



Planning Commission
Notice & Agenda
Wednesday, October 16, 2024

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

REGULAR MEETING

6:00 PM

PHYSICAL ACCESS TO THE COUNCIL CHAMBERS WILL BE AVAILABLE 30 MINUTES PRIOR TO THE MEETING.

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

Approval of the September 18, 2024 Planning Commission Meeting Minutes

4. PUBLIC HEARING ITEMS

a. ZONING ORDINANCE TEXT AMENDMENTS – CHAPTER 28, ARTICLE 1 (ADMINISTRATION AND PROCEDURES); ARTICLE 2 (RESIDENTIAL DISTRICTS); ARTICLE 7 (SUPPLEMENTARY REGULATIONS); AND ARTICLE 8 (PARKING) - APPLICATION PL-24-0225

Planning Commission will hold a public hearing and consider a city-initiated request for text amendments to the Zoning Ordinance. The amendments will allow for continued refinement of the Zoning Ordinance to reflect recent changes in State law related to accessory dwelling units (ADUs), provide for cross-references, and address the overall accuracy and usability of the Zoning Ordinance. The Commission will take appropriate action and forward a recommendation to City Council.

Staff Contact: Joshua T Orton, AICP, Lead Senior Planner

b. ZONING ORDINANCE TEXT AMENDMENTS – CHAPTER 28, ARTICLE 1 (ADMINISTRATION AND PROCEDURES) - APPLICATION PL-24-0227

Planning Commission will hold a public hearing and consider a city-initiated request for text amendments to the Zoning Ordinance. The amendments will allow for continued refinement of the Zoning Ordinance to reflect recent changes in State law related to residential rezoning applications, provide for cross-references, and address the overall accuracy and usability of the Zoning Ordinance. The Commission will take appropriate action and forward a recommendation to City Council.

Staff Contact: Christina LaVelle, Senior Planner

5. COMMISSION ANNOUNCEMENTS

6. PLANNING DIVISION REPORT

7. CALENDAR

November 20, 2024

8. ADJOURNMENT

Members will attend either in person or by telephone conference call. Los miembros asistirán en persona o vía teleconferencia.

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 meeting. Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oído, o con necesidad de impresión grande o intérprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos días hábiles antes de la junta del Concejo.

**Wednesday, September 18, 2024
6:00 pm**

A **Regular Meeting** of the Planning Commission of the City of Avondale, Arizona was convened at 11465 West Civic Center Drive in open and public session at 6:00 p.m.

1. WELCOME AND CALL TO ORDER

Chair White called the meeting to order at 6:00 p.m.

2. ROLL CALL

The following members and representatives were present.

COMMISSIONERS PRESENT IN PERSON / PHONE / VIDEO

Chair Larry White
Commissioner Denise Stanfield
Commissioner Alex McBurney
Commissioner Shaun Grimm

COMMISSIONERS EXCUSED ABSENT

Vice-Chair Julia Jewell
Commissioner Alan Agundez Castillo
Commissioner Linda Warren
Alternate Ryan Benson

CITY STAFF PRESENT

Catherine Lorbeer, Deputy Director of Planning
Arrianna Ramirez, Administrative Assistant
Mary Grace McNear, Attorney II
Marcella Carrillo, City Clerk
Jodie Novak, Development Services Director
Cole Hunger, Planner

3. APPROVAL OF MINUTES

Chair White called for a motion to approve the minutes.

Commissioner McBurney made a motion to approve the Planning Commission Meeting Minutes for August 21, 2024, seconded by Commissioner Grimm.

Chair Larry White	Aye
Vice-Chair Julia Jewell	N/A
Commissioner Alan Agundez-Castillo	N/A
Commissioner Denise Stanfield	Aye
Commissioner Linda Warren	N/A
Commissioner Alex McBurney	Aye

Commissioner Shaun Grimm
Alternate Ryan Benson

Aye
N/A

Upon vote, the motion passed 4 to 0

4. PUBLIC HEARING ITEMS

a. PREMIER UNDERGROUND – CONDITIONAL USE PERMIT – APPLICATION PL-24-0077

Cole Hunger, Planner, provided an overview for application PL-24-0077, a Conditional Use Permit (CUP) for Premier Underground, to allow a truck fueling station and truck dispatch in a general industrial A-1 Zone. This property will consist of 6.04 acres and the fueling station will be 2,048 square feet covered structure in the southeast portion of the site. Conduct a public hearing and take appropriate action on the item. The site is presently known as the AIC Brinker Industrial Warehouse. To the north is AIC warehouse use. To the east is the Aqua Fria River, in the south corner is the MAC Prefab Manufacturing Building, and to the west is vacant land and the recycling center. The proposed use is consisting of primarily General Plan uses with industrial to the north and west, open space and parks to the south, Aqua Fria River to the east, education with charter school along the Eliseo C Felix Jr. Way, the Avondale Resource Center is southwest of the building and the police detention center will be built just to the south of this building.

