**Amendment #2 - 4.28.2022**

# City of Avondale

City Council Meeting

Monday, May 2, 2022

## Mayor and Council

Kenneth Weise, Mayor

Veronica Malone, Vice Mayor

Tina Conde, Council Member | Bryan Kilgore, Council Member

Curtis Nielson, Council Member | Mike Pineda, Council Member

Gloria Solorio, Council Member

## Administration

Cherlene Penilla, Acting City Manager | Tracy Stevens, Deputy City Manager

Nicholle Harris, City Attorney | Marcella Carrillo, City Clerk

## City Council Chambers

11465 West Civic Center Drive

Avondale, AZ 85323

# City Council Meeting
# Notice & Agenda
## Monday, May 2, 2022

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

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## SPECIAL MEETING
## 5:30 PM

**CALL TO ORDER BY MAYOR**

1. **ROLL CALL BY THE CITY CLERK**

2. **PROCLAMATIONS RECOGNIZING CITY DEPARTMENTS**
The City Council will present proclamations: (a) recognizing May 1 through May 7, 2022, as Professional Municipal Clerks Week; and (b) recognizing May 9 through May 13, 2022, as Economic Development Week. This item is for discussion only.

3. **NEW EMPLOYEE INTRODUCTIONS**
The following employees will be introduced to the City Council. This item is for discussion only.

**City Attorney's Office**

- Lisa Maxie-Mullins, Deputy City Attorney

**Police Department**

Alex Amaya, Officer
Arianna Bartholomew, Officer
Matthew Berger, Officer
Dujhan Brown, Officer
Tyler Davids, Officer
Marisa Espinoza, Officer
Tommy Gates, Officer
Cesar Ghersi, Officer
Andres Godinez, Officer
Benjamin Gomez, Officer
Gloria Gonzalez, Officer
Efrain Jaime, Officer
Anthony Kallai, Officer
Gabriella Machuca, Officer
Jordan Mamoe, Officer
Andrew Martin, Officer
Dennis Mercado, Officer
Omar Monarrez, Officer
Nyasia Ramos, Officer
Nathan Rojas, Officer
Jose Romero, Officer
John Segler, Officer
Robert Tapling, Officer

**Fire Department - Swearing-In Ceremony**

- Ken Gilliam will be sworn in as the new Fire Chief of the City Of Avondale.

4. **MUNICIPAL COURT OPERATIONS UPDATE**
City Council will receive an update from the Honorable Craig L. Jennings, Avondale Municipal Judge, on the most recent Administrative Order 2022-001; Modifying Health and Safety Protocols, Health and Safety Protocol Questions, and the implementation of new procedures due to the impact of Covid-19 on court operations. This item is for presentation only.

5. **ADJOURNMENT**

Request to Speak: Anyone wishing to address the Council regarding items listed on the agenda or under unscheduled public appearance should complete a Request to Speak online at www.avondaleaz.gov/RequestToSpeak prior to the start of the meeting.

# REGULAR MEETING
# 6:00 PM

## CALL TO ORDER BY MAYOR
## PLEDGE OF ALLEGIANCE & MOMENT OF REFLECTION

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

**2. UNSCHEDULED PUBLIC APPEARANCES** (Time is limited 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. MINUTES**

City Council will consider a request to approve the March 21, 2022 City Council meeting minutes. The Council will take appropriate action.

**b. APPOINTMENT OF MEMBERS TO THE CITY'S BOARDS AND COMMISSIONS**

City Council will consider a request to approve the City Council Subcommittee recommendations for the appointment of Shaun Grimm to the Sustainability Community and Julia Arnette to the Planning Commissions. The Council will take appropriate action.

**c. AWARD AUTHORITY AMENDMENT FOR PUBLIC WORKS**

City Council will consider a request to increase the Administrative Award Authority for Rancho Santa Fe Reservoir Coating and Rehabilitation project (U0103) for FY2021-2022 by the amount of $400,000 and authorize the Mayor, or Acting City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

**d. RESOLUTION 1025-0522 - 2022 - 2023 HUD ANNUAL ACTION PLAN**

City Council will consider a request to adopt Resolution 1025-0522 approving the City's 2022-2023 Annual Action Plan, identifying housing and community development needs and strategies and defining how Community Development Block Grant (CDBG) and HOME funds will be allocated next fiscal year and authorize the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

**e. RESOLUTIONS 1026-0522 AND 1028-0522 - MAINTENANCE IMPROVEMENT DISTRICT NO. 30 FOR RIVER RUN FINAL PLAT**

City Council will consider a request to approve a Petition for Formation, adopt Resolution 1026-0522 declaring its intention to form the City of Avondale Maintenance Improvement District No. 30, River Run Final Plat, providing for the assessment and adopt Resolution 1028-0522, declaring its intention to order the improvements within the newly established Maintenance Improvement District, providing for the assessment and declaring an emergency; and authorize the Mayor, City Attorney, and City Clerk to execute the necessary documents. The Council will take appropriate action.

**f. ORDINANCE 2030-0522 - ABANDONMENT OF A 14-FOOT SEWERLINE EASEMENT**

City Council will consider a request to adopt Ordinance 2030-0522, authorizing the abandonment of a 14-foot Sewerline Easement and authorize the Mayor or Acting City Manager, City Attorney and the City Clerk to execute the necessary documents. The Council will take appropriate action.

**g. ORDINANCE 2031-0522 - ABANDONMENT OF A 12-FOOT SEWERLINE EASEMENT**

City Council will consider a request to adopt Ordinance 2031-0522, authorizing the abandonment of a 12-foot Sewerline Easement and authorize the Mayor or Acting City Manager, City Attorney and the City Clerk to execute the necessary documents. The Council will take appropriate action.

**h. RESOLUTION 1029-0522 DECLARING AS A PUBLIC RECORD THE CITY OF AVONDALE ZONING ORDINANCE, MAY 2, 2022 AND ORDINANCE 2032-0522 - CODIFICATION OF THE ZONING ORDINANCE AS CHAPTER 28 OF THE MUNICIPAL CODE**

City Council will consider a request to adopt Resolution 1029-0522 declaring as a public record the "City of Avondale Zoning Ordinance, May 2, 2022" and to adopt Ordinance 2032-0522 amending the Avondale City Code by adding Chapter 28 and adopting the document made public by the resolution and authorize the Mayor, City Attorney, and City Clerk to execute the necessary documents. The Council will take appropriate action.

**i. ORDINANCE 2033-0522 - REPEAL AND REPLACE ORDINANCE 2042-1120 FOR ABANDONMENT OF A 30-FOOT INGRESS AND EGRESS EASEMENT**

City Council will consider a request to repeal and replace Ordinance 2042-1120 and adopt Ordinance 2033-0522 authorizing the abandonment of a 30-foot ingress and egress easement generally located 550 feet north of Van Buren Street and 1,150 feet east of Avondale Boulevard and authorize the Mayor, Acting City Manager, and City Clerk to execute the necessary documents. The Council will take appropriate action.

## 4. REGULAR AGENDA

**a. PUBLIC HEARING AND RESOLUTION 1027-0522 - UPDATED AVONDALE GENERAL PLAN 2030 – READOPTION – APPLICATION PL-22-0052**

City Council will hold a public hearing and consider a request to adopt Resolution 1027-0522, approving a City-initiated Update to the Avondale General Plan 2030 Readoption application PL-22-0052 and submit the Updated Plan to the qualified electors for ratification. The updated version of the Avondale General Plan 2030 ("Updated 2030 Plan") is an amended version of the Avondale General Plan 2030, which was ratified by the Avondale voters on August 28, 2012 (the "2030 Plan"). The Council will take appropriate action.

**b. PUBLIC HEARING - RESOLUTION 1030-0522 - CITY OF AVONDALE BRIDGE HOUSING - MINOR GENERAL PLAN AMENDMENT - APPLICATION PL-22-0017**

City Council will hold a public hearing and consider a City-initiated request to adopt Resolution 1030-0522, approving a request for a Minor Amendment to the General Plan 2030 Land Use Map for approximately 0.46 net acres of land located approximately 293 feet south of the southeast corner of Riley Drive and Eliseo C. Felix Jr. Way. If approved, the General Plan 2030 Land Use Map designation for the property will be amended from Open Space and Parks to High Density Residential. The project would allow for three (3) to six (6) detached dwelling units. There is a concurrent request to rezone the property from General Industrial (A-1) to Planned Area Development (PAD). The Council will take appropriate action.

**c. PUBLIC HEARING - ORDINANCE 2034-0522- CITY OF AVONDALE BRIDGE HOUSING - REZONING FROM GENERAL INDUSTRIAL (A-1) TO PLANNED AREA DEVELOPMENT (PAD) - APPLICATION PL-22-0018**

City Council will hold a public hearing and consider a City-initiated request to adopt Ordinance 2034-0522, approving a request to rezone approximately 0.46 net-acres of City-owned land located approximately 293 feet south of the southeast corner of Riley Drive and Eliseo C. Felix Jr. Way. The proposed Rezone, if approved, will change the zoning from General Industrial (A-1) to Planned Area Development (PAD). The proposed Bridge Housing PAD would allow for three (3) to six (6) detached dwelling units. A concurrent request to change the General Plan 2030 Land Use Map designation of the property from Open Space and Parks to High Density Residential will be considered separately. The Council will take appropriate action.

**d. RESOLUTION 1031-0522 - ADOPTION OF THE FISCAL YEAR 2023 TENTATIVE BUDGET**

City Council will consider a request to adopt Resolution 1031-0522, setting forth the fiscal year (FY) 2023 tentative budget and establishing the City's annual expenditure limitation and authorize the Mayor or Acting City Manager, City Attorney, and City Clerk to execute the necessary documents. The Council will take appropriate action.

**e. SPEED MITIGATION**

City Council will receive an update from staff and direct staff on three potential options for excessive speed mitigation. The Council will take the appropriate action.

**5. ADJOURNMENT**

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## ALAMAR COMMUNITY FACILITIES DISTRICT BOARD
## REGULAR MEETING
## Convene immediately following the 6:00 PM City Council Meeting

**CALL TO ORDER BY DISTRICT CHAIR**

**1. ROLL CALL BY THE CITY CLERK**

**2. APPROVAL OF MINUTES**

The District Board will consider a request to approve the June 21, 2021 board meeting minutes. The District Board will take appropriate action.

**3. CFD RESOLUTION 1-2022 - ADOPTION OF THE ALAMAR COMMUNITY FACILITIES DISTRICT FISCAL YEAR 2023 TENTATIVE BUDGET**

The District Board will consider a request to adopt CFD Resolution 1-2022, setting forth the fiscal year 2022-2023 tentative budget. The District Board will take appropriate action.

**4. ADJOURNMENT**

# SPECIAL MEETING
# Convene immediately following the Alamar CFD Board Meeting

## CALL TO ORDER BY MAYOR

## 1. ROLL CALL BY THE CITY CLERK

## 2. ADJOURNMENT INTO EXECUTIVE SESSION

City Council will consider a request to adjourn the Special Meeting and hold an executive session pursuant to Ariz. Rev. Stat. § 38--431.03(A)(3) and (A)(4) for discussion with the City Attorney or attorneys for the City for legal advice concerning contemplated litigation with the former city manager and to instruct the City Attorney or attorneys for the City on such litigation.

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Council Members of the City of Avondale will attend either in person or by telephone or video conference call. 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.

Los miembros del Concejo de la Ciudad de Avondale participaran ya sea en persona o por medio de llamada telefonica o por vídeo.Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oido, o con necesidad de impresion grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos dias habiles antes de la junta del Concejo.

Avondale

**PROCLAMATION**
53rd ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK
May 1 - May 7, 2022

**Whereas**, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

**Whereas**, The Office of the Professional Municipal Clerk is the oldest among public servants, and

**Whereas**, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

**Whereas**, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

**Whereas**, The Professional Municipal Clerk serves as the information center on functions of local government and community.

**Whereas**, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

**Whereas**, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

**Now, Therefore, I**, Kenneth Weise, Mayor of the City of Avondale, Arizona, do recognize the week of May 1 through May 7, 2022, as Professional Municipal Clerks Week, and further extend appreciation to our City Clerk's Office and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

_____
Mayor

Attest: _____
City Clerk

Avondale

**PROCLAMATION**

ECONOMIC DEVELOPMENT WEEK

May 9 - May 13, 2022

**Whereas,** the International Economic Development Council is the largest professional economic development organization dedicated to serving economic developers, and

**Whereas,** the International Economic Development Council provides leadership and excellence in economic development for communities, members, and partners through conferences, training courses, advisory services and research, in-depth publications, public policy advocacy, and initiatives such as the Accredited Economic Development Organization program, the Certified Economic Developer designation, and the Entrepreneurship Development Professional, and

**Whereas,** economic developers promote economic well-being and quality of life for their communities by creating, retaining, and expanding jobs that facilitate growth, enhance wealth, and provide a stable tax base, and

**Whereas,** economic developers stimulate and incubate entrepreneurism in order to help establish the next generation of new businesses, which is the hallmark of the American economy, and

**Whereas,** economic developers are engaged in a wide variety of settings including rural and urban, local, state, provincial, and federal governments, public-private partnerships, chambers of commerce, universities, and a variety of other institutions, and

**Whereas,** economic developers attract and retain high-quality jobs, develop vibrant communities, and improve the quality of life in their regions, and

**Whereas,** economic developers work in the City of Avondale within the State of Arizona.

**Now, Therefore, I**, Kenneth Weise, Mayor of the City of Avondale, Arizona, do recognize the week of May 9 through May 13, 2022, as Economic Development Week, and remind individuals of the importance of this community celebration which supports expanding career opportunities and making lives better.

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Mayor

Attest: _____

City Clerk

Item Number: 4.

# CITY COUNCIL REPORT

**SUBJECT:** Municipal Court Operations Update

**MEETING DATE:** 5/2/2022

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**TO:** Mayor and Council

**FROM:** Abril Ruiz-Ortega, Court Administrator, (623) 333-5822

**THROUGH:** Craig L. Jennings, Presiding Judge, (623) 333-5813

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**STRATEGIC PLAN:**

Public Health and Safety - Avondale is a city where all people feel safe and secure, relying on trusted public and community-based resources.

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**PURPOSE:**

City Council will receive an update from the Honorable Craig L. Jennings, Avondale Municipal Judge, on the most recent Administrative Order 2022-001; Modifying Health and Safety Protocols, Health and Safety Protocol Questions, and the implementation of new procedures due to the impact of Covid-19 on court operations. This item is for presentation only.

**BACKGROUND:**

The Honorable Presiding Judge Craig L. Jennings had a conversation with Vice-Mayor Malone regarding the most recent administrative order 2022-001 and general court operations during the pandemic. Vice Mayor Malone thought the information would be helpful when presented to the entire Council.

**DISCUSSION:**

The Honorable Craig L. Jennings, Avondale Presiding Judge, will provide an update on Adm. Order 2022-001, Health and Safety Protocol Questions and updates to court operations to City Council. This item is for presentation only.

**BUDGET IMPACT:**

This item does not impact the City budget.

**RECOMMENDATION:**

This item is for presentation only.

***Contact person for document distribution:*** *None*

Item Number: 3.a.

# CITY COUNCIL REPORT

**SUBJECT:** Minutes

**MEETING DATE:** 5/2/2022

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**TO:** Mayor and Council

**FROM:** Marcella Carrillo, City Clerk, (623) 333-1214

**THROUGH:** Cherlene Penilla, Acting City Manager, 623-333-1015

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**STRATEGIC PLAN:**

This agenda item supports the following Avondale Strategic Outcome Area: Connected Community - Avondale will work directly and closely with our communities to develop programs and infrastructure that connect residents to the city's resources, the region, and each other. The approval of this agenda item provides residents with access to a previous meeting's minutes, which includes a summary of the meeting. The minutes are posted online where residents can access and read the summary. The minutes provide another outlet for residents to connect with the City Council.

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**PURPOSE:**

City Council will consider a request to approve the March 21, 2022 City Council meeting minutes. The Council will take appropriate action.

**BACKGROUND:**

n/a

**DISCUSSION:**

n/a

**BUDGET IMPACT:**

This item has no budget impact.

**RECOMMENDATION:**

Staff recommends City Council approve the March 21, 2022 City Council meeting minutes.

***Contact person for document distribution:*** *Citlaly Salas*

**MINUTES OF THE AVONDALE CITY COUNCIL**
CITY OF AVONDALE, ARIZONA
CITY COUNCIL CHAMBER
March 21, 2022

A **Special Meeting** of the City Council of the City of Avondale, Arizona was convened at 11465 Civic Center Drive in open and public session at 5:30 p.m.

**Members Present:** Mayor Kenn Weise; Vice Mayor Veronica Malone; Council Members Tina Conde, Bryan Kilgore, Curtis Nielson, Mike Pineda, and Gloria Solorio.

**Members Absent:** None.

**Other Municipal Officials Present:** Cherlene Penilla, Acting City Manager; Tracy Stevens, Deputy City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Tony Corsi, Fire & Medical Director; Andrea Dumbrell, Human Resource Director; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Keith Fallstrom, Interim Finance and Budget Director; Bryan Hughes, Parks and Recreation Director; Craig Jennings, Judge; Chris Lopez, Neighborhood and Family Services Director; Jodie Novak, Development and Engineering Services Assistant Director; Dale Nannenga, Public Safety Chief; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Marketing and Public Relations Director.

**Audience:** Approximately 20 members of the public were present.

## 1. ROLL CALL BY THE CITY CLERK

## 2. NEW EMPLOYEE INTRODUCTIONS

The following employees were introduced to City Council. This item was for discussion only.

**Human Resources Department**

- Andrea Dumbrell, HR Director
- Cheryl Carrasco, Assistant HR Director
- Ted Flores, HR Manager
- Heather Daigle, Senior HR Analyst
- Sierra Daniels, Senior HR Analyst
- Samantha Corrales, Senior HR Analyst
- Norma Larios, HR Specialist
- Savannah Aguilar, HR Specialist
- Rachel Brito, HR Specialist
- Corina Rodriguez, Administrative Assistant
- Kathy Reyes, Benefits Manager
- Kristen Venditte, Senior HR Analyst (Benefits)
- Janet Jackson, HR Specialist
- Phillip Cundiff, Risk Manager
- Nikki Cross, Safety Officer
- Mary Gillespie, Policy and Procedure Analyst

**Neighborhood and Family Services Department**

- Brian Planty, Homeless Services Manager
- Marlena Pina, Homeless Services Coordinator

**Marketing and Public Relations Department**

- MacKenzie Henderson, Marketing & Public Relations Coordinator
- Christa Wilson, Senior Graphic Designer

**Public Works Department**
• Simon Lara, Solid Waste Manager

**3. RECOGNITION OF FORMER COUNCIL MEMBER PAT DENNIS**
Members of the Avondale Police Association recognized former Council Member Pat Dennis for her leadership and support for the Sergeants and Officers of the Avondale Police Association. This item was for discussion only.

**4. ADJOURNMENT**
There being no further business before the Council, Council Member Kilgore moved to adjourn the Work Session meeting; Council Member Nielson seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

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|---|---|
| Council Member Conde | Aye |
| Council Member Kilgore | Aye |
| Council Member Nielson | Aye |
| Council Member Pineda | Aye |
| Council Member Solorio | Aye |
| Vice Mayor Malone | Aye |
| Mayor Weise | Aye |

Meeting adjourned at 6:00 p.m.

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A **Regular Meeting** of the City Council of the City of Avondale, Arizona was convened at 11465 Civic Center Drive in open and public session at 6:10 p.m.

Following a moment of silent reflection in remembrance of the individuals impacted by the Russo-Ukrainian War, Council Member Nielson led the Pledge of Allegiance.

**Members Present:** Mayor Kenn Weise; Vice Mayor Veronica Malone; Council Members Tina Conde, Bryan Kilgore, Curtis Nielson, Mike Pineda, and Gloria Solorio.

**Members Absent:** None.

**Other Municipal Officials Present:** Cherlene Penilla, Acting City Manager; Tracy Stevens, Deputy City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Tony Corsi, Fire & Medical Director; Andrea Dumbrell, Human Resource Director; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Keith Fallstrom, Interim Finance and Budget Director; Bryan Hughes, Parks and Recreation Director; Craig Jennings, Judge; Chris Lopez, Neighborhood and Family Services Director; Jodie Novak, Development and Engineering Services Assistant Director; Dale Nannenga, Public Safety Chief; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Marketing and Public Relations Director.

**Audience:** Approximately 20 members of the public were present.

## 1. ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

## 2. UNSCHEDULED PUBLIC APPEARANCES

Julia Arnette, resident of the City of Avondale and resident of Palm Gardens, expressed frustration with the lack of communication from Tolleson High School District officials. She was concerned to learn that the proposed development of Encanto Crossing was scrapped and a high school was being constructed. Concerns have gone unaddressed. The governing board of the Tolleson High School District has failed to respond to email communications. The project is requiring significant Avondale City resources, such as police staff, City engineers and others. Neighborhood concerns include traffic on Encanto. She expressed appreciation for the patience of Avondale staff. She encouraged Council members to visit the area in the morning to observe the traffic issues. With five children of her own who do not attend Tolleson schools, there are a number of critical issues with regard to travel to and from school.

Mayor Weise stated that he has asked Acting City Manager, Cherlene Penilla, to bring this up to Council, not only for West Pointe but other schools that will be built in the City and how these issues are addressed.

## 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.

Mayor Weise asked if any Council Member wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Council Member Kilgore, seconded by Council Member Pineda, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 7 to 0.

| | |
|---|---|
| Council Member Conde | Aye |
| Council Member Kilgore | Aye |
| Council Member Nielson | Aye |
| Council Member Pineda | Aye |
| Council Member Solorio | Aye |
| Vice Mayor Malone | Aye |
| Mayor Weise | Aye |

### a. MINUTES

City Council approved the January 24, 2022 City Council meeting minutes.

**b. APPOINTMENT OF MEMBERS TO THE CITY'S BOARDS AND COMMISSIONS**
City Council approved the City Council Subcommittee recommendations for the appointment of members of the City's Boards and Commissions.

**c. SERIES 12 (RESTAURANT) LIQUOR LICENSE - LA PATRONA MEXICAN RESTAURANT**
City Council recommended approval to the Arizona Department of Liquor License and Control of an application for a Series 12 (Restaurant) Liquor License submitted by Jose Alonso Jimenez Valdez for the sale of alcohol at La Patrona Mexican Restaurant, located at 10575 West Indian School Road #101 in Avondale and authorized the City Clerk to execute the necessary documents.

**d. VEHICLE PURCHASE BUDGET AND AWARD AUTHORITY**
City Council (a) approved a budget amendment in the amount $1,745,000 from the Unanticipated Revenue line item for the purpose of ordering replacement vehicles scheduled for fiscal year 2023; (b) authorized administrative award authority for the outlined vehicle purchases; and (c) directed City staff to take appropriate action.

**e. AGREEMENT AND SUPPORT OF THE SMART REGION CONSORTIUM OF THE PARTNERSHIP FOR ECONOMIC INNOVATION**
City Council approved participation in and support of the Smart Region Consortium as part of the Partnership for Economic Innovation (PEI), and authorized the Mayor or City Manager, City Clerk, and City Attorney to execute the necessary documents.

**f. RESOLUTION 1017-0322 - DESIGNATION OF CHIEF FISCAL OFFICER FOR THE ANNUAL EXPENDITURE LIMITATION REPORT**
City Council adopted Resolution 1017-0322, designating Keith Fallstrom as the Chief Fiscal Officer for the submittal of the annual expenditure limitation report and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

**g. RESOLUTION 1018-0322 - AUTHORIZING BANKING & INVESTING AUTHORITY**
City Council adopted Resolution 1018-0322 authorizing certain city officials and staff to execute and endorse checks and other items for and on behalf of the City, authorizing certain city staff to authorize certain electronic payments and transfers of funds, authorizing certain city staff to open investment and safekeeping accounts, invest city funds, and execute contracts, agreements or transactions in connection with such investment accounts, and declaring an emergency; and authorized the Mayor or Interim City Manager, City Attorney and City Clerk to execute the necessary documents.

**h. RESOLUTION 1019-0322 - FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR THE PHOENIX FIRE DEPARTMENT REGIONAL DISPATCH SYSTEM**
City Council adopted Resolution 1019-0322, approving an amendment to an Intergovernmental Agreement with the City of Phoenix for the Phoenix Fire Department Regional Dispatch System and authorized the Mayor or City Manager and City Clerk to execute the necessary documents.

**i. ORDINANCE 2018-0322 - DEDICATION OF A PERPETUAL EASEMENT TO THE UNITED STATES OF AMERICA IN ROOSEVELT STREET RIGHT-OF-WAY**
City Council adopted Ordinance 2018-0322, dedicating a Perpetual Easement to the United States of America in Roosevelt Street right-of-way and authorized the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents.

**j. ORDINANCE 2019-0322 - AUTHORIZATION FOR THE CITY TO EXCHANGE LAND WITH THE UNITED STATES OF AMERICA**
City Council adopted Ordinance 2019-0322, allowing the City to enter into a land exchange agreement with the United States of America within Roosevelt Street right-of-way (ROW) and authorized the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents.

**k. ALTA AVONDALE - FINAL PLAT - APPLICATION PL-21-0354**
City Council approved a request by Mr. Brian Greathouse, Burch & Cracchiolo, P.A., on behalf of the City of Avondale, for approval of a Final Plat – Alta Avondale Re-Plat to dedicate thirty-three feet (33') of Right-of-Way along Filmore Street and a thirty foot (30') Multi-Use Trail Easement (MUTE) on 12.8 acres located east of the northeast corner Van Buren Street and Avondale Boulevard.

## 4. REGULAR AGENDA

*Note from the City Clerk: Items 4a and 4b were presented together and voted on individually.*

**a. PUBLIC HEARING AND RESOLUTION 1020-0322- AVONDALE VILLAGES - MINOR GENERAL PLAN AMENDMENT - APPLICATION PL-21-0248**
City Council held a public hearing and considered a request to adopt Resolution 1020-0322, approving a request by Mr. Adam Baugh, Withey Morris PLC., on behalf of Hamid Ertefai, for a Minor General Plan Amendment to the Avondale General Plan 2030 Land Use Map for Avondale Villages; a proposed 5.8 acre site located south of the southeast corner of Thomas and Dysart roads. The proposed change will amend the General Plan 2030 Land Use Map designation from Local Commercial to High Density Residential.

Eric Fitzer, Planning Manager, stated that the purpose is to review a proposed Minor General Plan Amendment (GPA) and rezone for the proposed Avondale Villages development, conduct separate public hearings for each item, and take action for each item. The site location and surrounding issues were reviewed. The site is under the General Plan designation of Local Commercial (LC) and is adjacent to Medium Density Residential (MDR). The zoning is Palm Valley Planned Area Development (PAD) and is surrounded by all of Palm Valley Planned Area Development (PAD). It is approximately 5.8 acres and vacant. Zoning is Palm Valley Planned Area Development (PAD) Neighborhood Commercial (NC). The General Plan (GP) land use designation is Local Commercial (LC) adjacent to Commercial use (QuikTrip). The Planning Commission recommended approval of both items earlier this year.

The Minor General Plan Amendment request will amend the site from Local Commercial (LC) to High Density Residential (HDR), which allows for 12 to 30 dwelling units per acre. The project density is 12.1 dwelling units per acre.

The Minor General Plan Area (GPA) request analysis found that under 2 percent of land in Avondale is High Density Residential (HDR), and mostly developed. The development will not adversely affect existing land uses. Residents will have direct access to Thomas Road and Dysart Road. It is a quality infill housing project that will enhance the area and promote a pedestrian environment. It furthers several goals in the General Plan (GP), including championing development of housing types not currently available in the City to allow for a variety of socio-economic levels.

The rezone request is from Palm Valley Planned Area Development (PAD) Commercial to Avondale Villages Planned Area Development (PAD) Residential consisting of a townhome complex of individually platted lots. There will be a total of 70 two and three bedroom units, each with a private yard, garage and driveway parking. Amenities were reviewed. The Planned Area Development (PAD) zoning will be in conformance with the requested General Plan (GP) land use designation and will result in compatible land use relationships. Adequate public infrastructure to support the development either presently exists or will be constructed by the developer. The site plan, access points, elevations and amenities were reviewed. All required notifications were completed. The neighborhood meeting was held and no major concerns were expressed. There were general questions about buffering, design, access and setback distances. Staff recommends approval of both applications.

Mayor Weise opened the public hearing and received one request to speak.

Pat Dennis, former Council Member, stated that she supports the development, as it fits the needs of the community. It would nice to see the townhouses offered for sale, rather than with a rental format. She supports changing the General Plan and approving the project.

Mayor Weise closed the public hearing and opened the floor for comments from Council.

Council Member Conde expressed support for the townhouse development.

Council Member Pineda stated that he appreciates the fact that the homes do not back directly to the single family residential homes and that they face north/south, rather than east/west. It is nice to have a diverse inventory of multifamily and rental properties as well as opportunities for families to invest via the purchase of a home.

Council Member Solorio said she is a resident in the area and is excited to see the development come in, as the parcel is currently vacant.

Vice Mayor Malone stated that she is excited about the development and also would like to see the units available for sale, rather than rental. She asked whether there will be an HOA as an entity responsible for upkeep. Adam Baugh, Withey Morris PLC, stated that

the units will be professionally managed. When the units are sold, the development will then be subject to HOA management.

Vice Mayor Malone noted that the certificate of adequate school facilities indicates there is adequate capacity with Agua Fria. She asked whether the development has reached out to the district, given that the comment from the District noted that they would be amenable to an agreement. Mr. Baugh stated that the District confirmed adequate capacity and are satisfied with the development proposal.

Mayor Weise recalled a recent discussion with the Greater Phoenix Economic Council regarding the gap in existing housing compared with the capacity that will be needed in the future. The gap is estimated to be 30,000 per year. Even as multifamily housing units and rental units are constructed, many people are being priced out of the market. It is difficult for renters of apartments to have a step up path from renting an apartment to purchasing an expensive home. As such, developers should be building more townhomes and condo projects. Townhomes are a welcome addition to the City's inventory. Rentals are welcome at this time, but it also makes sense to open them up for sale eventually.

Vice Mayor Malone moved to adopt Resolution 1020-0322 - approving application PL-21-0248 Avondale Villages, a request for a Minor Amendment to the General Plan 2030 Land Use Map changing the land use designation from Local Commercial to High Density Residential; Council Member Solorio seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

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| Council Member Conde | Aye |
| Council Member Kilgore | Aye |
| Council Member Nielson | Aye |
| Council Member Pineda | Aye |
| Council Member Solorio | Aye |
| Vice Mayor Malone | Aye |
| Mayor Weise | Aye |

**b. PUBLIC HEARING AND ORDINANCE 2020-0322 – AVONDALE VILLAGES – REZONE – APPLICATION PL-21-0247**

City Council held a public hearing and considered a request to adopt Ordinance 2020-0322, approving a request by Mr. Adam Baugh, Withey Morris PLC., on behalf of Hamid Ertefai, a request to Rezone approx. 5.8 acres south of the southeast corner of Thomas and Dysart roads from the Palm Valley Planned Area Development (PAD NC) to Avondale Villages Planned Area Development (PAD R-3) for the 70-unit Avondale Villages Townhome project.

Mayor Weise opened the public hearing, did not receive any requests to speak, and closed the public hearing

Council Member Nielson moved to adopt Ordinance 2020-0322 approving application PL-21-0247 Avondale Villages, a request to rezone approximately 5.8 acres from Palm Valley Planned Area Development (PAD) allowing Neighborhood Commercial (NC) to Avondale Villages Planned Area Development (PAD) allowing Multi-Family Residential (R-3), subject to eight (8) conditions of approval as listed in the staff report; Council Member Solorio seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

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| Council Member Conde | Aye |
| Council Member Kilgore | Aye |
| Council Member Nielson | Aye |
| Council Member Pineda | Aye |
| Council Member Solorio | Aye |
| Vice Mayor Malone | Aye |
| Mayor Weise | Aye |

**c. PUBLIC HEARING AND ORDINANCE 2021-0322 – ASCEND AT AVONDALE – REZONE – APPLICATION PL-21-0267**

City Council held a public hearing and considered a request to adopt Ordinance 2021-0322, approving a request by Ms. Carolyn Oberholtzer, Bergin, Frakes, Smalley & Oberholtzer, PLLC., on behalf of Nico Howard, for a request to Rezone approximately 40 acres generally located south and east of the southeast corner of Dysart and Indian School roads from the Palm Valley Planned Area Development (PAD) for commercial to Ascend Planned Area Development (PAD) for residential and commercial. The proposed Ascend project will allow for a 432-unit multi-family residential project; a 125-unit townhome project, and three (3) Community Commercial (C-2) parcels equaling a total of approximately 7.79 acres.

Eric Fitzer, Planning Manager, presented the following.

Mr. Fitzer stated that the purpose of today's presentation is review a proposed rezone for the proposed Ascend at Avondale development, conduct a public hearing, and take appropriate action. Site attributes, location and surrounding uses were reviewed. The site is located adjacent to a mini storage and the water treatment facility. Across the street is the City of Litchfield Park Commercial and multi-family (Maricopa County). South of the site is a medium density residential. Across the street is a church use as well as Commercial (C-2) uses to east side of site. The General Plan designation is Mixed Use. Zoning is Palm Valley Planned Area Development.

The parcel is approximately 40 acres and vacant. The request is to rezone from Palm Valley PAD (Planned Area Development) Commercial to Ascend Planned Area Development (PAD) Commercial and residential. The Residential portion is named "Prose at Ascend," a 432-unit multi-family apartment project. There is a single-family component, "The Villas at Ascend," a 125-unit for sale townhome project. The commercial aspect is named "The Shops at Ascend," with two commercial parcels approximately two acres and six acres retaining Commercial (C-2) uses. The PAD

(Planned Area Development) zoning is to allow for Commercial, Multi-Family and Single-Family residential uses in conformance with the Mixed Use designation in the General Plan. Access will be via Dysart Road as well as multiple accesses on Indian School. Conceptual designs were reviewed.

All required notifications were completed. A neighborhood meeting was held. Comments focused on the pedestrian gates allowing access. The original plans included multiple pedestrian gates with access to the single-family area to the south. Many of the adjoining residents expressed concerns. The developer ultimately removed the gates, but kept aspects that would allow for internal pedestrian movements between parcels and out to Indian School and Dysart. One letter of support was received. The Planning Commission voted for approval. The applicant is currently working with the Litchfield School District and Agua Fria Union High School district on an agreement.

Mayor Weise opened the public hearing and received one request to speak.

Pat Dennis, former Council Member, stated that the developer has worked hard in consideration of the needs of the community in this development.

Mayor Weise closed the public hearing and opened the floor for comments from Council.

Council Member Conde thanked the developer for taking a proactive approach in working with the community HOA.

Council Member Nielson commented that this will help to fill the housing need for individuals employed at Luke Air Force Base.

Council Member Pineda expressed appreciation for the revisions made to the product by the developer in working with the community.

Mayor Weise said the team went above and beyond in terms of reaching out to the neighborhood, bringing a project that will benefit the north side of the City. He expressed appreciation for resolution of the gate issues.

Council Member Conde moved to adopt Ordinance 2021-0322 approving application PL-21-0267 Ascend at Avondale, a request to rezone approximately 40 acres from Palm Valley PAD to Ascent at Avondale PAD, subject to seven (7) conditions of approval as listed in the staff report; Council Member Pineda seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

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| Council Member Conde | Aye |
| Council Member Kilgore | Aye |
| Council Member Nielson | Aye |
| Council Member Pineda | Aye |
| Council Member Solorio | Aye |
| Vice Mayor Malone | Aye |

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| Mayor Weise | Aye |

**d. AVID HOTEL AND SHOPS – DEVELOPMENT PLAN (SITE PLAN AND DESIGN REVIEW) – APPLICATION PL-21-0062**

City Council considered a request by Mr. Tim Rasnake, Archicon Architects & Interior, on behalf of Max Ghazool, for approval of PL-21-0062 Avid Hotel and Shops Development Plan (Site Plan and Design Review), which includes a proposed 95 room 4-story hotel, an approximately 5,000 square foot specialty store, 5,000 square foot restaurant, and future 3,000 retail space located within The BLVD Specific Plan on approximately 4 acres at the southwest corner of The BLVD and Avondale Boulevard.

Eric Fitzer, Planning Manager, presented the following:

Mr. Fitzer stated that the purpose is to review a proposed Development Plan (Site Plan and Design Review) for the proposed Avid Hotel and Shops commercial development within The BLVDD and take appropriate action. The site location is along Avondale Boulevard and The BLVDD. The property owner dedicated space on the property for the City to construct fountains. The fountains are on City-owned property and will be maintained by the City. The site is approximately four acres and undeveloped. The current proposal is for Avid Hotel, a 95-room four-story hotel, specialty store, restaurant and retail. There is ample parking throughout. There is access from Avondale Boulevard. The retail space will be presented under a separate site plan and design review. Design and landscaping details were reviewed. The Planning Commission recommended approval. Staff recommends approval of the application.

Vice Mayor Malone moved to approve Application PL-21-0062 Avid Hotel and Shops, for a proposed 95-room 4-story hotel, an approximate 5,000 square foot specialty store and 5,000 square foot restaurant, subject to ten (10) conditions of approval as listed in the staff report; Council Member Solorio seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

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| Council Member Conde | Aye |
| Council Member Kilgore | Aye |
| Council Member Nielson | Aye |
| Council Member Pineda | Aye |
| Council Member Solorio | Aye |
| Vice Mayor Malone | Aye |
| Mayor Weise | Aye |

**e. ENCORE AVONDALE – DEVELOPMENT PLAN (SITE PLAN AND DESIGN REVIEW) – APPLICATION PL-21-0331**

City Council considered a request by Mr. Jason Morris, Esq., Withey Morris PLC. on behalf of EMF Avondale LLC, for approval of PL-21-0331 Encore Avondale Development Plan (Site Plan and Design Review), a proposed 300-unit multi-family residential apartment community located within The BLVD Specific Plan on approximately 9.52 acres at the southeast corner of Roosevelt Street and Park Avenue.

Eric Fitzer, Planning Manager, presented the following:

Mr. Fitzer stated that the purpose of the presentation is to review a proposed Development Plan (Site Plan and Design Review) for the proposed Encore Avondale multi-family development within The BLVDD and take appropriate action. The site location is at Roosevelt Street and Park Avenue. An adjacent parcel is owned by the City following abandonment of right-of-way. The City currently has a purchase and sale agreement for the property, Tract 1 and the existing right-of-way. The property is approximately 9.52 acres and was annexed in 2009. It is undeveloped and a portion is being farmed. It is zoned the BLVDD Park Avenue and Residential Districts. The General Plan (GP) land use designation is The BLVDD and the site is located within The BLVDD District. The Planning Commission recommended approval. Main access will be off Roosevelt with secondary egress onto Park Avenue. One of the goals is to open Park Avenue as a more pedestrian-type street. The development will construct a multi-use path from Park Avenue to the edge of the development. There is adequate parking, including EV outlets and garages. There will be a total of 300 residential units on four stories. There will be a density of 31.5 units per acre. The dwelling unit density is important, because the Villages at The BLVDD, adjacent to the site, has a slightly lower density than the requirement for the whole property. This project will make up the density. The site plan, landscape plan, parking plan, amenities and architecture were reviewed.

Mr. Fitzer noted that certificates of adequate schools are not typically required at the site plan and design review phase. However, there is a requirement that the applicant notify the district, which they have done.

Vice Mayor Malone asked staff to address the certificate of adequate school facilities. Tracy Stevens, Deputy City Manager, stated that when they started the process of amending The BLVDD, there was a stakeholders group, including the school district and all were aware of the proposal contained in the updated General Plan amendment.

Council Member Pineda stated that he has received community member comments in regards to the number of multifamily developments on Avondale Boulevard. He noted that when the City considers applications to construct restaurants, entertainment venues and other developments coming to the City, market feasibility studies and traffic studies are performed to ensure compatibility.

Council Member Nielson commented on the potential for traffic, parking and congestion issues. Mr. Fitzer acknowledged the concerns, adding that each of the developments meet or exceed the parking requirements. At some point, Roosevelt will be connected to 107th Avenue. Commensurate with an additional application for Council review, the developer will continue a portion of Park Avenue.

Council Member Conde stated that she has also received comments regarding the number of apartments on The BLVDD, however, it Council's responsibility to share the vision with the community. She thanked the developer for including unique elements. Mayor Weise commented that he also receives such comments. However, if single family units were constructed on Avondale Boulevard, there would be even more congestion.

The development of a multifamily corridor provides the amenities that residents are asking for, including restaurants, shops and other developments.

Council Member Pineda moved to approve application PL-21-0331 Encore Avondale, for a proposed 300-unit multi-family residential community, subject to nine (9) conditions of approval as listed in the staff report; Council Member Nielson seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

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| Council Member Conde | Aye |
| Council Member Kilgore | Aye |
| Council Member Nielson | Aye |
| Council Member Pineda | Aye |
| Council Member Solorio | Aye |
| Vice Mayor Malone | Aye |
| Mayor Weise | Aye |

**f. ALTA AVONDALE – DEVELOPMENT PLAN (SITE PLAN AND DESIGN REVIEW) – APPLICATION PL-21-0353**

City Council approved a request by Mr. Brian Greathouse, Burch & Cracchiolo, P.A., on behalf of Wood Partners, for approval of PL-21-0353 Alta Avondale Development Plan (Site Plan and Design Review), a proposed 360-unit multi-family residential apartment community located within The BLVD Specific Plan on approximately 12.8 acres east of the northeast corner of Van Buren Street and Avondale Boulevard.

Eric Fitzer, Planning Manager, presented the following:

Mr. Fitzer stated that the purpose of the presentation is to review a proposed Development Plan (Site Plan and Design Review) for the proposed Alta Avondale multi-family development within The BLVDD and forward a recommendation to the City Council. The City-owned site has a unique shape. There is currently a purchase and sale agreement with the developer. The site is adjacent to Medium Density Residential (MDR) to the east, BLVDD District to the west and north and county area to the south. The property is approximately 12.8 acres and was annexed in 2009. It is undeveloped and a portion is currently being farmed. Zoning is The BLVDD Park Avenue District. The General Plan Land Use Designation is The BLVD and the site is located within the BLVDD District. The main access will be off Van Buren with secondary access to Park Avenue. There will be an extension of Park Avenue associated with the development. There is secondary emergency egress for fire department purposes. The applicant was careful to maintain appropriate land use buffers adjacent to residential to the east. Parking meets or exceeds City standards, including providing EV outlets, parking and garages. There will be a total of 360 residential units in three and four-story buildings. Amenities, landscaping and design were discussed. Total density is 28.13 dwelling units per acre within three and four-story buildings. The Planning Commission recommended approval.

Council Member Nielson recommended more color variation of the buildings.

Vice Mayor Malone commented on the good walkability of the design.

Mayor Weise noted that Wood Partners has produced high quality developments in the Valley. This particular development has a good feel, as a long narrow development with access to Van Buren. The team can work on the color palettes to address Council Member Nielson's comments.

Council Member Pineda moved to approve application PL-21-0353 Alta Avondale, for a proposed 300-unit multi-family residential community, subject to eleven (11) conditions of approval as listed in the staff report; Council Member Nielson seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

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| Council Member Conde | Aye |
| Council Member Kilgore | Aye |
| Council Member Nielson | Aye |
| Council Member Pineda | Aye |
| Council Member Solorio | Aye |
| Vice Mayor Malone | Aye |
| Mayor Weise | Aye |

**g. RESOLUTION 1021-0322 - AMENDMENTS TO THE PERSONNEL POLICIES AND PROCEDURES FOR CHAPTER 5 CLASSIFICATION AND COMPENSATION, CHAPTER 6 EMPLOYEE BENEFITS, CHAPTER 7 DRUG AND ALCOHOL, AND CHAPTER 11 SAFETY**

City Council considered a request to adopt Resolution 1021-0322, approving the proposed amendments to the Personnel Policies and Procedures, Chapter 5 Classification and Compensation, Chapter 6 Employee Benefits, Chapter 7 Drug and Alcohol, and Chapter 11 Safety, and authorize the City Manager, City Attorney, and City Clerk to execute the necessary documents.

Andrea Dumbrell, Human Resources Director, presented the following:

Ms. Dumbrell identified the chapters sited for clarification/modification:

- Chapter 5: Classification & Compensation
- Chapter 6: Employee Benefits
- Chapter 7: Drug & Alcohol
- Chapter 11: Safety

Highlights of the change details were provided. There are no direct costs associated with the amendments to the City of Avondale Policies and Procedures.

Mayor Weise asked for clarification on the drug use policy. Ms. Dumbrell stated that the policy or procedure is not changing. The goal is to ensure that this policy mirrors others in place, particularly in terms of accidents that occur with an employee in a City vehicle. Employees involved in at-fault accidents will be drug tested.

Mayor Weise cited the removal of the requirement for each department to maintain accident and injury records and asked whether this means those records will be maintained by HR. Ms. Dumbrell confirmed that the risk management team will have this responsibility. The risk management function of HR has a new system, which only requires the departments to file a report in the system. Automatic notifications are provided to the relevant parties.

In response to a question from Council Member Nielson, Ms. Penilla stated that the holiday leave policy is fairly flexible. An employee may use their holiday leave for anything and not for a specifically identified holiday.

In response to a question from Vice Mayor Malone, Ms. Dumbrell stated that Human Resources is responsible for notifying employees regarding use of holiday leave. The City Manager also sends out reports to notify employees of changes. Ms. Penilla added that whenever a policy is changed, it goes into the Safe Personnel System. Each employee is responsible to review policy changes. Notices are also provided via email in terms of holiday leave.

Council Member Nielson moved adopt Resolution 1021-0322, approving the proposed amendments to the Personnel Policies and Procedures, Chapter 5 Classification and Compensation, Chapter 6 Employee Benefits, Chapter 7 Drug and Alcohol, and Chapter 11 Safety, and authorize the City Manager, City Attorney, and City Clerk to execute the necessary documents; Council Member Pineda seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

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| Council Member Conde | Aye |
| Council Member Kilgore | Aye |
| Council Member Nielson | Aye |
| Council Member Pineda | Aye |
| Council Member Solorio | Aye |
| Vice Mayor Malone | Aye |
| Mayor Weise | Aye |

**h. ADDENDUM TO SOUTHWEST VALLEY CHAMBER OF COMMERCE PLATINUM MEMBERSHIP**

City Council considered a request to approving an Addendum to the Southwest Valley Chamber of Commerce Platinum Membership and authorize Acting City Manager and City Clerk to execute the necessary documents.

Kenneth Chapa, Economic Development Director, presented the following:

Mr. Chapa stated that the City formally left the Chamber approximately a year ago and chose to bring those type of activities in-house under the Avondale Local Edge Program. He provided an overview of events and programs from the last 18 months. In April of last year, the Chamber appointed a new president and CEO. City staff has been very encouraged by the direction the president is taking the organization. Membership has

increased by 15 percent with new members such as Amazon, SRP, Cox Communications and Agua Fria High School District. He has relaunched the Chamber Golf Classic, which had been on hiatus for 16 years. The website has been revamped. New committees have been created to engage members in a number of topics. The proposed agreement includes enhanced deliverables. Mayor Weise has the right to appoint a designee to the board with a voting position on the board of directors. The position will also serve as an advisory role on the Chamber's executive committee. This will allow Avondale's voice in the Chamber's long-term and short-term initiatives. Details of the signature sponsorship were reviewed, which will include the primary title event sponsor at the March and November Nascar Suites. The Chamber will be hosting the suite at Nascar for November and March in the coming fiscal year. The City will have the ability to serve as the primary title sponsor.

The Chamber will continue to support the City's Local Edge initiatives and programming and business expansion initiatives. Quarterly reports will be provided to the City, as well as an annual report and presentation at the end of the fiscal year. No additional funds are being requested. The Platinum membership is $50,000. Economic Development and Tourism will realign dollars to fund the membership. If the agreement is approved, the Department will withdraw its supplemental request for a new position in Fiscal Year 2023. Additional benefits to rejoin the Commerce were discussed. The designation marketing organization and visitor's center designation will remain in-house. Staff recommends approval of the addendum to the membership.

Mayor Weise commented that while he supported leaving the Chamber at the time the decision was made, he has been observing its activities since then and he likes what he sees. He likened it to going from a mom and pop organization to a professional organization. It also makes sense for the Chamber to take over sponsorship of the suites.

Council Member Conde commented that the Chamber has done a phenomenal job of turning things around and there were several comments of concurrence.

Vice Mayor Malone asked how the ribbon cutting ceremonies will be divided between the two organizations. Mr. Chapa stated that City staff will work with the Chamber to decide which ceremonies each will hold with a goal to serve every new Avondale business.

Vice Mayor Malone commented that Avondale Edge has done a great job of including Historic Avondale areas in its promotions and she would like to continue to foster these relationships. Jeffrey Campos, Southwest Valley Chamber of Commerce, stated that they have a collaboration and will continue to strategize according to the desires of the City. They will have a particular focus on bilingual communities.

Mayor Weise said he is looking forward to seeing how the two professional organizations will blend.

Council Member Pineda moved to approve the Addendum to the Southwest Valley Chamber of Commerce Platinum Membership and authorize Acting City Manager and

City Clerk to execute the necessary documents; Vice Mayor Malone seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

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| Council Member Conde | Aye |
| Council Member Kilgore | Aye |
| Council Member Nielson | Aye |
| Council Member Pineda | Aye |
| Council Member Solorio | Aye |
| Vice Mayor Malone | Aye |
| Mayor Weise | Aye |

**i. MEMORANDUM OF UNDERSTANDING (MOU) WITH THE AVONDALE PROFESSIONAL FIREFIGHTERS ASSOCIATION (APFA) LOCAL 3924**

City Council considered a request to approve the Memorandum of Understanding with the Avondale Professional Firefighters Association Local 3924 which will be effective July 1, 2022 through June 30, 2024 and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Tracy Stevens, Deputy City Manager, presented the following:

Ms. Stevens stated that the City has concluded its negotiations with the Avondale Professional Firefighters Association Local 3924. She thanked all those involved in the negotiations. The agreement reincorporates existing MOU language, introduces revised and new MOU language and once approved, would be effective July 1, 2022 through June 30, 2024. Key changes were reviewed, including addition of a definition section. Other key changes are under Section 1.2, rights of represented employees, which adds the option to decline Association representation and also requires the Association to work directly with the human resources department to sign new members up for the post-employment health plan. This will take place following a new member's first paycheck following the original probation.

New pay ranges, including for translation services, productivity pay, vacation sell-back details and uniform allowances were reviewed. The labor management committee will operate from the November 12th, 2019 Avondale Fire and Medical Labor Process draft document, which was in draft from when negotiations began in November. It outlines the process, relationship and expectations between labor and management. The goal is to provide a professional and positive relationship between labor and management. The new fire chief will work with the Association and the president to finalize the document. All items agreed to in the negotiations have a total cost of $1.4 million. Staff recommends that City Council approve the proposed modifications to the MOU.

Fire Captain and Vice President of Local 3924, Ryan Tussing, spoke about the negotiation process and the hope that some of the financial agreements will prevent the Department from losing personnel to other cities.

Mayor Weise acknowledged the remaining members of the Executive Committee.

Firefighter Clay Whitlow talked about his history in the firefighting service and pride in serving the community where he grew up. This is the most professional and caring fire department he has ever been a part of. Firefighter Bryan DePauw concurred with the comments of Firefighter Whitlow and commented on items in the MOU that will enhance service and ensure competitive rates for personnel. He thanked the Mayor, City Council and staff for their roles in the process.

Council Members expressed appreciation to firefighters and staff for accomplishing a successful MOU and recognizing the importance of translation skills in the firefighting workforce.

In response to a question from Vice Mayor Malone, Ms. Stevens stated that the MOU is renegotiated every two years.

Vice Mayor Malone moved to approve the Memorandum of Understanding with the Avondale Professional Firefighters Association Local 3924 which will be effective July 1, 2022 through June 30, 2024 and authorized the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents; Council Member Solorio seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

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| Council Member Conde | Aye |
| Council Member Kilgore | Aye |
| Council Member Nielson | Aye |
| Council Member Pineda | Aye |
| Council Member Solorio | Aye |
| Vice Mayor Malone | Aye |
| Mayor Weise | Aye |

## 5. ADJOURNMENT

There being no further business before the Council, Vice Mayor Malone moved to adjourn the Regular Meeting; Council Member Pineda seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

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| Council Member Conde | Aye |
| Council Member Kilgore | Aye |
| Council Member Nielson | Aye |
| Council Member Pineda | Aye |
| Council Member Solorio | Aye |
| Vice Mayor Malone | Aye |
| Mayor Weise | Aye |

Meeting adjourned at 8:30 p.m.

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A **Work Session** of the City Council of the City of Avondale, Arizona was convened at 11465 Civic Center Drive in open and public session at 8:36 p.m.

**Members Present:** Mayor Kenn Weise; Vice Mayor Veronica Malone; Council Members Tina Conde, Bryan Kilgore, Curtis Nielson, Mike Pineda, and Gloria Solorio.

**Members Absent:** None.

**Other Municipal Officials Present:** Cherlene Penilla, Acting City Manager; Tracy Stevens, Deputy City Manager; Nicholle Harris, City Attorney; Marcella Carrillo, City Clerk; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Tony Corsi, Fire & Medical Director; Andrea Dumbrell, Human Resource Director; Memo Espinoza, Police Chief; Joel Evans, Facilities Director; Keith Fallstrom, Interim Finance and Budget Director; Bryan Hughes, Parks and Recreation Director; Craig Jennings, Judge; Chris Lopez, Neighborhood and Family Services Director; Jodie Novak, Development and Engineering Services Assistant Director; Dale Nannenga, Public Safety Chief; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Marketing and Public Relations Director.

**Audience:** Approximately 20 members of the public were present.

## 1. ROLL CALL BY THE CITY CLERK

## 2. FISCAL YEAR 2023 (FY2023) BUDGET AND ASSET REPLACEMENT

City Council received a presentation from staff regarding the FY2023 Budget and Asset Replacement Program in preparation for the FY2023 budget which begins on July 1, 2022. Item was for discussion only.

Keith Fallstrom, Interim Finance & Budget Director, presented the following:

Mr. Fallstrom stated that the City is doing well from a revenue perspective, at $5 million over budget. Sales tax comprises the majority of the revenue, which remains strong, totaling more $6 million over budget. Revenue growth continues, however there is a tight labor market and the 2.5 percent pay adjustment will help with this. It also helps to address inflation, which stands at approximately 9.7 percent in the Phoenix Metro area. Construction costs continue to increase. The City has approximately $1.1 billion in assets. A proactive approach is followed with asset replacement. Staff has worked with departments to identify assets and they have developed a five- to ten-year plan. This includes prioritization of assets from high to low. Funding is coordinated in the budget process. Individual assets are not itemized. If an item breaks, the department will have the flexibility to replace it. For fiscal year 2023, a five-year funded plan is proposed with a recommendation to fund all high and medium priority assets. Lower priorities can be funded if additional resources are identified throughout the year. An overview of the plan

was provided for: Public Safety; IT; Transportation; Facilities; Community Services; and Public Works.

Specific Fiscal Year 2023 highlights include:

Public Safety:
- Replacement Ladder Apparatus - $1.8 million
- Replacement Fire Engine - $0.8 million
- Police Vehicles - $1.0 million
- Personal Protective Equipment - $70,000
- Hoses and Ladders - $22,000
- FY 2023 Total: $3.8 million
- 5 Year Total: $13.7 million

Information Technology:
- Fire Radio Replacement - $0.6 million
- PC Replacements - $150,000
- Wireless Microwave Replacements - $225,000
- FY 2023 Total: $1.6 million
- 5 Year Recommendation: $11.2 million

Transportation:
- Pavement Preservation Replacement - $2.5 million
- Poles and Mast Arms - $0.5 million
- Streetlight Poles - $0.3 million
- Aerial Lift Truck - $0.2 million
- FY 2023 Total: $4.7 million
- 5 Year Recommendation: $21.7 million

Facilities:
- City of Avondale Facilities - $0.7 million
- Avondale Sports Complex:
  Soccer Field, Basketball Court, Painting, Roof - $0.5 million
- City Hall Employee Breakrooms - $0.1 million
- FY 2023 Total: $1.3 million
- 5 Year Recommendation: $4.3 million

Community Services:
- Library Materials - $10,000
- Turf Maintenance - $30,000
- Code Compliance Truck - $38,000
- FY 2023 Total: $0.1 million
- 5 Year Total: $2.6 million

Public Works:
- Solid Waste Vehicles - $0.5 million

- Lift Station Rehabilitation - $0.2 million
- Water Meter Replacements - $0.5 million
- Vertical Rise Drive-On Lift - $0.2 million
- FY 2023 Total: $1.4 million
- 5 Year Total: $8.4 million

Mr. Fallstrom gave an overview of the upcoming budget schedule.

Mayor Weise stated that it is important to look at the drop-off in public safety and IT from 2025 to 2026. These numbers may still change. He is glad to see that departments will have some flexibility.

In response to a question from Council Member Nielson, Mr. Fallstrom stated that the City uses a variety of software tools for asset management. They have prioritized the collection of asset management information.

## 3. ADJOURNMENT

There being no further business before the Council, Council Member Nielson moved to adjourn the Work Session meeting; Council Member Conde seconded the motion.

Upon vote, the motion was carried unanimously 7 to 0.

| | |
|---|---|
| Council Member Conde | Aye |
| Council Member Kilgore | Aye |
| Council Member Nielson | Aye |
| Council Member Pineda | Aye |
| Council Member Solorio | Aye |
| Vice Mayor Malone | Aye |
| Mayor Weise | Aye |

Meeting adjourned at 9:00 p.m.

_____
Kenn Weise, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special, Regular, and Work Session Meetings of the Council of the City of Avondale held on the 21st day of March 2022. I further certify that the meeting was duly called and held, and that the quorum was present.

_____ _____

Marcella Carrillo, City Clerk Date Approved by City Council

Item Number: 3.b.

# CITY COUNCIL REPORT

**SUBJECT:** Appointment of Members to the City's Boards and Commissions

**MEETING DATE:** 5/2/2022

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**TO:** Mayor and Council

**FROM:** Marcella Carrillo, City Clerk, (623) 333-1214

**THROUGH:** Cherlene Penilla, Acting City Manager, (623) 333-1015

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**STRATEGIC PLAN:**

This agenda item supports the following Avondale Strategic Outcome Area: Connected Community - Avondale will work directly and closely with our communities to develop programs and infrastructure that connect residents to the city's resources, the region, and each other. The approval of this agenda item will allow residents to serve Avondale as an appointed board member, increasing community engagement.

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**PURPOSE:**

City Council will consider a request to approve the City Council Subcommittee recommendations for the appointment of Shaun Grimm to the Sustainability Community and Julia Arnette to the Planning Commissions. The Council will take appropriate action.

**BACKGROUND:**

The Council Boards, Commissions, and Committees Subcommittee makes recommendations for membership based on term expiration, vacancies from resignations, or changes to member eligibility status. As required in the City Council Rules of Procedures, the City Clerk emailed all candidates notifying them of the recommendations.

**DISCUSSION:**

The Council Subcommittee on Boards, Commissions and Committees held a meeting on April 20, 2022, to discuss and recommend candidates for appointment to the City's Boards, Commissions, and Committees. The Council Subcommittee recommended the following:

- Shaun Grimm as an Alternate Member to the Sustainability Community with a partial term to expire on December 31, 2024
- Julia Arnette as an Alternate Member to the Planning Commission with a partial term to expire on December 31, 2024

**BUDGET IMPACT:**

This item has no budget impact.

**RECOMMENDATION:**

Staff is recommending that the Council approve the subcommittee's recommendations for the appointment of members of the city's boards, commissions, and committees.

***Contact person for document distribution:*** *none*

Item Number: 3.c.

# CITY COUNCIL REPORT

**SUBJECT:** Award Authority Amendment for Public Works

**MEETING DATE:** 5/2/2022

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**TO:** Mayor and Council

**FROM:** Kirk Beaty, Public Works Director, (623) 333-4417

**THROUGH:** Tracy Stevens, Deputy City Manager, (623) 333-1014

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**STRATEGIC PLAN:**
This agenda item supports the following Avondale Strategic Oucome Area:

- Innovative Program and Service Delivery: Ensure responsible financial planning to support City operations and the capital improvement program. This proactive action ensures that the City can maintain essential government services through efficient and timely obligation of budgeted funds used to procure goods and services necessary for the daily operation of the City.

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**PURPOSE:**
City Council will consider a request to increase the Administrative Award Authority for Rancho Santa Fe Reservoir Coating and Rehabilitation project (U0103) for FY2021-2022 by the amount of $400,000 and authorize the Mayor, or Acting City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

**BACKGROUND:**
Over the last two years, the City has established the list of line items for the Administrative Award Authority, which was approved with the Annual Budget adoption. On June 7, 2021, the City Council adopted Resolution 1047-0621 approving the final budget for fiscal year 2021-2022 (FY2022). The Administrative Award document was attached as Exhibit B and approved as part of that adopted budget and governs the maximum Administrative Awarding Authority on services or commodities over $50,000.

**DISCUSSION:**
Rancho Santa Fe Reservoir is the last of the six operational steel, domestic potable water reservoirs to be rehabilitated. The project includes an initial tank inspection, identification of required improvements and repairs, design, and rehabilitation of the 1-million-gallon reservoir. The project began in Fiscal Year 2021 and will conclude in Fiscal Year 2023. In October 2021, Avondale Public Works solicited bids for the rehabilitation and Felix Construction Company was awarded the contract.

Market changes have resulted in increased costs for materials and services, resulting in an increased project cost to coat and rehabilitate the Rancho Santa Fe Reservoir compared to the original project estimate. In order to secure current pricing for the rehabilitation, the contract with Felix Construction must be signed in

Fiscal Year 2022 and the increase to the project budget will be appropriated in 2023 subject to Council approval of the FY2023 budget. The current Administrative Award authority is $1,500,000. This amendment will increase the Administrative Award Authority to $1,900,000.

**BUDGET IMPACT:**

Necessary budget authority for this project is included in the proposed FY2023 budget.

**RECOMMENDATION:**

Staff recommends City Council increase the Administrative Award Authority for the Rancho Santa Fe Reservoir Coating and Rehabilitation project for FY2021-2022 by the amount of $400,000 and authorize the Mayor, or Acting City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

***Contact person for document distribution:*** *Suzie Hunter*

Item Number: 3.d.

# CITY COUNCIL REPORT

**SUBJECT:** Resolution 1025-0522 - 2022 - 2023 HUD Annual Action Plan

**MEETING DATE:** 5/2/2022

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**TO:** Mayor and Council

**FROM:** Chris Lopez, Neighborhood & Family Services Director, (623) 333-2711

**THROUGH:** Cherlene Penilla, Acting City Manager, (623) 333-1015

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**STRATEGIC PLAN:**

This agenda item supports the following Avondale Strategic Outcome Area:

- Creative and Sustainable Community Development - Avondale is committed to creating a sense of place, a community of residents and local businesses unified by pride and common values.

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**PURPOSE:**

City Council will consider a request to adopt Resolution 1025-0522 approving the City's 2022-2023 Annual Action Plan, identifying housing and community development needs and strategies and defining how Community Development Block Grant (CDBG) and HOME funds will be allocated next fiscal year and authorize the Mayor or Acting City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

**BACKGROUND:**

As an entitlement grantee, the City of Avondale receives annual allocations of CDBG funds from HUD, and HOME funds as a member of the Maricopa County HOME Consortium. HUD has/is estimated to allocate $770,000 in CDBG funds to Avondale for Fiscal Year 2022-2023. The is also expected to receive an estimated $219,000 in HOME Investment Partnership (HOME) funds through Maricopa County for Fiscal Year 2022-2023. The Federal objective of the CDBG program is to "develop viable urban communities by providing decent housing, a suitable living environment and economic opportunities for low-moderate income persons." The objective of the HOME Program is to "create affordable housing opportunities for low-income persons." City of Avondale goals and objectives with respect to CDBG and HOME are defined in the 5-Year Consolidated Plan which was approved by City Council in May 2020.

**DISCUSSION:**

The Consolidated Plan identifies the housing, economic, and social development needs of low-income and special needs persons and prescribes strategies to address them. The Annual Action Plan serves as an update to the Consolidated Plan and identifies the goals, strategies and expected outcomes for that program year.

HUD requires that local governments involve the public in completing their Annual Action Plans. Neighborhood and Family Services (NFS) has been in the process of seeking input as part of the public participation process for the FY 2022-2023 Annual Action Plan. The first public hearing was held at the Neighborhood & Family Services Commission meeting on February 23, 2022. A second public hearing was held at the City Council meeting of April 4, 2022 during the required 30-day public comment period, which began March 16, 2022 and concluded on April 17, 2022.

Data gathered from the public participation process to date supports the community priorities which remain as follows: Preserve the existing affordable housing stock, increase homeownership opportunities, affirmatively further fair housing in Avondale, support organizations that assist the City's special needs population, support new construction and rehabilitation of affordable rental development, and improve economic conditions in low-income, economically-challenged neighborhoods.

To advance these goals, staff recommends funding allocations for FY 2022-2023:

CDBG Estimated Allocations ($770,000)

1. Owner Occupied Home Repair - $371,000
2. Public Improvements - $150,000
3. Youth Services (AviTEMP) - $45,000
4. Workforce Development - $50,000
6. Administration - $154,000

HOME Estimated Allocations ($219,000)

1. Tenant Based Rental Assistance - $205,000
2. Administration - $14,000

**BUDGET IMPACT:**
The use of $219,000 will require a 25% non-federal match from the City of Avondale, which will be included in the proposed budget for next fiscal year. This amounts to $54,750. CDBG funds do not require match.

**RECOMMENDATION:**
Staff recommends that the City Council adopt a Resolution, approving the 2022 - 2023 Annual Action Plan.

***Contact person for document distribution:*** *Sandy Lopez*

**RESOLUTION NO. 1025-0522**

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING THE 2022-2023 ANNUAL ACTION PLAN AND AUTHORIZING ITS SUBMISSION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR RECEIPT OF FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; AND AUTHORIZING ACCEPTANCE OF HOME FUNDS FROM MARICOPA COUNTY AND THE RELATED HOME EXPENDITURES.

**WHEREAS**, Title 1 of the Housing and Community Development Act of 1974, as amended, establishes a Community Development Block Grant ("CDBG") program for the purpose of developing viable urban communities by (i) providing decent housing and suitable living environments, (ii) expanding economic opportunities and (iii) preventing and/or eliminating conditions of slum and blight, principally for persons of low and moderate income; and

**WHEREAS**, the City of Avondale (the "City") desires to receive CDBG funds and to continue to carry out CDBG-funded programs; and

**WHEREAS**, the U.S. Department of Housing and Urban Development ("HUD") is expected to provide approximately $770,000 in CDBG funds to the City for Fiscal Year 2022/2023; and

**WHEREAS**, the Code of Federal Regulations, 24 CFR Part 91 requires the submission to HUD and subsequent approval by HUD of an Annual Action Plan as a condition of receiving CDBG funds; and

**WHEREAS**, the Council of the City of Avondale (the "City Council") approves the 2020-2024 Five Year Consolidated Plan (the "Consolidated Plan"), as amended, and subsequently approved by HUD; and

**WHEREAS**, the City prepared an updated 2022/2023 Annual Action Plan element of the Consolidated Plan listing activities to be funded in the 2022/2023 program year (the "2022/2023 Annual Action Plan"); and

**WHEREAS**, Maricopa County is expected to provide the City $219,000 in HOME funds, which will require the City to contribute a matching amount equal to 25% from non-federal funds; and

**WHEREAS**, the City has completed public participation requirements in accordance with 24 CFR Part 91, including (i) a public hearing held on February 23, 2022, at which an opportunity for public comment was available, (ii) a 30-day comment period beginning March 16, 2022 and extending through April 17, 2022, during which time comments were able to be received from City residents for incorporation into the 2022/2023 Annual Action Plan and (iii) an additional public hearing held by the City Council on April 4, 2022.

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

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The City Council hereby approves and authorizes the submission to HUD of the following: (i) the 2022/2023 Annual Action Plan and (ii) the allocation of CDBG funding to the activities to be undertaken as described below.

| 2021/2022 CDBG Annual Action Plan Allocations - Estimated | | |
|---|---|---|
| Activity | Funding Source | Amount Proposed |
| Owner Occupied Home Repairs | CDBG | $371,000 |
| Public Improvements | CDBG | $150,000 |
| Youth Services (AviTemp) | CDBG | $45,000 |
| Workforce Development | CDBG | $50,000 |
| Tenant Based Rental Assistance | HOME | $205,000 |
| Administration | CDBG/HOME | $168,000 |
| Total Grant | | $989,000 |

SECTION 3. The City Council hereby finds that expenditures as set forth in the 2022/2023 Annual Action Plan are necessary and appropriate and further, that said expenditures for the CDBG program will serve to assist low- and moderate-income individuals/ families (no less than 70 percent as described in federal regulations) and/or serve to prevent or eliminate conditions of slum or blight in the community.

SECTION 4. If the amount of funding approved by HUD is less than the total of estimates set forth in Section 2 above, the City Manager or designee is hereby authorized and directed to make adjustments as necessary to the activity allocations to ensure that the funds allocated are distributed to the listed activities in the proportions set forth in Section 2 above.

SECTION 5. The City Council hereby approves and authorizes (i) acceptance of the HOME funds in the amount of $219,000 from Maricopa County, (ii) expenditure of the 25% match in the amount of $54,750; and (iii) expenditure of the HOME funds in the manner set forth in the 2022/2023 Annual Action Plan.

SECTION 6. The Mayor, the City Manager or authorized designee, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this Resolution.

**PASSED AND ADOPTED** by the Council of the City of Avondale, Arizona, May 2, 2022.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

Item Number: 3.e.

# CITY COUNCIL REPORT

**SUBJECT:** Resolutions 1026-0522 and 1028-0522 - Maintenance Improvement District No. 30 for River Run Final Plat

**MEETING DATE:** 5/2/2022

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**TO:** Mayor and Council

**FROM:** Jodie Novak, Acting Director/Assistant Director of Development and Engineering Services, (623) 333-4015

**THROUGH:** Tracy Stevens, Acting Assistant City Manager, (623) 333-1014

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**STRATEGIC PLAN:**

Strategic Outcome: Creative and Sustainable Community Development
Strategy: Maintain and expand quality infrastructure and improve connectivity to City amenities.

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**PURPOSE:**

City Council will consider a request to approve a Petition for Formation, adopt Resolution 1026-0522 declaring its intention to form the City of Avondale Maintenance Improvement District No. 30, River Run Final Plat, providing for the assessment and adopt Resolution 1028-0522, declaring its intention to order the improvements within the newly established Maintenance Improvement District, providing for the assessment and declaring an emergency; and authorize the Mayor, City Attorney, and City Clerk to execute the necessary documents. The Council will take appropriate action.

**BACKGROUND:**

A Preliminary Plat and Final Plat were approved by City Council on November 18, 2019 and August 23, 2021, respectively. The approved plats divide the property into 103 single-family residential lots in conformance with the approved PAD.

Under provisions of the City Code and Zoning Ordinance, developers are responsible for landscaping development projects prior to issuance of a Certificate of Occupancy. In particular, subdivisions are required to provide landscaping along certain arterial and collector streets and in other locations as provided in the zoning requirements, approval conditions, engineering requests, or subdivision requirements. In addition, developers are often required to provide paths, trails, and other usable amenities in common open space areas within a community.

The purpose of the Maintenance Improvement District (MID) is to provide for the operations, maintenance, repair, and improvements to landscaping and open space adjacent to designated public roadways and parkways within the proposed district, private streets within the proposed district, as well as drainage and retention within each proposed district in the event a Homeowners' Association fails. Until such time as the Homeowners' Association fails and the Council directs City Staff to assume maintenance responsibility, a line item of $0.00 will display on the homeowners' property tax bills. Pursuant to the provision of A.R.S. 48-574, et. seq., the Mayor and Council are empowered to adopt a Resolution ordering the formation of a MID.

A Resolution of Intention for formation of City of Avondale MID No. 30, River Run, is attached. In the case in which all of the property owners have consented to MID formation, the ordinary publication and protest period are not required by law; the Council may then adopt a Resolution ordering the improvements when necessary once the Resolution of Intention is first adopted. The Resolution ordering the improvements finalizes the formation of the MID process. In accordance with State statute, an assessment diagram and map listing each parcel of property within the district has been prepared.

**ANALYSIS**

The acceptance of this Maintenance Improvement District will allow any additional charges associated with the maintenance responsibilities, should the Homeowner's Association fail, to be assessed on the property tax bill for the properties located within the District.

The Maintenance Improvement District has been approved through the Development and Engineering Services Department, which recommends that City Council formally approve the Maintenance Improvement District to allow for the taxing district to be recorded and in place in the event the Homeowner's Association fails.

It should be noted that not approving the Maintenance Improvement District will prevent any charges from being assessed on the property tax bills for those properties located within the District in the event that the Homeowner's Association fails.

**DISCUSSION:**

The proposed MID has been reviewed by the City Attorney and is in conformance with the City of Avondale's Subdivision Regulations and State statute governing MID formation.

**BUDGET IMPACT:**

There is no direct budgetary impact to the City to approve the Maintenance Improvement District. However, the City would incur the additional charges associated with the maintenance responsibilities should the taxing district not be approved and recorded, and the Homeowner's Association fails.

**RECOMMENDATION:**

Staff recommends Council **ADOPT** a Resolution declaring its intention to create and adopt plans for the City of Avondale Maintenance Imporvement District No. 30, River Run Final Plat, providing for the assessment; and a second Resolution declaring its intention to order the improvements within the newly established Maintenance Improvement District, providing for the assessment and declaring an emergency; subject to the following conditions:

1. The Final Plat for the subdivision must be approved by City Council and recorded with the Maricopa County Recorder's Office prior to recordation of the Maintenance Improvement District.

2. The developer must provide a fully executed Petition, Waiver and Consent to Formation of an MID.

**PROPOSED MOTION**

I move that City Council **ADOPT** the necessary resolutions approving City of Avondale Maintenance Improvement District No. 30, River Run Final Plat, subject to two (2) recommended conditions of approval as listed in the staff report.

***Contact person for document distribution:*** *Ann Dolmage*

**PETITION, WAIVER AND CONSENT TO FORMATION OF A MUNICIPAL IMPROVEMENT DISTRICT BY THE CITY OF AVONDALE**

**No. 30**

**MID#**

**River Run**

**Subdivision Name**

To: Honorable Mayor and Council
City of Avondale, Arizona

Pursuant to Arizona Revised Statutes, Section 48-574, the undersigned property owners respectfully petition the Council of the City of Avondale, Arizona (the "City Council") to order the formation of a Municipal Improvement District (the "District") under Arizona Revised Statutes, Title 48, Chapter 4, Article 2. In support of this petition, the undersigned agree to waive certain rights under Arizona Law and to consent to the formation and completion of the District.

1. Area of District. The proposed District is described by a diagram and by a legal description on Exhibit "A" that is attached hereto and incorporated herein by reference. The proposed District consists of 12.5939 acres and is entirely within the corporate boundaries of the City of Avondale.

2. Ownership. The undersigned (is) (are) the sole owner(s) of the real property within the proposed District.

3. Purpose. The District is proposed to be formed for the purpose of the operation, maintenance, repair and improvements of landscape, irrigation, drainage and retention facilities and hardscape adjacent to designated public roadways, and parkways within the proposed District.

4. Public Convenience and Necessity. The necessity for the proposed District is for the operation, maintenance, repair and improvements of landscape, irrigation, drainage and retention facilities and hardscape adjacent to designated public roadways and parkways within the proposed District by the levying of special assessments in the proposed District.

5. Waiver and Consent. The petitioners, with full knowledge of their rights being waived hereunder, hereby expressly waive all of the following:

   (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work relating to the District.

   (b) All protest rights whatsoever under ARIZ. REV. STAT. §48-579(A) and (B), as amended.

(c) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

Further, the improvements described above are of more than local or ordinary public benefit.

IN WITNESS WHEREOF, the parties have executed this Petition and Waiver Agreement as of February 7th, 2022.

[SIGNATURES ON FOLLOWING PAGES]

**"Property Owner"**

Entity Name: Avondale BTR Owner LLC

Property Tax Parcel Numbers: _____

By: [redacted]

Name: Tanner Maddux

Title: authorized Signatory [redacted]

Address: [redacted]

Date: 2/7/2022

(ACKNOWLEDGMENT)

STATE OF California )
) ss.
COUNTY OF Ventura )

On 02, 07, 2022 before me personally appeared Tanner charles Maddux, the Owner of Avondale BTR Owner a(n) LLC, whose identity was proven to me on the basis of satisfactory evidence to be the person who he/she claims to be, and acknowledged that he/she signed the above document on behalf of the _____.

ROYA KHOSROABADI
Notary Public - California
Ventura County
Commission # 2336750
My Comm. Expires Nov 12, 2024

(Affix notary seal here)

[redacted]

Notary Public [redacted]

[SIGNATURES CONTINUE ON FOLLOWING PAGES]

**ACCEPTED AND APPROVED BY:**

**"City"**

CITY OF AVONDALE,
an Arizona municipal corporation

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

(ACKNOWLEDGMENT)

STATE OF ARIZONA )
) ss.
COUNTY OF MARICOPA )

On _____, 20 ___, before me personally appeared Kenneth N. Weise, the Mayor of the CITY OF AVONDALE, an Arizona municipal corporation, whose identity was proven to me on the basis of satisfactory evidence to be the person who he claims to be, and acknowledged that he signed the above document, on behalf of the City of Avondale.

_____
Notary Public

(Affix notary seal here)

Clouse Engineering, Inc.
ENGINEERS ▪ SURVEYORS
5010 E. Shea Blvd. Ste. 110 ▪ Scottsdale, Arizona 85254 ▪ TEL (602) 395-9300 ▪ FAX (602) 395-9310

July 23, 2020
Job No. 190703
Rev: January 16, 2021

# Legal Description
# For
# Maintenance Improvement District

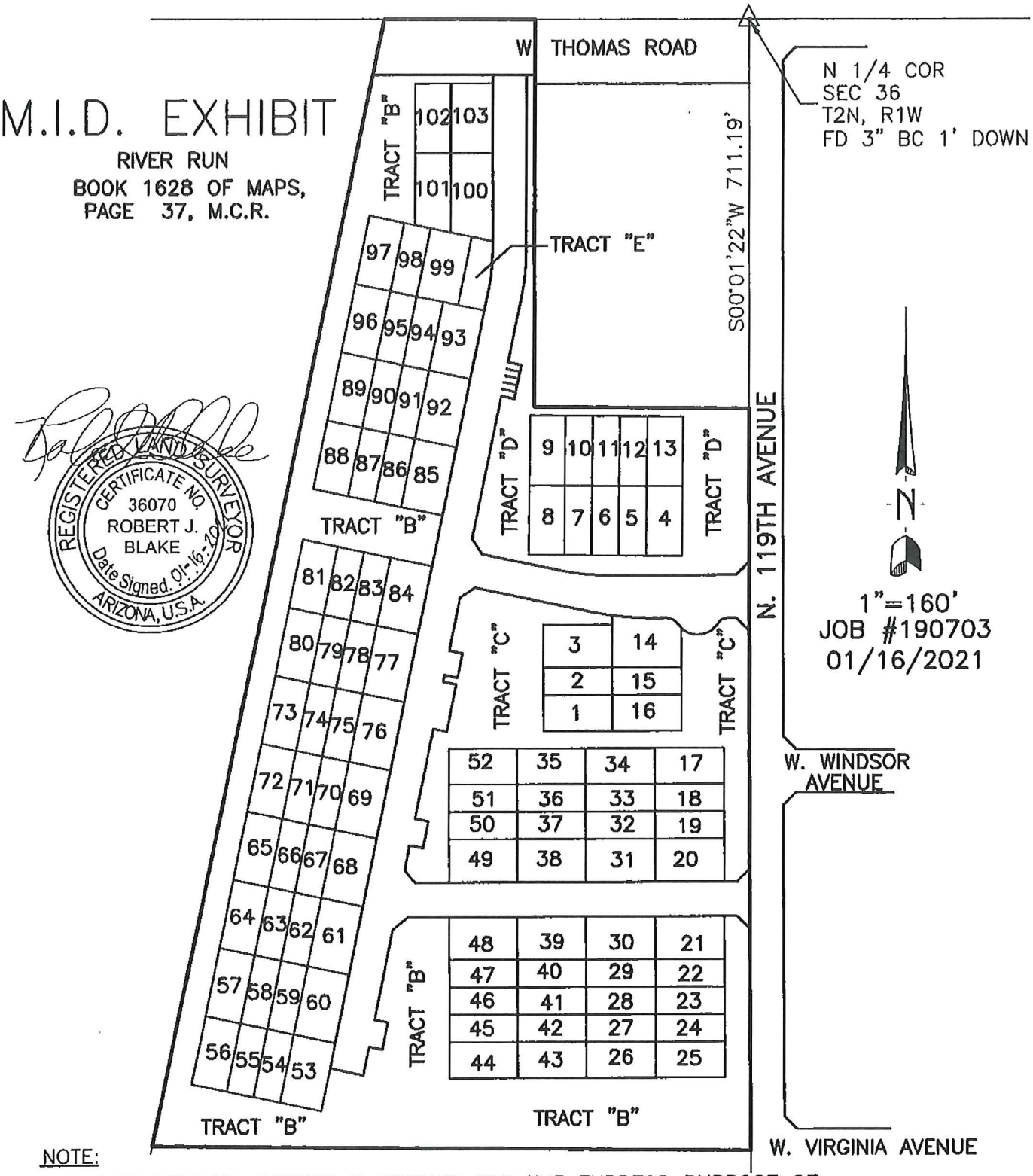
Lots 1 through 103 and Tracts "B" through "E", inclusive of "River Run", as recorded in Book 1628 of Maps, Page 37, records of Maricopa County, Arizona and situated in a portion of the Northeast quarter of the Northwest quarter of Section 36, Township 2 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Note: The above described parcels contain 548,590 square feet or 12.5939 acres more or less

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
36070
ROBERT J.
BLAKE
Date Signed
ARIZONA, U.S.A.

# M.I.D. EXHIBIT

RIVER RUN
BOOK 1628 OF MAPS,
PAGE 37, M.C.R.




REGISTERED LAND SURVEYOR
CERTIFICATE NO.
36070
ROBERT J.
BLAKE
Date Signed 01-16-2021
ARIZONA, U.S.A.

NOTE:

THIS IMPROVEMENT DISTRICT IS FORMED FOR THE EXPRESS PURPOSE OF PROVIDING THE MAINTENANCE AND OPERATION OF THE SIDEWALKS, LANDSCAPING, LANDSCAPED DRAINAGE FACILITIES, AND RELATED IMPROVEMENTS ADJACENT TO AND ALONG THE PUBLIC ROADWAYS AND PARKWAYS WITHIN THE DISTRICT


Clouse Engineering, Inc.
ENGINEERS ▪ SURVEYORS
5010 E. Shea Blvd Suite 110 Scottsdale, AZ. 85254
Tel 602-395-9300 Fax 602-395-9310


CENTER
SEC 36
T2N, R1W
FD 3" BC FLUSH

City of Avondale

Maintenance Improvement District No. 30

River Run

Engineers Estimate

In compliance with the provisions of A.R.S. Title 48, Chapter 4, Article 2, Section 48-574, and all amendments and supplements thereto, we hereby estimate the costs and expenses of said improvements to be as follows:

**Area**

Right-of-way: 0.28 AC

Tract Area: 4.83 AC

**Annual Maintenance Fee**

Right-of-way: 0.28 X $2,000 AC = $560.00

Tract Area: 4.83 X $10,500 AC = $50,715.00

TOTAL: $51,275.00

**Annual Administrative Fee**

$51,275.00 X 5% = $2,563.75

**Total Annual Cost**

$51,275.00 + $2,563.75 = $53,838.75

**Total Cost Per Month**

$53,838.75 / 12 Months = $4,486.56

REGISTERED PROFESSIONAL ENGINEER (CIVIL)
CERTIFICATE NO.
35934
THOMAS A.
WEBER
DATE SIGNED 2-2-22
ARIZONA U.S.A.

CITY OF AVONDALE

DEVELOPMENT AND ENGINEERING SERVICES

ENGINEERING DIVISION

CITY ENGINEER

**RESOLUTION 1026-0522**

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO OPERATE, MAINTAIN AND REPAIR LANDSCAPING, IRRIGATION, DRAINAGE AND RETENTION FACILITIES AND HARDSCAPE ADJACENT TO DESIGNATED PUBLIC ROADWAYS WITHIN THE PROPOSED DISTRICT AND RELATED FACILITIES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF AVONDALE AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF AVONDALE MAINTENANCE IMPROVEMENT DISTRICT NO. 30 – RIVER RUN, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT; PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO; AND DECLARING AN EMERGENCY.

**WHEREAS**, the City of Avondale (the "City") has been presented with a Petition for Formation of a Maintenance Improvement District purporting to be signed by all of the real property owners within the proposed district and, according to ARIZ. REV. STAT. § 48-574(C), the City finds that such ownership has been verified; and

**WHEREAS**, the Council of the City of Avondale (the "City Council") desires to declare its intent to form the City of Avondale Maintenance Improvement District No. 30 – River Run (the "Assessment District") over the area described and depicted on Exhibit A, attached hereto and incorporated herein by reference and including those lots, pieces or parcels of land lying within the Assessment District as shown in more detail on the duplicate diagrams made by or at the direction of the City Engineer showing each separate lot numbered consecutively, the area in square feet of each lot, the area of any building or buildings located on each lot, and the location of the lot in relation to the work proposed to be done (the "Assessment Diagram") attached hereto as a part of Exhibit A and incorporated herein by reference; and

**WHEREAS**, the City Council declares that the operation, maintenance, repair and improvements of landscape, irrigation, drainage and retention facilities and hardscape adjacent to designated public roadways and parkways within the proposed district and related facilities in the Assessment District to be of more than local or ordinary public benefit, and further that the cost of said activities shall be assessed on the Assessment District; and

**WHEREAS**, the City Council declares that the operation, maintenance, repair and improvements of landscape, irrigation, drainage and retention facilities and hardscape adjacent to designated public roadways and parkways within the proposed district and related facilities in the Assessment District are incidental to the maintenance and preservation of the public roadways and parkway and related facilities, has aesthetic value, and maintains and increases the value of property within the Assessment District; and

**WHEREAS**, the City Council declares that the operation, maintenance, repair and improvements of landscape, irrigation, drainage and retention facilities and hardscape adjacent to designated public roadways and parkways within the proposed district and related facilities preserves and promotes the health, safety, and welfare of those citizens of the City living within the Assessment District as well as preservation of the streets and parkways which may be adversely impacted by drainage and other water formations; and

**WHEREAS**, the City Council declares that the operation, maintenance, repair and improvements of landscape, irrigation, drainage and retention facilities and hardscape adjacent to designated public roadways and parkways within the proposed district tend to preserve the structural integrity of the public streets and parkway and mitigate flooding of adjacent areas by draining water to and from the public streets and parkway in furtherance of the health, safety and welfare of those citizens of the City living within the Assessment District.

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

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The public interest or convenience requires, and it is the intention of the Mayor and Council of the City of Avondale, Arizona, to order the following work (hereinafter the "Work") to be performed: The operation, maintenance, repair and improvements of landscape, irrigation, drainage and retention facilities and hardscape adjacent to designated public roadways and parkways within the proposed district shown on the Assessment Diagram.

SECTION 3. The City Council designates as parkways those streets and rights-of-way areas set forth on the Assessment Diagram in accordance with Title 48, Chapter 4, Article 2, Arizona Revised Statutes, and specifically including those portions of pedestrian facilities, retention, detention and storm water management facilities included within or adjacent to the Assessment District. The public interest and convenience require, and it is the intention of the City Council to order the Work adjacent to the designated parkways to be performed as stated herein. All items of the Work shall be performed as prescribed by the plans showing the engineer's estimate for the City of Avondale Maintenance Improvement District No. 30 – River Run, filed with the City Clerk prior to the adoption of this Resolution (the "Plans and Specifications"), which are hereby approved and adopted by the City Council and which shall remain on file in the Office of the City Engineer; no assessment for any lot shall exceed its proportion of the estimate. The estimate of the cost and expenses of the work or improvements on file in the offices of the Superintendent of Streets (the City Engineer) and the City Clerk are hereby approved and adopted by the City Council. In addition to the requirements of law, the procedures set forth in the City Code will be

followed regarding acceptance of bids and setting tax levies. For purposes of this Resolution and of all resolutions, ordinances and notices pertaining to this Resolution, the improvement as herein described is hereby designated City of Avondale Maintenance Improvement District No. 30 – River Run.

SECTION 4. In the opinion of the City Council, the Work is of more than local or ordinary public benefit. The City Council hereby orders that all amounts due or to become due with respect to the Work shall be chargeable upon the respective lots, pieces and parcels of land within the Assessment District.

SECTION 5. The City Engineer is hereby authorized and directed to prepare duplicate Assessment Diagrams of the property contained within the Assessment District.

SECTION 6. Any public street or alley within the boundaries of the Assessment District is hereby omitted from the assessment hereafter to be made. Any lot belonging to the United States, the State, a county, city, school district or any political subdivision or institution of the State or county, which is included within the Assessment District shall be omitted from the assessment hereafter made.

SECTION 7. In no event will the City or any officer thereof be liable for any portion of the cost of said Assessment District or for any delinquency of persons or property assessed.

SECTION 8. The City Council shall make annual statements and estimates of the expenses of the Assessment District which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all real and personal property in the Assessment District as provided in ARIZ. REV. STAT. § 48-574 and amendments thereto.

SECTION 9. The Work and all proceedings pertaining thereto shall be performed under the provisions of ARIZ. REV. STAT. § 48-574, and all amendments thereto and pursuant to Article I, Section 3 and Article XII, Section 8 of the Avondale City Charter.

SECTION 10. The City Engineer is hereby authorized to fill in any blanks and to make any minor corrections necessary to complete the Plans and Specifications.

SECTION 11. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute and submit all documents and any other necessary or desirable instruments and to take all steps necessary to carry out the purpose and intent of this Resolution.

SECTION 12. The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety and an emergency is declared to exist, and this Resolution will be in full force and effect from and after its passage and approval by the City Council as required by law and is exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

[SIGNATURES ON FOLLOWING PAGE]

**PASSED AND ADOPTED** by the Council of the City of Avondale, Arizona, May 2, 2022.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION 1026-0522

[Legal Description of Assessment District and Assessment Diagram]

See following pages.

Clouse Engineering, Inc.
ENGINEERS ▪ SURVEYORS
5010 E. Shea Blvd. Ste. 110 ▪ Scottsdale, Arizona 85254 ▪ TEL (602) 395-9300 ▪ FAX (602) 395-9310

July 23, 2020
Job No. 190703
Rev: January 16, 2021

# Legal Description
# For
# Maintenance Improvement District

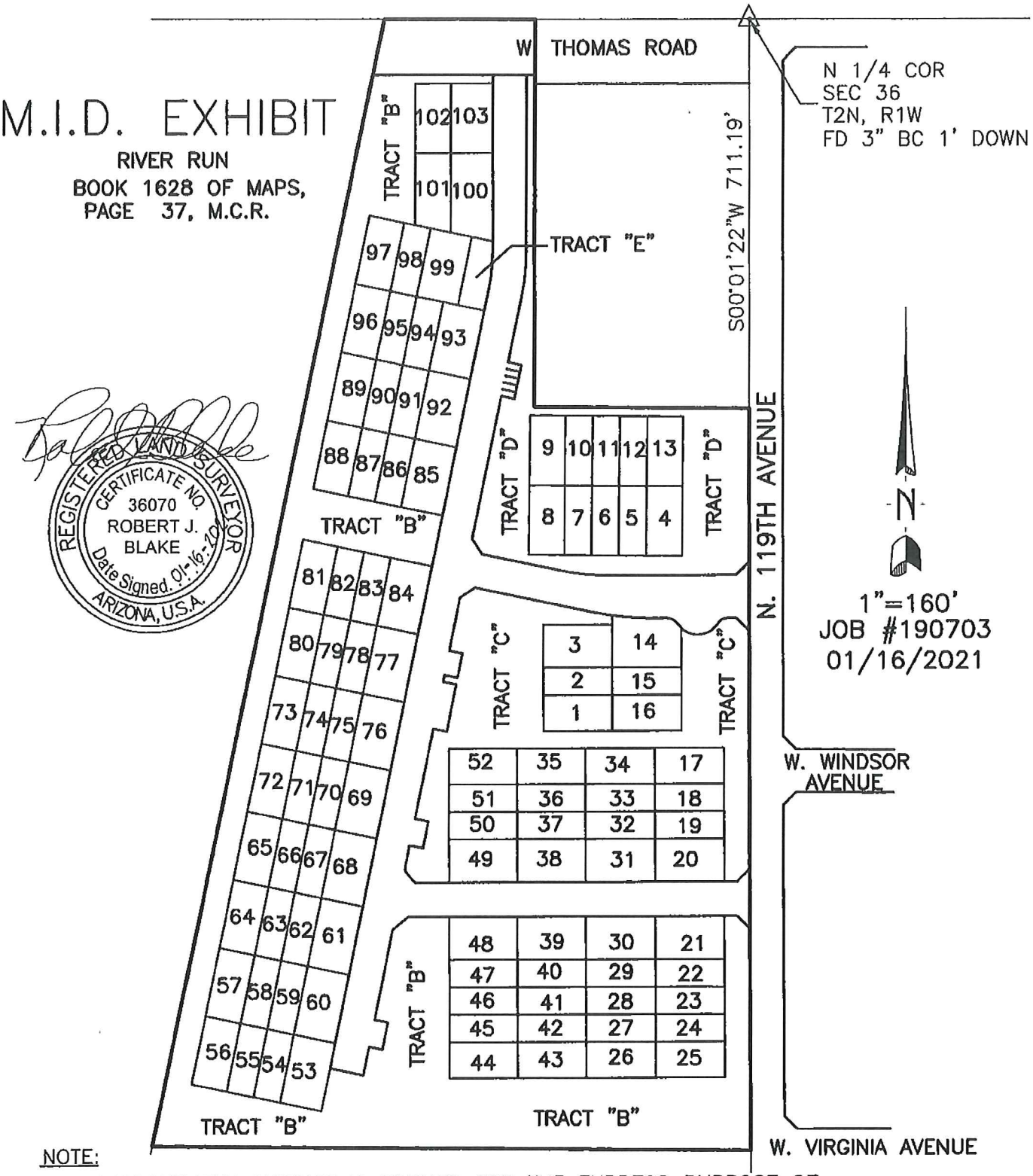
Lots 1 through 103 and Tracts "B" through "E", inclusive of "River Run", as recorded in Book 1628 of Maps, Page 37, records of Maricopa County, Arizona and situated in a portion of the Northeast quarter of the Northwest quarter of Section 36, Township 2 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Note: The above described parcels contain 548,590 square feet or 12.5939 acres more or less

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
36070
ROBERT J.
BLAKE
Date Signed 01-16-21
ARIZONA, U.S.A.

# M.I.D. EXHIBIT

RIVER RUN
BOOK 1628 OF MAPS,
PAGE 37, M.C.R.




REGISTERED LAND SURVEYOR
CERTIFICATE NO.
36070
ROBERT J.
BLAKE
Date Signed 01-16-2021
ARIZONA, U.S.A.

NOTE:

THIS IMPROVEMENT DISTRICT IS FORMED FOR THE EXPRESS PURPOSE OF PROVIDING THE MAINTENANCE AND OPERATION OF THE SIDEWALKS, LANDSCAPING, LANDSCAPED DRAINAGE FACILITIES, AND RELATED IMPROVEMENTS ADJACENT TO AND ALONG THE PUBLIC ROADWAYS AND PARKWAYS WITHIN THE DISTRICT


Clouse Engineering, Inc.
ENGINEERS ▪ SURVEYORS
5010 E. Shea Blvd Suite 110 Scottsdale, AZ. 85254
Tel 602-395-9300 Fax 602-395-9310


CENTER
SEC 36
T2N, R1W
FD 3" BC FLUSH

**RESOLUTION 1028-0522**

RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA DECLARING ITS INTENTION TO ORDER THE IMPROVEMENTS OF A CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE CITY AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF AVONDALE MAINTENANCE IMPROVEMENT DISTRICT NO. 30 – RIVER RUN; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

**WHEREAS**, the Council of the City of Avondale (the "City Council") has adopted Resolution 1028-0522 declaring its intent to form the City of Avondale Maintenance Improvement District No. 30 – River Run; and

**WHEREAS**, pursuant to ARIZ. REV. STAT. § 48-574(C), as amended, the City Council has immediate jurisdiction to adopt a resolution ordering the improvements pursuant to ARIZ. REV. STAT. § 48-581, as amended.

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

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The public interest or convenience require and it is the intention of the City Council to order the operation, maintenance, repair and improvements of landscape, irrigation, drainage and retention facilities and hardscape adjacent to designated public roadways and parkways within the proposed district, and that the cost of such activities, together with appurtenant structures, be assessed upon a certain improvement district to be known as Avondale Maintenance Improvement District No. 30 – River Run (the "District") as described and depicted on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 3. The estimate of the cost and expenses for the operation, maintenance, repair and improvements of landscape, irrigation, drainage and retention facilities and hardscape adjacent to designated public roadways and parkways within the proposed district, and on file with the

Superintendent of Streets (City Engineer) and the City Clerk is approved and adopted by the City Council.

SECTION 4. The City Council determines that the operation, maintenance, repair and improvements of landscape, irrigation, drainage and retention facilities and hardscape adjacent to designated public roadways and parkways within the proposed district, are of more than local or ordinary public benefit, and are of special benefit to the respective lots, pieces and parcels of land within the real property described herein. The City Council makes and orders the cost and expense for the operation, maintenance, repair and improvements of landscape, irrigation, drainage and retention facilities and hardscape adjacent to designated public roadways and parkways within the proposed district, and related facilities together with appurtenant structures be chargeable upon the District, the area of which is described and depicted as set forth on Exhibit A, and declare that the District benefited by the operation, maintenance, repair and improvements of landscape, irrigation, drainage and retention facilities and hardscape adjacent to designated public roadways and parkways within the proposed district, and related facilities together with appurtenant structures to be assessed, shall pay the costs and expenses thereof in proportion to the benefits derived therefrom.

SECTION 5. The City shall not assess the costs and expenses for the operation, maintenance, repair and improvements of landscape, irrigation, drainage and retention facilities and hardscape adjacent to designated public roadways and parkways within the proposed district, and related facilities together with appurtenant structures, which are for the general public benefit against the respective lots, pieces and parcels of land located within the boundaries of the District and if a portion of the costs and expenses for the operation, maintenance, repair and improvements of landscape, irrigation, drainage and retention facilities and hardscape adjacent to designated public roadways and parkways within the proposed district, and related facilities together with appurtenant structures is for the general public benefit, the City shall assess the boundaries of the District only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the District.

SECTION 6. The costs and expense for the operation, maintenance, repair and improvements of landscape, irrigation, drainage and retention facilities and hardscape adjacent to designated public roadways and parkways within the proposed district shall be made and all proceedings therein taken; that the Superintendent of Streets of the City (the City Engineer) shall post or cause to be posted notices thereof; that the City Clerk shall certify to the passage of this Resolution of Intention; that the Engineer shall prepare duplicate diagrams of the District to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

SECTION 7. The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety and an emergency is declared to exist, and this Resolution will be in full force and effect from and after its passage and approval by the City Council as required by law and is exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

[SIGNATURES ON FOLLOWING PAGE]

**PASSED AND ADOPTED** by the Council of the City of Avondale, Arizona, May 2, 2022.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION 1028-0522

[Legal Description and Map of Assessment District]

See following pages.

Clouse Engineering, Inc.
ENGINEERS ▪ SURVEYORS
5010 E. Shea Blvd. Ste. 110 ▪ Scottsdale, Arizona 85254 ▪ TEL (602) 395-9300 ▪ FAX (602) 395-9310

July 23, 2020
Job No. 190703
Rev: January 16, 2021

# Legal Description
# For
# Maintenance Improvement District

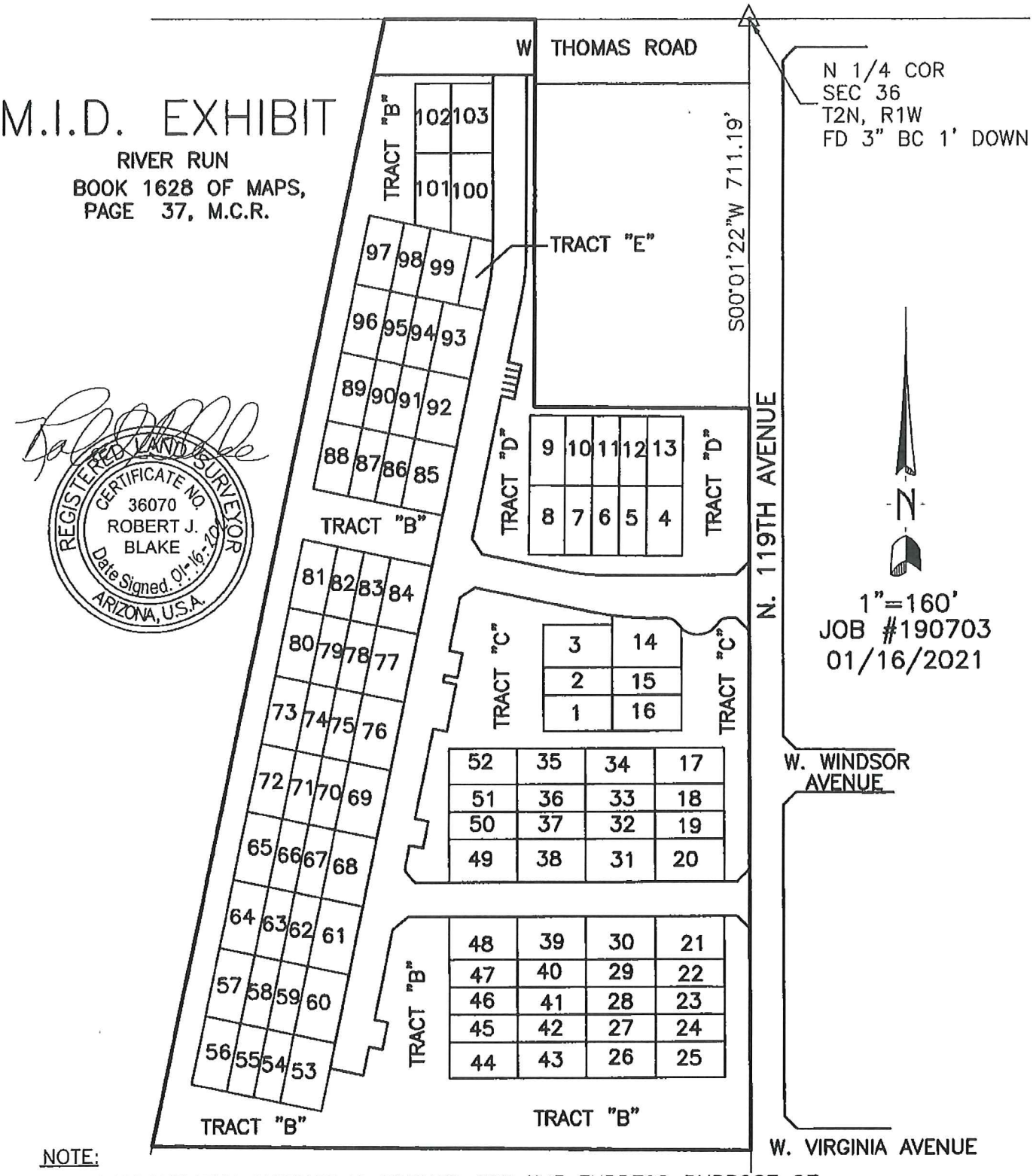
Lots 1 through 103 and Tracts "B" through "E", inclusive of "River Run", as recorded in Book 1628 of Maps, Page 37, records of Maricopa County, Arizona and situated in a portion of the Northeast quarter of the Northwest quarter of Section 36, Township 2 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Note: The above described parcels contain 548,590 square feet or 12.5939 acres more or less

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
36070
ROBERT J.
BLAKE
Date Signed 01-16-21
ARIZONA, U.S.A.

# M.I.D. EXHIBIT

RIVER RUN
BOOK 1628 OF MAPS,
PAGE 37, M.C.R.




REGISTERED LAND SURVEYOR
CERTIFICATE NO.
36070
ROBERT J.
BLAKE
Date Signed 01-16-2021
ARIZONA, U.S.A.

NOTE:

THIS IMPROVEMENT DISTRICT IS FORMED FOR THE EXPRESS PURPOSE OF PROVIDING THE MAINTENANCE AND OPERATION OF THE SIDEWALKS, LANDSCAPING, LANDSCAPED DRAINAGE FACILITIES, AND RELATED IMPROVEMENTS ADJACENT TO AND ALONG THE PUBLIC ROADWAYS AND PARKWAYS WITHIN THE DISTRICT


Clouse Engineering, Inc.
ENGINEERS ▪ SURVEYORS
5010 E. Shea Blvd Suite 110 Scottsdale, AZ. 85254
Tel 602-395-9300 Fax 602-395-9310


CENTER
SEC 36
T2N, R1W
FD 3" BC FLUSH

Item Number: 3.f.

# CITY COUNCIL REPORT

**SUBJECT:** Ordinance 2030-0522 - Abandonment of a 14-foot Sewerline Easement

**MEETING DATE:** 5/2/2022

---

**TO:** Mayor and Council

**FROM:** Jodie Novak, Acting Director/Assistant Director Development and Engineering Services, (623) 333-4015

**THROUGH:** Tracy Stevens, Acting Assistant City Manager, (623) 333-1014

---

**STRATEGIC PLAN:**

Strategic Outcome: Creative and Sustainable Community Development

Strategy: This action will maintain and expand quality infrastructure and improve the connectivity to City amenities.

---

**PURPOSE:**
City Council will consider a request to adopt Ordinance 2030-0522, authorizing the abandonment of a 14-foot Sewerline Easement and authorize the Mayor or Acting City Manager, City Attorney and the City Clerk to execute the necessary documents. The Council will take appropriate action.

**BACKGROUND:**
A 14-foot wide sewerline easement was granted to the City through Document Number 1985-056218 as recorded in the Maricopa County Recorder's Office.

**DISCUSSION:**
The owner of Avondale 50, OPUS Development Company, LLC, has requested the abandonment of the 14-foot wide sewerline easement along 119th Avenue as previously granted to the City. This easement is shown along Lots 1, 2 and 3 on the plat titled Final Plat Avondale 50, recorded in Book of Maps 1548, Page 17 in the Maricopa County Recorder's Office. The owner dedicated a new 14-foot wide sewerline easement along Lots 1, 2 and 3 as shown on the above referenced plat. Staff has determined this 14-foot wide easement is no longer needed and requests that it be abandoned.

**BUDGET IMPACT:**
There is no impact to the budget for this action.

**RECOMMENDATION:**
Staff recommends City Council adopt an Ordinance, authorizing the abandonment of a sewerline easement and authorize the Mayor or Acting City Manager, City Attorney and the City Clerk to execute the necessary documents.

***Contact person for document distribution:*** *Yulonda Moore*

SEWER EASEMENT TO BE ABANDONED

**ORDINANCE NO. 2030-0522**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AUTHORIZING THE ABANDONMENT OF A SEWER EASEMENT GENERALLY LOCATED ALONG THE WEST SIDE OF 119TH AVENUE AND SOUTH OF INTERSTATE 10.

**WHEREAS**, Article I, Section 3 of the Avondale City Charter authorizes the City of Avondale (the "City") to dispose of its acquired property as the City's interests may require; and

**WHEREAS**, through an Easement recorded at Instrument No. 1985-0056218 in the Maricopa County Recorder's Office on February 7, 1985, the City acquired a 14 foot wide sewer easement over ± 0.496 acres generally located along the west side of 119th Avenue south of Interstate 10 in the City (the "Easement"); and

**WHEREAS**, the Council of the City of Avondale (the "City Council") has determined that the Easement is no longer needed and therefore, it is necessary and appropriate to abandon said easement.

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

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Easement, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is hereby declared to be no longer necessary and is hereby abandoned to the surrounding privately-owned parcels, Maricopa County Assessor Parcel No. 500-01-594, 500-01-595 and 500-01-596.

SECTION 3. Upon recordation of this Ordinance in the office of the Maricopa County Recorder, the Easement shall be forever extinguished and all right and title to the real property described therein shall vest in the owner of Maricopa County Assessor Parcel No. 500-01-594, 500-01-595 and 500-01-596.

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

[SIGNATURES ON FOLLOWING PAGE]

**PASSED AND ADOPTED** by the Council of the City of Avondale, Arizona, May 2, 2022.

_____
Kenneth Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2030-0522

[Legal Description and Map of Sewer Easement]

See following pages.

## EXHIBIT A

**SEWER EASEMENT ABANDONMENT**
**DOCUMENT NUMBER 1985-056218**
**LEGAL DESCRIPTION**

AN ABANDONMENT OF THE SEWER EASEMENT IN ITS ENTIRETY, AS DESCRIBED IN DOCUMENT NUMBER 1985-056218, MARICOPA COUNTY RECORDS, ARIZONA:

THE WEST 14 FEET OF THE EAST 54 FEET OF THE FOLLOWING DESCRIBED PARCEL;

THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; AND

EXCEPT THE SOUTH 1105 FEET.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AN ABANDONMENT BEING A LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE FOUND ALUMINUM CAP MARKING THE CENTER OF SAID SECTION 1;

THENCE NORTH 89 DEGREES 53 MINUTES 00 SECONDS WEST, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 40.00 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID NORTH LINE, SOUTH 00 DEGREES 02 MINUTES 19 SECONDS WEST, ALONG THE EAST LINE OF LOTS 1, 2 AND 3 OF SAID FINAL PLAT, A DISTANCE OF 1,541.96 FEET;

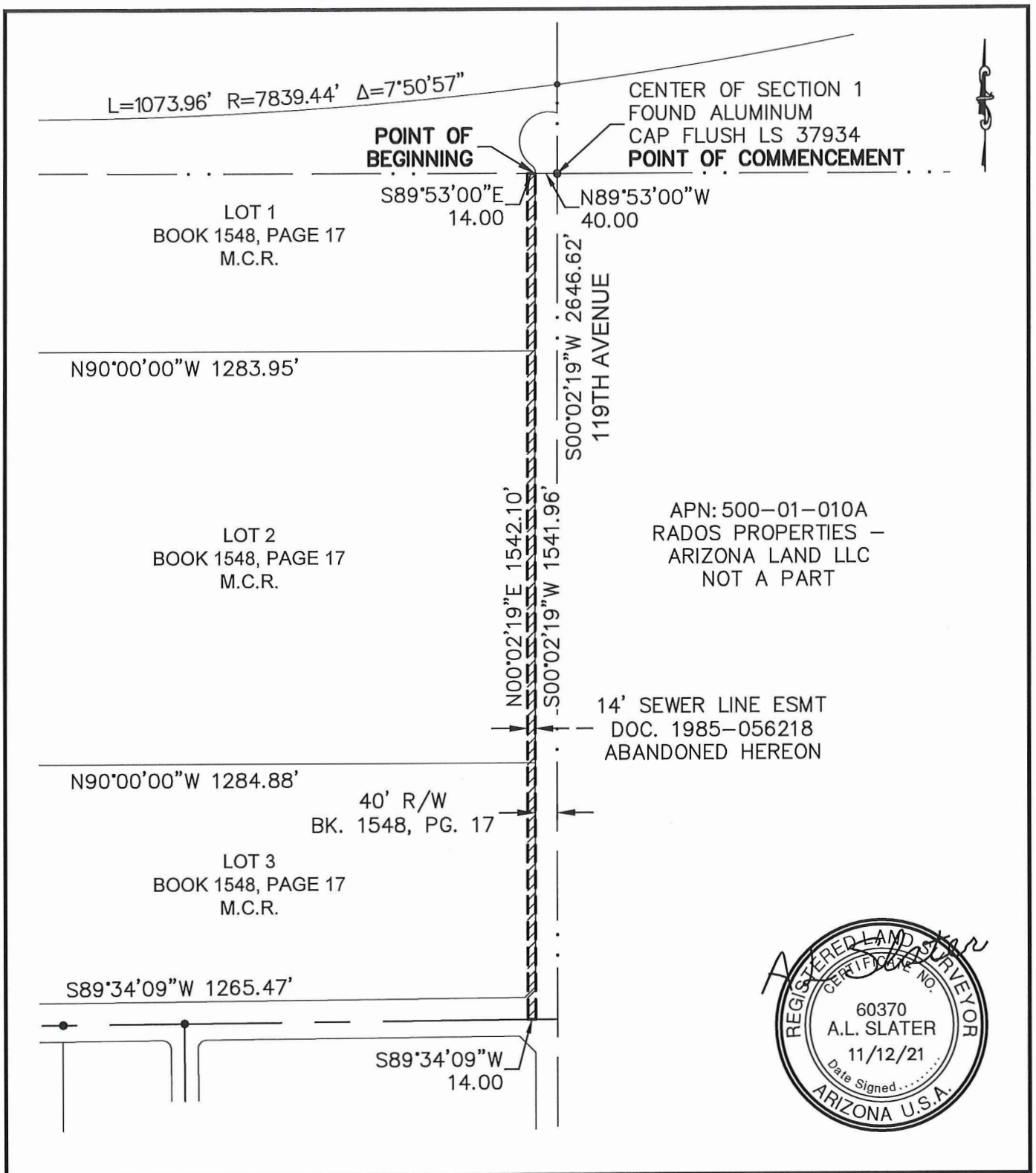
THENCE DEPARTING SAID EAST LINE, SOUTH 89 DEGREES 34 MINUTES 09 SECONDS WEST, A DISTANCE OF 14.00 FEET;

THENCE NORTH 00 DEGREES 02 MINUTES 19 SECONDS EAST, ALONG A LINE BEING 54.00 FEET WEST OF AND PARALLEL WITH THE EAST OF THE SOUTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 1,542.10 FEET TO THE NORTH LINE OF SAID SOUTHWEST QUARTER;

THENCE DEPARTING SAID PARALLEL LINE, SOUTH 89 DEGREES 53 MINUTES 00 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 14.00 FEET TO THE **POINT OF BEGINNING**.

SAID EASEMENT CONTAINS 21,588 SQUARE FEET OR 0.496 ACRES, MORE OR LESS.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
60370
A.L. SLATER
11/12/21
Date Signed
ARIZONA U.S.A.




SIG

A RICK ENGINEERING COMPANY

**SURVEY INNOVATION GROUP, INC.**

*Land Survey Services*

22425 N 16TH STREET SUITE #1
PHOENIX, AZ 85024

# SEWER EASEMENT ABANDONMENT

## AVONDALE, ARIZONA

| | | | |
|---|---|---|---|
| PROJECT NO: | 19-091 | | |
| DRAWN BY: | TS | SCALE: | N.T.S. |
| CHECKED BY: | JAS | DATE: | 11/11/2021 |

Item Number: 3.g.

# CITY COUNCIL REPORT

**SUBJECT:** Ordinance 2031-0522 - Abandonment of a 12-Foot Sewerline Easement

**MEETING DATE:** 5/2/2022

---

**TO:** Mayor and Council

**FROM:** Jodie Novak, Acting Director/Assistant Director of Development and Engineering Services, (623) 333-4015

**THROUGH:** Tracy Stevens, Acting Assistant City Manager, (623) 333-1014

---

**STRATEGIC PLAN:**

Strategic Outcome: Creative and Sustainable Community Development

Strategy: This action will maintain and expand quality infrastructure and improve the connectivity to City amenities.

---

**PURPOSE:**
City Council will consider a request to adopt Ordinance 2031-0522, authorizing the abandonment of a 12-foot Sewerline Easement and authorize the Mayor or Acting City Manager, City Attorney and the City Clerk to execute the necessary documents. The Council will take appropriate action.

**BACKGROUND:**
A 12-foot wide sewerline easement was granted to the City through Document Number 1984-494593 and Document Number 1984-494594 as recorded in the Maricopa County Recorder's Office.

**DISCUSSION:**
The owner of Avondale 50, OPUS Development Company, LLC, has requested the abandonment of the 12-foot wide sewerline easement as previously granted to the City. This easement is shown along Lot 1 on the plat titled Final Plat Avondale 50, recorded in Book of Maps 1548, Page 17 in the Maricopa County Recorder's Office. The owner dedicated a new 14-foot sewerline easement along Lot 1. Staff has determined the former 12-foot wide easement is no longer needed and requests that it be abandoned.

**BUDGET IMPACT:**
There is no impact to the budget for this action.

**RECOMMENDATION:**
Staff recommends City Council adopt an Ordinance, authorizing the abandonment of a sewerline easement and authorize the Mayor or Acting City Manager, City Attorney and the City Clerk to execute the necessary documents.

***Contact person for document distribution:*** *Yulonda Moore*

SEWER EASEMENT TO BE ABANDONED

**ORDINANCE NO. 2031-0522**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AUTHORIZING THE ABANDONMENT OF A PERMANENT SEWER EASEMENT GENERALLY LOCATED SOUTH OF INTERSTATE 10 AND WEST OF 119TH AVENUE.

**WHEREAS**, Article I, Section 3 of the Avondale City Charter authorizes the City of Avondale (the "City") to dispose of its acquired property as the City's interests may require; and

**WHEREAS**, through an Easement recorded at Instrument No. 1984-494593, in the Maricopa County Recorder's Office on November 7, 1984, the City acquired a 12 foot wide sewer easement over ± 0.366 acres generally located south of Interstate 10 and west of 119th Avenue in the City (the "Easement"); and

**WHEREAS**, a Temporary Construction Easement (the "TCE"), recorded at Instrument No. 1984-494594 in the Maricopa County Recorder's Office on November 7, 1984 expired by its own terms on October 1, 1985; and

**WHEREAS**, the Council of the City of Avondale (the "City Council") has determined that the Easement and the TCE are no longer needed and therefore, it is necessary and appropriate to abandon said easements.

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

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Easement and the TCE, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is hereby declared to be no longer necessary and is hereby abandoned to the surrounding privately-owned parcel, Maricopa County Assessor Parcel No. 500-01-594.

SECTION 3. Upon recordation of this Ordinance in the office of the Maricopa County Recorder, the Easement and the TCE shall be forever extinguished and all right and title to the real property described therein shall vest in the owner of Maricopa County Assessor Parcel No. 500-01-594.

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

[SIGNATURES ON FOLLOWING PAGE]

**PASSED AND ADOPTED** by the Council of the City of Avondale, Arizona, May 2, 2022.

_____
Kenneth Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2031-0522

[Legal Description and Map of Sewer Easement]

See following pages.

## EXHIBIT A

## SEWER EASEMENT ABANDONMENT
## DOCUMENT NUMBERS 1984-0494593 & 1984-494594
## LEGAL DESCRIPTION

AN EASEMENT 12.00 FEET IN WIDTH LYING WITHIN THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA RIVER AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, LYING SOUTH OF THE FOLLOWING DESCRIBED LINE:

**COMMENCING** AT THE NORTH QUARTER CORNER OF SAID SECTI0N 1;

THENCE SOUTH 00 DEGREES 38 MINUTES 46 SECONDS EAST, ALONG THE NORTH-SOUTH MIDSECTION LINE OF SAID SECTION, 2433.41 FEET TO THE **POINT OF BEGINNING**:

THENCE FROM A LOCAL TANGENT BEARING OF SOUTH 82 DEGREES 44 MINUTES 47 SECONDS WEST, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 7839.44 FEET, A DISTANCE OF 1050.95 FEET;

THENCE NORTH 89 DEGREES 34 MINUTES 21 SECONDS WEST TO THE WEST LINE OF THE E 1/2 OF THE NW 1/4 OF SAID SECTION AND THE TERMINUS OF THE LINE HEREIN DESCRIBED;

THE CENTERLINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT POINT ON THE SOUTH LINE OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION, 70.92 FEET WEST OF THE EAST LINE OF SAID QUARTER SECTION;

THENCE NORTH 03 DEGREES 39 MINUTES 50 SECONDS WEST AND A DISTANCE OF 541.75 FEET TO A POINT OF THE SOUTHERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 10 AND THE TERMINUS OF THE CENTERLINE HEREIN.

THE ABANDONMENT PORTION BEING DESCRIBED AS FOLLOWS:

A PORTION OF THE PERMANENT SEWER EASEMENT AS DESCRIBED IN DOCUMENT NUMBER 1984-0494593, MARICOPA COUNTY RECORDS, ARIZONA, BEING A LOCATED WITHIN A PORTION OF LOT 1 AS SHOWN ON THE FINAL PLAT AS RECORDED IN BOOK 1548, PAGE 17, MARICOPA COUNTY RECORDS, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 00 DEGREES 02 MINUTES 31 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 12.10 FEET TO THE POINT OF A NON-TANGENT CURVE CONCAVE TO THE NORTH, WITH A CHORD BEARING OF SOUTH 86 DEGREES 43 MINUTES 22 SECONDS WEST, A CHORD DISTANCE OF 1,073.24 FEET;

THENCE DEPARTING SAID EAST LINE, WESTERLY ALONG SAID NON-TANGENT CURVE, HAVING A RADIUS OF 7,851.44 FEET, THROUGH A CENTRAL ANGLE OF 07 DEGREES 50 MINUTES 17 SECONDS, A DISTANCE OF 1,074.08 FEET;

THENCE NORTH 89 DEGREES 21 MINUTES 29 SECONDS WEST, A DISTANCE OF 252.66 FEET TO THE WEST LINE OF SAID LOT 1;

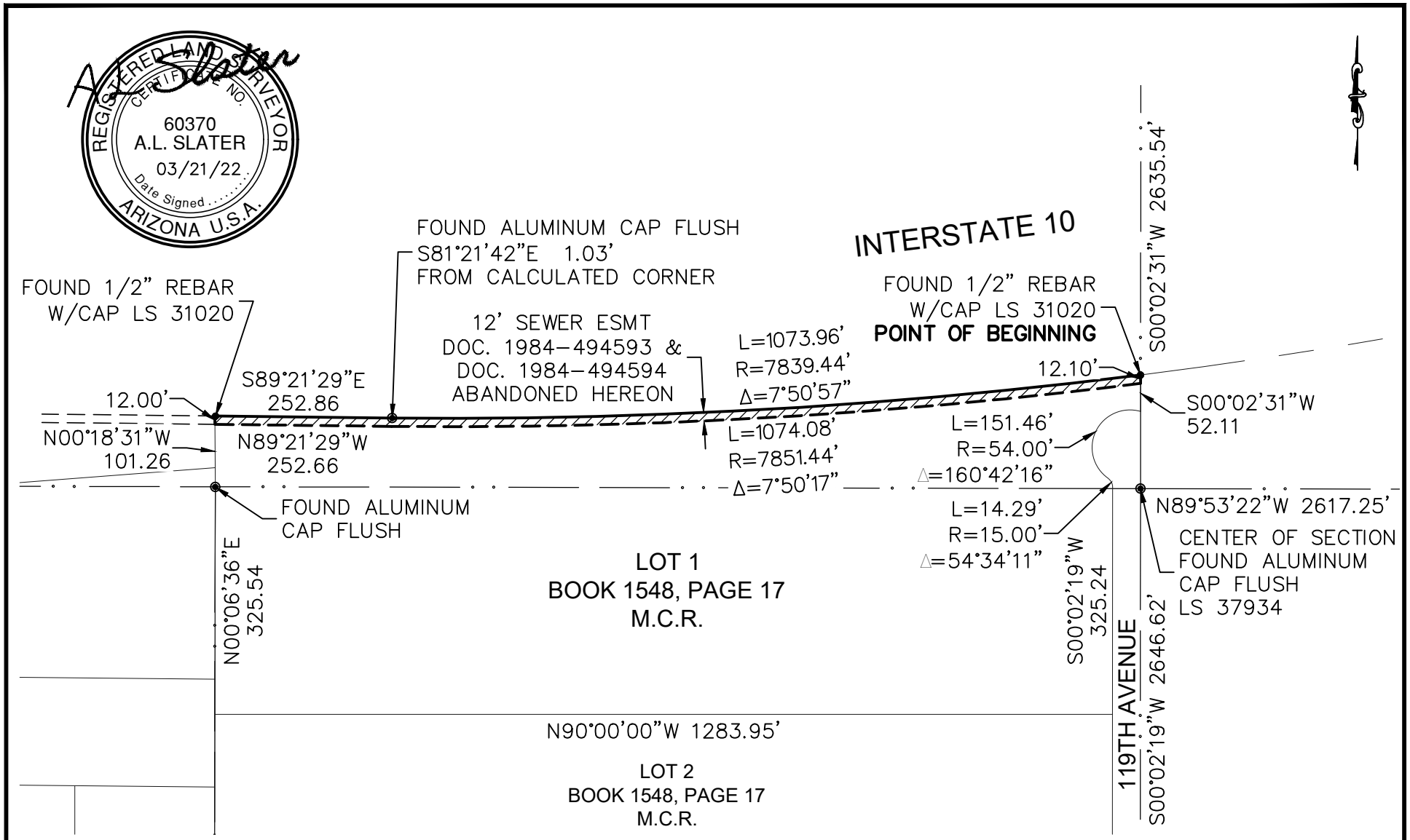
THENCE NORTH 00 DEGREES 18 MINUTES 31 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 12.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1;

THENCE DEPARTING SAID WEST LINE, SOUTH 89 DEGREES 21 MINUTES 29 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 252.86 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE EASTERLY CONTINUING ALONG THE NORTH LINE OF SAID LOT 1 AND ALONG SAID CURVE, HAVING A RADIUS OF 7,839.44 FEET, THROUGH A CENTRAL ANGLE OF 07 DEGREES 50 MINUTES 57 SECONDS, A DISTANCE OF 1,073.96 FEET TO THE **POINT OF BEGINNING**.

SAID EASEMENT CONTAINS 15,921 SQUARE FEET OR 0.366 ACRES, MORE OR LESS.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
60370
A.L. SLATER
03/21/22
Date Signed
ARIZONA U.S.A.




SIG

A RICK ENGINEERING COMPANY

**SURVEY INNOVATION GROUP, INC.**

*Land Survey Services*

22425 N 16TH STREET SUITE #1
PHOENIX, AZ 85024

# SEWER EASEMENT ABANDONMENT

## AVONDALE, ARIZONA

| | | | |
|---|---|---|---|
| PROJECT NO: | 19-091 | | |
| DRAWN BY: | TS | SCALE: | N.T.S. |
| CHECKED BY: | JAS | DATE: | 11/12/2021 |

Item Number: 3.h.

# CITY COUNCIL REPORT

**SUBJECT:** Resolution 1029-0522 Declaring as a Public Record The City of Avondale Zoning Ordinance, May 2, 2022 and Ordinance 2032-0522 - Codification of the Zoning Ordinance as Chapter 28 of the Municipal Code

**MEETING DATE:** 5/2/2022

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**TO:** Mayor and Council

**FROM:** Marcella Carrillo, City Clerk, (623) 333-1214

**THROUGH:** Cherlene Penilla, Acting City Manager, (623) 333-1015

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**STRATEGIC PLAN:**

This agenda item supports the following Avondale Strategic Outcome Area:

- Innovative Program and Service Delivery - Avondale will continue to serve as a model of innovative, efficient, and responsive government.

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**PURPOSE:**
City Council will consider a request to adopt Resolution 1029-0522 declaring as a public record the “City of Avondale Zoning Ordinance, May 2, 2022” and to adopt Ordinance 2032-0522 amending the Avondale City Code by adding Chapter 28 and adopting the document made public by the resolution and authorize the Mayor, City Attorney, and City Clerk to execute the necessary documents. The Council will take appropriate action.

**BACKGROUND:**
In Arizona, Zoning laws are set by Ordinance to determine how a piece of property can be used, what can be built on it, and where it can be built. Historically, Avondale's Zoning laws have been adopted through a standalone Ordinance, separate from the City Code. Having the Zoning Ordinance as a standalone document requires constituents to search both the City Code as well as the Zoning Ordinance when conducting research. Additionally, when changes are made to the Zoning Ordinance, staff manually incorporate the changes into a Word document, instead of having a third party process the changes.

**DISCUSSION:**
The adoption of this proposed Ordinance will incorporate the Zoning Ordinance as Chapter 28 of the Municipal Code. As a result, the Zoning Ordinance will be in the same location as the other City laws. The codification of future Zoning law changes will be completed through the same process as the other code changes and through the City Clerk's Office.

**BUDGET IMPACT:**
This item does not have a budget impact.

**RECOMMENDATION:**

Staff recommends adoption of Resolution 1029-0522 declaring as a public record the “City of Avondale Zoning Ordinance, May 2, 2022” and adoption of Ordinance 2032-0522 amending the Avondale City Code by adding Chapter 28 and adopting the document made public by the resolution and authorize the Mayor, City Attorney, and City Clerk to execute the necessary documents.

***Contact person for document distribution:*** *Marcella Carrillo; Jodie Novak; Eric Fitzer*

**RESOLUTION NO. 1029-0522**

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 ZONING ORDINANCE, MAY 2, 2022.

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

SECTION 1. That certain document entitled the "City of Avondale Zoning Ordinance, May 2, 2022," 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, Arizona, May 2, 2022.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

**ORDINANCE NO. 2032-0522**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE AVONDALE CITY CODE, BY ADDING A NEW CHAPTER 28, ZONING ORDINANCE RELATING TO THE MINIMUM REQUIREMENTS ADOPTED TO IMPLEMENT AND PROMOTE THE GENERAL PLAN AND SPECIFIC PLANS, AND ADOPTING BY REFERENCE THE "CITY OF AVONDALE ZONING ORDINANCE, MAY 2, 2022"

**WHEREAS,** the Council of the City of Avondale (the "City Council") desires to codify the City of Avondale Zoning Ordinance and include it in the Avondale City Code; and

**WHEREAS**, the document titled City of Avondale Zoning Ordinance, May 2, 2022 includes the current version of the City of Avondale Zoning Ordinance, including amendments; and

**WHEREAS**, the City Council desires to amend the Avondale City Coded to add a new Chapter 28, Zoning Ordinance.

**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 Zoning Ordinance, May 2, 2022" (the "Zoning Ordinance"), three paper copies of which are on file in the office of the City Clerk, which document was made a public record by Resolution No. 1029-0522 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. The Avondale City Code is hereby amended by adding a new Chapter 28, Zoning Ordinance.

SECTION 3. Any person who fails to comply with any provision of the Zoning Ordinance shall be subject to civil and criminal penalties as set forth in Section 28-2 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 both such fine and imprisonment. Each day that a violation continues shall be a separate offense.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Zoning Ordinance adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

**PASSED AND ADOPTED** by the Council of the City of Avondale, Arizona, May 2, 2022.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

# City of Avondale
# Zoning Ordinance
# May 2, 2022

# Chapter 28

## ZONING ORDINANCE

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## Article I

## ADMINISTRATION AND PROCEDURES

**28-1. Title, authority, jurisdiction and purpose.**

(a) Title. This ordinance shall be known as "The Zoning Ordinance of the City of Avondale, Arizona." Within the ordinance text, the following terms (whether capitalized or not) shall be synonymous with The Zoning Ordinance of the City of Avondale: "this ordinance," "Avondale Zoning Ordinance," "The Zoning Ordinance" and "these regulations."

(b) Purpose, intent and applicability.

(1) In its interpretation and application, the provisions of this ordinance shall be held to the minimum requirements adopted to implement and promote the General Plan and Specific Plans of the City of Avondale for the protection of its citizens.

(2) Except where otherwise noted in this ordinance, the regulations contained in this ordinance shall govern the development and use of land and structures within the corporate limits of the city. No building, structure, or land shall be developed unless in conformity with all the provisions of these regulations for the Zoning District in which it is located and other applicable regulations. Any use not specifically permitted herein is prohibited.

(3) The purpose of this ordinance is:

(A) To promote the public health, safety and welfare.

(B) To facilitate the adequate provision of transportation, water, sewer, schools, parks and other improvements.

(C) To ensure orderly growth.

(D) To lessen congestion in the streets.

(E) To regulate the use of buildings, structures, and land for residential, agricultural, commercial, industrial and other purposes.

(F) To establish land use classifications and to divide the city into districts.

(G) To adopt a map of land use districts.

(H) To regulate the location, height, bulk, number of stories and size of buildings and structures.

(I) To regulate the size and use of lots, yards, setbacks, courts and other open spaces and to regulate the percentage of a lot which may be occupied.

(J) To provide adequate open space for light, air, and recreation.

(K) To establish standards for performance, aesthetics and design.

(L) To establish procedures for zoning changes, use permits, variances, site plans and other permits and required approvals.

(M) To prescribe penalties of violation of said ordinances.

(c) Relationship to general plan, subdivision regulations, design manuals, and general engineering requirements manual. This ordinance and any amendments hereto shall be in conformance with the adopted General Plan and Specific Plans of the City of Avondale. The Zoning Ordinance, along with other regulations of the City of Avondale, including the adopted Subdivision Regulations, City of Avondale Design Manuals, and General Engineering Requirements Manual, as amended, are tools used to further the goals of the Avondale General Plan by regulating future development or redevelopment within the City of Avondale. Adherence to these documents shall be required.

(d) Repeal and severability.

(1) All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(2) Should any Section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

(e) Establishment of zoning districts. In order to promote the orderly development of the city and carry out the provisions of this ordinance and in order to classify, regulate, restrict, and separate the use of land, buildings and structures, the land within the city is hereby divided into the following Zoning Districts, as may be amended by the city council:

(1) Residential zoning districts.

(A) Agricultural (AG).

(B) Rural Residential-43 (RR-43).

(C) Rural Residential-18 (RR-18).

(D) Suburban Residential-35 (R1-35).

(E) Suburban Residential-15 (R1-15).

(F) Suburban Residential-10 (R1-10).

(G) Suburban Residential-8 (R1-8).

(H) Urban Residential-7 (R1-7).

(I) Urban Residential-6 (R1-6).

(J) Urban Residential-5 (R1-5).

(K) Multi-Family Residential-2 (R-2).

(L) Multi-Family Residential-3 (R-3).

(M) Multi-Family Residential-4 (R-4).

(N) Manufactured Home Park (MH).

(2) Commercial zoning districts.

(A) Residential Office (R-O).

(B) Commercial Office (C-O).

(C) Neighborhood Commercial (C-1).

(D) Community Commercial (C-2).

(E) Freeway Commercial (C-3).

(F) Old Town Avondale Business (OTAB).

(G) Cashion Business (CBD).

(3) Employment zoning districts.

(A) Commerce Park (CP).

(B) General Industrial (A-1).

(4) Special zoning districts; overlay areas.

(A) City Center District (CCD).

(B) Major Sports and Entertainment District (MSED).

(C) Special Use Overlay (SUO).

(D) Historic Avondale Infill Overlay (HAIO).

(5) Planned area development zoning districts (PAD).

(6) Location and boundaries of districts.

The location and boundaries of zoning districts are established on a map entitled "The Zoning Atlas of the City of Avondale, Arizona" adopted by the city council (The Zoning Atlas of the City of Avondale, Arizona

is also referred to herein as the "Zoning Map" or the "Zoning Atlas"). The zoning atlas accompanies and is incorporated into this ordinance as if set forth fully herein. If uncertainties exist with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

(1) Where a district boundary line is shown by a specific dimension, such specific dimension shall control.

(2) Where a district boundary line is located within or along a street, alley, right-of-way or channelized waterway, the district boundary line shall be deemed to be the centerline such street, alley, right-of-way or channelized waterway.

(3) Where a district boundary line is shown approximately following lot or property lines, the district property line shall be deemed to coincide with such lot or property line.

(f) Non-conforming buildings, structures and uses. This article provides for the regulation of nonconforming buildings, structures, and uses. These regulations are designed to protect the rights of legally existing nonconforming uses, structures and buildings, but not to promote expansion or enlargement of such uses.

(1) Non-conforming buildings and structures: Any building or structure that lawfully exists on the effective date of this ordinance or amendments hereto, but which could not be built under the terms of this ordinance because it does not meet lot coverage, height, setback or other development standards required of the zone in which it is located shall be considered a non-conforming building/structure and is subject to the regulations of this subsection 28-1(f). No structural or physical alteration shall be made to any non-conforming building or structure except as follows:

(A) Routine repairs or maintenance of non-conforming buildings or structures shall be allowed.

(B) A non-conforming building or structure that has been damaged by fire, flood or other calamity, may be reconstructed if such reconstruction is completed within twelve (12) months of such calamity. The zoning administrator may extend the twelve-month deadline if a delay in reconstruction was shown to be caused by unforeseen circumstances beyond the control of the owner of the premises.

(C) Additions to non-conforming buildings or structures shall only be permitted if the added portion of the building or structure conforms to all development standards specified for the district in which it is located, except that;

i. Non-conforming single-family dwellings may be expanded into required setbacks so long as the expansion does not encroach further into the required setback than the existing building.

ii. Single-Family dwellings that are non-conforming because they do not meet current parking requirements may be expanded so long as the expansion meets current development standards for the district in which it is located.

(2) Non-conforming uses: Any use of a building, a structure, or land that lawfully exists on the effective date of this ordinance or amendments hereto, but which could not commence under the terms of this ordinance because of restrictions on the use of a building, a structure or land in the zone in which it is located shall be considered a non-conforming use and is subject to the regulations of this section. A non-conforming use shall be allowed to continue operating in the manner it existed at the time it became non-conforming, subject to the following:

(A) A non-conforming use shall not be expanded into additional building area or land area, even if the building area is allowed to be expanded as set forth in this subsection 28-1(f).

(B) Whenever a non-conforming use has been discontinued or abandoned for a period of one (1) year, such use shall not thereafter be re-established and any future uses shall be in conformity with the provisions of the zone in which the property is located. Once changed to a conforming use, no building, structure, or land shall be permitted to revert back to a non-conforming use.

(C) A non-conforming use that is forced to cease operations due to fire, flood or other calamity, may recommence within twelve (12) months of such calamity. The zoning administrator may extend the twelve-month deadline if a delay in recommencing was shown to be caused by unforeseen circumstances beyond the control of the owner of the premises.

**28-2 Enforcement.**

Any person violating the provisions of this ordinance shall be subject to civil and criminal penalties. The owners, occupants, and authorized agents of property in violation of this ordinance may be held individually and jointly responsible for the violation, the prescribed civil and criminal penalties and for abating the violation. Each day a violation of this ordinance continues shall constitute a separate civil or criminal offense unless such violation involves a billboard, as defined by this ordinance, in which case the provisions of Ariz. Rev. Stat. § 9-462.02, as amended, shall apply. The procedures and remedies provided in this ordinance shall be cumulative and in addition to any other procedures and remedies to which the city may otherwise be entitled by law. Any violation of this ordinance is declared to be a public nuisance, and instead of, or in addition to, any civil or criminal enforcement measure authorized by this ordinance, may be enjoined or restrained by the city as other nuisances are abated under authority of the City Charter and applicable State law.

(a) Evidence of identity; penalty for failure to provide. A person who fails or refuses to provide evidence of his or her identity to a duly authorized agent of the city upon request, when such agent has reasonable cause to believe the person has committed a violation of this ordinance, is guilty of a class 1 misdemeanor. Evidence of identity shall consist of a person's full name, residence address and date of birth.

(b) Notice of violation.

(1) The city manager or authorized designee shall seek voluntary compliance with the provisions of this ordinance before issuing a civil citation or criminal complaint, as applicable. This may include a written notice of violation served on the responsible person or persons.

(2) A notice of violation may be issued by the code compliance manager, a code compliance officer, the zoning administrator, the chief building official, or the city manager or authorized designee.

(3) A notice of violation shall include:

(A) Identification of the property or location of the violation;

(B) A statement of the violation(s) in sufficient detail to allow a responsible party to identify and correct the problem;

(C) A re-inspection date; and

(D) The name and phone number of the person at the city to contact for further information.

(4) A notice of violation shall be deemed effective on the date when the written notice is:

(A) Hand delivered to the owner, occupant, manager, or agent of the premises where the violation has occurred, or to the person responsible for the violation.

(B) Posted on or about the entrance of the premises where the violation occurred.

(C) Mailed by certified or first class mail, postage prepaid, addressed to the owner, occupant, agent, manager or responsible person at the last known mailing address.

(D) Served on the owner, occupant, agent, manager or responsible person by any means allowed by the Arizona Rules of Civil Procedure for the Superior Court.

(5) Failure of the responsible party, property owner, occupant, manager, or authorized agent of the property owner to receive a notice of violation shall not preclude the subsequent issuance of a civil citation or criminal complaint, as applicable.

(6) Nothing in this Section shall prevent the city from taking immediate action to protect the public from an imminent hazard to health or safety as otherwise provided by law.

(c) Civil citations.

(1) If a violation continues past the time provided for voluntary compliance, a civil citation may be issued to the person responsible for the violation.

(2) A civil citation may be issued by the code compliance manager, any code compliance officer, a police officer, or other city agent or employee duly authorized by the city manager.

(3) The citation shall include the date of the violation, the location of the property and reference(s) to the section(s) of this ordinance violated.

(4) The citation shall direct the defendant to pay the fine imposed pursuant to subsection 28-2(e) of this ordinance or appear in municipal court within ten (10) days of the issuance of the citation.

(5) The citation shall provide notice that if the defendant fails to pay the fine or appear in municipal court as directed, a default judgment will be entered in the amount of the fine designated on the citation for the violation. In addition, a default fee may be imposed for failure to appear as set forth in subsection 28-2(e) of this ordinance.

(6) The citation shall be served by delivering a copy to the defendant and will be deemed proper and complete by any of the following means:

(A) Hand-delivering the citation to the defendant.

(B) Mailing a copy of the citation by certified or registered mail, return receipt requested, to the defendant's last known address.

(C) Any means allowed by the Arizona Rules of Civil Procedure for the Superior Court.

(d) Civil procedure.

(1) The defendant shall, within ten (10) days of the issuance of the citation, either pay the fine indicated on the citation or appear in municipal court to admit or deny the allegations contained in the citation.

(A) The defendant may pay the fine in person or by mailing the citation with a check for the amount of the fine to the Avondale City Court. By paying the fine, the defendant admits the violation described in the citation and accepts responsibility for the offense.

(B) The defendant may appear in person or through an attorney in the city court and either admit or deny the allegations contained in the citation. if the defendant admits the allegations, the court shall immediately enter a judgment against the defendant in the amount of the fine for the violation charged. If the defendant denies the allegations contained in the citation, the court shall set a hearing date for the matter.

(2) If the defendant fails to pay the fine or appear in the city court as directed by the citation, the court shall enter a default judgment and impose the fine and default fee required by subsection 28-2(e) of this ordinance.

(3) If the defendant fails to appear at the time and place set for hearing by the court, the court shall enter a default judgment and impose the fine and default fee required by subsection 28-2(e) of this ordinance.

(4) The Arizona Rules of Procedure in Civil Traffic Violation Cases shall be followed by the Avondale City Court for civil violations of this ordinance, except as modified or where inconsistent with the provisions of this ordinance, local rules of the city court or rules of the Arizona Supreme Court.

(e) Civil penalties.

(1) Any person that violates this ordinance shall be subject to a civil penalty of two hundred fifty dollars ($250.00) base fine for the first violation, five hundred dollars ($500.00) base fine for a second violation and one thousand dollars ($1,000.00) base fine for a third violation in any twenty-four-month period. The dates of the offenses are the determining factor for calculating the twenty-four-month period.

(2) Any defendant that fails to pay the fine or appear in the city court as directed by a citation issued pursuant to this ordinance, or who fails to appear at the time and place set for hearing of a matter arising under this ordinance, shall be subject to an additional default fee as established by the city court.

(3) Any judgments issued by the Avondale City Court shall be subject to all surcharges and fees imposed by state law in addition to the civil fines required by this ordinance.

(4) Judgments shall be collected in the same manner as any other civil judgment as provided by law.

(f) Habitual offenders.

(1) A person found to be responsible for three (3) or more civil violations of this ordinance within any twenty-four-month period shall be deemed to be a habitual offender. Responsibility may be determined by admission, by default judgment or by judgment after hearing. The dates of the offenses are the determining factor for calculating the twenty-four-month period.

