. Single Family Districts (page 17) – The minimum development standards seem a bit to aggressive and illogical. For example, the R1-5 district requires minimum lots of 5,000 sq. ft., minimum lot width of 50' and side yard setbacks in the aggregate of 18'. In order to accomplish this, a home builder would have to design, engineer and construct a 32' wide product; something not typical in the industry. A more practical application and standard for the R1-5 district would be minimum lot requirements of 4,500 sq. ft., lot width 45' and side yard setbacks in the aggregate of 10'. This would also be consistent with the City allowing zero lot lines as long as the building were separated by 10' or more.

The same argument could also be made to the R1-8 and R1-6 district. There they are asking for minimum lots sizes of 8,000 and 6,000 square feet respectively with lot widths of 80' and 60' respectively.

R1-8 – By reducing the lot width from 80' to 75', increasing the lot depth from 100' to 110', and having aggregate setbacks of 20', they would have a minimum lot size of 8,250. Those dimensions seem more in-line with the product found in the building industry and in particular would accommodate the common 55' wide product. Using the City proposed 80' wide X 100' deep lot with 18' of aggregate side yard setbacks, the product accommodated would be 62' wide; not something commonly found in the industry. Further more, a 100' deep lot does not provide much of a backyard by the times the front and rear setbacks are taken into account.

R1-6 – By reducing the side yard setbacks from 18' in the aggregate to 10' in the aggregate, more variety in building product could be offered: 40', 45' and 50' wide product. Zero lot lines should also be offered in this district under the same standard as in the R1-5 district. By doing so, the home owner would have a more usable side yard and back yard area.

Section 205 B. (Page 18) I don't understand their reference to minimum lot width and depth of 60' wide X 100' deep in the R-2, R-3 and R-4 district. These are higher density single family and multifamily designations. The R-2 district is intended to accommodate a higher density single family detached product. Accordingly, having the same lot width and lot depth as the R1-5 district is non-sense and illogical primarily due to the fact that a builder would not be able to generate a higher density (even using smaller product) if the lot widths and setback requirements are the same as the R1-5 district. These lots dimensions should be shrunk down to accommodate a 26' wide product like we have in Peoria and Glendale. Ideally, since the Avondale requires fire sprinklers, having a minimum lot width of 36' with zero lot lines permissible and the aggregate of 10'. Lot depth should be reduced from 100' to 70' and bonus development points being awarded for alley loaded parking.

R-3 and R-4 referencing minimum lot width and depth seem illogical as these districts call for multi-family attached product. The development standards in Section 206 B adequately address the restrictions to this kind of product.

In Section 206 B.(2)(c), "front" in the third line should be changed to "fronting". Also, requiring stormwater detentions in landscaped setback areas fronting public streets be limited to a maximum 50% of the landscaped area is troublesome. If the developer cannot have retention basins account for part of the "Active Open Space" and can't use a greater percentage of the street side landscape area, the amount of open space in the communities will be excessive, expensive to maintain for the homeowners, and bring into question whether or not the densities proposed within the various districts can even be achieved. The stowmwater retention percentage should be increased to 75%.

Section 207 A.(7) while diversity of housing product is a good thing, setting the minimum floor at what is typically offered in the market place seems greedy on the City's part and unnecessary. Most builders already offer four to five plans and two to three elevations per plan in most municipalities. I would like to see the floor being set at a minimum of four plans and two elevations per plan. As we experienced, some plans designed are not well received in the marketplace or are costly to build (discovered after the fact) which later requires not offering those plans. Having the floor set lower allows flexibility and changes to be made before a community comes on-line.

Section 207 A.(8) (Page 26) we as an industry should have a major problem with this provision. It is very

impractical to impose place restrictions on what product plans are permitted to be next to one another. Buyer demand determines what product gets built and having a restriction that no two plans can be placed next to or across from each other defies consumer demand. Additionally, changing from one elevation to another of the same plan does not always guarantee that the roof lines will be different. In many cases, the rooflines are the same on some differing elevations and the only changes are roof materials, stucco/siding, windows, ornamental iron, stone, etc. In paragraph (c), there is a typographical error "one (10)" should read "one (1)".

Section 207 A.(10)(a) (Page 27) with regard to solar collectors requiring a high angle of installation what vantage point must the collector's be fully screened from? Also, what is the definition of "high angle of installation"? In paragraph (c) instead on "all piping and wiring" for solar and A/C Units not being visible from neighboring properties it should be that if they are visible from neighboring properties or streets they are treated to blend in with the house they service. This can be done via paint or screening via plants and trees. It is not practical for all piping and wiring to be internal to the house.

Myra Irizarry - Municipal Affairs
Home Builders Association of Central Arizona
7720 North 16th Street, Suite 310
Phoenix, AZ 85020
602.274.6545

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From: Brett Heron [brett.heron@evergreendev.com]
Sent: Tuesday, November 25, 2008 9:35 AM
To: Eric Morgan
Subject: RE: Section 2 Residential Districts - Avondale Zoning Ordinance
Eric,

Thank you for incorporating some of my prior comments into the current draft.

My main concerns are related to the development standards in the first table in Section 207(A).

The minimum widths and depths for the R1-8 zone don't really match up to the types of dimensions that people look for in a lot. For example, with an 8,000 minimum lot, you typically see a lot with a 70 x 115 because people buying that size of lot want a larger backyard. By requiring an 80' minimum width, you will essentially require a 9200 s.f. minimum lot size (80 x 115) which I don't believe is the intent of the R1-8 district.

There also seems to be a big jump from the R1-8 to the R1-15 districts, then a pretty small jump to the R1-18 district. I think that it is more appropriate to have a R1-12 district than a R1-15 district. The same comments regarding depths and widths would apply here too.

In light of those concerns, my suggestion is to replace the R1-15 district with an R1-12 district and revise the standards as follows:

R1-8: Min width, 70'; min depth 115'
R1-12: Min area, 12,000 s.f.; Min width 90'; min depth 135'

Thank you for the opportunity to provide this feedback.

Regards,

Brett

-----Original Message-----
From: Eric Morgan [mailto:emorgan@avondale.org]
Sent: Wednesday, November 12, 2008 11:17 AM
To: Shaine T. Alleman; dcj@tblaw.com; Stephen Earl; Adrian Williamson; HMarshall@vjproperties.com; Brockr@hbaca.org; Brett Heron; Matt Butcher; Dennis Mitchem; dmount@insightland.com; bgiocomo@cox.net; tblake@journey-land.com; Lolesak@houseofelliott.com; damiannunez@cox.net
Subject: Section 2 Residential Districts - Avondale Zoning Ordinance

Everyone,

Attached is the proposed amendment of Section 2, Residential Districts, of the Zoning Ordinance. There is a clean copy (the proposed amended section) and two strike-thru & underline portions -- one for just the permitted and conditional uses, and the other for the remainder of the ordinance.

This is scheduled to go before City Council for a work session Monday November 17, 2008 (along with Section 6 Planned Area Development [PAD] Districts).

Both Section 2 and 6 are scheduled to proceed to Planning Commission on December 18, 2008 together, and City Council January 19, 2008.

Public comment on Section 2 is encouraged. Please provide written comments to me at this email address.

PLEASE PROVIDE COMMENTS NO LATER THAN MONDAY DECEMBER 1, 2008.

ERIC MORGAN, PLANNER II
PLANNING DIVISION
DEVELOPMENT SERVICES DEPARTMENT
11465 WEST CIVIC CENTER DRIVE, SUITE 110
CITY OF AVONDALE, ARIZONA 85323-6804
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SECTION 2
RESIDENTIAL DISTRICTS

201 Purpose
202 Land Use Matrices
203 Uses Permitted With Conditions
204 Uses Permitted With a Conditional Use Permit
205 Development Standards
206 Design Standards
207 MH Manufactured Home Park District

201 Purpose

The residential districts are designed to promote high quality neighborhoods that have a distinct character, superior aesthetics, desirable amenities, open space and landscaping to meet the needs and expectations of the City's residents. The Districts range from low to high density, with distinct lists of allowed uses, development regulations, and design requirements. These regulations are intended to further the intent and policies of the City's General Plan and to promote the health, safety and welfare of the City's citizens and visitors.

The residential districts are grouped into six (6)categories, each with a specific purpose, as follows:

A. **Agricultural** - Agricultural(AG) Zoning District. The purpose of the Agricultural (AG) zoning district is to allow agricultural, ranching and related uses within the City. The District also serves as a holding zoning for land until suitable for rezoning and development.

B. **Rural Residential** - RR-43 and RR-18 Zoning Districts. The purpose of the RR-43 zoning district is to encourage and preserve low-density residential developments with low intensity agricultural operations in a growing area. The purpose of the RR-18 district is to encourage single family residential uses and provide a semi-rural character that includes the keeping of farm animals. The intent of the district is to provide an appropriate buffer between urban and agricultural lifestyles with livestock and animal provisions while fostering orderly growth and limiting nonresidential land uses to maintain a rural residential character.

C. **Suburban Residential** - R1-35 and R1-15 Zoning Districts. The purpose of these districts is to provide low-density,

estate-type residential uses. The districts serve as a transition between agricultural uses and urban development.

D. **Urban Residential** - R1-8, R1-6, and R1-5 Zoning Districts. The purpose of these districts is to provide a variety of single family detached residential dwelling types at an urban density.

E. **Multiple Family Residential** - R-2, R-3 and R-4 Zoning Districts.

1. The R-2 Zoning District is intended to provide a transition from single family residential neighborhoods to a mixture of higher intensity land uses. Properties in this district are intended to be developed as single family detached and attached, townhomes and patio homes.

2. The R-3 Zoning District is intended to provide for townhome, condominium and apartment uses.

3. The R-4 Zoning District is intended to be located near high activity commercial areas of the City, and providing for high intensity townhome, condominium, apartment, loft apartment and mixed uses.

F. **Manufactured Home Park** - MH Zoning District. The purpose of the MH zoning district is to provide an alternative living style and dwelling type to conventional single-family and multi-family housing. Standards contained herein are designed to afford adequate separation of manufactured home units, screening, and open space in order to enhance the park environment.

202 Land Use Matrices

The following land use matrices shows the uses, which are permitted outright (P), permitted with a conditional use permit (C), permitted with conditions (PC), permitted as accessory uses (A) or prohibited (-) in specific residential 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.

A. Single Family Districts

Land Use Matrix

LAND USE	AG	RR-43	RR-18	R1-35	R1-15	R1-8	R1-6	R1-5
Accessory uses and buildings, agricultural	P	-	-	-	-	-	-	-
Accessory uses and buildings, rural residential	P	P	P	-	-	-	-	-
Accessory uses and buildings, suburban & urban residential	P	P	P	P	P	P	P	P
Apiary	PC	PC	-	-	-	-	-	-
Bed and breakfast inn	-	C	-	C	-	-	-	-
Child care in the home for four (4) or fewer children not related to the residents	P	P	P	P	P	P	P	P
Child care in the home for five (5) to ten (10) children not related to the residents	C	C	C	C	C	C	C	C
Child Care Center in conjunction with a Place of Worship	C	C	C	C	C	C	C	C
Dairy farm	PC	-	-	-	-	-	-	-
Farm animals, the raising and keeping of	P	PC	PC	PC	-	-	-	-
Farming, including all types of agriculture and horticulture	P	P	-	-	-	-	-	-
Feed lot for cattle	PC	-	-	-	-	-	-	-
Greenhouse, for propagation, cultivation, retail, and wholesale distribution of plants sold on premises	P	P	-	-	-	-	-	-
Group Home for Persons with a Disability	PC	PC	PC	PC	PC	PC	PC	PC
Guest house	PC	PC	PC	C	C	-	-	-
Home Occupation	PC	PC	PC	PC	PC	PC	PC	PC
Kennel for boarding and breeding dogs and cats with dog runs	C	C	-	-	-	-	-	-
Nursery for plants, for propagation, cultivation, retail, and wholesale distribution of plants sold on premises	P	P	-	-	-	-	-	-
Park and recreation areas, public	P	P	P	P	P	P	P	P
Place of Worship	C	C	C	C	C	C	C	C
Public utility facility required for local service	PC	PC	PC	PC	PC	PC	PC	PC
Public utility facility with the exception of those allowed as a Use Permitted with Conditions above	C	C	C	C	C	C	C	C
Ranch for horses, commercial and guest	P	C	-	-	-	-	-	-
Retailing farm products produced on the premises	P	P	-	-	-	-	-	-
School, private	-	C	C	C	C	C	C	C
School, public	P	P	P	P	P	P	P	P
Single-family detached dwelling	P	P	P	P	P	P	P	P
Stable for horses, commercial	P	C	-	-	-	-	-	-
Wholesaling farm products produced on the premises	P	-	-	-	-	-	-	-

P = Permitted Use
C = Conditional Use Permit required.
PC = Permitted with Conditions
A = Accessory Use
- = Not Permitted

B. Multiple Family Districts and Manufactured Home Park

Land Use Matrix

LAND USE	R-2	R-3	R-4	MH
Accessory uses and buildings, manufactured home park	-	-	-	P
Accessory uses and buildings, multiple family	P	P	P	-
Assisted Living Facility	C	C	C	-
Boarding House	C	C	C	-
Child care in the home for four (4) or fewer children not related to the residents	P	P	P	-
Child care in the home for five (5) to ten (10) children not related to the residents	C	C	C	-
Child Care Center in conjunction with a Place of Worship	C	C	C	C
Convalescent Home	C	C	C	-
Group Home for Persons with a Disability	PC	PC	PC	PC
Group Recovery Home	C	C	C	-
Home Occupation	PC	PC	PC	PC
Manufactured or Mobile Home	-	-	-	P
Multi-family dwelling	-	P	P	-
Nursing Home	C	C	C	-
Park and recreation areas, public	P	P	P	-
Place of Worship	C	C	C	C
Public utility facility required for local service	PC	PC	PC	-
Public utility facility with the exception of those allowed as a Use Permitted with Conditions above	C	C	C	-
School, public	P	P	P	-
Single-family attached dwelling	P	P	P	-
Single-family detached dwelling	P	P	-	-

P = Permitted Use
C = Conditional Use Permit required.
PC = Permitted with Conditions
A = Accessory Use
- = Not Permitted

203 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. **Apiary** is allowed in certain residential zoning districts provided that:

1. In the AG District, hives shall have a minimum separation of two-hundred (200) feet from any adjacent residences.

2. In the RR-43 District, hives shall have a minimum separation of seventy-five (75) feet from any adjacent residence.

B. **Dairy Farm** is allowed in certain residential zoning districts provided that the minimum site are is forty (40) acres.

C. **Farm Animals, raising and keeping** is allowed in certain residential zoning districts provided the following:

1. In the RR-43 District:

a. The keeping of livestock such as cattle and horses shall be allowed at a ratio of one (1) animal per 21,780 square feet of lot area.

b. Small livestock such as goats and sheep shall be allowed at a ratio of two (2) animals per 21,780 square feet of lot area.

c. No more than two (2) swine per lot shall be allowed, excluding potbelly pigs.

d. Farm animals under the age of six (6) months shall not be limited to an animal per square footage ratio.

e. Structures for fowl shall not be located closer than seventy-five (75) feet to any neighboring residence.

2. In the RR-18 District:

   a. All farm animals shall be contained on the property by an effective enclosure and shall not be allowed to run at large.

   b. The property shall be maintained so that it does not create or contribute to a health nuisance caused by the presence of flies, mosquitoes or other vermin; objectionable odors or dust; ponded water or water runoff; the accumulation of manure, garbage, refuse, or other obnoxious or putrescible material; or similar conditions.

3. In the R1-35 District:

   a. Per the RR-43 District above with the exception of "e." Fowl shall not be allowed.

D. **Feed Lot for cattle** is allowed in certain residential zoning districts provided that the minimum site are is forty (40) acres.

E. **Group Home for Persons with a Disability** is allowed in certain residential zoning districts provided that:

1. The purpose of these regulations is to allow persons with a disability to reside in residential neighborhoods in compliance with the Federal and State Fair Housing Acts, while preserving the residential character of the community.

2. All group homes shall be registered with the City.

   a. A completed registration form shall be submitted to the Zoning Administrator or designee.

   b. Any registration that does not meet the minimum standards of the Zoning Ordinance shall not be approved.

   c. Registration does not become effective until after a Certificate of Occupancy is issued for the group home.

d. Registration shall terminate when the group home use ceases.

3. All group homes shall be required to meet the following standards:

a. The minimum separation between group homes shall be one thousand three hundred (1,320) feet, measured in a straight line from the nearest property line.

b. The number of residents shall not exceed ten (10). This does not include staff.

c. Group homes shall comply with all applicable Building and Fire Safety regulations. These regulations may vary depending on the number of residents. The regulations for group homes with one or more non-ambulatory residents may also be different than those for group homes without non-ambulatory residents.

d. Group homes shall comply with all applicable licensing and certification requirements of other government agencies.

e. Parking for the group home shall be provided onsite and comply with the minimum requirements for single-family residences.

f. There shall be no sign or other exterior indication that the property is being used as a group home. This shall not prevent improvements that are necessary for compliance with the Americans With Disabilities Act.

g. A group home shall not house any person whose tenancy would constitute a direct threat to the health or safety of others or result in substantial physical damage to the property of others.

4. Any group home owner who believes a requirement of these requirements prevents the establishment of a group in an economically viable manner shall have the right to submit a request for accommodation to the Zoning Administrator.

a. The request shall be in writing and state the reason why the accommodation is needed. Sufficient facts shall be included to allow the Zoning Administrator to make a site-specific determination of need, assess the potential impact on the residential character of the neighborhood, and ensure that the objectives of the Zoning Ordinance will be met.

b. The Zoning Administrator shall review the request in a timely manner and determine whether an accommodation should be made pursuant to the requirements of the Fair Housing Act; and if so, the nature of the accommodation. Accommodation shall be made only to the extent necessary to comply with the Federal and State Fair Housing Acts.

5. These regulations do no apply to homes for the developmentally disabled as regulated by A.R.S. § 36-582 to the extent that the state preempts local zoning authority.

F. **Guest House** is allowed in certain residential zoning districts provided that:

1. A guest house shall not be rented, leased or sold separately from the principle residence or otherwise used for compensation.

2. A separate address, water meter, utility meter, driveway, or parking area shall not be provided for the guest house.

3. The materials, colors, and architectural style of the guest house shall be similar to the principal residence.

4. The livable floor area of the guest house shall not exceed fifty percent (50%) of the livable floor area of the principal residence.

5. A detached guest house shall meet the location, height, and setback requirements in Section 7 of the Zoning Ordinance.

6. Prior to issuance of a building permit for the guest house, an approved site plan as required by Section 1 of the Zoning Ordinance shall be required.

G. **Home Occupation** is allowed in certain residential zoning districts provided that:

1. The occupation or profession shall be carried on wholly within the dwelling unit or within an approved attached closed building.

2. No one outside of the family residing in the dwelling shall be employed in the home occupation.

3. There shall be no signs, no exterior display no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building.

4. No offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced.

5. Such occupation shall not require internal or external alterations or construction features or equipment or machinery not customary in residential areas.

6. The activity shall not generate traffic beyond that which is normal in its district.

7. Enough space to park two (2) automobiles shall be maintained within the garage(s).

H. **Public utility facility required for local service** is allowed in certain residential zoning districts provided that:

1. It is required for local service.

2. There are no offices, maintenance facilities, outdoor storage, or part-time employees related to the site.

204 Uses Permitted With a Conditional Use Permit

The land uses listed in the land use matrix as being permitted subject to a Conditional Use Permit shall comply with the conditions listed below for the individual use. 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.

A. **Assisted Living Facility** may be permitted in certain residential zoning districts as a conditional use.

B. **Bed and Breakfast Inn** may be permitted as a conditional use in certain residential zoning districts provided that:

1. The Bed and Breakfast Inn shall be owner-occupied. The guest rooms shall be part of the primary residence;

2. No more than four (4) rooms with a maximum of three (3) guests per room shall be allowed for the Bed and Breakfast Inn;

3. The Bed and Breakfast Inn shall not have more than one (1) commercial delivery or outside service in a twenty-four (24) hour period;

4. The conditional use permit is non-transferable and shall be subject to review and may be revoked if the use authorized therein has been exercised in violation of this Section or the approval conditions;

5. Meals shall be served only to overnight guests and residents;

6. No alteration to the exterior or interior of the residential dwelling, accessory building or yard that alters the residential character of the premises shall be permissible;

7. Off-street parking shall be at a rate of one (1) space per room;

8. Except as provided by city code and/or other regulations, no storage of commercial vehicles shall be allowed;

9. The Bed and Breakfast Inn shall not be used for the hosting of receptions, private parties or similar events;

10. A fire escape plan shall be developed and graphically displayed in each guest room. Such plan shall be filed with and approved by the City of Avondale Fire Department; and

11. The Bed and Breakfast Inn shall comply with all other provisions of the zone in which it is located and with all other applicable ordinances, codes or regulations.

C. **Boarding House** may be permitted in certain residential zoning districts as a conditional use.

D. **Child care in the home for five (5) to ten (10) children not related to the residents** may be permitted as a conditional use in certain residential zoning districts provided that:

1. The residential character of the exterior of the structure shall be maintained.

2. Signs related to the home child care shall not be allowed.

3. All required licenses, certifications, and registrations shall be obtained from the appropriate State or County agency prior to issuance of a business license.

4. All requirements of the City of Avondale Building Code, Fire Code, and Zoning Ordinance as amended shall be complied with prior to issuance of a business license.

5. Existing garages, carports, or driveways shall not be expanded, enclosed, or otherwise modified to accommodate this accessory use.

6. All outdoor recreation areas shall be completely enclosed by a six (6) foot high masonry wall with self-closing and self-locking gates.

7. All swimming pools shall be secured by a barrier in conformance with the Arizona State Statutes and International Building Code (IBC), as amended.

8. Notification of the conditional use permit application shall be made to the subject home owners association management prior to the neighborhood meeting.

E. **Child Care Center in conjunction with a Place of Worship** may be permitted as a conditional use in certain residential zoning districts provided that such activities are on the same lot and share joint use of worship facilities. Independent free-standing signs and wall identification signs for the child care center are not allowed.

F. **Convalescent Home** may be permitted in certain residential zoning districts as a conditional use.

G. **Group Recovery Home** may be permitted in certain residential zoning districts as a conditional use.

H. **Guest House** may be permitted as a conditional use in certain residential zoning districts provided that:

1. A guest house shall not be rented, leased or sold separately from the principle residence or otherwise used for compensation.

2. A separate address, water meter, utility meter, driveway, or parking area shall not be provided for the guest house.

3. The materials, colors, and architectural style of the guest house shall be similar to the principal residence.

4. The livable floor area of the guest house shall not exceed fifty percent (50%) of the livable floor area of the principal residence.

5. A detached guest house shall meet the location, height, and setback requirements in Section 7 of the Zoning Ordinance.

6. Prior to issuance of a building permit for the guest house, an approved site plan as required by Section 1 of the Zoning Ordinance shall be required.

I. **Kennel for boarding and breeding dogs and cats with dog runs** may be permitted as a conditional use in certain residential zoning districts provided that such structures are not closer than seventy-five (75) feet to any neighboring residence.

J. **Place of Worship** may be permitted as a conditional use in certain residential zoning districts provided that it is located on an arterial street or at the intersection of two (2) collector streets.

K. **Public utility facility, with the exception of those allowed as a Use Permitted with Conditions above,** may be permitted in certain residential zoning districts as a conditional use.

L. **Ranch for horses, commercial and guest,** may be permitted in certain residential zoning districts as a conditional use.

M. **School, Private** may be permitted as a conditional use in certain residential zoning districts provided that it is located on an arterial street or at the intersection of two (2) collector streets.

N. **Stable for horses, Commercial,** may be permitted in certain residential zoning districts as a conational use.

205 Development Standards

A. **Single Family Districts**
The following table provides the minimum development standards within the specified zoning district:

District	AG	RR-43	R1-35	RR-18	R1-15	R1-8	R1-6	R1-5
Min. net site area (square feet)	5 ac.	43,000	35,000	18,000	15,000	8,000	6,000	5,000
Minimum lot width	200’	150’	140’	120’	115’	80’	60’	50’
Minimum lot depth	200’	N/A	175’	150’	120’	100’*	100’*	100’*
Maximum height	30’	30’	30’	30’	30’	30’	30’	30’
Maximum building coverage	15%	15%	15%	30%	20%	40%	40%	45%
Min. yard setbacks: Front yard	40’**	40’**	40’**	25’**	35’**	25’**	20’**	20’**
Minimum total both side yards	40’	40’	40’	30’	30’	18’	18’	15’
Minimum side yard	20’	20’	20’	15’	15’	8’	8’	5’/0’#
Rear yard	40’	35’	35’	30’	30’	20’	15’	15’
Street side yard	40’	25’	25’	20’	20’	10’	10’	10’

* Adjacent to a freeway or arterial street, all reverse frontage lots shall have a depth of one-hundred and five (105) feet.

** Minimum front yard setbacks may be reduced by five (5) feet when providing a side-entry garage for a third car.

\# Zero lot line development is allowed, providing minimum separation between buildings shall be ten (10) feet.

B. **Multiple Family District**

The following table provides the minimum development standards within the specified zoning district:

District	R-2	R-3	R-4
Minimum lot area/unit (square feet)	5,445	3,000	1,980
Minimum lot width	50′	50′	50′
Minimum lot depth	100′	100′	100′
Maximum height	30′	30′	30′
Maximum bldg. coverage	45%	45%	45%
Minimum setbacks: Front Yard	20′	25′	25′
Side Yard	15′*	15′*	15′*
Rear Yard	15′	15′	15′
Street Side	20′**	20′	20′

* Zero (0) feet for lots with common walls; fifteen (15) feet for lots with no common walls.

** May be reduced to ten (10) feet in the case of single-family attached or detached units.

1. Single-family detached residential homes constructed within the Multiple Family Districts shall comply with the R1-6 development standards of the Zoning Ordinance.

206 Design Standards

A. Single Family - Residential Subdivision Developments

The intent of these standards is to establish a level of environmental quality within Avondale as well as a consistent method of evaluating new projects. In the event of conflict between the provisions of this Section and Section 205, Development Standards, the provisions of this Section shall supersede.

1. Design Manuals. The Design Manuals adopted by City Council and maintained by the Zoning Administrator or designee shall serve as guidelines for site and architectural design in all districts.

2. A variety of lot sizes are encouraged to be provided in developments of more than eighty (80) lots. In subdivision of more than eighty (80) lots, a minimum of twenty-five (25) percent of the lots shall be a different size.

3. Creation of neighborhoods by lot layout, shared development standards, shared architectural themes, open space, walls and landscaping is required.

4. Garages and Parking:

    a. Each home shall have a two-car garage on the same lot;

    b. The two-car garage shall have a minimum parking area of twenty (20) feet by twenty (20) feet; and

    c. Outside of a garage or carport, vehicles shall be required to park on a paved parking surface composed of concrete, pavers or brick. The paved parking surface shall be located within the front yard and shall be abutting and contiguous to the driveway. The driveway and paved parking surface combined shall not exceed fifty (50) percent of the lot width measured at front setback. On corner lots, paved parking areas may occupy the side yard, and shall not exceed twenty-five (25) percent of the lot length.

5. No adjacent home or home directly across the street shall have the same elevation or roofline. The roofline may be changed by the following options:

    a. Alternating the ridgeline from parallel to perpendicular, or vice versa, to the street.

    b. Alternating the roofline between flat and pitched.

    c. Alternating the roofline between vaults and pitches.

    d. Alternating between one (1) and two (2) story home.

6. Frontages abutting a freeway, arterial or collector street shall not contain more than two (2) houses in succession that exceed one-story height.

7. Below are the minimum standards required for solar water heating:

   a. No preheat, tempering, or holding water tanks shall be located on the roof or side the structure. Heating/air conditioning units shall be ground mounted on a concrete pad.

   b. All wiring and piping for solar water heaters and air conditioning units shall be installed as to not be visible from neighboring properties or the street.

8. A landscaping package for each lot shall be provided by the builder/developer consisting of a minimum of two (2) trees with a minimum height of eight (8) feet and a caliper of two (2) inches measured at four (4) above abutting grade per unit to be planted along the street frontage.

B. Multiple Family Districts

1. **Design Manuals.** The Design Manuals adopted by City Council and maintained by the Zoning Administrator or designee shall serve as guidelines for site and architectural design in all districts.

2. **Open Space**
   Open Space that is attractive shall be an integral part of a multiple family development. Open Space shall be provided in an amount comparable to the size of the development, subject to the Multi-family design manual.

   a. Open Space areas shall be the central focus of the development. Open space should link recreation facilities with the dwellings and be uninterrupted by vehicular circulation or parking areas.

   b. Regulations for provision of Open Space shall be provided by Section 6 of this Zoning Ordinance.

c. Stormwater detention basins shall not occupy more than fifty (50) percent of any landscaped area front on a public street. Where slopes do not exceed 10-to-1 and exceptional design is exhibited through contouring and landscaping, as determined by the Zoning Administrator or designee, a greater use of the frontage landscaped area may be allowed.

d. Required yards and landscaped setback areas fronting on a public street shall be entirely landscaped except for necessary driveways and walkways. Parking is not permitted within the required setback area.

e. Private outdoor space shall be provided in the form of patios or balconies with a minimum size of eighty (80) square feet per unit.

3. Building Separation

a. The minimum separation between the principal entrance or exit of a multi-family building and any other building shall be as follows:

Building Height	Minimum Separation
1 story	20 feet
2 story	30 feet

b. The minimum separation between buildings on a multi-family site shall be fifteen (15) feet.

4. Relationship of Project to Surrounding Uses

Particular sensitivity shall be displayed to the relationship between a multi-family project and adjacent residential uses of lesser density to minimize the impact on those less-dense areas.

a. Multi-family buildings two (2) stories or greater in height shall not be placed within seventy-five (75) feet of a single-family residential area or zoning district.

b. Individual design situations may dictate additional conditions or considerations to minimize the impact of a multi-family development on adjacent residential uses through

the imposition of one or more of the following design considerations:

(1) Use of one-story buildings;

(2) Additional landscaping to serve as buffer area;

(3) Wider setbacks from property line;

(4) Modifying the orientation of buildings;

(5) Modifying the orientation of windows and balconies;

(6) Providing screen walls.

c. Common recreation facilities in a project shall be located to minimize the intrusion of noise into adjacent residential area.

d. Pedestrian and visual linkages shall be made between a project and off-site amenities.

e. The project shall be designed to minimize negative traffic impacts on the surrounding uses.