Many A-1 General Industrial Zoning surround the area, agricultural along the Aqua Fria River, manufactured home zoning to the northeast, and the PAD to the south with the Resource Center. A general overview of the site plan was provided indicating where the current office and warehouse use is located and the truck dispatch and premanufactured covered fueling station would be located. The fueling station will be facing the Eliseo C Felix Jr Way with the office and truck uses facing East Riley Drive. Images were shown of the site looking northeast from Eliseo C Felix Jr Way with access to the employee parking, looking north along Riley Drive including the cul-de-sac to the Aqua Fria River agricultural zoning, and the entrance to the truck uses and fueling station.

The proposed use meets the five (5) findings outlined in Zoning Code 28-8.

- The proposed use and uses for the CUP are inline with the objectives of this land use designation.
- The proposed CUP uses are in the southeast section of the property and are screened from Riley Drive and Aqua Fria River and will not be detrimental to any of the adjacent properties around this site.
- The site has adequate space to accommodate the proposed uses with proper on-site circulation, setbacks, parking, and landscaping.
- A traffic impact study was conducted with results submitted to staff and reviewed by the Traffic Engineer. All requirements have been met.
- Conditions of approval are recommended as noted in the staff report.

A neighborhood meeting was held on August 20, 2024, with no public in attendance. One comment was received on Avondale Connect requesting a grocery store in Avondale.

Commissioners were given an opportunity to comment and ask questions. In response Mr. Hunger noted he believed the fuel tanks would be located underground, and they would meet all State, County, and local requirements upon construction. The application does include a truck wash; however, it is not part of the CUP because it is a permitted use with the current zoning.

Dan Fox, Architect of record and General Contractor, explained the two fuel tanks will be above ground, include all safety measures and equipment as part of the system, and everything will comply with all State and County requirements. It has been designed as a two-way fueling station with trucks entering and exiting in opposite directions. The fueling station will have a canopy and facade that is consistent with the main building. It is setback from the street frontage and the site is completely walled to not be visible to the public. This fueling station is strictly for private use by Premier Underground

Chair White opened the public hearing, no public asked to speak therefore the public hearing was closed.

Commissioner McBurney made a motion to recommend approval of Application PL-24-0077, a request for a Conditional Use Permit to allow a truck fueling station and truck dispatch, as additional uses to the primary office and warehouse use, subject to the five (5) conditions of approval as listed in the staff report, seconded by Commissioner Stanfield.

Chair Larry White	Aye
Vice-Chair Julia Jewell	N/A
Commissioner Alan Agundez Castillo	N/A
Commissioner Denise Stanfield	Aye
Commissioner Linda Warren	N/A
Commissioner Alex McBurney	Aye
Commissioner Shaun Grimm	Aye
Alternate Ryan Benson	N/A

Upon vote, the motion passed 4 to 0

5. COMMISSION ANNOUNCEMENTS

None.

6. PLANNING DIVISION REPORT

Mrs. Lorbeer shared August's monthly data, noting there were 26 new development applications. We will have some items for your consideration next month including text amendments.

7. CALENDAR

The next Planning Commission meeting is scheduled for October 16, 2024.

8. ADJOURNMENT

There was no further business; Chair White called for a motion to adjourn.

Commissioner Grimm made a motion to adjourn, seconded by Commissioner McBurney.

Chair Larry White	Aye
Vice-Chair Julia Jewell	N/A
Commissioner Alan Agundez Castillo	N/A
Commissioner Denise Stanfield	Aye
Commissioner Linda Warren	N/A
Commissioner Alex McBurney	Aye
Commissioner Shaun Grimm	Aye
Alternate Ryan Benson	N/A

Upon vote, the motion passed 4 to 0

The meeting adjourned at 6:17 p.m.

Chair, Larry White

Date

ITEM NUMBER: 4.a.

SUBJECT: Zoning Ordinance Text Amendments – Chapter 28, Article 1 (Administration and Procedures); Article 2 (Residential Districts); Article 7 (Supplementary Regulations); and Article 8 (Parking) - Application PL-24-0225**MEETING DATE:** 10/16/2024

TO: Planning Commission**FROM:** Joshua T Orton, AICP, Lead Senior Planner**THROUGH:** Jodie Novak, Director of Development Services**PURPOSE:**

Planning Commission will hold a public hearing and consider a city-initiated request for text amendments to the Zoning Ordinance. The amendments will allow for continued refinement of the Zoning Ordinance to reflect recent changes in State law related to accessory dwelling units (ADUs), provide for cross-references, and address the overall accuracy and usability of the Zoning Ordinance. The Commission will take appropriate action and forward a recommendation to City Council.