(2) A habitual offender who violates the provisions of this ordinance shall be guilty of a criminal offense and subject to the penalties set forth in subsection 28-2(i) below for each violation in excess of three (3) civil or criminal violations within a twenty-four-month period.

(g) Criminal complaints. The code compliance manager or any other city agent or employee duly authorized by the city manager may seek the issuance of a complaint by a police officer or the Avondale City Prosecutor for criminal prosecution of any person who commits a criminal offense as set forth in this ordinance.

(h) Criminal procedure. Every criminal action and proceeding under this ordinance shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to misdemeanors and the Arizona Rules of Criminal Procedure.

(i) Criminal penalties.

(1) Upon conviction of a person for a criminal offense, including the habitual offender provisions set forth above, the court may impose any combination of the following:

(A) A sentence of incarceration not to exceed six (6) months in jail.

(B) A base fine not to exceed two thousand five hundred dollars ($2,500.00), exclusive of penalty assessments prescribed by law.

(C) A term of probation.

(2) Notwithstanding the elective penalty above, upon conviction of a habitual offender, the court shall impose a base fine of not less than one thousand dollars ($1,000.00) for each count upon which a conviction is obtained.

(j) Sign removal and repair.

(1) The city may act to remove or repair a sign when warranted as follows:

(A) Unsafe signs: The chief building official or any agent or employee of the city authorized by the city manager shall make the determination that a sign or sign structure is in an unsafe condition. If the sign owner or property owner does not comply with the notice of violation given under subsection 28-2(b) of this ordinance, the chief building official or any agent or employee of the city authorized by the city manager may have the sign removed or repaired at the expense of the sign owner or the property owner.

(B) Public right-of-way and public property: The code compliance manager, a code compliance officer or any agent or employee of the city authorized by the city manager may remove or cause to be removed any sign placed or erected unlawfully on public property or within the public right-of-way. Prior notice of violation may be given, but is not required. Removal of the sign does not preclude issuance of a citation as set forth in subsection 28-2(c) of this ordinance.

(C) Temporary signs: The code compliance manager, any code compliance officer or any agent or employee of the city authorized by the city manager shall have the authority to confiscate a temporary sign unlawfully displayed on private or commonly owned property when the owner or responsible party for the sign refuses or fails to comply with this ordinance. Removal of the sign does not preclude issuance of a citation as set forth in subsection 28-2(c) of this ordinance.

(2) All costs incurred by the city for the removal or repair of a sign under this ordinance shall be reimbursed by the owner of the sign or the owner of the property on which the sign is located. The city may bring an action in municipal or superior court to recover these costs.

(3) Signs removed by the city may be disposed of within the city's sole discretion. The city is not responsible for the storage and return of any sign removed in violation of this ordinance.

(k) Transfer of ownership. It shall be unlawful for a person, firm or corporation found to be in conflict with this ordinance or in violation of any provisions of this ordinance who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such property to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility, without condition, for making the corrections or repairs required by such compliance order or notice of violation.

**28-3 Reserved.**

**28-4 Development review procedures.**

(a) Building permit required. No building or other structure, unless excepted by the International Building Code, shall be erected, moved, added to, or structurally altered without a building permit issued by the city. No building permit shall be issued except in conformity with the provisions of this ordinance, which may require approval of an appeal or variance, a text or map amendment, conditional use permit or site plan.

(b) Development review committee.

(1) The development review committee is made up of the zoning administrator or designee and any other department representatives the zoning administrator deems necessary, including the chief building official or designee, the city engineer or designee, the chief of police or designee and the fire chief or designee. The zoning administrator or designee shall serve as secretary to the committee.

(2) The zoning administrator shall determine which members of the development review committee shall review each type of development application.

(3) Development review committee members shall review and comment on development review items. Comments shall be provided to the zoning administrator or designee, who shall provide the comments of the committee to the project applicant.

(c) Pre-application.

1. Prior to submittal of an application for any of the development review procedures outlined herein, a pre-application meeting must be held unless waived by the zoning administrator.

2. The purpose of the pre-application meeting is:

a. To familiarize the development review committee with the request.

b. To identify land use and development policies that may affect the request.

c. To familiarize the applicant with the review and approval process.

d. To provide the applicant with planning application(s) and checklist(s) of required submittal material for the project.

3. The development review committee shall review and comment on materials submitted for pre-application meetings and provide preliminary comments to the project applicant.

4. A formal application shall be submitted to the planning division not later than six (6) months after the date of the pre-application meeting or the date of the zoning administrator's determination that no pre-application meeting is necessary.

D. Application. The zoning administrator shall create applications for the development types outlined herein, which shall outline the required deliverables. No application shall be accepted without all deliverables listed on the application as indicated by the zoning administrator or designee.

E. Closure. In order to ensure that developments are reviewed against the most current standards and regulations, the zoning administrator shall have the authority to close any applications that have been inactive for more than one (1) year. Any further processing of an application that has been closed shall require a new application to be filed, in accordance with this ordinance.

**28-5 Administrative actions.**

(a) Zoning administrator powers and duties. The zoning administrator shall:

(1) Interpret the zoning ordinance, including but not limited to, clarification of intention, determination and clarification of unspecified land uses, determination of zoning district boundaries and similar matters.

(2) Accomplish administrative actions, including preparation of reports, processing appeals, providing assistance to variance applicants and similar matters.

(3) Serve as secretary to the board of adjustment and planning commission.

(4) Undertake similar duties as may arise from time to time in the enforcement and interpretations of the zoning ordinance.

(b) Zoning interpretations.

(1) The zoning administrator or designee shall be responsible for interpretation of the zoning ordinance. Zoning interpretations may be considered if there is a question of clarity for any development standard or other provision of this ordinance, or a review is required within the land use matrix of a specified zoning district. The zoning administrator or designee shall make a determination if a use not mentioned is sufficiently analogous to a permitted use to be allowed to be carried on in the same manner as the specifically-permitted use.

(2) An application clearly stating the section requiring interpretation or the characteristics of the desired use and zoning district in which it is proposed to be located shall be submitted on a form prescribed by the planning division with the required fee before a zoning interpretation will be made. All requests for written interpretation shall be filed in the planning division.

(3) The zoning administrator or designee shall issue written interpretation within fifteen (15) business days of the submission of a completed application and request for interpretation. All zoning interpretations shall be maintained in the planning division records.

(c) Zoning verifications.

(1) The zoning administrator or designee shall be responsible for the verification of the boundaries and requirements of zoning districts and zoning regulations.

(2) An application clearly stating the location and property identification number(s) for the property or properties in question shall be submitted on a form prescribed by the planning division with the required fee before a zoning verification will be made. All requests for written verification shall be filed in the planning division.

(3) Zoning verification letters may contain the following information:

a. Current zoning on the property or properties.

b. Development standards required by the property's zoning district including, but not limited to, building setbacks, maximum building height, and lot coverage.

c. Copies of certificates of occupancy.

d. Verification of known building or zoning ordinance violations or failure to comply with development standards or development regulations.

(4) Zoning verification letters shall not certify legal non-conforming uses or act as legal authority with respect to legal interpretations such as vested rights.

(5) The zoning administrator or designee shall issue written verification within fifteen (15) business days of the submission of a completed application and request for zoning verification. All zoning verifications shall be maintained in the planning division records.

**28-6 Site plan and design review.**

(a) Applicability. Prior to or concurrent with the application for a building permit, a full site plan and design review application shall be submitted for review and approval by the development review committee. This requirement shall apply to:

(1) All new buildings and uses of land constructed or developed after August 30, 1990, shall require site plan and design review; facilities exempted by state or federal law shall not require site plan and design review.

(2) Existing properties when a change in the distinguishing characteristics or primary features of the use of a building or land occurred after August 30, 1990. Such changes may include, but are not limited to, an increase in the size of the building or use or remodeling of an existing building. Criteria used to establish applicability may include, but are not limited to, an increase in parking requirements, a change in occupancy designation, a change in outside storage or other similar factors.

(b) Limited design review. For modifications of existing buildings that do not impact circulation, drainage, or other civil functions of a site, the zoning administrator or designee may waive the formal site plan and design review process and allow for a limited design review if it is determined that such formal review does not further the purposes of this ordinance, even if the Applicability requirements of Section 28-6(a) are met. Projects eligible for Limited Design Review may include, but are not limited to, façade modifications, exterior color changes, and/or addition/deletion of storefronts.

(c) Application. The applicant shall submit plans and drawings illustrating the proposed location of buildings, parking areas, loading and refuse areas, landscaping, drives, dimensions of improvements, drainage, typical elevations of buildings and all other improvements. The site plan shall be submitted in accordance with procedures and requirements established by the zoning administrator. The zoning administrator or designee may request additional information concerning the property. Where a comprehensive sign plan is required pursuant to section 28-194 of this ordinance, it shall be submitted as a component of a development application.

(d) Notification. The applicant shall include with the application the names and addresses in electronic format for all property owners within one thousand (1,000) feet of the property. The planning division shall be responsible for mailing notice of the site plan and design review within five (5) business days of the receipt of the application using postcards to each owner of property situated wholly or partly within one thousand (1,000) feet of the property to which the site plan relates. This does not apply to limited design review.

(e) Review.

(1) The planning division shall refer the site plan, design review, and/or comprehensive sign plan to the development review committee to determine compliance with this ordinance and any other applicable codes, plans and standards.

(2) The development review committee shall have the authority to request modifications to the site plan and design review and may approve conditions consistent with this ordinance and any other applicable codes, plans and standards deemed necessary to protect the public health, safety and welfare.

(f) Required findings.

(1) The proposal is in conformance with all requirements of this ordinance and any other applicable codes, plans and standards in place at the time the site plan and design review application is submitted.

(2) The proposal is of high quality and furthers the city's aesthetic vision.

(3) Adequate conditions of approval are imposed to ensure compatibility with the current or planned use of surrounding properties.

(g) Approval.

(1) When the development review committee has completed its review:

(A) Any site plan and design review applications for properties zoned CCD (City Center District) of The BLVD shall be forwarded to the planning commission for its review and recommendation, and then to the city council for its review and decision. The development review committee shall include a recommendation of approval, approval subject to stipulations, or denial for the site plan and design review.

(B) Any site plan and design review not requiring planning commission and city council consideration specified in subsection 28-6(g)(1)(A) above shall be either: approved, approved with stipulations, or denied by the development review committee.

(C) Deviations proposed in a comprehensive sign plan from allowable sign requirements as specified in section 28-194 of this ordinance shall be approved as follows:

i. Modifications greater than twenty-five (25) percent shall be forwarded to the city council for its review and decision. The development review committee shall include a recommendation of approval, approval subject to stipulations, or denial for the proposed comprehensive sign plan.

ii. Modifications less than twenty-five (25) percent may be administratively approved.

(2) A building permit shall not be issued for any project unless a site plan and design review has been approved by the development review committee or city council, as outlined in this ordinance.

(3) All buildings, parking areas, landscaping and other improvements shall be constructed and installed in accordance with the approved site plan and design review prior to issuance of a certificate of occupancy for the building or use.

(4) An approved site plan and design review application shall be valid for a period of two (2) years. If a building permit has not been issued for a site within two (2) years after the date of site plan and design review approval, or if at any time a building permit is not valid or active for a site, the site plan and design review shall be considered expired and a building permit shall not be issued for the site until a new site plan and design review have been approved.

(h) Extension.

(1) Prior to the expiration of the two-year time period, the property owner or authorized representative may submit an application for a site plan and design review extension to the planning division. Extension requests for a site plan and design review originally approved by the city council shall be placed on the next available city council agenda; a site plan and design review originally approved by the development review committee shall be sent to the zoning administrator or designee for review.

(2) A site plan and design review extension shall only be granted if it is determined that all of the following requirements have been met:

(A) The site plan and design review meets the requirements of this ordinance and any other applicable codes, plans and standards in place at the time the site plan and design review extension is requested, unless exempted by the city council.

(B) The applicant has shown good cause for the delay.

(C) The applicant has proposed a timeline to bring about the commencement of construction on the site.

(3) If the required criteria have been met, the city council or zoning administrator or designee, as applicable, may grant a maximum of two (2) extensions, each extension not to exceed a period of one (1) year. If at the end of the extension period a building permit has not been issued or is no longer valid, the site plan and design review shall be considered expired.

(i) Appeal. An appeal of the development review committee's design review decision may be made within fifteen (15) business days of said decision. Upon written request of the applicant, the zoning administrator shall schedule the appeal hearing for regularly scheduled planning commission. The planning commission shall review the site plan and design review application and make a decision as to whether the required findings have been met and approve, approve with stipulations, or deny the appeal. A majority vote of the planning commission shall be necessary to make a finding on the appeal.

**28-7 Administrative relief.**

The zoning administrator or authorized designee may authorize relief of up to ten (10) percent of any development standard. For projects located within a revitalization area, the zoning administrator or authorized designee may authorize relief up to thirty (30) percent of any development standard and may also waive specific non-quantitative development requirements. Notwithstanding the foregoing, the zoning administrator or designee shall not grant relief for any increase or reduction in allowable numbers of stories in a building, any increase or reduction in permitted uses, reduction in parking stall size requirements, or required parking. Any relief authorized will be documented with findings consistent with all of the requirements below and filed with the building permit records, subdivision case file or other Planning Division records:

(a) An application by the property or on behalf of the owner was submitted on a form prescribed by the zoning administrator or authorized representative, and any applicable fees were paid.

(b) Notice, by first-class mail, postmarked at least five (5) days prior to the determination, was given to adjacent property owners determined by the zoning administrator or authorized designee as potentially affected by the request.

(c) The proposed improvement requiring relief will not be detrimental to the property requesting relief, any adjacent property or the city as a whole.

(d) The relief requested is needed due to the unusually small size or irregular shape of the parcel.

(e) The relief granted is the minimum required to meet the needs of the proposed improvement.

(f) The relief shall not be contrary to the purpose and intent of this ordinance.

**28-8 Conditional use permit.**

Some uses that are not permitted by right in a zoning district may be acceptable as conditional uses. A site-specific review is required to determine if the location, design, scale and operation of the use is appropriate at given location. A conditional use permit may only be granted for the conditional uses listed in each zoning category according to the procedure set forth below.

A. Process and procedure.

1. The designation of a use as a conditional use in a zoning district does not convey a right or constitute an assurance that the use will be approved. Each application will be evaluated for compliance with the required findings set forth below. The burden of proof for satisfying these findings rests with the applicant.

2. An application for a conditional use permit shall be submitted on a form prescribed by the planning division with all required deliverables as outlined on the application checklist, including the required fee before the conditional use permit application can be processed.

3. The applicant shall conduct a neighborhood meeting in accordance with section 28-12, below and complete notifications pursuant to section 28-13, below.

4. The planning commission shall hold a public hearing and forward a recommendation to the city council. The planning commission shall base its recommendation on whether or not the information provided is sufficient to meet the required findings. Notifications must be completed pursuant to section 28-13, below.

5. The city council shall hold a public hearing considering the information presented and may accept or reject the planning commission's recommendation with respect to whether the required findings have been met. Notifications must be completed pursuant to section 28-13, below.

6. The city council shall have complete discretion to approve, conditionally approve, or deny a request for a conditional use permit based upon its determination of whether the required findings (set forth in subsection 28-08(b) below) have been met.

(b) Required findings. A conditional use permit may only be approved if all the following findings are met:

(1) That the proposed use (a) is consistent with the land-use designation set forth in the general plan, (b) will further the city's general guidelines and objectives for development of the area, as set forth in the general plan and (c) will be consistent with the desired character for the surrounding area.

(2) That the use will be (a) compatible with other adjacent and nearby land uses and (b) will not be detrimental to persons residing or working in the area, adjacent property, the neighborhood or the public welfare in general.

(3) That the site is adequate in size and shape to accommodate the proposed use, allow safe on-site circulation, and meet all required development standards including, but not limited to, setbacks, parking, screening, and landscaping.

(4) That the site has appropriate access to public streets with adequate capacity to carry the type and quantity of traffic generated by the proposed use.

(5) That adequate conditions have been incorporated into the approval to ensure that any potential adverse effects will be mitigated.

(c) Conditions upon approval. The approval of a conditional use permit may be subject to conditions when necessary to mitigate the potential impacts of the use and ensure land use compatibility. These conditions may include, but are not limited to the following:

(1) Additional requirements for setbacks, open space, screening, parking, lighting and landscaping.

(2) Dedication of public rights-of-way, street improvements and the control of access points or on-site circulation to mitigate traffic impacts.

(3) Limitations on the hours of operation, methods of operation, and phasing of site development.

(4) Time limitations on the duration of the permit to determine if the use, after a temporary period of operation, is materially detrimental to the area or to evaluate whether changed conditions in the neighborhood affect the compatibility of the use or its ability to continue to adequately mitigate the impacts on the surrounding area or the city as a whole.

(d) Expiration. Unless otherwise stipulated, a conditional use permit shall be void if the use approved therein is not commenced within twenty-four (24) months after the date of approval. Once an approved conditional use has commenced, the conditional use permit shall run with the land and continue to be valid regardless of ownership of the site or structure subject to the use permit application, so long as it operates within the conditions, stipulations and terms of the use permit approval.

(e) Modification of conditional use permit. A request to modify, expand, or otherwise change an approved conditional use permit shall be reviewed and processed according to the procedures required for a new application.

(f) Revocation. An approved conditional use permit may be revoked by the city council at a public hearing if the holder thereof fails to comply with the conditions or terms of approval for such conditional use permit. The zoning administrator shall provide notice of the revocation hearing to the conditional use permit holder via certified mail. Additionally, notification of the revocation hearing shall be completed at the city's expense, to include a sign, legal advertisement, and mailing described in section 28-13 below. The decision of the city council with respect to such revocation shall be final.

(g) Reapplication. If a conditional use permit has been denied or revoked, no application shall be accepted by the zoning administrator or designee for a conditional use permit that is (1) for the same or substantially similar use (2) located on the same site and (3) submitted within one (1) year from the date of the final denial or revocation.
(Ord. No. 2045-1220, § 2, 12-7-20)

## 28-9 Zoning Ordinance Text Amendment.

The written regulations set forth in this ordinance may be amended whenever deemed necessary to best serve the public health, safety and general welfare of the city. Amendments to the text of this ordinance shall not be made except through the adoption of an amending Ordinance by the city council after complying with state law and following the procedures prescribed in this section 28-10.

(a) Process and procedure.

(1) Requests for text amendments shall be submitted to the planning division on a form prescribed by the planning division with the required fee. The request may be submitted by the planning division, zoning administrator, planning commission or city council.

(2) A request for a text amendment shall first be heard by the planning commission, which shall hold a public hearing and transmit a recommendation to the city council containing reasons for such recommendation. Notifications must be completed pursuant to section 28-13, below.

(3) The city council shall hold a public hearing and approve, approve with conditions, or deny the request for the amendment. Notifications must be completed pursuant to section 28-13, below.

(4) The recommendation of approval of any amendment by the planning commission shall be void if the amendment has not been adopted by the city council within one (1) year of the planning commission action.

(b) Council discretion. The city council shall consider all of the information provided and may accept or reject the planning commission's recommendation. The city council may approve or reject a zoning ordinance text amendment in its sole legislative discretion; provided that any such amendment shall be consistent with the adopted general plan.

**28-10 Zoning ordinance map amendments (rezoning).**

The boundaries of zoning districts set forth in the zoning map may be amended whenever deemed appropriate by the city council. Amendments to the zoning map shall not be made except through the adoption of an amending ordinance by the city council and following the procedures prescribed in this section 28-10.

(a) Process and procedure.

(1) Requests for map amendments shall be submitted to the planning division on a form prescribed by the planning division with all required deliverables as outlined on the application checklist, including the required fee. A zoning map amendment may be requested by the property owner of land proposed to be rezoned or by the planning division, the zoning administrator, the planning commission or by the city council.

(2) The applicant shall conduct a neighborhood meeting in accordance with section 28-12, below, and complete notifications in accordance with section 28-13, below.

(3) The applicant shall provide certificates of adequate school facilities, in accordance with subsection 28-13(d), below.

(4) A request for a zoning map amendment shall first be heard by the planning commission, which shall hold a public hearing and transmit a recommendation to the city council containing reasons for such recommendation. Notifications must be completed pursuant to section 28-13, below.

(5) The city council shall hold a public hearing and approve, approve with conditions, or deny the request for the amendment. Notifications must be completed pursuant to section 28-13, below.

(6) If the owners of twenty (20) percent or more of lots, calculated according to Ariz. Rev. Stat. § 9-462.04(H), as amended, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three-fourths (¾) of all members of the city council. If any member of the city council is unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths (¾) of the remaining membership of the city council, provided that such required number of votes shall in no event be less than a majority of the full membership of the city council. Written protests must be submitted to the planning division not later than seventy-two (72) hours prior to the city council hearing.

(7) In the event an application is denied by the city council or withdrawn after the planning commission hearing, the city council shall have the authority to refuse to accept another application for any amendment on the same property or part thereof, for a period of one (1) year from the date of denial.

(8) The recommendation of approval of any amendment by the planning commission shall be void if the amendment has not been adopted by the city council within one (1) year of the planning commission action.

(b) Council discretion. The city council shall consider all of the information provided and may accept or reject the planning commission's recommendation. The city council may approve a zoning ordinance map amendment in its sole legislative discretion; provided that any such amendment shall be consistent with the land use designation, goals and objectives of the adopted general plan and any applicable specific plans.

(c) Conditions for approval. The planning commission may recommend and the city council may approve a map amendment conditioned as deemed necessary by the city council in its sole discretion. Any condition of zoning shall be set forth in the ordinance amending the zoning text or map. All conditions of zoning approval shall become part of the regulations governing the use of the property. No building permits shall be issued except in conformity with the conditions of zoning approval.

(Ord. No. 2045-1220, § 3, 12-7-20)

**28-11 Variances and appeals.**

(a) Variance. A variance is not a right. It may be granted to an applicant only if the applicant establishes compliance with the hardship criteria established in Ariz. Rev. Stat. § 9-462.06(G)(2), as amended. Pursuant to Ariz. Rev. Stat. § 9-462.06(H), as amended, no use variance or variance based upon self-imposed hardship shall be granted.

(1) Process and procedure.

(A) Requests for variances shall be submitted to the planning division on a form prescribed by the planning division with all required deliverables as outlined on the application checklist, including the required fee.

(B) The board of adjustment shall conduct a hearing on the variance pursuant to the procedures established in Ariz. Rev. Stat. § 9-462.06, as amended. The board of adjustment shall convene for a hearing within sixty (60) days of the acceptance of the application by the planning division. Notifications must be completed pursuant to section 28-13, below.

(C) Once a variance is approved by the board of adjustment, it is effective and shall run with the land subject to the limitations set forth in this ordinance.

(2) Required findings. The board of adjustment may grant a variance only after all of the findings set forth below have been met:

(A) There are special circumstances or conditions applicable to the property, including size, shape, topography, location or surroundings.

(B) Due to these special circumstances, the strict interpretation of the zoning ordinance would deprive the property of privileges enjoyed by surrounding properties of the same classification in the same zoning district.

(C) The proposed variance is the minimum necessary to alleviate the hardship.

(D) Granting the variance will not (i) change any of the uses permitted in the zoning classification or zoning district (ii) make any changes in the terms of the zoning ordinance or (iii) be detrimental to the property, neighboring properties, the neighborhood or the community in general.

(E) The hardship created by the zoning ordinance is more than a personal inconvenience or financial hardship and was not self-imposed.

(3) Appeals of board decisions. Any appeal from any decision rendered by the board of adjustment shall conform to the criteria and process as established in Ariz. Rev. Stat. § 9-462.06(K), as amended. Said appeal shall be filed within thirty (30) days after the board of adjustment has rendered its decision.

(b) Appeals of decisions of the zoning administrator.

(1) Process and procedure.

(A) A notice of appeal of an administrative decision or interpretation by the zoning administrator shall be submitted by the applicant through the zoning administrator to the board of adjustment within fifteen (15) days from the date of the decision. The board's scope of review shall be limited to determining whether the decision or interpretation by the zoning administrator was in accordance with the intent and requirements of this ordinance. The board shall affirm or reverse the decision of the zoning administrator.

(B) The board shall conduct a public hearing on the appeal pursuant to the procedures established in Ariz. Rev. Stat. § 9-462.06, as amended. The board shall convene for a hearing within sixty (60) days of the acceptance of the application by the zoning administrator or authorized designee. Notifications must be completed pursuant to section 28-13, below.

(2) Appeals of board decisions. Any appeal from any decision rendered by the board shall conform to the criteria and process as established in Ariz. Rev. Stat. § 9-462.06(G)(1), as amended. Said appeal shall be filed within thirty (30) days after the board has rendered its decision.
(Ord. No. 2045-1220, § 4, 12-7-20)

**28-12 Neighborhood meeting.**

The neighborhood meeting is an opportunity for the applicant to meet with citizens and other interested parties to share details of the planning approval request and receive comments regarding the proposal. neighborhood meetings shall conform to the following standards:

(a) The zoning administrator or designee shall notify applicants when they may proceed with a neighborhood meeting, and applicants shall work with the zoning administrator or designee to schedule a neighborhood meeting date, location, and time that is convenient for citizens.

(b) The neighborhood meeting shall be held as early in the review process as feasible to give citizens ample opportunity to comment on the development, but late enough in the review process to ensure that the proposal will not significantly change between the neighborhood meeting and the start of the approval process.

(c) The neighborhood meeting shall be held after a second (revised) submittal of application materials and prior to scheduling of any public hearings.

(d) The applicant shall arrange for the facilities and bear all costs associated with the meeting, including the radius search, an electronic address list, newspaper ad and on-site signage.

(e) Neighborhood meetings shall be scheduled between Monday and Thursday starting after 6:00 p.m. but starting no later than 8:00 p.m. to ensure the majority of residents can attend.

(f) Neighborhood meetings shall be held within the corporate limits of the City of Avondale and at a venue within relative proximity to the project location.

(g) Within four (4) business days of any neighborhood meeting, the applicant shall provide a report summarizing any questions, issues or concerns expressed at the meeting and copy of the sign-in sheet from the neighborhood meeting showing all who attended.

**28-13 Public notification.**

In order to encourage and enhance citizen participation in the development process and to comply with state law, the City of Avondale requires notifications in advance of required neighborhood meetings, planning commission meetings, board of adjustment meetings, and city council meetings.

(a) Mail notification.

(1) The planning division, not less than fifteen (15) calendar days prior to the date of each meeting, shall send a notice by first-class mail to each property owner and Homeowners' Association(s) within one thousand (1,000) feet of the subject property. The applicant is responsible for providing the names and addresses of property owners within this radius in electronic format at the time of application. The public notice shall include a description of the request, the general location of the real property that is the subject of the request, a link to the development plan, if any, and the date, time, and place of the hearing/meeting.

(2) Where land that is the subject of a proposed change abuts or affects adjacent municipalities or unincorporated areas of the county, copies of the notice of public hearing shall be transmitted to the planning agency of the appropriate jurisdiction.

(3) Zoning ordinance text amendments that are not property-specific do not require mail notification.

(b) Newspaper advertisement.

(1) The applicant shall publish a public notice in a display ad covering not less than one-eighth (⅛) of a full page in an official local newspaper of general circulation in the City of Avondale (as determined by the zoning administrator), no less than fifteen (15) days prior to the date of each meeting.

(2) The public notice shall include a description of the request, the general location of the request (if applicable) and the date, time, and place of the hearing. The zoning administrator or designee shall provide the wording for the required newspaper advertisement to the applicant.

(c) Public notice sign.

(1) The applicant shall post a public notice sign at one (1) or more prominent locations on the site as determined by the zoning administrator or designee at least fifteen (15) days prior to the neighborhood meeting or, in the case of variances and appeals, at least fifteen (15) days prior to the board of adjustment meeting. The zoning administrator or designee shall provide a template of the required notice sign to the applicant.

(2) Neighborhood meeting, planning commission, and city council site posting.

(A) The sign shall be four (4) feet in height and eight (8) feet in width.

(B) The sign shall be single-sided and attached to two (2) four-inch by four-inch by eight-foot wood posts, constructed of either laminated plywood or medium density overlay (MDO) board. The sign shall be placed parallel to the street, unless it is not feasible to place the sign parallel to the street, in which case the zoning administrator or designee shall determine the more appropriate location to place the sign.

(C) The sign shall not obstruct the sight visibility triangle for pedestrian and motorist safety.

(D) The color of the sign shall be white with black lettering. Updates with planning commission and city council information shall be in bold lettering.

(E) All information shall be evenly spaced and organized in a readable manner:

i. The phrase "City of Avondale Public Hearing Notice" shall be printed at the top of the sign in a minimum letter size of four (4) inches.

ii. The sign shall contain the case number, project location, description of the request, time, date and location of the scheduled meetings and contact for the City of Avondale. For all applications that require planning commission and city council hearings, if the date, time, and location of the planning commission and city council hearings are unknown at the time of posting, adequate space shall be reserved on the sign to be updated when that information is known. Lettering for this text shall be a minimum of three (3) inches.

(3) Board of adjustment site posting.

(A) The sign shall be two (2) feet in width and three (3) feet in height.

(B) The sign shall be single-sided coroplast or laminated plywood and placed in the ground with either a wood or metal stakes. The sign shall be placed parallel to the street, unless it is not feasible to place the sign parallel to the street, in which case the zoning administrator or designee shall determine the more appropriate location to place the sign.

(C) The sign shall not obstruct the sight visibility triangle for pedestrian and motorist safety.

(D) The color of the sign shall be white with black lettering.

(E) All information shall be evenly spaced and organized in a readable manner:

i. The phrase "City of Avondale Public Hearing Notice" shall be printed at the top of the sign in a minimum letter size of two (2) inches.

ii. The sign shall contain the case number, project location, description of the request, time, date and location of the scheduled public meetings and contact for the City of Avondale. Lettering for this text shall be a minimum of one (1) inch for upper case and one-half (½) inch for lower case.

(4) Within four (4) business days of sign posting, the applicant shall provide pictures of each public notice sign showing the date and time at which the picture was taken, as well as a notarized affidavit stating that each public notice sign was posted in accordance with this ordinance.

(5) It is the applicant's responsibility to keep the sign updated, to keep the sign free of graffiti and to remove the sign within seven (7) calendar days of final action by the city council or board of adjustment. applicant shall provide a notarized affidavit of sign removal to the city's project manager once the sign has been removed.

(d) Proof of adequate school facilities.

(1) The applicant shall notify all applicable public school districts within four (4) business days of the submittal of a general plan amendment, preliminary plat, final plat, rezoning, or site plan/design review request involving a residential component.

(2) The applicant shall provide the planning division with certificates of adequate school facilities from both the elementary school district and high school district whose catchment areas include the property subject to the rezoning request prior to scheduling of any public hearings.

**28-14 Applications and fees.**

A. Applications.

1. Applications for variances, appeals, conditional use permits, zoning ordinance text amendments, zoning map amendments, design review, development plans, design review waivers, administrative relief, seasonal sales permits, house plans, zoning interpretations, zoning verifications, sign permits, and amendments and/or extensions of the above shall be submitted on a form prescribed by the planning division with the required fee.

2. The planning division shall include with the required applications a list of all items typically required for review. At the time of pre-application meeting, the zoning administrator or designee shall determine which items will be required to accompany the application at the time of submittal, at a minimum.

3. Incomplete applications shall not be processed.

B. Fees.

1. Fees for all applications pursuant to this section shall be as determined by the city council as part of the city's annual budget or by separate resolution. A copy of the then-current adopted fee schedule shall be maintained at all times in the planning division.

2. If more than one (1) type of application is requested, the fee shall be the total of all fees for all applications.

3. Fees are non-refundable once submitted to the city.

4. The City of Avondale, when acting in its official capacity, shall be exempt from application fees for any application type authorized by this ordinance.

**28-15 Definitions.**

For the purpose of this ordinance, certain terms and words are hereby defined as set forth below. Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter, and the singular number includes the plural and the plural the singular; the word "shall" is mandatory and not permissive; the word "person" includes individuals, partnerships, corporations, clubs and associations. The following words or terms, when applied in this ordinance, shall carry full force when used interchangeably: lot, plot, parcel, premises or site; used, arranged, occupied, or maintained; adjoining, abutting, contiguous to, bordering, or adjacent to; sold or dispensed; construct, reconstruct, erect, alter (structurally or otherwise) but not the term maintenance. The word "used" shall be deemed also to include

designed, intended or arranged to be used. "Board" shall mean board of adjustment; "commission" shall mean the City of Avondale planning commission; "council" shall mean the City of Avondale City Council.

"Abutting:" Adjacent to.

"Accessory building:" A detached subordinate building containing an accessory use and situated on the same lot as the main building.

"Accessory use:" A subordinate use of a building, other structure, or tract of land that is both: (A) clearly incidental and customary to the use of the principal building or other structure or use of land and (B) located on the same zoned lot with the principal building, other structure or use of land.

"Adult day care:" A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a twenty-four-hour day in a place other than the adults' own home. No overnight sleeping facilities are provided.

"Alley:" A right-of-way, dedicated to public uses that gives a primary or secondary means of vehicular access to the rear or side of properties otherwise abutting a street.

"Amusement park:" An outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including, but not limited to, rides, booths for the conduct of games or sale of items and buildings for shows and entertainment.

"Analogous use:" A land use deemed by the zoning administrator to be similar enough to another use as to not have a significantly different effect on surrounding properties.

"Antique or collectible store:" A store that sells or consigns to sell items which are, by their style, design, or use, commonly considered to be of another era or age, a collectible or of an heirloom quality. These items shall be in proper working order or restorable to working condition. Second-hand or thrift items are not considered antiques.

"Apartment:" An individual dwelling unit within an apartment building.

"Apartment building:" Four (4) or more attached dwellings, each of which has its own private sleeping, sanitation and cooking facilities, that are typically rented or leased on a monthly basis. For the purposes of this ordinance, an apartment or apartment building shall be considered a multi-family dwelling.

"Apiary:" A structure where bees are kept.

"Archeological resources:" Any material of past human life, activities, or habitation that are of historic or prehistoric significance. Such material includes, but is not limited to, pottery, basketry, bottles, weapon projectiles, tools, structures, pit houses, rock paintings, rock carvings, graves, skeletal remains, personal items, clothing, household or business refuse, printed matter, manufactured items, or any piece of the foregoing items.

"Arizona nursery association (ANA):" The professional trade organization dedicated to the promotion and advancement of the nursery industry for its members and the public they serve.

"Ariz. Rev. Stat.:" The Arizona Revised Statutes, as amended.

"Assisted living facility:" A facility served by a common kitchen that provides living quarters and assistance to residents for daily living activities such as bathing, dressing, taking medications and transportation, and may include nursing homes, hospice facilities, and other similar uses.

"Auto service and diagnostic facility:" A facility designed to provide limited servicing of automobiles, including, but not limited to, brakes, oil changes, and tune ups, excluding any facility which performs body work, engine repair, transmission overhauls, or other major repair or reconditioning.

"Automobile, boat, recreational vehicle, or motorcycle sales and/or leasing:" The display, sales and/or rental of new or used automobiles, boats, recreational vehicles and motorcycles, where service and repair may occur as an accessory use within a fully enclosed building.

"Aviary:" An enclosure for confining birds and fowl.

"Bar:" An establishment, including, but not limited to, a cocktail lounge, or tavern, the main use of which is to serve beer, wine and liquor for on-site consumption. Such facility may also serve food but are differentiated from night clubs because they do not provide for dancing and live entertainment.

"Bed and breakfast inn:" A private residence that provides lodging and meals for guests at which: (A) the host or hostess resides in the principal residence; (B) no more than four (4) guest rooms are used for lodging at the same time; (C) the host or hostess may advertise and accept reservations, but shall not hold itself out to the public to be a restaurant or hotel; and (D) food and spirited beverages are served only to overnight guests. Any dwelling in which more than four (4) guest rooms are provided shall be deemed a hotel.

"Block:" That property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, or nearest intersecting street and railroad right-of-way, unsubdivided land, waterways, but not an alley, of such size as to interrupt the continuity of development on both sides thereof.

"Boarding house:" A single-family detached or attached dwelling unit in which any of the rooms are rented or leased to persons on a transient basis, but which does not include group homes, dormitories, convalescent homes, nursing homes, substance abuse detoxification centers or substance abuse treatment centers.

"Brewery ancillary to a restaurant or brewpub:" A restaurant that includes the brewing of beer on-site as an accessory use.

"Buffer:" An area of land, that may include landscaping, berms, walls, fences, building setbacks, or a combination thereof, that is located between land uses of a different character and is intended to mitigate negative impacts of the more intense use.

"Buffer, landscape:" A landscaped area located on the perimeter of a site that serves to screen the visual impacts caused by the differences in use.

"Building:" Any structure, either temporary or permanent, having a roof and used or built for the shelter and enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building.

"Building addition:" Any extension or increase in floor area or height of a structure.

"Building, closed:" A structure completely enclosed by a roof and walls of approved construction.

"Building coverage:" That portion of a lot occupied by any building or structure, including those buildings or structures not intended for human occupancy, calculated by dividing the total building ground floor area by the net site area. Open carports within parking lots in multi-family, commercial, and employment districts shall not count toward the building coverage calculation.

"Building façade:" The exterior elevation of a building structure excluding any porches, overhangs, covered walkways, drive through covers or similar appendages.

"Building footprint:" The outline of the total area covered by a building's perimeter at the ground level.

"Building ground floor area:" The total area of the largest floor under roof, measured from the exterior faces of exterior walls, and not including the sum of the several floors of a multi-story building. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

"Building height:" The vertical distance measured from the adjacent grade level to the highest level of the roof surface of flat roofs, to the deck line of mansard roofs or to the mean height between eaves and ridge for gable, gambrel or hip roofs.

"Building, main:" A building, or buildings, in which is conducted the principal use of the lot on which it is situated. In any residential district, the primary dwelling shall be deemed to be the main building of the lot on which the same is situated.

"Building permit:" A permit issued by the duly designated building official authorizing the erection, construction, reconstruction, alteration, repair, conversion or maintenance of any building, structure or portion thereof, where required by the city's adopted building codes.

"Cacti:" Any family of plants that have fleshy stems and branches with scales or spines instead of leaves and that is capable of storing water and requiring no supplemental irrigation.

"Caretaker's quarters:" An accessory dwelling on non-residential premises that is occupied by the person who oversees the nonresidential operation twenty-four (24) hours per day, and his or her family.

"Carport:" A covered parking space open on one (1) or more sides that is intended and available for use at an automobile shelter.

"Carwash, self-service:" A facility for cleaning the exterior and interior of motor vehicles. Self-service means that the owner/operator either uses equipment such as a wash wand to wash the vehicle manually or remains in the vehicle while automated equipment in a tunnel design washes the exterior of the vehicle. In both types of self-service, the owner/operator of the vehicle cleans the interior of the vehicle and no employees of the facility touch the vehicle except potentially to pre-scrub the exterior prior to its entering the wash tunnel.

"Carwash, full-service:" A facility for cleaning the exterior and interior of motor vehicles where employees clean the interior and exterior of the vehicle, either by hand or using automated equipment, prior to returning the vehicle to the owner/operator.

"Child care:" The care, supervision and guidance of children, unaccompanied by the parent, guardian or custodian, on a regular basis for less than twenty-four (24) hours per day, in a place other than the child's own home.

"Child care center:" Any building or portion thereof used primarily for child care for compensation including nursery schools, preschools and day care centers.

"Cigar bar/tobacco lounge:" An establishment that specializes in the sale of cigars and other tobacco-related paraphernalia, and allows patrons to smoke tobacco products on site. The consuming of tobacco products on site shall conform to the Arizona law.

"Clinic:" A building in which one (1) or more physicians work including supplying pharmaceutical and optical needs, conducting medical tests, or other common ancillary uses to a medial office, without overnight patient occupancy.

"Club or social/private club:" An association of persons (whether or not incorporated), religious or otherwise, for social purpose, but not including groups that are organized primarily to render a service carried on as a business for profit.

"Commercial center:" Any property with a minimum land area of ten (10) acres developed with a multi-tenant office or retail development.

"Commercial sporting complex:" An indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised sports. Such facility may also provide other regular organized or franchised events, health and fitness club facilities, swimming pool, snack bar, restaurant and other support facilities. Such a facility may be publicly or privately owned and publicly or privately operated.

"Commercial vehicle:" Every device by which any person or property is or may be transported or drawn, including, but not limited to, automobiles, trucks, trailers, and utility trailers, that is being used or is customarily used for the furtherance of a commercial enterprise.

"Community garden:" A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants that is utilized by more than one (1) person or family.

"Conditional use permit:" A permit issued that allows the city to impose additional development standards on that proposed use after consideration of adjacent uses and their functions and the special impacts that the proposed use may cause.

"Condominium:" Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by owners of the separate portions.

"Consignment shop:" A retail establishment where previously-owned merchandise, such as clothing, jewelry or furniture is consigned to a dealer who collects a fee and pays the seller after the merchandise is sold, but shall not include stores selling consigned vehicles, auto parts, scrap or waste. Consignment shops are distinct from thrift stores, pawn shops and non-consignment secondhand retail stores.

"Convalescent home:" A facility served by a common kitchen that provides living quarters and medical care to non-elderly residents recovering from non-chronic illness or injury, and which is licensed by the State of Arizona as a nursing home.

"Corral:" A fenced area or enclosure intended for the confinement of livestock for feeding, shelter, or other purposes, not to be confused with a pasture used for the grazing of livestock.

"Crown:" The branches, twigs and leaves that make up the foliage portion of the tree.

"Curb line:" The line at the face of the curb nearest the street or roadway. In the absence of a curb, the curb line shall be established by the city engineer.

"Day labor hiring center:" A for-profit or non-profit facility at which job seekers congregate to be hired by the day or by the job for short periods of time by third parties.

"Day spa:" A business establishment that provides professionally administered personal care treatments such as manicures, pedicures, massages and facials.

"Density:" The number of dwelling units permitted per net acre of land.

"Department:" The City of Avondale Development and Engineering Services Department.

"Design guidelines:" See design manuals.

"Design manuals:" The adopted Avondale Commercial and Industrial Design Manual, Single-Family Residential Design Manual, and Multi-Family Design Manual as amended.

"Development review committee:" See section 28-5 above.

"Director:" The person designated by the Avondale City Manager to oversee the department.

"Disability:" The term "disability" means, with respect to an individual: (A) a physical or mental impairment that substantially limits one (1) or more major life activities of such individual; (B) a record of such an impairment or (C) being regarded as having such an impairment. For purposes of this definition, a qualified individual with a disability shall not include an individual who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use, except as provided in 42 U.S.C. § 12210. The term "illegal use of drugs" means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act, 21 U.S.C. § 812. Such term does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law. The term, disability, shall be interpreted in a manner consistent with the definition of disability in the Americans with Disabilities Amendment Act of 2008.

"Discount store:" A retail store that specializes in the sale of inexpensive merchandise typically priced below five dollars.

"Distribution:" See "warehousing".

"Dormitory:" A structure specifically designed for a long-term stay by students of a college, university, institute or nonprofit organization for the purpose of providing rooms or apartments for living purposes, and may include one (1) common kitchen and some common gathering rooms for social purposes.

"Drive aisle:" A paved surface that connects a driveway with a parking lot aisle.

"Drive-through lane:" A paved surface assigned to a specific drive-through use that is used for the purpose of conducting a business transaction without requiring a driver to exit a vehicle, and which is designed of sufficient length to accommodate vehicular queuing.

"Driveway:" An unobstructed paved area directly connecting a public or private street with vehicle parking, loading or maneuvering areas.

"Dwelling or dwelling unit:" A building or portion of a building designed or used by one (1) family, as that term is defined in this section, for residential purposes as a single housekeeping unit, but not including convalescent homes, hospices, assisted living facilities, hospitals, hotels, and other accommodations for the transient public.

"Dwelling, attached:" Single-family dwellings attached in groups of two (2) or more by common vertical walls.

"Dwelling, detached:" A single-family dwelling that is not attached to any other dwelling by any means.

"Dwelling, duplex:" A building containing two (2) single-family dwelling units totally separated from each other by an un-pierced wall extending from the ground to the roof.

"Dwelling, multi-family:" A building containing four (4) or more dwelling units.

"Dwelling, single-family:" A building containing one (1) single-family dwelling unit.

"Dwelling, triplex:" A building containing three (3) dwelling units.

"Emergency medical care facility:" A facility providing medical care to human beings by licensed medical personnel on an outpatient basis. No sleeping facilities or provisions for overnight stays are provided. Commonly known as "urgent care centers".

"Employee:" With respect to article 10 only, a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

"Employment agency:" A business that charges a fee for providing information and placement services to candidates seeking employment and/or clients looking for qualified candidates through which candidates register with the agency, but do not wait on-site or at a central location for full time, part time, or temporary assignments and at which vocational guidance, employment counseling, resume writing, executive recruitment, payroll processing and similar personnel services may also be offered.

"Entertainment:" An engaging or diverting presentation of, or participation in, activities including, but not limited to, live singing, dancing, musical instrumentation, dramatic or prosaic presentations or poetic activities, but excluding adult live entertainment.

"Event:" A commercial, promotional, motorsports, sports or entertainment activity taking place at or on a major sports and entertainment district zoned property. Events may occur within the major sports and entertainment venue, within the surrounding parking areas, or both.

"Event day:" Any day upon which an event is scheduled to take place in advance at or in a major sports and entertainment venue.

"Evergreen tree or shrub:" A tree or shrub of a species that normally retains its leaves/needles throughout the year.

"Extended stay hotel:" Any building, other than a boarding house, containing four (4) or more guest rooms that are used, rented or hired for sleeping purposes by transient guests and contain kitchen facilities for food preparation including, but not limited to, stoves and ovens.

"Family:" One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or legal adoption, no such family contains more than six (6) non-transient unrelated persons, except where disability requires that more than six (6) unrelated persons reside together. This definition shall not include any society, club, coterie or organization that is not a recognized religious order nor does it include any group of individuals whose association is temporary or seasonal or similar to a resort, boarding house, hotel or whose association is for an anticipated limited duration or for a determinable period such as a school term.

"Farm animals:" Domesticated animals traditionally raised and kept for food, fiber, feathers, labor or riding. This includes horses, cattle, sheep, goats, swine, fowl, rabbits and other similar animals and birds.

"Fence:" A barrier that serves to enclose an area intended to prevent intrusion or maintain inclusion at the boundary's limits. A fence shall not be considered or used in place of a required landscape screen wall.

"Flex space:" Space that provides a flexible configuration of office or showroom space combined with other uses such as laboratory, manufacturing, storage, light assembly, warehouse, and/or distribution.

"Floor area ratio:" The ratio of gross floor area to the net site area of the building site.

"Fowl:" Chickens, turkeys, ducks, geese, guinea fowl and peafowl.

"Freeway:" For the purposes of this ordinance, freeway shall mean Interstate-10 or other limited access highway, including all traffic lanes, ramps, appurtenances and undeveloped or unpaved land within the associated Arizona Department of Transportation right-of-way.

"Garage:" A fully enclosed structure, or part thereof, used for the parking and storage of vehicles.

"Garage sale:" A general sale, open to the public, conducted on a premises on which a residential dwelling is located, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," or "rummage" sale.

"Gas station:" A place of business having pumps and/or storage tanks from which motor vehicle fuel is dispensed at retail into a motor vehicle or an approved container with accessory activities that may include the retail sale and installation of minor automobile parts and accessories, retail sales of food, drink and other convenience items, automobile washing, inspections or other routine vehicle maintenance, but shall not include major automotive repair work such as engine overhauling, body and fender repair, or painting.

"Grade:" The top of curb, or top of crown of a street where no curb exists, as established at the midpoint of the front of the lot used for establishing building heights.

"Gross floor area:" The sum of the gross areas of all floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls separating two (2) buildings, but not including underground parking spaces, uncovered stairwells or exterior balconies.

"Groundcover, non-vegetative:" Landscape materials that are not living. These materials include, but are not limited to, decomposed granite, gravel, crushed rock, boulders, river rock or other similar materials. Pavement shall not be considered groundcover for the purposes of landscaping.

"Groundcover, vegetative:" Living landscape materials characterized by horizontal as well as vertical growth but which generally do not exceed eighteen (18) inches in height. The intent of groundcover plants, when properly installed, is to form a continuous cover over the ground.

"Group home:" Housing occupied by unrelated persons who live in a dwelling because of a disability and may include staff persons, who may or may not be domiciled in the dwelling, who provide support services, including, but not limited to, domestic, medical, rehabilitation, or other similar services.

"Guest house:" A building used to house guests of the occupants of the main building, which is not rented or leased separately from the main building.

"Health and exercise center:" A building or portion of a building designed and equipped for the conduct of sports and exercise activities, or other customary and usual athletic recreational activities by individual persons or small groups, not to include stadiums, arenas, race tracks, or other large venues designed for spectator sports.

"Historic building:" Any building that is listed on the National Register of Historic Places, the Arizona Register of Historic Places, or that has been determined eligible for inclusion on the National Register of Historic Places by the Arizona State Historic Preservation Office.

"Home child care:" Any dwelling in which child care is provided as an accessory use, with or without compensation.

"Home occupation:" Any occupation or profession carried on by a member of a family residing on the premises that is clearly incidental to the use of the structure for dwelling purposes and which does not change the exterior character of the premises in any way. Home occupation does not include the operation of a group homes.

"Horse ranch:" A facility at which the breeding and raising of horses for sale is conducted.

"Hospice:" A facility or service that provides care for the terminally ill patient and support to the family. The care, primarily for pain control and symptom relief, can be provided in the home or in an inpatient setting. A hospice shall be considered an assisted living facility for the purposes of this ordinance.

"Hospital:" An institution licensed by the State of Arizona that provides medical, surgical, or psychiatric treatment and care to humans by State licensed medical personnel for the sick and injured on an ongoing basis twenty-four (24) hours a day, three hundred sixty-five (365) days a year.

"Hotel:" An establishment, other than a boarding house, containing five (5) or more guest rooms that, for a fee, provides temporary sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture, bed linens, telephone and desk service, as well as related ancillary uses including, but not limited to, conference and meeting rooms, restaurants, bars and recreational facilities.

"Household pets:" Small animals that are generally suited for residences and customarily kept for home companionship, hobbies or personal enjoyment. This includes, but is not limited to, cats, potbellied pigs, and dogs.

"Impound lot:" A facility that provides temporary outdoor storage of motor vehicles that are (A) to be claimed by titleholders or their agents, (B) not stored at said facility for more than forty-five (45) days and (C) operable and licensed at all times during such storage.

"Incidental commercial sales:" Commercial sales operated in conjunction with, upon the same premises as, and solely in support of similar uses located or planned within a business park development or conducive and subordinate to future business park and industrial uses.

"Independent living facility:" An apartment building designed to be occupied by elderly or retired persons of a specific age, generally over the age of 55. Independent Living Facilities may include common dining areas, but, because the dwelling units have individual kitchens, residents are typically not required to use these dining facilities.

"Indoor commercial recreation/entertainment use:" An indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised sports. Such facility may also provide other regular organized or franchised events, health and fitness club facilities, swimming pool, snack bar, restaurant, retail sales of related sports, health, or fitness items, and other support facilities.

"Interior property line:" A recorded property line of a parcel or lot that is located within the area circumscribed by a recorded plat but not abutting public right-of-way.

"Joint use parking:" Use of the same parking spaces by adjacent uses that have staggered peak periods of demand, thereby reducing the amount of land consumed by parking. Also known as "shared parking".

"Kennel:" Any commercial establishment at which dogs and cats are bred or raised for sale, boarded or cared for, exclusive of dental, medical or surgical care.

"Laboratory:" A building, or portion thereof, used or intended to be used for scientific experimentation, observation, testing or analysis.

"Landscape architect:" A person registered to practice landscape architecture in the State of Arizona.

"Landscape maintenance schedule:" A submitted and approved document describing the planting and irrigation protection plan that will cover a planting installation's short term and long term maintenance requirements.

"Landscape material:" Any materials, vegetative and non-vegetative, used for the purpose of landscape improvements which may include, but shall not be limited to, the following: trees, shrubs, groundcovers, turfs, vines, berms, non-vegetative groundcover materials, irrigation equipment, fences and walls.

"Landscape plan:" A graphic representation of the development site depicting the locations of all existing and proposed landscape improvements to be present on the site at the completion of project construction.

"Landscaping:" An exterior improvement of property in accordance with an approved landscape plan and utilizing approved landscape materials.

"Licensee:" With respect to article 10 only, a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

"Livestock:" Cattle, horses, sheep, goats and similar animals, excluding swine.

"Lot:" A parcel of land created legally through a minor land division or plat, or two (2) or more contiguous parcels legally created to be used as a unit under the provisions of this ordinance, as shown in the records of the Maricopa County Recorder's Office, and having its principal frontage on a street. In any district where a half-street has been dedicated not less than twenty-five (25) feet in width, lots facing on such half-street shall be deemed to have frontage on a street.

"Lot, corner:" A lot located at the intersection of two (2) or more streets. A corner lot shall be considered to be on the block that the lot fronts.

"Lot, interior:" A lot having only one (1) side on a street.

"Lot, internal:" A lot within a planned shopping center having no street frontage but accessible to public streets through private infrastructure and access easements.

"Lot, key:" An interior lot, one (1) side of which is contiguous to the rear line of a corner lot.

"Lot length:" The length (or depth) of a lot shall be determined as follows:

(a) If the front and rear lines are parallel, the shortest distance between such lines.

(b) If the front and rear lines are not parallel, the distance between the midpoint of the front lot line and the midpoint of the rear lot line.

(c) If the side lot lines are not parallel, the shortest distance between the front lot line and a line parallel to the front lot line, not less than ten (10) feet long lying wholly within the lot.

"Lot line, front:" The front lot line of a lot shall be determined as follows:

(a) "Corner lot:" The front lot line of a corner lot shall be the property line abutting the lower adjacent street classification. If both abutting streets are the same classification, the front property line shall be the shorter of the two (2) lines adjacent to the streets. Where the lines are equal, the front lot line shall be that line which is obviously the front by reason of the prevailing custom of the other buildings on the block. If such front is not evident, then either may be considered the front of the lot, but not both.

(b) "Interior lot:" The front property line of an interior lot shall be the line bounding the street frontage.

(c) "Through lot:" The front property line of a through lot shall be that line which is obviously the front by reason of the prevailing custom of the other buildings on the block. Where such front property line is not obviously evident, the board of adjustment shall determine the front property line.

"Lot line, rear:" The rear property line of a lot is that lot line opposite to the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line of not less than ten (10) feet long, lying within the lot and parallel to the front property line. In the event that the property line is a curved line, then the rear property line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.

"Lot line, side:" The side property lines of a lot are those lot lines connecting the front and rear property lines of a lot.

"Lot, through:" A lot contiguous to two (2) parallel or approximately parallel streets.

"Lot width:" The width of a lot means the horizontal distance between the side lot lines measured at right angles to the lot depth line (axis) at a point midway between the front and rear lot lines.

"Maintenance, building or site:" The replacing of a part or parts of a building or site that have been made unusable by ordinary wear and tear, or by the weather.

"Maintenance, landscaping:" The process of keeping a landscape healthy, clean, safe and attractive by landscape irrigation management, general care of landscape areas, including, but not limited to, weeding, erosion control and re-vegetation, turf care maintenance, ornamental pest control, seasonal flower color programs, professional tree care and water feature maintenance.

"Major sports and entertainment venue:" A commercial structure consisting of tiered seats around a field, court or racetrack, intended to be used for the viewing of sporting events but which may also be used for entertainment and other public gathering purposes and which may also include food service facilities and other accessory uses customarily associated with the operation of the venue.

"Manufactured home:" A mobile home manufactured or constructed in accordance with the Federal Manufactured Home Construction and Safety Standards (42 USC 5403), as amended.

"Manufactured home park:" Any area or tract of land designed for the parking or other type of installation of manufactured or mobile homes on spaces or lots offered for lease or rent, including all improvements, buildings, structures, recreation areas or other facilities for the use of the residents of such development.

"Manufacturing and assembly, heavy:" The manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials whose process typically produces noise, dust, odors and/or vibrations detectable outside of the building.

"Manufacturing and assembly, light:" Manufacturing from predominantly previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging, but excluding basic industrial processing and taking place entirely within doors and producing no detectable noise, dust, odors or vibrations outside the building.

"Marijuana establishment:" Means an entity licensed by the Arizona Department of Health Services to operate all of the following:

1. A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.

2. A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

3. A single off-site location at which the licensee may manufacture marijuana and marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

Marijuana establishments shall not include marijuana testing facilities as defined in Ariz. Rev. Stat. § 36-2850.

"Marquee:" A permanent roof-like structure extending from part or the entire building facade over a walkway either within or outside the public right-of-way and constructed of some durable material such as metal, glass or plastic.

"Massage:" The manipulation of body muscle or tissue by rubbing, stroking, kneading or tapping, by hand or mechanical device.

"Massage or day spa:" An establishment where massage is administered by someone other than a medical practitioner, chiropractor, physical therapist or similar person licensed by the State of Arizona.

"Massage therapy:" Massage administered for medical purposes by a medical practitioner, chiropractor, physical therapist or similar person licensed by the State of Arizona.

"Master planned development:" A self-contained development under unified ownership, often with a mixture of land uses, planned and developed as a whole in a single phase or programmed in a determined series of phases, and in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots.

"Medical marijuana:" "Marijuana" for "medical use" as those terms are defined in Ariz. Rev. Stat. § 36-2801, as amended.

"Medical marijuana dispensary:" A nonprofit medical marijuana dispensary (as defined in Ariz. Rev. Stat. § 36-2801, as amended) duly registered and certified pursuant to Ariz. Rev. Stat. § 36-2804, as amended.

"Medical office:" A room or group of rooms used exclusively by physicians, dentists or similar personnel for the treatment and examination of patients solely on an outpatient basis.

"Mini-storage warehouse:" A facility that leases space to individuals or to small businesses wherein the rented spaces, known as "units", are secured by the tenant's own lock and key.

"Mobile food vendor:" A food establishment that is readily movable and that dispenses food or beverages for immediate service and consumption from any vehicle.

"Mobile home:" A structure at least eight (8) feet in width and thirty-two (32) feet in length, built on a permanent chassis and designed to be used as a dwelling unit.

"Motor vehicle:" Defined as set forth in Ariz. Rev. Stat. § 28-101, as amended.

"Multiple-trunk tree:" A tree with more than one (1) main trunk. To be considered a multiple-trunk tree, additional trunks should originate either from the soil line or no higher than twelve (12) inches above ground. Any tree that has additional trunks (scaffold branches) higher than twelve (12) inches is not considered a multiple-trunk tree.

"Multi-tenant non-residential development:" A development site for a shopping center, office park or commerce park whereupon a number separate commercial and/or employment activities are located and in which there are appurtenant shared facilities, such as parking and pedestrian walkways. Distinguishing characteristics of a multi-tenant non-residential development may, but need not, include common ownership of the real property upon which the development is located, common wall construction, and multiple-occupant commercial use of a single structure.

"Mural:" A non-commercial message, picture, scene, or diagram exhibited on the outside wall of a building or structure through application of paint, canvas, tile, panels or similar materials such that the wall becomes the background surface or platform for the mural. A mural shall be considered a wall sign or

commercial message if it contains words, logos, trademarks or graphic representations of any person, product or service for the purpose of advertising or identifying a business. Explanatory wording relative to the artwork may be incorporated into the mural.

"Natural vegetative screen:" A solid visual barrier designed and installed with long-lived plant material to conceal areas used for refuse, mechanical equipment, parking, and service and loading bays from street and public views and to separate potential incompatible land uses.

"Net floor area:" The total square footage of interior floor areas, interior courtyards, outdoor storage areas, and outdoor dining areas, exterior walkways, parking areas and landscaped areas, excluding the thickness of exterior walls.

"New urbanism:" The process of reintegrating the components of modern life (i.e. housing, workplace, shopping, and recreation) into compact, pedestrian-friendly, mixed-use neighborhoods served by transit and set in a larger regional open space framework.

"Night club:" A place of entertainment, open at night usually serving food, beer, wine and liquor and providing music and space for dancing.

"Non-chartered financial institution:" A business, other than a state or federally chartered bank, credit union, mortgage lender or savings and loan association, that offers check cashing services, vehicle title loans and loans for payment of a percentage fee. Specifically included are, check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument and loan businesses that make loans upon assignments of wages to be received or collateral, such as a vehicle title.

"Non-conforming buildings, uses, and lots:" See subsection 28-1(f).

"Non-consignment secondhand retail store:" A retail establishment where previously owned merchandise, such as household goods and electronics, small appliances, books, toys, sports/recreational equipment, clothing, jewelry, shoes, and fashion-related accessories, is sold. This use specifically excludes donated items from being sold. This classification does not include secondhand motor vehicles, parts, or accessories, and large appliances.

"Nursing home:" A facility served by a common kitchen that provides living quarters and medical care to elderly and chronically ill residents, and which is licensed by the State of Arizona as a nursing home.

"Office:" A room or group of rooms used for conducting the affairs of a business, profession, service industry or government.

"Off-street parking space:" A paved and properly drained area, enclosed or unenclosed (unless specified), permanently reserved for parking one (1) automobile.

"Open space:" Areas within a development that are either improved or unimproved, and are designated and intended for the common use or enjoyment of the residents, guests and patrons for leisure time activities or for aesthetic enhancement of the development. Said areas are comprised active and passive recreation areas, and improvements as are necessary and appropriate for the intended users.

"Open space, active:" Open space that is improved and set aside, dedicated, designated, or reserved for recreational facilities such as swimming pools, play grounds, ball fields, court games, picnic tables or other activities.

"Open space, passive:" Passive open spaces are unimproved areas used for recreation activities typically undertaken on an individual or small group basis. Passive recreation may include activities such as hiking, bird watching, nature observation, canoeing, jogging, bicycling, horseback riding or other non-motorized trail-oriented activities requiring only limited modifications to the natural landscape. Non-trail oriented activities such as boating, fishing; environmental education, and picnicking are also considered passive recreation.

"Outdoor dining:" An accessory to a restaurant use that is located on private property and used exclusively for dining, drinking and pedestrian circulation.

"Parapet:" The portion of a wall that extends above the roof line.

"Parcel:" A lot or a contiguous group of lots under common ownership and/or control that are considered a single development site.

"Palm tree:" A vertical palm that can reach twenty (20) feet or greater in height upon maturity.

"Park tree:" Any tree, shrub, bush and all other woody vegetation in public parks and all other public lands owned by the city, or to which the public has free access as a park.

"Parking lot:" A parcel of land upon which members of the general public may park their vehicles at no cost for the purpose of utilizing a use or facility.

"Parking lot aisle:" The areas immediately adjacent to parking stalls that permit maneuvering of cars entering and leaving the parking stalls, and which connect the parking stalls to the driveway or drive aisle.

"Parking lot, commercial:" A parcel of land upon which members of the general public may park a vehicle by paying a charge or fee for said usage to the landowner or his agent.

"Patio home:" An attached or detached single-family dwelling constructed with no side yard on one (1) or more sides of the lot.

"Paved surface:" A surface of masonry, concrete (including stamped/colored concrete) or asphalt. Properly compacted decomposed granite so as to provide an all-weather surface may be an acceptable paved surface for storage uses only.

"Pawn shop:" An establishment where money is loaned on security of personal property left in pawn and pledged as collateral, and where the pledged property may be sold to the public if not redeemed by the pledgor within a fixed amount of time.

"Permeable paving:" A specific type of pavement with high porosity that allows rainwater to pass through it and into the ground below. Permeable pavement shall be in the form of pervious concrete, plastic grids, permeable interlocking concrete pavers, permeable clay brick pavers, resin bound decorative paving, and bound recycled glass porous pavement.

"Person:" An individual, proprietorship, partnership, corporation, association or other legal entity.

"Pet boarding and day care facility:" A commercial establishment where domestic pets are temporarily housed within separate indoor units. This does not include the breeding, raising, or sale of animals. Pet grooming, training, veterinary care, or the sale of pet products may occur as accessory uses.

"Place of worship:" A permanently located building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body to sustain public worship and related uses.

"Planning division:" The division within the Department responsible for planning, zoning and development-related activities.

"Plant material:" All vegetative landscaping material.

"Plate line:" The point at which any part of the roof structure first touches or bears upon an external wall.

"Primary elevation:" The side of a commercial, office, or industrial building or tenant suite that contains the main entrance. In instances where there is no singular main entrance, the primary elevation shall be the building's most significant side as determined by the zoning administrator.

"Profession:" An occupation involving the dispensation of a service that involves either some skill or knowledge, or that requires connections to other business not easily or readily available to the general public (examples are lawyers, architects, financial services, stockbrokers, detective agencies, engineers, land use planners, etc.) A distinction is made between purveyors of professions and purveyors of merchandise or repair of articles.

"Property line:" See "lot line".

"Public art:" Any work of art created by visual artists or public context designers that is sited in a public place for people to experience and encounter on a daily basis in the public sphere. Public art can include murals, outdoor sculptures or infrastructure such as public fixtures, furniture and other functional elements.

"Public art, exterior:" Art displayed in the region that is outside and in front of a building.

"Public art, interior:" Art displayed in the inner part of a building, including foyers and internal courtyards, that is accessible to the general public during all hours.

"Public service:" A service performed for the benefit of the public, typically by a governmental entity or nonprofit organization.

"Public uses:" Public use includes, but is not limited to, streets, highways, government buildings, parks, water reservoirs and treatment facilities, flood control, public theaters, safety facilities, bridges, public utilities, and canals.

"Queuing space:" A temporary waiting area for motor vehicles generally associated with a drive-through use or egress from a site. Also known as "stacking space".

"Recreational vehicle:" A vehicle designed and/or used for living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place, including automobiles when used for living or sleeping purposes and including pick-up coaches (campers), motorized homes, boats, travel trailers and camping trailers, none of which meet the specifications required for a manufactured home.

"Recreational vehicle park:" Any lot, tract, or parcel of land used or offered for use in whole or in part for the rental of sites for the parking of three (3) or more recreation vehicles, but not including mobile home parks or subdivisions.

"Rehabilitation facility or hospital:" A facility or hospital that specializes in providing therapy and training for persons overcoming physical or mental illnesses. The center may offer occupational therapy, physical therapy, and special training such as speech therapy.

"Resort:" A group or groups of buildings containing more than five (5) dwelling units and/or guest rooms and providing outdoor recreational activities which may include golf, horseback riding, swimming, shuffleboard, tennis and similar activities. A resort may furnish services customarily furnished by a hotel, including a restaurant, cocktail lounge and convention facilities.

"Restaurant, drive-through:" A restaurant, most often a fast food restaurant, where prepared food and drink are sold for consumption by order from vehicular passengers outside the structure. Drive-through restaurants may also provide interior areas for ordering and dining.

"Restaurant, fast-food:" An establishment engaged primarily in the business of preparing food and purveying it on a self-service or semi self-service basis. Customer orders and/or service may be by means of a walk-up counter or window designed to accommodate automobile traffic. Consumption may be either on or off the premises.

"Restaurant, without drive-through:" An establishment where food and beverage are served to the public on demand from a menu during stated business hours, served in reusable containers and dinnerware, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches, or stools, where food sales constitute more than fifty (50) percent of the gross sales receipts for food and beverages. Full service restaurants may provide take out service and/or outdoor seating as an accessory.

"Retail:" The business of selling personal property directly to the ultimate consumer for any purpose other than for resale.

"Retention basin:" A basin designed for the retention of stormwater, having a depth in excess of eighteen (18) inches and a permeable surface.

"Revitalization area:" An area that has become undesirable for typical development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired value or which prevent normal development or use of property.

"Right-of-way:" An area of land not on a lot or site that is dedicated for public or private use to accommodate a transportation system and/or public utility infrastructure (including, but not limited to, water lines, sewer lines, power lines and communication lines). In no case shall right-of-way include a private easement, federal interstate highway, a state highway or state route under the jurisdiction of the Arizona Department of Transportation.

"Roof:" A continuous solid sheathing cover on a structure, which provides protection from rain, wind, sun, or other natural elements.

"Roof line:" The highest point of the main roof structure, not including cupolas, projections or other similarly minor raised portions of the roof.

"Sanitary landfill:" A lot or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, or nontoxic waste material of any kind.

"School, business:" A school offering courses, especially at the graduate level, in economics, management, accounting, sales, etc.

"School, charter:" A public school that serves as an alternative to a traditional public school, which is established and operated pursuant to Ariz. Rev. Stat. § 15-181 et seq., as amended.

"School, elementary:" A school including usually the first four (4) to the first eight (8) grades and often a kindergarten.

"School, pre-school:" A school for children usually younger than those attending elementary school or kindergarten.

"School, primary:" Same as elementary school.

"School, private:" A school that is established conducted and primarily supported by a nongovernmental entity.

"School, public:" A free, tax-supported school controlled by a local governmental authority.

"School, secondary:" A school intermediate between elementary school and college and usually offering general, technical, vocational, or college-preparatory courses.

"School, technical:" A general term used for a two (2) year college that provides mostly employment-preparation skills for trained labor.

"School, vocational, commercial, or trade:" A secondary school teaching specific skilled trades.

"Screen wall:" See "wall".

"Seasonal sale:" The sale of seasonal or holiday-related merchandise at temporary locations, including but not limited to fireworks, Christmas trees and pumpkins. For the purposes of this ordinance, seasonal sales shall also include the off-site sale at temporary locations of souvenirs, gifts and food incidental to a sporting event.

"Service:" Useful labor that does not produce a tangible commodity.

"Setback:" The shortest horizontal distance between a building, structure, wall, property line, parking lot, sign or any combination thereof as defined by the type of setback in this ordinance.

"Setback line:" A line designating the distance which a building or parking lot must be set back from a property line.

"Sexually oriented business:" An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult hotel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center. When referring to a Sexually Oriented Business, the terms below shall have the following meanings:

"Adult arcade:" Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas" and having a substantial portion of its stock in trade, books, magazines and other periodicals depicting, describing or relating to "specified sexual activities" or which are characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas."

"Adult bookstore/adult novelty store/adult video store:" A commercial establishment which, as one (1) of its principal purposes, offers for sale or rental for any form of consideration any one (1) or more of the following: (A) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or (B) Instruments, devices, or paraphernalia that is designed for use in connection with "specified sexual activities." A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one (1) of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

"Adult cabaret:" A nightclub, bar, restaurant or similar commercial establishment that regularly features: (A) Persons who appear in a state of nudity or semi-nude; or (B) Live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or (C) Films, motion pictures, video cassettes, slides, or other photographic reproductions, that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

"Adult hotel:" A hotel or similar commercial establishment that:

(a) Offers accommodations to the public for any form of consideration and which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions; or"

(b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

(c) Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours.

"Adult motion picture theater:" A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

"Adult theater:" A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

"Escort:" A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

"Escort agency:" A person or business association who furnishes offers to furnish or advertises to furnish escorts as one (1) of its primary business purposes for a fee, tip, or other consideration.

"Establishment:" Includes, with respect to article 10 only, any of the following:

(a) The opening or commencement of any sexually oriented business as a new business.

(b) The conversion of an existing business, whether or not a sexually oriented business, into any sexually oriented business.

(c) The additions of any sexually oriented business to any other existing sexually oriented business.

(d) The relocation of any sexually oriented business.

"Nude model studio:" Any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a proprietary school licensed by the State of Arizona or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation, or in a structure:

(a) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing;

(b) Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and

(c) Where no more than one (1) nude or semi-nude model is on the premises at any one (1) time.

"Nudity" or "a state of nudity:" The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

"Semi-nude" or "in a semi-nude condition:" The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

"Sexual encounter center:" A business or commercial enterprise that, as one (1) of its principal business purposes, offers for any form of consideration:

(a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(b) Activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is/are in a state of nudity or semi-nude.

"Specified anatomical areas:"

(a) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

(b) Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

"Specified criminal activity:" Any of the following offenses:

(a) Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries.

(b) For which:

(1) Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

(2) Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

(3) Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four-month period.

(c) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

"Specified sexual activities:" Any of the following:

(a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or

(c) Excretory functions as part of or in connection with any of the activities set forth in (a) and (b) above.

"Substantial enlargement of:" The increase in floor area occupied by the business by more than twenty-five (25) percent, as the floor area existed on July 17, 2002.

"Transfer of ownership or control of:" Includes any of the following:

(a) The sale, lease, or sublease of the business;

(b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(c) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

"Shrub:" A woody plant that has several stems that rise from the ground level.

"Sidewalk café:" An accessory use to a restaurant use that is located within the sidewalk area or pedestrian plaza area of the public right-of-way and used exclusively for dining, drinking and pedestrian circulation.

"Sign:" Any display of any letter, numeral, figure, emblem, picture, outline or character visible to the eye. The definition shall include any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization, and further not including any item of merchandise normally displayed within a shop window of a merchant.

"Sign, abandoned:" Any sign that no longer correctly directs a person to or advertises a bona fide business, lessor, owner, product, activity conducted, or product available on the premises where such sign is displayed.

"Sign, address:" A sign designed to display the number or other designation assigned to a housing unit, business establishment or other structure for purposes of mail delivery, emergency services and similar purposes.

"Sign, a-frame:" A temporary/portable sign constructed in such a manner as to form an "A" or tent-like shape.

"Sign, animated:" Any sign that includes action, motion, or color changes of all or any part of the sign facing that is powered by electrical energy or set in motion by movement of the atmosphere, excluding flags.

"Sign, area of:" See section 28-196 below.

"Sign, banner:" A temporary sign made of fabric, plastic, or other light, pliable, weather-resistant material, not enclosed in a rigid frame.

"Sign, blade:" A small, pedestrian-oriented sign that is hung beneath a canopy for the purpose of business identification.

"Sign, box cabinet:" A sign that contains two (2) dimensional text and/or logos painted on or otherwise affixed to a panel, usually Lexan®, and attached to a cabinet. This definition shall not include custom cabinet signs, which by definition include a minimum of three (3) graphic levels to create depth and add visual interest.

"Sign, center identification wall:" A sign located on the exterior wall of a building used to identify only the name of a shopping center or office complex that is placed on building frontages that are not occupied by any tenant and that are common building space, such as a common lobby or open breezeway.

"Sign, classic:" A sign (freestanding, building-mounted or otherwise) that is determined by the city council to be of extraordinary significance to the city's history and identity and that possesses unique physical design characteristics.

"Sign, coming soon:" A temporary sign used to indicate the future opening of a new business or residential community that may be posted no sooner than thirty (30) days prior to the actual opening of the business. Coming Soon signs can take the form of pennants, banners, or flags.

"Sign, contractor:" A temporary sign identifying an architect, engineer, contractor, subcontractor or material supplier who participates in construction on the property on which the sign is located.

"Sign, custom cabinet:" A sign composed of a minimum of three (3) graphic levels, each level a minimum of two (2) inches deep, mounted to a custom, non-rectangular cabinet.

"Sign, directional:" A sign of non-commercial nature that indicates access to parking and loading areas or indicates traffic circulation patterns, or which indicates the location of public or educational institutions, historical areas or structures or public parks, but which specifically does not include the name or logo of any commercial business.

"Sign, directly illuminated:" Any sign designed to provide artificial light through exposed lighting on the sign face, such as neon. This definition shall not include internally illuminated pan channel or other similar internally illuminated signs.

"Sign, directory:" A sign designed to show the relative location of several activities within a shopping center, office park, commerce park, apartment complex or other multi-tenant master planned development.

"Sign, drive-through menu board:" A wall or freestanding sign that lists the products and prices of products for items available at drive-through facilities, often containing a two-way communication device used by customers to place an order.

"Sign, electrical:" Any sign or advertising device that has electrical wiring in or attached to it.

"Sign, electronic message display:" A sign or portion of a sign consisting of a video screen or similar technology displaying a fixed and/or varying message and which changes through electronic means.

"Sign, embellishment:" Anything that enhances the appearance of a freestanding sign without having a functional purpose. For the purpose of this ordinance, embellishment does not include any symbol, representation, logo, insignia, illustration or other form of advertising message for any business on-site, but may include the name and/or symbol, representation, logo or insignia of a master planned shopping center, office park, commerce park or other master planned multi-tenant development.

"Sign, flag:" Any fabric or other flexible material designed to be flown from a flagpole or similar device.

"Sign, freestanding:" A sign anchored directly to the ground or supported by one (1) or more posts, columns or other vertical structures or supports, and not attached to or dependent for support from any building.

"Sign, freeway pylon:" A freestanding sign designed and oriented to attract the attention of freeway drivers to a commercial or mixed-use development site directly abutting a freeway right-of-way.

"Sign, fuel price:" A variable message sign used by vehicle fueling stations to identify the type, grade and price of fuel being sold.

"Sign, future development:" A temporary sign that provides information about the future development of a property and may include a depiction of an approved site plan, approved building elevations and contact information for parties involved in the project.

"Sign, grand opening:" A temporary sign used to indicate the opening of a new business or residential community that may be posted no earlier than thirty (30) days prior to the actual opening of the business or residential community. Grand opening signs can take the form of pennants, banners, flags, inflatables, character or product likenesses, attention-attracting media and devices, and other inanimate non-merchandise displays.

"Sign, height of:" The vertical distance measured from the adjacent street grade or upper surface of the curb, whichever permits the greatest height, to the highest point of said sign.

"Sign, ideological:" A temporary sign that announces or supports the personal views of the property owner or tenant of the parcel on which the sign is located.

"Sign, illegal:" Any sign that does not meet at least one (1) of the following conditions:

(a) Allowed by zoning ordinance article 9 and not requiring a permit.

(b) Allowed by zoning ordinance article 9 with a permit, and carrying a valid permit.

(c) Not allowed by zoning ordinance article 9, but legalized by variance and proper permit.

(d) Not allowed by zoning ordinance article 9, but approved as part of a comprehensive sign plan associated with a planned area development (PAD) or through a development agreement.

(e) A legal nonconforming sign as defined in this ordinance.

"Sign, indirectly illuminated:" A sign that contains a source of illumination wholly within the sign that makes the design visible at night by means of lighting the background upon which free-standing characters or letters are mounted, but for which the source of illumination is not visible. The characters or letters themselves shall be opaque, and are silhouetted against the background.

"Sign, interim business identification banner:" A temporary banner used to identify a business only during the time period a permanent wall sign is being designed, constructed and installed.

"Sign, internally illuminated:" A sign that contains a source of illumination located wholly inside the sign, designed to make the sign content visible at night by means of light being transmitted through a translucent material, but for which the source of illumination is not visible.

"Sign, leading edge:" The portion of a free standing sign or the base of the sign that is nearest to a property line.

"Sign, legal non-conforming:" Any sign that is not allowed under article 9, but which, when first constructed, was legally allowed by the City of Avondale or the political subdivision then having the control and regulation over construction of such sign.

"Sign, low-profile wall identification:" A type of wall sign identifying the name and/or address of a master planned commercial, employment or mixed-use development that is used to create a sense of place, but which shall not be used for advertising purposes.

"Sign, maintenance of:" The replacing or repairing of a part or portion of a sign made unusable by ordinary wear and tear or by damage beyond the control of the sign's owner.

"Sign, model home:" A temporary sign that serves to draw attention to a builder's sales office and/or model home site.

"Sign, monument:" A freestanding sign where the base of the sign structure is on the ground or a maximum of twelve (12) inches above the adjacent grade and the width of the top of the sign structure is no more than one hundred twenty (120) percent the width of the base, and which is designed to complement the architecture of buildings on the site and which contains tenant information and the address of the building(s) it supports.

"Sign, multi-tenant monument:" A monument sign that serves as a common or collective identification for two (2) or more uses on the same site and containing tenant information and address and the name of the shopping center, office park or other multiple user development type that it serves.

"Sign, now hiring:" A temporary sign used to indicate employment opportunities for a new business that may be posted no earlier than forty-five (45) days prior to the actual opening of the new business. Now Hiring signs can take the form of pennants or banners.

"Sign, off-premise:" A sign or similar structure that portrays information and directs attention to a business, commodity, service, entertainment venue or product not located on the premises upon which the sign is located.

"Sign, open house:" A temporary sign used to advertise the sale of a house and direct traffic to the house for sale, which is typically, placed off-site in proximity to the house for sale.

"Sign, permanent:" A sign that is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position.

"Sign, pole:" A freestanding sign where the width of the top of the sign structure is over one hundred twenty (120) percent wider than the width of the base.

"Sign, political:" A temporary sign announcing or supporting candidates or issues in connection with any national, state or local election.

"Sign, portable:" Any sign not permanently affixed to the ground or structure on the premises it occupies.

"Sign, portable religious assembly:" A portable sign, often located off-site, used to display the time and date of religious services at a nearby place of worship and to direct people to said place of worship.

"Sign, projecting:" Any sign attached to a building or other structure that extends in whole or in part more than fifteen (15) inches beyond the building line. Where permitted by article 9, projecting signs, excluding blade signs, shall be considered wall-mounted signs for the purpose of calculating area.

"Sign, raceway:" An electrical enclosure that may also serve as a mounting structure for a sign.

"Sign, real estate:" A temporary sign indicating the availability for sale, rent, or lease of a specific parcel, building, or portion of a building, along with contact information for the associated property owner or real estate broker.

"Sign, single-tenant monument:" A monument sign that identifies the name, address and tenant information of a single-user development.

"Sign, special promotion:" A temporary sign used to advertise a sale event or other similar special promotion that can take the form of pennants, banners, flags, inflatables, character or product likenesses, attention-attracting media and devices, and other inanimate non-merchandise displays. Search lights may also be considered special promotion signs.

"Sign, stroke width:" The width of the major lines comprising a letterform.

"Sign structure:" The supports, uprights, braces and framework of a sign.

"Sign, subdivision identification:" A sign, by means of symbol or name, that identifies a residential community, but which does not include information used for a commercial purpose, including leasing rates, phone numbers or similar information.

"Sign, temporary:" A sign not intended or designed for permanent display.

"Sign, theater:" A variable message sign used by motion picture and performing arts theaters to announce current attractions, show times and on-site events.

"Sign, variable message:" A sign or portion of a sign designed to allow the immediate and frequent change of copy by manual, mechanical or electronic means.

"Sign, vehicle:" A sign mounted, pasted, painted or drawn on any vehicle, whether motorized or drawn, that is placed, parked, or maintained at one (1) particular location for the express purpose and intent of promotion or conveying an advertising message.

"Sign walker:" A person, who wears, holds or balances a commercial sign for the explicit purpose of promoting a business.

"Sign, wall-mounted:" A sign mounted to the wall of a building or structure.

"Sign, way-finding:" An off-premise sign that is part of a city-sponsored and coordinated program for the purpose of facilitating vehicular tourist transit to local destinations as designated by the way-finding sign program.

"Sign, window:" A sign affixed to the interior or exterior of a window, or any sign located inside a building within six (6) feet of the interior side of the window and displayed so as to attract the attention of persons outside the building.

"Sign, yard:" A type of temporary sign that is typically six (6) square feet or less in area and is supported by one or more stakes or metal wires inserted into the ground. The sign face is typically made of a semi-rigid material such as corrugated plastic, sheet metal, foam board, cardboard or placard. Yard signs may also be referred to by other names including lawn sings, road signs, bandit signs or placard signs.

"Single-user development:" Any lot and single-tenant building that is not part of a master planned development or multi-tenant non-residential development.

"Site area, gross:" The total ground area located within the property lines of a site, including any proposed portions to be dedicated for public use as streets, alleys, easements, or other.

"Site area, net:" The remaining ground area of the gross site area after deleting all portions for proposed perimeter right-of-ways and alleys.

"Site plan:" A plan prepared to scale showing all the uses proposed for a specific property showing all buildings, structures, signs, off-street parking layout, loading spaces, points of ingress and egress, fences, walks, refuse locations, and any additional information which may be necessary to clearly define the intended use of the property. For the purposes of site plan review as defined by this ordinance, a Site Plan may also be meant to include one (1) or more of the following items, as determined by the zoning administrator or designee: landscape plan, exterior building wall elevation plan, preliminary grading and drainage plan, preliminary utility plan, lighting plan, and other plans deemed necessary by the zoning administrator or designee.

"Smoke shop:" An establishment that specializes in the sale of cigars and other tobacco-related paraphernalia, but does not allow patrons to smoke tobacco products on site.

"Special event:" A temporary outdoor event, excluding "seasonal sales" as defined by this ordinance and also excluding temporary outdoor uses occurring in the major sports and entertainment zoning district. Examples of special events include carnivals, circuses, and outdoor sales events.

"Specialty retail:" Retail establishments that specialize in one (1) type or line of merchandise. Such establishments could include, but are not limited to, apparel stores, jewelry stores, bookstores, or stationary stores.

"Specialty sales:" The act of selling items classified as "specialty retail."

"Specialty services:" Establishments whose primary activity is the provision of assistance without the production of a tangible commodity to individuals, businesses, industry, government, or other enterprises.

"Story:" A space in a building between the surface of any floor and the surface of the floor next above, or if there be no floor above, then the space between such floor and the ceiling or roof above.

"Street:" A public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, other than an alley, which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare.

"Street tree:" Any tree, shrub, bush, and all other woody vegetation on public rights-of-way land lying between property lines on either side of all streets, avenues or boulevards within the city.

"Structure:" Any piece of work artificially built up or composed of parts joined together in some definite manner.

"Subdivision:" Has the meaning set forth in Ariz. Rev. Stat. § 9-463-02, as amended.

"Substance abuse detoxification center:" An inpatient health facility staffed by medical professionals providing therapy and/or rehabilitation for substance-dependent individuals. Methadone distribution centers are included.

"Substance abuse treatment center:" A health facility providing therapy and/or rehabilitation for substance-dependent individuals on an outpatient basis. Methadone distribution centers are included.

"Suburban development:" A form of development that has increased setbacks from the street and between structures, a lower density than urban developments, and infrastructure that accommodates vehicular transportation.

"Surplus store:" A store selling items that are used, or purchased but unused, and no longer needed. The surplus is often military, government or industrial excess. A surplus store may also sell items that are past their use by date.

"Tandem parking:" The placement of parking spaces one (1) behind the other, so that the space nearest the driveway or street access serves as the only means of access to the other space.

"Thrift store:" A retail store that specializes in the sale of previously owned and/or used goods and merchandise that has been donated. Thrift stores are distinct from consignment shops, pawn shops and non-consignment secondhand retail stores.

"Townhouse/townhome:" A single-family dwelling unit, with a private ground floor entrance and private yard of at least one hundred (100) square feet, that is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light and ventilation.

"Trailer:" Any towed vehicle that does not fall under the definitions of mobile home or recreational vehicle.

"Transmitting tower:" An unmanned structure that transmits or receives communications by electromagnetic or optical means, such as a radio antenna, television antenna, radar station, or microwave tower, but excluding Wireless Facilities.

"Tree:" A woody plant that has a single or multiple trunk(s) at ground level.

"Tree height:" A tree measurement from the ground to the topmost portion of the tree. On small, multi-trunked trees, tree height is measured to the top of the main body of the crown.

"Tree topping:" The cutting back of limbs larger than one (1) inch in diameter to a point between branch collars/buds within the tree's crown. Also referred to as hat racking, heading and pollarding.

"Truck stop:" A service station primarily oriented to servicing of trucks and tractor trailers and which may include restaurants, retail activities and truck repair services.

"Turf:" Continuous plant coverage consisting of grass species that is mowed to maintain an established height.

"University:" An institution of higher learning providing facilities for teaching and research and authorized to grant academic degrees.

"Use:" The conduct of an activity or the performance of a function or operation, on a site or in a building or facility.

"Urban agriculture:" The growing, washing, packaging, and storage of fruits, vegetables, and other plant products for wholesale or retail sales within close proximity to where a community of people lives.

"Urban development:" A form of development generally characterized by higher residential densities and integrated commercial and industrial land uses connected by multiple transportation modes, with a particular emphasis on pedestrians and transit users.

"Urgent care center:" A facility dedicated to the delivery of medical care outside of a hospital emergency department, usually on an unscheduled, walk-in basis. Urgent care centers are primarily used to treat patients who have an injury or illness that requires immediate care but is not serious enough to warrant a visit to an emergency room, with no accommodations for overnight stays.

"Variance:" A license, granted by the board of adjustment to deviate from certain limited provision of the city zoning ordinance.

"Video arcade or game room:" An establishment having six (6) or more coin-operated devices for the amusement of its patrons, but specifically excluding an adult arcade.

"View fence:" Decorative wrought iron fence panels with vertical pickets that present an opening of four (4) inches or less and are designed as an integral part of the wall.

"Wall height:" The height measured at the highest adjacent grade located within five (5) feet of the wall.

"Wall (screen wall):" A solid barrier designed and constructed so as to conceal areas used for refuse, mechanical equipment, parking and service and loading bays from street and public view and to separate potential incompatible land uses.

"Wall, perimeter:" A solid physical barrier designed and constructed to screen and secure private or public property and units of development.

"Warehousing:" The storage and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly referred to as offensive.

"Wholesaling:" The selling and/or distributing of goods or merchandise to retailers, to industrial, commercial, institutional, or professional business users, to other wholesalers, or jobbers for resale to the ultimate consumer, but not to the general public. Wholesale to the public stores shall be considered, for the purposes of this ordinance, retail uses.

"Wine bar:" A bar that serves wine but does not serve beer or liquor.

"Wireless facility:" An unmanned facility for the provision of personal wireless services as defined by the Telecommunications Act of 1996, and any amendments thereto. Wireless facilities are composed of three (3) or more of the following components: (A) antennae; (B) mount; (C) cables; (D) support structure; (E) equipment cabinet/shelter; and (F) wall or security barrier. A wireless facility can be located on Monopoles, existing or proposed vertical infrastructure, or other structures, subject to the requirements of section 28-138 of this ordinance.

"Wireless facility, alternative structure:" A wireless facility that is either:

(a) Virtually invisible to the casual observer, such as an antenna behind louvers on a building, or located inside a clock tower, steeple, or similar structure; or

(b) Camouflaged with stealth design to blend in with surroundings to the extent that it is indistinguishable by the casual observer from the structure on which it is placed or the surroundings in which it is located, such as structures commonly referred to as "mono-palms," "mono-pines," or "flag pole" designs. other stealth designs may be available subject to approval by the zoning administrator.

"Wireless facility, freestanding:" A self-supported structure, to include monopoles, lattice towers, and alternative structures, designed for use as a wireless facility. For the purpose of this zoning ordinance, guyed wireless facilities shall also be considered freestanding.

"Wireless facility, guyed:" A Wireless Facility that is supported by the use of cables (guy wires) that are permanently anchored to the ground and designed to support wireless antennas. Guyed wireless facilities shall not be considered alternative structures for the purpose of this zoning ordinance.

"Wireless facility, lattice tower:" A tower that is self-supporting with multiple legs and cross-bracing of structural steel and that is designed to support wireless facilities. Lattice wireless facilities shall not be considered alternative structures for the purpose of this zoning ordinance.

"Wireless facility, monopole:" A single, upright pole, engineered to be self-supporting and requiring no guy wires or lateral cross-members, that is designed to support wireless antennas. Monopoles shall not be considered alternative structures for the purpose of this zoning ordinance.

"Wireless facility, small:" A wireless facility that meets both of the following criteria: (i) all antennas are located or could be located inside an enclosure of not more than six (6) cubic feet in volume and (ii) all other equipment associated with the facility is cumulatively not more than twenty-eight (28) cubic feet (or fifty (50) cubic feet if the equipment was ground-mounted before January 2, 2018). Ancillary equipment is not required to be contained within these cubic feet limitations; electric meter, concealment element, telecommunications demarcation box, grounding equipment, power transfer switch, cutoff switch and vertical cable runs for the connection of power and other services.

"Xeriscaping:" A landscaping method that maximizes the conservation of water by the use of site-appropriate plants and an efficient watering system.

"Yard:" A required space on a lot, other than a court that is open and unobstructed to the sky (except as otherwise provided herein), and which is measured from a property line inward to the required setback specified herein for each Zoning District.

"Yard, front:" A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.

"Yard, rear:" A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

"Yard sale:" See garage sale.

"Yard, side:" That portion of a lot lying between the side lot line of the lot and a line drawn through the nearest point of a principal building extending from the front yard to the rear yard, or in the absence of either of said yards from the front to the rear lot lines respectively.

"Zoning administrator:" The person designated by the city manager to interpret and enforce the zoning ordinance.

"Zoo:" A garden or park where wild animals are kept for exhibition.
(Ord. No. 2045-1220, § 5, 12-7-20)

## Article 2.

## RESIDENTIAL DISTRICTS

### 28-31 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.

It is the intent of this ordinance to group similar or compatible land uses into specific zoning districts, either as permitted uses, uses permitted with conditions, or as uses authorized by a conditional use permit. Uses not listed as a permitted, permitted with conditions, or conditional use shall be prohibited from the applicable zoning district. In the event a particular use is not listed in this section and is not otherwise prohibited by law, the zoning administrator or designee shall determine whether such unlisted use is analogous to other listed uses; the determination shall be made pursuant to section 28-5 of this ordinance. The residential districts are grouped into six (6) categories, each with a specific purpose, as follows:

(a) 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, R1-15, R1-10, and R1-8 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 - R1-7, 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. Multi-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, and loft apartments.

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.

## 28-32 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 reader. 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 | R1-10 | R1-8 | R1-7 | R1-6 | R1-5 |
|---|---|---|---|---|---|---|---|---|---|---|
| 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 as an accessory to the primary residential use of the dwelling. | P | P | 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 as an accessory to the primary residential use of a dwelling. | C | C | C | C | C | C | C | C | C | C |
| Child care center in conjunction with a place of worship or school | C | C | C | C | C | C | C | C | C | C |
| Community garden, one acre or less | P | P | P | P | P | P | P | P | P | P |
| 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 | P | P | P | P | P | P | P | P | P | P |
| Guest house | PC | PC | PC | C | C | - | - | - | - | - |
| Home occupation, as an accessory to the primary residential use of a dwelling. | PC | PC | 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 | P | P |
| Place of worship | PC | PC | PC | PC | PC | PC | PC | PC | PC | PC |
| Public utility facility required for local service | PC | PC | 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 | 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 | C | C |
| School, public | P | P | P | P | P | P | P | P | P | P |
| Single-family detached dwelling | P | P | P | P | P | P | P | P | P | P |
| Stable for horses, commercial | P | C | - | - | - | - | - | - | - | - |

| LAND USE | AG | RR-43 | RR-18 | R1-35 | R1-15 | R1-10 | R1-8 | R1-7 | R1-6 | R1-5 |
|---|---|---|---|---|---|---|---|---|---|---|
| Wholesaling farm products produced on the premises | P | - | - | - | - | - | - | - | - | - |

P = Permitted use

C = Conditional use permit required

PC = Permitted with conditions

- = Not permitted

B. Multi-family districts and manufactured home park.

**Land Use Matrix**

| LAND USE | R-2 | R-3 | R-4 | MH |
|---|---|---|---|---|
| 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, as an accessory to the primary residential use of a dwelling. | P | P | P | - |
| Child care in the home for five (5) to ten (10) children not related to the residents, as an accessory to the primary residential use of a dwelling. | C | C | C | - |
| Child care center in conjunction with a place of worship | C | C | C | C |
| Community garden, one acre or less | P | P | P | P |
| Convalescent home | C | C | C | - |
| Group home | P | P | P | P |
| Home occupation, as an accessory to the primary residential use of a dwelling. | 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 | PC |
| Single-family detached dwelling | P | P | - | PC |

P = Permitted use

C = Conditional use permit required

PC = Permitted with conditions

- = Not permitted

(Ord. No. 2045-1220, § 6, 12-7-20)

## 28-33 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 twenty-one thousand seven hundred eighty (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 twenty-one thousand seven hundred eighty (21,780) square feet of lot area.

(C) No more than two (2) swine per lot shall be allowed, excluding potbellied 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 twenty-one thousand seven hundred eighty (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 twenty-one thousand seven hundred eighty (21,780) square feet of lot area.

(C) No more than two (2) swine per lot shall be allowed, excluding potbellied pigs.

(D) Farm animals under the age of six (6) months shall not be limited to an animal per square footage ratio.

(d) Feed lot for cattle is allowed in certain residential zoning districts provided that the minimum site is forty (40) acres.

(e) 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 principal 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 (50) percent of the livable floor area of the principal residence.

(5) A detached guest house shall meet the location, height and setback requirements in article 7 of this zoning ordinance.

(6) The department shall maintain an administrative record that includes a site plan and a floor plan for each guest house with approved construction plans. The separate design review process outlined in article 1 of this zoning ordinance is not required for guest houses.

(f) Home occupations are allowed in certain residential zoning districts, provided that in addition to all of the use limitations applicable in the zoning district in which the home occupation is located, no home occupation shall be permitted unless it complies with the following restrictions:

(1) The home occupation shall be conducted entirely within the principal dwelling unit or in a permitted accessory building thereto, and in no event shall such use be apparent from any public way. Use of required garages shall not occur.

(2) There shall be no signs, no exterior display, no exterior storage of materials, and no exterior parking of vehicles containing signs larger than six (6) square feet, and no other indication of the home occupation or variation from the residential character of the principal building.

(3) No mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall be used.

(4) No home occupation shall be permitted that is noxious, offensive or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions.

(5) Any need for parking generated by the home occupation shall be off-street. One (1) off-street parking space is permitted for the home occupation.

(6) No pick-up or delivery by business-related vehicles which exceed twenty thousand (20,000) pounds gross vehicle (except USPS and standard UPS/FedEx sized delivery trucks) is permitted.

(7) Only one business-related vehicle with a manufacturer's gross vehicle weight rating (GVWR) of not more than ten thousand (10,000) pounds used for the home occupation may be parked or stored at the property.

(8) Customers shall not visit the home occupation to purchase goods or services, excluding barber shops/beauty salons. Barber shops/beauty salons shall not occupy more than two hundred (200) square feet of the floor area, a maximum of one (1) washing station, and a maximum of two (2) customers per day.

Prohibited services include massage parlors, restaurants, veterinary hospitals, veterinary offices, commercial kennels, dog grooming, vehicle services and like services.

(9) Employees who do not reside in the home are prohibited.

(10) Such occupation shall not require internal or external alterations or construction features or equipment or machinery not customary in residential areas.

(11) The activity shall not generate vehicular or pedestrian traffic beyond that which is normal in its district.

(g) Places of worship shall be located on an arterial street or at the intersection of two (2) collector streets.

(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.

(i) Single-family detached or attached dwellings are allowed in the Manufactured Home (MH) District subject to the development standards outlined in section 28-37(c).

(Ord. No. 2045-1220, § 7, 12-7-20)

**28-34 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 28-9 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 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.

(4) Meals shall be served only to overnight guests and residents.

(5) 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.

(6) Off-street parking shall be at a rate of one (1) space per room.

(7) Except as provided by city code and/or other regulations, no storage of commercial vehicles shall be allowed.

(8) The bed and breakfast inn shall not be used for the hosting of receptions, private parties, or similar events.

(9) 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.

(10) 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) 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 principal 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 (50) percent of the livable floor area of the principal residence.

(5) A detached guest house shall meet the location, height and setback requirements in article 7 of the zoning ordinance.

(6) Prior to issuance of a building permit for the guest house, a plot plan illustrating conformance with these requirements shall be submitted and approved.

(h) 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.

(i) 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.

(j) Ranch for horses, commercial and guest, may be permitted in certain residential zoning districts as a conditional use.

(k) 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.

(l) Stable for horses, commercial, may be permitted in certain residential zoning districts as a conditional use.

## 28-35 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 | R1-10 | R1-8 | R1-7 | R1-6 | R1-5 |
|---|---|---|---|---|---|---|---|---|---|---|
| Minimum net site area (square feet) | 5 ac. | 43,000 | 35,000 | 18,000 | 15,000 | 10,000 | 8,000 | 7,000 | 6,000 | 5,000 |
| Minimum lot width | 200' | 150' | 140' | 120' | 115' | 90' | 80' | 70' | 65' | 50' |
| Minimum lot depth | 200' | N/A | 175' | 150' | 120' | 110' | 110'[1] | 110' | 100' | 100' |
| Maximum height | 30' | 30' | 30' | 30' | 30' | 30' | 30' | 30' | 30' | 30' |
| Maximum building coverage | 15% | 15% | 15% | 30% | 20% | 40% | 45% | 45% | 45% | 45% |
| Minimum yard setbacks: Front yard | 40'[1] | 40'[1] | 40'[1] | 25'[1] | 35'[1] | 25'[1] | 25'[1] | 20'[1] | 20'[1] | 20'[1] |
| Minimum total both side yards | 40' | 40' | 40' | 30' | 30' | 20' | 18' | 18' | 18' | 15' |
| Minimum side yard | 20' | 20' | 20' | 15' | 15' | 10' | 8' | 8' | 8' | 10'/0'[2] |
| Rear yard | 40' | 35' | 35' | 30' | 30' | 20' | 20' | 15' | 15' | 15' |
| Street side yard | 40' | 25' | 25' | 20' | 20' | 10' | 10' | 10' | 10' | 10' |

[1] Minimum front yard setbacks may be reduced by five (5) feet when providing a side-entry garage.

[2] Minimum ten (10) feet separation between buildings on adjacent lots.

B. Multi-family districts. The following table provides the minimum development standards within the specified zoning district:

| District | R-2 | R-3 | R-4 |
|---|---|---|---|
| Maximum units allowed | 1 unit for every 5,445 square feet net site area | 1 unit for every 3,630 square feet net site area | 1 unit for every 1,452 square feet net site area |
| Minimum lot width | 50' | 50' | 50' |
| Minimum lot depth | 100' | 100' | 100' |
| Maximum height | 30' | 30' | 45'[3] |
| Maximum building coverage | 45% | 45% | 50% |
| Minimum setbacks: Front Yard | 20' | 25' | 25'[4] |
| Side Yard | 15'[1] | 15'[1] | 15'[1] |
| Rear Yard | 15' | 15' | 15' |
| Street Side | 20'[2] | 20' | 25'[4] |

[1] Zero (0) feet for lots with common walls; fifteen (15) feet for lots with no common walls.

[2] May be reduced to ten (10) feet in the case of single-family attached or detached units.

[3] The maximum height of buildings in the R-4 Zoning District shall be allowed to exceed forty-five (45) feet in height if located on land identified by any of Avondale's specific area plans (e.g. Freeway Corridor Specific Plan, North Avondale Specific Plan) as appropriate for additional height. In those instances, the maximum building height shall not exceed the height specified by the particular specific area plan.

[4] May be reduced to eight (8) feet for buildings with individual dwelling units that front onto a residential street and that provide direct access from residential units to the public sidewalk (e.g. townhomes or walk-up apartments). As it relates to this provision, direct access shall be defined as the shortest feasible paved connection to the public sidewalk from the entrance of a residential unit(s). Direct access shall not require pedestrians to navigate through internal sidewalks and exit through a centralized location in order to access the public right-of-way.

Single-family detached residential homes constructed within the multi-family districts shall comply with the R1-6 development standards of the zoning ordinance.

**28-36 Design standards.**

(a) Single-family—New 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 28-35, development standards, the provisions of this section shall control.

(a) 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 is 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) 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 roof type between gable and hip.

(C) Alternating the roofline pitch by a minimum of three (3) units vertical (i.e. 3:12 to 6:12).

(D) Alternating between one- and two-story homes.

(5) The percentage of net area that shall be devoted to open space and amenities is:

(A) A minimum of fifteen (15) percent for subdivisions with an average lot size up to fifteen thousand (15,000) square feet.

(B) Ten (10) percent for subdivisions with an average lot size of over fifteen thousand (15,000) to thirty-five thousand (35,000) square feet.

(C) For lot sizes over thirty-five thousand (35,000) square feet, no minimum percentage shall apply, but multi-use trails are required that meet minimum standards established by the American Association of State Highway and Transportation Officials (ASSHTO) Guidelines.

(b) Multi-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 applicable 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 article 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 if maximum basin depth exceeds three (3) feet below grade. Where maximum basin depth is less than or equal to three (3) feet 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) Single-story detached garages shall not be placed closer than fifteen (15) feet from a single-family residential area or zoning district.

(C) 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 (1) or more of the following design considerations:

i. Use of one-story buildings;

ii. Additional landscaping to serve as buffer area;

iii. Wider setbacks from property line;

iv. Modifying the orientation of buildings;

v. Modifying the orientation of windows and balconies;

vi. Providing screen walls.

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

(E) Pedestrian and visual linkages shall be made between a project and off-site amenities.

(F) The project shall be designed to minimize negative traffic impacts on the surrounding uses.

(5) 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 complement the main buildings on and provided architectural features throughout the site.

(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 (20) 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 (1) per dwelling unit, the same as a single-family detached dwelling unit.

**28-37 Manufactured Home Park (MH) District.**

(a) Permitted uses. See section 28-33, land use matrix for permitted uses and permitted uses with conditions in the MH Zoning District.

(B) Conditional uses. See section 28-34, 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 or a single-family subdivision within a MH Zoning District shall be ten (10) acres.

(2) Site-built, single-family dwelling units shall not be allowed within a manufactured home park.

(3) The maximum number of manufactured home spaces or units or dwelling units per acre shall be seven (7).

(4) The minimum width of manufactured home rental spaces shall be fifty (50) feet with a minimum length of seventy (70) feet. The minimum width of single-family dwelling unit lots shall be forty (40) feet with a minimum length of seventy (70) feet.

(5) The minimum width of private driveways or access ways within the park or subdivision shall be twenty-six (26) feet. Each unit or lot shall have access to a private driveway or access way connected to a public street.

(6) The minimum space between manufactured homes shall be twenty (20) feet. This dimension may be reduced to ten (10) feet between awnings or canopies.

(7) The minimum distance between single-family attached and detached units shall be ten (10) feet. Minimum side setbacks shall be five (5) feet.

(8) No manufactured home or single-family dwelling unit shall be closer than eight (8) feet to a private drive aisle. Garages for single-family dwelling units must be setback eighteen (18) feet from a residential street or private drive aisle.

(9) A minimum of fifteen (15) percent of the site shall be devoted to open space for all residents, exclusive of streets and private driveways, parking and storage areas or required setbacks at the exterior boundaries of the site.

(10) The maximum building coverage for single-family attached and detached units shall be sixty (60) percent.

(11) The maximum height of any building, manufactured home, or single-family unit shall be thirty (30) feet.

(12) All electric power lines, telephone lines, cable TV lines and similar utilities shall be placed underground.

(13) No manufactured home or single-family unit shall be located closer than fifteen (15) feet to the perimeter of the park or subdivision. 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 minimum box size of twenty-four (24) inches shall be planted every twenty (20) feet on center.

(14) A minimum six-foot and maximum eight-foot decorative wall shall be constructed around the perimeter of the park or subdivision in accordance with the section 28-297, walls and fences below.

(15) Any part of the manufactured home park or subdivision fronting on a public street shall meet the screening and landscaping requirements for single-family residential subdivisions.

(16) All new manufactured home parks or expansions of existing manufactured home parks shall be subject to site plan review in accordance with article 1 of the Zoning Ordinance.

(17) All new single-family subdivisions in an MH District shall be subject to the preliminary/final plat process in accordance with the City of Avondale Subdivision Regulations.

(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.

(3) Single-family home requirements. A manufactured home shall be considered a single-family residence if it meets the following conditions:

(4) 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).

(5) Must conform to the U.S. Housing and Urban Development Manufactured Home Construction and Safety Standards.

(6) The exterior shall have wood siding or stucco finish.

(7) The roof shall be shingle or tile with an overhang of at least six (6) inches.

(8) Shall be installed on a permanent block foundation or utilizing stabilizing devices, defined as any part of the anchoring or support system, such as piers, footings, ties, anchoring equipment, anchoring assemblies, or any other equipment materials, and methods of construction that support and secure the manufactured home to the ground. The mounting system must be concealed such that the home's appearance most closely resembles a site-built home.

(9) The driveway shall be paved or surfaced with permeable paving materials.

(10) Site layout shall meet the setback requirements of the zoning district.

(11) The parking requirements applicable to single-family homes contained in zoning ordinance article 8 have been met.

**28-38—28-50 Reserved.**

## Article 3

## COMMERCIAL DISTRICTS

### 28-51 Purpose and intent.

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

### 28-52 Standard commercial districts statements of purpose.

It is the intent of this ordinance to group similar or compatible land uses into specific zoning districts, either as permitted uses, uses permitted with conditions, or as uses authorized by a conditional use permit. Uses not listed as a permitted, permitted with conditions, or conditional use shall be prohibited from the applicable zoning district. In the event a particular use is not listed in this section and such use is not otherwise prohibited by law, the zoning administrator or designee shall determine whether such use is analogous to other listed uses; the determination shall be made pursuant to section 28-5 of this ordinance. The following standard commercial districts are established:

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

(1) Encourage a low-intensity environment for office uses at a residential scale.

(2) Provide an appropriate transition from single-family residential uses to multi-family residential and non-residential uses.

(3) Support the adaptive reuse of residential structures with direct access to collector and arterial streets for limited office uses.

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

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

(1) Provide an environment for office park development with maximum heights as prescribed by General Plan, Freeway Corridor Specific Plan, and North Avondale Specific Plans.

(2) Provide an area for high-quality employment uses is a campus setting as presented in the Employment designation if the General Plan.

(3) Allow uses that are compatible with an office park that act as support for the uses within the office park.

(4) Serve to provide a transition from more intensive to less intensive uses, usually between commercial and residential districts.

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

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

(1) Provide for neighborhood commercial centers with a trade area limited generally to adjacent and nearby neighborhoods.

(2) Act as the primary type of neighborhood commercial development.

(3) Be located at the intersection of arterial streets with at least one (1) property line directly abutting a residential zone.

(4) Have users that generally do not exceed seventy thousand (70,000) gross building square feet.

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

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

(1) Encourage commercial centers that are planned, developed and managed as integrated complexes with individual users.

(2) Be located so that primary driveways access arterial streets.

(3) Include users with a building square footage up to two hundred thousand (200,000) gross building square feet.

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

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

(1) Provide an area for large-scale commercial developments while avoiding the disruption of less intensive residential or commercial activities.

(2) To create an environment for uses that generally can produce amounts of noise, traffic, and other adverse effects and are of a size that are not compatible with residential development or less intense office and commercial development.

(3) Encourage commercial centers that are planned, developed and managed as integrated complexes with individual users.

(4) Include users with a building square footage in the range greater than two hundred thousand (200,000) gross square feet.

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

**28-53 Land use matrix.**

The following land use matrix 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 commercial zoning districts in the City of Avondale. The land use matrix is intended to serve as a guide for the convenience of the user of this zoning ordinance. Where the text of this zoning ordinance differs from the land use matrix, the text shall prevail.

| LAND USE MATRIX | R-O | C-O | C-1 | C-2 | C-3 |
|---|---|---|---|---|---|
| **Administrative & Financial Uses** | | | | | |
| Banks and financial institutions without drive-through, excluding non-chartered financial institutions | - | PC | P | P | P |
| Banks and financial institutions with drive through, excluding non-chartered financial institutions | - | - | PC | PC | PC |
| Non-chartered financial services | - | - | - | C | - |
| Professional offices | P | P | P | P | P |
| **Automobile Related Uses** | | | | | |
| Automobile rental facility with no on-site storage | P | P | P | P | P |
| Automobile rental facility with on-site storage | - | - | - | PC | PC |
| Automobile service and diagnostic facility | - | - | - | PC | PC |
| Automobile boat, recreational vehicle, or motorcycle, sales and/or leasing | - | - | - | PC | PC |
| Car wash, accessory to gas station | - | - | - | A | A |
| Car wash, self-service | - | - | - | C | - |
| Car wash, full-service | - | - | - | C | C |
| Gas station with or without convenience store and/or car wash | - | - | - | C | C |
| Tire sales, repair and mounting | - | - | - | PC | PC |
| Truck stop, including wash | - | - | - | - | C |
| Truck, trailer and equipment rental | - | - | - | C | P |
| **Eating & Drinking Establishments** | | | | | |
| Bar | - | - | - | PC | PC |
| Brewery, ancillary to a bar or restaurant | - | - | - | P | P |
| Liquor stores | - | - | - | C | - |
| Mobile food vendor | | P | P | P | P |
| Outdoor dining | - | - | A | A | A |
| Restaurant, with drive through | - | - | PC | PC | PC |
| Restaurant, without drive-through | - | C | P | P | P |
| Sidewalk café | - | - | A | A | A |
| Wine bar | - | - | - | PC | PC |
| **Education, Religious & Institutional Uses** | | | | | |
| Adult daycare | PC | PC | PC | PC | - |
| Assisted living facility | PC | PC | - | - | - |
| Child care center | - | C | C | C | C |
| College or university | - | - | - | - | PC |
| Community garden, one acre or less | P | - | P | P | - |
| Employment agencies- Excluding day labor | - | P | P | P | P |
| Libraries | - | - | P | P | P |
| Museums and cultural centers | - | - | - | P | P |
| Places of worship | P | P | P | P | P |
| Preschools and similar uses | - | - | C | C | - |
| Public service and non-profit community use | - | C | C | C | - |
| Public Uses | P | P | P | P | P |
| Public utility buildings, structures, uses, facilities and equipment | PC | PC | PC | PC | PC |
| School businesses, technical or vocational | - | P | - | - | - |
| Substance abuse treatment | - | C | - | - | - |
| Substance abuse detoxification | - | C | - | - | - |
| **Entertainment and Recreation Uses** | | | | | |
| Amusement parks, outdoor | - | - | - | - | C |
| Aquarium | - | - | - | - | C |
| Art gallery | P | - | - | P | P |
| Bingo hall | - | - | - | - | P |
| Bowling alley | - | - | - | P | P |
| Commercial race track, outdoor | - | - | - | - | C |
| Commercial sporting complexes | - | - | - | - | C |
| Concert facilities, outdoor | - | - | - | - | C |
| Convention centers and exhibit halls | - | - | - | - | P |
| Health and exercise center | - | - | PC | P | P |
| Ice or roller skating rink, indoor | - | - | - | P | P |
| Indoor commercial recreation/ entertainment uses not otherwise listed | - | - | - | P | P |

| LAND USE MATRIX | R-O | C-O | C-1 | C-2 | C-3 |
|---|---|---|---|---|---|
| Movie theater, indoor | - | - | - | P | P |
| Night club | - | - | - | C | PC |
| Outdoor commercial recreation/ entertainment uses not otherwise listed | - | - | - | - | C |
| Reception centers | - | - | - | C | P |
| Rodeo grounds, outdoor | - | - | - | - | C |
| Shooting range | - | - | - | C | C |
| Social/ private clubs | - | - | PC | PC | PC |
| Stadiums | - | - | - | - | C |
| Swimming club | - | - | - | - | C |
| Theater, excluding movie theater | - | - | C | P | P |
| Video arcade, game room | - | - | - | P | P |
| Zoo | - | - | - | - | C |
| **General & Intense Retail Uses** | | | | | |
| Antique store | - | - | P | P | P |
| Business support services - photocopy, office supply stores, and package delivery services | - | - | P | P | P |
| Cigar bar/ tobacco lounge / smoke shop | - | - | - | C | C |
| Consignment shops | - | - | P | P | P |
| Equipment sales and rentals | - | - | - | - | P |
| Mini-storage warehouses and personal storage | - | - | - | C | - |
| Non-consignment secondhand retail store | - | - | P | P | - |
| Pawn shop | - | - | - | C | - |
| Plant nursery | - | - | - | - | P |
| Retail sales of new merchandise within closed buildings, excluding liquor stores | - | - | P | P | P |
| Retail/ wholesale sales of lumber, landscaping and building materials, excluding outdoor storage | - | - | - | - | PC |
| Specialty retail, indoor, excluding liquor stores | - | - | P | P | P |
| Surplus store | - | - | - | P | - |
| Thrift store | - | - | PC | PC | - |
| **Lodging** | | | | | |
| Hotel, excluding Extended Stay Hotels | - | - | - | P | P |
| Resorts | - | - | - | P | P |
| Caretaker quarters, including overnight security | A | A | A | A | A |
| **Medical** | | | | | |
| Emergency medical care facility | - | P | P | P | P |
| Funeral home | PC | - | - | P | P |
| Hospitals | - | - | - | P | P |
| Massage therapy (medical) | P | P | P | P | P |
| Medical, dental or health offices, clinics and laboratories, excluding plasma centers and medical marijuana uses | P | P | P | P | P |
| Plasma centers | - | - | - | C | - |
| Rehabilitation facilities and hospitals, excluding facilities for substance abuse and detoxification | - | - | - | P | P |
| Veterinary hospital, offices and clinics, excluding animal boarding | - | - | PC | PC | PC |
| **Mixed Use** | | | | | |
| Residential, upper floor | P | C | P | P | P |
| **Personal Services** | | | | | |
| Appliance service and repair | - | - | - | P | - |
| Art studio | P | - | P | P | P |
| Barber shop/Beauty Salon | - | - | P | P | P |
| Body piercing studio | - | - | - | P | - |
| Clothing alteration, custom dressmaking or tailor shop | - | - | P | P | P |
| Dance studio | - | - | P | P | P |
| Dry cleaning and laundry establishment, pick-up and drop-off only | - | - | P | P | P |
| Laundromat, self-service | - | - | P | P | - |
| Massage or day spa | - | - | P | P | P |
| Music studio | - | - | P | P | P |
| Nail salon | - | - | P | P | P |
| Pet boarding and daycare facility | - | - | - | PC | PC |

| LAND USE MATRIX | R-O | C-O | C-1 | C-2 | C-3 |
|---|---|---|---|---|---|
| Real estate office | P | P | P | P | P |
| Specialty services | - | P | P | P | P |
| Tanning salon | - | - | P | P | P |
| Tattoo parlor | - | - | - | P | - |
| Ticket and travel agency | P | P | P | P | P |

P = Permitted Use
C = Conditional Use Permit required
PC = Permitted with Conditions
A = Accessory Use
- = Not Permitted

**28-54 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) An adult day care facility is allowed in certain commercial zone districts provided that:

(1) All activities shall be conducted entirely within enclosed buildings.

(2) Hours of operation must be equivalent to what is expected of a general office; overnight stays are not permitted.

(3) No more than two (2) commercial vehicles shall be stored on site in association with a location that is part of a commercial center or commercial complex that includes retail uses.

(4) Commercial vehicles may park directly adjacent to the building frontage during hours of operation. Outside hours of operation, when feasible, commercial vehicles shall not face or be visible from public streets.

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

(c) Automobile, boat, recreational vehicle, or motorcycle sales and/or leasing is allowed in certain commercial zone districts provided that:

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

(2) Vehicle storage shall be limited to paved areas and shall not occupy required parking spaces or drive aisles.

(3) Accessory uses, such as vehicle washing, refueling stations, and minor maintenance garages, may be allowed on site only if such uses are screened from off-site view and are not used by the general public. Such uses shall be designed and sited as to limit the noise impacts to surrounding properties.

(d) Automobile rental facility with on-site storage is allowed in certain commercial zone districts provided that:

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

(2) Vehicle storage shall be limited to paved areas and shall not occupy required parking spaces or drive aisles.

(3) Accessory uses, such as vehicle washing, refueling stations, and minor maintenance garages, may be allowed on site only if such uses are screened from off-site view and are not used by the general public. Such uses shall be designed and sited as to limit the noise impacts to surrounding properties.

(4) Storage of vehicles shall be screened from off-site view by a three (3) foot or taller screen wall.

(e) Automobile service and diagnostic facility is allowed in certain commercial zone districts provided that:

(1) Where the site or use abuts or adjoins any residentially zoned property or use, there shall be a solid screen wall at least six (6) feet in height constructed according to the City of Avondale Design Manuals, with a minimum twenty-foot landscaping buffer inside the wall adjacent to the residentially zoned property or use.

(2) Buildings shall be sited to ensure that garage bay doors do not face public streets or are immediately adjacent to residentially zoned property or uses.

(f) Banks and financial institutions without drive-through, excluding non-chartered financial institutions, are allowed in certain commercial zone districts provided that:

(1) Banks and financial institutions included within an office building shall not occupy more than twenty-five (25) percent of the gross floor area.

(g) Bars are allowed in certain commercial zone districts provided that:

(1) The exterior building wall of a bar shall not be located within one thousand three hundred twenty (1,320) feet of the exterior property lines of a public or private school, or church, unless the bar is located in a designated Entertainment District according to Ariz. Rev. Stat. § 4-207, as amended.

(2) Exits and entrances to a bar shall not be located within three hundred (300) feet of a residential district or use unless located on the ground floor of a mixed-use building.

(3) Closing time for dance floors or other accessory uses to a bar shall coincide with the closing time for the bar.

(h) Colleges or universities are allowed in certain commercial zone districts provided that:

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

(i) Drive-through uses, including restaurants and financial institutions are allowed in certain commercial zone districts provided that:

(1) Payment and/or pick-up windows shall not face arterial streets unless obscured through allowable screening material as approved by the zoning administrator.

(2) Drive-through lane canopies shall be included covering any payment or pick-up windows. Canopies shall be fully architecturally integrated in to the building consistent with the requirements of the design manuals.

(3) Portions of a drive-through lane that are adjacent to an arterial street shall be screened by a minimum three-foot tall wall, berm, or alternative screening method.

(4) Speaker boxes shall be located a minimum of seventy (70) feet from any residentially zoned property or residential use.

(5) Drive-through lane queuing length shall be approved in accordance with a traffic study as approved by the city engineer.

(j) Funeral homes are allowed in certain commercial zone districts provided that:

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

(k) Health and exercise centers are allowed in certain commercial zone districts provided that:

(1) Heath and exercise centers located within neighborhood shopping centers shall be limited to no larger than seven thousand (7,000) square feet in area.

(l) Night clubs are allowed in certain commercial zone districts provided that:

(1) The exterior building wall of a night club shall not be located within one thousand three hundred twenty (1,320) feet of the exterior property lines of a public or private school or church, unless the night club is located in a designated entertainment district according to Ariz. Rev. Stat. § 4-207, as amended.

(2) Exits and entrances to a night club shall not be located within three hundred (300) feet of a residential district or use.

(3) Closing time for dance floors or other accessory uses to a night club shall coincide with the closing time for the night club.

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

(1) All activities shall be conducted entirely within enclosed buildings.

(2) Buildings shall be constructed in a manner that limits exterior noise from activities inside the building to a maximum of forty-five (45) dBA measured at the exterior building wall. A statement from a registered architect to this effect is required at the time of construction plan submittal.

(3) Buildings shall be set back a minimum of one hundred (100) feet from any residential district.

(4) Solid animal waste must be bagged separately from other refuse.

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

(1) Direct access shall not be provided from animal housing units to the outside of the building.

(2) Buildings shall be constructed in a manner that limits exterior noise from activities inside the building to a maximum of forty-five (45) dBA measured at the exterior building wall. A statement from a registered architect to this effect is required at the time of construction plan submittal.

(3) Outdoor walks and exercise must take place within specified play/exercise areas.

(4) Animals must be supervised by a facility employee at all times when in an outdoor play/exercise area.

(5) Animals shall not be allowed outside between the hours of 7:00 p.m. and 7:00 a.m.

(6) Buildings shall be set back a minimum of one hundred (100) feet from any residential district.

(7) Outdoor play/exercise areas shall be set back a minimum of two hundred fifty (250) feet from any residential district.

(8) A solid block wall with a minimum height of eight (8) feet shall enclose the perimeter of any outdoor play/exercise area.

(9) Animal waste shall be removed from outdoor play/exercise areas every five (5) hours during time periods when these areas are in use.

(10) Solid animal waste must be bagged separately from other refuse.

(o) Public utility buildings, structures, uses, facilities and equipment are allowed in certain commercial zone districts provided that:

(1) Sites shall be screened from off-site view by a minimum six-foot tall masonry wall. Screen wall may be required to be eight-foot tall as determined by staff. All screen walls shall comply with wall standards set forth in the design manuals.

(p) Retail/wholesale sales of lumber, landscaping and building materials, excluding outdoor storage, are allowed in certain commercial zone districts provided that:

(1) All pick-up areas, loading and unloading areas, and truck wells shall be screened from off-site view by a minimum six-foot masonry wall. All screen walls shall comply with the wall standards set forth in the design manuals.

(q) Social/private club is allowed in certain commercial zone districts provided that:

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

(r) Thrift stores are allowed in certain commercial zone districts provided that:

(1) Outdoor donation bins shall be prohibited.

(2) Signage shall be required on-site clearly stating that after-hours drop-off is prohibited.

(3) Loading and unloading areas shall not face or be visible from public streets or primary drive aisles.

(4) Garage bay doors shall be closed except during drop-off or pick-up of items.

(5) All activities, including collection, storage, sorting, and processing, shall occur within a fully enclosed building.

(6) Collection areas inside the store shall be secured from public access during non-business hours.

(7) Large or bulk items not capable of being discarded in a garbage enclosure shall be stored inside the building until the arrival of a removal service.

(s) Tire sales, repair and mounting facilities are allowed in certain commercial zone districts provided that:

(1) Where the site or use abuts or adjoins any residentially zoned property or use, there shall be a solid screen wall at least six (6) feet in height constructed according to the City of Avondale Design Manuals, with a minimum twenty-foot landscaping buffer inside the wall adjacent to the residentially zoned property or use.

(2) Buildings shall be sited to ensure that garage bay doors do not face public streets or are immediately adjacent to residentially zoned property or uses.

(t) Veterinary hospital, offices and clinics, excluding animal boarding are allowed in certain commercial zone districts provided that:

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

(2) Clinics shall be constructed to be completely contained as to prevent emission of any noise or odor.

(3) Outdoor runs or exercise pens shall be prohibited unless approval from the zoning administrator or designee is obtained prior to site plan submittal. Additionally, no outdoor runs, pens or enclosures shall be located closer than one hundred (100) feet to any street, residential district or existing restaurant or hotel.

(u) Wine bars are allowed in certain commercial zone districts provided that:

(1) The exterior building wall of a wine bar shall not be located within one thousand three hundred twenty (1,320) feet of the exterior property lines of a public or private school or church, unless the wine bar is located in a designated entertainment district according to Ariz. Rev. Stat. § 4-207, as amended.

(2) Exits and entrances to a wine bar shall not be located within three hundred (300) feet of a residential district or use.

(3) Closing time for dance floors or other accessory uses to a wine bar shall coincide with the closing time for the wine bar.

**28-55 Conditional use development standards.**

The following land uses are listed in the land use matrix as being allowed with a conditional use permit. All uses being granted a conditional use permit shall comply with the conditions listed below for the

individual uses, if applicable. Based on review of the conditional use permit application, the city council may add additional conditions of approval deemed necessary to protect the health, safety, and public welfare.

(a) Gas stations with or without convenience stores may be permitted as conditional uses in certain commercial districts, provided that:

(1) Facilities for tire changing and repair, polishing, lubing, washing and minor repair and servicing of motor vehicles shall be entirely within an enclosed building. Body repair, engine rebuilding, bumping, painting, vehicle or trailer rental and general sales of auto parts shall be expressly prohibited.

(2) Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in turf or landscaping.

(3) The site has minimum frontage of one hundred fifty (150) feet on one (1) arterial street.

(4) The design of all buildings shall meet City of Avondale Design Manuals and be compatible with the existing and anticipated surrounding development. In addition, the roofline and the architecture of the canopies shall be stylistically consistent with the other buildings on the site and shall not exceed one hundred fifty (150) lineal feet on any side.

(5) All canopies, accessory equipment and fuel pump mechanisms shall meet the principal building setback requirements of the applicable zone.

(6) Service and car wash bays shall not face residential properties or public streets unless entirely screened in a method acceptable to the zoning administrator or designee.

(b) Night clubs may be permitted as a conditional use in certain commercial districts, provided that:

(1) The exterior building wall of a night club that sells beer or intoxicating liquor on the premises for consumption on the premises shall not be located within one thousand three hundred twenty (1,320) feet of the exterior property lines of a public or private school, or church, unless the night club is located in a designated entertainment district according to Ariz. Rev. Stat. § 4-207, as amended.

(c) Reception centers may be permitted as conditional uses in certain commercial districts provided that:

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

(d) Mini-storage warehouses may be permitted as a conditional use in certain commercial districts provided that:

(1) Doors of the storage areas shall not front or face onto any public street or residential use.

(2) Only indoor storage shall be permitted and there shall be no sale or rental of goods, materials or other tangible or intangible property from the facility or any part thereof and there shall be no activities conducted on the premises whether related to the stored items or otherwise. The sale of insurance by the operator on goods stored therein or the sale therein or the sale by the operator of items used in connection with the storage of goods at the site shall not be prohibited.

(3) No hazardous or flammable materials, as defined in the Avondale Building Code, shall be stored in such facility.

(4) Any structure may be exempt from side and rear yard setbacks, provided, that in all cases where the conditional use abuts any residential district on its side or rear lot lines, there shall be a side yard of not less than twenty-five (25) feet and a rear yard of not less than twenty-five (25) feet.

(5) A wall with a minimum height of six (6) feet and a landscaping area a minimum of twenty (20) feet wide, all as approved by the zoning administrator, shall be constructed on the side and/or rear property lines.

(e) Non-chartered financial services, pawnshops, liquor stores, cigar bars/tobacco lounges/smoke shops and plasma centers may be permitted as a conditional use in certain commercial districts provided that:

(1) The minimum separation between any of the above-listed uses shall be one thousand three hundred twenty (1,320) feet, measured in a straight line from the nearest property line of each property.

(2) The above-listed uses shall not be located within one thousand three hundred twenty (1,320) feet of a sexually oriented business as defined by article 10, bar, night club, or wine bar.

(3) The minimum separation required for the above uses shall apply regardless of whether the other use is located within the incorporated area of the City of Avondale or another jurisdiction.

**28-56 Commercial development standards.**

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

(a) All activities, except as otherwise permitted herein, shall be conducted entirely within enclosed buildings.

(b) Outdoor storage of goods and materials shall be prohibited.

(c) Warehousing or indoor storage of goods or material beyond that normally incidental to permitted uses shall be prohibited.

(d) All new buildings and uses of land or substantial additions to or remodeling of existing buildings/uses shall be subject to site plan review in accordance with section 28-7.

(e) The following table outlines the minimum development standards within each district. Yard, height, and area requirements in excess of these minimum standards may be required in accordance with the design standards outlined in the zoning ordinance, conditions required of conditional use permits or uses permitted with conditions, and/or the design manuals.

| | R-O | C-O | C-1 | C-2 | C-3 |
|---|---|---|---|---|---|
| Minimum Lot Width | 45' | 60' | None | None | None |
| Minimum Site Depth | 100' | 100' | None | None | None |
| Maximum Lot Coverage | 35% | 35% | None | None | None |
| Maximum Building Height | 30' | 30' | 30' | 30' | 40' |
| Front Setback | 20' | 20' | 20' | 20' | 20' |
| Street Setback | 20' | 20' | 20' | 20' | 20' |
| Rear Setback | 20' | 20' | 20' | 20' | 20' |
| Side Setback | 20' | 15' | 15' | 15' | 20' |
| Parking Setback | 10' | 20' | 30' | 30' | 30' |
| Interior Setback | 15' | 15' | None | None | None |
| Setback from a Residential District or Use * | 1' per 1' bldg. height | 1' per 1' bldg. height | 1' per 1' bldg. height | 50' | 100' |
| Parking Setback from Residential District or Use* | 25' | 25' | 25' | 25' | 25' |
| Maximum Accessory Structure Height | 15' | 15' | 15' | 15' | 15' |

* Not applicable to manufactured home parks.

**28-57 Old Town Avondale Business District (OTAB).**

(a) Purpose. The purpose of the Old Town Avondale Business District (OTAB) is to further the revitalization of the city's original town site and its immediate vicinity by encouraging pedestrian-oriented development and by emphasizing a unique mix of uses intended to make Old Town a destination, with street level activity that takes one back to an earlier place in Avondale's history.

The district shall enhance and maintain the character of retail and residential living by encouraging an active pedestrian environment while also promoting vitality throughout the district. To accomplish the task of making OTAB pedestrian friendly, the district requires new structures to be designed at a human scale to preserve the residential and historical character of the neighborhood. Development occurring in the district shall be designed to reduce conflicts between pedestrians and vehicular traffic and to promote primary areas of concentrated indoor retail and service business uses, but not regional shopping centers.

The Old Town Avondale Business District is intended to:

(1) Promote a healthy community by encouraging development and redevelopment of pedestrian-focused commercial businesses, such as those which encourage patrons to shop and dine for several hours without having to use their vehicles between stops.

(2) Reduce the dominance of the automobile by encouraging the use of shared parking areas, such as on-street parking, public surface lots, and public parking structures.

(3) Create a destination for unique retail, restaurant, entertainment and service uses that increase revenues and strengthen the city's tax base, drawing consumers both locally and regionally.

(4) Respect the local and cultural significance of the city's original town site without hindering creativity in design.

(5) Support limited commercial uses in residential structures located within the neighborhoods that are located in close proximity to Western Avenue.

(6) Provide an environment where commerce can flourish in a traditional main street type of setting, with the knowledge that ample opportunity for suburban style development is available throughout the remainder of the city.

(7) Create old-fashioned neighborhoods where a variety of housing types coexist alongside compatible commercial businesses.

(b) Applicability. The location and boundaries of the OTAB District are established as shown on the map entitled "Zoning Atlas, City of Avondale, Arizona," as amended, a copy of which is on file with the department.

(c) Subdistricts. The OTAB District is comprised of the following subdistricts:

(1) Heritage District. Any property located within OTAB with direct frontage on Western Avenue, Central Avenue or Dysart Road shall be subject to the requirements, restrictions and standards that are listed in this subsection 28-5(c)(1). This subdistrict promotes pedestrian-oriented development that is designed to attract customers from a regional trade area as well as from the immediate area. Commercial uses are required on the ground floor in order to produce the critical mass of businesses necessary to make the area flourish; residential uses are encouraged on upper floors to create a presence in the area during off-peak business hours. Development shall take the form of a traditional main street, where businesses extend to the pedestrian sidewalk and parking is provided on the street, within public lots/structures, or behind the buildings.

(2) Neighborhood District. Any property located within OTAB with direct frontage on a local street shall be subject to the requirements, restrictions and standards that are listed in this subsection 28-57(c)(2) for the Neighborhood District. This subdistrict is designed to provide a transition between the OTAB Heritage District and the residential districts located on the periphery of the OTAB Neighborhood District. Residential uses remain the primary land use; however, non-residential uses such as boutiques, cafes, professional offices and bed and breakfast inns are permitted. These commercial businesses may be located in either retrofitted residences or new buildings. Development standards have been designed to be respectful

of the residential character of the district. Unlike the Heritage District, which requires buildings be placed at the edge of the sidewalk, landscaped areas are required in the fronts of businesses in this Subdistrict in order to give entryways a sense of importance and to distinguish businesses from residential uses.

(d) OTAB land use matrix. The following land use matrix shows the uses that are:

- (P) Permitted outright
- (C) Permitted with a conditional use permit
- (PC) Permitted with conditions
- (A) Permitted as an accessory use
- (-) Prohibited

| LAND USE | HERITAGE SUBDISTRICT | NEIGHBORHOOD SUBDISTRICT |
|---|---|---|
| **Assembly Uses** | | |
| Funeral homes | C | - |
| Movie and performing arts theaters, indoor | P | - |
| Places of worship | P | - |
| Reception centers | C | - |
| Social/Private club | P | - |
| **Commercial Service Uses** | | |
| Banks and financial institutions, excluding non-chartered financial services | P | - |
| Barber shops | P | PC |
| Beauty salons | P | PC |
| Child care centers | C | - |
| Clothing alteration, custom dressmaking, or tailor shop | P | PC |
| Health and exercise center | P | - |
| Massage or day spas | P | PC |
| Nail salons | P | PC |
| Pet grooming | P | - |
| Shoe repair shops | P | PC |
| Ticket, travel, and recreational activity agencies | P | P |
| **Dining and Entertainment Uses** | | |
| Bakeries | P | PC |
| Bars | C | - |
| Coffee shops | P | PC |
| Juice bars | P | PC |
| Outdoor dining | A | PC |
| Restaurants, without drive-through | PC | PC |
| Sidewalk cafes | PC | PC |
| Video arcades or game rooms | P | - |
| **Educational, Institutional, and Office Uses** | | |
| Art schools | P | - |
| Art studios, without retail sales | P | P |
| Dance studios | P | - |
| Medical, dental, or health offices, excluding plasma centers and medical marijuana uses. | P | PC |
| Museums, libraries, and cultural centers | P | - |

| LAND USE | HERITAGE SUBDISTRICT | NEIGHBORHOOD SUBDISTRICT |
|---|---|---|
| Music studios | P | P |
| Professional offices | P | PC |
| Public schools | P | P |
| **Hospitality Uses** | | |
| Bed and breakfast inns | C | PC |
| Hotels | P | - |
| **Miscellaneous Uses** | | |
| Community gardens, one acre or less | P | P |
| Public parking facilities, including parking structures, surface lots and park-and-rides. | PC | PC |
| Public uses, including utility buildings, structures, uses, facilities and equipment | PC | PC |
| Uses that are customary and incidental to the principal permitted use of the property | A | - |
| **Pedestrian-Oriented Retail Uses** | | |
| Antique and collectible shops | P | PC |
| Art, craft and photography studios, including retail sales | P | P |
| Art galleries | P | PC |
| Consignment shops | P | PC |
| Farmers markets, indoor or outdoor | P | - |
| Florists | P | PC |
| Liquor Stores | C | - |
| Outdoor sales and display | PC | - |
| Specialty retail shops, excluding liquor stores | P | - |
| Grocery Store | P | PC |
| Pharmacy | P | - |
| **Residential Uses** | | |
| Caretaker's Quarters | - | PC |
| Dwelling units on the second/third stories of a commercial building | P | - |
| Multi-Family dwelling | P | PC |
| Single-Family attached dwelling | - | PC |
| Single-Family detached dwelling | - | PC |

(e) OTAB uses permitted with conditions. The following land uses are listed in the OTAB 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 and/or tenant improvement plan review, additional conditions of approval deemed necessary to protect the health, safety, and public welfare may be added.

(1) (a) Antique and collectible shops, (b) art, craft, and photography studios, (c) art galleries, (d) barber shops, (e) beauty salons, (f) clothing alteration, dressmaking, or tailor shops, (g) coffee shops, (h) consignment shops, (i) grocery store, (j) juice bars, (k) massage and day spas, (l) medical, dental, or health offices, (m) nail salons, (n) professional offices and (o) shoe repair shops are allowed in the Neighborhood Subdistrict provided that:

(A) The business shall not be open to customers between the hours of 10:00 p.m. and 6:00 a.m.

(B) The floor area devoted to the business shall not exceed three thousand (3,000) square feet.

(C) A maximum of two (2) on-site parking spaces may be provided on a paved driveway. Any additional required parking must be accommodated by delineated on-street spaces, public surface parking lots or public parking structures, all of which must be located within two hundred fifty (250) feet of the property on which the business is to be located.

(D) The business shall not receive more than three (3) commercial deliveries in a twenty-four-hour period.

(E) Outdoor storage or display shall be prohibited.

(2) Bakeries are allowed in the Neighborhood Subdistrict provided that:

(A) The business shall comply with the conditions listed in subsection 28-57(e)(1), above.

(B) The business shall not make more than one (1) delivery of baked goods for off-site sale in a twenty-four-hour period.

(3) Bed and breakfast inns are allowed in the Neighborhood Subdistrict provided that:

(A) The bed and breakfast inn shall be owner-occupied. The guess rooms shall be part of the primary residence.

(B) The bed and breakfast inn shall not have more than three (3) commercial deliveries or outside service in a twenty-four-hour period.

(C) Meals shall only be served to overnight guests and residents.

(D) The bed and breakfast inn shall not be used for the hosting of receptions, private parties or similar events.

(E) 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.

(4) Florists are allowed in the Neighborhood Subdistrict provided that:

(A) The business shall comply with the conditions listed in subsection 28-57(e)(1), above.

(B) Commercial vehicles, as defined in article 1, shall not be used to make floral deliveries to off-site locations.

(5) Outdoor dining is allowed as an accessory to a restaurant in the Neighborhood Subdistrict provided that:

(A) The outdoor dining area shall only be allowed if located on the same property as a restaurant operating in compliance with the restaurant requirements set forth in subsections 28-57(e)(10) and (11) below.

(B) The outdoor dining area shall not exceed one thousand (1,000) square feet.

(C) Music, live or recorded, may not be played in the outdoor dining area.

(6) Outdoor sales and display are allowed as an accessory use to an approved retail use in the Heritage Subdistrict provided that:

(A) Outdoor sales and displays shall feature products sold and displayed in the primary business conducted in the adjacent permanent building.

(B) Outdoor sales and displays shall be clearly subordinate to the indoor sales occurring in the adjacent permanent building.

(C) Displays shall not impede pedestrian access ways, handicapped access ways, fire lanes, parking spaces, driveways, entryways, street intersections or landscape areas, and shall not interfere with traffic visibility.

(D) Displays shall only occur during the hours the business in the permanent building is operating. Items must be returned indoors prior to the closing of business in the permanent building.

(7) Public parking facilities, including parking structures and surface lots are allowed in the Heritage and Neighborhood Subdistricts provided that:

(A) Parking structures may be above ground, provided the structure is architecturally concealed and has the appearance of being enclosed.

i. Open metal railings or panels which do not adequately screen the vehicle from view are prohibited.

ii. When located within the Heritage Subdistrict, parking structures shall be designed to have side street accessibility where possible.

iii. The architecture of the parking structure shall share architectural themes of adjacent and nearby buildings.

(B) Parking structures shall adhere to the height limitations of the subdistrict in which they are located.

(C) Where feasible, parking structures shall feature commercial space on the perimeter of the ground floor. In instances where commercial space cannot be provided, ground level landscaping shall be required on the perimeter of the structure for aesthetic enhancement.

(8) Public uses, including utility buildings, structures, uses, facilities and equipment, are allowed in the Heritage and Neighborhood Subdistricts provided that sites shall be screened from off-site view by a minimum six-foot tall masonry wall; taller screen walls may be required depending on the dimensions of the facility being screened. Wall design shall comply with the requirements of article 12 of this zoning ordinance, landscaping, walls, and fences.

(9) Residential living quarters occupied by the owner or employee of a permitted business on the property are allowed in the Neighborhood subdistrict provided that:

(A) The interior of the building shall be designed such that customers do not have access to the residential living quarters.

(B) The living quarters shall not be rented, leased or sold separately from the principal residence or otherwise used for compensation.

(C) A separate address, water meter, or utility meter shall not be provided for the living quarters.

(D) The living quarters must be physically attached to the business and cannot be located within a separate structure.

(10) Restaurants without a drive-through lane are allowed in the Heritage and Neighborhood Subdistrict provided that:

(A) Restaurants within the Neighborhood Subdistrict shall comply with the conditions listed in subsection 28-57(e)(1), above.

(B) Restaurants shall schedule regularly occurring trash pickups and provide individual dumpsters to ensure that objectionable odors are minimized.

(11) Sidewalk cafés are allowed in the Heritage Subdistrict provided that:

(A) Sidewalk cafés shall be located directly adjacent to and abutting an indoor restaurant and cannot extend beyond the frontage of the operating indoor restaurant.

(B) A sidewalk café shall be allowed only where the sidewalk or porch is wide enough to adequately accommodate both pedestrian traffic in the area and the operation of the proposed café. There shall be a minimum of forty-eight (48) inches clear distance free of all obstructions in order to allow adequate pedestrian movement.

(C) All outdoor dining furniture, including tables, chairs, umbrellas and planters, shall be moveable. Umbrellas must be secured with a minimum base of not less than sixty (60) pounds. All furniture used in the operation of the café, including any barriers required as a condition of a liquor license must be removed from the sidewalk and stored indoors whenever the restaurant is closed.

(D) If determined necessary, by the city engineer or authorized designee, for public safety, in conjunction with a license issued pursuant to subsection 28-57(e)(11)(I) below, a moveable decorative barrier separating café seating from pedestrian traffic shall be provided. The designs must reflect the architecture of the restaurant building façade. The barrier must be removed from the sidewalk and stored indoors whenever the restaurant is closed.

(E) A sidewalk café shall only serve food and beverages prepared or stocked for sale at the adjoining indoor restaurant, provided that an extension of premises for the service of alcoholic beverages for on-site consumption has been authorized by the City of Avondale and the State of Arizona.

(F) Hours of operation for a sidewalk café shall be the same as those of the adjoining indoor restaurant, or less, but in no event shall the sidewalk café be open when the main restaurant is not.