5. Landscaping

a. Common and open space areas along public street frontages shall receive special landscaping treatment to provide a lush setting for both the residents of the project and the general public. The following standards shall apply to landscaping of public street frontages:

(1) Special entry features shall be provided at major entrances into a project to provide a sense of identification and uniqueness; and

(2) Walls, planters, and earth berms shall be provided in the front yard to add variety to the landscape and to increase privacy for the residents.

b. Foundation plantings shall be utilized to complement building elevations, provide shade, and increase privacy. A minimum of fifty (50) percent of building frontage facing public streets or drive aisles shall have foundation plantings. Foundation plantings shall utilize a variety of plant sizes, not only small plantings.

6. Parking

a. All parking lots shall be screened from public streets by masonry walls or earth berms or combination thereof to a height of at least three (3) feet above the grade of the parking lot or adjacent street, whichever is higher in elevation. Such walls shall be designed and colored to match the main buildings on the site and provided architectural features throughout.

b. A minimum of one (1) covered parking space per unit shall be provided.

c. Garage parking shall be provided for a minimum of twenty-five (25) percent of parking, excluding visitor parking, in apartment developments with one-hundred (100) or more dwelling units. Single-family attached, townhomes and condominiums shall provide a garage at a ratio of one per dwelling unit the same as a single-family detached dwelling unit.

207 Manufactured Home Park (MH) District

A. Permitted Uses

See 203 Land Use Matrix for Permitted Uses and Permitted Uses with Conditions in the MH zoning district.

B. Conditional Uses

See 204 Land Use Matrix for uses permitted with a Conditional Use Permit.

C. Development Standards

The following are minimum development standards within the MH zoning district:

1. The minimum size of a manufactured home park shall be ten (10) acres.

2. The maximum number of manufactured home spaces or units per acre shall be seven (7).

3. The minimum width of manufactured home rental spaces shall be fifty (50) feet with a minimum length of seventy (70) feet.

4. The minimum width of private driveways or accessways within the park shall be twenty-four (24) feet. Each unit shall have access to a private driveway or accessway connected to a public street.

5. The minimum space between manufactured homes shall be twenty (20) feet. This dimension may be reduced to ten (10) feet between awnings or canopies.

6. No manufactured home shall be closer than eight (8) feet to a private driveway.

7. A minimum of fifteen (15) percent of the site shall be devoted to open space for all residents, excluding streets and private driveways, parking and storage areas, or required setbacks at the exterior boundaries of the site.

8. The maximum height of any building or manufactured home shall be thirty (30) feet.

9. All electric power lines, telephone lines, cable TV lines and similar utilities shall be placed underground.

10. No manufactured home shall be located closer than fifteen (15) feet to the perimeter of the park. Where the perimeter of the park adjoins a public street, the setback shall be twenty-five (25) feet. Within this setback area, trees with a minimum height of eight (8) feet and a caliper of two (2) inches measured at four (4) feet above abutting grade shall be planted every 20 feet on center.

11. A minimum six (6) foot and maximum eight (8) foot decorative wall shall be constructed around the perimeter of the park. Where said wall fronts onto

a public street, the wall shall be constructed of slump block, brick or masonry with a stucco finish.

12. Any part of the manufactured home park fronting on a public street shall meet the screening and landscaping requirements for single-family residential subdivisions.

13. All new manufactured home parks or expansions of existing manufactured home parks shall be subject to Site Plan Review in accordance with Section 1 of the Zoning Ordinance.

D. Design Standards

1. All areas not covered by structures or paving shall be landscaped.

2. Each manufactured home shall be skirted to screen wheels and undercarriage.

E. A manufactured home shall be considered a single-family residence if it meets the following conditions:

1. The manufactured home to be installed shall be manufactured or constructed to meet Federal Manufactured Home Construction and Safety Standards (42 U.S.C. Sec. 5403).

2. The exterior shall have wood siding or stucco finish.

3. The roof shall be shingle or tile with an overhang of at least six (6) inches.

4. Shall be installed on a permanent block foundation or ground mount.

5. The driveway shall be paved.

6. Site layout shall meet the setback requirements of the zoning district.

7. A two (2) care garage, attached or detached, is required, per Section 208.A.4.

SECTION 2
RESIDENTIAL DISTRICTS

201 Purpose
202 ~~Single-Family Residential Districts~~ **Land Use Matrices**
~~203 Multi-Family Residential Districts~~ **Uses Permitted With Conditions**
204 Uses Permitted with a Conditional Use Permit
205 Development Standards
206 Design Standards
~~204~~ **207** ~~R-5~~ **MH** ~~(Mobile~~ **Manufactured** Home Park~~)~~ District~~s~~
~~205 RR-43 Rural Residential District~~

201 Purpose

The Residential Districts are designed to ~~provide~~ **promote** high quality neighborhood**s** ~~areas~~ **that have a distinct character, superior aesthetics, desirable amenities, open space and landscaping to** meet the ~~varying lifestyles~~ **needs and expectations** of the City's residents. The zoning classifications range from low to high density and include rural-agricultural, single-family, and multi-family uses. The variety of residential districts is intended to respond to the plans and policies of the City's General Plan.

The residential districts are grouped into ~~three~~ **six (6)** categories**, each with a specific purpose, as follows**:

A. ~~Single-Family Districts comprised of the Agricultural, R1-35, R1-15, R1-8, R1-6, and R1-5 categories~~; **Agricultural-(AG) Zoning District. The purpose of the Agricultural (AG) zoning district is to allow agricultural, ranching and related uses within the City. The District also serves as a holding zone for land until suitable for rezoning and development.**

B. ~~Multi-Family Districts comprised of the R-2, R-3, and R-4 categories~~; **Rural Residential- RR-43 and RR-18 Zoning Districts. The purpose of RR-43 zoning district is to encourage and preserve low-density residential developments with low intensity agricultural operations in a growing area. The purpose of RR-18 district is to encourage single family residential uses and provide a semi-rural character that includes the keeping of farm animals. The intent of the district is to provide an appropriate buffer between urban and agricultural lifestyles with livestock and animal provisions while fostering orderly growth and limiting nonresidential land uses to maintain a rural residential character.**

C. ~~Mobile Home Park District comprised of the R-5 category.~~ **Suburban Residential – R1-35 and R1-15 Zoning Districts. The purpose of these districts is to provide low-density, estate-type residential uses. The district serves as a transition between agricultural uses and urban development.**

D. ~~Rural Residential Districts comprised of the RR-43 category.~~ **Urban Residential – R1-8, R1-6, and R1-5 Zoning Districts. The purpose of these districts is to provide a variety of single-family detached residential dwelling types at an urban density.**

E. Multiple-Family Residential – R-2, R-3 and R-4 Zoning Districts.

1. The R-2 Zoning District is intended to provide a transition from single family residential neighborhoods to a mixture of higher intensity land uses. Properties in this district are intended to be developed as single-family detached and attached, townhomes and patio homes.

2. The R-3 Zoning District is intended to provide for townhome, condominium, and apartment uses.

3. The R-4 Zoning District is intended to be located near high activity commercial areas of the City, and providing high intensity townhome, condominium, apartment, loft apartment and mixed uses.

F. Manufactured Home Park – MH Zoning District. The purpose of the MH zoning district is to provide an alternative living lifestyle and dwelling type to conventional single-family and multi-family housing. Standards contained herein are designed to afford adequate separation of manufactured home units, screening, and open space in order to enhance the park environment.

Permitted Uses, Permitted Uses with Conditions, and Conditional Uses for all single-family and multi-family residential districts and the manufactured home park district are provided in detail in Attachment "A."

~~Section 202: Single-Family Residential Districts~~
~~The Agricultural (AG), R1-35, R1-15, R1-8, R1-6, R1-5 Districts.~~

~~A. Purpose of Single-Family Residential Districts~~

~~1. The purpose of the Agricultural (AG) District is to allow agricultural, ranching and related uses within the City. The District also serves as a holding zone for land until suitable for rezoning and development.~~

~~2. The purpose of the R1-35 and R1-15 Districts is to provide low-density, estate-type residential uses with large animal (horse) privileges. The districts serve as a transition between agricultural uses and urban development.~~

~~3. The purpose of the R1-8, R1-6, and R1-5 Districts is to provide a variety of single-family detached residential dwelling types at an urban density. The districts are~~

~~expected to serve as the predominant residential land use in the City.~~

~~B. Permitted Uses~~

~~1. One single-family detached dwelling per lot. A mobile home, recreational vehicle or similar vehicle shall not be occupied for dwelling purposes unless located in a recreational vehicle park, mobile home park or mobile home subdivision as provided in this Code.~~

~~2. Accessory uses and buildings incidental to the principal use such as pools, garages, sheds and provided any accessory building is not used for sleeping or living quarters.~~

~~3. Home Occupations in accordance with Subsection E., of this Section.~~

~~4. Public parks and public recreation areas.~~

~~5. Schools, public or private.~~

~~6. Community swimming pools and similar recreational facilities of a non-profit nature when associated with a residential project.~~

~~7. Agricultural uses for the purposes of cultivation only. No retail business shall be conducted on the premises except in the Agricultural District and in accordance with the provisions of this Section.~~

~~8. A temporary construction office, shed and/or storage yard in conjunction with on-site construction subject to the following:~~

~~a. Such use shall be kept so as not to adversely affect other properties.~~

~~b. A site plan for a temporary construction office, shed and/or storage yard shall be submitted for review and approval by the Zoning Administrator. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to, vehicle access, parking, exterior lighting, emergency access and signage.~~

~~c. The temporary construction office, shed and/or storage yard shall be removed when on-site construction is completed.~~

~~9. A temporary residential sales office shall be allowed for the on-site sale of homes, subject to the following:~~

~~a. A temporary sales office shall not be permitted until the final plat has been recorded and the building permits for the model home complex have been issued.~~

~~b. The temporary sales office shall be allowed for a maximum time of 6 months or until the model home complex is completed, whichever occurs first.~~

~~c. The temporary sales office shall be located so as not to adversely affect other properties.~~

~~d. A site plan for the temporary sales office shall be submitted for review and approval by the Zoning Administrator. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to, vehicle access, parking, exterior lighting, emergency access, signage and landscaping.~~

~~10. A subdivision model home complex for the on-site sale of homes subject to the following:~~

~~a. The subdivision plat shall be recorded, infrastructure construction permits issued and house plans approved before building permits for the model home complex are issued.~~

~~b. A model home complex plan shall be submitted for review and approval by the Zoning Administrator prior to the issuance of building permits for the models. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to vehicle access, parking, exterior lighting, trap fences, emergency access, signage and landscaping.~~

~~c. A certificate of completion shall not be issued for a model home until the infrastructure improvements required to service the model home complex are accepted by the city.~~

~~d. All model homes shall be for sale in the subdivision where the complex is located.~~

~~e. All temporary improvements provided for the model home complex shall be removed or converted before a model home is occupied as a residence. This includes, but is not limited to temporary parking, garage sales offices, lighting, trap fences, lot walls and signage.~~

11. A subdivision model home complex may be used for off-site sales subject to the requirements of subsection 202.B.10 and the following:

    a. The off-site sales shall be for lots located within the City of Avondale.

    b. A model home complex shall not be used only for the purpose of off-site home sales. Construction shall be ongoing in the subdivision within which the complex is located while models are used for off-site sales.

    c. A model home complex shall only be used to market off-site homes until 97% of the lots in the subdivision that the complex is located in are sold.

12. In R1-35 Districts, the keeping of livestock is permitted at a ratio of one animal per 21,780 square feet of lot area. Such livestock shall not be corralled or stabled within 60 feet of any lot line. Corrals and stables shall be located in the rear yard.

C. Uses Permitted Subject to a Conditional Use Permit

1. Public utility and municipal buildings and facilities; however, storage, repair and public works yards and similar uses are prohibited.

2. Churches, convents, and parish houses in the AG, R1-35 and R1-15 districts only.

3. One guesthouse, accessory to the main dwelling, in which no provision is made for cooking. A guesthouse may not be leased, rented, or in any way used for compensation.

4. Cemeteries, mausoleums, crematoriums.

5. Mobile home subdivisions subject to Subsection F herein.

6. Group Housing

    a. Group homes shall be considered a commercial enterprise.

    b. Any conditional use permit issued pursuant to this Section shall be valid so long as the Federal and State Fair Housing Act preempt local authority over the location of group homes.

    c. A group home conditional use permit shall be issued for a maximum of one year. Annual renewals shall be

~~subject to half (1/2) of the current Conditional Use Permit fee. A group home conditional use permit shall be reviewed annually for local and federal regulation compliance.~~

~~d. A group home shall not be located within a half (1/2) mile radius of another group home.~~

~~e. The number of occupants in the group home shall be limited by state laws, requiring any minimum square footage requirement per person, and shall not exceed 10 residents.~~

~~f. A group home shall acquire required licenses certifications or registrations with the appropriate state or federal agency.~~

~~g. Except as exempted by the Federal and State Fair Housing Act a group home shall satisfy all of the City's Code and Ordinances regulations.~~

~~h. A group home shall be registered with the City of Avondale Police and Fire Departments and shall be periodically checked for meeting safety regulations.~~

~~7. Bed and Breakfast Inns only in R1-35 zoning districts and subject to the following:~~

~~a. The Bed and Breakfast Inn shall be owner-occupied. The guest rooms shall be part of the primary residence.~~

~~b. No more than four (4) rooms with a maximum of three (3) guests per room shall be allowed for the Bed and Breakfast Inn.~~

~~c. The Bed and Breakfast Inn shall not have more than one (1) commercial delivery or outside service in a twenty-four (24) hour period.~~

~~d. The conditional use permit is non-transferable and shall be subject to review and may be revoked if the use authorized therein has been exercised in violation of this Section or the approval conditions.~~

~~e. Meals shall be served only to overnight guests and residents.~~

~~f. No alteration to the exterior or interior of the residential dwelling, accessory building or yard that alters the residential character of the premises shall be permissible.~~

g. Off-street parking shall be at a rate of one (1) space per room.

h. Except as provided by city code and/or other regulations, no storage of commercial vehicles shall be allowed.

i. The Bed and Breakfast Inn shall not be used for the hosting of receptions, private parties or similar events.

j. A fire escape plan shall be developed and graphically displayed in each guest room. Such plan shall be filed with and approved by the City of Avondale Fire Department.

k. The Bed and Breakfast Inn shall comply with all other provisions of the zone in which it is located and with all other applicable ordinances, codes or regulations.

8. Day care or nursery school in conjunction with a church provided such activities are on the same lot and share joint use of church facilities. Independent freestanding or wall identification signs for the day care or nursery school are not permitted.

D. Additional Uses Permitted in the Agricultural (AG) District

1. Farming, including all types of agriculture and horticulture.

2. The grazing and keeping of livestock.

3. Apiaries, provided hives have a minimum separation of 200 feet to any adjacent residence.

4. Horse ranch.

5. Dairy farm and cattle feed lot, provided the minimum site area is 40 acres.

6. Retailing of farm products produced on the premises.

7. The keeping of chickens, rabbits, or similar small animals.

8. Plant nurseries and greenhouses for propagation, cultivation, and wholesale distribution of plants sold on premises.

9. Country clubs, golf courses, community swimming pools and similar recreational facilities.

~~10. Commercial stable.~~

~~E. Home Occupations~~

~~Home occupations shall meet the following standards or shall be subject to immediate termination.~~

~~1. The occupation or profession shall be carried on wholly within the dwelling unit or within an approved attached closed building.~~

~~2. No one outside of the family residing in the dwelling shall be employed in the home occupation.~~

~~3. There shall be no signs, no exterior display no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building.~~

~~4. No offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced.~~

~~5. Such occupation shall not require internal or external alterations or construction features or equipment or machinery not customary in residential areas.~~

~~6. The activity shall not generate traffic beyond that normal in its district.~~

~~F. Mobile Home Subdivisions~~

~~Mobile Home subdivisions shall be permitted in any single-family residential district upon approval of a conditional use permit and in accordance with the following standards and requirements.~~

~~1. All lots and units place thereon shall comply with the yard, height, and area requirements of the applicable zoning district as outlined in Subsection 202.G. herein.~~

~~2. All dwelling units shall be attached to a foundation, which meets City Building Code requirements. The foundation shall be skirted or painted to match the mobile home.~~

~~3. All dwellings shall have a two-car garage or carport connected to a public street or access easement by at least a 20-foot long driveway.~~

~~4. All mobile home subdivisions shall meet the development standards for single-family residential subdivisions in Subsection 202.H.1.~~

~~5. A landscape package for each unit should be provided consisting of a minimum of two (2) 15 gallon trees to be planted along the street frontage.~~

~~G.~~**205** ~~Yard, Height, Area, and Density Requirements~~ **Development Standards**

A. Single Family Districts

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 design standards outlined in Section H.~~

SINGLE FAMILY RESIDENTIAL DISTRICTS								
District	AG	**RR-43**	R1-35	**RR-18**	R1-15	R1-8	R1-6	R1-5
Min. net site area (square feet)	5 ac.	**43,000**	~~35,500~~ **35,000**	**18,000**	15,000	8,000	6,000	~~6,000~~ **5,000**
~~Density in du/acre~~	~~1du/5 acres~~		~~1.0~~		~~2.4~~	~~4.0~~	~~5.0~~	~~6.0~~
Minimum lot width	200′	**150′**	140′	**120′**	115′	~~75′~~ **80′**	60′	~~60′~~ **50′**
Minimum lot depth	200′	**N/A**	175′	**150′**	120′	~~94′~~ **100′***	~~94′*~~ **100′***	~~94′*~~ **100′***
Maximum height	30′	**30′**	30′	**30′**	30′	30′	30′	30′
Maximum building coverage	15%	**15%**	15%	**30%**	20%	40%	40%	~~50%~~ **45%**
Min. **yard** setbacks: Front yard	40′**	**40′****	40′**	**25′****	35′**	25′**	20′**	20′**
Minimum total both side yards	40′	**40′**	40′	**30′**	30′	~~15′~~ **18′**	~~15′~~ **18′**	~~10′~~ **15′**
Minimum side yard	20′	**20′**	20′	**15′**	15′	~~5′~~ **8′**	~~5′~~ **8′**	~~0′***~~ **5′/0′#**
Rear yard	40′	**35′**	35′	**30′**	30′	20′	15′	15′
Street side **yard**	40′	**25′**	25′	**20′**	20′	10′	10′	10′

* ADJACENT TO A~~N~~ **FREEWAY OR** ARTERIAL STREET ~~OR FREEWAY~~, ALL REVERSE FRONTAGE LOTS SHALL HAVE A DEPTH OF **ONE-HUNDRED AND FIVE** 105~~'~~ **FEET**

** **MINIMUM FRONT YARD SETABACKS** MAY BE REDUCED ~~TO~~ **BY** ~~15'~~ ~~IN ACCORDANCE WITH SECTION 202.H.3.d.~~ **FEET WHEN PROVIDING A SIDE-ENTRY GARAGE FOR A THIRD CAR**

\# ZERO LOT LINE DEVELOPMENT IS ~~PERMITTED~~ **ALLOWED**~~.~~**, PROVIDING** MINIMUM SEPARATION BETWEEN BUILDINGS SHALL BE **TEN (**10**)** FEET.

B. Multiple Family District {203.E table of standards to move here. See page 16 below for proposed amendments}

~~H.~~**206** ~~DEVELOPMENT~~ **Design** STANDARDS ~~FOR SINGLE-RESIDENTIAL DISTRICT~~

A. ~~The following standards shall apply to single-family residential subdivisions and certain types of residential units built within~~

~~the City.~~ The intent of these standards is to establish a ~~minimum~~ level of environmental quality within Avondale as well as a consistent method of evaluating new projects. ~~The standards set objectives for the developer/designer to meet and are not intended to restrict or impede creativity and imagination.~~ In the event of conflict between the provisions of this Section and Section ~~G~~ **205**, ~~"Yard, Height, Area, and Density Requirements"~~ **Development Standards**, the provisions of this Section shall prevail **supersede**.

1. ~~Standards for all Single-Family Residential Subdivisions~~ **Design Manuals. The Design Manuals adopted by City Council and maintained by the Zoning Administrator or designee shall serve as guidelines for site and architectural design in all districts.**

   ~~a. Each project shall have a unique entry feature to provide individual identity to the development. Entry features may include a combination of some of the following elements: entrances paving (such as bomanite), fountains, distinctive landscaping treatment, planters, special wall treatment, gates, etc.~~

   ~~b. A minimum of six (6) foot and maximum eight (8) foot wall shall be required along the rear of reverse frontage single-family lots along collector or arterial streets. Such walls shall be constructed of slump block, brick, or masonry with a stucco or mortar wash finish and decoratively designed with details such as inlaid tile or brick work, cap tiles, wall insets or offsets, pilaster treatments, etc. Long, straight, unbroken walls are discouraged. Landscaping is required to be installed in accordance with City standards within the collector or arterial right-of-way.~~

   ~~c. Landscaping shall be required along the rear of reverse frontage single-family lots along collector or arterial streets in accordance with the standards specified below.~~

      ~~(1) Trees with a minimum size of fifteen (15) gallons shall be planted at the rate of one (1) tree per twenty (20) feet of linear street frontage. At least twenty-five (25) percent of the trees shall be 24" box size.~~

      ~~(2) Shrubbery with a minimum size of five (5) gallons shall be planted in appropriate numbers to complement the placement of trees, but in no case~~

~~shall be less than two (2) shrubs per twenty (20) feet of linear street frontage.~~

~~(3) Clustering of trees and shrubbery shall be encouraged to accent focal points or landmarks and to provide variety to the streetscape. Contouring of the ground and placement of mounds and earth berms along streets shall be required.~~

~~(4) A minimum of twenty five percent (25%) of all frontage landscaped areas shall be covered with vegetative or organic ground cover consisting of grass or other living plant materials characterized by horizontal growth which generally does not exceed eighteen (18) inches in height.~~

~~(5) Vegetative ground cover shall be so located to accentuate landmarks or focal points on a site and to create a "lush" appearance to the landscaped area from public streets and areas.~~

~~(6) Inorganic ground cover, consisting of decomposed granite, crushed rock, gravel, river run and/or boulders, shall be of sufficient variety in terms of color, texture, and materials to provide a pleasant and diverse appearance to the streetscape. Mounding and contouring of landscaped areas is required.~~

~~(7) All landscaping shall be in accordance with the Department of Water Resources water conservation guidelines. Plant Material shall be selected from the approved DWR plant list in the Appendix.~~

~~d. All new single-family residential subdivisions shall meet the requirements for open space as set forth in Section 606, *Common Open Space*, of this Ordinance.~~

~~e. Inorganic ground cover, specifically decomposed granite, shall be three-fourth (3/4) inch minus in all arterial and collector right-of-way landscaping areas.~~

2. ~~Design Standards for Single-Family Residential Units Located on Lots in the R1-5, R1-6, or R1-8 Districts~~ **A variety of lot sizes are encouraged to be provided in developments of more than eighty (80) lots. In subdivision of more than eighty (80) lots, a minimum of twenty-five (25) percent of the lots shall be a different size.**

~~The following design features are suggested for residential units built in conventional residential tract subdivisions with lot sizes ranging from 5,000 to 12,000 square feet. Subdivisions comprised of custom home sites where each unit is individual in its design are exempt from these standards.~~

~~a. A minimum of three elevations for each house plan is recommended. The elevations should provide variety in architectural design, incorporating features such as different rooflines, window treatment, architectural details, and building material (unless the project is oriented toward a particular architectural theme).~~

~~b. The same house plans with the same or similar elevations should not be placed on adjacent lots or directly across the street from one another.~~

~~c. Each unit shall have a two (2) car garage.~~

~~d. Entryway features are recommended to define the main entrance of the unit and break-up the facade, such as recessed or covered entryways, decorative screen walls and planters, arches, pillars, and other architectural features.~~

~~e. Masonry perimeter lot fences, minimum six (6) feet in height, shall be required for durability and longevity.~~

~~f. Below are the minimum standards required for solar water heating:~~

~~1. Any homeowner's association's covenants, conditions and restrictions, implementing bylaws, or guidelines may specify more restrictive requirements.~~

~~2. Solar water heating units which are an integrated part of the roof design are preferred. If the solar water heating units are not flat, as preferred, they shall be installed as to not to rise more than eight (8) inches from the roof surface. They must appear to be part of the roof structure itself and be the same color as the roof or glass enclosed. Collectors requiring a high angle of installation shall be fully screened from view with a material that blends with existing architecture and color.~~

~~3. No preheat, tempering, or holding water tanks shall be located on the roof or side the~~

~~structure. Heating/air conditioning units shall be ground mounted on a concrete pad.~~

~~4. All wiring and piping for solar water heaters and air conditioning units shall be installed as to not be visible from neighboring properties or the street.~~

~~g. The use of stucco, masonry, or lapsiding are recommended as exterior building wall finishes for the front of each unit. Hardboard siding may be used on the sides and rear of the unit, on the gable ends of the roof, and on the front of the unit for architectural accent.~~

~~h. A landscaping package for each unit should be provided by the builder/developer consisting of a minimum of two (2) fifteen (15) gallon trees per unit to be planted along the street frontage.~~

~~i. Decorative window treatments on the front of the unit (such as bay windows, trim work, recesses, popouts) are encouraged.~~

3. ~~Additional Design Standards for Single-Family Residential Units Located on Lots in the R1-5 District (compact or zero lot line units).~~ **Creation of neighborhoods by lot layout, shared development standards, shared architectural themes, open space, walls and landscaping is required.**

~~In addition to the standards in Section 202.H.2. above, the following standards shall apply to compact or zero lot line units.~~

~~a. Masonry perimeter lot fences minimum six (6) feet in height, shall be required. Those sections of fences and walls facing a public street shall be finished to complement the main building materials.~~

~~b. Zero lot line units should be designed to present a "wide" building facade to the public streetscape to minimize the visual impact of the garage on the architecture of the unit. Units, which are so narrow that the garage becomes the visual focal point of the building, shall be strongly discouraged. The following architectural techniques may be used to accomplish this design goal.~~

~~(1) Placement of living areas of the unit at or near the front setback line of the lot.~~

~~(2) Garages which are recessed behind the living areas.~~

~~(3) Variation in orientation of garages (side entry, angled entry, etc.).~~

~~(4) Decorative screen walls and planter areas.~~

~~(5) Recessed garage doors.~~

~~(6) Decorative garage doors.~~

~~(7) Special entryway treatments to the unit.~~

~~In addition, the following features may also be used to assist in improving the streetscape appearance and break-up the garage door facade.~~

~~(1) Curvilinear streets.~~

~~(2) Variation in unit setbacks.~~

~~(3) Extensive landscaping in open areas along streets.~~

~~c. Recreation facilities and common open space areas are suggested in each zero lot line project.~~

~~d. A 20-foot driveway between the sidewalk and face of the garage shall be required on all units where garage entrances are perpendicular to the street. Front setbacks of the units from the streets may be variable where side entry garages are used or where garages are recessed behind the living areas of the units.~~

4. Garages and Parking:

a. Each home shall have a two-car garage on the same lot;

b. The two-car garage shall have a minimum parking area of twenty (20) feet by twenty (20) feet; and

c. Outside of a garage or carport, vehicles shall be required to park on a paved parking surface composed of concrete, pavers or brick. The paved parking surface shall be located within the front yard and shall be abutting and contiguous to the driveway. The driveway and

paved parking surface combined shall not exceed fifty (50) percent of the lot width measured at front setback. On corner lots, paved parking areas may occupy the side yard, and shall not exceed twenty-five (25) percent of the lot length.

5. No adjacent home or home directly across the street shall have the same elevation or roofline. The roofline may be changed by the following options:

   a. Alternating the ridgeline from parallel to perpendicular, or vice versa, to the street.

   b. Alternating the roofline between flat and pitched.

   c. Alternating the roofline between vaults and pitches.

   d. Alternating between one (1) and two (2) story home.

6. Frontages abutting a freeway, arterial or collector street shall not contain more than two (2) houses in succession that exceed one-story height.

7. Below are the minimum standards required for solar water heating:

   a. No preheat, tempering, or holding water tanks shall be located on the roof or side the structure. Heating/air conditioning units shall be ground mounted on a concrete pad.

   b. All wiring and piping for solar water heaters and air conditioning units shall be installed as to not be visible from neighboring properties or the street.

8. A landscaping package for each lot shall be provided by the builder/developer consisting of a minimum of two (2) trees with a minimum height of eight (8) feet and a caliper of two (2) inches measured at four (4) above abutting grade per unit to be planted along the street frontage.

B. Multiple Family Districts {203.F standards to move here. See page 18 below for proposed}

~~Section 203: Multi-Family Residential Districts~~
~~The R-2, R-3, and R-4 Districts~~

~~A.~~**201** ~~Purpose of Multi-Family Districts~~ **{Moves to 201.E in proposed}**

1. ~~The purpose of the R-2 District is to promote the ownership of individual units at a medium level of density, including single-family detached units, condominiums, duplexes, and townhouses. The density range will allow for less individual unit maintenance, cost, and size compared to the single-family districts.~~ **The R-2 Zoning District is intended to provide a transition from single family residential neighborhoods to a mixture of higher intensity land uses. Properties in this district are intended to be developed as single family detached and attached, townhomes and patio homes.**

2. ~~The purpose of the R-3 and R-4 Districts is to provide for medium to high-density lifestyles encompassing condominiums and rental units. These districts are appropriate in high activity areas of the City, adjacent to commercial areas. Care shall be exercised in the design of these multi-family uses to minimize their impact on adjacent single-family areas.~~ **The R-3 Zoning District is intended to provide for townhome, condominium and apartment uses.**

3. **The R-4 Zoning District is intended to be located near high activity commercial areas of the City, and providing for high intensity townhome, condominium, apartment, loft apartment and mixed uses.**

B. General Requirements

1. All new buildings and uses of land or substantial additions to or remodeling of existing buildings shall be subject to Site Plan Review in accordance with Section 106.

2. Refer to Section 8 for off-street parking requirements.

C. ~~Permitted Uses~~ {Moved to 202 Land Use Matrix. See Attachment "A" for Permitted Uses.}

~~1. All uses permitted in Section 202.B.~~

~~2. Multi-family dwellings including duplexes, townhouses, condominiums, apartments or other cluster housing types.~~

D. ~~Uses Permitted Subject to a Conditional Use Permit~~ (Moved to 202 Land Use Matrix. See Attachment "A" for Conditional Uses.)

