CITY OF AVONDALE
ZONING ORDINANCE
AMENDED AND RESTATED
January 2, 2018

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CITY OF AVONDALE
ZONING ORDINANCE

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SECTION 1 ADMINISTRATION AND PROCEDURES

101 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, Design Manual for Commercial, Industrial, and Multi-Family Development, Design Manual for Single-Family Residential Development, 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 101(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 (12) 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 101(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 (12) month deadline if a delay in recommencing was shown to be caused by unforeseen circumstances beyond the control of the owner of the premises.

102 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 102(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 102(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 102(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 102(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) base fine for the first violation, five hundred dollars ($500) base fine for a second violation and one thousand dollars ($1,000) base fine for a third violation in any twenty-four (24) month period. The dates of the offenses are the determining factor for calculating the twenty-four (24) 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 (24) 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 (24) 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 102(I) below for each violation in excess of three (3) civil or criminal violations within a twenty-four (24) 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), 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) 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 102(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 102(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 102(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.

103 Reserved

104 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.

C. 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.

D. 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.

105 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.

106 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 106(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 904 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.

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) 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 107(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 904 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 (2) 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.

107 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 or for any increase or reduction in permitted uses. 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.

108 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 the required fee before the conditional use permit application can be processed.

3. The applicant shall conduct a neighborhood meeting in accordance with Section 112, below and complete notifications pursuant to Section 113, 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 113, 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 113, 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 108(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 113 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.

109 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 110.

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 113, 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 113, 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.

110 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 110.

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 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 112, below, and complete notifications in accordance with Section 113, below.

3. The applicant shall provide Certificates of Adequate School Facilities, in accordance with subsection 113(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 113, 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 113, 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 (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 (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.

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.

111 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 the required fee and submittal materials.

   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 113, 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 113, 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.

112 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 pm but starting no later than 8:00 pm 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.

113 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 (1/8) 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 (4)-inch by four (4) inch by eight (8) 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 (1/2) 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.

114 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.

115 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 (24) 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.

Caliper: A standard measurement for trees based on the diameter of a tree trunk as measured a specific distance above the ground based on the type of tree.

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 Design Manual for Commercial, Industrial, and Multi-Family Residential Development and Avondale Design Manual for Single-Family Residential Development, as amended.

Development Review Committee: See Section 105 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.

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 Section 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: The process of keeping a landscape healthy, clean, safe and attractive by landscape irrigation management and 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.

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 Section 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.

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 Cultivation Location: Any of the following: (A) a medical marijuana dispensary at which cultivation occurs for sale at that medical marijuana dispensary, (B) the one (1) additional location, if any, duly identified pursuant to ARIZ. REV. STAT. § 36-2806(E), as amended, during the process of registering a medical marijuana dispensary, where marijuana will be cultivated for sale at a medical marijuana dispensary, (C) any location identified pursuant to ARIZ. REV. STAT. § 36-2804.02(A) (3) (f), as amended, for cultivation of medical marijuana by a designated caregiver or qualifying patient (as defined in ARIZ. REV. STAT. § 36-2801, as amended) for a qualifying patient's medical use or (D) a facility that incorporates or processes medical marijuana into a consumable or edible product.

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 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 101(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 range of sustainable materials and techniques with a base and sub-base that allow the movement of storm water through the surface.

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 storm water, 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."
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> **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."
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> **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."
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> **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 Section 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 (24) 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 906 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 (2) 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 Section 9 and not requiring a permit.

B. Allowed by Zoning Ordinance Section 9 with a permit, and carrying a valid permit.

C. Not allowed by Zoning Ordinance Section 9, but legalized by variance and proper permit.

D. Not allowed by Zoning Ordinance Section 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 Section 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 Section 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.

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 & 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: A single-family dwelling unit, with a private entrance, 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 708 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 6 cubic feet in volume and (ii) all other equipment associated with the facility is cumulatively not more than 28 cubic feet

(or 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.

Section 2 Residential Districts

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SECTION 2 RESIDENTIAL DISTRICTS

201 Purpose

The residential districts are designed to promote high quality neighborhoods that have a distinct character, superior aesthetics, desirable amenities, open space and landscaping to meet the needs and expectations of the City's residents. The Districts range from low to high density, with distinct lists of allowed uses, development regulations and design requirements. These regulations are intended to further the intent and policies of the City's General Plan and to promote the health, safety and welfare of the City's citizens and visitors.