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

(H) The sidewalk café shall not require the provision of additional parking.

(I) A sidewalk café shall require a license, or other authorization as determined acceptable by the zoning administrator, prior to utilizing any portion of the public right-of-way. Plans detailing the specific location and dimensions of the sidewalk café, as well as the specifications of the proposed site furniture and barrier, shall be approved by the Department prior to approval of the sidewalk café.

(12) Single-family attached dwellings are allowed in the Neighborhood Subdistrict, provided that new single-family attached dwellings and additions to existing single-family attached dwellings shall comply with the development standards, accessory use standards, and design standards (including landscaping and signage requirements) of the R-2 (Multi-Family Residential) Zoning District.

(13) Single-family detached dwellings are allowed in the Neighborhood Subdistrict, provided that new dwellings and additions to existing dwellings shall comply with the development standards, accessory use standards, and design standards (including landscaping and signage requirements) of the R1-6 (Urban Residential) Zoning District.

(14) Multi-family dwellings are allowed in the Neighborhood Subdistrict, provided that new multi-family dwellings and additions to existing multi-family dwellings comply with the Historic Avondale Design and Development Guidelines. For all development standards, accessory use standards and design standards (including landscaping and signage requirements) not covered in the Historic Avondale Design and Development Guidelines, multi-family dwellings shall comply with the requirements of either the R-3 or R-4 (Multi-Family Residential) Zoning District, whichever is determined to be more appropriate by the zoning administrator.

(f) OTAB conditional use standards. The following land uses are listed in the OTAB land use matrix as being allowed with a conditional use permit. All uses being granted a Conditional Use Permit shall meet the city's required findings for a conditional use permit. Additionally, the individual uses listed below shall comply with the conditions set forth below. 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.

(1) Funeral homes are allowed in the Heritage Subdistrict provided that:

(A) A plan illustrating the route that funeral processions will use exiting Old Town shall be provided by the business and approved by the city council as part of the conditional use permit process prior to issuance of a business license.

(B) Delivery of funeral accessories to the site shall be scheduled at non-peak viewing and service times to reduce vehicular and pedestrian conflicts.

(C) The disposal of blood extracted during embalming shall comply with the city's wastewater pre-treatment ordinance.

(2) Liquor stores may be permitted as a conditional use in the Heritage Subdistrict provided that:

(A) The minimum separation between any liquor store and the nearest body piercing studio, tattoo parlor, non-chartered financial service provider, pawn shop, plasma center, sexually oriented business or another liquor store shall be one thousand three hundred twenty (1,320) feet, measured in a straight line from the nearest property line of each property.

(B) The minimum separation required shall apply regardless of whether the other use is located within the incorporated area of the City of Avondale or within another jurisdiction.

(3) Music studios may be permitted as a conditional use in the Neighborhood Subdistrict provided that:

(A) The floor area devoted to the business shall not exceed three thousand (3,000) square feet.

(B) Sound attenuation measures shall be taken to ensure the business has no measurable impact on adjacent residential uses.

(g) OTAB District property development standards.

(1) The following table outlines the minimum development standards required in the OTAB District. Setbacks in excess of those listed on this table may be required in accordance with the conditions required of conditional use permits or uses permitted with conditions.

| OTAB DISTRICT DEVELOPMENT STANDARDS | HERITAGE SUBDISTRICT | NEIGHBORHOOD SUBDISTRICT |
|---|---|---|
| Minimum lot width | Not applicable | 50 feet |
| Minimum site depth | Not applicable | 100 feet |
| Maximum lot coverage | 100% | 50% |
| Maximum building height | 40 feet | 30 feet |
| Minimum front setback | 0 feet | 15 feet |
| Maximum front setback | 10 feet | 30 feet |
| Minimum side setback | 0 feet, except as provided in subsection 28-57(g)(2)(A) below | 0 feet, except when adjacent to a residential use a 5 feet minimum setback is required. |
| Minimum street side setback | 0 feet | 10 feet |
| Minimum rear setback | 0 feet, except as provided in subsection 28-57(g)(2)(B) below | 15 feet |

(2) Additional requirements.

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

(B) Within the Heritage Subdistrict, where a rear property line abuts a residentially zoned property, a minimum rear yard setback of twenty (20) feet shall be maintained.

(h) OTAB performance standards.

(1) Any exterior modification of a building, structure or site within the OTAB District shall be subject to the standards set forth in the Historic Avondale Design and Development Guidelines and future amendments thereto, as well as the requirements contained within this subsection 28-57(h).

(A) New and remodeled buildings shall be compatible with the Old Town character and architecture.

(B) Design shall preserve the integrity of each individual structure and the character of its streetscape.

(C) Important character-defining features and details of existing buildings shall be preserved when exterior alterations are proposed.

(D) All new buildings shall be designed to be compatible with the human scale and shall also preserve the residential and historic character of the surrounding neighborhood.

(E) For elevations fronting onto Western Avenue, Dysart Road or Central Avenue, storefront windows shall be utilized to allow views into and out of ground level spaces. Clear or lightly tinted glass shall be used in windows, doors and display windows.

(F) Façade surfaces adjacent to major streets (Western Avenue, Dysart Road and Central Avenue) shall be no more than twenty-four (24) feet in length without an opening.

(G) Any building over fifty (50) feet wide shall be designed to appear as a series of buildings no wider than fifty (50) feet each.

(H) All retail entrances adjacent to major streets (Western Avenue, Dysart Road and Central Avenue) shall be sheltered by use of a porch, canopy or awning.

(I) All customer entries shall be open to either the public right-of-way or an open air breezeway leading to the public right-of-way.

(2) All activities shall be conducted entirely within enclosed buildings, except where outdoor uses are explicitly listed in the OTAB land use matrix as permitted, permitted with conditions or permitted as an accessory use, except that outdoor furniture (e.g. benches, chairs, tables) may be provided on any private property for use by pedestrians if the furniture is designed for exterior use and any portion of the furniture is not located within the public-right-of-way. Customer service shall not be provided outside unless as part of an authorized sidewalk café or outdoor dining use.

(3) Outdoor storage and/or display of goods and materials shall be prohibited except where specifically authorized in this section.

(4) Service entrances and service yards shall be located in the rear and/or side yard of the business use or accessed from an alley. Service yards shall be screened from any adjoining residential zone or use by the installation and maintenance of a solid wall or solid (opaque) fence having a height of not less than six (6) feet.

(5) Trash enclosures shall be located within screened enclosures that are designed to correspond to the particular architectural style of the corresponding property. These enclosures should not be visible from Western Avenue, Central Avenue or Dysart Road.

(6) Signage within OTAB shall be provided in accordance with article 9 of the zoning ordinance and the Historic Avondale Design and Development Guidelines.

(7) Except where specified otherwise within this section 28-57, parking shall be provided in accordance with article 8 of the zoning ordinance and the Historic Avondale Design and Development Guidelines. Joint-use parking shall be permitted in accordance with the procedures outlined in that section.

(8) Landscaping and walls shall be required in accordance with the provisions of article 12 of the zoning ordinance, landscaping, walls, and fences regulations, and the Historic Avondale Design and Development Guidelines, except as follows:

(A) Development in the OTAB District shall be exempt from the provisions of subsection 28-294(c)(1)(D), landscape design standards, required landscape areas, general. No minimum percentage of site landscaping shall be required.

(B) The provisions of subsection 28-294(c)(3), landscape design standards, landscape setback, shall apply to development in the OTAB District, except that the minimum dimension of landscape setbacks shall be determined by the development standard table, above.

(C) The provisions of subsection 29-294(c)(5), landscape design standards, land use buffers, shall not apply to development in the OTAB District.

**28-58 Cashion Business District (CBD).**

(a) Purpose. The Cashion Business Zoning District (CBD) is intended to encourage and facilitate the construction of new commercial enterprises and/or the expansion of existing businesses in the Cashion commercial corridor. This district promotes flexibility in development standards necessary due to the smaller sized parcels in the area and encourages variation in circulation patterns and land use. Relative to the city's standard commercial districts, the CBD includes development standards allowing for reduced setbacks, parking requirements and landscaping requirements.

(b) Applicability. The Cashion Business District may be established on any property located between 107th Avenue and 113th Avenue that has direct frontage on Buckeye Road.

(c) Permitted uses.

(1) The uses permitted in the Cashion Business District shall be the same as those permitted in the C-2 (Community Commercial) Zoning District.

(2) Any conditions listed in sections 28-54, uses permitted with conditions, and 28-55, conditional use development standards, of this zoning ordinance shall also apply unless specifically exempted in this section 28-58.

(d) Property development and design standards.

(1) The development standards of the Cashion Business District including, but not limited to, setbacks, landscaping and screening, are designed to provide flexibility for new and existing businesses. The following table outlines the minimum setback and buffering standards required for this district. Unless specifically modified in this subsection, all development standards in the CBD shall be in accordance with the C-2 District standards.

| CASHION BUSINESS DISTRICT MINIMUM SETBACKS & BUFFERS | |
|---|---|
| Buckeye Road setback | 10' Minimum, fully landscaped |
| Secondary street setback | 10' Minimum, fully landscaped |
| Interior/side setback | None |
| Rear setback and/or building setback from a residential use | 10' minimum, fully landscaped. No setback shall be required if an alley is adjacent to a rear property line or separates a commercial use from a residential use. |
| Parking setback from a residential use | 5' minimum, fully landscaped |

(2) Setbacks in excess of those listed in the table in subsection 28-58(d)(1) above may be required in accordance with the conditions required of uses permitted with conditional use permits or uses permitted with conditions.

(3) On-site parking shall be provided in accordance with article 8 of this zoning ordinance. Joint-use parking shall be permitted in accordance with the procedures outlined in article 8 of this zoning ordinance.

(4) Landscaping and walls shall be required in accordance with the provisions of article 12, landscaping, walls, and fences regulations, of this zoning ordinance, except as follows:

(A) Landscaped areas shall be provided on the site in an amount equal to or greater than ten (10) percent of the net site area. Development in the Cashion Business District shall be exempt from the provisions of subsection 28-294(c)(1)(D), landscape design standards, required landscape areas, general.

(B) The provisions of subsection 29-294(c)(3), landscape design standards, landscape setback, shall apply to development in the Cashion Business District, except that the minimum dimension of landscape setbacks shall be determined by the development standard table, set forth in subsection 28-58(d)(1) above.

(C) The provisions of 28-294(c)(5), landscape design standards, land use buffers, shall apply to development in the Cashion Business District, except that the minimum dimension of landscape buffers between a CBD property and a residential use shall be determined by the development standard table, set forth in subsection 28-58(d)(1) above. This landscape buffer shall also be required on any CBD property where an alley separates the property from a residential use.

(5) Any conditions required of uses listed in sections 28-54, uses permitted with conditions, and 28-55, conditional use development standards),of this zoning ordinance shall apply, except as follows:

(A) The provisions of subsection 28-54(c), uses permitted with conditions, automobile service and diagnostic facilities, of this zoning ordinance shall apply to the development of automobile service and diagnostic facilities, except that the landscape buffer shall be a minimum of ten (10) feet. Additionally, garage bay doors may face residentially zoned properties or uses if screened in a method acceptable to this zoning administrator or designee.

(B) The provisions of subsection 28-54(r), uses permitted with conditions, tire sales, repair, and mounting facilities, of this zoning ordinance shall apply to the development of tire sales, repair, and mounting facilities, except that the landscape buffer shall be a minimum of ten (10) feet. Additionally, garage bay doors may face residentially zoned properties or uses if screened in a method acceptable to the zoning administrator or designee.

(C) Screening of drive-through lanes shall only be required from public streets.

**28-59—28-70 Reserved.**

## Article 4

## EMPLOYMENT DISTRICTS

### 28-71. Purpose and intent.

Employment zoning districts are intended to make property available for uses that provide employment opportunities, including general office and industrial, and retail and commercial uses supporting these primary uses.

The following employment districts are established:

(a) Commerce Park (CP). The purpose of the Commerce Park District is to accommodate employment uses including administrative, medical, and research industries, offices, hotels and light manufacturing. Associated support commercial uses are also included within this district. The Commerce Park is intended to meet the following objectives:

(1) Encourage a campus-style development.

(2) Development that is compatible with surrounding and adjacent uses, generally occurring within enclosed buildings.

(3) A district that provides flexibility to respond to the city's land use and economic needs while projecting a highly desirable and unified appearance along public streets.

(4) Promote an efficient circulation system that includes attractive streetscapes and functional pedestrian areas.

(b) General Industrial (A-1). The purpose of the General Industrial District is to accommodate warehousing, wholesaling, assembly, and heavy manufacturing of an intensive nature, often involving open uses and/or storage, large scale machinery and structures.

## 28-72 Land use matrix.

The following land use matrix shows the uses that are permitted outright (P), permitted subject to a conditional use permit (C), permitted with conditions provided herein (PC), as an accessory use to an otherwise permitted use (A) or prohibited (-) in specific employment 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. Uses not listed as a permitted, permitted with conditions, or conditional use shall be prohibited from the applicable zoning district. In the event a particular use is not listed in this section and such use is not otherwise prohibited by law, the zoning administrator or designee shall determine whether such use is analogous to other listed uses; the determination shall be made pursuant to section 28-5 of this ordinance.

| LAND USE | CP | A-1 |
|---|---|---|
| Ambulance dispatch facility | P | P |
| Animal shelter | - | C |
| Auto body and engine repair, upholstery, painting facilities, and similar uses for trucks, automobiles, boats, motorcycles, recreational vehicles, and similar | - | P |
| Aviation related business, including aircraft repair, sales and service | - | C |
| Banks and chartered financial institutions | P | - |
| Business support services - photocopy centers, office supply stores, and package delivery services. | P | C |
| Catering | P | P |
| Child care center | C | - |
| Clinic for dental and medical | P | - |
| Contractor's materials storage yard | - | P |
| Data and call centers | P | P |
| Day laborers hiring center | - | C |
| Design centers | P | P |
| Distribution of products manufactured or assembled onsite | A | A |
| Dry cleaning drop-off establishment | P | - |
| Dry cleaning plant | - | P |
| Employment agency | P | - |
| Emissions testing facility | - | P |
| Extraction of rock, sand, gravel, etc. operations | - | C |
| Garages for repair of trucks, buses and heavy equipment | - | P |
| Government offices and facilities - federal, state, county and city. | P | P |
| Health and exercise centers, intended to serve the surrounding employment uses (maximum 10,000 square feet gross building area) | P | - |
| Hospital and urgent-care facility | P | - |
| Hotel and conference center | P | - |
| Impound lot | - | C |
| Laboratories for product development, testing, experimenting and investigating - bio-science, medical, dental, pharmaceutical, electronic and similar uses. | P | P |
| Landscaping and agricultural supplies and equipment, wholesaling, and storage | - | P |
| Manufacturing and assembly, light | P | P |
| Manufacturing and assembly, heavy | - | P |
| Manufacturing of hazardous materials (explosives, chemicals, dry ice, gases, gasoline, petroleum, paints, varnishes, and other similar) manufacturing or processing | - | C |
| Medical, dental, or health offices, excluding plasma centers and medical marijuana uses | P | - |
| Medical Marijuana Dispensary | - | PC |
| Mini-storage warehouse, excluding outdoor storage of vehicles or trailers | C | C |
| Mining or drilling operations | - | C |
| Mixing plant for cement or paving | - | C |
| Mobile food vendor | P | P |
| Motion picture productions (studio) | C | P |
| Motor vehicle assembly | - | P |
| Outdoor storage associated with an on-site primary use, excluding vehicles | C | PC |
| Pharmacy, when integral to a multi-tenant building (no drive-through) | P | - |
| Processing of meats, fats or oils | - | C |
| Professional offices | P | P |

| LAND USE | CP | A-1 |
|---|---|---|
| Public utility facilities | P | P |
| Recycling facility, metals collecting and crushing | - | C |
| Restaurant, Full Service (no drive-through) | P | - |
| Retail sales that primarily support the businesses and employees of the commerce park and not the general population | C | C |
| Sale of products manufactured or assembled on-site | A | A |
| Schools, vocational, business, trade, college, university | P | - |
| Sexually oriented businesses, subject to the requirements of Section 10 of the Zoning Ordinance | - | PC |
| Signs and monuments, including sales, manufacturing and assembly of signs or sign components | P | P |
| Transmitting and receiving towers | C | C |
| Truck and trailer fueling, dispatch and weighing stations | - | C |
| Veterinary hospital, clinic | P | - |
| Vehicle storage facility, excluding dead vehicle storage | - | P |
| Warehousing | A | P |
| Wholesaling | - | P |

P= Permitted use

PC = Permitted use with conditions

C = Conditional use permit

A = Accessory use

- = Not permitted

**28-73 Uses permitted with conditions.**

Based upon site plan review, land uses listed in the land use matrix as "permitted with conditions" may be subject to additional conditions of approval if deemed necessary to protect the health, safety, and public welfare.

(a) In addition to, and in no way limiting the general nature of this section, medical marijuana dispensaries and marijuana establishments are allowed in certain general industrial districts as set forth above, so long as such uses are in compliance with the requirements of article 13 of this zoning ordinance.

(b) In addition to, and in no way limiting the general nature of this section, sexually oriented businesses are allowed in certain general industrial districts as set forth above, so long as such uses are in compliance with the requirements of article 10 of this zoning ordinance

(c) Outdoor storage associated with an on-site primary use is permitted in the A-1 District, subject to the following conditions:

(1) Storage areas must be fully screened.

(2) Screen walls must be constructed of concrete and/or masonry block with exterior finishes to match the primary building.

(3) Storage area gates must be opaque.

(4) Stored materials shall not exceed the height of the lowest adjacent wall.

**28-74 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 require approval of a conditional use permit through the process set forth in article 1 of this zoning ordinance prior to approval of a site plan.

**28-75 Development standards.**

The following development standards shall apply to all real property zoned CP and A-1.

(a) All activities, except as allowed by conditional use permit or permitted with conditions that indicate otherwise as listed in the land use matrix, shall be conducted entirely within enclosed buildings.

(b) Within the CP District, warehousing or indoor storage of goods or material incidental to permitted uses shall be allowed.

(c) All new buildings and uses of land or substantial additions to or remodeling of existing buildings/uses shall be subject to site plan review in accordance with article 1 of this zoning ordinance.

(d) The following table outlines the minimum development standards within each district:

| District | CP | A-1 |
|---|---|---|
| Maximum height | 35' | 45' |
| Maximum building coverage | 50% | - |
| Minimum setbacks: Front yard | 25' | 30' |
| Side yard | 15' | 10' |
| Rear yard | 15' | 10' |
| Street side | 25' | 30' |
| Adjacent to a residential zoning district or use* | 50' | 75' |

* Not applicable to manufactured home parks.

**28-76 Design standards.**

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.

**28-77—28-90 Reserved.**

## Article 5

## SPECIAL DISTRICTS; OVERLAYS

**28-91 The BLVD District.**

(a) Purpose. The BLVD Specific Plan ("The BSP") was created to implement the city council's vision of creating a vibrant, urban, mixed use environment that will become a premier destination for shopping, dining, entertainment, employment and various types of residential uses for the area of Avondale located between the Avondale Civic Center and Interstate Highway 10. The BLVD Zoning District (The BLVD District, or "The BLVDD") is intended to complete the vision expressed in The BSP by prescribing building form, site design and architectural standards for The BLVD area.

The BLVDD consists of two (2) components approved by the city council: (A) a legislatively approved base zone, the boundaries of which are consistent with Figure 2-1 of The BSP, containing the basic performance standards and regulations for the respective Subdistricts shown on Figure 2-1 of The BSP and (B) an administratively approved (by the city council), individualized Development Plan that selects the land uses from those allowed in the applicable Subdistrict and organizes such uses into a form-based development plan specific to a site. Accordingly, the Subdistrict categories set forth in section 28-91(c) below are intended to directly relate to and implement the provisions set forth in Section 2.0 of The BSP for the corresponding subdistrict category. The BLVDD is intended to be flexible to allow for a parcel of land to be entitled in a single step by combining the development plan with the base zone approval, much like a typical PAD rezoning, or to allow for the base zone to precede the development plan.

(b) Applicability.

(1) Only properties within The BSP boundary will be permitted to rezone to The BLVDD.

(2) The development regulations related to each subdistrict and the boundaries thereof shall correspond to the descriptions of the subdistricts categories of the same name in Section 2.0 of The BSP and the boundaries and locations of the Subdistricts as shown on Figure 2-1 of The BSP.

(c) Subdistricts. The BSP is divided into six (6) subdistricts. properties within each subdistrict shall comply with the land uses and development standards set forth in this section in accordance with the standards in The BSP for each such subdistrict. The six (6) subdistricts are described below:

(1) Gateway District. The Gateway District, which features direct frontage on I-10 and offers significant visibility, is designed to accommodate development of commercial uses that will act as catalysts and spur demand for development in the remainder of The BLVD area. Commercial uses that would typically be classified as development catalysts include, but may not be limited to, post-secondary education campuses, medical campuses and/or hospital(s), resort hotels, and/or four-story or greater class-A corporate headquarters. In addition to catalyst type uses, dense urban form residential developments (minimum twenty-two (22) dwelling units per acre), 2-3-story mid-rise office, and urban form retail/restaurant uses are appropriate. Industrial uses, such as manufacturing and warehousing, are inappropriate in this district. All uses may be served by surface and/or structured parking. Building heights shall not exceed ten (10) stories. However, a building may be built up to sixteen (16) stories with city council approval as part of the development plan process.

(2) Village District. The Village District, located west of Avondale Boulevard and north of Van Buren Street, is designed to accommodate more conventional retail, restaurant, office, employment, and urban-form multi-family uses (minimum eighteen (18) dwelling units per acre), all with a strong emphasis on pedestrian-orientation and contemporary, urban design that interfaces with and creates a presence on adjacent streets. Developments within the Village District should generate a diversity of activity to attract people to the area and support The BLVD area as a whole. Convenience uses that cater to automobiles, for example drive-through restaurants, are restricted in regards to quantity and feature design requirements intended to ensure they do not hinder walkability. Building heights shall not exceed ten (10) stories. However, a building may be built up to sixteen (16) stories as part of the development plan process.

(3) Park Avenue District. The Park Avenue District, located east of Avondale Boulevard, north of Van Buren Street, is the planned core of The BLVD. Development within this District will be centered around a public gathering area that will accommodate events and activities that bring people into The BLVD, creating a vibrant, active street scene and, in turn, support local businesses. Permitted uses within the Park Avenue District include a mix of hotel, retail, restaurants, sports, entertainment, theater, cultural, multi-family residential (minimum twenty-two (22) dwelling units per acre), studios, offices, and post-secondary education, all of which must be designed to interface with adjacent streets in an urban manner and feature modern, contemporary design. Uses must also be designed immediately adjacent to usable open spaces, such as plazas, outdoor dining areas, and the like, with the intent of creating an active outdoor environment. Convenience uses that cater to automobiles, for example drive-through restaurants, are restricted in regards quantity and feature design requirements intended to ensure they do not hinder walkability. Building heights shall not exceed ten (10) stories. However, a building may be built up to sixteen (16) stories as part of the Development Plan process.

(4) Residential District. The Residential District, located in the northwest quadrant of The BLVD, is designed to accommodate development of high-density housing in close proximity to the Park Avenue District core. A broad range of residential uses are permitted in this District to appeal to various lifestyle choices, including attached single-family, apartments, townhomes, and condominiums. In addition, small lot, single-family detached homes may be appropriate as a transitional use where the Residential District abuts existing single-family residential. All residential development will provide highly-amenitized luxury

living in an urban form. Development standards for this District are designed to prevent development of "garden apartments" and other inwardly focused, suburban residential types and encourage development of urban rowhomes, townhomes, or other residential types that are more outwardly focused, strongly interfaced with adjacent streets, and that contribute to an overall sense of community within The BLVD at-large. The minimum required density in this district is eighteen (18) dwelling units per acre, though product types under the minimum density may occur as part of a master residential development that, as a whole, meets the minimum density requirement. Limited commercial uses are permitted if located on the ground floor of a multi-story building with residential uses above. Building heights shall not exceed six (6) stories; within three hundred (300) feet of single-family residential uses, building heights shall not exceed three (3) stories.

(5) Neighborhood District. The Neighborhood District, located east of Avondale Boulevard, south of Van Buren Street and north of the Civic Center complex, is designed to accommodate development of detached single-family residential homes and/or attached townhomes with a density between four (4) and twelve (12) dwelling units per acre. Urban form development is not required, but is encouraged, in the Neighborhood District. Building heights shall not exceed two (2) stories or thirty (30) feet.

(6) Promenade District. The Promenade District, located south of Van Buren Street west of Avondale Boulevard, allows for a variety of retail, restaurant, service and office uses which will support the daily needs for goods and services of residents of The BLVD and surrounding neighborhoods. The character and form of development in the Promenade District will be noticeably more suburban than in other portions of The BLVD, though pedestrian-orientation is still a priority. Auto-oriented uses that are heavily restricted in other districts, such as drive-throughs, are appropriate in the Promenade District. Building heights shall not exceed two (2) stories or thirty (30) feet.

(d) Administration.

(1) Establishment. The BLVDD zoning may be established on property within The BLVD area, as defined by The BSP Figure 2-1, according to the procedures outlined in section 28-10 of this zoning ordinance.

(2) Required development plan. In addition to the approved The BLVD base zoning, a city council approved development plan is required prior to the application for a development permit within The BLVD.

(A) Development plans may be filed for all or part of the property zoned or to be zoned The BLVDD. Development plans shall be submitted in accordance with section 28-6, site plan and design review; provided, however that the planning commission shall review, and city council shall review and approve, all development plans for properties zoned The BLVDD.

(B) The ordinance approving the rezoning of a property to The BLVDD shall indicate, both by narrative text and a map, the location and boundaries of the Subdistricts that are included in the area to be rezoned.

(3) Amendment. The zoning administrator or designee shall determine whether a proposed amendment to an approved development plan is a major or minor amendment. Major amendments shall require city council approval with a recommendation of the planning commission. Minor amendments shall require administrative approval by the zoning administrator or designee only.

(A) Major amendment: Any one (1) of the following shall be considered a major amendment of a development plan:

i. A significant change in boundary lines of the development. Minor and technical adjustments to the boundary lines within the development plan are permitted without a major amendment so long as (i) the area affected by the boundary change does not exceed fifteen (15) percent of the total area subject to the development plan, (ii) the adjustments do not significantly alter the traffic or pedestrian circulation system for the development plan and (iii) in the reasonable opinion of the zoning administrator, the overall character of the development plan, if modified, will remain in substantial conformance with the BSP and the

development plan as originally approved. Any expansion or relocation of a boundary line not within the scope of this exception shall be considered a major amendment of the development plan. Such boundary line changes may also require an amendment to the BSP prior to any city council consideration of the change to the development plan.

ii. Any change that could have significant negative impact on uses adjoining the development.

iii. Any change that could have a significant impact on roadways adjacent or external to the development.

iv. Any change that could have a significant negative impact on the amount of parking required or provided by the development.

v. Any change to a phasing plan that could have a significant negative impact on adjacent or surrounding developments.

(B) Minor amendment: All amendments to a development plan not determined by the zoning administrator to be major amendments according to the criteria set forth in subsection (a) above shall be minor amendments.

(e) Land uses. Land uses for each subdistrict shall comply with the land use matrix set forth below. Uses not listed as a permitted, permitted with conditions, or conditional use shall be prohibited from the applicable zoning district. In the event a particular use is not listed in this section and such use is not otherwise prohibited by law, the zoning administrator or designee shall determine whether such use is analogous to other listed uses; the determination shall be made pursuant to section 28-5 of this ordinance.

G = Gateway District

PA = Park Avenue District

N = Neighborhood District

V = Village District

R = Residential District

P = Promenade District

P = Permitted

C = Conditional use

PC = Permitted with conditions

A = Accessory

FF = First floor w/residential above

- = Not allowed

| | THE BLVD SUBDISTRICTS | | | | | |
|---|---|---|---|---|---|---|
| **LAND USE** | **G** | **V** | **PA** | **R** | **N** | **P** |
| Amusement parks, outdoor | C | - | - | - | - | - |
| Antique store | P | P | P | FF | - | P |
| Aquarium | C | - | C | - | - | - |
| Art gallery | P | P | P | FF | - | P |
| Art studio | P | P | P | FF | - | P |
| Automobile rental facility with no on-site storage | P | P | P | - | - | P |
| Banks and financial institutions without drive-through, excluding non-chartered financial institutions | P | P | P | FF | - | P |
| Bar | PC | PC | PC | FF | - | PC |
| Barber/Beauty shop | P | P | P | FF | - | P |
| Bowling alley | P | P | P | - | - | - |
| Brewery, ancillary to a bar or restaurant | P | P | P | FF | - | P |
| Bus terminals | - | - | P | - | - | - |
| Business support services | P | P | P | FF | - | P |
| Child care center | C | C | C | - | - | C |

| LAND USE | THE BLVD SUBDISTRICTS | | | | | |
|---|---|---|---|---|---|---|
| | G | V | PA | R | N | P |
| Child care, in-home, as an accessory use to the primary residential use of the dwelling | PC | PC | PC | PC | PC | - |
| Cigar bar or tobacco lounge | P | P | P | FF | - | P |
| Clothing alteration, custom dressmaking or tailor shop | P | P | P | FF | - | P |
| College or university | P | P | P | - | - | P |
| Commercial sporting complexes | C | - | C | - | - | - |
| Concert facilities, outdoor | C | - | C | - | - | - |
| Consignment shops | P | P | P | FF | - | P |
| Convention centers and exhibition halls | C | - | C | - | - | - |
| Dance studio | P | P | P | FF | - | P |
| Drive-through uses, including restaurants and financial institutions | PC | PC | PC | - | - | PC |
| Dry cleaning and laundry establishment, pick-up and drop-off only | P | P | P | FF | - | - |
| Emergency medical care facility | P | P | P | - | - | P |
| Employment agencies excluding day labor | P | P | P | - | - | P |
| Extended stay hotel | PC | PC | PC | - | - | - |
| Farming | PC | PC | PC | PC | PC | PC |
| Gas station (allowed only as an accessory use to a grocery store) | - | C | - | - | - | C |
| Grocery stores up to 36,000 square feet in floor area | P | P | P | FF | - | P |
| Grocery stores exceeding 36,000 square feet in floor area | - | C | - | - | - | C |
| Health and exercise center | P | P | P | A | - | - |
| Home occupation, as an accessory to the primary residential use of a dwelling | PC | PC | PC | PC | PC | - |
| Hospitals | P | P | P | - | - | - |
| Hotel, excluding extended stay hotel | P | P | P | - | - | P |
| Ice skating rink, indoor | P | - | P | - | - | - |
| Indoor commercial recreation/entertainment uses not otherwise listed | P | P | P | - | - | P |
| Laboratory for bio-science, dental, medical and research & development | P | P | P | - | - | P |
| Libraries | P | P | P | P | P | P |
| Liquor stores | C | C | C | - | - | C |
| Massage therapy (medical) | P | P | P | Ff | - | P |
| Massage or day spa | P | P | P | FF | - | P |
| Medical, dental or health offices, clinics and laboratories, excluding plasma centers | P | P | P | FF | - | P |
| Museum and cultural centers | P | P | P | - | - | - |
| Movie theater, indoor | P | P | P | - | - | - |
| Music studio | P | P | P | FF | - | P |
| Nail salon | P | P | P | FF | - | P |
| Night club | PC | PC | PC | - | - | - |
| Outdoor dining, ancillary to a restaurant | A | A | A | A | - | A |
| Parking lot, surface | A | A | A | A | A | A |
| Parking structure | A | A | A | A | - | A |
| Pet boarding and day care facility | - | PC | - | - | - | PC |
| Places of worship | P | P | P | P | P | P |
| Pre-schools and similar uses | C | C | C | C/ FF | - | C |
| Professional offices | P | P | P | FF | - | P |
| Public uses | P | P | P | P | P | P |
| Public utility buildings, structures, uses, facilities and equipment | PC | PC | PC | PC | PC | PC |
| Real estate office | P | P | P | FF | - | P |
| Reception centers | P | P | - | - | - | - |
| Residential, multi-family | PC | PC | PC | PC | - | - |
| Residential, single-family attached | PC | PC | PC | PC | PC | - |
| Residential, single-family detached | - | - | - | PC | PC | - |
| Resorts | P | P | - | - | - | - |
| Restaurants, without drive-through | P | P | P | FF | - | - |

| LAND USE | THE BLVD SUBDISTRICTS | | | | | |
|---|---|---|---|---|---|---|
| | G | V | PA | R | N | P |
| Retail sales of new merchandise within enclosed buildings, up to 50,000 square feet in floor area, excluding liquor stores, discount stores, and grocery stores | P | P | P | FF | - | P |
| Retail sales of new merchandise within enclosed buildings, exceeding 50,000 square feet in floor area, excluding liquor stores, discount stores, and grocery stores. | P | C | C | - | - | C |
| Roller rink, indoor | - | - | P | - | - | - |
| Sidewalk café | P | P | P | FF | - | P |
| Social/private clubs | P | P | P | FF | - | P |
| Specialty retail/sales, indoor, (excluding liquor stores, thrift stores and surplus stores | P | P | P | FF | - | P |
| Specialty services | P | P | P | FF | - | P |
| Stadiums | C | - | C | - | - | - |
| Tanning salon | P | P | P | FF | - | P |
| Theater, excluding movie theaters | P | P | P | - | - | P |
| Ticket and travel agency | P | P | P | FF | - | P |
| Veterinary hospital, offices and clinics, excluding animal boarding | PC | PC | PC | - | - | PC |
| Video arcade or game room | P | P | P | FF | - | P |
| Wine bar | P | P | P | FF | - | P |

(f) Use-specific conditions. Land uses listed in the land use matrix above as permitted with conditions are permitted by right only if the conditions listed below for the individual uses are met. Land uses listed as conditional uses require city council approval of a conditional use permit in accordance with section 28-8 of this ordinance. Based on development plan review, staff may add additional conditions of approval deemed necessary to protect the health, safety and public welfare.

(1) Bars are allowed in the Gateway, Village, Park Avenue, Residential (first-floor below residential only), and Promenade Subdistricts; provided, however, that (1) the exterior building wall of a bar shall not be located within one thousand three hundred twenty (1,320) feet of the exterior property lines of a public or private school, or church and (2) closing time for dance floors or other accessory uses to a bar shall coincide with the closing time for the bar.

(2) In-home child care is permitted as an accessory use to the primary residential use of a dwelling in the Gateway, Village, Park Avenue, Residential, and Neighborhood Subdistricts. The in-home child care shall not provide care for five (5) or more children not related to the residents at any point in time.

(3) Drive-through uses, including restaurants and financial institutions, are allowed in Gateway, Village, Park Avenue and Promenade Subdistricts subject to the following limitations:

(A) Within the Gateway Subdistrict, no stand-alone drive-through uses shall be permitted

(B) Within the Park Avenue Subdistrict, a maximum of one (1) stand-alone drive-through, limited to a coffee shop only, shall be permitted, set back at least two hundred (200) feet east of Avondale Boulevard.

(C) Within the Village Subdistrict, a maximum of two (2) stand-alone drive-through uses shall be permitted, limited to one (1) coffee shop and one (1) restaurant, set back at least two hundred (200) feet west of Avondale Boulevard.

(D) Within the Promenade Subdistrict, there shall be no limitation on the maximum number of drive-through uses permitted.

(E) The limitations set forth in subsections 28-91(f)(1)(A), (B) and (C) above shall not apply to drive-through uses incorporated into the design of multi-tenant inline shop buildings.

(4) Extended stay hotels are allowed in the Gateway, Village, and Park Avenue Subdistricts only pursuant to a development agreement approved by the city council in its sole and absolute discretion.

(5) Farming is allowed in all subdistricts for a period not to exceed five (5) years from the date of rezoning; provided, however, that farming is limited to the cultivation and harvesting of crops and that no agricultural uses which utilize livestock (i.e. dairy farming), plant nurseries, or greenhouses shall be

allowed. Farming and agricultural uses legally occurring on the property prior to rezoning to The BLVDD shall not be subject to this provision. After the initial time five-year time period has elapsed, such use may only continue under a conditional use permit.

(6) Gas stations are allowed in the Village and Promenade Subdistricts subject to approval of a conditional use permit if and only if the gas station is an accessory to a grocery use. A maximum of one (1) such gas station shall be permitted subject to CUP approval in each subdistrict. Any such gas station must front onto Van Buren Street and may not front on Avondale Boulevard or Corporate Drive.

(7) Grocery stores exceeding thirty-six thousand (36,000) square feet in floor area are allowed in the Village and Promenade subdistricts subject to approval of a conditional use permit, provided they include all of the following components:

(A) Indoor eateries.

(B) Specialty beverage staff (such as a sommelier or cicerone) and/or a wine and/or craft beer bar.

(C) Juice bar and/or coffee shop.

(D) Specialty food counters, such as imported cheeses, a sushi bar, a salad bar, or similar products.

(8) Home occupations are permitted as an accessory use to the primary residential use of a dwelling in the Gateway, Village, Park Avenue, Residential, and Neighborhood Subdistricts, subject to the requirements and restrictions listed in section 28-33(g) of this ordinance.

(9) Liquor stores are allowed in the Gateway, Village, Park Avenue, and Promenade Subdistricts subject to approval of a conditional use permit, provided that there are no other liquor stores located within one thousand three hundred twenty (1,320) feet of another liquor store, measured in a straight line from the nearest property line of each property.

(10) Night clubs are allowed in Gateway, Village, and Park Avenue Subdistricts; provided, however, that (1) the exterior building wall of a night club shall not be located within one thousand three hundred twenty (1,320) feet of the exterior property lines of a public or private school, or church, (2) closing time for dance floors or other accessory uses to a night club shall coincide with the closing time for the night club and (3) with respect to the Gateway and Village Subdistricts only, exits and entrances to a night club shall not be located within three hundred (300) feet of a residence, excluding residences on upper floors above ground floor commercial.

(11) Pet boarding and day care facilities are allowed in Village and Promenade Subdistricts subject to the requirements and restrictions listed in section 28-54 of this ordinance.

(12) Public utility buildings, structures, uses, facilities and equipment are permitted in all subdistricts subject to the requirements and restrictions listed in section 28-54 of this ordinance.

(13) Single-family attached residences, such as townhomes and condominiums, are allowed in the Gateway, Village, Park Avenue, Residential, and Neighborhood Subdistricts subject to the following:

(A) Within the Gateway and Park Avenue Subdistricts, a minimum density of twenty-two (22) dwelling units per acre must be provided.

(B) Within the Village and Residential Subdistricts, a minimum density of 18 dwelling units per acre must be provided. Within the Residential Subdistrict only, densities under eighteen (18) dwelling units per acre may be provided if the attached residences are part of a multi-faceted residential development that, as a whole, achieves a minimum density of eighteen (18) dwelling units per acre.

(C) Within the Neighborhood Subdistrict, density shall be within a range of four (4) to twelve (12) dwelling units per acre.

(D) Developments shall provide usable open space in the amount of fifteen (15) percent of the net site area. Indoor spaces for use by residents, such as clubhouses, gyms, movie theaters, and the like, shall be considered usable open space.

(14) Single-family detached residences are allowed in the Residential and Neighborhood Subdistricts subject to the following:

(A) Within the Residential Subdistricts, a minimum density of eighteen (18) dwelling units per acre must be provided, however, densities under eighteen (18) dwelling units per acre may be provided if the detached residences are part of a multi-faceted residential development that, as a whole, achieves a minimum density of 18 dwelling units per acre.

(B) Within the Neighborhood Subdistrict, density shall be within a range of four (4) to twelve (12) dwelling units per acre.

(C) Developments shall provide usable open space in the amount of fifteen (15) percent of the net site area. Indoor spaces for use by residents, such as clubhouses, gyms, movie theaters, and the like, shall be considered usable open space.

(15) Multi-family residences are allowed in the Gateway, Village, Park Avenue, and Residential Subdistricts subject to the following:

(A) Within the Gateway and Park Avenue Subdistricts, a minimum density of twenty-two (22) dwelling units per acre must be provided.

(B) Within the Village and Residential Subdistricts, a minimum density of eighteen (18) dwelling units per acre must be provided. Within the Residential Subdistrict only, densities under eighteen (18) dwelling units per acre may be provided if the multi-family residences are part of a multi-faceted residential development that, as a whole, achieves a minimum density of eighteen (18) dwelling units per acre.

(C) Developments shall provide usable open space in the amount of fifteen (15) percent of the net site area. Indoor spaces for use by residents, such as clubhouses, gyms, movie theaters, and the like, shall be considered usable open space.

(16) Veterinary hospitals, offices and clinics, excluding animal boarding, is allowed in the Gateway, Village, Park Avenue and Promenade Subdistricts subject to the requirements and restrictions listed in section 28-54 of this ordinance.

(g) Development standards. The following development standards shall apply to all development within The BLVDD.

(1) Outdoor storage of goods and materials is prohibited.

(2) Warehousing or indoor storage of goods or material beyond that normally incidental to permitted uses is prohibited.

(3) Front porches, stoops, balconies, and bay windows may extend into required street setbacks in the Gateway, Village, Park Avenue, Residential and Promenade Subdistricts.

(4) The following table outlines the minimum development standards within each Subdistrict. Standards in excess of these minimums may be required in accordance with the conditions required of Conditional Use Permits or uses permitted with conditions.

| | **Gateway** | **Village** | **Park Avenue** | **Residential** | **Neighborhood** | **Promenade** |
|---|---|---|---|---|---|---|
| **Minimum lot width** | None | | | | | |
| **Minimum lot depth** | None | | | | | |
| **Maximum lot coverage** | None | | | | | |
| **Maximum building height** | 10 stories/110 feet (a) | | | 6 stories/70 feet (b) | 2 stories/30 feet | |
| **Minimum building setbacks** | | | | | | |
| from Avondale Boulevard | 15' | | | Not applicable | 15' | |
| from Van Buren Street | Not applicable | 15' | | Not applicable | 15' | |
| from collector streets | 15' | | | | | |
| from local streets | None | | | | 18' | None |
| from side property line | None | | | 0 feet (c) | 5 feet (d) | None |
| from rear property line | None | | | None (e) | 15' | None |

| | Gateway | Village | Park Avenue | Residential | Neighborhood | Promenade |
|---|---|---|---|---|---|---|
| from adjacent non-BLVDD single-family residential property lines | Not applicable | | 30' | | 15' (f) | 30' |
| **Minimum parking setbacks** | | | | | | |
| from Avondale Boulevard | 40' | | | Not applicable | 40' | |
| from Van Buren Street | Not applicable | 30' | | Not applicable | 30' | |
| from collector streets | 30' | | | | | |
| from local streets | 15' | | | | | |
| **Maximum building setbacks** | | | | | | |
| from Avondale Boulevard | 40' | | | Not applicable | 40' | |
| from Van Buren Street | Not applicable | 30' | | Not applicable | 30' | |
| from collector streets | 20' | | | | | |
| from local streets | None | | 15' | None | | |
| **Minimum percentage of linear site frontage with buildings located at or inside of maximum setback** | | | | | | |
| Avondale Boulevard frontage | 50% | 60% | 70% | Not applicable | None | |
| Van Buren Street frontage | Not applicable | 30% | 35% | Not applicable | None | |
| Collector street frontage | 50% | 60% | 70% | | None | |
| Local street frontage | None | | 70% | None | | |
| **Minimum usable open space (residential), percent of net site area** | 15% | | | | | Not applicable |
| **Minimum plaza/gathering/ outdoor dining area (non-residential), percent of net site area** | 10% | | 15% | Not applicable | | 5% |
| (a) 11 to 16 stores (maximum 170 feet) may be permitted by the City Council through the Development Plan approval process | | | | | | |
| (b) Height may not exceed 3 stories or 40 feet within 300 feet of single-family residential property located outside of the BSP boundary | | | | | | |
| (c) A 5-foot side setback is required for detached single-family residential product types | | | | | | |
| (d) 0 foot side setback is permitted for attached single-family residential product types | | | | | | |
| (e) A 15-foot rear setback is required for detached single-family residential product types | | | | | | |
| (f) A minimum 30-foot rear setback is for attached single-family residential product types | | | | | | |

(h) Design.

(1) All developments shall comply with the development form design guidelines listed in Section 2.1 of The BSP. Any design issues not addressed in The BSP or in this zoning ordinance shall be subject to the design guidelines listed in the single-family residential design manual, multi-family residential design manual, or commercial and industrial design manual, whichever manual applies to the type of use proposed. While specific architectural themes, color palettes, and material palettes are not dictated by The BSP or this zoning ordinance, individual buildings shall feature contemporary design and be designed to complement, but not match, other buildings within The BLVD area.

(2) All developments shall comply with the applicable street sections within The BSP (Figures 2-1 through 2-8, inclusive).

(3) Exceptions and departures to the design form guidelines (The BSP Section 2.1) or street sections (The BSP Figures 2-1 through 2-8, inclusive) within a Development Plan may be forwarded to the planning commission for review and recommendation, and approved by the city council, which approval may be granted only if the city council finds in its sole and absolute discretion, that the project still achieves the overall intent, objectives, and guidelines of The BSP and the project design meets the basic requirements for traffic circulation, pedestrian orientation, shade, and design continuity.

(i) Parking. Parking for each land use shall be provided by a combination of on-street parking, off-street surface parking and parking structures. The amount of required parking, parking dimensions, and other parking lot design requirements shall be governed by article 8 of this ordinance, except that:

(1) The amount of required parking may be reduced by up to fifty (50) percent where it can be determined that the peak requirements of the several occupancies occur at different times and where a shared parking operations plan, approved by the zoning administrator or designee, shows that this reduction in parking will not cause conflicts among nearby uses. Such a shared parking analysis may be based on:

(A) Intermittent non-conflicting uses. When required parking reductions are predicted as a result of sharing between intermittent uses with non-conflicting parking demands (e.g. a nightclub and a bank), then the reduction can be considered.

(B) Parking occupancy rates. When the parking reduction has been shown to be feasible by using the demand calculations as determined by an analysis of typical local parking demand.

(C) Existing parking surveys. When a study of existing parking shows parking occupancy rates of morning, afternoon and evening peaks on all seven (7) days of the week. The seven (7) days of observation may take place over the span of two (2) consecutive, typical weeks. A combination of similar circumstances may be necessary to cover all the proposed land uses. The approximate square footages of the various land uses of the specimen projects shall be compared to the proposed project to allow the ratios of uses to be rated accordingly.

(2) On-street parking and/or city-owned and operated off-street surface parking lots and/or parking structures counted towards the required parking must be located within four hundred (400) feet of the use, measured from the exterior wall of the use to the closest perimeter of the on-street parking, surface parking, or parking structure.

(j) Necessary amendments. In the event that any of the provisions of The BSP referred to herein are amended, the zoning administrator shall concurrently give notice of and process an amendment to this article 5, in accordance with the procedures outlined in section 28-9 of this zoning ordinance.

(k) City Center District. The City Center District (CCD) and the City Center Specific Plan (CCSP) were the precursors to The BLVDD and The BSP, respectively. Until all property owners within The BLVD Opt-In to The BLVDD District in accordance with the procedures outlined in section 28-91(d)(2) of this ordinance, the CCD regulations must be maintained. No new rezonings to CCD shall be considered. At such time that there are no properties zoned CCD, this subsection (k) will be deleted from the ordinance in accordance with the procedures outlined in section 28-9 of this zoning ordinance.

(1) Purpose. The Avondale City Center Specific Plan, as amended (the "CCSP") was created to implement the city council's vision of creating a high-density, mixed use environment that will become a premier destination for shopping, dining, entertainment, employment and various types of residential uses for the area of Avondale located between the Avondale Civic Center and Interstate Highway 10, commonly referred to as the City Center. The City Center Zoning District (the "CCD") is intended to complete the vision expressed in the CCSP by prescribing building form, site design and architectural standards for the City Center. The CCD consists of two (2) components approved by the city council: (A) a legislatively approved base zone, the boundaries of which are consistent with Figure 3-1 of the CCSP, containing the basic performance standards and regulations for the respective Subdistricts shown on Figure 3-1 of the CCSP and (B) an administratively approved (by the city council), individualized development plan that selects the land uses from those allowed in the base zone sub districts and organizes such uses into a form-based Development Plan specific to a site. Accordingly, the Subdistrict categories set forth in section 28-91(k)(3) below are intended to directly relate to and implement the provisions set forth in Section 3.2 of

the CCSP for the corresponding subdistrict category. The CCD is intended to be flexible to allow for a parcel of land to be entitled in a single step by combining the development plan with the base zone approval, much like a typical PAD rezoning, or to allow for the base zone to precede the development plan.

(2) Applicability.

(A) Only properties within the City Center boundary will be permitted to rezone to the CCD.

(B) The development regulations related to each Subdistrict and the boundaries thereof shall correspond to the descriptions of the Land Use Categories of the same name in Section 3.2 of the CCSP and the boundaries and locations of the Land Use Categories as shown on Figure 3-1 of the CCSP.

(3) Subdistricts. The CCD is divided into six (6) subdistricts. Properties within each subdistrict shall comply with the land uses and development standards set forth in this section in accordance with the standards in the CCSP for each such Subdistrict. The six (6) subdistricts are described below:

(A) Gateway Employment. The Gateway Employment (GE) Subdistrict is designed to place primary land uses close to the freeway, to maximize opportunities for business exposure to the freeway and to ensure that residential uses are not located within six hundred (600) feet of freeway traffic. Primary uses in Gateway Employment Subdistrict include retail, office, and hotel. In this subdistrict, residential, industrial, manufacturing, and warehouse uses are not permitted. Uses may be served by surface and/or structured parking. Building heights shall not exceed ten (10) stories. However, a building may be built up to sixteen (16) stories with city council approval as part of the development plan process. A variety of Mid-rise and high-rise office, pedestrian-oriented retail, large floor plate uses and big box uses are permitted in the Gateway Employment Subdistrict, subject to an appropriate development plan.

(B) Employment Mixed-Use. The Employment Mixed-Use (EMU) Subdistrict is designed to emphasize employment uses, including retail, professional office, hotel, and personal service uses. Residential units may be built on upper floors throughout the Employment Mixed-Use Subdistrict if built in conjunction with employment uses; provided, however, that residential units fronting on and/or adjacent to Park Avenue or 117$^{th}$ Avenue may be built on the ground floor. The minimum ratio is one (1) square foot of employment use for every two (2) square feet of residential development, except for those properties fronting Park Avenue or 117$^{th}$ Avenue south of Corporate Drive, which may be exclusively residential. The mix of uses may be provided horizontally or vertically, and may be distributed across multiple properties, subject to development plan approval. Residential units may be incorporated throughout the first floor when it can be shown that such units support and heighten the purpose of the district.

The Employment Mixed-Use Subdistrict is intended to include mid-rise and high-rise buildings of three (3) to ten (10) stories, predominantly served by structured parking. For a development project east of Avondale Boulevard, containing multiple buildings, the minimum average height shall be two (2) stories and the minimum floor area ratio shall be 0.5 at build out of all uses approved as part of the Development Plan, provided that the target floor area ratio should be 0.75—1.0. For a development project west of Avondale Boulevard containing multiple buildings, the average height shall be two (2) stories measured across multiple properties within a Development Plan, and the minimum floor area ratio shall be 0.25 at build out of all uses approved as part of the Development Plan, unless otherwise approved by the city council. Building heights shall not exceed ten (10) stories. However, a building may be built up to sixteen (16) stories along Avondale Boulevard north of Van Buren Street with city council approval as part of the development plan process.

(C) Pedestrian Retail. The Pedestrian Retail (PR) Subdistrict includes all properties with frontage along pedestrian retail streets, as shown on Figure 3-1 of the CCSP. The land uses on the ground floor of buildings in the Pedestrian Retail Subdistrict shall be restricted to those types of active uses that create a lively street

environment. Professional offices and residential uses are not permitted in these ground floor locations, but are permitted on upper floors; provided, however, that residential uses fronting Park Avenue are permitted on the ground floor.

The form of development shall be compact building footprints, with small street setbacks and wide sidewalks designed to facilitate pedestrian activity. Buildings with first floor restaurants shall include outdoor seating areas that do not conflict with pedestrian areas. For a development project containing multiple buildings, the minimum average height shall be two (2) stories and the minimum floor area ratio shall be 0.5 at build out of all uses approved as part of the Development Plan, provided that the target floor area ratio should be 0.75—1.0.

(D) Neighborhood Commercial. The Neighborhood Commercial (NC) Subdistrict is designed to allow for a suburban-type of development on the fringe of the City Center area, while still contributing to the intent of the look and feel of the City Center. Buildings along arterial streets shall conform to specific setbacks to provide the intended streetscape for the City Center area, while buildings at the interior of a site may have larger street setbacks. Uses allowed in the Neighborhood Commercial Subdistrict are retail, restaurant, office, and personal service. Residential is appropriate on upper floors of multi-story buildings and may be approved as part of a development project containing multiple buildings.

(E) Residential Mixed-Use. The Residential Mixed-Use (RMU) Subdistrict is designed to provide a transition between the Employment Mixed Use areas and residential neighborhoods. While residential is the primary land use, small office, retail, and personal service uses may be located on the ground floor of multi-story buildings. Non-residential uses such as small office buildings or boutique hotels may be permitted. Such non-residential uses shall be compatible in scale with nearby residential development and shall not adversely impact the quiet enjoyment of residential uses. Parking shall be located underneath or behind the units. Residential uses shall be developed at a minimum of fifteen (15) units per acre, and a maximum of forty-five (45) units per acre. Building heights shall range from two (2) to five (5) stories.

(F) Townhouse Residential. The Townhouse Residential (TR) Subdistrict is designed to provide a transition between the Residential Mixed-Use Subdistrict and neighboring single-family residential development. Townhouse residential units shall be attached units with separate individual entrances fronting a public street and private open space attached to the individual unit in the form of patios or balconies. Parking shall be either attached or located on the same lot. Townhouse residential development may include interlocking units, but may not include buildings with common stairways serving multiple units. The minimum density shall be twelve (12) units per acre and the maximum density shall not exceed twenty (20) units per acre. Building heights are two (2) to three (3) stories.

(4) Administration.

(A) Establishment. CCD base zoning may be established on property within the City Center according to the procedures outlined in section 28-11 of this zoning ordinance. In addition to the approved CCD base zoning, a city council-approved development plan is required prior to any application for a development permit within the City Center area.

i. Development plans may be filed for all or part of the property zoned or to be zoned CCD. Development Plans shall be submitted in accordance with section 28-6, site plan and design review; provided, however that the planning commission shall review, and the city council shall review and approve, all development Plans for properties zoned CCD.

ii. The ordinance approving the rezoning of a property to CCD shall indicate, both by narrative text and a map, the location and boundaries of the subdistricts that are included in the area to be rezoned.

(B) Amendment. The zoning administrator or designee shall determine whether a proposed amendment to an approved development plan is a major or minor amendment. Major amendments shall require city council approval with a recommendation of the planning commission. Minor amendments shall require administrative approval by the zoning administrator or designee only.

i. Major amendment: Any one (1) of the following shall be considered a major amendment of a development plan:

A. A significant change in boundary lines of the development. Minor and technical adjustments to the boundary lines within the development plan are permitted without a major amendment so long as (i) the adjustments do not divide zoning subdistricts, (ii) the area affected by the boundary change does not exceed fifteen (15) percent of the total area subject to the development plan, (iii) the adjustments do not significantly alter the traffic or pedestrian circulation system for the development plan and (iv) in the reasonable opinion of the zoning administrator, the overall character of the development plan, if modified, will remain in substantial conformance with the CCSP and the development plan as originally approved. Any expansion or relocation of a boundary line not within the scope of this exception shall be considered a major amendment of the development plan. Such boundary line changes may also require an amendment to the CCSP prior to any city council consideration of the change to the development plan.

B. Any change that could have significant negative impact on uses adjoining the development.

C. Any change that could have a significant impact on roadways adjacent or external to the development.

D. Any change that could have a significant negative impact on the amount of parking required or provided by the development.

E. Any change to a phasing plan that could have a significant negative impact on adjacent or surrounding developments.

ii. Minor amendment: All amendments to a development plan not determined by the zoning administrator to be major amendments according to the criteria set forth in subsection (a) above shall be minor amendments.

(5) Land uses. Land uses for each subdistrict shall comply with the land use matrix set forth below. Uses not listed as a permitted, permitted with conditions, or conditional use shall be prohibited from the applicable zoning district. In the event a particular use is not listed in this section and such use is not otherwise prohibited by law, the zoning administrator or designee shall determine whether such use is analogous to other listed uses; the determination shall be made pursuant to section 28-5 of this ordinance.

P = Permitted

C = Conditional use

PC = Permitted with conditions

FF = First floor only

A = Accessory

- = Not allowed

| | CITY CENTER SUBDISTRICTS | | | | | |
|---|---|---|---|---|---|---|
| **LAND USE** | **GE** | **EMU** | **PR** | **NC** | **RMU** | **TR** |
| Amusement parks, outdoor | C | - | - | - | - | - |
| Antique store | P | P | P | P | FF | - |
| Aquarium | C | - | - | - | - | - |
| Art gallery | P | P | P | P | FF | - |
| Art studio | P | P | P | P | FF | - |
| Automobile rental facility with no on-site storage | P | P | P | P | FF | - |
| Banks and financial institutions without drive-through, excluding non-chartered financial institutions | P | P | P | P | FF | - |

| | | | | | | |
|---|---|---|---|---|---|---|
| Bar | PC | PC | P | - | - | - |
| Barber/Beauty shop | P | P | P | P | FF | - |
| Bingo hall | P | - | - | - | - | - |
| Bowling alley | P | - | - | - | - | - |
| Brewery, ancillary to a bar or restaurant | P | P | P | P | FF | - |
| Bus terminals | P | - | - | - | - | - |
| Business support services | P | P | P | P | FF | - |
| Business, technical, or vocational school | P | P | P | P | - | - |
| Caretakers quarters | A | A | A | A | - | - |
| Child care center | C | C | C | C | C | C |
| Cigar bar or tobacco lounge | P | P | P | - | - | - |
| Clothing alteration, custom dressmaking or tailor shop | P | P | P | P | FF | - |
| College or university | P | P | P | P | PC | PC |
| Commercial sporting complexes | C | - | - | - | - | - |
| Concert facilities, outdoor | C | - | - | - | - | - |
| Consignment shops | P | P | P | P | - | - |
| Convention centers and exhibition halls | P | - | - | - | - | - |
| Dance studio | P | P | P | P | FF | - |
| Drive-through uses, including restaurants and financial institutions | P | PC | - | P | - | - |
| Dry cleaning and laundry establishment, pick-up and drop-off only | P | P | P | P | FF | - |
| Emergency medical care facility | P | P | P | P | FF | - |
| Employment agencies excluding day labor | P | P | P | P | FF | - |
| Extended stay hotel | PC | PC | PC | PC | - | - |
| Farming | PC | PC | PC | PC | PC | PC |
| Funeral Home | P | - | - | - | - | - |
| Gas station (allowed only as an accessory use to a grocery store) | - | PC | - | PC | - | - |
| Grocery stores up to 36,000 square feet in floor area | P | P | P | P | FF | - |
| Grocery stores exceeding 36,000 square feet in floor area | C | C | - | C | C | - |
| Health and exercise center | P | P | P | P | FF | - |
| Hospitals | P | - | - | - | - | - |
| Hotel, excluding extended stay hotel | P | P | P | P | PC | PC |
| Ice skating rink, indoor | P | - | - | - | - | - |
| Indoor commercial recreation/entertainment uses not otherwise listed | P | P | P | P | - | - |
| Laboratory for bio-science, dental, medical and research & development | P | P | P | P | - | - |
| Libraries | P | P | P | P | FF | - |
| Liquor stores | C | C | C | C | - | - |
| Massage therapy (medical) | P | P | P | P | FF | - |
| Massage or day spa | P | P | P | P | FF | - |
| Medical, dental or health offices, clinics and laboratories, excluding plasma centers | P | P | P | P | PC | - |
| Museum and cultural centers | P | P | P | P | FF | - |
| Movie theater, indoor | P | P | P | P | - | - |
| Music studio | P | P | P | P | FF | - |
| Nail salon | P | P | P | P | FF | - |
| Night Club | PC | PC | P | - | - | - |
| Outdoor dining, ancillary to a restaurant | A | A | A | A | A | - |
| Parking lot, surface | A | A | A | A | A | A |
| Parking structure | A | A | A | A | A | A |
| Pet boarding and day care facility | PC | PC | PC | PC | - | - |
| Places of worship | P | P | P | P | P | P |
| Pre-schools and similar uses | C | C | C | C | C | C |
| Professional offices | P | P | P | P | PC | - |
| Public uses | P | P | P | P | P | P |
| Public utility buildings, structures, uses, facilities and equipment | PC | PC | PC | PC | PC | PC |
| Real estate office | P | P | P | P | FF | - |
| Reception centers | P | - | - | - | - | - |

| | | | | | | |
|---|---|---|---|---|---|---|
| Residential | - | PC | PC | - | P | P |
| Resorts | P | P | - | - | - | - |
| Restaurants, without drive-through | P | P | P | P | FF | - |
| Retail sales of new merchandise within enclosed buildings, up to 50,000 square feet in floor area, excluding liquor stores, discount stores, and grocery stores | P | P | P | P | FF | - |
| Retail sales of new merchandise within enclosed buildings, exceeding 50,000 square feet in floor area, excluding liquor stores, discount stores, and grocery stores. | | | | | | |
| Roller rink, indoor | P | - | - | - | - | - |
| Sidewalk café | P | P | P | P | FF | - |
| Social/private clubs | P | P | P | P | FF | - |
| Specialty retail, indoor, excluding liquor stores | P | P | P | P | FF | - |
| Specialty sales (e.g. used books or used records, excluding thrift stores and surplus stores) | P | P | P | P | FF | - |
| Specialty services | P | P | P | P | FF | - |
| Stadiums | C | - | - | - | - | - |
| Swimming club, outdoor | C | - | - | - | - | - |
| Tanning salon | P | P | P | P | FF | - |
| Telecommunication tower | PC | PC | PC | PC | PC | PC |
| Theater, excluding movie theaters | P | P | P | P | - | - |
| Ticket and travel agency | P | P | P | P | FF | - |
| Veterinary hospital, offices and clinics, excluding animal boarding | PC | PC | PC | PC | - | - |
| Video arcade or game room | P | P | P | P | FF | - |
| Wine bar | P | P | P | P | FF | - |
| Zoo | C | - | - | - | - | - |

(6) Land uses listed in the land use matrix above as permitted with conditions are permitted by right only if the conditions listed below for the individual uses are met. Based on development plan review, staff may add additional conditions of approval deemed necessary to protect the health, safety and public welfare.

(A) A college or university is allowed in all CCD Subdistricts provided that, in RMU and TR Subdistricts, colleges and universities shall only be permitted if the buildings (1) are in scale with nearby residential development and (2) do not adversely impact current or future residential uses.

(B) Drive-through uses, including restaurants and financial institutions, are allowed in GE, NC and EMU Subdistricts. However, in EMU Subdistricts, drive-through uses are subject to the following limitations:

i. East of Avondale Boulevard, a maximum of one (1) stand-alone drive-through coffee shop use shall be permitted, set back at least two hundred (200) feet east of Avondale Boulevard.

ii. West of Avondale Boulevard, a maximum of two (2) stand-alone drive-through uses shall be permitted, limited to one (1) coffee shop and one (1) restaurant, set back at least two hundred (200) feet of Avondale Boulevard and within a Development Plan of thirty (30) acres or more.

iii. The limitations set forth in subsections 28-91(k)(7)(B)(1) and (2) above shall not apply to drive-through uses incorporated into the design of multi-tenant inline shop buildings.

(C) A hotel, other than an extended stay hotel, is allowed in all CCD Subdistricts; provided, however, that in RMU and TR, hotels shall be limited to a maximum of fifty (50) rooms and shall be constructed so that the buildings are in scale with nearby residential development and do not adversely impact current or future residential uses. An extended stay hotel is allowed in all CCD Subdistricts only pursuant to a development agreement approved by the city council in its sole and absolute discretion.

(D) Medical, dental or health offices, clinics and laboratories, excluding plasma centers, are allowed in the RMU Subdistrict; provided, however, that unless located entirely on the first floor of a mixed use building, medical office buildings shall be constructed so that the buildings are in scale with nearby residential development and do not adversely impact current or future residential uses.

(E) A professional office is allowed in the RMU Subdistrict; provided, however, that unless located entirely on the first floor of a mixed use building, professional office buildings shall be constructed so that the buildings are in scale with nearby residential development and do not adversely impact current or future residential uses.

(F) Bars are allowed in the GE and EMU Subdistricts; provided, however, that (1) the exterior building wall of a bar shall not be located within one thousand three hundred twenty (1,320) feet of the exterior property lines of a public or private school, church, other bar or night club, (2) closing time for dance floors or other accessory uses to a bar shall coincide with the closing time for the bar and (3) with respect to GE Subdistricts only, exits and entrances to a bar shall not be located within three hundred (300) feet of a residential district.

(G) Night clubs are allowed in the GE and EMU Subdistricts; provided, however, that (1) the exterior building wall of a night club shall not be located within one thousand three hundred twenty (1,320) feet of the exterior property lines of a public or private school, church, bar or other night club, (2) closing time for dance floors or other accessory uses to a night club shall coincide with the closing time for the night club and (3) with respect to GE Subdistricts only, exits and entrances to a night club shall not be located within three hundred (300) feet of a residential district.

(H) Residential Uses are allowed in EMU and PR Subdistricts as part of a mixed-use development that provides a minimum ratio of one (1) square foot of employment use for every two (2) square feet of residential use; provided, however, that, except for residential uses fronting on and/or adjacent to Park Avenue and 117$^{th}$ Avenue south of Corporate Drive, such residential uses are only permitted on the upper floors. Construction of horizontally-integrated mixed use development does not need to occur in a single phase; vertically-integrated mixed use development must be completed in a single phase.

(I) Farming is allowed in all CCD Subdistricts for a period not to exceed five (5) years from the date of rezoning; provided, however, that farming is limited to the cultivation and harvesting of crops and that no agricultural uses which utilize livestock (i.e. dairy farming), plant nurseries, or greenhouses shall be allowed. Farming and agricultural uses legally occurring on the property prior to rezoning to CCD shall not be subject to this provision. After the initial time five (5) year time period has elapsed, such use may only continue under a conditional use permit.

(J) Gas stations are permitted by a conditional use permit in the EMU Subdistrict west of Avondale Boulevard where they are an accessory to a grocery use; provided, however, that such gas stations must front onto Van Buren Street and may not front on Avondale Boulevard or Corporate Drive.

(K) Grocery stores exceeding thirty-six thousand (36,000) square feet in floor area are permitted by a conditional use permit in the GE, EMU, NC, and RMU Subdistricts, provided they include all of the following components:

i. Indoor eateries.

ii. Specialty beverage staff (such as a sommelier or cicerone) and/or a wine and/or craft beer bar.

iii. Juice bar and/or coffee shop.

iv. Specialty food counters, such as imported cheeses, a sushi bar, a salad bar, or similar products.

(7) Development guidelines.

(A) Properties within the Gateway Employment, Employment Mixed-Use, Residential Mixed-Use, and Townhouse Residential Subdistricts shall comply with the Development Guidelines as listed in Table 5-1 of the CCSP. The Pedestrian Retail Subdistrict shall comply with the development guidelines as listed for the Employment Mixed-Use Subdistrict, except to the extent such guidelines are determined by the zoning administrator to be inapplicable.

(B) Properties within the Neighborhood Commercial Subdistrict shall comply with the development guidelines listed for the Gateway Employment Subdistrict, except as follows: (1) maximum building height: five (5) stories; (2) setbacks on Van Buren Street: minimum twenty (20) feet to buildings, thirty (30) feet to parking (maximum forty (40) feet); and (3) setbacks on Avondale Boulevard: minimum thirty (30) feet to building, forty (40) feet to parking (maximum sixty (60) feet).

(C) Properties within the EMU Subdistrict west of Avondale Boulevard shall comply with the development guidelines listed in Table 5-1 of the CCSP; however, exceptions and departures to the development guidelines within a development plan may be forwarded to the planning commission for review and recommendation, and approved by city council, which approval may be granted only if the city council finds, in its sole and absolute discretion, that the project still achieves the overall intent, objectives, and guidelines of the CCSP, provides equal or greater design quality and public benefits than would be achieved under the guidelines, and does not cause greater adverse impact on adjoining properties.

(8) Design guidelines.

(A) Unless specifically modified herein, all CCD developments shall comply with the design guidelines listed in Section 5.4 of the CCSP and the streetscape design guidelines listed in Section 4.2 of the CCSP. Any design issues not addressed in the CCSP or in this zoning ordinance shall be subject to the design guidelines listed in the Commercial/Industrial/Multi-Family Design Manual. While specific architectural themes, color palettes, and material palettes are not dictated by the CCSP or this zoning ordinance, individual buildings shall be designed to complement other buildings within a block or subdistrict.

(B) Properties within the EMU Subdistrict west of Avondale Boulevard shall comply with the design guidelines listed in Sections 4.2 and 5.4 of the CCSP; however, exceptions and departures to the design guidelines within a development plan may be forwarded to the planning commission for review and recommendation, and approved by the city council, which approval may be granted only if the city council finds in its sole and absolute discretion, that the project still achieves the overall intent, objectives, and guidelines of the CCSP and the project design meets the basic requirements for traffic circulation, pedestrian orientation, shade, and design continuity.

(9) Parking. Parking for each land use shall be provided by a combination of on-street parking, off-street surface parking and parking structures based on the following:

(A) A parking demand analysis prepared by a qualified parking or traffic consultant, a licensed architect, or civil engineer shall be submitted with each development plan. The parking demand analysis, as approved by the zoning administrator or designee, shall determine the number of parking spaces required for each use within the development plan.

(B) The parking demand analysis shall analyze the needs of every proposed use in the development plan, using the required parking schedule in article 8 of the zoning ordinance as a starting point.

i. Provided parking shall not exceed the one hundred ten (110) percent of the number listed in the parking schedule.

ii. Provided parking for a single use may be up to twenty (20) percent less than the amount required by the parking schedule based on the parking analysis.

(C) The amount of required parking may be reduced by up to fifty (50) percent where it can be determined that the peak requirements of the several occupancies occur at different times and where a shared parking operations plan, approved by the zoning administrator or designee, shows that this reduction in parking will not cause conflicts among nearby uses. Such a shared parking analysis may be based on:

i. Intermittent non-conflicting uses. When required parking reductions are predicted as a result of sharing between intermittent uses with non-conflicting parking demands (e.g. a nightclub and a bank), then the reduction can be considered.

ii. Parking occupancy rates. When the parking reduction has been shown to be feasible by using the demand calculations as determined by an analysis of typical local parking demand.

iii. Existing parking surveys. When a study of existing parking shows parking occupancy rates of morning, afternoon and evening peaks on all seven (7) days of the week. The seven (7) days of observation may take place over the span of two (2) consecutive, typical weeks. A combination of similar circumstances may be necessary to cover all the proposed land uses. The approximate square footages of the various land uses of the specimen projects shall be compared to the proposed project to allow the ratios of uses to be rated accordingly.

(D) Off-street surface parking and parking structures counted towards the required parking shall be within four hundred (400) feet of the use, measured from the exterior wall of the use to the closest perimeter of the surface parking or parking structure.

(E) On-street parking counted towards the required parking shall be adjacent to the property for which the parking is intended.

(F) The EMU Subdistrict west of Avondale Boulevard may include reduced parking space dimensions with a minimum size of nine and one-half (9.5) x eighteen (18) feet; additionally, a two-foot overhang may be counted towards the minimum parking space dimension if the overhang occurs over a landscape area with a depth of at least six (6) feet and if the overhang does not occur over a pedestrian sidewalk.

(10) Necessary amendments. In the event that any of the provisions of the CCSP referred to herein are amended, the zoning administrator shall concurrently give notice of and process an amendment to this Section 5, in accordance with the procedures outlined in article 111 of this zoning ordinance.
(Ord. No. 2045-1220, § 8, 12-7-20)

**28-92 Major Sports and Entertainment District.**

(a) Purpose. The purpose of the Major Sports and Entertainment District (MSED) is to provide an appropriate Zoning District to accommodate the unique demands and impacts of (1) facilities used to conduct major sports and/or entertainment events and (2) mixed-use and/or destination entertainment developments related to and operated in conjunction with a major sports/entertainment venue. Due to the unique characteristics, form, and impact of these types of these large scale facilities, deviation from traditional zoning standards is necessary in this district.

(b) Applicability.

(1) MSED zoning may be established on property where a major sports and entertainment venue is located and directly abutting parcels, subject to the procedures outlined in article 1 of this zoning ordinance. The district may also be established on non-abutting parcels if those properties are located within one-quarter (¼) mile of a MSED zoned parcel and if said parcel is to be developed in accordance with the purpose of this zoning district. The district may be established on non-abutting parcels that are located over one-quarter (¼) mile of a MSED zoned parcel for shuttled event parking only if identified in a comprehensive parking plan for the major sports and entertainment venue.

(2) In conjunction with a request to establish MSED zoning, a conceptual development plan (CDP) shall be submitted by the applicant for review and recommendation by the planning commission and review and approval by the city council. The conceptual development plan will generally guide development on the MSED zoned property and shall depict the general locations of existing uses and facilities and the general locations for future planned facilities, uses, open space, and parking areas. Additionally, in order to determine a proposed location will not have significant deleterious effects on the city's scenic corridors, a

view corridor study/analysis will be required. The view corridor study will evaluate the height of a venue from multiple points (e.g., building elevations) from multiple views (e.g. perspectives), no more than five (5) miles away.

(A) Major revisions to the Conceptual development plan shall be submitted to the zoning administrator to be approved administratively if the revised CDP is in conformance with the requirements of this section. Major revisions shall include:

i. Any incorporation of a use(s) not previously approved or deletion of a previously approved use(s) with the original CDP.

ii. A ten (10) percent change in the acreages devoted to any use.

iii. Any change which could have a significant, adverse impact on areas adjoining the MSED property.

iv. Any change which could have a significant traffic impact on roadways adjacent to the MSED property.

(B) Any revision to the conceptual development plan made by the owner/developer not identified above as major shall be considered a minor revision and shall not require City approval. However, the property owner/developer shall be required to submit a copy of all minor revisions to the CDP to the department for inclusion in the zoning case file.

(c) Permitted uses. The following uses shall be permitted in the MSED District:

(1) Stadiums, racetracks, arenas, concert pavilions, amphitheaters, performing arts centers and other similar large-scale major sports and entertainment venues. (Including accessory uses which are customarily incidental, as identified in subsection 28-92(f)).

(2) Farming and agricultural uses are permitted for an initial period of three (3) years after the establishment of the MSED and thereafter, such use may continue only under a conditional use permit as set forth in subsection 28-92(e) below. Dairy farms are prohibited within the MSED.

(3) Amusement/theme park.

(4) Museums, cultural centers, and car show facilities.

(5) Aquariums.

(6) Facilities customarily incidental but subordinate to the major sports and entertainment venue including, but not limited to, food preparation facilities, multimedia production studios, and storage.

(7) Movie theaters, indoor.

(8) Bars and nightclubs.

(9) Restaurants, without drive-through.

(10) Retail sales of new merchandise within enclosed buildings, excluding liquor stores.

(11) Hotels, resorts, and conference centers which may incorporate restaurants, lounges, spas, gyms, golf courses, equestrian centers, banquet space, and meeting space for community and corporate events.

(12) Multi-family residential units subject to the limitations set forth in subsection 28-92(j)(2) below.

(13) Professional offices.

(14) Banks and chartered financial institutions, including ATMs.

(15) Business support services, including photocopy centers, retail office supply stores, and package delivery services.

(16) Health and athletic clubs.

(17) Hospitals and urgent-care facilities.

(18) Emergency care clinics.

(19) Research, design, and development laboratories and parts manufacturing and assembly facilities relating to the major sports and entertainment venue (Example: A facility where advancements in racecar technology are researched, designed, and built in close proximity to an auto racing track).

(20) Racing industry related auto body and engine repair shops, painting facilities, emissions testing, and similar uses operated in conjunction with an automobile race track.

(21) Auto racing schools and motorsports clubs operated in conjunction with an automobile race track. Motorsports clubs may include member garage condos, club and event facilities, and concierge vehicle services, including vehicle testing and repair.

(22) Vehicle testing and storage facilities, excluding dead vehicle storage.

(23) Ecotourism and educational facilities including, but not limited to, multi-use trails containing kiosks displaying historical and/or educational information.

(24) Green initiatives including structures and facilities for alternative energy sources including, but not limited to, solar, wind, and geothermal, architecturally integrated into a building or structure.

(25) Event-related recreational vehicle and mobile camper camping and parking and related indoor and outdoor recreation amenities for such uses. Additionally, these uses will be permitted in a non-event setting only if located entirely within the major sports entertainment venue in conjunction with a venue-sponsored program and provided that the campers are limited to short-term stays that do not exceed fourteen (14) consecutive days.

(26) Heliports.

(d) Uses permitted with conditions. The following uses shall be permitted in the MSED District if they adhere to the specified conditions:

(1) Drive-through facilities for allowed uses, subject to the conditions listed in zoning ordinance subsection 28-54(g).

(2) Except as provided in subsection 28-52(f), pet boarding and day care facilities, without and with outdoor play areas, subject to the conditions listed in zoning ordinance subsection 28-54(k) and 304(l) respectively.

(3) Permanent towers and antennae, subject to the provisions of zoning ordinance section 28-138.

(e) Uses permitted subject to a conditional use permit. To ensure compatibility with surrounding uses and the natural environment, the following uses shall require approval of a conditional use permit, subject to the provisions of article 1, administration and procedures:

(1) Green initiatives including structures and facilities for alternative energy sources including, but not limited to, solar, wind and geothermal as a separate standalone use not integrated into the design of buildings or structures permitted within the MSED.

(2) Child care centers, except as provided in subsection 28-92(f).

(3) Agricultural and farming uses.

(4) Pharmacies, without drive-through.

(5) Non-event related recreational vehicle and mobile camper parking and camping and tent camping located outside of the major sports and entertainment venue.

(f) Accessory uses.

(1) The following uses are permitted only as an accessory to the use of the primary major sports and entertainment facility on the grounds of the major sports and entertainment venue on event days, as defined by this ordinance:

(A) Outdoor sales of merchandise from kiosks, trailers, tents and other mobile merchandising units.

(B) Outdoor sales of food and beverages (including alcohol) from mobile vending units.

(C) Family center, inclusive of a temporary day care facility, provided that the use of which is restricted to event personnel and their immediate family.

(D) Temporary towers and antennae.

(2) The following uses are permitted on a daily basis when located within a mixed-use, pedestrian oriented development in the MSED. These uses shall only be allowed if an approved site plan for the mixed use, pedestrian oriented development identifies approximate locations for these uses. A standard design for all kiosks will be approved with the site plan to ensure these uses do not detract from the aesthetics of the overall project:

(A) Outdoor sales of merchandise from kiosks.

(B) Sales of food and beverages (including alcohol) from kiosks.

(g) Development standards. The following table outlines the minimum development standards for uses within the MSED. Yard, height, and area requirements may be required in accordance with conditions of conditional use permits or uses permitted with conditions.

| | **MAJOR SPORTS AND ENTERTAINMENT VENUE** | **ALL OTHER USES** |
|---|---|---|
| Minimum lot area: | 160 acres | None |
| Minimum site depth: | None | None |
| Minimum lot width: | None | None |
| Front setback: | 20' | 0' to building; 20' to parking |
| Street setback: | 20' | 0' to building; 20' to parking |
| Interior setback: | None | None |
| Rear setback: | 20' | 20' |
| Parking setback from residential district/use: | 25′ | 25' |
| Maximum lot coverage: | None | None |
| Maximum building height: | 230′ | 40' by right; and up to 160 feet for Hotel, Multi-Family and Office uses only |
| Building setback from residential district/use: | 1' of setback per 1' of building height | 1' of setback per 1' of building height |
| | | |

(h) Parking.

(1) Parking for major sports and entertainment venues (including all subordinate accessory facilities) shall comply with zoning ordinance article 8, parking, except:

(A) Remote (off-site) commercial parking facilities shall be permitted and be used to meet the minimum parking requirements.

(B) Unimproved parking surfaces shall be permitted subject to dust abatement measures necessary to comply with dust pollution applicable dust pollution laws and regulations.

(C) There shall be no limit on the maximum number of parking spaces provided for the MSE venue and the minimum number of spaces shall be one (1) space per four (4) stadium/venue seats.

(D) Prior to the construction and/or expansion of new parking facilities, a comprehensive parking plan (CPP) establishing a detailed parking plan for the applicable portion of the major sports and entertainment facility may be submitted by the property owner to the city for review and approval by the zoning administrator. The CPP shall identify all parking facilities by location, size, access, fire safety equipment access, and shuttle service routes, and shall be designed to meet the parking needs for the stadium, racetrack, arena, or other MSE facility. Any amendments to the approved CPP that change the parking locations or total permitted parking area under the CPP shall also be approved by the zoning administrator.

(E) Subsection 28-162(b) shall not apply and portions of the required parking may be located off-site as needed to meet minimum requirements.

(F) Subsection 28-162(f) shall not apply and recreational vehicles may be parked for the purpose of loading, unloading, emergency service, patronizing a commercial use, and overnight parking.

(G) Subsection 28-163(a) shall not apply as parking areas, which, subject to the CPP and this section, may contain surfaces other than masonry, concrete, or asphalt.

(H) Subsection 28-163(b) shall not apply and parking/circulation areas shall be separated from landscaped areas according to approved landscape plans, as applicable.

(I) Subsection 28-163(i) shall not apply and instead the provisions of subsection 28-92(k) shall govern.

(J) Subsections 28-163(k) and 28-163(l) shall not apply.

(K) Major sports and entertainment venues shall be exempt from subsection 28-164(c). Where a mix of uses is planned, shared parking requirements may be utilized pursuant to an approved CPP.

(L) Subsection 28-165(a) shall not apply

(2) Parking for all other uses allowed in the MSED shall comply with all requirements of zoning ordinance article 8, parking.

(i) Site lighting.

(1) Lighting for major sports and entertainment venues (including all subordinate accessory facilities) shall adhere to zoning ordinance section 28-137, outdoor lighting, except:

(A) The maximum height of field/track/stage lighting within the MSED shall be two hundred thirty (230) feet.

(B) Outdoor sports and entertainment venues within the MSED shall be allowed to use field/track/stage lighting so long as the venue is open.

(C) Outdoor sports and entertainment venues within the MSED shall be allowed to mount field/track/stage lighting above parapets, roofs, or grandstands.

(D) There shall be no limitation on the wattage/initial lumens of field/track/stage lighting for outdoor venues. However, shields shall be required to control external glare and minimize up-light to the greatest extent possible. Off-site light trespass from the venue shall not exceed one (1) foot candle at any residential property line.

(E) The maximum height of pole mounted parking lot lighting for MSE venues shall not exceed a maximum height of one hundred ten (110) feet. In or within seventy-five (75) feet of any residential Zoning District, pole mounted lighting may not exceed sixteen (16) feet in height.

(F) Temporary lighting shall be permitted for events when any permanent lighting available on the site of the MSE venue does not sufficiently illuminate the venue or parking area.

(G) Permanent Lighting Standards contained in subsection 28-137(c) shall not apply to lighting within or affixed to the main structure of a major sports and entertainment venue. Permanent lighting elsewhere on a major sports and entertainment venue site shall comply with the following:

i. Shields shall be provided to control external glare and minimize up-light and off-site light trespass. To the extent practicable and based on the purpose of the lighting, lights shall also be directed downward.

ii. External lighting of the face of signs, where permitted, shall be placed in a manner that the illumination source is not visible from the public right-of-way.

(H) Prior to the construction of any new outdoor lighting, an outdoor lighting plan specifying how the lighting for the site complies with the requirements contained herein shall be submitted and include a site plan indicating the locations and types of all fixtures on site, luminaire specifications, and a photometric plan indicating light levels across the property (measured in foot-candles). Outdoor lighting plans for major sports and entertainment venues shall be exempt from the requirements of section 28-137.

(I) Temporary lighting requirements contained in subsection 28-137(e) shall not apply.

(J) Nonstandard lighting requirements contained in subsection 28-137(f) shall not apply.

(2) Lighting for all other uses allowed in the MSED shall adhere to all requirements of zoning ordinance section 28-137, outdoor lighting.

(j) Architectural and design standards.

(1) Standards and guidelines for large-scale sports and entertainment venues. The MSED recognizes the unique nature of large scale sports and entertainment venues and the ability of such facilities to create iconic facilities within a community. Therefore, typical design requirements like those specified in the city's design manuals are not applicable as the style of such a venue must be expressive of the primary activity occurring in the venue while also taking careful steps to complement the surrounding built and natural environments and achieve the aesthetic vision of the city. However, each development shall consider the natural surroundings and environment, and design accordingly. To the extent practicable and taking into account the use of the venue, the design should promote pedestrian connectivity, incorporating shaded refuge areas, and quality design materials. Additionally, applicable design requirements will only apply to the exterior of the facility and buildings internal to the venue and not visible from the public right-of-way are exempt.

(A) Materials. The design style of the large scale sports and entertainment venues, including subordinate accessory uses within the MSED, will be defined by a palette of materials that are expressive of the nature of the major sports and entertainment venue while combining with materials are associated to the region. Materials should convey an honest expression and permanence while avoiding the look of being applied rather than integrated. Materials used shall be of high quality, durable and genuine and should be consistently expressed through all architectural elements including accessory structures, walls, entry monumentation, landscaping and signage.

Acceptable materials include, but are not limited to:

- Sandstone.
- Limestone.
- Native stone.
- Cultured or cast stone.
- Precast and cast in place concrete.
- Textured concrete.
- Sandblasted concrete.
- Exposed aggregate concrete.
- Sandblasted concrete block.
- Stucco.
- Glass.
- Tile (accent only).
- Wood.
- Corten steel.
- Stainless steel.
- Galvanized steel.
- Painted steel.
- Metal panel systems.
- Galvanized aluminum.
- Oxidized copper.
- Rammed earth.

Plaster or stucco finishes must be used in combination with other high quality materials and should not be the primary building material.

(B) Building design, wall planes and roofs. Rich and varying materials are desirable on wall planes, roofs, and the ground plane and to the extent reasonable for the scale of a major sports entertainment venue, and large, blank wall surfaces should be avoided. Box-like structures without architectural relief should be avoided but flat roofs with membrane roofing materials are allowed.

(C) Retention basins: Retention basins should be well landscaped to help add to the aesthetic quality of a site by providing variation to the surface plan. Retention basins should not have a slope steeper than a four to one (4:1) grade. Where basins are deeper than three (3) feet, a six to one (6:1) ratio is the maximum slope. Retention basins may be constructed along street frontages.

(D) Parking structures: The façade of any parking structures shall incorporate the theming/design of the major sports and entertainment venue. Structures should be designed to screen vehicles and headlights from views off site. The ground level of the structure should never consist of a featureless length of a wall.

(2) Standards and guidelines for other uses. The city's design manuals relevant to other uses within the MSED shall apply. Additionally, hotels, offices and multi-family developments within the MSED shall be oriented in a manner that protects the mountain view corridors, to the extent that such orientation is reasonably possible. Furthermore, multi-family uses must be designed as an integral part of the large-scale sports and entertainment venue and stand-alone multi-family uses are not permitted.

(k) Landscaping, walls, and fences.

(1) Landscaping, walls, and fences for major sports and entertainment venues (including all subordinate accessory facilities) shall comply with zoning ordinance article 12, landscaping, walls, and fences, but shall be exempt from all parking lot landscaping requirements including the following:

(A) Subsection 28-293(b)(2)(A) shall not apply.

(B) Subsection 28-293(b)(3) shall not apply.

(C) Subsection 28-294(a)(1)(B) shall not apply.

(D) Subsection 28-294(a)(3) shall not apply.

(E) Subsection 28-294(a)(5) shall not apply.

(F) Subsection 28-294(c)(1)(D) shall not apply.

(G) Subsection 28-294(c)(2) shall not apply and instead, landscaping along public arterial rights-of-way contiguous to new development shall be phased and installed in conjunction with the new development. The installation of street trees within these areas shall be required in an amount equal to or greater than one (1) tree and five (5) shrubs for every thirty (30) feet of arterial street frontage. No trees shall be located within the established public utilities easement however shrubs and groundcover are permissible.

(H) Subsection 28-294(c)(6)—(8) shall not apply.

(I) Subsection 28-294(b)(2) shall not apply.

(J) Subsection 28-297(b)(4)(B) shall not apply.

(K) Except as provided elsewhere in this subsection 28-92(k), subsection 28-297(b)(8) shall not apply and any fencing existing as of December 31, 2010, shall be permitted to remain and be relocated in order to secure the site. New chain-link fencing beyond that date will be permitted (i) within a major sports and entertainment venue and (ii) external to the venue if temporary and race-related.

(L) Subsection 28-297(f) shall not apply.

(M) Subsection 28-297(g) shall not apply and instead, all new, non-event-related outdoor storage areas for materials, vehicles, trailers, equipment, trash or other similar items shall be enclosed and screened from public rights-of-way. For storage areas not visible from the public right-of-way only, screening may be accomplished by utilizing chain-link fencing, provided that privacy-slats, fabric or landscaping is also incorporated into the fencing system.

(N) Subsection 28-297(h) shall not apply.

2. Landscaping, walls, and fences all other uses allowed in the MSED shall comply with all requirements of zoning ordinance article 12, landscaping, walls, and fences.

L. Signs. A comprehensive sign plan (CSP) shall be submitted by the property owner for property located within the MSED Zoning District for review and approval by the zoning administrator. The CSP shall identify all existing and proposed signs by general location and size. The CSP shall be consistent with the intent and purpose of this Section (MSED) and article 9 (sign ordinance) except as specifically provided below. A CSP may propose signage in excess of what is allowed by article 9 for C-3 uses; any CSP tied to the MSED that proposes signage that deviates from the densities, heights, sign area, and separation distances for C-3 uses, unless specifically exempted below, may be allowed at the city's discretion, subject to the following limitations: Administrative approval of up to twenty five (25) percent deviation from the maximum allowable sign densities, height, sign area, or sign separation is allowed; any proposed deviations greater than twenty five (25) percent from the applicable requirements must be submitted to city council for approval. The comprehensive sign plan may be submitted separately prior to or with submittal of construction drawings. Where a CSP does not address a particular subject, the Sign Ordinance shall control.

(1) Major sports and entertainment venues (including all subordinate accessory facilities) are exempt from those requirements of article 9 of the zoning ordinance as provided below and alternative standards shall be determined according to the requirements herein as provided in the CSP:

(A) Subsection 28-193(b) shall not apply.

(B) Subsection 28-194(b) shall not apply, and instead an applicant may submit a CSP at any time. The CSP submittal package shall contain the information required in the Zoning Ordinance.

(C) Subsection 28-195(a)(7) shall not apply and signs and sign structures may extend above a building's parapet.

(D) Subsection 28-195(a)(8) shall not apply and permanent free-standing signs and sign structures may be located within five (5) feet of an interior property line.

(E) Subsection 28-195(a)(10) shall not apply and temporary, event-related signs may be placed on, attached to, or hung from any permanent sign.

(F) Subsection 28-195(a)(11) shall not apply and temporary signs and displays may be placed on the roof of any building or structure.

(G) Subsection 28-195(c)(2) shall not apply during event-related activities.

(H) Subsection 28-197(a)(1) shall not apply.

(I) Subsection 28-197(b)(2) shall not apply. Permanent pole-mounted signs may be approved by the zoning administrator in accordance with a CSP if said signs do not advertise commercial uses but instead are used for directional or identification purposes. For example, pole-mounted signs may be used within parking lots to identify lot locations and to identify bus loading and ticket zones.

(J) Subsection 28-197(b)(3) shall not apply.

(K) Subsection 28-197(c)(1) shall apply only to those signs visible from public rights-of-way.

(L) Subsection 28-197(c)(2) shall apply only to those signs visible from public rights-of-way.

(M) Subsection 28-197(c)(3) shall not apply.

(N) Subsection 28-197(c)(4) shall apply only to those signs visible from public rights-of-way.

(O) Subsection 28-198(c) shall not apply, but attachments to temporary signs shall be provided with temporary sign permit.

(P) Subsection 28-199(b) shall not apply, and instead, if any entity that utilizes a non-conforming sign ceases operation for a period of one (1) year, the nonconforming status of the sign shall be forfeited.

(Q) Section 28-201 shall apply except that off-premise signs, variable message signs, and pole signs shall be permitted in accordance with an approved CSP. Vehicles for which the primary purpose is advertising shall be allowed during major venue events only.

(R) Subsection 28-202(a)(6)(B) shall apply only to first-floor windows. For all other windows the total sign area for window signs may constitute one hundred (100) percent of the window area of each window.

(S) Subsection 28-202(a)(7) shall apply, except that for non-illuminated directional and informational signs, the width of the sign at its base shall be determined according to the CSP.

(T) Subsection 28-203(a), (b), and (c) shall not apply.

(U) Subsection 28-203(d)(1)(A) shall apply, except that maximum sign area for primary and secondary elevations may be increased pursuant to the CSP. Signs not visible from public rights-of-way do not count toward maximum sign area.

(V) Subsection 28-203(d)(1)(D) shall not apply.

(W) The size and design of directory signs within major sports and entertainment venues shall comply with the size and design standards for the City Center and Old Town Avondale Business Districts found in subsection 28-203(d)(3)(B).

(X) Subsection 28-203(d)(4)(A) shall not apply.

(Y) Subsection 28-203(d)(4)(C) shall not apply, and instead, the maximum height and area for monument signs shall be determined through the CSP.

(Z) Subsection 28-203(d)(4)(E) shall not apply and instead, multiple single-tenant signs may be permitted on the major sports and entertainment venue parcel where the separation of the uses on the parcels requires separate monument signs. Uses that are in close proximity to each other should be identified in the CSP on a multi-tenant monument sign.

(AA) Subsection 28-203(d)(5)(A) shall not apply.

(BB) Subsection 28-203(d)(5)(C) shall not apply, and instead, the maximum height and area for monument signs shall be determined through the CSP.

(CC) Subsection 28-203(d)(6) shall apply to freeway pylons signs, except that freeway pylon signs may be located off site near freeways (in any commercial or industrial zoning district), on parcels solely dedicated to providing for such freeway pylon signs.

(DD) Subsection 28-203(e)(1) shall not apply, and instead, a permanent off-premise sign may be provided for within the CSP only where the purpose of such sign is to advertise the major sports and entertainment venue.

(EE) Subsection 28-204(b)(8) shall not apply to temporary signs erected in conjunction with events at the major sports and entertainment venues.

**28-93 Special use overlay.**

(A) Purpose and effect. The special use overlay is provided for certain specified land uses that do not conform to the broad use categories found in traditional zoning districts but one otherwise consistent with the General Plan. It allows these special uses to be established on any parcel of land in any zoning district if required findings are met taking into consideration the characteristics of the use, the site, the proposed development plan, and the surrounding area. Site-specific development standards and performance requirements are established at the time of the review and approval of the special use overlay.

(b) Permitted uses. Only those uses specifically listed below will be eligible to be considered special uses within the meaning of this section 28-93.

(1) Cemeteries, which may include mausoleums, columbarium, crematoriums, mortuaries and other related accessory uses.

(2) Heliports, helipads, aircraft landing strips and airports.

(3) Golf courses, which may include accessory uses such as driving ranges, pro shops, restaurants and cocktail lounges.

(4) Outdoor commercial recreation facilities including, but not limited to, sport courts and fields, outdoor arenas, sports stadiums, amusement parks, golf driving ranges, miniature golf courses, water parks, paintball parks, shooting ranges, zoos and drive-in theatres.

(5) Commercial racetracks and associated uses.

(6) Resort hotels and accessory uses.

(7) Sand and gravel extraction and related uses, including rock crushing and processing and batch plants.

(8) Commercial radio and television broadcasting towers.

(9) Electrical substations, generating plants and other public utilities when subject to municipal zoning authority.

(10) Commercial campgrounds and recreational vehicle parks.

(11) Motion picture production studios and accessory uses.

(12) Sanitary landfills.

(c) Required development plan.

(1) A development plan must be approved to allow development according to the special use overlay.

(2) All permitted uses, development standards and performance requirements for the special use shall be specified by the development plan.

(3) All regulations and standards of the underlying Zoning District shall remain in full force and effect unless specifically addressed in the development plan.

(d) Application requirements.

(1) The application requirements and fees specified for zoning amendments in Section 28-10 of this ordinance shall apply.

(2) The development plan shall consist of a conceptual land use plan and a narrative report. The level of detail required will depend upon the nature and scale of the use as determined by the zoning administrator.

(3) Traffic studies, traffic management plans, preliminary drainage reports, utility master plans and other supporting information may also be required depending upon the scale and nature of the use as determined by the zoning administrator.

(4) The conceptual land use plan shall show, at a minimum, the following information:

(A) Location, boundaries and acreage of the property.

(B) Existing and proposed public right-of-way and street improvements.

(C) General location, size and use of buildings, structures, facilities and equipment.

(D) Building setbacks, building heights and open space buffers.

(E) Location and surface of parking and loading areas and the number of parking spaces to be provided.

(F) Location and size of stormwater retention basins and any major drainage structures.

(G) Amount of open space and general landscape concept.

(H) Access and on-site circulation for vehicles and pedestrians.

(I) General location, type, height and intensity of outdoor lighting.

(J) Location, type and height of screen walls and fences.

(K) Type, location, size and height of proposed signage.

(L) Phasing of development.

(5) The narrative shall provide at a minimum the following information:

(A) Nature and scale of the use and how it will be operated.

(B) Frequency of use and hours of operation.

(C) Types and volume of traffic to be generated.

(D) Adequacy of public infrastructure, services and facilities.

(E) Proposed development standards including, but not limited to, building setbacks, building heights, open space, screening, parking and signage.

(F) General design guidelines for buildings, structures, landscaping and signage.

(G) Any potential off-site impacts and how such impacts will be mitigated including, but not limited to, noise, vibration, odor, dust, glare, obstructed views, stormwater drainage and traffic.

(H) Any additional authorization that may be required by other government agencies.

(6) Applications for sand and gravel extraction and sanitary landfills shall include a re-use plan, a closure plan and a financial guarantee.

(A) The re-use plan shall include a conceptual plan for post-mining land use for excavated areas intended to be established upon abandonment of the site or cessation of the operation.

(B) The closure plan shall indicate the time frame and methods to carry out the closure requirements upon cessation of the operation or the abandonment of the site. The proposed measures shall meet all standards required by the Maricopa County Flood Control District and the Arizona Revised Statutes for aggregate mining reclamation.

(C) A financial security shall be provided prior to the effective date of the overlay zoning to ensure that operators abide by the closure plan and the proposed re-use plan. The form and amount of the security shall be reviewed by the finance director, the city engineer and the zoning administrator prior to city council approval of the overlay zoning.

(e) Review procedures.

(1) A request for a special use overlay development plan approval shall be submitted to the planning division on a form prescribed by the planning division with the required fee. A special use overlay development plan approval may be requested by the property owner of land proposed to be benefitted by the overlay or by the planning division, the zoning administrator, the planning commission or by the city council.

(2) The applicant shall conduct a neighborhood meeting in accordance with section 28-12, above, and complete notifications in accordance with section 28-13, above.

(3) A request for a special use overlay development plan approval shall first be heard by the planning commission, which shall hold a public hearing and transmit a recommendation to the city council containing reasons for such recommendation. Notifications must be completed pursuant to section 28-13, above.

(4) The city council shall hold a public hearing and approve, approve with conditions, or deny the request for the amendment. Notifications must be completed pursuant to section 28-13, above.

(5) In the event an application is denied by the city council or withdrawn after the planning commission hearing, the city council shall have the authority to refuse to accept another application for any amendment on the same property or part thereof, for a period of one (1) year from the date of denial.

(6) The recommendation of approval of any amendment by the planning commission shall be void if the amendment has not been adopted by the city council within one (1) year of the planning commission action.

(7) Major amendments to the development plan shall be processed in the same manner as the original application. Major amendment shall include any (a) change in the use or the intensity of the use or (b) significant increase in the off-site impacts of the use.

(8) Minor amendments to the development plan, such as minor changes to the site layout or the site use characteristics that do not significantly change the nature or intensity of the use and will not adversely affect adjacent or nearby properties, may be approved by the zoning administrator.

(f) Required findings. A special use overlay shall not be approved unless the applicant demonstrates that the following findings can be met.

(1) The proposed use will further the objectives of the General Plan and not adversely affect the character of the community.

(2) The proposed use will be compatible with other existing and planned, future land uses in the immediate area.

(3) The proposed use will be adequately served by public infrastructure and services.

(4) The proposed use will not create excessive truck traffic or ongoing traffic congestion.

(g) Development review. The requirements of section 28-6 of this ordinance shall be satisfied prior to the issuance of any construction permits.

**28-94 Historic Avondale Infill Overlay.**

(a) Purpose.

(1) The purpose of the Historic Avondale Infill Overlay (HAIO) is to promote and facilitate the development and redevelopment of vacant, underutilized, or abandoned properties within the city's revitalization area. It has been established as a method to address potentially incompatible development standards while maintaining the character of the surrounding area. The HAIO is intended to allow for alternative standards to be used when other tools available in the Zoning Ordinance will not work to address the development needs of the property. In order to utilize the alternative standards, a development plan must be approved according to this section 28-94. It is the intent of this district to:

(A) Accommodate growth by encouraging and facilitating new development on vacant and underutilized land in areas that already have infrastructure, utilities, and public facilities.

(B) Encourage the use of innovative approaches to development that utilize sustainable development practices and incorporate environmental performance standards.

(C) Provide flexibility in development standards to facilitate infill development and redevelopment.

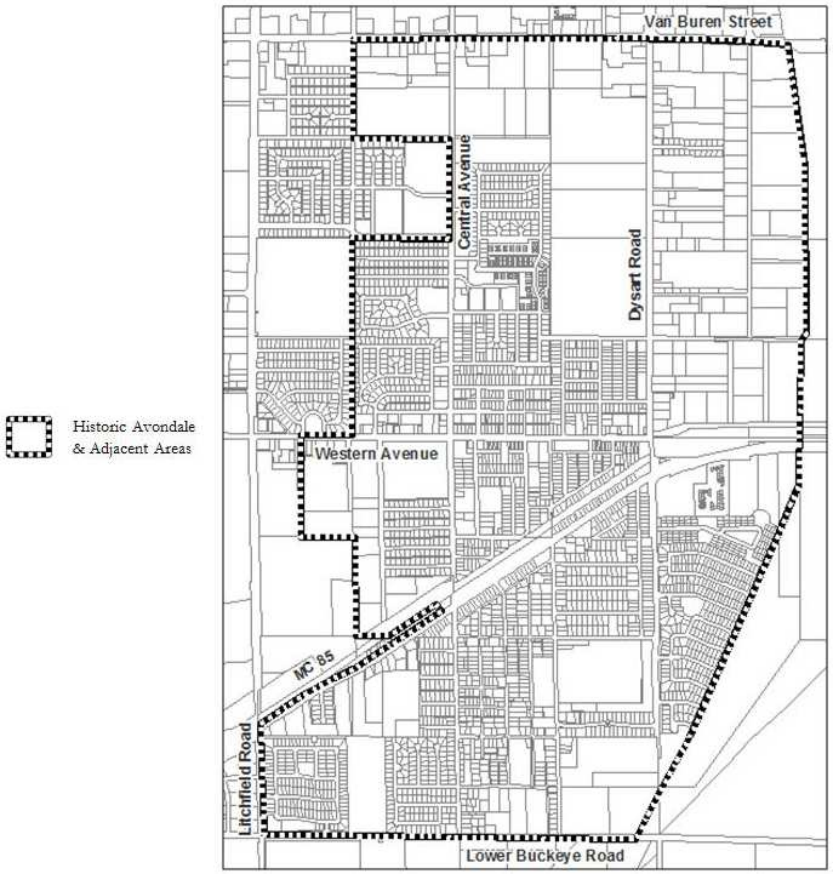
(D) Encourage pedestrian-oriented design and development consistent with the historic character.

(E) Promote a positive artistic environment within the district.

(b) Applicability.

(1) Any property within the HAIO is eligible to submit a development plan for approval of the alternative standards within the HAIO. Upon approval of a development plan as set forth in this section 28-94, the alternative standards shall be permitted in accordance with the development plan.

(2) The boundaries of the HAIO district shall be limited to the area outlined on the following map:




(c) Required development plan.

(1) A development plan must be approved to allow development according to the HAIO.

(2) All regulations and standards of the underlying zoning district shall remain in full force and effect, unless specifically addressed in the development plan.

(3) Lots that are two (2) acres or less may request relief from the standards set forth in the Avondale Zoning Ordinance and the Historic Avondale Design and Development Guidelines, with the exception of the architectural section of the guidelines.

(4) Lots over two (2) acres may request relief from the standards set forth in the Avondale Zoning Ordinance. The Historic Avondale Design and Development Guidelines shall be adhered to.

(d) Application requirements.

(1) The application requirements and fees specified for zoning amendments in section 28-10 of this ordinance shall apply.

(2) The development plan shall consist of a conceptual development plan, landscape plan and a narrative report.

(3) The conceptual development plan shall show at a minimum, if applicable, the following information:

(A) Location, boundaries and acreage of the property.

(B) Existing and proposed public right-of-way and street improvements.

(C) General location, size and use of buildings, structures, facilities and equipment.

(D) Required and proposed building setbacks, building heights and lot coverage.

(E) Location and surface of parking and/or loading areas and the number of parking spaces to be provided.

(F) Location and size of stormwater retention basins and any major drainage structures.

(G) Access and on-site circulation for vehicles and pedestrians.

(H) General location, type, height and intensity of outdoor lighting.

(4) The narrative shall provide, at a minimum, the following information:

(A) Overall description of the project, including the project theme and intended historic character of the development.

(B) A description of the existing conditions of the proposed area, to include landscaping, parking, structures, and uses.

(C) Justification for the need of the HAIO District.

(D) A list of proposed development standards including, but not limited to, building setbacks, building heights, open space, screening, and parking., and a comparison to the standards in the underlying zoning district.

(E) General design guidelines for buildings, structures, landscaping and parking that promote the historic character of the area.

(F) Architectural elevations that resemble the historic character.

(e) Review procedures.

(1) Requests for HAIO development plan approval shall be submitted to the planning division on a form prescribed by the planning division with the required fee. A HAIO development plan approval may be requested by the property owner of land proposed to be rezoned or by the planning division, the zoning administrator, the planning commission or by the city council.

(2) The applicant shall conduct a neighborhood meeting in accordance with section 28-12, below, and complete notifications in accordance with section 28-13, below.

(3) A request for a HAIO development plan approval shall first be heard by the planning commission, which shall hold a public hearing and transmit a recommendation to the city council containing reasons for such recommendation. Notifications must be completed pursuant to section 28-13, below.

(4) The city council shall hold a public hearing and approve, approve with conditions, or deny the request for the amendment. Notifications must be completed pursuant to section 28-13, below.

(5) In the event an application is denied by the city council or withdrawn after the planning commission hearing, the city council shall have the authority to refuse to accept another application for any amendment on the same property or part thereof, for a period of one (1) year from the date of denial.

(6) The recommendation of approval of any amendment by the planning commission shall be void if the amendment has not been adopted by the city council within one (1) year of the planning commission action.

(7) Major amendments to the development plan shall be processed in the same manner as the original application. Major amendment shall include any (a) change in the use or the intensity of the use or (b) significant increase in the off-site impacts of the use.

(8) Minor amendments to the development plan, such as minor changes to the site layout or the site use characteristics that do not significantly change the nature or intensity of the use and will not adversely affect adjacent or nearby properties, may be approved by the zoning administrator.

(f) Required findings.

(1) Application for the HAIO District must meet the following findings:

(A) The project will further the objectives of the general plan and not adversely affect the historic character of the community.

(B) Sufficient proof has been provided that other tools available in the zoning ordinance, such as administrative relief, will not work to address the site specific needs of the project.

(C) The project provides a historic design that creates a pedestrian oriented environment.

(g) Development review. The requirements of section 28-6 of this ordinance shall be satisfied prior to the issuance of any construction permits; provided, however, that undergrounding of power lines is not required within this district.

**28-95—28-110 Reserved.**

## Article 6

## PLANNED AREA DEVELOPMENT DISTRICT

**28-111 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 that 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.

**28-112. 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 article 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 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 authorized 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 subsection 28-113(d) below.

(2) Complete construction of all public infrastructure improvements within the public right-of-way on the exterior of the PAD site shall be included within the first phase of development, unless the city council, in its sole discretion, allows for an alternate infrastructure improvement schedule as part of a phasing plan included in the PAD.

(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, for construction of such portions of the infrastructure improvements located within the public right-of-way on the exterior of the PAD.

**28-113 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 adequate public infrastructure and services exist 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. The PAD zoning shall be conditioned on commencement of horizontal construction for the project beginning within four (4) years from the date of city council approval. Prior to the expiration of the four (4) year time condition, the property owner or authorized representative may submit an application for a one (1) time, one (1) year extension to the city, which the zoning administrator may approve. in the event the project's site plan or preliminary plat has not been approved within the applicable two-year time period and no request for a time extension has been received, the zoning administrator may submit the PAD to the city council for consideration of reversion to the property's prior zoning classification at a public hearing according to Section 1.110.

(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 (1) of the following shall be considered a major amendment of a PAD:

(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 that could have significant impact on areas adjoining the PAD.

(D) Any change that 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 (25) percent 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.

**28-114 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. Development standards that deviate from the zoning ordinance shall be described. 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:

i. Dedicated park sites, provided that the location, size and geometry are acceptable to the city.

ii. Dedicated tracts for bicycle, equestrian, hiking or multi-use trails.

iii. 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.

iv. Reserved or dedicated steep slope areas.

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

vi. Basketball, tennis or other sport courts, baseball, softball and soccer fields, tot lots and ramadas with barbeque areas.

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

viii. Any other areas deemed acceptable as determined by the zoning administrator or designee.

(C) The following areas shall not count as open space:

i. 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.

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

iii. Required setback areas unless such areas contain significant project amenities in accordance with the applicable design manual, as determined by the zoning administrator.

iv. Reserved school and park sites that require subsequent purchase of the land.

v. Concrete or rock-lined areas designated primarily for the conveyance of water.

vi. 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, all the applicable 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.

**28-115—28-130 Reserved.**

## Article 7

## SUPPLEMENTARY REGULATIONS

**28-131 Purpose and applicability.**

The purpose of the regulations set forth in this section is to supplement the zoning regulations appearing elsewhere in this zoning ordinance. Unless specifically set forth herein or elsewhere in this zoning ordinance, the following general regulations shall apply to all property within the corporate limits of the city.

**28-132 General requirements.**

(a) No person, firm or corporation shall strip, excavate or otherwise remove topsoil, rock, sand, gravel or other natural earth materials for use on another premises, except in connection with the construction or alteration of a structure on such premises and excavation or grading incidental thereto, or as part of an approved sand and gravel extraction or mining facility.

(b) Every dwelling shall be located and maintained on a "lot" as defined in article 1 of this Zoning Ordinance.

(c) No land required to meet the width, depth, yard, area, coverage, parking or other requirements of this ordinance for a lot or building may be sold or leased away from such lot or building.

(d) No parcel of land may be subdivided from a larger parcel of land unless the resulting parcels all meet the minimum width and area requirements for the zone in which they are located.

(e) No residentially zoned lot shall be divided in such a way that the division results in a lot that contains more dwelling units than are permitted by the zoning regulations of the district in which such lot is located.

(f) Every part of a required yard shall be open to the sky and unobstructed, with the following exceptions:

(1) Front and rear yards.

(A) Accessory buildings in the rear yard of a single-family residence shall be allowed according to the requirements of section 28-133 below.

(B) The ordinary projections of eaves, skylights, window sills, belt courses, cornices, chimneys, flues, balconies, and other ornamental features may project into a required front or rear yard not more than five (5) feet.

(C) Bay windows, including their cornices and eaves, may project into a required front or rear yard not more than three (3) feet; provided, however, that the sum of such projections on any wall does not exceed one-third (⅓) the length of said wall.

(2) Side yards.

(A) The ordinary projections of eaves, skylights, window sills, belt courses, cornices, chimneys, flues, balconies and other ornamental features may project into a required side yard not more than three (3) feet.

(B) Bay windows, including their cornices and eaves, may project into a required side yard not more than three (3) feet; provided, however, that the sum of such projections on any wall does not exceed one-third (⅓) the length of said wall.

(C) In no instance shall any projection into a required side yards be allowed if said projection is determined to interfere with vehicular access to a garage located in the rear yard.

(D) A minimum clearance of five (5) feet shall be maintained on the gated side of lots separated by party walls. In no instance shall any projection be allowed within that required clearance.

(g) Any enclosed porch or patio cover, or one capable of being enclosed shall be considered a part of the main building in the determination of the size of yard or lot coverage.

(h) A mobile home, recreational vehicle, or similar vehicle shall not be considered a dwelling unit, nor occupied as such, unless located in a recreational vehicle or mobile home park or as part of an authorized seasonal sales permit.

(i) A mobile home, recreational vehicle, or similar vehicle shall be prohibited as a facility for any non-residential use permitted in this ordinance, except for any of the following:

(1) Use as a construction trailer and/or construction office while construction is on-going on a site pursuant to a valid building permit.

(2) Use as a sales office for a Single-Family Residential development prior to completion of a model home complex.

(3) Use as a hiring, leasing, or training office for a commercial or industrial development prior to completion of the building or tenant space that the office is serving.

(4) Use as a sales office in conjunction with an approved seasonal sales permit.

(5) Use as a temporary clubhouse for a golf course while construction of a permanent clubhouse is on-going pursuant to a valid building permit.

(6) Use in conjunction with any special event approved by the city clerk's department.

(j) Garage/yard sales in excess of sixty (60) consecutive hours or in excess of four (4) times per year are prohibited.

(k) No obstruction to view in excess of two (2) feet in height shall be placed in any sight visibility triangle or within sight distance lines (as defined and measured in the City of Avondale General Engineering Requirements Manual) except for the following:

(1) Trees, if the lowest portion of the canopy is pruned to a minimum height of seven (7) feet above grade.

(2) Official signs, signals, devices and other equipment used for governmental purposes by the State of Arizona, the City of Avondale, or other authorized public entity with specific authorization to locate equipment at that location.

(l) Mechanical equipment, including, but not limited to, heating/cooling equipment, pool pumps, electrical equipment and motors directly related to the primary use of the property, shall be restricted from use in the front yard.

(m) Within residential zones, 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. 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.

(n) Mobile food vendors are prohibited from operating on property zoned for residential use and within two-hundred and fifty (250) feet of a property zoned for residential use, except with a City approved special event permit.

**28-133 Detached accessory buildings.**

In all Single-family residential districts, detached accessory buildings shall conform to the following restrictions concerning their locations on a lot.

(a) Detached accessory buildings shall not be permitted within a front yard, as defined in article 1 of this Zoning Ordinance.

(b) Any detached accessory building not located in the rear one-half (½) of a lot shall maintain such yards as are required for a dwelling unit on the same lot.

(c) Detached accessory buildings placed in the rear one-half (½) of a lot may encroach into the required rear and side yard setbacks subject to the following conditions:

(1) On a through lot, an accessory building shall not be located closer to the rear property line than the distance required for front yard setback.

(2) On a corner lot contiguous to a key lot, no detached accessory building shall be erected or altered so as to come closer to a street side of the corner lot than the front yard required on the key lot. In no instance, however, shall a setback greater than twenty-five (25) feet be required.

(3) On any other corner lot, an accessory building shall not be located closer than ten (10) feet from the property line.

(4) On a lot in the AG District, an accessory building shall not be located closer than twenty (20) feet to rear and side property lines.

(5) Where permitted, guest houses shall adhere to the primary building setbacks for the zoning district in which the guest house is to be located.

(d) In all zoning districts except for Single-Family Residential Districts, covered parking canopies may be located within required side and rear setbacks unless a landscape buffer is required by article 12 of this ordinance.

(e) No building that is accessory to any residential building shall be erected to a height greater than fifteen (15) feet, except that on a residential lot in the AG District, a shelter for the keeping of animals or fowl, silos or other similar structures customarily used in association with an agricultural use may be erected to the maximum height allowable for the main building in that district.

(f) All accessory buildings shall count towards the maximum allowable lot coverage on a given lot.

**28-134 Exceptions to height limitations.**

(a) Attached church spires, crosses and other religious symbols, belfries, cupolas, flagpoles, clock towers, domes or similar features may extend above the roof no more than the height of that building. Detached features shall be no greater than twice the height of the highest building on site.

(b) Chimneys, bulkheads, penthouses not for human occupancy, ventilators, skylights, water tanks, and other similar mechanical equipment shall be limited to fifteen (15) feet above the building height limit and shall be fully screened or integrated into the building architecture.

(c) Parapet walls or cornices may extend to a maximum of five (5) feet above the building height limit. The height of the parapet wall or cornice shall be measured from the highest side of a sloped roof.

(d) The height of wireless facilities or transmission towers shall be evaluated to ensure compatibility with surrounding development in accordance with the procedures set forth in section 28-138.

**28-135 Seasonal sales and special events.**

Seasonal sales shall be allowed subject to the conditions outlined in this subsection. All seasonal sales uses shall be conducted so as not to be detrimental to the surrounding properties and shall be subject to the

standards and regulations contained herein. No permit shall be granted until adequate assurances have been provided that compliance with the provisions of the Zoning Ordinance and all other applicable City codes or regulations have been met.

(a) General regulations for seasonal sales.

(1) Every seasonal sales use shall require a permit granted pursuant to the procedures outlined in this section.

(2) Upon cessation of the use or expiration of the permit, whichever occurs first, the premises will be promptly cleaned and restored to substantially the same condition existing prior to commencement of such use. The applicant shall provide, at the time of application, written authorization from the property owner specifically (a) acknowledging that the cleaning/restoration obligation is ultimately the owner's responsibility and (b) ensuring that if the applicant does not promptly clean and restore the property, the owner will complete the cleaning and restoration work.

(3) Written authorization of the use by the owner of the property on which the use is to be located shall be required.

(4) In no event shall a seasonal sales permit be granted for a period longer than two (2) months. Seasonal sales activities are limited to sixty (60) days a calendar year, per site. No two (2) permits shall be granted in different calendar years such that more than two (2) continuous months of operation are permitted. A permit shall only be issued for sales events occurring on consecutive dates and separate permits, with all applicable fees, will be required if events are non-consecutive. For instance, if a seasonal sales activity occurs on the first Friday of each month, separate permits would be required for each Friday.

(5) Seasonal sales are permitted in any non-residential district.

(6) Fireworks vendors are exempt from obtaining a seasonal sales permit during the dates specified in the Arizona Revised Status for the sale of consumer fireworks.

(b) Permitted seasonal sales uses.

(1) Christmas tree sales, or similar seasonal or holiday related on-site or off-site sales events.

(2) Off-site sales of souvenirs, gifts and food incidental to a sporting event.

(3) Any non-permanent outdoor use that is not specifically set forth in subsection 28-135(b)(1) or (2) above, including, but not limited to, carnivals, concerts and off-site commercial sales, shall be considered a special event and be subject to the application and review procedures set forth by the city clerk's department.

(c) Application, review, and approval process. Requests for a Seasonal Sales permit shall be made on forms obtained from the City and a filing fee shall be charged and collected at the time of application submittal.

(1) Applications shall be reviewed by the department. The request shall be administratively approved, conditionally approved, or disapproved no later than ten (10) working days from the date of submittal.

(2) The zoning administrator or authorized designee shall notify the applicant of the decision in writing and shall state any conditions for approval or reasons for denial.

(d) Approval criteria. In order to make a determination of approval, the zoning administrator or authorized designee shall determine that all of the following criteria have been met:

(1) The use complies with all applicable codes and ordinances.

(2) The nature, scope, location, and manner of the activity do not constitute a health or safety hazard to the general public.

(3) The use does not interfere with pedestrian access ways, fire lanes, driveways, landscaped areas or traffic visibility at driveways or street intersections.

(4) The number of parking spaces on the property is adequate to simultaneously serve any existing permanent use (if applicable) and the seasonal sales use. All parking surfaces are in compliance with the requirements set forth in section 28-163(a) below.

(5) The sales are not between the hours of 10:00 p.m. and 7:00 a.m. local time, Avondale, Arizona.

(e) Appeals. An appeal of the zoning administrator's decision may be made within fifteen (15) days of the said decision. The appeal shall be heard by the board of adjustment at a public meeting within thirty (30) days of the date upon which the applicant's notice to appeal is submitted.

**28-136 Swimming pools.**

The following regulations shall apply to all swimming pools:

(a) Swimming pools shall be enclosed in accordance with the provisions of state law.

(b) Swimming pools shall not be located in the required front yard of any district.

(c) In any Suburban Residential and Urban Residential District (as set forth in article 3 of this zoning ordinance) private swimming pools shall not be any closer than three (3) feet to any property line and may not be located within any recorded easement except with a written approval of the easement holder, which approval shall be recorded with the Maricopa County Recorder's Office.

(d) In any residential district other than Suburban Residential and Urban Residential as set forth above, a private swimming pool or a semi-public swimming pool shall not be closer than seven (7) feet to any property line and may not be located within any recorded easement except with a written approval of the easement holder, which approval shall be recorded with the Maricopa County Recorder's Office.

(e) Public swimming pools shall adhere to building setback requirements for the zoning district in which the pool is located.

(f) The provisions of this section 28-136 shall apply to all permanent or non-permanent pools containing water with a depth of more than eighteen (18) inches. Decorative water features and fountains containing a water depth of eighteen (18) inches or less are exempt from the requirements of this section.

**28-137 Outdoor lighting.**

(a) Purpose. These regulations are intended to establish procedures and standards that ensure minimal light trespass, reduce glare, and increase energy conservation in order to maintain the quality of Avondale's physical and aesthetic character as well as protect naturally dark skies for astronomical purposes. For the purposes of this Section, "visible from contiguous real property" means any light levels that exceed 1-foot candle at the property line.

(b) Applicability. These regulations shall apply to all new outdoor lighting installed after June 4, 2002 for the following uses, excluding public streetlights:

(1) Buildings and structures.

(2) Outdoor recreational areas, unless specifically exempted by this ordinance.

(3) Parking lot lighting.

(4) Landscape lighting.

(5) Other outdoor lighting.

(c) Permanent lighting standards.

(1) Small-scale recreational lighting. The following standards apply to the lighting of all outdoor recreational facilities except baseball, softball, soccer, volleyball or football fields; driving ranges; and outdoor arenas and amphitheaters:

(A) The height of any light fixture or illumination source shall not exceed twenty-five (25) feet.

(B) All lighting or illumination units or sources shall be fully shielded so that they are not visible from any contiguous lot or real property.

(C) Lights or illuminating units shall not cause light to be cast upon any contiguous real property, either directly or through a reflecting device.

(2) Large-scale recreational lighting. The following standards apply to the lighting of all outdoor recreational facilities, including those facility types exempted from the requirements above:

(A) All metal halide lamps shall be filtered by glass, acrylic or translucent enclosures.

(B) No lighting of one hundred fifty (150) watts or greater shall be used after 11:00 p.m. contiguous to any residential district or use.

(C) Shields shall be provided to control external glare and minimize up-light and off-site light trespass so that light levels do not exceed one (1) foot candle at the property line contiguous to residential districts or uses.

(D) Lighting for special events after 11:00 p.m. shall be permitted pursuant to the terms of the special event approval from the city clerk's department for areas contiguous to any residential district or use.

(3) Sign lighting. External lighting of the face of signs, where permitted, shall be placed above the sign and shielded in a manner that the illumination source is not be visible from any contiguous lot or real property. All signage shall be constructed in conformance with article 9 of this zoning ordinance.

(4) Security, landscape, parking area, architectural, decorative, and other permanent lighting.

(A) All outdoor lights, except for small scale recreational lighting and large scale recreational lighting (as set forth in subsections 28-137(c)(1) and (2) above) shall be fully shielded and directed downward at an angle no greater than forty-five (45) degrees above straight down, with the following exceptions:

i. Lighting for residential uses with an initial output of less than one thousand (1,000) lumens.

ii. Decorative, landscape and architectural accent lighting, mounted no higher than eight (8) feet off the ground with an initial output of less than two thousand (2,000) lumens.

iii. Pedestrian and trail lighting, mounted no higher than eight (8) feet off the ground with an initial output of less than two thousand (2,000) lumens.

iv. Low-wattage string lights, such as festoon lights.

(B) Lights or illuminating units shall not cause light to be cast upon, or be visible from, any contiguous real property, either directly or through a reflecting device.

(C) The top of building mounted light fixtures shall not be higher than the top of the parapet or roof, whichever is higher.

(D) Any pole-mounted lighting shall have a maximum height of twenty-five (25) feet. In or within seventy-five (75) feet of any residential zoning district, any pole-mounted lighting shall not exceed sixteen (16) feet in height. Pole mounted lighting for multi-use trails and other pedestrian oriented spaces shall not exceed twelve (12) feet in height.

(E) LED luminaires shall be utilized for all parking lot lighting on new development sites. Conversion to LED luminaires from other lighting types shall be supported on existing development sites if either (i) all parking lot lighting on an entire development site is replaced with LED luminaires, or (ii) the LED luminaire design closely resembles the appearance of the non-LED luminaires to remain on portions of a development site. Within parking lots, a uniformity ratio of not greater than five (5) to one (1) average-to-minimums is required.

(F) Within parking lots, a uniformity ratio of not greater than five (5) to one (1) average-to-minimums is required.

(G) The installation of mercury vapor fixtures is prohibited.

(d) Submittals required. All development and re-development projects shall submit an outdoor lighting plan for the entire site specifying how the standards of this section 28-137 are to be met. Submittals shall include a site plan indicating the locations and types of all fixtures on site, luminaire specifications, and a photometric plan indicating light levels across a property (measured in foot candles).

(e) Temporary lighting.

(1) The temporary operation of searchlights shall be allowed subject to approval of a seasonal sales permit and to the following conditions:

(A) During the months of May through October, searchlights shall not be operated between the hours of 11:00 p.m. and 6:00 a.m. local time, Avondale, Arizona.

(B) During the months of November through April, searchlights shall not be operated between the hours of 10:00 p.m. and 7:00 a.m. local time, Avondale, Arizona.

(C) Searchlights shall not be operated on residentially zoned properties except for grand openings of new developments.

(D) All searchlights shall be pointed skyward such that no direct light therefrom shall shine upon any building or structure.

(2) The use of temporary lighting for non-residential uses is permitted pursuant to the terms of the special event approval from the city clerk's department. This shall not apply to seasonal decorations using low-wattage lamps (e.g. Holiday lights).

(f) Nonstandard lighting. Any lighting that does not meet the standards of this Section 28-137 shall require approval of a conditional use permit, which may be approved or denied by the city council in its sole discretion.

**28-138 Towers and antennae.**

(a) General requirements.

(1) The site of a wireless facility or a transmitting tower must provide access that is paved or surfaced with permeable paving and at least one (1) parking space designed to applicable City standards which parking space may be incorporated as part of the maneuvering areas and access drives. This requirement can be waived by the zoning administrator when hard surfaced adjacent or nearby parking already exists, or when the zoning administrator concludes that the goals of the city are better served by modifying the parking requirement.

(2) Applicants shall be responsible for registering all qualifying wireless facilities or transmitting towers with the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC).

(3) Signs warning against trespassing and climbing support structures shall be posted near all scalable Wireless Facilities and Transmitting Towers located outside of secured areas. Step pegs shall not be placed lower than fifteen (15) feet from grade.

(4) If a wireless facility or transmitting tower ceases operation, the wireless facility/transmitting tower and related equipment shall be removed by the provider or the provider's representative within six (6) months of the shutdown date.

(5) Associated ground equipment shall be completely screened by dense landscaping and either (a) a masonry enclosure that meets the requirements of article 12 of this zoning ordinance or (b) a decorative cabinet as approved by the zoning administrator. Equipment enclosures/cabinets which exceed four (4) feet in height shall not be located within the required building setback area for the zoning district in which the facility is located. Setback and screening requirements may be waived by the zoning administrator in

instances where ground equipment is placed inside an existing, walled electrical substation or similar facility which encroaches into a required setback. In no instance shall ground equipment be located within the public right-of-way.

(6) To the extent possible and in addition to any specific requirements set forth in subsections 28-138(b) and (c) below, all components of a wireless facility or transmitting tower shall be finished or painted so as to minimize the visual obtrusiveness of the structure and shall not be illuminated unless otherwise required by state or federal regulations. Arrays and associated cables shall be painted to match the wireless facility or transmitting tower to reduce visual impact.

(b) Wireless facilities.

(1) Freestanding wireless facilities.

(A) Freestanding monopole wireless facilities are permitted in all zoning districts subject to administrative site plan approval.

(B) No new lattice wireless facilities or guyed wireless facilities shall be permitted.

(C) No wireless facilities are allowed in the public right-of-way, except for small wireless facilities permitted according to subsection 28-138(b)(3)(B) below.

(D) Prior to approval, the applicant must demonstrate an inability, or technical rationale, for not co-locating the wireless facilities on an existing vertical element and other available sites. The applicant must provide the following information for city review:

i. A comprehensive list of all existing vertical elements of within a one-half (½) mile radius of the proposed site which are: (a) of sufficient height to be used for wireless facility co-location and (b) eligible for co-location under City requirements.

ii. A written narrative statement explaining why co-location on the existing vertical elements identified according to subsection 28-138(b)(1)(D)i. above was not pursued, or is not a viable alternative to the proposed site.

iii. Map exhibits displaying: (a) the existing gap in signal coverage the new wireless facility will remediate and, (b) the projected signal coverage of the new wireless facility.

iv. A written statement listing property owners consulted with for locating the wireless facility and the reasoning an alternate site was not chosen.

(E) Freestanding monopole wireless facilities shall be set back from all non-residential property lines a minimum distance of one (1) foot for each one (1) foot of the monopole wireless facilities height above finished grade except that freestanding monopole wireless facilities located within electrical substations, receiving stations, or government facilities shall be exempt from setback requirements.

(F) Freestanding monopole wireless facilities shall be setback six hundred (600) feet from the property lines of any residential zoned property, residential use, and/or property with a residential General Plan designation.

(G) The maximum height for freestanding monopole wireless facilities shall be sixty-five (65) feet to top of palm fronds and branches for monopalms and monopines.

(H) Freestanding monopole wireless facilities shall be alternative structure designs, (otherwise referred to as "stealth designs") in character with the surrounding area (i.e., a flagpole at a public building, a monopalm in an area with mature palm trees, a monopine in an area with mature evergreen trees, a spire or steeple at a religious institution, an architectural tower element associated with a building, or a monocactus in an area with other, mature saguaro cacti); provided, however, that a monopole design may be permitted without alternative structure designs, if the applicant provides the zoning administrator with such

information as necessary to determine that the wireless facilities will only be visible from permanently unoccupied areas or that the character of the proposed tower will blend in with the surrounding area (i.e. within the confines of an electrical substation containing other structures of similar height).

(2) Structure-mounted wireless facilities.

(A) Wireless facilities mounted on buildings are permitted in all zoning Districts subject to administrative approval.

(B) Wireless facilities mounted on buildings shall be alternative structures integrated into the design of the building as an integral architectural element or roof mounted and completely screened by the height of the parapet. All wireless communications equipment, including associated ground equipment, shall be completely concealed from view.

(C) Architectural features used to conceal wireless facilities mounted on buildings shall not extend above the roof more than twice the height of the building. For example, a building with a height of thirty (30) feet may incorporate a wireless facility within a thirty (30) foot bell tower (for a total height from finished grade of sixty (60) feet) if all other conditions of this zoning ordinance are met.

(3) Location of wireless facilities on existing or planned vertical elements.

(A) Wireless facilities may be mounted on the following existing or planned vertical elements subject to administrative approval:

i. Utility provider electrical poles.

ii. Athletic field light towers.

iii. Other existing or planned vertical elements on which the mounting of antennas will not significantly alter the function and character of the structure as determined by the zoning administrator.

iv. Wireless facilities, except small wireless facilities, may be mounted on vertical elements in the public right-of-way, at the city's sole and absolute discretion, subject to city council approval of a license or lease agreement.

(B) Each small wireless facility located on existing or planned street light poles or traffic signals shall be subject to the city's small cell wireless terms and conditions, wireless provider master license for use of right-of-way, and site permit. Small wireless facilities shall adhere to the city's design criteria for small wireless facilities.

(C) Wireless facilities mounted on existing vertical elements shall not cause the height of the element to increase, except that wireless facilities mounted on electrical poles may extend up to fifteen (15) feet above the existing height of the electrical pole.

(D) Wireless facilities mounted on existing elements shall utilize the smallest antenna and array sizes technically and reasonably feasible.

(E) The maximum increase in pole diameter from the existing pole by the replacement pole is fifty (50) percent.

(F) To the extent possible, all visible components of a wireless facilities shall be finished or painted to match the existing vertical element, to minimize visual obtrusiveness, and shall not be illuminated unless otherwise required by state or federal regulations.

(G) Wireless facilities located on power poles less than 69kV shall lose their right to operate and all components shall be removed when power lines are undergrounded as required of development projects occurring on properties abutting the wireless facility. This provision shall apply only to wireless facilities installed after June 18, 2009.

(c) Transmitting towers (excluding wireless facilities).

(1) Transmitting towers are allowed only in the CP and A-1 Districts subject to a conditional use permit. City-owned and operated transmitting towers are allowed in all zoning districts and shall be exempt from these requirements.

(2) Any pole or tower exceeding thirty-five (35) feet shall be located at least one (1) foot from all property lines for every one (1) foot of the transmitting tower's height above finished grade.

**28-139 Design requirements for non-residential districts.**

(a) Purpose. The purpose of this section 28-139 is to provide minimum standards for the organization and layout of buildings, parking areas, and building design of commercial and industrial uses so as to promote the general health, welfare and safety of residents in the community. The standards set forth herein are recognized as assisting in promoting logical development and strengthening property values.

(b) Applicability. The standards outlined in this section 28-139 shall apply to the following buildings and uses in all commercial and employment districts:

(1) All buildings and uses of land constructed or developed after March 21, 2008.

(2) Existing properties when a change in the distinguishing characteristics or primary features of the use of a building or land occurs after March 21, 2008. Such changes may include an increase in the size of a building or use, or remodeling of an existing building. The criteria used to establish applicability may include, but are not limited to, an increase in parking requirements, a change in occupancy designation, a change in outside storage or other similar changes to the building or land.

(c) General site design requirements.

(1) Site design shall conform to the site design components in the applicable design manual.

(2) Commercial equipment, including, but not limited to, water sales kiosks, vending machines and ice machines, shall be located inside an enclosed building. Equipment that must be located outside for safety reasons, such as propane tank racks, shall be placed in an area designed for their use and screened from street view to the extent allowed by the fire department. ATMs may be located outside.

(3) Outside display of cars, boats, trailers, trucks and other vehicles in conjunction with vehicle sales or rental operations shall not be required to screen vehicles with parking lot screen walls; provided, however that other landscaping requirements shall apply.

(4) Dismantling, servicing, repairing, etc. of vehicles and/or equipment shall occur only within completely enclosed buildings.

(5) Service bays for automobile-related uses, including car wash bays, shall not face residential properties or public streets unless entirely screened in a method acceptable to the zoning administrator or authorized designee.

(6) Loading docks, delivery and service areas shall not front onto a public street unless entirely screened in a method acceptable to the zoning administrator or authorized designee. In A-1 zones, service bays must be screened only from arterial streets.

(7) Where permitted, the outside storage of materials, equipment, inoperable vehicles, or other items within an enclosed area shall be located so as not be visible from adjoining streets or properties.

(d) General building design.

(1) Building architecture is expected to conform to the building design components in the applicable design manual.

(2) Buildings shall be sited and designed to achieve an optimum level of energy efficiency with regard to solar orientation.

(3) Mechanical equipment, whether ground level or roof-mounted, shall be screened from public view and be so located to be perceived as an integral part of the building.

(4) Exterior electrical wall equipment, including but not limited to, service entrance sections, electrical access panels, and electrical cabinets, shall be located in the rear or side of the building and be fully enclosed or in a recessed area of the building so not to project past the exterior façade.

(5) All sides of a building shall receive consistent architectural treatment.

(6) All buildings located within a unified, planned development, such as a shopping center or business park, shall be architecturally styled to achieve harmony and continuity of design. Building elevations shall be coordinated with regard to color, texture, materials, finishes and form.

(7) Pedestrian-oriented site design is required.

(8) Buildings with metal or steel exteriors shall be architecturally altered through the construction of veneers, facades or other architectural treatments to minimize the extent of metal surfaces visible.

(9) All downspouts shall be internalized or architecturally integrated into the design of a building.

(e) Arterial intersection development. The intersections of arterial streets are a dominant feature of the urban landscape, serving as major focal points of activity in the community. Because of the importance of these locations, additional design requirements, beyond the required minimum standards, may be imposed on property at arterial intersections by the city at the time of rezoning and/or site plan approval. Such additional features may include:

(1) Wider setbacks.

(2) Unique building orientation and design.

(3) Special entry features such as fountains, land art or public art.

(4) Enhanced walls, landscaping and other types of screening devices.

(5) Unique building architecture.

**28-140—28-160 Reserved.**

## Article 8

## PARKING

### 28-161 Purpose and applicability.

(a) Purpose. The purpose of this Section is to establish standards for the provision of parking, loading on-site circulation, and electric vehicle charging for the uses permitted in this ordinance in a manner that is safe, efficient, convenient and visually attractive.

(b) Applicability.

(1) The standards outlined in section 29-162 below shall apply to all property within the corporate limits of the City of Avondale from and after November 1, 2010.

(2) The standards outlined in the remainder of this article 8, excluding section 28-162, shall apply to all property within the corporate limits of the City of Avondale except for the following:

(A) All buildings and uses of land constructed, developed or commenced prior to November 1, 2010.

(B) Properties with parking improvements that were (i) completed prior to November 1, 2010, and (ii) in compliance with the then-existing provisions of this ordinance, unless a change in the distinguishing characteristics of a building or land is proposed that results in (i) the expansion of a use through an increase

in the size of a building, (ii) the creation of a new residential unit by adding to or subdividing an existing residential unit, (iii) an increase in the geographical area devoted to an outdoor use or (iv) a change of use from a less parking intensive use to a more parking intensive use.
(Ord. No. 2045-1220, § 9, 12-7-20)

**28-162 General parking requirements for all properties.**

(a) Prior to the construction of any parking lot, the conversion of any land area for parking use or the modification of an existing parking area, a site plan application must be submitted to the department for review and approval in accordance with the site plan procedures set forth in article 1 of this ordinance.

(b) All required parking spaces shall be located on the lot upon which the use is located, except that within master planned commercial or employment developments, required spaces may be located on a lot contiguous to the lot on which the business is located if (a) buildings are situated such that a common parking area can be utilized by several buildings and (b) shared parking easements have been recorded in the Maricopa County Recorder's Office.

(c) For development in zoning districts that include modified minimum and/or maximum parking requirements, joint-use parking allowances or off-site parking allowances, the District-specific standards shall take precedence over conflicting general standards in this article 8.

(d) Within residential zoning districts, the parking of commercial vehicles is limited to one (1) commercial vehicle with a manufacturer's gross vehicle weight rating (GVWR) of not more than ten thousand (10,000) pounds, except that in the AG District, the parking of commercial vehicles and farming equipment directly related to AG District permitted uses on that property shall be allowed.

(e) Within residential zoning districts, recreational vehicles, boats and trailers shall not be stored in the front yard of a lot. Such vehicles, boats and trailers may be stored in the side or rear yard of the lot on a dust proof surface, provided they are screened from street view by solid (opaque) fencing or walls in accordance with article 12 of this ordinance. Solid screening is not required in the AG, RR-43, or RR-18 Districts.

(f) The following regulations shall apply to all properties zoned for commercial or employment use, except as otherwise provided in this ordinance:

(1) Recreational vehicles, trailers, commercial vehicles, and/or vehicles exceeding twenty-one (21) feet in length, that are not owned or operated by a business on the property, shall not be parked except for the purpose of loading, unloading, emergency service or patronizing a commercial use on-site.

(2) The overnight parking of any vehicle for the purpose of camping or habitation is prohibited.

(g) It shall be the responsibility of the property owner to maintain in a neat and adequate manner, the parking spaces, access ways, striping, landscaping and required walls or screening.

**28-163 Parking area design and on-site circulation.**

(a) Parking areas, driveways, drive aisles, drive-through lanes, and all other areas designed for vehicular use shall have a paved surface of masonry, concrete, decorative stamped/colored concrete or asphalt, except in the AG, RR-43, RR-18, and R1-35 Districts, where an alternative, approved dust-free surface is permitted. Permeable paving may also be used in any district. Temporary parking on a dirt lot in support of seasonal sales and special events is allowed, provided:

(1) A dust control plan, approved by the city engineer or authorized designee, is implemented prior to and at all times during the event.

(2) Upon completion of the event the lot is stabilized to remain in compliance with Maricopa County Air Quality Rules and Regulations.

(b) On non-residential sites, except where a wall is required, six-inch vertical concrete curbing shall be required between parking/circulation areas and landscaped areas to protect plantings and control vehicular circulation and the flow of stormwater.

(c) In residential districts, all required off-street parking spaces shall be connected with a public street by a paved driveway not less than twenty (20) feet in length, measured from the property line. The zoning administrator or authorized designee may approve reductions in driveway length for residential developments containing side-entry garages.

(d) Vehicles may be parked in the front yard of a single-family residence when on a driveway paved in a manner allowed pursuant to subsection 28-163(a) or on a permeable paving surface. The driveway and parking surface combined shall not exceed fifty (50) percent of the lot width measured at the front setback. On corner lots, parking areas may occupy the side yard, if screened, and shall not exceed twenty-five (25) percent of the lot length. No parked vehicle shall block a public sidewalk.

(e) Within Agricultural (AG), Rural Residential (RR-43, RR-18), Suburban Residential (R1-35, R1-15, R1-10, R1-8), and Urban Residential (R1-7, R1-6, R1-5) Zoning Districts, the minimum driveway widths shall be twenty (20) feet. The zoning administrator or authorized designee may approve reductions in driveway width to no less than ten (10) feet for residential infill development, if the character of the existing neighborhood is such that a twenty-foot wide driveway would be inconsistent with the established lots.

(f) All commercial, employment and multi-family uses are prohibited from using alleys as access points to parking areas, unless specifically exempted in subsection 28-167 below.

(g) All vehicular egress from parking lots to public rights-of-way shall be by forward motion only, except in the case of single-family and two-family residences fronting on a local street, a primary collector street or a secondary collector street.

(h) All off-street parking lots shall be screened from street view and landscaped in accordance with article 12 of this ordinance, landscaping, fences and walls.

(i) Vehicle queuing in drive-through lanes shall not encroach upon or block driveways, drive aisles, parking aisles, or parking spaces. Driveway and drive-through queuing lengths shall be in accordance with the city's General Engineering Requirements Manual.

(j) All pole-mounted parking lot lighting shall be located within landscape islands/medians as specified in article 12 of this ordinance.

(k) Decorative paving materials shall be used at all pedestrian crossings where walkways traverse vehicle drive aisles, outside of the public right-of-way.

**28-164 Required parking.**

Unless modified by the provisions of subsections 28-167 and 28-168, parking shall be provided in accordance with this subsection 28-164. Except where otherwise noted, required parking is based on a calculated ninety (90) percent of the gross floor area of the building or use. The number of parking spaces per use is not limited except as explicitly stated.