BACKGROUND:

The Avondale Zoning Ordinance was first adopted in 1951 and has been updated numerous times. The last update occurred in September 2024.

SUMMARY OF REQUEST:

The purpose of the text amendment is to update sections of the Zoning Ordinance to reflect recent changes in State law related to accessory dwelling units (ADUs) and provide cross-references. The proposed changes will benefit the community by improving the overall consistency and usability of the Zoning Ordinance.

The proposed code amendments respond to House Bill 2720, passed by the Arizona Legislature, which allows ADUs on any lot or parcel where a single-family dwelling is allowed. Development regulations specified in the bill must be adopted on or before January 1, 2025.

The following is a summary of the proposed amendments to the Zoning Ordinance referenced by section number. The proposed text for each of these sections may be found in the attached Exhibit A.

Section 28-15 Definitions.

Add definitions of the following terms: “dwelling unit, accessory”, “dwelling unit, restricted-affordable”, “deed restrictions (restricted-affordable)”, “permitted use”, “rental, long-term”, and “rental, short-term”.

Revise the definition of “dwelling or dwelling unit”.

Section 28-32 Land use matrices.

Add “accessory dwelling unit (ADU)” as a use permitted with conditions (PC) in the residential zoning districts that allow a single-family detached dwelling.

Remove the use “guest house” from the table because it is no longer relevant.

Section 28-33 (g) Uses permitted with conditions.

Add a new subsection for “ADUs” and renumber the remaining subsections. Add ADU standards consistent with state law that include, but are not limited to, number, size, location, height, vacation rentals, and restricted-

affordable. Clarify that existing permitted guest houses shall count towards the allowable ADUs. Remove the subsection for the “guest house” use as it is no longer relevant.

Section 28-133(e) Detached accessory buildings.

Revise text to specify ADU exceptions related to setbacks, location, and height.

Section 28-164 Required parking.

Add “accessory dwelling unit” to the parking table and state that no additional parking is required per State law.

PUBLIC PARTICIPATION:

All required notifications for the Planning Commission and City Council public hearings were completed in accordance with notification requirements. Staff has not received any feedback on the proposed text amendment. At the time of writing this report, one comment in support related to the proposal was posted on the City’s Avondale Connect digital forum.

ANALYSIS:

The Zoning Ordinance Text Amendments are not anticipated to result in any adverse impacts on the community. The amendments will allow for continued refinement of the Zoning Ordinance to be consistent with state law, reflect changes in policies and procedures, and address the overall accuracy and usability of the Zoning Ordinance.

DISCUSSION:

Staff recommends approval of the request for the following reasons:

- The proposed text amendment will ensure consistency with State law.
- The proposed text amendment will improve usability of the code and enhance customer service.
- The proposed is deemed necessary to best serve the public health, safety, and general welfare of the city.

BUDGET IMPACT:

No budget impacts.

RECOMMENDATION:

The Planning Commission will conduct a public hearing and recommend **APPROVAL** of Application PL-24-0225, Zoning Ordinance Text Amendment, a request for text amendments to the City of Avondale Zoning Ordinance.

Article 1 ADMINISTRATION AND PROCEDURES

28-15 Definitions.

* * *

"Day spa:" A business establishment that provides professionally administered personal care treatments such as manicures, pedicures, massages and facials.

"Deed restriction (restricted-affordable):" The restriction document recorded against the restricted-affordable accessory dwelling unit on the lot to apply the acknowledgment of affordable housing restriction and ensure compliance with this Chapter.

"Density:" The number of dwelling units permitted per net acre of land.

* * *

"Driveway:" An unobstructed paved area directly connecting a public or private street with vehicle parking, loading or maneuvering areas.

"Dwelling or dwelling unit:" A residential living unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and a separate entrance. 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 It does not include convalescent homes, hospices, assisted living facilities, hospitals, hotels, and other accommodations for the transient public.

"Dwelling unit, accessory:" A self-contained residential living unit that is on the same lot or parcel as a single-family dwelling of greater square footage than the accessory dwelling unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and a separate entrance.

"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, restricted-affordable:" A dwelling unit that, either through a deed restriction or a development agreement with the City of Avondale, shall be rented to households earning up to eighty percent of area median income.

"Dwelling, single-family:" A building containing one (1) single-family dwelling unit.

"Dwelling, triplex:" A building containing three (3) dwelling units.

* * *

"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.

"Permitted use:" The ability for a development to be approved without requiring a public hearing, variance, conditional use permit, special permit or special exception, other than a discretionary zoning action to determine that a site plan conforms with applicable zoning regulations.

"Person:" An individual, proprietorship, partnership, corporation, association or other legal entity.

* * *

"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.

"Rental, long-term:" A rental use in which the tenant holds a lease of ninety days or longer or on a month-by-month basis.

"Rental, short-term:" See Avondale City Code Chapter 13, Section 13-181, Definitions.