~~1. All uses permitted as conditional uses under Section 202.C.~~

~~2. Boarding and rooming houses.~~

~~3. Private clubs and lodges of a non-profit nature.~~

~~4. Nursery schools and day care centers.~~

~~5. Nursing homes.~~

~~6. Group recovery home.~~

205 ~~E.B~~ ~~Yard, Height, Area, and Density Requirements~~ **Development Standards Multiple Family Districts**

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 design standards outlined in subsection 203.f.~~ **provides the minimum development standards within the specified zoning district:**

MULTI-FAMILY RESIDENTIAL DISTRICTS			
District	R-2	R-3	R-4
~~Minimum net site area~~	~~2 acres~~	~~6,000~~	~~6,000~~
Minimum lot area/unit **(square feet)**	~~4,500~~ **5,445**	3,000	1,980
~~Density in du/net acre~~	~~9.7~~	~~14.5~~	~~22.0~~
Minimum lot width	~~35'~~ **50'**	~~60'~~ **50'**	~~60'~~ **50'**
Minimum lot depth	~~90'~~ **100'**	~~94'~~ **100'**	~~94'~~ **100'**
Maximum height	30'	30'	30'
Maximum bldg. coverage	~~40%~~ **45%**	45%	45%
Minimum setbacks: Front Yard	20'	25'	25'
Side Yard	~~**~~ **15'***	~~**~~ **15'***	~~**~~ **15'***
Rear Yard	15'	15'	15'
Street Side	20'**	20'	20'