(a) Required parking schedule.

| Use | Minimum Spaces Required |
|---|---|
| **Assembly Uses** | |
| Auditoriums, theaters, stadiums, racetracks, or other indoor or outdoor commercial places of assembly | 1 space/160 SF of assembly area or 1 space/4 seats, whichever is greater |
| Church (assembly area) | 1 space/100 SF of assembly area, or 1 space/4 seats, whichever is greater |

| Use | Minimum Spaces Required |
|---|---|
| Convention center/reception hall | 1 space/250 SF of assembly area |
| Funeral homes | 1 space/4 seats in main assembly area or 1 space/300 SF, whichever is greater |
| Private clubs & lodges (w/no overnight accommodations) | 1 space/200 SF or 1 space/5 seats in main assembly, whichever is greater. |
| **Commercial Service Uses** | |
| Adult and child day care centers, pre-schools | 4 spaces plus 1 space per 10 children/adults that the center is licensed to accommodate |
| Auto service & diagnostic facilities | 1 space/400 SF |
| Banks/financial institutions | 1 space/150 SF |
| Car wash (Full Service) | 1 space/employee |
| Car wash (self service) | 1 space/maximum number of employees on site at any given time & 1 additional ADA accessible space |
| Pet boarding and day care facilities | 1 space/10 animals boarded |
| Service uses (Unless otherwise specified) | 1 space/250 SF |
| **Educational Uses** | |
| Elementary, middle schools & junior high schools | 1 space/classroom & 1 space/200 SF of office area |
| High schools, trade/business schools, colleges, & universities | 1 space/200 SF |
| **Employment/Industrial Uses** | |
| Auto/truck repair | 1 space/500 SF |
| Manufacturing/industrial uses (unless otherwise specified) | 1 space/500 SF for the first 10,000 SF plus 1 space/5,000 SF for the remaining floor area<br>Maximum spaces allowed:<br>1 space/300 SF for the first 10,000 SF plus 1 space/3,000 SF for the remaining floor area |
| Movie and recording studios | 1 space/300 SF for the first 10,000 SF plus 1 space/1,000 SF for the remaining floor area |
| Warehousing & storage | 1 space/500 SF for the first 10,000 SF plus 1 space/5,000 SF for the remaining floor area<br>Maximum spaces allowed - 1 space/300 SF for first 10,000 SF plus 1 space/3,000 SF for the remaining floor area |
| Wholesaling and large merchandise sales | 1 space/500 SF |
| **Institutional and Office Uses** | |
| Assisted living facility | 1.5 spaces/unit, plus 1 space/200 SF of office area; Minimum 10 percent of required spaces shall be covered |
| Convalescent home | 1 space/3 beds; Minimum 10 percent of required spaces shall be covered |
| General/professional offices up to 50,000 SF | 1 space/250 SF; Minimum 10 percent of required spaces shall be covered |
| General/professional offices 50,001 SF or greater | 1 space/250 SF; Minimum 10 percent of required spaces shall be covered<br>Maximum spaces allowed - 1 space/140 SF |

| Use | Minimum Spaces Required |
|---|---|
| Government offices | 1 space/200 SF; Minimum 10 percent of required spaces shall be covered |
| Hospitals | 1 space/200 SF; Minimum 10 percent of required spaces shall be covered |
| Medical/dental offices & clinics | 1 space/200 SF. Minimum 10 percent of required spaces shall be covered |
| **Miscellaneous Uses** | |
| Hotels | 1.3 spaces/sleeping room |
| Wireless facilities, excluding small wireless facilities | 1 parking space/wireless facility location |
| **Recreational Uses** | |
| Batting cages | 1 space/individual cage |
| Bowling alleys | 4 spaces/lane |
| Golf course | 1 space/200 SF in clubhouse plus 4 spaces/hole |
| Golf driving range | 1 space/individual tee |
| Indoor recreational uses (unless otherwise specified) | 1 space/200 SF |
| Tennis/handball courts | 3 spaces/court |
| **Residential Uses** | |
| Dwelling, manufactured home park | 2 spaces/unit (Minimum 1 covered space) |
| Dwelling, multi-family | Studio: 1.5 spaces/unit<br>1 bedroom: 1.5 spaces/unit<br>2 bedroom: 1.75 spaces/unit<br>3 bedroom: 2 spaces/unit<br>Townhome: An enclosed garage with two (2) interior spaces is required<br>**PLUS:**<br>One (1) visitor space per five (5) units must be provided;<br>and<br>At least one (1) space per multi-family unit must be covered and assigned to a unit. |
| Dwelling, single-family | An enclosed garage with two (2) interior spaces is required (See subsection 28-164(g) for exceptions)<br>One (1) visitor parking space per unit must be provided where on-street parking or driveway parking is not provided. |
| Dwelling, duplex/triplex | 2 spaces/unit (Minimum 1 covered space) |
| **Retail Uses** | |
| Auto sales | 1 space/500 SF of indoor showroom and 1 space/1,000 SF of outdoor display area |
| Gas station | 1 space/300 SF of interior area |
| Restaurants and bars | 1 space/50 SF of indoor public area and 1 space/200 SF of outdoor area |

| Use | Minimum Spaces Required |
|---|---|
| Retail establishments, including those not specified, with up to 50,000 SF of gross building area | 1 space/300 SF floor area |
| Retail establishments or centers greater than 50,001 SF of gross building area | 1 space/300 SF floor area<br>MAXIMUM spaces allowed:<br>1 space/250 SF |

(b) In the instance where a use is not listed in the preceding parking schedule and where no direct comparison can be made to a use listed above, the zoning administrator shall determine the minimum and maximum (if applicable) parking required/allowed.

(c) In the case where a business includes floor area devoted to a mix of the uses listed above, the total requirement for off-street parking spaces shall be the sum of the requirements of the various uses computed separately as specified in this section.

(d) Cumulative parking space requirements may be reduced below minimum requirements where it can be demonstrated that the peak requirements of a user are less than the city's minimum prescribed limits. Said exceptions shall be considered administratively if supported by a parking demand study in accordance with section 28-169 below.

(e) Cumulative parking space requirements may be increased above maximum limits where it can be demonstrated that a use or user generates a need for parking in excess of the maximum prescribed limits. Said exceptions shall be considered administratively if supported by a parking demand study in accordance with section 28-168 below.

(f) Bicycle parking or bicycle racks shall be required to be provided at the minimum rate of one (1) space for every fifty (50) vehicle parking spaces for all new commercial and employment development. Sites with less than forty (40) vehicle spaces shall not be required to provide bicycle parking but are encouraged to do so. All bicycle rack designs that deviate from the city standard detail shall be reviewed by the city engineer to ensure substantial conformance with the General Engineering Requirements (GER) manual.

(g) Installation of electric vehicle (EV) charging stations and infrastructure to provide for future installation of EV charging stations shall be provided for all new, expanded or reconstructed parking areas according to the following schedule.

**MINIMUM REQUIREMENTS FOR EV CHARGING STATIONS AND EV-CAPABLE PARKING SPACES TABLE**

| Use Type | Minimum Percentage of Total Parking Spaces With Level 2 EV Charging Station Installed | Minimum Percentage of Total Parking Spaces to be EV-Capable For Level 2 EV Charging Station |
|---|---|---|
| Automobile related uses; eating & drinking establishments; entertainment & recreational uses; general & intense retail uses; medical uses; mixed uses; personal services; and employment district uses | 1% | 3% |
| Administrative & financial uses; education, religious & institutional uses; and lodging | 2% | 8% |
| Miscellaneous uses - other | 1% | 3% |
| Residential uses - multi-family | 4% of resident parking; 1% of visitor parking or 1 station (whichever is greater) | 16% of resident parking; 3% of visitor parking |
| Residential uses - single-family | 0% | 100% |
| Residential uses - duplex/triplex/townhomes | 4% of resident parking; 1% of visitor parking or 1 station (whichever is greater) | 16% of resident parking; 3% of visitor parking |

(1) EV-capable means that parking spaces shall provide the electrical capacity necessary to accommodate the future hardwire installation of level 2 electric vehicle charging stations with subpanels sized to accommodate 60A or 40A breakers for each. It includes the installation of "raceway" (the enclosed conduit that forms the physical pathway for electrical wiring to protect if from damage) and adequate panel capacity to accommodate future installation of a dedicated branch circuit and charging station(s).

(2) Level 2 EV charging station shall provide 30-80 amperes using a 208 to 240 volt outlet. An EV charging station capable of simultaneously charging at 30 amperes or greater for each of two vehicles (also known as dual-port charging station) shall be counted as two level 2 EV charging stations.

(3) In the instance where a use is not listed in the preceding table and where no direct comparison can be made to a use listed above, the zoning administrator shall determine the minimum percentage of electric vehicle charging stations to be installed and the minimum percentage of total parking spaces to be EV-capable.

(4) In the case where a development includes floor area devoted to a mix of the uses listed above, the total requirement for electric vehicle charging stations and EV-capable parking spaces shall be the sum of the requirements of the various uses computed separately as specified in this section.

(5) Applicants may request a waiver or reduction of electric vehicle parking requirements from the zoning administrator during site plan approval.

(h) Exceptions to single-family residential parking requirements.

(1) Carports are permitted in place of enclosed garages for any home (a) that was not originally built with an enclosed garage or (b) that is located in a neighborhood of homes with carports. the carport shall be integrated to appear as a continuation of the existing residence, must share materials, colors and architectural forms with the existing residence and must meet all zoning ordinance development standards, including setback and lot coverage requirements.

(2) Existing carports may be enclosed as long as all on-site parking requirements are met.

(Ord. No. 2045-1220 §§ 10—12, 12-7-20)

**28-165 Parking and access standards.**

(a) Parking space sizes.

(1) The standard parking space shall be a minimum of nine and one-half (9½) feet wide by twenty (20) feet long.

(2) Compact parking spaces shall be a minimum of eight (8) feet wide by eighteen (18) feet long. Compact parking shall not exceed fifteen (15) percent of the total required spaces. Projects providing parking in excess of the minimum required number of spaces may utilize any combination of compact and standard spaces for excess parking areas.

(3) Parallel parking spaces shall be a minimum of ten (10) feet wide by twenty (20) feet long.

(4) The zoning administrator may at his/her discretion require the provision of oversized parking spaces for recreational vehicles at the time of design review for any commercial development that will cater to a traveling clientele. Spaces shall be seventeen (17) feet wide by forty-five (45) feet long. The use of these spaces shall be in accordance with subsection 28-162(f) above.

(5) Vehicle overhang over curb, sidewalk or landscape areas shall not count towards minimum parking space dimensions.

(A) Up to two (2) feet (twenty-four (24) inches) of overhang may be counted towards the minimum depth of a parking space if the overhang occurs over a landscape area with a minimum depth of ten (10) feet.

(B) Up to two (2) feet (twenty-four (24) inches) of overhang may be counted towards the minimum depth of a parking space if the overhang occurs over a private sidewalk with a minimum width of six (6) feet.

(b) Parking lot aisles, as defined in section 28-15, shall be constructed with the widths specified in the following schedule. Additional width to accommodate fire safety equipment may be required after review of the site plan by the fire department.

| **Angle of Parking** | | | | | |
|---|---|---|---|---|---|
| | parallel | 30° | 45° | 60° | 90° |
| One-way aisle | 12' | 12' | 13' | 18' | 24' |
| Two-way aisle | 20' | 20' | 20' | 20' | 26' |

(c) Within the multi-family and non-residential Zoning Districts, the minimum width of all drive aisles, as defined in section 28-15, shall be twenty-six (26) feet for two-drives and twenty (20) feet for one-way drives. The city shall have the ability to restrict parking along drive aisles to reduce on-site circulation conflicts.

(d) Drive-through lanes shall have a minimum width of twelve (12) feet.

**28-176 Accessible parking.**

(a) Accessible parking for non-residential developments shall be provided in conformance with the Americans with Disabilities Act (ADA), Arizonans with Disabilities Act (AZDA) and International Building Code (IBC), as amended.

(b) Accessible parking for multiple-family residential developments shall be provided in conformance with the Americans with Disabilities Act (ADA), Federal Fair Housing Amendments Act (FFHAA) and International Building Code (IBC), as amended.

**28-177 Parking provisions for special districts.**

(a) City Center (CCD) Zoning District.

(1) Excluding the Gateway Employment subdistrict, provided parking for any use within the City Center Zoning District shall not exceed one hundred ten (110) percent of the minimum number listed in subsection 28-164, required parking schedule.

(2) Residential uses within the Townhouse Residential subdistrict shall be allowed a ten (10) percent reduction in minimum required parking from the allowances listed in subsection 28-164, required parking schedule.

(3) Parking for each land use may be provided by a combination of on-street parking, off-street surface parking and parking structures.

(A) Off-street surface parking and parking structures counted towards the required parking shall be within four hundred (400) feet of the use, measured from the exterior wall of the use to the closest perimeter of the surface parking or parking structure.

(B) On-street parking counted towards the required parking shall be adjacent to the property for which the parking is intended.

(4) Excluding the Townhouse Residential subdistrict, a minimum of one (1) percent of all parking spaces shall be reserved for carpool parking. These spaces shall be located in preferential locations so as to create an incentive to reduce single-occupant vehicle trips.

(5) Excluding the Townhouse Residential subdistrict, bicycle parking shall be provided at the rate of one (1) secured, weather-protected bicycle space for every twenty (20) vehicle spaces.

(6) Parking areas within the Gateway Employment, Employment Mixed-Use, Residential Mixed-Use and Townhouse Residential Subdistricts shall be designed in compliance with the development guidelines listed in Table 5-1 of the City Center Specific Plan. Parking areas within the Pedestrian Retail Subdistrict shall comply with the development guidelines as listed for the Employment Mixed-Use Subdistrict, except to the extent such guidelines are determined by the zoning administrator to be inapplicable.

(b) Old Town Avondale Business District (OTAB) and Cashion Business District (CBD).

(1) OTAB and Cashion Joint-Use Parking. Joint-use parking standards are based on the assumption that patrons will use a single parking space for more than one (1) destination and that one (1) parking space will be open and available for short-term parking to serve many different uses that may have different peak hours. Any eligible project, as specified below, may opt to provide required parking by using the "Alternative Joint-Use Parking Standards" table contained within this subsection instead of in accordance with the Required Parking Schedule in subsection 28-164. The following categories of development shall not be eligible to use joint-use parking standards to meet parking requirements: (a) new or existing residential uses; and (b) new construction of hotel or office uses on sites greater than twenty thousand (20,000) square feet in size. If not specifically listed as eligible in the table below, a project may be permitted to utilize joint parking if determined by the zoning administrator to be substantially similar to a use listed in the table. ;

**Alternative Joint-Use Parking Standards Table Minimum Parking Ratios**

| Use | Minimum Parking Ratios |
|---|---|
| OFFICE (banks, savings and loans, other financial institutions; medical or dental office; professional or unspecified office) | 3.0 spaces/1,000 sf of gross usable area |
| RETAIL COMMERCIAL | 3.0 Spaces/1,000 sf of gross usable area |
| PUBLIC ASSEMBLY | |
| 1. Movie theater | 1.0 space/4 seats |
| 2. Museum. | 3.0 Spaces/1,000 of gross usable area |
| RESTAURANT | |
| 1. Restaurant, coffee house, juice bar less than 1,000 square feet of gross usable area. | 3.0 spaces/1,000 of gross usable area |
| 2. Restaurant over 1,000 square feet of gross usable area. | 5.0 spaces/1,000 of gross usable area |
| 3. Outdoor dining areas associated with a restaurant. | 0 spaces |

(2) OTAB-specific provisions.

(A) Due to the pedestrian nature of the OTAB Zoning District, required parking spaces shall not be required to be provided on site if the following conditions are met:

i. The number of public parking spaces (e.g. street parking, spaces in public surface lots, spaces in public parking structures) located within three hundred (300) feet of the parcel or use is greater than or equal to the number of spaces required for the parcel or use.

ii. Loading/service areas are provided at the rear of buildings and not visible from Western Avenue.

iii. Bicycle parking is located within close proximity to the primary building entrance.

(B) If on-site parking is provided, it shall be located in the rear of structures to avoid visibility from Western Avenue.

**28-168 Parking demand studies.**

The city may allow a variation from the required number of parking spaces if supported by a parking demand study completed in conformance with the procedures are outlined below.

(a) Application, review, and approval process.

(1) For new developments where the number of parking spaces being proposed does not meet the city's minimum requirements or exceeds the city's maximum requirements, a parking demand study shall be submitted as part of the applicant's design review application submittal.

(2) For existing developments where a change in the use of a building or site would result in fewer parking spaces being provided than the minimum requirement allows, a parking demand study is required to be submitted concurrently with tenant improvement plans. A parking demand study shall not be required for existing developments which, through a change in use, will include parking in excess of the city's allowable maximum.

(3) The zoning administrator or designee may approve a request to modify the required number of parking spaces in accordance with the administrative relief process outlined in zoning ordinance article 1, administration and procedures.

(4) The parking demand study shall provide a quantitative analysis justifying any proposed increase or reduction in parking. Increases or decreases in the number of parking spaces may be granted when any of the following applies:

(A) A business concurrently employs more people per square foot (or less people per square foot) than the accepted industry standard for that use, and is able to demonstrate this variation from the mean through a statistical comparison.

(B) A business generates more customers, visitors, and or clients per square foot (or less customers, visitors, and/or clients per square foot) than the accepted industry standard for that use (to be determined through a study of existing, comparable uses in the region as determined by the zoning administrator), and is able to demonstrate this variation from the mean through a statistical comparison.

(C) Lowered parking demand can be predicted as a result of sharing parking between intermittent uses, occurring on the same property or within a master planned development, with non-conflicting parking demands (e.g. a nightclub and a bank).

(D) A development is designed to take advantage of adjacent public transit opportunities.

(b) Approval criteria.

(1) Requests for parking reductions. In order to approve any request to reduce parking below minimum requirements, all of the following criteria must be met:

(A) The reduction in parking will not cause fewer off-street parking spaces to be provided for the proposed use than the number of such spaces necessary to accommodate all vehicles attributable to such use under the normal and reasonably foreseeable conditions of operation of such use.

(B) The reduction in parking will not increase the demand for parking spaces upon the public streets in the immediate vicinity of the proposed use.

(C) The reduction in parking will not increase the demand for parking spaces upon adjacent private property in the immediate vicinity of the proposed use, unless as part of an approved joint-parking agreement (where allowed).

(D) The applicant will incorporate measures intended to reduce vehicle trips to the site, including, but not limited to, the provision of spaces reserved for car pool use, the provision of weather-protected short term bike parking and the provision of showers and changing facilities in commercial buildings over fifty thousand (50,000) square feet in floor area.

(2) Requests for parking increases. In order to approve any request to increase parking above maximum requirements, all of the following criteria must be met:

(A) The proposed increase in parking is the least possible increase to accommodate all vehicles attributable to such use under the normal and reasonably foreseeable conditions of operation of such use.

(B) The increase in parking will not negatively impact the aesthetics of the site from the perspective of adjacent streets and properties.

(C) The increase in parking will not negatively affect the pedestrian usability of the site.

(D) The applicant will incorporate measures intended to reduce vehicle trips to the site, including, but not limited to, the provision of spaces reserved for car pool use, the provision of weather-protected, short-term bike parking and the provision of showers and changing facilities in commercial buildings over fifty thousand (50,000) square feet in floor area.

**28-169—28-190 Reserved.**

## Article 9

## SIGNS

**28-191 Purpose.**

The purpose of this article 9 is to regulate signs, as defined herein, in order to:

(a) Preserve and protect the public health, safety, and welfare within the City of Avondale.

(b) Maintain a balance between the needs of the business community to promote visibility of their enterprises and the desire of Avondale citizens for high quality development within the city.

(c) Promote the effectiveness of signs by preventing visual clutter, improper placement, and excessive size.

(d) Protect pedestrians and motorists within the City of Avondale from damage or injury caused, or partially attributable, to the distraction and obstructions which are caused by improperly located signs, and poorly constructed signs.

(e) Promote proper maintenance of signage to ensure continued safety and visual appearance.

**28-192 Requirement of conformity.**

It shall be a violation of the zoning ordinance for a sign to be placed or maintained within the City of Avondale except as provided by this article 9.

**28-193 Interpretation of Avondale Sign Regulations.**

(a) The provisions of this article 9 shall apply to the erection, construction, alteration, use, location and maintenance of all signs within the City of Avondale.

(b) Where there is a conflict between provisions of this article 9 and provisions of other regulations of the City of Avondale, the provisions of this article 9 shall take precedence.

**28-194 Comprehensive sign plans.**

(a) Purpose: To ensure design compatibility between all signage on a master planned site.

(b) A comprehensive sign plan may be required at the city's discretion for development or redevelopment projects within the city as a component of a development application. Deviation from the densities, heights, sign area, and separation distances for all signage shown within the comprehensive sign plan may be allowed at the city's discretion, subject to the following limitations: Administrative approval of up to

twenty-five (25) percent deviation from the maximum allowable sign densities, height, sign area, or sign separation is allowed; any proposed deviations greater than twenty-five (25) percent from the applicable requirements must be submitted to city council for approval. The comprehensive sign plan may be submitted separately prior to or with submittal of construction drawings. Modifications to Freeway Pylon Sign standards shall require approval of a Freeway Pylon Sign Exception (FPSE) as outlined in section 28-193(d)(6)(F) and are not eligible for deviation under this section.

(c) A comprehensive sign plan, if required, shall, at a minimum, include the following items:

(1) Authorization from property owner.

(2) A statement of design indicating how the proposal meets city requirements for continuity and design. The applicant shall identify common themes along with a limited set of colors, materials, illumination methods, and fonts which complement the proposed building architecture.

(3) A site plan identifying the location of all freestanding signs associated with the project.

(4) Final elevations/details, in color, showing the dimensions, materials, colors, design, method of illumination, and ground plane treatment for all proposed freestanding signs.

(5) Building elevations denoting the areas designated for wall-mounted signage.

(6) Typical elevations/details, in color, showing the materials, colors, fonts, method of mounting, and method of illumination for a typical wall-mounted sign. If multiple letter types are proposed, the sign plan shall include a detail for each possible type.

(7) Written sign standards and requirements, addressing items including, but not limited to, temporary signage, window signage and prohibited signage.

(8) Any additional materials required by the director or authorized designee.

(d) Comprehensive sign plans proposing freeway pylon signs shall include the following additional support materials:

(1) Computer photo simulations or other professionally rendered perspectives, to scale, in which the proposed freeway pylon sign is depicted on the site as if the freeway pylon sign was already in place. Simulations shall be provided from the following vantage points:

(A) View of the freeway pylon sign from the same side of the freeway as the proposed freeway pylon sign at a location one-quarter (¼) mile (one thousand three hundred twenty (1,320) feet) away from the beginning of the freeway off-ramp closest to the proposed sign location.

(B) View of the freeway pylon sign from the same side of the freeway as the proposed freeway pylon sign at the beginning of the freeway off-ramp closest to the proposed sign location.

(C) View of the freeway pylon sign from the opposite side of the freeway as the proposed freeway pylon sign at a location one-quarter (¼) mile (one thousand three hundred twenty (1,320) feet) away from the beginning of the freeway off-ramp closest to the proposed sign location.

(D) View of the freeway pylon sign from the opposite side of the freeway as the proposed freeway pylon sign at the beginning of the off-ramp closest to the proposed sign location.

(E) View of the freeway pylon sign from the residential subdivision closest to the proposed freeway pylon sign location.

(F) Any additional simulations or renderings from other perspectives or heights, as required by city staff on a case-by-case basis.

(2) Photographs documenting empirical observation (e.g., field test with crane and balloon). The empirical observation shall document at minimum four (4) possible freeway pylon sign heights (the proposed height plus two (2) lower and one (1) higher than proposed).

(A) Each documented option shall differ a minimum of ten (10) feet from the next option.

(B) Written notice of the empirical test shall be made to the department ten (10) working days in advance of the test date. The test date shall fall between Monday and Thursday.

(C) The empirical test shall be observed or verified by the director or authorized designee.

(D) Heights shown in the empirical observation shall be confirmed by an independent source, which may be the director or authorized designee.

(E) The device used to confirm the proposed heights shall have sufficient size and substance so as to provide a comparable sense of scale for the proposed sign.

(F) If balloons are used, methods to limit wind drift shall be utilized, such as tethering.

(e) Amendments to an approved comprehensive sign plan that meet all requirements of this article 9 and do not exceed twenty-five (25) percent variation over the base Zoning District requirements shall be approved administratively. Any amendments exceeding twenty-five (25) percent shall be submitted to the city council for approval.

**28-195 General requirements.**

(a) The following location requirements shall apply to all signs, excluding signs required for public/governmental purposes:

(1) No sign or sign structure shall be erected or maintained in the public right-of-way, within an easement (other than an easement specifically for a sign), or be attached to any street light, street sign, traffic signal, utility pole, utility box, fire hydrant, bus shelter or other structure in the public right-of-way except where explicitly allowed by this article 9.

(2) When explicitly allowed by this article 9, temporary signs within the right-of-way shall be placed at least one (1) foot behind the sidewalk. The sign shall be placed at least five (5) feet behind the back of curb if no sidewalk exists. If no sidewalk or curb exists, the sign shall be placed at least five (5) feet behind the edge of pavement.

(3) No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any street, sidewalk, fire escape, fire lane, exit, or accessible route, as defined in the most current Americans with Disabilities Act Accessibility Guidelines (ADAAG).

(4) No sign or sign structure shall obstruct any street, sidewalk, private driveway, drive aisle, parking space, pedestrian path, or trail.

(5) No sign or sign structure shall project into or over any public sidewalk, street, alley, or other public place except within the City Center (CC)/The BLVD (BLVDD) and Old Town Avondale Business (OTAB) Zoning Districts. Within the CC/BLVDD and OTAB Districts, signs which project over public sidewalks a maximum of eight (8) feet may be approved if they meet aesthetic and safety requirements for their respective districts.

(6) No sign or sign structure shall obstruct traffic by obscuring the vision of motorists. A minimum sight distance triangle of thirty-three (33) feet shall be maintained at all street and driveway intersections; larger sight distance triangles may be deemed necessary by the city engineer.

(7) No sign or sign structure shall extend above a building's parapet except within the City Center (CC)/The BLVD (BLVDD) Zoning District. Within the CC District/BLVDD, no sign shall extend above the building's parapet more than ten (10) feet.

(8) No permanent free-standing sign or permanent freestanding sign structure shall be located within five (5) feet of an interior property line.

(9) No illuminated wall-mounted sign shall be permitted on a building elevation abutting any residential district or use unless separated by a public street.

(10) No temporary sign shall be placed on, attached to, or hung from any permanent sign.

(11) No temporary sign or display shall be placed on the roof of any building.

(12) No sign or sign structure may be placed on private property without expressed, written consent of the landowner.

(13) No temporary sign shall be placed on, attached to, or hung from a tree without prior approval from the zoning administrator or authorized designee.

(b) No sign shall be animated by mechanical or atmospheric means, except where explicitly allowed by this article 9. This shall not prevent the use of searchlights allowed in conjunction with special events and promotions, as regulated by article 7 of this ordinance.

(c) Sign walkers shall be permitted subject to the following restrictions:

(1) A temporary sign permit shall be required for sign walkers:

(A) Each permit shall be valid for up to one (1) year and may cover up to five (5) individual sign walkers. Additional temporary sign permits will be required for every additional five (5) sign walkers.

(B) The completed temporary sign permit application shall identify the approximate location of all sign walkers.

(C) Violation of the terms of this subsection 28-195(c)(1)(C) by any sign walker shall result in a revocation of all sign walker permits for the business being advertised by the person(s) in violation as well as the business employing the person(s) in violation, if different from the business being advertised. No new sign walker permits for said businesses shall be issued for one (1) year from the date of violation.

(2) Sign walkers shall be permitted only during daylight hours.

(3) It shall be prohibited for any sign walker to twirl, spin, throw, or otherwise animate a sign for the purpose of attracting the attention of the public. The normal movements of a sign which occur as a result of a person walking with, carrying or balancing a sign will not constitute a violation of this provision.

(4) It shall be prohibited for any sign walker to locate within a public street or median. When located within the public right-of-way adjacent to a street, sign walkers must remain a minimum of five (5) feet behind the street curb line. A width of contiguous sidewalk shall be maintained unobstructed in accordance with ADA requirements. If no curb is present, sign walkers shall locate no closer than five (5) feet to the edge of pavement.

(5) No tent, ramada, patio umbrella, or other temporary structure or device may be set up within the public right-of-way, in a location which causes any portion of the tent, ramada, patio umbrella, or other temporary structure to project into the public right-of-way, or within a sight visibility triangle.

(6) Sign walkers may locate on private property with permission of the private property owner. Sign walkers shall not locate in any drive aisle, entrance, exit, or other area designed and designated for vehicular circulation. If located on a private sidewalk, a width of contiguous pavement shall be maintained unobstructed in accordance with ADA requirements.

(Ord. No. 2045-1220, § 13, 12-7-20)

**28-196 Calculation of sign area.**

(a) The area of a sign shall be calculated by using a combination of no more than two (2) parallelograms, ellipses, and/or triangles that enclose the extreme limits of the advertising message. Any frame, material, color, or condition that forms an integral part of the display and is used to differentiate such sign from the wall or background against which it is displayed shall also be calculated towards the area of the sign.

(b) Where a sign message consists of separate and individual letters, modules, or symbols, each portion of said sign message shall not be considered as a separate sign.

(c) The necessary supports or uprights on which any freestanding sign is placed shall be excluded from a sign area calculation.

(d) Only one (1) face of a double-faced sign shall be considered in determining its sign area, except that both sides shall be counted in instances where the distance between faces exceeds six (6) feet.

(e) Where permitted by this article 9, multi-tenant monument signs may consist of more than one (1) sign panel provided all such sign panels are attached to one (1) common integrated sign structure. The calculation of area of a multi-tenant sign shall include all tenant panels and project identification information, excluding the portion(s) of a sign dedicated to providing the street number and/or address of the development site; provided, however, that this exclusion for the street number or address shall not apply to street numbers used as part of the business name.

(f) Where signs are of a three-dimensional, round, or other solid shape, the largest cross-section viewed as a flat projection shall be used for the purpose of determining the sign area. Signs visible from more than one (1) direction or without clearly defined sign faces shall be considered as having two (2) faces and each face calculated in the total allowable area.

**28-197 Permanent sign design, illumination, and construction.**

(a) General.

(1) Signage for projects within the Old Town Avondale Business (OTAB) Zoning District shall adhere to the Old Town Avondale Business District Design Guidelines and signage for projects within the City Center (CC)/The BLVD (BLVDD) Zoning District shall adhere to design manual for the City Center and be reviewed with the required development plan, respectively.

(2) The lighting source of a directly illuminated sign shall not be visible to any residential district adjacent to the lot or parcel on which said sign is located.

(3) The use of reflective material is prohibited.

(b) Freestanding signs.

(1) All permanent freestanding signs shall be situated perpendicular to the street, excluding low-profile wall identification signs that may be situated parallel to a street.

(2) All permanent freestanding signs shall be monument style only and shall complement the site architecture.

(3) Landscaping shall be provided at the base of all permanent freestanding signage at a rate of four (4) square feet of landscaping for each one (1) square foot of sign area. A minimum of seventy-five (75) percent of the required landscape area shall be covered with vegetative plant material.

(4) The width of the top of the sign structure shall be no more than one hundred twenty (120) percent the width of the base. The design of monument signs shall complement the architecture of the buildings on the site. In addition to tenant information, each monument sign shall contain the address(es) of the building(s) it supports.

(c) Wall- and building-mounted signs.

(1) Wall mounted signage shall be dimensional pan channel, reverse pan channel, or box cabinets up to six (6) square feet in area, or custom cabinet, except if otherwise permitted herein. Custom cabinets shall be designed and fabricated with multi-level planes for lettering or graphics to create dept and interest and be internally illuminated or indirectly halo illuminated.

(2) Signs mounted to wall mounted exposed raceways are prohibited unless structural limitations make other mounting alternatives infeasible, as determined by the director or authorized designee.

(3) No sign shall be painted directly onto building façades or walls, except within the City Center (CC)/The BLVD (BLVDD) and Old Town Avondale Business (OTAB) Zoning Districts, where graphic logos painted directly on façades may be permitted if the director or authorized designee can determine that the proposed painted sign will be of a professional, artistic caliber. No text shall be painted on a building wall for the purposes of advertising a business or product except as an integral part of an approved graphic logo.

(4) No sign shall be painted on, mounted to, or affixed in any way to an awning and/or canopy, except within the City Center (CC)/The BLVD and Old Town Avondale Business (OTAB) Zoning Districts. Interior illuminated awning signs are prohibited in all districts.

(d) Variable message signs.

(1) Variable message signs using replaceable lettering shall have a secured, clear plastic cover, or equivalent.

(2) Variable message signs shall have static displays. Video, animation, and special effects such as traveling, scrolling, fading, dissolving, and bursting shall not be permitted. Static message displays shall not change more than once every eight (8) seconds.

(3) Variable message signs that incorporate electronic message displays shall not increase the brightness level by more than 0.3 foot-candles over ambient brightness levels, to be measured as follows:

(A) With the sign off or displaying black copy, a foot candle meter shall be used to record the ambient light reading for an area. Said measurement shall occur at least thirty (30) minutes after sunset, from a distance which varies based upon the size of the sign, as follows:

| **Size of Sign** | 0—100 SF | 101—350 SF | 351—650 SF | 651—1,000 SF | 1,001+ SF |
|---|---|---|---|---|---|
| **Distance for Measurement** | 100 feet | 150 feet | 200 feet | 250 feet | 350 feet |

(B) With the sign on and displaying full white copy, a second measurement shall be taken from the exact location of the ambient level reading.

(C) A difference between the first and second reading of less than 0.30 foot-candles is acceptable. Any sign in which the difference between the first and second reading is 0.30 or greater shall be in violation of this ordinance. Signs in violation of this ordinance shall be shut off until they are adjusted to meet the conditions herein.

(4) Variable message signs that incorporate electronic message displays are required to have an automatic dimmer control to allow for automatic dimming of the intensity of the sign illumination and accommodate varying light conditions.

(5) Any permitted variable message sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner shall be repaired or disconnected within forty eight (48) hours by the owner or operator of such sign.

(Ord. No. 2045-1220, §§ 14, 15, 12-7-20)

**28-198 Temporary sign design, illumination, and construction.**

(a) Where permitted, temporary signs shall be constructed of durable and weather-resistant materials and be anchored, weighted, or tied down to avoid being displaced in windy conditions. All balloons and inflatable structures shall be tethered.

(b) Where permitted, temporary signs shall not be illuminated except when the illumination is approved in conjunction with an approved seasonal sales use. This provision shall not prevent the use of searchlights allowed in conjunction with special events and promotions as regulated by article 7 of this ordinance.

(c) Attachments to any permitted temporary sign, including, but not limited to, balloons and ribbons, are prohibited.

**28-199 Nonconforming signs.**

(a) Reasonable repair and maintenance of nonconforming signs shall be allowed. In the event a nonconforming sign is damaged or vandalized, the nonconforming sign must be restored to its previous condition within one hundred twenty (120) days or the nonconforming status of the sign shall be forfeited.

(b) If any entity that utilizes a non-conforming sign ceases operation for a period of one hundred twenty (120) days, the nonconforming status of the sign shall be forfeited.

(c) Not later than sixty (60) days after forfeiture of nonconforming status, such nonconforming signs shall be removed at the property owner's expense. Any forfeited nonconforming sign not removed within this sixty-day period shall be considered an abandoned sign for the purpose of enforcement.

**28-200 Classic signs.**

(a) Eligibility.

(1) Any person or the city may apply for designation of an existing or proposed sign as a classic sign. Classic signs are exempt from area, setback, height, lighting, movement, flashing, placement, type, content and construction materials requirements of this article 9.

(2) To qualify for designation as a classic sign, the sign must meet all four (4) of the following criteria:

(A) Be (i) at least twenty-five (25) years old, (ii) be a replica of a sign that had been displayed for at least ten (10) years prior to 1970 and for which photographic or illustrative evidence of the sign to be reproduced exists or (iii) be a replica of a sign which had previously served a historic building and for which photographic or illustrative evidence of the sign to be reproduced exists.

(B) Be located within the city's revitalization area, a map of which is on file in the department, planning division.

(C) Possess unique physical design characteristics, such as configuration, message, color, texture, etc.

(D) Be of extraordinary significance to the city's history and identity, regardless of the use identified by the sign.

(b) Application.

(1) An application for classic sign status must include plans for sign maintenance, renovation and/or possible reconstruction, acceptable to the zoning administrator.

(2) Application for classic sign status must be made to the department, whose representative shall place the item on a planning commission meeting agenda and presents his/her recommendations to the planning commission at an advertised public hearing. The hearing shall be advertised through a minimum one-eighth (⅛) page legal advertisement in the local newspaper; no mailing or site posting shall be required.

(3) The planning commission shall review the application and forward a recommendation of approval or denial to the city council for its consideration. The city council may approve, approve with modifications or stipulations, or deny the application in its sole discretion.

(4) Classic signs approved through the process outlined above shall be considered conforming signs in perpetuity and shall not be subject to the non-conforming sign section of this ordinance.

(c) Maintenance. The owner of a classic sign must ensure that the sign is not structurally dangerous, a fire hazard, an electrical shock hazard, or any other kind of hazard. Classic signs may be rebuilt if damaged.

(d) Designated classic signs. A list of designated classic signs shall be maintained by the department, planning division. Said list shall be updated by the zoning administrator or his/her designee within thirty (30) days of each classic sign designated by the city council.

**28-201 Prohibited signs.**

(a) The following signs are prohibited:

(1) Abandoned signs.

(2) Outlining of a building by means of exposed incandescent lighting.

(3) Vehicle signs.

(4) Off-premise signs, except where explicitly allowed by this ordinance.

(5) Variable message signs, except where explicitly allowed by this ordinance.

(6) Pole signs.

(7) Illegal signs, as defined by this ordinance, excluding signs required for governmental purposes.

**28-202 Signs authorized without permits.**

(a) Permits shall not be required for the following signs or situations; provided, however, that such signs shall be subject to any and all applicable provisions of this ordinance.

(1) Flags, pennants, or insignias of any nation, state, county, city or other government entity or religious organization.

(2) Temporary decorations, displays or banners celebrating the occasion of recognized local events.

(3) Official traffic, fire, and police signs, both temporary and permanent, including, but not limited to, changeable message signs, traffic control signs, street signs, traffic signals and devices and markings of the State of Arizona and the City of Avondale or other authorized public agency, or the posting of notices as required by law.

(4) Window signs.

(A) Temporary window signs are permitted in commercial and employment districts only. The window sign(s) may be displayed for a period not to exceed thirty (30) days.

(B) The total sign area shall not exceed twenty-five (25) percent of the window area of each window.

(C) Window signs shall not be placed on required exit doors.

(5) Non-illuminated directional or informational signs that (a) do not include directions to commercial establishments and (b) do not exceed three (3) feet in height and six (6) square feet in area. The width of the sign at its base shall be equal to or greater than the width of the sign at its top.

(6) Political signs.

(7) Ideological signs.

(8) Lost pet signs.

(A) Temporary signs for lost pets are permitted in all Zoning Districts. The maximum number of signs shall be four (4) per lot. Maximum sign area shall be four (4) square feet and the maximum height shall be three (3) feet.

(B) Signs may be located off-site on private property with the permission of the property owner. Signs may not be located within the public right-of-way.

(C) Signs shall not be displayed for more than fourteen (14) days.

(9) Garage, yard, and estate sale signs.

(10) Real estate signs.

(11) Open house directional signs.

(12) Contractor signs.

(A) Contractor signs are allowed on construction sites in all zoning districts once construction permits have been issued. In residential districts, the sign shall have a maximum area of six (6) square feet and a maximum height of five (5) feet. In commercial and employment districts, the sign shall have a maximum area of sixteen (16) square feet and a maximum height of eight (8) feet.

(B) One (1) sign shall be allowed for each general contractor and subcontractor actively working on the construction site.

(C) All signs shall be removed prior to the issuance of a certificate of occupancy or final clearance on the construction site.

(13) Address signs as follows:

(A) General.

i. Every building or group of buildings in any residential, commercial, or industrial zoning district shall be identified by a street number sign.

ii. Structures located within complexes containing multiple buildings shall also be identified by a building identification number or letter.

iii. Required address signs shall not count towards the total wall sign area permitted.

(B) Single-family residential. All single-family residences must be identified by a street number with minimum four-inch high contrasting numbers with a five-eighths-inch stroke width. The address must be located to be visible from the public right-of-way.

(C) Multi-family residential.

i. Within multi-family residential complexes, the building(s) nearest the street must identify the street number of the building(s) with minimum eighteen-inch high contrasting numbers/letters with a three-inch stroke width.

ii. All multi-building complexes shall have a complex map placed twenty-five (25) feet inside the right-of-way such that it is plainly legible and visible to emergency services personnel entering the complex. The map must be clearly marked with building identification, street addresses, and range of unit numbers for each address. Where required by the fire marshal, directory maps shall be provided in additional approved locations to facilitate emergency response. All directories must be maintained in good condition at all times.

iii. All buildings within the complex shall identify the building number/letter with minimum eighteen-inch high contrasting numbers/letters with a three-inch stroke width. Buildings are required to provide two (2) or more building identification signs per each one hundred (100) feet of the length of the building elevation.

iv. All buildings within the complex shall include apartment spread numbers (e.g. Units 201-210) identified with minimum seven-inch high contrasting numbers/letters with a one-inch stroke width.

v. Each individual unit shall be identified near the unit entryway using minimum four-inch high contrasting numbers/letters with a five-eighths-inch minimum stroke width.

(D) Commercial/employment.

i. All commercial and employment buildings shall identify the street number of the building with minimum eighteen-inch high contrasting numbers/letters with a three-inch stroke width.

ii. All multi-building complexes shall have an address directory placed twenty-five (25) feet inside the right-of-way such that it is plainly legible and visible from the street or road fronting the property. The numbers must contrast with the background. Where required by the Fire Marshal, directories shall be provided in additional approved locations to facilitate emergency response. Addresses and building identification numbers on such directories shall be a minimum of four (4) inches high with a minimum stroke width of one-half (½) inch. All directories must be maintained in good condition at all times.

iii. All commercial and employment buildings within multi-building complexes must identify the building number/letter with minimum eighteen-inch high contrasting numbers/letters with a three-inch stroke width.

iv. Each individual unit shall be identified near the primary unit entryway using minimum six-inch high contrasting numbers/letters with a one-inch stroke width.

(14) Neighborhood and community event signs.

(A) Neighborhood and community event signs are allowed in all residential zoning districts.

(B) Neighborhood and community event signs may be located off site up to two thousand six hundred forty (2,640) feet from the edge of the lot upon which the event is being conducted; provided, however, that no such sign shall be permitted within the public right-of-way and shall only be permitted on private property with permission from the property owner(s).

(C) The maximum sign area shall be eight (8) square feet and the maximum height shall be three (3) feet.

(D) Signs shall not be displayed more than seventy-two (72) hours prior to the event.

(E) All signs must be removed within twenty-four (24) hours after the event.

(15) Signs for approved seasonal sales uses.

(A) On-site identification signs.

i. Identification signs for seasonal sales uses approved in accordance with article 7 of this ordinance are allowed in all zoning districts. One (1) on-site sign shall be allowed per street frontage.

ii. For parcels less than one (1) acre located in residential districts, the maximum sign area shall be sixteen (16) square feet and the maximum height shall be five (5) feet. For residential parcels one (1) acre or larger and for all parcels within commercial or employment districts, the maximum sign area shall be thirty-two (32) square feet and the maximum height shall be eight (8) feet.

iii. Signs shall not be displayed more than seventy-two (72) hours prior to the start of the seasonal sales use.

iv. All signs must be removed promptly at the end of the seasonal sales use.

(B) Traffic directional signs.

i. On-site traffic directional signs for seasonal sales uses approved in accordance with article 7 of this ordinance are allowed in all Zoning Districts. The maximum area of each on-site sign shall be eight (8) square feet and the maximum height shall be three (3) feet.

ii. Off-site traffic directional signs for seasonal sales uses approved in accordance with article 7 of this ordinance are allowed when specifically required by the City. The type, location, and size of off-site directional signs shall be determined during the seasonal sales permit approval process. Permission from applicable property owners is required for all off-site signs. Off-site traffic directional signs shall only be displayed when the seasonal sales use is open to the public unless otherwise authorized during the seasonal sales approval process.

(b) Standard sign maintenance. Signs that are damaged, worn or neglected shall be removed or repaired within forty-eight (48) hours after the damaged, worn or neglected condition is brought to the sign owner's attention.

(c) Time, place and manner requirements for temporary signs. Temporary signs allowed without a permit (1) shall be located no further than 2,640 feet from the use to which the sign is related; (2) shall be displayed for no more than twenty-four (24) hours in any forty-eight (48) hour period, unless subject to specific statutory authority to the contrary; and (3) shall be no larger than four (4) square feet, and not taller than three (3) feet, unless subject to specific statutory authority to the contrary. A-Frame temporary signs shall be in compliance with Subsections 28-203(f)(5)(D)—(H).

**28-203 Signs authorized with permits.**

(a) Single-Family Residential Districts. Permanent subdivision identification signs for master planned developments and/or recorded subdivisions are subject to the following:

(1) A maximum of two (2) signs are permitted for each entry. The maximum area of such sign shall be fifty (50) square feet and the maximum height shall be six (6) feet. Each subdivision or master planned development shall provide a minimum of one (1) such sign at primary ingress points.

(2) Signs shall be of the monument type, or consist of individually mounted letters affixed to perimeter walls near subdivision entries.

(3) Signs may include only the name of the subdivision.

(4) Places of worship located within Single-Family Residential Districts shall be permitted signage equivalent to the C-1 District.

(5) Private schools located within Single-Family Residential Districts shall be permitted signage equivalent to the C-1 District.

(6) It is recommended that municipal, state, and federal uses, and public and charter schools located in Single-Family Residential Districts adhere to the signage requirements of the C-1 District.

(b) Multi-Family Residential Districts. Permanent identification signs for multi-family developments are allowed and shall adhere to the requirements in subsection 28-203(a)(1). In addition, the following are also allowed in multi-family developments in the R-2, R-3, and R-4 Districts:

(1) One (1) directory map sign shall be permitted for each entrance to the residential development, not to exceed thirty-six (36) square feet in area with a maximum height of six (6) feet. Said directory map sign must be illuminated.

(2) Signs may include only the name and address of the multi-family development.

(3) Places of worship located within Multi-Family Residential Districts shall be permitted signage equivalent to the C-1 District.

(4) It is recommended that municipal, state, and federal uses, and public and charter schools located in Multi-Family Residential Districts adhere to the signage requirements of the C-1 District.

(c) Manufactured Home Park District. Permanent identification signs for manufactured home parks located within the MH (Manufactured Home Park) District are allowed and shall conform to the provisions of subsection 28-203(a)(1).

(1) Signs may include only the name and address of the manufactured home park.

(2) Places of worship located within the Manufactured Home Park District shall be permitted signage equivalent to the C-1 District.

(3) It is recommended that municipal, state, and federal uses and public and charter schools located in Single-Family Residential Districts adhere to the signage requirements of the C-1 District.

(d) Commercial and employment districts.

(1) Wall-mounted signage.

(A) Wall-mounted signs are allowed in all Commercial and Employment Zoning Districts, as follows:

| | R-O | C-O | C-1 | C-2 | C-3 |
|---|---|---|---|---|---|
| **Maximum sign area (primary elevation)** | 1 SF per linear foot | 1 SF per linear foot | 1 SF per linear foot | 1 SF per linear foot | 1.5 SF per linear foot |
| **Maximum sign area (secondary elevations facing public streets)** | None | 0.50 SF per linear foot | 0.50 SF per linear foot | 0.50 SF per linear foot | 1 SF per linear foot |
| **Maximum sign area (freeway facing elevations)** | None | 1.50 SF per linear foot | None | None | 2 SF per linear foot |
| **Maximum sign size** | 50 SF | 75 SF | 100 SF | 200 SF | 250 SF |
| **Minimum sign size** | 18 SF | 18 SF | 18 SF | 18 SF | 18 SF |

| | R-O | C-O | C-1 | C-2 | C-3 |
|---|---|---|---|---|---|
| **Maximum number of elevations with signs** | Primary elevation only | Maximum of 3 elevations; illuminated signs cannot face residential | Maximum of 3 elevations; illuminated signs cannot face residential | Maximum of 3 elevations; illuminated signs cannot face residential | Maximum of 3 elevations; illuminated signs cannot face residential |
| **Supplemental design requirements** | Non-illuminated or indirectly illuminated signs only | Additional requirements for buildings greater than 2 stories *(A) | None | None | None |

| | OTAB | Cashion | CP | A-1 | CC |
|---|---|---|---|---|---|
| **Maximum sign area (primary elevation)** | 1 SF per linear foot | 1 SF per linear foot | 1 SF per linear foot | 1 SF per linear foot | 1 SF per linear foot |
| **Maximum sign area (secondary elevations facing public streets)** | 0.50 SF per linear foot | 0.50 SF per linear foot | 0.50 SF per linear foot | 0.50 SF per linear foot | 0.50 SF per linear foot |
| **Maximum sign area (freeway facing elevations)** | None | None | None | None | 1.50 SF per linear foot |
| **Maximum sign size** | 100 SF | 100 SF | 75 SF | 150 SF | 200 SF |
| **Minimum sign size** | 18 SF | 18 SF | 18 SF | 18 SF | 18 SF |
| **Maximum number of elevations with signs** | Maximum of 3 elevations; illuminated signs cannot face residential | Maximum of 3 elevations; illuminated signs cannot face residential | Maximum of 2 elevations; illuminated signs cannot face residential | Maximum of 2 elevations; illuminated signs cannot face residential | No maximum |
| **Supplemental design requirements** | Non-illuminated directly illuminated, or indirectly illuminated signs only | None | Additional requirements for master planned commerce parks *(B) | None | Shall comply with City Center Specific Plan Chapter 5.4.23 and Design Manual for the City Center or design shall further architectural goals outlined within The BLVD specific plan |
| *(A) Excluding vertically integrated mixed use buildings which contain retail uses on the ground floor, buildings in excess of two (2) stories shall be allowed only one (1) wall-mounted sign per elevation, to be located in a sign band between the top of the upper story windows and the top of parapet. Said sign shall not be required to be located over the tenant's particular suite. | | | | | |
| *(B) Wall-mounted signage for master planned commerce parks shall conform to a single color, font, and method of illumination, as approved during the design review process. | | | | | |

(B) Tenants with multiple building frontages that are eligible for wall-mounted signage on two (2) or more building elevations may transfer the allowed sign area between eligible building elevations, in whole or in part.

(C) In addition to the above, a total of three (3) square feet of non-illuminated sign area shall be permitted on each building or tenant frontage, adjacent to the primary entry.

(D) Wall-mounted signage shall not be permitted for any tenant suite that does not abut an exterior building wall.

(2) Low-profile wall identification signs.

(A) One (1) low profile wall identification sign is permitted for each master planned development in the R-O, C-O, C-1, C-2, C-3, CP, A-1, OTAB, and Cashion Business Zoning Districts. The leading edge of a low profile wall identification sign shall be set back at least five (5) feet from any property line and out of any sight visibility lines. The maximum height and area varies depending on the district in which the sign is located, as follows:

| | R-O | C-O | C-1 | C-2 | C-3 | OTAB | Cashion | CP | A-1 | CC |
|---|---|---|---|---|---|---|---|---|---|---|
| **Maximum height** | 3.5 feet | 3.5 feet | 3.5 feet | 3.5 feet | 3.5 feet | 3.5 feet | 3.5 feet | 3.5 feet | 3.5 feet | Not permitted |
| **Maximum sign area** | 20 SF | 40 SF | 40 SF | 60 SF. | 80 SF | 20 SF | 40 SF | 40 SF | 40 SF | Not permitted |

(B) A low-profile wall identification sign shall display the name/logo and address of the master planned development only.

(C) Final location of low-profile wall identification signs shall be approved during the site plan review process.

(3) Directory signs.

(A) Directory signs shall be permitted for multi-tenant developments within all commercial and employment districts, excluding the R-O District. The quantity and location of directory signs shall be approved during the site plan review process.

(B) In all districts except for City Center (CC)/The BLVD (BLVDD) and Old Town Avondale Business (OTAB), directory signs shall not exceed twelve (12) square feet in area and six (6) feet in height. Within the CC/BLVDD and OTAB districts, directory signs shall be designed at a pedestrian scale and shall not exceed ten (10) square feet in area and five (5) feet in height.

(C) Directory signs may be building-mounted or freestanding. Freestanding directory signs shall be located behind the required building setbacks.

(D) Directory signs shall be illuminated, either by an internal source or through the use of down-lighting.

(4) Single-tenant monument signs.

(A) One (1) single-tenant monument sign shall be permitted for single-user developments within the C-O, C-1, C-2, C-3, Cashion Business, and A-1 Zoning Districts. Two (2) single-tenant monument signs shall be permitted for properties with frontage on two (2) arterial streets; provided, however, that both signs shall not be placed along the same street frontage.

(B) Within the City Center (CC)/The BLVD (BLVDD) Zoning District, one (1) single-tenant monument sign shall be permitted for single-user developments over five (5) acres in area with frontage on Avondale Boulevard, Van Buren Street, or Roosevelt Street. Two (2) single-tenant monument signs shall be permitted for properties that have frontage on two (2) of the above-mentioned streets; provided, however, that both signs shall not be placed along the same street frontage. Single-tenant monument signs are not permitted adjacent to local streets within The BLVD. All monument signs in The BLVD require consideration and approval with the required development plan.

(C) The maximum height and area varies depending on the district in which the sign is located, as follows:

| | C-O | C-1 | C-2 | C-3 | Cashion | A-1 | CC |
|---|---|---|---|---|---|---|---|
| **Maximum height** | 6 feet | 6 feet | 8 feet | 10 feet | 6 feet | 6 Feet | Determined during design review |
| **Maximum sign area** | 40 SF | 40 SF | 60 SF | 80 SF | 40 SF | 40 SF | |

(D) Places of worship located within the R-O, CP, and OTAB Zoning Districts shall be permitted single tenant monument signs equivalent to the C-1 Zoning District standards contained herein.

(E) No single-tenant monument sign shall be permitted for an individual user or pad site within a master planned multi-tenant development. Panels on multi-tenant monument signs shall be used in place of individual single-tenant monument signs in those instances.

(F) The single-tenant monument sign structure may extend above the maximum allowable height for the purpose of architectural embellishment. Such embellishment shall not extend the height of the sign more than twenty (20) percent over the allowed sign height. No commercial symbol, representation, logo, insignia, illustration, or other form of advertising message may extend into the architectural embellishment portion of the sign.

(G) The leading edge of a single-tenant monument sign shall be set back at least five (5) feet from any property line and out of any sight visibility lines.

(H) The single-tenant monument sign shall include the street number of the site. The street number shall not count against the maximum sign area allowed.

(I) The final location of permitted signs shall be approved during the site plan review process.

(5) Multi-tenant monument signs.

(A) Each multi-user development in the C-1, C-2, C-3, Cashion, CP, and A-1 districts shall be permitted one (1) multi-tenant monument sign on each street frontage. For properties with a street frontage of eight hundred (800) feet or more, multi-tenant monument signs shall be permitted at the rate of one (1) sign per every four hundred (400) feet of frontage. Multi-tenant monument signs shall be separated by a minimum distance of three hundred thirty (330) feet and may not be transferred from one (1) street frontage to another.

(B) Within the City Center (CC)/The BLVD (BLVDD) Zoning District, one (1) multi-tenant monument sign shall be permitted for multiple-user developments over five (5) acres in area with frontage on Avondale Boulevard, Van Buren Street, or Roosevelt Street. Two (2) multi-tenant monument signs shall be permitted on properties that have frontage on two (2) of the above-mentioned streets; both signs cannot be placed along the same street frontage. Multi-tenant monument signs are not permitted adjacent to local streets within The BLVD. All monument signs in The BLVD require consideration and approval with the required development plan.

(C) The maximum height, area, and tenant panels allowed varies depending on the district in which the sign is located, as follows:

| | C-1 | C-2 | C-3 | Cashion | CP | A-1 | CC |
|---|---|---|---|---|---|---|---|
| **Maximum height** | 8 feet | 12 feet | 14 feet | 8 feet | 8 feet | 8 feet | Determined during design review |
| **Maximum sign area** | 60 SF | 80 SF | 100 SF | 60 SF | 60 SF | 60 SF | |
| **Maximum number of tenant panels** | 6 | 10 | 12 | 6 | 6 | 6 | |

(D) The multi-tenant monument sign structure may extend above the maximum allowable height for the purpose of architectural embellishment. Such embellishment shall not extend the height of the sign more than twenty (20) percent over the allowed sign height. No commercial symbol, representation, logo, insignia, illustration, or other form of advertising message may extend into the architectural embellishment portion of the sign.

(E) The leading edge of a multi-tenant monument sign shall be set back at least five (5) feet from any property line and out of any sight visibility lines.

(F) The name of the office complex, shopping center, or commerce/industrial park shall be prominently included on the sign.

(G) The multi-tenant monument sign shall include the street number of the site. The street number shall not count against the maximum sign area allowed.

(H) The letters and logos used to identify individual tenants shall have a minimum height of four (4) inches.

(I) The final locations of multi-tenant monument signs shall be approved during the site plan review process.

(6) Freeway pylon signs.

(A) General.

i. Freeway pylon signs shall only be permitted as part of a comprehensive sign plan approved pursuant to section 28-194 above.

ii. Freeway pylon signs are permitted in the C-3, CC/BLVDD, and PAD Zoning Districts for master planned developments having at least four hundred (400) linear feet of direct frontage adjacent to the Interstate-10 right-of-way. Properties that meet this requirement may be permitted one (1) freestanding,

double-sided, freeway pylon sign. A second freeway pylon sign shall be permitted for properties that meet the requirements of this Section and have direct freeway frontage in excess of two thousand six hundred forty (2,640) feet.

(B) Location.

i. Freeway pylon signs shall be located no more than fifteen (15) feet from the right-of-way line of the adjacent freeway.

ii. Proposed freeway pylon signs may not be located closer than one thousand three hundred twenty (1,320) feet from an existing or approved freeway pylon sign on the same side of the freeway. As noted in section 28-194, administrative approval is allowed on a case-by-case basis for a smaller separation distance up to twenty-five (25) percent deviation from the minimum requirement. Any proposed deviation from minimum required separation distance greater than twenty-five (25) percent must be submitted to city council for approval.

iii. Proposed freeway pylon signs shall be located a distance of no less than twenty (20) times the proposed actual height (including sign embellishment) of the freeway pylon sign from existing Single-Family Residential uses. This distance shall be measured from the physical location of the freeway pylon sign to the closest point of the nearest Single-Family Residential lot line. (Example: a seventy-one-foot high freeway pylon sign will require a minimum one thousand four hundred twenty (1,420) foot setback).

(C) Height and area.

i. Freeway pylon signs shall not exceed sixty-five (65) feet in height.

ii. The total sign area per sign face shall not exceed eight hundred (800) square feet.

(D) Design.

i. The freeway pylon sign may identify up to six (6) individual tenants.

ii. The base of a freeway pylon sign shall be no less than fifteen (15) feet wide and no greater than thirty (30) feet wide. No portion of the sign structure can exceed one hundred thirty (130) percent the width of the base.

iii. The sign area and the base must be designed and constructed using compatible themes, materials, and colors with the overall design of the development and will be evaluated during the design review process.

iv. The project or destination name of the development shall be emphasized on the freeway pylon sign. A minimum of fifteen (15) percent of the total sign area shall be devoted to the project or destination name.

v. The identification of the development name and tenant names on the sign shall be in the form of individual pan channel lettering, aluminum routed lettering with acrylic background, or other high quality sign design characteristics. Removable tenant panels made completely of acrylic or Plexiglas materials are prohibited.

vi. Freeway pylon signs shall not be externally illuminated.

(E) Freeway pylon signs Shall not incorporate electronic message displays.

(F) The city council may in its sole discretion, grant a Freeway Pylon Sign Exception (FPSE) for development projects that can demonstrate exceptional design and promotion of the purpose and intent of this article 9. An FPSE will allow for Freeway Pylon signs to vary from certain established standards. Approvals of freeway pylon sign exceptions shall be granted at the sole and absolute discretion of the city council. The standards that may be altered through a FPSE are exclusive to the following:

i. Sign Height, shall be no higher than is reasonably necessary for the sign copy to be visible from a vehicle approaching on the same side of a freeway from a distance sufficient to permit vehicles to safely exit the freeway, as determined after evaluation of the materials required by this article 9. In no instance shall any freeway pylon sign exceed one hundred ten (110) feet.

ii. Sign area, shall be no larger than is reasonably necessary for the sign copy to be visible from a vehicle approaching on the same side of a freeway from a distance sufficient to permit vehicles to safely exit the freeway, as determined after evaluation of the materials required by this article 9. In no instance shall the total sign area per sign face exceed one thousand four hundred (1,400) square feet.

iii. Sign width shall not be less than fifteen (15) feet or greater than fifty (50) feet.

iv. Electronic message displays may be permitted, subject to such conditions and stipulations as required by the city council.

(7) Drive-through menu boards.

(A) In zoning districts where drive-through uses are allowed, drive-through menu board signs are permitted:

(B) One (1) preview menu board and one (1) ordering menu board are allowed per lane of a drive-through business. Such signs may be free-standing or wall-mounted.

(C) The maximum area for each sign shall not exceed forty-eight (48) square feet. The maximum sign height shall not exceed six (6) feet for freestanding signs.

(D) Menu board signs shall be screened from street views by a combination of screen walls and dense landscaping.

(E) Menu boards containing speaker boxes must be located a minimum of seventy (70) feet from any residential zoning district or use and, to the extent possible, oriented away from the residential use.

(8) Traffic directional signs.

(A) On-site traffic directional signs are allowed in all Commercial and Employment Zoning Districts.

(B) The directional sign shall be monument style and may be two-sided.

(C) Each monument sign shall have maximum a total sign face of area of twelve (12) square feet and maximum height of four (4) feet.

(D) Sign content may not contain business logos and shall be informational only.

(9) Blade signs.

(A) Blade signs are permitted in all commercial and employment districts.

(B) Each user shall be permitted one (1) blade sign hung directly outside of the business's primary entrance.

(C) Maximum size of blade signs shall be three (3) feet in length and one (1) foot in height and be oriented to display the message perpendicular to the face of the building. Blade signs with dimensions larger than referenced above shall be considered projecting signs and may only be permitted in zoning districts in which projecting signs are allowed.

(D) The sign shall be suspended from a roof overhang, covered walkway or covered porch. No part of a suspended sign shall extend beyond the edge of the overhang.

(E) A minimum clearance of seven (7) feet shall be maintained between the bottom of the sign and the nearest grade or sidewalk.

(10) Center identification wall signs.

(A) Center identification wall signs are permitted in all commercial and employment zoning districts for centers containing two (2) or more buildings.

(B) Center identification wall signs shall only be located on building frontages that are not designed for tenant occupancy, such as over breezeways.

(C) Center identification wall signs shall contain the name of the building or shopping center only.

(D) Each center identification wall sign shall be allowed twenty-four (24) square feet of area or one (1) square foot of sign area for each linear foot of un-occupiable building frontage, whichever is greater.

(E) The number and location of center identification wall signs shall be approved as part of the center's comprehensive sign plan.

(11) Freestanding variable message signs for elementary schools, secondary schools, and colleges. Freestanding identification signs for the above uses shall be allowed to use up to fifty (50) percent of the allowable single tenant monument sign area for a variable message sign, subject to the requirements of this ordinance. In the event a school vacates a property, the variable message sign cannot be used by any subsequent user not authorized by this ordinance to have a variable message sign and must be removed within ninety (90) days of the use vacating.

(12) Variable message signs for motion picture and performing arts theaters.

(A) In addition to the otherwise allowable wall signage for the district in which the theater is located, theaters shall be allowed one (1) variable message sign located on the wall or marquee of a theater building.

(B) The sign shall not exceed seventy-five (75) square feet or the maximum allowed wall sign area, whichever is less.

(13) Freestanding variable message signs for places of worship. Freestanding identification signs for places of worship shall be allowed to use up to fifty (50) percent of the allowable single-tenant monument sign area for a variable message sign, subject to the requirements of this ordinance. In the event a place of worship vacates a property, the variable message sign cannot be used by any subsequent user not authorized by this ordinance to have a variable message sign and must be removed within ninety (90) days of the use vacating.

(14) Freestanding variable message signs for military veteran and fraternal organization halls. Freestanding identification signs for military veteran and fraternal organization halls in the C-1, C-2, and C-3 Districts shall be allowed to use up to fifty (50) percent of the allowable single-tenant monument sign area for a variable message sign, subject to the requirements of this ordinance. In the event a military veteran or fraternal organization hall vacates a property, the variable message sign cannot be used by any subsequent user not authorized by this ordinance to have a variable message sign and must be removed within ninety (90) days of the use vacating.

(15) Freestanding variable message signs for municipal uses. Freestanding identification signs for municipal uses in all commercial and employment districts shall be allowed to use up to fifty (50) percent of the allowable single-tenant monument sign area for a variable message sign, subject to the requirements of this ordinance.

(16) Freestanding variable message signs for vehicle fueling stations.

(A) Vehicle fueling stations on independent parcels within the C-2, C-3, and A-1 Zoning Districts may use up to twenty-four (24) square feet of an allowed single-tenant monument sign for a variable message fuel price sign.

(B) Vehicle fueling stations within the C-2, C-3, and A-1 Districts that are part of a shopping center or other planned development where businesses are not permitted to have individual freestanding identification signs shall be allowed one (1) freestanding fuel price sign on each adjacent street frontage. The maximum sign area shall be sixteen (16) square feet and the maximum height shall be six (6) feet.

(e) Permanent off-premise signs.

(1) No permanent off-premise signs shall be permitted except those explicitly authorized by this subsection 28-203(e).

(2) City Center business district signs.

(A) Within the City Center (CC) District, business district signs that advertise the name of a particular district and announce special district events shall be permitted.

(B) Business district signs shall not serve as multi-tenant signs.

(C) Along arterial and collector streets, business district signs may take the form of a wall-mounted sign or a freestanding sign. Along all pedestrian retail and local streets within the City Center, business district signs shall be wall mounted.

(D) The maximum size, height, and design will be determined during the design review process.

(3) Pedestrian kiosk signs.

(A) Within The BLVD (BLVDD), the City Center (CC) and Old Town Avondale Business (OTAB) Zoning Districts, or on the campus of any college or university, pedestrian kiosk signs may be permitted for the purpose of providing directional information to community facilities and attractions, buildings, and commercial businesses within the zoning district or campus within which the sign is located, and advertising official city meetings and special events.

(B) A pedestrian kiosk sign location plan shall be prepared showing the location of each kiosk and shall be submitted and approved by the department prior to issuance of a sign permit. Pedestrian kiosk signs may be located within the public right-of-way subject to approval by the department.

(C) Pedestrian kiosk signs shall be designed at a pedestrian scale. Specific dimensions of pedestrian kiosk signs shall be reviewed and approved by the department to ensure this condition has been met.

(D) The design of all pedestrian kiosk signs located within the OTAB Zoning District shall reflect a single architectural theme. Similarly, all pedestrian kiosk signs located within a college or university campus shall reflect a single architectural theme. Within the City Center, an architectural theme may be identified for each subdistrict. For the sake of creating interest, variation among pedestrian kiosk signs within the selected architectural themes shall be encouraged.

(E) Pedestrian kiosk signs may contain the following:

i. The name and logo of the City of Avondale and/or the district in which the sign is located (e.g. Old Town; City Center/The BLVD, Park Avenue District, etc.).

ii. A weather-protected map of the campus, business district or subdistrict identifying the locations of businesses, buildings, and public facilities within the district, subdistrict, or campus, relative to the location of the kiosk. Maps and legends shall be updated and replaced every four (4) months to reflect business openings and closings.

iii. Space reserved for the advertising of official city meetings and city-organized special events. said space shall not be used as a bulletin board for want ads, classified ads, garage sale notices, or any other non-city-organized event.

iv. Appurtenances (e.g. weather vanes) indicating the direction and distance of city facilities. Said appurtenances shall not be used to indicate the direction of any business.

(F) Pedestrian kiosk signs shall not contain signage for any business, except for a listing of the business name and location on the map and legend referenced above.

(f) Temporary signs.

(1) Interim business identification banners.

(A) Banners may be used for temporary business identification in the commercial and employment districts subject to obtaining a temporary sign permit. A sign permit for an interim business identification banner may only be approved upon the applicant demonstrating to city staff that substantial progress has been made toward manufacture and installation of the permanent sign.

(B) The area of the banner shall not exceed the area permitted for the permanent wall sign.

(C) The banner shall only be placed on the wall of the tenant space occupied by the business.

(D) Interim business identification banners may be displayed only from the date a certificate of occupancy is issued until the date the permanent sign is installed subject to the following limitations.

i. The initial display period shall not exceed thirty (30) days, but may be extended by the Director or designee if the applicant demonstrates substantial progress toward installation of the permanent sign. All extension requests and approvals shall be in writing.

ii. The total display period shall not exceed ninety (90) days under any circumstances.

(2) Now hiring.

(A) Banners may be used for advertising employment opportunities in the commercial and employment districts up to forty-five (45) days prior to the anticipated date of occupancy by the hiring business, subject to obtaining a temporary sign permit.

(B) The area of the banner shall not exceed the area permitted for a permanent wall sign.

(C) The banner shall only be placed on the wall of the tenant space to be occupied by the business.

(D) Now Hiring banners may be displayed for no more than forty-five (45) days, but may be extended by the director or designee if the applicant demonstrates unavoidable delay in the anticipated opening date. All extension requests and approvals shall be in writing. The now hiring banner shall be removed upon the business occupying the tenant space.

(3) Coming soon.

(A) Banners may be used for advertising new businesses in the commercial and employment districts up to thirty (30) days prior to the anticipated date of occupancy subject to obtaining a temporary sign permit.

(B) The area of the banner shall not exceed the area permitted for a permanent wall sign.

(C) The banner shall only be placed on the wall of the tenant space to be occupied by the business.

(D) Coming soon banners may be displayed for no more than thirty (30) days, but may be extended by the director or designee if the applicant demonstrates unavoidable delay in the anticipated opening date. All extension requests and approvals shall be in writing. The coming soon banner shall be removed upon the business occupying the tenant space.

(4) Grand openings and special promotions.

(A) Temporary signs may be used to advertise grand openings and special promotions in all zoning districts subject to obtaining a sign permit. Grand openings and special promotion signs may include pennants, banners, flags, inflatable structures, search lights, character or product likenesses, attention attracting media and devices and other non-merchandise displays.

(B) Commercial/employment developments.

i. Grand opening signs are allowed for a maximum of thirty (30) consecutive days when a new business opens, the business name changes or there is a change in business ownership. There shall be a minimum of one hundred eighty (180) days between displays.

ii. Temporary signs may be used to advertise special promotions for a maximum of thirty (30) days each calendar year.

iii. Lighter-than-air balloons shall not exceed twice the allowed building height or one hundred (100) feet, whichever is less.

(C) Residential developments.

i. Permits issued for temporary signs to advertise the residential grand opening of a model home complex, apartment complex, or residential condominium development or the conversion of an apartment complex to condominiums shall be for a maximum period of thirty (30) consecutive days.

ii. Temporary signs may be used to advertise special promotions, such as rent specials, for a maximum period of thirty (30) consecutive days no more than three (3) times per calendar year, with a minimum period of thirty (30) days between each display.

iii. Lighter-than-air balloons shall not exceed twice the allowed building height or one hundred (100) feet, whichever is less.

(5) Business identification A-frame signs.

(A) A-Frame signs may be used for on-site business identification and advertising in all commercial and industrial zoning districts subject to obtaining a sign permit. The sign permit shall be valid for a period of one (1) year, but may be renewed annually subject to city review and approval.

(B) A-frame signs shall not exceed six (6) square feet and not taller than three (3) feet in height.

(C) One (1) A-frame sign shall be allowed for each business.

(D) A-frame signs shall not be located:

i. On a public street or public sidewalk.

ii. Closer than thirty (30) feet to the edge of an access drive or street intersection right-of-way.

iii. In raised, painted or landscaped medians.

iv. Across a public street from the business in which it advertises.

v. In parking spaces, driveways or drive aisles.

vi. Where there is less than four (4) feet of clearance for pedestrian passage or at any other location that would pose a potential hazard to pedestrian traffic.

vii. On top of any vehicle, structure, screen wall, boulder, or landscaping other than turf or decomposed granite.

(E) A-Frame signs may be located within the public right-of-way; however, said signs must be placed at least one (1) foot behind the sidewalk when adjacent to a public street. If no sidewalk exists, the sign shall be placed at least five (5) feet behind the back of curb line. If no sidewalk or curb exists, then the sign shall be placed at least five (5) feet behind the edge of pavement.

(F) Businesses in a shopping center or other multi-tenant complex may place an A-frame sign adjacent to the business, at the perimeter of the site, in front of another business with the permission of the business owner, or in a landscaped common area unless otherwise prohibited by this ordinance.

(G) The minimum separation between A-Frame signs shall be twenty (20) feet, with the exception of the OTAB district, where there is no separation requirement.

(H) A-Frame signs must adhere to the following construction standards:

i. Signs shall be constructed of not less than one-half (½) inch thick, high density, exterior grade material with sufficient weight to withstand wind gusts and weather.

ii. Signs shall have a protective water resistant coating that is impervious to weather.

iii. Signs shall be maintained in a professional manner so as to be free of chipping paint, cracks, gouges, loss of letters and fading.

iv. Signs shall be displayed only from sunrise to sunset during hours when the business is open to the public.

(6) Way-finding signs.

(A) Way-finding signs may be used for civic locations or throughout the city as part of a city-sponsored program subject to obtaining a sign permit. The sign permit shall be valid for a period of one (1) year, but may be renewed annually subject to city review and approval.

(B) Way-finding signs shall be a maximum of eight (8) feet in height and shall not exceed two (2) feet in width.

(C) Way-finding signs shall not be A-frame type signs.

(D) Way-finding signs shall be subject to the following locational restrictions:

i. Way-finding signs may be located within the public right-of-way and may be affixed to light poles, traffic signals, benches, street signs, fencing, or bike racks, subject to city engineer approval.

ii. Way-finding signs located on sidewalks must be situated to allow for a minimum six-foot wide clear pedestrian pathway to and from all building entrances and exits.

iii. Signs for courtyard entries shall be limited to one (1) sign for all businesses located in the courtyard that utilize the same common entry. Multiple businesses may co-locate signage on the same sign structure. Signs shall be located within ten (10) feet of the courtyard entrance.

(g) Future development signs.

(1) Future development signs are allowed on undeveloped parcels in all Zoning Districts subject to obtaining a sign permit. One (1) sign shall be allowed per development on each street frontage. The sign must pertain to the property on which it is located.

(2) A sign permit for a future development sign shall not be issued prior to site plan approval or preliminary plat approval.

(3) On parcels less than one (1) acre, the sign shall have a maximum area of six (6) square feet and a maximum height of five (5) feet. On parcels one (1) acre or larger, the sign shall have a maximum area of thirty-two (32) square feet and a maximum height of eight (8) feet.

(4) The sign shall be removed if building permits have not been issued within one (1) year from the date the sign permit is issued.

(5) The sign shall be removed prior to or concurrent with the placement of a construction sign on the site.

(h) Residential subdivision signs.

(1) Temporary subdivision identification signs are allowed in all Single-Family Residential Zoning Districts subject to obtaining a sign permit. One (1) sign shall be allowed at each arterial entry to the subdivision. The sign must pertain only to the subdivision in which it is located.

(2) A sign permit shall not be issued prior to the issuance of construction permits for homes within the subdivision.

(3) The maximum sign area shall be forty-eight (48) square feet and the maximum height shall be twelve (12) feet.

(4) The edges of the sign shall be boxed.

(5) All signs shall be removed when the models for the subdivision close or when ninety-five (95) percent of the lots have been sold if there are no models.

(i) Model home signs.

(1) On-premise model home signs.

(A) On-premise model home signs are permitted in all residential districts subject to obtaining a sign permit. One (1) sign shall be allowed at each model home complex within the subdivision.

(B) A sign permit shall not be issued prior to the issuance of building permits for the model homes.

(C) The maximum sign area shall be forty-eight (48) square feet and the maximum height shall be twelve (12) feet.

(D) The edges of the sign shall be boxed.

(E) The sign shall be removed when the model home complex closes.

(2) Off-premise model home signs.

(A) Off-premise model home signs are permitted in all residential districts subject to obtaining a sign permit. Each model home complex may have up to ten (10) yard signs extending one (1) mile distance from said property.

(B) The A-frames shall not exceed six (6) square feet in area or three (3) in height.

(C) Yard signs shall not exceed six (6) square feet in area or four (4) in height.

(D) Signs may be located within the public right-of-way; however, said signs must be placed at least one (1) foot behind the sidewalk when adjacent to a public street. If no sidewalk exists, the sign shall be placed at least five (5) feet behind the back of curb line. If no sidewalk or curb exists, then the sign shall be placed at least five (5) feet behind the edge of pavement.

(j) Model home pennants.

(1) Model home pennants are permitted in all residential districts subject to obtaining a sign permit. A maximum of ten (10) pennants shall be allowed per model home complex.

(2) The maximum pennant size shall be six (6) square feet and the maximum height at which they are flown shall be twenty (20) feet.

(3) The minimum spacing between poles shall be ten (10) feet.

(4) Pennants shall be removed when the model home complex closes.

(k) Street banners.

(1) Street banners for community special events are permitted in all zoning districts subject to obtaining a right-of-way permit.

(2) Street banners shall require the approval of the city's public information officer and the city engineer.

(3) All banners must further the interests of the community.

(4) Street banners shall only be hung from approved street light poles or other structures on brackets that meet city engineering standards.

(Ord. No. 2045-1220, §§ 16—21, 12-7-20)

**28-204 Sign permitting.**

(a) General.

(1) No sign shall hereafter be erected, re-erected, constructed or altered except as provided by this article 9. Where sign permits are required, a separate permit shall be requested for a sign or signs for each business entity, and/or separate permit shall be required for each group of signs on a single supporting structure. Where signs are illuminated electrically, a separate electrical permit shall be obtained as required by the city's adopted electrical code.

(2) Nothing contained herein shall prevent the erection, construction, and maintenance of official traffic, fire and police signs, signals, devices, and markings of the State of Arizona and the City of Avondale, or other public authorities, or the posting of notices required by law.

(b) Permit application and expiration.

(1) Except as otherwise noted in this article 9, it shall be unlawful for any persons to erect, alter, construct, or relocate any sign within the city without first obtaining a permit. In addition, electrical permits are required for electrical signs.

(2) A sign permit application shall be submitted to the department. The application shall contain the location by street and number of the proposed sign, as well as the name, address and signature of the property owner, business owner and sign contractor. Three (3) copies of plans and specifications shall be submitted with the application for each sign; one (1) copy being returned to the applicant at the time the permit is issued. All plans shall show complete details, to include size, materials, colors, method of support or attachment, name and address of the persons or firm designing said sign, and a plot plan showing location of sign on the premises.

(3) Prior to acceptance of any sign permit application, the city shall collect a plan review fee in accordance with a department fee schedule established by the city council.

(4) Prior to issuance of any sign permit required by this article 9, the city shall collect permit fees in accordance with a development services fee schedule established by the city council.

(5) If work for which a permit is required by this article 9 is started before a permit has been issued, the fees shall be doubled. The payment of such double fee shall not relieve any persons from in the execution of the work or from any penalties prescribed herein.

(6) If installation of a sign has not commenced under any permit issued under the provision of this Section within one hundred eighty (180) days from the date of such permit, or upon completion of building, such permit shall become null and void.

(7) All signs for which a permit is required shall be subject to the following inspections:

(A) Footing inspection on all freestanding signs exceeding six (6) feet in height.

(B) Inspection of all braces, anchors, supports, and connections, including wall signs.

(C) All signs containing electrical wiring shall be subject to the city's adopted electrical code; all electrical components shall bear the label of an approved testing agency.

(D) Site inspection to ensure that the sign has been constructed according to approved application and a valid sign permit.

(8) All temporary signs requiring permits shall be marked with a city-issued sticker denoting the permit number and expiration date.

(9) Each sign shall be maintained in good order and repair at all times so that it constitutes no danger or hazard to public safety.

**28-205—28-220 Reserved.**

## Article 10

## SEXUALLY ORIENTED BUSINESSES

### 28-221 Purpose.

It is the purpose of this article 10 to regulate sexually oriented businesses in order to promote the health, safety, morals and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the city. The provisions of this article 10 have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this article 10 to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this article 10 to condone or legitimize the distribution of obscene material.

### 28-222 Findings.

Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the city council, and on findings incorporated in the cases of City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986), Young v. American Mini Theatres, 426 U.S. 50 (1976), and Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991), and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin,

Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the city council finds:

(a) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are typically uncontrolled by the operators of the establishments. Further, there is presently no mechanism in the City to make the owners of these establishments responsible for the activities that occur on their premises.

(b) Certain employees of sexually oriented businesses defined in this ordinance as adult theatres and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.

(c) Sexual acts occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos or live sex shows.

(d) Offering and providing such space encourages such activities, which creates unhealthy conditions.

(e) Persons frequent certain adult theatres, adult arcades and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.

(f) At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.

(g) Since 1981 and to the present, there have been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States and in Arizona.

(h) According to the Arizona Department of Health Services as of 1999 there have been 5,786 reported cases of AIDS in the State of Arizona.

(i) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-third of a million cases being reported in 1999.

(j) The surgeon general of the United States, in a report of October 22, 1986, advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.

(k) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts. According to the Surgeon General's Call to Action to Promote Sexual Health and Responsible Sexual Behavior, dated July 9, 2001, nearly two-thirds of the 774,467 AIDS cases reported since 1987 were sexually transmitted.

(l) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

(m) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.

(n) The findings noted in paragraphs (a) through (m) above raise substantial governmental concerns.

(o) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

(p) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and

employees, as well as the citizens of the city. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

(q) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theatres.

(r) Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.

(s) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.

(t) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this article 10 is designed to prevent or who are likely to be witnesses to such activity.

(u) The fact that an applicant for a sexually oriented business operator or employee license has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this article 10.

(v) The general welfare, health, morals and safety of the citizens of the city will be promoted by the enactment of this article 10.

**28-223 Classification.**

Sexually oriented businesses are classified as follows:

(a) Adult arcades;

(b) Adult bookstores, adult novelty stores, or adult video stores;

(c) Adult cabarets;

(d) Adult hotels;

(e) Adult motion picture theaters;

(f) Adult theaters;

(g) Escort agencies;

(h) Nude model studios; and

(i) Sexual encounter centers.

**28-224 License required.**

(a) It is unlawful:

(1) For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the city pursuant to this ordinance;

(2) For any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the city pursuant to this ordinance; or

(3) For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this ordinance.

(b) An application for a license must be made on a form provided by the city.

(c) All applicants must be qualified according to the provisions of this ordinance. The application may request and the applicant shall provide such information (including fingerprints) as to enable the city to determine whether the applicant meets the qualifications established in this ordinance.

(d) If a person who wishes to operate a sexually oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a twenty (20) percent or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified as set forth below and each applicant shall be considered a licensee if a license is granted.

(e) The completed application for a sexually oriented business license shall contain the information and shall be accompanied by the documents set forth in subsections (1)—(13) below. For individual applicants the information and documents shall relate to the individual. For applicants other than individuals, the information and documents shall relate to each person controlling a twenty (20) percent or greater interest in the applicant entity.

(1) If the applicant is:

(A) An individual, the individual shall (i) state his/her legal name and any aliases and (ii) submit proof that he/she is at least eighteen (18) years of age;

(B) A partnership, the partnership, through its duly authorized representative, shall (i) state its complete name, and the names of all partners, (ii) indicate whether the partnership is general or limited and (iii) submit a copy of the partnership agreement, if any;

(C) A corporation or other entity, the corporation or other entity, through its duly authorized representative, shall (i) state its complete name, (ii) provide the date of its incorporation or organization, as applicable, (iii) provide evidence that the corporation or entity is in good standing under the laws of its state of incorporation or organization, as applicable and (iv) provide the names and capacity of all officers, directors and principal stockholders and the name of the registered corporate agent and the address of the registered office for service of process.

(2) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he, she or it must (i) state the sexually oriented business's fictitious name and (ii) submit the required registration documents;

(3) Whether the applicant, the applicant's officers or employees (if applicable) or a person residing with the applicant has been convicted of a specified criminal activity as defined in this ordinance and, if so, the specified criminal activity involved and the date, place and jurisdiction of each such occurrence;

(4) Whether the applicant, the applicant's officers or employees (if applicable) or a person residing with the applicant has had a previous license under this ordinance or other similar sexually oriented business ordinances from another city or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant, the applicant's officers or employees (if applicable) or a person residing with the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this ordinance whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation;

(5) Whether the applicant, the applicant's officers or employees (if applicable) or a person residing with the applicant holds any other licenses under this ordinance or other similar sexually oriented business ordinance from another city or county and, if so, the names and locations of such other licensed businesses;

(6) The single classification of license for which the applicant is filing;

(7) The location of the proposed sexually oriented business, including a legal description of the property, street address and telephone number(s), if any;

(8) The applicant's mailing address and residential address;

(9) A recent photograph of the applicant(s);

(10) The applicant's driver's license number, Social Security number and/or his/her state or federally issued tax identification number;

(11) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches;

(12) A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting:

(A) The property lines and the structures thereon for the location proposed for the sexually oriented business.

(B) All of the following uses existing or established within one thousand (1,000) feet of the proposed sexually oriented business: (i) a church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities, (ii) a public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school, (iii) a boundary of a residential district as defined in this ordinance, (iv) a public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian/bicycle path, wilderness area, or other similar public land within the city which is under the control, operation or management of the city or other governmental entity, (v) the property line of a lot devoted to a residential use as defined in this ordinance, (vi) an entertainment business which is oriented primarily towards children or family entertainment or (vii) a licensed premises, licensed pursuant to the alcoholic beverage control regulations of the state.

For the purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

(13) If an applicant wishes to operate a sexually oriented business, other than an adult hotel, which shall exhibit on the premises, in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, films, video cassettes, other video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall, in addition to the requirements of this section 28-224, comply with the application requirements set forth in section 28-234.

(f) Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit, on a form to be provided by the city, the following information:

(1) The applicant's name or any other name (including "stage" names) or aliases used by the individual;

(2) Age, date and place of birth;

(3) Height, weight, hair and eye color;

(4) Present residence address and telephone number;

(5) Present business address and telephone number;

(6) Date, issuing state and number of driver's license or other identification card information;

(7) Social Security number; and

(8) Conclusive proof that the individual is at least eighteen (18) years of age.

(g) Attached to the application form for a sexually oriented business employee license as provided above, shall be the following:

(1) Two, color photographs of the applicant, measuring two (2) inches by two (2) inches, clearly showing the applicant's face, in addition to the applicant's fingerprints on a form provided by the Avondale Police Department. Any fees for the photographs and fingerprints shall be paid by the applicant;

(2) A statement detailing the license history of the applicant for the five-year period immediately preceding the date of filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, city, state or country has ever had a license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked or suspended. In the event of any such denial, revocation or suspension, state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application; or

(3) A statement whether the applicant has been convicted of a specified criminal activity as defined in this ordinance and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.

**28-225 Issuance of license.**

(a) Upon the filing of said application for a sexually oriented business employee license, the city shall issue a temporary license to said applicant. The application shall then be referred to the appropriate city departments for an investigation to be made on such information as is contained on the application. The application process shall be completed within thirty (30) days from the date the completed application is filed. After the investigation, the city shall issue a license, unless it is determined by a preponderance of the evidence that one (1) or more of the following findings is true:

(1) The applicant has failed to provide information reasonable necessary for issuance of the license or has falsely answered a question or request for information on the application form;

(2) The applicant is under the age of eighteen (18) years;

(3) The applicant has been convicted of "specified criminal activity" as defined in this ordinance;

(4) The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by a particular provision of this ordinance; or

(5) The applicant has had a sexually oriented business employee license revoked by the city within two (2) years of the date of the current application. If the sexually oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension, or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in section 28-230 below.

(b) A license granted pursuant to this section shall be subject to annual renewal on September 30 each year. Renewal shall be conditioned upon the written application of the applicant and a finding by the city that the applicant has not been convicted of any specified criminal activity or committed any act during the term of the previous license which would have been grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in section 28-226 below.

(c) Within thirty (30) days after receipt of a completed sexually oriented business application, the city shall approve or deny the issuance of a license to an applicant. The city shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one (1) or more of the

following findings is true (i) with respect to the individual applicant or (ii) if the applicant is an entity other than an individual, with respect to any person controlling a twenty (20) percent or greater interest in the applicant entity:

(1) An applicant is under eighteen (18) years of age;

(2) An applicant or a person with whom applicant is residing is overdue in payment to the city of taxes, fees, fines or penalties assessed against or imposed upon him/her in relation to any business;

(3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;

(4) An applicant or a person with whom the applicant is residing has been denied a license by the city to operate a sexually oriented business within the preceding twelve (12) months or whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months;

(5) An applicant or a person with whom the applicant is residing has been convicted of specified criminal activity, as defined in this ordinance;

(6) The premises to be used for the sexually oriented business have not been approved by the Maricopa County Department of Environmental Services, the Avondale Fire Department and the Department as being in compliance with applicable laws and ordinances;

(7) The license fee required by this article 10 has not been paid; or

(8) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this ordinance.

(d) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business and the classification for which the license is issued pursuant to section 28-223 above. All licenses shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.

(e) The Maricopa County Department of Environmental Services, the Avondale Fire Department and the department shall complete their certification that the premises are in compliance or not in compliance within twenty (20) days of receipt of the application by the city.

(f) A sexually oriented business license shall not be issued to an applicant for more than one (1) classification as found in section 28-223 above.

**28-226 Fees.**

(a) Every application for a sexually oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by a non-refundable application and investigation fee in the amount set forth on the schedule of fees adopted by the city council.

(b) In addition to the application and investigation fee required above, every sexually oriented business that is granted a license (new or renewal) shall pay to the city an annual non-refundable license fee in the amount set forth on the schedule of fees adopted by the city council. The license fee shall be paid at the time of issuance of a new license and not less than thirty (30) days prior to expiration of a current license in the case of an application for a renewal license.

(c) Every application for a sexually oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual non-refundable application, investigation and license fee in the amount set forth on the schedule of fees adopted by the council.

(d) All license fees shall be submitted to the city financial services department. The completed application, including a receipt showing payment of the required fee, shall be submitted to the city clerk.

**28-227 Inspection.**

(a) An applicant or licensee shall permit representatives of the Avondale Police Department, Maricopa County Health Department, Avondale Fire Department, department or other city departments or agencies to inspect the premises of a sexually oriented business at any time it is occupied or open for business for the purpose of ensuring compliance with the law.

(b) A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is open for business.

**28-228 Expiration of license.**

(a) Each license shall expire on September 30 of each year and may be renewed only by making an application as provided in section 28-224 above. Application for renewal shall be made not less than thirty (30) days before the expiration date. If an application for renewal is made less than thirty (30) days before the expiration date, the expiration date of the license will not be affected and the applicant shall not operate under the terms of the license during any period of time between the expiration of the license and the issuance of a renewal.

(b) When the city denies renewal of a license, the applicant shall not be issued a license for one (1) year from the date of denial. If, subsequent to denial, the city finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the denial became final.

**28-229 Suspension.**

The city shall suspend a license for a period not to exceed thirty (30) days if it determines that a licensee or an employee of a licensee has:

(a) Violated or is not in compliance with any section of this ordinance; or

(b) Refused to allow an inspection of the sexually oriented business premises as authorized by this section 28-227.

**28-230 Revocation.**

(a) The city shall revoke a license if a cause for suspension in section 28-229 occurs during the twelve-month period after the same license has been suspended.

(b) The city shall revoke a license if it determines that:

(1) A licensee gave false or misleading information in the material submitted during the application process;

(2) A licensee has knowingly allowed possession, use or sale of controlled substances on the sexually oriented business premises;

(3) A licensee has knowingly allowed prostitution on the sexually oriented business premises;

(4) A licensee knowingly operated the sexually oriented business or worked as an employee at a sexually oriented business during a period of time when the licensee's license was suspended or expired;

(5) Except in the case of an adult hotel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the sexually oriented business premises; or

(6) A licensee is delinquent in payment to the city, county, or state for any taxes or fees past due.

(c) When the city revokes a license, the revocation shall continue for not less than one (1) year, and the licensee shall not be issued a sexually oriented business license for one (1) year from the date the revocation became effective. If, subsequent to revocation, the city finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective.

(d) After denial of an application, denial of a renewal of an application or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction.

**28-231 Transfer of license.**

A licensee shall not transfer a license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

**28-232 Location of sexually oriented businesses.**

(a) A person commits a class 1 misdemeanor if that person operates or causes to be operated a sexually oriented business in any Zoning District other than the General Industrial (A-1) District, as defined and described in article 4 of this ordinance.

(b) A person commits a class 1 misdemeanor if the person operates or causes to be operated a sexually oriented business within one thousand (1,000) feet of:

(1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

(2) A public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

(3) A boundary of a residential district as defined in this ordinance;

(4) A public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian/bicycle path, wilderness area, or other similar public land within the city which is under the control, operation or management of the city or other governmental entity;

(5) The property line of a lot devoted to a residential use as defined in this ordinance;

(6) An entertainment business which is oriented primarily towards children or family entertainment; or

(7) A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State.

(c) A person commits a class 1 misdemeanor if that person causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within one thousand (1,000) feet of another sexually oriented business.

(d) A person commits a class 1 misdemeanor if that person causes or permits the operation, establishment, or maintenance of more than one (1) sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.

(e) For the purpose of subsection 28-232(b) above, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line

of the premises of a use listed in subsection 28-232(b). Presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this subsection.

(f) For purposes of subsection 28-232(c) above, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

(g) Any sexually oriented business lawfully operating on the effective date of this article 10 that is in violation of subsections 28-232(a) through (b) above shall be deemed a legal nonconforming use. The legal nonconforming use will be permitted to continue for a period not to exceed one (1) year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such legal nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually legally operating at a particular location is the conforming use and the later established business(es) is/are nonconforming and subject to subsection 28-232(g) above.

(h) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a use listed in subsection 28-232(b) above within one thousand (1,000) feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.

**28-233 Additional regulations for adult hotels.**

(a) Evidence that a sleeping room in a hotel or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult hotel as that term is defined in this ordinance.

(b) A person commits a class 1 misdemeanor if, as the person in control of a sleeping room in a hotel or similar commercial establishment that does not have a sexually oriented license, he/she rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he/she rents or subrents the same sleeping room again.

(c) For purposes of subsection 28-233(b) above, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

**28-234 Regulations pertaining to exhibition of sexually explicit films, videos or live entertainment in viewing rooms.**

(a) A person who operates or causes to be operated a sexually oriented business, other than an adult hotel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(1) Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one (1) or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and

should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The city may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared;

(2) The application shall be sworn to be true and correct by the applicant;

(3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the city;

(4) It is the duty of the licensee of the premises to ensure that at least one (1) licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises;

(5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station;

(6) It shall be the duty of the licensee to ensure that the view area specified in subsection 28-234(a)(5) above remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection 28-234(a)(1) above;

(7) No viewing room may be occupied by more than one (1) person at any time;

(8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5) foot-candles as measured at the floor level;

(9) It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises;

(10) No licensee shall allow openings of any kind to exist between viewing rooms or booths;

(11) No person shall make or attempt to make an opening of any kind between viewing booths or rooms;

(12) The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist;

(13) The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting; or

(14) The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty-eight (48) inches of the floor.

(b) A person having a duty under subsections 28-234(a)(1) through (14) above commits a class 1 misdemeanor if he/she/it knowingly fails to fulfill that duty.

**28-235 Additional regulations for escort agencies.**

(a) An escort agency shall not employ any person under the age of eighteen (18) years.

(b) A person commits a class 1 misdemeanor if (1) the person is under the age of eighteen (18) and acts as an escort or agrees to act as an escort, (2) the person is eighteen (18) years or older and acts as an escort or agrees to act as an escort for any person under the age of eighteen (18) years or (3) it is the license holder for an escort agency that employs a person under the age of eighteen (18) as an escort.

**28-236 Additional regulations for nude model studios.**

(a) A nude model studio shall not employ any person under the age of eighteen (18) years. The license holder of a nude model studio commits a class 1 misdemeanor if the nude model studio employs a person under eighteen (18) years of age.

(b) A person under the age of eighteen (18) years commits a class 1 misdemeanor if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under eighteen (18) years was in a restroom not open to public view or visible to any other person.

(c) A person commits a class 1 misdemeanor if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right-of-way.

(d) A nude model studio shall not place or permit a bed, sofa or mattress in any room on the premises; except that a sofa may be placed in a reception room open to the public.

**28-237 Additional regulations concerning public nudity.**

(a) It shall be a class 1 misdemeanor for a person who knowingly and intentionally, in a sexually oriented business, appears in a state of nudity or depicts specified sexual activities.

(b) It shall be a class 1 misdemeanor for a person who knowingly or intentionally, in a sexually oriented business, appears in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least ten (10) feet from any patron or customer and on a stage at least two (2) feet from the floor.

(c) It shall be a class 1 misdemeanor for an employee, while semi-nude in a sexually oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude in a sexually oriented business.

(d) It shall be a class 1 misdemeanor for an employee, while semi-nude, to touch a customer or the clothing of a customer.

**28-238 Prohibition against children in a sexually oriented business.**

A person commits a class 1 misdemeanor if the person knowingly allows a person under the age of eighteen (18) years on the premises of a sexually oriented business.

**28-239 Hours of operation.**

No sexually oriented business, except for an adult hotel, may remain open at any time between the hours of 1:00 a.m. and 8:00 a.m. on weekdays and Saturdays, and 1:00 a.m. and noon 12:00 p.m. on Sundays.

**28-240 Exemptions.**

(a) It is a defense to prosecution under section 28-237 above that a person appearing in a state of nudity did so in a modeling class operated:

(1) By a proprietary school, licensed by the State of Arizona; a college, junior college, or university supported entirely or partly by taxation;

(2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(3) In a structure:

(A) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;

(B) Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and

(C) Where no more than one (1) nude model is (i) appearing semi-nude, (ii) in a state of nudity or (iii) displaying specified anatomical areas on the premises at any one (1) time.

**28-241 Injunction.**

A person who operates or causes to be operated a sexually oriented business without a valid license or in violation of section 28-232 of this ordinance is subject to a suit for injunction as well as prosecution for criminal violations. Each day a sexually oriented business so operates is a separate offense or violation.

**28-242—28-260 Reserved.**

## Article 11

## REQUIRED PUBLIC ART FOR NEW PLANNED AREAS DEVELOPMENTS (PAD), COMMERCIAL, OFFICE, EMPLOYMENT, AND MUNICIPAL CONSTRUCTION

**28-261 Purpose.**

The purpose of this article 11 is to beautify the community with a wide variety of quality artistic elements. Residents and visitors may enjoy the artistic elements and will often return to experience them again while shopping or conducting business. This section includes provisions to regulate and establish standards for inclusion of publicly visible public art in planned area development (PAD), commercial, office, employment and municipal development projects.

**28-262 Reserved.**

**28-263 Findings.**

The city council makes the following findings:

(a) The visual and aesthetic quality of development projects in the city has a significant impact on property values, the economic well-being of the city and its orderly development.

(b) Public art plays a role in creating opportunities for cultural tourism, economic development and image building.

(c) The incorporation of publicly visible public art in PAD, commercial, office, employment, and municipal development projects will enhance the visual and aesthetic quality of such developments, enhance property values and the orderly development of the city.

(d) Public art creates a unique sense of community and self-image, as well as a public image presented to others which, in turn, can positively affect property owners' willingness to maintain their property and its value.

(e) Requiring the incorporation of such public art is in the public interest and welfare.

**28-264 Property subject to requirements.**

(a) New construction. All new construction of non-residential PAD, commercial, office, and employment development projects of fifty thousand (50,000) square feet net floor area or greater that will require site plan approval, and all municipal buildings shall be subject to the requirements of this Section.

(b) Expanded or remodeled. All existing developments in excess of fifty thousand (50,000) square feet that expand or are remodeled to the extent of fifty (50) percent or more of the replacement cost of the building, will be considered newly constructed are subject to the provisions of this article 11.

(c) Exemptions. All residential, general industrial (A-1 Zoning District), non-profit and/or non-municipal governmental development shall be exempt from the requirements of this chapter, provided that non-profit status is not obtained for the sole purpose of avoiding the requirements of this section.

(d) Discretionary review projects. Nothing contained in this article 11 shall prevent the city council and/or the planning and zoning commission from imposing requirements for inclusion of public art in a particular project not mentioned in this article 11 by means of specific plan, conditional use permit, or other discretionary review where it is determined that facts particular to the proposed development warrant such a conditional approval. Where the planning and zoning commission or the city council deems it appropriate, several small projects may pool resources to provide one (1) larger public art piece.

(e) Additional council exemption. The city council may exempt any municipal building from the provisions and requirements of this section by a majority vote of a quorum of the city council present and voting. The city council may provide annual funding to the municipal art committee for the purpose of securing public art, as the budget allows.

**28-265 Public art on site.**

All subject property developments of fifty thousand (50,000) square feet net floor area and above shall provide for the installation and maintenance of exterior public art on the property being developed, which must be visible or accessible to the public, except where a fee in lieu of public art on site is elected pursuant to section 28-267. Smaller projects are encouraged to incorporate artistic functional design elements.

(a) General. Before installation, the owner of the subject property will obtain approval of a public art on-site application demonstrating the placement of the public art on the site. In addition, the owner of the subject property shall maintain the public art, or cause it to be maintained, in good condition continuously after its installation in accordance with subsection 28-268(f) below. No piece of required public art approved pursuant to this section may be removed, except for required maintenance or repair, without the prior, written approval of the city, which may be conditioned upon replacement of the piece.

(b) Media. The required public art that may be used to satisfy the requirements of this section may include, but are not limited to, the following:

(1) Sculpture: In the round, bas-relief, mobile, kinetic, electronic, in any material or combination of materials.

(2) Painting: All media, including, but not limited to, murals.

(3) Mosaics: Pictures or decorative designs made by setting small colored pieces, such as stone or tile, into a surface.

(4) Artwork: In clay, wood, metal, plastics and other materials.

(5) Mixed media: Any combination of forms or media, including collage.

(6) Unique features: One-of-a-kind building features and site enhancements such as gates, benches, water features, walkways or bridges, and public use items including decorative trash receptacles, provided that each item has been commissioned by a visual artist or public context designer.

(7) Other items: Any other form of public art determined by the Avondale Municipal Art Committee or city council to satisfy the intent of this section. Applicants are strongly encouraged to utilize local visual artists or public context designers; however, all visual artists or public context designers must be able to provide a portfolio of accomplished public art projects showcasing their experience.

(c) Identification. Each public art piece shall be identified by a plaque stating the visual artist or public context designer's name, public art piece title, and date the work was dedicated. The plaque will be placed in an appropriate location near the public art piece that can be easily accessed by pedestrians.

(d) Installation. Except as otherwise provided in this section, no certificate of occupancy shall be issued for the subject property until the required public art piece has been installed on the property. If such installation prior to the anticipated date of occupancy is impractical, the city manager or authorized designee may allow occupancy of the building or portion thereof prior to installation of the public art piece, provided that the applicant has filed adequate security with the city to guarantee installation of the public art piece as required in the form of a bond, letter of credit, cash deposit, or similar security instrument, along with an agreement to install the required public art piece, in such amount and form as is acceptable to the city manager or authorized designee and the city attorney. Such security may be drawn upon or liquidated and the funds transferred to the public art fund if after one (1) year the public art is not installed.

**28-266 Public art valuation.**

(a) All public art required by this section shall have a minimum valuation equal to one-quarter (0.25) percent of the valuation of the new construction, remodeling or replacement (hereinafter "art valuation"), subject to the following maximum investment caps based upon the net floor area of the development:

(1) For projects of fifty thousand (50,000) to two hundred fifty thousand (250,000) square feet, a cap of one hundred thousand dollars ($100,000.00).

(2) For projects of two hundred fifty thousand one (250,001) to three hundred thousand (350,000) square feet, a cap of one hundred twenty-five thousand dollars ($125,000.00).

(3) For projects of three hundred fifty thousand one (350,001) and greater square feet, a cap of one hundred fifty thousand dollars ($150,000.00).

(b) The building valuation shall be based on the cost of construction established by the city's building division for purposes of calculating the building permit fees. The art valuation is determined when the applicant submits an application for a building permit. If the building valuation increases or decreases by ten (10) percent or more due to project modifications, additions or deletions, the art valuation shall be revised to reflect the increased or decreased building valuation as determined by the building division.

(c) Included items. All of the following expenses may also be included as part of the art valuation:

(1) The public art piece itself, including the visual artist or public context designer's fee for design, structural engineering, materials, and fabrication.

(2) Transportation and installation of the public art at the site.

(3) Identification plaque(s).

(4) Mountings, anchorages, containments, pedestals, bases, or materials necessary for installation of the public art.

(5) Illumination of the public art as appropriate.

(d) Excluded items. None of the following items shall be included as part of the art valuation, but shall be borne separately by the developer/property owner:

(1) The cost of locating the visual artist or public context designer.

(2) Architect and landscape architect fees.

(3) Land costs.

(4) Mass-produced objects such as playground equipment.

(5) Services or utilities necessary to operate or maintain the public art piece over time.

(6) Landscaping around sculpture, not integral to sculpture design.

(7) Publicity, public relations, photographs or dedication ceremonies.

(8) Utility fees associated with activating the public art piece.

(e) Insufficient value. If the valuation of the public art piece is less than the minimum art valuation as determined by this section, the difference shall be deposited into the public art fund.

**28-267 Fee in lieu of public art on site.**

(a) Payment and amount of fee. The applicant may elect to pay a fee in lieu of public art on site to the public art fund established by the city, in lieu of procuring and placing public art on the applicant's project. The fee shall be equal to the art valuation determined under section 28-266 above.

(b) Maintenance of account. Any monies collected by the city in accordance with the in lieu contribution provisions of this chapter shall be deposited in a separate account denominated as the "public art fund" and used at the sole discretion of the city.

(c) Use of account. The public art fund shall be used for the following purposes:

(1) To provide public art in public places, including permanent and temporary exhibits, to further the intent and purpose of the public art master plan.

(2) To hold pooled monies for later purchase of public art.

(d) Distribution of funds. The Avondale Municipal Art Committee shall make recommendations to the city council regarding the use of monies collected in the public art fund in keeping with the parameters of sections 28-268 and 28-269.

**28-268 Procedure for public art on site.**

(a) Selection. Developers who elect to provide a public art piece within the development may utilize the Avondale Municipal Art Committee catalog as a resource in selecting a visual artist or public context designer to ensure that the proposed piece (i) is in alignment with the public art master plan and other guidelines, and (ii) is appropriate to the site. However, the developer may also choose a visual artist or public context designer who is not represented in the catalog. Criteria to be considered in the selection of public art shall include the following:

(1) Quality: The public art piece demonstrates originality, artistic excellence, and quality.

(2) Media: All visual forms and media may be considered as outlined in subsection 28-265(b), subject to the approval of the Avondale Municipal Art Committee.

(3) Style: Public art of all schools, styles, and tastes should be considered.

(4) Response to site: Public art and art places should be appropriate in scale, material, form, content, and value for the immediate, general, social, and physical environments with which they are to relate.

(5) Team approach: Encourage the early involvement of the visual artist or public context designer as a member of the project design team.

(6) Durability: Consideration should be given to structural and surface integrity, permanence, and protection against theft, vandalism, weathering, excessive maintenance, and repair costs.

(7) Elements of design: Consider that public art, in addition to meeting aesthetic requirements, may also serve to establish focal points, terminate areas, modify, enhance, or define specific spaces, or establish identity.

(8) Public liability: Public art and art places should be examined for unsafe conditions or factors that may bear on public liability.

(9) Diversity: Strive for diversity of style, scale, media, designers, community values, forms of expression, and equitable distribution of public art throughout the city.

(b) Application. Prior to submittal of an application, a pre-application conference with the department as outlined in section 28-7 is required to become familiar with the requirements of this section 28-11 and city procedures. The application materials will be provided to the applicant at this time. The public art application shall be submitted as part of the development site plan and design review application to ensure that the public art is well integrated within the overall site plan. It shall include all of the following:

(1) Conceptual plan indicating the location and orientation of the public art within the site and the landscaping and/or architectural treatment integrating the piece into the overall project design.

(2) A sample, model, photograph or drawing of the proposed piece.

(3) Material samples and finishes, if appropriate.

(4) A résumé and at least one (1) reference of the proposed visual artist or public context designer.

(5) Slides and/or photographs of the proposed visual artist or public context designer's past work which demonstrates like work to the proposal.

(6) A written itemized statement by the visual artist or public context designer describing the response to the site and/or the physical environment with which they are to relate.

(7) A written statement or invoice by the visual artist or public context designer declaring the valuation of the public art.

(8) Statement of the ongoing maintenance requirements.

(c) Review period. The completed public art application shall be forwarded by the department to the Avondale Municipal Art Committee for review and action. The Avondale Municipal Art Committee shall review the application at its next scheduled monthly meeting, subject to posting requirements, and may make recommendations regarding possible changes, modifications or additions to the proposed public art. Seven (7) days prior written notice shall be provided to the applicant of the time and place of the meeting at which the application will be heard by the Avondale Municipal Art Committee. The applicant or applicant's representative may elect to present their proposal to the committee; however, a presentation is not required. The applicant will be notified of the Avondale Municipal Art Committee's decision within five (5) business days.

(d) Approval. The Avondale Municipal Art Committee shall approve or deny the public art application based on the public art master plan and the guidelines in section 28-269 below. The Avondale Municipal Art Committee may conditionally approve a proposed public art application subject to such conditions that the Avondale Municipal Art Committee deems reasonably necessary for such public art to satisfy the guidelines referenced in section 28-269. If the application is not initially approved by the Avondale Municipal Art Committee, the committee shall provide the applicant and the department with review comments within five (5) business days. The applicant shall attempt to address the review comments and resubmit the art application at least once before the appeal process outlined in section 28-270 can be initiated. If the application is approved by the Avondale Municipal Art Committee, the applicant will be sent a letter of approval within five (5) business days of committee action.

(e) Installation. The public art piece must be installed in accordance with the approved site plan prior to issuance of a certificate of occupancy for the new construction, unless the posting of security has been approved and made pursuant to section 28-267.

(f) Maintenance. All privately sited public art pieces shall remain the property of the owner for the life of the certificate of occupancy. Title and ownership of the public art piece shall transfer in whole or in part to any successor in interest of the structure. The owner of the public art piece shall provide all maintenance necessary to preserve the work in good condition. In addition, the owner of public art shall maintain in full

force and effect fire and extended insurance coverage, including, but not limited to, vandalism coverage, in a minimum amount of the greater of the fair market value or the purchase price of the subject public art. Failure to maintain the public art will make the owner subject to possible liens against the real property.

**28-260 Guidelines for approval.**

(a) The guidelines for review of the public art on site shall be in conformance with the public art master plan and the following objectives:

(1) Portray a unique or thematic design.

(2) Be appropriate in scale, form, content, materials, textures, colors and design to the site and surrounding environment.

(3) Be compatible in design and location with the design character or historic character of the site.

(4) Create an integral and complementary unity with the environment.

(5) Preserve and integrate natural features.

(6) Consideration of the public's safety.

(7) Be durable in material and easy to maintain.

(8) Demonstrate quality, artistic excellence and originality.

**28-270 Appeal to the city council.**

Any final decision of the Avondale Municipal Art Committee may be appealed to the city council. Said appeal shall be in writing stating the grounds thereof. All proceedings initiated by the action of the Avondale Municipal Art Committee shall be suspended pending a final determination by the city council of the merit of the appeal. The city council's decision regarding the appeal shall be final and not subject to further review or appeal.

**28-271—28-290 Reserved.**

## Article 12

## LANDSCAPE, WALLS AND FENCES

**28-291 Purpose.**

The purpose of this article 12 is to provide standards and regulations for the installation of landscaping, walls and related materials for all new and expanded development within the City of Avondale. The standards and regulations of this article 12 shall promote the following objectives:

(a) To promote the general welfare of the community.

(b) To effectuate attractive and logical development.

(c) To aid in the enhancement of property values.

(d) To create an attractive appearance along city streets.

(e) To complement the visual effect of buildings.

(f) To provide buffers between various land uses and protection from intense activities and to avoid or reduce negative impacts regarding visual, sound, privacy and/or glare to and from land uses.

(g) To aid in conserving water by encouraging the use of varieties of plants, trees and shrubs indigenous to arid regions which are characterized by low water consumption.

(h) To improve the shade canopy coverage within the city that will aid in cooling the air; absorbing carbon dioxide and stormwater run-off; and creating a more sustainable environment.

**28-292 Applicability.**

(a) Except as specifically set forth herein, all of the provisions of this article 12 shall apply to the following:

(1) All new development or construction.

(2) All building exterior remodeling, alterations, additions or expansions that:

(A) Increase the number of stories in a building on the lot.

(B) Increase by more than ten (10) percent or ten thousand (10,000) square feet, whichever is less, the combined floor areas of all buildings on the lot.

(C) Increase the parking coverage on the lot by more than two thousand (2,000) square feet.

(3) All changes of occupancy in the use or development of land which require the approval of a site plan, minor land division or subdivision plat by the city.

(b) The provisions of this Section 12 shall not apply to the following:

(1) Lots or sites within an approved and unexpired planned area development (PAD) that has been approved with its own landscape plan and/or written landscaping standards prior to the adoption of this section.

(2) Site plans that include landscaping approved and/or submitted for review prior to the adoption of this section.

(3) Lots or sites subject to the provisions governing amendment to approved site plans, set forth in article 1.

(c) Agricultural uses and single-family and two-family residences and their accessories shall comply with the walls and fences requirements of this section with the exception of subsection 28-297(b)(4). Agricultural uses, single-family and two-family residences and their accessories shall be exempt from the landscape and maintenance requirements of this article 12.

(d) For all development within the City Center Zoning District, landscaping shall meet or exceed the development standards for street design, street trees, parks, open space, landscaping, and overall design and development guidelines as set forth in the City Center Specific Plan; provided, however, that the provisions of subsections 28-293, 28-295, 28-296 and 28-297 shall be applicable to developments within the City Center Specific area.

(e) The standards and regulations of this article 12 shall be held to be the minimum requirements necessary for the promotion of the objectives set forth in section 28-291 above.

**28-293 General landscape provisions.**

(a) Planting criteria.

(1) All trees and plant material used within public rights-of-way shall conform to the most current version of the Arizona Department of Water Resources ("ADWR") "Drought Tolerant/Low Water Use Plant List" for the Phoenix Active Management Area (AMA). Plant types not currently on the ADWR Phoenix AMA list proposed for on-site landscaping shall be approved by the zoning administrator or authorized designee.

(2) All tree sizes shall be in accordance with the standards as described by the Arizona Nursery Association's "Recommended Average Tree Specifications".

(3) Plants in the public right-of-way shall be planted per the Arizona Nursery Association Container Grown Tree Guide and recommended planting techniques to maximize survivability. After planting, if not deemed viable despite available and feasible treatment, diseased, dying, or dead trees and shrubs shall be removed and replaced promptly in kind.

(4) The following plant material varieties shall be prohibited:

(A) Invasive plants and noxious weeds including, but not limited to, Desert Broom (Baccharis sarothroides), Salt Cedar or Tamarisk (Tamarix sp.), Giant Reed (Arundo donax), Mexican Palo Verde (Parkinsonia aculeata), Buffelgrass (Pennisetum ciliare), Fountain Grass (Pennisetem setaceum), African Sumac (Rhus lancea), Russian Olive (Elaeagnus angustifolia) and Tree of Heaven (Ailanthus altissma).

(B) Mulberry Trees (Morus sp.).

(C) Olive Trees (Olea europaea) with the exception of the Swan Hill™ and Wilson™ Olive varieties.

(5) Plant material that meets the planting criteria as set forth herein, but which is not found on the current ADWR Low Water Use/Drought Tolerant Plant List may be found acceptable for areas outside of street rights-of-way, subject to approval of the zoning administrator or authorized designee. Any material considered an invasive species shall not be permitted.

(6) Tree size minimum standards.

(A) All trees required on site shall have a minimum box size of twenty-four (24) inches.

(B) All trees shall be specified in the schedule of plant material (required as part of the Preliminary Landscape Plan and the Final Landscape Plan) by height, width and by any other relevant information which defines the exact specifications of the plant material being proposed. Trees specified by nursery container sizes only shall not be accepted.

(C) All palm trees (fan palms, date palms, and queen palms) shall have a minimum twelve-foot trunk height measured from the base of the trunk to the base of the fronds.

(7) All plants shall have full crowns, be fully rooted in their containers without being root-bound, and meet the criteria as specified on the drawings and meet or exceed industry standards.

(8) Shrub and vegetative groundcover minimum criteria.

(A) All shrubs shall be no less than one (1) gallon in size. A minimum of seventy-five (75) percent of the required number of shrubs shall be at least five (5) gallons in size.

(B) All groundcover plants shall be no less than one (1) gallon in size.

(9) No artificial plant materials may be used to satisfy the requirements of this Section, with the exception of artificial turf at recreational facilities if approved by the zoning administrator or authorized designee.

(10) If existing trees are to be preserved in place or salvaged and relocated, such trees shall be shown on the landscape plan as specified herein, together with a statement as to how such trees are to be protected or salvaged during land clearing and construction.

(b) Ground-level treatment.

(1) General.

(A) All landscaped areas shall be composed of a combination of plant materials and non-vegetative ground cover designed to accomplish the objectives set forth in section 28-291 above and to the minimum standards as set forth below.

(B) All landscape surface areas shall be finished with turf or a natural material including, but not limited to, the following: decomposed granite, native fractured rock, native surface rock, river run rock, or chipped or shredded wood as set forth herein. A pre-emergent herbicide shall be applied to the ground after the placement of non-vegetative mulch materials to prevent weeds.

(2) Materials.

(A) Decomposed granite shall be three-quarter (¾) inch screened material or larger and installed at a minimum of two (2) inch depth for all non-residential uses.

(B) Any rock material that is embedded in a mortar or concrete base shall be to a depth of two-thirds (⅔) the dimension of the rock to prevent its removal or relocation. Each rock shall not be spaced further than one-half (½) inch from another rock. Mortar or concrete areas between rocks shall be raked and all splatter on rocks removed. When installed in loose form, material depth shall be no less than four (4) inches, and if removed shall be reinstalled at the owner's expense.

(C) The use of turf shall be restricted according to the provisions as set forth herein. Sod shall be specifically cultivated to thrive in the conditions present at the particular site (e.g., shade- or sun-tolerant species). The applicant must provide specifications for the type of sod being proposed as part of the detailed plant list. The use of seed or sprigs for turf installation shall be prohibited.

(D) Other non-vegetative or inert groundcover materials may be used subject to approval by the zoning administrator or authorized designee.

(3) The installation of turf shall be limited to the following uses: single-family residences and their accessories, outdoor recreation facilities including parks and golf courses, schools, churches, resorts, and retention basins and retention basin slopes. Turf may also be utilized at commercial and business park developments, provided that such turf shall not occupy more than twenty-five (25) percent of the landscape area except as approved by the zoning administrator or authorized designee.

(c) Irrigation.

(1) All landscaping shall be serviced with a permanent underground automated irrigation system designed in compliance with the "Minimum Standards for Landscape Irrigation" as published by the Arizona Chapter of the American Society of Irrigation Consultants. A backflow prevention assembly shall be provided and caged according to standard details adopted by the city. All irrigation systems and landscaped areas shall be designed, constructed and maintained so as to promote water conservation and prevent water overflow or seepage.

(2) Any areas requiring native re-vegetation or restoration shall be irrigated with an underground automated irrigation system until all plants have been established as determined by the zoning administrator or authorized designee.

**28-294 Landscape design standards.**

(a) General.

(1) Design manuals.

(A) All landscaping for Single-Family Residential development shall meet or exceed the guidelines for landscaping as set forth in the city's Single-Family Residential Design Manual.

(B) All landscaping for commercial, employment and/or multi-family zoning districts shall meet or exceed the guidelines for landscaping as set forth in the city's applicable design manual.

(c) All landscaping in the public right-of-way shall meet or exceed the guidelines contained in the City of Avondale Street Tree Master Plan.

(2) All development projects shall provide landscaping in all portions of the development site not required for buildings, structures and loading and vehicular access ways in accordance with the required landscape improvements as set forth herein.

(3) Plant material shall be utilized to aid screening of parking, dumpster enclosures, outdoor storage areas, alleys, infrastructure such as utility cabinets, transformers, wireless facility or a transmitting tower equipment enclosures, backflow preventers, and service and utility areas. The property owner shall coordinate this screening requirement with the appropriate utility authorities to avoid access conflicts.

(4) Plants and trees that have a mature width and/or height capable of interfering with overhead utility lines shall be located a minimum of ten (10) feet from the utility line alignment or at such other distance as required by the utility provider.

(5) When the primary entrance of a building is more than one hundred fifty (150) feet from the nearest point of a public sidewalk, and the entrance is accessed by a pathway traversing a parking lot, an overhead shade structure or tree canopy is required along the pathway. Shade elements may include opaque structures (e.g., arbor, pergola, portico, awning, and canopy) and/or shade trees planted with a minimum of one (1) tree provided for every twenty-five (25) feet of lineal pathway. Tree location and spacing shall be established through the development plan review.

(6) Landscaping shall be designed and maintained in accordance with the height, location and sight visibility requirements as set forth herein.

(7) Mounding and contouring of landscaped areas shall be required. Berms up to three (3) feet in height and depressions up to two (2) feet in depth are allowed based on adjacent finished grades. Slopes shall not exceed a four to one (4:1) ratio in planted areas or a five to one (5:1) ratio in turf areas.

(8) Landscaped areas shall not be used for parking of vehicles, display of merchandise or other uses detrimental to the landscaping.

(9) Plant material shall be arranged in such a manner that is representative of their natural habitat or in small architectural groupings to create visual accent features. Cacti and succulents should be used to the fullest extent possible. Thorny plants and cacti shall not be planted where their mature spread would be closer than three (3) feet from any walkways or parking area curbing.

(b) Required landscape improvements per zoning districts.

(1) Trees planted in the public right-of-way/street frontage may be counted toward the overall tree minimums required by this ordinance.

(2) Single-Family Residential Zoning Districts. For all development within the Single-Family Residential Zoning Districts (AG, R1-35, R1-15, R1-10, R1-8, R1-7, R1-6, R1-5) a minimum of three (3) trees per dwelling unit shall be provided. One (1) of the required trees per lot shall be placed between the dwelling unit and right-of-way that is adjacent to the front yard.

(3) Multi-Family Residential Zoning Districts. For all development within the Multi-Family Residential Zoning District (R-4, R-3, R-2) a minimum of one and one-half (1½) trees per dwelling or guest unit shall be provided. This number of trees shall not include the trees required in a landscape buffer, parking lot, landscape setback or right-of-way planting as specified in this article 12.

(4) City Center District. For all development within the City Center District, landscaping shall meet or exceed the design guidelines and requirements for street design, street tree criteria, parks, open space, landscaping and overall design and development guidelines as set forth in the City Center Specific Plan.

(c) Required landscape areas.

(1) General. All development projects shall provide on-site landscaped areas located in accordance with the following standards and requirements:

(A) For Employment Zoning Districts, landscaped areas shall be provided in an amount equal to or greater than fifteen (15) percent of the ground floor area of all buildings or ten (10) percent of the net site area, whichever is greater.

(B) For all developments within the Multi-Family Residential Zoning Districts (R-2, R-3, R-4), landscaped areas shall be provided in an amount equal to or greater than twenty (20) percent of the net site area; and shall be increased by five (5) percent for each additional floor over one (1) story to a maximum of fifty (50) percent of the net site area.

(C) For all development within all other zoning districts, landscaped areas shall be provided in an amount equal to or greater than twenty (20) percent of the net site area.

(D) Future building pads within a phased development shall be improved with a minimum one-quarter (¼) inch decomposed granite.

(E) Landscape setback requirements shall be as specified below.

(2) Street right-of-way landscaping.

(A) The landscaping of all street rights-of-way contiguous with the proposed development site not used for street pavement, curbs, gutters, sidewalks, transit facilities or driveways or other facilities as required shall be landscaped as set forth herein.

(B) Street right-of-way plantings shall include a minimum of one (1) tree and ten (10) shrubs for every twenty-five (25) feet of street frontage. Trees shall be located in a manner that provides maximum shade for pedestrians. Trees must be planted in areas five (5) feet and greater width when such areas are located (i) between the back of curb and edge of a sidewalk or (ii) between the edge of sidewalk and the right-of-way line. Shrubs and groundcovers shall be planted in areas three (3) feet and greater in width.

(C) Trees may be located within three (3) feet of either edge of the public utility easements, leaving a minimum five-foot clear zone within the easement, as approved by the city engineer or authorized designee. Shrubs and groundcover are permissible within the full width of the easement area.

(D) Median landscaping shall be designed with colorful and contrasting plant and pavement materials planted and maintained in such a way that does not obstruct the required sight visibility lines at median breaks or intersections, and does not create other safety issues.

(E) The minimum width for a planted median is three (3) feet. Median width is measured from the back of curb to back of curb.

(F) Median widths less than three (3) feet shall have a durable, decorative pavement or inert surface treatment as approved by the zoning administrator or authorized designee.

(G) Median widths ten (10) feet and greater shall have a minimum of one (1) tree and five (5) shrubs for every thirty (30) lineal feet of median.

(H) Median plantings may include cacti and succulents as accent features covering no more than fifteen (15) percent of the total landscape area. Shrub and accent plants shall be less than four (4) feet in width and three (3) feet in height at their mature growth.

(I) All shrub and accent plants located within sight visibility lines shall be less than two (2) feet in height at their mature growth unless otherwise approved by the zoning administrator or authorized designee. All trees located within sight visibility lines shall be single-trunked with canopies higher than seven (7) feet.

(J) For medians in arterial roadways that will be built in phases, landscaping shall be located to minimize future relocation of trees, pavers and irrigation.

(K) The zoning administrator may authorize reduced landscaping quantities if easements or other special site conditions reduce the available planting area.

(3) Landscape setback.

(A) Landscaping shall be planted along all street frontages in a designated landscape setback as approved through the development plan review process. The landscape setback shall be measured from the right-of-way line to the nearest building, structure, on-site parking or outdoor storage area. Plantings in the landscape setback may be integrated into the adjacent street right-of-way landscaping.

(B) Parking and maneuvering areas shall not be permitted in the landscape setback except access drives and access walkways.

(C) The landscape setback shall be a minimum width along a particular street frontage and shall be established and maintained along all classified streets between any building and/or structure, on-site parking area or outdoor storage area and the nearest point of the property line. Landscape setbacks shall be as follows:

i. Single-Family Residential Zoning Districts: For arterial streets, a landscape setback of thirty (30) feet shall be required. For collector streets, a landscape setback of fifteen (15) feet shall be required.

ii. Multi-Family and Employment Zoning Districts: The minimum depth of a landscape setback shall be equal to the required street-side setback for the Zoning District in which the development is located.

iii. Commercial Zoning Districts: For commercial developments, the minimum depth of a landscape setback shall be equal to the required parking setback for the district that the development is located in, except in the instance where a building(s) encroaches into a required parking setback, the minimum landscape setback shall be the shortest distance between the street-side property line and nearest point of the building(s).

iv. The landscape setback requirements shall not be applied to the OTAB District and Cashion District.

(D) The installation of trees, shrubs and vegetative groundcover shall be required in an amount equal to or greater than one (1) tree and ten (10) shrubs for every twenty (20) feet of street frontage, and vegetative groundcover as required to meet a minimum of sixty-five (65) percent cover of the total street frontage landscaped area. The minimum percentage of total vegetative cover shall be calculated by using two thirds the mature plant canopy width or spread.

(E) All landscaping located in the landscape setback adjacent to driveway exits and street intersections, and within sight visibility lines shall be designed, installed and maintained in a manner that preserves sight line visibility.

(F) The zoning administrator may authorize reduced landscaping quantities if easements or other special site conditions reduce the available planting area.

(4) Arterial intersections.

(A) Landscaping shall be enhanced within arterial rights-of-way as determined through development review, and shall not be less than what is required for street frontages.

(B) All landscape treatments within this planting easement shall meet the requirements adopted by the city relating to sight visibility.

(5) Land use buffers.

(A) Minimum landscape buffers shall be required along all property lines of a site developed for Multi-Family Residential, Commercial or Employment Zoning Districts or uses when such property lines are "contiguous" with any Single-Family Residential use or Single-Family Residential Zoning District. For the purpose of this subsection 28-294(c)(5), "contiguous" shall include properties separated only by an alley. Buffers shall be required as follows:

i. Fifteen (15) feet where any Multi-Family Residential Zoning District or use abuts a Single-Family Residential Zoning District or use.

ii. Twenty-five (25) feet where any Commercial Zoning District or use abuts a Single-Family Residential Zoning District or use.

iii. Thirty-five (35) feet where any Employment Zoning District or use abuts a Single-Family Residential Zoning District or use.

iv. Forty (40) feet where any loading docks, trash enclosures and service drives abut a Single-Family Residential Zoning District or use.

(B) Minimum landscape buffers shall be required along all property lines of a site developed for Commercial or Employment Zoning Districts or uses when such property lines are "contiguous" with any Multi-Family Residential use or Multi-Family Residential Zoning District. For the purpose of this Subsection 28-294(c)(5), "contiguous" shall include properties separated only by an alley. Buffers shall be required as follows:

i. Fifteen (15) feet where any Commercial Zoning District or use abuts a Multi-Family Residential Zoning District or use.

ii. Twenty-five (25) feet where any Employment Zoning District or use abuts a Multi-Family Residential Zoning District or use.

C) No landscape buffers shall be required for Multi-Family residential uses contiguous with other Multi-Family Zoning Districts or uses.

(D) The landscape buffer areas as set forth herein shall provide a vegetative screen improved with a minimum of one (1) tree and three (3) shrubs for every fifteen (15) lineal feet of the property boundary being screened.

(E) Parking and maneuvering areas shall not be permitted in the landscape buffer.

(6) Parking lot landscaping and parking structures.

(A) Parking lots shall have landscape treatments that provide shade and allow for line-of-sight surveillance. Except as otherwise provided in this section, a minimum of fifteen (15) percent of all parking lot areas shall be landscaped. This requirement is exclusive of any on-site landscape area requirement as set forth herein.

(B) Parking islands shall be installed at least every eight (8) consecutive parking spaces and located at the ends of each row of parking spaces. Such islands shall be a minimum of five (5) feet wide interior dimension measured from inside curb to inside curb, and a length equal to the adjacent parking stall length. Diamond-shaped parking islands are prohibited.

(C) Parking islands shall be planted with at least one single-trunk shade tree compliant with the specifications in subsection (a)(6) of this section. Tree species selection shall be made to provide maximum shade canopy and avoid excessive litter.

(D) Landscaped medians shall be provided for all double rows of parking that exceed thirty (30) total spaces. Each median shall be a minimum width of five (5) feet exclusive of a two-foot parking overhang on both sides. Curb breaks may be provided to accommodate drainage flows. A deviation or alternative to this requirement may be considered by the zoning administrator or designee provided the intent of the landscape median is satisfied.

(E) Parking areas shall include a minimum of twenty-foot wide landscaped medians to divide large parking fields into smaller areas of one hundred fifty (150) parking spaces or less. Medians must be oriented for pedestrian use and navigation and must include a minimum of five-foot wide sidewalks. The zoning administrator or authorized designee may waive this requirement for any project where buildings or pedestrian plazas serve to break the parking field into areas of one hundred fifty (150) spaces or less.

(F) Each parking island shall contain a minimum of one (1) tree and five (5) shrubs, exclusive of perimeter landscaping and street trees. All shrubs in parking islands shall not exceed three (3) feet in height at maturity and be of a species that will not interfere with line-of-sight surveillance of the area. Groundcover plants may be used in the parking islands if approved by the zoning administrator or authorized designee.

(G) The overhang area of two (2) feet in front of a parking stall shall not contain any trees or shrubs.

(H) Trees and lighting shall be located to avoid conflicts with each other and with existing and proposed structures.

(I) Parking lot light poles shall be placed within a landscaped area.

(J) Parking structures shall have perimeter landscaping consistent with building setbacks and designed to provide partial screening of walls and vehicle lights, shade along sidewalks and line-of-sight surveillance into parking structures.

(7) Retention basins.

(A) All on-site drainage retention areas, other than paved surfaces, shall be entirely landscaped. Stormwater retention basins with maximum basin depth exceeding three (3) feet below grade shall not occupy more than fifty (50) percent of the on-site street frontage landscape setback area. Where maximum basin depth is less than or equal to three (3) feet and exceptional design is exhibited through contouring and landscaping, as determined by the zoning administrator or designee, a greater use of the frontage for retention purposes may be allowed.

(B) Retention basin slopes shall not exceed a four to one (4:1) ratio when planted, and shall not exceed a five to one (5:1) ratio in turf areas.

(C) Retention basins shall be designed to provide varying side slopes and natural contouring by meandering the top and toe of slopes. Rectilinear and geometric basin shapes shall only be allowed if approved by the zoning administrator or authorized designee.

(D) Retention basins, including basin bottoms, shall meet the landscape criteria set forth herein for street frontages.

(8) Building frontage.

(A) Foundation planting shall be required adjacent to buildings fronting on streets or drive aisles. A minimum of fifty (50) percent of the building frontage shall be landscaped as set forth herein.

(B) The minimum width for a foundation planter shall be five (5) feet, measured from the foundation to the nearest curb, sidewalk, or parking lot. The foundation planting area shall include, at a minimum, shrubs and groundcover. Trees shall be included when a foundation planter is adjacent to a sidewalk or pedestrian area.

(C) A deviation or alternative to the building frontage requirements, including but not limited to, raised planter with seatwalls and potted trees or shrubs, may be considered by zoning administrator or authorized designee as long as the intent of the requirement is met.

(9) Sight-visibility easements. All landscaping and plant materials installed within City of Avondale sight distance lines and/or within an Arizona Department of Transportation sight distance triangle shall be installed and maintained so that no shrub or groundcover shall exceed two (2) feet in height above the top of curb at maturity and all trees shall be limbed up to seven (7) feet of clearance.

(10) All plant material utilized for screening of trash enclosures and service and utility areas, including Wireless Facility equipment enclosures, shall be a minimum five-gallon can size at a maximum four (4) feet on-center spacing. At Wireless Facility or Transmitting Tower locations, provide a minimum of four (4) live thirty-five-foot tall trees at locations where "stealth" structures are proposed (i.e., palm trees at location of a "monopalm").

(11) Single-family new residential subdivision developments: A landscaping package for each lot shall be provided by the builder/developer consisting of a minimum of two (2) trees per unit, as specified herein, to be planted adjacent to the street frontage.

(12) Multi-family: Common and open space areas adjacent to street frontages shall receive special landscaping treatment to provide an enhanced aesthetic setting for both the residents of the project and the general public. Special entry features, including architectural and vegetative treatments, shall be provided at major entrances into the development that reflects the unique identification of the community.

(Ord. No. 2045-1220, §§ 22, 23, 12-7-20)

**28-295 Landscape plans.**

(a) General landscape plan requirements. Landscape plan submittals consisting of a preliminary landscape plan, a final landscape plan and a landscape maintenance schedule shall be prepared, submitted and approved for all applicable development projects in accordance with the procedures and requirements set forth herein and as required under article 1 of this zoning ordinance. All plans shall be stamped and signed by a registered landscape architect licensed in the State of Arizona.

(b) Preliminary landscape plan. The preliminary landscape plan shall illustrate the site layout, site amenities, plant material and plant locations. The preliminary landscape plan shall include the following information:

(1) Proposed locations for all landscape material, organic and inorganic.

(2) A preliminary landscape materials schedule identifying each plant's common and botanical name, plant sizes and quantities, and the specification, size, and color of any inert materials.

(3) Preliminary landscape details and construction notes, including the required City of Avondale notes.

(4) Preliminary locations of all easements on the site including, but not limited to, public utility easements, drainage easements, roadway easements, construction easements, and United States of America irrigation easements.

(5) A completed planting data sheet.

(6) Locations of all above-grade and underground detention/retention drainage basins.

(7) All preliminary utility locations that impact the locations of any plant material including, but not limited to, underground utilities, transmission lines, site lighting, transformers and utility cabinets, backflow preventers, street lights and sign poles.

(8) Preliminary irrigation mainline alignment, sleeving, product information, schedule, and details.

(9) Any other pertinent information as requested by the zoning administrator or authorized designee as necessary to evaluate the landscape design.

(c) Final landscape plan. The final landscape plan shall be submitted concurrently with all other required site improvement and construction plans at the time of application for a building permit. Any alterations to the approved Preliminary Landscape plan must be approved by the zoning administrator or authorized designee prior to the final landscape plan submittal. The following information shall be added to the final landscape plans for review:

(1) Revised locations, if any, for all landscape material, organic and inorganic.

(2) A final landscape materials schedule identifying each plant's common and botanical name, plant sizes and quantities, and the specification, size, and color of any inert materials.

(3) Final locations of all easements on the site including, but not limited to, public utility easements, drainage easements, roadway easements, construction easements, and United States of America irrigation easements.

(4) All final utility locations including, but not limited to, site lighting, transformers and utility cabinets, backflow preventers, street lights, and signs.

(5) Final landscape details and corresponding construction notes. All required City of Avondale notes are to be shown on all sheets.

(6) Final irrigation plans, irrigation details and irrigation construction notes shall be provided illustrating the layout and details of the irrigation system including the type and location of all materials utilized.

(7) A landscape maintenance manual including, at a minimum:

(A) A landscape maintenance narrative that describes the theme of the selected plant palette and the overall design intent (i.e. preserving the natural characteristics of each material).

(B) The approved plant list including plant sizes, irrigation emitter gallonage per species and specific plant maintenance notes.

(C) A monthly maintenance schedule describing seasonal maintenance requirements such as, but not limited to, fertilization, pest and weed control, pruning, and an irrigation schedule indicating the required adjustments to the watering schedule throughout the year, reflecting seasonal climatic changes.

(D) Example photographs and clear directions for proper pruning techniques for each plant type. All pruning of plants shall conform to the current version of the American National Standard, ANSI A300 - Tree Care Operations - Tree, Shrub, and Other Woody Plant maintenance - Standard Practices.

(8) Any other pertinent information as requested by the zoning administrator or authorized designee as necessary to evaluate the final landscape plans.

**28-296 Landscape inspections.**

(a) All projects required by this article 12 to be landscaped must be inspected and receive approval from the zoning administrator or authorized designee prior to a certificate of occupancy being issued by the city. Such inspections shall be requested by the applicant at least forty-eight (48) hours in advance.

(b) The zoning administrator or authorized designee shall refuse to approve any project not meeting the provisions set forth herein. The zoning administrator or authorized designee shall also reject landscape materials that are substandard as to size, condition, or appearance.

(c) The applicant may request an inspection of plant materials either on site or at the supplier prior to planting; provided, however, that any such pre-inspection shall only provide assurance as to the type and condition of plant materials desired and shall not constitute an acceptance of the final landscaping as installed.

(d) The applicant must provide samples of all inert materials to the zoning administrator or authorized designee for review and approval of use prior to installation. Such reviews shall only provide assurance as to the type of materials to be used and shall not constitute an acceptance of the final material installation.

**28-297 Walls and fences.**

(a) In all locations where walls or fences are either required by this subsection or desired by the property owner, the walls and fences shall conform to all provisions as set forth herein.

(b) General wall and fence design standards.

(1) All walls and fences for single-family residential development shall meet or exceed the guidelines set forth in the Single-Family Residential Design Manual for the City of Avondale.

(2) All walls and fences for commercial, employment and/or multi-family development projects shall meet or exceed the guidelines set forth in the applicable design manual.

(3) All walls and fences shall meet all current building code material and construction standards. Minimum finished wall thickness shall be no less than six (6) inches.

(4) All walls shall be articulated to create visual interest by means such as, but not limited to, a change in plane and/or height, an integration of curves, material and color accents, pillars, or sculptural insets.

(A) All walls along arterial or collector streets, with a continuous length greater than one hundred fifty (150) feet shall use a horizontal undulating pattern or offset at minimum intervals of fifty (50) feet to provide variety and visual interest. The undulation/offset depth parallel to the street line shall be a minimum of three (3) feet.

(B) A minimum of two (2) different types of materials or treatments is required for every wall on site. Wall materials shall be six (6) or eight (8) inches wide, cast-in-place concrete, precast concrete block, natural stone, or a similar solid, durable, equal or better quality material and shall conform to the following:

i. Wall materials shall complement the primary on-site building materials and colors.

ii. Color and texture variations may constitute a change in materials, however. A change in materials shall not exceed two (2) types of materials. More than two (2) types of material changes must be approved by the zoning administrator or authorized designee.

iii. Material accents, sculptural insets and other aesthetic wall treatments shall be considered a separate material use as approved by the zoning administrator or authorized designee.

iv. Walls that are completely veneered with stone, brick, or other similar quality materials may be excluded from this requirement if approved by the zoning administrator or authorized designee.

v. The color and texture of stucco walls shall complement the primary on-site building materials and colors.

vi. Split-faced, scored, or similar decorative types of block shall not be stuccoed.

vii. Proposed wall materials, colors, and textures, as well as the proposed aesthetic treatments shall be submitted with the preliminary site plan.

(5) Walls shall be opaque and linear when separating different land uses. All masonry unit walls shall have a decorative cap not to exceed the maximum wall height allowed.

(6) An ornamental painted metal fence with concrete or masonry-capped pillars may be approved as a substitute for an opaque wall if the wall is not required for visual screening such as for land-use buffer requirements, service areas, trash enclosures, outdoor storage areas, or parking areas.

(A) Pillars for fencing shall be spaced as follows:

i. One (1) pillar/fifty (50) feet (minimum two (2)) if less than one hundred (100) linear feet.

ii. One (1) pillar/one hundred (100) feet if fence length if over one thousand (1,000) linear feet.

iii. A reduction in pillars may be allowed for fencing greater than one thousand (1,000) linear feet if fencing is not visible from a public street as determined by the zoning administrator or authorized designee.

(B) The fence and pillar treatment as set forth herein may be used where a multi-family residential development is contiguous with other Multi-Family Residential Zoning Districts or uses.

(7) Gates: In those instances where a wall is erected as an enclosure, a gate of equal height shall be required in order to secure the enclosure. The gate shall be an opaque, metal material and shall be compatible with the design of the buildings and related site features.

(8) Vinyl-coated chain-link fencing: The use of vinyl-coated chain-link fencing is restricted to single-family residential lots and recreational sport courts (i.e. tennis, basketball, volleyball, etc.). The height limitation may be exceeded when fencing is built around sports courts along the rear and side yards only and by approval of the zoning administrator or authorized designee. Vinyl coating for fencing shall be black, dark brown or dark green. Galvanized chain-link fencing is prohibited except on construction sites and locations of approved seasonal sales uses.

(9) Barbed-wire fences: Barbed wire shall be prohibited except for temporary construction sites in all zoning districts, provided that the barbed wire is located six (6) feet or more above grade. If barbed wire has not been removed from the site at the time of final inspection, a certificate of occupancy shall not be issued.

(10) Where a property owner(s) desires to extend an existing wall or fence that does not meet the requirements as stated above, the zoning administrator may approve a wall design consistent with the original, existing wall.

(11) Frequent breaks in perimeter walls shall be provided to allow pedestrian access to adjacent streets and developments. These breaks should align appropriately with adjacent developments, open spaces and pathways when possible.

(c) General wall and fence height standards.

(1) The maximum height of any wall or fence shall be measured from the finished surface grade of the ground, paving or sidewalk where the wall or fence will be located.

(2) Walls or fences located in a required front yard building setback, including walls for single-family dwellings, shall be three (3) feet six (6) inches maximum in height. An increase in the maximum height may be permitted subject to review and approval by the zoning administrator or authorized designee. Notwithstanding this authority, the maximum height that may be approved is six (6) feet. For all heights above three (3) feet-six (6) inches, the property owner shall demonstrate that line-of-sight surveillance to the street will be maintained by incorporating openings, providing transparent materials or varying height/materials.

(3) In areas behind a required front yard building setback and within the required rear and side yards, including walls for single-family dwellings, the maximum height of walls shall be six (6) feet, except where a taller wall is necessary to screen service areas. For single-family uses, the maximum height shall be eight (8) feet when adjacent to an arterial road.