"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.

Article 2 RESIDENTIAL DISTRICTS

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
<u>Accessory dwelling unit (ADU)</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>
Adult day care in the home as an accessory to the primary residential use of the dwelling	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
<u>* * *</u>										
Group foster home	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
<u>Guest house</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>C</u>	<u>C</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Home occupation, as an accessory to the primary residential use of a dwelling	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
<u>* * *</u>										

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
<u>Accessory dwelling unit (ADU)</u>	<u>PC</u>	<u>PC</u>	<u>-</u>	<u>PC</u>
Adult day care in the home as an accessory to the primary residential use of the dwelling	PC	PC	PC	-
<u>* * *</u>				

P = Permitted use

C = Conditional use permit required

PC = Permitted with conditions

- = Not permitted

(Ord. No. 2045-1220, § 6, 12-7-20; Ord. No. 2055-0823, § 8, 8-21-23)

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) Accessory dwelling units (ADUs) are allowed in certain residential zoning districts, subject to the following:

(1) Permitted use. The following ADUs are considered a permitted use, subject to building, fire and public health and safety codes and regulations, and with adequate public utility services:

(A) No more than one attached ADU and one detached ADU on a single-family dwelling lot that is less than one acre;

(B) No more than one attached ADU and one detached ADU on a single-family dwelling lot that is one acre or more; or

(C) No more than one attached ADU and two detached ADUs on a single-family dwelling lot that is one acre or more, but only if at least one of the ADUs is a restricted-affordable dwelling unit, pursuant to section 28-33(a)(8).

(D) An existing permitted guest house that commenced construction prior to November 18, 2024, shall be considered an ADU within the provisions of this section and shall count towards the allowable ADUs on a single-family lot or parcel. New guest houses are not a permitted use.

(2) Accessory use.

(A) No ADU shall be constructed prior to the construction of the single-family dwelling unit to which it is an accessory. The ADU shall be secondary in size and function to the primary dwelling unit.

(B) An ADU shall not be sold or otherwise conveyed separately from the primary dwelling on the property.

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- (C) Either the single-family dwelling or any ADU on the same lot or parcel may be separately leased as long-term rental housing.
- (D) Impact fees. An ADU is considered a separate or new dwelling unit for the purpose of providing service for water, sewer, or power, including the calculation of fees.
- (3) Development standards.
- (A) Size. An ADU shall only be constructed on a single-family lot or parcel and shall not exceed seventy-five percent (75%) of the gross floor area of the existing single-family dwelling on the same lot or parcel or one thousand (1,000) square feet, whichever is less.
- i. For purposes of this section, the gross floor area shall constitute the interior habitable area of a single-family dwelling or the ADU.
- (B) Location. An ADU shall only be constructed where the zoning district allows for a single-family dwelling on the lot or parcel. An ADU is not permitted on the same lot or parcel as a duplex, townhome, or other multiple-family development.
- (C) Building frontage. An ADU is subject to the same building frontage requirements that apply to a single-family dwelling on the same lot or parcel.
- (D) Setbacks. An ADU is subject to the same setback requirements that apply to a single-family dwelling on the same lot or parcel except that:
- i. The minimum rear yard setback shall be five (5) feet from the property line.
- ii. The minimum side yard setback shall be five (5) feet from the property line.
- iii. The minimum front yard setback shall comply with the applicable zoning district under Section 28-35 Development standards.
- (E) Building coverage. An ADU is subject to the same building coverage regulations that apply to a single-family dwelling on the same lot or parcel.
- (F) Height. An ADU is subject to the same height restrictions that apply to a single-family dwelling on the same lot or parcel.
- (G) Number of bedrooms. An ADU shall have a maximum number of two (2) bedrooms.
- (H) Entrances and means of egress. The ADU shall be provided with a separate entrance from that serving the primary dwelling unit, either from the exterior of the building or from a common hallway located within the building. The path of egress travel from an ADU to a public way or to a yard that opens to a public way shall be independent of, and not pass through, the primary dwelling unit.
- (I) Addressing. An ADU shall have a separate house number from the primary dwelling unit and the ADU house number shall be visible from the public right of way.
- (J) Exterior design, roof pitch and finishing materials. The exterior design, roof pitch and finishing materials are not required to match the exterior design of the single-family dwelling on the same lot.
- (J) Improvements to public streets. No additional improvements to public streets are required as a condition of allowing an ADU, except as necessary to reconstruct or repair a public street that is disturbed as a result of the ADU construction.
- (K) Driveways. Each lot or parcel shall have one driveway for use by both the single-family dwelling and the ADU. If a driveway exists when the ADU is constructed, the ADU shall use the existing driveway.