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 105 of this Ordinance. The residential districts are grouped into six (6) categories, each with a specific purpose, as follows:

A. Agricultural - Agricultural (AG) Zoning District. The purpose of the Agricultural (AG) Zoning District is to allow agricultural, ranching and related uses within the City. The District also serves as a holding zoning for land until suitable for rezoning and development.

B. Rural Residential - RR-43 and RR-18 Zoning Districts. The purpose of the RR-43 Zoning District is to encourage and preserve low-density residential developments with low intensity agricultural operations in a growing area. The purpose of the RR-18 district is to encourage Single-Family Residential uses and provide a semi-rural character that includes the keeping of farm animals. The intent of the district is to provide an appropriate buffer between urban and agricultural lifestyles with livestock and animal provisions while fostering orderly growth and limiting nonresidential land uses to maintain a rural residential character.

C. Suburban Residential - R1-35, 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.

202 Land Use Matrices

The following land use matrices shows the uses, which are permitted outright (P), permitted with a conditional use permit (C), permitted with conditions (PC), permitted as accessory uses (A) or prohibited (-) in specific residential Zoning Districts in the City of Avondale. The land use matrix is intended to serve as a guide for the convenience of the 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	-	-	-	-	-	-	-	-	-
Data Center	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	-	-	-	-	-	-	-	-	-

LAND USE	AG	RR-43	RR-18	R1-35	R1-15	R1-10	R1-8	R1-7	R1-6	R1-5
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	-	-	-	-	-	-	-	-
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	-

LAND USE	R-2	R-3	R-4	MH
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

203 Uses Permitted With Conditions

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

A. Apiary is allowed in certain residential Zoning Districts provided that:

1. In the AG District, hives shall have a minimum separation of two hundred (200) feet from any adjacent residences.

2. In the RR-43 District, hives shall have a minimum separation of seventy-five (75) feet from any adjacent residence.

B. Dairy Farm is allowed in certain residential Zoning Districts provided that the minimum site area is forty (40) acres.

C. Data Center is allowed in an Agricultural Zoning District provided that:

1. Data Centers are located within the Freeway Corridor Specific Plan (FCSP) boundaries and along an arterial roadway.

2. Data Centers must be contained within a building architecturally designed to appear as a Class A or Class B office building.

D. Farm Animals. Raising and keeping farm animals is allowed in certain residential Zoning Districts, subject to the following:

1. In the RR-43 District:

   a. The keeping of livestock such as cattle and horses shall be allowed at a ratio of one (1) animal per 21,780 square feet of lot area.

   b. Small livestock such as goats and sheep shall be allowed at a ratio of two (2) animals per 21,780 square feet of lot area.

   c. No more than two (2) swine per lot shall be allowed, excluding 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 21,780 square feet of lot area.

   b. Small livestock such as goats and sheep shall be allowed at a ratio of two (2) animals per 21,780 square feet of lot area.

   c. No more than two (2) swine per lot shall be allowed, excluding potbellied pigs.

d. Farm animals under the age of six (6) months shall not be limited to an animal per square footage ratio.

E. Feed Lot for cattle is allowed in certain residential Zoning Districts provided that the minimum site is forty (40) acres.

F. Guest House is allowed in certain residential Zoning Districts provided that:

1. A guest house shall not be rented, leased or sold separately from the 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 Section 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 Section 1 of this Zoning Ordinance is not required for guest houses.

G. 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. No more than twenty-five (25) percent or four hundred (400) square feet of the floor area of the dwelling unit, whichever is less, shall be devoted to the home occupation.

2. 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.

3. There shall be no signs, no exterior display, no exterior storage of materials, and no other indication of the home occupation or variation from the residential character of the principal building.

4. 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.

5. 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.

6. Any need for parking generated by the home occupation shall be off-street. The Zoning Administrator shall determine the number of parking spaces required based on the parking provisions of this Section.

7. No business vehicle shall be used in connection with the home occupation for delivery of goods to or from the premises. This provision does not preclude the delivery of mail or packages by the Postal Service or other private delivery service.