(4) A masonry wall shall be required for through lots with rear lot lines adjacent to an arterial street, and the maximum height of such rear wall shall be eight (8) feet.

(5) All walls shall be subject to review and approval through development plan review. Any wall in excess of seven (7) feet shall require a building permit, as required by the City's adopted Building Code.

(d) Land-use buffer walls.

(1) Screen walls shall be designed and constructed in accordance with the provisions set forth herein and shall be required along all property lines of a site developed for multiple-family residential, commercial or employment uses when such property lines are contiguous with or separated only by an alley from a single-family residential development or zoning district.

(2) Walls required for land-use buffers as set forth herein shall be located along all common property lines and shall meet the following height requirements:

(A) Six (6) feet when a screen wall separates a Single-Family Residential District or use from a Commercial, and/or Multi-Family Residential District or use. The zoning administrator or authorized designee may determine that an eight-foot wall may be warranted in certain cases.

(B) Eight (8) feet when a screen wall separates a Single-Family Residential District or use from an Employment District or use.

(3) No screen walls shall be required for multi-family residential uses contiguous with other Multi-Family Zoning Districts or uses or along interior property lines separating individual development sites. However, if a property owner or applicant desires a screen wall at these locations, the wall must meet the requirements set forth herein for screen walls, and as approved by the zoning administrator or authorized designee.

(e) Perimeter walls at single-family residential developments.

(1) Perimeter walls shall be architecturally enhanced with landscaping and materials that complement the development's architecture, provide a distinct design that represents the specific community, and meet the intent of the design standards as specified in subsection 28-297(b) above and herein.

(2) Eight-foot tall, six-inch thick walls required along all arterials.

(3) Six-foot tall, six-inch thick walls are required along all collectors and local streets.

(4) Perimeter walls shall use an undulating pattern or offset as specified herein, with an aesthetic feature that contains a design/pattern every six hundred (600) feet and an architectural column every three hundred (300) feet. A minimum of a four-inch cap is required.

(5) Accent materials shall be brick, natural stone, tile, travertine or other materials durable in a desert environment.

(6) All perimeter walls shall be constructed concurrent with the associated phase of development.

(7) Theme walls, reflecting the unique character of the community, shall be installed in all areas visible from public view with enhanced landscaping to compliment the architecture and related on-site features.

(8) View fences shall be integrated into a development along open space areas with wrought iron, painted metal screens, Plexiglas or other decorative materials that promote view corridors and safety.

(f) Interior walls at single-family residential developments. If a property owner or applicant desires a screen wall or fence at these locations, it must meet the requirements set forth herein and as approved by the zoning administrator or authorized designee.

(g) Parking lot screens. All on-site parking areas adjacent to any street shall be screened from street views according to the provisions as set forth herein. This standard can be met through the use of the following screening methods, which may be used individually or in combination:

(1) Screen walls shall be a minimum of three (3) feet six (6) inches in height, constructed of masonry or concrete, be a minimum of six (6) inches in thickness, and incorporate offsets and relief as specified herein.

(2) All walls shall be articulated to create visual interest by means such as, but not limited to, a change in plane and/or height, offsets, and/or an integration of curves, material and color accents, pillars, or sculptural insets.

(3) Fifty (50) percent of all required parking lot screen walls shall have specialty details, decorative materials, surface articulation, and at least two minimum types of materials, and/or aesthetic interest elements, and shall conform to the requirements specified in section 28-297(b). Provide the decorative finish on both sides if visible to the general public.

(4) Open areas or portals for line-of-sight surveillance and pedestrian access from the street to the site shall be provided as required by the zoning administrator or authorized designee.

(5) Earth berms, if used in lieu of or in conjunction with screen walls, shall have a maximum slope ratio of four to one (4:1) in planted areas and a maximum slope ratio of five to one (5:1) in turf areas. Berms are allowed only when there is sufficient area to create a three-foot six-inch tall berm with natural contouring and varying slopes. Linear and geometric shaped berms shall only be allowed as approved by the zoning administrator or authorized designee.

(6) A natural vegetation screen may be used in conjunction with a manmade screen wall, but for only forty (40) percent of the required wall length as approved by the zoning administrator or authorized designee. The natural vegetation screen must meet the screening and height requirements as specified herein as well as the landscape design requirements contained in section 28-294.

(h) Outdoor storage areas. All outdoor storage areas for materials, vehicles, trailers, equipment, trash or other similar items shall be enclosed by a masonry or concrete wall with an opaque metal gate to screen the view of these uses from public rights-of-way and adjoining residential, commercial and mixed-use districts. This wall and gate shall be a minimum of eight (8) feet tall but not to exceed ten (10) feet tall, measured from the adjacent finished surface grade or street curb, whichever is higher.

(i) Service areas. All service bays, loading docks, delivery and refuse areas shall be screened from street view by a minimum of a six-foot high concrete or masonry unit wall. Site conditions and surrounding uses will be used to determine maximum height of walls adjacent to loading areas, service bays, mechanical equipment, etc. that are required to be screened.

(j) Utility cabinets. All utility cabinets including, but not limited to, transformers, shall be screened by architectural metal fencing, walls that match nearby perimeter walls, berming and/or dense landscaping as determined at development plan review. Screening shall not conflict with access requirements.

(k) Alleys. Screening requirements along alleys shall be the same as for land use buffers.

(l) Manufactured homes. Perimeter boundaries of all manufactured home parks shall contain a screen wall that conforms to the criteria and requirements as set forth herein.

**28-298 Maintenance.**

(a) Landscaped areas shall be maintained as follows:

(1) All landscape material shall be maintained according to the standards as set forth herein on the approved landscape maintenance manual. Landscaping and irrigation systems shall be maintained in accordance with the landscape maintenance manual submitted according to subsection 28-295(c)(7) and as approved by the city.

(2) All landscape areas and material shall be maintained in a healthy, neat, clean and weed-free condition.

(3) Permanent modifications and/or removal of existing landscaping, other than necessary for utility, infrastructure, or other repairs caused by unforeseen damages, shall require prior approval by the zoning administrator or authorized designee. Any approved landscaping that has been permanently removed for any reason without the zoning administrator's or authorized designee's approval shall be reported to code enforcement and a notice of violation may be issued. Material replacement shall be in kind and not less than the minimums as set forth herein, at the owner's expense. Planting shall be replaced per the approved landscape plan or as necessary to meet the requirements stated herein.

(4) Any plant material determined by the zoning administrator or authorized designee to be unhealthy or in decline and not able to be treated, as verified by a certified arborist shall be replaced in kind and not less than the minimums as set forth herein, at the owner's expense. This includes, but is not limited to, natural vegetation screens.

(5) Plant material shall be pruned according to the approved landscape maintenance manual and conform to the current version of the American National Standard, ANSI A300 - Tree Care Operations - Tree, Shrub, and Other Woody Plant maintenance - Standard Practices. Plants shall not be severely pruned such that the natural growth pattern or characteristic forms are significantly altered.

(6) Tree topping is prohibited. Any tree that has been altered by this measure shall be immediately removed and replaced in kind with a new tree, at the owner's expense.

(7) Landscape areas on-site, as well as in the adjacent right-of-way, shall be maintained by the owner or owner's association (if applicable), and shall be maintained as approved in the landscape maintenance manual. Any areas designated and intended for the purposes of on-site stormwater retention shall be maintained and reserved for that primary purpose. Any alteration or deterioration of those areas shall be considered a violation of this article 12.

(8) It shall be a violation of the provisions of this section for any person to (a) abuse, destroy or mutilate any tree, plant or shrub within the public rights-of-way, (b) attach or place any rope, wire or other item to or on any plant (other than to appropriately support the plant), unless approved by the zoning administrator or (c) allow any gaseous, liquid or solid substance that is harmful to plants to come in contact with plant roots, trunks, or leaves.

(b) Every wall or fence shall not be allowed to become and remain in a condition of disrepair, damage or unsightliness or in any condition that violates any provision of this zoning ordinance or other applicable city code, ordinance or regulation. Any wall or fence, or a portion of either, that is removed for any purpose or by any means whatsoever, shall be restored to its original or upgraded condition relative to construction, material and finish.

**28-299—28-310 Reserved.**

## Article 13

## MARIJUANA USES

**28-311 Purpose and applicability.**

The purpose of this article 13 is to provide for regulations necessary to protect the public health, safety and welfare for the general public by limiting the possible negative secondary effects of medical marijuana facilities. The provisions of this article 13 shall apply to all medical marijuana dispensaries and medical marijuana cultivation locations located within the corporate limits of the City of Avondale.

**28-312 Location restrictions.**

(a) Medical marijuana dispensaries or medical marijuana cultivation locations are prohibited from being established, operated or licensed in any City of Avondale Zoning District other than A-1.

(b) Medical marijuana dispensaries and medical marijuana cultivation locations shall meet the following minimum separation requirements, measured in a straight line from the closest property boundary line of the parcel containing the medical marijuana dispensary or medical marijuana cultivation location to the closest property boundary line of the parcel containing any existing uses listed below:

(1) Two thousand (2,000) feet from any other medical marijuana dispensary or medical marijuana cultivation location.

(2) Two thousand (2,000) feet from a substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility.

(3) Two thousand (2,000) feet from a public, private, parochial, charter, dramatic, dancing or music school, a learning center, or other similar school or educational or entertainment facility that caters to children.

(4) Two thousand (2,000) feet from a childcare center or registered residential child care facility.

(5) Two thousand (2,000) feet from a public library.

(6) Two thousand (2,000) feet from a park.

(7) Two thousand (2,000) feet from a church or place of worship.

(c) A medical marijuana cultivation location not associated with an Arizona medical marijuana dispensary is prohibited, and only one (1) medical marijuana cultivation location shall be permitted for the single Arizona medical marijuana dispensary with which it is associated. The provisions of this subsection

28-312(c) shall not apply to locations identified pursuant to Ariz. Rev. Stat. § 36-2804-02(A)(3)(f) for cultivation of medical marijuana by a designated caregiver or qualifying patient for a qualifying patients medical use.

(d) The following size limitations shall apply to any medical marijuana dispensary:

(1) The total maximum floor area of a medical marijuana dispensary shall not exceed two thousand five hundred (2,500) square feet.

(2) The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed five hundred (500) square feet of the total two thousand five hundred (2,500) square foot maximum floor area of a medical marijuana dispensary.

(e) The following size limitations shall apply to any medical marijuana cultivation location associated with a medical marijuana dispensary:

(1) The total maximum floor area of a medical marijuana cultivation location shall not exceed three thousand (3,000) square feet.

(2) The secure storage area for the medical marijuana stored at the medical marijuana cultivation location shall not exceed one thousand (1,000) square feet of the three thousand (3,000) square feet total maximum floor area of a medical marijuana cultivation location.

(3) For a medical marijuana dispensary that also is a medical marijuana cultivation location, the total maximum floor area that may also be used for cultivation and incorporation or processing of the medical marijuana into consumable or edible products inclusive of any secure storage area, shall not exceed three thousand (3,000) square feet. The secure storage area for the medical marijuana stored at a medical marijuana dispensary that also is a cultivation location shall not exceed one thousand five hundred (1,500) square feet.

(f) The following size limitations shall apply to any medical marijuana cultivation location associated with a qualified patient or designated caregiver:

(1) All conditions and restrictions for medical marijuana cultivation locations apply except that the designated caregiver cultivation area is limited to a total two hundred fifty (250) square feet maximum, including any storage areas.

(2) More than one (1) designated caregiver may not co-locate cultivation locations.

**28-313 Requirements.**

The following minimum requirements shall apply to all "medical marijuana dispensary" and "medical marijuana cultivation location" uses located in the zoning district where such uses are permitted:

(a) In conjunction with the application requirements set forth in article 1 above, an applicant for any medical marijuana dispensary or medical marijuana cultivation location shall provide the following:

(1) A notarized authorization, executed by the property owner, acknowledging and consenting to the proposed use of the property as a medical marijuana dispensary or a medical marijuana cultivation location.

(2) The legal name of the medical marijuana dispensary or medical marijuana cultivation location.

(3) If the application is for a medical marijuana cultivation location, the name and location of the medical marijuana dispensary with which it is associated or, in the case of designated caregivers or qualifying patients, the names of the qualifying patients for which the medical marijuana is being cultivated.

(4) The name, address and birth date of each officer and board member of the nonprofit medical marijuana dispensary agent.

(5) The name, address, birth date and valid registry identification card number of (a) each medical marijuana dispensary agent if the application is related to a medical marijuana dispensary or a related medical marijuana cultivation location and (b) each designated caregiver and qualifying patient if the application is related to a medical marijuana cultivation location associated with such qualifying patient and designated caregiver.

(6) A copy of the operating procedures adopted in compliance with Ariz. Rev. Stat. § 36-2804(B)(1)(c).

(7) A notarized certification that none of the medical marijuana dispensary officers or board members has been convicted of any of the following offenses:

(A) A violent crime, as defined in Ariz. Rev. Stat. § 13-901.03(B), that was classified as a felony in the jurisdiction where the person was convicted.

(B) A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted except an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed ten (10) or more years earlier or an offense involving conduct that would be immune from arrest, prosecution or penalty under Ariz. Rev. Stat. § 36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the state of Arizona.

(8) A notarized certification that none of the medical marijuana dispensary officers or board members has served as an officer or board member for a medical marijuana dispensary that has had its registration certificate revoked.

(9) A floor plan showing the location, dimensions and type of security measures demonstrating that the medial marijuana dispensary or medical marijuana cultivation location will be secured, enclosed and locked as required by law.

(10) A scale drawing depicting the property lines and the separations from the nearest property boundary of the parcel containing the medical marijuana dispensary or medical marijuana cultivation location to the property boundary of the parcel containing any existing uses listed in section 28-312 above. If any of the uses are located within fifty (50) feet of the minimum separation, the drawing, showing actual surveyed separations, shall be prepared by a registered land surveyor.

(b) A medical marijuana dispensary shall have operating hours not earlier than 9:00 a.m. and not later than 8:00 p.m.

(c) A medical marijuana dispensary or medical marijuana cultivation location shall:

(1) Be located in a permanent building and may not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other mobile vehicle.

(2) Not have drive-through service.

(3) Not emit dust, fumes, vapors or odors into the environment.

(4) Not provide off-site delivery of medical marijuana.

(5) Prohibit consumption of marijuana on the premises.

(6) Not have outdoor seating areas, but shall have adequate indoor seating to prevent outside loitering.

(7) Display a current City of Avondale business license and a State of Arizona tax identification number.

(8) Install lighting to illuminate the exterior and interior of the building and all entrances and exits to the facility. Exterior lighting shall be at least five (5) foot-candles, measured at ground level, and shall remain on during all hours between sunset and sunrise each day. Twenty-four (24) hours each day, the medical marijuana dispensary or medical marijuana cultivation location shall illuminate the entire interior

of the building, with particular emphasis on the locations of any counter, safe, storage area and any location where people are prone to congregate. The lighting must be of sufficient brightness to ensure that the interior is readily visible from the exterior of the building from a distance of one hundred (100) feet.

(9) Provide security guards at the main entrances and exits during all hours of operation. For the purposes of this Section, "security guard" shall mean licensed and duly bonded security personnel registered pursuant to Ariz. Rev. Stat. § 32-2601 et seq. Prior to opening for business, the medical marijuana dispensary or medical marijuana cultivation location shall provide all property owners within a five hundred-foot radius of the medical marijuana dispensary or medical marijuana cultivation location with written notification via first class U.S. Mail of the security company responsible for providing its security services.

(10) Have an exterior appearance compatible with commercial structures already constructed or under construction within the immediate neighborhood to insure against blight, deterioration, or substantial diminishment or impairment of property values in the vicinity.

(11) Allow unrestricted access by city code enforcement officers, police officers or other agents or employees of the city requesting admission for the purpose of determining compliance with these standards.

(12) Not display signs, or any other advertising matter used in connection with the medical marijuana dispensary or medical marijuana cultivation of any offensive nature and such signs shall in no way be contrary to the city code, or obstruct the view of the interior of the premises viewed from the outside.

(13) Comply with all other applicable property development and design standards of the City of Avondale.

(d) To ensure that the operations of medical marijuana dispensaries are in compliance with Arizona law and to mitigate the adverse secondary effects from operations of dispensaries, medical marijuana dispensaries shall operate in compliance with the following standards:

(1) No doctor shall issue a written certification on-site for medical marijuana.

(2) There shall be no on-site sales of alcohol, tobacco or food, other than food products containing infused medical marijuana. There shall be no on-site consumption of food, alcohol, tobacco or medical marijuana; provided that employees may consume food on-site so long as it does not contain infused medical marijuana.

(3) Medical marijuana dispensaries shall only dispense medical marijuana to qualified patients and their designated caregivers as defined in Ariz. Rev. Stat. § 36-2801 et seq.

(4) Medical marijuana dispensaries shall notify patrons of the following verbally and through posting of a sign in a conspicuous location at the medical marijuana dispensary:

(A) Use of medical marijuana shall be limited to the patient identified on the doctor's written certification. Secondary sale, barter or distribution of medical marijuana is a crime and can lead to arrest.

(B) Patrons must immediately leave the site and not consume medical marijuana until at home or in an equivalent private location. Medical marijuana dispensary staff shall monitor the site and vicinity to ensure compliance.

(5) Medical marijuana dispensaries shall not provide marijuana to any individual in an amount not consistent with personal medical use or in violation of state law and regulations related to medical marijuana use.

(6) Medical marijuana dispensaries shall not store more than two hundred dollars ($200.00) in cash overnight on the premises.

(7) Any qualified patient under eighteen (18) years of age shall be accompanied by a parent or legal guardian. Except for such parent or legal guardian, no persons other that qualified patients and designated caregivers shall be permitted within a medical marijuana dispensary premises.

(8) Medical marijuana dispensaries shall provide law enforcement and all interested neighbors with the name and phone number of an on-site community relations staff person to notify if there are operational problems with the establishment.

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| 2016-0620 | 6- 1-20 | 1 | Added | 15-34—15-42 |
| 2043-1120 | 11-16-20 | 1 | | 23-15 |
| | | 2 | | 23-30 |
| 2002-0121 | 1- 4-21 | 1 | | 25-5 |
| | | 2 | | 25-9(a) |
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| | | 4 | | 25-17(c), (d) |
| | | 5 | | 25-19(c) |
| | | 6 | | 25-20(b) |
| | | 7 | | 25-25(g), (h)(1) |
| 2005-0121 | 1-19-21 | 2 | Added | 15-28—15-40 |
| 2045-1220 | 12- 7-20 | 2 | | 28-8(a)(2) |
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| | | 9 | | 28-161(a) |
| | | 10 | | 28-164(a) |

| Ordinance Number | Date | Section | | Section this Code |
|---|---|---|---|---|
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| | | 17 | | 28-203(d)(3)(B) |
| | | 18 | | 28-203(d)(4)(B) |
| | | 19 | | 28-203(d)(5)(B) |
| | | 20 | | 28-203(d)(6)(A)ii. |
| | | 21 | | 28-203(e)(3)(A) |
| | | | | 28-203(e)(3)(E)i. |
| | | 22 | Added | 28-294(c)(2)(K) |
| | | 23 | Added | 28-294(c)(3)(F) |
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| 2010-0221 | 2-16-21 | 1 | Added | 2-69.3 |
| 2012-0221 | 2-16-21 | 2 | | 28-72 |
| | | 3 | | 28-73(a) |
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Item Number: 3.i.

# CITY COUNCIL REPORT

**SUBJECT:** Ordinance 2033-0522 - Repeal and Replace Ordinance 2042-1120 for Abandonment of a 30-foot Ingress and Egress Easement

**MEETING DATE:** 5/2/2022

---

**TO:** Mayor and Council

**FROM:** Jodie Novak, Acting Director/Assistant Director of Development and Engineering Services, 623-333-4015

**THROUGH:** Tracy Stevens, Acting Assistant City Manager, (623) 333-1014

---

**STRATEGIC PLAN:**

STRATEGIC OUTCOME: Creative and Sustainable Development
STRATEGY: Maintain and expand quality infrastructure and improve connectivity to City amenities

---

**PURPOSE:**

City Council will consider a request to repeal and replace Ordinance 2042-1120 and adopt Ordinance 2033-0522 authorizing the abandonment of a 30-foot ingress and egress easement generally located 550 feet north of Van Buren Street and 1,150 feet east of Avondale Boulevard and authorize the Mayor, Acting City Manager, and City Clerk to execute the necessary documents. The Council will take appropriate action.

**BACKGROUND:**

On November 16, 2020, City Council adopted Ordinance Number 2042-1120 authorizing the abandonment of a 30-foot ingress and egress easement generally located 550 feet north of Van Buren Street and 1,150 feet east of Avondale Boulevard.

**DISCUSSION:**

Ordinance Number 2042-1120 adopted by City Council incorrectly identified the legal description and the document that conveyed the easement to the City. The legal description and exhibit has been corrected to include Recording Document No. 2020-0396011 as the instrument that conveyed the easement to the City. Staff has previously determined this ingress and egress easement is no longer needed.

**BUDGET IMPACT:**

There is no impact to the budget for this action.

**RECOMMENDATION:**

Staff recommends that the City Council adopt an Ordinance to repeal and replace Ordinance 2042-1120 authorizing the abandonment of a 30-foot ingress and egress easement generally located 550 feet north of Van Buren Street and 1,150 feet east of Avondale Boulevard and authorize the Mayor, Acting City Manager, and City Clerk to execute the necessary documents.

***Contact person for document distribution:*** *Yulonda Moore, Aric Stewart*

**ORDINANCE NO. 2033-0522**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, REPEALING ORDINANCE 2042-1120 AND ABANDONING AN INGRESS/EGRESS EASEMENT GENERALLY LOCATED 550 FEET NORTH OF VAN BUREN STREET AND 1,150 FEET EAST OF AVONDALE BOULEVARD.

**WHEREAS,** the Council of the City of Avondale (the "City Council") adopted Ordinance No. 2042-1120 on November 16, 2020, abandoning an ingress/egress easement declared to be no longer necessary for roadway use (the "Original Ordinance"); and

**WHEREAS**, the Original Ordinance incorrectly referenced the recorded Instrument No. 1984-460464 in the Maricopa County Recorder's Office on October 23, 1984, as the document conveying the ingress/egress easement to the City; and

**WHEREAS**, the legal description included in the Original Ordinance did not accurately describe and depict the ingress/egress easement being abandoned; and

**WHEREAS**, the City acquired the easement for ingress, egress, roadway or street purposes, over ± 0.202 acres generally located 550 feet north of Van Buren Street and 1,150 feet east of Avondale Boulevard (the "Ingress/Egress Easement") through the Special Warranty Deed, recorded at Instrument No. 2020-0396011 in the Maricopa County Recorder's Office on May 8, 2020; and

**WHEREAS**, the City Council desires to correct the errors in the Original Ordinance by repealing the Original Ordinance and replacing it with this Ordinance providing for the abandonment of the Ingress/Egress Easement with the correct legal description and the correct conveyance document.

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

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. Ordinance No. 2042-1120 is hereby repealed.

SECTION 3. The Ingress/Egress Easement, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is hereby declared to be no

longer necessary for roadway use and is hereby abandoned to the adjacent City parcel, Maricopa County Assessor Parcel No. 102-57-005T.

SECTION 4. Upon recordation of this Ordinance in the office of the Maricopa County Recorder, the Ingress/Egress Easement shall be forever extinguished and all right and title to the real property described therein shall vest in the City.

SECTION 5. 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, Arizona, May 2, 2022.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2033-0522

[Legal Description and Map]

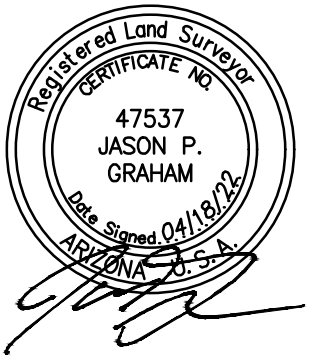
See following pages.

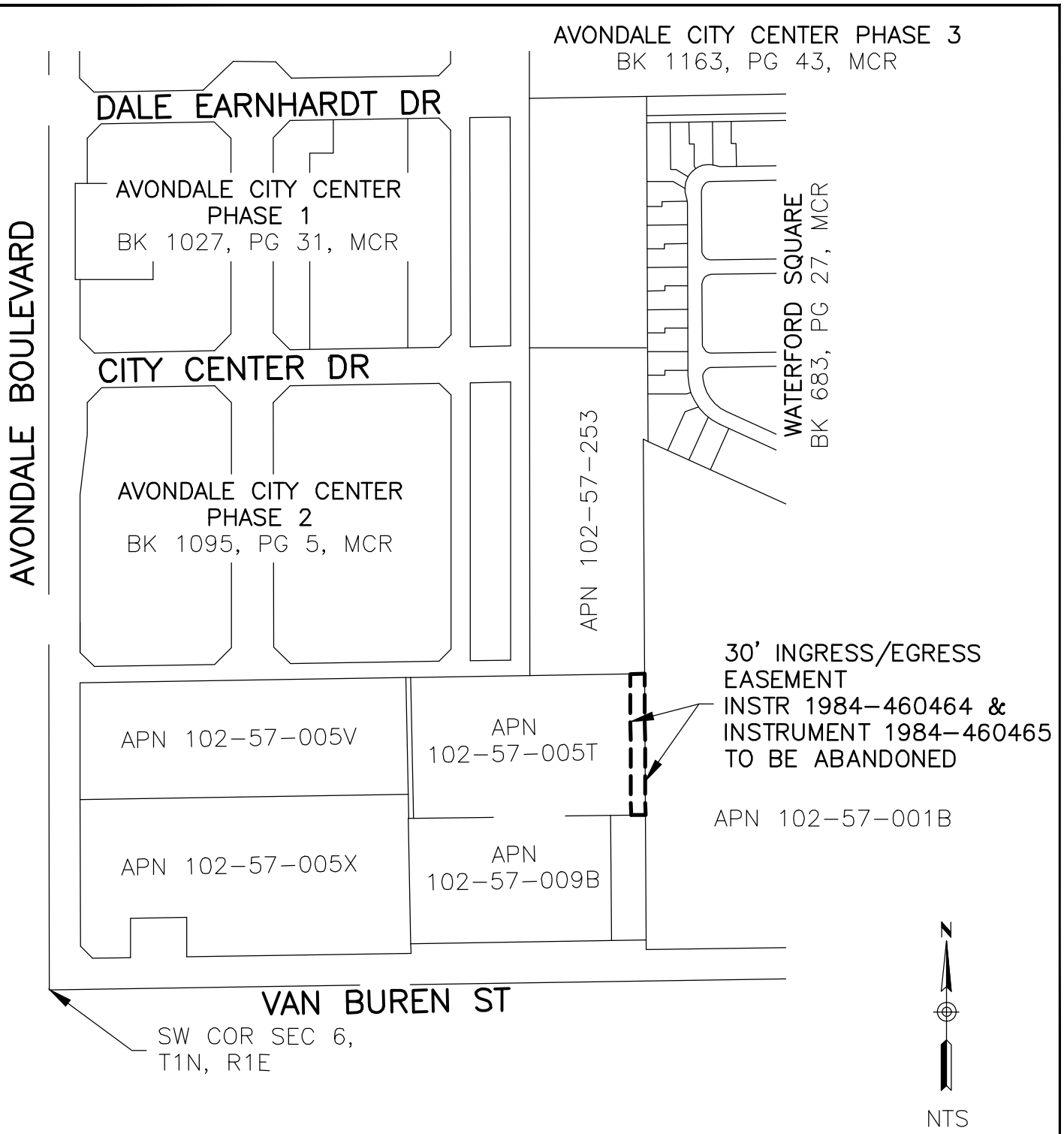
EXHIBIT "A"
LEGAL DESCRIPTION
FOR
30 FOOT WIDE INGRESS/EGRESS EASEMENT
TO BE ABANDONED

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEING ALL OF THAT CERTAIN 30 FOOT WIDE INGRESS/EGRESS EASEMENT DESCRIBED IN INSTRUMENT 1984-460464 AND INSTRUMENT 1984-460465, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA AND CONTAINING 8,818 SQUARE FEET OR 0.202 ACRES OF LAND, MORE OR LESS.

AND CONVEYED TO THE CITY OF AVONDALE IN DOCUMENT 2020-0396011.






THIS IS NOT A PROPERTY
BOUNDARY SURVEY.

DIBBLE

Dibble
Project No 1018157

Registered Land Surveyor
CERTIFICATE NO.
47537
JASON P.
GRAHAM
Date Signed 04/18/22
ARIZONA U.S.A.

# EXHIBIT "A"
## INGRESS/EGRESS EASEMENT ABANDONMENT
A PART OF THE SOUTHWEST QUARTER
SECTION 6, T1N, R1E, GILA & SALT RIVER
MERIDIAN, MARICOPA COUNTY, ARIZONA

DATE: APR 2022
DRN: CSD CHK: JPG

PAGE 2

FILE:V:\PROJECTS\2018\1018157 Avondale Survey On-Call\CAD\EXHIBITS\18157-ESMNT ABANDONMENT.dwg DATE:Apr. 18 2022 TIME: 10:04 am

Item Number: 4.a.

# CITY COUNCIL REPORT

**SUBJECT:** Public Hearing and Resolution 1027-0522 - Updated Avondale General Plan 2030 – Readoption – Application PL-22-0052

**MEETING DATE:** 5/2/2022

---

**TO:** Mayor and Council

**FROM:** Jodie Novak, Acting Director/Assistant Director of Development and Engineering Services (623) 333-4015

**THROUGH:** Tracy Stevens, Acting Assistant City Manager, (623) 333-1014

---

**STRATEGIC PLAN:**

Strategic Outcome: Creative and Sustainable Development

- Strategy: Plan for development south of the Estrella Mountains
- Strategy: Develop diverse housing options, to include housing that is affordable to workers and close to their jobs
- Strategy: Invest in the revitalization of Historic Avondale
- Strategy: Increase sustainability initiatives such as renewable clean energy or sustainable design and construction
- Strategy: Maintain and expand quality infrastructure and improve connectivity to city amenities

---

**PURPOSE:**

City Council will hold a public hearing and consider a request to adopt Resolution 1027-0522, approving a City-initiated Update to the Avondale General Plan 2030 Readoption application PL-22-0052 and submit the Updated Plan to the qualified electors for ratification. The updated version of the Avondale General Plan 2030 ("Updated 2030 Plan") is an amended version of the Avondale General Plan 2030, which was ratified by the Avondale voters on August 28, 2012 (the "2030 Plan"). The Council will take appropriate action.

**BACKGROUND:**

The updated version of the Avondale General Plan 2030 ("Updated 2030 Plan") is an amended version of the Avondale General Plan 2030, which was ratified by the Avondale voters on August 28, 2012 (the "2030 Plan"). The Updated 2030 Plan incorporates the major and minor Plan amendments that were processed and approved by the City between 2013 and 2022.

**SUMMARY OF REQUEST**

The Avondale General Plan ("Plan") is a policy document setting forth the community's long-term objectives, principles and expectations for future growth and development. It is a plan defined and created through extensive community participation and community outreach among citizens, business owners, property owners, community leaders, technical staff, and advisors. The Plan is based upon the community's needs, existing development patterns and a desired vision for future growth. The Plan seeks to ensure an orderly, balanced mix of employment, residential, and commercial uses. The Avondale General Plan does not affect existing zoning.

The 2030 Plan was developed to set the vision for future growth and development and is required to be updated every ten years. The 2030 Plan is divided into eight themes: land use, economic vitality, neighborhoods, sustainable development, open space, community mobility, community facilities, and quality of life. Each theme contains the goals and policies reflecting issues identified by the community. In several cases, the themes group the individual elements required by state law.

**ANALYSIS**

Arizona law (Arizona Revised Statutes Section 9-461.05 – commonly referred to as "Growing Smarter") requires that each municipality adopt a comprehensive long-range General Plan to guide the development of the municipality. The existing 2030 Plan was last ratified by the voters in August of 2012. State Law requires the City to adopt a new General Plan (or readopt its current, updated General Plan) and send it to the voters for ratification, every ten years. As required by law, Avondale voters must ratify (approve) this Updated 2030 Plan before it can become effective.

**PUBLIC PARTICIPATION**

The sixty (60) day review period, as required by Statute began on February 16, 2022 and ended April 17, 2022. Staff provided public hearing notices in accordance with State Statute and the City of Avondale Zoning Ordinance. As required by the Arizona Revised Statutes, the Planning Commission held a public hearing for public comment on this request on April 13, 2022.

City staff received 1 phone call from the Arizona State Land Department asking for further information. Staff have not received comments in opposition to the application.

**PROCESS**

The Updated Avondale General Plan Readoption process follows a similar process as that of a Major General Plan Amendment but varies in the fact that it requires ratification by Avondale voters. The process is as follows:

- 60-Day Review: For a Readoption, Statute requires cities to identify a 60-day period in which notice is provided to public officials and agencies, Maricopa County, appropriate school districts, associations of government, public land management agencies, other appropriate governmental jurisdictions, public utility companies, civic, educational, professional and other organizations.

- Planning Commission Hearing Process: To encourage greater citizen participation, a Readoption requires two Planning Commission public hearings, one of which must be held at an off-site location. The first hearing is for public comment, and the second hearing is when the Planning Commission will take action on the request.

- Approval by City Council: The General Plan readoption requires approval by two-thirds majority vote of the City Council.

- Avondale voters will consider the Updated Avondale General Plan 2030 Readoption at the General Election to be held on August 2, 2022

**PLANNING COMMISSION ACTION**

The Planning Commission held a Public Hearing on April 13, 2022 and received no comments for or against it. The Planning Commission held a second Public Hearing on April 20, 2022 and recommended approval of the Update to the Avondale General Plan 2030 Readoption application PL-22-0052 to the City Council.

**DISCUSSION:**

The 2030 Plan was developed to set the vision for future growth and development and is required to be updated every ten years. The 2030 Plan is divided into eight themes: land use, economic vitality, neighborhoods, sustainable development, open space, community mobility, community facilities, and quality of life. Each theme contains the goals and policies reflecting issues identified by the community. In several cases, the themes group the individual elements required by state law. The Updated Avondale General Plan 2030 incorporates the major and minor Plan amendments that were processed and approved by the City

between 2013 and 2022.

**BUDGET IMPACT:**

No budget impacts at this time.

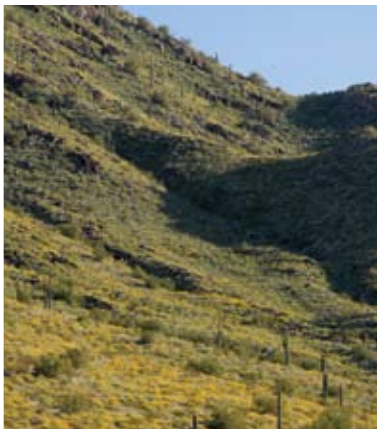
**RECOMMENDATION:**

The City Council will conduct a public hearing and **ADOPT** a Resolution, approving application PL-22-0052 Update to the Avondale General Plan 2030 Readoption (Updated Plan) and submit the Updated Plan to the qualified electors for ratification on August 2, 2022.

**PROPOSED MOTION**

I move that the City Council **ADOPT** a Resolution approving application PL-22-0052 Updated Avondale General Plan 2030 Readoption (Updated Plan) and submit the Updated Plan to the qualified electors for ratification on August 2, 2022.

***Contact person for document distribution:*** *Eric Fitzer*



# AVONDALE
# GENERAL PLAN 2030

## HEALTHY
## SUSTAINABLE
## COMMUNITY

AVONDALE 2030
GENERAL PLAN UPDATE

AUGUST 28, 2012

# PLAN DEVELOPMENT PARTICIPANTS

## CITY COUNCIL

Marie Lopez Rogers, *Mayor*
Stephanie Karlin, *Vice Mayor*
Jim Buster, *Council Member*
Jim McDonald, *Council Member*
Frank Scott, *Council Member*
Charles Vierhout, *Council Member*
Kenneth Weise, *Council Member*

## PLANNING COMMISSION

Dr. Angela Cotera, *Chair*
Sean Scibienski, *Vice Chair*
Lisa Amos
Grace Carrillo
Michael Demlong
Michael Long
Kevin Kugler

Previous Planning Commission Members: David Iwanski and David Scanlon

The City of Avondale extends its appreciation to the following for their participation on the City of Avondale General Plan Advisory Committee (GPAC), as well as other citizens, who participated in the public meetings held as a part of the development of this plan update.

## GENERAL PLAN ADVISORY COMMITTEE

Lisa Amos, *Resident*
Lee Baumgarten, *Phoenix International Raceway*
Matt Butcher, *Evergreen Development*
Dr. Angela Cotera, *Resident*
Norma Franco, *Resident*
Dr. Roger Freeman, *Littleton Elementary School District*
Carol Herbst, *Resident*
Kelly House, *Athen Real Estate*
Greg Jones, *Maricopa County Flood Control*
Burke Lokey, *Maricopa County Flood Control*
Betty Lynch, *Resident*
Kenneth Lypczek, *Resident*
Kristi Lyzwa, *Arizona Public Service*
Michael Pylman, *Sunland Dairy LLC*
Wendy Qualls, *Litchfield Park Elementary School District*
John Schmadeke, *Agua Fria Union High School District*
David Sours, *Resident*
Dr. Cathy Stafford, *Avondale Elementary School District*

# PLAN DEVELOPMENT PARTICIPANTS (continued)

## ASSISTING BOARDS AND COMMISSIONS

Avondale Municipal Art Committee
Energy, Environment, and Natural Resources Commission
Neighborhood and Family Services Commission
Parks and Recreation Board

## TECHNICAL ADVISORY COMMITTEE

Paul Adams, *Fire Chief*
Kevin Artz, *Finance and Budget Director*
Margaret Boone-Pixley, *Assistant Traffic Engineer*
Sammi Curless, *Economic Development Specialist*
Daniel Davis, *Economic Development Director*
David Fitzhugh, *Assistant City Manager*
Janeen Gaskins, *Grants Administrator*
Rogene Hill, *Assistant City Manager*
Wayne Janis, *Public Works Director*
Kevin Kotsur, *Police Chief*
Carmen Martinez, *City Clerk*
Andrew McGuire, *City Attorney*
Gina Montes, *Neighborhood and Family Services Director*
Cherlene Penilla, *Human Resources Director*
Christopher Reams, *Parks, Recreation, and Libraries Director*
Kristen Sexton, *Transit Coordinator*
Pier Simeri, *Public Information Officer*
Ken Sowers, *Chief Building Official*
Michael N. Smith, *Water Resources Engineering Manager*
Robin Stinnett, *Water Resources Planning Manager*

## CITY MANAGER

Charlie McClendon

## ASSISTANT CITY MANAGERS

Rogene Hill
David Fitzhugh

## DEVELOPMENT SERVICES/ENGINEERING DEPARTMENT

Sue McDermott, *Development Services Director and City Engineer*

## DEVELOPMENT SERVICES/PLANNING DIVISION

Tracy Stevens, *Planning Manager*
Stacey Bridge-Denzak, *Planner I*
Ken Galica, *Planner II*
Eric Morgan, *Planner II*
Jennifer Fostino, *Zoning Specialist*
Rita Miller, *Administrative Assistant*
Linda Herring, *Development Services Representative*

# COUNCIL APPROVAL

**RESOLUTION NO. 3036-412**

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ADOPTING THE CITY OF AVONDALE GENERAL PLAN 2030 AND ORDERING THAT THE CITY OF AVONDALE GENERAL PLAN 2030 BE SUBMITTED TO THE QUALIFIED ELECTORS FOR RATIFICATION.

**WHEREAS**, the City of Avondale (the "City") is required to update its existing General Plan (the "General Plan") in accordance with the goals and content requirements contained in ARIZ. REV. STAT. 9-461 *et seq.*; and

**WHEREAS**, the City has consulted with, advised and provided opportunity for official public comment by public officials and agencies, Maricopa County, appropriate school districts, associations of government, public land management agencies, other appropriate governmental jurisdictions, public utility companies, civic, educational, professional and other organizations, together with property owners and citizens and has indicated sites for public purposes on the proposed update to the General Plan referred to as the Avondale General Plan 2030 (the "2030 Plan"); and

**WHEREAS**, at least 60 days prior to the adoption of this Resolution, the Development Services and Engineering Department, as the designated Planning Agency of the City, filed a copy with the Council of the City of Avondale (the "City Council") and submitted a copy for review and further comment to:

1. Appropriate School Districts
2. American Planning Association, Arizona Chapter
3. Arizona Public Service (APS)
4. Arizona Bureau of Land Management (BLM)
5. Arizona Commerce Authority
6. Arizona Departments of State Land, Game and Fish, Homeland Security, Water Resources (ADWR), and Transportation (ADOT)
7. Department of Mines and Mineral Resources
8. Arizona Geological Survey
9. Arizona State Mine Inspector
10. Buckeye Water Conservation & Drainage District/Buckeye Irrigation
11. Bureau of Reclamation
12. Cal Portland Company
13. Cites of Goodyear, Litchfield Park, Tolleson, Avondale, and Phoenix
14. Estrella Mountain Community College
15. Gila River Indian Community
16. Greater Phoenix Economic Council (GPEC)

17. Home Builders Association of Central Arizona
18. Luke Air Force Base
19. Maricopa Association of Governments (MAG)
20. Maricopa County Flood Control District
21. Maricopa County Planning and Development, Parks, and Environmental Services Departments
22. Phoenix International Raceway (PIR)
23. Project for Livable Communities
24. Roosevelt Irrigation District
25. Southwest Valley Chamber of Commerce
26. Salt River Project (SRP)
27. St. Lukes Health Initiative
28. Tohono O'odham Nation
29. Tres Rios Steering Committee
30. Union Pacific Railroad
31. Urban Land Institute Arizona
32. Vulcan Materials-Western Division
33. Westmarc
34. Any person or agency requesting in writing to receive a copy; and

**WHEREAS**, the City Planning Commission (i) held two public hearings on the proposed 2030 Plan on February 23, 2012 at the City Municipal Operations Service Center and on March 15, 2012 at the City Council Chambers and (ii) provided notice of such hearings by publication in the *West Valley View* at least 15 calendar days and not more than 30 calendar days prior to each hearing, by posting on the City's website and by posting at City Hall, Sam Garcia Library, Fire Station 172 and Estrella Mountain Community College; and

**WHEREAS**, the City Council (i) held one public hearing on the proposed General Plan on April 2, 2012 at the City Council Chambers and (ii) provided notice of such hearing by publication in the *West Valley View* at least 15 calendar days and not more than 30 calendar days prior to each hearing; and

**WHEREAS**, the City Council finds and determines that (i) proper notice has been given in a manner required by ARIZ. REV. STat. 9-461 *et seq.* of the proposal of the City to adopt the 2030 Plan and that each of the required publications have been made in the *West Valley View*, a newspaper of a general circulation in the City and (ii) the 2030 Plan consists of all such elements as required in ARIZ. REV. STAT. 9-461.05.

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

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The 2030 Plan, in the form attached hereto as Exhibit A and incorporated herein by reference, is hereby adopted.

SECTION 3. The 2030 Plan shall be deemed to have been adopted as of the date of this Resolution and shall be valid for a term as set forth in ARIZ. REV. STAT. 9-461. Nothing herein shall preclude the City Council from adopting a new General Plan hereto in the manner provided by law.

SECTION 4. The 2030 Plan as adopted by the Council shall be submitted to the qualified electors of the City for ratification at the City election to be held August 28, 2012.

SECTION 5. Arguments in favor or in opposition to the General Plan may be submitted to the City Clerk in the manner provided by law.

SECTION 6. The City Clerk is hereby directed to include a general description of the General Plan and each of its elements in the publicity pamphlet that will be published for the election to be held on August 28, 2012 and such information as with other election information shall be translated into Spanish in accordance with the Voting Rights Act of 1965 as amended.

SECTION 7. The City Clerk shall cause to be placed for public inspection copies of the General Plan in each of the following locations and shall post notice of such placement in the manner as agendas for meetings of public bodies in the City: (i) Development Services Department, 11465 West Civic Center Drive, Suite 110; (ii) City Hall, 11465 West Civic Center Drive, Suite 110; (iii) Avondale Civic Center Library, 11350 West Civic Center Drive; and (iv) Sam Garcia Western Avenue Library, 495 East Western Avenue.

SECTION 8. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

**PASSED AND ADOPTED** by the Council of the City of Avondale, April 2, 2012.

Marie Lopez Rogers

Marie Lopez Rogers, Mayor

ATTEST:

Carmen Martinez

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney

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# EXECUTIVE SUMMARY

## INTRODUCTION

The Plan is an update of the 2002 General Plan. While the vision of the 2002 Plan and many of the goals and policies remain valid, community changes since 2002 necessitate this update. This update plans for community growth through 2030. It is a product of a collaborative effort between the City, residents, business owners, land owners, school officials, and other agencies who volunteered and shared their time, concerns, aspirations, and vision for the City over the course of two years.

The purpose of the General Plan 2030 is to provide our community with a vision to guide growth and development through 2030. The name "General Plan 2030" is intended to provide insight as to the future time period evaluated for this general plan update. However, the general plan document, when adopted, will be officially referred to as the "2012 Plan." The 2012 Plan addresses specific legislative requirements of Growing Smarter and Growing Smarter Plus.

This Plan is based on many assumptions, most of which reflect observable regional or national trends, such as the increasing cost and decreasing availability of fossil fuels, the un-sustainability of transportation, single occupancy automobiles, the natural environment, and economic pressures. These factors affect Avondale's diversity, environmental quality, economic vitality, and overall sense of well-being. Where one lives, works, and plays has a fundamental effect on one's health. Therefore, this update focuses on the importance of creating an identity and establishing a new way for Avondale to grow as a Healthy, Sustainable City: Healthy in terms of an individual's well-being and sustainable in terms of a community's strength. Avondale is one of the first cities in the Valley to update its General Plan to address the link between public health and the built environment. Concepts explored include:

- Increasing the City's "walkability" by adding pedestrian and bike paths that encourage people to use non-motorized means of travel rather than driving;
- Promoting neighborhood-serving businesses;
- Creating transit hubs and ensuring close access to transit;
- Working with industry to reduce pollutants and conserve resources;
- Adding and maintaining parks, open space, trails, and greenery in neighborhoods for comfort and recreation;
- Ensuring that the outcome of development maintains quality of life expectations.

This Plan also promotes the idea of economic sustainability as an important concept for a successful community. At its core, economic sustainability is about meeting the diverse needs of a community by providing what the community needs. Economic strength brings employment and a solid tax base to support services, leading to healthier lifestyles and greater opportunities for personal fulfillment. To this end, the City will look to maximize land uses that encourage employment and generate revenues which, in turn, fulfill a quality of life that Avondale residents expect.

General Plan 2030 discusses how we can influence mental and physical well-being through recreation and open space, bicycle and pedestrian use and safety, transportation, air and water quality, housing quality, urban form, and transit-oriented development, among others.

Throughout the planning process, citizens were provided the opportunity to discuss the issues facing Avondale, evaluate the implications of alternative ways to address the issues, and voice their opinions about the best ways to accomplish change in Avondale. Some of the issues that necessitated this plan update are:

- Changes to the future land use map affecting the I-10 freeway corridor, Avondale Boulevard, and the southern area of the City;
- The proposed SR30 Freeway alignment;
- The proposed regional transportation study for commuter and light rail that will be used to update the City's capital improvements;
- The need to address housing challenges at a county-wide level;
- Pressure to increase City-County coordination on many growth management challenges, including transportation, housing, utility, and land use issues;
- Progress on the expansion of recreational facilities, wildlife watching, and tourism opportunities, as well as the open space and trail networks;
- The need to enhance the arts in Avondale and increase the quality of life for existing and future residents;
- The need to develop as a sustainable and walkable City that embraces healthy living habits.

The Plan update process, illustrated below and described in more detail in 2012 General Plan Public Involvement, was guided by an 18 member General Plan Advisory Committee (GPAC) appointed by the City Council. The GPAC considered the City's growth options and recommended goals, policies, and implementation strategies to address the many challenges facing Avondale. Public meetings, a survey, information centers, and other strategies to engage the public were employed throughout the process using innovative outreach techniques, including public cable broadcasts, a project website, a traveling kiosk present throughout Avondale at businesses, City events, and public spaces, such as the public libraries and Estrella Mountain Community College.

## BACKGROUND AND HISTORY

The City of Avondale adopted a General Plan in 1990, then an update to the 1990 plan in 2002. Both the 1990 Plan and the 2002 Plan were based on our citizens' vision for the future. The 1990 Plan contained Land Use, Circulation and Transportation, Recreation and Natural Resources, Public Facilities and Services, Urbanization, and Economic Development elements. Significant changes occurred in Avondale since the 1990 and 2002 Plans. The 1990 Plan recognized that while Avondale prepares for growth, it should strive to preserve the small-town feel that first attracted many residents to the community. The 1990 Plan also called for redevelopment plans for the downtown area. Since the 1990 Plan, other plans have been completed to address topics that were not anticipated in 1990. These plans include the 1999 Avondale Business Core Redevelopment Implementation Plan, which laid out specific economic development and design guideline recommendations for the redevelopment of the downtown business core area, the June 1991 Freeway Corridor Plan, the June 1992 North Avondale Plan, the November 1996 Tres Rios Greenway Specific Plans, and the December 1999 Redevelopment

Implementation Plan.

## THE 2002 PLAN FOR THE CITY OF AVONDALE

The 2002 Plan included the Land Use, Economic Development, Growth Area, Cost of Development, Housing, Conservation, Redevelopment and Rehabilitation, Open Space, Environmental Planning and Conservation, Recreation, Circulation, Bicycling, Water Resources, Public Services and Facilities, Public Buildings, and Safety elements that are required by ARS §9-461.05 for jurisdictions with populations of more than 50,000. The City chose to meet the 2002 Plan requirements for jurisdictions over 50,000 because it was growing rapidly, and it wanted to ensure that the Plan addressed a broad range of issues. For the 2012 Update, ARS §9-461.05 required two new elements: Energy and Neighborhood Preservation and Revitalization. These elements were included in the document under the corresponding Sustainable Development Theme and the Neighborhoods Theme accordingly. While Energy is a new, single element, the Neighborhood Preservation and Revitalization Element intent was incorporated into the existing Conservation, Redevelopment and Rehabilitation Element as the information required for both elements overlapped Avondale's goals and policies for each. It was renamed the Conservation, Redevelopment, and Rehabilitation, and Neighborhood Preservation and Revitalization Element.

The 2002 Plan incorporated a range of ideas and visions that set Avondale apart from other Phoenix Metropolitan area jurisdictions. Avondale's unique cultural and historic significance captured in its neighborhoods and commercial districts continues to be important to our residents. The value of our community's cultural and historical roots was emphasized through the objectives and policies of the 2002 Plan, particularly in the Housing, and Conservation, Redevelopment, and Rehabilitation Elements.

The 2002 Plan encouraged the development of safe and affordable housing types that were called for in the 1990 Plan. One of the goals heard repeatedly during public meetings was that higher income housing opportunities be provided that will attract a broad range of residents to the City. The 2002 Plan recognized this desire for a range of housing options by identifying areas for low density residential development south of Broadway Road for executive housing.

## THE 2012 PLAN FOR THE CITY OF AVONDALE

Although many factors have changed how the City has grown since 2002 due to increased population and the increased need for the automobile, it is encouraging to find that certain very important attributes of our City have remained the same. The scenic beauty and natural amenities that the City has to offer have set it apart. The Estrella Mountains provide a dramatic backdrop to our community. The Agua Fria River runs north-south across the length of the City, providing a continuous corridor of open space. The Salt and Gila Rivers contain flowing water and provide an east-west green belt. The 2012 Plan builds even further on these goals and policies to utilize the open space and hillside preservation, floodplain protection, and rivers to provide open space corridors as an asset to build on tourism and creating *a healthy lifestyle community*. We believe that these actions will result in an Avondale that grows in harmony with its environment and natural resources.

Similar to what was proposed in 2002, a range of housing options that match low density residential development south of Broadway Road remains a focus for Avondale.

Citizen involvement, realized through public meetings and a Public Advisory Committee, was instrumental in creating the vision, goals, policies, and implementation strategies in this 2012 Plan. A thorough description of the public participation process and the public involvement policy that will guide the City in future amendments and updates to this Plan is presented in the community involvement section.

# INTRODUCTION

## PURPOSE AND INTENT

The purpose of the 2012 Plan is to provide Avondale with a community identity as a *Healthy Lifestyle Community* that guides City decision-makers in achieving the relationships between land use, transportation, quality of life, the environment, and economic prosperity desired by Avondale residents and businesses. City officials support the idea that fostering the relationship between the built environment and a healthy individual is financially and socially beneficial.

The 2012 Plan is intended for a variety of users. New and existing residents, as well as people working with the City, can use the 2012 Plan to learn about Avondale and how it plans to achieve its vision and meet the service, transportation, resource, and other needs of its citizens and businesses in the future.

City staff, the City Council, and the Planning and Zoning Commission will use the 2012 Plan as a guide to land use planning. City staff will also use the 2012 Plan to ensure that City policies and procedures remain coordinated and focused on Avondale's vision. Private citizens and developers working with the City can use the 2012 Plan to help them understand the types of developments desired by the City and its plans for future development and service provision.

### *Why does Avondale Need a General Plan?*

All jurisdictions are required by ARS §9-461.05 to have a General Plan to guide future land use and development for their communities. The topics required to be included in the 2012 Plan are determined by the size of the jurisdiction. Avondale, like all Arizona jurisdictions with populations greater than 50,000 persons, is required to include the following elements in its plan: conservation; recreation; circulation; public services and facilities; public buildings; housing; conservation, rehabilitation, and redevelopment; safety; bicycling; energy; and neighborhood preservation and revitalization.

### *What is a General Plan?*

The term "General Plan" describes a general, comprehensive, long-range statement of goals and related policies to guide future growth and development of a city. The General Plan is comprehensive because it seeks to coordinate all of the interrelated systems of the City and all properties within the City.

**A General Plan is:**

- An ongoing exercise of local self-government;
- A formal unified overview of life in the community;
- An ongoing status report on the community's performance;
- A statement of the community's view of itself;
- The public officials' most basic statement of public policy;
- A description of the action plan the City should take to achieve its desired future;
- A means to inform the public and all stakeholders and to enhance their confidence;
- A tool to assist in the management and stewardship of the City;
- A legal mandate.

### *What impact does the General Plan have on me?*

The General Plan does not change existing zoning, but could impact future zoning changes on the property. In other words, if a property currently is zoned and is not in conformance with the adopted 2012 Plan, *the property may be developed according to the in-place zoning*. While current zoning must conform to the adopted 2012 Plan, the plan is not set in concrete and it may be amended. ARS §9-461.06 requires General Plans to define Major Amendments to the General Plan and a procedure for considering them. ARS §9-461.06 requires a two-thirds vote of the City Council to approve a major amendment to the General Plan and limits presentation of major amendments to a single public hearing during the calendar year in which the proposal for the amendment is made. The City of Avondale General Plan Amendment Process is described in this 2012 Plan.

The General Plan affects every resident and business in Avondale because it provides guidance to the City and private entities about the types and locations of public facilities, private development, and public and private infrastructure. As General Plan elements are related to one another and should be considered collectively in the decision-making process, people using the 2012 Plan should not rely solely on select, excerpted statements to reach a particular conclusion, but should carefully consider all the General Plan policies and supporting documentation. Supporting documentation includes Specific and Master Plans adopted by the City and other entities.

## SPECIFIC PLANS

Avondale's planning history includes the development of plans and sub-areas within the planning area. The Specific Plans further the General Plan's goals by providing more detailed goals, objectives, and policies pertaining to each identified sub-sector. These Plans address unique characteristics and support unique land use planning and implementation strategies for each area. Specific Plans are not expected to cover the entire City. Avondale's Specific Plans are treated as if they are incorporated into the Avondale General Plan by reference and are considered implementation tools of this Plan.

- **City Center Specific Plan:** The Boulevard Specifc Plan (The BLVD) which replaced the City Center Specific Plan was approved in September of 2019. The plan applies to the area west of 111th Avenue, east of 117th Avenue, north of Coldwater Boulevard, and south of Interstate 10 (I-10) on both sides of Avondale Boulevard. The area, covering 356 acres, establishes six sub-districts whcih include: Gateway; Residential; Park Avenue; Village; Promenade; and Neighborhood. The goal of The BLVD is to create an active, pedestrian-friendly urban environment with a mix of uses and varying scales of density and intensity. The district concept consists of a distinct mix of retail, restauraunt, office, residential, full service hotels, and entertianment uses. Any reference in this document to City Center contained herein shall be replaced/changed to The BLVD.

- **Freeway Corridor Specific Plan:** The Freeway Corridor Specific Plan adopted in June, 1991 and updated in 2012 and generally applies to the area bounded by 99th Avenue, Dysart Road, Van Buren Street, and Encanto Boulevard, excluding the 356 acres contained within the The BLVD Specific Plan. The primary purpose of the Freeway Corridor Specific Plan is to ensure attractive development in what can be considered the City's most highly visible areas adjacent to Interstate 10. The Freeway Corridor Specific Plan regulates building heights and contains numerous design and landscaping standards to create a unified streetscape along McDowell Road and the I-10 freeway corridor.

- **North Avondale Specific Plan:** Adopted in June of 1992 and updated in 2012, the North Avondale Specific Plan applies to the area north of Encanto Boulevard. The principal goal of the Plan is to enhance the image of the mainly residential northern portion of the City by creating and applying additional development standards, landscaping standards, and design standards. The North Avondale Specific Plan stresses the

importance of protecting and emphasizing mountain views when considering new development in the area. It also increases expectations for the provision of open space and recreational opportunities for the residents of North Avondale.

- **Tres Rios Greenway Specific Plan:** Adopted in April, 1997, the Tres Rios Greenway Specific Plan is a regional open space and trails system designed to provide a more livable environment, as well as enhance adjacent developments. Any development in Avondale adjacent to the Agua Fria, Gila, or Salt Rivers is subject to the Tres Rios Greenway Specific Plan. Its primary goal is to connect otherwise separated parks, neighborhoods, and cities through a pedestrian network along our natural waterways.

Furthermore, the following documents are referenced in this 2012 Plan and considered reference and implementation tools of the 2012 Plan.

- Avondale Economic Development Strategic Plan
- Avondale Parks, Recreation, and Trails Master Plan
- City Center Design Guidelines
- Old Town Design Guidelines
- Commercial, Industrial, and Multi-family Design Manual
- Single Family Residential Design Manual
- City of Avondale Redevelopment Implementation Plan
- City of Avondale Infill Incentive Plan
- City of Avondale CBD Revitalization Plan 1985-2000
- Avondale Emergency Response Plan
- Flood Control District of Maricopa County Agua Fria Watercourse Master Plan
- Maricopa Association of Governments West Valley Rivers Non-motorized Transportation Plan
- Maricopa Association of Governments Desert Spaces Plan
- Maricopa County Countywide Trails Plan
- Flood Control District of Maricopa County Rio West Watercourse Master Plan
- Flood Control District of Maricopa County White Tanks Area Drainage Master Plan
- Flood Control District of Maricopa County Durango Area Drainage Master Plan
- Arizona Department of Water Quality 2000 Water Master Plan for the Durango Area
- Arizona Department of Water Resources Third Active Management Area Plan

## HOW THIS PLAN IS ORGANIZED

This 2012 Plan is organized around the essential themes derived through Avondale's vision as well as compliance with State statutes: Land Use, Economic Vitality, Neighborhoods, Sustainable Development, Open Space, Community Facilities, Community Mobility, and Quality of Life. These themes are all important and success in one area cannot be achieved without success in another. The following table shows compliance with ARS §9-461.05 and illustrates the organization of the 2012 Plan themes and elements:

### Table 1 - Organization of 2012 Plan Themes and Elements

| Theme | Elements | Focus |
|---|---|---|
| LAND USE | Land Use | Designates the general distribution, location, and intensity of land uses, and defines land use categories. |
| ECONOMIC VITALITY | Economic | Identifies opportunities to increase the job to population ratio and expand upon and strengthen the job markets in Avondale. |
| | Growth Area | Identification of areas appropriate for specified activities. |
| | Cost of Development | Outlines measures to ensure development pays its share toward the increased demand on public services. |
| NEIGHBORHOODS | Housing | Standards and programs for improving the quality, variety, and affordability of housing in Avondale. |
| | Conservation, Rehabilitation, and Redevelopment, and Neighborhood Preservation and Revitalization | Discusses the importance of Avondale's early neighborhoods and importance of infill and redevelopment. |
| SUSTAINABLE DEVELOPMENT | Energy | Describes principles for conserving natural resources and expanding the use of renewable sources. |
| | Environmental Planning and Conservation | Preserving and protecting the environment and the natural resources that contribute to the community's quality of life. |

**Table 1 - Organization of 2012 Plan Themes and Elements** (continued)

| | | |
|---|---|---|
| OPEN SPACE | Open Space | Comprehensive inventory of open space, analysis of forecasted needs, and policies for the enhancement of open space and recreation activities. |
| | Recreational Amenities | Measures for preserving open space for future generations and enhancing our community's health today by providing space for outdoor recreation. |
| COMMUNITY MOBILITY | Circulation | Promotes safe, efficient, and accessible choices for the movement of people and goods. |
| | Bicycling | Encourages safe bicycle routes, bicycle facilities, and designates routes current and future. |
| | Transit Oriented Development | Discusses opportunities for residential or commercial areas to be designed with access to transit. |
| COMMUNITY FACILITIES | Public Buildings, Services, and Facilities | Policies for public services, such as safety, water resources, human services, and the facilities necessary to provide them with a focus on development's role. |
| | Safety | Protection of the community from natural and man-made disasters. |
| | Water Resources | Currently available surface water, groundwater and reclaimed water supplies, projections for future growth and need. |
| QUALITY OF LIFE | Urban Design | Applying the principles of New Urbanism development (i.e. walkability, connectivity, mixed-use, traditional neighborhood structure, timeless architecture, and human-scale urban design). |
| | Art and Heritage | Describes the cultural resources the community has and how the City will enhance and preserve these assets. |
| | Public Participation | Promoting and encouraging citizen participation as a vital component of the public process. |

The themes of this 2012 General Plan independently and collectively support the concept of smart growth and sustainability. Smart growth advocates patterns for newly developing areas that promote a balanced mix of land uses and a transportation system that makes the Avondale community more attractive, economically stronger, and more socially diverse as well as helps protect our natural environment. Sustainability introduces the concept of self-reliance in a manner that does not exhaust resources, and results in a net improvement to the environment and community in its entirety. Unifying these concepts, this 2012 Plan focuses on creating a healthy community that is transit and pedestrian oriented, and which allows for a greater mix of housing, employment, and commercial uses. It also preserves open space and many other environmental amenities important to Avondale.

# 2012 GENERAL PLAN PUBLIC INVOLVEMENT

The purpose of public involvement efforts is to ensure that the community is informed of and involved in any additions or modifications to the City of Avondale's General Plan. To this end, staff focused on efforts to educate the public on the City's General Plan and generated increased public awareness throughout the preparation and adoption of the various components of the General Plan. Involving Avondale residents, businesses, property owners, and staff was a fundamental piece of the process used to develop this Plan.

As required by ARS §9-461.06 the City adopted a public involvement policy, the *General Plan Amendment Process*, in order to provide effective, early, and continuous public participation in the development and major amendment of general plans from all geographic, ethnic, and economic areas of the municipality. In general, the Amendment Process identifies the procedures and public notification efforts the City of Avondale will undertake in the review of any amendment to the General Plan. It promotes neighborhood meetings, public notifications, and public hearings in order to encourage public opinion and action as a part of the Smart Growth Principal, which encourages community and stakeholder collaboration in development decisions. The origin of this process was based on several goals:

i. Obtain broad-based citizen participation in the planning process.

ii. Provide information to the citizens and general public throughout the process.

iii. Understand the residents' attitudes and opinions regarding the direction of Avondale's growth and development, the key issues facing Avondale, and their hopes for Avondale's future.

iv. Keep the 2012 Plan process accessible and clear to the citizens of Avondale.

v. Promote intergovernmental and interagency cooperation and collaboration.

vi. Meet the requirements of the Growing Smarter Act as amended through the Arizona Revised Statutes.

vii. Keep the 2012 Plan in the public eye throughout the process and establish programs to increase their understanding of the 2012 Plan recommendations.

Not only are these goals still relevant to the *General Plan Amendment Process*, they are relevant to creating opportunities to generate dialogue, establish consensus, and engage all citizens throughout any public process in Avondale. The new Public Participation Element in the Quality of Life Theme was designed to highlight the City's commitment to creating these opportunities and to elicit enthusiasm amongst Avondale residents about future policy decisions.

### *Public Involvement Activities Conducted in the Development of this 2012 Plan*

In 2009, at the beginning of the General Plan Update process, the General Plan Advisory Committee (GPAC), a voluntary committee consisting of citizens, business leaders, property owners, and representatives of schools, utilities, and the Maricopa County Flood Control District, was formed. Staff actively solicited for community membership by means of public meetings, newspaper publication, and the City's website. An application was made available for interested parties to submit in order to join the Committee. All those who submitted an application by the deadline were invited to join the GPAC. In concert with the GPAC, the Technical Advisory Committee (TAC), the City's in-house group of experts, was assigned and made available throughout the process to provide guidance from the City's perspective. The TAC acted purely in a consulting role in order to provide needed data related to operational and functional requirements of the City. Staff sponsored a website that was used to provide information on the 2012 Plan and its progress, post meeting notifications, and allow for public

comment.

The first meeting was held jointly with both the GPAC and TAC. The purpose was to familiarize members with each other as well as set the tone of the process and establish the vision for General Plan 2030. Following that joint session, the GPAC met a total of 13 times; the TAC met 14 times. The General Plan was reviewed element by element with both groups, and additions, revisions, and deletions were discussed.

At the commencement of the General Plan 2030 update process, staff indicated that public outreach would be a primary focus. As the GPAC and TAC met, the outcome of those discussions was presented to the public. Staff reached out to the Avondale community, both residents and businesses alike, in a number of ways. Initially, a survey was available online as well as by hard copy during the first six months of the public outreach efforts. The results were tabulated and integrated into the process.

On a regular basis, staff reached out to the public in various ways. The General Plan Public Outreach and Informational Video, a short film clip promoting citizen participation and educating the public on the General Plan process, was created. The video was available for viewing on the City's website, Avondale's local government access television channel (Channel 11), and to the public on compact disk (CD). The video was also used during the 2012 Plan's hearing process and adoption by Council. Staff periodically distributed the division newsletter to interested parties, internal staff, and the development community, which provided updates regarding the General Plan Update process, and utilized the City's own Channel 11. Staff created a Powerpoint with slides that described the General Plan 2030 intent and process, which was televised on Channel 11 as well. Staff also distributed several press releases for community meetings and other General Plan 2030 related events.

Specifically, staff participated at several community events and public meetings in order to update interested parties and distribute progress draft materials. Events included City Hall Comes to You, Resident Appreciation Night, Tres Rios Nature Festival, Eco-Avenues, HOA Summit, and various board and commission meetings. Staff also held eight community meetings at diverse locations throughout the City. Avondale residents and interested members of the community were invited to view displays, ask questions, and provide their thoughts and ideas on the General Plan information. Progress drafts were distributed to those who attended with the hope they would provide feedback on the Planning Division General Plan Update web page. Special advertising for these meetings was implemented in order to promote citizen participation. Finally, staff updated both the Planning Commission and the City Council at strategic times during the process in order to brief each governing body on the 2012 Plan's progress and to solicit input from each.

Two public hearings were held by the Planning Commission at two different locations in the City, and one City Council Hearing was held. The adopted 2012 Plan was ratified by the voters on August 28, 2012.

# AVONDALE'S SHARED VISION

The process of community visioning was initiated with the General Plan Advisory Committee (GPAC), local residents, and business owners as we embarked on the General Plan 2030 update. The objective was to identify the most important principles relating to the long-term future of the City. The shared vision identified ten critical points for Avondale to emerge as an economically viable and prosperous City that embraces the rich attributes of the Sonoran Desert, and a healthy lifestyle. Avondale is committed to promoting the health and well-being of all its residents and plans to be an active, inclusive, and responsive place, where healthy habits are encouraged rather than discouraged by the environments we build.

## VISION STATEMENT

A city of variety, vitality, and values, whose citizens pursue an active role in molding a great place to live, work, and play, in a manner respectful of the City's rich history, growing culture, and invaluable natural resources. The foundation for this vision is based on the following principles:

- A great place to live, work, and play where people share the values of a healthy community and respect for individuals;
- An involved citizenry that actively participates in public policy and decision making; a group of residents who want to make a difference, and see a difference;
- A highly livable city that employs local benchmarks to measure its progress in areas such as housing, economic vitality, educational quality, environmental quality, and overall quality of life;
- An economically strong and well-integrated city, fostering local 'Mom and Pop' businesses, regional cooperation, and mid to large-sized clean industry;
- An attractive employment location that retains a high quality, customer-focused, talented team of employees that goes beyond expectations;
- An environmentally-aware community that preserves, open space, natural features, protected habitats, parks and outdoor recreation;
- A place focused on balancing its amazing views and unique community energy with the appropriate amenities and opportunities for livability and sustainability;
- A rich and vibrant arts and entertainment center celebrating the talents and culture of the people who live here;
- A learning-based community that values and supports quality education across the age continuum;
- A place where strength of character can be developed and high standards of integrity are valued.
- A focus on light rail and transit-oriented development.

## GUIDING PRINCIPLES

The following principles are intended to clarify the intent of the shared vision statement and establish the context for the land use categories, goals, policies, and implementation strategies for each of the elements. The principles are grouped in seven categories that arose from the visioning process.

**Healthy Community:** We flourish as a community by caring about everyone's needs, supporting efforts to reach our full potential, fostering healthy and resilient individuals, and valuing our community's unique lifestyle and character.

**Neighborhoods as our Foundation:** We commit to maintain our neighborhoods through development standards and revitalization decisions that create strong neighborhoods and promote our community.

**Economic Vitality:** Our community experiences economic prosperity through diversification, self-reliance, interdependence, adaptability, and job growth.

**Community Mobility:** We emphasize development of a balanced, integrated, multi-modal circulation system (streets, trails, sidewalks, bikeways, transit, light rail, and river corridors) that is efficient and safe, and which connects neighborhoods to jobs, schools, services, local attractions, and open space.

**Unique Lifestyle and Character:** We emphasize our natural landscape setting that promotes growth and conservation, tourism, and outdoor recreation among the Estrella Mountains, Gila River, open space, and riparian areas. We embrace the beauty of the Sonoran Desert, natural surroundings and our contributions to the physical environment, and will provide pleasing public spaces by ensuring a variety of living, working, and leisure opportunities as fundamental elements to the community.

- **Environmental Stewardship and Sustainable Systems:** We honor and respect our natural environment, realizing that our lives are interdependent with the Earth's well-being. We commit to the effective management of our finite and renewable environmental, social, and technological resources to ensure they coexist to serve future needs. The preservation of this unique lifestyle and character will be achieved through mutual respect between our natural and man-made environments and by promoting the dedication of open space, providing safe, clean, neat public areas, and trees and shaded areas that promote outdoor activities, City identity and beautification, and community interaction. We design human solutions that promote the long-term health and preservation of complex natural and cultural systems.

Recognizing these Guiding Principles, the City will implement this 2012 Plan in accordance with the following core values:

- Actively involve and serve all of our residents.
- Promote our City as a Healthy Lifestyle Choice.
- Respect individual rights, yet be guided by our concern for the common good.
- Minimize our ecological footprint.
- Protect our water resources that allow us to live here.
- Conserve our natural resources, while protecting our lands, wildlife, and air quality.
- Flourish through the sustainable use of our natural resources.
- Model our growth on the beauty, efficiency, and resiliency of our natural systems.
- Shop and invest in our community to create jobs and local prosperity.
- Create a community that promotes public safety, higher education, lifelong learning, and access to all community resources.
- Leverage our collective knowledge and ingenuity to anticipate and respond to emerging needs.

Achieving this vision requires acknowledging the links between built environments and health, particularly the influence that patterns of land use, density, transportation strategies, and street design have on a community's well-being.

# GENERAL PLAN AMENDMENT PROCESS

## HOW THIS PLAN IS AMENDED

Amendments to this 2012 Plan shall be classified as major amendments or minor amendments. In accordance with A.R.S.§9-461.06, changes to the 2012 Plan are to be considered major amendments if the resulting change is a "substantial alteration of the municipality's land use mixture or balance" as established in this 2012 Plan. Additionally, in accordance with A.R.S.§9-461.06, major amendments to this 2012 Plan (i) may only be considered by the City Council at a single hearing designated each year for such cases, (ii) must be submitted within the same year they are heard and (iii) must receive a two-thirds majority vote of the City Council for approval. In addition, such major amendments typically require several months of public notice and participation before consideration by the City Council. Minor amendments shall be all General Plan amendments not determined to be major amendments. Amendments to this 2012 Plan may be initiated by the City or may be requested by private individuals or agencies in accordance with the procedures set forth in State Law.

## 2012 GENERAL PLAN AMENDMENT PROCESS

Major amendments to the 2012 Plan will be processed starting January 1st with the application deadline ending March 1st each year in accordance with ARS 9-461.06 and be heard at one single public hearing during the calendar year. Minor amendments may be processsed and considered at any time. The minor/major Plan Amendment process shall include a review, analysis, findings, and recommendation for approval, denial, or modification by staff to the Planning Commission and the City Council. The City should conduct a yearly monitoring review of the 2012 Plan to evaluate growth conditions, implementation strategies that pertain to the Land Use Map, and minor amendments that may arise.

### *2012 Plan Major Amendments*

Amendments to this 2012 Plan will be considered major amendments if they meet one or more of the following criteria, the occurrence of which is intended to result in a substantial alteration of the municipality's land-use mixture or balance; the time and date of the hearing shall be determined by the City Manager or Designee:

#### For Planned Area Developments

A change to the 2012 Plan necessary for the establishment or amendment of a PAD District encompassing 80 gross acres or more that meets one of the following criteria:

- An increase in residential land-use densities that is greater than two Land Use Map categories;
- A net change in the land-use categories affecting greater than 10% of the total land area; or
- Any change in non-residential land-use categories.

#### For Areas located within a Specific Area Plan

Any change in land-use categories, unless the change does not conflict with the goals and policies of the applicable specific area plans and the 2012 Plan, as determined by the Zoning Administrator.

#### For All Other Areas

Any change in a land-use category affecting 40 acres or more.

### *2012 Plan Minor Amendments*

Any change that does not meet one or more of the criteria listed above for a major amendment is considered a minor amendment and may be considered by the City Council throughout the calendar year according to the regularly-scheduled review and hearing process.

### *Text Amendments*

Text changes to this 2012 Plan shall be considered major amendments only if they are in conflict with, eliminate, or alter the intent of any goal or policy. Text changes that alter an implementation strategy or strategies may be considered minor amendments if the goals and policies are not directly or indirectly affected.

### *Calculation of Residential Density*

Residential land use densities shall be calculated by dividing the total number of proposed residential units by the total area land area proposed for residential development less the amount of land that will be dedicated for arterial street rights-of- way.

### *Major and Minor General Plan Amendment Review and Analysis*

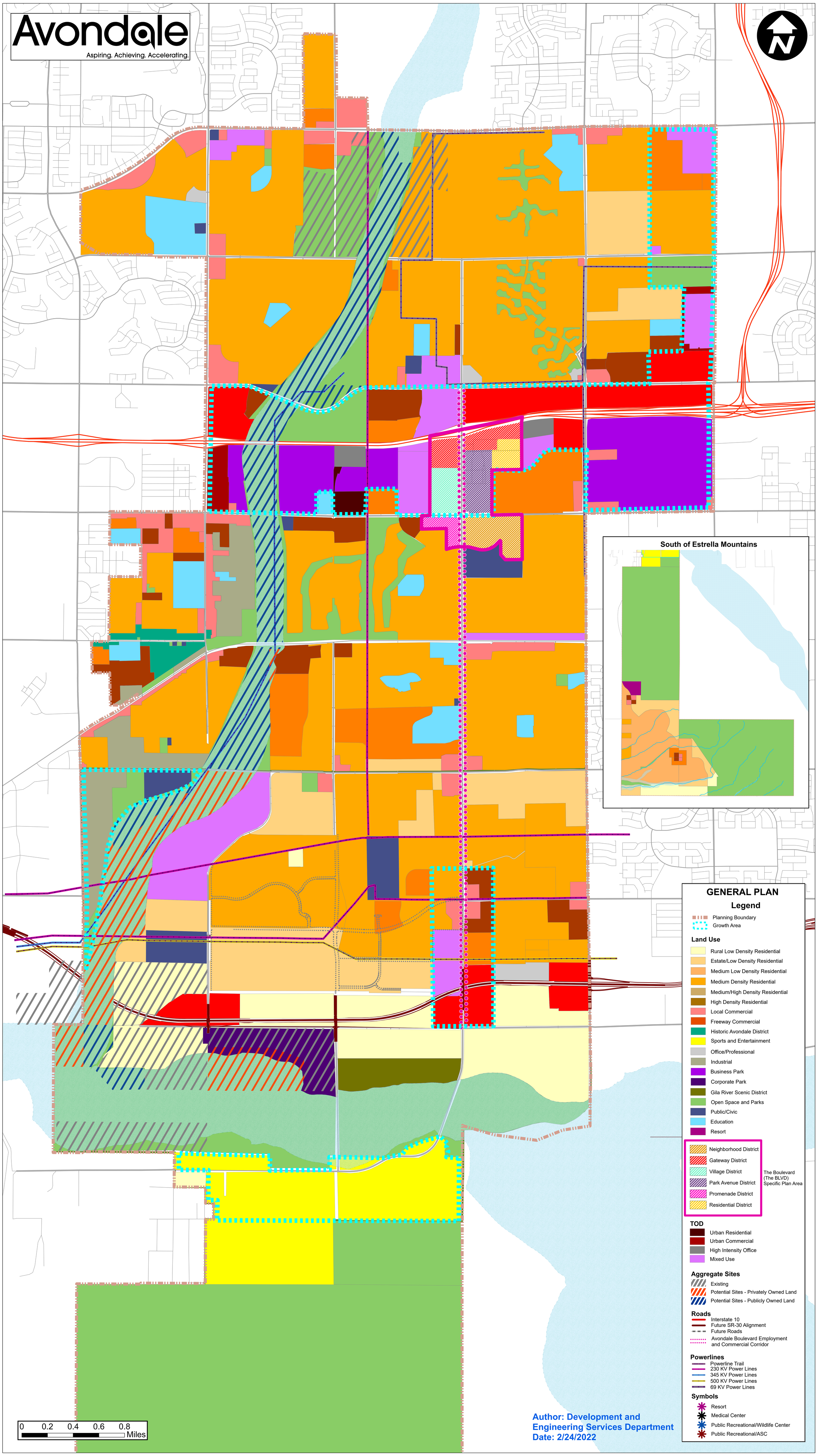
The review and analysis shall include, but not be limited to, the following considerations:

- Availability of current and future water supplies;
- Impact on and potential to support the City's transportation system;
- Impact on the natural environment, including but not limited to, hillsides, riparian areas, and floodways;
- Extent to which the proposal contributes to achieving the (i) job to population ratio, (ii) square foot per capita ratio and (iii) multi-family housing ratio identified within this 2012 Plan;
- Impact on City services and facilities including, but not limited to, police, fire, water and wastewater; and
- Extent to which the goals of this 2012 Plan are accomplished.

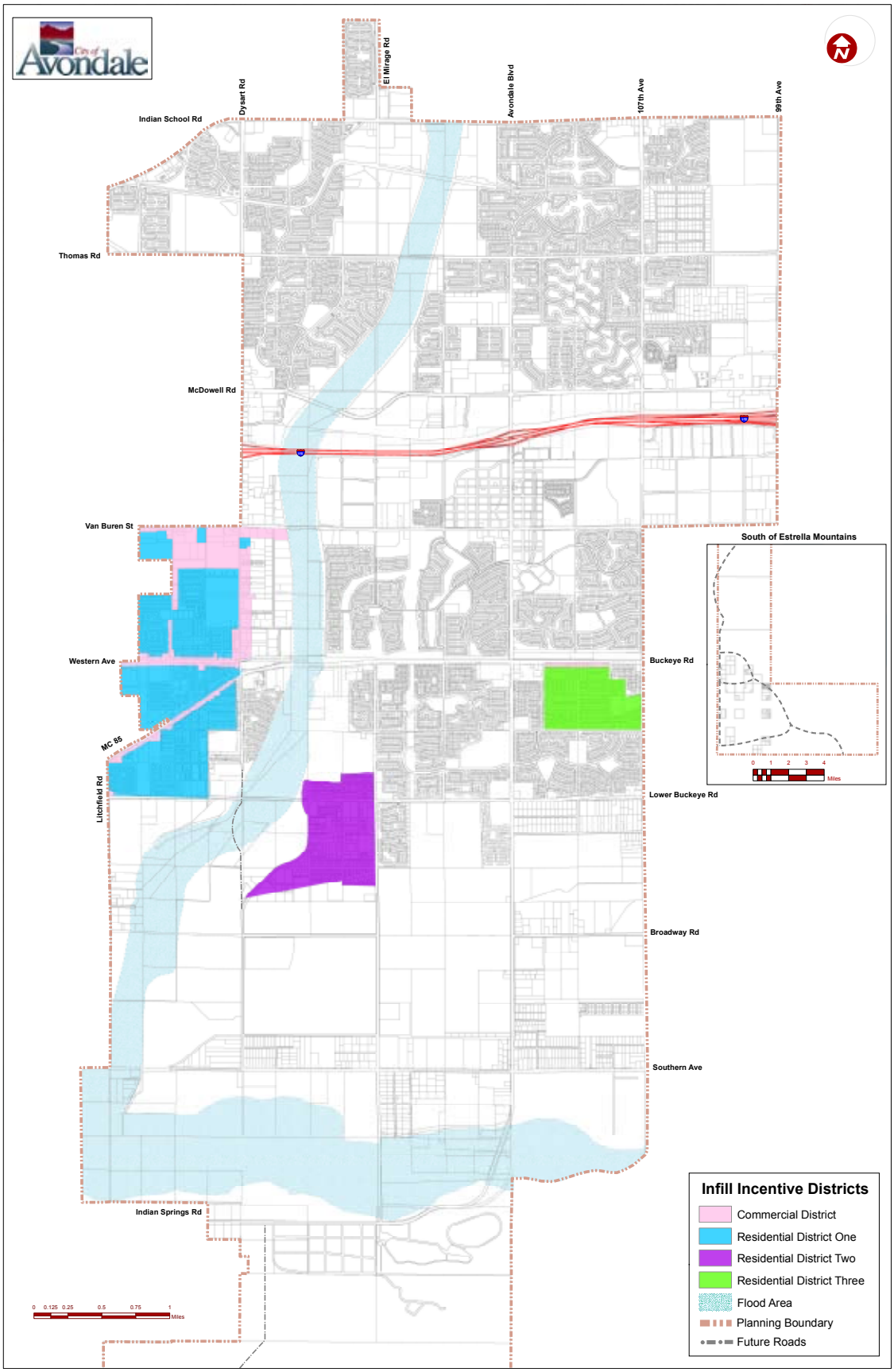
### *Findings*

It shall be the burden of the applicant requesting a major, minor, or text amendment to prove that the proposed changes meet all approval criteria. The following findings must be made for all changes to the 2012 Plan:

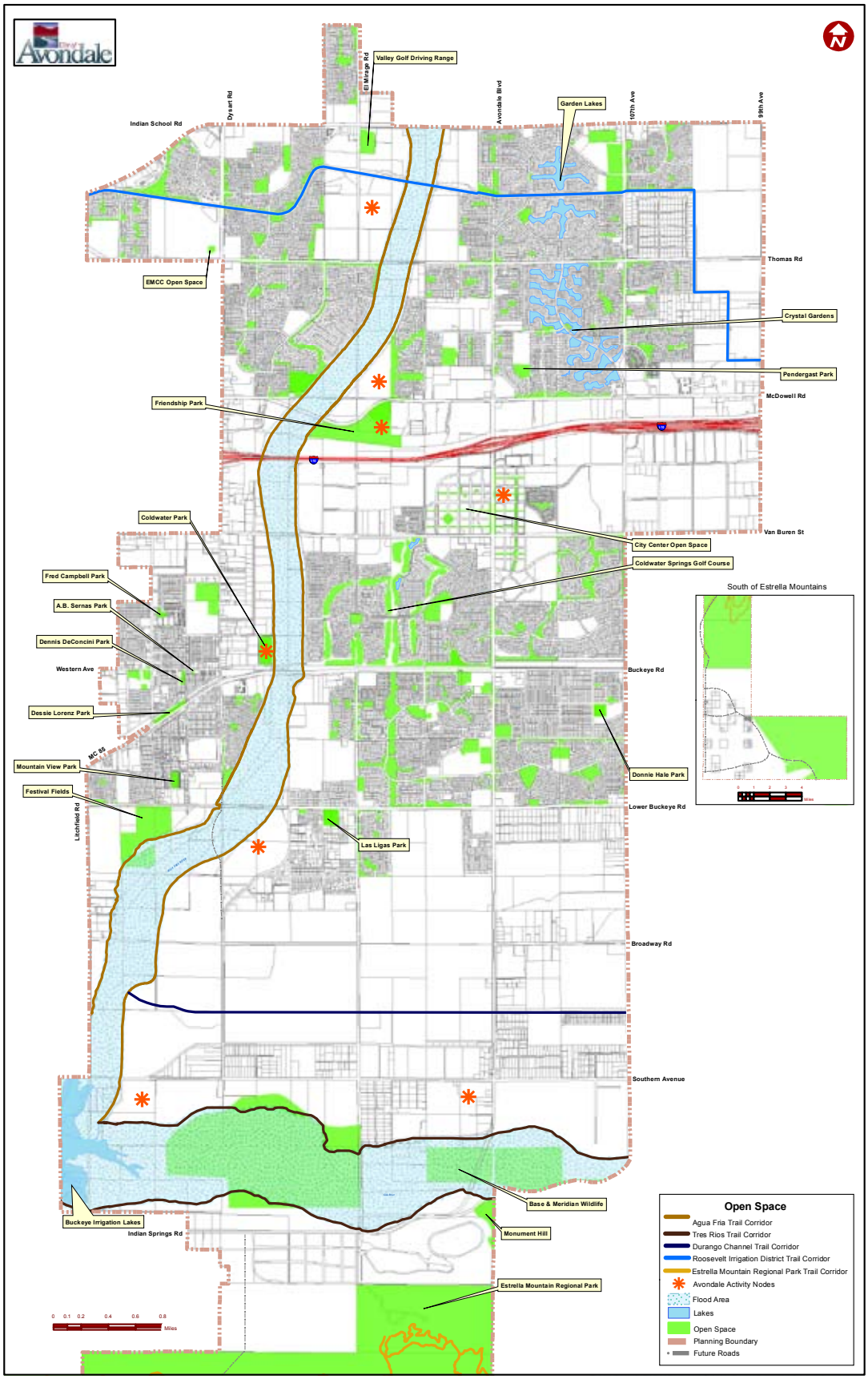
- The development pattern contained on the Land Use Plan inadequately provides sufficient sites for the use or change proposed in the amendment.
- The amendment constitutes an overall improvement to the 2012 Plan and is not solely for the good or benefit of a particular landowner or owners.
- The amendment will not adversely impact the community as a whole or a portion of the community by:
  - Significantly altering the acceptable land use patterns;
  - Requiring larger and more expensive public infrastructure improvements including, but not limited to, roads, water and wastewater, and public safety facilities than would otherwise be needed without the proposed change;
  - Adversely impacting the existing land uses; or
- That the amendment is consistent with the overall intent of the 2012 Plan and other adopted plans, codes and ordinances.


Avondale
Aspiring. Achieving. Accelerating.
N
South of Estrella Mountains
GENERAL PLAN
Legend
Planning Boundary
Growth Area
Land Use
Rural Low Density Residential
Estate/Low Density Residential
Medium Low Density Residential
Medium Density Residential
Medium/High Density Residential
High Density Residential
Local Commercial
Freeway Commercial
Historic Avondale District
Sports and Entertainment
Office/Professional
Industrial
Business Park
Corporate Park
Gila River Scenic District
Open Space and Parks
Public/Civic
Education
Resort
Neighborhood District
Gateway District
Village District
Park Avenue District
Promenade District
Residential District
The Boulevard (The BLVD) Specific Plan Area
TOD
Urban Residential
Urban Commercial
High Intensity Office
Mixed Use
Aggregate Sites
Existing
Potential Sites - Privately Owned Land
Potential Sites - Publicly Owned Land
Roads
Interstate 10
Future SR-30 Alignment
Future Roads
Avondale Boulevard Employment and Commercial Corridor
Powerlines
Powerline Trail
230 KV Power Lines
345 KV Power Lines
500 KV Power Lines
69 KV Power Lines
Symbols
Resort
Medical Center
Public Recreational/Wildlife Center
Public Recreational/ASC
0 0.2 0.4 0.6 0.8 Miles
Author: Development and Engineering Services Department
Date: 2/24/2022

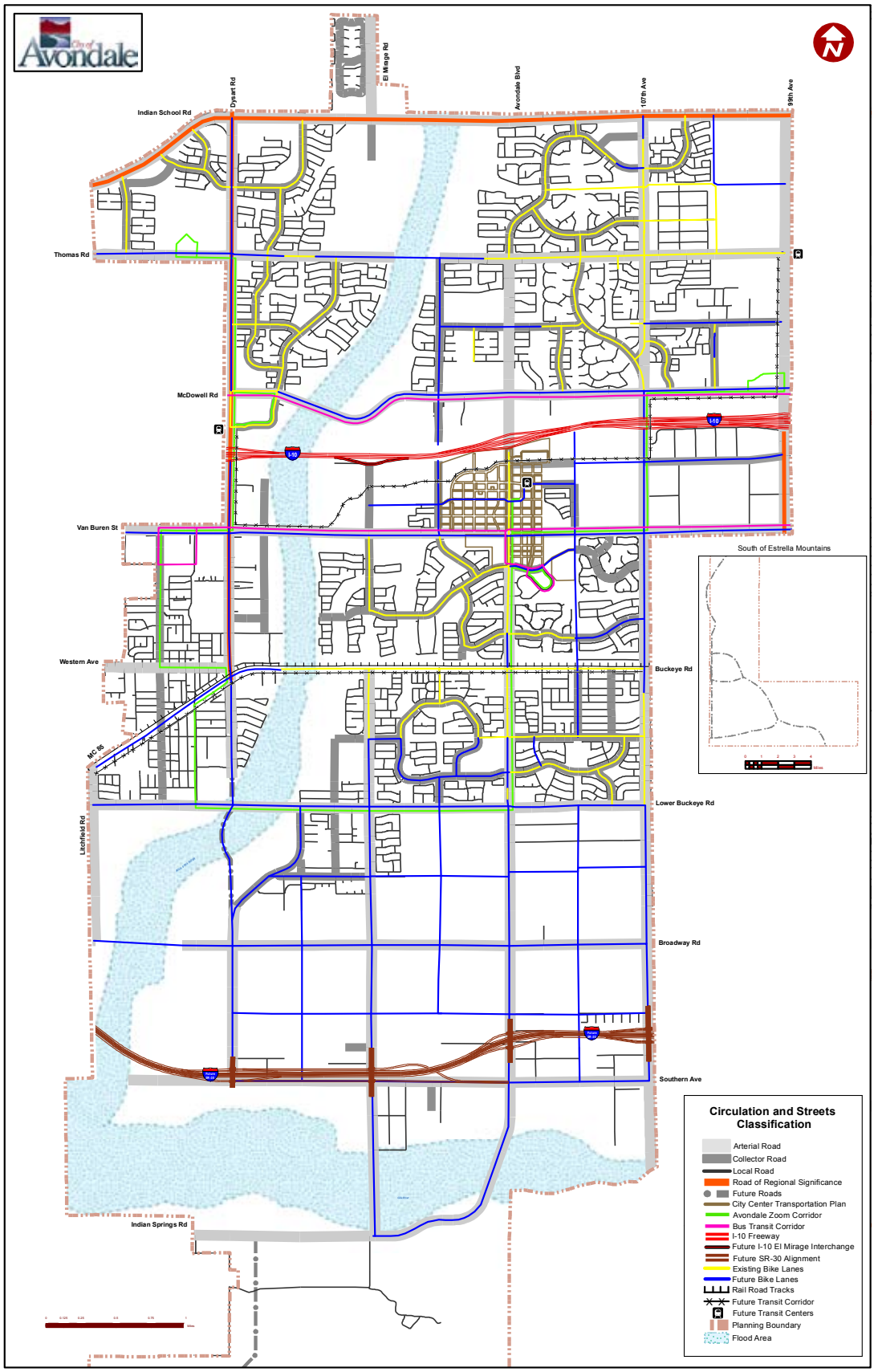
## INFILL DISTRICTS/REVITALIZATION AREAS



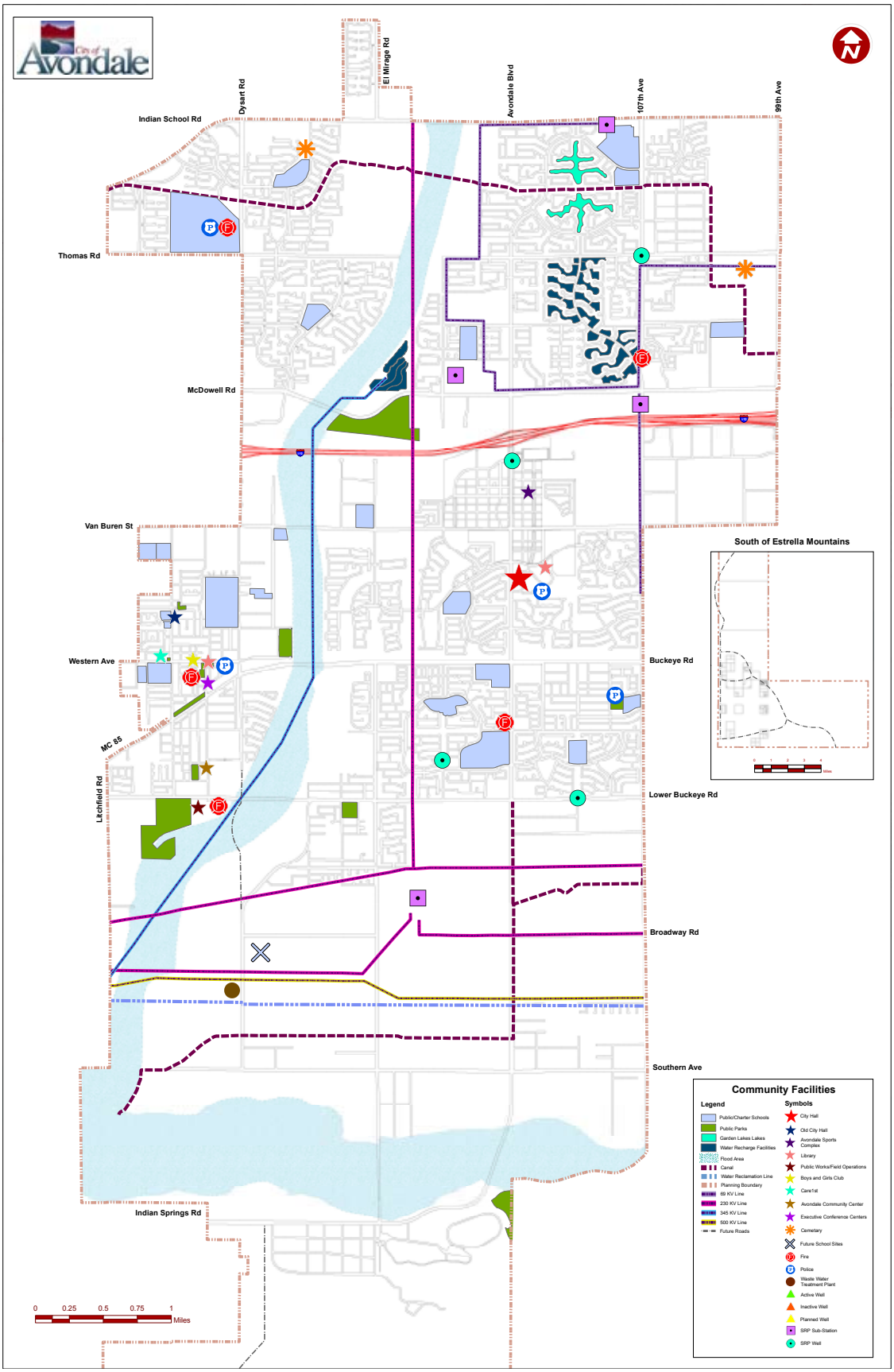
## RECREATIONAL AMENITIES



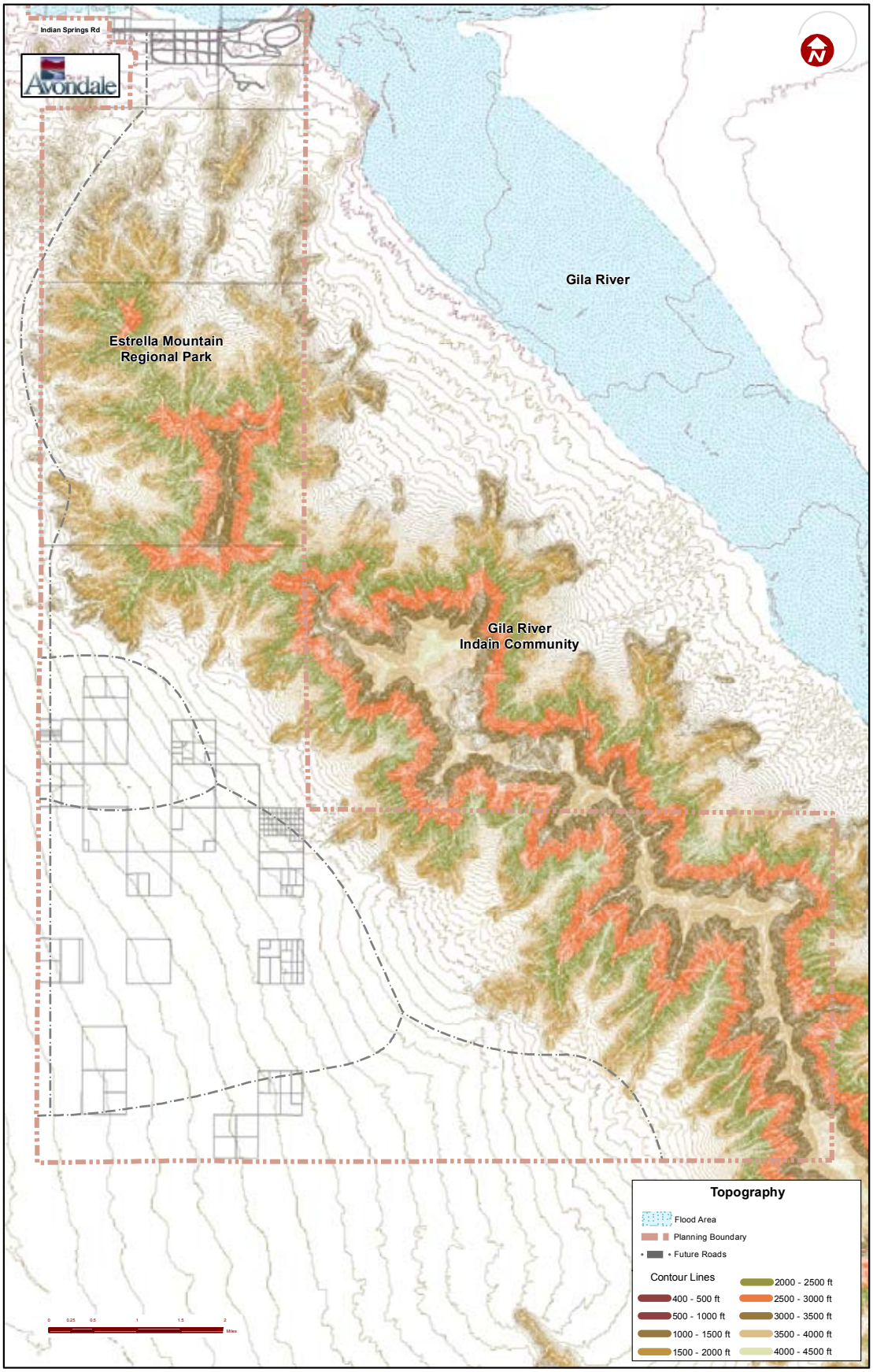
## CIRCULATION AND STREET CLASSIFICATION



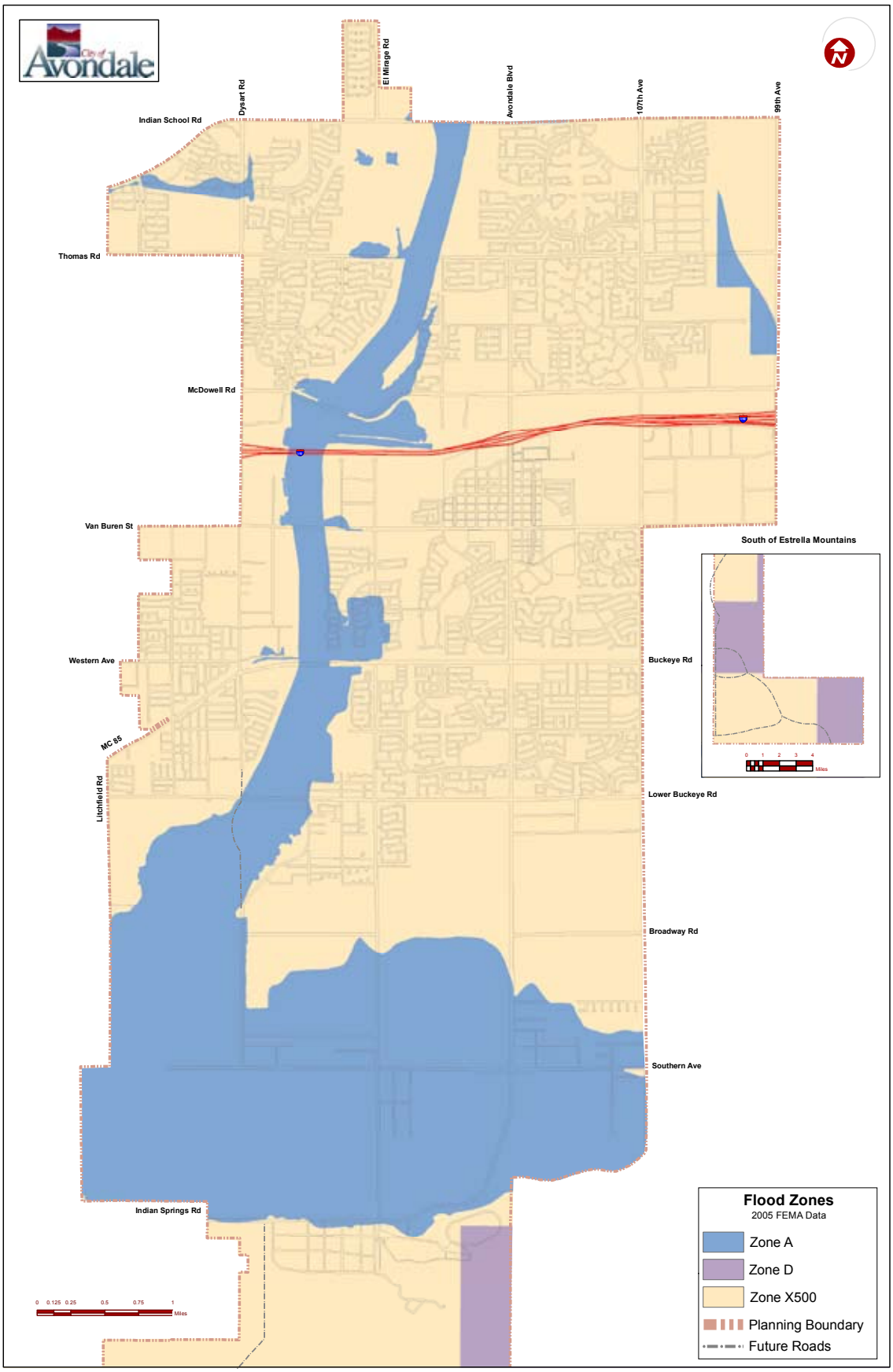
## COMMUNITY FACILITIES

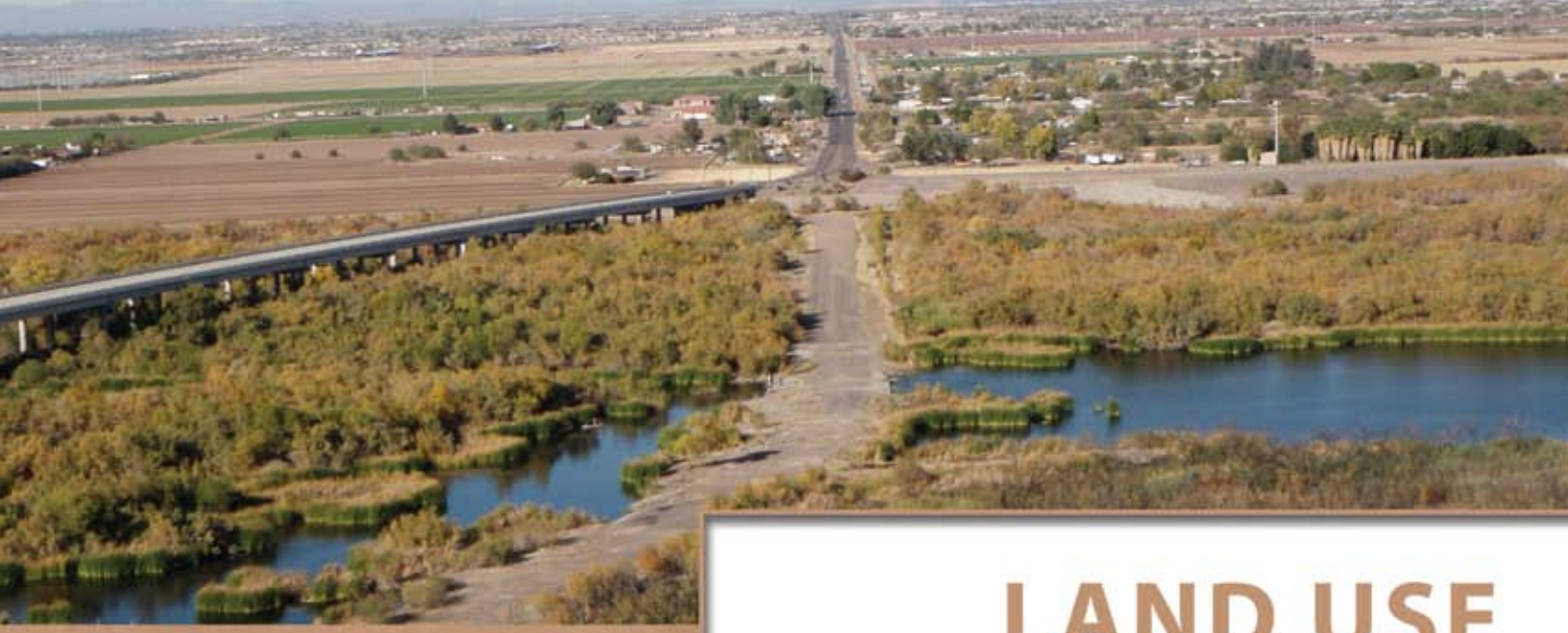


## STEEP SLOPES



## FLOOD ZONE


Avondale
Dysart Rd
El Mirage Rd
Avondale Blvd
107th Ave
99th Ave
Indian School Rd
Thomas Rd
McDowell Rd
Van Buren St
Western Ave
MC 85
Litchfield Rd
Buckeye Rd
Lower Buckeye Rd
Broadway Rd
Southern Ave
Indian Springs Rd
South of Estrella Mountains
0 1 2 3 4
Miles
0 0.125 0.25 0.5 0.75 1
Miles
Flood Zones
2005 FEMA Data
Zone A
Zone D
Zone X500
Planning Boundary
Future Roads



# LAND USE THEME

## PREFACE

The General Plan Land Use Theme incorporates balanced living with residentially and commercially designated areas to accommodate a mix of attractive and functional live-work enclaves.

Our development patterns have been framed around our infrastructure, our breathtaking views, and amazing natural beauty. As our population has grown, we continue to recognize the value of the rivers as open space amenities, which improve the quality of our lives by providing an escape from the developed landscape of our City and the Phoenix metropolitan area. We recognize that these amenities have the potential to attract visitors, who benefit our community by shopping and dining within our borders.

Our remaining farms, once viewed solely as economic enterprises, now provide character and a sense of history to our community. While we recognize that as development occurs, agricultural and livestock uses will become more difficult to maintain, we actively strive to retain our rural heritage and lifestyle through policies requiring larger lots and lower densities in the southern areas of the City. Strategies to preserve some of this land for growing local produce may serve Avondale's health both economically and nutritionally.

Throughout the Valley and the nation, traditional downtowns have been replaced with big box stores, suburban shopping centers, and regional power centers. Avondale is proud to be able to offer both types of development opportunities. While we enjoy the "big city" benefits and conveniences of these newer retail models, such as City Center, we place the utmost importance on also retaining our small-town character through the conservation and rehabilitation of the Historic Avondale business core designed for those that are seeking an escape from the urban scene. Avondale's Commercial and Residential Infill Incentive Plan supports the idea that these are valued areas in the City, and City officials are committed to encouraging their redevelopment.

We value our newer subdivisions, which provide quality housing for our residents and contribute towards establishing Avondale as a modern city with sustainable neighborhoods and amenities for our residents. At the same time, the City's older neighborhoods continue to provide diverse housing opportunities and contribute to a sense of history in our community. We strive to be able to provide an even greater range of housing types and lot sizes to make Avondale a community our residents never have to leave. ▶

As Avondale has grown, opportunities for residents to expand and enhance their knowledge, abilities, and career options have grown as well. The diverse selection of educational opportunities available within our City includes strong elementary and high schools from several school districts, nationally attended technical and vocational schools such as Universal Technical Institute (UTI), and regional institutes of higher learning, namely Estrella Mountain Community College (EMCC). We recognize that providing for quality education is the cornerstone of any successful place and, as a result, we will take all reasonable steps to support their development and expansion needs.

We view Avondale's location amidst the I-10 and Loop-101 freeways as a valuable resource for attracting and retaining jobs and retail development to Avondale. With the completion of these freeways, doors have been opened to facilitate the development of a variety of commercial and industrial uses which serve not only the Phoenix region, but also the not so distant Los Angeles market.

The West Valley is quickly emerging as the region's sports and recreation hub. We are thankful for the recognition, prestige, and economic impact that Phoenix International Raceway contributes to Avondale and seek new opportunities to expand that impact in the southern area of the City. We also recognize that our City's proximity to University of Phoenix Stadium and Jobing.com Arena present a great opportunity to attract tourism, hospitality, entertainment, and dining users to our City.

We are excited about the prospect that our City Center will develop into the region's premier mixed use destination, a place for people to live, work, shop, and play in a visually stunning pedestrian-oriented environment. The American Sports Center project, the result of a public/private partnership, represents a momentous first step towards realizing this vision and playing a part in creating an activity-based community. We take pride in the fact that Avondale is at the forefront of city planning; visionary rather than reactive; creative rather than stagnant.

Improving the compatibility of aggregate sites with surrounding land uses for the eventual re-use of aggregate sites that operate in Avondale, such as sand and gravel mining facilities, is a priority. Once mining operations have ceased, maximize the potential for those sites to develop, or, if located within an undevelopable floodway, contribute to and enhance the City's open space network. The City will work with the owners and operators of these facilities to ensure that these current and future opportunities will benefit all parties.

Avondale is unique, choosing to appreciate and maintain our heritage while also proactively seeking innovative ways to provide the highest quality of life by becoming a healthy lifestyle community. Its managed growth and superior infrastructure will ensure safety and exemplary services.

# LAND USE ELEMENT

## INTRODUCTION

Avondale's land use plan is intended to guide the City in making land use changes to achieve a balanced community. The Land Use Theme contains goals and policies that provide direction on how we envision our community developing in the future. Land use patterns – how the land uses are arranged and the urban form is constructed – are critical to the health and well-being of Avondale residents. Healthy land use patterns can be achieved by encouraging infill; focusing development in mixed-use districts and around major transit centers and corridors; constructing a diverse mix of uses throughout the City; and encouraging land use patterns that promote walking, bicycling, and transit use. Together with a range of land uses that foster variety and choice, we plan to accommodate a range of lifestyles, living, and working conditions and will strive to accommodate diverse community settings to create a solid foundation for Avondale to grow throughout the next several years. The Element discusses the Land Use Map that describes the location, intensity, and density of land uses that we want in our community, and an Infill Districts/ Revitalization Areas Map that locates areas where the City encourages redevelopment.

## PAST, PRESENT, AND FUTURE TRENDS

To determine where we must go, we must first understand from where we came. The 1990 General Plan described Avondale's planning area as greater than 40 square miles, with approximately 69 percent of the planning area north of the Gila River undeveloped or used for agriculture as of 1995. An analysis of existing land use indicates the following land uses in Avondale, as of 1995, north of the Gila River:

### Table 1 - Existing Conditions in 1995 (North of Gila River)

| Land Use Description | Percent |
|---|---|
| Agriculture | 57.94% |
| Vacant/Undeveloped | 10.76% |
| Commercial | 0.71% |
| Residential (Sum of Residential Subcategories) | 14.20% |
| *Large Lot Residential* | *5.82%* |
| *Medium Density Residential* | *0.24%* |
| *Small Lot Residential* | *8.14%* |
| Transportation/Right-of-Way | 1.12% |
| Employment/Industrial | 0.87% |
| Open Space (Improved or Unimproved, Excluding Public Parks) | 12.78% |
| Public Parks | 0.28% |
| Public Facilities | 1.34% |
| TOTAL | 100.00% |

Source: 1995 Maricopa Association of Governments Existing Land Use Coverage

The preceding table illustrates that as of 1995, agriculture was the predominant land use in Avondale. The next largest land use category was vacant land, followed by water (areas of the floodways, floodplains, drainage structures, and canals). In total, residential land use accounted for 14.2 percent of the land area north of the Gila River in 1995. Commercial and industrial development, which supply much needed jobs and tax base, combined to total only 1.58 percent. Even in 2000, after the initial building boom in the southwest valley had occurred, approximately 58 percent of the area north of the Gila River remained undeveloped and commercial and business park uses were largely non-existent. Avondale truly was an emerging bedroom community, relying upon neighboring Phoenix to supply jobs, goods, and services to our expanding population.

Now contrast those numbers with the existing conditions data from 2010. In only a matter of ten years, the amount of undeveloped/agricultural land north of the Gila River has dropped to approximately 31 percent. An analysis of existing land use indicates the following land uses in Avondale, as of 2010, north of the Gila River:

## Table 2 - Existing Conditions in 2010

| Land Use Description | Percent |
|---|---|
| Agriculture | 18.86% |
| Vacant/Undeveloped | 11.88% |
| Commercial | 3.69% |
| Residential (Sum of Residential Subcategories) | 25.25% |
| *Low Density Single Family Residential* | *2.89%* |
| *Medium Density Single Family Residential* | *12.96%* |
| *Medium High Density Single Family Residential* | *4.41%* |
| *Un-Subdivided Single Family Residential* | *3.06%* |
| *Multi-Family Residential* | *1.47%* |
| *Mobile Home Park* | *0.46%* |
| Transportation/Right-of-Way | 14.37% |
| Employment/Industrial | 6.20% |
| Open Space (Improved or Unimproved, Excluding Public Parks) | 13.44% |
| Public Parks | 0.73% |
| Public Facilities | 5.58% |
| TOTAL | 100.00% |

Source: City of Avondale Planning Division Existing Conditions Survey

Agriculture is no longer the predominant land use in Avondale. Approximately a quarter of the land north of the Gila River is developed with a variety of residential types and lot sizes with medium density subdivisions ranging between 2.5 and 4 dwelling units per acre being the most commonplace. Commercial development now accounts for 3.69 percent of the study area; land used for industrial and employment generating uses accounts for more than 6 percent of the land area.

While agricultural uses have not disappeared from the City altogether, they are undoubtedly becoming less visible. A comparison of existing conditions between 1995 and 2010 shows the following trends:

## Table 3 - Changes in Existing Conditions 1995-2010

| Land Use Description | Change as % of Total |
|---|---|
| Agriculture | -39.08% |
| Vacant/Undeveloped | +1.12% |
| Commercial | +2.98% |
| Residential (Sum of Residential Subcategories) | +11.05% |
| Transportation/Right-of-Way* | +13.25% |
| Employment/Industrial** | +5.33% |
| Open Space (Improved or Unimproved, Excluding Public Parks) | +0.66% |
| Public Parks | +0.45% |
| Public Facilities | +4.24% |

* A comparison of the two tables shows a sizeable increase in the percentage of land devoted to transportation/right-of-way. This is a result of the 1995 study including only arterial streets in the calculation. The 2009 data includes all public streets, including local streets, thus leading to a large percentage increase.

** The 1995 data set did not count the mining and landfill operations occurring within the City as an employment/industrial use, but rather as open space. The increased percentage of land calculated as being developed with employment uses is thus partially due in part to this re-classification of use.

In the past 15 years, the only land use category to show decline is agriculture. Residential use has seen tremendous growth, as has commercial, office/business park/industrial, and public facilities. The amount of land developed for transportation (street rights-of-way, etc.) has increased significantly as well. While still heavily reliant upon outside communities for jobs as well as some retail needs, Avondale has grown into a much more self-sustaining community than it was in 1990.

The analysis of existing conditions data shows how the City has physically changed over time; it is equally important, however, to understand the reason(s) why Avondale has changed. The following tables depict General Plan Land Use Map data dating back to 1990. The answer to the "why" question can be found by comparing the data in these next few tables; it is because of the foresight and abilities of our past and present residents and leadership to adjust their vision of what we can become that Avondale has transformed from agrarian exurb to bedroom suburb to where we are today, a city with growing self-sustainability.

The 1990 General Plan planned land uses were as follows:

### Table 4 - 1990 General Plan - Planned Land Uses

| Land Use Category | Percent of Total |
|---|---|
| Agriculture | 40.53% |
| Medium Density Residential | 23.66% |
| Vacant | 13.72% |
| Rural, Estate/Low Density | 6.00% |
| Water | 6.00% |
| Dedicated or Non-Developable Open Space | 3.44% |
| Community Retail Center | 2.73% |
| Transportation | 1.19% |
| Business Park | 0.90% |
| Educational | 0.80% |
| High Density Residential | 0.32% |
| Recreational Open Space | 0.31% |
| Neighborhood Retail Center | 0.30% |
| Institutional | 0.04% |
| Public Facility | 0.03% |
| Warehouse/Distribution Center | 0.02% |

In 1990, Avondale's planning area encompassed 40 square miles, and the City's vision was, relative to today, conservative in terms of future development. As it had been throughout the City's history, agriculture was still envisioned as the most predominant land use (41 percent). However, with further analysis, it becomes apparent that our shift from an agrarian community on the outer fringe of Phoenix to a Phoenix suburb had begun. For instance, the total number of acres being used in 1990 for agricultural purposes, but which were shown in the General Plan for other types of development, represented one-third of the existing agricultural land use in 1990. The 1990 Plan also recommended doubling the total number of existing residential land use acres.

By the time the 2002 General Plan was adopted, the City's planning area had grown to include almost 94 square miles; roughly two-thirds of which is south of the Gila River and was, and still is, largely undeveloped.

## Table 5 - 2002 General Plan - Planned Land Uses

| Land Use Category | Total Area in Acres | Percent of Total | Target Density per Acre | Projected Build Out Population |
|---|---|---|---|---|
| Medium Density Residential | 7,673 | 40.13% | 2.5 | 63,303 |
| Open Space | 2,564 | 13.41% | - | - |
| Low Density Residential | 2,161 | 11.30% | 1 | 7,131 |
| Office/Business Park | 1,607 | 8.40% | - | - |
| Rural Low Density | 1,273 | 6.66% | 0.2 | 840 |
| Freeway Commercial | 809 | 4.23% | - | - |
| Commercial | 786 | 4.11% | - | - |
| Medium High Density Residential | 738 | 3.86% | 4 | 9,742 |
| Public Facilities | 623 | 3.26% | - | - |
| Mixed Use | 553 | 2.89% | - | - |
| Multi-Family Residential | 280 | 1.46% | 12 | 11,088 |
| High Density Residential | 55 | 0.29% | 8 | 1,452 |
| TOTAL | 19,122 | 100% | - | 93,556 |

The 2002 Plan represented an enormous leap towards Avondale becoming a more important member of the metropolitan Phoenix economy. The Land Use Map recommended as part of the 2002 Plan no longer reserved any land for agricultural use. Furthermore, it substantially increased the amount of land planned for residential, retail, and employment/industrial development. These changes in planned land use reflected Avondale's desire to transition from a rural bedroom community to a more self-sufficient city where people would have the opportunity to live, work, recreate, and shop within Avondale rather than fulfilling those needs in Phoenix or other surrounding municipalities.

The following table shows the future land use breakdown after taking into account the seven General Plan Land Use Map amendments approved between 2002 and 2009:

## Table 6 - 2002 General Plan, as Amended* - Planned Land Uses

| Land Use Category | Total Area in Acres | Percent of Total | Target Density per Acre | Projected Build Out Population |
|---|---|---|---|---|
| Medium Density Residential | 7,652 | 40.02% | 2.5 | 63,129 |
| Open Space | 2,564 | 13.09% | - | - |
| Low Density Residential | 2,161 | 11.30% | 1 | 7,131 |
| Employment | 1,571 | 6.69% | - | - |
| Rural Low Density | 1,273 | 6.68% | 0.2 | 840 |
| Commercial | 809 | 5.47% | - | - |
| Freeway Commercial | 694 | 4.23% | - | - |
| Medium High Density Residential | 738 | 3.82% | 4 | 9,742 |
| Public Facilities | 623 | 3.61% | - | - |
| Mixed Use | 694 | 3.26% | - | - |
| Multi-Family Residential | 280 | 1.50% | 12 | 11,088 |
| High Density Residential | 63 | 0.33% | 8 | 1,663 |
| TOTAL | 19,122 | 100% | - | 93,593 |

*Table reflects planned land uses as of January 11, 2010

Between the 2002 General Plan's adoption in June 2002 and present, seven amendments to the Land Use Map were approved by the City Council. A comparison of Table 5, the original Land Use Map, and Table 6 will show that the acreages and percentages of land devoted to each land use category have remained relatively constant. The category that increased the most as a result of amendments was the Mixed Use designation, which saw an increase of 141 acres representing a percentage increase of 0.74 percent of the total north planning area. Medium Density Residential, Employment, and Commercial designations all experienced some decreases, although minimal. The relative stability of the Land Use Map over the past decade, in a period of growth where Land Use Map changes were sometimes commonplace, may be viewed as an indication that the 2002 Land Use Map adequately plans for future growth and development in Avondale.

The following table compares the amount of acreage envisioned by our residents and leaders to be devoted to specific land use categories in 2002 with the amount of acreage currently used for that category of development in the City.

## Table 7 - Comparison of 2002 General Plan Future Land Uses and 2010 Existing Conditions

| Land Use Category | 2002 General Plan | 2010 Existing Conditions | Available Acreage |
|---|---|---|---|
| Medium Density Residential | 7,652 | 2,478 | 5,174 |
| Open Space | 2,564 | 2,710 | At/Exceeds Maximum |
| Low Density Residential | 2,161 | 552 | 1,609 |
| Employment | 1,571 | 1,185 | 386 |
| Rural Low Density | 1,273 | 590 | 683 |
| Commercial/Freeway Commercial | 1,503 | 705 | 798 |
| Medium High Density Residential | 738 | 843 | At/Exceeds Maximum |
| Public Facilities | 623 | 1,067 | At/Exceeds Maximum |
| Mixed Use | 694 | 0 | 694 |
| Multi-Family Residential | 280 | 369 | At/Exceeds Maximum |
| High Density Residential | 63 | 0 | 63 |
| Other (Agriculture, Vacant, Right-of-Way, etc.) | 0 | 8,623 | - |
| TOTAL | 19,122 | 19,122 | - |

The previous table serves as a strong indicator on which land use categories the City has adequately planned for, and which categories may require additional land devoted to them in this update. For example, the 2002 Land Use Map planned for 7,652 acres of medium density residential use; as of January 2010, 2,478 acres have been developed with this type of use leaving 5,174 acres available for future development of this kind. It is important to note that simply because a particular use is at or exceeds the 2002 vision does not necessarily mean that there is no current opportunity to develop that use within the City. For example, although the 369 acres of land occupied by existing multi-family residential development exceeds the 280 acres envisioned for that type of land use, some opportunities to develop additional multi-family residential still remain. This is the result of the 2002 Land Use Map denoting some areas previously designated with multi-family residential development for a different land use in the future.

## GENERAL PLAN 2012 LAND USE MAP

Between the 1990 and 2002 General Plans, Avondale captured a significant share of the residential growth that occurred in the Phoenix metropolitan area. Furthermore, between 2002 and 2009, Avondale outpaced the vast majority of Valley cities in new home construction and population growth. While economic realities have lowered projections from just a few years ago, Avondale's population is still expected to surpass 100,000 by the year 2020 and 120,000 by the year 2030.

### Table 8 - Population Projection

| | 2005 | 2010* | 2020 | 2030 | 2035 |
|---|---|---|---|---|---|
| Avondale Population | 70,160 | 76,238 | 105,989 | 123,265 | 135,272 |

Maricopa Association of Governments Socioeconomic Projections of Population, Housing, and Employment by Municipal Planning Area and Regional Analysis Zone (May 2007, updated January 2009)

*2010 Population Data courtesy of US Census; this not a projection.

Through our General Plan 2012 Land Use Map, we must be prepared to accommodate the future population by providing adequate residential areas at densities that are in line with our community vision, including its healthy lifestyle goals. At the same time, the City must provide for ample land area for commercial and industrial development with an emphasis on creating and applying land use categories that emphasize higher-paying jobs in order to retain residents. Providing for densities that exceed what Avondale has envisioned in the past, for instance within the City Center area, will help to free up additional land for commercial and employment land use categories and achieve the desired mix. In general, similar to City Center but possibly less intense, mixed use and higher densities will be vital to supporting a community that values a healthy lifestyle.

As new development occurs, it will undoubtedly replace some existing residential areas. Our existing housing is important to our heritage and provides moderately priced housing for many of our residents. Just as importantly, as our employment base grows, more people will want to live in Avondale. We need to provide for larger residential lots, custom homes, and additional amenities that will aid in attracting and retaining professionals in our City. Also, safe, attractive mixed-use neighborhoods support health not only by allowing residents to be physically active through daily activity, such as walking to school, work, and shopping, but also by increasing access to "health infrastructure" – everything from medical facilities to fresh food. As Avondale strives to meet its land use demands, to achieve its goals as a healthy lifestyle community, mixed use opportunities need to be considered. Our land use plan must provide locations for these various types of uses. The Housing Element, Transit Oriented Development Element, and Urban Design Element of this Plan details specific strategies to ensure that a variety of housing types are available in our City. Planning for transit-oriented development, which includes higher densities, will support transit opportunities such as light rail and commuter rail. Rail connections in turn give Avondale residents options for travel that are environmentally conscious and encourages walking to and from destinations.

To stabilize our existing neighborhoods, our City Council adopted an Infill Incentive Plan in November 2000. In October of 2004 the plan was replaced with the *Commercial Infill Incentive Plan* and the *Residential Infill Incentive Plan*. Each Plan identifies commercial and residential infill districts and lists specific strategies, such as fee waivers, relaxed design standards, and expedited review periods, to encourage development within them. The Infill Districts/Revitalization Areas Map depicts these districts.

## *Protection of Aggregate Sites and Resources*

Revisions to the Statutes in 2011 require General Plans to identify current and potential sources of aggregate material. The intent of the statutory revisions is to provide opportunities for communities and current and future aggregate producers to avoid unnecessary land use conflicts, ensure long-term availability of low-cost construction materials, and achieve the highest and best land uses for these sites once mining ceases.

The City of Avondale has identified the locations of current aggregate operations within our community from a database maintained by the Arizona State Mine Inspector. Additionally, the City has identified general areas with the potential for future aggregate development on its Land Use Map as required by state law, as well as generally described these properties in this Land Use Element text. Every reasonable effort has been made to ensure the accuracy of the maps and related information contained herein. However, these maps and information reflect limited data available through the Arizona State Mine Inspector, the Flood Control District of Maricopa County, and the Arizona Geological Survey at the time of this General Plan Update. Avondale assumes no liability either for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such. While general areas that may be conducive for development as aggregate sites are identified for future mining operations on the General Plan's Land Use Map, it is unlikely that all areas can be developed as aggregate resources. Further, aggregate activities may not occur by right at these locations. The Zoning Ordinance contains the Special Use Overlay District that is available for an aggregate site to expand its operations beyond its existing boundaries should the City and the property owners agree that this is a viable option. The owners of parcels that contain potential aggregate resources may apply for the Special Use District (SUD) Overlay as part of the development review to mine and capture the aggregate resources prior to grading the site and future development. There is no guarantee via this document that approval of additional aggregate mining facilities through the SUD will be granted.

Aggregate mining operations exceeding five acres in area are required by Arizona law to prepare "Reclamation Plans" for approval by the Arizona State Mine Inspector. These plans detail the total acreage of the mining site, the disturbed (i.e. mined) acreage, and the manner in which the owner/operator will restore the site once mining activity has ceased. There is no time frame established for cessation of mining activities, but Arizona State Statute requires reclamation within 3 years of closure. Reclamation Plans have been filed with the Arizona State Mine Inspector for the following sites located within the City of Avondale's planning boundary (listed in order of northernmost sites to southernmost sites):

- **CEMEX West Quarry Mine Site:** This approximately 617 acre site is located east of the Agua Fria River at Thomas Road, extending north past Camelback Road with approximately two-thirds of the site located outside of Avondale's jurisdiction. Activities occurring on the site include unconsolidated aggregate mining and concrete manufacturing. Based upon 2010 aerial photographs, staff estimates approximately 260 of the 617 acres have been disturbed. The reclamation plan calls for areas of the site to be backfilled after mining and others to be converted to naturalized open space and designated for agricultural or recreational purposes. Mining operations are expected to continue through at least 2030; however, the narrative states that some areas of the site may be reclaimed concurrently with mine operations as those portions are no longer used for mining purposes.

- **Vulcan Materials Company Litchfield Mine Site:** This approximately 272 acre site is located south of Indian School Road, west of the Agua Fria River, stretching south to Thomas Road. Activities occurring on the site include open pit sand and gravel mining, landfill operations, and concrete manufacturing; approximately 255 of the 272 acres have been disturbed from mining and landfill activities. The Reclamation Plan

identifies several potential post mining uses of the land and states that the specific post mining use will be dependent upon economic conditions at the time of mining cessation. These post mining uses include future commercial, recreational, or educational opportunities which may include water components, such as ponds. There is no time frame established for closure of the mine; however, the narrative states that some areas of the site may be reclaimed before the end of mine life.

- **Vulcan Materials Company Avondale Mine Site:** This approximately 173 acre site is located west of Dysart Road directly south of the City's Charles M. Wolf Water Treatment Facility. Activities occurring on the site include open pit sand and gravel mining, concrete manufacturing, and hot mix asphalt manufacturing; approximately 134 of the 173 acres have been disturbed from mining and manufacturing activities. Upon completion of mining and related activities, the operator will restore plant life to the site and create an open pond area with shallow side slopes, potentially usable for recreational activities. There is no time frame established for closure of the mine.

- **California Portland Cement Company/iMix Materials Bullard Mine Site:** This approximately 133 acre site is located on 143rd Avenue north of Baseline Road. The majority of the site, including all mining activity, is located within the City of Goodyear. The easternmost portion of the site, which contains a concrete manufacturing facility, is located within the City of Avondale. Activities occurring on the site include open pit sand and gravel mining, concrete manufacturing, and granite mining; approximately 127 of the 133 acres have been disturbed. The reclamation plan calls for the site to be restored to naturalized open space. Mining operations are expected to continue on a portion of the property; however, the narrative states that some areas of the site may be reclaimed concurrent with mine operation as those portions of the site are no longer used for mining.

- **Vulcan Materials Company Gila 240 Mine Site:** This approximately 253 acre site is located at the southwest corner of Dysart Road and Southern Avenue. Activities occurring on the site include open pit sand and gravel mining, concrete manufacturing, and asphalt manufacturing. The Reclamation Plan incorrectly states that the site has not yet been disturbed. Based upon 2010 aerial photographs, staff estimates approximately 163 acres of the 253 acre site have been disturbed. The reclamation plan identifies several potential post mining uses of the land and states that the specific post mining use will be dependent upon economic conditions at the time of mining cessation. These post mining uses include future commercial, recreational, or other opportunities which may include water components, such as open ponds. The property could also be used in the future as a groundwater recharge area and reseeded with native vegetation. There is no time frame established for closure of the mine.

- **El Mirage and Southern Mine Site (Circle H Sand & Rock):** This approximately 76 acre site is located at the southwest corner of El Mirage Road and Southern Avenue. Activities occurring on the site include open pit sand and gravel mining and concrete manufacturing. The future reclamation plan for this site is uncertain, although per discussions with the State Mine Inspector, it is anticipated it will be integrated into the Tres Rios Greenway Project, a collaborative effort by various local and state entities to create a natural recreational area in the Gila River and Agua Fria River beds. There is no time frame established for closure of the mine.

The City recognizes these sites as existing operations, but has identified policies to plan for the eventual re-use of these aggregate sites. Once mining operations have ceased, the potential for each of these sites to develop, or, if located within an undevelopable floodway, to contribute to the City's open space network, will be limitless. For future aggregate sites, the City will work proactively with the Arizona Mine Inspector, the property owners, and the operators of these facilities to develop their operation and reclamation plans in a manner that minimizes undesirable land-use conflicts and maximizes the future use of any existing sites to benefit all parties and the residents of Avondale.

The Buckeye Irrigation District owns the property between Baseline Road and the Gila River, east of 143rd Avenue. As a result of previous mining operations lakes now exist on the property. The City has identified this area as a site that could serve residents and visitors to Avondale and provide future recreation, natural open space, and other opportunities.

The following table lists the acreages devoted to each of the City's new land use categories and projects Avondale's population in the event that the entire City is built out according to the 2012 Land Use Map. The table also separates the presently developable portion of the City (those properties north of the Estrella Mountains) from the property to the south.

## Table 9 - General Plan 2030 - Planned Land Uses

| Land Use Category | Total Area in Acres | NORTH of ESTRELLAS Total Area in Acres | Percent of Total | NORTH of ESTRELLAS Percent of Total | Target Density per/ acre | Projected Dwelling Units at Buildout** | Projected Population at Buildout** |
|---|---|---|---|---|---|---|---|
| Estate/Low Density Residential | 30,297 | 1,866 | 50.94% | 8.94% | 1.0 DU/AC | 30,297 | 80,893 |
| Open Space & Parks | 13,866 | 4,208 | 23.31% | 20.17% | - | - | - |
| Medium Density Residential | 6,351 | 6,351 | 10.68% | 30.44% | 2.5 DU/AC | 15,878 | 42,393 |
| Local Commercial | 1,279 | 755 | 2.15% | 3.62% | - | - | - |
| Rural Low Density Residential | 1,056 | 1,056 | 1.78% | 5.06% | 0.2 DU/AC | 211 | 566 |
| Sports & Entertainment | 935 | 935 | 1.57% | 4.48% | 2 DU/AC | 1,870 | 4,993 |
| Mixed Use | 809 | 809 | 1.36% | 3.88% | 20 DU/AC | 16, 180 | 43,201 |
| Freeway Commercial | 711 | 711 | 1.20% | 3.41% | - | - | - |
| Medium/High Density Residential | 614 | 614 | 1.03% | 2.94% | 8 DU/AC | 4,912 | 13,115 |
| Business Park | 595 | 595 | 1.00% | 2.85% | - | - | - |
| High Density Residential**** | 572 | 572 | 0.96% | 2.74% | 20 DU/AC | 11,440 | 30,545 |
| Education | 517 | 517 | 0.87% | 2.48% | - | - | - |
| Industrial | 418 | 418 | 0.70% | 2.00% | - | - | - |
| City Center* | 386 | 386 | 0.65% | 1.85% | Varies | 2,900*** | 7,743 |
| Public/Civic | 290 | 290 | 0.49% | 1.39% | - | - | - |
| Corporate Park | 191 | 191 | 0.32% | 0.92% | - | - | - |
| Urban Commercial | 131 | 131 | 0.22% | 0.63% | 20 DU/AC | 2,620 | 6,995 |
| Gila River Scenic District | 129 | 129 | 0.22% | 0.62% | - | - | - |
| High Intensity Office | 108 | 108 | 0.18% | 0.52% | - | - | - |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Historic Avondale District | 85 | 85 | 0.14% | 0.41% | 8 DU/AC | 680 | 1,816 |
| Office/Professional | 80 | 80 | 0.13% | 0.38% | - | - | - |
| Urban Residential | 60 | 60 | 0.10% | 0.29% | 30 DU/AC | 1,815 | 4,845 |
| TOTAL | 59,480 | 20,867 | 100.00% | 100.00% | - | 88,802 | 237,102 |

* The City Center Area contains additional land use subcategories identified within the City Center Specific Plan.

** Population estimated using Average Household Size in Maricopa County from 2010 US Census (2.67 Persons per Household).

*** City Center Housing Unit Projections based on Market Analysis in City Center Specific Plan (Page 2-13).

****Target density is for estimating purposes only.

As development of the southern portion of the City is not anticipated in the next decade, the north portion of the City should adequately provide all needed amenities to the City's residents, independent of the long term future development of the far southern portions of the City. The General Plan 2012 Land Use Map will continue to refine our vision, providing more specificity in terms of land use categories and establishing overlays in order to guide development in a more structured manner. Whereas one "employment" category was sufficient in 2002, our needs have progressed to the point where we must begin to identify specific types of employment that we wish to see in certain areas of the City. We value manufacturing and office uses, and feel there is a place in the City for both. Unlike in 2002, however, the City is in the position where it would like to group those employers into corridors intended for similar uses.

The transit oriented development land uses, High Intensity Office, Urban Commercial, and Urban Residential along with Mixed Use, offer higher density employment and commercial opportunities that will support economic growth. These land uses are associated with the desire and plan for rail transit in Avondale as shown on the Circulation Map. Along with mixed use, these land uses together create a transit corridor with a focus on employment and commercial growth, with an element of higher density residential to create the right balance for this type of development. The Sports and Entertainment land use allows for employment growth in the southern part of the City. Phoenix International Raceway expansion plans include office and business park uses that typically support job growth.

# GOALS and POLICIES

## GOAL 1:

*Establish an Avondale identity based on a healthy lifestyle that promotes land uses which foster an economically sustainable and socially dynamic community.*

***POLICIES:***

A. Focus attention on urban centers, and develop additional tools to assist in the development and re-development of areas unique to Avondale, such as Western Avenue and the City Center.

B. Plan for unique revenue generating sports and entertainment themed land uses within proximity to the Phoenix International Raceway.

C. Diversify Avondale's housing stock by providing for varied residential types with an emphasis on large lot development in the southern core of the City.

D. Enhance the attractiveness of infill parcels as an option for new development throughout Avondale.

E. Consider adaptive reuse of existing vacant buildings.

F. Support higher density/urban land uses to support future transit and rail.

G. Incorporate community gardens and urban agriculture into mixed use developments.

## GOAL 2:

*Honor the unique character of Historic Avondale.*

***POLICIES:***

A. Build upon the successes of the Western Avenue revitalization by increasing the zoning boundaries of the Old Town Avondale Business District and utilizing the Infill Incentive Plans.

B. Utilize public and private spaces within Historic Avondale to increase pedestrian activity.

C. Preserve and enhance the vitality of existing neighborhoods in and around the Historic Avondale area by continuing to promote the rehabilitation of mature housing and development of infill lots.

D. Continue to monitor the zoning and design requirements for Historic Avondale to ensure they are functioning optimally to create a visually interesting, active, and vibrant pedestrian-oriented place.

## GOAL 3:

*Promote a strong balance of high quality residential, employment, recreation, and educational land uses.*

***POLICIES:***

A. Develop the I-10 corridor into the City's premier business and employment area by encouraging uses that provide a high ratio of well-paying jobs to square footage.

B. Provide for larger home sites and encourage custom home developments in order to attract executive level professionals to live in Avondale.

C. Encourage a mix of uses and amenities when master planning large developments, such as single-family residences, offices, educational institutions, shopping centers, trails, parks, community gardens, and recreational facilities, to encourage social interaction, and to create a larger sense of community amongst residents.

D. Ensure adequate transitions and/or buffers are provided when adjacent land uses vary in character and intensity.

## GOAL 4:

*Ensure all land use decisions meet the long-term social and economic goals of the community.*

***POLICIES:***

A. Encourage annexations that benefit the quality of life for Avondale residents and are in the best interest of the City.

B. Require all new development to participate in the required infrastructure enhancements including, but not limited to, street widening and connecting to City water and sewer systems.

C. Ensure Avondale is at the forefront of any emerging markets by continuously updating codes and policies to include standards for new business types and technologies.

D. Ensure that low-cost construction materials essential for growth and development are readily available.

## GOAL 5:

*Promote land uses that are respectful of the natural environment and which conserve valuable natural resources such as open space, clean air, water, and energy.*

***POLICIES:***

A. Minimize negative impacts to the natural environment and protect the areas in and around the Estrella Mountain Regional Park.

B. Encourage land uses and design of buildings to capture the spirit of the City's natural surroundings, such as the Estrella Mountains and the Gila River.

C. Establish a City-wide development policy that provides incentives for developments which use eco-friendly

methods, materials, and techniques.

D. Mitigate the potential impact of mining sites during their operation and plan for future productive re-use following their eventual closure.

E. Champion the re-development and/or adaptive re-use of brown-field and gray-field sites.

F. Protect archaeological and historically significant areas from destruction by development or neglect.

## GOAL 6:

***Promote regional land use planning and coordination with neighboring communities to develop and maintain sustainable land use patterns.***

***POLICIES:***

A. Coordinate with external entities, surrounding jurisdictions, and state and federal agencies to address issues of regional concern.

B. Maintain a partnership with the neighboring Gila River Indian Community when planning for land uses south of the Estrella Mountains.

C. Provide up-to-date information regarding land use changes and development plans to the Maricopa Association of Governments to assist in regional planning studies.

D. Coordinate connectivity opportunities with neighboring communities when creating pedestrian and non-motorized trail systems.

E. Plan for opportunities when aggregates no longer need or intend to mine locations along the Agua Fria and Gila Rivers.

## GOAL 7:

***Plan for educational facility locations as development and redevelopment occurs.***

***POLICIES:***

A. Maintain a good working relationship with school districts in order to ensure that all new development is adequately served by existing or new school sites.

B. Strategically locate school sites so that they serve as the nucleus of new neighborhoods and master planned communities.

C. Plan for the expansion of Estrella Mountain Community College and identify locations for additional institutions of higher learning within the City.

## GOAL 8:

***Support mixed-use land use patterns that increase transit and pedestrian oriented development within specific and appropriate areas of the City.***

***POLICIES:***

A. Plan for future commuter rail adjacent to MC-85/Main Street/Buckeye Road.

B. Encourage mixed use areas to be vertically integrated developments comprised of residential, retail, dining, office, and entertainment/recreational uses in order to promote pedestrian activity.

C. Take alternative methods of transportation, including transit, bus, and walking into account when considering all proposals for development.

## 2012 PLAN MAP LAND USE CATEGORIES

The 2012 Plan Land Use Map fulfills the requirements of ARS §9-461.05 to designate the proposed distribution and location and extent of such uses of the land for housing, business, industry, agriculture, aggregate, recreation, education, public buildings and grounds, open space, and other categories of public and private uses as may be appropriate to the municipality. **The land uses shown on the 2012 Plan map do not change existing zoning, and the 2012 Plan Land Use Map is not a zoning map.** Zoning, which is regulated by ordinance, is an implementation tool of 2012 Plan. Zoning addresses the exact density and intensity of development, setbacks, site design, parking, open space, and other issues pertinent to the development of a specific site. By law, all requests for rezoning must conform to the 2012 Plan. **Adoption, re-adoption, and amendments to the 2012 Plan do not change the current zoning of property.**

The land uses shown on the 2012 Plan Land Use Map are not intended to reflect every existing and planned land use in Avondale. They are intended to portray the overall character of development for the City and generally reflect existing and planned land uses. The land use categories shown on the Land Use Map and described below meet the requirements of ARS §9-461.05 by establishing the standards of population density and building intensity recommended for the various land uses covered by the 2012 Plan.