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- (4) A mobile home, recreational vehicle, or other movable habitable space shall not be used as an ADU.
- (5) Parking and access. No additional parking space or in lieu parking fee shall be required to accommodate a new ADU.
- (6) Utility Service. An ADU shall be supplied with adequate provisions for electricity, water supply, and sewage disposal. The property owner shall be responsible for demonstrating adequate services and to upgrade services if determined inadequate. An ADU shall be connected to the same utilities as the primary single-family dwelling. An ADU shall not encroach upon an existing or planned public utility easement unless the property owner obtains written consent from each easement holder and each affected utility.
- (7) Occupancy; vacation rentals. An ADU that is issued a certificate of occupancy on or after September 14, 2024, shall not be used as a vacation rental or short-term rental unless the owner resides on the same property. The residency requirement does not apply to property owners who demonstrate they had a legal right to build an ADU on their lot or parcel on or before September 14, 2024, unless the three-year statute of limitations in A.R.S. 12-1134(G) has expired.
- (8) Restricted-affordable. A restricted-affordable accessory dwelling unit shall be subject to the following:
- (A) The owner of a proposed restricted-affordable dwelling unit must execute and deliver an original recorded copy of a development agreement with the City of Avondale or a deed restriction on the City of Avondale's standard form prior to issuance of a building permit for the construction of the proposed restricted-affordable dwelling unit on the lot.
- (B) The deed restriction shall be recorded by the owner of the lot burdened thereby in the property records of Maricopa County Recorder's Office and remain a covenant and restriction running with the property for a minimum period of thirty (30) years.
- (C) The restricted-affordable dwelling unit shall be constructed in accordance with this section and the conditions and restrictions set forth in the deed restriction and any applicable development agreement between the developer/owner and the City of Avondale.
- (D) The rent of the restricted-affordable dwelling unit shall not exceed the maximum rents established based on household size and income, following the limits published by the Arizona Department of Housing. The restricted-affordable dwelling unit shall not be rented to any entity.
- (E) Occupancy requirement.
- i. When the restricted-affordable dwelling unit becomes vacant, the owner shall promptly make it available and actively market said unit for lease to another qualified occupant in accordance with the deed restriction or development agreement and any rental guidelines adopted by the City.
- ii. In the event the income status of the occupant of the restricted-affordable dwelling unit is altered so as to no longer meet the qualifications of this section, said occupant shall be permitted to reside in the unit under the same terms and conditions of the unit lease, except that no extension of the lease term shall be granted.
- iii. The restricted-affordable dwelling unit shall only be leased and occupied by residents who will utilize the unit as their principal place of residence. For the purpose of this section, the principal place of residence shall mean the dwelling in which one's habitation is fixed for six (6) or more months of the calendar year.
- (F) Reporting Requirement. The owner of a restricted-affordable dwelling unit shall provide an annual report and proof to the City of Avondale to demonstrate compliance with the rental

requirements set forth in this section. The annual report shall be submitted to the Director of Neighborhood and Family Services between January 15 and January 30 of each year and shall cover the entire twelve (12) month period of the preceding calendar year. Said report shall contain, at a minimum:

- i. The period(s) the restricted-affordable dwelling unit was rented and the status by which its occupant(s) qualified under the deed restriction;
- ii. The monthly rental price; and
- iii. The taxes, special assessments, and homeowners' association and management fees, and any other fees or charges, including common utilities, assessed to each unit.

(9) Other requirements. All other zoning ordinance requirements shall be complied with unless otherwise approved by conditional use permit or variance.

(10) An ADU is subject to section 28-33(j) regarding home-based occupations.

(11) This section does not supersede applicable building codes, fire codes, or public health and safety regulations, except that the city may not require the ADU to comply with a commercial building code or contain a fire sprinkler.

(12) Exceptions. This section does not apply to any lot or parcel within tribal land, on land in the territory in the vicinity of a military airport or ancillary military facility as defined in A.R.S. 28-8461, on land in the territory in the vicinity of a federal aviation administration commercially licensed airport or a general aviation airport or on land in the territory in the vicinity of a public airport as defined in A.R.S. 28-8486

(ba) Adult day care in the home providing care for up to ten (10) adult individuals not related to the residents may be permitted as an accessory 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 adult day care shall not be allowed.
- (3) The minimum separation between day care uses on the same street shall be 300 feet, as measured from the closest property lines.
- (4) All required licenses, certifications and registrations shall be obtained from the appropriate state agency prior to issuance of a business license.
- (5) All requirements of the applicable state and/or City of Avondale Building Code, Fire Code and Zoning Ordinance as amended shall be complied with prior to issuance of a business license.
- (6) Vehicles belonging to employees and residents are required to park onsite, in the garage or on an approved driveway.
- (7) Existing garages, carports or driveways shall not be expanded, enclosed, or otherwise modified to accommodate this accessory use.
- (8) The day care use shall not generate vehicular or truck traffic in greater volume than that normally expected in the residential district in which the day care use is located.
- (9) All outdoor recreation areas shall be completely enclosed by a six (6) foot high masonry wall with self-closing and self-locking gates.
- (10) All swimming pools shall be secured by a barrier in conformance with the Arizona State Statutes and International Building Code (IBC), as amended.