~~* MAY BE REDUCED TO 10' IN THE CASE OF A SINGLE-FAMILY ATTACHED OR DETACHED UNITS WHERE A 20' LONG DRIVEWAY IS PROVIDED (SEE SECTION 202.H.3.d).~~

~~~~ Zero (0) feet for lots with common walls; ~~ten (10)~~ **fifteen (15)** feet for lots with no common walls.

**~~*~~ May be reduced to ten (10) feet in the case of single-family attached or detached units.

1. Single-family detached residential homes constructed within the Multiple Family Districts shall comply with the R1-6 development standards of the Zoning Ordinance.

206 ~~F.~~**B** ~~Development~~ Design Standards ~~for Multi-Family~~ **Multiple** Family ~~Residential~~ District**s**

1. ~~Applicability~~ **Design Manuals. The design manuals adopted by the city council and maintained by the Zoning Administrator or designee shall serve as guidelines for site and architectural design in all districts.**

   ~~a. In the event a lot within the R-2, R-3, or R-4 Districts is developed into single-family attached or detached units, the development standards of Section 202.G. and H. shall apply.~~

   ~~b. Except as noted in F.1.a. above, the development standards cited herein shall apply in all multi-family districts.~~

2. ~~Purpose~~

   ~~The intent of these standards is to promote sound design principles and high quality residential environments for residents of multi-family projects. The standards promote privacy for residents and strengthen property values while reducing the impact of high-density development on adjacent land uses.~~

~~3.~~**2.** Open Space

Open space is attractive shall be an integral part of a multiple family development. Open space shall be provided in an amount comparable to the size of the development, subject to the multi-family design manual.

a. ~~"Common open space" is defined as that portion of a parcel not covered by buildings (including patios, parking areas, or driveways). Such areas shall be devoted to the purpose of outdoor living space for the residents and may include lawn areas, walkways, sitting areas, courtyards, and outdoor recreation facilities. Buildings, structures, or other impervious surfaces devoted to meaningful recreation or open space uses shall be considered as open space.~~ **Open space areas shall be the central focus of the development. Open space should link recreation facilities with the dwellings and be uninterrupted by vehicular circulation or parking areas.**

b. ~~"Floor Area" includes all areas for residential use measured from the outside faces of exterior walls~~

~~including balconies, entryways, stairwells, offices, lobbies, patios, and any other space used for habitation.~~ **Regulations for provisions of Open Space shall be provided by Section 6 of this Zoning ordinance.**

c. ~~"Private outdoor space" is that portion of the unit or lot devoted to outdoor recreational use of the individual resident(s) of the unit or lot.~~ **Storm water detention basins shall not occupy more than fifty (50) percent of any landscaped area front on a public street. Where slopes do not exceed 10-to-1 and exceptional design is exhibited through contouring and landscaping, as determined by the Zoning Administrator or designee, a greater use of the frontage landscaped area may be allowed.**

d. ~~The amount of common open space provided in a project shall equal or exceed the multiple of 1.5 times the first floor area of all buildings up to a maximum of 45% of the net lot area.~~ **Required yards and landscaped setback areas fronting on a public street shall be entirely landscaped except for necessary driveways and walkways. Parking is not permitted within the required setback area**

e. ~~A minimum of 30% of the required common open space shall be provided along the public street frontage in the form of landscaping setback. Such areas shall not be required to exceed 50 feet in width nor shall be less than 25 feet in width.~~ **Private outdoor space shall be provided in the form of patios or balconies with a minimum size of eighty (80) square feet per unit.**

~~f. No more than 50% of the required front yard landscaped area or any other street frontage area may be used for storm water retention purposes. Side slopes of basins should not exceed a 6:1 slope. The maximum side slope shall be a 4:1 ration.~~

~~g. Required yards and landscaped setback areas fronting on a public street shall be entirely landscaped except for necessary driveways and walkways. Parking is not permitted within the required setback area.~~

~~h. Common open space shall be the central focus of the project. Open space should link recreation facilities with the dwellings and be uninterrupted by vehicular circulation or parking areas.~~

~~i. Private outdoor space shall be provided in the form of patios or balconies with a minimum size of sixty (60) square feet per unit and minimum dimension of six (6) feet.~~

~~4~~**3**. Building Separation

a. ~~Where a lot is occupied by a group of two or more related buildings, the minimum dimension of a yard upon which the principle entrance or exit of a multi-family building shall face, shall be according to the following schedule:~~ **The minimum separation between the principal entrance or exit of a multi-family building shall be as follows:**

Building Height	Minimum ~~Yard Dimension~~ **Separation**
1 story	20 feet
2 story	30 feet

b. The minimum separation between buildings on a multi-family site shall be fifteen (15) feet.

~~5~~**4**. Relationship of Project to Surrounding Land Uses

~~The relationship between a multi-family project and adjacent uses, building scale, density and building heights. Particular sensitivity shall be displayed to the relationship between a multi-family project and adjacent residential uses of lesser density to minimize the impact on those less-dense areas.~~ **Particular sensitivity shall be displayed to the relationship between a multi-family project and adjacent residential uses of lesser density to minimize the impact on those less dense areas.**

a. ~~Multi-family buildings shall be limited to a height of one story within fifty (50) feet of a single-family residential area or zoning district.~~ Multi-family buildings two **(2)** stories in height or greater shall not be placed within seventy-five (75) feet of a single-family residential area or zoning district.

b. Individual design situations may dictate additional conditions or considerations to minimize the impact of a multi-family development on adjacent residential uses through the imposition of one or more of the following design considerations:

(1) Use of one-story buildings;

(2) Additional landscaping to serve as buffer area;

(3) Wider setbacks from property line;

(4) Modifying the orientation of buildings;

(5) Modifying the orientation of windows and balconies;

(6) Providing screen walls.

c. Common recreation facilities in a project shall be located to minimize the intrusion of noise into adjacent residential area.

d. Pedestrian and visual linkages shall be made between a project and off-site amenities.

e. The project shall be designed to minimize negative traffic impacts on the surrounding uses.

~~6~~**5**. Landscaping

a. ~~A minimum ten (10) foot wide landscaped area shall be required along all interior property lines separating individual development sites. Trees with a minimum size of fifteen (15) gallons shall be planted every fifteen (15) feet on center within the area. A six (6) foot high masonry wall shall be required along the property line. Any walls facing public streets shall be finished with stucco or other materials to match the main buildings on the site.~~ **Common and open space areas along public street frontages shall receive special landscaping treatment to provide a lush setting for both the residents of the project and the general public. The following standards shall apply to landscaping of public street frontages:**

~~b. Along public street frontages, minimum fifteen (15) gallon-sized trees shall be planted at a ratio of one tree per twenty (20) feet of frontage. A minimum of twenty-five (25) percent of the required trees shall be twenty-four inch (24") box size.~~

~~c. Within common open space areas, minimum fifteen (15) gallon sized trees shall be planted at a ratio of one tree per dwelling unit.~~

~~d. Open space areas along public street frontages shall receive special landscaping treatment to provide a lush setting for both the residents of the project and the general public. The following standards shall apply to landscaping of public street frontages:~~

(1) Special entry features shall be provided at major entrances into a project to provide a sense of identification and uniqueness.

(2) Walls, planters, and earth berms shall be provided in the front yard to add variety to the landscape and to increase privacy for the residents.

~~(3) No more than 50% of the required front yard landscaped area may be used for storm water retention purposes.~~

~~f~~**b**. Foundation plantings ~~should~~ **shall** be utilized to complement building elevations, provide shade, and increase privacy. A minimum of **fifty (**50~~%~~**) percent** of the building frontage facing public streets shall have foundation plantings. **Foundation plantings shall utilize a variety of plant sizes, and not only small plantings.**

~~g. Landscaped islands within parking areas shall be installed at least every twelve (12) consecutive parking spaces. Such space shall be a minimum of five (5) feet wide and contain at least one fifteen (15) gallon-sized tree.~~

~~7~~**6**. Parking

a. All parking lots shall be screened from public streets by masonry walls or earth berms or combination thereof to a height of at least three (3) feet above the grade of the parking lot or adjacent street, whichever is higher in elevation. Such walls shall be designed and colored to match the main buildings on the site.

b. **A minimum of o**ne **(1)** covered parking space per unit shall be provided.

c. Garage parking shall be provided for a minimum of twenty-five (25) percent of parking, excluding visitor parking, in apartment developments with one-hundred (100) or more dwelling units. Single-family attached, townhomes and condominiums shall provide a garage at a ratio of one per dwelling unit the same as a single-family detached dwelling unit.

~~8. Building Design~~

~~Building design is often a matter of individual opinion and difficult to prescribe. The following elements of design~~

~~shall be considered and encouraged in the architecture of multi-family buildings.~~

~~a. The residential scale and character of a project shall be emphasized. The mass of the building can be reduced by varying setbacks and building heights or by angular orientation of buildings.~~

~~b. The use of balconies, overhangs, covered patios, and trellises can provide relief and contrast to the building and assist in breaking up large wall surfaces.~~

~~c. Buildings shall be designed in concert with each other by carrying certain details and design elements throughout the project, but at the same time avoiding monotony.~~

~~d. Roof lines shall be varied providing different heights or varying roof orientations. Parapet walls should be interrupted by pitched roofs to provide variety to the roof and building line.~~

~~e. Pitched roofs shall be composed of mission tile, concrete tile, wood shake, or similar grade material.~~

~~f. The architectural detailing and treatment of windows and doorways shall be strongly considered through the use of clerestory windows, arched shapes, bay windows, recessed windows, raised borders, awnings, shutters, and trellis.~~

~~g. The individuality and privacy of units shall be emphasized throughout the use of private or semi-private entryways. Cat walks or long corridors lined with entrances to units shall be discouraged.~~

~~h. Entryways and stairwells shall be an integral part of the building design. Consideration should be given to partially screening stairwells or using unique architectural treatments so that they blend in with the overall building elevation.~~

~~i. Patio walls and fences shall be an integral part of building design and shall match the main building materials.~~

~~j. Mechanical equipment shall be screened from public view and be so located to be perceived as an integral part of the buildings.~~

~~k. Exterior perimeter walls of a project facing public streets shall be constructed of a slump block, brick, or masonry with a stucco finish to match the main building materials.~~

~~Section 204~~**207**: ~~(Mobile~~ **Manufactured** Home Park~~)~~ **(MH)** District

~~A. Purpose~~

~~The purpose of the R-5 District is to provide an alternative living style and dwelling type to conventional single-family and multi-family housing. Standards contained herein are designed to afford adequate separation of mobile home units, screening, and open space in order to enhance the park environment.~~ **(Relocated to Section 201.F)**

~~B~~**A**. Permitted Uses

See 203 Land Use Matrix for Permitted Uses and Permitted Uses with Conditions in the MH zoning district.

~~1. One mobile home on each space, including carports, ramadas, patios, storage rooms and similar accessory structures.~~

~~2. Recreational vehicles provided no more than fifteen (15) percent of the spaces in the park are used by RV's.~~

~~3. Accessory uses common to mobile home parks including community recreation building, parking areas, laundry facilities manager's office and living quarters, boat and trailer storage area and other similar accessory uses for the exclusive benefit of park residents.~~

~~4. Temporary construction offices, sheds, storage yards, and residential sales offices while construction is ongoing within the project. Such uses shall be kept in a neat and orderly condition and be located so as not to adversely affect residents in the project.~~

~~5. Home Occupations in accordance with Section 202.E.~~

B. Conditional Uses

See 204 Land Use Matrix for uses permitted with a Conditional Use Permit.

~~C. General Requirements~~

~~1. All new mobile home parks or expansions of existing mobile home parks shall be subject to Site Plan Review in accordance with Section 106.~~

~~2. Refer to Section 8 for off-street parking requirements.~~

~~D~~**C**. Development Standards

1. The minimum size of a ~~mobile~~ **manufactured** home park shall be ten (10) acres.

2. The maximum number of ~~mobile~~ **manufactured** home spaces or units per acre shall be seven (7).

3. The minimum width of ~~mobile~~ **manufactured** home rental spaces shall be fifty (50) feet with a minimum length of seventy (70) feet.

4. The minimum width of private driveways or accessways within the park shall be twenty-four (24) feet. Each unit shall have access to a private driveway or accessway connected to a public street.

5. The minimum space between ~~mobile~~ **manufactured** homes shall be twenty (20) feet. This dimension may be reduced to ten (10) feet between awnings or canopies.

6. No ~~mobile~~ **manufactured** home shall be closer than eight (8) feet to a private driveway.

7. A minimum of ~~five~~ **fifteen** (**1**5) percent of the site shall be devoted to ~~usable~~ common open space for all residents, excluding streets and private driveways, parking and storage areas, or required setbacks at the exterior boundaries of the site.

~~8. All areas not covered by structures or paving shall be landscaped.~~

~~9~~**8**. The maximum height of any building or ~~mobile~~ **manufactured** home shall be thirty (30) feet.

~~10. Each mobile home shall be skirted to screen wheels and undercarriage.~~ **(Relocated to Section 207.D.2. below.)**

~~11~~**9**. All electric power lines, telephone lines, cable TV lines and similar utilities shall be placed underground.

~~12~~**10**. No ~~mobile~~ **manufactured** home shall be located closer than fifteen (15) feet to the perimeter of the park. Where the perimeter of the park adjoins a public street, the setback shall be twenty-five (25) feet. Within this setback area, trees with a minimum ~~size~~ **height** of ~~fifteen~~ **eight** (~~15~~**8**) ~~gallons shall be planted every 20 feet on center~~ **and a caliper of two (2) inches measured at four (4) feet above abutting grade shall be planted every twenty (20) feet on center**.

~~13~~**11**. A minimum six (6) foot and maximum eight (8) foot **decorative** wall shall be constructed around the perimeter of the park. Where said wall fronts onto a public street, the wall shall be constructed of slump block, brick or masonry with a stucco finish.

~~14~~**12**. Any part of the ~~mobile~~ **manufactured** home park fronting on a public street shall meet the screening and landscaping requirements for single-family residential subdivisions ~~contained in Section 202.H.1~~.

~~15~~**13**. ~~A storage yard for boats, trailers, and RV's shall be required. The minimum size of such area shall be sixty (60) square feet per mobile home space.~~ **All new manufactured home parks or expansions of existing manufactured home parks shall be subject to Site Plan Review in accordance with Section 1 of the Zoning Ordinance.**

D. Design Standards

1. All areas not covered by structures or paving shall be landscaped.

2. Each manufactured home shall be skirted to screen wheels and undercarriage.

E. A manufactured home shall be considered a single family residence if it meets the following conditions:

1. The manufactured home to be installed shall be manufactured or constructed to meet Federal Manufactured Home Construction and Safety Standards (42 U.S.C. Section 5403).

2. The exterior shall have wood siding or stucco finish.

3. The roof shall be shingle or tile with an overhang of at least six (6) inches.

4. Shall be installed on a permanent block foundation or ground mount.

5. The driveway shall be paved.

6. Site layout shall meet the setback requirements of the zoning district.

7. A two-car garage, attached or detached is required, per Section 208.A.4.

~~Section 205: RR-43 Rural Residential District~~

A. ~~Purpose~~

~~The purpose of the RR-43 Residential District (43,560 square feet per lot) is to encourage and preserve low-density residential developments with low intensity agricultural operations in a growing area. The intent of the district is to provide an appropriate buffer between urban and agricultural lifestyles with livestock and animal provisions while fostering orderly growth and limiting nonresidential land uses to maintain a rural residential character.~~ **(removed and relocated to Section 201.B)**

~~B Permitted Uses~~ [See ATTACHMENT A for proposed changes to Permitted Uses.]

~~1. One single-family dwelling unit per lot.~~

~~2. Accessory uses and buildings incidental to the principal use such as pools, garages and sheds; provided, however, that except as set forth in subsection 7 below, no accessory building shall be used for sleeping or living quarters.~~

~~3. Public/ Private Parks~~

~~4. Public Schools.~~

~~5. Churches/General Assembly subject to Section 5 of this Ordinance.~~

~~6. Home Occupations in accordance with Section 202.E of this Ordinance.~~

~~7. Guest Houses.~~

~~8. Cultivating and harvesting of field, tree or bush crops, including flowers.~~

~~9. Plant nurseries and green houses for propagation, cultivation and wholesale distribution of plants.~~

~~10. Sales stands for the sale of farm or ranch products produced on the premises or items similar to these products or related to the sale of such products.~~

~~11. Farm Animals.~~

~~a. The keeping of livestock/horses at a ratio of one animal per 21,780 square feet of lot area.~~

~~b. Small farm animals such as goats and sheep shall be permitted at a ratio of two animals per 21,780 square feet of lot area.~~

~~c. Farm animals under the age of six (6) months are not limited to an animal per square footage ratio.~~

~~d. No more than two swine per lot shall be permitted, excluding potbelly pigs.~~

~~12. Corrals, barns, stables, pens, and similar structures, for the keeping of horses and other livestock as accessory to a primary residential use, provided such structures are not closer than seventy-five feet (75') to any neighboring residence and subject to the district's building setbacks.~~

~~13. Fowl, Aviaries and Apiaries provided:~~

~~a. Buildings or hives for Apiaries are not closer than seventy-five feet (75') to any neighboring residence.~~

~~b. Pens and structures for fowl and Aviaries are not closer than forty feet (40') to any neighboring residence.~~

~~C. Uses permitted subject to a Conditional Use Permit~~ [See ATTACHMENT A for proposed changes.]

~~1. Group Homes in accordance with Section 202.C.6 of this Ordinance.~~

~~2. Horse Ranches.~~

~~3. Private/Charter Schools.~~

~~4. Cemeteries, mausoleums and crematoriums.~~

~~5. Kennels for the boarding and breeding of dogs and cats and dog runs provided such structures are not closer than seventy-five feet (75') to any neighboring residence.~~

~~6. Country clubs, golf courses, community swimming pools and similar recreational facilities.~~

~~7. Bed and Breakfasts in accordance with Section 202.C.7 of this Ordinance.~~

~~8. Commercial Ranch, Commercial Stable, and Guest Ranch, Resorts.~~

~~D. Development Standards: Yard, Height, Area, and Density Requirements~~ **[See 205 for development standards in RR-43.]**

~~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 design standards outlined in Section 202.H of this Ordinance.~~

~~RURAL RESIDENTIAL DISTRICTS~~	
~~DISTRICT~~	~~RR-43~~
~~MINIMUM NET SITE AREA~~	~~43,560 ft²~~
~~DENSITY IN DU/ACRE~~	~~1.0~~
~~MINIMUM LOT WIDTH~~	~~140'~~
~~MINIMUM LOT DEPTH~~	~~N/A~~
~~MAXIMUM HEIGHT~~	~~30'~~
~~MAX BLDG. COVERAGE~~	~~15%~~
~~MINIMUM SETBACKS:~~	
~~FRONT YARD~~	~~40'~~
~~TOTAL BOTH SIDE YARDS~~	~~40'~~
~~MINIMUM SIDE YARD~~	~~20'~~
~~REAR YARD~~	~~35'~~
~~STREET SIDE~~	~~25'~~

~~E. DESIGN STANDARDS~~

~~The development standards of Section 202.H. shall apply to the rural residential district~~

Section 2 Residential Districts

P	Permitted
PC	Permitted with Conditions
C	Requires a Conditional Use Permit
-	Not allowed
*	*Deleted use*
_	**Added new use**

Agricultural (AG)				
	Current Code			Proposed Amended Code
P	One (1) single-family detached dwelling per lot. A mobile home, recreational vehicle or similar vehicle shall not be occupied for dwelling purposes unless located a recreational vehicle park, mobile home park or mobile home subdivision as provided in this Code.		P	Single-family detached dwelling
P	Accessory uses and buildings incidental to the principal use such as pools, garages, sheds and provided any accessory building is not used for sleeping or living quarters.		P	Accessory uses and buildings, agriculture
P	Home occupations in accordance with subsection E., of this section.		PC	Home occupation
P	Public parks and public recreation areas.		P	Parks and recreation areas, public
P	Schools, public or private		P -	Schools, public Schools, private
P	Community swimming pools and similar recreational facilities of a non-profit nature when associated with a residential project.		*	Deleted. Swimming pools for associated residential use allowed under **Accessory use and buildings, agriculture**
P	Agricultural uses for the purpose of cultivation only. No retail business shall be conducted on the premises except in the Agricultural District in accordance with the provision of this section.		*	*Deleted. Agriculture allowed under "***Farming, including all types of agriculture and horticulture***"*
P	Temporary construction office, shed and/or storage yard in conjunction with on-site construction subject to the following: a) Such use shall be kept so as not to adversely affect other properties. b) A site plan for a temporary construction office, shed and/or storage yard shall be submitted for review and approval by the Zoning Administrator. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to, vehicle access, parking, exterior lighting, emergency access and signage. c) The temporary construction office, shed and/or storage yard shall be removed		*	*To be moved to* **Section 7 Supplemental Regulations**

	when on-site construction is completed.			
P	Temporary residential sales office shall be allowed for the on-site sale of homes, subject to the following: a) A temporary sales office shall not be permitted until the final plat has been recorded and the building permits for the model home complex have been issued. b) The temporary sales office shall be allowed for a maximum time of 6 months or until the model home complex is completed, whichever occurs first. c) The temporary sales office shall be located so as not to adversely affect other properties. d) A site plan for the temporary sales office shall be submitted for review and approval by the Zoning Administrator. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to, vehicle access, parking, exterior lighting, emergency access, signage and landscaping.		*	*To be moved to* **Section 7 Supplemental Regulations**
P	Subdivision model home complex for the on-site sale of homes subject to the following: a) The subdivision plat shall be recorded, infrastructure construction permits issued and house plans approved before building permits for the model home complex are issued. b) A model home complex plan shall be submitted for review and approval by the Zoning Administrator prior to the issuance of building permits for the models. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to vehicle access, parking, exterior lighting, trap fences, emergency access, signage and landscaping. c) A certificate of completion shall not be issued for a model home until the infrastructure improvements required to service the model home complex are accepted by the city. d) All model homes shall be for sale in the subdivision where the complex is located. e) All temporary improvements provided for the model home complex shall be removed or converted before a model home is occupied as a residence. This		*	*To be moved to* **Section 7 Supplemental Regulations**

	includes, but is not limited to temporary parking, garage sales offices, lighting, trap fences, lot walls and signage.			
P	A subdivision model home complex may be used for off-site sales subject to the requirements of subsection 202.B.10 and the following: a) The off-site sales shall be for lots located within the City of Avondale. b) A model home complex shall not be used only for the purpose of off-site home sales. Construction shall be ongoing in the subdivision within which the complex is located while models are used for off-site sales. c) A model home complex shall only be used to market off-site homes until 97% of the lots in the subdivision that the complex is located in are sold.		*	*To be moved to* **Section 7 Supplemental Regulations**
P	Home child care for four (4) or fewer children not related to the residents.		P	Child care in the home for four (4) or fewer children no related to the residents
P	Group homes for the handicapped subject to the following: a. The purpose of these regulations is to allow handicapped persons to reside in residential neighborhoods in compliance with the Federal and State Fair Housing Acts, while preserving the residential character of the community. b. All group homes shall be registered with the City. i. A completed registration form shall be submitted to the Zoning Administrator or designee. ii. Any registration that does not meet the minimum standards of the Zoning Ordinance shall not be approved. iii. Registration does not become effective until after a Certificate of Occupancy is issued for the group home. iv. Registration shall terminate when the group home use ceases. c. All group homes shall be required to meet the following standards: i. The minimum separation between group homes shall be one thousand three hundred (1,320) feet, measured in a straight line from the nearest property line. ii. The number of residents shall not exceed ten (10). This does not include staff. iii. Group homes shall comply with all applicable Building and Fire Safety regulations. These regulations may		PC	Group Home for Persons with a Disability

	vary depending on the number of residents. The regulations for group homes with one or more non-ambulatory residents may also be different than those for group homes without non-ambulatory residents. iv. Group homes shall comply with all applicable licensing and certification requirements of other government agencies. v. Parking for the group home shall be provided onsite and comply with the minimum requirements for single-family residences. vi. There shall be no sign or other exterior indication that the property is being used as a group home. This shall not prevent improvements that are necessary for compliance with the Americans With Disabilities Act. vii. A group home shall not house any person whose tenancy would constitute a direct threat to the health or safety of others or result in substantial physical damage to the property of others. d. Any group home owner who believes a requirement of these requirements prevents the establishment of a group in an economically viable manner shall have the right to submit a request for accommodation to the Zoning Administrator. i. The request shall be in writing and state the reason why the accommodation is needed. Sufficient facts shall be included to allow the Zoning Administrator to make a site-specific determination of need, assess the potential impact on the residential character of the neighborhood, and ensure that the objectives of the Zoning Ordinance will be met. ii. The Zoning Administrator shall review the request in a timely manner and determine whether an accommodation should be made pursuant to the requirements of the Fair Housing Act; and if so, the nature of the accommodation. Accommodation shall be made only to the extent necessary to comply with the Federal and State Fair Housing Acts. e. These regulations do no apply to homes for the developmentally disabled as			

	regulated by A.R.S. § 36-582 to the extent that the state preempts local zoning authority.			
P	Farming, including all types of agriculture and horticulture.		P	Farming, including all types of agriculture and horticulture
P	The grazing and keeping of livestock.		P	Farm animals, the raising and keeping of
P	Apiaries, provided hives have a minimum separation of two-hundred (200) feet to any adjacent residence.		PC	Apiary
P	Horse ranch.		P	Ranch for horses, commercial and guest
P	Dairy farm and cattle feed lot, provided the minimum site area is forty (40) acres.		PC PC	Dairy farm Feed lot for cattle
P	Retailing of farm products produced on the premises.		P	Retailing of farm products produced on the premises
P	The keeping of chickens, rabbits, or similar small animals.		*	*Deleted. Provided for under "***Farm animals, the raising and keeping of***."*
P	Plant nurseries and greenhouses for propagation, cultivation, and wholesale distribution of plants sold on premises.		P P	Nursery for plants, for propagation, cultivation, retail, and wholesale distribution of plants sold on premises Greenhouse, for propagation, cultivation, retail, and wholesale distribution of plants sold on premises
P	Country clubs, golf courses, community swimming pools and similar recreational facilities.		*	*Deleted as country clubs & golf courses are provided for under the* **Special Use District** *zoning ;swimming pools are provided for under "***Accessory use or building***"*
P	Commercial stable.		P	Stable for horses, commercial
C	Public utility and municipal buildings and facilities; however, storage, repair and public works yards and similar uses are prohibited.		PC C	Public utility facility for local service Public utility facility, with the exception of those allowed as a Use Permitted with Conditions above
C	Churches, convents, parish houses in the AG, R1-35 and R1-15 Districts only.		C	Place of Worship
C	One guesthouse, accessory to the main dwelling, in which no provision is made for cooking. A guesthouse may not be leased, rented, or in any way used for compensation.		PC	Guest house
C	Cemeteries, mausoleums, crematoriums.		*	*Deleted because it is provided for under* **Special Use District** *zoning.*
C	Mobile home subdivisions subject to subsection F. herein.		*	*Deleted. Mobile homes allowed only in the* **Mobile Home Park (MH)** *District.*
C	Child care center in conjunction with a church, provided such activities are on the same lot and share joint use of church facilities. Independent freestanding or wall identification signs for the child care center are not permitted.		C	Child Care Center in conjunction with a Place of Worship
C	Home child care for five (5) to ten (10) children not related to the residents, subject to the following conditions: a. The residential character of the exterior of the structure shall be maintained. b. Signs related to the home child care shall not be allowed.		C	Child care in the home for five (5) to ten (10) children not related to the residents

	c. All required licenses, certifications, and registrations shall be obtained from the appropriate State or County agency prior to issuance of a business license. d. All requirements of the City of Avondale Building Code, Fire Code, and Zoning Ordinance as amended shall be complied with prior to issuance of a business license. e. Existing garages, carports, or driveways shall not be expanded, enclosed, or otherwise modified to accommodate this accessory use. f. All outdoor recreation areas shall be completely enclosed by a six (6) foot high masonry wall with self-closing and self-locking gates. g. All swimming pools shall be secured by a barrier in conformance with the Arizona State Statutes and International Building Code (IBC), as amended. h. Notification of the Conditional Use Permit application shall be made to the subject home owners association management prior to the neighborhood meeting.			
			C	**Kennel for boarding and breeding of dogs with a dog run**

Rural Residential (RR-43)				
	Current Code			Proposed Amended Code
P	One single-family dwelling unit per lot.		P	Single-family detached dwelling
P	Public schools.		P	School, public
P	Public/private parks.		P	Park and recreation areas, public
P	Churches/general assembly subject to Section 12 of this ordinance.		C	Place of worship
P	Accessory uses and buildings incidental to the principal use such as pools, garage and sheds; provided, however, that except as set forth in subsection 7 below, no accessory building shall be used for sleeping or living quarters.		P	Accessory uses and buildings, rural residential
P	Home occupations in accordance with subsection 202.E of this ordinance.		PC	Home occupation
P	Guest houses.		PC	Guest house
P	Cultivating and harvesting of field, tree or bush crops, including flowers.		P	Farming, including all types of agriculture and horticulture
P	Plant nurseries and green houses for propagation, cultivation and wholesale distribution of plants.		P P	Greenhouse, for propagation, cultivation, retail, and wholesale distribution of plants sold on premises Nursery for plants, for propagation, cultivation, retail, and wholesale distribution of plants sold on premises
P	Sales stands for the sale of farm or ranch products produced on the premises or items similar to these products or related to the sale of such products.		P	Retailing farm products produced on the premises
P	Farm animals. a) The keeping of livestock/horses at a ratio of one animal per twenty-one thousand seven hundred eighty (21,780) square feet of lot area. b) Small farm animals such as goats and sheep shall be permitted at a ratio of two animals per twenty-one thousand seven hundred and eighty (21,780) square feet of lot area. c) Farm animals under the age of six (6) months are not limited to an animal per square footage ratio. d) No more than two (2) swine per lot shall be permitted, excluding potbelly pigs.		PC	Farm animals, the raising and keeping of
P	Corrals, barns, stables, pens, and similar structures, for the keeping of horses and other livestock as accessory to a primary residential use, provided such structures are not closer than seventy-five (75) feet to any neighboring residence and subject to the district's building setback.		*	*Deleted. Allowed under* ***Accessory uses and buildings, rural residential***
P	Fowl, aviaries and apiaries provided: a) Buildings or hives for apiaries are not		PC	Apiary

	closer than seventy-five (75) feet to any neighboring residence. b) Pens and structures for fowl and aviaries are not closer than forty (40) feet to any neighboring residence.		* *	*Deleted "aviaries" as they are allowed under* **Farm animals, the raising and keeping of** Deleted "fowl" *as they are allowed under* **Farm animals, the raising and keeping of**
P	Group homes for the handicapped in accordance with subsection 202.B.14 of this ordinance.		PC	Group Home for Persons with a Disability
C	Horse ranches.		C	Ranch for horses, commercial and guest
C	Private/charter schools.		C	School, private
C	Public facilities.		PC C	Public utility facility required for local service Public utility facility, with the exception of those allowed as a Use Permitted with Conditions above
C	Cemeteries, mausoleums and crematoriums.		*	*Deleted because it is provided for under* **Special Use District** *zoning.*
C	Kennels for the boarding and breeding of dogs and cats and dog runs provided such structures are not closer than seventy-five (75) feet to any neighboring residence.		C	Kennel, for boarding and breeding of dogs and cats, and dog runs
C	Country clubs, golf courses, community swimming pools and similar recreational facilities.		*	*Deleted as country clubs & golf courses are provided for under the* **Special Use District** *zoning ;swimming pools are provided for under "***Accessory use or building***"*
C	Bed and breakfasts in accordance with subsection 202.C.7 of this ordinance.		C	Bed and breakfast inn
C	Commercial ranch, commercial stable, and guest ranch, resorts.		C C	Ranch for horses, commercial and guest Stable for horses, commercial
			P	**Child care in the home for four (4) or fewer children not related to the residents**
			C	**Child Care Center in conjunction with a Place of Worship**
			C	**Child care in the home for five (5) to ten (10) children not related to the residents**

Rural Residential (RR-18)				
	Current Code			Proposed Amended Code
P	One single-family dwelling unit per lot. A mobile home, recreational vehicle, or similar vehicle shall not be occupied for dwelling purposes.		P	Single-family detached dwelling
P	Public parks and public recreation areas.		P	Park and recreation areas, public
P	Public schools.		P	School, public
P	A temporary construction office, shed, and/or storage yard in conjunction with on-site construction in accordance with Section 202.B.8.		*	*To be moved to* **Section 7 Supplemental Regulations**
P	A subdivision model home complex for the on-site sale of homes in accordance with Section 202.B.10.		*	*To be moved to* **Section 7 Supplemental Regulations**
P	A subdivision model home complex used for the off-site sale of homes in accordance with section 202 b. 11.		*	*To be moved to* **Section 7 Supplemental Regulations**
P	A temporary residential sales office in accordance with section 202. B. 9.		*	*To be moved to* **Section 7 Supplemental Regulations**
P	Group homes for the handicapped, subject to the provisions of Section 202.B.14		PC	Group Home for Persons with a Disability
P	Home child care for four (4) or fewer children not related to the residents.		P	Child care in the home for four (4) or fewer children not related to the residents
C	Churches, convents, and parish houses		C	Place of worship
C	Mobile home subdivisions, subject to the requirements of Section 202.F.		*	*Deleted. Mobile homes allowed only in the* **Mobile Home Park (MH)** *District.*
C	Child care center in conjunction with a church provided such activities are on the same lot and share joint use of church facilities. Independent freestanding or wall identification signs for the child care center are not permitted.		C	Child Care Center in conjunction with a Place of Worship
C	Private schools and charter schools		C	School, private
C	Home child care for five (5) to ten (10) children not related to the residents in accordance with Section 202.C.9		C	Child care in the home for five (5) to ten (10) children not related to the residents
A	Swimming pools, garages, and sheds.		*	*Deleted. Provided for under "***Accessory uses and buildings, rural residential***"*
A	Home Occupations in accordance with Section 202.E		PC	Home occupation
A	Gardening		*	*Deleted. Provided for under "***Accessory uses and buildings, rural residential***"*
A	The raising and keeping of farm animals subject to the following: a. All farm animals must be contained on the property by an effective enclosure and shall not be allowed to run at large. b. The property shall be maintained so that it does not create or contribute to a health nuisance caused by the presence		PC	Farm animals, the raising and keeping of

	of flies, mosquitoes or other vermin; objectionable odors or dust; ponded water or water runoff; the accumulation of manure, garbage, refuse, or other obnoxious or putrescible material; or similar conditions.			
A	Corrals, barns, stables, pens, aviaries, and similar structures for the keeping of farm animals, subject to the following: a. Structures must be located in the rear yard of a residence. b. All accessory buildings are subject to the development standards contained in Section 703 of the Avondale Zoning Ordinance.		*	*Deleted and allowed under "***Accessory uses and buildings, rural residential***"*
A	One attached or detached guest house subject to the following: a. A guest house shall not be rented or leased separately from the principle residence or otherwise used for compensation. b. A separate address, water meter, utility meter, driveway or parking area shall not be provided for the guest house. c. The materials, colors, and architectural style of the guest house shall be similar to the principal residence; d. The livable floor area of the guest house shall not exceed fifty percent (50%) of the livable floor area of the principal residence; e. A detached guest house shall meet the location, height and setback requirements in section 703 of this ordinance. f. The Development Services department shall maintain an administrative record that includes a site plan and a floor plan for each guest house approved.		PC	Guest house
			P	**Accessory uses and buildings, rural residential**
			PC	**Public utility facility required for local service**
			C	**Public utility facility, with the exception of those allowed as a Use Permitted with Conditions above**

Suburban Residential (R1-35)				
	Current Code			Proposed Amended Code
P	One (1) single-family detached dwelling per lot. A mobile home, recreational vehicle or similar vehicle shall not be occupied for dwelling purposes unless located a recreational vehicle park, mobile home park or mobile home subdivision as provided in this Code.		P	Single-family detached dwelling
P	Accessory uses and buildings incidental to the principal use such as pools, garages, sheds and provided any accessory building is not used for sleeping or living quarters.		P	Accessory uses and buildings, suburban and urban residential
P	Home occupations in accordance with subsection E., of this section.		PC	Home occupation
P	Public parks and public recreation areas.		P	Parks and recreation areas, public
P	Schools, public or private		P C	Schools, public Schools, private
P	Community swimming pools and similar recreational facilities of a non-profit nature when associated with a residential project.		*	*Allowed under "***Accessory uses and buildings***"*
P	Agricultural uses for the purpose of cultivation only. No retail business shall be conducted on the premises except in the Agricultural District in accordance with the provision of this section.		*	*Deleted.*
P	Temporary construction office, shed and/or storage yard in conjunction with on-site construction subject to the following: d) Such use shall be kept so as not to adversely affect other properties. e) A site plan for a temporary construction office, shed and/or storage yard shall be submitted for review and approval by the Zoning Administrator. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to, vehicle access, parking, exterior lighting, emergency access and signage. f) The temporary construction office, shed and/or storage yard shall be removed when on-site construction is completed.		*	*To be moved to* **Section 7 Supplemental Regulations**