All public facilities existing at the time of adoption of this 2012 Plan are identified on the Land Use Map. **As the City continues to grow, there will be a need for new public facilities and such City-owned facilities may be located in any land use category.** Public facilities include parks, schools, electric substations, wells, City-owned and operated water and wastewater treatment plants, police and fire stations, equipment and vehicle maintenance yards and refueling facilities, administrative buildings, landfills, transfer stations, and other public uses. Consideration will be given to the surrounding land uses prior to locating any of these uses within the City.

The land use categories described below fall under five general headings, which organize Avondale's land uses based on specific development type, and our Guiding Principles found within this Plan. These categories are presented below:

## *Residential (Neighborhoods as a Foundation)*

A range of residential land use categories is provided in order to allow for different types of housing throughout the community. The residential densities shown on the land use plan map are based on existing development or the suitability of a location for future development.

It is important to note that the maximum density ranges are not to be viewed as entitlements or guarantees. The appropriate density will be determined by a multitude of factors: existing and planned adjacent developments; infrastructure to include streets, parks, and schools; provisions for public transit services and facilities, neighborhood interaction and sustainability - its walkability, design, amenities, active and passive dedicated open space, and the overall character of the area proposed that includes energy efficient design and promotes a healthy and livable community. All factors stated above should be considered and integrated to increase densities above the target.

- **Rural Low Density Residential** (up to 1 DU per acre, Target Density = 0.2)
  Rural low density is residential land that will not exceed a density of one single-family detached dwelling unit per acre. This type of development promotes a rural lifestyle where horse privileges or livestock may be a part of the character. Churches, parks, equestrian trails, open spaces, working farms, community gardens, and public facilities are permitted in this land use category.

- **Estate/Low Density Residential** (up to 2.5 DU per acre, Target Density = 1)
  Estate/Low Density is residential land that will contain densities that range between 1 to 2-1/2 single-family detached dwelling units per acre. These residences are typically large, detached estate or executive-type homes of one or two stories with significant privacy and open space that reside among open areas, near the panoramic views of the Estrella Mountains and the Gila River, and seek an equestrian lifestyle. Churches, parks, equestrian trails, open spaces, community gardens, and public facilities are permitted in this land use category.

- **Medium Density Residential** (2.5 to 4 DU per acre, Target Density = 2.5)
  Medium Density is residential land that will contain densities that range from 2.5 to 4 single-family dwelling units per acre. This land use category provides for a suburban lifestyle with planned detached single-family residential communities with larger setbacks and neighborhood facilities. Churches, parks, trails and other open space amenities, and public facilities are permitted in this category.

- **Medium/High Density Residential** (4 to 12 DU per acre, Target Density = 4.0)
  Medium/High Density is residential land that will contain densities that range from 4 to 12 dwelling units per acre and should include a combination of single-family attached, detached, and townhomes, or condominiums, patio homes, casita housing choices. The variety of housing choices a specific development should be in a planned and clustered setting unique to Avondale with substantial open space for recreational amenities to service the residents and encourage resident interaction and outdoor activities. This level of intensity should promote a village environment with easy access to services and recreation. Churches, parks and open spaces, and public facilities are permitted in this land use category.

- **High Density Residential** (12 to 30 DU per acre, Target Density = 12)
  High density is residential land that will contain densities up to 30 dwelling units per acre. These residences have limited private outdoor space and rely on shared or common open space for recreation. Patio homes, apartments, condominiums or townhomes are suitable for this land use. These residences may be part of a mixed-use development, master planned community, and have direct access to open space, transit or other multi-modal amenities. This level of intensity should promote a village environment with easy access to services, business and recreation.

## *Transit Oriented Development (Community Mobility)*

The Transit Oriented Development (TOD) land use categories accommodate the full range of urban development that include a mixture of housing, office, retail and/or other amenities integrated into a walkable neighborhood and located within a half-mile of quality public transportation. These land uses have been identified to further City efforts to reduce household driving, lower regional congestion, expand mobility choices that reduce dependence on the automobile, and accommodate more healthy and active lifestyles.

- **Urban Residential** (30+ DU per acre)
  Urban Residential is residential land that will contain more than 30 dwelling units per acre. These residences are both attached and stacked, and may be part of a mixed-use development. Parking is provided underground or structured (e.g. tuck-under). This level of intensity should provide direct access to nearby open space, a transit stop, and/or other multi-modal amenities. Close proximity to employment, shopping, and entertainment will encourage interaction and create an urban environment.

- **Urban Commercial**
  Land-use category to accommodate compact commercial centers consisting of retail, restaurant, office, hotel, farmers market, community garden, and personal services. Residential units may be built on upper floors within this designation if commercial uses are built on the ground floor as part of the same development project. The desired form of development is 4+ story buildings served by structured parking.

- **Mixed Use**
  Land-use for a mixture of residential and commercial. This category encourages innovatively designed developments, which create a core living environment, reflective of a village concept where residents can live, work, and recreate within the same development or close by. Basic criteria for development includes: reasonable scale to the surrounding neighborhood, proportionate ratios for each use, and encouragement of alternative modes of transportation (such as bicycling or walking) and a well-conceived plan with access to and integration of transit facilities.

- **High Intensity Office**
  The High Intensity Office land use category allows for high-rise office. Retail, restaurant, and service uses located at the street level are allowed if limited to 5% of the total floor area of a project. Office developments should be located at visible locations adjacent to freeways or within walking distance to transit stops with extraordinary site, building, and landscape design. Parking will be structured and plazas and open spaces will be provided for use of employees and visitors to the development.

## *Commercial (Economic Vitality)*

The commercial land-use categories accommodate the full range of the service industry including retail, entertainment, and medical uses allowing for varying and intensity of uses. The commercial uses are generally characterized by master planned centers, infill parcel development, and regional level destination development along the freeway, intersections of major roadways and the City's major corridors.

### Sports and Entertainment

The Sports and Entertainment district provides for regional level sports and entertainment. Land uses include large-scale developments, such as the Phoenix International Raceway and its associated uses, public gardens and plazas, resort, office, and retail establishments, recreational vehicle parking and showrooms, museums, parking garages, indoor and outdoor venues including opportunities for motorsports events, and residential living as urban style housing, casitas, and timeshares, or estate housing that accommodates garages and storage for racing vehicles.

### City Center

Land use category to accommodate the more intense use of the I-10 Freeway and Avondale Boulevard. This category is planned as a pedestrian-oriented district with tree-lined streets, shops on the ground floor, and small plazas and parks. Land uses include Gateway Employment, Employment Mixed Use, Residential Mixed Use, Neighborhood Commercial, and Townhouse Residential further defined in the City Center Specific Plan.

### Freeway Commercial

Land use category to accommodate the more intense uses of the I-10 Freeway, Loop 101, SR 30, and other future parkway corridors. Freeway commercial development patterns will provide concentrated retail, hospitality, and related activity along these corridors. This category allows for a broad range of non-residential uses and development flexibility by promoting community-wide and regional retail, medical, office, higher educational complexes, hospitality, sports and family entertainment, commercial complexes, and service destinations to a larger trade area. It offers amenities such as attractive streetscapes, pedestrian activity connections, and efficient circulation.

### Local Commercial

Land use category that is used primarily for providing daily needs of goods and services to the residents residing within the surrounding area. The types of uses allowed in this category specifically for local residents may include: grocery stores, gas stations, neighborhood/retail services, and office and medical uses serving consumers residing in adjacent residential areas, which promotes a walkable community. Preferred locations are major arterial intersections, although other locations may be deemed acceptable based on the merits of the project.

In addition, services that provide shopping and basic services for the immediate area (i.e. "neighborhood commercial") may be allowed in any land-use classification based upon the merits of the development proposal. Generally neighborhood commercial development would not be greater than five acres, and would require adequate buffering to protect surrounding land uses.

### Historic Avondale District

The Historic Avondale District is the "heart" of the Avondale community. Land uses within this business core permit and promote a vibrant mix of residential and nonresidential uses, but require retail, service, or office uses on all street level floors to promote a pedestrian oriented environment. Unlike modern shopping centers in Arizona, this area has a human richness derived from its history, families, friends, and neighbors who live nearby, and many within walking distance.

## *Employment (Economic Vitality)*

The employment land use categories accommodate five types of development to allow for varying scale and intensity of uses. The five types are characterized by regional employment developments, corporate headquarters, office development, campus style business parks, and manufacturing.

### Office/Professional

The office land use category allows for professional office and medical office services/practices associated with hospitals and niche medical industries, such as sports medicine, physical therapy, and associated office support services that are generally quiet with moderate traffic volumes. Office sites are to be integrated through design with adjacent residential developments. Typical office developments have their own access and circulation, identification signs, and landscaping. Developments with more than one building share a common architectural and landscape theme to include identification signs, covered parking and driveways with pedestrian amenities and shaded outdoor areas.

**Medical**

Medical use, such as a regional hospital, is identified in the commercial and office land use categories. A symbol is used to identify more specific uses within this category on the existing land use map, such as the Phoenix Children's Hospital location.

### Corporate Park

The Corporate Park land use category is intended to attract major corporations to the foothills of the Estrella Mountains on land overlooking the Gila River. This area includes mid-rise story buildings located north of the Gila River and requires a unified architectural theme that blends with the natural environment of the Sonoran Desert.

### Business Park

The Business Park land use category is intended to allow for large scale campus development that provides abundant employment opportunities and offers amenities such as: attractive streetscapes with excess landscaped setbacks, appropriate screening from the I-10 freeway, pedestrian connections, efficient circulation, and refuge areas for active and passive activities to keep a healthy lifestyle for all employees. The category accommodates enclosed light manufacturing, corporate commerce, hotel, multi-story offices, research and development industries, solar and renewable energy manufacturers, motor sports related industry manufacturers, and limited service uses that support these primary employment uses.

### Industrial

The industrial land-use category is intended provide employment opportunities for heavy manufacturing within enclosed or partially enclosed structures. This category is typically characterized by uses that may need special consideration and may include refining, assembly, fabrication of products, demolition, solar, or wholesaling. The areas designated for industrial uses have adequate transportation and activity access with an emphasis on minimal conflict with existing adjacent land uses.

## *Physical Environment (Environmental Stewardship and Sustainable Systems)*

The physical environment land use categories accommodate three types of development to allow for varying open space opportunities for the residents of Avondale. The four types are characterized by both active and passive recreational opportunities. Increasing access to open space amenities is an important healthy community strategy to increase physical activity; connectivity is critical when supporting this notion.

### Open Space and Parks

Land primarily used for City parks, Estrella Mountains, and rivers and corridors designated for public enjoyment in the Parks and Recreation Master Plan. Open space is planned to set aside areas of active and passive recreation for Avondale residents and to preserve areas of critical natural habitat. Open space areas are also designated for wildlife watching areas, birding, eco-tourism, conservation, and preservation of riparian areas on floodplains adjacent to the Gila River. Parks and open space allocations will be implemented as a component of development approvals as urbanization and development occurs. Watercourse areas identified on the land use map as open space to include the Agua Fria River, Gila River, Crystal Gardens Reclamation Facility, and prior aggregate sites may be used for outdoor recreation and preservation of natural resources. In the case of private land designated as open space, if no other agreement exists between the landowner and the City of Avondale, development of up to one dwelling unit per gross acre is allowed.

**Aggregate Land Use**

Land use category that encompasses all existing sand and gravel/mining operations in the City of Avondale. This category also identifies broad areas that may contain commercial quantities of aggregates subject to approval through the Special Use District permitting requirements. These locations are identified on the Land Use Map to provide proper disclosure to the public.

## *Public Recreational*

Land primarily used for active or passive recreation or cultural activities, which do not qualify as open space due to significant site infrastructure, such as a recreation or teen center, visitors center, museum/heritage center, community garden, or wildlife center. A symbol is used to identify the land use potential for these specific uses within this category on the existing land use map.

### Gila River Scenic District

The Gila River Scenic District provides for a pedestrian-oriented and environmentally focused low impact development that lends itself to recreational opportunities and equestrian opportunities due to its proximity to the Base and Meridian Wildlife Area and the Tres Rios Greenway. Limited commercial and ecotourism development or outdoor businesses are permitted that enhance the area as a tourist stop for outdoor enthusiasts. Boat houses, visitor centers, or wildlife centers are also permitted in this category.

## *Public Facilities (Healthy Community)*

The public facilities land-use categories accommodate two types of development to allow for a varying scale of services for the community. The two types are characterized by direct city services and the need to create a well-educated community and workforce.

- **Public/Civic**
  The Public/Civic land use category provides for a variety of civic, public, and quasi-public facilities for the health, safety, and welfare of the residents. Types of uses found in this category include City government facilities, police and fire stations, community centers, libraries, water and wastewater treatment facilities, well sites, substations, and other public facilities.

- **Education**
  Land use that provides for public and private schools and their associated uses (playgrounds, ball-fields, performing art centers, gymnasiums, etc.), colleges, such as Estrella Community College, and universities.

## *Development Corridor Emphasis Areas*

- **Avondale Boulevard Employment and Commercial Corridor**
  Avondale Boulevard is recognized as a major corridor for employment and commercial land uses. It is the City's desire to recruit and direct attractive and unique development into this corridor to make it a place of destination. Developing this area into a destination can provide the business, shopping, entertainment, residential, community, social and cultural elements that attract a full range of market and community oriented interests that will serve the existing and future residents of the region. Because of the importance of this corridor, it is expected that the site design, architecture, and landscaping should be of the highest quality and developed in a planned manner.

- **Growth Area**
  This land-use category indicates areas of intense employment, retail or mixed uses supported by high-volume transportation infrastructure and superior access.

- **Resort**
  Land use that indicates the potential for tourism and resort development related to the Phoenix International Raceway and the Estrella Mountains. A symbol is used to identify the desired location for resort development on the General Plan Land Use Map.

# ECONOMIC VITALITY

## THEME

## PREFACE

The Economic Vitality Theme includes three elements: an Economic Element, a Growth Area Element, and a Cost of Development Element. The Economic Element is a response to residents' desire to create a sustainable community that offers employment opportunities for new and existing residents alike. When residents' income-earning potentials increase and they are able to attain such goals as home ownership, they are in much better health than those who are unable to do so. Similarly, future employers look to a healthy community in order to locate their businesses because they can employ people who miss less work and keep health care costs down. The purpose of the Growth Area Element is to identify opportunities within Avondale to develop in an efficient manner that maximizes infrastructure, such as roads and sewer. Identifying these areas permits siting public services and facilities where they can best service the population. Locating growth areas also sends a strong message to the development community as to where the City would like to concentrate its resources to encourage efficient development.

The Cost of Development Element addresses residents' interest in maintaining and improving public services and facilities that are available to a growing residential population, without placing the burden of these services solely on the shoulders of existing residents.

# ECONOMIC ELEMENT

## INTRODUCTION

The economic stability of a city is derived from its jobs and revenue. The two working together to create a healthy sustainable economy will also provide for steady and increased household incomes. The Economic Vitality Element seeks to enhance and promote these factors as well as to attract high paying jobs, and to promote business expansion, business retention, and workforce development. Creating good jobs improves household incomes, while quality housing represents value and sustainability - which attracts business as well as new residents. With respect to this, two concepts work together in terms of a healthy community: increased income potential equates to improved health, and a healthy population is a draw for future businesses and employers.

Early in the General Plan public participation process, it became clear that residents of Avondale are focused on a community experiencing economic prosperity through diversification, self-reliance, interdependence, and adaptability. It is even more evident that the City promotes and retains a highly educated and capable work force, high paying jobs, scenic, tourism and recreation amenities, and excellent transportation access to the region to allow for a greater potential for economic development that grows in tandem with a healthy lifestyle as well as rail transit opportunities. Therefore, the focus of this element of the General Plan is to be recognized as a community that is making strides towards being a great place to live, work, and invest.

## PAST, PRESENT, AND FUTURE TRENDS

Avondale's economy has grown from its agricultural roots to a suburban "bedroom community." By 2030, forecasts point to the attainment of an independent, full-service municipal status; *characterized as a larger city, with a corporate presence, while maintaining a diverse, small town charm.*

Avondale is strong in some retail sectors, but needs to improve its market share in others. Automobile sales, for instance, is a major contributor to the municipal coffers representing 11.7% percent of the City's sales tax revenues. However, the hospitality industry -- hotels, resorts, restaurants, and entertainment -- is seen as having untapped potential in the City. The McDowell Road Corridor, in particular, provides shopping and service variety, but has an even greater potential for medical/office development. Phoenix Children's Hospital, once completed, will bring medical-related jobs and business opportunities associated with the health industry to Avondale. In addition, the Van Buren Street/I-10 Corridor has the potential to emphasize multi-story office and corporate commerce uses.

The community recognizes the southwest part of the City (e.g., Historic Avondale) as a high priority for specialty retail/commercial and residential redevelopment, as well as the I-10 Corridor holding most of the Business Park/Corporate Commerce development opportunities. The area referred to as City Center, south of I-10 along Avondale Boulevard and Van Buren Street, will also provide opportunities for a mix of uses to include retail, service, sports, entertainment, professional offices, and urban residential, supporting the need for the transit services in the near future.

The Economic Element is a response to residents' desire to create a diverse and sustainable community that offers employment opportunities for new and existing residents alike. The City's targeted job-to-population ratio is 0.50 jobs for every resident. The current job-to-population ratio of 0.20 indicates that there is a strong

untapped work force available within Avondale. Achieving diverse types and intensities of commercial and industrial development in Avondale and providing employment opportunities for residents is one of the City's most important goals and is vital to the long-term fiscal viability and economic health of the City of Avondale. To increase the employment base and provide the economic diversity necessary to protect Avondale from shifts in the economy, a variety of employment (including small business) while retaining a business friendly image is necessary. Furthermore, by creating a healthy lifestyle image, future employers can offer their employees the opportunity to participate in an active community if they so choose.

The presence of excelling educational and occupational training facilities convenient for the Avondale workforce is regarded as one of the community's greatest assets in attracting industry. Estrella Mountain Community College, Rio Salado Community College, and Universal Technical Institute provide educational experience and graduates for local job growth. An educated population with excelling job skills allows for greater earning potential. This ability to draw a higher income contributes to people's well-being, which supports a healthy lifestyle model.

A mix of employment (including commercial and industrial activities) that provides for a wide range of salary levels could help to protect the City's budget from economic downturns, which affect some, but not all, sectors of the economy. Retail activities add to the job base and provide sales tax which contributes revenue to the general fund to help pay for services, such as police, fire, planning, arts and culture, parks and recreation, and general City administration. The mix of employment provided by all of these commercial uses can also help to shorten commute times and reduce traffic congestion by creating a variety of employment opportunities available to residents within Avondale.

A focus on the creation of "high-end" jobs is important to the economic development efforts of the City in the future. The economic targets of Avondale include advanced financial and business services, medical and life sciences, renewable energies, light industrial and manufacturing, aerospace/aviation, and tourism.

In addition, the City should leverage its geographic location and proximity to California and its port city of Long Beach. With Avondale's accessibility to the I-10, this will serve as a benefit in positioning the City to serve the Phoenix market as well as larger markets all over the southwestern United States, and also compete on an international level.

The General Plan addresses economic development through a variety of means. There are a number of land use categories that relate directly to economic development, specifically: Local and Freeway Commercial, City Center, Historic Avondale District, Mixed Use, Transit Oriented Development, High Intensity Office, Urban Commercial, Business Park, and Industrial. These uses are identified on the Land Use Map and are defined in the Land Use Element.

Another noteworthy diverse and economic effort for Avondale's older neighborhoods is the Commercial Infill Incentive Plan for the Historic Avondale District. This area enriched with Avondale's history, taking one back to an earlier place in time, encompasses the smaller "mom and pop" shops along Western Avenue forming a centralized business district. This area is intended to promote development and redevelopment of vacant and underused parcels within Avondale to create a vibrant shopping experience and tourist destination.

## *Tourism*

Avondale's economy has historically been tied to the retail/service industry. However, with recreational opportunities along the Gila River and in the vast open areas surrounding the City, as well as the West Valley Recreation Corridor and American Sports Center, Avondale has the potential to drive the local economy and attract some of the region's growth. Avondale can target related industries, such as sports equipment sales and services, sports medicine, or further event venues. Building upon an economy with a recreational component will identify Avondale as an active community. Although the growth in tourism has improved Avondale's environmental conditions, it has not created a significant source of moderate to high wage jobs. While resource-based tourism will remain an important element of the local economy, it will be subject to fluctuations in environmental conditions. The community's challenge is to foster sustainable and stable employment opportunities that provide a living wage for Avondale's residents. Avondale's shift to tourism as a result of Phoenix International Raceway has assisted in improving the quality and image of the City. However, a tourist-based economy fluctuates and is heavily weighted towards lower paying service sector jobs. Increases in light manufacturing, professional services and other sectors can and will improve the economic stability of the City. In addition to Phoenix International Raceway, the City also attracts tourists to southern Avondale for bird watching, canoeing, fishing, hiking, and other outdoor passive activities. These activities have the future potential of generating revenues for product- and service- related businesses, such as outdoor equipment manufacturing and sales that emphasize an active lifestyle. With a focus on sports and recreation, targeting the health-related industries is another way to set Avondale apart from other Valley cities and build upon its healthy lifestyle concepts.

Through the efforts of various organizations, such as the Greater Phoenix Economic Council (GPEC) and the Arizona Commerce Authority, the community has the potential to increase the diversity of its economic base and its economic stability. While tourism will continue to play a vital role in the economy, increased economic diversification will moderate the "boom-bust" economic cycles that have been part of the community's history.

During the 2011 session, the state legislature passed the Arizona Competitiveness Package which created many new economic development programs. These programs greatly improve the "toolbox" currently available for business attraction and retention efforts across the state. The following is a brief summary of the major programs of the Arizona Competitiveness Package:

- **Arizona Competes Fund**
  This has also been labeled the "Deal Closing Fund." The Arizona Competes Fund will generate dollars for investment in business projects that stimulate and promote industries that provide stable, high-wage jobs. The program will be funded through increases in corporate income tax withholding and capped at $25 million.

- **Quality Jobs Tax Credit**
  Replaces Arizona's expiring Enterprise Zone Program with a new statewide Quality Jobs Tax Credit for new job creation statewide. This tax credit is based on net new job creation with discreet eligibility qualifications for urban and rural businesses. Tax credit for each new qualified job created is $3,000 per year for three years and is limited to 400 jobs per employer per year.

- **100% Sales Factor**
  Increases the electable sales factor in equal increments for multi-state corporations from 80% to 100% between FY 2014 and FY 2017. A corporation that conducts business both in-state and out-of-state must apportion its income from business activity based on the ratio of property, payroll, and sales in Arizona compared to the corporation's property, payroll, and sales everywhere.

### Corporate Income Tax

Reduces in equal increments the corporate income tax rate from 6.97% to below 4.9%, between FY 2014 and FY 2017.

### Property Tax Reform

Personal Property: Accelerated Depreciation - Accelerates depreciation schedules for prospective acquisitions of commercial personal property.

**Personal Property Exemption -** Increases the exemption on personal property from the current $67,000 in Tax Year 2010 to $79,000 in Tax Year 2011 by using the Employment Cost Index (ECI) rather than the Gross Domestic Product Implicit Price Deflator (GDP IPD).

**Commercial Property -** Reduces the commercial property assessment ratio to 18%. Increases in the Homeowners Rebate to offset change in the assessment ratio.

### Angel Tax Credit/Capital Gains

- Increases the eligibility criteria for the Angel Investment Tax Credit for a qualified small business from $2 million to $10 million in total assets.
- Eliminates the capital gains tax on income derived from investments in qualified small businesses that have been certified by the Arizona Commerce Authority.
- Decreases long-term capital gains (investments held longer than a year).

### R&D Tax Credit

Arizona provides a tax credit for investments in research and development in excess of expenditures from the previous year. The existing program provides a state tax credit between 15% and 24% of qualified R&D expenses, depending on the level of the increase. The Arizona Competitiveness Package legislation enhances the tax credit by 10% if increased R&D expenditures are made in cooperation with an Arizona university. The enhancement to the program is capped at $10 million in tax credits per year, which will represent an increase in $100 million of research conducted in partnership with our public universities.

### Greater Maricopa Foreign Trade Zone (FTZ)

This federal program has the ability to stimulate Avondale's local economy and enhance job creation within our City. In addition to the customer fees and regulations, each state legislature can enact enabling legislation to FTZ's within their state and typically this legislation includes property tax incentives. The Arizona State Legislature enacted enabling legislation for FTZ's which allows Arizona and more importantly Avondale based businesses in the FTZ to lower their property taxes to 5% instead of the current 25%.

## *Demographics*

Rapid population growth has created consistent challenges in Avondale and Maricopa County for the last 10 -15 years. Demographic trends and projections shape Avondale's needs and opportunities. Changes in the size and characteristics of the City's population may have profound impacts on the fiscal, economic, social, and natural environment. Population increases generate demands for additional facilities and services. Different age and income segments of the population have different needs, which shape demands for housing, services and infrastructure.

A complete assessment of growth trends in Avondale is found in the tables below.

The Demographic Profile examines historic and projected population growth, as well as residential and non-residential development trends. These trends provide baseline assumptions upon which future land uses, fiscal needs, housing needs, public infrastructure, and service demands will be measured.

## *Age*

Overall, the population of Avondale is younger than that of the nation – the median age from 2005 to 2009 in Avondale was 28.6 years, compared to Maricopa County at 33.3, and the median age in the U.S. at 35.3 years.

Changes in our population are addressed in the Land Use Element. What is not reflected in the population figures is the age distribution of our growing population. The City is home to a particularly large proportion of young people, with 33% of the population under the age of 18, 10% between the ages of 18-24, and 34% between the ages of 25 and 44.

## *Employment*

In 2000, the workforce in Avondale was made up of approximately only 16% employed in educational, health, and social services, 14% employed in manufacturing, with the remaining industry made up of retail and entertainment, accommodations and food services, finance, insurance, real estate, and construction jobs.

From 2005 to 2009, for the employed population 16 years and older, the leading industries in Avondale were educational services, health care, and social services at 19% and retail trade at 13%. Among the most common occupations were sales and office occupations at 30% and management, professional, and related occupations at 29%.

In 2006, 12 companies employed more than 150 people each in Avondale. These employers are concentrated in retail trade and education to include Wal-Mart Stores, Inc., Avondale Elementary, Tolleson Union High, Agua Fria Union High, and Litchfield Elementary School Districts, Costco Wholesale, Home Depot, Sam's Club, Estrella Mountain Community College, and Universal Technical Institute.

In the past ten years, Avondale experienced rapid growth in its housing and retail sectors and is now presented with many different opportunities and challenges relative to our economic development path. Existing major employment sectors today are management, professional, sales, and service occupations.

The City is involved with other efforts that can and are being used to promote development with growth areas as well as in other areas of the City. The City participates with the State of Arizona and the Greater Phoenix Economic Council (GPEC) in advancing economic development efforts within our community, region, and state.

## Table 10- Labor Force Statistics, Avondale and Maricopa County, 2004-2009

| Avondale | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | Annualized Growth |
|---|---|---|---|---|---|---|---|
| Labor Force | 29,339 | 33,062 | 35,951 | 37,710 | 38,724 | 38,712 | 6.4% |
| Employment | 28,098 | 31,774 | 34,745 | 36,530 | 36,923 | 35,838 | 5.5% |
| Unemployment Rate | 4.2% | 3.9% | 3.4% | 3.1% | 4.7% | 7.4% | |
| **Maricopa County** | **2004** | **2005** | **2006** | **2007** | **2008** | **2009** | **Annualized Growth** |
| Labor Force | 1,784,457 | 1,845,111 | 1,906,543 | 1,945,776 | 1,999,092 | 2,000,228 | 2.4% |
| Employment | 1,706,674 | 1,771,013 | 1,840,629 | 1,882,990 | 1,903,250 | 1,847,328 | 1.7% |
| Unemployment Rate | 4.4% | 4.0% | 3.5% | 3.2% | 4.8% | 7.6% | |

Source: Arizona Department of Commerce

Table 11 shows the occupational distribution of the workforce in Avondale. In 2005-2009, for the employed population 16 years and older, the leading industries in Avondale were Educational Services, Health Care, and Social Assistance at 19%, and Retail Trade at 13%.

## Table 11 – Occupational Distribution of Avondale Workforce

| Occupation | 2010 |
|---|---|
| Agriculture, Forestry, Fishing, Hunting, and Mining | 1% |
| Construction | 8% |
| Manufacturing | 9% |
| Wholesale Trade | 5% |
| Transportation and Warehousing, and Utilities | 8% |
| Information | 2% |
| Finance and Insurance, and Real Estate and Rental and Leasing | 7% |
| Professional, Scientific, Administrative, and Management | 8% |
| Educational Services, Health Care, and Social Services | 19% |
| Arts, Entertainment, and Recreation, and Accommodation and Food Service | 9% |
| Retail Trade | 13% |
| Other Services | 4% |
| Public Administration | 7% |

Source: 2010 Census

### *Income*

The City's household median income of $61,173 is consistent with the smaller household size for the City, and higher than the county average of $55,223.

The annualized growth rate of Avondale households over the course of the current decade is 13.9 percent.

Household growth is expected to show a decline from 2010 to 2030 as population growth begins to slow. Maricopa County, again, shows similar trends with household growth rates gradually declining over this horizon.

### *Population*

The current Avondale population is more than 76,000 and is expected to reach 123,000 by year 2030. Our City has increased in population by 35,883 new residents between 2000 and 2010. Previously, growth mostly occurred north of, or in proximity to, the I-10 corridor and has largely coincided with existing and proximate infrastructure.

From 2010 to 2020, Avondale's annualized growth rate is projected to drop from 12.9 percent to 4.9 percent. From 2020 to 2030, growth is projected to slow to an annual rate of 3.2 percent as the community begins to reach build out.

Since most new development in Avondale has followed infrastructure and transportation corridors, the areas that would be most cost-effective (served by existing infrastructure) are in the process of being built out today. Because the growth in Avondale has exceeded projections, infrastructure capacity sufficient to serve parts of the City south of Buckeye Road or outside our major transportation corridors is not present.

## GOALS and POLICIES

### GOAL 1:

***Grow and diversify Avondale's economy and employment base through business retention, expansion, and development.***

***POLICIES:***

A. Identify and recruit targeted growth sectors based upon an understanding of Avondale's current and projected economy with an emphasis on professional and technical employment.

B. Work with the City's partners to educate and enhance the available work force for targeted sectors.

C. Develop a "Motorsports" economic cluster by leveraging the presence of Phoenix International Raceway (PIR); continue to enhance partnership opportunities with PIR to promote race track retention and expansion.

D. Use the City's available tools to facilitate the retention and attraction of targeted businesses within growing employment sectors.

E. Leverage the City's proximity to the west coast and port districts to attract international industries and high-tech companies.

F. Maintain Avondale's retail prominence as part of the City's economic and revenue base by identifying areas for new and higher quality retail and restaurant development to capture increased sales while maintaining a balance with necessary retail services.

## GOAL 2:

*Create employment centers to attract businesses that match the City's economic targets.*

***POLICIES:***

A. Locate desired and targeted businesses in Avondale, specifically in Bio-Industry (along Van Buren Street), Medical Support Services (along McDowell Road), Advanced Financial/Business Services, Aerospace/Aviation, Motorsports/Automotive, Light Industrial/Manufacturing, Renewable Industries, and Recreational and Eco-Tourism (southern Avondale).

B. Recruit businesses that encourage pedestrian traffic into appropriate mixed use areas and transit riders.

## GOAL 3:

*Enhance and market Avondale's business climate.*

***POLICIES:***

A. Establish economic vitality and competitiveness as core City priorities and areas of policy focus.

B. Promote the City's commitment to economic vitality and customer services to local businesses via meetings and business visits.

C. Document input received from local business owners and address substantive issues.

D. Support new development that accommodates business attraction opportunities.

E. Increase the supply of developable business park land and promote a flexibility of uses within.

F. Encourage continued diversity and expansion of small business.

G. Develop a program to reach out to business owners in partnership with the Southwest Valley Chamber of Commerce and community organizations through the Chamber Business Retention and Tourism Support (B.R.A.T.S.) Program.

## GOAL 4:

*Continue to participate in regional economic development efforts.*

***POLICIES:***

A. Collaborate with all west valley communities on common issues and opportunities that affect the long-term quality of life and economic viability of each community.

B. Continue to participate and coordinate activities of mutual interest with the Greater Phoenix Economic Council (GPEC), WESTMARC, the Southwest Valley Chamber of Commerce and Estrella Mountain Community College's office of Workforce Development.

C. Continue to be a partner with Maricopa County in the implementation of the Western Maricopa Enterprise Zone (WMEZ), which is administered through WESTMARC.

D. Be pro-active in seeking out and offering incentive packages to quality end users interested in locating

within the City.

## GOAL 5:

*Encourage and facilitate small/local business development and diversity.*

***POLICIES:***

A. Acknowledge the diversity of Avondale's small/local business owners and reach out to a diverse range of entrepreneurs and business associations through business visits and other means.

B. Promote business incubator opportunities throughout the City.

C. Work with the City's partners to provide technical assistance and funding opportunities for small/local businesses.

D. Promote local food production and urban agriculture as an economic development opportunity to bring income and jobs to a local community as well as support a healthy lifestyle.

## GOAL 6:

*Implement revitalization activities to enhance the City's economy and sense of place.*

***POLICIES:***

A. Collaborate with neighboring cities, such as the City of Goodyear at Western Avenue in Historic Avondale, the City of Litchfield Park along Dysart and Indian School Roads, to address common issues.

B. Identify opportunities to leverage proximity to the Phoenix-Goodyear Airport and other regional assets.

C. Periodically evaluate the Commercial and Residential Infill Incentive Plans, the Old Town Avondale Zoning District/Design Guidelines, and other tools that support redevelopment.

D. Be proactive in creating adaptive re-use projects for buildings that may be vacant or become vacant throughout the City.

E. Strengthen Western Avenue as a business district.

F. Link efforts to protect local farmland with the development of diverse markets for local produce and urban agriculture.

## GOAL 7:

*Implement the City Center Specific Area Plan.*

***POLICIES:***

A. Capture the employment growth projected in the City Center Specific Area Plan by attracting employers in targeted business markets.

B. Encourage projects that enhance the community through quality urban design.

C. Create an on-going marketing program for the City Center.

D. Promote the public-private partnership between the City and the American Sports Center.

E. Establish the City Center Area as a vibrant entertainment destination.

F. Develop a transit center within the City Center area planning area.

## GOAL 8:

***Invest in neighborhood infrastructure, public spaces, and amenities.***

***POLICIES:***

A. Inventory and prioritize infrastructure improvements according to project feasibility to increase the quality of life for the residents.

B. Assess and implement methods requiring new residential developments to incorporate specific amenities and designate a specific amount of space for common use by neighborhoods.

## GOAL 9:

***Promote Avondale as a responsible business partner through targeted communication projects and outreach.***

***POLICIES:***

A. Identify a "Brand Identity", a statement, or a description that defines the community.

B. Develop key messages about Avondale's assets, strategic vision, and opportunities.

C. Enhance the City's business-related informational materials.

D. Sponsor community events that will include participation from local businesses throughout the City.

## GOAL 10:

***Reserve adequate lands to accommodate business parks, light industrial uses, and higher education facilities.***

***POLICIES:***

A. Support efforts to locate and develop additional business park and industrial land along Avondale's business corridor.

B. Promote business park employment uses adjacent to high capacity roadway corridors, such as the I-10 Freeway and Van Buren Street.

C. Partner with existing educational facilities, such as Estrella Mountain Community College, to expand campuses for higher degreed programs, colleges, and universities.

D. Partner with secondary education facilities and school districts to ensure a deployment of a workforce that has the basic skills and the educational attainment to satisfy the demands of existing and emerging industries.

# GROWTH AREA ELEMENT

## INTRODUCTION

As many large-scale developments occur throughout the City, opportunities for economies of scale (the reduction in cost that is due to larger production) in infrastructure construction can be easily missed. The definition of growth areas help to focus the City's resources on those parts of the City where they will be most appropriate for future development, such as City Center. They also send a message to the development community concerning the City's priorities. This helps to induce optimal and appropriate development activity in the City. Targeting growth in this manner will help to ensure that public facilities can be located where they are best able to serve the population. It will also help to ensure that these public services support Avondale's ideal of a healthy lifestyle, and allow the City to plan accordingly. This element identifies and describes where Avondale expects to encourage the most intense development to occur, and where we expect the most intense use of City services and infrastructure is expected.

## PAST, PRESENT, AND FUTURE TRENDS

Our City has increased in population by nearly 40,355 new residents between 2000 and 2010. So far, growth has mostly occurred north of, or in proximity to, the I-10 corridor and has largely coincided with existing and proximate infrastructure. Table 12, below, compares our growth to other nearby communities.

### Table 12 – Rankings of Numerical and Percent Change in Population of Avondale and Other West Valley Communities, 2001- 2010

| | 2000 | 2010 Population | Numerical Change | Rank[1] | Percent Change | Rank[2] |
|---|---|---|---|---|---|---|
| Avondale | 35,883 | 76,238 | 40,355 | 10 | 112% | 9 |
| Goodyear | 18,911 | 65,275 | 46,364 | 5 | 246% | 7 |
| Litchfield Park | 3,810 | 5,476 | 1,666 | 40 | 44% | 20 |
| Tolleson | 4,974 | 6,545 | 1,571 | 41 | 32% | 28 |

Note: 1. Rank of numerical change among all incorporated places in Arizona.
Note: 2. Rank of percentage change among all incorporated places in Arizona.

The purpose of identifying specific areas of the City as a "Growth Area" is to identify opportunities within Avondale where development is constructed in an efficient manner that maximizes infrastructure, such as roads and sewer. Identifying these areas permits siting public services and facilities where they can best serve the population. Designating growth areas also sends a strong message to the development community as to where the City would like to concentrate its resources to encourage efficient development.

Growth Areas offer opportunities for enlarged or branch facilities that will allow long-time Avondale enterprises to grow with the City. Institutional uses, particularly, can contribute to the economy with planned expansions, such as: Estrella Mountain Community College, Rio Salado Community College, and Universal Technical Institute. Municipal facilities also provide a catalyst for private sector enterprises. The Goodyear-Phoenix Municipal Airport, for instance, is cited as a business generator as well as the City Center.

## GROWTH AREAS

The growth areas identified in this Plan are defined as areas appropriate for intense employment, retail, and transit oriented mixed-use developments that are supported by high-volume transportation infrastructure and superior access. The areas along Avondale Boulevard, 99th Avenue north of the I-10 freeway, McDowell Road, Van Buren Street, Roosevelt Street, and Lower Buckeye Road are where the City expects the most intense development to occur and where the most intense use of City services and infrastructure is expected.

As we continue to strive to provide jobs and shopping opportunities for our residents, we have identified other areas that are appropriate locations for intense employment and mixed use. Generally, existing areas of intensity, and areas we would like to see intensely developed, have several common characteristics that we believe are important to the success of a growth area. These characteristics are:

- Proximity to an area of activity inside or outside the City (for example, sports center, stadium or large employment or retail facility, airport, transit center, rail station, or other major transportation facility).
- Superior transportation access.
- Available land and infrastructure that can accommodate higher intensity mixed-use or single-use development or redevelopment.
- Superior access to labor or consumer markets.

In 1991, Avondale prepared the Freeway Corridor Specific Plan and updated it in 2012 to guide development in this area and ensure that this area would be retained as a location for employment and retail uses. Table 13 describes the types of development desired within each growth area in Avondale.

### Table 13 - Current Areas of Influence and the Types of Activities That Should Be Encouraged

| Growth Area | Types of Activities |
|---|---|
| Freeway Corridor/99th Avenue/ City Center | Transit oriented, high intensity office, freeway commercial and retail uses adjacent to the I-10; freeway commercial, mixed-use /specialty support along 99th Avenue. |
| Airport Growth Area | Airport support and airport-related office and service uses. |
| South Core | Medium intensity commercial and employment uses and predominantly low density residential uses. |
| Phoenix International Raceway | Raceway-related tourist service and retail, sports and entertainment. |

In addition to the growth areas identified in this section, other areas of Avondale are appropriate for intense development and redevelopment/revitalization. These areas include the Avondale business core identified in the City of Avondale Redevelopment Implementation Infill Incentive Plan. Recommendations relevant to the Avondale business core are located in the Conservation, Redevelopment, Rehabilitation, and Neighborhood Preservation and Revitalization Element of this Plan.

# GOALS and POLICIES

## GOAL 1:

*Create destination employment centers in targeted areas of the City that will help to improve the balance between jobs and population.*

***POLICIES:***

A. Monitor the Freeway Corridor Specific Plan to protect existing and future business locations from residential encroachment.

B. Designate ideal locations for future transit stops and high intensity urban mixed use developments along the freeway corridor.

C. Discourage residential uses adjacent to I-10 unless they are part of a mixed-use development.

## GOAL 2:

*Encourage economic diversity within growth areas.*

***POLICIES:***

A. Encourage different economic foci in each growth area.

B. Encourage high-intensity, high-design profile commercial, employment, and residential development in the City Center Area.

C. Encourage the development of growth areas identified in this 2012 Plan through zoning and other practical and affordable mechanisms.

D. Create a fast-track development and permitting process for projects proposed in Growth Areas.

E. Provide appropriate incentives for non-residential development within Growth Areas.

## GOAL 3:

*Partner with Maricopa Association of Governments (MAG) to utilize the rail line along MC-85 and Main Street to create opportunities for commuter rail and future employment.*

***POLICIES:***

A. Create mixed use development/redevelopment opportunities along MC-85/Main Street.

B. Become a viable connection to the valley-wide commuter rail study in Maricopa County to increase the job base in Avondale.

C. Provide for Transit Oriented Development (TOD).

# COST OF DEVELOPMENT ELEMENT

## INTRODUCTION

This element of the Economic Vitality Theme includes goals and policies that will guide the City in ensuring that new development pays its fair share of the costs associated with infrastructure and public service needs it generates.

With the dynamic growth of Avondale in recent years, our City has faced the challenge of continuing to provide a high level of City services to residents and businesses. Over the past decade, the City has been diligent in its efforts to fund increases in the number of police and fire personnel and facilities, City support, and basic service employees, and City services. These efforts have included balancing the need for new services and facilities in developing areas of the City while maintaining and upgrading existing facilities in developed areas.

New facilities and services are funded through capital bonds, grants, public private partnerships, and development fees. Services are usually funded through the general fund, which includes police, fire, library, recreation, and City administration. The general fund is usually funded with sales tax revenues and other population-based revenues from the state or federal government or payment for City services. Sales tax is the largest revenue source for the City's general fund and our growth has been accompanied by increasing sales tax revenues. In fact, City general fund sales tax collections (which historically account for 43% to 56% of all general fund revenues) have increased at an average annualized growth rate of 18% since fiscal year (FY) 2001. (See Table 14). The City also collects a total of 1.0% in voter approved dedicated sales taxes for public safety and specific capital costs, for which the activity of each tax is recorded in separate funds.

### Table 14 – Increases in City Sales Tax Revenues, FY01 to FY10

| | FY01 | FY05 | FY10 | Annualized Growth |
|---|---|---|---|---|
| General Fund Sales Tax | $7,263,241 | $23,791,581 | $19,091,736 | - |
| Changes in Sales Tax | - | $16,528,340 | ($4,699,845) | - |
| General Fund Percent Change | - | 228% | -20% | 18% |
| Water/Sewer/Streets Capital Sales Tax | $0 | $6,111,199 | $5,286,344 | - |
| Public Safety Sales Tax | $0 | $6,052,826 | $5,286,451 | - |
| Total City Sales Tax | $7,263,241 | $35,955,607 | $29,664,531 | - |
| Change in Sales Tax Revenue | - | $28,692,366 | ($6,291,076) | - |
| Total Sales Tax Percent Change | - | 395% | -17% | 34% |

1. Fiscal year ends in the year listed, for example FY 01 begins July 1, 2000.
2. The General Fund Sales tax rate is 1.5%
3. Dedicated Capital Sales Tax 0.5% effective 7/1/2001
4. Dedicated Public Safety Sales Tax 0.5% effective 1/1/2004

Source: City of Avondale Audited Financials

Although it is increasing, the sales tax revenue stream is volatile. It is subject to economic conditions, such as a building boom that results in an increase in construction activity tax revenues, a fluctuation in the stock market, or employment rates which may result in a decrease in general consumer spending.

To offset some of the costs associated with new development, the City adopted new development fees on December 18, 2006. These fees are intended to ensure that new development pays a fair and proportionate share of the costs it incurs. However, legislation in 2011 reduced the City's ability to collect certain development fees.

We will have to continue to balance between the needs of recently developed areas in the north with older areas, such as Cashion, Las Ligas, Central and Historic Avondale, and the newly developing areas south of Broadway Road. Infrastructure services and costs may vary from geographic area to geographic area, and the City should review its development fee structure periodically. The South Planning Area (south of the Estrella Mountains) will require a different fee structure than areas north of the mountains due to its location and geographic constraints.

As our City continues to grow, we should explore the opportunity to partner with the public and private sectors in newly developing areas. For example, there may be opportunities to work with Arizona Public Service or Salt River Project to provide trail facilities associated with new power line corridors. Opportunities also exist to work with the Flood Control District of Maricopa County to provide flood control facilities that are designed to accommodate multiple use recreation activities, or to work with private development to provide public open spaces in the form of plazas or parks.

## GOALS and POLICIES

### GOAL 1:

*Maintain and enhance the fiscal viability of the City.*

***POLICIES:***

A. Use a variety of resources to finance necessary public services.

B. Plan to fund future public services and facilities through means, such as special taxing districts and/or improvement districts.

C. Strive to balance costs and revenues that will provide a high and sustainable level of service to City residents.

D. Optimize the use of City resources in the long-term.

E. Encourage development that will increase the City's sales tax revenues.

F. Develop incentive programs to promote infill business development within Avondale.

G. Take advantage of tourism and eco-tourism amenities that support a healthy lifestyle in order to enhance the tax base of Avondale.

## GOAL 2:

***Preserve and enhance infrastructure and the existing level of public services for residents and businesses.***

***POLICIES:***

A. Continue to require that new development pay for its fair, proportionate share of service and infrastructure costs.

B. Provide an infrastructure system to meet the needs of existing and future businesses.

C. Expand the infrastructure available to business parks to provide "shovel ready" sites.

D. Prioritize infrastructure improvements in the Historic Avondale area to provide opportunities for small business to include wireless and other technology.

# NEIGHBORHOODS

## PREFACE

THEME

This theme includes three elements that examine different aspects of residential living in Avondale: the Housing Element; the Conservation, Rehabilitation, and Redevelopment; and the Neighborhood Preservation and Revitalization Element. Neighborhoods are the most critical land use with regards to long-term sustainability. Sustainable neighborhoods have physical, social, and economic elements that formulate their structure into an equitable balance within the size of a neighborhood. Avondale's neighborhoods are eager to become more sustainable by promoting walkable, livable communities that reduce urban sprawl, decreasing automobile dependence, providing housing close to jobs and services where appropriate, and benefiting environmental and public health. The Housing Element establishes goals and policies which pertain specifically to the development of new neighborhoods and residential subdivisions within Avondale. The Conservation, Rehabilitation, and Redevelopment, and Neighborhood Preservation Element are interrelated and have been combined in this 2012 Plan. Together, these elements institute goals and policies aimed at maintaining and improving the quality of life in our existing neighborhoods as well as promotes home ownership and maintains neighborhood character. For Avondale to achieve its highest level of promise, it is important that we seek to fulfill the goals and policies of all of these elements, not favoring one aspect over the other.

How our community works to ensure that clean and safe neighborhoods are available to all our residents is central to the Housing Element.

Avondale contains a combination of single-family and multi-family residential communities. We recognize, however, that our existing housing stock lacks significant variety and that a more varied mix of housing products and lot sizes is essential to attracting and retaining a more socio-economically diverse mix of households. A vast majority of the City's single-family neighborhoods are developed with affordable housing. When our residents seek an opportunity to upgrade their residences, however, very few such opportunities are presently available in Avondale. It is important for future residential development to move away from the status quo and provide new opportunities for existing residents and professionals from around the region. ▶

The land area north and south of the Estrella Mountains and near the Gila River is planned for luxury residential living that is not only energy efficient and blends with the natural environment, but takes full advantage of the amenities in the area. Luxury residential communities in this area will create a true destination that draws residents interested in living in resort-style communities with top notch amenities amidst the tranquility of the Sonoran Desert, Tres Rios corridor, and the Estrella Mountains. Future trail systems are anticipated to allow residents to take full advantage of access to Monument Hill, Base and Meridian Wildlife Area, Estrella Mountain Regional Park, natural washes, access to and views of the Gila and Agua Fria Rivers, Durango Channel, and plentiful and interconnected neighborhood parks.

Providing opportunities for our residents to improve their quality of life remains a priority in Avondale. Offering programs, such as grant-driven home buying assistance and first-time home buyer education classes, not only allows for that quality of life enhancement for those residents directly affected, but benefits all residents by stabilizing Avondale's neighborhoods, many of which have been affected by the state of the economy. Avondale looks forward to continuing relationships with HUD and other governmental entities, as well as not-for-profit organizations. Together with these groups, Avondale is able to further fair housing practices that benefit the entire region.

The City's residential communities built during the housing boom of the 1990s and early 2000s are beginning to mature. It is imperative that we proactively seek ways to ensure that these neighborhoods maintain their appeal as they grow older. Identifying ways in which the City can provide assistance in this regard will be important over the coming decades.

Many of the City's neighborhoods have long experienced connectivity issues due to the I-10, which physically separates north Avondale from south Avondale. Other obstacles include MC-85 and the Agua Fria River, which despite all of its benefits, serves to disconnect residents in eastern Avondale from western Avondale. Finding solutions to these connectivity problems and striving towards a pedestrian-friendly environment with multi-modal transportation opportunities will help to allow all Avondale residents to more easily identify with and relate to one another and build the community spirit Avondale needs.

Lastly, it is still a main focus for Avondale's residential growth to encourage infill development.

# HOUSING ELEMENT

## INTRODUCTION

Avondale's housing stock includes a range of housing types. Providing a balance of housing types within a community can be a challenging endeavor, one that Avondale will continue to work towards in order to improve the quality and variety of housing.

## PAST, PRESENT, AND FUTURE TRENDS

Avondale's inventory of affordable, single-family homes, located in the southern portion of the City and the Central Avondale and Cashion neighborhoods has been supplemented by the development of newer, master-planned residential subdivisions as our community has evolved from a farming town to a growing city. Additional housing in the form of apartments has also been developed, the majority of which is located along the I-10 corridor

The housing development from 1985-2010 allowed the City to begin its transformation from a rural exurb to a growing suburb. Neighborhoods developed during that time period continue to provide a range of amenities not previously available to Avondale's residents. Garden Lakes offers residents a series of lakes which, besides adding to the aesthetics of the community, are used for boating and recreational purposes as well. The design of Crystal Gardens integrates wetlands that contribute to the quality of the City's water system, allow for transportation of SRP water supplies to our recharge facility, and provide additional recreational opportunities. Coldwater Springs, the City's largest existing master planned community, includes a golf course, school site, and an extensive network of interconnected open space. The City is proud of the progress that these projects exemplify.

With these successes in mind, taking the next step towards Avondale's vision of becoming a sustainable community will require a more diverse range of housing types to continue enhancing the image, quality, and "choices" for the residents of our community. Sustainable communities provide for residents of all socio-economic levels. Avondale has a shortage of large lots and executive home sites, but has provided for the small to medium size lot since the housing boom. When a City's housing inventory is essentially homogeneous, residents and/or potential residents will typically relocate outside of Avondale when seeking to upgrade their living arrangements. Although it can be debated whether home prices can be used to illustrate a variety or lack thereof in housing stock, statistics and recent trends show that Avondale home values are lower than those in surrounding cities and have not stabilized to the same degree as home values in surrounding cities, as illustrated in the following table:

## Table 15 - Median Home Prices (2007-2010)

| Avondale Zip Code | Adjacent Zip Codes & Location | 2007 Median Home Price | 2008 Median Home Price | 2009 Median Home Price[1] | 2010 Median Home Price |
|---|---|---|---|---|---|
| **85392** North Avondale | - | $264,000 | $173,000 | $118,500 | $115,000 |
| | **85395** North Goodyear | $363,950 (139%)* | $274,945 (159%)* | $220,000 (187%)* | $225,000 (196%)* |
| | **85340** Litchfield Park & Buckeye | $362,500 (137%)* | $250,000 (145%)* | $190,000 (160%)* | $163,000 (142%)* |
| | **85037** Phoenix Maryvale Village | $222,355 (84%)* | $130,000 (75%)* | $70,000 (59%)* | $74,646 (65%)* |
| **85323** South Avondale | - | $220,000 | $155,000 | $100,000 | $100,000 |
| | **85338** South Goodyear | $254,500 (116%)* | $188,910 (122%)* | $134,621 (135%)* | $136,757 (137%)* |
| | **85353** Tolleson | $229,990 (105%)* | $166,010 (107%)* | $101,000 (101%)* | $103,000 (102%)* |

Note: Percentages shown in parentheses represent the value of a home in the listed zip code relative to the value of a home in the adjacent Avondale zip code
SOURCE: Arizona Republic Home Value Database/The Information Market (http://www.azcentral.com/realestate/homevalues/homevalues.php) accessed on July 18, 2011

In 2010, the median price of a home located in the 85323 zip code (south of I-10) was $100,000, down from $155,000 in 2008, a drop of approximately 35 percent. Similarly, in 2010 the median price of a home located in the 85392 zip code (north of I-10) was $115,000, down from $173,000 in 2008, a drop of approximately 34 percent. Additionally, several neighboring zip codes have experienced a rise in median home sales prices from 2009 to 2010. Avondale's two zip codes have not experienced such a rise, although homes in the 85323 zip code did remain stable at $100,000 for the second straight year. In the majority of instances, the median price of a home in adjacent cities exceeds the median price of homes in an adjacent portion of Avondale.

The median price of a home in adjacent cities has depreciated at a significantly lesser rate than a home in Avondale. It is important to understand that while home values throughout the entire Phoenix region have been negatively affected by the economic downturn, housing values for unique and desirable products have generally been less volatile than the values of standard entry-level housing. This is often attributed to oversaturation in a particular sector of the housing market; in this case, the entry-level housing market.

The relative steep depreciation in housing values experienced in Avondale may be seen as an indicator that Avondale should work to attract residential communities that are unique and well designed, with larger lots and executive homes. The importance of providing a higher caliber of housing, design, and lot sizes cannot be overstressed; however, the City must always remain committed to ensuring that safe housing is available in clean neighborhoods for residents of all races, ages, incomes, and cultures.

Future demand for housing is projected in the following table:

### Table 16 - Dwelling Unit Growth Scenarios (2009 to 2035)

| 2010 | 2020 | 2030 | 2035 |
|---|---|---|---|
| 19,096* | 38,403** | 45, 346** | 49,938** |

*2009 estimation of dwelling units in Avondale from Claritas Information Services

** Dwelling unit projections for the years 2020, 2030, and 2035 based on population projections contained in the Maricopa Association of Governments Socioeconomic Projections of Population by Municipal Planning Area and Regional Analysis Zone (May 2007, updated January 2009). Dwelling unit projections assume a household size of 3.36 persons, the average household size in Avondale identified by Census 2000.

With the number of dwelling units in Avondale expected to more than double in the next 25 years, ample opportunities will be available to expand the diversity of housing types available within the City. It will be imperative for our future residential developers to understand the City's needs when designing new residential communities. Providing more housing similar to what the City already has in large quantities would restrict Avondale's ability to diversify on several levels and is discouraged.

## GOALS and POLICIES

### GOAL 1:

***Provide a variety of safe housing opportunities and neighborhoods for all current and prospective Avondale residents.***

***POLICIES:***

A. Ensure developers and/or HOAs properly maintain perimeter areas, open spaces, and other common areas within subdivisions.

B. Ensure that all properties requiring building permits must meet all City codes prior to final approval.

### GOAL 2:

***Champion the development of housing types not currently available in the City to allow for a variety of socio-economic levels.***

***POLICIES:***

A. Expand the City's housing stock by encouraging developers to provide "executive" home sites (i.e., custom homes, large lot home sites, and other similar products) that can be used to attract prospective residents as well as prevent existing residents looking for move-up housing from leaving Avondale for another community.

B. Encourage the development of condominiums and townhomes which appeal to people seeking to own their residence, but who may not want maintenance responsibilities.

C. Encourage the development of a mix of for-ownership and rental multi-story residential within the City Center to create the critical mass necessary to any vibrant urban environment.

D. Work with our existing/future colleges, universities, and trade schools to provide dedicated student housing in proximity to their campuses.

E. Encourage the development of live/work units in areas of the City that are appropriate for mixed use development.

## GOAL 3:

***Maximize the efficiency and effectiveness of affordable housing and neighborhood stabilization programs.***

***POLICIES:***

A. Participate in the activities and efforts of non-government and governmental housing providers and neighborhood organizations.

B. Continue to implement neighborhood housing assistance programs.

C. Promote the occupancy of existing, vacant homes.

D. Identify new prototypes for quality high-density residential housing.

## GOAL 4:

***Require excellence and innovation in residential design and construction.***

***POLICIES:***

A. Encourage builders to construct homes that use the latest energy conservation materials, methods, and techniques.

B. Support creatively designed subdivision layouts, particularly layouts in which open space and recreation areas containing amenities are thoughtfully integrated throughout.

C. Utilize the City's Design Manuals to promote quality development and attractive residential communities, updating these documents when necessary to reflect changing preferences and styles.

D. Encourage subdivision design that promotes non-vehicular access to trails and transit routes/centers as a component of a healthy lifestyle.

E. Endorse the use of Crime Prevention Through Environmental Design (CPTED) principles when designing residential communities.

# CONSERVATION, REHABILITATION, AND REDEVELOPMENT ELEMENT, AND NEIGHBORHOOD PRESERVATION AND REVITALIZATION ELEMENT

## INTRODUCTION

The combined Conservation, Rehabilitation, and Redevelopment Element, and Neighborhood Preservation and Revitalization Element include measures that can be taken to protect existing neighborhoods from deterioration and that will ensure all neighborhoods, regardless of age, are vibrant communities that benefit the community as a whole. It is also important as neighborhoods redevelop, that they become livable neighborhoods – neighborhoods that are walkable, connected, diverse, safe, well-maintained, and provide public spaces that facilitate a healthy lifestyle. These combined elements explore those opportunities to sustain our existing neighborhoods.

## PAST, PRESENT, AND FUTURE TRENDS

We are proud of our heritage as a farming community. Many of our more established neighborhoods, specifically Las Ligas, Cashion, and Central Avondale, were developed to provide housing and services to people working on farms that were for many years the predominant economic activity in our City. As the City moves forward and growth continues, it is important that we remember that all neighborhoods are vital, provide diverse housing, and contribute to the cultural enrichment of all of our residents.

Affordable housing, rehabilitation, and redevelopment efforts have been underway for a long time in Avondale's maturing neighborhoods. The City and its partners have provided home rehabilitation and new home construction programs, promoted ownership through down-payment assistance programs and educational initiatives, and encouraged infill development. Habitat for Humanity also has had a presence in Avondale and has provided affordable housing opportunities through the construction of affordable new homes. Affordable housing for senior citizens has been provided by Mercy Housing. These entities have been supported by an array of services provided by the City.

Avondale also works with the Maricopa Housing Department to provide affordable housing. Additionally, the City participates in the Federal Housing and Urban Development First Time Buyers Program to encourage family self-sufficiency and works with Maricopa County to provide Federally assisted leased housing units for low-income families. Several not-for-profit housing service organizations that construct homes on vacant lots in developed neighborhoods are located in Avondale.

In the future, a coordinated, strategic plan and approach to neighborhood revitalization and affordable housing will be important to continue to provide housing opportunities for all our residents. Other areas that the City will also need to address are providing shelter for those without homes, stabilization of maturing neighborhoods, and coordination of the not-for-profit housing providers with each other, the City, and the neighborhoods.

While it is natural to first think of the City's oldest neighborhoods, such as Historic Avondale, Cashion, and Las Ligas, when considering neighborhood preservation initiatives, measures cannot be limited solely to

those areas. The numerous neighborhoods constructed from 1985 through 2010 are beginning to mature; it is important as a City to take proactive steps to ensure all neighborhoods receive the care and attention needed to make certain they continue to be positive members of the community. This attention can take many forms, including but not limited to, creating additional amenities in or near neighborhoods, providing proper maintenance of streets and landscaping, enhancing pedestrian connections, and finding solutions or deterrents to any anticipated or recurring crime problems. With these issues addressed, residents' well-being is protected, and that is key to a healthy lifestyle. However, the Infill Districts/Revitalization Areas Map included in this document identifies specific areas in Historic Avondale, Cashion, and Las Ligas, where the City can concentrate redevelopment efforts and provide incentives.

## GOALS and POLICIES

### GOAL 1:

***Maintain and protect the best qualities of our established residential neighborhoods.***

***POLICIES:***

A. Identify opportunities to provide community assistance for renovations and amenities within our neighborhoods that are compatible with City goals.

B. Proactively work to prevent our neighborhoods from losing appeal as they mature.

C. Preserve and stabilize Avondale's eldest residential areas and maintain their historic character.

D. Encourage the preservation of historic or significant buildings and sites in the Historic Avondale area.

### GOAL 2:

***Create a true sense of community that stretches beyond neighborhood boundaries.***

***POLICIES:***

A. Improve the physical connectivity between our existing neighborhoods as well as between our existing neighborhoods and nearby non-residential developments.

B. Ensure all new non-residential development is designed to actively engage and attract pedestrians and to provide residents the opportunity to lead a healthy lifestyle residing in the surrounding neighborhoods.

C. Create an awareness of being in Avondale, differentiating our City from surrounding communities.

D. Determine and implement measures to overcome physical barriers which have historically limited interaction between residents in different parts of the City.

## GOAL 3:

***Encourage safe and well-maintained housing, neighborhoods, and buildings that are free from blight.***

***POLICIES:***

A. Encourage the preservation of locally and culturally significant buildings and sites, including adaptive reuse.

B. Encourage owner-occupied housing.

C. Actively enforce the City's Property Maintenance Codes.

D. Play a lead role by maintaining and continuously improving public spaces within Avondale.

E. Emphasize the demolition of unoccupied substandard and or blighted buildings.

F. Provide development incentives that encourage retrofitting existing, obsolete retail centers.

## GOAL 4:

***Support neighborhood organizations.***

***POLICIES:***

A. Partner with resident groups to prevent graffiti and discourage criminal behavior.

B. Assist neighborhood groups to identify opportunities to provide a healthy lifestyle, such as better access to trails, land that can be used for community gardens, or block watch organization.

# SUSTAINABLE DEVELOPMENT

## THEME

## PREFACE

Sustainability is meeting today's needs without compromising the ability of future generations to meet future needs. Sustainable development is responsible managed growth that balances present demands with future demands in terms of energy, air and water quality, habitat, community aesthetic, quality and quantity of goods and services, and cultural and historical resources. It should be economically viable to the developer, balancing upfront costs with cost savings over the long-term operation of the development. In Avondale, there is plenty of opportunity for new development and redevelopment. It is vital that good practices of sustainable development be put into effect at the earliest opportunity to maximize benefits.

The Sustainable Development Theme is comprised of two elements: Energy and Environmental Planning and Conservation. Through the Energy Element, Avondale is committed to being a leader in energy efficiency, reducing energy demands, and furthering the use of alternative and renewable energy sources. Avondale is committed to focusing on ways to reduce energy consumption and move toward alternative clean energy sources not only to protect the environment, but to protect our community from the detrimental health effects of pollution and climate change. The Environmental Planning and Conservation Element focuses on conserving, protecting, and enhancing Avondale's natural and cultural resources.

"Sustainability" is the cornerstone of the City's plan that is supported by the participants in the planning process, especially in regard to the natural environment. Avondale's natural environment is a valuable community resource – it is the dominant feature of the community's character; it makes Avondale unique; and ironically, it is the attractiveness of the Gila River, the hillsides, and open spaces that makes Avondale so attractive for development that, in turn, could degrade the quality of the natural environment.

# ENERGY ELEMENT

## INTRODUCTION

Federal policy is placing renewed emphasis on creating and growing a clean energy economy that results in new jobs, new businesses, and reduces the United States' dependence on foreign oil. Similar to the groundswell of public support for environmental protection issues in the 1960's and 1970's, the dawn of the 21st Century is witnessing a growing call for action to conserve energy and shift towards clean renewable sources of energy, such as solar and wind power. Recognizing the importance of energy resources and long-range planning, the State of Arizona requires that every county, city, and town General Plan include an element specifically focused on energy. The purpose of this element is to promote reduction of energy demand, increase energy efficiency, and maximize the use of clean renewable energy. Renewable energy systems allow cities to become more independent from the grid and fossil fuels, support the market for renewable technologies, and display a visible public commitment to a sustainable energy future.

Because of Avondale's abundance of sunshine, solar power is an attractive and viable renewable energy source. Avondale will promote energy efficiency by evaluating programs that reduce demand and further the use of alternative renewable energy.

Municipal regulations and policies can help achieve energy consumption reduction by improving the energy efficiency of buildings, by encouraging use of clean renewable energy sources, by providing more convenient routes for transportation other than automobiles, such as bikes and transit, and by educating the public so that they can change their own personal habits of energy consumption.

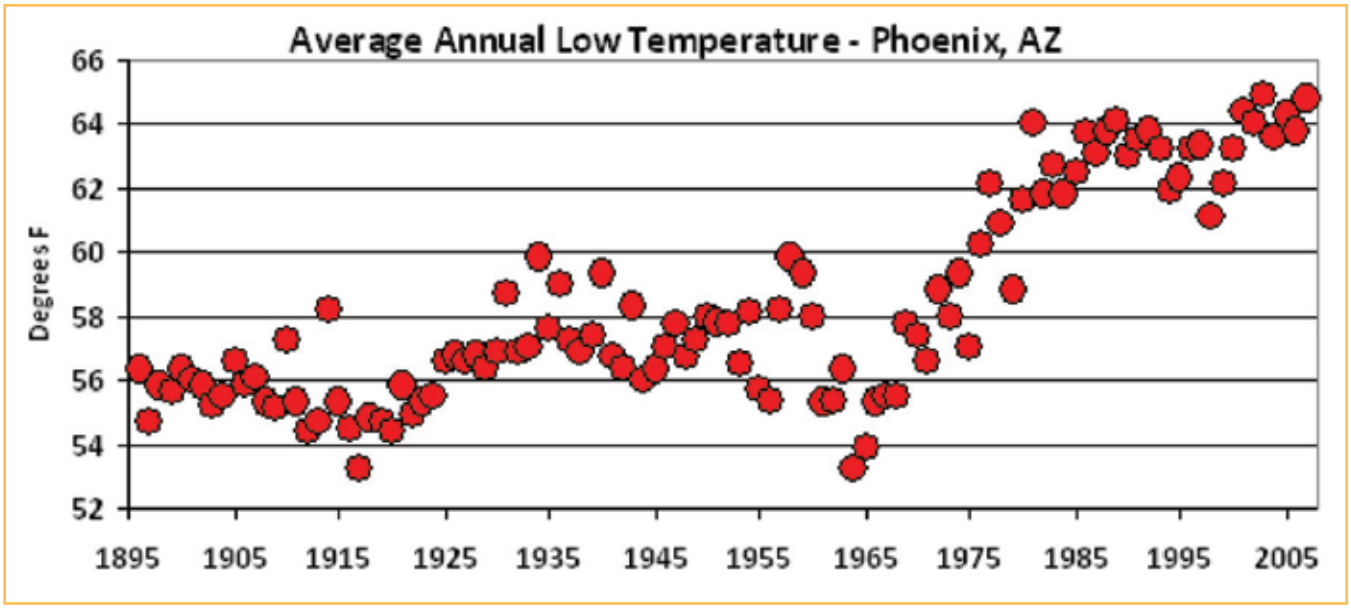
In addition to issues related to energy use, methods of energy delivery also impact Avondale as seen by the major electric power line corridors crossing the City as well as the three major electrical substations sites. These features represent opportunities for provision of open space, recreational opportunities, landscape enhancements, and aesthetic improvements through landscaping and provision of amenities. Each of these opportunities allow for Avondale residents and visitors to actively improve their physical and mental health. In a similar way, the major regional canals that cross Avondale and the numerous well sites located throughout the City can be mitigated for off-site impacts and be turned into benefits for residents and visitors when taken into consideration in the development process. Goals and policies below address these features related to electricity and other current and potential energy sources.

## PAST, PRESENT, AND FUTURE TRENDS

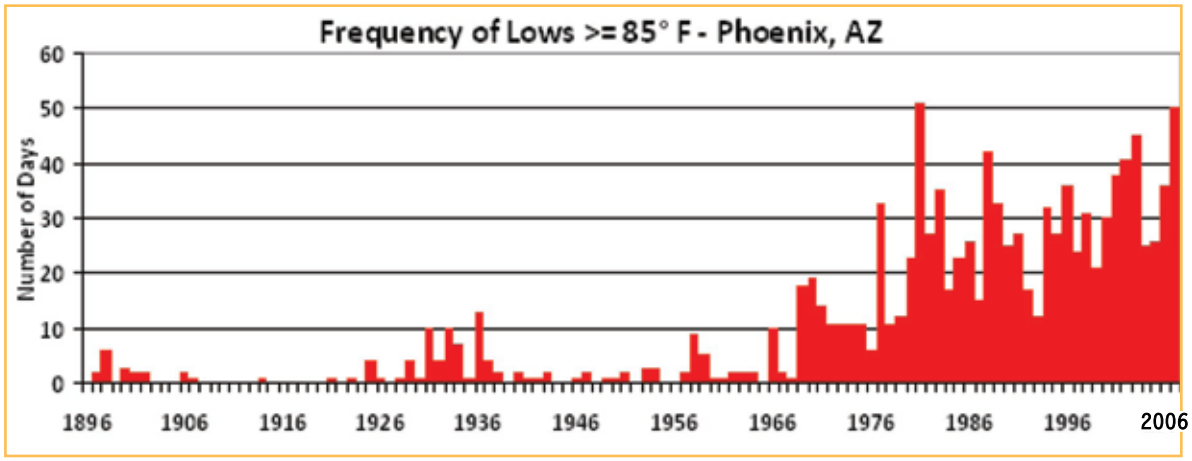
Average annual low temperatures in the Valley have shown a marked increase in the last 40 years coinciding with increased population and urbanization. Man-made materials such as concrete retain heat so it stays warmer longer in the evenings and overnight. This is often referred to as the heat island effect. It describes built up areas that are hotter than nearby rural areas. Heat islands can affect communities by increasing summertime peak energy demand, air conditioning costs, air pollution and greenhouse gas emissions, heat related illness and mortality, and water quality. The impacts of these higher low temperatures include increased energy consumption, predominantly through the extended use of air conditioning.

Avondale can take action to reduce urban heat islands using four main strategies: 1) increasing tree and vegetative cover, 2) installing green roofs (also called "rooftop gardens" or "eco-roofs"), 3) installing cool—mainly reflective—roofs, and 4) using cool pavements. Using these strategies in combination can enhance their effectiveness. For example, installing a permeable pavement parking lot that includes shade trees can extend the longevity of the pavement and vegetation. The combination of increased per capita energy demand and growing population gives impetus to the need for energy conservation, efficiency maximization, and use of clean renewable sources.

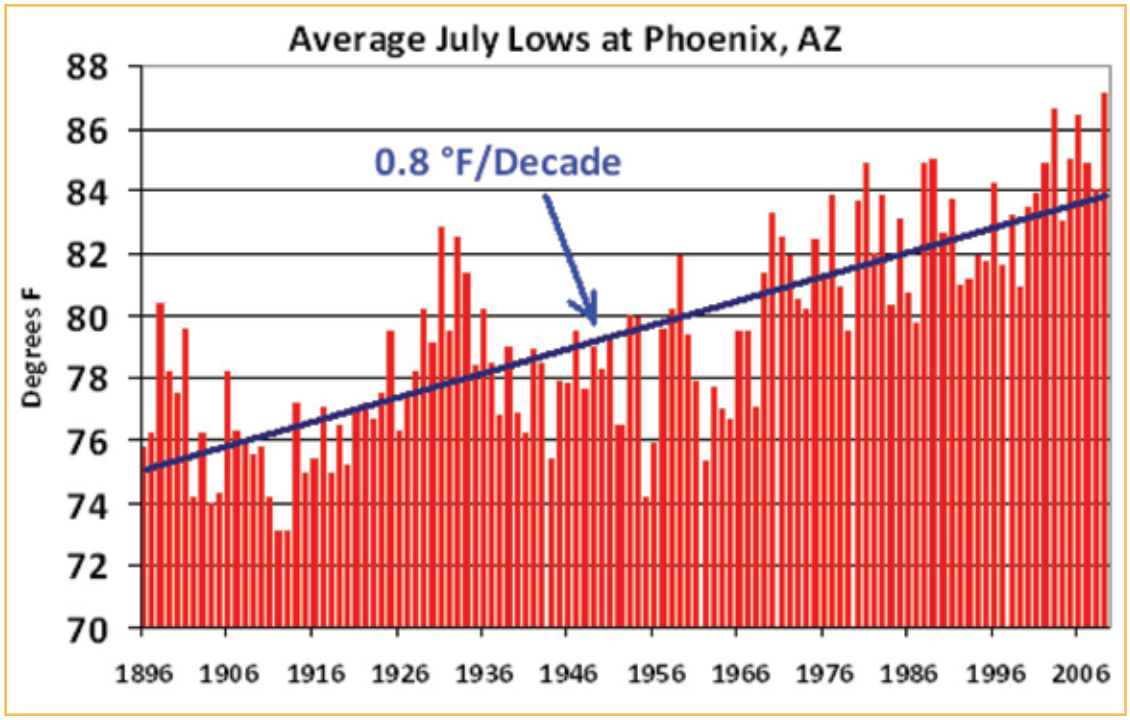
1 White House press release May 5, 2009
2 National Weather Service Forecast Office, Phoenix Historical Data
3 Arizona Department of Water Resources, Water Atlas, Active Management Areas, Climate




Source: National Weather Service Forecast Office

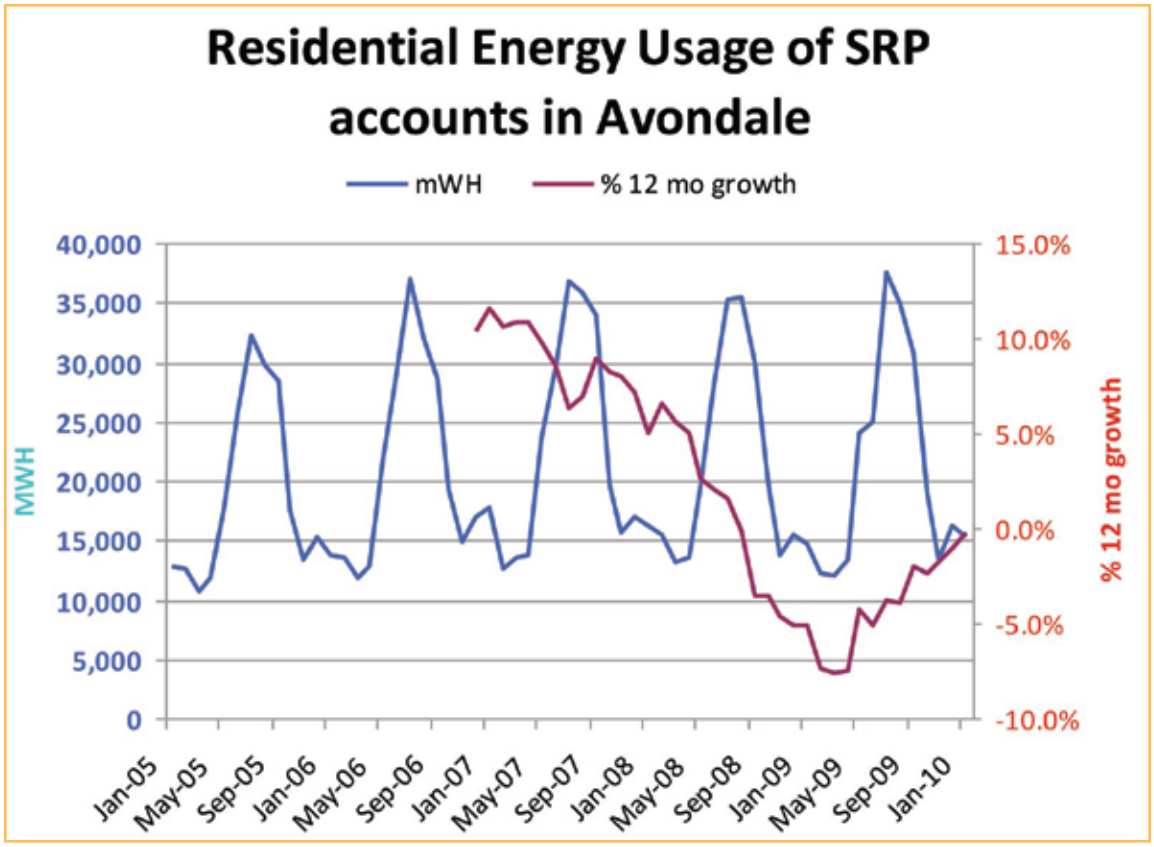



Source: National Weather Service Forecast Office

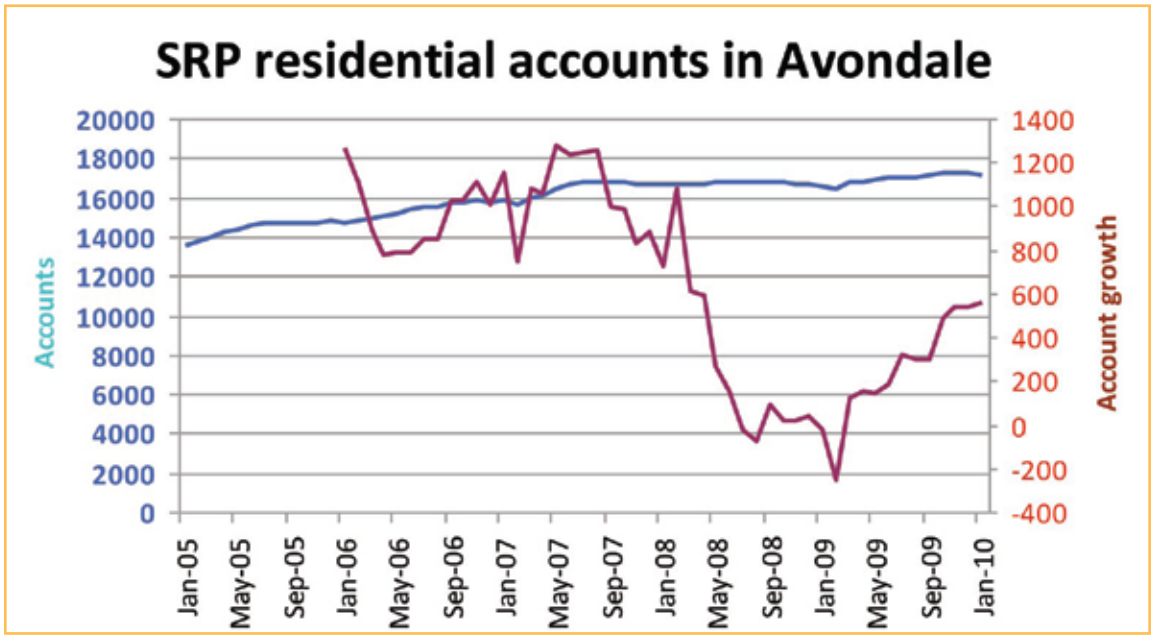



Source: National Weather Service Forecast Office

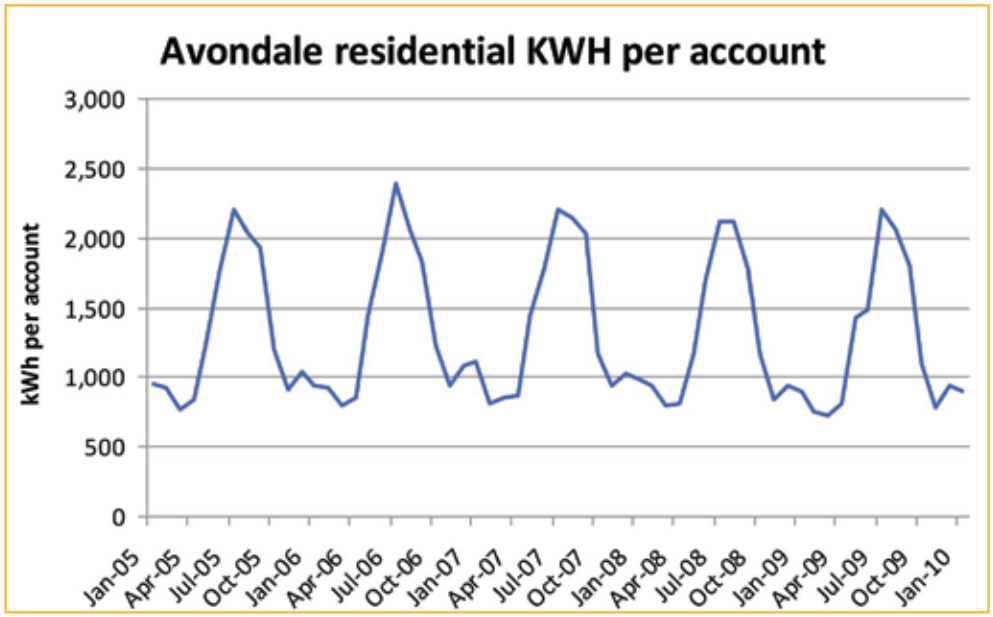
As is typical of Central Arizona energy use patterns, there is a spike in electrical demand in the summer months (see next page). The economic downturn of 2008 to 2010 is reflected in the sharp reduction, sometimes negative growth, in electrical demand.




Source: Salt River Project




Source: Salt River Project




Source: Salt River Project

Reducing the amount of energy consumed, switching to clean renewable energy sources, and educating and encouraging the public in these endeavors are the foundation to a successful sustainability strategy.

## GOALS and POLICIES

### GOAL 1:

***Integrate energy efficiency measures and renewable energy sources into all aspects of Avondale planning.***

***POLICIES:***

A. Continue to update the Zoning Ordinance and Design Manuals as new sustainable and energy efficiency practices are developed.

B. Consider programs that might include financial and other incentives to encourage sustainable development and energy efficiency practices by developers and residents.

C. Encourage "walkable" communities, vertical development where appropriate, transit, and efficient land use patterns to minimize fuel consumption and energy usage.

D. Work with the homebuilding industry in developing and amending green building/sustainable development initiatives and programs.

## GOAL 2:

*Promote expansion of renewable energy.*

***POLICIES:***

A. Study areas that may be suitable for locating commercial renewable energy facilities (e.g. Phoenix International Raceway).

B. Modify local codes and regulations to encourage private, residential scale renewable energy.

C. Plan for distributive generation facilities, such as solar, in pocket or community parks.

## GOAL 3:

*The City is a high-profile builder, service provider, and energy consumer in the community and should demonstrate good sustainability practices as an example to all.*

***POLICIES:***

A. Strive to build all new City facilities to a minimum of a LEED Silver standard or equivalent.

B. Develop a plan for upgrading the energy efficiency of existing City facilities to the highest level feasible.

C. Require that newly purchased office equipment, appliances, and fixtures for use in City facilities be a minimum of Energy Star rated or better.

D. Encourage City employees to reduce vehicle trips by carpooling, biking, taking transit, and utilizing alternate work schedules.

E. Investigate the purchase of vehicles with greater fuel efficiency when replacing equipment.

## GOAL 4:

*Educate the public in ways of reducing energy consumption.*

***POLICIES:***

A. Promote energy conservation programs to the public.

B. Raise awareness in the community through educational campaigns to recognize and stop energy waste.

C. Provide training in sustainable development practices.

## GOAL 5:

***Integrate electric power line corridors, electric substations, and other energy infrastructure into future development.***

***POLICIES:***

A. Work with developers and local utility providers to mitigate the off-site visual impacts on surrounding properties of electrical substations and well sites through decorative walls, opaque fencing, earthen berms, and dense landscaping.

B. Require that electric power line corridors and regional drainage channels be developed as active and passive open space amenities for the community allowing for non-motorized connections between neighborhoods.

C. To the extent reasonably feasible, mitigate negative visual effects to residential dwellings that are located within proximity to electrical power lines of 69Kv or larger.

# ENVIRONMENTAL PLANNING & CONSERVATION ELEMENT

## INTRODUCTION

As we continue to grow, we must ensure that our development complements and enhances our natural and cultural resources. This element contains goals and policies that address the impacts of development on environmentally sensitive landforms, plants, and animals, on air and water quality, and on natural and cultural resources. Protecting these resources now for future Avondale residents is not only an important part of the responsible sustainable growth of our community, but it plays a role with respect to Avondale's residents in terms of their well-being.

Decisions about the location and mix of land uses, transportation investments, design and building practices and building materials can all have an impact on the environment and human health. This Element addresses air quality, water quality, and the general preservation of the natural environment.

## PAST, PRESENT, AND FUTURE TRENDS

Avondale's greatest natural resources are the Estrella Mountains and the Agua Fria and Gila Rivers. The mountains, hills, river basins, floodplains, and riparian areas contain a variety of habitats that support many different plants and animals in contrast to our suburban environment. The rivers, in particular, were focal points of Native American culture and the early history of Avondale. Recreational and educational opportunities for residents and visitors have not been developed to a significant extent at present, but their potential is impressive. Maintaining scenic views and enhancing riparian areas are truly public benefits, and increasing public awareness of such will open the door to active opportunities. Protecting them from inappropriate development and irresponsible refuse disposal, and developing them for recreation and education to foster pride and communal ownership is an important strategy of the Environmental Planning and Conservation Element. It has the added benefit of providing an opportunity to live healthier.

As part of Maricopa County, Avondale is included in Maricopa County's designation as a serious area for Carbon Monoxide (CO), ozone and particulate matter (PM-10), as defined by the Environmental Protection Agency (EPA) standards. Motor vehicles are a principal source of particulate matter and other pollutants that contribute to poor air quality and associated respiratory illnesses. In general, the number of vehicle miles traveled in a region, the more likely the worse the air pollution. Decreasing our dependence on cars has the potential to improve the quality of our air, which benefits our health. The City of Avondale works with the Maricopa Association of Governments to reduce these pollutants through a variety of means.

The City is part of the Phoenix Active Management Area (Phoenix AMA). Within the Phoenix AMA, there are several groundwater sub-basins, which include the West Salt River Valley (WSRV) groundwater sub-basin of which Avondale is part. Although groundwater mining occurs in portions of the WSRV sub-basin, Avondale strives to maintain a balance between groundwater withdrawals and replenishment by implementing a system of recharge and recovery.

The majority of Avondale's water supply is surface water that comes from the Salt and Verde Rivers and is delivered through the Salt River Project canal system. This water is received into a system of constructed wetlands (Crystal Gardens) where it is nominally treated and then transported to an artificial recharge facility owned and operated by the City of Avondale.

The Crystal Gardens constructed wetlands is a 72-acre system of lakes located between Thomas and McDowell Roads from approximately 107th Avenue to Avondale Boulevard. The wetlands can accommodate approximately 10,000 acre-feet of water per year. These lakes and wetlands lend themselves to the surrounding community as opportunities to experience the outdoors. Residents can access the lakes via pathways and appreciate their beauty, take a nice walk along their banks, even fish! Again, another example of Avondale's assets that offer residents the opportunity to live a healthy lifestyle.

The Avondale recharge facility, which is located north of Friendship Park, consists of three spreading basins covering approximately 30 acres of land. Avondale is permitted by the Arizona Department of Water Resources to recharge up to 15,000 acre-feet of water per year at this facility. The combined wetlands treatment and artificial recharge approach meets the City's needs at a fraction of the cost of traditional treatment technologies and also creates open space and wildlife habitat.

The remainder of Avondale's renewable surface water supply comes from the Colorado River via the Central Arizona Project (CAP) canal. The canal runs through the Phoenix metropolitan area, but does not come close enough to Avondale to enable us to receive this water directly. Instead, Avondale receives its CAP water at two recharge facilities owned and operated by the CAP that are located several miles north of Avondale. Avondale withdraws the majority of this allocation through a system of permitted recovery wells located within our water service area. We also leave a portion of our CAP allocation in storage at the CAP facilities, which may be recovered as needed in the future.

In 2010, Avondale developed an additional renewable water supply. This supply consists of reclaimed water treated at the newly expanded Charles M. Wolf Reclamation Facility. This water reclamation facility expansion was completed in 2009 and has increased Avondale's wastewater treatment plant capacity from 6.4 million gallons a day (about 7,000 acre-feet per year) to 9.0 million gallons a day (about 10,000 acre-feet per year). Avondale plans to leave approximately 1 million gallons a day at the facility's outfall to maintain an existing wetland area. The remainder will be transported through a 6.5 mile transmission line to our local recharge facility for storage, aquifer treatment and future use.

Avondale's recharge and recovery system allows the City to pump its wells to deliver to customers' water without a net deficit to the groundwater supply in the WSRV.

# GOALS and POLICIES

## GOAL 1:

***Protect floodways, floodplains, hillsides, and other environmentally sensitive areas from inappropriate development.***

***POLICIES:***

A. Periodically review City codes and regulations to protect floodways, floodplains, hillsides, and other environmentally sensitive areas from inappropriate development.

B. Work with the Maricopa County Flood Control District to ensure that flood control projects enhance the environment, protect the community, and provide recreational opportunities for the residents.

C. Continue to meet Maricopa County Flood Control guidelines with regard to construction within the flood plains.

D. Work in concert with Federal and State agencies to protect listed wildlife species.

## GOAL 2:

***Preserve existing habitat areas of wildlife and desert plant species.***

***POLICIES:***

A. Develop a plan to encourage indigenous vegetation and riparian habitats to be maintained, enhanced, and incorporated into the Parks and Recreation Master Plan where possible.

B. Reference Arizona Fish and Game's Critical Habitat Inventory when evaluating and identifying key locations to preserve in Avondale.

## GOAL 3:

***Preserve and protect Avondale's cultural resources.***

***POLICIES:***

A. Protect archaeological sites within the City's planning area.

B. Protect existing structures of historic or cultural value to Avondale.

## GOAL 4 :

*Maintain or enhance the quality of Avondale's natural resources.*

***POLICIES:***

A. Promote studies from the Arizona Department of Fish and Game, as well as federal agencies, that identify trends in wildlife populations that include Avondale.

B. Continue efforts to identify potential sources of pollution in and around the Gila River and Tres Rios area.

C. Preserve view corridors of the Estrella Mountains and White Tanks Mountains.

D. Enhance the riparian qualities of the Agua Fria River.

## GOAL 5:

*Continue to meet federal, state, and county water quality standards.*

***POLICIES:***

A. Take measures such that water supplies are protected from potential sources of contaminants.

B. To the extent feasible, protect water sources from existing septic systems within the City's planning boundary, and develop strategies to mitigate their negative impacts.

## GOAL 6:

*Continue to participate in regional efforts to meet federal, state, and county air quality standards.*

***POLICIES:***

A. Participate in Maricopa Association of Governments (MAG) and Maricopa County efforts to meet federal and state air quality and water quality standards.

B. Continue to participate in regional efforts to reduce the number of employee vehicle trips to work.

## GOAL 7:

*Reduce the amount of solid waste.*

***POLICIES:***

A. Work with the materials recovery facilities to accept more types of recyclable material into the City-wide recycling program.

## GOAL 8:

*Conserve water.*

***POLICIES:***

A. Maintain a balance between groundwater pumping and replenishment within Avondale's water service area by continuing to use renewable water supplies, such as surface water and reclaimed water.

B. Continue Avondale's current water conservation program that contains incentives and educational elements for adults and school-aged children, and provide practical information on how to conserve water both inside and outside of the home.

C. Expand Avondale's water conservation program to provide additional incentives and educational elements for non-residential water users, such as homeowners associations, schools and other public facilities, and commercial water users.

D. Explore the feasibility of collecting rainwater runoff and reusing it as reclaimed water.

E. Explore the feasibility of using non-potable water for landscaping.

## GOAL 9:

*Ensure that all commercial and industrial activities are monitored to protect the recharge, environmental, and other functions of the Agua Fria, Salt, and Gila rivers.*

***POLICIES:***

A. Ensure that all handling of hazardous materials is routed away from residential neighborhoods where feasible.

B. Work with Maricopa County Flood Control to minimize the environmental impact of existing and future mining operations.

C. Work with Maricopa County Flood Control to minimize the environmental impacts of existing and future commercial and industrial activities.

# OPEN SPACE

THEME

## PREFACE

We view our open spaces as fundamental elements of our City's character, places to recreate, and essential to our continued high quality of life, and our residents' health and well-being. Parks and other recreational features offer places to play, to rest, and to gather, and are essential to the physical and mental well-being of individuals and communities. They are an important ingredient for enhancing the health and character of residents, especially youth. To ensure that these community assets are conserved and enhanced as we continue to grow, this theme addresses how we plan to conserve our natural environment and undeveloped open spaces and provide active recreation opportunities and developed parks for our residents. The 2012 General Plan elements that are included in this theme are Open Space and Recreational Amenities.

Historically, Avondale has been a place of dramatic views with diverse recreational opportunities and open landscapes, which all contribute to and help define our character. It is apparent that long-time and new residents alike appreciate our open space resources, having ranked this as a high priority through citizen surveys and community meetings. Therefore, the focus for residents is to preserve the City's open space and the unique character it provides to the community. The Open Space Elements include goals and policies to help Avondale conserve these important areas in the future. ▶

In addition to conserving our open spaces, we must consider how development impacts the environment in which it thrives. The Open Space Element includes goals and policies to help us minimize impacts of development on our environment and provides a vision for an active pedestrian oriented and interconnected community that promotes an active outdoor lifestyle. This Element also outlines goals and policies to establish a framework for the City's overall trail system to include the Tres Rios Greenway Specific Plan, a regional trails system designed to provide a more livable environment, while enhancing adjacent developments. Linking Avondale's outdoor amenities promotes these features to residents and visitors and provides another means of physical activity.

As we transition from a rural community to a suburban and urban city, our concept of open spaces has been broadened to include active and passive recreational opportunities, which requires developed parks and facilities. Active recreation is activity that requires the use of organized play areas, such as ball fields and various forms of children's play equipment. Passive recreation is activity that does not require the use of organized play areas such as nature observation and trails. Parks located close to residential areas and/or schools can increase opportunities for biking and walking, thereby increasing potential health benefits. Trails can promote increased activity with smaller amounts of land. Therefore, promoting trails is necessary to gain the full public health benefits of increased use. Lastly, open space and preservation of scenic vistas can contribute to a healthy lifestyle by minimizing stress purely through appreciation and the sense of calm a pretty environment can evoke.

The majority of our residents are young and active. Therefore, the need to further define open space and its purpose will shape how our residents recreate and co-mingle within their community, how tourists and visitors to Avondale utilize their leisure time, and how we as a City create a sense of place and harmony with the environment. The City has prepared a recreation master plan that compliments the Recreational Amenities Element with broad goals and policies that establish levels of services and facilities for the community.

# OPEN SPACE ELEMENT

## INTRODUCTION

Avondale is a diverse community where residents live in harmony with their natural environment. The Avondale environment is plentiful in open space which includes the Agua Fria, Salt and Gila Rivers, Monument Hill, Durango Channel, the Estrella Mountains, trails, wildlife and agricultural areas, and several community and regional parks. Together, these resources provide some of the most magnificent views, recreational opportunities, and valuable wildlife habitat in the state. They also represent an important component when it comes to creating a healthy lifestyle for Avondale. They are key attractions for residents and visitors alike to actively experience these locations. Our open spaces define our community and are fundamental to our high quality of life, this quality of life includes living healthy. This element identifies future needs and methods to conserve, protect, acquire, and promote these areas and their functions as regional connections to other cities. Open space is land or water retained for use as active or passive recreation or for resource protection in an undeveloped state. It includes many forms.

Our open space features dramatic locations, such as Monument Hill (the initial survey point for the State of Arizona), Base and Meridian Wildlife Area (approximately 200 acres of river and adjacent riparian habitat at the confluence of the Salt River and Gila River), and the Estrella Mountains. Each of these locations offer opportunities for access by residents and visitors. We supplement our natural open spaces with an amazing public park system, boasting two of the larger active civic recreational spaces in the region. With the opening of Friendship Park and Festival Fields in the last decade, Avondale offers wonderful amenities that are conveniently located for use by not only our residents, but by people from our neighboring cities as well. These recreational amenities draw Avondale residents outdoors, and are the foundations for creating a healthy lifestyle.

The 2012 Plan identifies general open space areas that are appropriate for preservation and compares the characteristics of those areas to determine which are most valuable, such as:

- Mountain views
- Unique aesthetic features
- Valuable wildlife habitat
- Cultural and recreational opportunities
- Other areas important to human health and safety, including steep slopes, drainage ways, watersheds, wetlands, and flood plains

Open space is important from a cultural, recreational, and environmental perspective. Parks provide visual appeal, promote healthy lifestyles, and give a sense of pride to neighborhoods. Avondale's landlocked position within a greater regional area precludes annexing land for additional parks or open space. Therefore, partnerships with schools, the generosity of benefactors to the community, and the inclusion of open space within private development will need to take place.

As there are many methods of preserving open space, and many public agencies that have jurisdiction over land, the 2012 Plan is meant to help coordinate the various public and private efforts and assure that resources of the community are used most effectively in the development and preservation of open space.

## PAST, PRESENT, AND FUTURE TRENDS

Regional planning efforts have already been initiated for the Agua Fria, Salt, and Gila Rivers. These include: the Flood Control District of Maricopa County Agua Fria Area Drainage Master Plan, the Maricopa Association of Governments (MAG) West Valley Rivers Non-Motorized Transportation and Desert Spaces Plans, the Flood Control District of Maricopa County El Rio Watercourse Master Plan, the Rio Salado West Plan, the Tres Rios Greenway Specific Plan, the Maricopa County Trails Master Plan, and the county-wide trails effort. These plans offer coordinated recommendations within Avondale and identify linkages that connect our open space resources to regional resources. While these areas have been identified in plans, they are largely undeveloped, and there are few existing formal connections to them. To make these resources valuable to the community, additional formal access points are needed. Once developed, these planned linkages will have the net effect of leveraging our open space resources so our residents are connected to resources within other communities and the county. In the future, the implementation of these plans through public and private partnerships will enhance the quality of these resources and make them more accessible to our residents.

Avondale's agricultural areas are important open spaces because they remind us of our history as an agricultural community, create transitional zones between suburban developments, and provide visual relief from the built landscape. It is likely that without the implementation of mechanisms for the purchase of these properties or their development rights, these agricultural areas will be developed with other land uses in the future.

Avondale's growth will continue to result in the development of private land that once provided visual relief from the developed environment. However, there are opportunities to preserve the natural amenities that are unique to Avondale, such as building upon the agricultural roots of the community with rural low density developments, equestrian centers and bridle paths, and urban agriculture and community garden opportunities.

The rivers, associated 100-year floodplains, and Estrella Mountains comprise approximately 9,600 acres of open space within the City. An inventory of additional open spaces, provided by developed parks, a golf course, and recreation areas, includes over 2,800 acres. Based on the current inventory, our existing open spaces should adequately serve our residents, however, Avondale is always interested in pursuing open space opportunities.

### *Trails*

Avondale's planned trails and existing bikeways connect homes to parks, shopping areas, businesses, schools, Estrella Mountain Community College, and to the trails on public land surrounding the City.

The City of Avondale adopted the Tres Rios Greenway Specific Plan in April 1997. The Tres Rios Plan was a coordinated effort among state, federal and local agencies, private land owners, and the City to unite the Agua Fria, Salt, and Gila Rivers, and City recharge area into a single, connected green space consisting of trails and open spaces. This plan has been incorporated into other plans, including the Agua Fria, Salt, and West Valley Rivers Non-Motorized Transportation Plan.

The City also coordinated other projects with the Tres Rios Greenway Plan. The City's recharge projects are designed as multiple use facilities that provide open space and trail connections in conformance with the Tres Rios Greenway Plan. The Guidelines for Canals that were adopted by the City in 1997 require a 30-foot public access easement along the Roosevelt Irrigation District Canal, and provide another connection to Avondale's River Greenways. As the City develops, these plans will continue to be implemented. Also, future design standards for the southern area of the City are planned to be in concert with the implementation of the Tres Rios Greenway Plan and contextual with the Gila River and surrounding natural areas.

Avondale recognizes that a multi-use open space network of trails for all non-motorized users provides critical resources to improve its resident's well-being. The City should maintain its commitment to providing connections from neighborhoods to passive and recreational opportunities, either through private development or City-initiated efforts. A successful Citywide trail system would allow people to walk or bike from their homes to any area in Avondale via that trail network.

### *River Corridor*

The lands in and around the Salt, Gila, and Agua Fria Rivers are some of the most environmentally sensitive and significant areas within the southern area of the City. Preservation of these areas and protection of the native wildlife in the area is a priority for Avondale. The Gila River and Agua Fria River corridors focuses on the preservation, protection, and enhancement of the two rivers and their riverine environment. The goals include enhancing the visual quality of the river, development of recreational opportunities on the Gila and Agua Fria Rivers, increasing river accessibility, and maintaining of the rivers' natural ecology. River land use designations, such as the Gila River Scenic District, have been established to control development and use of the river corridor while enhancing eco-tourism opportunities and open space around the Base and Meridian Wildlife area.

In addition to being a source of water for local wildlife, the Gila River has become an increasingly important recreational amenity. The river is used extensively for canoeing, fishing, and wildlife viewing. The City has focused considerable effort in the planning for a recreational trail system in and along the river corridor. The City has a strong interest in maintaining the quality of the water and protecting river flows. This interest not only has the benefit of creating enthusiasm for an active lifestyle, it also benefits Avondale's economic health. With the increased popularity of being outdoors and appreciating the environment, Avondale can promote its numerous opportunities and draw in visitors with an interest in outdoor activities.

### *Estrella Mountains*

The Estrella Mountains, which define our south planning area, provide a dramatic backdrop for the City north of the Gila River and provide open spaces for recreation, camping, backpacking, hiking, mountain biking, and wildlife viewing. As development occurs within the south planning area, the slopes and environmentally sensitive areas around the Estrella Mountains must be protected and conserved.

### *Protecting Mountain Views*

Preserving access to and vistas of natural areas, such as the Estrella Mountains, Monument Hill, and the Gila River are critical for the City. Protecting hillsides and ridgelines overlooking the community from inappropriate development is equally important. Avondale has secured significant open space land to supplement state and federal lands to establish and maintain the natural vistas that form a beautiful backdrop to the City.

Public and private development should be designed to minimize disturbance of hillsides and to ensure that community residents will enjoy safe access to the public lands surrounding Avondale. As flat land becomes scarcer, pressure to develop along hillsides will increase, prompting aesthetic, engineering, and safety concerns.

### *Wildlife Habitat and Corridors*

Bird watching and wildlife viewing is a major attraction for the City. The area is home to a multitude of bird and wildlife species, such as the Green Heron, Gambel's Quail, Bald Eagle, Cactus Wren, Spotted Sandpiper, and many others, especially in the Base and Meridian Wildlife Park. As development occurs in and around the Gila River and along arterial roads leading into the southern area of the City, there will continue to be increasing conflicts between development and wildlife. The high potential for disruption of normal movement through the open space corridors could damage local animal populations. However, if these corridors can be designed and managed to allow human access without wildlife disruption, these corridors become a dual benefit to Avondale. These corridors become part of the trails network as well as become wildlife habitat that fauna can move freely and naturally within the area. Therefore, by preserving adequate open space corridors and by increasing awareness of ways to limit wildlife/human conflict, Avondale will continue to work with its partners who include the Arizona Game and Fish Department, the Bureau of Land Management, Maricopa County Flood Control District, and other government agencies to implement protection programs. The City will also gain an appreciation for preserving certain plant and animal species, as well as provide opportunities to move throughout Avondale's beautiful ecosystems and simultaneously improve their well-being.

To guide the City in its open space conservation efforts as it develops, an Open Space and Parks land use category is included on the 2012 Plan land use map and designated open space and park facilities have been identified on the Open Space Map. This designation implements the goals and objectives of the Land Use, Open Space, and Recreational Amenities Elements by:

- Conserving natural resource areas required for the conservation of plant and animal life, including habitat for wildlife species; areas required for ecological and other scientific study purposes; floodways and floodplains;
- Maintaining areas of importance for outdoor recreation including areas of outstanding scenic, historic, and cultural value; areas particularly suited for park and recreation purposes including those providing access to the Agua Fria, Salt, and Gila Rivers; and areas which serve as links between major recreation and open space reservations, including utility easements, banks of rivers, trails, and scenic highway corridors;
- Providing for open spaces to create buffers that may be landscaped to minimize the adverse impact of one land use on another.

The rural residential land use designation is also designed to identify areas appropriate for low density development that is considered a private open space resource.

# GOALS and POLICIES

## GOAL 1:

*Identify, protect, and preserve the natural amenities and environmental attributes that are unique to Avondale and contribute to a healthy lifestyle.*

***POLICIES:***

A. Preserve and enhance the Agua Fria, Salt, and Gila Rivers corridors, the associated 100-year floodplains, the Estrella Mountains, and the unique riparian areas for their natural and aesthetic qualities.

B. Require new development adjacent to the Agua Fria, Salt, and Gila Rivers, and the Estrella Mountains to provide controlled public access to these areas.

C. Work with other public and private groups to establish greenbelts and preserve open areas consisting of a network of public and private lands and hillside areas, such as Monument Hill.

D. Re-vegetate and restore to their natural state, when practical and feasible, disturbed areas of the Rivers.

E. Pursue private dedications of open space land or conservation easements in areas adjacent to public open space.

F. Establish a dedicated fund to be financially prepared to take advantage of opportunities and leverage grants from other agencies when critical land becomes available for greenway protection.

G. Coordinate plans and capital funding responsibilities through the Capital Improvement Program (CIP).

H. Preserve existing habitat areas of the wildlife and desert plant species.

I. Develop a plan to encourage indigenous vegetation and riparian habitats to be maintained and enhanced, where possible.

J. Design open space areas with selected plants that attract native birds and animals.

## GOAL 2:

*Create linkages to parks, trails, rivers, and mountains.*

***POLICIES:***

A. Actively work with public and private partners to develop the land within the Tres Rios Greenway Specific Plan as a recreational amenity and transportation facility.

B. Enhance non-motorized access between Phoenix International Raceway properties, Monument Hill, and Agua Fria and the Gila Rivers.

C. Link community parks to open spaces, other community facilities, and each other as a means to providing further physical activity for one's well-being.

D. Utilize all High Voltage corridors (greater than 69kV) for passive recreational use to connect to a greenway corridor system.

E. Link all trails to the Maricopa County regional trail system and the Tres Rios Greenway.

F. Design and construct all utility corridors, easements, drainage crossings, and transportation corridors for greenway corridors and multi-modal activities.

G. Ensure greenways provide an attractive recreational experience that makes them destinations in their own right.

H. Require, through the subdivision review process, greenways that are identified and built as a desirable feature for pedestrians in each new development.

I. Encourage shared connections where appropriate.

J. Utilize existing trails and utility corridors for equestrian/bridle trails.

## GOAL 3:

*Make Avondale's unique natural setting central to its identity as a Healthy Lifestyle City.*

***POLICIES:***

A. Protect and maintain sensitive environmental areas associated with the Agua Fria, Salt, and Gila Rivers, and the Estrella Mountains.

B. Promote Avondale as an ecologically-minded destination to facilitate open space preservation and encourage eco-tourism.

C. Educate residents and visitors about Avondale's open space and its ecological importance and value to the community.

D. Promote the historic importance of Monument Hill, the Base and Meridian Wildlife Area, and the Native American archeological sites.

E. Plan for areas along the Gila River that will serve as a tourist designation for wildlife, bird watching, and outdoor recreation enthusiasts within the Gila River Scenic District.

F. Retain Avondale's commitment to becoming a "Healthy Lifestyle Community" through development of the Tres Rios Greenway Specific Plan.

G. Regard Avondale's scenic assets as an economic value, and continue to protect and enhance them accordingly.

H. Plan for a visitor's center or wildlife center within the Gila River Scenic District land use designation area.

## GOAL 4:

*Protect views of and access to mountains and river corridors.*

***POLICIES:***

A. Preserve the scenic quality of the Estrella Mountain range and foothills.

B. Provide vehicular and pedestrian access through the Estrella Mountain Regional Park for visitors to take full advantage of the outdoor experience for hiking, mountain biking, and camping.

C. Design and construct public access with limited amenities on Monument Hill to enable the community to enjoy the historic attributes of the hill.

D. Design buildings and lots in such a way to take advantage of the view corridors of the Estrella Mountains without causing obstructions to those views.

E. Protect hillsides and ridgelines overlooking the community from inappropriate development.

## GOAL 5:

***Develop and maintain a system of open space that affords human access and recreation while protecting the viability of the wildlife population and habitat.***

***POLICIES:***

A. The open space system will serve as a buffer between land uses, preserve and enhance the wildlife habitats and migration routes, and protect habitat corridors for the movement of wildlife in Avondale.

B. Ensure natural areas are protected as part of an open space system interconnected by wildlife corridors.

C. Ensure that aggregate operations and river crossings do not impact the wildlife along the Agua Fria and Gila Rivers corridor.

D. Require existing aggregate operations to provide a reclamation plan and mitigate any negative effects of the mining operation upon removal.

E. Plan future development of existing aggregate operations and the potential recreational use of lakes consistent with the El Rio Plan.

F. Mitigate issues for future development adjacent to aggregate sites to avoid incompatible land uses.

G. Consult with the Arizona Department of Game and Fish on all development proposals that could have an impact on wildlife habitat and/or forage diversity to strategically locate housing clusters in a way to minimize negative impacts to game and non-game wildlife and to minimize human-wildlife conflicts.

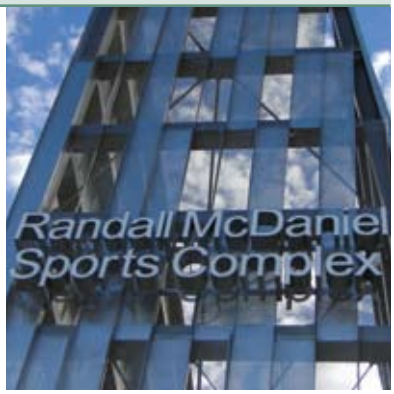
H. Incorporate the Arizona Department of Game and Fish Wildlife Friendly Guidelines into new development proposals.

I. Work with the Flood Control District of Maricopa County to ensure that flood control projects enhance the environment, develop as an amenity, and protect the community.

J. Protect federal and state listed wildlife species.

K. Provide human access to natural amenities that minimizes impacts to the natural systems while providing value to the community.

# RECREATIONAL AMENITIES ELEMENT




## INTRODUCTION

This element contains the goals and policies to define a comprehensive system of locations for parks and other recreational facilities that meet the needs of current and future residents. Many standard parks and recreation facilities, such as soccer, baseball, and softball fields, have been constructed within the City limits. The following additional amenities also add to the healthy lifestyle of Avondale residents and visitors to the City:

- A state-of-the-art community recreation center
- An extensive network of mountain bike trails through the Estrellas
- Canoeing on the Salt and Gila Rivers
- Wildlife and bird watching
- Estrella Mountain Regional Park activities

Increasing access to these locations is an important healthy community strategy to increase physical activity. Physical activity reduces the risk of chronic diseases. Additional health benefits of easy access to physical activity include increased mental health and psychological development. These are also factors that contribute to our overall well-being. Avondale is a regional center providing active recreation programs for a large portion of Maricopa County and predominately the west valley. Recreation programs promote a sense of community and good health. In addition, Avondale also receives thousands of visitors each year, a significant number of whom use portions of the City's park and recreation system. These non-residents make a significant contribution to the local economy.

## PAST, PRESENT, AND FUTURE TRENDS

The Parks, Recreational Facilities, and Trails Master Plan of the City of Avondale include three closely related, but independent elements which form a stand-alone component of the City's General Plan.

Adopted in August 2009, the Master Plan refines and implements the general directions established in the 2002 General Plan, the purpose being to identify the current parks, recreation, open space, and trails needs of the community and to ensure that community facilities will be adequate to meet future needs.

The 2010 Census identifies 30% of Avondale's population as less than 15 years of age, with another 15% less than 24 years of age. While data indicates that the median age is increasing in Avondale, it is still substantially lower than that of Maricopa County as a whole. These figures indicate that developed parks and open space designed to accommodate younger users are important to Avondale residents. The types of open spaces generally important to a younger population include sports fields, playgrounds, bicycle trails and skate parks, and other structured recreation opportunities.

To meet the needs of our residents and use public funds efficiently, the City is partnering with the Littleton Elementary School District for after school and summer recreation activities. The City is also using school facilities in the Agua Fria District for basketball and other indoor sports activities.

As we continue to grow, it is likely that the age of our population will more closely mirror that of Maricopa County, and we will need to provide parks and recreation facilities for our more diverse population. Opportunities to partner with schools and other entities, such as the Boys and Girls Club, may enable the City to diversify its recreation facilities for the growing population. While many of our newer developments offer these amenities to their residents, older portions of the City are in need of additional or modernized recreational opportunities.

The City constructs parks based on a service radius calculation to ensure parks and recreation facilities are equitably distributed throughout the community. The service radius calculations that the City uses to determine where parks should be located are based on national recreation and parks association standards as described in the Parks, Recreation Facilities, and Trails Master Plan. Below is a list of the types of parks and facilities utilized within the City of Avondale.

- **Neighborhood Parks** serve a neighborhood or several neighborhood areas. Avondale's neighborhood parks range in size from approximately 1.5 to 12 acres and are characterized by a service area of a 0.5-mile radius and are generally provided at a ratio of 1 park acre per 1000 population. They are developed to encourage semi-active to passive activities, such as picnics, family gatherings, and strolling to more intensive activities, such as pickup or organized court and field games, jogging, and exercising. Minimal parking may also be provided. Oftentimes, neighborhood parks are located adjacent to school sites and developed to complement school facilities.

- **Community Parks** generally range in size from 30 to 80 acres and serve several neighborhoods within a 3-mile service radius. A 3.5 park acres per 1000 population ratio generally is provided. Typically, community parks, such as Friendship Park and Festival Fields, provide a wide range of passive and active recreational opportunities for one or more groups of users and function as community gathering places. Such parks typically include multiple lighted sports courts and sports fields for organized recreational activities such as softball, little league, or soccer tournaments and have the same amenities as neighborhood parks. Community parks may also provide areas for more specialized uses and amenities such as community centers, recreation centers, pools and aquatic centers, skate parks, restrooms, concessions, and group picnic facilities for 100 to 200 people.

- **Regional Parks** are ttypically 80 acres or more, can be reached within a 30-minute drive time, generally provided at a ratio of 2.5 acres per 1000 population, and attract many types of users from a large geographic area. Regional parks also may have a passive and/or active focus, such as the Estrella Mountain Regional Park, and contain a wide variety of recreational activities, such as sports field four-plexes oriented toward regional tournament play, an irrigation lake, large group picnic facilities for 200–400 people, specialty-user group facilities (for example, skate parks), indoor aquatic facilities, and multi-use recreational centers that may range in size from 60,000 to 100,000 square feet.

- **Special Use Parks** generally include designated single use facilities, such as the American Sports Center/ Randal McDaniel Sports Complex. They vary in size and service radius depending on the use; however, special use parks enhance the overall park system by providing unique opportunities that help to balance a diverse range of community desires.

- **Other open space uses** include vest-pocket parks, common areas, easements, rights-of-way, greenbelts, and private recreation areas. These areas are generally passive areas in a landscaped or natural state. These may be planned for conversion to more intensive recreation use when needed. These spaces may provide

interpretive recreation or education experiences, environmental quality, act as buffers between land uses, provide habitat or land banking. They can include shared use trails, floodplains and floodways, landscaped areas adjacent to roadways, interpretive areas, plazas, and pocket parks. These spaces should be provided at a ratio of 2.5 acres per 1,000 people.

Currently, Avondale meets the services ratio for neighborhood, community, and regional parks as shown in the Parks, Recreation Facilities, and Trails Master Plan. Currently, the Estrella Mountain Regional Park, owned and operated by Maricopa County, provides regional and community park facilities for many Avondale residents. However, an Avondale community park should be planned for within the southern core of the City.

## City of Avondale- Existing Parks & Recreational Facilities Inventory and Evaluation

| Activity/ Amenity | Access | | | | | Active Play Recreation | | | | | | | | | | | Organized Play Recreation | | | | | | | | | | | | | | | Moderate Recreation | | | | | | | | | | | Site Amenities | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| FACILITY Name and Type | On-Street Sidewalks | On-Street Parking | Off-Street Parking | On-Street Bike Route | Bicycle Racks | Open Areas | Play Swings (# of Seats) | Tot Swings (# of Seats) | Slides | Spring Animals | Climbing Structures | Tot Lot (0-5 Years) | Play Area (6-12 Years) | Splash Pad | Workout Stations | Fitness Course | Basketball Courts-Lit | Baseball Fields-Lit | Baseball Fields-Unlit | Softball Fields-Lit | Softball Fields-Unlit | Soccer Fields - Lit | Soccer Fields - Unlit | Multi-Use Fields - Lit | Multi-Use Fields - Unlit | Football/Track | Tennis Courts-Lit | Dog Park/Dog Run | Skate Park | Rodeo Arena | Sand Volleyball Courts | Paved Pathway | Unpaved Trails | Biking Trails (Mtn. Bike) | Equestrian Trails | Trailhead/Staging Area | Aquatic Facility | Golf Course-9 Holes | Camping | Fishing Lake | Concession Buildings | Community/Rec. Center | Restrooms | Double Ramadas | Single Ramadas | Shade Canopy | Picnic Tables | Benches | Site Lighting | Plaza/Activity Area | Barbeque Facilities | Ponds/Water Features | Drinking Fountains | Landscape | Turf (Irrigation) | Maintenance | ADA Compliance | Acres |
| **Pocket/Specialty Parks** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| T.C. Doc Rhodes Memorial Park | Good | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | Good | | | | | | | | | | | | Good | | | | | | Good | Good | Good | | | | | | | 0.28 |
| A.B. Sernas Plaza | Good | Good | | | | Good | | | | | | | | | | | | | | | | | | | | | | | | | | Good | | | | | | | | | | | | | | | Good | Good | Good | | | | | Good | Good | Good | Good | 0.25 |
| **Neighborhood Parks** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Coldwater Park | Good | | Fair | | | Poor | | | | | 2 Poor | | | | | | | | | 2 Poor | | | | | | | | | | | | | | | | | | | | | | | | 1 Good | | 1 Good | | | | Poor | | | | Poor | Poor | Poor | Poor | 12.16 |
| Dennis DeConcini Park | Good | Good | Good | | | Good | 4 Good | 4 Good | 4 Poor | | 4 Good | 1/2 Poor | 1/2 Poor | | | | 1 Good | | | | | | | | | | | | | | | | | | | | | | | | | | | 2 Good | 1 Poor | 2 Good | | | Poor | | | | | | | | Fair | 3.77 |
| Dessie Lorenz Park | Good | Good | Good | | 1 Fair | Good | | | | | | | | | | | | | | | | | | | | | | | | | | Good | | | | | | | | | | | | | | 3 Poor | 2 Good | 3 Good | Fair | | | | | | | | | | Fair | 4.65 |
| Donnie Hale Park | Good | Good | Good | | | Good | 4 Good | 4 Good | 2 Good | 1 Good | 6 Good | | 1 Fair | | | | 2 Fair | 1 Good | | | | | | | | | | | | | | Good | | | | | | | | | | 1 Poor | | 1 Good | 1 Good | 3 Good | 2 Good | Fair | 1 Good | 2 Good | | 1 Fair | Good | Good | Good | Good | 5.26 |
| Fred Campbell Park | Good | Good | | | | Good | 2 Good | 2 Good | 3 Good | | 4 Good | 1/2 Good | 1/2 Good | | | | 1 Fair | | | | | | | | | | | | | | | Good | | | | | | | | | | | | 1 Good | 1 Good | 1 Poor | | Poor | | 1 Poor | | | | | | | Poor | 1.48 |
| Las Ligas Park | Good | Good | Good | | | Good | 3 Good | | 2 Good | | 2 Good | 1/2 Good | 1/2 Good | | | | 1 Good | 1 Good | | | | | | | 1 Fair | | | | | | | Good | | | | | | | | | | | | 1 Good | 1 Good | 1 Poor | 1 Good | Good | | 1 Good | | 1 Poor | Good | Good | Good | Good | 8.10 |
| Mountain View Park | Good | Good | Good | | | Good | 2 Good | 2 Good | 3 Good | | | 1/2 Poor | 1/2 Poor | | | | 2 Good | | | | | | | | | | | | | 1 Good | Good | | | | | | | | | | | | 1 Poor | 1 Poor | 1 Good | 3 Good | | Fair | | | | | Good | | | | | Fair | 3.51 |
| Pendergast Park (Planned) | | | 1 | | | 1 | TBD | TBD | TBD | TBD | TBD | 1 | 1 | | | | | | | | | | | | | | 2 | | | | | TBD | | | | | | | | | | | | | 3 | | 2 | TBD | TBD | | | | 1 | TBD | TBD | | | 10.00 |
| **Regional Parks** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Festival Fields | | | Good | Good | | Good | | | | | | | | | | | | | | 4 Good | | | | 1 Good | | | | | | | | Good | | | | | | | | | | | 1 Good | | | | | | Good | Good | | | 2 Good | Good | Good | Good | Good | 27.65 |
| Festival Fields Phase 2 (Planned) | | | | | | 5 | TBD | TBD | TBD | TBD | TBD | TBD | TBD | 1 | | | 2 | 1 | | 2 | | | | | | | 2 | | | | | TBD | | | | | | | | | | | 2 | 6 | | | TBD | TBD | TBD | TBD | TBD | | TBD | TBD | TBD | | | 50.00 |
| Friendship Park | | | Good | | | Good | 1/2 Good | 4 Good | 1/2 Good | 3 Good | | 1 Good | 2 Good | | | | 2 Good | 2 Good | | 1 Good | | | | 6 Good | 3 Good | 1 Good | 2 Good | 1 Good | | | | Good | | | | | | | | | 1 Good | | 2 Good | | 3 Good | 5 Good | 3 Good | Good | Good | 1 Good | 2 Good | 1 Good | 6 Good | Good | Good | Good | Good | 80.20 |
| **Open Space** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Crystal Gardens | Good | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | Good | Good | | | | | | | | | | | | | | | | | Good | | | | | Good | Good | Good | Poor | 72.00 |

Good  Fair  Poor

# = Number of Existing Facilities

TBD = Number of Planned Facilities to be determined

# GOALS and POLICIES

## GOAL 1:

***Ensure every person has convenient access to safe public parks and affordable recreation opportunities.***

***POLICIES:***

A. Continue to ensure that private development provides local, accessible neighborhood parks and tot lots under the management of a Home Owners Association.

B. Improve access to park facilities in areas that are presently under-served by existing facilities.

C. Plan for future development of neighborhood parks to coincide with proposed residential development.

D. Identify land for a future community park within the southern area of the City.

## GOAL 2:

***Maintain and improve high quality parks and recreational facilities to meet the diverse needs of all community residents.***

***POLICIES:***

A. Identify the recreation needs of the community.

B. Provide a range of parks and recreation facilities that are linked to one another and equitably distributed throughout the City.

C. Maintain parks and recreation and art and cultural facilities for the long-term use of the community.

D. Encourage development or expansion of major facilities oriented to attracting visitors to Avondale, such as, but not limited to, an 18-hole golf course, art complex, outdoor water amenity, municipal pool, or skateboard park.

E. Identify a location for and develop, through developer participation or other means, a community park in the vicinity of the southern area of the City.

F. Provide fair and equitable policies and procedures for the use of all parks and recreation facilities and services that consider the impacts of non-resident use.

G. Keep facilities current with community needs.

H. Encourage the use of volunteers for trail improvement projects.

I. Establish Avondale as a "Healthy Community" by encouraging walk able neighborhoods, community gardens, urban agriculture, and other healthy lifestyle services.

J. Identify park amenities specific to the southern area of the City.

## GOAL 3:

***Maximize city, school, private industry, social service, and other community resources through collaborative development and through implementation of recreational programs and services.***

***POLICIES:***

A. Expand cooperative opportunities with schools as a focal point for enhanced neighborhood services.

B. Expand cooperative opportunities with private industry in the development and implementation of recreation programs.

C. Form partnerships with Estrella Mountain Community College to further multi-age team sports throughout the City.

D. Utilize the American Sports Center/Randal McDaniel Sports Complex to further sports programs and recreational services for the community.

E. Develop a full-balanced and accessible program of recreational activities and facilities.

F. Expand cooperative opportunities within our City and with other public and/or private entities to provide recreation and arts and cultural facilities.

## GOAL 4:

***Create shared use linkages throughout the community in order to support a healthy lifestyle.***

***POLICIES:***

A. Link parks to open spaces, other community facilities, and each other through a Citywide trail system.

# COMMUNITY MOBILITY

THEME

## PREFACE

Many areas of the Southwest Valley experience traffic congestion. A large portion of Avondale residents experience long commute times, and the hours and miles spent driving continue to rise. Increased driving rates are a source of physical, economic, and environmental stress. Driving has been linked with negative health impacts, including higher rates of traffic collisions and increased levels of stress. In addition, more vehicle miles and vehicle hours spent traveling by automobile translate into greater amounts of air pollution, which in turn has health impacts. Avondale is striving to create a balanced, multi-modal transportation system, one which gives people choices about how to get to their destinations and at the same time increase their physical activity and reduce pollution. To do this, the Land Use, Circulation, Transit Oriented Development, Open Space, and Urban Design Elements of this General Plan attempt to improve access to and the effectiveness of alternative transportation modes, such as transit, rail, train, bicycle, and walking, for all parts of the City. As a result, a high priority should be placed on transportation projects that are expected to improve the multi-modal network and encourage transit use, bicycles, and walking as major forms of transportation. This theme contains goals and policies to promote safe, efficient, and accessible choices for the movement of people and commerce.

# CIRCULATION ELEMENT

## INTRODUCTION

Coordinating land use and transportation planning with development is vital to managing growth in a smart and sustainable way. This element addresses general provisions for a transportation system which will accommodate current and future land uses vital to economic development. In addition, the element offers a look at use of new ideas and future technologies to provide a range of transportation alternatives for users of all modes, ages, and abilities while enhancing quality of life. The 2011 update of the Avondale Transportation Plan addresses specific areas of the transportation system including goals, key issues, street classification and standards, modes, and advanced traffic management. This element will focus more on land use for the purposes and goals of the General Plan. Utilizing both the General Pan and the Avondale Transportation Plan will be important to providing safe and efficient means of moving people, goods, services, and information within the varied needs of the diverse community as well as regionally.

## PAST, PRESENT, AND FUTURE TRENDS

Many of Avondale's streets were built prior to incorporation or constructed to older standards. As the community develops and traffic on these streets increases, it would be prudent to consider system-wide improvements to ensure all streets are built to current standards. This would require further refining and implementation of planning and engineering policies applicable to private and public development that consider future land use and demand while providing for alternate modes to reduce vehicle traffic. The Loop 101 in the West Valley has allowed much of the City north of I-10 and west of Loop 101 to become accessible and desirable for residential and commercial development. The development of the McDowell Road corridor and the Avondale Automall attributed to previous changes in the City's Transportation Element.

Presently, the region of the City south of I-10 continues to grow as the mixed-use City Center development unfolds along the Avondale Boulevard corridor which connects commercial and residential developments and the City's Civic Center complex. The existing I-10 underpasses at the major arterials provide excellent north-south access across this freeway, further supporting the shift of development. Expansion of the arterial network farther south, including south of the Gila River at select locations, will ultimately be needed to foster development throughout the entire municipal planning area.

Economic development is an important part of Avondale's future. To be a sustainable community, access to new employment, services, and activity centers must be convenient to regional transportation routes. The areas north and south of I-10 provide an excellent location for this type of development, as well as along regional routes, such as Main Street/MC 85, and corridors just north and south of I-10 for rail transit. As the areas south of Lower Buckeye Road are developed, additional access will be necessary to provide connections to local and regional transportation routes, such as the SR 30 (I-10 reliever), which primarily runs north of Southern Avenue within the City's planning area.

Transportation can also play a role in supporting and promoting a healthy public. Through provision of safe, functional, convenient travelways for pedestrians and bicyclists, the fitness and health of members of the community can be promoted.

The City's transportation system continues to be developed and improved with consideration for non-motorized transportation with the adoption of the Avondale Transportation Plan and development of the City's General Engineering Requirements. More focus on this area will expand the opportunity to implement context sensitive strategies to develop the transportation system mindful of all modes accessible to users of all ages and abilities. These strategies must also be consistent with land uses to uphold the importance of economic development. The City currently provides transit alternatives for residents and visitors. However, the City needs to foster new opportunities to include transit-centered development within its borders. The Transit Oriented Development Element of the 2012 Plan focuses on expanding transit options and specifically discusses and identifies development compatible land uses. Providing for alternate modes will have different emphasis to regional, city-wide, local, and neighborhood transportation planning and should be developed to those contexts.

As the City continues to grow and the transportation system evolves consistent with desired land uses, it will also be advantageous to see the use of new technologies to assist with gathering data which can be used to proactively manage vehicle traffic. Through regional efforts, there are technologies the City can access in order to communicate with other agencies, including news, Arizona Department of Transportation (ADOT), Maricopa County Department of Transportation (MCDOT), and other cities during emergencies. The Traffic Operations Center (TOC) will incorporate technologies which will enable efficient diagnosis and maintenance of the existing traffic signal system as well as future transportation management in real-time from one central location. It will also enable police and fire to more efficiently manage traffic remotely during emergencies, construction detours, and similar instances. Combining these technologies will ultimately enhance the mobility, efficiency, and safety of the entire transportation system.

### *Circulation and Streets Classification Map*

The Avondale Circulation and Streets Classification Map depicts four typical roadway classifications: freeway, arterial, collector, and local. Each of these classifications is associated with a variety of functional and physical characteristics. These characteristics are consistent with those outlined in detail in the Avondale Transportation Plan. In addition, these classifications have been established as guidance for maintenance and improvement, public or private, and to accommodate existing needs and objectives consistent with the goals and policies of the 2012 Plan.

# GOALS and POLICIES

## GOAL 1:

***Provide a transportation system that is complimentary to the existing and planned land uses.***

***POLICIES:***

A. Continue to develop a long-range transportation planning and budgeting process that is integrated with, and in balance with, land use planning, including the City's specific area plans.

B. Develop linkages to a regional and local rail and transit consistent with the Land Use Plan to foster Transit Oriented Design (TOD).

C. Encourage land development patterns that promote the appropriate use of existing and proposed transportation facilities, such as near the future Avondale City Center Transit Center.

D. Encourage land uses that support a variety of transportation options adjacent to regional attractions.

E. Work with adjacent jurisdictions when planning or upgrading infrastructure along boundaries.

F. Continue to assign appropriate street names and numbering prior to building permit approvals consistent with current City standards.

G. Continue to coordinate with ADOT and monitor the proposed alignment of the SR30 in order to re-evaluate land uses in that area should the alignment change.

## GOAL 2:

***Promote Avondale in regional transportation issues.***

***POLICIES:***

A. Continue to develop strategic partnerships with ADOT, MCDOT, MAG, and the Regional Public Transit Authority (RPTA) for regional projects and systems that benefit the community.

B. Continue to regularly update transportation plans and implement improvements consistent with regional objectives.

C. Partner with MAG and West Valley municipalities to further the Sustainable Transportation and Land Use Integration Study for future bus rapid transit (BRT) and other modes of transportation.

D. Collaborate with local jurisdictions regarding regional transportation issues.

## GOAL 3:

***Provide a transportation system that serves the public in a safe, efficient, and cost-effective manner.***

***POLICIES:***

A. Develop a transportation system that is considerate of and benefits from being integrated into a regional context.

B. Design and develop a circulation system, to the extent possible, using the Complete Streets methodology.

C. Continue to provide a Traffic Engineering Program to include pedestrian, bicyclist, and motorist safety education programs, coordination with the police department for enforcement, and investigation and prioritization of engineering solutions, to enhance the overall safety for all roadway users.

D. Implement and maintain components of the transportation system to provide adequate capacity and access control, and efficient traffic flow commensurate with the associated traffic demands.

E. Maintain Avondale's competitiveness in obtaining adequate funding to meet transportation needs and implement strategies for cost-effective safety improvements.

F. Seek funding for corridor and intersection safety improvements through state and federal agencies.

G. Provide a transportation system that can support direct routes to other regional transportation hubs, and in doing so, provide a transportation system desirable to corporations seeking opportunities in our City.

## GOAL 4:

***Promote and support an integrated transportation system that mitigates congestion, fosters a sense of community, and preserves the environment.***

***POLICIES:***

A. Provide and support opportunities for all modes of travel for all ages and abilities.

B. Encourage the sustainability and enhancement of transit service within the City by implementing a long-range transit plan.

C. Develop adequate links to arterial roadways from new residential, recreation, and employment areas.

D. Ensure that the location, intensity, and timing of developments are consistent with the provisions of adequate transportation infrastructure and standards.

E. Seek funding opportunities for future BRT and other modes of transit infrastructure, including the development of the Avondale City Center Transit Center.

# **BICYCLING** ELEMENT

## INTRODUCTION

A transportation network that includes non-motorized modes of travel that is safe and connects residential areas to retail, employment, and recreation areas can produce positive health benefits for Avondale's residents, workforce, and visitors. People like to bicycle not only recreationally, but many utilize this mode of travel as part of their daily routines. Bicycling can be one of most pleasant ways to commute to work. Rather than creating stress while driving to work, the exercise can actually relieve stress. Many commute trips are short and bicycling is an ideal commute mode for short trips. While relatively few people envision themselves bicycling to work, people who do it are enthusiastic about their commute mode. When part of a daily routine, bicycling provides regular exercise, reduces stress, saves money, and protects the environment. When bicycling is used as an alternative mode of transportation to the automobile, it can reduce air pollution and use of fossil fuels.

If Avondale truly wants to maintain its air quality and promote a healthier society, we need to appeal to individuals who have the opportunity to utilize their bicycles on a regular basis. In doing so, bicycle commuting must be a relatively safe form of transportation for all. We can go a long way toward achieving this with bike lanes on all major arterials and specially designated bike routes.

This element contains the goals and policies to assist the City in providing adequate and safe bicycling routes on public streets and through trail networks. It stresses the importance of providing bicycle-friendly facilities wherever possible. It also addresses bikeways and multi-modal facilities to meet a wide range of user needs.

## PAST, PRESENT, AND FUTURE TRENDS

Currently, there are approximately 33.45 miles of bicycling lanes and paved shoulders, 7.22 miles of unpaved multi-use trails, and 1.62 miles of paved multi-use trails in Avondale. Avondale's sunny climate and warm year-round weather make for ideal bicycling conditions. The demand for safe bicycle lanes in Avondale and the Phoenix metropolitan area is growing. In addition, bicycling proves an inexpensive and healthy mode of transportation. An interconnected system of bicycle lanes and trails throughout the community can provide linkages between residential and commercial development, parks, schools, and open spaces.

## **GOALS** and **POLICIES**

### GOAL 1:

***Develop a safe bicycle transportation system that provides connectivity throughout the City, including major public and private facilities, and to transit.***

***POLICIES:***

A. Integrate bicycle transportation needs into ongoing and future planning.

B. Coordinate with MAG and other Valley municipalities to create and implement a bicycle plan as a part of a regional plan.

C. Provide bicycle access in or near mixed-use corridors, neighborhood districts, and community centers that affords easy accessibility to many non-work destinations.

D. Work locally to address the inter-operability and inter-connections between Avondale's current bicycle/pathway network and other cities' bicycle/pathway networks.

### GOAL 2:

***Continue to make the street system accessible, safe, and convenient for bicycles and pedestrians.***

***POLICIES:***

A. Continue to consider school child safety as a priority on all streets throughout the Safe Routes to Schools Program, which includes engineering, education, enforcement, and encouragement.

B. Continue to take an active part in committees and working groups throughout the Valley regarding multi-modal transportation.

### GOAL 3:

***Increase recreational opportunities for bicyclists throughout Avondale.***

***POLICIES:***

A. Take advantage of electrical powerline corridors, canals, regional drainage channels, and rivers to develop and enhance a regionally connected multi-modal recreation trail system.

B. Explore opportunities for bicycle recreation near the Gila and Agua Fria Rivers.

### GOAL 4:

***Become a recognized bicycling friendly city.***

***POLICIES:***

A. Determine which bicycling advocacy's rating program best fits with Avondale's existing conditions and future plans.

B. Create a plan of action to meet the requirements in order to be recognized as a bicycling friendly and healthy lifestyle community.

# TRANSIT ORIENTED DEVELOPMENT ELEMENT

## INTRODUCTION

Increasing transit access is a key strategy to creating healthy communities. It promotes physical activity through daily exercise, reduces air pollution by encouraging alternatives to automobile use, and connects residents to needed services, such as jobs, housing, education, healthy food, recreational opportunities, and medical facilities. Transit Oriented Development (TOD) refers to a mixture of housing, retail, and/or commercial development and amenities integrated into the neighborhood within a half-mile radius of quality public transportation. One-half mile radius is approximately a 10-minute walk.

Sprawl increases commuter time spent traveling to work, increases consumption of fossil fuels, and produces more pollution. Sprawl also increases the cost to provide water, sewer, police, and fire facilities. Sprawl-related reliance on automobiles in place of walking or bicycling for daily retail and employment needs has a negative impact on public health and fitness.

The purpose of TOD is to counter sprawl through densification by concentrating housing and commercial uses around transit nodes. The development within these nodes must be pedestrian oriented.

Benefits of TOD include: improved access to jobs centers and economic opportunities; expanded mobility choices without automobile dependency; reduced transportation costs to individuals and families that free up income for other uses; reduced neighborhood isolation and concentration of poverty; creating walkable communities that foster healthier lifestyles; lowering vehicle mile trips, thereby reducing greenhouse gas emissions; reduced dependency on foreign oil; and potentially increasing property values of areas served.

Factors affecting the "walkability" of neighborhoods include: size of blocks; widths of streets and sidewalks; amenities, such as street trees, benches, shops, and services; good signage; places frequented by other pedestrians; feeling safe; and visual engagement throughout the trip.

## PAST, PRESENT, AND FUTURE TRENDS

Over the next 20 years, the U.S. population 65 years and older is expected to double the year 2000 population figure. Today, approximately 35% of senior citizens are considered low-income, and many will be "transit-dependent." The result is likely to be a growing demand for affordable housing in TOD neighborhoods that are walkable, safe, and close to a range of amenities and services. As a "sunshine state," Arizona may have a greater proportion of residents 65 and older compared to northern states.

As the population of the Valley continues to grow, traffic congestion is anticipated to grow as well. Commuter travel times for work and urban recreation in automobiles will probably increase in the future. The amount of fossil fuel consumed appears to be unsustainable. Denser development increases transportation efficiency and preserves natural open spaces and wildlife habitats.

Avondale continues to be vocal as the City pursues future transit opportunities and discussions. The City was an active participant in the MAG Sustainable Transportation and Land Use Integration Study. The Study looked at land use and what cities can do to make themselves more attractive to transit in the long-term. The Land Use Theme identifies new land use categories and map locations specifically targeting future transit. Additionally, the MAG Commuter Rail System Study evaluated potential commuter rail service in the region along existing freight rail infrastructure. The study showed that as part of a larger system, the Yuma West corridor would be a

viable corridor to support future commuter rail in the West Valley. Last, the City is in the process of planning for a new transit center. The Avondale City Center Transit Center in City Center, will be an ideal location for TOD that compliments the vision of the area.

Avondale will continue to strive towards creating a more livable community that includes transit in all forms.

# GOALS and POLICIES

## GOAL 1:

***Enhance public transit options for residents of Avondale.***

***POLICIES:***

A. Enhance bus service throughout the City and build upon existing Avondale "Zoom" routes that include regional and subregional routes within transit-oriented development.

B. Coordinate with Valley municipalities/Maricopa Association of Governments (MAG)/Valley Metro Regional Public Transportation Authority (RPTA) through MAG to bring commuter rail to Avondale along MC 85/ Buckeye Road.

C. Designate a light rail/transit corridor between Van Buren and McDowell Road along the I-10 Freeway.

D. Designate a future location for a park-and-ride facility in Avondale.

E. Explore potential opportunities for transit associated with the development of State Route 30.

F. Continue and support planning efforts related to the Avondale City Center Transit Center.

## GOAL 2:

***Require development and redevelopment within areas designated as TOD on the General Plan Land Use Map to facilitate and encourage the use of transit by visitors and residents.***

***POLICIES:***

A. Increase residential densities and mixed uses within ½ mile of transit facilities, at transit stops, and along bus routes.

B. Incorporate a diversity of uses to meet resident needs, the needs of transit users, and the needs of the residents of adjacent neighborhoods.

C. Emphasize accessibility for pedestrians and bicyclists by providing direct and linked access internally as well as to adjacent residential and non-residential areas.

D. Consider a range of housing types that will encourage a mix of residents, such as families, singles, and seniors, and allow for a mix of income levels.

## GOAL 3:

***Promote and support the incorporation of commercial uses as a component of transit oriented development.***

***POLICIES:***

A. Include neighborhood markets to provide services for local residents, employees, and transit riders.

B. Consider low intensity neighborhood serving mixed-use commercial, such as senior centers and services, post offices, and health or fitness facilities that attracts residents from other parts of the City and encourages transit use.

C. Require integration of a "main street" design component where the scale of the TOD allows for the inclusion of this community element.

## GOAL 4:

***Promote and support the incorporation of complete streets design criteria into TOD development, which contributes to a healthy community.***

***POLICIES:***

A. Concentrate housing at greater densities within transit corridors and at transit stops to facilitate walkable neighborhoods that encourage healthy lifestyles.

B. Develop street design standards for TOD including connectivity, complete streets criteria, smaller block sizes, and more intersections to provide for greater pedestrian and bicyclist safety.

C. Explore the advantages of walkable/bikeable neighborhoods in lowering vehicle use and reducing harmful pollutants caused by vehicular traffic and the resulting benefits for the residents.

# COMMUNITY FACILITIES

## THEME

## PREFACE

A primary role of government is to protect the health and safety of its citizens as well as to provide adequate and efficient public services and facilities. The Community Facilities Theme not only seeks to avoid harm to citizens through the prevention of crime and accidental injuries, it takes the City's role further by fostering the overall health and well-being of residents by ensuring safe drinking water, planning for safe environments, offering services for those who need additional support, and providing for a quality community where basic needs are met. In this role, Avondale has taken up the task of encouraging the creation of a civic environment that supports a healthy lifestyle and, whenever possible, takes preventative measures to the conditions that cause negative health effects. The following goals and policies address issues that are general in nature and may apply to various locations. It also anticipates the need to understand the nature and extent of health issues in order to maintain effective programs that support the Avondale community.

# PUBLIC BUILDINGS, SERVICES, AND FACILITIES ELEMENT

## INTRODUCTION

A city's ability to consistently provide adequate services strengthens the community as a whole and creates a healthy living environment. It demonstrates a commitment to the health, safety, and welfare of its residents and enterprises. For Avondale, the purpose of the Buildings, Services, and Facilities Element is to address service, facility, and infrastructure needs for development under the General Plan as growth and development occur. These needs include emergency services; social and cultural facilities; drainage and flood control; water; sewer; and solid waste services.