8. A maximum of one (1) vehicle used in conjunction with the home occupation is permitted to be kept, garaged, or stored at the residence.

9. There shall be no merchandise or commodity sold upon the premises.

10. If the home occupation employs persons other than the family members residing in the dwelling used for the home occupation, such other employees shall not work in the dwelling used for the home occupation.

11. Such occupation shall not require internal or external alterations or construction features or equipment or machinery not customary in residential areas.

12. The activity shall not generate traffic beyond that which is normal in its district.

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

I. 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.

J. Single-Family detached or attached dwellings are allowed in the Manufactured Home (MH) District subject to the development standards outlined in Section 207(C).

204 Uses Permitted With a Conditional Use Permit

The land uses listed in the land use matrix as being permitted subject to a Conditional Use Permit shall, in addition to the process set for in Section 109 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 Section 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.

205 Development Standards

A. Single-Family Districts

The following table provides the minimum development standards within the specified Zoning District:

District	AG	RR-43	R1-35	RR-18	R1-15	R1-10	R1-8	R1-7	R1-6	R1-5
Min. 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%
Min. 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 10’ 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 sf net site area	1 unit for every 3,630 sf net site area	1 unit for every 1,452 sf 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.

206 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 205, Development Standards, the provisions of this Section shall control.

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

2. A variety of lot sizes 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 3 units vertical (i.e. 3:12 to 6:12).

   d. Alternating between one (1) and two (2) 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 Multi-Family design manual.

   a. Open Space areas shall be the central focus of the development. Open space should link recreation facilities with the dwellings and be uninterrupted by vehicular circulation or parking areas.

b. Regulations for provision of Open Space shall be provided by Section 6 of this Zoning Ordinance.

c. Storm water 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 (1) 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.

207 Manufactured Home Park (MH) District

A. Permitted Uses. See 203 Land Use Matrix for Permitted Uses and Permitted Uses with Conditions in the MH Zoning District.

B. Conditional Uses. See 204 Land Use Matrix for uses permitted with a Conditional Use Permit.

C. Development Standards. The following are minimum development standards within the MH Zoning District:

1. The minimum size of a manufactured home park 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 caliper of two (2) inches measured at four (4) feet above abutting grade shall be planted every twenty (20) feet on center.

14. A minimum six (6) foot and maximum eight (8) foot decorative wall shall be constructed around the perimeter of the park or subdivision in accordance with the Section 1207 (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 Section 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.

E. Single-Family Home Requirements. A manufactured home shall be considered a single-family residence if it meets the following conditions:

1. The manufactured home to be installed shall be manufactured or constructed to meet Federal Manufactured Home Construction and Safety Standards (42 U.S.C. Sec. 5403).

2. Must be 26'8" wide or wider, at least three hundred twenty (320) square feet in size, and conform to the U.S. Housing and Urban Development Manufactured Home Construction and Safety Standards.

3. The exterior shall have wood siding or stucco finish.

4. The roof shall be shingle or tile with an overhang of at least six (6) inches.

5. 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.

6. The driveway shall be paved or surfaced with Permeable Paving materials.

7. Site layout shall meet the setback requirements of the Zoning District.

8. The parking requirements applicable to single-family homes contained in Zoning Ordinance Section 8 have been met.

Section 3 Commercial Districts

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SECTION 3 COMMERCIAL DISTRICTS

301 Purpose and Intent

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

302 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 105 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.

303 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	-
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
Rehabilitation facilities and hospitals, excluding facilities for substance abuse and detoxification	-	-	-	P	P
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
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
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

304 Uses Permitted With Conditions

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

A. 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 (20) foot landscaping buffer inside the wall adjacent to the residentially zoned property or use.

2. Buildings shall be sited to ensure that garage bay doors do not face public streets 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 (3) 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 (6) foot tall masonry wall. Screen wall may be required to be eight (8) 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 (6) 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 (20) foot landscaping buffer inside the wall adjacent to the residentially zoned property or use.

2. Buildings shall be sited to ensure that garage bay doors do not face public streets 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.

305 Conditional Use Development Standards

The following land uses are listed in the land use matrix as being allowed with a Conditional Use Permit. All uses being granted a Conditional Use Permit shall comply with the conditions listed below for the individual uses, if applicable. Based on review of the Conditional Use Permit application, the City Council

may add additional conditions of approval deemed necessary to protect the health, safety, and public welfare.