(cb) Apiary is allowed in certain residential zoning districts provided that:

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- (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.
- (de) Child care in the home providing care for up to ten (10) children not related to the residents may be permitted as an accessory 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 child day care shall not be allowed.
 - (3) The minimum separation between day care uses on the same street shall be three hundred (300) feet, as measured from the closest property lines.
 - (4) All required licenses, certifications and registrations shall be obtained from the appropriate state agency prior to issuance of a business license.
 - (5) All requirements of the applicable state and/or City of Avondale Building Code, Fire Code and Zoning Ordinance as amended shall be complied with prior to issuance of a business license.
 - (6) Vehicles belonging to employees and residents are required to park onsite, in the garage or on an approved driveway.
 - (7) Existing garages, carports or driveways shall not be expanded, enclosed, or otherwise modified to accommodate this accessory use.
 - (8) The day care use shall not generate vehicular or truck traffic in greater volume than that normally expected in the residential district in which the day care use is located.
 - (9) All outdoor recreation areas shall be completely enclosed by a six (6) foot high masonry wall with self-closing and self-locking gates.
 - (10) All swimming pools shall be secured by a barrier in conformance with the Arizona State Statutes and International Building Code (IBC), as amended.
- (ed) Community residential home providing care for up to six (6) unrelated individuals may be allowed in certain residential zoning districts provided that:
- (1) Prior to operation, a completed registration for a community residential home must be submitted to the development services department. The registration shall be deemed confidential and not subject to disclosure under the Arizona Records Law. A registration shall terminate when the use ceases.
- (fe) Community residential setting providing care for up to ten (10) children may be allowed in certain residential zoning districts provided that:
- (1) Prior to operation, a completed registration for a community residential setting must be submitted, reviewed, and approved by the development services director or their designee. No registration shall be accepted for a community residential setting that does not comply with the requirements of the zoning ordinance. A registration shall terminate when the use ceases.
 - (2) A minimum separation distance of six hundred (600) feet is required from another community residential setting, group home, group foster home, and sober living home.
 - (3) The residential character of the exterior of the structure shall be maintained.
 - (4) Signs related to the use shall not be allowed.
 - (5) Vehicles belonging to employees and residents are required to park onsite, in the garage or on an approved driveway.

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- (6) Deliveries or routine stops (exclusive of visitors) specific to a community residential setting shall be restricted to daylight hours only.
 - (7) Exclusive use. All administrative activities including staffing, counseling and other visitations shall serve only the residents of the community residential setting.
 - (8) The operation shall comply with applicable licensing requirements. If Arizona Law requires a state license, a copy of that license and all renewals thereto shall be provided to the city for record-keeping purposes within ten (10) days of receipt by the operator.
 - (9) The development services director, or their designee, shall have the right to review, provide corrective action and if necessary, revoke any approval of a community residential setting if it is found to be endangering the public health, welfare, or safety of the surrounding community.
 - (10) The community residential setting shall meet all requirements of the applicable State of Arizona or City of Avondale Building and Fire Codes to be determined by the chief building official and the fire chief, or their designees.
- (gf) Dairy farm is allowed in certain residential zoning districts provided that the minimum site area is forty (40) acres.
- (hg) Farm animals. Raising and keeping farm animals including backyard fowl is allowed in certain residential zoning districts, subject to the provisions of Avondale City Code Chapter 3 (Animals and Fowl), Article II (Livestock, Fowl, Etc.) :
- (ih) Feed lot for cattle is allowed in certain residential zoning districts provided that the minimum site is forty (40) acres.
- (ii) Group homes providing care for up to ten (10) unrelated individuals may be allowed in certain residential zoning district provided that:
- (1) Prior to operation, a completed registration for a group home must be submitted to the development services department. The registration shall be deemed confidential and not subject to disclosure under the Arizona Records Law. A registration shall terminate when the use ceases.
 - (2) A minimum separation distance of six hundred (600) feet is required from another group home, community residential setting, group foster home, and sober living home.
 - (3) The residential character of the exterior of the structure shall be maintained.
 - (4) Signs related to the use shall not be allowed.
 - (5) Vehicles belonging to employees and residents are required to park onsite, in the garage or on an approved driveway.
 - (6) Deliveries or routine stops (exclusive of visitors) specific to a group home shall be restricted to daylight hours only.
 - (7) Exclusive use. All administrative activities including staffing, counseling and other visitations shall serve only the residents of the group home.
 - (8) The operation shall comply with applicable licensing requirements. If Arizona Law requires a state license, a copy of that license and all renewals thereto shall be provided to the city for record-keeping purposes within ten (10) days of receipt by the operator.
 - (9) No group home shall house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or to substantial physical damage to the property of others.
 - (10) The development services director, or their designee, shall have the right to review, provide corrective action and if necessary, revoke any approval of a group home if it is found to be endangering the public health, welfare, or safety of the surrounding community.