## PAST, PRESENT, AND FUTURE TRENDS

Avondale Fire-Rescue Department provides a full range of fire protection, emergency medical, emergency management, and fire prevention services from three facilities with a career staff of 57. The department utilizes seven frontline emergency response vehicles and responds to over 6,000 calls for service annually. In 2009, nearly 80% of the calls for service were for emergency medical incidents. For emergency medical incidents, Avondale Fire-Rescue provides advanced life support (paramedic) first response with patient transport being provided through an agreement with a private ambulance service. The department has adopted a standard of cover statement that establishes a response time (time from dispatch to arrival on scene) goal of six (6) minutes or less 90% of the time for all emergency incidents that occur within the Avondale city limits. The department is dispatched by the City of Phoenix Fire Department and is one of 20 participants in the valley automatic aid response system, which dispatches fire units to an emergency incident based on a closest unit protocol, irrespective of jurisdictional boundaries.

The Avondale Police Department provides law enforcement and traffic safety from a main station within the Civic Center and satellite locations including the Northwest Public Safety Facility on the Estrella Mountain Community College Campus, and substations located on Western Avenue, in the Gateway Pavilions Shopping Center, and Cashion neighborhood. There are 115 allocated sworn officers and 51 allocated professional staff positions assigned to the department. In 2009, the Police Department responded to 75,209 calls for service. The Patrol Division officers work four 10-hour shifts in a rotation basis to allow 24-hour coverage. As growth and development occur, particularly south of Broadway Avenue, a joint police and fire station will be needed in the Tres Rios area.

Avondale provides social and cultural facilities and services in order to create opportunities for residents to come together for personal enrichment, growth, and development and to engage in educational activities. The City's library system was expanded in 2008 with the addition of the Sam Garcia Library Branch in Old Town Avondale. Today, the system strives to meet evolving community needs; needs with respect to technology, information trends, and multi-use facilities and activity centers. In 2007, the library system serviced 66,092 patrons; by the end of 2010, the system serviced 146,192. While this appears to be a dramatic increase in use, the high count is due to the City taking over operations of the Civic Center Library. It is a combined count and is the first time the City has included both libraries. The City currently lacks a cultural center facility; however, it celebrates its heritage through venues, such as Billy Moore Days, Resident Appreciation Night, and the Tres Rios Festival.

The City also recognizes that with growth comes social issues. Avondale strives to provide for an acceptable

level of health, recreational, and human care services in order to reinforce its livability for all and to provide for the public's welfare. The City has been active in the facilitation of social services. The Neighborhood and Family Services Department was created in 2006 to support and nurture the development of families and the neighborhoods in which they live. The City's residents also consider park and recreation facilities as significant factors contributing to the overall quality of life within Avondale. The American Sports Center, which opened in 2010, is a unique venture in public/private partnerships for Avondale that allowed for a state-of-the-art recreational facility available to the entire community. Furthermore, residents have stated a strong desire to continue to provide constructive leisure opportunities and recreational experiences, particularly as it relates to the environmental assets of the community. These assets are not only local attractions; they have regional appeal which is potentially an economic benefit to Avondale.

The City addresses the impacts of runoff with its Storm Water Management Plan (SWMP). This Plan was developed to meet the terms of the National Pollution Discharge Elimination System (NPDES) program and consists of six minimum control measures established by the Environmental Protection Agency (EPA). Through these control measures, the City is permitted to operate its Municipal Separate Storm Sewer System (MS4). Each measure, based on Best Management Practices (BMP), significantly reduces the potential pollutants discharged into receiving watersheds. In essence, a SWMP is intended to be a living document with BMPs added, revised, and/or changed as new management practices arise and other management practices are found inadequate. Furthermore, to ensure that the City meets all federal and state regulations, the City has adopted ordinances that address stormwater quality and quantity control. Even though the City's NPDES program is concerned mainly with water pollution prevention practices, many of these ideas and concepts can easily apply to air and solid waste pollution prevention.

With regards to solid waste disposal, the City is faced with the issue of dwindling landfill space outside of Avondale and increasing costs of operating new landfills. Federal government guidelines protecting groundwater, equipment needed to reduce the dangers associated with landfill methane gas, rising transportation costs, and other necessary environmental guidelines have resulted in garbage collection and disposal fee increases. In response to rising costs, as well as Avondale resident feedback, the City began its recycling program in January 2003. Residents receive once-a-week garbage service and once-a-week recycling service. The City continues to deal with solid waste disposal in a proactive manner by partnering with the Arizona Food Marketing Alliance and area grocery stores to create the Bag Central Station program. Because the residential recycling program does not accept plastic bags, residents have the ability to recycle bags at prominent displays at the entrances of their local grocery store under the sign *Bag Central Station*.

Presently, water and sewer services are limited to those areas north of the Salt and Gila Rivers and, with a few exceptions, mostly those areas north of Broadway Avenue. As the City grows, the need for additional infrastructure to service that growth, particularly the area south of the Gila River, will be realized. Data provided in the following information accommodates growth through 2030, however, only north of the Estrella Mountains.

The City's existing water supply infrastructure includes groundwater production wells, water booster facilities, a water reclamation facility, and a recharge facility. The City currently uses production wells to meet the drinking water needs of the City. Additional wells are dedicated to supply water for Festival Fields and Friendship Park. Since 2002, the City has constructed new wells, abandoned some wells due to water quality concerns, and added well head treatment facilities in some locations. The total potable pumping capacity of the City's wells has increased to 32.5 mgd, which will adequately serve the City's needs for the next few years. The City has recently purchased the Rigby Water Company in South Avondale, and will be responsible for serving this area as well. Phoenix International Raceway currently has its own water source. The City is planning on supplying water to

this facility in the near future. Further information regarding domestic water supply can be found in the Water Resources Element.

Nearly all the City wells are pumped to storage reservoirs before the water is distributed. The City currently has nine (9) reservoirs for potable supply with a capacity of 15.5 million gallons (MG). An additional reservoir is used for storing water for irrigation.

The City has access to four recharge facilities: 1) the Avondale Recharge Facility; 2) the New River and Agua Fria River Underground Storage Project (NAUSP) owned and operated by Salt River Project; 3) the Hieroglyphic Mountains Recharge Project owned and operated by the Central Arizona Water Conservation District (CAWCD); and 4) the Agua Fria Recharge Project, also owned and operated by the CAWCD. The City owns and operates the Avondale Recharge Facility, which is located north of McDowell Road and east of the Agua Fria River. The facility has a permitted capacity of 13.4 million gallons per day (mgd) or 15,000 acre-feet per year (AFY). The City may use up to 10% of the NAUSP's recharge capacity and may recharge up to 5,000 AFY. An expansion is planned for the NAUSP. Once this is completed, Avondale will be able to recharge up to 7,500 AFY. The City has not used any of its capacity at the NAUSP to date. Instead, Avondale's capacity is leased to other participants until such time as the City needs the space. The City leases space at the Hieroglyphic Mountains facility and may recharge up to 20,000 AFY, depending on need and available storage. In addition, the City may store up to 20,000 AFY at the constructed portion of the Agua Fria facility and another 20,000 AFY at the managed portion of the facility, also depending on need and available storage. The City uses these facilities to store its Central Arizona Project water supply. Access to the four facilities described above will meet the current and near-term needs of the City.

Construction of the City's Water Reclamation Facility (WRF) was completed in 1992. Located on the west side of Dysart Road, approximately midway between Broadway Road and Southern Avenue, the plant site was laid out specifically to allow for future expansion of the facility. The facility was expanded in 2010, and renamed the Charles M. Wolf Water Resources Center. To date, it allows for a capacity of 9 mgd, but at final build-out, the Wolf Water Resources Center will accommodate 15 mgd. The City has also constructed a major sewer trunk line down Avondale Boulevard and the Roeser Road alignment west to the water reclamation plant. This line serves the eastern portion of the City, and will be available to serve new development in south Avondale.

The Avondale Wetlands facility continues to play an important role in accessing surface water supplies. Water is delivered through the Salt River Project system and diverted to the lake areas (wetland cells) located in the Crystal Gardens subdivision (Crystal Gardens Wetlands). The water flows through the planted treatment cells where the wetland ecosystem allows the nitrogen removal cycle to occur naturally. The treated water is then piped to Avondale's recharge basins along the east side of the Agua Fria River. The City is committed to maintaining the Crystal Gardens Wetlands by conveying a minimum operational flow through the wetlands since this not only an attractive amenity in the City, but it also provides a sustainable source of drinking water.

Cities have an obligation to meet the health, safety, and welfare needs of its residents. For a community to be attractive, these needs include facilities and services that are culturally and educationally enriching. In order for Avondale to provide this variety of facilities and services, it must take proactive steps in planning to meet growth and development challenges. It is, therefore, important for the City to regularly evaluate these needs in order to be fiscally responsible when determining how and what to provide its residents.

# GOALS and POLICIES

## GOAL 1:

***Provide effective and efficient public safety services and facilities throughout Avondale.***

***POLICIES:***

A. Develop and expand public safety services (police, fire, and medical) at a rate to keep pace with growth in order to meet demands for continued growth and development and to keep the community safe.

B. Adopt acceptable standards for the provision of public safety services and facilities that meet or exceed national, state, and local standards as well as consider community standards for those services and facilities as defined by the residents.

C. Implement strategies to upgrade public safety services and facilities and to improve service deficiencies in existing areas.

## GOAL 2:

***Provide equitable and well-planned community value services and facilities throughout Avondale.***

***POLICIES:***

A. Provide a full range of necessary public facilities and services to the extent possible, including libraries, community and cultural centers, and recreational centers that are convenient to users, safe, fiscally sound, and reflect the needs of the community.

B. Provide for and strategically locate social services determined to meet the needs of the community.

C. Continue to look for ways to partner with other entities in order to bring valued services to Avondale.

D. Strategically design public facilities to best serve and promote interaction amongst Avondale's diverse neighborhoods, ages, cultures, and incomes.

E. Ensure all facilities are constructed so as to benefit the open spaces and recreational needs of the community.

F. Ensure that municipal buildings, public landscaped open spaces, and rights-of-way are designed and maintained to exemplify the quality of the community.

## GOAL 3:

***Protect the community from flooding and plan for long-term, effective, and efficient stormwater services.***

***POLICIES:***

A. Maintain policies to ensure the protection of the health, safety, and welfare of the public from the impacts of flooding.

B. Promote sound floodplain and storm-water management.

C. Continue to manage and improve upon the City's drainage system to ensure a cost effective, efficient, and environmentally conscious system.

D. Participate, to the extent feasible, in regional flood control planning and improvement projects.

## GOAL 4:

***Plan for long-term, safe, and efficient water, wastewater, and solid waste services.***

***POLICIES:***

A. Seek new, cost-effective methods of solid waste collection and disposal.

B. Reduce costs and landfill capacity needs through further expansion of recycling programs.

C. Continue to match water and wastewater system capacity to community needs.

D. Continue to ensure wastewater reclamation facilities can meet requirements for reuse and recharge of reclaimed water.

## GOAL 5:

***Design, construct, and maintain public buildings and facilities consistent with a sound fiscal policy that allows for a sense of pride in the community.***

***POLICIES:***

A. Provide fully accessible public buildings and facilities at locations where current accessibility requirements are not met.

B. Design new and retrofit existing facilities to provide on-site improvements that complement residents' healthy lifestyles, such as bicycle racks, transit stops, etc.

C. Design public buildings and facilities to meet current advancements in construction methodologies.

D. Incorporate energy and water conservation measures into the design of public buildings and facilities.

E. Incorporate high standards of style and form into the design of public buildings and facilities.

F. Invest necessary resources to maintain, restore, and enhance public buildings and facilities over the long-term.

G. Incorporate technological infrastructure advancements at all new and renovated buildings and facilities in order to provide equal access to information and information services.

# SAFETY ELEMENT

## INTRODUCTION

The Safety Element provides a framework by which safety considerations are introduced into the land use planning process and the redevelopment process. It encourages critical thinking in order to reduce future loss of life, injuries, property loss, environmental damage, and help social and economic disruption from natural, technological (man-made), or national security disasters. Natural occurrences may be a flooding or fire event; man-made occurrences may be events involving the transportation of dangerous cargo; national security events include terrorism. In this Element, emphasis is placed on creating a greater public awareness of potential hazards, developing and implementing programs that increase safety, designing new development standards to take into account and minimize the risks from natural and man-made hazards, and providing policies directed at identifying, responding to, and reducing hazards. In general, the City should always continue to explore ways to reduce risk.

## PAST, PRESENT, AND FUTURE TRENDS

Avondale utilizes several legal and regulatory capabilities, such as codes, ordinances, plans, manuals and guidelines, and planning studies, to aid in creating a safe community. One such measure is Avondale's Emergency Operations Plan. This plan provides direction and guidance to Avondale's governmental departments and supporting agencies in terms of preparation for and execution of assigned emergency tasks. FEMA (Federal Emergency Management Agency) requires that the plan be updated every ten years. Avondale reviews the plan annually and makes formal updates every five years.

The Emergency Operations Plan includes:

- Identification of key officials who will make decisions involving the execution of the Emergency Operations Plan;
- Provision of an inventory of trained personnel, facilities, equipment, and organizations that are needed to carry out the Emergency Response Plan;
- Agreements with other agencies and communities to exchange aid in time of crisis.

The focal point for emergency response is the Fire Department, with the assistance of the Police Department and local hospitals. The Fire Department is the custodian for the Avondale Emergency Operations Plan. Another facet of emergency response in Avondale is the Community Emergency Response Team (CERT). CERT is a group of certified volunteers in place to assist the Avondale Fire Department as directed.

The City of Avondale, along with Maricopa County and other jurisdictions around the Valley, updated the existing multi-hazard mitigation plans and consolidated them into one multi-jurisdictional, multi-hazard mitigation plan: the Maricopa County Multi-Jurisdictional Hazard Mitigation Plan (Mitigation Plan), which was adopted in November of 2009. In essence, the mitigation planning process involved identifying and profiling the natural hazards most likely to occur in a community, assessing the vulnerability to these hazards, and establishing goals, actions, and projects that mitigate the associated risks. The update of the Mitigation Plan will also ensure the community's continued eligibility for non-emergency, federal hazard mitigation grants. Updates are required every five years, with each plan cycle requiring a complete review, revision, and re-approval of the Mitigation Plan at both the state and FEMA level. Avondale has an approved FEMA Hazardous Mitigation Plan.

The 2009 Mitigation Plan with respect to Avondale includes:

- Summary of Avondale's current regulatory, legal, and fiscal capabilities with respect to hazard preparedness criteria;
- A synopsis of the City in terms of unique qualities and growth patterns that may affect hazardous mitigation planning;
- Summary of mitigation actions and projects and implementation strategy for Avondale.

With its proximity to the Estrella Mountains and natural open areas, the City recently created and adopted a Wildfire Protection Plan. Cooperatively with Federal, State, and Maricopa County agencies, nearby municipalities, and local Indian nations, a plan was developed to respond to, manage, and eliminate large wild brush fires should they occur. This plan also allows for the City to apply for necessary grants to support emergency efforts throughout Avondale.

Avondale is also at risk to certain disasters due to its proximity to the I-10, Palo Verde Nuclear Generating Station (PVNGS), and to a lesser degree Luke Air Force Base. The I-10 is a major transportation route where hazardous cargo is moved into and out of the Phoenix metro area on a regular basis. Maintaining highway safety as well as being prepared for any kind of collision outcome is critical.

PVNGS, located within 35 miles of Avondale, is required by Federal regulations to have both on-site and off-site emergency response plans as a condition for obtaining and maintaining a license to operate the plant. The "Palo Verde Emergency Plan" (on-site plan) was prepared and is maintained by PVNGS. The "Offsite Emergency Response Plan for Palo Verde Nuclear Generating Station" (off-site plan) was prepared by state and local governments. It is a joint effort to maintain the Off-site Plan. While Avondale is not in a plume exposure pathway (within 10 miles of PVNGS), it is in an ingestion exposure pathway. Contamination control measures would be implemented to protect the public from eating or drinking any contaminated food or water caused by this exposure. State and local governments are prepared to quickly notify and provide advice on what actions to take in the event of a radiological emergency.

Luke Air Force Base does not directly impact Avondale in regards to potential hazards occurring on base. However, the Hazardous Mitigation Plan does identify and propose mitigation for noise and safety concerns associated with Luke. Luke Air Force Base does have in place safety plans should an aviation mishap occur. Luke takes into account the possibility of casualties off-base from the civilian population as well as Luke responders, financial burdens placed on local businesses or private citizens, cleanup and recovery of any hazardous materials or munitions, and the return of any incident site to the same condition or better than prior to the incident.

Finally, design review has been an important component of the process to minimize hazards in Avondale. As the City grows, it will remain important to have site and development plans that incorporate solutions to potential problems.

As in all communities, human activities and natural conditions occurring in Avondale have an effect on residents' quality of life. Providing an environment where businesses and residents can prosper, feel safe, and be prepared for emergency situations is essential.

# GOALS and POLICIES

## GOAL 1:

***Provide a safe and healthy environment for all Avondale residents, employees, and visitors.***

***POLICIES:***

A. Encourage new development to be planned and designed to minimize negative and undesirable health and safety hazards to the community.

B. Strive to eliminate potential health effects from the use, storage, and disposal of hazardous materials, waste products, and bi-products.

C. Use design features and planning strategies at all public and private development that meets current health and safety standards.

D. Enhance safety and sense of safety by prioritizing Crime Prevention Through Environmental Design (CPTED).

E. Communicate Avondale's general safety measures and successes to the community on a regular basis.

## GOAL 2:

***Protect Avondale residents from natural and man-made disasters.***

***POLICIES:***

A. Minimize the risk to lives and properties due to erosion, geologic and seismic activity, flood, and fire hazards.

B. Minimize the risk to lives and properties due to disastrous events as a direct result of the intentional or unintentional actions performed by a person or persons.

C. Educate the public on disaster preparation, survival, and recovery.

## GOAL 3:

***Maintain the current Emergency Response Plan.***

***POLICIES:***

A. Coordinate, review, and update accordingly the Emergency Response Plan annually with applicable agencies.

B. Maintain regional relationships to address emergency issues.

C. Take full advantage of state and federal grant programs, policies, and regulations to utilize towards hazard mitigation plans.

D. Enhance local policies for hazard mitigation capability.

E. Provide for inter-jurisdictional coordination of mitigation-related programming.

## GOAL 4:

***Contribute to the creation and maintenance of safe communities by initiating efforts to reduce and prevent crime.***

***POLICIES:***

A. Utilize technology and provide new equipment as needed to deliver real time information for the efficient delivery of police services in order to meet current national standards.

B. Maintain a highly motivated and competent workforce to deliver quality and committed police services.

C. Continue to reduce the occurrence of crime in the City.

D. Continue to promote and enforce improved graffiti removal and deterrent strategy standards needed for public and private properties.

E. Provide accurate and timely information to police officers relative to crime trends and criminal activity through Comparative Statistics (COMPSTAT) to assist in solving open cases and remaining proactive, rather than reactive, to a response.

F. Continue to implement and maintain the Community Action Team (CAT) to assist in proactive law enforcement measures.

## GOAL 5:

***Continue to provide for the protection of life and property from the destruction of fire and to mitigate other life-threatening incidents.***

***POLICIES:***

A. Continue to enhance life safety and protection of property through a continuing program of fire code enforcement, inspections, building plan review, and life safety educational campaigns.

B. Provide and maintain state-of-the-art apparatus and equipment to enable safe and adequate emergency response capabilities for the protection of the public and fire personnel.

C. Provide new, state-of-the-art facilities as needed and upgrade and existing fire station facilities to provide a high level of service to the community.

D. Seek long-term and alternative funding options and organizational structures in order to maintain and enhance current levels of fire and emergency medical services.

E. Continue to foster the addition of new full-time fire fighters and to increase the number of emergency service volunteers as new areas of need are identified.

## GOAL 6:

***Provide fire, advanced life support, and emergency medical services to all residents and visitors in the City.***

***POLICIES:***

A. Meet the emergency response time needs defined by the community.

B. Provide health and wellness awareness, including heat-related illness and drowning prevention, through educational campaigns throughout the City.

C. Ensure that appropriate emergency medical transport capability is provided throughout the City.

# WATER RESOURCES ELEMENT

## INTRODUCTION

Sufficient water supplies along with effective and efficient water management programs are crucial for all communities. The primary purpose of this element is to ensure that Avondale's water resources are sustained and protected. This element also provides the City with the opportunity to consider water demand in tandem with land use, anticipated growth areas, and infrastructure. To this end, the Water Resources Element provides an integrated set of goals and policies that addresses acquiring and managing an adequate and reliable supply of water; ensuring that water meets all quality, health and regulatory standards; proactively maintaining reliable water distribution and wastewater treatment system infrastructures; and developing policies that conserve and promote recycled water uses. Historic and current water system conditions are summarized below with a focus on future issues and opportunities where City policy decisions are anticipated to be needed on the direction for water system activities.

## PAST, PRESENT, AND FUTURE TRENDS

Historically, Avondale has had adequate water supplies. However, statewide in the 1970's, it was recognized that substantial groundwater depletion was occurring in the aquifers of Central and Southern Arizona. Overdraft of groundwater in some areas resulted in significant lowering of groundwater levels, surface subsidence and cracking, water quality problems due to intrusion of poor quality water into the aquifer, and/or loss of aquifer storage space. In response, the Arizona Groundwater Code was enacted in 1980 to address the long-term management of groundwater supplies in the state. Adoption of the Code created the Arizona Department of Water Resources (ADWR) which oversees the use of surface water and groundwater and works to develop the policies to ensure long-term water supplies for the people of Arizona. Enactment of the Code additionally created five Active Management Areas (AMAs) within the state and directed ADWR to develop management plans for each. Management plans contain regulatory programs and other mechanisms designed to meet the management goal set for each AMA.

Under current corporate boundaries, Avondale is located entirely within the Phoenix AMA and is subject to regulatory programs and conservation requirements set forth in the management plan prepared for the Phoenix AMA plan. The management goal of the Phoenix AMA is to attain "safe-yield" by the year 2025. Should the City expand in a southeasterly direction, a portion of the City may be included in the Pinal AMA. The goal of the Pinal AMA is to allow the development of non-irrigation water uses, extend the life of the agricultural economy as long as feasible, and preserve water supplies for future non-irrigation uses.

To achieve the goals of the AMAs, five management periods were established, which cover the time period from 1980-2025. Under the Code, the First, Second, and Third Management Plans were mandated to include conservation programs that required reasonable reductions in per capita use of water served by municipal water providers. To comply with this mandate, ADWR instituted the Total Gallons Per Capita Per Day (GPCD) Program. By setting allowed total GPCD requirements, responsibility is placed on the water providers to ensure efficient water use by their residential and non-residential water users. Alternative regulatory programs also are available to municipal water providers located within AMAs.

The Third Management Plan addressed the ADWR's long-term water management strategy, with particular emphasis on the third management period (2000 to 2010). The end of this management period marked the midpoint of the Arizona's effort to achieve its groundwater management goals. Avondale is in compliance with

the conservation requirements contained in the Third Management Plan prepared for the Phoenix AMA. ADWR staff has evaluated progress towards the management goal (safe yield) for the Phoenix AMA and is currently preparing to draft the management plan for the fourth management period. General guidelines for the Fourth Management Plan are found in A.R.S.45 §45-567. The guidelines for the Fourth Management Period are similar to those for the Third Management Plan. The plan may include additional water conservation requirements for the City of Avondale.

## CURRENT AND FUTURE WATER DEMAND AND SUPPLIES

Through a combination usage of Salt River Project surface water, CAP water, groundwater, and membership in the Central Arizona Groundwater Replenishment District (CAGRD), the City satisfied all requirements for the Designation of Assured Water Supply, which was issued in 1999. In September of 2010, the City received a new Designation of Assured Water Supply that will allow the City to develop through the year 2025 and shows that current and future water demand will be met completely with renewable water supplies, without dependence on mined groundwater. Additionally, water supplies available to the City continue to meet State water quality standards. Avondale promotes water conservation programs among its water users and remains committed to the AMA's goal of safe-yield by the year 2025.

Notably since 2002, the City commissioned a Water Resource Master Plan. The purpose of updating this Master Plan was to incorporate changes in land-use and development planning since 2002. The Master Plan also recommended how best to utilize the City's water resources to provide an adequate and cost-effective supply of good quality for current and future residents (the Water Resources Master Plan did not include the area south of the Estrella Mountains in its study). The Plan confirmed the City's strategy to meet its water resources needs for current and future development with renewable supplies (SRP, CAP, and reclaimed water). As demonstrated in the Master Plan, Avondale will be able to do so even during most times of shortage. Conclusions drawn in the Master Plan are consistent with the City's new Designation of Assured Water Supply, is described above. It is important to note that the City is not currently the water service provider for areas within the Liberty Water Company.

Other significant findings in the Water Resources Master Plan with respect to water availability and growth are that for all development and growth scenarios evaluated in the Master Plan, the City's available SRP water entitlements as well as CAP allocations, long-term storage credits, groundwater allowances, reclaimed water, and the anticipated White Mountain Apache lease water are sufficient to support the City's planned land uses through build-out during normal conditions, as well as during shortage conditions. A detailed description of the City's existing water resources can be found in the Water Resources Master Plan.

In addition, the Master Plan recommended that the City continue to build wells, continue to explore water reclamation opportunities, and to identify a site for a surface water treatment plant, in the event that one is needed in the future. These recommendations go hand-in-hand with maintaining the City's ongoing water resource planning activities including conservation strategies, educational programs, and local regulations as described below.

### *Water Conservation Programs*

Avondale actively pursues engaging the public with respect to conserving water. In doing so, the City promotes ways of ensuring the reliability of our water supply, saving money for our residents and our community, and preserving and protecting our natural resources. The following list demonstrates how Avondale promotes water conservation to its residents:

- Xeriscape Landscape Rebate (for single family homes and for non-residential areas, including homeowners associations)
- Irrigation Timer Rebate (for single family homes and for non-residential areas, including homeowners associations)
- Plumbing Rebate Program
- High Efficiency Clothes Washer Rebate
- Landscape Consultations
- HOA Water Budgeting Assistance
- Investigations of water in the streets/water wasting
- Low Water-Use Fixtures: the City has low water-use fixtures such as showerheads, aerators, etc., which are available to the residents of Avondale at no charge.

### *Education*

The City currently has several educational programs available to the public. Programs include:

- Water Conservation and Landscape Classes for Homeowners
- Water Conservation School Assemblies
- Xeriscape Demonstrations
- Teaching Resources for Educators
- Project WET
- Water Self-Audit Kits for Homeowners

The City also has brochures that are available to the general public to promote water conservation.

### *Water Conservation Regulation*

The City has several Ordinances in place to regulate water usage:

- Chapter 4-76 Plumbing Code
- Chapter 24-160 to 24-163 Water Use Plans
- Chapter 24-34 Waste of Water Prohibited
- Water Rate Structure

### *Landscaping Ordinance*

Lastly, the City's new Landscape Ordinance promotes the use of native plant materials that includes adhering to ADWR's listing of low water use plants to determine acceptable landscaping vegetation. All new developments must also submit a water conservation plan to the City for approval.

# GOALS and POLICIES

## GOAL 1:

***Manage a coordinated system of water and wastewater facilities, infrastructure, and utility services to all users within the City.***

***POLICIES:***

A. Meet or surpass all applicable water quality standards.

B. Maximize the beneficial use of reclaimed water.

C. In order to ensure that new growth pays for itself, utilize water, water resources, and development fees for new development as a component of the funding required for capital improvements.

D. Coordinate with Maricopa County and Maricopa Association of Governments (MAG) to maximize regional use of effluent and to integrate effluent management systems into the community.

E. Strive to be compatible with other water and wastewater related planning activities within the region as well as monitor that the region is compatible with Avondale's priorities.

## GOAL 2:

***Satisfy current and future water demands for all consumers through sustainable and renewable water resources for the next 100 years by developing innovative, timely approaches to water management.***

***POLICIES:***

A. Actively plan the City's potable and non-potable water resource systems to respond to continued residential, commercial, and industrial growth in the City and changing regulations.

B. Continue to meet the existing and future water supply needs of the City by updating and implementing the Water Resource Master Plan.

C. Ensure a continuous supply of safe and pleasant drinking water.

D. Foster cooperation and sharing of resources and information among all federal, state, and local agencies as well as with neighboring communities.

E. Maintain a high level of service to the community and provide cost-effective, customer-focused service.

F. Strategize to gain and maintain control of water resource opportunities.

## GOAL 3:

***Provide water and wastewater services to newly developing areas of Avondale.***

***POLICIES:***

A. Balance Avondale's overall growth with water and reclaimed water supplies.

B. Support water use efficiency and reclaimed water reuse efficiency.

C. Develop policies to guide land use decisions that conserve water resources.

## GOAL 4:

***Encourage efficient water use and conservation throughout the community.***

***POLICIES:***

A. Encourage water conservation by promoting an improved understanding of the importance of water in an arid environment.

B. Encourage compliance with state water conservation policies through education, technical assistance, outreach, and incentives.

C. Continue the development of education programs and information sharing for all water users.

# QUALITY OF LIFE

## THEME

## PREFACE

While it is essential to provide safe, efficient, and cost effective services and facilities in Avondale, it is also important to consider the components of a city that provide for cultural and civic pride. These attributes are what add to the quality of life people experience in their community. The Urban Design Element, Art and Heritage Element, and Public Participation all reflect upon what Avondale resident's value in their community and what makes them unique to the West Valley. By creating attractive and unique environments where people want to be, Avondale becomes a "Quality Community of Choice" that benefits residents, visitors, and businesses alike.

The Urban Design Element places special emphasis on visual character and quality places. It addresses Avondale's whole built environment, not just buildings but also urban landscape features, such as gardens, streets, and parks. Emphasis is placed on creating pedestrian-friendly developments that encourage residents and visitors to use their vehicles less. This in turn will result in a more active community interested in a healthy lifestyle.

The Art and Heritage Element discusses the importance of preserving, protecting, and educating the public about Avondale's history in order to maintain a sense of the City, encourage appreciation for the City's history and culture, and contribute to the City's economic vitality through historic preservation. It also highlights the importance of visual art to a community as an aesthetic and enriching quality to the City. This Element is intended to serve as a mechanism for identifying art and heritage resources in order to provide improved and expanded art and heritage facilities and programs to Avondale.

Lastly, development issues affect the entire community – residents, employers, and the public and private sectors. The Public Participation Element discusses the inclusion of the community in the public participation process, and helps ensure appropriate strategies are more efficiently and effectively evaluated, developed, and implemented. Successful public participation is important because it helps ensure a greater portion of the community has been involved, and more frequently that means they will support its solution.

# URBAN DESIGN ELEMENT

## INTRODUCTION

General plans that address urban design add a third dimension to typically two-dimensional land use planning. The purpose of Avondale's Urban Design Element is to guide physical development toward a desired image that is consistent with the social, economic, and aesthetic values of the City. Urban design describes the physical features that define the character or image of a street, neighborhood, community, or a city as a whole. It is the visual and sensory relationship between people and the built environment. Urban form and how it functions becomes increasingly important as we anticipate increases in density and intensity. It is also important that we strive to create environments that support a healthy lifestyle by addressing the form and character of the community, which in turn can promote walking and biking and reduce the dependence on driving.

**The Urban Design Element is intended to:**

- Address urban form and design through goals and policies aimed at respecting the physical, social, and cultural diversity of Avondale and its neighborhoods.
- Maintain the importance of completing the urban fabric of existing commercial areas, City Center for example, by designing infill development and redevelopment that builds upon Avondale's existing strengths.
- Accommodate future urban development at locations that support planned public transportation services, such as near the future Avondale City Center Transit Center.
- Provide livable residential and successful commercial streets that recognize and reflect a balanced multi-modal transportation system that displays a positive urban image of Avondale and encourages and facilitates a healthy lifestyle.

It is becoming more evident today that there is a link between community design and health issues. Creating well-connected and well-designed streets provides for a safe and convenient means for walking and bicycling with direct routes to desirable destinations. The health benefits of these connections are strengthened when planning for access to parks and recreational facilities that provide a range of passive and active recreation. Also, the strong presence of landscape not only as a means for shade, open space, and aesthetics, provides people with a mental refuge that reduces stress. These key urban design concepts when working together support the intent of a healthy lifestyle.

## PAST, PRESENT, AND FUTURE TRENDS

The greatest urban design challenge Avondale faces is accommodating the automobile in a pedestrian-oriented context. The older commercial corridors, such as Historic Avondale, are more suitable to the City's urban feel and walkability. City Center is designed to mimic traditional urban form. Newer commercial development, designed almost exclusively around automobiles, discourages pedestrian activity. Therefore, the City should strive to return to the traditional pedestrian-oriented forms of development, but with modifications to reflect Avondale's realities, such as safety, extreme temperatures, and automobile dependency.

A higher overall quality of urban design is another fundamental challenge. Urban design applies to multiple levels from citywide, to community, to neighborhood and ultimately to individual projects. The implementation strategies address this challenge by focusing on the physical and design characteristics of citywide components which link and unify Avondale. These components that contribute to the success or failure of urban design include architectural design, site and landscaping design, gateways, street and sidewalk design, the relationship between and among buildings, and building color and material choices. Criteria should be established and respected in order to provide for consistent and quality developments.

### *Maintaining the Community's Character*

Avondale's quality of life continues to attract new residents. However, the resulting increase in housing, commercial development, and traffic congestion continue to change the community. Another outcome of this recent growth is the lack of familiarity amongst neighbors. Changes, such as the downtown revitalization, river corridor development, and redevelopment of commercial and industrial sites, have improved the quality of life in Avondale. Now, residents are concerned about changes that affect their neighborhoods and Avondale's small town atmosphere.

A key element of the City's character should include the predominance of traditional neighborhood development patterns that are consistent with new-urbanism development design principles. These principles should be followed to the greatest extent practical. Furthermore, standards that exhibit the importance of the natural aspects of the urban environment, landscapes, should be furthered. In July of 2010, Avondale received its status as a Tree City USA granted by the Arbor Day Foundation. This recognition relays to the public that Avondale is a community that cares about its environment and sees value in protecting and enhancing its natural resources thereby enhancing its quality of life.

Lastly, the Urban Design Element links other elements of the General Plan. It supports land-use and transportation decisions, such as transit oriented development (TOD). TOD provides an opportunity to support pedestrian-friendly, dense, compact development that adds value not only to a city, but to a region. Together with the Transit Oriented Development Element, this element describes a pattern of development that resists sprawl, reduces reliance on the automobile, consumes less energy and resources, and ultimately provides a means to live a healthy lifestyle. The Urban Design Element also encourages economic revitalization through job-based growth and well-planned, walkable and convenient environments that improves the quality of life in Avondale. Ultimately, the General Plan's Urban Design Element influences the implementation of all elements of the General Plan and related community plans as it establishes goals and policies for the pattern and scale of development and maintains the character of the built environment.

# GOALS and POLICIES

## GOAL 1:

*Identify and preserve Avondale's cultural resources and local sense-of-place.*

***POLICIES:***

A. Preserve and protect culturally significant buildings and sites and promote beautification through adaptive reuse.

B. Update design guidelines to meet new urban design trends, such as Traditional Neighborhood Development (TND) and Transit Oriented Development (TOD).

C. Provide opportunities for landscaping and streetscape improvements.

D. Work with potential developers to establish designs suitable with the community character.

E. Increase public awareness of cultural resources.

F. Encourage local production of goods, including locally grown produce, and services.

## GOAL 2:

*Establish a positive and distinctive city image and identity by developing and improving focal points, gateways, specific areas, and major corridors.*

***POLICIES:***

A. Create visual "gateways" at principal entry points to Avondale, and develop a design "theme" that is used throughout the City to create a sense of unity and identity.

B. Develop a unique visual identity for regional transportation corridors that pass through Avondale, such as at transportation oriented development (TOD) locations.

C. Improve the visual quality of Avondale's existing commercial corridors and major thoroughfares by providing landscaping, right-of way treatment, and visual screening of obtrusive uses.

D. Establish locational and visual criteria for new development Citywide.

E. Maintain existing and explore new opportunities for community recognition, such as Tree City USA, the annual Tres Rios Nature Event, an annual healthy lifestyle festival, or a healthy neighborhoods award program that build upon Avondale's commitment to quality of life.

F. Use sustainable building and site design methods found in established programs, such as the U.S. Green Building Council's LEED and LEED for Neighborhood Development (LEED-ND), for development.

G. Utilize landscape as an important aesthetic and unifying element.

H. Encourage private participation in beautification.

I. Increase code enforcement efforts throughout the City.

J. Participate in beautification projects for Avondale.

K. Maintain an upscale appearance of Avondale from the I-10.

## GOAL 3:

***Foster the idea of distinguishable urban neighborhoods and districts within Avondale.***

***POLICIES:***

A. Distinguish and encourage the notion of Historic Avondale as an urban center, and link it to planned transit oriented development.

B. Maintain the community's character and small town atmosphere.

C. Follow the Principles of New Urbanism.

D. Create activity centers that encourage people to gather and interact.

E. Support the advancement of development at City Center.

F. Proactively pursue commuter rail service along MC85/Buckeye Road in order to provide the catalyst for transit oriented development (TOD).

## GOAL 4:

***Utilize redevelopment to mend the urban fabric.***

***POLICIES:***

A. Ensure that new development in many revitalization areas is truly urban, rather than suburban, in form and scale.

B. Respect the primacy of the sidewalk as the City's primary public space and as a key component of an Avondale Healthy Lifestyle Plan.

C. Utilize building materials that are durable and contextual.

D. Use pattern and scale of development to provide visual diversity, choice of lifestyle and social interaction.

## GOAL 5:

***Maximize housing opportunities in locations within a half-mile of transit, with good access to employment areas, neighborhood services, and public facilities in order to promote a healthy community both sustainably and economically.***

***POLICIES:***

A. Distribute higher residential densities throughout our City in identified urban growth areas and facilitate the development of residences in mixed-use development within these growth areas.

B. Develop residentially-designated and mixed use-designated lands adjacent to major transit facilities at high densities to reduce motor vehicle travel by encouraging the use of public transit.

C. Within identified growth areas, develop residential projects at densities sufficient to support neighborhood retail in walkable, main street types of development.

D. Facilitate the development of housing close to jobs to provide residents with the opportunity to live and work in the same community.

E. Encourage consolidation of parcels to promote mixed-use and high density development at locations identified in the TOD Element and on the Land Use Map.

# ART AND HERITAGE ELEMENT

## INTRODUCTION

The process of developing an Art and Heritage Element was undertaken with the belief that these resources are an essential part of Arizona, and more specifically Avondale, both intrinsically and economically, and that they make significant contributions to life in Avondale. The General Plan's Vision Statement recognizes the importance of art to Avondale as it envisions a "rich and vibrant arts and entertainment center celebrating the talents and culture of the people who live here." In addition, Avondale's heritage includes not only its history relevant to historical events, buildings, sites, and artifacts, but also the cultural legacy of that history, such as its tie to Native American culture and the lure of the "Old West" for which Arizona is known worldwide. This is also reinforced by the Vision Statement, which recognizes Avondale as a place that respects its "rich history and growing culture." The Vision Statement also discusses the desire to "preserve distinctive farmland." Maintaining some aspect of that will contribute to a healthy lifestyle by providing the opportunity to produce locally-grown foods, another key component of a healthy lifestyle. Together, these concepts of art and heritage define Avondale's culture, which is one founded on a meaningful history. This element, therefore, continues the tradition of preserving Avondale's heritage and enriching its commitment to art through regulation, collaboration, and education by protecting archaeological, historical, and cultural resources as well as acknowledging, expanding, and enhancing art in the City.

## PAST, PRESENT, AND FUTURE TRENDS

Art and heritage are essential to quality of life. A city's culture can be defined and strengthened by recognizing and valuing aspects of its art and heritage. Avondale has a wide range of art and heritage-based resources, attractions, and activities that are a source of community pride and enrichment.

Art is accessible to residents and visitors in many areas of the City. The Avondale Municipal Art Committee has commissioned seven public art projects in Avondale since it was formed in 2005. In Historic Avondale, Sernas Plaza was renovated in 2008 to serve as an amphitheater. The site was graced with *Hands On*, a 14-foot tree sculpture with 207 golden-colored leaves traced from the hands of Avondale residents representing both the past and the present, but collectively symbolizing everyone working together as a community. This installation was the direct result of the City's Public Art Ordinance that requires development to monetarily contribute a sum based on the net floor area of the development. The City, in turn, contracts the installation directly with a selected artist. In this case, the City was the developer. *Mosaic Avondale*, an art piece made up of 28 permanent mosaic panels depicting historic Avondale sites and current activities as seen through the eyes of Rancho Santa Fe Elementary School students, was dedicated in the Fall of 2009. The mosaic is located on the west exterior wall of the Civic Center Library. These two art initiatives implemented by the Avondale's Municipal Art Committee were recognized as WESTMARC's Best of the West winners for Arts and Culture in 2009. In this same year, the City, in conjunction with Art League West (an organization of professional and amateur artists from several Phoenix Area communities), launched the *Old Town Avondale Art Walk* where talented local artists display their products. Each art walk attracts more and more visitors to Avondale's Western Avenue. In 2010, WESTMARC also recognized the Avondale Municipal Art Committee for Functional Art Takes Form in Avondale.

Avondale encourages its youth to pursue art education, such as through Gallery 37. Since 2001, Avondale has participated in GALLERY 37, West Valley Arts Council award-winning youth arts apprenticeship program for teens. An expert team of master artists lead the six-week program and provide all necessary training and

support in each phase of the art project. In Avondale, installations, such as the light fixtures at Old City Hall, the ceramic mural at the Boys and Girls Club (funded by the City of Avondale), and the mural at a local bridal salon in Historic Avondale, were designed through this opportunity.

Many physical examples of Avondale's heritage are evident throughout the City as well. Monument Hill, the initial survey point for the state of Arizona, is located to the east of Phoenix International Raceway, and serves as the point of reference for most of the public land surveys conducted in Arizona and as the basis for patents issued by the US government. The City received grants and donations in 2010 to develop a trail system to access this important feature. Another key piece of Avondale heritage the City acquired is the Pioneer Cemetery located on Santa Fe Trail Road. Avondale is committed to preserving this historic asset, and has established a trust fund to maintain and enhance this City's jewel. A celebration of Avondale's heritage is the Tres Rios Nature and Earth Festival. The festival is a two-day event honoring the rich heritage, ecology, history, and abundant wildlife of the confluence of the Southwest valley's three rivers, the Gila, the Salt, and the Agua Fria. This event provides Avondale with an opportunity to showcase its natural heritage.

Heritage-related assets can also be intangible, such as Avondale's small-town charm. While this concept is applied to Avondale as a whole, it relates primarily to Historic Avondale along Western Avenue. Avondale recognized that downtown, with its distinct sense of place, should be a focal point for residents and visitors. In an effort to jumpstart the redevelopment and revitalization of Western Avenue, the Old Town Avondale Business District, or OTAB, was formed and adopted by the City Council in December 2000. Avondale's revitalization efforts in Historic Avondale have continued to move forward with the participation of residents, businesses, staff and other volunteers. The City has made several substantial investments in Western Avenue, most notably a streetscape/landscaping improvement program and the construction of the Sam Garcia Library, completed in 2008. Also in 2000, the Infill Incentive Plan-Development Fee Waiver Program was adopted for commercial and residential areas to include reduced building permit fees, reduced impact fees, and on the retail side, sales tax rebates for specific uses. Most recently, several businesses on Western Avenue received architectural and design services to improve their storefronts. Construction began in the spring of 2010 through funding from the Community Development Block Grant.

Similarly, Avondale is concerned about and sensitive to its historic roots. While planning for the celebration of the Avondale Centennial in 2012, many area residents focused on the need to get the community involved in preserving its legacy. *Images of America Avondale* by Jerry Squire and the City of Avondale, published in 2008, is an illustrative collection of the City's development, complete with background text and captions describing or explaining the photographs (many of which came from personal collections). Although this was not a "planning document," it helped bring Avondale's history to the forefront as a special community, rich in history, in the West Valley.

There has been a growing interest in the relationship of the arts and heritage to urban revitalization and community pride. Many local governments invest in the arts as a catalyst for cultural tourism, business development, and job creation. Cultural and heritage-related amenities are believed to enhance a city's quality of life and help attract and encourage a diverse economy. The culture of Avondale, its character and identity, as defined not only by its history and customs, but by its built and natural environments as this Element suggests, should be embraced and strengthened in order to build upon the opportunities of cultural tourism and develop its local economy.

Art and Heritage impacts how we understand, communicate with, and relate to each other in a civil society. Avondale's art and heritage provide people with a quality of life, a common foundation, a social center for connecting with other community members, and opportunities for building upon a legacy of community values. Art and cultural heritage are an important component for encouraging economic development and contribute long term to community sustainability.

The goals and policies of the Art and Heritage Element are aimed at being a guide for meeting the future cultural needs of the community, becoming an economic opportunity, and allowing Avondale to continue to grow as a quality place. It is a guide to strengthen the City's preservation ethic as well as expand upon its aesthetic values in order to enrich Avondale's cultural and visual environment. The Element serves as a mechanism for integrating these resources in order to provide improved and expanded art and heritage-related facilities and programs to the community.

## GOALS and POLICIES

### GOAL 1:

***Support and nurture the growth of art and the preservation of Avondale's heritage through City leadership.***

***POLICIES:***

A. Recognize art and cultural heritage as necessary to the quality of life for all segments of Avondale.

B. Develop partnerships with the private sector in support of art and cultural heritage by establishing community art walks.

C. Increase opportunities for public art and cultural heritage venues throughout the City.

D. Leverage Avondale's cultural assets for economic growth.

E. Encourage adaptive reuse of existing structures for art and heritage facilities and the involvement of neighborhoods in place-making centered on art and heritage.

F. Continue to implement the City of Avondale Public Art Ordinance to include the developer contribution as required by this Ordinance.

### GOAL 2:

***Recognize and sustain the diversity of the expressions of art and the ranges of cultural heritage in Avondale.***

***POLICIES:***

A. Ensure representative participation of the Avondale community in art and heritage decision-making and programming.

B. Support art and cultural programs which address the needs of diverse populations.

C. Promote art and heritage-based educational programs that reflect Avondale's cultural diversity.

D. Celebrate Avondale's agricultural heritage.

## GOAL 3:

***Increase opportunities for quality art and heritage-related education.***

***POLICIES:***

A. Recognize that a partnership among artists and historians, teachers, and art and heritage-related organizations is essential to create and maintain quality art education programming and continue to support these efforts.

B. Advocate for art and heritage educational opportunities for all residents of Avondale.

C. Link art and heritage sites as part of a healthy lifestyle plan to encourage residents and visitors to be active as well as learn about art and heritage of the community.

D. Support national and state initiatives, such as "Let's Move!" and "Kids at Hope" that support health education amongst Avondale's youth.

# PUBLIC PARTICIPATION ELEMENT

## INTRODUCTION

The City of Avondale prides itself on encouraging its citizens to participate in their local government. Although an element dealing with public participation is not, under State law, a required part of the General Plan, the presence of such an element acknowledges the importance of the participation philosophy that forms such a vital part of Avondale public life.

Public participation takes place in the arena of policy-making and advisory citizen bodies, such as the Avondale City Council, the Planning Commission, the Board of Adjustment, and several other boards and commissions. Avondale takes great pride that our public meeting structure provides excellent opportunities for our residents, business owners, and other interested parties to speak on issues that are important to them. Without exception, our Council, boards, and commissions always place a significant importance on the public testimony when considering their recommendations and decisions.

Additionally, much of what is relevant to Avondale citizens in terms of planning and action in the areas of transportation, safety, education, and other regional issues takes place in arenas outside of the structure of Avondale City government. The Maricopa Association of Governments (MAG), Arizona Department of Transportation (ADOT), Maricopa County Department of Transportation (MCDOT), Flood Control District of Maricopa County (FCDMC), local school districts, and several other less well-known but crucial public agencies make important decisions that affect the lives of Avondale citizens. At present, a majority of the City's efforts are dedicated to encouraging citizen participation at the local level. Into the future, we hope to provide clear, well-publicized avenues through which our citizens can effectively participate and influence these important regional level public agency decisions.

For effective citizen participation to flourish, excellent notification procedures are essential. Citizens cannot participate if they are not informed. Standard notification, however, is sometimes insufficient. Citizens also require appropriate information and adequate time to respond. Further, without an effectively structured forum for presenting citizen input, even notification and information fall short of what a well-governed city must provide. The goals and policies in this Element deal with the methods for ensuring that notification is as thorough as a well-administered city can provide. Also, after notification, there is information and time available to ensure effective citizen participation in receptive and responsive settings with the intent of allowing for informed decision making.

The Planning Commission is the most important City body for citizen participation in land use planning decisions. The Planning Commission addresses long-term planning issues of general interest and broad scope, such as the General Plan, area plans, amendments to the Zoning Ordinance, Conditional Use Permits, and many other matters of general interest and importance to all Avondale residents.

New technologies exist that can link citizens with decision-making on planning and land use issues. Avondale should maximize these avenues, while recognizing that perhaps not all citizens will be equally adept at adapting to these linkages. The question is not whether to use a particular technology, but how to use it most effectively.

The responsiveness of Avondale's administrative structure and staff is one of the most important factors which determine the effectiveness of citizen participation in any aspect of city government, but especially in land use decisions. If there are any problems in a wide range of governmental aspects ranging from departmental structure to division of labor in job descriptions, these problems will lower the quality of government response to citizen participation. Avondale should strive to enhance its high level of customer service with a particular emphasis on keeping our citizens well-informed of decisions that affect them.

## GOALS and POLICIES

### GOAL 1:

***Improve resident participation in City affairs, particularly in matters of land use.***

***POLICIES:***

A. Continue to seek out qualified individuals to serve on the City's Boards and Commissions.

B. Involve citizens in design review through the hosting of on-site design charettes for public development projects.

C. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications and attempt to mitigate any perceived impacts their projects may have upon the community.

D. When possible, hold meetings near the locations affected by the decisions to be made.

E. Encourage the public attending public forums to consider alternative modes of transportation.

F. Conduct meetings, workshops, or public hearings to solicit input from interested individuals and organizations on opportunities and recommendations for integrating public health concerns into local land use planning.

### GOAL 2:

***Improve resident participation in regional affairs.***

***POLICIES:***

A. When relevant, notify residents and business owners of upcoming regional planning meetings held by MAG, ADOT, FCDMC, MCDOT, etc.

B. Encourage regional agencies to hold public meetings in Avondale to gather input from our staff, residents, and business owners prior to making any decisions that would impact the City.

C. Develop resident coalitions that extend beyond Avondale borders to influence regional decision-making in matters of importance to the southwest valley.

D. Encourage regional agencies to attend City events, such as Resident Appreciation Night.

E. Coordinate with public health agencies to provide public outreach and education on how lifestyle changes can affect health.

## GOAL 3:

***Enhance notification, information, and processes for citizen input in land use and other City-related decisions.***

***POLICIES:***

A. Ensure that citizens have an adequate opportunity to learn about applications and work with applicants to resolve concerns at an early stage.

B. Continue to make staff reports on proposed projects available on the City's website in a systematic and effective manner prior to Boards, Commissions, and City Council meetings.

C. Facilitate ongoing communication between the applicant, interested parties, property owners, City staff, and elected officials throughout a review process.

D. Continue to conduct community outreach events and educational programs.

## GOAL 4:

***Increase the use of new technology for citizen participation.***

***POLICIES:***

A. Provide web links to additional information on all notifications for neighborhood meetings and public hearings.

B. Utilize social media sites to increase citizen awareness of upcoming meetings, hearings, and agenda items.

C. Promote and increase the number of recipients on the Planning Division's email notification list.

D. Consider sponsoring online forums to stimulate citizen-to-citizen exchanges of information and opinions pertaining to City matters.

E. Explore the possibility of providing live streaming webcasts of Planning Commission, Board of Adjustment, and City Council Meetings on the City's website, including potential ways of allowing for real-time participation (e.g. submitting questions/comments) from home.

# IMPLEMENTATION STRATEGIES - ALL ELEMENTS

## PREFACE

If the General Plan is to serve its purpose effectively it must be reviewed, maintained, and implemented in a systematic and consistent manner. The Implementation Strategies section outlines requirements for implementing the General Plan consistent with each Element's goals and policies and provides an overview of the types of actions or tools the City will use to implement the 2012 Plan's intent. Implementation strategies are organized by General Plan 2030 Themes.

## LAND USE THEME

### LAND USE ELEMENT

LU/Strategy 1. Develop an Avondale Healthy Lifestyle Plan with a focus on mixed use, TOD, and urban centers that may include community gardens and urban agriculture.

LU/Strategy 2. Identify new areas where Specific Plans would be beneficial and update existing Specific Plans on a regular basis.

LU/Strategy 3. Work with PIR to site plan surrounding areas to foster entertainment/racing related mixed-use development that meets Avondale's desired economic goals.

LU/Strategy 4. Continue to monitor OTAB zoning to ensure that it is functioning optimally to promote pedestrian-oriented development in Historic Avondale.

LU/Strategy 5. Consider City-initiated rezonings of properties to OTAB that are currently on the periphery of the district.

LU/Strategy 6. Identify creative ways to allow developers within the City Center to maximize their property for developing, including creative solutions to parking and retention requirements.

LU/Strategy 7. Provide public transit service to the City Center and Historic Avondale areas.

LU/Strategy 8. Develop an incentive program for developers to build unique housing products in Avondale.

LU/Strategy 9. Actively market Southern Avondale as a place where rural living is championed and use zoning to ensure rural low and low density development occurs in that area.

LU/Strategy 10. Encourage investment, redevelopment, and replacement housing of vacant infill through flexible development standards and incentives.

LU/Strategy 11. Expand infill district boundaries to encourage redevelopment.

LU/Strategy 12. Complete a feasibility study which contains an inventory of existing, vacant structures and their potential future uses.

LU/Strategy 13. Ensure the Capital Improvement Program (CIP) is programmed for future improvements to Western Avenue and surrounding local streets.

LU/Strategy 14. Use Western Avenue as a venue for City-sponsored events such as a farmer's market and expansion of the Friday night art walks.

LU/Strategy 15. Amend Zoning Ordinance to support TOD land uses.

LU/Strategy 16. Secure grants for community planning projects.

LU/Strategy 17. Define character elements for Historic Avondale and utilize those identified elements in the preparation and adoption of revised Design Standards for the Historic Avondale area.

LU/Strategy 18. Develop a long-term parking plan for Historic Avondale, which will accommodate peak demands, but mitigate harmful effects on the pedestrian nature of the area.

LU/Strategy 19. Maintain or increase the acreage of properties designated as office or business park from what is approved on the Land Use Map.

LU/Strategy 20. Maintain or increase the acreage of properties designated as low density residential or rural low density residential, particularly in the southern portions of the City.

LU/Strategy 21. Diligently enforce zoning controls that require improved, usable open spaces in all developments.

LU/Strategy 22. Compile a comprehensive list of potential amenities and map the locations of existing amenities so that new development provides amenities related to the impact of the new development.

LU/Strategy 23. Require the use of appropriate landscaping materials to block views into incompatible land uses from adjacent residential or commercial sites.

LU/Strategy 24. Develop an Adaptive Reuse Program for all commercial buildings.

LU/Strategy 25. Evaluate all annexations for the immediate and long term fiscal impacts on the City.

LU/Strategy 26. Annex only areas that can contribute to the sustainability of Avondale.

LU/Strategy 27. Continue to ensure all new development pays for and completes, when possible, adjacent street infrastructure.

LU/Strategy 28. Evaluate the City's Development Fees to ensure that they are adequately covering the cost of the impacts of new development on infrastructure systems.

LU/Strategy 29. Update the Single Family Residential Design Guidelines to keep pace with new housing markets, including finishes, amenities, and connectivity.

LU/Strategy 30. Perform annual updates to the City's Commercial and Industrial Zoning Districts to add new uses at the forefront of technology.

LU/Strategy 31. Allow the form, shapes, and colors of the mountains and rivers to influence building design throughout the planning area in Southern Avondale.

LU/Strategy 32. Provide for opportunities to easily access our natural amenities in all new developments in proximity to rivers and mountains.

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| LU/Strategy 33. | Develop a green building program that provides incentives, financial or otherwise, for LEED certified buildings or the equivalent thereof. |
| LU/Strategy 34. | Require archeological site assessments in areas of the City where historical sites are thought to exist. |
| LU/Strategy 35. | Consider providing incentives, such as increased density for private development, in order to provide open space beyond minimum requirements. |
| LU/Strategy 36. | Master Plan aggregate sites for reuse. |
| LU/Strategy 37. | Develop an acquisition plan for potential public open space. |
| LU/Strategy 38. | Identify and plan future rail transit station area locations and identify higher density/mixed use sites. |
| LU/Strategy 39. | Cluster high densities in proximity to planned rail transit station areas. |
| LU/Strategy 40. | Actively pursue public/private partnerships or cost-sharing mechanisms to encourage TOD development. |
| LU/Strategy 41. | Continue active membership on regional and statewide rail transit committees/ commissions. |
| LU/Strategy 42. | Require new development on parcels with a Mixed Use designation or TOD to apply New Urbanist principles. |
| LU/Strategy 43. | Require structured parking in place of surface parking lots for high intensity development. |
| LU/Strategy 44. | Continue to work with tribal leadership to develop an ongoing relationship where our communities' decisions are mutually acceptable. |
| LU/Strategy 45. | Continue to provide all zoning and General Plan updates to MAG in a timely manner. |
| LU/Strategy 46. | Ensure adequate school facilities are planned with new residential developments. |
| LU/Strategy 47. | When designing master planned communities, ensure that schools are among the first considerations rather than a good use for remnant land. |
| LU/Strategy 48. | Work with our colleges to identify current deficiencies and locations for expansion. |
| LU/Strategy 49. | Use the Design Manuals as a tool to show Avondale's support for unique and creative design, and update regularly to stay current with market and sustainable design changes. |
| LU/Strategy 50. | Discourage medium density square foot homes due to the abundance in the City, and encourage new condominium, townhome, or other development products. |
| LU/Strategy 51. | Update the Commercial Infill District and Residential Infill District Ordinances to coincide with the General Plan. |
| LU/Strategy 52. | Work with St. Luke's Health Initiative, Livable Communities Coalition, Maricopa County Department of Public Health, Arizona Department of Health Services, and other health-related groups to incorporate new healthy lifestyle initiatives into land use planning when feasible. |

LU/Strategy 53. Reconsider aggregate areas on a regular basis and update the Land Use Map every 10 years accordingly to reflect aggregate mining.

## ECONOMIC VITALITY THEME

### ECONOMIC ELEMENT

EV/ED Strategy 1. Incorporate healthy lifestyle initiatives into economic development goals.

EV/ED Strategy 2. Target and recruit medical support services that could capitalize on Avondale's proximate location to nearby hospitals.

EV/ED Strategy 3. Recruit higher education institutions to Avondale.

EV/ED Strategy 4. Target racing support industries to include training, manufacturing, and headquarter operations.

EV/ED Strategy 5. Establish a leadership role in the Greater Phoenix Economic Council (GPEC) and utilize its resources to showcase Avondale's vacant land for Business Park locates.

EV/ED Strategy 6. Target companies for a business call program based on their economic development criteria.

EV/ED Strategy 7. Expand relationships with economic development organizations to obtain qualified leads in the clusters of Advanced Business Services, High Tech Industries, Medical/Life Sciences, Youth and Amateur Sports, Tourism and Aerospace that match Avondale's targets.

EV/ED Strategy 8. Participate in WESTMARC economic development subcommittee, and the Foreign Trade Zone Authority.

EV/ED Strategy 9. Partner with the Arizona Small Business Development Center to develop and grow efforts to assist home-based and small business.

EV/ED Strategy 10. Work with property owners to clear abandoned buildings and assemble land for employment redevelopment.

EV/ED Strategy 11. Recruit businesses in the aeronautical industry that would benefit from proximity to the Goodyear/Phoenix Airport.

EV/ED Strategy 12. Enhance the City's business-related informational materials.

EV/ED Strategy 13. Conduct focus groups with business representatives from key industry clusters and encourage local educators to develop programs to meet the industry needs.

EV/ED Strategy 14. Partner with the Southwest Valley Chamber of Commerce and EMCC to participate in business retention programs geared toward small/local businesses.

EV/ED Strategy 15. Actively pursue and seek to locate private schools at all levels.

EV/ED Strategy 16. Participate with Southwest Valley economic and workforce development partners to conduct a job fair.

EV/ED Strategy 17. Create opportunities for educators to work directly with new technologies and processes.

EV/ED Strategy 18. Implement workforce development in the Multimedia Production industry.

EV/ED Strategy 19. Conduct meetings and visits with local businesses and document their input to address substantive issues.

EV/ED Strategy 20. Sponsor community events, as appropriate, that will benefit local businesses throughout the City.

EV/ED Strategy 21. Identify needed employee skills of existing and prospective businesses and work with appropriate educational institutions to develop a workforce development program to meet current and future needs.

EV/ED Strategy 22. Integrate the workforce development and education systems into the economic development process.

EV/ED Strategy 23. Promote the quality of life elements of the General Plan to potential businesses considering relocating to the City.

EV/ED Strategy 24. Contact non-profit planning entities like the Partners for Livable Communities, to obtain information about their program, their selection criteria, and submittal requirements.

EV/ED Strategy 25. Utilize the presence of the aesthetic beauty in Avondale and the presence of motorsports, in order to shape the perception and marketing of Avondale as a community.

EV/ED Strategy 26. Market Avondale as a tourism destination that invests in parks, recreation, trails, open space, and river amenities in order to serve residents and businesses.

EV/ED Strategy 27. Work in cooperation with the appropriate organizations on regional matters related to economic development, light rail, transportation, and growth management.

EV/ED Strategy 28. Utilize existing and develop new partnerships to encourage a variety of amateur and other types of sporting events.

EV/ED Strategy 29. Improve the pedestrian experience within Historic Avondale.

EV/ED Strategy 30. Invest in landscape improvements on the border streets with our adjacent city.

EV/ED Strategy 31. Identify building codes for barriers to rehabilitation and reuse.

EV/ED Strategy 32. Continue to identify funding the façade improvement program for Historic Avondale.

## ECONOMIC VITALITY THEME

### GROWTH AREA ELEMENT

EV/GA Strategy 1. Support efforts to locate and develop Business Park and industrial land in designated growth areas and aggressively market the land for higher intensity employment uses.

EV/GA Strategy 2. Focus on job growth in the primary employment corridors in the City, such as I-10, 99th Avenue, Phoenix/Goodyear Airport, Avondale Boulevard, and Van Buren Street.

EV/GA Strategy 3. Identify business expansion opportunities.

EV/GA Strategy 4. Update the Economic Development Strategic Plan on a regular basis.

EV/GA Strategy 5. Monitor and evaluate the location and amount of retail oriented land use designation to adequately support existing and future population growth and tourism within the City.

EV/GA Strategy 6. Monitor retail sales tax generation to ensure that retail trade captured is maximized.

EV/GA Strategy 7. Provide recommendations to ensure the Zoning Ordinance responds to the current market and remains up to date.

EV/GA Strategy 8. Put special teams in place to fast track projects when needed.

EV/GA Strategy 9. Utilize the foreign trade zone opportunities with existing property owners.

EV/GA Strategy 10. Develop partnership/relationship with Union Pacific.

EV/GA Strategy 11. Update the Old Town Design Guidelines and ensure future expansion of the district does not impact the existing residential neighborhoods.

EV/GA Strategy 12. Pursue national and international business location/expansions that utilize West Coast ports.

EV/GA Strategy 13. Develop new strategies for revitalization utilizing City-owned properties.

## ECONOMIC VITALITY THEME

### COST OF DEVELOPMENT ELEMENT

EV/CD Strategy 1. Maximize the use of grants and subsidies to pay for capital projects and services.

EV/CD Strategy 2. Support sales tax bonds to pay for capital improvements.

EV/CD Strategy 3. Provide reports on City service improvements to the City Manager annually.

EV/CD Strategy 4. Encourage dedication of open space, parks, park sites, and cultural facilities in conjunction with development.

EV/CD Strategy 5. Review and update sewer and water master plans to ensure infrastructure is adequate to enable redevelopment in certain areas or for future development needs.

EV/CD Strategy 6. Continue public investments in Historic Avondale, Western Avenue, and Central Avenue.

EV/CD Strategy 7. Protect future commercial sales tax generating locations from encroachment by residential uses.

EV/CD Strategy 8. Continue to support and expand the "Shop Avondale" Program.

EV/CD Strategy 9. Continue to recover, through fees, the costs of fire, police, roads, parks, and other municipal services and facilities associated with new development.

# NEIGHBORHOODS THEME

## HOUSING ELEMENT

NE-H/Strategy 1. Monitor Fair Housing practices to ensure that affordable and accessible housing is available in all areas of the City.

NE-H/Strategy 2. Communicate with local businesses to identify housing needs for employees.

NE-H/Strategy 3. Provide Senior Housing Units.

NE-H/Strategy 4. Attract large lot executive subdivisions into Southern Avondale.

NE-H/Strategy 5. Entice the development of condominiums, townhomes, and high-rise loft apartments by marketing City Center as an exciting urban enclave geared towards professionals.

NE-H/Strategy 6. Consider developing an incentive program for developers that build innovative residential product types and designs of varying densities.

NE-H/Strategy 7. Develop an ordinance to establish dormitory standards and allow the use in all zoning districts that permit colleges, universities, and trade schools.

NE-H/Strategy 8. Utilize Historic Avondale as well as future commuter rail and light rail corridors for integrated mixed use development.

NE-H/Strategy 9. Encourage the completion of unfinished and/or under-occupied medium density residential subdivisions before encouraging development of additional medium density residential subdivisions.

NE-H/Strategy 10. Develop a Green Building program to incentivize development of energy efficient residential communities.

NE-H/Strategy 11. Mandate adherence to the basic principles of CPTED.

NE-H/Strategy 12. Integrate an equestrian trail network into the City's Parks Master Plan to connect rural residential subdivisions and natural landmarks in the southern portion of the City.

NE-H/Strategy 13. Require detailed open space plans for all new platted subdivisions and ensure that all open spaces are designed to be programmed with a specific purpose in mind.

NE-H/Strategy 14. Make pedestrian access to existing and planned bus, light rail, and commuter rail routes a priority in residential design.

NE-H/Strategy 15. Evaluate subdivision designs that foster community by eliminating party walls and, in some cases, perimeter walls.

NE-H/Strategy 16. Sponsor educational programs designed to assist first time home buyers and programs that will provide existing home owners to improve their properties, including classes on energy efficiency and proper home maintenance.

NE-H/Strategy 17. Continue community marketing efforts to promote the advantages of living in Avondale to

realtors, lenders, developers, builders, and prospective residents.

## NEIGHBORHOODS THEME

### CONSERVATION, REHABILITATION, AND REDEVELOPMENT ELEMENT, AND NEIGHBORHOOD PRESERVATION AND REVITALIZATION ELEMENT

NE-NP/Strategy 1. Establish relationships with our residents to understand which aspects of their neighborhoods are positive and which are negative.

NE-NP/Strategy 2. Design and construct improved pedestrian and bicycle connections at physical barriers, especially I-10, Buckeye Road, and the Agua Fria River.

NE-NP/Strategy 3. Prepare a strategic plan that addresses long-term preservation and enhancement of neighborhoods to ensure community stability.

NE-NP/Strategy 4. Continue the GAIN program.

NE-NP/Strategy 5. Build community connections and encourage residents from all over the City to get to know one another by hosting City sponsored events, such as Resident Appreciation Night, farmers markets, and art walks.

NE-NP/Strategy 6. Encourage community gardens throughout neighborhoods.

NE-NP/Strategy 7. Continue to support and increase the number of Block Watch organizations.

NE-NP/Strategy 8. Offer recognition and awards to homeowners, neighborhood associations, or individuals for superior home maintenance or exceptional neighborhood projects.

NE-NP/Strategy 9. Continue the City's partnership with Care First.

NE-NP/Strategy 10. Develop an "Adopt-a-Corner" program in Historic Avondale.

NE-NP/Strategy 11. Continue programs which assist in the rehabilitation of substandard housing and demolition of condemned housing, and explore the expansion of those programs.

NE-NP/Strategy 12. Use federal, state, local, and other financial resources to assist in promoting affordable housing and provide opportunities for the rehabilitation of the existing housing supply.

NE-NP/Strategy 13. Continue to partner with faith-based organizations and other non-profit groups to enhance the community and resident's quality of life.

NE-NP/Strategy 14. Establish Community Reinvestment Areas (CRAs) and use community based planning to establish the redevelopment goals for those CRAs.

NE-NP/Strategy 15. Consider City land acquisition and development as an option to further identified revitalization goals.

NE-NP/Strategy 16. Develop a Historic Preservation and Adaptive Reuse Ordinance to prohibit demolition or significant exterior alternation of important structures.

NE-NP/Strategy 17. Develop a signage and way-finding program unique from neighboring cities and create gateways at appropriate locations.

NE-NP/Strategy 18. Require the design of new commercial development to welcome surrounding neighborhoods rather than turning its back to those communities.

NE-NP/Strategy 19. Consider implementing a community garden program to enhance the appearance of vacant lots.

NE-NP/Strategy 20. Provide flexibility in development standards to encourage development, redevelopment, or renovations of residences in the City's Revitalization Area.

NE-NP/Strategy 21. Mandate adherence to the basic principles of CPTED with a particular emphasis on ensuring buildings are designed to provide natural surveillance onto public streets.

NE-NP/Strategy 22. Expand the Western Avenue streetscape project beyond its current end points.

NE-NP/Strategy 23. Continue to enforce property maintenance codes and educate property owners in violation on what is required for compliance.

NE-NP/Strategy 24. Continue to review CC&Rs and plat notes to ensure that the proper maintenance of common areas in subdivisions are the responsibility of an HOA.

NE-NP/Strategy 25. Continue to maintain the City's parks so they are beautiful places that improve the image of surrounding neighborhoods.

NE-NP/Strategy 26. Continue to repair damaged streets and sidewalks, giving the highest priority to those located near schools.

NE-NP/Strategy 27. Implement measures intended to encourage the safe use of bicycles as an alternative to motorized transportation in and around our neighborhoods, such as a Bicycle Rack Program.

NE-NP/Strategy 28. Implement traffic calming measures in conjunction with community-based efforts to improve the quality of life in Avondale's neighborhoods.

NE-NP/Strategy 29. Study potential Zoning Ordinance changes that would allow for small, neighborhood grocers and/or local food production opportunities within residential areas.

NE-NP/Strategy 30. Educate residents on technologies that could reduce home energy consumption.

NE-NP/Strategy 31. Continue to provide technical assistance classes in home repair and landscaping.

## SUSTAINABLE DEVELOPMENT THEME

### ENERGY ELEMENT

SD-E/Strategy 1. Create a review system that rewards developments that incorporate more sustainable energy efficient features.

SD-E/Strategy 2. Explore the possibility of gray water recovery/storage onsite for residential and commercial uses, for example landscape irrigation.

SD-E/Strategy 3. Explore regulations to reduce semi-trucks idling overnight or for long periods by requiring

that refrigerated freight be cooled from electricity provided from the main power grid or renewable energy sources (e.g. solar).

SD-E/Strategy 4. Work with neighboring communities to achieve universal adoption of the Dark Skies regulations in order to achieve energy use reduction, to protect astronomical observation quality of the night time skies, and to prevent Avondale being placed at a competitive disadvantage.

SD-E/Strategy 5. Ensure that the City is capable of reviewing development plans submitted under the various sustainable development programs.

SD-E/Strategy 6. Bi-annually study the feasibility of private residential scale energy production to ensure that the latest technology is taken into consideration, and to ensure that regulations are adequate and responsible.

SD-E/Strategy 7. Continue to replace City street lights with energy efficient lights.

SD-E/Strategy 8. Replace City vehicles with hybrid or electric vehicles, when feasible.

SD-E/Strategy 9. Issue an annual report detailing the City's water, sewer, and electric use as compared to prior years and to an estimate of consumption without conservation efforts.

SD-E/Strategy 10. Promote water saving programs offered by the City of Avondale Water Resources Department, such as low-flow showerheads and high efficiency clothes washer rebates.

SD-E/Strategy 11. Promote and expand the City's recycling program to potentially include participation by multi-family residential and retail businesses.

SD-E/Strategy 12. Install bike racks at City Hall and other City facilities where feasible.

## SUSTAINABLE DEVELOPMENT THEME
### ENVIRONMENTAL PLANNING AND CONSERVATION ELEMENT

SD-EP/Strategy 1. Require construction methods, such as envelopes, minimal grading, and retention of natural vegetation, to minimize the impact of development on riparian areas.

SD-EP/Strategy 2. When possible and practical, encourage the use of nonstructural flood control techniques to protect the health and safety of the public and conserve natural open spaces.

SD-EP/Strategy 3. Implement a program to monitor industries and other sources of contaminants for potential negative impacts to the environment.

SD-EP/Strategy 4. Prohibit activity that would erode the Agua Fria, Salt, and Gila River floodplains, or the wetlands associated with them.

SD-EP/Strategy 5. Continue implementing a household hazardous waste drop-off day.

SD-EP/Strategy 6. Continue "Green Fridays" business hours of Monday through Thursday, 7 a.m. to 6 p.m. for non-life/safety City services.

SD-EP/Strategy 7. Require all newly developed or redeveloped parking areas and driveways to have a surface that maximizes dust control and provides, when possible and practical, water recharge to the aquifer.

SD-EP/Strategy 8. Expand public transportation through short-range transit improvements.

SD-EP/Strategy 9. Investigate funding for future implementation of a light rail system.

SD-EP/Strategy 10. Encourage materials recycling facilities to expand the types of recyclable materials that the City recycling program accepts.

SD-EP/Strategy 11. Educate the public on the benefits of recycling.

SD-EP/Strategy 12. Explore ways to divert green waste, such as tree branches, leaves, and grass clippings, from landfills by turning it into mulch that is then used to fertilize City parks.

SD-EP/Strategy 13. Place recycling bins in City parks in order to encourage recycling by parks users, and also by residents and businesses throughout the City, who may not have recycling conveniently available to them at their location.

SD-EP/Strategy 14. Continue the water saving programs offered by the City of Avondale Water Resources Department, such as providing low-flow showerheads, offering rebates for low flow toilets, turf conversions and smart controllers in residential and non-residential areas, providing school and adult education programs, offering water conservation home audits, and providing free printed materials.

SD-EP/Strategy 15. Educate local industries and waste disposal operators on the proper procedures for transportation and disposal of hazardous waste.

SD-EP/Strategy 16. Encourage aggregate operations to mitigate for environmental degradation due to their operations.

SD-EP/Strategy 17. Limit grading practices that contribute to flooding and erosion.

SD-EP/Strategy 18. Require aggregate operations to establish a mitigation plan prior to a permit approval.

SD-EP/Strategy 19. Consider preparing and adopting an environmentally sensitive land ordinance related to appropriate development within significant landform, steep slope, and important vegetative areas of the planning area.

SD-EP/Strategy 20. Prevent development that would disturb or negatively impact sensitive natural features, such as wetlands, riparian areas, sensitive plant and animal sites, and migration corridors.

SD-EP/Strategy 21. Adopt and implement a native plant ordinance relative to the protection, enhancement, and relocation of indigenous species within the planning area.

SD-EP/Strategy 22. Require new development to inform the Arizona Game and Fish Department regarding the effects of urbanization on special status flora and fauna species and threatened and/or endangered species.

# OPEN SPACE THEME

## OPEN SPACE AND RECREATIONAL AMENITIES ELEMENTS

| | |
|---|---|
| OS/Strategy 1. | Complete a Comprehensive Master Trails Plan to provide for the development of water and park amenities, equestrian opportunities, levee construction, and bank stabilization. |
| OS/Strategy 2. | Develop and adopt a natural resource preservation plan that identifies and designates unique natural, xero-riparian, and riparian areas within the City and recommends preservation strategies for them. |
| OS/Strategy 3. | Require all development to identify the impacts of the development on natural resources, such as riparian and xero-riparian areas, slopes or unique natural areas, and provide a plan to mitigate the identified impacts. |
| OS/Strategy 4. | Require pedestrian and bicycle circulation systems within all new developments to connect to public access trails. |
| OS/Strategy 5. | Coordinate with federal, state, other entities, and private landholders to provide public access trails to recreation resources. |
| OS/Strategy 6. | Provide shared use non-motorized trail opportunities for persons with disabilities where feasible and practical. |
| OS/Strategy 7. | Incorporate the Tres Rios Greenway Linear Park into the City's trail system. |
| OS/Strategy 8. | Complete the McDowell Road non-motorized underpass along the Agua Fria. |
| OS/Strategy 9. | Promote recreation opportunities associated with the Agua Fria, Gila, and Salt Rivers, and Estrella Mountains on the City's web page. |
| OS/Strategy 10. | Work with the Arizona Trails Commission to promote trail-based recreation opportunities in Avondale. |
| OS/Strategy 11. | Continue to implement the Tree City USA Program and incorporate signage throughout the City. |
| OS/Strategy 12. | Develop a comprehensive sign package, visible from I-10 and other major transportation corridors, that directs residents and visitors to trails and recreation opportunities associated with the rivers and Estrella Mountains. |
| OS/Strategy 13. | Prevent development that would disturb or negatively impact sensitive natural features, such as wetlands, riparian areas, sensitive plant and animal sites, and migration corridors. |
| OS/Strategy 14. | Adopt a native plant ordinance relative to the protection, enhancement, and relocation of indigenous species within the southern core planning area. |
| OS/Strategy 15. | Participate in the implementation of the West Valley Rivers Non-Motorized Transportation Corridor Plan, the Agua Fria Watercourse Master Plan, the Maricopa County Trails Master Plan, and other regional projects designed to protect and conserve the Agua Fria, Salt, and Gila Rivers as an open space resource. |

OS/Strategy 16. Promote Avondale as a gateway to regional outdoor attractions, such as the Estrella Mountains, Agua Fria, Salt, and Gila Rivers, and Phoenix International Raceway.

OS/Strategy 17. Seek public partnerships and agreements for shared open space with schools.

OS/Strategy 18. Identify locations to infill open space into densely populated or highly built areas.

OS/Strategy 19. Identify gaps or areas of the community that may not have access to open space.

OS/Strategy 20. Identify locations with significant historic resources for preservation.

OS/Strategy 21. Include art elements into the development of open space facilities and work with the Avondale Municipal Art Commission to share in the funding of these projects.

OS/Strategy 22. Restore inappropriately developed open space areas.

OS/Strategy 23. Identify urban plazas to be considered as open space.

OS/Strategy 24. Identify and secure funding sources to implement a Parks Rehabilitation and Upgrade Program.

OS/Strategy 25. Campaign to promote Avondale parks and the City's park system as a whole.

OS/Strategy 26. Identify a site for a public/private Botanical Garden that promotes plant species identification and education of desert materials; partner with schools and integrate into their educational programs.

OS/Strategy 27. Prepare a visual study that identifies key scenic corridors in the southern area of the City and develop measures to preserve these assets as development occurs.

OS/Strategy 28. Update Parks and Recreation Master Plan on a regular basis.

OS/Strategy 29. Construct all trails to work cohesively with all Transit Oriented Development and higher density mixed-use projects.

OS/Strategy 30. Work with the Buckeye Irrigation District to develop future lakes near the Gila River in order to add distinction to Avondale and its recreational inventory.

## COMMUNITY MOBILITY THEME

### CIRCULATION ELEMENT

CM/CR Strategy 1. Regularly update the Avondale Transportation Plan to incorporate new specific area plans, General Plan updates, and regional planning documents and to provide tools for planning, prioritizing and budgeting of improvement projects.

CM/CR Strategy 2. Implement transportation improvement projects consistent with the adopted street classification map.

CM/CR Strategy 3. Create, adopt, and implement a comprehensive Transit Master Plan consistent with land uses that will support each transit mode as an integral part of the entire transportation system.

CM/CR Strategy 4. Engage all appropriate staff to analyze, compile information, and create recommendations for all transit modes for well-rounded and comprehensive system for the most attractive solutions for regional consideration.

CM/CR Strategy 5. Work with Valley Metro, Metro Rail, and other entities to expand local transit services.

CM/CR Strategy 6. Regularly engage West Valley agencies, MCDOT, ADOT, MAG, and RPTA to coordinate projects and establish partnerships to foster support for regionally significant projects consistent with the goals and policies of the 2012 Plan.

CM/CR Strategy 7. Develop and support a comprehensive traffic engineering program to provide traffic safety programs for all modes of transportation for the general public as well as a compressive school traffic safety program.

CM/CR Strategy 8. Continue to conduct traffic counts a minimum of every two years to analyze and establish traffic flow patterns, growth, and truck use for annual transportation planning efforts.

CM/CR Strategy 9. Develop a heavy truck routing plan for the City to limit commercial, industrial and mining generated traffic to roadways designed to handle such traffic.

CM/CR Strategy 10. Continue to participate in all levels of regional planning to maintain Avondale's competitiveness in obtaining adequate funding to meet transportation needs.

CM/CR Strategy 11. Implement a comprehensive program to include coordination with the police department, analysis of collision data, and field investigation to plan and prioritize safety improvement projects from the perspective of all roadway users.

CM/CR Strategy 12. Upgrade the existing traffic signal communications system in coordination with the Traffic Operations Center (TOC) to provide communications between signal systems to one location by installation of a hybrid communications system, and eventual communications via a fiber optic backbone.

CM/CR Strategy 13. Plan and provide for a means for traffic operations staff to instantaneously and remotely diagnose and correct system errors as well as implement special timing plans during emergency events.

CM/CR Strategy 14. Perform yearly reviews of existing and proposed school locations and school pedestrian routes for safety.

CM/CR Strategy 15. Periodically implement traffic signal timing coordination and optimization plans in coordination with MCDOT, ADOT, and adjacent local agencies.

CM/CR Strategy 16. Encourage developers of residential areas to implement strategies with roadway design to discourage speeding and cut-through traffic.

CM/CR Strategy 17. Continue to implement Avondale Engineering standards for design of driveways and size locations.

CM/CR Strategy 18. Provide a reasonable level of service (LOS) on all arterial streets: LOS C during off peak periods and D during peak periods, where feasible.

CM/CR Strategy 19. Require developers to provide bus pullouts on all arterial roadways adjacent to development.

CM/CR Strategy 20. Require new development projects to mitigate off site and access route traffic impacts due to their development to the maximum extent feasible.

CM/CR Strategy 21. Require new developments to fund the installation of traffic signals at intersections that, based on individual study, are shown to satisfy traffic signal warrants.

CM/CR Strategy 22. Review traffic signal timing and phasing at railroad grade crossings to ensure safe clearance times during train movements.

CM/CR Strategy 23. Conduct a comprehensive signaling study to determine the best location for traffic signals, and possible locations where modern roundabouts would be a desirable alternative. In absence of this study and when possible, endeavor to locate traffic signals at a minimum of half mile intervals and other strategic locations to enhance the efficient movement of people, goods, services, and information.

CM/CR Strategy 24. Design and implement a public education program to promote ride-sharing, including carpooling, van pooling, and transit.

CM/CR Strategy 25. Provide bike racks near employee entrances to encourage employees to ride their bikes to work.

CM/CR Strategy 26. Encourage businesses to implement telecommuting, flexible work schedules, and teleconferencing programs.

CM/CR Strategy 27. Investigate feasibility of accommodating additional modes of transportation improvement projects where appropriate.

CM/CR Strategy 28. Create, adopt, and implement a comprehensive Trails Master Plan (TMP) and establish funding sources for facility upgrades from both public and private sources.

CM/CR Strategy 29. Develop standards for the accommodation of neighborhood electric vehicles on or adjacent to the trails system or other appropriate corridor for the manufacturers intended use of these types of vehicles.

CM/CR Strategy 30. Require a pedestrian circulation plan be submitted as part of all rezoning applications, demonstrating pedestrian connections through parking areas and to nearby schools, shopping and transit stops.

CM/CR Strategy 31. Ensure residential developments implement complete pedestrian and bicycle facilities to ensure connectivity to existing or planned trails.

CM/CR Strategy 32. Designate where new facilities will be needed and incorporate into the TMP.

## COMMUNITY MOBILITY THEME

### BICYCLING ELEMENT

CM/BK Strategy 1. Create a bikeway plan for Avondale and identify funding sources to implement the plan.

CM/BK Strategy 2. Develop and maintain a connected system of bikeways designed to contribute to safe mobility, encourage community cycling, and support recreational bicycle use that considers connectivity between land uses, open space, and destinations for recreation.

CM/BK Strategy 3. Provide adequate sidewalks to accommodate bicycle and pedestrian traffic as per AASHTO

standards or adequate on-street bicycle lanes and sidewalks to accommodate bicycle and pedestrian traffic on all arterial streets and Roads of Regional Significance.

CM/BK Strategy 4. Make arterial and collector roadway cross-sections consistent with the roadway design standards to include a bicycle travelway.

CM/BK Strategy 5. Require new development to include bicycle storage, parking facilities, and shower facilities where appropriate.

CM/BK Strategy 6. Continue to implement the Safe Routes to School program.

CM/BK Strategy 7. Implement a pavement marking program to include bicycle lanes when/where feasible.

CM/BK Strategy 8. Integrate the bikeway plan with current and future adjoining municipality plans.

CM/BK Strategy 9. Pursue qualifying as a Bicycle Friendly Community through the League of American Bicyclists.

## COMMUNITY MOBILITY THEME

### TRANSIT ORIENTED DEVELOPMENT ELEMENT

CM/TOD Strategy 1. Ensure that transit stops are safe, shaded, clean, and have adequate seating in order to encourage transit use.

CM/TOD Strategy 2. Ensure that sites contain shaded pedestrian travelways from the nearest transit route to the entrance(s) of buildings on the site.

CM/TOD Strategy 3. In order to encourage and facilitate the use of transit, require that site design of transit oriented developments prominently feature onsite pedestrian circulation and amenities as well as pedestrian linkages to adjacent developments.

CM/TOD Strategy 4. Encourage site design that favors density and compactness to reduce the distances the pedestrians are required to travel between buildings.

CM/TOD Strategy 5. Seek out successful transit oriented developments that are close analogs to the particular circumstances of Avondale's TOD areas and seek to emulate them.

CM/TOD Strategy 6. Keep MAG informed with the latest development information to ensure ridership projections are accurate.

CM/TOD Strategy 7. Continue to be involved in regional efforts impacting the West Valley regarding expansion of rail lines and transit.

CM/TOD Strategy 8. Implement a transportation plan that includes identification of transit corridors and stops.

CM/TOD Strategy 9. Identify specific sites for bus transit routes, light rail, and commuter rail, and develop station area plans for those sites.

## COMMUNITY FACILITIES THEME

### BUILDINGS, FACILITIES, AND SERVICES ELEMENT

CF/BFS Strategy 1. Continue to require new development to provide its fair share of required services and infrastructure in a timely manner.

CF/BFS Strategy 2. Provide response times for police, fire and emergency services that meet the community's expectations and current national, state, and local standards.

CF/BFS Strategy 3. Continue to seek sources of external grant funding to improve services.

CF/BFS Strategy 4. Work with the Flood Control District of Maricopa County to conduct and implement Area Drainage Master Plans, Watercourse Master Plans, and other stormwater management techniques.

CF/BFS Strategy 5. Ensure that the library system continues its role as a major cultural resource for the community.

CF/BFS Strategy 6. Continue to plan for an Art and Heritage Center in Avondale.

CF/BFS Strategy 7. Continue to promote the expansion and enhancement of Estrella Mountain Community College as well as other higher educational facilities.

CF/BFS Strategy 8. Continue to work with school districts to reserve locations for new schools and expand existing facilities.

CF/BFS Strategy 9. Designate where new community facilities will be needed.

CF/BFS Strategy 10. Continue to pursue a new teen center within the City.

CF/BFS Strategy 11. Continue to plan for the Avondale City Center Transit Center.

CF/BFS Strategy 12. Develop a long term program to upgrade public facilities, such as curb, sidewalk, street lights, landscaping, and City-owned buildings, particularly in Historic Avondale, and include funding sources for facility upgrades from both public and private sources.

CF/BFS Strategy 13. Create an inventory of deficiencies and develop programs to budget for and install missing infrastructure.

CF/BFS Strategy 14. Evaluate the need for a City Center Infrastructure Master Plan that includes all roadways, utilities, signage, and site amenities.

CF/BFS Strategy 15. Design new community facilities using sustainability principles and practices.

CF/BFS Strategy 16. Incorporate sustainability principles and practices into the renovation of community facilities.

CF/BFS Strategy 17. Support the establishment of community-oriented programs which are focused on more complete use of school facilities.

CF/BFS Strategy 18. Support social service programs which tend to reduce dependency upon the City and which encourage individuals and families to be self-sustaining.

## COMMUNITY FACILITIES THEME

### SAFETY ELEMENT

CF/SF Strategy 1. Update the Emergency Operations Plan annually.

CF/SF Strategy 2. Continue to work with applicable agencies to protect the public from hazardous materials

and waste.

CF/SF Strategy 3. Provide on-going safety training for all staff members and ensure that contractors use safe practices when working at City facilities and buildings.

CF/SF Strategy 4. Continue to review site and development plans for issues involving public safety and emergency hazards.

CF/SF Strategy 5. Continue to work with United States Geographic Service (USGS), Federal Emergency Management Agency (FEMA), and other agencies in order to identify areas of concern.

CF/SF Strategy 6. Provide highly trained personnel to ensure effective suppression of fires and safety for firefighters.

CF/SF Strategy 7. Support strategies to attract and retain quality Community Emergency Response Team (CERT) members.

CF/SF Strategy 8. Study alternative ways to effectively supplement volunteer rescue and fire departments.

CF/SF Strategy 9. Maintain existing programs and establish new ones that respond to community concerns of crime, graffiti, and traffic.

CF/SF Strategy 10. Build relationships with all segments of the legal and law enforcement community in Avondale to address and enhance enforcement efforts aimed at decreasing crime.

CF/SF Strategy 11. Share common concerns with other agencies and principals regarding law enforcement.

CF/SF Strategy 12. Work with appropriate public agencies to inform consumers about household use and disposal of hazardous materials.

CF/SF Strategy 13. Continue to regulate, through land-use measures, zoning, engineering requirements, and other restrictions, all uses and development in areas subject to potential flooding and require new development to comply with all regulatory flood control criteria.

CF/SF Strategy 14. Design parks and other publicly used open spaces to facilitate surveillance by adjoining residents, security services, and police.

CF/SF Strategy 15. Continue to work with other city departments to review public and private development plans, ensuring that crime prevention is addressed.

CF/SF Strategy 16. Continue to pursue and promote fire prevention programs and standards.

## COMMUNITY FACILITIES THEME

### WATER RESOURCES ELEMENT

CF/WR Strategy 1. Review and update the Water Resources Master Plan and Water Infrastructure Master Plan on a regular basis and include these updates as part of the budget process.

CF/WR Strategy 2. Continue to expand and develop water reclamation facilities as needed to adequately treat wastewater to desired end use quality levels.

CF/WR Strategy 3. Investigate the need for and potential to increase the capacity of Avondale's recharge

facility to maximize reuse of reclaimed water and to optimize flexibility for directly receiving additional amounts of surface water.

CF/WR Strategy 4. If and when the opportunity arises, participate with Maricopa County and the Maricopa Association of Governments to establish goals for regional use of reclaimed water.

CF/WR Strategy 5. Consider the practicality and cost effectiveness of requiring golf courses and large expanses of turfed areas to use reclaimed water or other sources of non-potable water for irrigation purposes.

CF/WR Strategy 6. Continue to research the need for potential new water resources.

CF/WR Strategy 7. Continue to meet or exceed the water quality requirements of the Federal Clean Water Act and all other regulatory requirements.

CF/WR Strategy 8. Continue and enhance the City's water quality-monitoring program, including advanced planning in anticipation of new rules.

CF/WR Strategy 9. Continue to implement policies to guide land use decisions that conserve water resources and implement additional polices as needed.

CF/WR Strategy 10. Continue to require a statement describing the impact to the natural ecological systems and groundwater supplies as a part of rezoning and 2012 Plan Amendment requests.

CF/WR Strategy 11. Continue to research and implement, if warranted, new water projects to serve the multiple needs of the community and the natural ecological systems found within the Avondale area.

CF/WR Strategy 12. Continue to provide Avondale residents with programs, techniques, and education on how to conserve water.

CF/WR Strategy 13. Continue to evaluate new development needs against water availability and wastewater treatment plant capacity and work to ensure that the City and developments grow within the capacity of available water supplies.

CF/WR Strategy 14. Monitor and regularly update City flood studies, modeling and associated land use, zoning, and other development regulations.

CF/WR Strategy 15. Continue to pursue a regional approach to flood issues.

CF/WR Strategy 16. Provide flood warning and forecasting information to community residents through mechanisms, such as Channel 11, the City's website, and Twitter, to reduce impacts to personal property.

CF/WR Strategy 16. Where feasible, maintain natural stream courses and adjacent habitat and combine flood control, recreation, water quality, and open space functions.

# QUALITY OF LIFE THEME
## URBAN DESIGN ELEMENT

QL/UD Strategy 1. Encourage unique and uniform roadway landscaping at key roadways and, where possible, median improvements, to distinguish the City's boundaries.

QL/UD Strategy 2. Study ways to minimize the barrier impact of the I-10 by developing design approaches which unite north-south areas of the community.

QL/UD Strategy 3. Initiate a branding effort that involves the community and stakeholders, and that develops key messages about Avondale's assets, strategic vision, and opportunities.

QL/UD Strategy 4. Continue to develop a comprehensive gateway improvement program to select major gateways for improvements such as special landscaping, signage, visitor information centers, patterned pavement, monuments or artwork.

QL/UD Strategy 5. Install new monument City identification signs in attractive surroundings and at a compatible scale with the roadway, preferably in medians, at major gateways into Avondale.

QL/UD Strategy 6. Develop a comprehensive sign program to identify major attractions within the City.

QL/UD Strategy 7. Encourage distinctive buildings and site design at major gateways and significant nodes to include appropriate scale and location of buildings and create dynamic spaces at these locations.

QL/UD Strategy 8. Encourage diversity and develop programs to emphasize the unique features or landmarks of special areas and neighborhoods.

QL/UD Strategy 9. Strengthen Historic Avondale as a visually exciting part of the City that encourages all residents to frequent.

QL/UD Strategy 10. Design features that help people locate Historic Avondale and emphasize the roadways and intersections leading there.

QL/UD Strategy 11. Maintain existing programs and study new programs which promote the maintenance and quality of all neighborhoods including residential.

QL/UD Strategy 12. Create uniform and cohesive landscape and architectural themes for key areas of the City, major thoroughfares, TOD locations, City gateways, and neighborhoods.

QL/UD Strategy 13. Require attractively designed transit stops and stations that are adjacent to active uses and recognizable by the public, as well as include safe, attractive, accessible, lit, and convenient pedestrian connections.

QL/UD Strategy 14. Develop a Street Tree Master Plan to include an inventory and assessment of existing trees, proposed species and spacing, appropriate implementation details, and maintenance requirements.

QL/UD Strategy 15. Incorporate Tree City USA into community programs that emphasize the importance of the urban forest.

QL/UD Strategy 16. Coordinate planning and design for landscape, lighting, signs, trash receptacles, transit stops, public art, and other amenities with all new development.

QL/UD Strategy 17. Study new standards and technologies for sidewalk design and construction.

QL/UD Strategy 18. Research ways to locate utility infrastructure that does not impede the visual quality of Avondale's streetscape.

QL/UD Strategy 19. Continue to work with county and state agencies to choose appropriate colors, textures and landscaping for sound walls and visible barriers on existing and future freeways.

QL/UD Strategy 20. Continue to periodically update the Landscape, Walls, and Fences Ordinance, Design Manuals, and other development documents that support a well-designed streetscape.

## QUALITY OF LIFE THEME

### ART AND HERITAGE ELEMENT

QL/AH Strategy 1. Continue to preserve buildings with unique local significance or architectural value.

QL/AH Strategy 2. Protect local landmarks by minimizing adjacent development that hides or overwhelms their unique qualities.

QL/AH Strategy 3. Use art and heritage to strengthen the sense of identity of Avondale.

QL/AH Strategy 4. Use public art to improve the design of public infrastructure projects and to enhance community gateways.

QL/AH Strategy 5. Reinforce community pride and identity by encouraging artworks and cultural activities that celebrate the unique cultural, ethnic, historical, and other unique attributes of each unique neighborhood.

QL/AH Strategy 6. Use public art and cultural amenities as a means to assist in the implementation of community-specific goals and policies.

QL/AH Strategy 7. Create an inventory of locally-significant heritage in Avondale and develop a comprehensive and cohesive preservation program to preserve these cultural assets.

QL/AH Strategy 8. Study and identify the "culinary heritage" of Avondale, and connect it to Estrella Mountain Community College's culinary curriculum.

QL/AH Strategy 9. Use public art as community landmarks, encouraging public gathering and wayfinding.

QL/AH Strategy 10. Encourage more community planning group involvement and oversight in the decision making process regarding public art and cultural amenities.

QL/AH Strategy 11. Take advantage of opportunities to emphasize, through art, the cultural connections between Avondale and its many cultures, such as its Native American and Hispanic influences.

QL/AH Strategy 12. Use public art and cultural amenities to help commemorate local history and culturally significant places.

QL/AH Strategy 13. Create a program of comprehensive preservation training and education to all City departments.

QL/AH Strategy 14. Create a comprehensive survey of resources in the City to identify properties eligible for

listing and designating as significant.

QL/AH Strategy 15. Support neighborhood preservation activities in order to memorialize people, places, and events through an historic plaque program.

QL/AH Strategy 16. Support heritage-related tourism efforts and promotion of special events and festivals.

QL/AH Strategy 17. Seek funding opportunities that would allow for cultural preservation.

QL/AH Strategy 18. Seek additional funding to support the renovation, enhancement, and maintenance of Pioneer Cemetery.

QL/AH Strategy 19. Develop a marketing program to spotlight Avondale's heritage-based resources, such as Pioneer Cemetery and Monument Hill.

QL/AH Strategy 20. Support a community-involved art installation program.

## QUALITY OF LIFE THEME
### PUBLIC PARTICIPATION ELEMENT

QL/PP Strategy 1. Develop a GIS based web application which allows residents/business owners to see which planning applications in review are close to their properties and then access detailed information on those applications.

QL/PP Strategy 2. Work with HOAs and neighborhood organizations to increase resident participation in planning matters.

QL/PP Strategy 3. Specialize City list-servers to ensure that interested parties are only receiving email updates on items of interest to those persons.

QL/PP Strategy 4. Promote Board and Commission membership opportunities at City events.

QL/PP Strategy 5. When practical, utilize facilities other than City Hall, such as police stations, fire stations, and schools, for public meetings on topics affecting the areas around those facilities.

QL/PP Strategy 6. Provide external links to information about regional planning processes on the City's website.

QL/PP Strategy 7. Encourage Board members, Commission Members, and Council members to take an active role in regional, state, and federal planning initiatives.

QL/PP Strategy 8. Partner with surrounding communities to further interests common to residents of the greater southwest valley.

QL/PP Strategy 9. Evaluate notification times to ensure that ample opportunity is provided for public comment and extend those times if necessary.

QL/PP Strategy 10. Explore the possibility of uploading all land use applications to the City's website to allow citizens to follow and provide input on land use cases from the moment they are first submitted.

# GLOSSARY

## A

***Acre***
A measure of land containing 43,560 square feet.

***Adaptive Reuse***
Developing a new use for an older building or for a building originally designed for a special or specific purpose.

***ADWR***
Arizona Department of Water Resources.

***Aesthetic***
Elements in the natural or created environment (including artistic elements) that are intended to be pleasing to the eye.

***Aggregate***
Cinder, crushed rock or stone, decomposed granite, gravel, pumice, pumicite, and sand.

***Agriculture***
Use of land for the production of food and fiber, including the growing of crops and/or the grazing of animals on natural prime or improved pasture.

***Annexation***
To incorporate a land area into an existing district or municipality, with a resulting expansion of the boundaries of the annexing jurisdiction.

***A.R.S.***
Arizona Revised Statutes: the statutory laws of the State of Arizona, as amended.

## B

***Bicycle Lanes***
An integral section of a roadway that is marked exclusively for bicycle use.

***Bike Routes***
Routes designated for bicycle travel that may include shared streets, bike lanes, or multiuse paths, in any combination.

***Brownfield (site/land)***
Land previously used for residential, commercial, industrial, or similar development, which resulted in low levels of contamination requiring a moderate amount of clean up prior to redevelopment.

## C

***Capital Improvement***
New or expanded public improvements that are relatively large size, expensive, and permanent. Some common examples include but are not limited to, streets, public libraries, water and sewer lines, and park and recreation facilities.

***Capital Improvements Program or Plan (CIP)***
A plan adopted by the City for the construction of capital improvements that includes their timing and cost.

***City Council***
The seven member elected body of Avondale residents responsible for governing the City and making all necessary decisions, such as those regarding the provision of City services and policy resolution of civic issues.

***Civic Use***
Any building or property that serves a public function including, but not limited to, libraries, City Hall, post offices, police and fire stations.

***Collector Street***
Streets in which traffic in a particular neighborhood flows to exit or enter the neighborhood.

***Commercial***
A land-use classification that permits facilities for the buying and selling of commodities and services.

***Community Center***
Facility in which public services for residents are provided including, but not limited to, recreational and cultural services, and services for youth or seniors.

***Community Development Block Grant (CDBG)***

Grant program administered by the US Department of Housing and Urban Development (HUD). Grants must primarily be used to benefit low-income households with housing and public improvement projects.

### *Community Garden*
A piece of land cultivated by members of the community in an urban residential area.

### *Compatible*
Capable of existing together without significant conflict or ill effects.

### *Conservation*
The controlled use and systematic protection of a resource including, but not limited to, environmental or culture resources, with the purpose of keeping such resources from harm.

### *Conservation*
The management of natural resources to prevent waste, destruction, or degradation.

## D

### *Dedication*
The turning over by an owner or developer of private land for public use, and the acceptance of land for such use by the governmental agency having jurisdiction over the public function for which it will usually be used in connection with approval of development. A city or county often makes dedications for roads, parks, school sites, or other public uses for approval of a development.

### *Density*
Usually used to describe the number of dwelling units per acre in residential districts, while intensity is usually used to describe floor area ration of development in nonresidential districts.

### *Design Standards*
Provisions guiding the design of buildings to protect the investment and/or establish a unifying look for an area. Typical guidelines focus on building orientation, architectural details, and streetscape.

### *Development*
The physical extension and/or construction of urban land uses. Development activities include: subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; grading; and clearing of natural vegetative cover (with the exception of agricultural activities).

### *Dwelling Unit*
A building or portion of a building designed or used by one (1) family for residential purposes as a single housekeeping unit, but not including convalescent homes, hospices, assisted living facilities, hospitals, hotels, motels, and other accommodations for the transient public.

## E

### *Easement*
The right to use property owned by another for specific purposes or to gain access to another property.

### *Ecotourism*
Responsible travel to natural areas that conserves the environment and improves the well-being of local people.

### *Element*
A component of the General Plan dealing with specific topics like open space or land use. State law requires each General Plan include 17 elements. Avondale's General Plan includes the 17 elements along with three additional elements created by the General Plan Advisory Committee (GPAC).

## F

### *Flood Plain*
The relatively level land area on either side of the banks of a stream regularly subject to flooding. That part of the flood plain subject to a 1% chance of flooding in any given year is designated as an "area

of special flood hazard" by the Federal Insurance Administration.

### *Floor Area Ratio*
A measure of development density expressed as the amount of gross building floor area divided by the net development site land area.

## G

### *General Plan*
A collection of goals, policies, and implementation strategies that guide decisions regarding the physical growth and evolution of the City. It is a comprehensive, coordinated set of intents and directions for the physical development of the City including, but not limited to, land use, transportation, economic conditions, environment, infrastructure, public facilities, and the physical environment.

### *Goal*
A general, overall, and ultimate purpose, aim, or end toward which the City will direct effort.

### *Grayfield (site/land)*
Economically obsolescent, outdated, failing, moribund and/or underused real estate assets or land. Unlike brownfield sites, grayfield sites do not have environmental contamination requiring re-use prior to reuse/redevelopment associated with them.

### *Greenfield (site/land)*
Land that is undisturbed or is used for agriculture, landscape design (such as a park), or left undisturbed.

### *Groundwater Recharge*
The natural process of infiltration and percolation of water from land areas or streams, or by artificial means, through permeable soils into water-holding rocks that provide underground storage ("aquifers").

### *Growing Smarter Act*
1998 State Legislation that affected how cities and counties within the state conduct and administer long-range planning activities. This legislation required four new elements and expanded other elements; required additional public notification and involvement; established the requirement of 2/3 majority vote by City Council for Major Amendments; and required that General Plans be readopted every 10 years.

### *Growing Smarter Plus*
2000 State Legislation that revised some of the considerations of the Growing Smarter Act. Growing Smarter Plus required an additional element, redefined major amendments to the General Plan, and required that General Plan adoption be ratified by a public vote after City Council approval.

### *Growth Areas*
Areas of the community that best accommodate future growth allowing an increased focus on creating or enhancing transportation systems and infrastructure coordinated with development activity.

## H

### *Habitat*
The physical location or type of environment in which an organism or biological population lives or occurs.

### *Historic; Historical*
An historic building or site is one that is noteworthy for its significance in local, state, or national history or culture, its architecture or design, or its works of art, memorabilia, or artifacts.

### *Historic Avondale*

Formerly known as *Old Town*, the area originally incorporated as the City of Avondale in 1946, encompassing the area around Western Avenue. The boundaries are roughly from La Canada Boulevard to the north, Dysart Road to the east, Lower Buckeye Road to the south, and the Avondale-Goodyear municipal boundary to the west.

### *HUD*
United States Department of Housing and Urban Development.

## I

### *Infill*
Development of vacant land (usually individual lots

or left-over properties) within areas that are already largely developed.

### *Infrastructure*
Public services and facilities, such as sewage-disposal systems, water supply systems, other utility systems, and roads.

## L

### *Land Use*
The occupation or utilization of land or water area for any human activity or any purpose defined in the General Plan.

### *Land Use Map*
A map that graphically depicts existing or future land uses and intensities. It visually discerns land use compatibility and spatial relationships, establishes the physical from of the community, and identifies urban design opportunities. A land use map serves as a guide in preparation of zoning ordinances and zoning district maps.

### *Livability*
A measure of integration of the housing, transportation, environmental, and employment amenities accessible to residents.

## M

### *MAG*
Maricopa Associations of Governments.

### *Master Plan*
A plan for a large area that may address land use, landscaping, infrastructure, circulation or services provision.

### *Minimize*
To reduce or lessen, but not necessarily to eliminate.

### *Mitigate*
To lessen the impact of, alleviate, or avoid to the extent reasonably feasible.

### *Mitigation*
Methods used to alleviate or lessen the impact of something.

### *Mixed-Use*
The practice of allowing more than one type of land use in a building or set of buildings. Mixed-use may be developed in a variety of ways, either horizontally in multiple buildings, or vertically in the same building, or through a combination of the two.

### *Mobility*
The ability to move from one place to another, or to transport goods or information from one place to another.

### *Mode*
A particular form or method of travel distinguished by vehicle type, operation technology, and rights-of-way separation from other traffic.

### *Multi-modal*
Capable of accommodating a variety of transportation modes including, but not limited to, buses, automobiles, rapid transit, rail, bicycles, and pedestrians.

### *Multi-modal Trails*
Multi-modal trails are hard surface trails designed for all types of non-motorized transportation. Signs, crossings, vegetation, rest and staging areas developed in conjunction with these paths are also primarily designed for non-motorized recreation.

### *Municipal or Municipality*
An incorporated city or town.

## O

### *Open Space Buffers*
Open Space Buffers are typically tracts of private land used to separate different land uses. These areas generally include landscaping and may include topographic variations to meet retention or screening needs. These areas provide buffer between land uses and also contribute to visual open space and character within the community.

### *Open Space*
Any parcel or area of land or water that is improved or unimproved, and devoted to the purposes of (1) the preservation of natural resources, (2) the managed production of resources, and (3) outdoor recreation. Open spaces include parks, improved trails and paths for use by bicyclists, equines, or pedestrians, retention/detention areas that are landscaped or improved with recreational equipment, and floodways and floodplains. Open space may be publicly or privately owned and maintained.

## P

### *Parks*
Open space lands used primarily for recreation, or passive enjoyment by the public.

### *Paths and Trails*
Paths and trails include on-street bicycle lanes; equestrian; multiple use paths and trails; pedestrian, equestrian and multiple use easements; and trailheads and staging areas. These facilities will continue to be publicly and privately owned and maintained. Trailheads may be privately or publicly owned and maintained, and may be constructed privately and dedicated to the City.

### *Planned Area Development (PAD)*
A description of a proposed unified development, consisting at a minimum of a map and adopted ordinance setting forth the regulations governing, and the location and phasing of all proposed uses and improvements to be included in the development.

### *Planning Agency*
The official body designated by local ordinance to carry out the purposes of this 2012 Plan and may be a planning department, a planning commission, a hearing officer, the legislative body itself or any combination thereof.

### *Planning Area*
The area directly addressed by the General Plan. A city's planning area typically encompasses the existing city limits and potentially annexable land that will ultimately form the City limits at build-out and for which the City will provide services.

### *Planning and Zoning Commission*
A body, created by a city or county, that is responsible for gathering information and taking public testimony related to land-use issues.

### *Public/Private Partnership*
A merging of public and private resources to achieve an end result or product that would be difficult to achieve through public or private activity alone. May refer to the delivery of services.

### *Public Recreation*
Recreational activities that require the use of organized play areas including, but not limited to playing fields, swimming pools, and basketball courts.

## R

### *Recharge*
Water infiltrating to replenish an aquifer.

### *Revitalization Area*
The imparting of new economic and community life in an existing neighborhood area, or business district. The revitalization area of the City is bounded by Van Buren Street along the north, Eliseo C. Felix, Jr. Way along the east, Lower Buckeye Road along the south, and the Avondale-Goodyear municipal boundary to the west containing most of the oldest residences, commercial establishments, and infrastructure in the City. The area lags behind the rest of the City economically, and is identified as an area warranting special efforts by City leaders to attract investment, development, redevelopment, and jobs to reverse entropic trends.

### *Rezoning*
An amendment to the official zoning map and/or text of a zoning ordinance to effect a change in the nature, density, or intensity of uses allowed in a zoning district and/or on a designated parcel or land area.

### *Right-of-way*
A strip of land occupied or intended to be occupied by certain transportation and public use facilities, such as roadways, railroads, and utility lines.

***Riparian Habitat***
Lands comprised of the vegetative and wildlife areas adjacent to perennial and intermittent streams.

## S

***Specific Plan***
A detailed element of the General Plan enacted under the provisions of State law.

***Street***
Streets, highways, freeways, expressways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public access easements and right-of-way.

***Subdivision***
The division of a tract of land into defined lots, either improved or unimproved, which can be separately conveyed by sale or lease, and which can be altered or developed.

***Subdivision Regulations***
A municipal ordinance regulating the design and improvement of subdivisions.

***Sustainability***
For the purposes of the General Plan, sustainability is a condition of living that enables the present generation to enjoy social well-being, a vibrant economy, and a healthy environment, without compromising the ability of future generations to enjoy the same.

***Sustainable Community***
Refers to urban, suburban, and rural places that successfully integrate housing, economic and workforce development, transportation, and infrastructure investments in a manner that empowers jurisdictions to consider the interdependent challenges of economic competitiveness and revitalization, social equity, inclusion and access to opportunity, energy use and climate change, and public health and environmental impact.

## T

***Trailhead***
The beginning point of a trail and includes parking, trail information, rubbish containers, water, and sanitary facilities.

***Transit Oriented Development (TOD)***
Development that includes compact mixed use development patterns with facilities and design that enhance the environment for pedestrians in terms of safety, walking distances, comfort, and visual appeal of the surroundings and are usually focused on a major transit access point.

## U

***Urban Agriculture***
The growing, washing, packaging, and storage of fruits, vegetables, and other plants for wholesale or retail sales within close proximity to where a community of people live.

## V

***Vision***
A shared dream of the future characterized by long-term idealistic thinking. Provides the foundation for the development of goals, policies, and programs. A vision is not a binding goal and may not be achievable in the lifetime of those participating in the drafting of the General Plan.

## W

***Wildlife***
Animals or plants existing in their natural habitat.

## X

***Xeriscape***
Landscaping that conserves water by utilizing low-water plants, minimizing the use of turf (grass) for lawns, and implementing design and maintenance practices that are appropriate for our desert region.

## Z

***Zoning***
The division of a city or county by legislative regulations into areas, or zones, that specify allowable uses and required development standards for real property within these areas; a program that implements policies of the General Plan.

***Zoning Ordinance***
A municipal ordinance regulating the use of land or structures, or both.

INSIDE BACK COVER

BACK COVER

**RESOLUTION NO. 1027-0522**

RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ADOPTING AND APPROVING THE UPDATED AVONDALE GENERAL PLAN 2030 AND ORDERING THAT THE UPDATED AVONDALE GENERAL PLAN 2030 BE SUBMITTTED TO THE QUALIFIED ELECTORS FOR RATIFICATION.

**WHEREAS**, the City of Avondale (the "City") is required to update or readopt its existing General Plan (the "General Plan") in accordance with the requirements of ARIZ. REV. STAT. §§ 9-461, *et seq.*; and

**WHEREAS**, on April 12, 2012 the City Council adopted, and on August 28, 2012, the Avondale voters ratified the Avondale General Plan 2030. In 2015, 2021 and 2022, the City approved major amendments to the Avondale General Plan 2030. The City now wishes to update and readopt the Avondale General Plan 2030 with the major and minor amendments made to thereto between the summer of 2012 and 2022; and

**WHEREAS**, the City has consulted with, advised and provided opportunity for official public comment by public officials and agencies, Maricopa County, appropriate school districts, associations of government, public land management agencies, other appropriate governmental jurisdictions, public utility companies, civic, educational, professional and other organizations, together with property owners and citizens and had indicated sites for public purposes on the proposed update of the General Plan referred to as the Updated Avondale General Plan 2030 (the "Updated 2030 Plan"); and

**WHEREAS**, at least 60 days prior to the adoption of this Resolution, the Development Services and Engineering Department, as the designated Planning Agency of the City, filed a copy with the Council of the City of Avondale (the "City Council") and submitted a copy for review and further comment to:

1. Appropriate School Districts
2. American Planning Association, Arizona Chapter
3. Arizona Public Service (APS)
4. Arizona Bureau of Land Management (BLM)
5. Arizona Commerce Authority
6. Arizona Departments of State Land, Game and Fish, Homeland Security, Water Resources (ADWR), and Transportation (ADOT)
7. Department of Mines and Mineral Resources
8. Arizona Geological Survey
9. Arizona State Mine Inspector
10. Buckeye Water Conservation and Drainage District/Buckeye Irrigation
11. Bureau of Reclamation
12. Cal Portland Company

13. Cities of Goodyear, Litchfield Park, Tolleson, and Phoenix
14. Estrella Mountain Community College
15. Gila River Indian Community
16. Greater Phoenix Economic Council (GPEC)
17. Home Builders Association of Central Arizona
18. Luke Air Force Base
19. Maricopa Association of Governments (MAG)
20. Maricopa County Flood Control District
21. Maricopa County Planning and Development, Parks, and Environmental Services
22. Phoenix Children's Hospital
23. Phoenix International Raceway (PIR)
24. Project for Livable Communities
25. Roosevelt Irrigation District
26. Southwest Valley Chamber of Commerce
27. Salt River Project (SRP)
28. St. Luke's Health Initiative
29. Tohono O'odham Nation
30. Tres Rios Steering Committee
31. Union Pacific Railroad
32. Urban Land Institute Arizona
33. Vulcan Materials – Western Division
34. Westmarc
35. Any person or agency requesting in writing to receive a copy; and

**WHEREAS**, the City's Planning Commission (i) held two public hearings on the proposed Updated 2030 Plan on April 13, 2022 via Zoom and on April 20, 2022 at the City Council Chambers and (ii) provided notice of such hearings by publication in the *West Valley View* at least 15 calendar days not more than 30 calendar days prior to each hearing, by posting the City's website and by posting City Hall, Sam Garcia Library, Fire Station 172 and Estrella Mountain Community College; and

**WHEREAS**, the City Council (i) held one public hearing on the proposed Updated 2030 Plan on May 2, 2022 at the City Council Chambers and (ii) provided notice of such hearing by publication in the *West Valley View* at least 15 calendar days and not more than 30 calendar days prior each hearing; and

**WHEREAS**, the City Council finds and determines that (i) proper notice has been given in a manner required by ARIZ. REV. STAT. §§ 9-461, *et seq.,* of the proposal of the City to adopt the Updated 2030 Plan, and that each of the required publications have been made in the *West Valley View*, a newspaper of general circulation in the City and (ii) the Updated 2030 Plan consists of all such elements described in and required in ARIZ. REV. STAT. § 9-461.05.

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

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Updated 2030 Plan, in the form attached hereto as Exhibit A and incorporated herein by reference, is hereby adopted.

SECTION 3. The Updated 2030 Plan shall be deemed to have been adopted as of the date of this Resolution and shall be valid for a term as set forth in ARIZ. REV. STAT. § 9-461.

Nothing herein shall preclude the City Council from adopting a new General Plan hereto in the manner provided by law.

SECTION 4. The Updated 2030 Plan as adopted by the City Council shall be submitted to the qualified electors of the City for ratification at the City election to be held on August 2, 2022.

SECTION 5. Arguments in favor or in opposition to the General Plan may be submitted to the City Clerk in the manner provided by law.

SECTION 6. The City Clerk is hereby directed to include a general description of the General Plan and each of its elements in the publicity pamphlet that will be published for the election to be held on August 2, 2022 and such information as with other election information shall be translated into Spanish in accordance with The Voting Rights Act of 1965 as amended.

SECTION 7. The City Clerk shall cause to be placed for public inspection copies of the General Plan in each of the following locations and shall post notice of such placement in the same manner as agendas for meetings of public bodies in the City : (i) Development Services Department, 11465 West Civic Center Drive, Suite 110; (ii) City Hall, 11465 West Civic Center Drive, Suite 110; (iii) Avondale Civic Center Library, 11350 West Civic Center Drive; and (iv) Sam Garcia Western Avenue Library, 495 East Western Avenue.

SECTION 8. the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

**PASSED AND ADOPTED** by the Council of the City of Avondale, Arizona, May 2, 2022.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

Item Number: 4.b.

# CITY COUNCIL REPORT

**SUBJECT:** Public Hearing - Resolution 1029-0522 - City of Avondale Bridge Housing - Minor General Plan Amendment - Application PL-22-0017

**MEETING DATE:** 5/2/2022

**TO:** Mayor and Council

**FROM:** Jodie Novak, Acting Director/Assistant Director of Development and Engineering Services, (623) 333-4015

**THROUGH:** Tracy Stevens, Acting Assistant City Manager, (623) 333-1014

**STRATEGIC PLAN:**

STRATEGIC OUTCOME: Creative and Sustainable Community Development
STRATEGY: Maintain and expand quality infrastructure and improve connectivity to City amenities.

**PURPOSE:**

City Council will hold a public hearing and consider a City-initiated request to adopt Resolution 1029-0522, approving a request for a Minor Amendment to the General Plan 2030 Land Use Map for approximately 0.46 net acres of land located approximately 293 feet south of the southeast corner of Riley Drive and Eliseo C. Felix Jr. Way. If approved, the General Plan 2030 Land Use Map designation for the property will be amended from Open Space and Parks to High Density Residential. The project would allow for three (3) to six (6) detached dwelling units. There is a concurrent request to rezone the property from General Industrial (A-1) to Planned Area Development (PAD). The Council will take appropriate action.

**BACKGROUND:**

The 0.46 net-acre subject property (Exhibits A and B) is located approximately 293 feet south of the southeast corner of Riley Drive and Eliseo C. Felix Jr. Way. The parcel was created through an abandonment of the adjacent roadway in November 2021.

The property was annexed into the City's corporate limits in 1960 and zoned A-1 upon annexation.

The property is designated by the General Plan 2030 Land Use Map as Open Space and Parks, which is a land use designation primarily used for City parks, Estrella Mountains, and rivers and corridors designated for public enjoyment in the Parks and Recreation Master Plan.

The property is located in the service areas of the Avondale Elementary School District and the Agua Fria High School District. Elementary (K-8) students will attend Michael Anderson School located at the southwest corner of Western Avenue and 3rd Avenue, approximately 0.81 miles southwest of the site. High school aged students will attend the Agua Fria High School located at the northwest corner of Riley Drive and Dysart Road, approximately 0.31 miles northwest of the site.

The existing uses and zoning of surrounding properties include:
**NORTH:** County-owned landfill

**EAST:** County-owned landfill
**SOUTH:** County-owned landfill
**WEST OF ELISEO C. FELIX JR. WAY:** Arizona Complete Health Resource Center

**SUMMARY OF REQUEST:**
The City is requesting to change the General Plan Land Use Map designation from Open Space and Parks to High Density Residential to allow for the construction of detached apartment housing units. The High Density Residential designation allows densities up to 30 dwelling units per acre that would have limited private outdoor space and rely on shared or common open space for recreation. Patio homes, apartments, condominiums, or townhomes are suitable for this land use. For this project, a density of up to 13.04 dwelling units per acre is proposed.

As previously noted, there is an accompanying City-initiated request to rezone the property from General Industrial (A-1) to Planned Area Development (PAD) which details permitted uses, development standards, landscaping and design standards, and other requirements that will guide future development of the site. Approval of the GPA request to High Density Residential is required to consider approval of the concurrent Rezoning request.

The proposed development would allow the City to immediately transition families out of homelessness to provide a stable experience that can facilitate placement into permanent housing.

Three (3) dwelling units, which will have two (2) bedrooms and one (1) bathroom, are proposed in the first phase of the development, along with the playground, parking area, and a parking canopy. The three (3) southernmost units will be developed in a potential second phase if the City's budget allows for it.

**PUBLIC PARTICIPATION:**
A Neighborhood Meeting to discuss the proposal with neighboring property owners and other interested parties was held on February 28, 2022 (Exhibit F). Due to the ongoing Covid-19 pandemic, the meeting was held virtually via Zoom. All notices of the meeting met notification requirements.

Two (2) comments pertaining to the proposal were posted on the City's aVOICE/Polco digital forum:

- No more high-density housing. We have apartments going up everywhere. No change to the zoning!!
- There is enough housing now and we are building more. No more housing that I have to pay for schools for. We are retired on fixed incomes and inflation is killing us!!

No additional public comments have been received to date.

All required notifications for the Planning Commission and City Council public hearings were completed in accordance with notification requirements.

**ANALYSIS:**
The City Council must determine that the proposed amendment meets four (4) findings prior to recommending approval. Staff's analysis of each of the required findings is presented below.

**1. The development pattern contained on the Land Use Plan inadequately provides the appropriate optional sites for the use or change proposed in the amendment.**
Currently, there is a minor percentage of land uses in Avondale that are available for High Density Residential uses. By changing the General Plan land use map designation to High Density Residential, it provides an infill opportunity to develop an otherwise underutilized site. The site's current zoning designation is General Industrial, and this site is not large enough to develop as an industrial use. Furthermore, although the General Plan land use map designation is Open Space and Parks, the subject property is developed with a parking area for a site that was formerly a park which has now been converted back into a landfill, so the designation does not match the land use that presently exists.

**2. The amendment constitutes an overall improvement in the 2030 Plan and is not solely for the good or benefit of a particular landowner or owners.**
**The intent of the project is to allow for detached apartment units to assist Avondale's residents secure temporary housing.**
The proposed development would allow the City to immediately transition families out of homelessness to provide a stable experience that can facilitate placement into permanent housing. This will benefit residents of Avondale and not solely for the benefit of the City.

**3. The amendment will not adversely impact the community as a whole and/or a portion of the community by: (1) significantly altering acceptable land use patterns; (2) requiring large and more expensive public infrastructure improvements including, but not limited to roads, water, wastewater, and public safety facilities than would otherwise be needed without the proposed change, or (3) adversely impacting the existing land use.**
The amendment will not significantly alter acceptable land use patterns or impact nearby existing uses. Being less than one-half an acre, the property will accommodate three to six (3-6) dwelling units and will not negatively impact the Eliseo C. Felix Jr. Way corridor. Between Riley Drive and Western Avenue, on Eliseo C. Felix Jr. Way, there are no existing developments aside from the City's new Arizona Complete Health Resource Center facility across the street, which fronts Riley Drive. South of the Resource Center is an approximately 3.3 net-acre property owned by the City that is planned for a future City fire station, detention center, and police substation.

There is an existing water and sewer main in Eliseo C. Felix Jr. Way that will be tapped into, and this project will not be a significant burden to the water and sewer system. No roads, off-site improvements, or new public safety facilities are required for this project.

The development will not impact the adjacent landfill, right-of-way, parking areas, or the nearby Arizona Complete Health Resource Center.

**4. The amendment is consistent with the overall intent of the General Plan 2030 and other adopted plans, codes, and ordinances.**
The project meets the goals in the General Plan by championing housing types not currently available in the City, providing for open space for each resident as well as a playground, and providing excellence in construction and design. The accompanying Planned Area Development (PAD) rezone details the specifics of the request and the project will be constructed in conformance with the PAD.

**DISCUSSION:**
Staff finds this request meets the four (4) required findings and recommends approval of the proposed Minor General Plan Amendment.

**BUDGET IMPACT:**
No budget impacts.

**RECOMMENDATION:**
City Council will conduct a public hearing and **ADOPT** a Resolution approving Application PL-22-0017 City of Avondale Bridge Housing, a request to change the General Plan Land Use Map designation from Open Space and Parks to High Density Residential.

**PROPOSED MOTION:**
I move that City Council **ADOPT** a Resolution approving Application PL-22-0017 City of Avondale Bridge Housing, a request for a Minor Amendment of the General Plan 2030 Land Use Map changing the land use designation of the subject property from Open Space and Parks to High Density Residential.

***Contact person for document distribution:*** *Michelle Simerdla*

Exhibit A

# Aerial Photograph

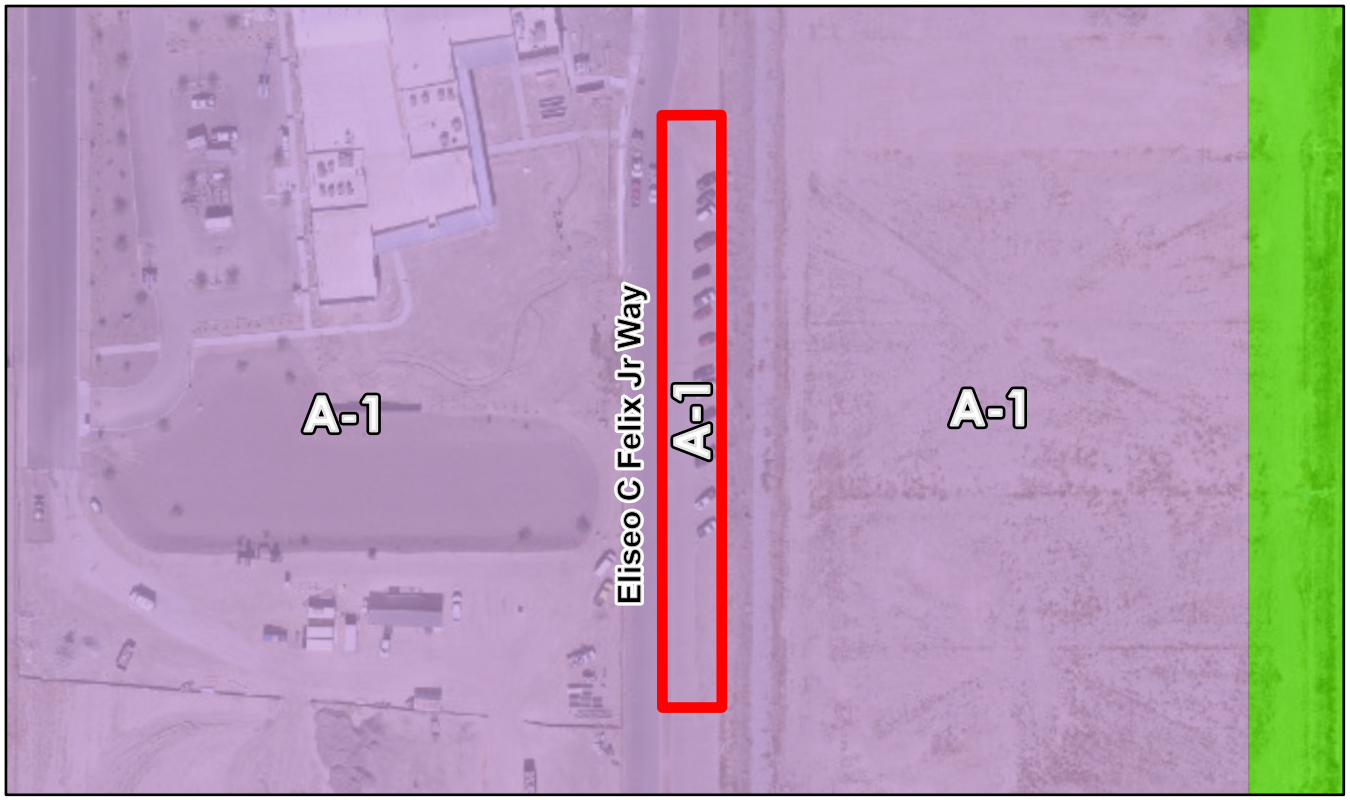
Avondale

Subject Property

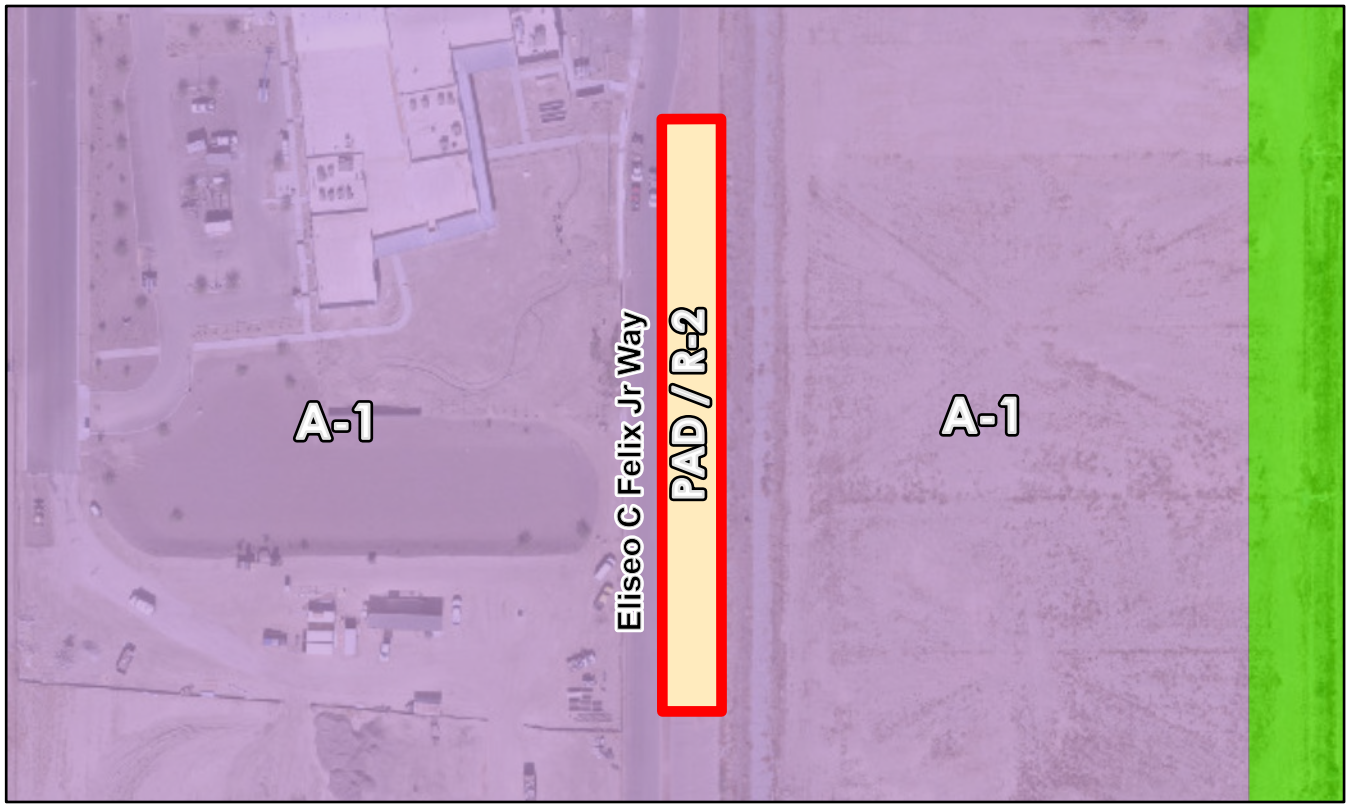
N
W E
S

Date: 2/3/2022

Exhibit B




CURRENT ZONING MAP




PROPOSED ZONING MAP

# Zoning Vicinity

Avondale

Subject Property

N
W E
S

Date: 2/3/2022

Exhibit C

CURRENT LAND USE MAP

PROPOSED LAND USE MAP

# General Plan Land Use

Avondale

- High Density Residential
- Open Space and Parks
- Industrial

Subject Property

N
W E
S

Date: 2/3/2022

EXHIBIT D - MINOR GPA NARRATIVE

FEBRUARY 23, 2022

# CITY OF AVONDALE BRIDGE HOUSING PROJECT

City-initiated request for a Minor General Plan Amendment to allow for a residential development on a 0.46 net-acre site with a proposed density of approximately 13.04 dwelling units per acre.

**PREPARED BY:**

MICHELLE SIMERDLA (623) 333-4022

# A. INTRODUCTION

The City of Avondale plans to develop a 0.46 net-acre parcel located approximately 293 feet south of the southeast corner of Riley Drive and Eliseo C. Felix Jr. Way, Assessor Parcel Number 500-26-003C. The parcel was created through an abandonment of the roadway in November 2021.

A transitional housing project is proposed that consists of three to six (3-6) detached housing units.

This request is for a Minor General Plan Amendment (PL-22-0017), that if approved, will amend the City's General Plan 2030 Land Use from Open Space and Parks to High Density Residential. The Open Space and Parks designation is land primarily used for City parks, Estrella Mountains, and rivers and corridors designated for public enjoyment in the Parks and Recreation Master Plan. Open space is planned to set aside areas of active and passive recreation for Avondale residents and to preserve areas of critical natural habitat. High Density Residential is residential land that will contain densities up to 30 dwelling units per acre. These residences have limited private outdoor space and rely on shared or common open space for recreation. Patio homes, apartments, condominiums, or townhomes are suitable for this land use.

An accompanying request to rezone the property (PL-22-0018), if approved, will change the zoning designation Agricultural (AG) to Planned Area Development (PAD) with underlying R-2 (Multi-Family Residential) zoning.

The site is currently developed with a parking area for the former Coldwater Park which is now a County-owned landfill zoned General Industrial (A-1). The landfill is to the north, west, and south of the subject parcel. North of Riley Drive is a solar generator business zoned A-1. West of Eliseo C. Felix Jr. Way is the City's new Arizona Complete Health Resource Center.

# B. REQUEST

The City requests to amend the property's General Plan 2030 land use map designation from Open Space and Parks to High Density Residential with a requested density of up to approximately 13.04 dwelling units per acre.

# C. PROJECT OVERVIEW

The intent of the City of Avondale Bridge Housing project is to allow for detached apartment units to assist Avondale's residents secure temporary housing. Individuals and families across the country are increasingly experiencing challenges in accessing affordable housing. When a family experiences a crisis and loses housing, they find it can be increasingly difficult to address the immediate crisis and acquire permanent stable housing. The proposed Bridge Housing development would allow the city to immediately transition families out of homelessness to provide a stable experience that can facilitate placement into permanent housing. Bridge Housing is often thought of as the missing link between the shelter system and permanent housing. The project will support the City's effort to address the needs of those transitioning back into the Avondale.

Three (3) dwelling units which will have two (2) bedrooms and one (1) bathroom are proposed in the first phase of the development, along with the playground, parking area, and a parking canopy. The three (3) southernmost units will be developed in a potential second phase if the City's budget allows for it. The project's estimated completion date is June 30, 2022.

The scope of the project also includes a sidewalk, fiber to the site, dry and wet utilities, landscaping, appliances, and furnishings in the unit.

# D.MINOR GPA REVIEW AND ANALYSIS

**1. Availability of Current and Future Water Supplies.**

The project is proposed to tie into the existing City of Avondale water and sewer system. It is the City's understanding that the project will not create any issues for current or future water supplies.

**2. Impact on and potential support of the City's transportation system.**

Only three to six (3-6) dwelling units are proposed, so it is not anticipated that the change of land use will have any negative impact on the City transportation system.

**3. Impact on the natural environment, including, but not limited to, hillsides, riparian areas, and floodways.**

The project will not significantly impact the natural environment and is not located within any hillside or riparian area. The subject property was created through abandonment of part of the Eliseo C. Felix Jr. roadway and is currently developed with a parking area for the former Coldwater Park, which is now a County-maintained landfill that is immediately east of the subject property. Additionally, the project is about 0.1 miles from the Agua Fria River levee.

**4. Extent to which the proposal contributes to achieving the (i) job to population ratio, (ii) square foot per capita ratio; and (iii) multi-family housing ratio identified within the GP2030.**

The proposed GPA will not have an overall negative impact on the total City's current job-to population ratio. Conversely, this project should increase this ratio by providing housing for residents who could obtain employment in Avondale while their basic housing needs are being met.

The square foot per capita ratio of commercial space per resident does not apply to this project since this is not a commercial project.

This project provides only three to six (3-6) multi-family detached dwelling units, so it will not significantly impact the multi-family housing ratio.

**5. Impact on City services and facilities including, but not limited to, police, fire, water, and wastewater.**

The proposed GPA will not have a negative impact on the City's services. There are adequate facilities and or/connections to serve the project. Exact infrastructure improvements for the property will be determined during the Site Plan and Design Review application phase. The future residents of this housing project will be able to utilize City services at the City's Avondale Complete Health Resource Center across the street. With the small number of units provided for this project, it is not anticipated that these additional residents will put a strain on the City's police, fire, water, or wastewater services.

**6. Extent to which the goals of the GP2030 are accomplished.**

*Housing Element*

Goal 1 1: Provide a variety of safe housing opportunities and neighborhoods for all current and prospective Avondale residents.

This project will be in close proximity to a future Avondale fire station and public safety facility.

Goal 2: Champion the development of housing types not currently available in the City to allow for a variety of socio-economic levels.

The proposed development would allow the City to immediately transition families out of homelessness to provide a stable experience that can facilitate placement into permanent housing. This type of housing is not currently available in the City.

Goal 3: Maximize the efficiency and effectiveness of affordable housing and neighborhood stabilization programs. Policy B: Continue to implement neighborhood housing assistance programs.

This project will assist Avondale residents in securing temporary housing.

Goal 4: Require excellence and innovation in residential design and construction.

This project will provide attractive buildings with a conceptual "West Coast Modern" design.

GOAL 1: Identify, protect, and preserve the natural amenities and environmental attributes that are unique to Avondale and contribute to a healthy lifestyle.

The project will provide for a minimum of ten (10) percent open space that includes a playground area, and a turf yard for each dwelling unit to enjoy.

# E. AVONDALE STRATEGIC 5-YEAR PLAN

The Avondale Strategic Five-Year Plan was designed with the vision and guidance from the Avondale City Council, and crafted with input from engaged residents, local businesses, and key personnel across the city's organization. The Plan represents a cohesive and intelligent approach to continuing the path to Avondale's vision to create a community that is both family friendly and economically robust. A city that is Aspiring, Achieving and Accelerating.

The project is in a unique location that provides the opportunity to provide housing in an otherwise undevelopable and underutilized site and will complement and support the vision in the Strategic Five-Year Plan.

The following goal of the Strategic Five-Year Plan will be met with this project:

**Community and Sustainable Community Development**
Strategy #2 Develop diverse housing options, to include housing that is affordable to workers and close to their jobs.
Strategy #5 Maintain and expand quality infrastructure and improve connectivity to city amenities.

**Connected Community**
Strategy #3 Expand access and communication infrastructure to more City facilities and amenities.

The project will provide multi-family detached units and provide a service not currently in Avondale. Residents will have convenient access to the City's new Arizona Complete Health Resource Center.

# F.MINOR GPA FINDINGS ANALYSIS

This request for a Minor General Plan Amendment meets or exceeds the required findings established by the City of Avondale, as detailed below.

**1. The development pattern contained on the Land Use Plan inadequately provides the appropriate optional sites for the use and/or change proposed in the amendment.**

Currently, there is a minor percentage of land uses in Avondale that are available for high density residential uses. By changing the land use map to High Density Residential, it provides an infill opportunity to develop and otherwise underutilized site.

The site's current zoning designation is General Industrial, and this site is not large enough to develop as an industrial use.

Furthermore, although the General Plan designation is Open Space and Parks, the subject property is developed with a parking area for a site that was formerly a park which has now been converted back into a landfill, so the designation does not match the land use that presently exists.

**2. The amendment constitutes an overall improvement to the GP2030 and is not solely for the good or benefit of a particular landowner or owners.**

The intent of the project is to allow for detached apartment units to assist Avondale's residents secure temporary housing. The proposed development would allow the City to immediately transition families out of homelessness to provide a stable experience that can facilitate placement into permanent housing. This will benefit residents of Avondale and not solely for the benefit of the City.

**3. The amendment will not adversely impact the community as a whole and/or a portion of the community by:**
**a. Significantly altering the acceptable land use patterns;**
**b. Requiring larger and more expensive public infrastructure improvements including, but not limited to, roads, water, wastewater, and public safety facilities than would otherwise be needed without the proposed change; or**
**c. Adversely impacting the existing land uses.**

The amendment will not significantly alter acceptable land use patterns or impact nearby existing uses. Being less than half an acre, the property will accommodate three to six (3-6) dwelling units and won't negatively impact the Eliseo C. Felix Jr. Way corridor. Between Riley Drive and Western Avenue, on Eliseo C. Felix Jr. Way, there are no existing developments aside from the City's new Arizona Complete Health Resource Center facility across the street, which fronts on Riley Drive. South of the Resource Center is an approximately 3.3 net-acre property owned by the City that may be developed with a future City fire station, detention center, and police substation by 2023.

There is an existing water and sewer main in Eliseo C. Felix Jr. Way that will be tapped into, and this project will not be a significant burden to the water and sewer system. No roads, off-site improvements, or new public safety facilities are required for this project.

The development will not impact the adjacent landfill, right-of-way, parking areas, or nearby Arizona Complete Health Resource Center.

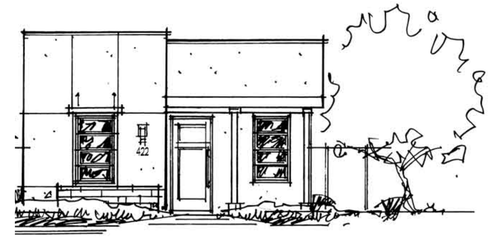
**4. That the amendment is consistent with the overall intent of the GP2030 and other adopted plans, code, and ordinances.**

The project meets the goals in the General Plan by championing housing types not currently available in the City, providing for open space for each resident as well as a playground, and providing excellence in construction and design. The accompanying Planned Area Development (PAD) rezone details the specifics of the request and the project will be constructed in conformance with the PAD.