P	Temporary residential sales office shall be allowed for the on-site sale of homes, subject to the following: e) A temporary sales office shall not be permitted until the final plat has been recorded and the building permits for the model home complex have been		*	*To be moved to* **Section 7 Supplemental Regulations**

	issued. f) The temporary sales office shall be allowed for a maximum time of 6 months or until the model home complex is completed, whichever occurs first. g) The temporary sales office shall be located so as not to adversely affect other properties. h) A site plan for the temporary sales office shall be submitted for review and approval by the Zoning Administrator. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to, vehicle access, parking, exterior lighting, emergency access, signage and landscaping.			
P	Subdivision model home complex for the on-site sale of homes subject to the following: f) The subdivision plat shall be recorded, infrastructure construction permits issued and house plans approved before building permits for the model home complex are issued. g) A model home complex plan shall be submitted for review and approval by the Zoning Administrator prior to the issuance of building permits for the models. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to vehicle access, parking, exterior lighting, trap fences, emergency access, signage and landscaping. h) A certificate of completion shall not be issued for a model home until the infrastructure improvements required to service the model home complex are accepted by the city. i) All model homes shall be for sale in the subdivision where the complex is located. j) All temporary improvements provided for the model home complex shall be removed or converted before a model home is occupied as a residence. This includes, but is not limited to temporary parking, garage sales offices, lighting, trap fences, lot walls and signage.		*	*To be moved to* **Section 7 Supplemental Regulations**
P	A subdivision model home complex may be used for off-site sales subject to the requirements of subsection 202.B.10 and the following: a) The off-site sales shall be for lots		*	*To be moved to* **Section 7 Supplemental Regulations**

	located within the City of Avondale. b) A model home complex shall not be used only for the purpose of off-site home sales. Construction shall be ongoing in the subdivision within which the complex is located while models are used for off-site sales. c) A model home complex shall only be used to market off-site homes until 97% of the lots in the subdivision that the complex is located in are sold.			
P	In R1-35 District, the keeping of livestock in permitted at a ratio of one animal per twenty-one thousand seven hundred eighty (21,780) square feet of lot area. Such livestock shall not be corralled or stabled within sixty (60) feet of any lot line. Corrals and stables shall be located in the rear yard.		PC	Farm animals, the raising and keeping of
P	Home child care for four (4) or fewer children not related to the residents.		P	Child care in the home for four (4) or fewer children no related to the residents
P	Group homes for the handicapped subject to the following: a. The purpose of these regulations is to allow handicapped persons to reside in residential neighborhoods in compliance with the Federal and State Fair Housing Acts, while preserving the residential character of the community. b. All group homes shall be registered with the City. i. A completed registration form shall be submitted to the Zoning Administrator or designee. ii. Any registration that does not meet the minimum standards of the Zoning Ordinance shall not be approved. iii. Registration does not become effective until after a Certificate of Occupancy is issued for the group home. iv. Registration shall terminate when the group home use ceases. c. All group homes shall be required to meet the following standards: i. The minimum separation between group homes shall be one thousand three hundred (1,320) feet, measured in a straight line from the nearest property line. ii. The number of residents shall not exceed ten (10). This does not include staff. iii. Group homes shall comply with all applicable Building and Fire Safety regulations. These regulations may		PC	Group Home for Persons with a Disability

	vary depending on the number of residents. The regulations for group homes with one or more non-ambulatory residents may also be different than those for group homes without non-ambulatory residents. iv. Group homes shall comply with all applicable licensing and certification requirements of other government agencies. v. Parking for the group home shall be provided onsite and comply with the minimum requirements for single-family residences. vi. There shall be no sign or other exterior indication that the property is being used as a group home. This shall not prevent improvements that are necessary for compliance with the Americans With Disabilities Act. vii. A group home shall not house any person whose tenancy would constitute a direct threat to the health or safety of others or result in substantial physical damage to the property of others. d. Any group home owner who believes a requirement of these requirements prevents the establishment of a group in an economically viable manner shall have the right to submit a request for accommodation to the Zoning Administrator. i. The request shall be in writing and state the reason why the accommodation is needed. Sufficient facts shall be included to allow the Zoning Administrator to make a site-specific determination of need, assess the potential impact on the residential character of the neighborhood, and ensure that the objectives of the Zoning Ordinance will be met. ii. The Zoning Administrator shall review the request in a timely manner and determine whether an accommodation should be made pursuant to the requirements of the Fair Housing Act; and if so, the nature of the accommodation. Accommodation shall be made only to the extent necessary to comply with the Federal and State Fair Housing Acts. e. These regulations do no apply to homes for the developmentally disabled as			

	regulated by A.R.S. § 36-582 to the extent that the state preempts local zoning authority.			
C	Public utility and municipal buildings and facilities; however, storage, repair and public works yards and similar uses are prohibited.		PC C	Public utility facility for local service Public utility facility, with the exception of those allowed as a Use Permitted with Conditions above
C	Churches, convents, parish houses in the AG, R1-35 and R1-15 Districts only.		C	Place of Worship
C	One guesthouse, accessory to the main dwelling, in which no provision is made for cooking. A guesthouse may not be leased, rented, or in any way used for compensation.		C	Guest house
C	Cemeteries, mausoleums, crematoriums.		*	*Deleted because it is provided for under* **Special Use District** *zoning.*
C	Mobile home subdivisions subject to subsection F. herein.		*	*Deleted. Mobile homes allowed only in the* **Mobile Home Park (MH)** *District.*
C	Bed and breakfast inns only in R1-35 Zoning Districts and subject to the following: a. The Bed and Breakfast Inn shall be owner-occupied. The guest rooms shall be part of the primary residence. b. No more than four (4) rooms with a maximum of three (3) guests per room shall be allowed for the Bed and Breakfast Inn. c. The Bed and Breakfast Inn shall not have more than one (1) commercial delivery or outside service in a twenty-four (24) hour period. d. The conditional use permit is non-transferable and shall be subject to review and may be revoked if the use authorized therein has been exercised in violation of this Section or the approval conditions. e. Meals shall be served only to overnight guests and residents. f. No alteration to the exterior or interior of the residential dwelling, accessory building or yard that alters the residential character of the premises shall be permissible. g. Off-street parking shall be at a rate of one (1) space per room. h. Except as provided by city code and/or other regulations, no storage of commercial vehicles shall be allowed. i. The Bed and Breakfast Inn shall not be used for the hosting of receptions, private parties or similar events. j. A fire escape plan shall be developed and graphically displayed in each guest room. Such plan shall be filed with and		C	Bed and breakfast inn

	approved by the City of Avondale Fire Department. k. The Bed and Breakfast Inn shall comply with all other provisions of the zone in which it is located and with all other applicable ordinances, codes or regulations.			
C	Child care center in conjunction with a church, provided such activities are on the same lot and share joint use of church facilities. Independent freestanding or wall identification signs for the child care center are not permitted.		C	Child Care Center in conjunction with a Place of Worship
C	Home child care for five (5) to ten (10) children not related to the residents, subject to the following conditions: a. The residential character of the exterior of the structure shall be maintained. b. Signs related to the home child care shall not be allowed. c. All required licenses, certifications, and registrations shall be obtained from the appropriate State or County agency prior to issuance of a business license. d. All requirements of the City of Avondale Building Code, Fire Code, and Zoning Ordinance as amended shall be complied with prior to issuance of a business license. e. Existing garages, carports, or driveways shall not be expanded, enclosed, or otherwise modified to accommodate this accessory use. f. All outdoor recreation areas shall be completely enclosed by a six (6) foot high masonry wall with self-closing and self-locking gates. g. All swimming pools shall be secured by a barrier in conformance with the Arizona State Statutes and International Building Code (IBC), as amended. h. Notification of the Conditional Use Permit application shall be made to the subject home owners association management prior to the neighborhood meeting.		C	Child care in the home for five (5) to ten (10) children not related to the residents

Suburban Residential (R1-15)				
	Current Code			Proposed Amended Code
P	One (1) single-family detached dwelling per lot. A mobile home, recreational vehicle or similar vehicle shall not be occupied for dwelling purposes unless located a recreational vehicle park, mobile home park or mobile home subdivision as provided in this Code.		P	Single-family detached dwelling
P	Accessory uses and buildings incidental to the principal use such as pools, garages, sheds and provided any accessory building is not used for sleeping or living quarters.		P	Accessory uses and buildings, suburban and urban residential
P	Home occupations in accordance with subsection E., of this section.		PC	Home occupation
P	Public parks and public recreation areas.		P	Parks and recreation areas, public
P	Schools, public or private		P C	Schools, public Schools, private
P	Community swimming pools and similar recreational facilities of a non-profit nature when associated with a residential project.		*	*Allowed under "***Accessory uses and buildings***"*
P	Agricultural uses for the purpose of cultivation only. No retail business shall be conducted on the premises except in the Agricultural District in accordance with the provision of this section.		*	*Deleted.*
P	Temporary construction office, shed and/or storage yard in conjunction with on-site construction subject to the following: g) Such use shall be kept so as not to adversely affect other properties. h) A site plan for a temporary construction office, shed and/or storage yard shall be submitted for review and approval by the Zoning Administrator. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to, vehicle access, parking, exterior lighting, emergency access and signage. i) The temporary construction office, shed and/or storage yard shall be removed when on-site construction is completed.		*	*To be moved to* **Section 7 Supplemental Regulations**
P	Temporary residential sales office shall be allowed for the on-site sale of homes, subject to the following: i) A temporary sales office shall not be permitted until the final plat has been recorded and the building permits for the model home complex have been		*	*To be moved to* **Section 7 Supplemental Regulations**

	issued. j) The temporary sales office shall be allowed for a maximum time of 6 months or until the model home complex is completed, whichever occurs first. k) The temporary sales office shall be located so as not to adversely affect other properties. l) A site plan for the temporary sales office shall be submitted for review and approval by the Zoning Administrator. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to, vehicle access, parking, exterior lighting, emergency access, signage and landscaping.			
P	Subdivision model home complex for the on-site sale of homes subject to the following: k) The subdivision plat shall be recorded, infrastructure construction permits issued and house plans approved before building permits for the model home complex are issued. l) A model home complex plan shall be submitted for review and approval by the Zoning Administrator prior to the issuance of building permits for the models. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to vehicle access, parking, exterior lighting, trap fences, emergency access, signage and landscaping. m) A certificate of completion shall not be issued for a model home until the infrastructure improvements required to service the model home complex are accepted by the city. n) All model homes shall be for sale in the subdivision where the complex is located. o) All temporary improvements provided for the model home complex shall be removed or converted before a model home is occupied as a residence. This includes, but is not limited to temporary parking, garage sales offices, lighting, trap fences, lot walls and signage.		*	*To be moved to* **Section 7 Supplemental Regulations**
P	A subdivision model home complex may be used for off-site sales subject to the requirements of subsection 202.B.10 and the following: a) The off-site sales shall be for lots		*	*To be moved to* **Section 7 Supplemental Regulations**

	located within the City of Avondale. b) A model home complex shall not be used only for the purpose of off-site home sales. Construction shall be ongoing in the subdivision within which the complex is located while models are used for off-site sales. c) A model home complex shall only be used to market off-site homes until 97% of the lots in the subdivision that the complex is located in are sold.			
P	Home child care for four (4) or fewer children not related to the residents.		P	Child care in the home for four (4) or fewer children no related to the residents
P	Group homes for the handicapped subject to the following: a. The purpose of these regulations is to allow handicapped persons to reside in residential neighborhoods in compliance with the Federal and State Fair Housing Acts, while preserving the residential character of the community. b. All group homes shall be registered with the City. i. A completed registration form shall be submitted to the Zoning Administrator or designee. ii. Any registration that does not meet the minimum standards of the Zoning Ordinance shall not be approved. iii. Registration does not become effective until after a Certificate of Occupancy is issued for the group home. iv. Registration shall terminate when the group home use ceases. c. All group homes shall be required to meet the following standards: i. The minimum separation between group homes shall be one thousand three hundred (1,320) feet, measured in a straight line from the nearest property line. ii. The number of residents shall not exceed ten (10). This does not include staff. iii. Group homes shall comply with all applicable Building and Fire Safety regulations. These regulations may vary depending on the number of residents. The regulations for group homes with one or more non-ambulatory residents may also be different than those for group homes without non-ambulatory residents. iv. Group homes shall comply with all applicable licensing and certification		PC	Group Home for Persons with a Disability

	requirements of other government agencies. v. Parking for the group home shall be provided onsite and comply with the minimum requirements for single-family residences. vi. There shall be no sign or other exterior indication that the property is being used as a group home. This shall not prevent improvements that are necessary for compliance with the Americans With Disabilities Act. vii. A group home shall not house any person whose tenancy would constitute a direct threat to the health or safety of others or result in substantial physical damage to the property of others. d. Any group home owner who believes a requirement of these requirements prevents the establishment of a group in an economically viable manner shall have the right to submit a request for accommodation to the Zoning Administrator. i. The request shall be in writing and state the reason why the accommodation is needed. Sufficient facts shall be included to allow the Zoning Administrator to make a site-specific determination of need, assess the potential impact on the residential character of the neighborhood, and ensure that the objectives of the Zoning Ordinance will be met. ii. The Zoning Administrator shall review the request in a timely manner and determine whether an accommodation should be made pursuant to the requirements of the Fair Housing Act; and if so, the nature of the accommodation. Accommodation shall be made only to the extent necessary to comply with the Federal and State Fair Housing Acts. e. These regulations do no apply to homes for the developmentally disabled as regulated by A.R.S. § 36-582 to the extent that the state preempts local zoning authority.			
C	Public utility and municipal buildings and facilities; however, storage, repair and public works yards and similar uses are prohibited.		PC C	Public utility facility for local service Public utility facility, with the exception of those allowed as a Use Permitted with Conditions above
C	Churches, convents, parish houses in the		C	Place of Worship

	AG, R1-35 and R1-15 Districts only.			
C	One guesthouse, accessory to the main dwelling, in which no provision is made for cooking. A guesthouse may not be leased, rented, or in any way used for compensation.		C	Guest house
C	Cemeteries, mausoleums, crematoriums.		*	*Deleted because it is provided for under* **Special Use District** *zoning.*
C	Mobile home subdivisions subject to subsection F. herein.		*	*Deleted. Mobile homes allowed only in the* **Mobile Home Park (MH)** *District.*
C	Child care center in conjunction with a church, provided such activities are on the same lot and share joint use of church facilities. Independent freestanding or wall identification signs for the child care center are not permitted.		C	Child Care Center in conjunction with a Place of Worship
C	Home child care for five (5) to ten (10) children not related to the residents, subject to the following conditions: a. The residential character of the exterior of the structure shall be maintained. b. Signs related to the home child care shall not be allowed. c. All required licenses, certifications, and registrations shall be obtained from the appropriate State or County agency prior to issuance of a business license. d. All requirements of the City of Avondale Building Code, Fire Code, and Zoning Ordinance as amended shall be complied with prior to issuance of a business license. e. Existing garages, carports, or driveways shall not be expanded, enclosed, or otherwise modified to accommodate this accessory use. f. All outdoor recreation areas shall be completely enclosed by a six (6) foot high masonry wall with self-closing and self-locking gates. g. All swimming pools shall be secured by a barrier in conformance with the Arizona State Statutes and International Building Code (IBC), as amended. h. Notification of the Conditional Use Permit application shall be made to the subject home owners association management prior to the neighborhood meeting.		C	Child care in the home for five (5) to ten (10) children not related to the residents

Suburban Residential (R1-8, R1-6 and R1-5)				
	Current Code			Proposed Amended Code
P	One (1) single-family detached dwelling per lot. A mobile home, recreational vehicle or similar vehicle shall not be occupied for dwelling purposes unless located a recreational vehicle park, mobile home park or mobile home subdivision as provided in this Code.		P	Single-family detached dwelling
P	Accessory uses and buildings incidental to the principal use such as pools, garages, sheds and provided any accessory building is not used for sleeping or living quarters.		P	Accessory uses and buildings, suburban and urban residential
P	Home occupations in accordance with subsection E., of this section.		PC	Home occupation
P	Public parks and public recreation areas.		P	Parks and recreation areas, public
P	Schools, public or private		P C	Schools, public Schools, private
P	Community swimming pools and similar recreational facilities of a non-profit nature when associated with a residential project.		*	*Allowed under "***Accessory uses and buildings***"*
P	Agricultural uses for the purpose of cultivation only. No retail business shall be conducted on the premises except in the Agricultural District in accordance with the provision of this section.		*	*Deleted.*
P	Temporary construction office, shed and/or storage yard in conjunction with on-site construction subject to the following: j) Such use shall be kept so as not to adversely affect other properties. k) A site plan for a temporary construction office, shed and/or storage yard shall be submitted for review and approval by the Zoning Administrator. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to, vehicle access, parking, exterior lighting, emergency access and signage. l) The temporary construction office, shed and/or storage yard shall be removed when on-site construction is completed.		*	*To be moved to* **Section 7 Supplemental Regulations**
P	Temporary residential sales office shall be allowed for the on-site sale of homes, subject to the following: m) A temporary sales office shall not be permitted until the final plat has been recorded and the building permits for the model home complex have been		*	*To be moved to* **Section 7 Supplemental Regulations**

	issued. n) The temporary sales office shall be allowed for a maximum time of 6 months or until the model home complex is completed, whichever occurs first. o) The temporary sales office shall be located so as not to adversely affect other properties. p) A site plan for the temporary sales office shall be submitted for review and approval by the Zoning Administrator. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to, vehicle access, parking, exterior lighting, emergency access, signage and landscaping.			
P	Subdivision model home complex for the on-site sale of homes subject to the following: p) The subdivision plat shall be recorded, infrastructure construction permits issued and house plans approved before building permits for the model home complex are issued. q) A model home complex plan shall be submitted for review and approval by the Zoning Administrator prior to the issuance of building permits for the models. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to vehicle access, parking, exterior lighting, trap fences, emergency access, signage and landscaping. r) A certificate of completion shall not be issued for a model home until the infrastructure improvements required to service the model home complex are accepted by the city. s) All model homes shall be for sale in the subdivision where the complex is located. t) All temporary improvements provided for the model home complex shall be removed or converted before a model home is occupied as a residence. This includes, but is not limited to temporary parking, garage sales offices, lighting, trap fences, lot walls and signage.		*	*To be moved to* **Section 7 Supplemental Regulations**
P	A subdivision model home complex may be used for off-site sales subject to the requirements of subsection 202.B.10 and the following: a) The off-site sales shall be for lots		*	*To be moved to* **Section 7 Supplemental Regulations**

	located within the City of Avondale. b) A model home complex shall not be used only for the purpose of off-site home sales. Construction shall be ongoing in the subdivision within which the complex is located while models are used for off-site sales. c) A model home complex shall only be used to market off-site homes until 97% of the lots in the subdivision that the complex is located in are sold.			
P	Home child care for four (4) or fewer children not related to the residents.		P	Child care in the home for four (4) or fewer children no related to the residents
P	Group homes for the handicapped subject to the following: a. The purpose of these regulations is to allow handicapped persons to reside in residential neighborhoods in compliance with the Federal and State Fair Housing Acts, while preserving the residential character of the community. b. All group homes shall be registered with the City. i. A completed registration form shall be submitted to the Zoning Administrator or designee. ii. Any registration that does not meet the minimum standards of the Zoning Ordinance shall not be approved. iii. Registration does not become effective until after a Certificate of Occupancy is issued for the group home. iv. Registration shall terminate when the group home use ceases. c. All group homes shall be required to meet the following standards: i. The minimum separation between group homes shall be one thousand three hundred (1,320) feet, measured in a straight line from the nearest property line. ii. The number of residents shall not exceed ten (10). This does not include staff. iii. Group homes shall comply with all applicable Building and Fire Safety regulations. These regulations may vary depending on the number of residents. The regulations for group homes with one or more non-ambulatory residents may also be different than those for group homes without non-ambulatory residents. iv. Group homes shall comply with all applicable licensing and certification		PC	Group Home for Persons with a Disability

	requirements of other government agencies. v. Parking for the group home shall be provided onsite and comply with the minimum requirements for single-family residences. vi. There shall be no sign or other exterior indication that the property is being used as a group home. This shall not prevent improvements that are necessary for compliance with the Americans With Disabilities Act. vii. A group home shall not house any person whose tenancy would constitute a direct threat to the health or safety of others or result in substantial physical damage to the property of others. d. Any group home owner who believes a requirement of these requirements prevents the establishment of a group in an economically viable manner shall have the right to submit a request for accommodation to the Zoning Administrator. i. The request shall be in writing and state the reason why the accommodation is needed. Sufficient facts shall be included to allow the Zoning Administrator to make a site-specific determination of need, assess the potential impact on the residential character of the neighborhood, and ensure that the objectives of the Zoning Ordinance will be met. ii. The Zoning Administrator shall review the request in a timely manner and determine whether an accommodation should be made pursuant to the requirements of the Fair Housing Act; and if so, the nature of the accommodation. Accommodation shall be made only to the extent necessary to comply with the Federal and State Fair Housing Acts. e. These regulations do no apply to homes for the developmentally disabled as regulated by A.R.S. § 36-582 to the extent that the state preempts local zoning authority.			
C	Public utility and municipal buildings and facilities; however, storage, repair and public works yards and similar uses are prohibited.		PC C	Public utility facility for local service Public utility facility, with the exception of those allowed as a Use Permitted with Conditions above
C	One guesthouse, accessory to the main		*	Deleted.

	dwelling, in which no provision is made for cooking. A guesthouse may not be leased, rented, or in any way used for compensation.			
C	Cemeteries, mausoleums, crematoriums.		*	*Deleted because it is provided for under* **Special Use District** *zoning.*
C	Mobile home subdivisions subject to subsection F. herein.		*	*Deleted. Mobile homes allowed only in the* **Mobile Home Park (MH)** *District.*
C	Child care center in conjunction with a church, provided such activities are on the same lot and share joint use of church facilities. Independent freestanding or wall identification signs for the child care center are not permitted.		C	Child Care Center in conjunction with a Place of Worship
C	Home child care for five (5) to ten (10) children not related to the residents, subject to the following conditions: a. The residential character of the exterior of the structure shall be maintained. b. Signs related to the home child care shall not be allowed. c. All required licenses, certifications, and registrations shall be obtained from the appropriate State or County agency prior to issuance of a business license. d. All requirements of the City of Avondale Building Code, Fire Code, and Zoning Ordinance as amended shall be complied with prior to issuance of a business license. e. Existing garages, carports, or driveways shall not be expanded, enclosed, or otherwise modified to accommodate this accessory use. f. All outdoor recreation areas shall be completely enclosed by a six (6) foot high masonry wall with self-closing and self-locking gates. g. All swimming pools shall be secured by a barrier in conformance with the Arizona State Statutes and International Building Code (IBC), as amended. h. Notification of the Conditional Use Permit application shall be made to the subject home owners association management prior to the neighborhood meeting.		C	Child care in the home for five (5) to ten (10) children not related to the residents
			C	**Place of Worship**

Suburban Residential (R-2)				
	Current Code			Proposed Amended Code
P	One (1) single-family detached dwelling per lot. A mobile home, recreational vehicle or similar vehicle shall not be occupied for dwelling purposes unless located a recreational vehicle park, mobile home park or mobile home subdivision as provided in this Code.		P	Single-family detached dwelling
P	Accessory uses and buildings incidental to the principal use such as pools, garages, sheds and provided any accessory building is not used for sleeping or living quarters.		P	Accessory uses and buildings, multiple family
P	Home occupations in accordance with subsection E., of this section.		PC	Home occupation
P	Public parks and public recreation areas.		P	Parks and recreation areas, public
P	Schools, public or private		P -	Schools, public Schools, private
P	Community swimming pools and similar recreational facilities of a non-profit nature when associated with a residential project.		*	*Allowed under "***Accessory uses and buildings***"*
P	Agricultural uses for the purpose of cultivation only. No retail business shall be conducted on the premises except in the Agricultural District in accordance with the provision of this section.		*	*Deleted.*
P	Temporary construction office, shed and/or storage yard in conjunction with on-site construction subject to the following: m) Such use shall be kept so as not to adversely affect other properties. n) A site plan for a temporary construction office, shed and/or storage yard shall be submitted for review and approval by the Zoning Administrator. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to, vehicle access, parking, exterior lighting, emergency access and signage. o) The temporary construction office, shed and/or storage yard shall be removed when on-site construction is completed.		*	*To be moved to* **Section 7 Supplemental Regulations**
P	Temporary residential sales office shall be allowed for the on-site sale of homes, subject to the following: q) A temporary sales office shall not be permitted until the final plat has been recorded and the building permits for the model home complex have been issued.		*	*To be moved to* **Section 7 Supplemental Regulations**

	r) The temporary sales office shall be allowed for a maximum time of 6 months or until the model home complex is completed, whichever occurs first. s) The temporary sales office shall be located so as not to adversely affect other properties. t) A site plan for the temporary sales office shall be submitted for review and approval by the Zoning Administrator. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to, vehicle access, parking, exterior lighting, emergency access, signage and landscaping.			
P	Subdivision model home complex for the on-site sale of homes subject to the following: u) The subdivision plat shall be recorded, infrastructure construction permits issued and house plans approved before building permits for the model home complex are issued. v) A model home complex plan shall be submitted for review and approval by the Zoning Administrator prior to the issuance of building permits for the models. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to vehicle access, parking, exterior lighting, trap fences, emergency access, signage and landscaping. w) A certificate of completion shall not be issued for a model home until the infrastructure improvements required to service the model home complex are accepted by the city. x) All model homes shall be for sale in the subdivision where the complex is located. y) All temporary improvements provided for the model home complex shall be removed or converted before a model home is occupied as a residence. This includes, but is not limited to temporary parking, garage sales offices, lighting, trap fences, lot walls and signage.		*	*To be moved to* **Section 7 Supplemental Regulations**
P	A subdivision model home complex may be used for off-site sales subject to the requirements of subsection 202.B.10 and the following: a) The off-site sales shall be for lots located within the City of Avondale.		*	*To be moved to* **Section 7 Supplemental Regulations**

	b) A model home complex shall not be used only for the purpose of off-site home sales. Construction shall be ongoing in the subdivision within which the complex is located while models are used for off-site sales. c) A model home complex shall only be used to market off-site homes until 97% of the lots in the subdivision that the complex is located in are sold.			
P	Home child care for four (4) or fewer children not related to the residents.		P	Child care in the home for four (4) or fewer children no related to the residents
P	Group homes for the handicapped subject to the following: a. The purpose of these regulations is to allow handicapped persons to reside in residential neighborhoods in compliance with the Federal and State Fair Housing Acts, while preserving the residential character of the community. b. All group homes shall be registered with the City. i. A completed registration form shall be submitted to the Zoning Administrator or designee. ii. Any registration that does not meet the minimum standards of the Zoning Ordinance shall not be approved. iii. Registration does not become effective until after a Certificate of Occupancy is issued for the group home. iv. Registration shall terminate when the group home use ceases. c. All group homes shall be required to meet the following standards: i. The minimum separation between group homes shall be one thousand three hundred (1,320) feet, measured in a straight line from the nearest property line. ii. The number of residents shall not exceed ten (10). This does not include staff. iii. Group homes shall comply with all applicable Building and Fire Safety regulations. These regulations may vary depending on the number of residents. The regulations for group homes with one or more non-ambulatory residents may also be different than those for group homes without non-ambulatory residents. iv. Group homes shall comply with all applicable licensing and certification requirements of other government		PC	Group Home for Persons with a Disability

	agencies. v. Parking for the group home shall be provided onsite and comply with the minimum requirements for single-family residences. vi. There shall be no sign or other exterior indication that the property is being used as a group home. This shall not prevent improvements that are necessary for compliance with the Americans With Disabilities Act. vii. A group home shall not house any person whose tenancy would constitute a direct threat to the health or safety of others or result in substantial physical damage to the property of others. d. Any group home owner who believes a requirement of these requirements prevents the establishment of a group in an economically viable manner shall have the right to submit a request for accommodation to the Zoning Administrator. i. The request shall be in writing and state the reason why the accommodation is needed. Sufficient facts shall be included to allow the Zoning Administrator to make a site-specific determination of need, assess the potential impact on the residential character of the neighborhood, and ensure that the objectives of the Zoning Ordinance will be met. ii. The Zoning Administrator shall review the request in a timely manner and determine whether an accommodation should be made pursuant to the requirements of the Fair Housing Act; and if so, the nature of the accommodation. Accommodation shall be made only to the extent necessary to comply with the Federal and State Fair Housing Acts. e. These regulations do no apply to homes for the developmentally disabled as regulated by A.R.S. § 36-582 to the extent that the state preempts local zoning authority.			
P	Multi-family dwellings including duplexes, townhomes, condominiums, apartments, or other cluster type housing types.		*	*Deleted* - **Multi-family dwelling** *is defined as 4 or more attached dwelling units. See* **Single-family attached dwelling** *below*. (Single-family attached dwelling is defined as including a patio home, duplex and triplex)
C	Public utility and municipal buildings and facilities; however, storage, repair and		PC	Public utility facility for local service

	public works yards and similar uses are prohibited.		C	Public utility facility, with the exception of those allowed as a Use Permitted with Conditions above
C	One guesthouse, accessory to the main dwelling, in which no provision is made for cooking. A guesthouse may not be leased, rented, or in any way used for compensation.		*	Deleted.
C	Cemeteries, mausoleums, crematoriums.		*	*Deleted because it is provided for under* **Special Use District** *zoning.*
C	Mobile home subdivisions subject to subsection F. herein.		*	*Deleted. Mobile homes allowed only in the* **Mobile Home Park (MH)** *District.*
C	Child care center in conjunction with a church, provided such activities are on the same lot and share joint use of church facilities. Independent freestanding or wall identification signs for the child care center are not permitted.		C	Child Care Center in conjunction with a Place of Worship
C	Home child care for five (5) to ten (10) children not related to the residents, subject to the following conditions: a. The residential character of the exterior of the structure shall be maintained. b. Signs related to the home child care shall not be allowed. c. All required licenses, certifications, and registrations shall be obtained from the appropriate State or County agency prior to issuance of a business license. d. All requirements of the City of Avondale Building Code, Fire Code, and Zoning Ordinance as amended shall be complied with prior to issuance of a business license. e. Existing garages, carports, or driveways shall not be expanded, enclosed, or otherwise modified to accommodate this accessory use. f. All outdoor recreation areas shall be completely enclosed by a six (6) foot high masonry wall with self-closing and self-locking gates. g. All swimming pools shall be secured by a barrier in conformance with the Arizona State Statutes and International Building Code (IBC), as amended. h. Notification of the Conditional Use Permit application shall be made to the subject home owners association management prior to the neighborhood meeting.		C	Child care in the home for five (5) to ten (10) children not related to the residents
C	Boarding and rooming houses.		**C** **C** **C**	**Assisted Living Facility** **Boarding House** **Convalescent Home**

			C **C**	**Group Recovery Home** **Nursing Home**
C	Private clubs and lodges of a non-profit nature.		*	*Deleted. Provided for in the C-1, C-2 and C-3 Districts as* **Social/Private Clubs**
			P	**Single-family attached dwelling**
			C	**Place of Worship**

Suburban Residential (R-3)				
	Current Code			Proposed Amended Code
P	One (1) single-family detached dwelling per lot. A mobile home, recreational vehicle or similar vehicle shall not be occupied for dwelling purposes unless located a recreational vehicle park, mobile home park or mobile home subdivision as provided in this Code.		P	Single-family detached dwelling
P	Accessory uses and buildings incidental to the principal use such as pools, garages, sheds and provided any accessory building is not used for sleeping or living quarters.		P	Accessory uses and buildings, multiple family
P	Home occupations in accordance with subsection E., of this section.		PC	Home occupation
P	Public parks and public recreation areas.		P	Parks and recreation areas, public
P	Schools, public or private		P -	Schools, public Schools, private
P	Community swimming pools and similar recreational facilities of a non-profit nature when associated with a residential project.		*	*Allowed under "***Accessory uses and buildings***"*
P	Agricultural uses for the purpose of cultivation only. No retail business shall be conducted on the premises except in the Agricultural District in accordance with the provision of this section.		*	*Deleted.*
P	Temporary construction office, shed and/or storage yard in conjunction with on-site construction subject to the following: p) Such use shall be kept so as not to adversely affect other properties. q) A site plan for a temporary construction office, shed and/or storage yard shall be submitted for review and approval by the Zoning Administrator. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to, vehicle access, parking, exterior lighting, emergency access and signage. r) The temporary construction office, shed and/or storage yard shall be removed when on-site construction is completed.		*	*To be moved to* **Section 7 Supplemental Regulations**
P	Temporary residential sales office shall be allowed for the on-site sale of homes, subject to the following: u) A temporary sales office shall not be permitted until the final plat has been recorded and the building permits for the model home complex have been issued.		*	*To be moved to* **Section 7 Supplemental Regulations**

	v) The temporary sales office shall be allowed for a maximum time of 6 months or until the model home complex is completed, whichever occurs first. w) The temporary sales office shall be located so as not to adversely affect other properties. x) A site plan for the temporary sales office shall be submitted for review and approval by the Zoning Administrator. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to, vehicle access, parking, exterior lighting, emergency access, signage and landscaping.			