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- (11) The group home shall meet all requirements of the applicable State of Arizona or City of Avondale Building and Fire Codes to be determined by the chief building official and the fire chief, or their designees.

(kj) Group foster homes for six (6) to ten (10) children may be allowed in certain residential zoning district provided that:

- (1) Prior to operation, a completed registration for a group foster home must be submitted to the development services department. The registration shall be deemed confidential and not subject to disclosure under the Arizona Records Law. A registration shall terminate when the use ceases.
- (2) A minimum separation distance of six hundred (600) feet is required from another group foster home, community residential setting, group home, and sober living home.
- (3) The residential character of the exterior of the structure shall be maintained.
- (4) Signs related to the use shall not be allowed.
- (5) Vehicles belonging to employees and residents are required to park onsite, in the garage or on an approved driveway.
- (6) Deliveries or routine stops (exclusive of visitors) specific to a group foster home shall be restricted to daylight hours only.
- (7) Exclusive use. All administrative activities including staffing, counseling and other visitations shall serve only the residents of the group foster home.
- (8) The operation shall comply with applicable licensing requirements. If Arizona Law requires a state license, a copy of that license and all renewals thereto shall be provided to the city for record-keeping purposes within ten (10) days of receipt by the operator.
- (9) The development services director, or their designee, shall have the right to review, provide corrective action and if necessary, revoke any approval of a group foster home if it is found to be endangering the public health, welfare, or safety of the surrounding community.
- (10) The group foster home shall meet all requirements of the applicable State of Arizona or City of Avondale Building and Fire Codes to be determined by the chief building official and the fire chief, or their designees.

~~(k) 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.~~

(h) 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.

(m) Places of worship shall be located on an arterial street or at the intersection of two (2) collector streets.

(n) 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.

(o) 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).

(p) Sober living home providing care to up to ten (10) unrelated individuals may be allowed in certain residential zoning districts provided that:

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- (1) Prior to operation, a completed registration for a sober living home must be submitted, reviewed, and approved by the development services director or their designee and the operator must obtain a valid Avondale business license. No registration shall be accepted for a sober living home that does not comply with the requirements of the zoning ordinance. A registration shall terminate when the use ceases.
 - (2) A minimum separation distance of six hundred (600) feet is required from another sober living home, community residential setting, group home, and group foster home.
 - (3) The residential character of the exterior of the structure shall be maintained.
 - (4) Signs related to the use shall not be allowed.
 - (5) Vehicles belonging to employees and residents are required to park onsite, in the garage or on an approved driveway.
 - (6) Deliveries or routine stops (exclusive of visitors) specific to a sober living home shall be restricted to daylight hours only.
 - (7) Exclusive use. All administrative activities including staffing, counseling and other visitations shall serve only the residents of the sober living home.
 - (8) The operation shall comply with applicable licensing requirements. If Arizona Law requires a state license, a copy of that license and all renewals thereto shall be provided to the city for record-keeping purposes within ten (10) days of receipt by the operator.
 - (9) No sober living home shall house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or to substantial physical damage to the property of others.
 - (10) The development services director, or their designee, shall have the right to review, provide corrective action and if necessary, revoke the approval of a sober living home if it is found to be endangering the public health, welfare, or safety of the surrounding community.
 - (11) The sober living home shall meet all requirements of the applicable State of Arizona or City of Avondale Building and Fire Codes to be determined by the chief building official and the fire chief, or their designees.

Article 7 SUPPLEMENTARY REGULATIONS

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 except for an accessory dwelling unit (ADU) per section 28-33.
- (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, except as otherwise provided for ADUs per section 28-33:
 - (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 for an ADU per section 28-33 and that on a residential lot in the AG District, a shelter for the keeping of animals, 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.

Article 8 PARKING

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
* * *	
Residential Uses	
<u>Accessory dwelling unit</u>	<u>No additional parking required; refer to dwelling, single-family requirements.</u>
Dwelling, manufactured home park	2 spaces/unit (Minimum 1 covered space)
Dwelling, multi-family	Studio: 1.5 spaces/unit 1 bedroom: 1.5 spaces/unit 2 bedroom: 1.75 spaces/unit 3 bedroom: 2 spaces/unit Townhome: An enclosed garage with two (2) interior spaces is required PLUS: One (1) visitor space per five (5) units must be provided; and 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(h) for exceptions)

	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)
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ITEM NUMBER: 4.b.