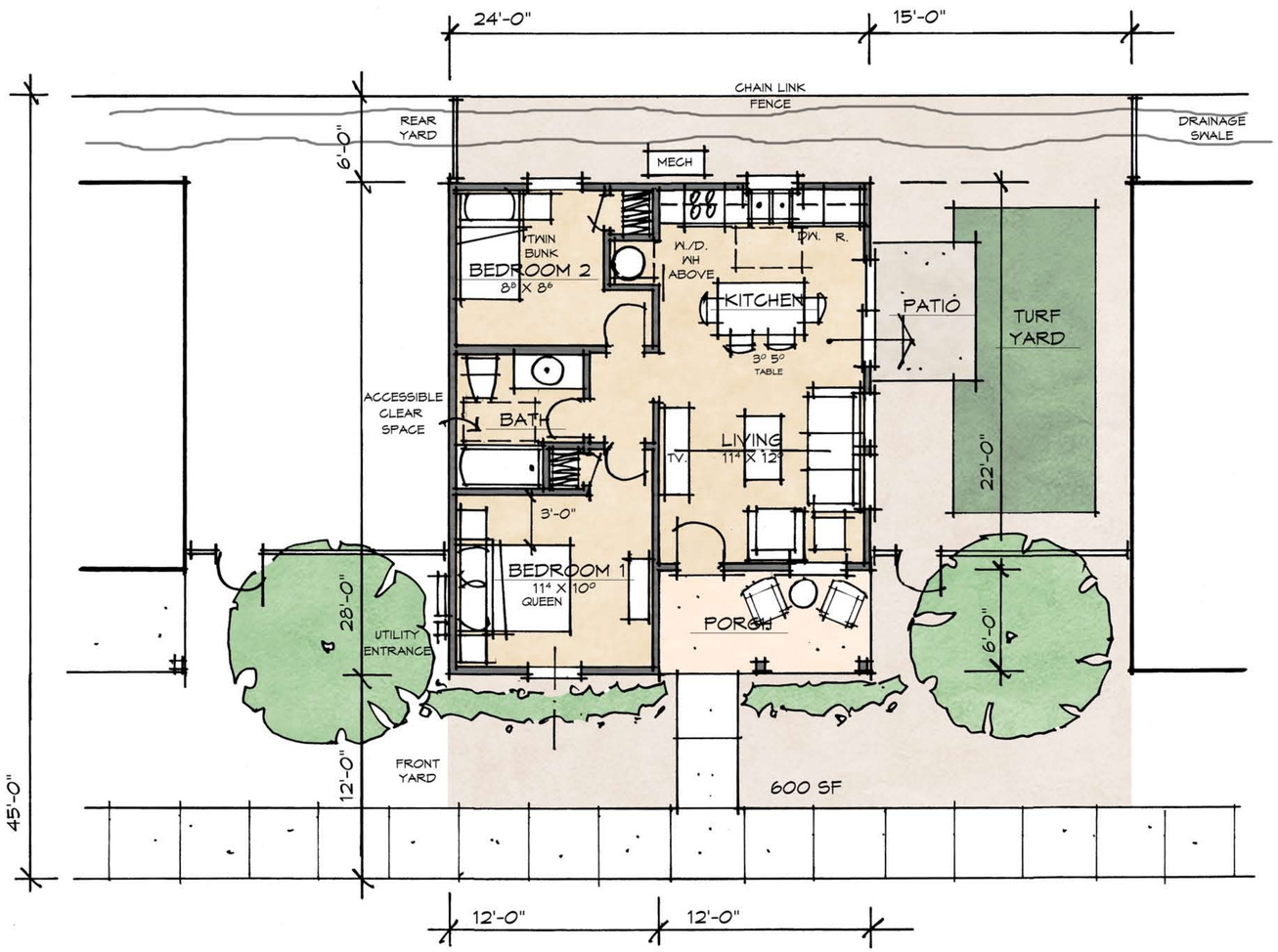
# G. CONCLUSION

This GPA allows for an opportunity to develop an underutilized parcel to assist Avondale's residents secure temporary housing that provides residents with open space to enjoy and easy access to services at the Arizona Complete Health Resource Center. The proposed amendment is consistent with the goals and objectives of the City's General Plan and will be a positive addition and needed services for residents of Avondale.

Exhibit E



WEST COAST MODERN




FLOOR PLAN
600 SF

SITE PLAN

Singleton Community Services, Inc
Developing HOPE Through Housing

# BRIDGE HOUSING AVONDALE

TRANSITIONAL HOUSING CONCEPT

CITY OF AVONDALE, ARIZONA

Linderoth Associates
ARCHITECTS
8135 East Indian Bend Road, Suite 103
Scottsdale, Arizona 85250
P.480.941.0840 F.480.949.1041
Architecture • Planning • Visualization
www.linderoth.com

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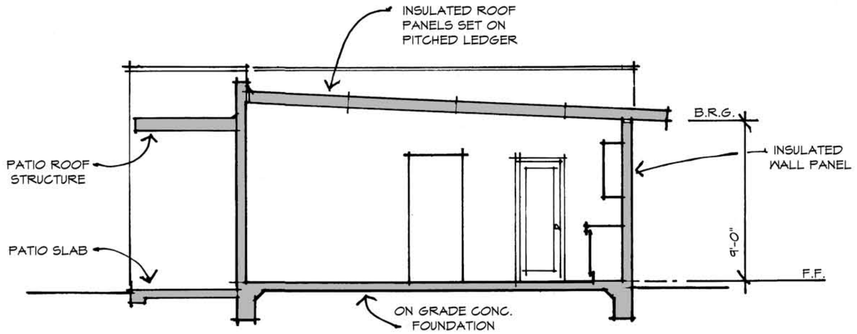
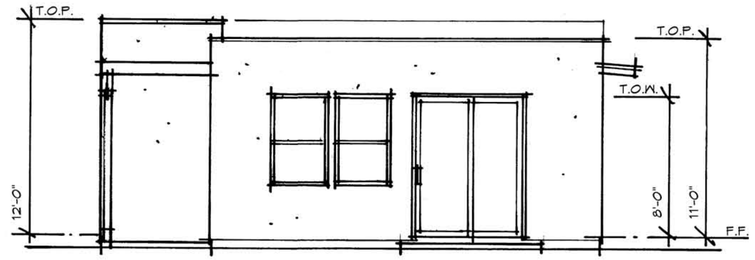
21-018

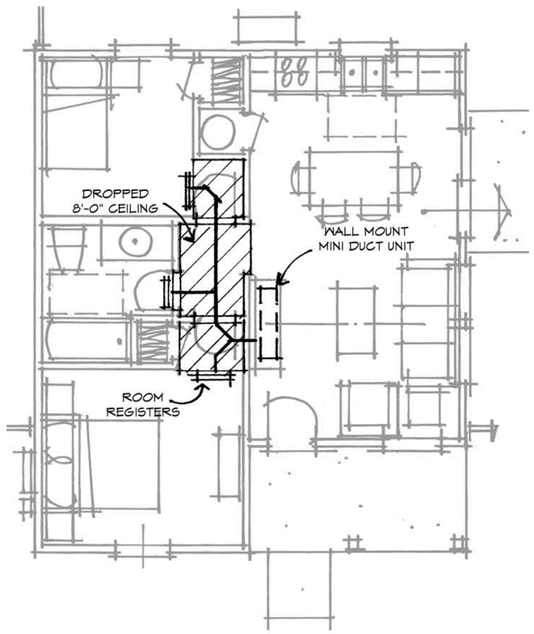
1-4-2022



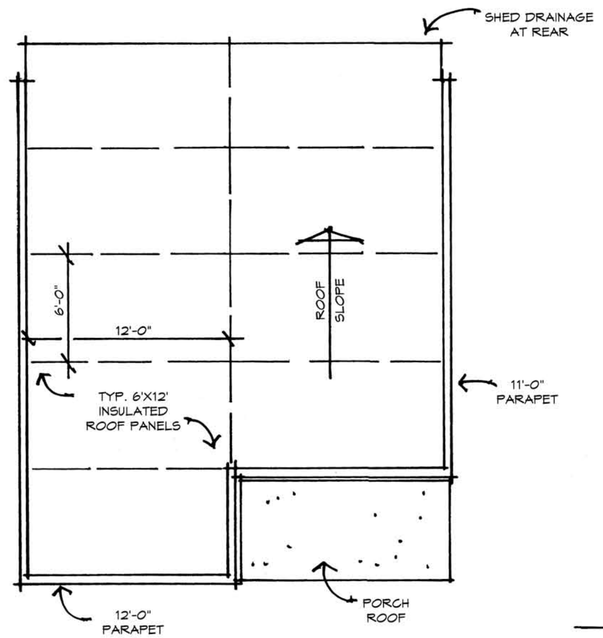

SECTION



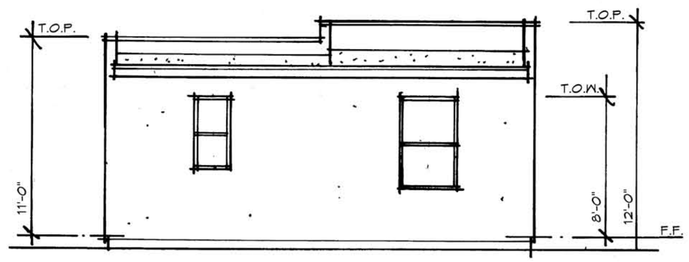

RIGHT SIDE ELEVATION



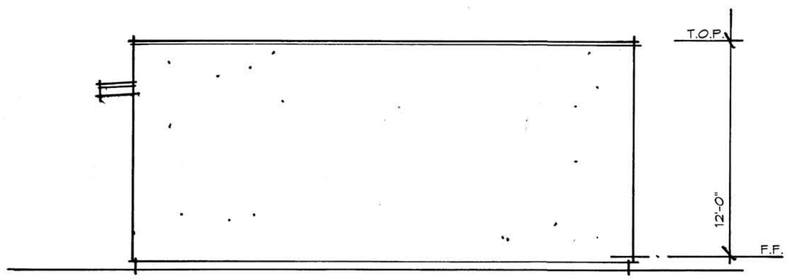

MECHANICAL PLAN




ROOF PLAN




REAR ELEVATION




LEFT SIDE ELEVATION

Singleton Community Services, Inc
Developing HOPE Through Housing

# BRIDGE HOUSING AVONDALE

## TRANSITIONAL HOUSING CONCEPT

CITY OF AVONDALE, ARIZONA

Linderoth Associates
ARCHITECTS
8135 East Indian Bend Road, Suite 103
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www.linderoth.com

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21-018

1-4-2022

# Exhibit F-Neighborhood Meeting Summary

Date of meeting: February 28, 2022, 6:00 P.M.

Location: Zoom

No attendees outside Staff attended.

**RESOLUTION NO. 1030-0522**

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE CITY OF AVONDALE GENERAL PLAN REGARDING THE LAND-USE DESIGNATION OF APPROXIMATELY ± 0.46 ACRES GENERALLY LOCATED APPROXIMATELY 293 FEET SOUTH OF THE SOUTHEAST CORNER OF RILEY DRIVE AND ELISEO C. FELIX JR. WAY, AS SHOWN IN APPLICATION PL-22-0017.

**WHEREAS**, the City of Avondale General Plan (the "General Plan") was adopted by the Mayor and Council of the City of Avondale (the "City Council") on April 2, 2012, and ratified by the qualified electors of the City of Avondale on August 28, 2012; and

**WHEREAS**, the City Council desires to amend the General Plan to change the land-use designation for approximately ± 0.46 acres generally located approximately 293 feet south of the southeast corner of Riley Drive and Eliseo C. Felix Jr. Way, from Open Space and Parks to High Density Residential, as shown in Application PL-22-0017 (the "General Plan Amendment"); and

**WHEREAS**, pursuant to ARIZ. REV. STAT. § 9-461.06 and the General Plan, the City of Avondale (the "City") has consulted with, advised and provided the opportunity for public comment on the General Plan Amendment; and

**WHEREAS**, all due and proper notices of the public hearings on the General Plan Amendment held before the City of Avondale Planning Commission (the "Commission") and the City Council were given in the time, form and substance required by ARIZ. REV. STAT. § 9-461.06; and

**WHEREAS**, pursuant to ARIZ. REV. STAT. § 9-461.06 and the General Plan, the Commission held a public hearing on the proposed General Plan Amendment on April 20, 2022, after which the Commission recommended approval; and

**WHEREAS**, pursuant to ARIZ. REV. STAT. § 9-461.06 and the General Plan, the City Council held a public hearing on the proposed General Plan Amendment on May 2, 2022.

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

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The General Plan is hereby amended to change the land-use designation for approximately ± 0.46 acres generally located approximately 293 feet south of the southeast corner

of Riley Drive and Eliseo C. Felix Jr. Way, as shown in Application PL-22-0017, as depicted on Exhibit A, attached hereto and incorporated herein by reference, from Open Space and Parks to High Density Residential.

SECTION 3. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

**PASSED AND ADOPTED** by the Council of the City of Avondale, Arizona, May 2, 2022.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

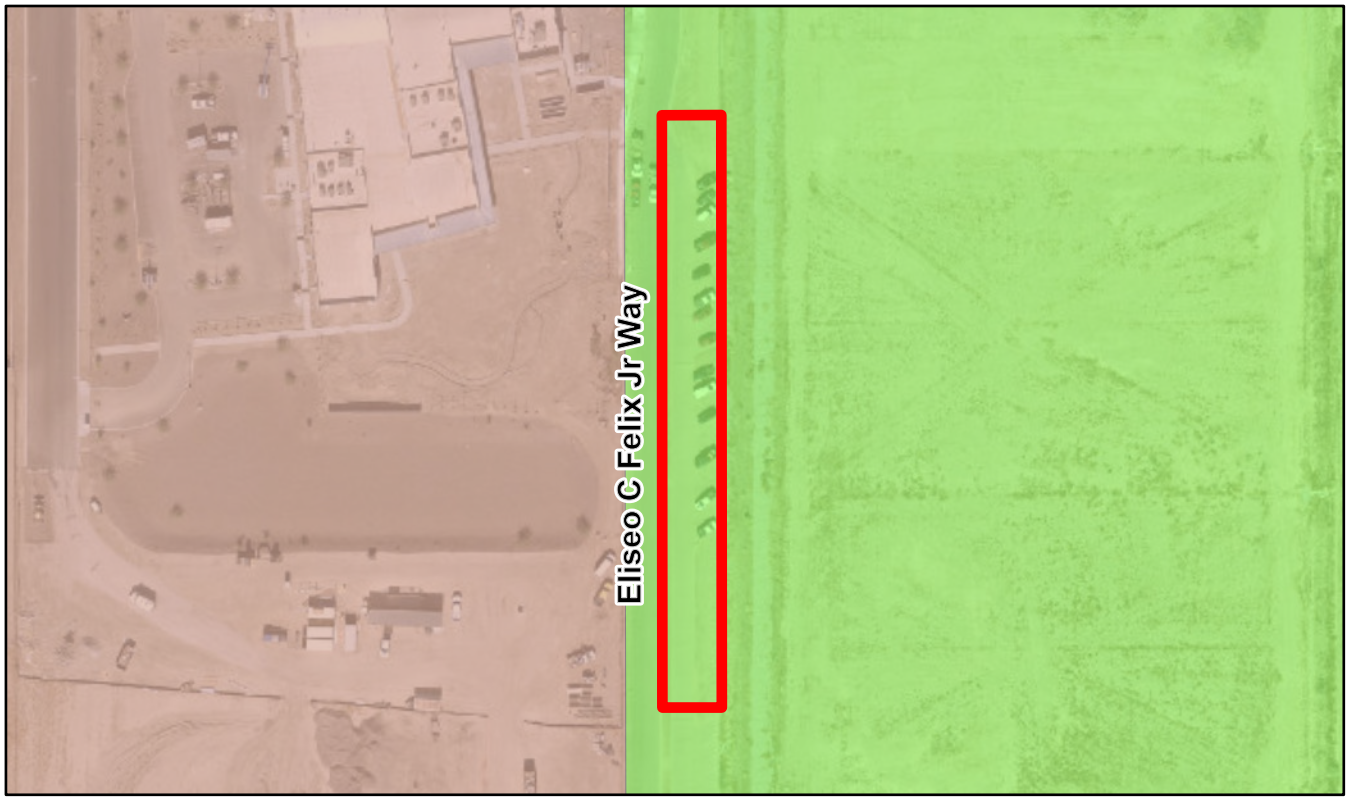
_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1030-0522

[General Plan Amendment Map]

See following page.

Exhibit C




CURRENT LAND USE MAP

PROPOSED LAND USE MAP

# General Plan Land Use

Avondale

- High Density Residential
- Open Space and Parks
- Industrial

Subject Property

N
W E
S

Date: 2/3/2022

Item Number: 4.c.

# CITY COUNCIL REPORT

**SUBJECT:** Public Hearing - Ordinance 2034-0522- City of Avondale Bridge Housing - Rezoning from General Industrial (A-1) to Planned Area Development (PAD) - Application PL-22-0018

**MEETING DATE:** 5/2/2022

---

**TO:** Mayor and Council

**FROM:** Jodie Novak, Acting Director/Assistant Director of Development and Engineering Services, (623) 333-4015

**THROUGH:** Tracy Stevens, Acting Assistant City Manager, (623) 333-1014

---

**STRATEGIC PLAN:**

STRATEGIC OUTCOME AREA: Community and Sustainable Community Development

STRATEGY: Develop diverse housing options, to include housing that is affordable to workers and close to their jobs.

---

**PURPOSE:**

City Council will hold a public hearing and consider a City-initiated request to adopt Ordinance 2034-0522, approving a request to rezone approximately 0.46 net-acres of City-owned land located approximately 293 feet south of the southeast corner of Riley Drive and Eliseo C. Felix Jr. Way. The proposed Rezone, if approved, will change the zoning from General Industrial (A-1) to Planned Area Development (PAD). The proposed Bridge Housing PAD would allow for three (3) to six (6) detached dwelling units. A concurrent request to change the General Plan 2030 Land Use Map designation of the property from Open Space and Parks to High Density Residential will be considered separately. The Council will take appropriate action.

**BACKGROUND:**

The 0.46 net-acre subject property (Exhibits A and B) is located approximately 293 feet south of the southeast corner of Riley Drive and Eliseo C. Felix Jr. Way. The parcel was created through an abandonment of the adjacent roadway in November 2021.

The property was annexed into the City's corporate limits in 1960 and zoned A-1 upon annexation.

The property is designated by the General Plan 2030 Land Use Map as Open Space and Parks, which is land primarily used for City parks, Estrella Mountains, and rivers and corridors designated for public enjoyment in the Parks and Recreation Master Plan. A map showing both the existing and proposed General Plan Land Use designations on the property is included as Exhibit C. Approval of the City's General Plan Amendment request is required for the rezoning to be approved.

The property is located in the service areas of the Avondale Elementary School District and the Agua Fria High School District. Elementary (K-8) students will attend Michael Anderson School located at the southwest corner of Western Avenue and 3rd Avenue, approximately 0.81 miles southwest of the site. High school aged

students will attend the Agua Fria High School located at the northwest corner of Riley Drive and Dysart Road, approximately 0.31 miles northwest of the site.

The existing uses and zoning of surrounding properties include:
**NORTH:** County-owned landfill
**EAST:** County-owned landfill
**SOUTH:** County-owned landfill
**WEST OF ELISEO C. FELIX JR. WAY:** Arizona Complete Health Resource Center

**SUMMARY OF REQUEST:**
The applicant is requesting to rezone the subject property to Planned Area Development (PAD). The proposed Bridge Housing PAD Narrative, included as Exhibit D, details permitted uses, development standards, landscaping and design standards, and other requirements that will guide future development of the site.

The intent of the City of Avondale Bridge Housing PAD is to allow for detached apartment units to assist Avondale's residents secure temporary housing. The proposed development would allow the City to immediately transition families out of homelessness to provide a stable experience that can facilitate placement into permanent housing. The project's estimated completion date is June 30, 2022.

Three (3) dwelling units, which will have two (2) bedrooms and one (1) bathroom, are proposed in the first phase of the development along with the playground, parking area, and a parking canopy. The three (3) southernmost units will be developed in a potential second phase if the City's budget allows for it.

The scope of the project also includes a sidewalk, fiber to the site, dry and wet utilities, landscaping, appliances, and furnishings in the unit.

Access to the site will be provided via two (2) entrances of Eliseo C. Felix Jr. Way into the parking area.

One (1) architectural style is proposed.

As previously noted, the property is currently designated by the General Plan Land Use Map for Open Space and Parks use. Approval of the companion General Plan Amendment request, changing the Land Use Map designation of the property to High Density Residential, is required to consider approval of this rezoning request that will allow for a residential development at a density of 13.04 dwelling units per acre.

**PUBLIC PARTICIPATION:**
A Neighborhood Meeting to discuss the proposal with neighboring property owners and other interested parties was held on February 28, 2022 (Exhibit F). Due to the ongoing Covid-19 pandemic, the meeting was held virtually via Zoom. All notices of the meeting complied with notification requirements.

Two (2) comments pertaining to the proposal were posted on the City's aVOICE/Polco digital forum related to not wanting more high-density housing due to the number of apartment projects already occurring.

No additional public comments have been received to date.

All required notifications for the Planning Commission and City Council public hearings were completed in accordance with notification requirements.

**ANALYSIS:**
The proposed City of Avondale Bridge Housing PAD with a density of 13.04 dwelling units per acre is in conformance with the requested High Density Residential designation.

Additionally, the PAD furthers several goals in the General Plan, most notably:

- General Plan Housing Element Goal 2: Champion the development of housing types not currently available in the City to allow for a variety of socio-economic levels.

The proposed development would allow the City to immediately transition families out of homelessness to provide a stable experience that can facilitate placement into permanent housing. This type of housing is not currently available in the City.

- General Plan Open Space Element Goal 1: Identify, protect, and preserve the natural amenities and environmental attributes that are unique to Avondale and contribute to a healthy lifestyle.

  The project will provide for a minimum of ten (10) percent open space that includes a playground area and a turf yard for each dwelling unit to enjoy.

Permitted Uses
The uses proposed by the PAD are the uses allowed in the City's R-2 (Multi-Family Residential) district. The uses allowed in the R-2 district are fully consistent with the existing and proposed High Density Residential designation and are appropriate for a multi-family residential community.

Development and Design Standards:
The R-2 (Multi-Family Residential) standards are the baseline for this project with some requested modifications. Due to the small size of the site and site constraints, the City's justification for the proposed modifications can be found on page four (4) of the PAD Narrative (Exhibit D). This includes deviations from setbacks, minimum lot depth, distance between multi-family buildings, garages, parking, and landscaping requirements.

The minimum lot width, maximum height, maximum lot coverage, and minimum amount of open space provided by the Bridge Housing development meet or exceed the expectations within the Zoning Ordinance.

The proposed architectural design is conceptual. All homes will be permitted to have the same elevation.

**DISCUSSION:**
The proposed PAD meets the following findings:

1. The proposed Bridge Housing PAD is in direct conformance with the proposed General Plan Land Use Map designation of High Density Residential.

2. The proposed Bridge Housing PAD will result in compatible land use relationships.

3. Adequate public infrastructure to support the proposed development exists.

4. The recommended conditions of approval are reasonable to ensure conformance with the provisions of the Zoning Ordinance and all other applicable City codes, ordinances, and policies.

**BUDGET IMPACT:**
No budget impacts.

**RECOMMENDATION:**
City Council will conduct a public hearing and **ADOPT** an Ordinance, approving Application PL-22-0018 City of Avondale Bridge Housing, a request to rezone approximately 0.46 net acres from General Industrial (A-1) to Planned Area Development (PAD), subject to the following condition of approval:

1. Development shall generally conform to the City of Avondale Bridge Housing PAD Narrative date stamped February 23, 2022, except as modified by these conditions.

**PROPOSED MOTION:**
I move that City Council **ADOPT** an Ordinance, approving Application PL-22-0018, a request to rezone approximately 0.46 net acres from General Industrial (A-1) to Planned Area Development (PAD), subject to one (1) condition listed in the staff report.

***Contact person for document distribution:*** *Michelle Simerdla*

**ORDINANCE NO. 2034-0522**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY ± 0.46 ACRES GENERALLY LOCATED APPROXIMATELY 293 FEET SOUTH OF THE SOUTHEAST CORNER OF RILEY DRIVE AND ELISEO C. FELIX JR. WAY, AS SHOWN IN APPLICATION PL-22-0018, AND REZONING SUCH PROPERTY FROM GENERAL INDUSTRIAL (A-1) TO PLANNED AREA DEVELOPMENT (PAD).

**WHEREAS**, the Council of the City of Avondale (the "City Council") desires to amend the City of Avondale Zoning Atlas (the "Zoning Atlas"), pursuant to ARIZ. REV. STAT. § 9-462.04, to change the zoning description for approximately ± 0.46 acres generally located approximately 293 feet south of the southeast corner of Riley Drive and Eliseo C. Felix Jr. Way, as shown in application PL-22-0018, from General Industrial (A-1) to Planned Area Development (PAD) (the "Zoning Atlas Amendment"); and

**WHEREAS**, all due and proper notices of the public hearings on the Zoning Atlas Amendment held by the City of Avondale Planning Commission (the "Commission") and by the City Council were given in the time, form and substance provided by ARIZ. REV. STAT. § 9-462.04; and

**WHEREAS**, on April 20, 2022, the Commission held a public hearing on the Zoning Atlas Amendment, after which hearing the Commission recommended approval; and

**WHEREAS**, the City Council held an additional public hearing regarding the Zoning Atlas Amendment on May 2, 2022; and

**WHEREAS**, in accordance with Article II, Sections 1 and 2 of the Arizona Constitution, the City Council has considered the individual property rights and personal liberties of the residents of the City before adopting this Ordinance; and

**WHEREAS**, the City Council has considered the probable impact of the Zoning Atlas Amendment on the cost to construct housing for sale or rent and finds that the proposed Zoning Atlas Amendment will have no probable impact on the cost to construct housing for sale or rent.

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

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Zoning Atlas Amendment, is hereby approved, for ± 0.46 acres generally located approximately 293 feet south of the southeast corner of Riley Drive and Eliseo C. Felix Jr. Way, as more particularly described and depicted on Exhibit A attached hereto and incorporated herein by reference, subject to the City of Avondale adopted codes, requirements, standards and regulations, and the following stipulations:

1. Development shall generally conform to the City of Avondale Bridge Housing PAD Narrative date stamped February 23, 2022, except as modified by these conditions.

SECTION 3. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or 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. 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, Arizona, May 2, 2022.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2034-0522

[Legal Description and Map]

See following pages.

ENGINEERING ALLIANCE, INC.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37258
THOMAS E.
LAVALETTE
Date Signed 10/26/2021
ARIZONA, U.S.A.
Expires 03/31/2023

DATE: August 06, 2021
LOCATION: 10th Street & Riley Drive, Maricopa County, Arizona City of Avondale

DESCRIPTION OF LEGAL: Right of Way

PAGE NO. 1 OF 1

LEGAL DESCRIPTION
OF A
PARCEL OF LAND

A Parcel of Land in the Southwest Quarter (SW 1/4) of Section Eleven (11), Township One (1) North, Range One (1) West, of the Gila & Salt River Meridian, Maricopa County, Arizona and being more particularly described as follows:

**Commencing** at a found City of Avondale Brass Cap in Hand Hole at the intersection of Western Avenue and Dysart Road, being the Southwest Corner (SW) of Section 11 from which a found City of Avondale brass cap in a hand hole at the West quarter corner of said Section 11, bears North 00°01'11" East, a distance of 2,644.68 feet;

THENCE along said line North 01 degrees 00 minutes 11 seconds East, a distance of 1322.27 feet to the intersection of Dysart Road and Riley Drive;

THENCE along said centerline of Riley Drive South 89 degrees 48 minutes 20 seconds East, a distance of 1535.81 feet;

THENCE departing said line South 00 degrees 11 minutes 40 seconds West a distance of 302.19 feet to the **Point of Beginning**;

THENCE South 89 degrees 59 minutes 05 seconds East a distance of 45.00 feet;

THENCE South 00 degrees 00 minutes 55 seconds West a distance of 450.00 feet;

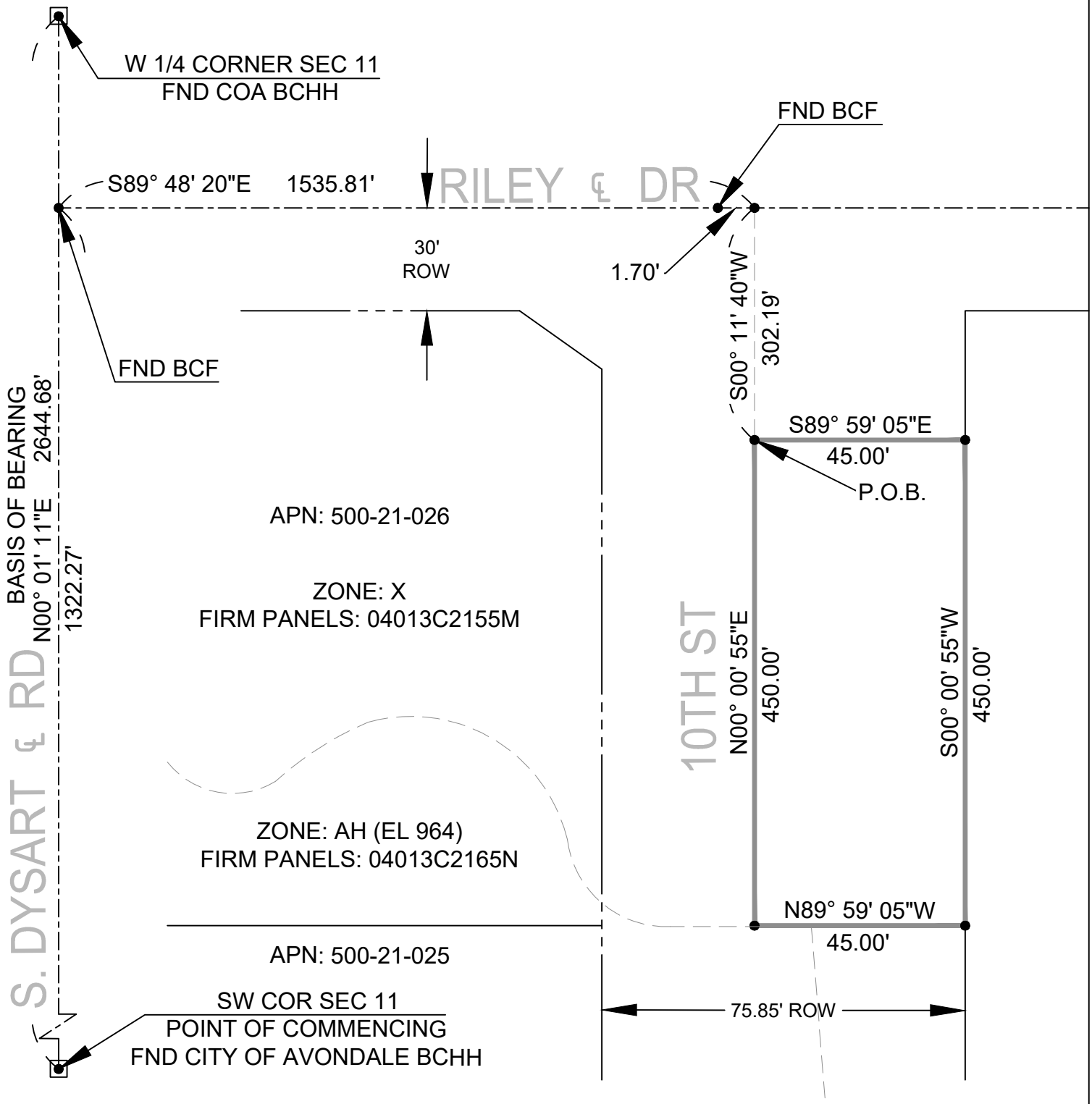
THENCE North 89 degrees 59 minutes 05 seconds West a distance of 45.00 feet;

THENCE North 00 degrees 00 minutes 55 seconds East a distance of 450.00 feet to the **Point of Beginning**;

Said parcel containing 20250 sqft or 0.46 acres more or less

Engineering Alliance, Inc., 1050 East University, Suite 10, Mesa, Arizona 85203
www.eaincglobal.com, Telephone: (602) 757-6032, Email: tlavalette@eaincglobal.com

# EXHIBIT "A"




NORTH

SCALE:
NTS
T1N, R1W

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37258
THOMAS E.
LAVALETTE
Date Signed 10/26/2021
ARIZONA, U.S.A.
Expires 03/31/2023

ENGINEERING ALLIANCE, INC.

| | |
|---|---|
| PROJECT: 2021-M-68 | |
| DATE: 10-26-2021 | CHKD BY: TL |
| DRN BY: BL | SCALE: N.T.S. |
| TITLE: RIGHT OF WAY CITY OF AVONDALE RESOURCE CENTER | |
| SHEET NO: 1 OF 1 | |

Exhibit A

# Aerial Photograph

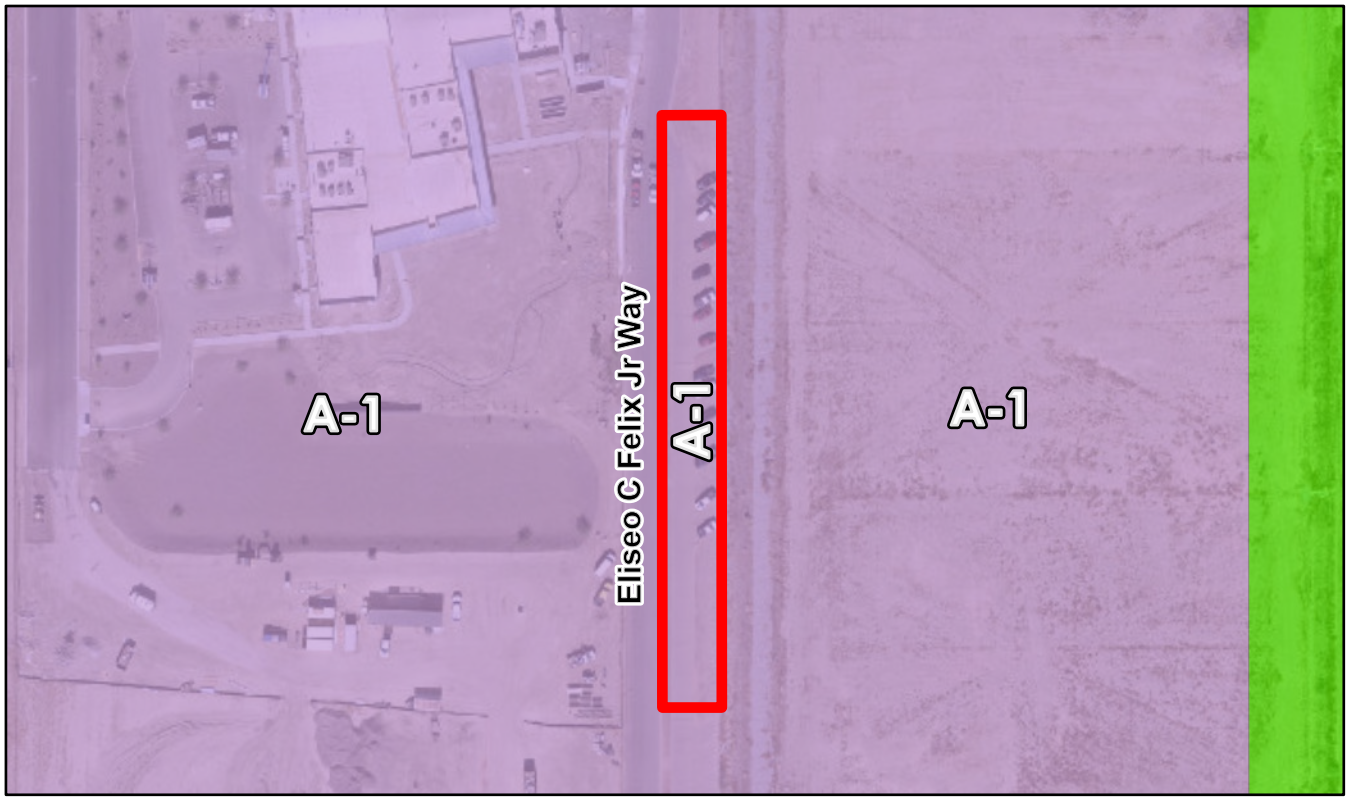
Avondale

Subject Property

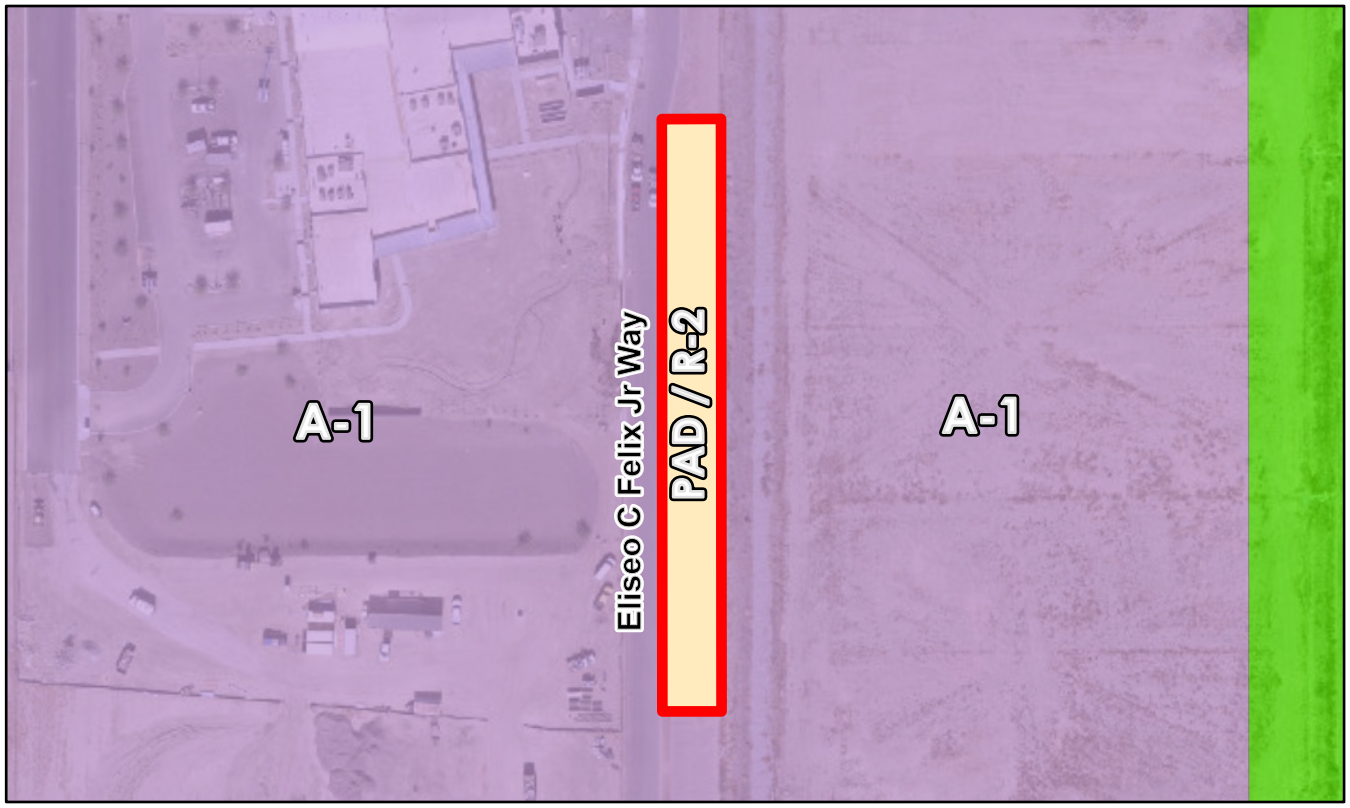
N
W E
S

Date: 2/3/2022

Exhibit B




CURRENT ZONING MAP




PROPOSED ZONING MAP

# Zoning Vicinity

Avondale

Subject Property

N
W E
S

Date: 2/3/2022

Exhibit C

CURRENT LAND USE MAP

PROPOSED LAND USE MAP

# General Plan Land Use

Avondale

- High Density Residential
- Open Space and Parks
- Industrial

Subject Property

N
W E
S

Date: 2/3/2022

EXHIBIT D - PAD REZONE NARRATIVE

FEBRUARY 23, 2022

# CITY OF AVONDALE BRIDGE HOUSING PROJECT

City-initiated request to rezone a 0.46 net-acre property from A-1 (General Industrial) to Planned Area Development. The underlying zoning will be R-2 (Multi-Family Residential), with requested modifications.

**PREPARED BY:**

MICHELLE SIMERDLA (623) 333-4022

# A. INTRODUCTION

The City of Avondale plans to develop a 0.46 net-acre parcel located approximately 293 feet south of the southeast corner of Riley Drive and Eliseo C. Felix Jr. Way, Assessor Parcel Number 500-26-003C. The parcel was created through an abandonment of the roadway in November 2021.

A transitional housing project is proposed that consists of three to six (3-6) detached dwelling units.

An accompanying request for a Minor General Plan Amendment (PL-22-0017), if approved, will amend the City's General Plan 2030 Land Use from Open Space and Parks to High Density Residential, which is residential land that will contain densities up to 30 dwelling units per acre. These residences have limited private outdoor space and rely on shared or common open space for recreation. Patio homes, apartments, condominiums, or townhomes are suitable for this land use.

The proposed Rezone (PL-22-0018), if approved, will change the zoning designation Agricultural (AG) to Planned Area Development with underlying R-2 (Multi-Family Residential) zoning.

The site is currently developed with a parking area for the former Coldwater Park which is now a County-owned landfill zoned General Industrial (A-1). The landfill is to the north, west, and south of the subject parcel. North of Riley Drive is a solar generator business zoned A-1. West of Eliseo C. Felix Jr. Way is the City's new Avondale Complete Health Resource Center.

# B. REQUEST

The City requests to rezone the property from General Industrial (A-1) to Planned Area Development with underlying R-2 (Multi-Family Residential) zoning.

# C. PROJECT OVERVIEW

The intent of the City of Avondale Bridge Housing PAD is to allow for detached apartment units to assist Avondale's residents secure temporary housing. The proposed development would allow the City to immediately transition families out of homelessness to provide a stable experience that can facilitate placement into permanent housing.

Three (3) dwelling units which will have two (2) bedrooms and one (1) bathroom are proposed in the first phase of the development, along with the playground, parking area, and a parking canopy. The three (3) southernmost units will be developed in a potential second phase if the City's budget allows for it. The project's estimated completion date is June 30, 2022.

The scope of the project also includes a sidewalk, fiber to the site, dry and wet utilities, landscaping, appliances, and furnishings in the unit.

One (1) architectural style is proposed.

# D. PAD PERMITTED USES

Permitted R-2 uses include:
1) Residential units
2) Accessory vehicle canopies
3) Accessory resident storage structures

# E. DEVELOPMENT STANDARDS

Development of the project shall conform to the standards set forth in the R-2 zoning district of the Avondale Zoning Ordinance and the standards set forth in this PAD.

| | R-2 | PAD Proposal |
|---|---|---|
| Max. units allowed | 1 unit for every 5,445 square feet net site area | 1 unit per 3,375 square feet net site area |
| Min. Lot Width | 50 feet | 450 feet |
| Min. Lot Depth | 100 feet | 45 feet |
| Max. Height | 30 feet | 30 feet |
| Max. lot coverage | 45 percent | 45 percent |
| Min. Setbacks: | | |
| Front | 20 feet | 10 feet |
| Side | 15 feet* | 5 feet |
| Rear | 15 feet | 5 feet |
| Street Side | 20 feet** | 10 feet |

* 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.

| | Zoning Ordinance | PAD Proposal |
|---|---|---|
| Min. distance between 1-story multi-family buildings | 20 feet | 15 feet |
| Min. square footage of private outdoor space | 80 square feet in the form of patios or balconies | 30 square feet of uncovered patio space and 70 square feet covered porch |
| Min. percentage of open space | 15 percent | 15 percent |
| Min. # of parking spaces for a 2-bedroom multi-family dwelling | 1.75 parking spaces per unit | 1 parking space per unit |
| Min. # of visitor parking spaces | 1 visitor spacer per 10 units | 2 visitor spaces per 6 units |
| Min. # of garages | 20 percent | 0 percent |
| Min. # of covered parking spaces | 1 per unit | 1 per unit |
| Min. # of trees per unit | 1.5 trees per unit not including trees in the right-of-way | 1 tree per unit |
| Min. percentage of landscaped areas | 20 percent net site area | 5 percent net site area |
| Street right-of-way landscaping | 1 tree and 10 shrubs for every 25 feet of street frontage | 0 trees |
| Landscape setback | Min. depth of 20 feet. 1 tree and 10 shrubs for every 20 feet of street frontage and min. 65 percent total vegetative cover. | 3 trees |

**Deviations & Justifications**

Maximum # of units allowed - Increased unit per net site area is requested to allow up to six (6) units on the lot. This will allow the City to maximize the usability of the infill parcel while still providing active open space for each resident.

Minimum lot width and minimum lot depth - This lot will be significantly wider than the minimum but will be short in lot depth by 55 feet. There are some existing site constraints with the road existing in front of the parcel and a Maricopa County Flood Control landfill site to the east. The increased width will allow for adequate side yards for each resident as well as open space areas and parking.

Setbacks - To accommodate a rear yard, the request is to reduce the front yard setback from 20 feet to a minimum of ten (10) feet. The rear yard request is to reduce from ten (10) feet to a minimum of five (5) feet. Residents will be able to enjoy and utilize a side yard patio and turf side yard. The minimum requested for the side yard setback is five (5) feet to allow for flexibility, though it's anticipated that fifteen (15) feet will be provided.

Minimum distance between 1-story multi-family buildings - The request to reduce the distance in between the buildings from 20 feet to fifteen (15) feet is requested to accommodate the development. 15 feet is large enough to provide a patio area and turf yard for each resident. Since each unit only contains one (1) family, this requested setback is sufficient. The Urban Residential (R1-6) single-family zoning designation for example, has a minimum setback of eight (8) feet for a total of 18 feet for both sides.

Minimum # of parking spaces for a 2-bedroom multi-family dwelling and minimum # of visitor parking spaces - This project can only accommodate one (1) parking space per unit but will exceed the required number of visitor parking spaces.

Garages - This site is too small to accommodate garages, but the project will provide covered parking spaces.

Landscaping - Landscaping plans have not yet been prepared for this project. This site does not have any area in the adjacent right-of-way for trees and shrubs. At least one (1) tree will be provided per unit, and potentially a couple trees and shrubs provided in the playground area and possible retention area. Trees may also be planted in the existing landscape median. Overall, a minimum of five (5) percent of the net site area will be landscaped.

# F. RESIDENTIAL DESIGN AND ARCHITECTURE

All units are planned to be one (1) story.

In terms of the floorplan, each unit will be around 600 square feet and includes two (2) bedrooms, one (1) covered porch area, living room, bathroom, and kitchen.

Each home will feature a turf yard and uncovered patio.

There is one conceptual architectural building style called West Coast Modern.

# G. DESIGN GUIDELINES

The architectural designs are conceptual and subject to change. All homes will be permitted to the same elevation (Exhibit E).

# H. SITE PLAN DETAILS

This project will offer a total of three to six (3-6) dwelling units with two (2) bedrooms each, the conceptual layout which is shown on Exhibit E.

The homes will have frontage on Eliseo C. Felix Jr. Way with front, side, and rear yards.

Eight (8) parking spaces will be provided. One (1) parking canopy covering at least three (3) parking spaces will be constructed in the first phase of development. In the 2nd phase, three (3) additional units and another carport may be constructed if the City's budget allows for it.

Just south of the three (3) northernmost homes will be a playground, with a bicycle rack installed to the south next to the playground.

A new crosswalk will be installed, from the northernmost home across Eliseo C. Felix Jr. Way connecting to the City's Avondale Complete Health Resource Center.

A four (4) foot-wide sidewalk is proposed in the first phase.

# I. LANDSCAPING AND OPEN SPACE

This project will provide a minimum of fifteen (15) percent open space. This includes a playground area, rear, and side yards.

# J. INFRASTRUCTURE

**Roadway improvements**
Eliseo C. Felix Jr. Way is the only adjacent public roadway to the development.

**Utilities**
There is an existing water and sewer main in Eliseo C. Felix Jr. Way that will be tapped into.

APS is the electric provider for this site.

**Grading and Drainage**
The site drains west to Eliseo C. Felix Jr. Way to match historic conditions.

**Site Improvements**
A sidewalk, a crosswalk, three to six (3-6) dwelling units, a parking area including three to eight (3-8) covered parking spaces, playground, and turf yards will be constructed. Curb, gutter, and asphalt will be removed.

**Phasing**
Three (3) dwelling units and a canopy covering three (3) parking spaces will be constructed in the first phase. Three (3) additional dwelling units and an additional parking canopy may be built in a future phase, depending on funding. All other site improvements will be constructed in the first phase.

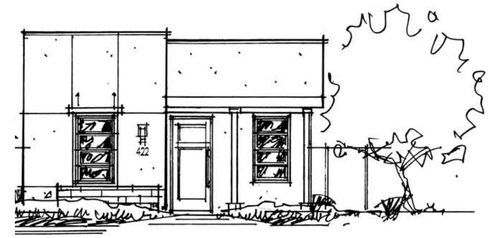
# K. GENERAL PLAN CONFORMANCE

The development will be consistent with the proposed designation of High Density Residential, which is residential land that will contain densities up to 30 dwelling units per acre. These residences have limited private outdoor space and rely on shared or common open space for recreation. Patio homes, apartments, condominiums, or townhomes are suitable for this land use.

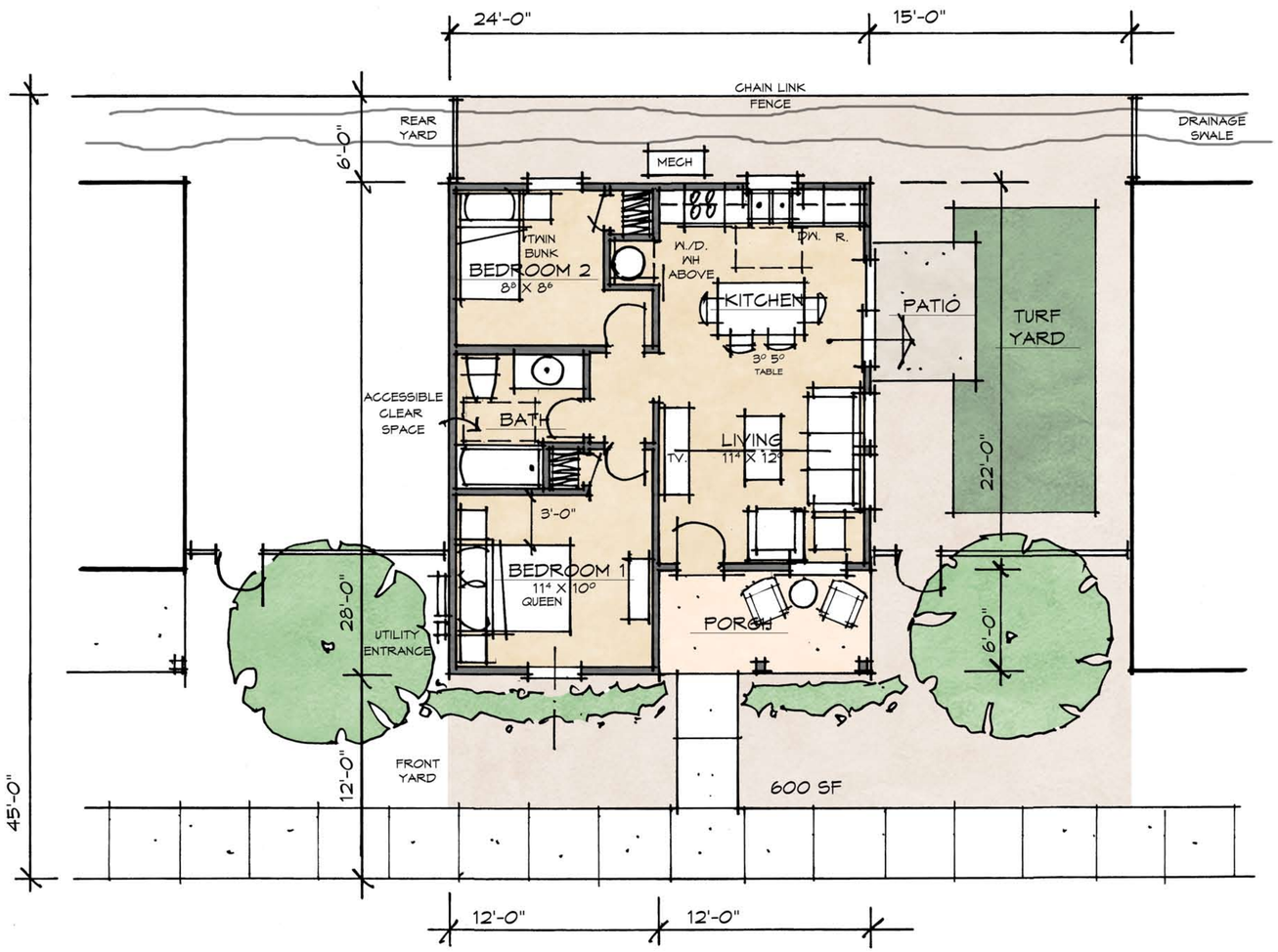
# L. CONCLUSION

This rezone allows for an opportunity to develop an underutilized parcel to assist Avondale's residents secure temporary housing that provides residents with open space to enjoy and easy access to services at the City's Avondale Complete Health Resource Center.

Exhibit E



WEST COAST MODERN




FLOOR PLAN
600 SF

SITE PLAN

Singleton Community Services, Inc
Developing HOPE Through Housing

# BRIDGE HOUSING AVONDALE

TRANSITIONAL HOUSING CONCEPT

CITY OF AVONDALE, ARIZONA

Linderoth Associates
ARCHITECTS
8135 East Indian Bend Road, Suite 103
Scottsdale, Arizona 85250
P.480.941.0840 F.480.949.1041
Architecture • Planning • Visualization
www.linderoth.com

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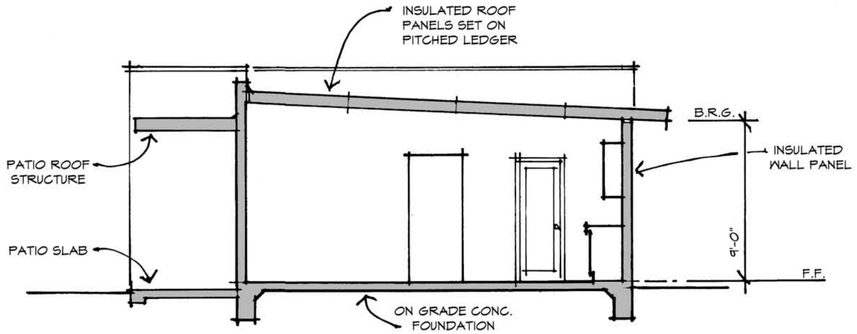
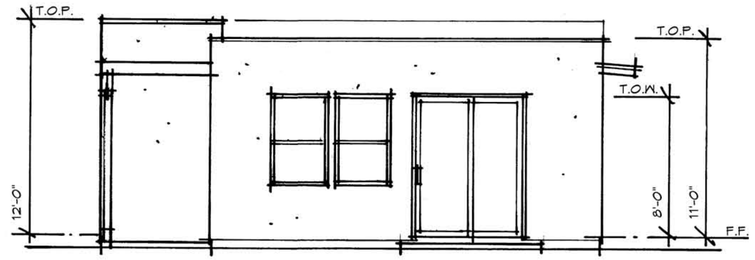
21-018

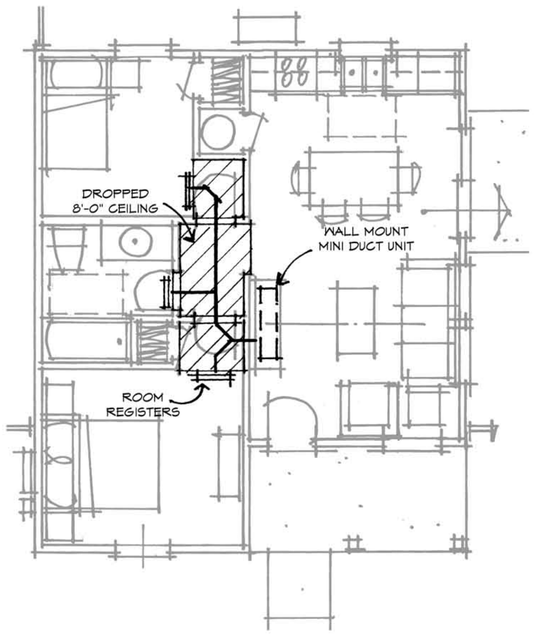
1-4-2022



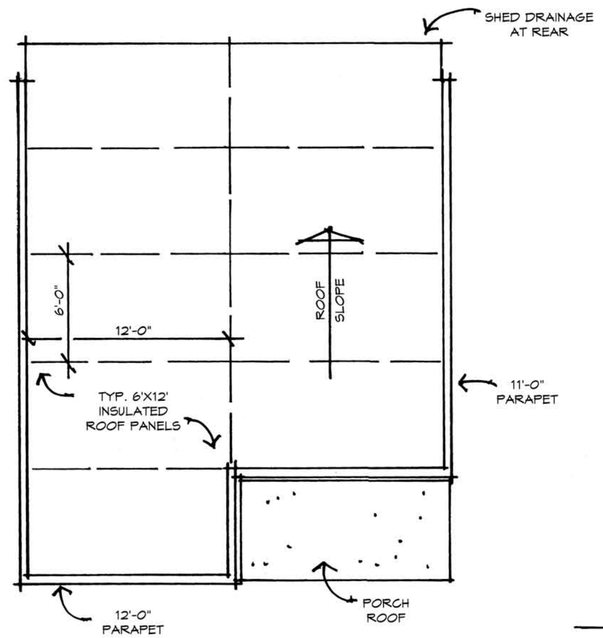

SECTION



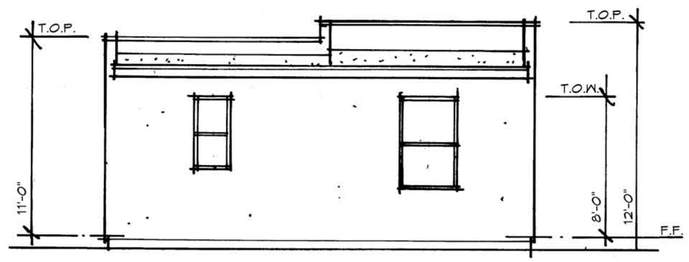

RIGHT SIDE ELEVATION



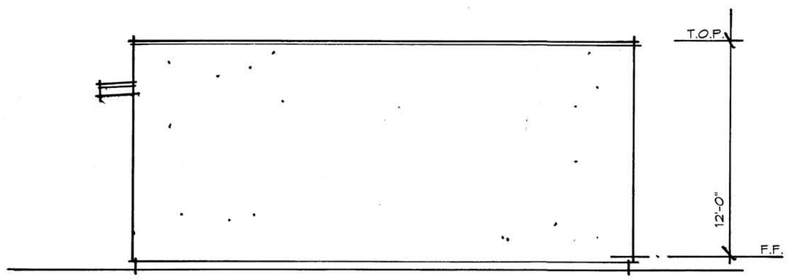

MECHANICAL PLAN




ROOF PLAN




REAR ELEVATION




LEFT SIDE ELEVATION

Singleton Community Services, Inc
Developing HOPE Through Housing

# BRIDGE HOUSING AVONDALE

## TRANSITIONAL HOUSING CONCEPT

CITY OF AVONDALE, ARIZONA

Linderoth Associates
ARCHITECTS
8135 East Indian Bend Road, Suite 103
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P.480.941.0840 F.480.949.1041
Architecture • Planning • Visualization
www.linderoth.com

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21-018

1-4-2022

# Exhibit F-Neighborhood Meeting Summary

Date of meeting: February 28, 2022, 6:00 P.M.

Location: Zoom

No attendees outside Staff attended.

Item Number: 4.d.

# CITY COUNCIL REPORT

**SUBJECT:** Resolution 1031-0522 - Adoption of the Fiscal Year 2023 Tentative Budget

**MEETING DATE:** 5/2/2022

---

**TO:** Mayor and Council

**FROM:** Renee Weatherless, Finance and Budget Director, (623) 333-2011

**THROUGH:** Cherlene Penilla, Acting City Manager, (623) 333-1015

---

**STRATEGIC PLAN:**

This agenda item supports all Avondale Strategic Outcome Areas. The Strategic Plan guides the allocation of funding to the highest priorities.

---

**PURPOSE:**

City Council will consider a request to adopt Resolution 1031-0522, setting forth the fiscal year (FY) 2023 tentative budget and establishing the City's annual expenditure limitation and authorize the Mayor or Acting City Manager, City Attorney, and City Clerk to execute the necessary documents. The Council will take appropriate action.

**BACKGROUND:**

Budget discussions informing the development and presentation of the recommended budget for FY2023 were held with Council on January 10, 2022, March 21, 2022, April 11, 2022 and April 18, 2022. Feedback from those discussions have been incorporated into the tentative budget.

In conformance with state law and the City Charter, the tentative budget must be adopted prior to the third Monday in July. The adoption of the tentative budget will set the maximum limit of expenditures for FY2023. The total budget may be reduced prior to final adoption, but cannot be increased.

**DISCUSSION:**

A summary of the tentative budget and a notice of public hearing on the budget and property tax levy will be published as required by A.R.S. 42-17103. Additionally, the tentative budget will be posted to the city of Avondale website. The following list shows the proposed timeline for all actions required for formal adoption of the city's annual budget:

May 2, 2022 - Adopt tentative budget
May 5, 2022 - 1st publication of tentative budget
May 12, 2022 - 2nd publication of tentative budget
May 19, 2022 - 1st publication of Truth in Taxation Notice
May 27, 2022 - 2nd publication of Truth in Taxation Notice
June 6, 2022 - Truth in Taxation & Final Budget Hearing. Special Meeting Adopting Final Budget
June 21, 2022 - Adopt Property Tax Levy

**BUDGET IMPACT:**

This action will set the maximum expenditure limit for FY2023. Revisions can be made to decrease, but not increase, the total expenditure amount for the final budget.

**RECOMMENDATION:**

Staff recommends that Council adopt Resolution 1030-0522 setting forth the FY2023 tentative budget and annual expenditure limitation and authorize staff to proceed with the required publication process.

***Contact person for document distribution:*** *Robert Baer*

**RESOLUTION NO. 1031-0522**

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, SETTING FORTH THE TENTATIVE BUDGET AND ESTABLISHING THE EXPENDITURE LIMITATION FOR THE CITY OF AVONDALE FOR FISCAL YEAR 2022-2023.

**WHEREAS**, pursuant to the provisions of the laws of the State of Arizona and the City Charter, the Council of the City of Avondale (the "City Council") is required to adopt a budget; and

**WHEREAS**, in accordance with ARIZ. REV. STAT. § 42-17102, the City Manager has prepared and filed with the City Council the City Manager's Budget estimates for the fiscal year beginning July 1, 2022 and ending June 30, 2023; and

**WHEREAS**, the qualified electors of the City of Avondale (the "City") did, on August 4, 2020, approve the Home Rule Option for expenditure limitations pursuant to the Arizona Constitution Article IX, Section 20; and

**WHEREAS**, the Home Rule Option requires that an expenditure limitation must be established each year as part of the annual budget.

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

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The statements and schedules attached hereto as Exhibit A and incorporated herein by reference are hereby adopted as the City's official tentative budget for the fiscal year beginning July 1, 2022, and ending June 30, 2023, including the establishment of the expenditure limitation for such fiscal year in the amount of $457,106,600.

SECTION 3. Upon approval of the City Council, the City Manager or designee shall publish in the official City newspaper once per week for two consecutive weeks (i) the official tentative budget and (ii) a notice of the public hearing of the City Council to hear taxpayers and make tax levies at designated times and places. The notice shall include the physical addresses of the Avondale Civic Center Library, the Sam Garcia Western Avenue Library and the Avondale City Hall, and the website where the tentative budget may be found. If a truth in taxation notice is required under ARIZ. REV. STAT. § 42-17107, it may be combined with such hearing notice.

SECTION 4. The City Manager or designee shall, not later than seven business days following consideration of this Resolution by the City Council, make available at the Avondale Civic Center Library, the Sam Garcia Western Avenue Library and the Avondale City Hall a complete copy of the tentative budget, and shall post the tentative budget on the City's website.

SECTION 5. 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, Arizona, May 2, 2022.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Carrillo, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1031-0522

[Statements and Schedules]

See following pages.

# City of Avondale
## Summary Schedule of Estimated Revenues and Expenditures/Expenses
## Fiscal Year 2023

| Fiscal Year | | Sch | | FUNDS | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | General Fund | Special Revenue Fund | Debt Service Fund | Capital Projects Fund | Trust & Agency Fund | Enterprise Funds Available | Internal Service Funds | Total All Funds |
| 2022 | Adopted/Adjusted Budgeted Expenditures/Expenses* | E | 1 | 146,807,100 | 73,911,000 | 7,835,000 | 21,440,000 | 7,042,400 | 71,660,800 | 7,451,400 | 336,147,700 |
| 2022 | Actual Expenditures/Expenses** | E | 2 | 92,394,400 | 29,298,222 | 7,835,000 | 8,047,000 | 7,042,400 | 34,209,200 | 6,586,500 | 185,412,722 |
| 2023 | Fund Balance/Net Position at July 1*** | | 3 | 98,213,963 | 49,335,950 | 2,140,589 | 49,897,167 | 2,892,828 | 117,603,846 | 7,668,524 | 327,752,867 |
| 2023 | Primary Property Tax Levy | B | 4 | 3,514,575 | | | | | | | 3,514,575 |
| 2023 | Secondary Property Tax Levy | B | 5 | | | 4,925,173 | | | | | 4,925,173 |
| 2023 | Estimated Revenues Other than Property Taxes | C | 6 | 108,990,600 | 68,799,100 | 0 | 8,072,000 | 9,975,000 | 44,758,000 | 7,861,500 | 248,456,200 |
| 2023 | Other Financing Sources | D | 7 | 0 | 0 | 0 | 561,000 | 0 | 735,000 | 0 | 1,296,000 |
| 2023 | Other Financing (Uses) | D | 8 | (561,000) | 0 | 0 | 0 | 0 | (735,000) | 0 | (1,296,000) |
| 2023 | Interfund Transfers In | D | 9 | 67,749,000 | 2,248,800 | 4,984,000 | 1,328,000 | 0 | 41,462,000 | 0 | 117,771,800 |
| 2023 | Interfund Transfers (Out) | D | 10 | (71,846,800) | (3,100,000) | 0 | 0 | 0 | (42,825,000) | 0 | (117,771,800) |
| 2023 | Reduction for Amounts Not Available: | | 11 | | | | | | | | |
| LESS: | Amounts for Future Debt Retirement: | | | | | | | | | | 0 |
| | Future Capital Projects | | | | | | | | | | 0 |
| | Maintained Fund Balance for Financial Stability | | | | | | | | | | 0 |
| | | | | | | | | | | | 0 |
| | | | | | | | | | | | 0 |
| 2023 | Total Financial Resources Available | | 12 | 206,060,338 | 117,283,850 | 12,049,762 | 59,858,167 | 12,867,828 | 160,998,846 | 15,530,024 | 584,648,815 |
| 2023 | Budgeted Expenditures/Expenses | E | 13 | 183,813,700 | 106,662,100 | 9,866,000 | 40,162,000 | 10,312,000 | 97,110,400 | 9,180,400 | 457,106,600 |

| | EXPENDITURE LIMITATION COMPARISON | 2022 | 2023 |
|---|---|---|---|
| 1 | Budgeted expenditures/expenses | $ 280,109,400 | $ 457,106,600 |
| 2 | Add/subtract: estimated net reconciling items | | |
| 3 | Budgeted expenditures/expenses adjusted for reconciling items | 280,109,400 | 457,106,600 |
| 4 | Less: estimated exclusions | | |
| 5 | Amount subject to the expenditure limitation | $ 280,109,400 | $ 457,106,600 |
| 6 | EEC expenditure limitation or voter-approved alternative expenditure limitation | $ 280,109,400 | $ 457,106,600 |

* Includes Expenditure/Expense Adjustments Approved in the current year from Schedule E.

** Includes actual amounts as of the date the proposed budget was prepared, adjusted for estimated activity for the remainder of the fiscal year.

*** Amounts on this line represent Fund Balance/Net Position amounts except for amounts not in spendable form (e.g., prepaids and inventories) or legally or contractually required to be maintained intact (e.g., principal of a permanent fund).

# City of Avondale
# Tax Levy and Tax Rate Information
# Fiscal Year 2023

| | 2022 | 2023 |
|---|---|---|
| 1. Maximum allowable primary property tax levy. A.R.S. §42-17051(A) | $ 3,290,678 | $ 3,514,575 |
| 2. Amount received from primary property taxation in the **current year** in excess of the sum of that year's maximum allowable primary property tax levy. A.R.S. §42-17102(A)(18) | $ | |
| 3. Property tax levy amounts | | |
| A. Primary property taxes | $ 3,290,678 | $ 3,514,575 |
| B. Secondary property taxes | 3,724,510 | 4,925,173 |
| C. Total property tax levy amounts | $ 7,015,188 | $ 8,439,748 |
| 4. Property taxes collected* | | |
| A. Primary property taxes | | |
| (1) **Current** year's levy | $ 3,290,678 | |
| (2) Prior years' levies | 0 | |
| (3) Total primary property taxes | $ 3,290,678 | |
| B. Secondary property taxes | | |
| (1) **Current** year's levy | $ 3,724,510 | |
| (2) Prior years' levies | | |
| (3) Total secondary property taxes | $ 3,724,510 | |
| C. Total property taxes collected | $ 7,015,188 | |
| 5. Property tax rates | | |
| A. City/Town tax rate | | |
| (1) Primary property tax rate | 0.6672 | 0.6458 |
| (2) Secondary property tax rate | 0.7552 | 0.9050 |
| (3) Total city/town tax rate | 1.4224 | 1.5508 |

B. Special assessment district tax rates

Secondary property tax rates - As of the date the proposed budget was prepared, the city/town was operating 22 special assessment districts for which secondary property taxes are levied. For information pertaining to these special assessment districts and their tax rates, please contact the city/town.

* Includes actual property taxes collected as of the date the proposed budget was prepared, plus estimated property tax collections for the remainder of the fiscal year.

# City of Avondale
## Revenues Other Than Property Taxes
## Fiscal Year 2023

| SOURCE OF REVENUES | ESTIMATED REVENUES 2022 | ACTUAL REVENUES* 2022 | ESTIMATED REVENUES 2023 |
|---|---|---|---|
| **GENERAL FUND** | | | |
| **Local taxes** | | | |
| Local Sales Tax | $ 42,341,000 | $ 50,141,000 | $ 52,015,000 |
| Other Taxes | 47,000 | 7,000 | 50,000 |
| **Licenses and permits** | | | |
| Franchise Fees | 1,200,000 | 1,180,000 | 1,180,000 |
| Building & Development Permits | 5,488,000 | 5,671,000 | 7,884,000 |
| Licenses | 220,000 | 205,000 | 205,000 |
| **Intergovernmental** | | | |
| State Urban Revenue Sharing | 11,472,000 | 11,722,000 | 16,092,000 |
| City's Share of St. Sales Tax | 10,324,000 | 11,444,000 | 11,470,000 |
| Auto Lieu Tax | 4,077,000 | 4,098,000 | 4,221,000 |
| Other State Sources | | | 252,000 |
| Other Cities & Towns | 1,897,100 | 1,356,000 | 1,445,900 |
| Other Governments | 21,000 | 0 | 520,300 |
| **Charges for services** | | | |
| Development Charges for Service | 2,278,000 | 2,365,000 | 2,441,000 |
| Other Charges for Service | 450,000 | 235,000 | 235,000 |
| Recreation Charges for Service | 395,500 | 401,750 | 528,000 |
| **Fines and forfeits** | | | |
| Court Fines | 847,000 | 914,000 | 914,000 |
| Other Fines | 21,000 | 15,000 | 15,000 |
| **Interest on investments** | | | |
| Interest | 320,000 | 200,000 | 529,000 |
| **Miscellaneous** | | | |
| Sale of Assets | 9,000 | 9,000 | 9,000 |
| Other Revenue | 783,900 | 685,000 | 569,000 |
| Operating Lease | 737,000 | 700,000 | 764,400 |
| **General Fund Capital** | | | |
| Sale of Land | 6,790,000 | 6,790,000 | 7,650,000 |
| | 6,790,000 | 6,790,000 | 7,650,000 |
| **Volunteer Firefighter's Pension** | | | |
| Interest | $ 2,000 | $ 3,000 | $ 1,000 |
| | $ 2,000 | $ 3,000 | $ 1,000 |
| **Total General Fund** | $ 89,720,500 | $ 98,141,750 | $ 108,990,600 |

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

| | | | |
|---|---|---|---|
| **SPECIAL REVENUE FUNDS** | | | |
| **Highway User Revenue Fund** | | | |
| Highway User Revenue Fees | $ 5,849,000 | $ 6,401,000 | $ 6,721,000 |
| Other Revenue | | 3,000 | 0 |
| Interest | 28,000 | 28,000 | 50,000 |
| | 5,877,000 | 6,432,000 | 6,771,000 |
| **Senior Nutrition** | | | |
| Federal Sources | 351,000 | 351,000 | 381,000 |
| Other Cities & Towns | 18,600 | 18,800 | 0 |
| Other Revenue | 17,100 | 17,100 | 36,300 |
| | 386,700 | 386,900 | 417,300 |

# City of Avondale
## Revenues Other Than Property Taxes
## Fiscal Year 2023

| SOURCE OF REVENUES | ESTIMATED REVENUES 2022 | ACTUAL REVENUES* 2022 | ESTIMATED REVENUES 2023 |
|---|---|---|---|
| **Community Action Program** | | | |
| Federal Sources | 311,100 | 311,100 | 628,700 |
| Other Charges for Service | | | 600 |
| Other Cities and Towns | 25,000 | 0 | 25,000 |
| | 336,100 | 311,100 | 654,300 |
| **HOME Grant** | | | |
| Federal Sources | 613,700 | 613,700 | 1,593,900 |
| | 613,700 | 613,700 | 1,593,900 |
| **Other Grants** | | | |
| Other State Sources | 511,000 | 186,000 | 184,000 |
| Other Federal Sources | 1,049,100 | 1,049,100 | 1,087,200 |
| Other Grants and Donations | 761,000 | 761,000 | 1,248,000 |
| Other Revenue | 25,459,000 | 0 | 17,140,700 |
| | 27,780,100 | 1,996,100 | 19,659,900 |
| **Cemetery Maintenance Fund** | | | |
| Interest | 0 | 1,500 | 0 |
| | 0 | 1,500 | 0 |
| **Transit Fund** | | | |
| Other Revenue | 20,500 | 10,500 | 0 |
| Interest | | | 3,000 |
| Arizona Lottery Fund | 218,000 | 218,000 | 225,800 |
| | 238,500 | 228,500 | 228,800 |
| **County RICO** | | | |
| Seizure of Property | 40,000 | 40,000 | 30,000 |
| | 40,000 | 40,000 | 30,000 |
| **Court Enhancements** | | | |
| Court Fines | 43,600 | 84,100 | 21,000 |
| Interest | 5,000 | 0 | 0 |
| | 48,600 | 84,100 | 21,000 |
| **Judicial Collection Enhancement** | | | |
| Court Fines | 21,000 | 21,000 | 21,000 |
| | 21,000 | 21,000 | 21,000 |
| **Fill the Gap** | | | |
| Court Fines | 9,000 | 17,300 | 10,200 |
| | 9,000 | 17,300 | 10,200 |
| **Regional Family Advocacy** | | | |
| Federal Sources | 260,000 | 260,000 | 260,000 |
| Other Cities and Towns | 791,800 | 0 | 1,160,200 |
| Other Grants | 200,000 | 0 | 0 |
| | 1,251,800 | 260,000 | 1,420,200 |
| **0.5% Dedicated Sales Tax** | | | |
| City Sales Tax | 10,443,000 | 12,056,000 | 12,609,000 |
| Interest Earned | 154,000 | 30,000 | 29,000 |
| | 10,597,000 | 12,086,000 | 12,638,000 |
| **Public Safety Dedicated Sales Tax** | | | |
| City Sales Tax | 10,443,000 | 12,056,000 | 12,609,000 |
| Interest | 78,000 | 78,000 | 42,000 |
| | 10,521,000 | 12,134,000 | 12,651,000 |
| **Community Development Block Grant** | | | |
| Other Federal Sources | 2,002,100 | 2,143,100 | 3,018,800 |
| | 2,002,100 | 2,143,100 | 3,018,800 |
| **Environmental Programs Fund** | | | |
| Environmental Fee | 291,000 | 295,000 | 300,000 |

# City of Avondale
## Revenues Other Than Property Taxes
## Fiscal Year 2023

| SOURCE OF REVENUES | ESTIMATED REVENUES 2022 | ACTUAL REVENUES* 2022 | ESTIMATED REVENUES 2023 |
|---|---|---|---|
| | 291,000 | 295,000 | 300,000 |
| **Wildland Fire Deployment** | | | |
| Other State Sources | 172,200 | 172,200 | 250,000 |
| | 172,200 | 172,200 | 250,000 |
| **Tow Impound Fund** | | | |
| Other Fines | 50,000 | 50,000 | 50,100 |
| | 50,000 | 50,000 | 50,100 |
| **American Rescue Plan Act** | | | |
| Federal Sources | | 8,943,664 | 8,943,600 |
| | 0 | 8,943,664 | 8,943,600 |
| **Tourism Fund** | | | |
| Other State Sources | 43,000 | 43,000 | 120,000 |
| | 43,000 | 43,000 | 120,000 |
| **Total Special Revenue Funds** | $ 60,278,800 | $ 46,259,164 | $ 68,799,100 |

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

| | | | |
|---|---|---|---|
| **DEBT SERVICE FUNDS** | | | |
| **General Obligation** | | | |
| Interest | $ 10,000 | $ 0 | $ 0 |
| | $ 10,000 | $ 0 | $ 0 |
| **0.5% Dedicated Sales Tax Debt** | | | |
| Interest | $ 31,000 | $ 0 | $ 0 |
| | $ 31,000 | $ 0 | $ 0 |
| **Total Debt Service Funds** | $ 41,000 | $ 0 | $ 0 |
| **CAPITAL PROJECTS FUNDS** | | | |
| **Landscaping Landfill Remediation** | | | |
| Other Revenue | | 70,000 | 70,000 |
| Interest | 0 | 1,000 | 2,000 |
| | 0 | 71,000 | 72,000 |
| **Streets Development Impact Fee Fund** | | | |
| Development Impact Fees | 3,419,000 | 3,718,000 | 3,837,000 |
| | 3,419,000 | 3,718,000 | 3,837,000 |
| **Police Development Impact Fee Fund** | | | |
| Development Impact Fees | 950,000 | 1,028,000 | 1,061,000 |
| | 950,000 | 1,028,000 | 1,061,000 |
| **Fire Development Impact Fee Fund** | | | |
| Development Impact Fees | 878,000 | 1,008,000 | 1,040,000 |
| | 878,000 | 1,008,000 | 1,040,000 |
| **Parks Development Impact Fee Fund** | | | |
| Development Impact Fees | 1,576,000 | 1,765,000 | 1,822,000 |
| | 1,576,000 | 1,765,000 | 1,822,000 |
| **Vehicle Replacement** | | | |
| Sale of Assets | 62,000 | 70,000 | 62,000 |
| Interest | 190,000 | 119,000 | 178,000 |
| | 252,000 | $ 189,000 | $ 240,000 |
| **Equipment Replacement** | | | |
| Interest | 2,000 | 0 | 0 |
| | 2,000 | 0 | 0 |

# City of Avondale
## Revenues Other Than Property Taxes
## Fiscal Year 2023

| SOURCE OF REVENUES | ESTIMATED REVENUES 2022 | ACTUAL REVENUES* 2022 | ESTIMATED REVENUES 2023 |
|---|---|---|---|
| **Total Capital Projects Funds** | $ 7,077,000 | $ 7,779,000 | $ 8,072,000 |

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

| | | | |
|---|---|---|---|
| **Trust and Agency** | | | |
| **Employee Benefit Trust** | | | |
| Contributions | $ 6,651,600 | 0 | $ 9,855,000 |
| Other Revenue | | | 120,000 |
| | $ 6,651,600 | $ 0 | $ 9,975,000 |
| **Total Permanent Funds** | $ 6,651,600 | $ 0 | $ 9,975,000 |
| **ENTERPRISE FUNDS** | | | |
| **Water Fund** | | | |
| Water Sales | $ 15,770,000 | $ 17,040,000 | $ 17,865,000 |
| Interest | 320,000 | 320,000 | 399,000 |
| Operating Lease | 33,000 | 39,000 | 39,000 |
| Other Revenue | 70,000 | 70,000 | 70,000 |
| Other Fines | | 2,000 | 0 |
| | $ 16,193,000 | $ 17,471,000 | $ 18,373,000 |
| **Sewer Operations** | | | |
| Sewer Fees | $ 10,275,000 | $ 10,325,000 | $ 10,733,000 |
| Interest | 206,000 | 206,000 | 237,000 |
| | $ 10,481,000 | $ 10,531,000 | $ 10,970,000 |
| **Solid Waste** | | | |
| Sanitation Fees | 5,400,000 | 5,700,000 | 5,985,000 |
| Interest | 58,000 | 58,000 | 47,000 |
| Licenses | 29,000 | 34,000 | 34,000 |
| | 5,487,000 | 5,792,000 | 6,066,000 |
| **Water Equipment Replacement** | | | |
| Interest | 16,000 | 0 | 16,000 |
| | 16,000 | 0 | 16,000 |
| **Solid Waste Equipment Replacement** | | | |
| Interest | 70,000 | 0 | 70,000 |
| | 70,000 | 0 | 70,000 |
| **Water Development Impact Fees** | | | |
| Development Fees | 3,284,000 | 3,744,000 | 3,864,000 |
| | 3,284,000 | 3,744,000 | 3,864,000 |
| **Sewer Development Impact Fees** | | | |
| Development Fees | 4,411,000 | 5,179,000 | 5,344,000 |
| Interest | 55,000 | 0 | 55,000 |
| | 4,466,000 | 5,179,000 | 5,399,000 |
| **Total Enterprise Funds** | $ 39,997,000 | $ 42,717,000 | $ 44,758,000 |

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

| | | | |
|---|---|---|---|
| **INTERNAL SERVICE FUNDS** | | | |
| **Risk Management** | | | |
| Internal Service Charges | $ 1,618,100 | $ 1,618,100 | $ 2,955,000 |
| Other Revenue | 13,500 | 80,000 | 13,500 |
| Interest | 45,000 | 0 | 47,000 |
| | $ 1,676,600 | $ 1,698,100 | $ 3,015,500 |
| **Fleet Services Management** | | | |

# City of Avondale
## Revenues Other Than Property Taxes
## Fiscal Year 2023

| SOURCE OF REVENUES | ESTIMATED REVENUES 2022 | ACTUAL REVENUES* 2022 | ESTIMATED REVENUES 2023 |
|---|---|---|---|
| Internal Service Charges | $ 3,252,000 | $ 3,252,000 | $ 4,221,500 |
| | $ 3,252,000 | $ 3,252,000 | $ 4,221,500 |
| **Worker's Compensation** | | | |
| Internal Service Charges | $ 624,500 | $ 624,500 | $ 624,500 |
| | $ 624,500 | $ 624,500 | $ 624,500 |
| **Total Internal Service Funds** | $ 5,553,100 | $ 5,574,600 | $ 7,861,500 |
| **TOTAL ALL FUNDS** | $ 209,319,000 | $ 200,471,514 | $ 248,456,200 |

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

# City of Avondale
## Other Financing Sources/(Uses) and Interfund Transfers
## Fiscal Year 2023

| | OTHER FINANCING 2023 | | INTERFUND TRANSFERS 2023 | |
|---|---|---|---|---|
| FUND | SOURCES | (USES) | IN | (OUT) |
| **GENERAL FUND** | | | | |
| Operating Transfers | $ | $ | $ 972,000 | $ (4,248,800) |
| Capital Transfers | | | 0 | (67,598,000) |
| Interfund Loans | 0 | (561,000) | | |
| General Fund Asset Replacement | | | 3,597,000 | |
| General Fund Capital | | | 61,180,000 | 0 |
| Economic Opportunities - from General Fund | | | 2,000,000 | 0 |
| **Total General Fund** | $ 0 | $ (561,000) | $ 67,749,000 | $ (71,846,800) |
| **SPECIAL REVENUE FUNDS** | | | | |
| Dedicated Sales Tax - Debt | $ | $ | $ 0 | $ (3,100,000) |
| Transit Fund - Operating Transfers | | | 1,847,000 | 0 |
| Regional Family Advocacy - Operating Transfers | | | 301,800 | 0 |
| Public Arts Fund - Operating Transfers | | | 100,000 | $ 0 |
| **Total Special Revenue Funds** | $ 0 | $ 0 | $ 2,248,800 | $ (3,100,000) |
| **DEBT SERVICE FUNDS** | | | | |
| 0.5% Dedicated Sales Tax Debt- Debt Transfer | $ | $ | $ 2,645,000 | $ 0 |
| 2019 PRO Debt Service - Debt Transfer | | | 846,000 | 0 |
| 2021 PRO Debt Service | | | 1,493,000 | |
| **Total Debt Service Funds** | $ 0 | $ 0 | $ 4,984,000 | $ 0 |
| **CAPITAL PROJECTS FUNDS** | | | | |
| Parks Development Impact Fee - Interfund Loan | 561,000 | 0 | | |
| Vehicle Replacement - Capital | | | 1,328,000 | 0 |
| **Total Capital Projects Funds** | $ 561,000 | $ 0 | $ 1,328,000 | $ 0 |
| **ENTERPRISE FUNDS** | | | | |
| Water Fund - Operating Transfers | $ | $ (735,000) | $ 0 | $ (580,000) |
| Sewer Fund - Operating Transfers | | | 0 | $ (392,000) |
| Water Fund - Capital Transfers | | | 0 | (26,641,000) |
| Sewer Fund - Capital Transfers | | | 0 | (13,768,000) |
| Water Construction | | | 26,603,000 | 0 |
| Water Impact Fees | 735,000 | | | (391,000) |
| Water Equipment Replacement - Capital | | | 38,000 | 0 |
| Sewer Construction | | | 11,388,000 | 0 |
| Sewer Equipment Replacement - Capital | | | 1,788,000 | 0 |
| Sewer PRO Debt | | | 592,000 | |
| Solid Waste - Capital Transfers | | | | (1,053,000) |
| Solid Waste Equipment Replacement - Capital | | | 695,000 | 0 |
| Solid Waste Fund - Capital Transfers | | | 358,000 | 0 |
| **Total Enterprise Funds** | $ 735,000 | $ (735,000) | $ 41,462,000 | $ (42,825,000) |
| **TOTAL ALL FUNDS** | $ 1,296,000 | $ (1,296,000) | $ 117,771,800 | $ (117,771,800) |

# City of Avondale
## Expenditures/Expenses by Fund
## Fiscal Year 2023

| FUND/DEPARTMENT | ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2022 | EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2022 | ACTUAL EXPENDITURES/ EXPENSES* 2022 | BUDGETED EXPENDITURES/ EXPENSES 2023 |
|---|---|---|---|---|
| **GENERAL FUND** | | | | |
| City Administration | $ 2,252,200 | $ 93,300 | $ 2,236,000 | $ 2,626,600 |
| City Attorney | 1,864,700 | | 1,396,000 | 1,981,700 |
| City Clerk | 824,300 | | 814,000 | 904,000 |
| City Council | 329,100 | (6,300) | 329,000 | 360,200 |
| City Court | 1,297,100 | | 1,279,000 | 1,375,600 |
| Contingency | 14,645,700 | (12,433,400) | 0 | 23,000,000 |
| Development & Engineering Services | 5,527,500 | 66,975 | 5,352,000 | 6,638,000 |
| Economic Development | 2,114,300 | (207,500) | 1,752,000 | 2,374,500 |
| Facilities | 3,040,800 | 110,000 | 2,984,000 | 6,138,400 |
| Finance & Budget | 5,809,000 | 16,100 | 5,000,000 | 5,544,300 |
| Fire and Medical | 11,439,100 | 889,600 | 12,208,000 | 10,926,000 |
| Human Resources | 1,973,700 | (3,000) | 1,555,000 | 2,308,900 |
| Indirect Costs | (5,172,900) | | (5,172,900) | (5,571,300) |
| Information Technology | 9,571,900 | 725,725 | 7,796,000 | 10,685,200 |
| Marketing & Public Relations | 1,098,200 | 0 | 986,000 | 1,209,600 |
| Neighborhood and Family Services | 4,026,500 | (256,950) | 2,715,000 | 4,320,300 |
| Non-Departmental | 1,376,800 | | 1,376,800 | 2,810,000 |
| Office of Public Safety | 0 | 1,445,350 | 1,445,000 | 3,271,700 |
| Parks & Recreation | 5,322,500 | (159,200) | 4,768,000 | 6,283,700 |
| Police | 22,981,400 | (30,500) | 19,717,000 | 20,928,500 |
| Public Works | 71,000 | 25,000 | 56,500 | 1,207,000 |
| **Economic Opportunities Fund** | | | | |
| Economic Development | 2,000,000 | 1,600,000 | 3,600,000 | 2,200,000 |
| **General Fund Capital** | | | | |
| City Administration | 0 | 388,000 | 0 | 0 |
| City Court | 68,000 | | | 928,000 |
| Development & Engineering Services | 30,992,000 | 4,814,000 | 11,210,000 | 26,557,000 |
| Fire and Medical | 8,897,000 | (1,588,000) | 3,810,000 | 2,394,000 |
| Information Technology | 445,000 | (278,000) | 50,000 | 288,000 |
| Neighborhood and Family Services | 156,000 | 650,000 | 15,000 | 302,000 |
| Office of Public Safety | | 1,256,000 | 20,000 | 214,000 |
| Parks & Recreation | 6,056,000 | 9,358,000 | 3,892,000 | 29,762,000 |
| Police | 1,200,000 | (1,200,000) | | 7,502,000 |
| Public Works | | | | 741,800 |
| **General Fund Asset Replacement** | | | | |
| Facilities | 1,106,000 | (289,000) | 800,000 | 1,938,000 |
| Fire and Medical | 613,000 | (194,000) | 400,000 | 168,000 |
| Information Technology | | | | 1,451,000 |
| Neighborhood and Family Services | | | | 10,000 |
| Parks & Recreation | 84,000 | | | 30,000 |
| **Volunteer Firefighter's Pension** | | | | |
| Fire and Medical | 5,000 | 0 | 5,000 | 0 |
| Non-Departmental | | | | 5,000 |
| **Total General Fund** | $ 142,014,900 | $ 4,792,200 | $ 92,394,400 | $ 183,813,700 |
| **SPECIAL REVENUE FUNDS** | | | | |
| **Highway User Revenue Fund** | | | | |
| Development & Engineering Services | 5,823,100 | 86,000 | 2,317,000 | 12,285,100 |
| Non-Departmental | 250,100 | | 250,100 | 208,000 |
| Public Works | 1,756,900 | | 1,590,000 | 2,042,200 |
| **Senior Nutrition** | | | | |
| Neighborhood and Family Services | 386,700 | 31,961 | 419,156 | 414,900 |
| **Community Action Program** | | | | |
| Neighborhood and Family Services | 336,100 | 248,220 | 588,000 | 642,700 |
| **Home Grants** | | | | |
| Neighborhood and Family Services | 613,700 | | 613,700 | 1,593,900 |
| **Other Grants** | | | | |

# City of Avondale
## Expenditures/Expenses by Fund
## Fiscal Year 2023

| FUND/DEPARTMENT | ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2022 | EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2022 | ACTUAL EXPENDITURES/ EXPENSES* 2022 | BUDGETED EXPENDITURES/ EXPENSES 2023 |
|---|---|---|---|---|
| Development & Engineering Services | | | | 1,565,000 |
| Fire and Medical | 1,202,300 | 11,032 | 1,202,300 | 1,030,300 |
| Neighborhood and Family Services | 879,500 | 128,800 | 1,008,300 | 1,169,000 |
| Parks & Recreation | 500,000 | 628,616 | 1,128,616 | 162,000 |
| Police | 189,000 | 110,050 | 299,050 | 150,000 |
| Public Works | 0 | 8,200 | 8,200 | 600,000 |
| Non-Departmental | 25,300,000 | (6,335,379) | 0 | 15,000,000 |
| **Cemetery Maintenance Fund** | | | | |
| Parks & Recreation | 15,700 | | 12,700 | 30,000 |
| **Transit Fund** | | | | |
| Public Works | 0 | 1,922,200 | 1,922,200 | 2,925,600 |
| Development & Engineering Services | 1,785,000 | (1,785,000) | | 0 |
| **Co. RICO With Mar. Co. Atty** | | | | |
| Police | 40,000 | | 40,000 | 70,000 |
| **Court Enhancements** | | | | |
| City Court | 84,100 | | 84,100 | 21,000 |
| **Judicial Collection Enhancement** | | | | |
| City Court | 67,500 | | 67,500 | 67,500 |
| **Fill the Gap** | | | | |
| City Court | 17,300 | | 17,300 | 10,200 |
| **Regional Family Advocacy** | | | | |
| Indirect Costs | 191,700 | | 191,700 | 140,900 |
| Non-Departmental | 10,600 | | 10,600 | 0 |
| Police | 1,326,800 | 400,200 | 1,726,000 | 1,588,200 |
| **0.5% Dedicated Sales Tax** | | | | |
| Development & Engineering Services | 17,880,000 | (1,368,000) | | 28,354,000 |
| **Public Safety Dedicated Sales Tax** | | | | |
| City Court | 314,700 | | 314,000 | 523,100 |
| Contingency | 495,000 | 74,000 | 0 | 495,000 |
| Fire and Medical | 6,360,800 | (72,500) | 2,326,800 | 2,488,500 |
| Information Technology | 125,700 | | 98,700 | 717,000 |
| Non-Departmental | 99,700 | | 99,700 | 0 |
| Office of Public Safety | | | | 4,818,000 |
| Police | 6,568,900 | (15,500) | 5,775,000 | 13,266,800 |
| **Community Development Block Grant** | | | | |
| Parks & Recreation | | 136,116 | 136,000 | 0 |
| Neighborhood and Family Services | 1,921,100 | (136,116) | 1,921,000 | 2,881,900 |
| **Environmental Programs Fund** | | | | |
| Development & Engineering Services | 333,800 | | 333,800 | 0 |
| Public Works | 0 | | | 427,000 |
| **Public Arts Fund** | | | | |
| Parks & Recreation | | 50,000 | 50,000 | 50,000 |
| Marketing & Public Relations | 280,600 | | 115,000 | 533,900 |
| **Wildland Fire Deployment Fund** | | | | |
| Fire and Medical | 172,200 | | 172,200 | 250,000 |
| **Tow Impound Fund** | | | | |
| Police | 49,400 | | 49,400 | 50,100 |
| **American Rescue Plan Act** | | | | |
| Information Technology | | 1,141,000 | 1,141,000 | 1,275,000 |
| Economic Development | | 1,015,200 | 1,015,200 | 1,350,000 |
| Fire and Medical | | | | 1,000,000 |
| Neighborhood and Family Services | | 1,052,100 | 1,052,100 | 785,300 |
| Parks & Recreation | | 1,158,800 | 1,158,800 | 1,560,000 |
| Police | | | | 4,000,000 |
| **Tourism Fund** | | | | |
| Economic Development | 43,000 | | 43,000 | 120,000 |
| **Total Special Revenue Funds** | $ 75,421,000 | $ (1,510,000) | $ 29,298,222 | $ 106,662,100 |

# City of Avondale
## Expenditures/Expenses by Fund
## Fiscal Year 2023

| FUND/DEPARTMENT | ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2022 | EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2022 | ACTUAL EXPENDITURES/ EXPENSES* 2022 | BUDGETED EXPENDITURES/ EXPENSES 2023 |
|---|---|---|---|---|
| **DEBT SERVICE FUNDS** | | | | |
| **General Obligation** | | | | |
| Non-Departmental | $ 3,797,000 | $ | $ 3,797,000 | $ 3,822,000 |
| **General Obligation 2021** | | | | |
| Non-Departmental | | | | 1,059,000 |
| **Dysart Road** | | | | |
| Non-Departmental | 136,000 | | 136,000 | 1,000 |
| **0.5% Dedicated Sales Tax Debt Service** | | | | |
| Non-Departmental | 2,653,000 | | 2,653,000 | 2,645,000 |
| **2019 PRO Debt Service** | | | | |
| Non-Departmental | 999,000 | 250,000 | 1,249,000 | 846,000 |
| **2021 PRO Debt Service** | | | | |
| Non-Departmental | | | | 1,493,000 |
| **Total Debt Service Funds** | $ 7,585,000 | $ 250,000 | $ 7,835,000 | $ 9,866,000 |
| **CAPITAL PROJECTS FUNDS** | | | | |
| **Streets Development Impact Fee** | | | | |
| Development & Engineering Services | 5,181,000 | (106,000) | 511,000 | 5,664,000 |
| **Police Development Impact Fee** | | | | |
| Development & Engineering Services | 19,000 | | 0 | 19,000 |
| Public Works | | | | 280,000 |
| **Fire Development Impact Fee** | | | | |
| Development & Engineering Services | 19,000 | | 0 | 19,000 |
| Fire and Medical | 948,000 | | 948,000 | 948,000 |
| **Parks Development Impact Fee** | | | | |
| Development & Engineering Services | 19,000 | | | 19,000 |
| Parks & Recreation | 7,740,000 | (3,088,000) | 2,288,000 | 2,364,000 |
| **General Obligation Bond Construction 2021** | | | | |
| Development & Engineering Services | 0 | 3,143,000 | 3,143,000 | 0 |
| Fire and Medical | 1,320,000 | | | 0 |
| Non-Departmental | 120,000 | 71,000 | 71,000 | 0 |
| Office of Public Safety | | | | 8,580,000 |
| **PRO Bond Construction 2019** | | | | |
| Development & Engineering Services | 3,294,000 | (631,000) | 20,000 | 2,793,000 |
| **2021 PRO Bond Construction** | | | | |
| Parks & Recreation | | | | 14,000,000 |
| **Vehicle Replacement** | | | | |
| Fire and Medical | | | | 2,666,000 |
| Public Works | 2,486,000 | (867,000) | 792,000 | 2,106,000 |
| **Equipment Replacement** | | | | |
| Information Technology | 2,578,000 | (1,226,000) | 274,000 | 704,000 |
| **Total Capital Projects Funds** | $ 24,144,000 | $ (2,704,000) | $ 8,047,000 | $ 40,162,000 |
| **TRUST AND AGENCY FUND** | | | | |
| **Employee Benefit Trust** | | | | |
| Human Resources | $ 7,042,400 | $ | $ 7,042,400 | $ 10,312,000 |
| **Total Trust and Agency Funds** | $ 7,042,400 | $ 0 | $ 7,042,400 | $ 10,312,000 |
| **ENTERPRISE FUNDS** | | | | |
| **Water Operations** | | | | |
| Information Technology | $ 252,500 | $ (70,346) | $ 182,000 | $ 175,800 |
| Non-Departmental | 90,600 | | 90,600 | 149,000 |
| Public Works | 11,719,700 | 52,146 | 9,670,000 | 12,151,400 |
| Indirect Costs | 1,929,000 | | 1,929,000 | 1,751,900 |
| Contingency | 1,000,000 | | 0 | 1,000,000 |
| **Sewer Operations** | | | | |
| Information Technology | 208,200 | (69,946) | 140,000 | 119,700 |
| Non-Departmental | 700,300 | | 700,300 | 71,000 |

# City of Avondale
## Expenditures/Expenses by Fund
## Fiscal Year 2023

| FUND/DEPARTMENT | ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2022 | EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2022 | ACTUAL EXPENDITURES/ EXPENSES* 2022 | BUDGETED EXPENDITURES/ EXPENSES 2023 |
|---|---|---|---|---|
| Public Works | 5,541,200 | (410,054) | 5,163,000 | 6,443,300 |
| Indirect Costs | 1,494,000 | | 1,494,000 | 2,012,100 |
| Contingency | 1,000,000 | | 0 | 1,000,000 |
| **Sewer Capital** | | | | |
| Development & Engineering Services | 100,000 | | | 200,000 |
| Public Works | 9,011,000 | (122,000) | 3,631,000 | 13,360,000 |
| **Water Capital** | | | | |
| Development & Engineering Services | 973,000 | | | 7,756,000 |
| Public Works | 20,176,000 | (177,000) | 2,475,000 | 24,486,000 |
| **Solid Waste Operations** | | | | |
| Information Technology | 0 | | | 150,000 |
| Non-Departmental | 68,400 | | 68,400 | 153,000 |
| Public Works | 5,219,600 | | 4,622,400 | 5,938,000 |
| Indirect Costs | 1,101,500 | | 1,101,500 | 1,273,200 |
| Contingency | 500,000 | | 0 | 500,000 |
| **Solid Waste Capital** | | | | |
| Public Works | 760,000 | | 0 | 913,000 |
| **Water Asset Replacement** | | | | |
| Information Technology | 332,000 | (15,000) | 300,000 | 424,000 |
| Public Works | 806,000 | | 500,000 | 568,000 |
| **Sewer Asset Replacement** | | | | |
| Information Technology | 293,000 | (16,000) | 250,000 | 386,000 |
| Public Works | 2,231,000 | | 760,000 | 1,431,000 |
| **Sewer PRO Debt Service** | | | | |
| Non-Departmental | | | | 592,000 |
| **Solid Waste Asset Replacement** | | | | |
| Public Works | 2,683,000 | | 1,027,000 | 2,084,000 |
| **Sewer Development Impact Fee** | | | | |
| Development & Engineering Services | 32,000 | | 0 | 32,000 |
| **Water Development Impact Fee** | | | | |
| Development & Engineering Services | 32,000 | | 0 | 32,000 |
| Public Works | 4,235,000 | | 105,000 | 11,958,000 |
| **Total Enterprise Funds** | $ 72,489,000 | $ (828,200) | $ 34,209,200 | $ 97,110,400 |
| **INTERNAL SERVICE FUNDS** | | | | |
| **Risk Management Fund** | | | | |
| Human Resources | 2,024,900 | 533,600 | 2,559,100 | 3,225,500 |
| Information Technology | 137,700 | (33,600) | 52,000 | 69,100 |
| Indirect Costs | 109,200 | | 109,200 | 87,400 |
| Contingency | 500,000 | (500,000) | 0 | 0 |
| **Fleet Services Fund** | | | | |
| Non-Departmental | 24,500 | | 24,500 | 0 |
| Public Works | 2,624,400 | | 2,624,400 | 3,836,700 |
| Indirect Costs | 347,500 | | 347,500 | 305,800 |
| Contingency | 31,800 | | 0 | 0 |
| **Workers' Compensation Fund** | | | | |
| Human Resources | 1,149,600 | | 868,000 | 1,655,900 |
| Non-Departmental | 1,800 | | 1,800 | 0 |
| **Total Internal Service Funds** | $ 7,451,400 | $ 0 | $ 6,586,500 | $ 9,180,400 |
| **TOTAL ALL FUNDS** | $ 336,147,700 | $ 0 | $ 185,412,722 | $ 457,106,600 |

* Includes actual expenditures/expenses recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated expenditures/expenses for the remainder of the fiscal year.

# City of Avondale
## Expenditures/Expenses by Department
## Fiscal Year 2023

| DEPARTMENT/FUND | ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2022 | EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2022 | ACTUAL EXPENDITURES/ EXPENSES* 2022 | BUDGETED EXPENDITURES/ EXPENSES 2023 |
|---|---|---|---|---|
| City Administration | | | | |
| General Fund | $ 2,252,200 | $ 93,300 | $ 2,236,000 | $ 2,626,600 |
| General Fund Capital | 0 | 388,000 | 0 | 0 |
| **Department Total** | $ 2,252,200 | $ 481,300 | $ 2,236,000 | $ 2,626,600 |
| List Department: City Attorney | | | | |
| General Fund | $ 1,864,700 | $ 0 | $ 1,396,000 | $ 1,981,700 |
| **Department Total** | $ 1,864,700 | $ 0 | $ 1,396,000 | $ 1,981,700 |
| List Department: City Clerk | | | | |
| General Fund | $ 824,300 | $ 0 | $ 814,000 | $ 904,000 |
| **Department Total** | $ 824,300 | $ 0 | $ 814,000 | $ 904,000 |
| List Department: City Council | | | | |
| General Fund | $ 329,100 | $ (6,300) | $ 329,000 | $ 360,200 |
| **Department Total** | $ 329,100 | $ (6,300) | $ 329,000 | $ 360,200 |
| List Department: City Court | | | | |
| General Fund | $ 1,297,100 | $ 0 | $ 1,279,000 | $ 1,375,600 |
| General Fund Capital | 68,000 | 0 | 0 | 928,000 |
| Court Enhancement | 84,100 | 0 | 84,100 | 21,000 |
| Judicial Collection Enhancement | 67,500 | 0 | 67,500 | 67,500 |
| Fill the Gap | 17,300 | 0 | 17,300 | 10,200 |
| Public Safety Dedicated Sales Tax | 314,700 | 0 | 314,000 | 523,100 |
| **Department Total** | $ 1,848,700 | $ 0 | $ 1,761,900 | $ 2,925,400 |
| List Department: Development and Engineering | | | | |
| General Fund | $ 5,527,500 | $ 66,975 | $ 5,352,000 | $ 6,638,000 |
| General Fund Capital | 30,992,000 | 4,814,000 | 11,210,000 | 26,557,000 |
| Highway User Revenue Fund | 5,823,100 | 86,000 | 2,317,000 | 12,285,100 |
| 0.5% Dedicated Sales Tax | 17,880,000 | (1,368,000) | 0 | 28,354,000 |
| Other Grants | 0 | 0 | 0 | 1,565,000 |
| Transit Fund | 1,785,000 | (1,785,000) | 0 | 0 |
| Environmental Programs Fund | 333,800 | 0 | 333,800 | 0 |
| Streets Development Impact Fee | 5,181,000 | (106,000) | 511,000 | 5,664,000 |
| Police Development Impact Fee | 19,000 | 0 | 0 | 19,000 |
| Fire Development Impact Fee | 19,000 | 0 | 0 | 19,000 |
| Parks Development Impact Fee | 19,000 | 0 | 0 | 19,000 |
| Transit Capital Fund | 420,000 | 0 | 0 | 0 |
| General Obligation Bond Construction 2021 | 0 | 3,143,000 | 3,143,000 | 0 |
| PRO Bond Construction 2019 | 3,294,000 | (631,000) | 20,000 | 2,793,000 |
| Water Capital | 973,000 | 0 | 0 | 7,756,000 |
| Water Development Impact Fee | 32,000 | 0 | 0 | 32,000 |
| Sewer Development Impact Fee | 32,000 | 0 | 0 | 32,000 |
| Sewer Capital | 100,000 | 0 | 0 | 200,000 |
| **Department Total** | $ 72,430,400 | $ 4,219,975 | $ 22,886,800 | $ 91,933,100 |
| List Department: Economic Development | | | | |
| General Fund | $ 2,114,300 | $ (207,500) | $ 1,752,000 | $ 2,374,500 |
| Economic Opportunities Fund | 2,000,000 | 1,600,000 | 3,600,000 | 2,200,000 |
| American Rescue Plan Act | 0 | 1,015,200 | 1,015,200 | 1,350,000 |
| Tourism Fund | 43,000 | 0 | 43,000 | 120,000 |
| **Department Total** | $ 4,157,300 | $ 2,407,700 | $ 6,410,200 | $ 6,044,500 |
| List Department: Facilities | | | | |
| General Fund | $ 3,040,800 | $ 110,000 | $ 2,984,000 | $ 6,138,400 |
| General Fund Asset Replacement | 1,106,000 | (289,000) | 800,000 | 1,938,000 |
| **Department Total** | $ 4,146,800 | $ (179,000) | $ 3,784,000 | $ 8,076,400 |

# City of Avondale
## Expenditures/Expenses by Department
## Fiscal Year 2023

| DEPARTMENT/FUND | ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2022 | EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2022 | ACTUAL EXPENDITURES/ EXPENSES* 2022 | BUDGETED EXPENDITURES/ EXPENSES 2023 |
|---|---|---|---|---|
| List Department: Finance & Budget | | | | |
| General Fund | $ 5,809,000 | $ 16,100 | $ 5,000,000 | $ 5,544,300 |
| **Department Total** | $ 5,809,000 | $ 16,100 | $ 5,000,000 | $ 5,544,300 |
| List Department: Fire and Medical | | | | |
| General Fund | $ 11,439,100 | $ 889,600 | $ 12,208,000 | $ 10,926,000 |
| General Fund Capital | 8,897,000 | (1,588,000) | 3,810,000 | 2,394,000 |
| General Fund Asset Replacement | 613,000 | (194,000) | 400,000 | 168,000 |
| American Rescue Plan Act | 0 | 0 | 0 | 1,000,000 |
| Other Grants | 1,202,300 | 11,032 | 1,202,300 | 1,030,300 |
| Public Safety Dedicated Sales Tax | 6,360,800 | (72,500) | 2,326,800 | 2,488,500 |
| Wildland Fire Deployment Fund | 172,200 | 0 | 172,200 | 250,000 |
| Fire Development Impact Fee | 948,000 | 0 | 948,000 | 948,000 |
| General Obligation Bond Construction 2021 | 1,320,000 | 0 | 0 | 0 |
| Vehicle Replacement | 0 | 0 | 0 | 2,666,000 |
| Volunteer Firefighter's Pension | 5,000 | 0 | 5,000 | 0 |
| **Department Total** | $ 30,957,400 | $ (953,868) | $ 21,072,300 | $ 21,870,800 |
| List Department: Human Resources | | | | |
| General Fund | $ 1,973,700 | $ (3,000) | $ 1,555,000 | $ 2,308,900 |
| Employee Benefit Trust | 7,042,400 | 0 | 7,042,400 | 10,312,000 |
| Risk Management Fund | 2,024,900 | 533,600 | 2,559,100 | 3,225,500 |
| Workers' Compensation Fund | 1,149,600 | 0 | 868,000 | 1,655,900 |
| **Department Total** | $ 12,190,600 | $ 530,600 | $ 12,024,500 | $ 17,502,300 |
| List Department Indirect Costs | | | | |
| General Fund | (5,172,900) | 0 | (5,172,900) | (5,571,300) |
| Regional Family Advocacy | 191,700 | 0 | 191,700 | 140,900 |
| Water Operations | 1,929,000 | 0 | 1,929,000 | 1,751,900 |
| Sewer Operations | 1,494,000 | 0 | 1,494,000 | 2,012,100 |
| Solid Waste Operations | 1,101,500 | 0 | 1,101,500 | 1,273,200 |
| Risk Management Fund | 109,200 | 0 | 109,200 | 87,400 |
| Fleet Services Fund | 347,500 | 0 | 347,500 | 305,800 |
| **Department Total** | 0 | 0 | 0 | 0 |
| List Department: Information Technology | | | | |
| General Fund | $ 9,571,900 | $ 725,725 | $ 7,796,000 | $ 10,685,200 |
| General Fund Capital | 445,000 | (278,000) | 50,000 | 288,000 |
| General Fund Asset Replacement | 0 | 0 | 0 | 1,451,000 |
| Public Safety Dedicated Sales Tax | 125,700 | 0 | 98,700 | 717,000 |
| American Rescue Plan Act | 0 | 1,141,000 | 1,141,000 | 1,275,000 |
| Equipment Replacement | 2,578,000 | (1,226,000) | 274,000 | 704,000 |
| Water Operations | 252,500 | (70,346) | 182,000 | 175,800 |
| Sewer Operations | 208,200 | (69,946) | 140,000 | 119,700 |
| Solid Waste Operations | 0 | 0 | 0 | 150,000 |
| Water Equipment Replacement | 332,000 | (15,000) | 300,000 | 424,000 |
| Sewer Equipment Replacement | 293,000 | (16,000) | 250,000 | 386,000 |
| Risk Management Fund | 137,700 | (33,600) | 52,000 | 69,100 |
| **Department Total** | $ 13,944,000 | $ 157,833 | $ 10,283,700 | $ 16,444,800 |
| List Department: Marketing & Public Relations | | | | |
| General Fund | $ 1,098,200 | $ 0 | $ 986,000 | $ 1,209,600 |
| Public Arts Fund | 280,600 | 0 | 115,000 | 533,900 |
| **Department Total** | $ 1,378,800 | $ 0 | $ 1,101,000 | $ 1,743,500 |
| List Department: Neighborhood and Family Services | | | | |
| General Fund | $ 4,026,500 | $ (256,950) | $ 2,715,000 | $ 4,320,300 |
| General Fund Capital | 156,000 | 650,000 | 15,000 | 302,000 |

# City of Avondale
## Expenditures/Expenses by Department
## Fiscal Year 2023

| DEPARTMENT/FUND | ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2022 | EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2022 | ACTUAL EXPENDITURES/ EXPENSES* 2022 | BUDGETED EXPENDITURES/ EXPENSES 2023 |
|---|---|---|---|---|
| General Fund Asset Replacement | 0 | 0 | 0 | 10,000 |
| Senior Nutrition | 386,700 | 31,961 | 419,156 | 414,900 |
| American Rescue Plan Act | 0 | 1,052,100 | 1,052,100 | 785,300 |
| Community Action Program | 336,100 | 248,220 | 588,000 | 642,700 |
| Home Grants | 613,700 | 0 | 613,700 | 1,593,900 |
| Other Grants | 879,500 | 128,800 | 1,008,300 | 1,169,000 |
| Community Development Block Grant | 1,921,100 | (136,116) | 1,921,000 | 2,881,900 |
| **Department Total** | $ 8,319,600 | $ 1,718,015 | $ 8,332,256 | $ 12,120,000 |
| List Department: Non-Departmental | | | | |
| General Fund | $ 1,376,800 | $ 0 | $ 1,376,800 | $ 2,810,000 |
| Volunteer Firefighter's Pension | 0 | 0 | 0 | 5,000 |
| Highway User Revenue Fund | 250,100 | 0 | 250,100 | 208,000 |
| Other Grants | 25,300,000 | (6,335,379) | 0 | 15,000,000 |
| Regional Family Advocacy | 10,600 | 0 | 10,600 | 0 |
| Public Safety Dedicated Sales Tax | 99,700 | 0 | 99,700 | 0 |
| General Obligation | 3,797,000 | 0 | 3,797,000 | 3,822,000 |
| General Obligation Bond Construction 2021 | 120,000 | 71,000 | 71,000 | 0 |
| General Obligation Debt 2021 | 0 | 0 | 0 | 1,059,000 |
| Dysart Road | 136,000 | 0 | 136,000 | 1,000 |
| 0.5% Dedicated Sales Tax Debt Service | 2,653,000 | 0 | 2,653,000 | 2,645,000 |
| PRO Debt Service | 999,000 | 250,000 | 1,249,000 | 846,000 |
| 2021 PRO Debt Service | 0 | 0 | 0 | 1,493,000 |
| Water Operations | 90,600 | 0 | 90,600 | 149,000 |
| Sewer Operations | 700,300 | 0 | 700,300 | 71,000 |
| Solid Waste Operations | 68,400 | 0 | 68,400 | 153,000 |
| Sewer PRO Debt Service | 0 | 0 | 0 | 592,000 |
| Fleet Services Fund | 24,500 | 0 | 24,500 | 0 |
| Workers' Compensation Fund | 1,800 | 0 | 1,800 | 0 |
| **Department Total** | $ 35,627,800 | $ (6,014,379) | $ 10,528,800 | $ 28,854,000 |
| List Department: Office of Public Safety | | | | |
| General Fund | $ 0 | $ 1,445,350 | $ 1,445,000 | $ 3,271,700 |
| General Fund Capital | 0 | 1,256,000 | 20,000 | 214,000 |
| Public Safety Dedicated Sales Tax | 0 | 0 | 0 | 4,818,000 |
| General Obligation Bond Construction 2021 | 0 | 0 | 0 | 8,580,000 |
| **Department Total** | $ 0 | $ 2,701,350 | $ 1,465,000 | $ 16,883,700 |
| List Department: Parks & Recreation | | | | |
| General Fund | $ 5,322,500 | $ (159,200) | $ 4,768,000 | $ 6,283,700 |
| General Fund Construction | 6,056,000 | 9,358,000 | 3,892,000 | 29,762,000 |
| General Fund Asset Replacement | 84,000 | 0 | 0 | 30,000 |
| Cemetery Maintenance Fund | 15,700 | 0 | 12,700 | 30,000 |
| American Rescue Plan Act | 0 | 1,158,800 | 1,158,800 | 1,560,000 |
| Community Development Block Grant | 0 | 136,116 | 136,000 | 0 |
| Public Arts | 0 | 50,000 | 50,000 | 50,000 |
| Other Grants | 500,000 | 628,616 | 1,128,616 | 162,000 |
| 2021 PRO Bond Construction | 0 | 0 | 0 | 14,000,000 |
| Parks Development Impact Fee | 7,740,000 | (3,088,000) | 2,288,000 | 2,364,000 |
| **Department Total** | $ 19,718,200 | $ 8,084,332 | $ 13,434,116 | $ 54,241,700 |
| List Department: Police | | | | |
| General Fund | $ 22,981,400 | $ (30,500) | $ 19,717,000 | $ 20,928,500 |
| General Fund Construction | 1,200,000 | (1,200,000) | 0 | 7,502,000 |
| American Rescue Plan Act | 0 | 0 | 0 | 4,000,000 |
| Regional Family Advocacy | 1,326,800 | 400,200 | 1,726,000 | 1,588,200 |
| Public Safety Dedicated Sales Tax | 6,568,900 | (15,500) | 5,775,000 | 13,266,800 |
| Other Grants | 189,000 | 110,050 | 299,050 | 150,000 |
| Tow Impound Fund | 49,400 | 0 | 49,400 | 50,100 |
| Co. RICO With Mar. Co. Atty | 40,000 | 0 | 40,000 | 70,000 |
| **Department Total** | $ 32,355,500 | $ (735,750) | $ 27,606,450 | $ 47,555,600 |

# City of Avondale
## Expenditures/Expenses by Department
## Fiscal Year 2023

| DEPARTMENT/FUND | ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2022 | EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2022 | ACTUAL EXPENDITURES/ EXPENSES* 2022 | BUDGETED EXPENDITURES/ EXPENSES 2023 |
|---|---|---|---|---|
| List Department: Public Works | | | | |
| General Fund | $ 71,000 | $ 25,000 | $ 56,500 | $ 1,207,000 |
| General Fund Capital | 0 | 0 | 0 | 741,800 |
| Highway User Revenue Fund | 1,756,900 | 0 | 1,590,000 | 2,042,200 |
| Transit Fund | 0 | 1,922,200 | 1,922,200 | 2,925,600 |
| Environmental Programs | 0 | 0 | 0 | 427,000 |
| Other Grants | 0 | 8,200 | 8,200 | 600,000 |
| Vehicle Replacement | 2,486,000 | (867,000) | 792,000 | 2,106,000 |
| Police Development Impact Fee | 0 | 0 | 0 | 280,000 |
| Water Operations | 11,719,700 | 52,146 | 9,670,000 | 12,151,400 |
| Sewer Operations | 5,541,200 | (410,054) | 5,163,000 | 6,443,300 |
| Sewer Capital | 9,011,000 | (122,000) | 3,631,000 | 13,360,000 |
| Water Capital | 20,176,000 | (177,000) | 2,475,000 | 24,486,000 |
| Solid Waste Operations | 5,219,600 | 0 | 4,622,400 | 5,938,000 |
| Solid Waste Capital | 760,000 | 0 | 0 | 913,000 |
| Water Asset Replacement | 806,000 | 0 | 500,000 | 568,000 |
| Sewer Asset Replacement | 2,231,000 | 0 | 760,000 | 1,431,000 |
| Water Development Impact Fee | 4,235,000 | 0 | 105,000 | 11,958,000 |
| Solid Waste Asset Replacement | 2,683,000 | 0 | 1,027,000 | 2,084,000 |
| Fleet Services Fund | 2,624,400 | 0 | 2,624,400 | 3,836,700 |
| **Department Total** | $ 69,320,800 | $ 431,492 | $ 34,946,700 | $ 93,499,000 |
| List Department: Contingency | | | | |
| General Fund | $ 14,645,700 | $ (12,433,400) | $ 0 | $ 23,000,000 |
| Public Safety Dedicated Sales Tax | 495,000 | 74,000 | 0 | 495,000 |
| Water Operations | 1,000,000 | 0 | 0 | 1,000,000 |
| Sewer Operations | 1,000,000 | 0 | 0 | 1,000,000 |
| Solid Waste Operations | 500,000 | 0 | 0 | 500,000 |
| Risk Management Fund | 500,000 | (500,000) | 0 | 0 |
| Fleet Services Fund | 31,800 | 0 | 0 | 0 |
| Workers' Compensation Fund | 500,000 | 0 | 0 | 0 |
| **Department Total** | $ 18,672,500 | $ (12,859,400) | $ 0 | $ 25,995,000 |
| **TOTAL ALL DEPARTMENTS** | $ 336,147,700 | $ 0 | $ 185,412,722 | $ 457,106,600 |

* Includes actual expenditures/expenses recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated expenditures/expenses for the remainder of the fiscal year.

# City of Avondale
## Full-Time Employees and Personnel Compensation
## Fiscal Year 2023

| FUND | Full-Time Equivalent (FTE) 2023 | Employee Salaries and Hourly Costs 2023 | Retirement Costs 2023 | Healthcare Costs 2023 | Other Benefit Costs 2023 | Total Estimated Personnel Compensation 2023 |
|---|---|---|---|---|---|---|
| **GENERAL FUND** | 557.08 | $ 41,921,500 | $ 11,286,600 | $ 5,849,400 | $ 877,800 | $ 59,935,300 |
| **SPECIAL REVENUE FUNDS** | | | | | | |
| Highway User Revenue Fund | 24.50 | $ 1,841,000 | $ 353,900 | $ 300,400 | $ 55,700 | $ 2,551,000 |
| Senior Nutrition | 6.24 | 293,700 | 49,700 | 50,000 | 5,100 | 398,500 |
| Community Action Program | 1.50 | 90,700 | 18,100 | 22,000 | 100 | 130,900 |
| Other Grants | 16.78 | 1,067,300 | 279,500 | 176,700 | 24,800 | 1,548,300 |
| American Rescue Plan Act | 3.00 | 5,176,700 | 30,700 | 7,100 | 2,600 | 5,217,100 |
| Regional Family Advocacy | 7.00 | 574,700 | 115,300 | 61,000 | 7,200 | 758,200 |
| Public Safety Dedicated Sales Tax | 81.00 | 6,948,000 | 2,265,400 | 1,064,300 | 184,300 | 10,462,000 |
| Community Development Block Grant | 2.00 | 169,800 | 34,000 | 14,600 | 1,900 | 220,300 |
| Environmental Programs Fund | 1.80 | 152,300 | 30,500 | 30,000 | 3,500 | 216,300 |
| Wildland Fire Deployment | | 205,800 | 0 | 0 | 0 | 205,800 |
| Transit Fund | 1.00 | 124,700 | 24,900 | 16,500 | 1,300 | 167,400 |
| Tow Impound Fund | 0.46 | 35,300 | 7,100 | 3,200 | 600 | 46,200 |
| **Total Special Revenue Funds** | 145.28 | $ 16,680,000 | $ 3,209,100 | $ 1,745,800 | $ 287,100 | $ 21,922,000 |
| **ENTERPRISE FUNDS** | | | | | | |
| Water Operations | 40.70 | $ 3,040,600 | $ 596,200 | $ 463,400 | $ 79,100 | $ 4,179,300 |
| Sewer Operations | 24.50 | 1,930,600 | 379,200 | 271,700 | 54,100 | 2,635,600 |
| Sanitation | 27.75 | 1,888,400 | 362,600 | 324,200 | 63,800 | 2,639,000 |
| **Total Enterprise Funds** | 92.95 | $ 6,859,600 | $ 1,338,000 | $ 1,059,300 | $ 197,000 | $ 9,453,900 |
| **TRUST & AGENCY FUND** | | | | | | |
| Volunteer Fireman's Pension | | $ 0 | $ 5,000 | $ 0 | $ 0 | $ 5,000 |
| | 0.00 | $ 0 | $ 5,000 | $ 0 | $ 0 | $ 5,000 |
| **INTERNAL SERVICE FUND** | | | | | | |
| Fleet Services Fund | 8.75 | $ 692,500 | $ 138,000 | $ 94,900 | $ 14,300 | $ 939,700 |
| Worker's Compensation Fund | 1.20 | 125,300 | 25,100 | 11,800 | 1,600 | 163,800 |
| Risk Management Fund | 0.80 | 94,600 | 18,900 | 10,700 | 1,000 | 125,200 |
| **Total Internal Service Fund** | 10.75 | $ 912,400 | $ 182,000 | $ 117,400 | $ 16,900 | $ 1,228,700 |
| **TOTAL ALL FUNDS** | 806.05 | $ 66,373,500 | $ 16,020,700 | $ 8,771,900 | $ 1,378,800 | $ 92,544,900 |

Item Number: 4.e.

# CITY COUNCIL REPORT

**SUBJECT:** Speed Mitigation

**MEETING DATE:** 5/2/2022

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**TO:** Mayor and Council

**FROM:** Memo Espinoza, Chief of Police 623-333-7235

**THROUGH:** Cherlene Penilla, Acting City Manager, (623) 333-1015

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**STRATEGIC PLAN:**
This agenda item supports the following Avondale Strategic Outcome Area: Public Health and Safety – A new strategy is required to reduce excessive speed in the streets of Avondale in order to reduce speed-related accidents.

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**PURPOSE:**
City Council will receive an update from staff and direct staff on three potential options for excessive speed mitigation. The Council will take the appropriate action.

**BACKGROUND:**
As the City of Avondale continues to grow, the need to deter drivers from speeding has also grown over the years. In 2021, the number of non-injury accidents in our city increased by 16% from 2020. In addition, the number of injury accidents increased by 43% from 2020 to 2021. We are projecting these numbers to continue to rise due to the increasing traffic in our city and the end of COVID restrictions.

**DISCUSSION:**
Staff will share traffic related statistics, strategies, and potential options to reduce excessive speed on the streets of Avondale in order to decrease speed-related accidents and improve the safety of Avondale streets. A two-fold approach is being proposed, which involves both Traffic Engineering strategies and traffic enforcement by the Police Department.

**Traffic Engineering Approach**
• Traffic Volume and Speed Studies
• Speed Feedback Signs
• Speed Cushions
• Signs and Pavement Striping

**Police Department Traffic Enforcement Options;**

1. Continue to address traffic complaints as they are received by completing a speed analysis of the location in question, and following up with traffic enforcement as resources permit.
2. Increase the number of traffic officers by adding a second squad to the traffic unit.
3. Using photo enforcement as a means to regulate driving behavior.

**BUDGET IMPACT:**

Funds will be included in the FY2023 budget for speed mitigation on Avondale Blvd south of Lower Buckeye and for increased enforcement of speeding.

**RECOMMENDATION:**

Staff recommends implementing option three, photo enforcement, as a means to modify driving behavior and improve safety.

***Contact person for document distribution:*** *Memo Espinoza, Chief of Police*

# AGENDA ITEM REPORT

**SUBJECT:** Approval of Minutes

**MEETING DATE:** 5/2/2022

**TO:** Board Members

**FROM:** Marcella Carrillo, District Clerk, 623-333-1214

**THROUGH:** Cherlene Penilla, Acting District Manager, 623-333-1015

**PURPOSE:**
The District Board will consider a request to approve the June 21, 2021 board meeting minutes. The District Board will take appropriate action.

**BACKGROUND:**
n/a

**DISCUSSION:**
n/a

**BUDGET IMPACT:**
This item has no budget impact.

**RECOMMENDATION:**
Staff recommends approval of the June 21, 2021 board meeting minutes.

**MINUTES OF THE ALAMAR COMMUNITY FACILITIES DISTRICT BOARD MEETING**
CITY OF AVONDALE, ARIZONA
ONLINE MEETING
June 21, 2021

A **Regular Meeting** of the Alamar Community Facilities District Board of the City of Avondale, Arizona was convened using the Zoom Cloud Meeting platform in open and public session at 7:54 p.m. All participants attended by phone or video.

**Members Present:** Chairperson Kenn Weise; Vice Chairperson Veronica Malone; Board Members Tina Conde, Bryan Kilgore, Curtis Nielson, and Mike Pineda.

**Members Absent:** Board Member Pat Dennis (Excused Absence).

**Other Municipal Officials Present:** Charles Montoya, District Manager; Cherlene Penilla, Assistant District Manager; Tracy Stevens, Deputy District Manager; Lindsey Duncan, Deputy District Manager; Nicholle Harris, District Attorney; Marcella Carrillo, District Clerk; Kirk Beaty, Public Works Director; Ken Chapa, Economic Development Services Director; Keith Fallstrom, Interim Finance and Budget Director; Bryan Hughes, Parks and Recreation Director; Chris Lopez, Neighborhood and Family Services Director; Darcy Lowery, Interim Human Resource Director; Kevin Murphy, Development and Engineering Services Director; Dale Nannenga, Police Chief; Marshall Pimentel, Intergovernmental Affairs Administrator; Jeffrey Scheetz, Chief Information Officer; and Pier Simeri, Marketing and Public Relations Director.

**Audience:** Thirteen members of the public were present.

## 1. ROLL CALL BY THE DISTRICT CLERK

## 2. MINUTES

Board Member Conde moved to approve the June 7, 2021 Alamar Community Facilities District Board Meeting Minutes; Council Member Pineda seconded the motion.

Upon vote, the motion was carried unanimously 6 to 0.

| | |
|---|---|
| Board Member Conde | Aye |
| Board Member Kilgore | Aye |
| Board Member Nielson | Aye |
| Board Member Pineda | Aye |
| Vice Chairperson Malone | Aye |
| Chairperson Weise | Aye |

## 3. CFD RESOLUTION 5-2021 SETTING THE PROPERTY TAX LEVY FOR FISCAL YEAR 2022

The District Board considered a request to adopt CFD Resolution 5-2021 levying upon the assessed valuation of the property within the Alamar Community Facilities District subject to ad valorem taxation a certain sum upon each one hundred ($100.00) of valuation for the fiscal year ending June 30, 2022.

Robert Baer, Budget Manager with the Finance and Budget Department, stated the levying max primary rate is 30 cents per $100 of net assessed value will raise a grand total of $1,321. The primary rate goes towards the operating expenses of the District. The levying max secondary rate of $3.85 per $100 net assessed value will raise a grand total of $16,957. The secondary rate goes towards the repayment of debt related to the District.

Board Member Pineda moved to adopt CFD Resolution 5-2021, setting the Fiscal Year 2022 Primary and Secondary Property Tax Levy; Board Member Nielson seconded the motion.

Upon vote, the motion was carried unanimously 6 to 0.

| | |
|---|---|
| Board Member Conde | Aye |
| Board Member Kilgore | Aye |
| Board Member Nielson | Aye |
| Board Member Pineda | Aye |
| Vice Chairperson Malone | Aye |
| Chairperson Weise | Aye |

## 4. ADJOURNMENT

There being no further business before the Board, Board Member Pineda moved to adjourn the Regular Meeting; Board Member Nielson seconded the motion.

Upon roll call vote, the motion was carried unanimously 6 to 0.

| | |
|---|---|
| Board Member Conde | Aye |
| Board Member Kilgore | Aye |
| Board Member Nielson | Aye |
| Board Member Pineda | Aye |
| Vice Chairperson Malone | Aye |
| Chairperson Weise | Aye |

Meeting adjourned at 7:59 p.m.

_____
Kenn Weise, Chairperson

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Alamar Communities Facilities District Board of the City of Avondale held on the 21st day of June 2021. I further certify that the meeting was duly called and held, and that the quorum was present.

_____
Marcella Carrillo, District Clerk

# AGENDA ITEM REPORT

**SUBJECT:** CFD Resolution 1-2022 - Adoption of the Alamar Community Facilities District Fiscal Year 2023 Tentative Budget

**MEETING DATE:** 5/2/2022

**TO:** Board Members

**FROM:** Renee Weatherless, District Treasurer, (623) 333-2011

**THROUGH:** Cherlene Penilla, District Manager, (623) 333-1015

**PURPOSE:**
The District Board will consider a request to adopt CFD Resolution 1-2022, setting forth the fiscal year 2022-2023 tentative budget. The District Board will take appropriate action.

**BACKGROUND:**
The adoption of the tentative budget will set the maximum limit of expenditures for FY2023. The total budget may be reduced prior to final adoption, but cannot be increased. The tentative budget for the district must be approved by resolution on or before July 15.

**DISCUSSION:**
Per A.R.S. 48-716, on or before July 15, the district treasurer shall prepare a proposed budget for the ensuing fiscal year for the district board's approval. Public notice is required at least 10 days before the tentative budget. Public notice will be published per the requirements of A.R.S. 48-715. The final budget shall be adopted before October 1.

**BUDGET IMPACT:**
This action will set the maximum expenditure limit for FY2023. Revisions can be made to decrease, but not increase the total expenditure amount for the final budget.

**RECOMMENDATION:**
Staff recommends adoption of a resolution setting forth the FY2023 tentative budget and annual expenditure limitation and authorize staff to proceed with required publications.

**CFD RESOLUTION NO. 1-2022**

A RESOLUTION OF THE DISTRICT BOARD OF THE ALAMAR COMMUNITY FACILITIES DISTRICT, SETTING FORTH THE TENTATIVE BUDGET AND ESTABLISHING THE EXPENDITURE LIMITATION FOR LAKIN COMMUNITY FACILITIES DISTRICT FOR FISCAL YEAR 2022-2023.

**WHEREAS**, on May 21, 2018, the Mayor and Council of the City of Avondale, Arizona (the "City"), adopted Resolution No. 3453-518 forming Alamar Community Facilities District ("ACFD"), a community facilities district in accordance with ARIZ. REV. STAT. § 48-701 et seq., as amended; and

**WHEREAS**, ACFD is a special purpose district for purposes of Article IX, Section 19, of the Arizona Constitution, a tax-levying public improvement district for the purposes of Article XIII, Section 7, of the Arizona Constitution, and a municipal corporation for all purposes of ARIZ. REV. STAT. Title 35, Chapter 3, Articles 3, 3.1, 3.2, 4 and 5, as amended, and (except as otherwise provided in ARIZ. REV. STAT. § 48-708(B), as amended) is considered to be a municipal corporation and political subdivision of the State of Arizona, separate and apart from the City; and

**WHEREAS**, a primary purpose for creating ACFD was to finance certain public infrastructure needed for the development known as "Alamar Park" through assessment of ad valorem taxes on all real and personal property within ACFD; and

**WHEREAS**, in accordance with ARIZ. REV. STAT. §§ 48-716 and 48-723, as amended, the District Treasurer of ACFD has submitted to the District Board of ACFD a proposed budget for Fiscal Year 2022-2023 which includes statements and estimates of the operation and maintenance expenses of ACFD, the costs of capital improvements to be financed by the authorized ad valorem tax levy, and the amount of all other expenditures for public infrastructure and enhanced municipal services proposed to be paid from the tax levy; and

**WHEREAS**, the District Board of ACFD desires now to approve said tentative budget for the Fiscal Year 2022-2023, to publish notice of having filed the required statements and estimates, and to set a date (and publish notice thereof) for a public hearing to receive comment on the tentative budget.

**NOW, THEREFORE, BE IT RESOLVED** BY THE DISTRICT BOARD OF THE ALAMAR COMMUNITY FACILITIES DISTRICT as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The statements and schedules attached hereto as Exhibit A and incorporated herein by reference are hereby adopted as the District's official tentative budget for the fiscal year beginning July 1, 2022, and ending June 30, 2023, including the establishment of the expenditure limitation for such fiscal year.

SECTION 3. The public hearing date of June 6, 2021, beginning at or after 5:45 p.m. at the City of Avondale City, Council Chambers, 11465 W. Civic Center Drive, Avondale, Arizona, is hereby set to consider said tentative budget (including, but expressly not limited to, consideration of those portions of the statements), and a notice shall be published once in a newspaper of general circulation no later than ten (10) days prior to said hearing date.

SECTION 4. The District Board Chairman, the District Manager, the District Clerk and the District Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

**PASSED AND ADOPTED** by the District Board of the Alamar (formerly Lakin) Community Facilities District on May 2, 2022.

_____
Kenneth N. Weise, Chairman District Board
Alamar Community Facilities District

ATTEST:

_____
Marcella Carrillo, District Clerk
Alamar Community Facilities District

APPROVED AS TO FORM:

_____
Nicholle Harris, District Attorney
Alamar Community Facilities District

EXHIBIT A
TO
CFD RESOLUTION NO. 1-2022

[Statements and Schedules]

See following pages.

# Alamar CFD
## Summary Schedule of Estimated Revenues and Expenditures/Expenses
## Fiscal Year 2023

| Fiscal Year | | Sch | | FUNDS | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | General Fund | Special Revenue Fund | Debt Service Fund | Capital Projects Fund | Permanent Fund | Enterprise Funds Available | Internal Service Funds | Total All Funds |
| 2022 | Adopted/Adjusted Budgeted Expenditures/Expenses* | E | 1 | 0 | 615,000 | 0 | 0 | 0 | 0 | 0 | 615,000 |
| 2022 | Actual Expenditures/Expenses** | E | 2 | 0 | 18,278 | 0 | 0 | 0 | 0 | 0 | 18,278 |
| 2023 | Fund Balance/Net Position at July 1*** | | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2023 | Primary Property Tax Levy | B | 4 | | 20,697 | | | | | | 20,697 |
| 2023 | Secondary Property Tax Levy | B | 5 | | | 265,616 | | | | | 265,616 |
| 2023 | Estimated Revenues Other than Property Taxes | C | 6 | 0 | 100,000 | 0 | 0 | 0 | 0 | 0 | 100,000 |
| 2023 | Other Financing Sources | D | 7 | 0 | 0 | 0 | 4,100,000 | 0 | 0 | 0 | 4,100,000 |
| 2023 | Other Financing (Uses) | D | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2023 | Interfund Transfers In | D | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2023 | Interfund Transfers (Out) | D | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2023 | Reduction for Amounts Not Available: | | 11 | | | | | | | | |
| LESS: | Amounts for Future Debt Retirement: | | | | | | | | | | 0 |
| | Future Capital Projects | | | | | | | | | | 0 |
| | Maintained Fund Balance for Financial Stability | | | | | | | | | | 0 |
| | | | | | | | | | | | 0 |
| | | | | | | | | | | | 0 |
| 2023 | Total Financial Resources Available | | 12 | 0 | 120,697 | 265,616 | 4,100,000 | 0 | 0 | 0 | 4,486,313 |
| 2023 | Budgeted Expenditures/Expenses | E | 13 | 0 | 120,697 | 265,616 | 4,100,000 | 0 | 0 | 0 | 4,486,313 |

| | EXPENDITURE LIMITATION COMPARISON | 2022 | 2023 |
|---|---|---|---|
| 1 | Budgeted expenditures/expenses | $ 615,000 | $ 4,486,313 |
| 2 | Add/subtract: estimated net reconciling items | | |
| 3 | Budgeted expenditures/expenses adjusted for reconciling items | 615,000 | 4,486,313 |
| 4 | Less: estimated exclusions | | |
| 5 | Amount subject to the expenditure limitation | $ 615,000 | $ 4,486,313 |
| 6 | EEC expenditure limitation | $ | $ |

☐ The city/town does not levy property taxes and does not have special assessment districts for which property taxes are levied. Therefore, Schedule B has been omitted.

* Includes Expenditure/Expense Adjustments Approved in the current year from Schedule E.

** Includes actual amounts as of the date the proposed budget was prepared, adjusted for estimated activity for the remainder of the fiscal year.

*** Amounts on this line represent Fund Balance/Net Position amounts except for amounts not in spendable form (e.g., prepaids and inventories) or legally or contractually required to be maintained intact (e.g., principal of a permanent fund).

# Alamar CFD
# Tax Levy and Tax Rate Information
# Fiscal Year 2023

| | 2022 | 2023 |
|---|---|---|
| 1. Maximum allowable primary property tax levy. A.R.S. §42-17051(A) | $ | $ |
| 2. Amount received from primary property taxation in the **current year** in excess of the sum of that year's maximum allowable primary property tax levy. A.R.S. §42-17102(A)(18) | $ | |
| 3. Property tax levy amounts | | |
| A. Primary property taxes | $ 1,321 | $ 20,697 |
| B. Secondary property taxes | 16,957 | 265,616 |
| C. Total property tax levy amounts | $ 18,278 | $ 286,313 |
| 4. Property taxes collected* | | |
| A. Primary property taxes | | |
| (1) **Current** year's levy | $ 1,321 | |
| (2) Prior years' levies | | |
| (3) Total primary property taxes | $ 1,321 | |
| B. Secondary property taxes | | |
| (1) **Current** year's levy | $ 16,957 | |
| (2) Prior years' levies | | |
| (3) Total secondary property taxes | $ 16,957 | |
| C. Total property taxes collected | $ 18,278 | |
| 5. Property tax rates | | |
| A. City/Town tax rate | | |
| (1) Primary property tax rate | 0.3000 | 0.3000 |
| (2) Secondary property tax rate | 3.8500 | 3.8500 |
| (3) Total city/town tax rate | 4.1500 | 4.1500 |

B. Special assessment district tax rates

Secondary property tax rates - As of the date the proposed budget was prepared, the city/town was operating one special assessment districts for which secondary property taxes are levied. For information pertaining to these special assessment districts and their tax rates, please contact the city/town.

* Includes actual property taxes collected as of the date the proposed budget was prepared, plus estimated property tax collections for the remainder of the fiscal year.

# Alamar CFD
## Revenues Other Than Property Taxes
## Fiscal Year 2023

| SOURCE OF REVENUES | ESTIMATED REVENUES 2022 | ACTUAL REVENUES* 2022 | ESTIMATED REVENUES 2023 |
|---|---|---|---|
| **SPECIAL REVENUE FUNDS** | | | |
| Contributions - Operations | $ 34,000 | $ | $ |
| Contributions - Capital | | | |
| Contributions - Debt | 23,043 | | |
| Contingency | 500,000 | | 100,000 |
| | $ 557,043 | $ | $ 100,000 |
| **TOTAL ALL FUNDS** | $ 557,043 | $ | $ 100,000 |

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

# Alamar CFD
## Other Financing Sources/(Uses) and Interfund Transfers
## Fiscal Year 2023

| | OTHER FINANCING 2023 | | INTERFUND TRANSFERS 2023 | |
|---|---|---|---|---|
| FUND | SOURCES | (USES) | IN | (OUT) |
| **SPECIAL REVENUE FUNDS** | | | | |
| Bond Issuance | $ 4,100,000 | $ | $ | $ |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| **Total Special Revenue Funds** | $ 4,100,000 | $ | $ | $ |
| **TOTAL ALL FUNDS** | $ 4,100,000 | $ | $ | $ |

# Alamar CFD
## Expenditures/Expenses by Fund
## Fiscal Year 2023

| FUND/DEPARTMENT | ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2022 | EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2022 | ACTUAL EXPENDITURES/ EXPENSES* 2022 | BUDGETED EXPENDITURES/ EXPENSES 2023 |
|---|---|---|---|---|
| **SPECIAL REVENUE FUNDS** | | | | |
| General Operations | $ 35,000 | $ | $ 1,321 | $ 20,697 |
| Capital | 20,000 | | | 4,100,000 |
| Capital - Finance | 20,000 | | | |
| Debt | 40,000 | | 16,957 | 265,616 |
| Contingency | 500,000 | | | 100,000 |
| **Total Special Revenue Funds** | $ 615,000 | $ | $ 18,278 | $ 4,486,313 |
| **TOTAL ALL FUNDS** | $ 615,000 | $ | $ 18,278 | $ 4,486,313 |

* Includes actual expenditures/expenses recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated expenditures/expenses for the remainder of the fiscal year.

# Alamar CFD
## Expenditures/Expenses by Department
## Fiscal Year 2023

| DEPARTMENT/FUND | ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2022 | EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2022 | ACTUAL EXPENDITURES/ EXPENSES* 2022 | BUDGETED EXPENDITURES/ EXPENSES 2023 |
|---|---|---|---|---|
| General Operations: | | | | |
| Alamar CFD Operating | $ 35,000 | $ | $ 1,321 | $ 20,697 |
| Capital | 40,000 | | | 4,100,000 |
| Debt | 40,000 | | 16,957 | 265,616 |
| Contingency | 500,000 | | | 100,000 |
| **Department Total** | $ 615,000 | $ | $ 18,278 | $ 4,486,313 |

* Includes actual expenditures/expenses recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated expenditures/expenses for the remainder of the fiscal year.