P	Subdivision model home complex for the on-site sale of homes subject to the following: z) The subdivision plat shall be recorded, infrastructure construction permits issued and house plans approved before building permits for the model home complex are issued. aa) A model home complex plan shall be submitted for review and approval by the Zoning Administrator prior to the issuance of building permits for the models. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to vehicle access, parking, exterior lighting, trap fences, emergency access, signage and landscaping. bb) A certificate of completion shall not be issued for a model home until the infrastructure improvements required to service the model home complex are accepted by the city. cc) All model homes shall be for sale in the subdivision where the complex is located. dd) All temporary improvements provided for the model home complex shall be removed or converted before a model home is occupied as a residence. This includes, but is not limited to temporary parking, garage sales offices, lighting, trap fences, lot walls and signage.		*	*To be moved to* **Section 7 Supplemental Regulations**
P	A subdivision model home complex may be used for off-site sales subject to the requirements of subsection 202.B.10 and the following:		*	*To be moved to* **Section 7 Supplemental Regulations**

	a) The off-site sales shall be for lots located within the City of Avondale. b) A model home complex shall not be used only for the purpose of off-site home sales. Construction shall be ongoing in the subdivision within which the complex is located while models are used for off-site sales. c) A model home complex shall only be used to market off-site homes until 97% of the lots in the subdivision that the complex is located in are sold.			
P	Home child care for four (4) or fewer children not related to the residents.		P	Child care in the home for four (4) or fewer children no related to the residents
P	Group homes for the handicapped subject to the following: a. The purpose of these regulations is to allow handicapped persons to reside in residential neighborhoods in compliance with the Federal and State Fair Housing Acts, while preserving the residential character of the community. b. All group homes shall be registered with the City. i. A completed registration form shall be submitted to the Zoning Administrator or designee. ii. Any registration that does not meet the minimum standards of the Zoning Ordinance shall not be approved. iii. Registration does not become effective until after a Certificate of Occupancy is issued for the group home. iv. Registration shall terminate when the group home use ceases. c. All group homes shall be required to meet the following standards: i. The minimum separation between group homes shall be one thousand three hundred (1,320) feet, measured in a straight line from the nearest property line. ii. The number of residents shall not exceed ten (10). This does not include staff. iii. Group homes shall comply with all applicable Building and Fire Safety regulations. These regulations may vary depending on the number of residents. The regulations for group homes with one or more non-ambulatory residents may also be different than those for group homes without non-ambulatory residents. iv. Group homes shall comply with all		PC	Group Home for Persons with a Disability

	applicable licensing and certification requirements of other government agencies. v. Parking for the group home shall be provided onsite and comply with the minimum requirements for single-family residences. vi. There shall be no sign or other exterior indication that the property is being used as a group home. This shall not prevent improvements that are necessary for compliance with the Americans With Disabilities Act. vii. A group home shall not house any person whose tenancy would constitute a direct threat to the health or safety of others or result in substantial physical damage to the property of others. d. Any group home owner who believes a requirement of these requirements prevents the establishment of a group in an economically viable manner shall have the right to submit a request for accommodation to the Zoning Administrator. i. The request shall be in writing and state the reason why the accommodation is needed. Sufficient facts shall be included to allow the Zoning Administrator to make a site-specific determination of need, assess the potential impact on the residential character of the neighborhood, and ensure that the objectives of the Zoning Ordinance will be met. ii. The Zoning Administrator shall review the request in a timely manner and determine whether an accommodation should be made pursuant to the requirements of the Fair Housing Act; and if so, the nature of the accommodation. Accommodation shall be made only to the extent necessary to comply with the Federal and State Fair Housing Acts. e. These regulations do no apply to homes for the developmentally disabled as regulated by A.R.S. § 36-582 to the extent that the state preempts local zoning authority.			
P	Multi-family dwellings including duplexes, townhomes, condominiums, apartments, or other cluster type housing types.		P	**Multi-family dwelling** (is defined as 4 or more attached dwelling units. A duplex, triplex, patio home all are defined as a **Single-family attached dwelling**.)

C	Public utility and municipal buildings and facilities; however, storage, repair and public works yards and similar uses are prohibited.		PC C	Public utility facility for local service Public utility facility, with the exception of those allowed as a Use Permitted with Conditions above
C	One guesthouse, accessory to the main dwelling, in which no provision is made for cooking. A guesthouse may not be leased, rented, or in any way used for compensation.		*	Deleted.
C	Cemeteries, mausoleums, crematoriums.		*	*Deleted because it is provided for under* **Special Use District** *zoning.*
C	Mobile home subdivisions subject to subsection F. herein.		*	*Deleted. Mobile homes allowed only in the* **Mobile Home Park (MH)** *District.*
C	Child care center in conjunction with a church, provided such activities are on the same lot and share joint use of church facilities. Independent freestanding or wall identification signs for the child care center are not permitted.		C	Child Care Center in conjunction with a Place of Worship
C	Home child care for five (5) to ten (10) children not related to the residents, subject to the following conditions: a. The residential character of the exterior of the structure shall be maintained. b. Signs related to the home child care shall not be allowed. c. All required licenses, certifications, and registrations shall be obtained from the appropriate State or County agency prior to issuance of a business license. d. All requirements of the City of Avondale Building Code, Fire Code, and Zoning Ordinance as amended shall be complied with prior to issuance of a business license. e. Existing garages, carports, or driveways shall not be expanded, enclosed, or otherwise modified to accommodate this accessory use. f. All outdoor recreation areas shall be completely enclosed by a six (6) foot high masonry wall with self-closing and self-locking gates. g. All swimming pools shall be secured by a barrier in conformance with the Arizona State Statutes and International Building Code (IBC), as amended. h. Notification of the Conditional Use Permit application shall be made to the subject home owners association management prior to the neighborhood meeting.		C	Child care in the home for five (5) to ten (10) children not related to the residents
C	Boarding and rooming houses.		**C** **C**	**Assisted Living Facility** **Boarding House**

			C **C** **C**	**Convalescent Home** **Group Recovery Home** **Nursing Home**
C	Private clubs and lodges of a non-profit nature.		*	*Deleted. Provided for in the C-1, C-2 and C-3 Districts as* **Social/Private Clubs**
			P	**Single family attached dwelling**
			C	**Place of Worship**

Suburban Residential (R-4)				
	Current Code			Proposed Amended Code
P	One (1) single-family detached dwelling per lot. A mobile home, recreational vehicle or similar vehicle shall not be occupied for dwelling purposes unless located a recreational vehicle park, mobile home park or mobile home subdivision as provided in this Code.		*	*Deleted.* **Single-family attached dwelling** *is provided for, see below.*
P	Accessory uses and buildings incidental to the principal use such as pools, garages, sheds and provided any accessory building is not used for sleeping or living quarters.		P	Accessory uses and buildings, multiple family
P	Home occupations in accordance with subsection E., of this section.		PC	Home occupation
P	Public parks and public recreation areas.		P	Parks and recreation areas, public
P	Schools, public or private		P -	Schools, public Schools, private
P	Community swimming pools and similar recreational facilities of a non-profit nature when associated with a residential project.		*	*Allowed under "***Accessory uses and buildings***"*
P	Agricultural uses for the purpose of cultivation only. No retail business shall be conducted on the premises except in the Agricultural District in accordance with the provision of this section.		*	*Deleted.*
P	Temporary construction office, shed and/or storage yard in conjunction with on-site construction subject to the following: s) Such use shall be kept so as not to adversely affect other properties. t) A site plan for a temporary construction office, shed and/or storage yard shall be submitted for review and approval by the Zoning Administrator. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to, vehicle access, parking, exterior lighting, emergency access and signage. u) The temporary construction office, shed and/or storage yard shall be removed when on-site construction is completed.		*	*To be moved to* **Section 7 Supplemental Regulations**
P	Temporary residential sales office shall be allowed for the on-site sale of homes, subject to the following: y) A temporary sales office shall not be permitted until the final plat has been recorded and the building permits for the model home complex have been issued.		*	*To be moved to* **Section 7 Supplemental Regulations**

	z) The temporary sales office shall be allowed for a maximum time of 6 months or until the model home complex is completed, whichever occurs first. aa) The temporary sales office shall be located so as not to adversely affect other properties. bb) A site plan for the temporary sales office shall be submitted for review and approval by the Zoning Administrator. The Zoning Administrator shall provide a checklist of items to be included on the plan that includes, but is not limited to, vehicle access, parking, exterior lighting, emergency access, signage and landscaping.			
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	a) The off-site sales shall be for lots located within the City of Avondale. b) A model home complex shall not be used only for the purpose of off-site home sales. Construction shall be ongoing in the subdivision within which the complex is located while models are used for off-site sales. c) A model home complex shall only be used to market off-site homes until 97% of the lots in the subdivision that the complex is located in are sold.			
P	Home child care for four (4) or fewer children not related to the residents.		P	Child care in the home for four (4) or fewer children no related to the residents
P	Group homes for the handicapped subject to the following: a. The purpose of these regulations is to allow handicapped persons to reside in residential neighborhoods in compliance with the Federal and State Fair Housing Acts, while preserving the residential character of the community. b. All group homes shall be registered with the City. i. A completed registration form shall be submitted to the Zoning Administrator or designee. ii. Any registration that does not meet the minimum standards of the Zoning Ordinance shall not be approved. iii. Registration does not become effective until after a Certificate of Occupancy is issued for the group home. iv. Registration shall terminate when the group home use ceases. c. All group homes shall be required to meet the following standards: i. The minimum separation between group homes shall be one thousand three hundred (1,320) feet, measured in a straight line from the nearest property line. ii. The number of residents shall not exceed ten (10). This does not include staff. iii. Group homes shall comply with all applicable Building and Fire Safety regulations. These regulations may vary depending on the number of residents. The regulations for group homes with one or more non-ambulatory residents may also be different than those for group homes without non-ambulatory residents. iv. Group homes shall comply with all		PC	Group Home for Persons with a Disability

	applicable licensing and certification requirements of other government agencies. v. Parking for the group home shall be provided onsite and comply with the minimum requirements for single-family residences. vi. There shall be no sign or other exterior indication that the property is being used as a group home. This shall not prevent improvements that are necessary for compliance with the Americans With Disabilities Act. vii. A group home shall not house any person whose tenancy would constitute a direct threat to the health or safety of others or result in substantial physical damage to the property of others. d. Any group home owner who believes a requirement of these requirements prevents the establishment of a group in an economically viable manner shall have the right to submit a request for accommodation to the Zoning Administrator. i. The request shall be in writing and state the reason why the accommodation is needed. Sufficient facts shall be included to allow the Zoning Administrator to make a site-specific determination of need, assess the potential impact on the residential character of the neighborhood, and ensure that the objectives of the Zoning Ordinance will be met. ii. The Zoning Administrator shall review the request in a timely manner and determine whether an accommodation should be made pursuant to the requirements of the Fair Housing Act; and if so, the nature of the accommodation. Accommodation shall be made only to the extent necessary to comply with the Federal and State Fair Housing Acts. e. These regulations do no apply to homes for the developmentally disabled as regulated by A.R.S. § 36-582 to the extent that the state preempts local zoning authority.			
P	Multi-family dwellings including duplexes, townhomes, condominiums, apartments, or other cluster type housing types.		P	**Multi-family dwelling** (is defined as 4 or more attached dwelling units. A duplex, triplex, patio home all are defined as a **Single-family attached dwelling**.)

C	Public utility and municipal buildings and facilities; however, storage, repair and public works yards and similar uses are prohibited.		PC C	Public utility facility for local service Public utility facility, with the exception of those allowed as a Use Permitted with Conditions above
C	One guesthouse, accessory to the main dwelling, in which no provision is made for cooking. A guesthouse may not be leased, rented, or in any way used for compensation.		*	Deleted.
C	Cemeteries, mausoleums, crematoriums.		*	*Deleted because it is provided for under* **Special Use District** *zoning.*
C	Mobile home subdivisions subject to subsection F. herein.		*	*Deleted. Mobile homes allowed only in the* **Mobile Home Park (MH)** *District.*
C	Child care center in conjunction with a church, provided such activities are on the same lot and share joint use of church facilities. Independent freestanding or wall identification signs for the child care center are not permitted.		C	Child Care Center in conjunction with a Place of Worship
C	Home child care for five (5) to ten (10) children not related to the residents, subject to the following conditions: a. The residential character of the exterior of the structure shall be maintained. b. Signs related to the home child care shall not be allowed. c. All required licenses, certifications, and registrations shall be obtained from the appropriate State or County agency prior to issuance of a business license. d. All requirements of the City of Avondale Building Code, Fire Code, and Zoning Ordinance as amended shall be complied with prior to issuance of a business license. e. Existing garages, carports, or driveways shall not be expanded, enclosed, or otherwise modified to accommodate this accessory use. f. All outdoor recreation areas shall be completely enclosed by a six (6) foot high masonry wall with self-closing and self-locking gates. g. All swimming pools shall be secured by a barrier in conformance with the Arizona State Statutes and International Building Code (IBC), as amended. h. Notification of the Conditional Use Permit application shall be made to the subject home owners association management prior to the neighborhood meeting.		C	Child care in the home for five (5) to ten (10) children not related to the residents
C	Boarding and rooming houses.		**C** **C**	**Assisted Living Facility** **Boarding House**

			C	**Convalescent Home**
			C	**Group Recovery Home**
			C	**Nursing Home**
C	Private clubs and lodges of a non-profit nature.		*	*Deleted. Provided for in the C-1, C-2 and C-3 Districts as* **Social/Private Clubs**
			P	**Single family attached dwelling**
			C	**Place of Worship**

PLANNING COMMISSION
REGULAR MEETING

CITY COUNCIL CHAMBERS
11465 W. CIVIC CENTER DR.
AVONDALE, AZ 85323

Thursday, January 15, 2009
6:30 P.M.

DRAFT

I. CALL TO ORDER

The Regular Meeting was called to order at approximately 6:30 p.m. by Chairperson Iwanski.

II. ROLL CALL

The following members and representatives were present:

COMMISSIONERS PRESENT
David Iwanski, Chairman
Michael Demlong, Vice Chair
Al Lageschulte, Commissioner
Angela Cotera, Commissioner
Linda Webster, Commissioner
Lisa Amos, Commissioner
David Scanlon, Commissioner

CITY STAFF PRESENT
Brian Berndt, Development Services Director
Chris Schmaltz, City Attorney
Eric Morgan, Planner II, Development Services Department
Scott Wilken, Senior Planner, Development Services Department

VII. PUBLIC HEARING ITEMS

3. TA-08-3: This is a public hearing before the Planning Commission to review and solicit public input on application TA-08-3, a Staff-initiated text amendment to Section 2: Residential Zoning Districts, to include Single Family Residential, Multi-Family Residential, Mobile Home Park, and Rural Residential District of the Zoning Ordinance as part of a comprehensive update to the Avondale Zoning Ordinance. Staff Contact: **Eric Morgan**.

Eric Morgan, Planner II, Development Services, stated item TA-08-3 is a request for a text amendment to Section 2 of the Zoning Ordinance, which covers Residential Districts. This item was previously before the Planning Commission on May 15, 2008 as a Work Session item. Section 2 provides regulations for all residential zoning districts in the City, with the exception of certain PADs. These regulations comprise Purpose Statements, Development Standards, and Design Standards.

Each district is provided with a Purpose statement explaining the intent and expectations for that zoning district. The intent for Agricultural districts is for single family use, agriculture and ranching on large properties, or as a zoning holding district. The intent for Rural Residential districts is Single Family Residential use on larger lots, while preserving a rural lifestyle with limited animal rights, but not full-blown agricultural and ranching. The intent for Suburban Residential is for larger lots of an estate type for Single Family Residential. The intent for Urban Residential lots is for attached and detached home products and are the most typical lots seen in hard zoning throughout the City. The intent for Multi-Family Residential is for a variety of attached housing products at a variety of levels of density. The intent of the Mobile Home District is for lifestyles alternative to the traditional Single Family and Multi-Family housing types.

Mr. Morgan highlighted proposed changes to the uses to include deleting mobile homes from all districts except the mobile home districts, allowing public schools in all districts as a permitted use, and allowing private schools with a Conditional Use Permit in all Single Family districts provided they are on an arterial or two collector streets. The term "churches" is replaced with "places of worship" and these are allowed with Conditional Use Permits in all districts provided they are located on an arterial or the intersection of two collector streets. One guest house will be allowed as a permitted use in the Agricultural RR-43 and RR-18 districts, and a guest house will be allowed with a Conditional Use Permit in the larger lot estate districts (R1-35 and R1-15). Guest houses will not be allowed elsewhere. Staff is proposing that bed and breakfasts require a Conditional Use Permit in the RR-43 and R1-35 districts. Country clubs, golf courses, cemeteries, mausoleums, and crematoriums are deleted from all districts because they are provided for in the Special Use district. Construction trailers, model homes and on- and off-site sales offices are deleted from all districts and are moved to Section 7, Supplemental Regulations.

Most of the change to the Single Family development standards involve the urban lots (R1-8, R1-6, and R1-5 districts). The most change occurs in the R1-5 district. The intent is to encourage cluster development and patio homes. Minimum side yards can be zero if there is a common wall. The remaining changes are mostly to conform with other zoning districts. Multi-Family development standards have less change. The R-2 district minimum lot area per unit was changed to comply with the General Plan high density land use district, which has eight dwelling units to the acre.

Design Standards affect Single Family and Multi-Family districts and include removing landscaping, which will appear in a landscaping ordinance to come later. A requirement is added

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for adherence to the Design Manuals for all Single Family and Multi-Family districts regarding architecture and site design. A requirement is added for Single Family detached subdivisions of more than 80 lots to provide a variety of lot sizes, with at least 25 percent of the lots to be a different size. There is an emphasis on creating neighborhoods by lot layout and sharing design themes. A requirement is added for Single Family Residential for a two-car garage per dwelling unit and requiring the garage to have a minimum dimension of 20 feet by 20 feet. A provision is proposed for surface parking in the front yards to be paved and to not occupy more than 50 percent of the yard. In the Multi-Family Residential district, open space should be the focus of development and will rely on Section 6 for the particulars of what counts as open space. An increase is proposed in the amount of private outdoor space in the form of patios and balconies from 60 square feet to 80 square feet. A requirement is added that apartment developments of 100 units or greater will provide garage parking for a minimum of 25 percent of the parking, excluding visitor parking. No significant changes have been made to the Mobile Home Park District. Recreational vehicles have been eliminated as a permitted dwelling unit. A requirement is added that expansion of a manufactured home park or creation of a new one requires Site Plan review per Section 1 of the Zoning Ordinance.

Staff has involved the public and the development community throughout this process. Two Neighborhood Meetings have been held and three Work Sessions with the Planning Commission and City Council. Draft updates have been e-mailed to those on the public contact list. Staff has held meetings with developers as well, and there have been relatively few comments, if any.

Staff recommends approval with a correction to the Mobile Home Park District, which is referred to with the designation of R-5. In the future Staff may want the R-5 designation for another zoning district, so Staff would like the Mobile Home Park District to be known by the designation MH. Mr. Morgan noted this item is scheduled to be before the City Council at the February 17, 2009 meeting.

Chairperson Iwanski invited questions.

Commissioner Cotera asked if winter visitors with recreational vehicles would not be allowed in mobile home areas. Mr. Morgan replied that Staff is proposing language that you may not dwell in a recreational vehicle in a mobile home park as a permanent structure. RVs are removed from the permitted use list as a permanent structure. The intent is not to have people living in recreational vehicles. The winter visitors are fine. Commissioner Cotera stated the language appears to read that there will be no long-term RV parks. Mr. Morgan stated that the proposed language would eliminate long-term RV parks. Commissioner Cotera stated some people have $100,000-$150,000 RVs and they like to park their RV for the winter and spend money. She asked if that will be prohibited in the City of Avondale.

Chairperson Iwanski stated that for a week at Phoenix International Raceway (PIR), it becomes RV city and he would not like an unintended consequence. Scott Wilken, Senior Planner,

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Development Services, stated that the Special Use Overlay district was approved within the last year-and-a-half and allows commercial camp ground and recreational vehicle parks.

Mr. Morgan interjected that this restriction would not apply to PIR because the restriction only applies to areas with Mobile Home Park zoning.

Commissioner Cotera stated she liked seeing the tables listing the uses in previous text amendments to the Zoning Ordinance, as she finds them user friendly. Mr. Morgan stated that if the Commission prefers having the uses listed in a table matrix, Staff is amenable to revising the proposed text amendment.

Commissioner Webster stated there are two mobile home parks in Avondale that have RVs being used as residences, and asked how would the regulation apply to those people. Mr. Morgan replied those RVs would become legal non-conforming uses and could continue as such.

Commissioner Webster asked if those RVs moved out, could other RVs come in. Chris Schmaltz, City Attorney, explained that the rules that apply to legal non-conforming uses state that if you discontinue, you lose the legal non-conforming status. The rules apply to the use. He would have to consider if an RV drove away for six months and then came back and parked again, how that would impact the legal non-conforming status. Generally the legal non-conforming status is lost if the use is discontinued.

Commissioner Webster stated she can see this hurting mobile home parks that are currently receiving revenue by allowing RVs to park. Mr. Morgan stated that a legal non-conforming use must be discontinued for a year before legal non-conforming use status is lost.

Vice Chair Demlong noted on page 3 of the clean copy that Item No. 8 states one can retail farm products on agricultural district property, but a nursery producing farm products can only wholesale the products. Mr. Morgan stated that Staff would entertain changing that language. He noted this is the existing language and has just been carried over. Vice Chair Demlong asked if there were any drawbacks to that restriction. Mr. Morgan stated he would defer the question to a policy-making body.

Chairperson Iwanski suggested adding language to page 3, Item No. 8 and Item No. 9 to clarify the issue.

Vice Chair Demlong asked if there were any issues with adding the term “wholesale” to the language. Mr. Morgan stated he did not foresee any problem with allowing wholesaling or retailing, whether it is nursery, greenhouse, or farm products.

Vice Chair Demlong asked if a person can build a guest house with a kitchen in an R1-8 zone. Mr. Morgan stated that person could build a room that looks like a kitchen, but guest houses are defined as not being independent houses and they should not have cooking facilities. If a guest

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house is a full dwelling unit, then there would be two dwelling units per lot. Staff wants to retain the provision of one dwelling unit per lot. Vice Chair Demlong stated there is no language that prevents a person from building a kitchen, and in an R-18 district, the property cannot be subdivided in any case. With the stipulations that one cannot have separate utilities or a separate road, that would keep a person from selling the dwelling or even renting it out. Mr. Morgan stated this is the existing language and was simply copied. He is not aware of the Building Code requirements stipulating when a structure becomes a dwelling unit. If the Commission wants to add language that kitchens are not allowed to be built, that is acceptable. Vice Chair Demlong stated that a number of residents have expressed interest in having guest houses with kitchens. The idea is one can put a kitchen in when the guest house is built, or one can wait until the guest house has passed final inspection and then put the guest house in. His question is, does this language prevent a kitchen in a guest house.

Scott Wilken, Senior Planner, Development Services Department, stated that the regulation prohibits the size of electrical outlet required for a stove. The closest thing he can see that would prevent somebody from creating a separate living unit is the language that a separate address, water meter, utility meter, driveway, or parking area shall not be provided for the guest house. There is no language referring to kitchens.

Vice Chair Demlong stated that those measures would effectively prevent a person from creating a rental unit in their back yard.

Commissioner Lageschulte stated he reads "guest house shall not be rented or leased separately from the principle residence otherwise used for compensation." He thinks the concern is with somebody creating a separate home on the property. He suggested the language read "rented, leased, or sold separately from the principle residence."

Vice Chair Demlong asked if that would apply only to the Agricultural district. Mr. Morgan stated that the language covers all three districts. Vice Chair Demlong stated if the intent is to keep a guest house from having a kitchen, the language should be reworded. Mr. Morgan replied that the current language is the language Staff is supporting.

Chairperson Iwanski asked for an opinion on adding the language "rented, leased, or sold separately from the principle residence." Mr. Morgan replied that Staff would be amenable to adding that language.

Vice Chair Demlong stated he saw no problem with allowing retail and wholesale of farm products produced on premises, and allowing nurseries to wholesale and retail.

Commissioner Scanlon noted that solar panels must appear to be part of the roof structure and be the same color as the roof, or glass-enclosed. He asked if solar panel manufacturers are capable of matching the color of roofs. Mr. Morgan replied the language on solar panels is the existing language and Staff does not recommend modifying this language. He believes there are several

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homes in Avondale that have roof-mounted solar equipment. Commissioner Scanlon asked if the color of the solar panels affected the efficiency of the units. Mr. Morgan stated he does not believe the intent is that the cells that collect the solar energy must match the roof, but the sides and front of the panels must match the roof as viewed from the ground. He believes solar cells are uniformly dark blue.

Scott Wilken, Senior Planner, Development Services Department, suggested that this section be removed altogether, as there are regulations already stating that HOAs and so forth cannot dictate the color and aesthetics because it does affect the functionality of the units. Commissioner Scanlan stated he would be amenable to removing the section altogether.

Chairperson Iwanski asked if all of Section 7 H would be deleted.

Commissioner Scanlon stated his only concern was the language under Section 7 H regarding the color and structure of the panels.

Vice Chair Demlong stated that one can now buy solar units that are shaped like roof tiles.

Chris Schmaltz, City Attorney, suggested language be added to state that the mounting structure shall match the color of the roof.

Commissioner Scanlon stated another concern with Paragraph H is where it states collectors requiring a high angle of installation shall be fully screened, which may not be possible, and this ordinance may conflict with State and Federal Law.

Chairperson Iwanski suggested deleting Paragraph H in its entirety.

Commissioner Scanlon stated that would alleviate his concern.

Vice Chair Demlong asked if he understood that this clause possibly conflicts with State and Federal regulations. Mr. Berndt stated he did not know the exact language, but he realized that there could be a conflict perceived. Due to the fact that the City does not perform single family architectural review to that level, the City does not control a lot of things that fall within those regulations. He thinks it would be better to remove the clause.

Chairperson Iwanski stated the HOA CC&Rs certainly address some of this, but with new regulations trying to encourage solar technicality, he appreciates Staff's willingness to step away from this.

Chairperson Iwanski invited further questions, and hearing none, opened the public hearing on Item TA-08-3. There were no requests to speak. Chairperson Iwanski closed the public hearing.

Chairperson Iwanski opened the floor for discussion, and hearing none, invited a motion.

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Vice Chair Demlong moved that the Planning Commission accept the findings and recommend approval of application TA-08-3, a request for text amendment of Section 2, Residential Districts, of the Zoning Ordinance, with modifications: 1) Section 202(a) #8 "retailing and wholesaling farm products produced on premises." 2) Section 202(a) #9 "Plant nurseries and greenhouses for propagation, cultivation, and retail wholesale distribution of plants sold on premises." 3) Section 202(a) #15 "Shall not be rented, leased, or sold." 4) Section 208(a) #7H, delete reference to solar water heating units. 5) Modify 207 Manufactured Home Park section to replace the term "R-5" with "MH." Commissioner Cotera seconded the motion.

Chairperson Iwanski called for a roll call vote.

ROLL CALL VOTE

Chairperson Iwanski	Aye
Vice Chair Demlong	Aye
Commissioner Lageschulte	Aye
Commissioner Scanlon	Aye
Commissioner Cotera	Aye
Commissioner Webster	Aye
Commissioner Amos	Excused

The motion passed unanimously.

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RESOLUTION NO. 2806-309

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED THE "CITY OF AVONDALE RESIDENTIAL ZONING DISTRICTS ORDINANCE."

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

SECTION 1. That certain document entitled the "City of Avondale Residential Zoning Districts Ordinance," of which three copies are on file in the office of the City Clerk and open for public inspection during normal business hours, is hereby declared to be a public record and said copies are ordered to remain on file with the City Clerk.

PASSED AND ADOPTED by the Council of the City of Avondale, March 2, 2009.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

ORDINANCE NO. 1351-309

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE CITY OF AVONDALE ZONING ORDINANCE, SECTION 2, RESIDENTIAL DISTRICTS, AND ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT KNOWN AS THE CITY OF AVONDALE RESIDENTIAL ZONING DISTRICTS ORDINANCE.

WHEREAS, all due and proper notices of public hearings on this Ordinance held before the City of Avondale Planning and Zoning Commission (the "Commission") and the Council of the City of Avondale (the "City Council") were given in the time, form, substance and manner provided by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-462.04, the Commission held a public hearing on this Ordinance on January 15, 2009; and

WHEREAS, the Commission recommended to the City Council that this Ordinance be approved; and

WHEREAS, the City Council held a public hearing on this Ordinance on March 2, 2009.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. That certain document known as the City of Avondale Residential Zoning Districts Ordinance, three copies of which are on file in the office of the City Clerk, which document was made a public record by Resolution No. 2806-309 of the City of Avondale, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

SECTION 2. That the City of Avondale Zoning Ordinance (the "Zoning Ordinance"), Section 2, Residential Districts, is hereby deleted in its entirety and replaced by the City of Avondale Residential Districts Ordinance, which shall be inserted into the Zoning Ordinance as a new Section 2, Residential Districts.

SECTION 3. That any person who fails to comply with any provision of the City of Avondale Residential Districts Ordinance shall be subject to shall be subject to civil and criminal penalties as set forth in Section 114 of the Zoning Ordinance. Civil penalties shall not exceed $1,000.00. Criminal penalties shall constitute a class one misdemeanor, punishable by a fine not to exceed $2,500.00 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense.

SECTION 4. That if any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the City of Avondale Residential Districts Ordinance adopted herein by reference is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, March 2, 2009.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

CITY OF AVONDALE

RESIDENTIAL ZONING DISTRICTS ORDINANCE

SECTION 2
RESIDENTIAL DISTRICTS

Sections

201 Purpose
202 Land Use Matrices
203 Uses Permitted With Conditions
204 Uses Permitted With a Conditional Use Permit
205 Development Standards
206 Design Standards
207 MH Manufactured Home Park District

201 Purpose

The residential districts are designed to promote high quality neighborhoods that have a distinct character, superior aesthetics, desirable amenities, open space and landscaping to meet the needs and expectations of the City's residents. The Districts range from low to high density, with distinct lists of allowed uses, development regulations and design requirements. These regulations are intended to further the intent and policies of the City's General Plan and to promote the health, safety and welfare of the City's citizens and visitors.

The residential districts are grouped into six (6) categories, each with a specific purpose, as follows:

A. **Agricultural –** Agricultural (AG) Zoning District. The purpose of the Agricultural (AG) zoning district is to allow agricultural, ranching and related uses within the City. The District also serves as a holding zoning for land until suitable for rezoning and development.

B. **Rural Residential** - RR-43 and RR-18 Zoning Districts. The purpose of the RR-43 zoning district is to encourage and preserve low-density residential developments with low intensity agricultural operations in a growing area. The purpose of the RR-18 district is to encourage single family residential uses and provide a semi-rural character that includes the keeping of farm animals. The intent of the district is to provide an appropriate buffer between urban and agricultural lifestyles with livestock and animal provisions while fostering orderly growth and limiting nonresidential land uses to maintain a rural residential character.

C. **Suburban Residential** - R1-35 and R1-15 Zoning Districts. The purpose of these districts is to provide low-density, estate-type residential uses. The districts serve as a transition between agricultural uses and urban development.

D. **Urban Residential** - R1-8, R1-6 and R1-5 Zoning Districts. The purpose of these districts is to provide a variety of single family detached residential dwelling types at an urban density.

E. **Multiple Family Residential -** R-2, R-3 and R-4 Zoning Districts.

1. The R-2 Zoning District is intended to provide a transition from single family residential neighborhoods to a mixture of higher intensity land uses. Properties in this district are intended to be developed as single family detached and attached, townhomes and patio homes.

2. The R-3 Zoning District is intended to provide for townhome, condominium and apartment uses.

3. The R-4 Zoning District is intended to be located near high activity commercial areas of the City and providing for high intensity townhome, condominium, apartment, loft apartment and mixed uses.

F. **Manufactured Home Park** - MH Zoning District. The purpose of the MH zoning district is to provide an alternative living style and dwelling type to conventional single-family and multi-family housing. Standards contained herein are designed to afford adequate separation of manufactured home units, screening and open space in order to enhance the park environment.

202 Land Use Matrices

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

A. **Single Family Districts**.

Land Use Matrix

LAND USE	AG	RR-43	RR-18	R1-35	R1-15	R1-8	R1-6	R1-5
Accessory uses and buildings, agricultural	P	-	-	-	-	-	-	-
Accessory uses and buildings, rural residential	P	P	P	-	-	-	-	-
Accessory uses and buildings, suburban & urban residential	P	P	P	P	P	P	P	P
Apiary	PC	PC	-	-	-	-	-	-
Bed and breakfast inn	-	C	-	C	-	-	-	-
Child care in the home for four (4) or	P	P	P	P	P	P	P	P

fewer children not related to the residents								
Child care in the home for five (5) to ten (10) children not related to the residents	C	C	C	C	C	C	C	C
Child Care Center in conjunction with a Place of Worship	C	C	C	C	C	C	C	C
Dairy farm	PC	-	-	-	-	-	-	-
Farm animals, the raising and keeping of	P	PC	PC	PC	-	-	-	-
Farming, including all types of agriculture and horticulture	P	P	-	-	-	-	-	-
Feed lot for cattle	PC	-	-	-	-	-	-	-
Greenhouse, for propagation, cultivation, retail and wholesale distribution of plants sold on premises	P	P	-	-	-	-	-	-
Group Home for Persons with a Disability	PC	PC	PC	PC	PC	PC	PC	PC
Guest house	PC	PC	PC	C	C	-	-	-
Home Occupation	PC	PC	PC	PC	PC	PC	PC	PC
Kennel for boarding and breeding dogs and cats with dog runs	C	C	-	-	-	-	-	-
Nursery for plants, for propagation, cultivation, retail and wholesale distribution of plants sold on premises	P	P	-	-	-	-	-	-
Park and recreation areas, public	P	P	P	P	P	P	P	P
Place of Worship	C	C	C	C	C	C	C	C
Public utility facility required for local service	PC	PC	PC	PC	PC	PC	PC	PC
Public utility facility with the exception of those allowed as a Use Permitted with Conditions above	C	C	C	C	C	C	C	C
Ranch for horses, commercial and guest	P	C	-	-	-	-	-	-
Retailing farm products produced on the premises	P	P	-	-	-	-	-	-
School, private	-	C	C	C	C	C	C	C
School, public	P	P	P	P	P	P	P	P
Single-family detached dwelling	P	P	P	P	P	P	P	P
Stable for horses, commercial	P	C	-	-	-	-	-	-
Wholesaling farm products produced on the premises	P	-	-	-	-	-	-	-

P = Permitted Use
C = Conditional Use Permit required.
PC = Permitted with Conditions

A = Accessory Use
- = Not Permitted

B. **Multiple Family Districts and Manufactured Home Park**.

Land Use Matrix

LAND USE	R-2	R-3	R-4	MH
Accessory uses and buildings, manufactured home park	-	-	-	P
Accessory uses and buildings, multiple family	P	P	P	-
Assisted Living Facility	C	C	C	-
Boarding House	C	C	C	-
Child care in the home for four (4) or fewer children not related to the residents	P	P	P	-
Child care in the home for five (5) to ten (10) children not related to the residents	C	C	C	-
Child Care Center in conjunction with a Place of Worship	C	C	C	C
Convalescent Home	C	C	C	-
Group Home for Persons with a Disability	PC	PC	PC	PC
Group Recovery Home	C	C	C	-
Home Occupation	PC	PC	PC	PC
Manufactured or Mobile Home	-	-	-	P
Multi-family dwelling	-	P	P	-
Nursing Home	C	C	C	-
Park and recreation areas, public	P	P	P	-
Place of Worship	C	C	C	C
Public utility facility required for local service	PC	PC	PC	-
Public utility facility with the exception of those allowed as a Use Permitted with Conditions above	C	C	C	-
School, public	P	P	P	-
Single-family attached dwelling	P	P	P	-
Single-family detached dwelling	P	P	-	-

P = Permitted Use
C = Conditional Use Permit required.
PC = Permitted with Conditions
A = Accessory Use
- = Not Permitted

203 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. **Apiary** is allowed in certain residential zoning districts provided that:

1. In the AG District, hives shall have a minimum separation of two-hundred (200) feet from any adjacent residences.

2. In the RR-43 District, hives shall have a minimum separation of seventy-five (75) feet from any adjacent residence.

B. **Dairy Farm** is allowed in certain residential zoning districts provided that the minimum site area is forty (40) acres.

C. **Farm Animals**. Raising and keeping farm animals is allowed in certain residential zoning districts, subject to the following:

1. In the RR-43 District:

a. The keeping of livestock such as cattle and horses shall be allowed at a ratio of one (1) animal per 21,780 square feet of lot area.

b. Small livestock such as goats and sheep shall be allowed at a ratio of two (2) animals per 21,780 square feet of lot area.

c. No more than two (2) swine per lot shall be allowed, excluding potbelly pigs.

d. Farm animals under the age of six (6) months shall not be limited to an animal per square footage ratio.

e. Structures for fowl shall not be located closer than seventy-five (75) feet to any neighboring residence.

2. In the RR-18 District:

a. All farm animals shall be contained on the property by an effective enclosure and shall not be allowed to run at large.

b. The property shall be maintained so that it does not create or contribute to a health nuisance caused by the presence of flies, mosquitoes or other vermin; objectionable odors or dust; ponded

water or water runoff; the accumulation of manure, garbage, refuse or other obnoxious or putrescible material; or similar conditions.

3. In the R1-35 District:

a. The keeping of livestock such as cattle and horses shall be allowed at a ratio of one (1) animal per 21,780 square feet of lot area.

b. Small livestock such as goats and sheep shall be allowed at a ratio of two (2) animals per 21,780 square feet of lot area.

c. No more than two (2) swine per lot shall be allowed, excluding potbelly pigs.

d. Farm animals under the age of six (6) months shall not be limited to an animal per square footage ratio.

e. Fowl shall not be allowed.

D. **Feed Lot for cattle** is allowed in certain residential zoning districts provided that the minimum site are is forty (40) acres.

E. **Group Home for Persons with a Disability** is allowed in certain residential zoning districts provided that:

1. The purpose of these regulations is to allow persons with a disability to reside in residential neighborhoods in compliance with the Federal and State Fair Housing Acts, while preserving the residential character of the community.

2. All group homes shall be registered with the City.

a. A completed registration form shall be submitted to the Zoning Administrator or designee.

b. Any registration request for a property that does not meet the minimum standards of the Zoning Ordinance shall not be approved.

c. Registration does not become effective until after a Certificate of Occupancy is issued for the group home.

d. Registration shall terminate when the group home use ceases.

3. All group homes shall be required to meet the following standards:

a. The minimum separation between group homes shall be one thousand three hundred (1,320) feet, measured in a straight line from the nearest property line.

b. The number of residents shall not exceed ten (10). This does not include staff.

c. Group homes shall comply with all applicable Building and Fire Safety regulations. These regulations may vary depending on the number of residents. The regulations for group homes with one or more non-ambulatory residents may also be different than those for group homes without non-ambulatory residents.

d. Group homes shall comply with all applicable licensing and certification requirements of other government agencies.

e. Parking for the group home shall be provided onsite and comply with the minimum requirements for single-family residences.

f. There shall be no sign or other exterior indication that the property is being used as a group home. This shall not prevent improvements that are necessary for compliance with the Americans with Disabilities Act.

g. A group home shall not house any person whose tenancy would constitute a direct threat to the health or safety of others or result in substantial physical damage to the property of others.

4. Any group home owner who believes these requirements prevent the establishment of a group in an economically viable manner shall have the right to submit a request for accommodation to the Zoning Administrator.

a. The request shall be in writing and state the reason why the accommodation is needed. Sufficient facts shall be included to allow the Zoning Administrator to make a site-specific determination of need, assess the potential impact on the residential character of the neighborhood and ensure that the objectives of the Zoning Ordinance will be met.

b. The Zoning Administrator shall review the request in a timely manner and determine whether an accommodation should be made and if so, the nature of the accommodation. Accommodation shall be made only to the extent necessary to comply with the Federal and State law.

5. These regulations do no apply to homes for the developmentally disabled as regulated by A.R.S. § 36-582, as amended, to the extent that the state preempts local zoning authority.

F. **Guest House** is allowed in certain residential zoning districts provided that:

1. A guest house shall not be rented, leased or sold separately from the principle residence or otherwise used for compensation.

2. A separate address, water meter, utility meter, driveway or parking area shall not be provided for the guest house.

3. The materials, colors and architectural style of the guest house shall be similar to the principal residence.

4. The livable floor area of the guest house shall not exceed fifty percent (50%) of the livable floor area of the principal residence.

5. A detached guest house shall meet the location, height and setback requirements in Section 7 of the Zoning Ordinance.

6. Prior to issuance of a building permit for the guest house, an approved site plan as required by Section 1 of the Zoning Ordinance shall be required.

G. **Home Occupation** is allowed in certain residential zoning districts provided that:

1. The occupation or profession shall be carried on wholly within the dwelling unit or within an approved attached closed building.

2. No one outside of the family residing in the dwelling shall be employed in the home occupation.

3. There shall be no signs, no exterior display no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.

4. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.

5. Such occupation shall not require internal or external alterations or construction features or equipment or machinery not customary in residential areas.

6. The activity shall not generate traffic beyond that which is normal in its district.

7. Enough space to park two (2) automobiles shall be maintained within the garage(s).

H. **Public utility facility required for local service** is allowed in certain residential zoning districts provided that:

1. It is required for local service.

2. There are no offices, maintenance facilities, outdoor storage or part-time employees related to the site.

204 Uses Permitted With a Conditional Use Permit

The land uses listed in the land use matrix as being permitted subject to a Conditional Use Permit shall, in addition to the process set for in Section 108 of this Zoning Ordinance, comply with the conditions listed below, if any, for the individual use. 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.

A. **Assisted Living Facility** may be permitted in certain residential zoning districts as a conditional use.

B. **Bed and Breakfast Inn** may be permitted as a conditional use in certain residential zoning districts provided that:

1. The Bed and Breakfast Inn shall be owner-occupied. The guest rooms shall be part of the primary residence.

2. No more than four (4) rooms with a maximum of three (3) guests per room shall be allowed for the Bed and Breakfast Inn.

3. The Bed and Breakfast Inn shall not have more than one (1) commercial delivery or outside service in a twenty-four (24) hour period.

4. The conditional use permit is non-transferable and shall be subject to review and may be revoked if the use authorized therein has been exercised in violation of this Section or the approval conditions.

5. Meals shall be served only to overnight guests and residents.

6. No alteration to the exterior or interior of the residential dwelling, accessory building or yard that alters the residential character of the premises shall be permissible.

7. Off-street parking shall be at a rate of one (1) space per room.

8. Except as provided by city code and/or other regulations, no storage of commercial vehicles shall be allowed.

9. The Bed and Breakfast Inn shall not be used for the hosting of receptions, private parties or similar events.

10. A fire escape plan shall be developed and graphically displayed in each guest room. Such plan shall be filed with and approved by the City of Avondale Fire Department.

11. The Bed and Breakfast Inn shall comply with all other provisions of the zone in which it is located and with all other applicable ordinances, codes or regulations.

C. **Boarding House** may be permitted in certain residential zoning districts as a conditional use.

D. **Child care in the home for five (5) to ten (10) children not related to the residents** may be permitted as a conditional use in certain residential zoning districts provided that:

1. The residential character of the exterior of the structure shall be maintained.

2. Signs related to the home child care shall not be allowed.

3. All required licenses, certifications and registrations shall be obtained from the appropriate State or County agency prior to issuance of a business license.

4. All requirements of the City of Avondale Building Code, Fire Code and Zoning Ordinance as amended shall be complied with prior to issuance of a business license.

5. Existing garages, carports or driveways shall not be expanded, enclosed or otherwise modified to accommodate this accessory use.

6. All outdoor recreation areas shall be completely enclosed by a six (6) foot high masonry wall with self-closing and self-locking gates.

7. All swimming pools shall be secured by a barrier in conformance with the Arizona State Statutes and International Building Code (IBC), as amended.

8. Notification of the conditional use permit application shall be made to the subject home owners association management prior to the neighborhood meeting.

E. **Child Care Center in conjunction with a Place of Worship** may be permitted as a conditional use in certain residential zoning districts provided that such activities are on the same lot and share joint use of worship facilities. Independent free-standing signs and wall identification signs for the child care center are not allowed.

F. **Convalescent Home** may be permitted in certain residential zoning districts as a conditional use.

G. **Group Recovery Home** may be permitted in certain residential zoning districts as a conditional use.

H. **Guest House** may be permitted as a conditional use in certain residential zoning districts provided that:

1. A guest house shall not be rented, leased or sold separately from the principle residence or otherwise used for compensation.

2. A separate address, water meter, utility meter, driveway or parking area shall not be provided for the guest house.

3. The materials, colors and architectural style of the guest house shall be similar to the principal residence.

4. The livable floor area of the guest house shall not exceed fifty percent (50%) of the livable floor area of the principal residence.

5. A detached guest house shall meet the location, height and setback requirements in Section 7 of the Zoning Ordinance.

6. Prior to issuance of a building permit for the guest house, an approved site plan as required by Section 1 of the Zoning Ordinance shall be required.

I. **Kennel for boarding and breeding dogs and cats with dog runs** may be permitted as a conditional use in certain residential zoning districts provided that such structures are not closer than seventy-five (75) feet to any neighboring residence.

J. **Place of Worship** may be permitted as a conditional use in certain residential zoning districts provided that it is located on an arterial street or at the intersection of two (2) collector streets.

K. **Public utility facility, with the exception of those allowed as a Use Permitted with Conditions above**, may be permitted in certain residential zoning districts as a conditional use.

L. **Ranch for horses, commercial and guest**, may be permitted in certain residential zoning districts as a conditional use.

M. **School, Private** may be permitted as a conditional use in certain residential zoning districts provided that it is located on an arterial street or at the intersection of two (2) collector streets.

N. **Stable for horses, Commercial**, may be permitted in certain residential zoning districts as a conational use.

205 Development Standards

A. **Single Family Districts**.

The following table provides the minimum development standards within the specified zoning district:

District	AG	RR-43	R1-35	RR-18	R1-15	R1-8	R1-6	R1-5
Min. net site area (square feet)	5 ac.	43,000	35,000	18,000	15,000	8,000	6,000	5,000
Minimum lot width	200’	150’	140’	120’	115’	80’	60’	50’
Minimum lot depth	200’	N/A	175’	150’	120’	100’*	100’*	100’*
Maximum height	30’	30’	30’	30’	30’	30’	30’	30’
Maximum building coverage	15%	15%	15%	30%	20%	40%	40%	45%
Min. yard setbacks: Front yard	40’**	40’**	40’**	25’**	35’**	25’**	20’**	20’**
Minimum total both side yards	40’	40’	40’	30’	30’	18’	18’	15’
Minimum side yard	20’	20’	20’	15’	15’	8’	8’	5’/0’#
Rear yard	40’	35’	35’	30’	30’	20’	15’	15’
Street side yard	40’	25’	25’	20’	20’	10’	10’	10’

* Adjacent to a freeway or arterial street, all reverse frontage lots shall have a depth of one-hundred and five (105) feet.

** Minimum front yard setbacks may be reduced by five (5) feet when providing a side-entry garage for a third car.

Zero lot line development is allowed, providing minimum separation between buildings shall be ten (10) feet.

B. **Multiple Family Districts**.

The following table provides the minimum development standards within the specified zoning district:

District	R-2	R-3	R-4
Minimum lot area/unit (square feet)	5,445	3,000	1,980
Minimum lot width	50’	50’	50’
Minimum lot depth	100’	100’	100’
Maximum height	30’	30’	30’
Maximum bldg. coverage	45%	45%	45%
Minimum setbacks: Front Yard	20’	25’	25’
Side Yard	15’*	15’*	15’*
Rear Yard	15’	15’	15’
Street Side	20’**	20’	20’

* Zero (0) feet for lots with common walls; fifteen (15) feet for lots with no common walls.

** May be reduced to ten (10) feet in the case of single-family attached or detached units.

Single-family detached residential homes constructed within the Multiple Family Districts shall comply with the R1-6 development standards of the Zoning Ordinance.

206 Design Standards

A. **Single Family - Residential Subdivision Developments**. The intent of these standards is to establish a level of environmental quality within Avondale as well as a consistent method of evaluating new projects. In the event of conflict between the provisions of this Section and Section 205, Development Standards, the provisions of this Section shall control.

1. The Design Manuals adopted by City Council and maintained by the Zoning Administrator or designee shall serve as guidelines for site and architectural design in all districts.

2. A variety of lot sizes are encouraged to be provided in developments of more than eighty (80) lots. In subdivision of more than eighty (80) lots, a minimum of twenty-five percent (25%) of the lots shall be a different size.

3. Creation of neighborhoods by lot layout, shared development standards, shared architectural themes, open space, walls and landscaping is required.

4. Garages and Parking:

a. Each home shall have not less than a two-car garage on the same lot as the principal residence.

b. A two-car garage shall have a minimum parking area of twenty (20) feet by twenty (20) feet.

c. Outside of a garage or carport, vehicles shall be required to park on a paved parking surface composed of concrete, pavers or brick. The paved parking surface shall be located within the front yard and shall be abutting and contiguous to the driveway. The driveway and paved parking surface combined shall not exceed fifty percent (50%) of the lot width measured at front setback. On corner lots, paved parking areas may occupy the side yard and shall not exceed twenty-five percent (25%) of the lot length.

5. No adjacent home or home directly across the street shall have the same elevation or roofline. The roofline may be changed by the following options:

   a. Alternating the ridgeline from parallel to perpendicular, or vice versa, to the street.

   b. Alternating the roofline between flat and pitched.

   c. Alternating the roofline between vaults and pitches.

   d. Alternating between one (1) and two (2) story home.

6. Frontages abutting a freeway, arterial or collector street shall not contain more than two (2) houses in succession that exceed one-story height.

7. Below are the minimum standards required for solar water heating and air conditioning units:

   a. No preheat, tempering or holding water tanks shall be located on the roof or side the structure. Heating/air conditioning units shall be ground mounted on a concrete pad.

   b. All wiring and piping for solar water heaters and air conditioning units shall be installed as to not be visible from neighboring properties or the street.

8. A landscaping package for each lot shall be provided by the builder/developer consisting of a minimum of two (2) trees with a minimum height of eight (8) feet and a caliper of two (2) inches measured at four (4) above abutting grade per unit to be planted along the street frontage.

B. **Multiple Family Districts**.

1. **Design Manuals**. The Design Manuals adopted by City Council and maintained by the Zoning Administrator or designee shall serve as guidelines for site and architectural design in all districts.

2. **Open Space**. Open Space that is attractive shall be an integral part of a multiple family development. Open Space shall be provided in an amount comparable to the size of the development, subject to the Multi-family design manual.

   a. Open Space areas shall be the central focus of the development. Open space should link recreation facilities with the dwellings and be uninterrupted by vehicular circulation or parking areas.

   b. Regulations for provision of Open Space shall be provided by Section 6 of this Zoning Ordinance.

   c. Stormwater detention basins shall not occupy more than fifty percent (50%) of any landscaped area front on a public street. Where slopes do not exceed 10-to-1 and exceptional design is exhibited through contouring and landscaping, as determined by the Zoning Administrator or designee, a greater use of the frontage landscaped area may be allowed.

   d. Required yards and landscaped setback areas fronting on a public street shall be entirely landscaped except for necessary driveways and walkways. Parking is not permitted within the required setback area.

   e. Private outdoor space shall be provided in the form of patios or balconies with a minimum size of eighty (80) square feet per unit.

3. **Building Separation**.

   a. The minimum separation between the principal entrance or exit of a multi-family building and any other building shall be as follows:

Building Height	Minimum Separation
1 story	20 feet
2 story	30 feet

   b. The minimum separation between buildings on a multi-family site shall be fifteen (15) feet.

4. **Relationship of Project to Surrounding Uses**. Particular sensitivity shall be displayed to the relationship between a multi-family project and adjacent residential uses of lesser density to minimize the impact on those less-dense areas.

a. Multi-family buildings two (2) stories or greater in height shall not be placed within seventy-five (75) feet of a single-family residential area or zoning district.

b. Individual design situations may dictate additional conditions or considerations to minimize the impact of a multi-family development on adjacent residential uses through the imposition of one or more of the following design considerations:

(1) Use of one-story buildings;

(2) Additional landscaping to serve as buffer area;

(3) Wider setbacks from property line;

(4) Modifying the orientation of buildings;

(5) Modifying the orientation of windows and balconies;

(6) Providing screen walls.

c. Common recreation facilities in a project shall be located to minimize the intrusion of noise into adjacent residential area.

d. Pedestrian and visual linkages shall be made between a project and off-site amenities.

e. The project shall be designed to minimize negative traffic impacts on the surrounding uses.

5. **Landscaping**.

a. Common and open space areas along public street frontages shall receive special landscaping treatment to provide a lush setting for both the residents of the project and the general public. The following standards shall apply to landscaping of public street frontages:

(1) Special entry features shall be provided at major entrances into a project to provide a sense of identification and uniqueness; and

(2) Walls, planters and earth berms shall be provided in the front yard to add variety to the landscape and to increase privacy for the residents.

b. Foundation plantings shall be utilized to complement building elevations, provide shade and increase privacy. A minimum of fifty percent (50%) of building frontage facing public streets or drive aisles shall have foundation plantings. Foundation plantings shall utilize a variety of plant sizes, not only small plantings.

6. **Parking**.

a. All parking lots shall be screened from public streets by masonry walls or earth berms or combination thereof to a height of at least three (3) feet above the grade of the parking lot or adjacent street, whichever is higher in elevation. Such walls shall be designed and colored to match the main buildings on the site and provided architectural features throughout.

b. A minimum of one (1) covered parking space per unit shall be provided.

c. Garage parking shall be provided for a minimum of twenty-five percent (25%) of parking, excluding visitor parking, in apartment developments with one-hundred (100) or more dwelling units. Single-family attached, townhomes and condominiums shall provide a garage at a ratio of one per dwelling unit the same as a single-family detached dwelling unit.

207 Manufactured Home Park (MH) District

A. **Permitted Uses**. See 203 Land Use Matrix for Permitted Uses and Permitted Uses with Conditions in the MH zoning district.

B. **Conditional Uses**. See 204 Land Use Matrix for uses permitted with a Conditional Use Permit.

C. **Development Standards**. The following are minimum development standards within the MH zoning district:

1. The minimum size of a manufactured home park shall be ten (10) acres.

2. The maximum number of manufactured home spaces or units per acre shall be seven (7).

3. The minimum width of manufactured home rental spaces shall be fifty (50) feet with a minimum length of seventy (70) feet.

4. The minimum width of private driveways or accessways within the park shall be twenty-four (24) feet. Each unit shall have access to a private driveway or accessway connected to a public street.

5. The minimum space between manufactured homes shall be twenty (20) feet. This dimension may be reduced to ten (10) feet between awnings or canopies.

6. No manufactured home shall be closer than eight (8) feet to a private driveway.

7. A minimum of fifteen percent (15%) of the site shall be devoted to open space for all residents, excluding streets and private driveways, parking and storage areas or required setbacks at the exterior boundaries of the site.

8. The maximum height of any building or manufactured home shall be thirty (30) feet.

9. All electric power lines, telephone lines, cable TV lines and similar utilities shall be placed underground.

10. No manufactured home shall be located closer than fifteen (15) feet to the perimeter of the park. Where the perimeter of the park adjoins a public street, the setback shall be twenty-five (25) feet. Within this setback area, trees with a minimum height of eight (8) feet and a caliper of two (2) inches measured at four (4) feet above abutting grade shall be planted every twenty (20) feet on center.

11. A minimum six (6) foot and maximum eight (8) foot decorative wall shall be constructed around the perimeter of the park. Where said wall fronts onto a public street, the wall shall be constructed of slump block, brick or masonry with a stucco finish.

12. Any part of the manufactured home park fronting on a public street shall meet the screening and landscaping requirements for single-family residential subdivisions.

13. All new manufactured home parks or expansions of existing manufactured home parks shall be subject to Site Plan Review in accordance with Section 1 of the Zoning Ordinance.

D. **Design Standards**.

1. All areas not covered by structures or paving shall be landscaped.

2. Each manufactured home shall be skirted to screen wheels and undercarriage.

E. **Single-Family Home Requirements**. A manufactured home shall be considered a single-family residence if it meets the following conditions:

1. The manufactured home to be installed shall be manufactured or constructed to meet Federal Manufactured Home Construction and Safety Standards (42 U.S.C. Sec. 5403).

2. The exterior shall have wood siding or stucco finish.

3. The roof shall be shingle or tile with an overhang of at least six (6) inches.

4. Shall be installed on a permanent block foundation or ground mount.

5. The driveway shall be paved.

6. Site layout shall meet the setback requirements of the zoning district.

7. A two-car garage, attached or detached, is required, per Section 208.A.4.

SECTION 2
RESIDENTIAL DISTRICTS

Sections

201 Purpose
202 Land Use Matrices
203 Uses Permitted With Conditions
204 Uses Permitted With a Conditional Use Permit
205 Development Standards
206 Design Standards
207 MH Manufactured Home Park District

201 Purpose

The residential districts are designed to promote high quality neighborhoods that have a distinct character, superior aesthetics, desirable amenities, open space and landscaping to meet the needs and expectations of the City's residents. The Districts range from low to high density, with distinct lists of allowed uses, development regulations and design requirements. These regulations are intended to further the intent and policies of the City's General Plan and to promote the health, safety and welfare of the City's citizens and visitors.

The residential districts are grouped into six (6) categories, each with a specific purpose, as follows:

A. **Agricultural** Agricultural (AG) Zoning District. The purpose of the Agricultural (AG) zoning district is to allow agricultural, ranching and related uses within the City. The District also serves as a holding zoning for land until suitable for rezoning and development.

B. **Rural Residential** - RR-43 and RR-18 Zoning Districts. The purpose of the RR-43 zoning district is to encourage and preserve low-density residential developments with low intensity agricultural operations in a growing area. The purpose of the RR-18 district is to encourage single family residential uses and provide a semi-rural character that includes the keeping of farm animals. The intent of the district is to provide an appropriate buffer between urban and agricultural lifestyles with livestock and animal provisions while fostering orderly growth and limiting nonresidential land uses to maintain a rural residential character.

C. **Suburban Residential** - R1-35 and R1-15 Zoning Districts. The purpose of these districts is to provide low-density, estate-type residential uses. The districts serve as a transition between agricultural uses and urban development.

D. **Urban Residential** - R1-8, R1-~~6,~~6 and R1-5 Zoning Districts. The purpose of these districts is to provide a variety of single family detached residential dwelling types at an urban density.

E. **Multiple Family Residential -** R-2, R-3 and R-4 Zoning Districts.

~~1.~~ 1. The R-2 Zoning District is intended to provide a transition from single family residential neighborhoods to a mixture of higher intensity land uses. Properties in this district are intended to be developed as single family detached and attached, townhomes and patio homes.

~~2.~~ 2. The R-3 Zoning District is intended to provide for townhome, condominium and apartment uses.

~~3.~~ 3. The R-4 Zoning District is intended to be located near high activity commercial areas of the City~~,~~ and providing for high intensity townhome, condominium, apartment, loft apartment and mixed uses.

F. **Manufactured Home Park** - MH Zoning District. The purpose of the MH zoning district is to provide an alternative living style and dwelling type to conventional single-family and multi-family housing. Standards contained herein are designed to afford adequate separation of manufactured home units, screening~~,~~ and open space in order to enhance the park environment.

202 Land Use Matrices

The following land use matrices shows the uses, which are permitted outright (P), permitted with a conditional use permit (C), permitted with conditions (PC), permitted as accessory uses (A) or prohibited (-) in specific residential 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.

~~A.~~ A. **Single Family Districts**.

Land Use Matrix

LAND USE	AG	RR-43	RR-18	R1-35	R1-15	R1-8	R1-6	R1-5
Accessory uses and buildings, agricultural	P	-	-	-	-	-	-	-
Accessory uses and buildings, rural residential	P	P	P	-	-	-	-	-
Accessory uses and buildings, suburban & urban residential	P	P	P	P	P	P	P	P
Apiary	PC	PC	-	-	-	-	-	-

Bed and breakfast inn	-	C	-	C	-	-	-	-
Child care in the home for four (4) or fewer children not related to the residents	P	P	P	P	P	P	P	P
Child care in the home for five (5) to ten (10) children not related to the residents	C	C	C	C	C	C	C	C
Child Care Center in conjunction with a Place of Worship	C	C	C	C	C	C	C	C
Dairy farm	PC	-	-	-	-	-	-	-
Farm animals, the raising and keeping of	P	PC	PC	PC	-	-	-	-
Farming, including all types of agriculture and horticulture	P	P	-	-	-	-	-	-
Feed lot for cattle	PC	-	-	-	-	-	-	-
Greenhouse, for propagation, cultivation, retail~~,~~ and wholesale distribution of plants sold on premises	P	P	-	-	-	-	-	-
Group Home for Persons with a Disability	PC	PC	PC	PC	PC	PC	PC	PC
Guest house	PC	PC	PC	C	C	-	-	-
Home Occupation	PC	PC	PC	PC	PC	PC	PC	PC
Kennel for boarding and breeding dogs and cats with dog runs	C	C	-	-	-	-	-	-
Nursery for plants, for propagation, cultivation, retail~~,~~ and wholesale distribution of plants sold on premises	P	P	-	-	-	-	-	-
Park and recreation areas, public	P	P	P	P	P	P	P	P
Place of Worship	C	C	C	C	C	C	C	C
Public utility facility required for local service	PC	PC	PC	PC	PC	PC	PC	PC
Public utility facility with the exception of those allowed as a Use Permitted with Conditions above	C	C	C	C	C	C	C	C
Ranch for horses, commercial and guest	P	C	-	-	-	-	-	-
Retailing farm products produced on the premises	P	P	-	-	-	-	-	-
School, private	-	C	C	C	C	C	C	C
School, public	P	P	P	P	P	P	P	P
Single-family detached dwelling	P	P	P	P	P	P	P	P
Stable for horses, commercial	P	C	-	-	-	-	-	-
Wholesaling farm products produced on the premises	P	-	-	-	-	-	-	-

P = Permitted Use

C = Conditional Use Permit required.
PC = Permitted with Conditions
A = Accessory Use
- = Not Permitted

B. **Multiple Family Districts and Manufactured Home Park.**

Land Use Matrix

LAND USE	R-2	R-3	R-4	MH
Accessory uses and buildings, manufactured home park	-	-	-	P
Accessory uses and buildings, multiple family	P	P	P	-
Assisted Living Facility	C	C	C	-
Boarding House	C	C	C	-
Child care in the home for four (4) or fewer children not related to the residents	P	P	P	-
Child care in the home for five (5) to ten (10) children not related to the residents	C	C	C	-
Child Care Center in conjunction with a Place of Worship	C	C	C	C
Convalescent Home	C	C	C	-
Group Home for Persons with a Disability	PC	PC	PC	PC
Group Recovery Home	C	C	C	-
Home Occupation	PC	PC	PC	PC
Manufactured or Mobile Home	-	-	-	P
Multi-family dwelling	-	P	P	-
Nursing Home	C	C	C	-
Park and recreation areas, public	P	P	P	-
Place of Worship	C	C	C	C
Public utility facility required for local service	PC	PC	PC	-
Public utility facility with the exception of those allowed as a Use Permitted with Conditions above	C	C	C	-
School, public	P	P	P	-
Single-family attached dwelling	P	P	P	-
Single-family detached dwelling	P	P	-	-

P = Permitted Use
C = Conditional Use Permit required.
PC = Permitted with Conditions

A = Accessory Use
- = Not Permitted

203 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. **Apiary** is allowed in certain residential zoning districts provided that:

1. In the AG District, hives shall have a minimum separation of two-hundred (200) feet from any adjacent residences.

2. In the RR-43 District, hives shall have a minimum separation of seventy-five (75) feet from any adjacent residence.

B. **Dairy Farm** is allowed in certain residential zoning districts provided that the minimum site ~~are~~area is forty (40) acres.

C. **Farm Animals~~, raising~~**. Raising and keeping farm animals is allowed in certain residential zoning districts~~ provided~~, subject to the following:

1. In the RR-43 District:

a. The keeping of livestock such as cattle and horses shall be allowed at a ratio of one (1) animal per 21,780 square feet of lot area.

b. Small livestock such as goats and sheep shall be allowed at a ratio of two (2) animals per 21,780 square feet of lot area.

c. No more than two (2) swine per lot shall be allowed, excluding potbelly pigs.

d. Farm animals under the age of six (6) months shall not be limited to an animal per square footage ratio.

e. Structures for fowl shall not be located closer than seventy-five (75) feet to any neighboring residence.

2. In the RR-18 District:

a. All farm animals shall be contained on the property by an effective enclosure and shall not be allowed to run at large.

b. The property shall be maintained so that it does not create or contribute to a health nuisance caused by the presence of flies, mosquitoes or other vermin; objectionable odors or dust; ponded water or water runoff; the accumulation of manure, garbage, refuse, or other obnoxious or putrescible material; or similar conditions.

3. In the R1-35 District:

a. Per the RR-43 District above with the exception of "c." The keeping of livestock such as cattle and horses shall be allowed at a ratio of one (1) animal per 21,780 square feet of lot area.

b. Small livestock such as goats and sheep shall be allowed at a ratio of two (2) animals per 21,780 square feet of lot area.

c. No more than two (2) swine per lot shall be allowed, excluding potbelly pigs.

d. Farm animals under the age of six (6) months shall not be limited to an animal per square footage ratio.

e. Fowl shall not be allowed.

D. **Feed Lot for cattle** is allowed in certain residential zoning districts provided that the minimum site are is forty (40) acres.

E. **Group Home for Persons with a Disability** is allowed in certain residential zoning districts provided that:

1. The purpose of these regulations is to allow persons with a disability to reside in residential neighborhoods in compliance with the Federal and State Fair Housing Acts, while preserving the residential character of the community.

2. All group homes shall be registered with the City.

a. A completed registration form shall be submitted to the Zoning Administrator or designee.

b. Any registration request for a property that does not meet the minimum standards of the Zoning Ordinance shall not be approved.

c. Registration does not become effective until after a Certificate of Occupancy is issued for the group home.

d. Registration shall terminate when the group home use ceases.

3. All group homes shall be required to meet the following standards:

a. The minimum separation between group homes shall be one thousand three hundred (1,320) feet, measured in a straight line from the nearest property line.

b. The number of residents shall not exceed ten (10). This does not include staff.

c. Group homes shall comply with all applicable Building and Fire Safety regulations. These regulations may vary depending on the number of residents. The regulations for group homes with one or more non-ambulatory residents may also be different than those for group homes without non-ambulatory residents.

d. Group homes shall comply with all applicable licensing and certification requirements of other government agencies.

e. Parking for the group home shall be provided onsite and comply with the minimum requirements for single-family residences.

f. There shall be no sign or other exterior indication that the property is being used as a group home. This shall not prevent improvements that are necessary for compliance with the Americans ~~With~~with Disabilities Act.

g. A group home shall not house any person whose tenancy would constitute a direct threat to the health or safety of others or result in substantial physical damage to the property of others.

4. Any group home owner who believes~~ a requirement of~~ these requirements ~~prevents~~prevent the establishment of a group in an economically viable manner shall have the right to submit a request for accommodation to the Zoning Administrator.

a. The request shall be in writing and state the reason why the accommodation is needed. Sufficient facts shall be included to allow the Zoning Administrator to make a site-specific determination of need, assess the potential impact on the residential character of the neighborhood~~,~~ and ensure that the objectives of the Zoning Ordinance will be met.

b. The Zoning Administrator shall review the request in a timely manner and determine whether an accommodation should be made

pursuant to the requirements of the Fair Housing Act; and if so, the nature of the accommodation. Accommodation shall be made only to the extent necessary to comply with the Federal and State Fair Housing Actslaw.

5. These regulations do no apply to homes for the developmentally disabled as regulated by A.R.S. § 36-582582, as amended, to the extent that the state preempts local zoning authority.

F. **Guest House** is allowed in certain residential zoning districts provided that:

1. A guest house shall not be rented, leased or sold separately from the principle residence or otherwise used for compensation.

2. A separate address, water meter, utility meter, driveway, or parking area shall not be provided for the guest house.

3. The materials, colors, and architectural style of the guest house shall be similar to the principal residence.

4. The livable floor area of the guest house shall not exceed fifty percent (50%) of the livable floor area of the principal residence.

5. A detached guest house shall meet the location, height, and setback requirements in Section 7 of the Zoning Ordinance.

6. Prior to issuance of a building permit for the guest house, an approved site plan as required by Section 1 of the Zoning Ordinance shall be required.

G. **Home Occupation** is allowed in certain residential zoning districts provided that:

1. The occupation or profession shall be carried on wholly within the dwelling unit or within an approved attached closed building.

2. No one outside of the family residing in the dwelling shall be employed in the home occupation.

3. There shall be no signs, no exterior display no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building.

4. No offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced.

5. Such occupation shall not require internal or external alterations or construction features or equipment or machinery not customary in residential areas.

6. The activity shall not generate traffic beyond that which is normal in its district.

7. Enough space to park two (2) automobiles shall be maintained within the garage(s).

H. **Public utility facility required for local service** is allowed in certain residential zoning districts provided that:

1. It is required for local service.

2. There are no offices, maintenance facilities, outdoor storage~~,~~ or part-time employees related to the site.

204 Uses Permitted With a Conditional Use Permit

The land uses listed in the land use matrix as being permitted subject to a Conditional Use Permit shall, in addition to the process set for in Section 108 of this Zoning Ordinance, comply with the conditions listed below, if any, for the individual use. 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.

A. **Assisted Living Facility** may be permitted in certain residential zoning districts as a conditional use.

B. **Bed and Breakfast Inn** may be permitted as a conditional use in certain residential zoning districts provided that:

1. The Bed and Breakfast Inn shall be owner-occupied. The guest rooms shall be part of the primary residence~~;~~.

2. No more than four (4) rooms with a maximum of three (3) guests per room shall be allowed for the Bed and Breakfast Inn~~;~~.

3. The Bed and Breakfast Inn shall not have more than one (1) commercial delivery or outside service in a twenty-four (24) hour period~~;~~.

4. The conditional use permit is non-transferable and shall be subject to review and may be revoked if the use authorized therein has been exercised in violation of this Section or the approval conditions~~;~~.

5. Meals shall be served only to overnight guests and residents~~;~~.

6. No alteration to the exterior or interior of the residential dwelling, accessory building or yard that alters the residential character of the premises shall be permissible; .

7. Off-street parking shall be at a rate of one (1) space per room; .

8. Except as provided by city code and/or other regulations, no storage of commercial vehicles shall be allowed; .

9. The Bed and Breakfast Inn shall not be used for the hosting of receptions, private parties or similar events; .

10. A fire escape plan shall be developed and graphically displayed in each guest room. Such plan shall be filed with and approved by the City of Avondale Fire Department; and .

11. The Bed and Breakfast Inn shall comply with all other provisions of the zone in which it is located and with all other applicable ordinances, codes or regulations.

C. **Boarding House** may be permitted in certain residential zoning districts as a conditional use.

D. **Child care in the home for five (5) to ten (10) children not related to the residents** may be permitted as a conditional use in certain residential zoning districts provided that:

1. The residential character of the exterior of the structure shall be maintained.

2. Signs related to the home child care shall not be allowed.

3. All required licenses, certifications, and registrations shall be obtained from the appropriate State or County agency prior to issuance of a business license.

4. All requirements of the City of Avondale Building Code, Fire Code, and Zoning Ordinance as amended shall be complied with prior to issuance of a business license.

5. Existing garages, carports, or driveways shall not be expanded, enclosed, or otherwise modified to accommodate this accessory use.

6. All outdoor recreation areas shall be completely enclosed by a six (6) foot high masonry wall with self-closing and self-locking gates.

7. All swimming pools shall be secured by a barrier in conformance with the Arizona State Statutes and International Building Code (IBC), as amended.

8. Notification of the conditional use permit application shall be made to the subject home owners association management prior to the neighborhood meeting.

E. **Child Care Center in conjunction with a Place of Worship** may be permitted as a conditional use in certain residential zoning districts provided that such activities are on the same lot and share joint use of worship facilities. Independent free-standing signs and wall identification signs for the child care center are not allowed.