SUBJECT: Zoning Ordinance Text Amendments – Chapter 28, Article 1 (Administration and Procedures) - Application PL-24-0227**MEETING DATE:** 10/16/2024

TO: Planning Commission**FROM:** Christina LaVelle, Senior Planner**THROUGH:** Jodie Novak, Director of Development Services**PURPOSE:**

Planning Commission will hold a public hearing and consider a city-initiated request for text amendments to the Zoning Ordinance. The amendments will allow for continued refinement of the Zoning Ordinance to reflect recent changes in State law related to residential rezoning applications, provide for cross-references, and address the overall accuracy and usability of the Zoning Ordinance. The Commission will take appropriate action and forward a recommendation to City Council.

BACKGROUND:

The Avondale Zoning Ordinance was first adopted in 1951 and has been updated numerous times. The last update occurred in September 2024.

SUMMARY OF REQUEST:

The purpose of the text amendment is to update sections of the Zoning Ordinance to reflect recent changes in state law related to requests to rezone to a residential zoning district and provide cross- references. The proposed changes will benefit the community by improving the overall consistency and usability of the Zoning Ordinance.

The proposed code amendments respond to Senate Bill 1162, passed by the Arizona Legislature, which specifies the time frame for approval or denial of a residential rezoning request. The time frames specified in the bill must be adopted on or before January 1, 2025.

The following is a summary of the proposed amendments to the Zoning Ordinance referenced by section number. The proposed text may be found in Exhibit A.

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

- Add subsection (a)(9) Requests to rezone to a residential zoning district.
- Adds time frame (30 days) to determine an application as administratively complete and time frame (180 days) for approval or denial by the city council. Time extensions (30 days) may be granted in increments.
- Lists exceptions to the subsection for land designated historic or already zoned planned area development (PAD).

PUBLIC PARTICIPATION:

All required notifications for the Planning Commission and City Council public hearings were completed in accordance with notification requirements. Staff has not received any feedback on the proposed text

amendment. At the time of writing this report, one comment related to the proposal has been posted on the City's Avondale Connect digital forum, asking the City to deny any more rezoning for apartments.

ANALYSIS:

The Zoning Ordinance Text Amendments are not anticipated to result in any adverse impacts on the community. The amendments will allow for continued refinement of the Zoning Ordinance to be consistent with State law, reflect changes in policies and procedures, and address the overall accuracy and usability of the Zoning Ordinance.

DISCUSSION:

Staff recommends approval of the request for the following reasons:

- The proposed text amendment will ensure consistency with State law.
- The proposed text amendment will improve usability of the code and enhance customer service.
- The proposed is deemed necessary to best serve the public health, safety, and general welfare of the city.

BUDGET IMPACT:

No budget impacts.

RECOMMENDATION:

The Planning Commission will conduct a public hearing and recommend **APPROVAL** of Application PL-24-0227, Zoning Ordinance Text Amendment, a request for text amendments to the City of Avondale Zoning Ordinance.

PROPOSED MOTION:

I move that the Planning Commission recommend **APPROVAL** to Application PL-24-0227, Zoning Ordinance Text Amendment, a request for text amendments to the City of Avondale Zoning Ordinance, for the reasons set forth in the staff report.

Article 1 ADMINISTRATION AND PROCEDURES

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 ($\frac{3}{4}$) 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 ($\frac{3}{4}$) 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.

(9) Requests to rezone to a residential zoning district.

(A) For the purposes of this section, a “residential rezoning application” means an application seeking to rezone from one type of zoning district to a residential zoning district as listed in Chapter 28, Article 2 – Residential Districts.

(B) Administrative completeness review time frame. For each residential rezoning application, the zoning administrator or designee shall determine whether the application is

administratively complete within thirty (30) days after receiving the application. If the application is deemed administratively incomplete, the zoning administrator or designee will provide the applicant with a written notice that includes a comprehensive list of the specific deficiencies. Upon issuance of the written notice, the administrative completeness review time frame and overall time frame contained in this section are suspended until the zoning administrator or designee receives the resubmitted application. The zoning administrator or designee shall have fifteen (15) days to review the resubmitted application and determine whether every deficiency has been resolved for administrative completeness.

(C) Approval or denial of requests to rezone to a residential zoning district. After determining that a residential rezoning application is administratively complete, the City Council shall approve or deny the application within one hundred eighty (180) days. The City may extend the time frame to approve or deny beyond one hundred eighty (180) days as follows:

- i. the zoning administrator or designee may grant a one-time extension of not more than thirty (30) days for extenuating circumstances; or
- ii. the zoning administrator or designee may grant extensions in thirty (30) day increments at the request of the applicant.

(D) Exceptions. This sub-section does not apply on land that is designated as a district of historical significance pursuant to Ariz. Rev. Stat. § 9-462.01(a); or an area that is designated as historic on the National Register of Historic Places; or land that is already zoned as planned area development (PAD).

- (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.