F. **Convalescent Home** may be permitted in certain residential zoning districts as a conditional use.

G. **Group Recovery Home** may be permitted in certain residential zoning districts as a conditional use.

H. **Guest House** may be permitted as a conditional use in certain residential zoning districts provided that:

1. A guest house shall not be rented, leased or sold separately from the principle residence or otherwise used for compensation.

2. A separate address, water meter, utility meter, driveway~~,~~ or parking area shall not be provided for the guest house.

3. The materials, colors~~,~~ and architectural style of the guest house shall be similar to the principal residence.

4. The livable floor area of the guest house shall not exceed fifty percent (50%) of the livable floor area of the principal residence.

5. A detached guest house shall meet the location, height~~,~~ and setback requirements in Section 7 of the Zoning Ordinance.

6. Prior to issuance of a building permit for the guest house, an approved site plan as required by Section 1 of the Zoning Ordinance shall be required.

I. **Kennel for boarding and breeding dogs and cats with dog runs** may be permitted as a conditional use in certain residential zoning districts provided that such structures are not closer than seventy-five (75) feet to any neighboring residence.

J. **Place of Worship** may be permitted as a conditional use in certain residential zoning districts provided that it is located on an arterial street or at the intersection of two (2) collector streets.

K. **Public utility facility, with the exception of those allowed as a Use Permitted with Conditions above**, may be permitted in certain residential zoning districts as a conditional use.

L. **Ranch for horses, commercial and guest**, may be permitted in certain residential zoning districts as a conditional use.

M. **School, Private** may be permitted as a conditional use in certain residential zoning districts provided that it is located on an arterial street or at the intersection of two (2) collector streets.

N. **Stable for horses, Commercial**, may be permitted in certain residential zoning districts as a conational use.

205 Development Standards

~~A.~~ A. Single Family Districts.

The following table provides the minimum development standards within the specified zoning district:

District	AG	RR-43	R1-35	RR-18	R1-15	R1-8	R1-6	R1-5
Min. net site area (square feet)	5 ac.	43,000	35,000	18,000	15,000	8,000	6,000	5,000
Minimum lot width	200’	150’	140’	120’	115’	80’	60’	50’
Minimum lot depth	200’	N/A	175’	150’	120’	100’*	100’*	100’*
Maximum height	30’	30’	30’	30’	30’	30’	30’	30’
Maximum building coverage	15%	15%	15%	30%	20%	40%	40%	45%
Min. yard setbacks: Front yard	40’**	40’**	40’**	25’**	35’**	25’**	20’**	20’**
Minimum total both side yards	40’	40’	40’	30’	30’	18’	18’	15’
Minimum side yard	20’	20’	20’	15’	15’	8’	8’	5’/0’#
Rear yard	40’	35’	35’	30’	30’	20’	15’	15’
Street side yard	40’	25’	25’	20’	20’	10’	10’	10’

* Adjacent to a freeway or arterial street, all reverse frontage lots shall have a depth of one-hundred and five (105) feet.

** Minimum front yard setbacks may be reduced by five (5) feet when providing a side-entry garage for a third car.

Zero lot line development is allowed, providing minimum separation between buildings shall be ten (10) feet.

B. B. **Multiple Family District Districts.**

The following table provides the minimum development standards within the specified zoning district:

District	R-2	R-3	R-4
Minimum lot area/unit (square feet)	5,445	3,000	1,980
Minimum lot width	50’	50’	50’
Minimum lot depth	100’	100’	100’
Maximum height	30’	30’	30’
Maximum bldg. coverage	45%	45%	45%
Minimum setbacks: Front Yard	20’	25’	25’
Side Yard	15’*	15’*	15’*
Rear Yard	15’	15’	15’
Street Side	20’**	20’	20’

* Zero (0) feet for lots with common walls; fifteen (15) feet for lots with no common walls.

** May be reduced to ten (10) feet in the case of single-family attached or detached units.

1. Single-family detached residential homes constructed within the Multiple Family Districts shall comply with the R1-6 development standards of the Zoning Ordinance.

206 Design Standards

A. **Single Family - Residential Subdivision Developments**

A. **Single Family - Residential Subdivision Developments.** The intent of these standards is to establish a level of environmental quality within Avondale as well as a consistent method of evaluating new projects. In the event of conflict between the provisions of this Section and Section 205, Development Standards, the provisions of this Section shall supersedecontrol.

1. Design Manuals. 1. The Design Manuals adopted by City Council and maintained by the Zoning Administrator or designee shall serve as guidelines for site and architectural design in all districts.

2. 2. A variety of lot sizes are encouraged to be provided in developments of more than eighty (80) lots. In subdivision of more than eighty (80) lots, a minimum of twenty-five (25) percent (25%) of the lots shall be a different size.

~~3.~~ 3. Creation of neighborhoods by lot layout, shared development standards, shared architectural themes, open space, walls and landscaping is required.

~~4.~~ 4. Garages and Parking:

~~a.~~ a. Each home shall have not less than a two-car garage on the same lot~~;~~ as the principal residence.

~~b. The~~b. A two-car garage shall have a minimum parking area of twenty (20) feet by twenty (20) feet~~; and~~.

~~c.~~ c. Outside of a garage or carport, vehicles shall be required to park on a paved parking surface composed of concrete, pavers or brick. The paved parking surface shall be located within the front yard and shall be abutting and contiguous to the driveway. The driveway and paved parking surface combined shall not exceed fifty ~~(50)~~ percent (50%) of the lot width measured at front setback. On corner lots, paved parking areas may occupy the side yard~~,~~ and shall not exceed twenty-five ~~(25)~~ percent (25%) of the lot length.

~~5.~~ 5. No adjacent home or home directly across the street shall have the same elevation or roofline. The roofline may be changed by the following options:

a. Alternating the ridgeline from parallel to perpendicular, or vice versa, to the street.

b. Alternating the roofline between flat and pitched.

c. Alternating the roofline between vaults and pitches.

d. Alternating between one (1) and two (2) story home.

~~6.~~ 6. Frontages abutting a freeway, arterial or collector street shall not contain more than two (2) houses in succession that exceed one-story height.

~~7.~~ 7. Below are the minimum standards required for solar water heating and air conditioning units:

a. No preheat, tempering~~,~~ or holding water tanks shall be located on the roof or side the structure. Heating/air conditioning units shall be ground mounted on a concrete pad.

b. All wiring and piping for solar water heaters and air conditioning units shall be installed as to not be visible from neighboring properties or the street.

8. 8. A landscaping package for each lot shall be provided by the builder/developer consisting of a minimum of two (2) trees with a minimum height of eight (8) feet and a caliper of two (2) inches measured at four (4) above abutting grade per unit to be planted along the street frontage.

B. B. **Multiple Family Districts**.

1. 1. **Design Manuals**. The Design Manuals adopted by City Council and maintained by the Zoning Administrator or designee shall serve as guidelines for site and architectural design in all districts.

2. **Open Space**

2. **Open Space**. Open Space that is attractive shall be an integral part of a multiple family development. Open Space shall be provided in an amount comparable to the size of the development, subject to the Multi-family design manual.

a. a. Open Space areas shall be the central focus of the development. Open space should link recreation facilities with the dwellings and be uninterrupted by vehicular circulation or parking areas.

b. b. Regulations for provision of Open Space shall be provided by Section 6 of this Zoning Ordinance.

c. c. Stormwater detention basins shall not occupy more than fifty (50) percent (50%) of any landscaped area front on a public street. Where slopes do not exceed 10-to-1 and exceptional design is exhibited through contouring and landscaping, as determined by the Zoning Administrator or designee, a greater use of the frontage landscaped area may be allowed.

d. d. Required yards and landscaped setback areas fronting on a public street shall be entirely landscaped except for necessary driveways and walkways. Parking is not permitted within the required setback area.

e. e. Private outdoor space shall be provided in the form of patios or balconies with a minimum size of eighty (80) square feet per unit.

3. 3. **Building Separation**.

a. a. The minimum separation between the principal entrance or exit of a multi-family building and any other building shall be as follows:

Building Height	Minimum Separation
1 story	20 feet
2 story	30 feet

b.

b. The minimum separation between buildings on a multi-family site shall be fifteen (15) feet.

4. **Relationship of Project to Surrounding Uses**

4. **Relationship of Project to Surrounding Uses.** Particular sensitivity shall be displayed to the relationship between a multi-family project and adjacent residential uses of lesser density to minimize the impact on those less-dense areas.

a. a. Multi-family buildings two (2) stories or greater in height shall not be placed within seventy-five (75) feet of a single-family residential area or zoning district.

b. b. Individual design situations may dictate additional conditions or considerations to minimize the impact of a multi-family development on adjacent residential uses through the imposition of one or more of the following design considerations:

(1) Use of one-story buildings;

(2) Additional landscaping to serve as buffer area;

(3) Wider setbacks from property line;

(4) Modifying the orientation of buildings;

(5) Modifying the orientation of windows and balconies;

(6) Providing screen walls.

c. c. Common recreation facilities in a project shall be located to minimize the intrusion of noise into adjacent residential area.

d. d. Pedestrian and visual linkages shall be made between a project and off-site amenities.

e. e. The project shall be designed to minimize negative traffic impacts on the surrounding uses.

5. 5. **Landscaping**.

a. a. Common and open space areas along public street frontages shall receive special landscaping treatment to provide a lush setting for both the residents of the project and the general public. The following standards shall apply to landscaping of public street frontages:

(1) Special entry features shall be provided at major entrances into a project to provide a sense of identification and uniqueness; and

(2) Walls, planters, and earth berms shall be provided in the front yard to add variety to the landscape and to increase privacy for the residents.

b. b. Foundation plantings shall be utilized to complement building elevations, provide shade, and increase privacy. A minimum of fifty (50) percent (50%) of building frontage facing public streets or drive aisles shall have foundation plantings. Foundation plantings shall utilize a variety of plant sizes, not only small plantings.

6. 6. **Parking**.

a. a. All parking lots shall be screened from public streets by masonry walls or earth berms or combination thereof to a height of at least three (3) feet above the grade of the parking lot or adjacent street, whichever is higher in elevation. Such walls shall be designed and colored to match the main buildings on the site and provided architectural features throughout.

b. b. A minimum of one (1) covered parking space per unit shall be provided.

c. c. Garage parking shall be provided for a minimum of twenty-five (25) percent (25%) of parking, excluding visitor parking, in apartment developments with one-hundred (100) or more dwelling units. Single-family attached, townhomes and condominiums shall provide a garage at a ratio of one per dwelling unit the same as a single-family detached dwelling unit.

207 Manufactured Home Park (MH) District

A. **Permitted Uses**

A. **Permitted Uses**. See 203 Land Use Matrix for Permitted Uses and Permitted Uses with Conditions in the MH zoning district.

B. **Conditional Uses**

B. **Conditional Uses.** See 204 Land Use Matrix for uses permitted with a Conditional Use Permit.

C. **Development Standards**

C. **Development Standards.** The following are minimum development standards within the MH zoning district:

1. 1. The minimum size of a manufactured home park shall be ten (10) acres.

2. 2. The maximum number of manufactured home spaces or units per acre shall be seven (7).

3. 3. The minimum width of manufactured home rental spaces shall be fifty (50) feet with a minimum length of seventy (70) feet.

4. 4. The minimum width of private driveways or accessways within the park shall be twenty-four (24) feet. Each unit shall have access to a private driveway or accessway connected to a public street.

5. 5. The minimum space between manufactured homes shall be twenty (20) feet. This dimension may be reduced to ten (10) feet between awnings or canopies.

6. 6. No manufactured home shall be closer than eight (8) feet to a private driveway.

7. 7. A minimum of fifteen (15) percent (15%) of the site shall be devoted to open space for all residents, excluding streets and private driveways, parking and storage areas, or required setbacks at the exterior boundaries of the site.

8. 8. The maximum height of any building or manufactured home shall be thirty (30) feet.

9. 9. All electric power lines, telephone lines, cable TV lines and similar utilities shall be placed underground.

10. 10. No manufactured home shall be located closer than fifteen (15) feet to the perimeter of the park. Where the perimeter of the park adjoins a public street, the setback shall be twenty-five (25) feet. Within this setback area, trees with a minimum height of eight (8) feet and a caliper of two (2) inches measured at four (4) feet above abutting grade shall be planted every twenty (20) feet on center.

11. 11. A minimum six (6) foot and maximum eight (8) foot decorative wall shall be constructed around the perimeter of the park. Where said wall fronts onto a public street, the wall shall be constructed of slump block, brick or masonry with a stucco finish.

12.

13. 12. Any part of the manufactured home park fronting on a public street shall meet the screening and landscaping requirements for single-family residential subdivisions.

14. 13. All new manufactured home parks or expansions of existing manufactured home parks shall be subject to Site Plan Review in accordance with Section 1 of the Zoning Ordinance.

D. D. **Design Standards**.

1. 1. All areas not covered by structures or paving shall be landscaped.

2. 2. Each manufactured home shall be skirted to screen wheels and undercarriage.

E. E. **Single-Family Home Requirements**. A manufactured home shall be considered a single-family residence if it meets the following conditions:

1. 1. The manufactured home to be installed shall be manufactured or constructed to meet Federal Manufactured Home Construction and Safety Standards (42 U.S.C. Sec. 5403).

2. 2. The exterior shall have wood siding or stucco finish.

3. 3. The roof shall be shingle or tile with an overhang of at least six (6) inches.

4. 4. Shall be installed on a permanent block foundation or ground mount.

5. 5. The driveway shall be paved.

6. 6. Site layout shall meet the setback requirements of the zoning district.

7. 7. A two (2) care-car garage, attached or detached, is required, per Section 208.A.4.

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Moved to	2
Style change	0
Format changed	0
Total changes	266

CITY COUNCIL REPORT

SUBJECT:
Resolution 2808-309 - Approval of the White Mountain Apache Tribe Water Rights Quantification Agreement

MEETING DATE:
March 2, 2009

TO: Mayor and Council

FROM: Wayne Janis, Water Resources Director (623)333-4444

THROUGH: Charlie McClendon, City Manager

PURPOSE:

The purpose of this report is to update the Council on activities related to claims made by the White Mountain Apache Tribe (Tribe) for surface water to be diverted from the Salt River Watershed and to request approval of the settlement that would satisfy these claims.

BACKGROUND:

The Tribe, whose reservation is located upstream of the Phoenix Metropolitan Area and the Salt River Project dams, has asserted claims to surface water from the Salt River Watershed. Over the past few years, the Tribe and other affected parties have participated in negotiations intended to settle these claims. Since the Tribe's claims relate to diversions of surface water from the Salt River Watershed, the outcome of the settlement is likely to affect the amount of water available through the Salt River Project. The City of Avondale depends on water from the Salt River Project for a substantial portion of its water supply. Therefore, these settlement activities are relevant to the City's interests. The City of Avondale has been participating in settlement activities which have led to the completion of an agreement that quantifies the Tribe's diversions, settles claims made by the Tribe, and allows for the lease of the Tribe's Central Arizona Project (CAP) allocation.

DISCUSSION:

The Quantification Agreement provides for an amount of 52,000 acre-feet per year of surface water for the Tribe. Of this total, 27,000 acre-feet of water from the Salt River Watershed may be used by the Tribe. The Tribe also would receive a CAP allocation of 25,000 acre-feet per year. This amount will be leased to several of the entities participating in the settlement.

Diversions made by the Tribe are likely to lead to a reduction of 19,000 acre-feet per year in Salt River Project water currently available to on-project cities. Avondale's share of this expected loss is approximately 550 acre-feet per year. Recognizing the on-project cities' expected loss, the Tribe has agreed to lease 22,500 acre-feet of their CAP allocation to on-project cities participating in the settlement. The remaining 2,500 acre-feet will be leased to the Central Arizona Water Conservation District for use by the Central Arizona Groundwater Replenishment District. In return for their water budget of 52,000 acre-feet per year, the Tribe will waive any claims to past, present and future water rights and will waive any claims of injury to water rights. Therefore, once the Quantification Agreement is finalized, the Tribe will be unable to make any further claims to additional water from the Salt River Watershed.

Parties to the settlement include the United States, the State of Arizona, the White Mountain Apache Tribe, Salt River Project, the Cities of Avondale, Chandler, Glendale, Mesa, Peoria, Phoenix, Scottsdale, Show Low, Tempe, the Town of Gilbert, the Central Arizona Water Conservation District,

Buckeye Irrigation Company, the Buckeye Water Conservation and Drainage District, the Roosevelt Water Conservation District and Arizona Water Company.

Through the agreement, Avondale will lease a total of 882 acre-feet per year of CAP water. Of this total, 242 acre-feet will be high priority water equivalent to that received pursuant to Avondale's current M&I subcontract. This high priority water would be the last type of water to be cut during shortage periods. Avondale will pay a one-time lease cost of $2,550.00 per acre-foot for this high priority water. Avondale will lease an additional 640 acre-feet of lower priority CAP water at a one-time cost of $2,074.00 per acre-foot. This priority, equivalent to agricultural priority CAP water, will be the second to last type of water to be cut during times of shortage. The lease will be for a period of 100 years. This leased water can be recharged or used directly and can be used or recovered (if recharged) anywhere within Avondale's water service area.

BUDGETARY IMPACT:

Although there is no cost to approve the settlement, the total one-time lease cost to receive 882 acre-feet of CAP water per year for 100 years is $1,944,460.00 in 2008 dollars. The lease will not be enforceable and payments for the leased water will not begin until the enforceability date of the agreement, which currently is expected to be in the fall of 2013. The price of the leased water will be adjusted for inflation at that time. The full payment may be made all at once or in installments of one-half of the total lease cost initially, with four equal subsequent annual payments including interest on the remaining balance. In addition to and separate from the lease agreement, Avondale will pay all delivery charges for the leased CAP water once the city begins to receive the water. For 2008, these costs amounted to $91.00 per acre-foot.

There is a request for funding through the new five-year CIP budget to pay for the lease cost of the water. The additional fixed CAP OM&R charges and CAP pumping energy charges would be paid from line item 501-9112-00-6350 of the Water Resources Operating Budget.

RECOMMENDATION:

Staff recommends that the Council approve the settlement and authorize the City Manager to sign the Quantification Agreement documents.

ATTACHMENTS:

Click to download

- Resolution 2808-309

RESOLUTION NO. 2808-309

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION AGREEMENT AND EXHIBITS THERETO.

WHEREAS, the City of Avondale (the "City") is a claimant of water rights in the General Stream Adjudication of All Rights to Use Water in the Gila River and Source in Maricopa County Superior Court (the "Adjudication") wherein the United States has asserted claims on behalf of the White Mountain Apache Tribe (the "Tribe") to substantial water rights; and

WHEREAS, recognizing that final resolution of these and other pending proceedings may take many years, entail great expense, prolong uncertainty concerning the availability of water supplies, and impair the long term economic well-being of the parties, the Tribe, the City and the other named parties have agreed to permanently settle the claims of the Tribe as provided in the White Mountain Apache Tribe Water Rights Quantification Agreement; and

WHEREAS, the best interests of the City will be served by approving and entering into the White Mountain Apache Tribe Water Rights Quantification Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. That the White Mountain Apache Tribe Water Rights Quantification Agreement Among the United States of America; the State of Arizona; the White Mountain Apache Tribe; the Salt River Project Agricultural Improvement and Power District; the Salt River Valley Water Users' Association; the Roosevelt Irrigation District; the Roosevelt Water Conservation District; Arizona Water Company; the Arizona Cities of Phoenix, Mesa, Tempe, Chandler, Glendale, Scottsdale, Avondale, Peoria and Show Low, the Arizona Town of Gilbert; Buckeye Irrigation Company; the Buckeye Water Conservation and Drainage District; Central Arizona Water Conservation District; and the Central Arizona Water Conservation District is hereby approved. The White Mountain Apache Tribe Water Rights Quantification Agreement and the Exhibits thereto are on file at the City Attorney's Office or at such location as is directed by the City Attorney's Office.

SECTION 2. That the City Manager or his designated representative is hereby authorized on behalf of the City to execute the White Mountain Apache Tribe Water Rights Quantification Agreement and the Exhibits thereto, including but not limited to, the Lease

Agreement for CAP Water Among the City of Mesa, the White Mountain Apache Tribe, and the United States, and the Waivers and Release of Claims for Injury to Water Rights by Parties other than the Tribe and the United States.

SECTION 3. The City Manager or his designated representative is authorized to approve and execute the documents with such minor revisions or non-substantive amendments as are necessary and appropriate and approved as to form by the City Attorney or her designated representative. Execution by the City Manager or his designated representative shall constitute conclusive evidence of this City Council's approval thereof, and the City Clerk is authorized and directed to attest to the signature of the City Manager or his designee thereon.

SECTION 4. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, March 2, 2009.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

CITY COUNCIL REPORT

SUBJECT:
2nd Quarter Fiscal Report

MEETING DATE:
March 2, 2009

TO: Mayor and Council

FROM: Kevin Artz, Finance & Budget Director (623)333-2011

THROUGH: Charlie McClendon, City Manager

PURPOSE:

The purpose of this report is to provide Council with an overview of the City's financial status through the second quarter of fiscal year 2008-2009.

BACKGROUND:

The total Council adopted expenditure budget for fiscal year 2008-2009 is $283,659,140. Revenue projections for the year total $ 207,266,560. This plan includes the use of fund balance for capital projects, carryover and one-time expenditures. At the time this budget was developed the economy had already been in a recessionary state. This budget included "No Growth" revenue projections for most sources accompanied by budget reductions and position eliminations.

The General Fund expenditure budget was estimated at $53 million. General Fund revenues for the year were projected at $53,317,500 compared to the $61,477,600 budget for the previous year.

Capital project funds included reduced revenue projections assuming 500 new home permits compared to the 1,200 to 2,000 permits issued in previous years. Enterprise funds (utility connections) also assumed modest increases in new accounts.

DISCUSSION:

As this fiscal year progresses, revenues have continued to decline as the number of foreclosures continues to climb and consumers tighten their belts reducing discretionary expenditures. Consumer Confidence is at an all time low since the index inception in 1967. Unemployment in Arizona has hit 6.9%, the highest rate since 1992.

Inevitably, revenue collections statewide reflect a severe economic contraction. While the official national recession period has been determined to have started in December of 2007, the local Avondale economy started its contraction in May of 2007.

General Fund

General fund revenues for the second quarter of the fiscal year are $3 million, or 12%, below budget projections. When compared to the prior year, total general fund revenue is $5.3 million or 19.5% less than revenue collected for the same quarter in FY 2008.

General Fund Revenue by Category

			Change From		
Revenue Category	2nd Qtr 2009 Actual	2nd Qtr 2008	Pct	2nd Qtr 2009 Budget	Pct
Taxes	12,919,360	14,902,296	(13.3)%	13,391,860	(4.1)%
Intergovernmental	9,441,390	9,578,131	(1.4)%	8,980,990	5.1%

Licenses and Permits	667,453	870,367	(23.3)%	887,200	(24.8)%
Charges for Service	427,396	685,839	(37.7)%	590,270	(27.6)%
Fines & Penalties	672,400	684,774	(1.8)%	581,660	15.6%
All other	428,384	1,167,746	(63.3)%	596,855	(28.2)%
Total	**$22,037,447**	**$27,362,213**	**(19.5)%**	**$25,028,835**	**(12.0)%**

Taxes

Sales taxes comprise nearly 50% of all general fund revenue. City sales taxes have been declining for over 18 months when compared to prior year collections. While projections were adjusted for the declines in construction activity, this year's collections have been affected by the severe decline in automobile sales. Current general fund local sales tax collections are $1.4 million below budget and also $1.8 million below collections last year. The following table summarizes monthly sales tax collections compared to the same month last year.

General Fund Sales Tax Collections by Month

Sales Month	FY 2009	FY 2008	Change from 2008
July	1,800,583	2,154,127	(353,544)
August	1,936,511	2,021,329	(84,818)
September	1,872,204	2,164,871	(292,667)
October	1,566,375	1,912,885	(346,510)
November	2,008,575	2,277,900	(269,325)
December	1,993,379	2,428,806	(435,427)
2nd Quarter Totals	**11,177,627**	**12,959,918**	**($1,782,291)**

Property taxes are on track with the budgeted projections and are increasing based on the maximum adjustments defined by statute.

Intergovernmental Revenues

Intergovernmental Revenues include state shared revenues and payments from other governmental agencies. Due to the nature of the state shared income tax, the revenue to date is slightly exceeding projections based on the one-time allocation from prior year's legislative action. State sales taxes, like local sales taxes, have been declining for at least 15 months.

State shared sales tax collections through the 2nd quarter are currently 5% below projections and over $322,000 less than the same period last year. Vehicle license taxes have also been declining and collections through the 2nd quarter are about $32,000 below projections and nearly $100,000 less than last year.

Licenses and Permits

Licenses and permits include permits and fees associated with development and construction along with business licenses and other permits. While the budgeted forecast had assumed 500 single family permits, current permit data indicates that housing starts are below projections. Through December only 63 permits have been issued and eight (8) permits were refunded providing revenue on a net 55 permits. However permits were issued for an apartment complex which has kept revenue at only 25% below projections despite issuance of single family permits being less than projected. These permit numbers are consistent with the situation valley wide as the number of single family home permits has decreased from 63,570 in 2005 to below 15,000 in 2008.

Licenses and Permit 2nd Quarter Collections

License/Permit Type	2nd Qtr 2009 Actuals	2nd Qtr 2008	2nd Qtr 2009 Budget	Change from 2008	Budget Variance
Occupational License	112,890	116,715	103,215	(3,825)	9,674
Liquor License Fees	27,440	21,944	20,124	5,496	7,315
Occ. & Tax License App. Fees	11,100	13,740	12,604	(2,640)	(1,504)
Commercial Sanitation Hauler Permits	13,000	17,050	21,311	(4,050)	(8,311)
Building Permits	345,770	468,505	457,181	(122,734)	(111,411)
Electrical Permits	20,900	12,355	30,748	8,545	(9,848)
Plumbing Permits	18,245	8,275	23,799	9,970	(5,554)
Engineering Plan Review Fees	36,848	110,840	74,247	(73,992)	(37,399)
Engineering Permit Fees	26,394	76,723	69,997	(50,328)	(43,602)
Mechanical Fees	21,330	20,070	36,473	1,260	(15,143)
Fire Permits	12,550	11,900	9,999	650	2,550
Certificate of Occupancy Fee	20,985	9,300	27,498	11,685	(6,513)
Grand Total	**667,453**	**887,417**	**887,202**	**(219,964)**	**(219,749)**

Charges for Service

Charges for Services include all general fees such as sports and leisure class fees, plan review fees, passports and copy fees. Collections in this category are also well below collections in the prior year for the same time period. The decline in construction activity is also apparent in the plan review fees which are currently approximately $128,000 below budgeted projections.

Fines, Forfeits and Penalties

Court fines are the major source of revenue in this category and although collections in this category are slightly less to date than the collections for the same time period last fiscal year, these revenues are exceeding budgeted projections.

All Other Sources

The general fund miscellaneous revenue category includes items such as donations, contributions and interest earnings. Over the last few years, interest earnings have been a significant source of revenue. This year interest rates have dropped and as the general fund balance declines, this revenue source will also continue to decline. Interest earnings to date are $634,000 below the same period last fiscal year and $165,000 below budgeted projections.

Expenditures

During the second quarter, budget reductions were implemented to lessen the impact of declining revenue. A total of 32 positions were eliminated which resulted in the layoff of 20 employees. General Fund Expenditures and transfers for the second quarter total $27,128,011 or 45% of the budget. Expenditures by department are shown in the following table.

General Fund 2nd Quarter Expenditures by Department

Department	2009 Annual Budget	2nd Qtr. Actuals	Pct. Expended
City Council	157,943	45,655	28.91%
City Administration	1,287,345	556,261	43.21%
Information Technology	2,779,718	1,234,516	44.41%
Community Relations	526,710	228,993	43.48%
Field Operations	83,810	28,788	34.35%
Non-Departmental	10,528,789	7,004,758	66.50%
Development Services	3,014,790	1,164,110	38.61%
Long Range Planning	10,450	52,767	504.95%

Finance & Budget	1,381,680	552,252	39.97%
Human Resources Department	878,600	367,107	41.78%
Engineering Department	1,271,750	576,568	45.34%
City Clerk	282,900	108,103	38.21%
Police	14,051,778	6,557,187	46.66%
City Court	870,860	378,756	43.49%
Fire	5,548,820	2,746,298	49.49%
Economic Development	1,527,140	415,972	27.24%
Parks, Recreation & Libraries	6,725,570	2,379,371	35.38%
Neighborhood & Family Services	1,616,677	718,170	44.42%
Contingency	0	0	0%
Transfers Out	7,526,410	3,763,205	50.00%
2nd Qtr. Totals	**60,071,740**	**28,878,836**	**48.1%**

Special Revenue Funds

Collection of special revenues is at a pace that is approximately 11% below budget. This fund group includes state shared Highway User Revenues and Local Transportation Assistance Funds. In addition, dedicated sales taxes and all grant funds are accounted for in this group.

Special Revenue 2nd Quarter Collections by Fund

Fund	2nd Qtr 2009 Actuals	2nd Qtr 2008 Actuals	2nd Qtr 2009 Budget	Change from 2008	Budget Variance
Highway User Revenue Fund	2,045,513	2,393,601	2,391,010	(348,087)	(345,497)
Senior Nutrition	106,779	123,300	87,480	(16,521)	19,299
Community Action Program	59,135	128,381	84,000	(69,246)	(24,865)
Home Grant	3,854	17,188	83,090	(13,334)	(79,236)
Federal R.I.C.O. with A.G.	6,359	42	-	6,317	6,359
Library Projects	2,535	22,583	1,250	(20,048)	1,285
Transit Fund	195,061	841,708	312,620	(646,647)	(117,559)
Co. R.I.C.O. w/Maricopa Atty	45,877	94,990	-	(49,113)	45,877
Voca Crime Victim Advocate	12,167	16,843	25,250	(4,676)	(13,083)
Court Payments	66,988	65,063	66,940	1,925	48
Regional Family Advocacy	191,496	23,556	266,455	167,940	(74,959)
0.5% Dedicated Sales Tax	3,067,811	3,472,918	3,110,715	(405,106)	(42,904)
Public Safety Dedicated Sales Tax	2,964,832	3,653,678	3,090,520	(688,846)	(125,688)
CDBG	-	53,731	318,900	(53,731)	(318,900)
2nd Qtr Totals	**8,768,408**	**10,907,583**	**9,838,230**	**(2,139,175)**	**(1,069,822)**

Street maintenance efforts are funded by the state shared Highway User Revenue fund (HURF) monies distributed based on population. The main source of this fund is the excise tax on each gallon of fuel sold. The price of gasoline during the last year affected the driving habits of many Arizona residents and gasoline sales volume declined significantly. Even after prices descended to much lower levels, the consumption of gasoline has not returned to the levels seen prior to the big price jump. The following table shows HURF distributions from the State for the first two quarters compared to last fiscal year.

Highway User Revenue Distributions by Month

Distribution Month	2nd Qtr 2009 Actuals	2nd Qtr 2008 Actuals	Change from 2008	Budget Variance
July	355,309	385,635	(30,326)	(43,177)
August	342,835	405,144	(62,308)	(55,650)
September	377,459	399,843	(22,384)	(21,027)
October	329,904	385,573	(55,670)	(68,582)
November	327,737	402,525	(74,788)	(70,749)
December	311,496	414,881	(103,385)	(86,990)
2nd Qtr. Totals	**2,044,740**	**2,393,601**	**(348,861)**	**(346,175)**

The City's Transit fund is also funded by state shared revenues known as the Local Transportation Assistance Fund (LTAF). These funds are derived from Lottery proceeds and distributed based on population. The amount of funding does not usually change significantly unless population estimates are updated. This year however, the State Legislature has implemented a budget reduction which will reduce our funding by approximately $17,000 starting in the 3rd quarter.

The Public Safety and Capital Project dedicated taxes are reported in the special revenue fund group. These funds have a single revenue source so declines in these collections cause a rapid decline in funding reserves. However since these tax rates are not applicable to purchases over $5,000, these revenues are not subject to the current auto sales downturn.

Expenditures

Special revenue fund expenditures are currently at approximately 37% of budget. Some spending in this category is contingent on the receipt of grant revenues.

Special Revenue 2nd Quarter Expenditures by Fund

Fund	Annual Budget	2nd Qtr. Actuals	Pct. Expended
Highway User Revenue Fund	5,114,220	2,013,497	39%
Senior Nutrition	448,839	178,550	40%
Community Action Program	178,240	92,935	52%
Voca Crime Victim Advocate	56,470	28,702	51%
Co. R.I.C.O. w/Maricopa Atty	66,712	59,973	90%
Regional Family Advocacy	826,380	376,833	46%
Transit Fund	1,435,566	422,554	29%
CDBG	600,990	198,701	33%
Home Grant	1,078,530	53,916	5%
Other Grants	4,666,719	392,178	8%
Library Projects	1,174	1,197	102%
Court Payments	181,220	24,158	13%
0.5% Dedicated Sales Tax	6,741,950	3,370,975	50%
Public Safety Dedicated Sales Tax	7,879,520	3,753,974	48%
Total Expenditures	**29,276,530**	**10,968,143**	**37%**

Capital Project Funds

The City was in a rapid growth mode for the last several years and new infrastructure was critical to providing new residents and business owners the same level of service provided for existing community members. As state previously, there are few if any new housing subdivisions being reviewed. A majority of the City's current projects rely on development fees collected on new development permits. Operating funds transfer monies to the capital funds to cover improvements that are not entirely attributable to growth. Bond proceeds are also a major source of funding for the capital projects. Year to date revenues include the receipt of bond proceeds for the Water Development fund which had been budgeted in FY 2008. There are also bond proceeds that are scheduled for this fiscal year for which the bonds have not yet been issued.

Capital Project 2nd Quarter Revenues by Fund

Fund	2009 Projected Revenue	2nd Qtr. Actuals	Pct. Variance
Street Construction	19,584,860	3,322,551	17%
Police Development	1,195,120	646,851	54%
Parkland	17,150,670	827,614	5%
Library Development	1,466,120	651,560	44%
Landscaping Landfill Remediation	105,000	29,033	28%
General Government Development	497,280	325,209	65%
Fire Dept. Development	1,820,640	409,003	22%

Improvement Districts	40,000,000	0	0%
Sewer Development	18,242,960	3,988,189	22%
Water Development	3,565,320	16,371,840	459%
Sanitation Development	154,250	13,915	9%
Water Equipment Replacement	301,170	136,694	45%
Sewer Equipment Replacement	186,670	88,075	47%
Sanitation Equipment Replacement	635,280	317,640	50%
Vehicle Replacement	1,641,000	884,873	54%
Technology Replacement Fund	821,900	418,998	51%
Total Capital Revenues & Transfers In	**107,368,240**	**28,432,044**	**26%**

The collections of residential development fee revenue is currently not meeting projections due to the lack of single family home permits, however with the permitting of apartments and commercial projects, all but the water, wastewater and sanitation fund development fee funds may come close to meeting the budgeted projections.

Development Fee Collections by Type 2nd - Quarter Comparisons

Development Fees	2nd Qtr 2009 Actuals	2nd Qtr 2008 Actuals	2nd Qtr 2009 Budget	Change from 2008	Budget Variance
Street	538,305	746,914	468,750	(208,609)	69,555
Police	133,983	198,656	86,000	(64,673)	47,983
Parkland	731,175	273,889	625,250	457,286	105,925
Library	101,292	27,307	86,500	73,985	14,792
General Government	296,705	250,581	232,250	46,124	64,455
Fire Dept.	313,790	258,691	249,000	55,099	64,790
Sewer Development	510,232	948,296	1,373,250	(438,064)	(863,018)
Water Development	524,478	1,084,576	1,312,750	(560,098)	(788,272)
Sanitation Development	13,680	(8,248)	76,000	21,928	(62,320)
2nd Qtr Totals	3,163,640	3,780,662	4,509,750	(617,022)	(1,346,110)

Expenditures

Capital expenditures for the 2nd quarter are at 17% of the budget or $28 million. The largest capital expenditures to date are due to the wastewater treatment plant expansion.

Capital Project 2nd Quarter Expenditures

Fund	2009 Annual Budget	2nd Qtr. Actuals	Pct. Expended
Street Construction	25,684,027	5,373,954	21%
Police Development	1,666,060	201,262	12%
Parkland	15,616,000	917,494	6%
Library Development	3,358,740	1,318,594	39%
General Government Development	819,270	374,175	46%
Fire Dept. Development	2,695,930	652,649	24%
Improvement Districts	40,000,000	0.00	0%
Sewer Development	44,140,000	11,423,434	26%
Water Development	29,927,811	6,722,358	22%
Sanitation Development	320,720	0	0%
Water Equipment Replacement	154,300	0	0%
Sewer Equipment Replacement	82,000	0	0%
Sanitation Equipment Replacement	747,800	381,318	51%
Vehicle Replacement	2,498,750	629,88	25%
Technology Replacement Fund	715,400	166,200	23%
Total Expenditures & Transfers Out	**168,426,808**	**28,161,327**	**16%**

Debt Service Funds

Debt retirement revenue comes primarily from secondary property taxes and transfers from the operating funds. Debt payments are normally due twice a year in July and January. Second quarter revenues and expenditures are consistent with budget projections.

Debt Service Fund 2nd Quarter Summary

Fund	2009 Budget	2nd Qtr. Actuals	Pct. Variance
General Obligation Bonds	5,179,550	2,536,672	49.0%
Hwy User's Bonds '85/91/98	404,430	1,111	25.1%
Park Issue	1,173,400	2	0.0%
Dysart Road M.D.C.	404,470	126	2.8%
0.5% Dedicated Sales Tax	5,463,960	23,672	34.0%
Total Revenue/Transfers In	**12,625,810**	**2,561,582**	**47.0%**
General Obligation Bonds	3,413,630	2,274,744	66.6%
Hwy User's Bonds '85/91/98	409,840	315,669	77.0%
Park Issue	1,378,420	2,150	0.2%
Dysart Road M.D.C.	726,000	1,526	0.2%
0.5% Dedicated Sales Tax	7,653,480	3,800	0.0%
Total Expenditures	**13,581,370**	**2,597,888**	**19.1%**

Enterprise Funds

This category includes water, wastewater and sanitation enterprise funds. Revenue in this category is also falling short of projections, however departmental expenses through the 2nd quarter have been less than budgeted. In addition, rate increases in this fiscal year for these funds is effective with the January billings.

Enterprise Fund 2nd Quarter Summary

Enterprise	2nd Qtr 2009 Actuals	2nd Qtr 2008 Actuals	2nd Qtr 2009 Budget	Change from 2008	Budget Variance
Water	6,206,731	6,700,177	6,217,315	(493,447)	(10,584)
Wastewater	3,629,030	3,804,366	4,096,060	(175,336)	(467,030)
Sanitation	2,170,467	2,063,748	2,213,620	106,719	(43,153)
Total 2nd Qtr. Revenue	**12,006,228**	**12,568,291**	**12,526,995**	**(562,063)**	**(520,767)**
Water	4,395,890	4,713,026	6,399,925	(317,136)	(2,004,035)
Wastewater	4,690,101	3,643,890	5,783,365	1,046,211	(1,093,264)
Sanitation	1,920,626	2,049,524	2,356,560	(128,898)	(435,934)
Total 2nd Qtr. Expenses	**11,006,617**	**10,406,440**	**14,539,850**	**600,177**	**(3,533,233)**

All Funds Summary

Overall through the second quarter, revenues are at 39% of budget projections and expenditures are at approximately 34% of budget.

2nd Quarter Summary - All Funds

Fund Type	2nd Qtr. Revenue	2nd Qtr. Expenditures	Net Revenue
General Fund	22,037,447	28,878,836	(6,841,389)
Special Revenue	8,768,408	10,968,143	(2,199,735)
Capital Projects	28,432,044	28,161,327	270,717
Debt Service	2,938,044	2,597,888	340,156
Enterprise Operating	12,006,228	11,006,617	999,611
Internal Service	2,241,507	1,912,427	329,081
Totals	**76,423,678**	**83,525,238**	**(7,101,560)**

BUDGETARY IMPACT:

The revenue collections and expenditures continue to be monitored closely to ensure the City can respond quickly to fiscal impacts. In addition, the current revenue trends have been incorporated in the financial projections to be presented to City Council in the coming month with respect to the new year budget.

RECOMMENDATION:

This report is provided for information only.

ATTACHMENTS:

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CITY COUNCIL REPORT

SUBJECT:
EXECUTIVE SESSION

MEETING DATE:
March 2, 2009

TO: Mayor and Council

FROM: Carmen Martinez, City Clerk (623) 333-1214

THROUGH: Charlie McClendon, City Manager

ATTACHMENTS:

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