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 Section 10, bar, night club, or wine bar.

3. The minimum separation required for the above uses shall apply regardless of whether the other use is located within the incorporated area of the City of Avondale or another jurisdiction.

306 Commercial Development Standards

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

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

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

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

D. All new buildings and uses of land or substantial additions to or remodeling of existing buildings/uses shall be subject to site plan review in accordance with Section 107.

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.

307 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. Sub-Districts

The OTAB District is comprised of the following sub-districts:

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 307(C)(1). This Sub-District 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 307(C)(2) for the Neighborhood District. This Sub-District 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 Sub-District 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 SUB-DISTRICT	NEIGHBORHOOD SUB-DISTRICT
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		

LAND USE	HERITAGE SUB-DISTRICT	NEIGHBORHOOD SUB-DISTRICT
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
Sidewalk vendors	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	-
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		

LAND USE	HERITAGE SUB-DISTRICT	NEIGHBORHOOD SUB-DISTRICT
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 Sub-District 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 (24) hour period.

    e. Outdoor storage or display shall be prohibited.

2. Bakeries are allowed in the Neighborhood Sub-District provided that:

    a. The business shall comply with the conditions listed in subsection 307(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 (24) hour period.

3. Bed and breakfast inns are allowed in the Neighborhood Sub-District 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 (24) 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 Sub-District provided that:

    a. The business shall comply with the conditions listed in subsection 307(E)(1), above.

    b. Commercial vehicles, as defined in Section 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 Sub-District 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 307(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 Sub-District 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 Sub-Districts 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 Sub-District, 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 Sub-District 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 Sub-Districts provided that sites shall be screened from off-site view by a minimum six (6) 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 Section 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 Sub-District 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 Sub-District provided that:

    a. Restaurants within the Neighborhood Sub-District shall comply with the conditions listed in subsection 307(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 Sub-District 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 307(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 City Attorney, 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. Sidewalk vendors are allowed in the Heritage Sub-District provided that:

a. Licensing:

i. Selling, or offering for sale, any food, beverage, or merchandise on any property within Old Town shall comply with the City of Avondale Municipal Code business licensing requirements. Licenses to vend within the OTAB District shall be reviewed and approved by the Director or authorized designee in conjunction with the City Finance and Budget Department. The application for a vendor's license shall be signed by the applicant and include:

1) The name, home and business address of applicant, and the name and address of the owner, if other than applicant, of the vending stand to be used in the operation of the vending business.

2) An itemized list and description of the food, drinks and/or merchandise to be sold.

3) A description and a depiction (including signage and colors), and specifications of any stand to be used in the operation of the business.

4) A site plan (to scale) depicting the exact proposed location of the vending stand.

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

ii. Vending locations shall be approved only if the site is determined to safely accommodate the use.

iii. All licenses shall be displayed in a visible and conspicuous location at all times during the operation of the vending business.

iv. The Zoning Administrator may recommend to the Finance and Budget Office that any license may be denied, suspended or revoked in accordance with the procedures in the Municipal Code for any of the following causes:

1) Fraud or misrepresentation contained in the application for license.

2) Fraud or misrepresentation made in the course of operating the vending business.

3) Conduct of the licensed business in such a manner as to create a public nuisance, or constitute a danger to the public health, safety, or welfare.

4) Any conduct contrary to the vending cart regulations contained within this subsection 307(E)(12).

b. Sidewalk vendors shall not sell food, beverages or merchandise that is not listed on their license applications, nor sell anything that is sold by an indoor restaurant or retail business within a three hundred (300) foot radius from the approved vending location.

c. Vendors within Old Town may operate only between the hours of 8:00 a.m. and 10:00 p.m. except in association with a City-approved special event.

d. No vending stand shall exceed four (4) feet in width, eight (8) feet in length, and eight (8) feet in height.

e. All food or drink sold must be for immediate consumption.

f. Trash receptacles shall be provided for use by patrons. Trash and refuse generated by the vending cart shall not be disposed of in public trash receptacles. All trash must be removed and disposed of by the vendor at the conclusion of each business day, or more frequently as necessary.

g. All items relating to the vending business shall be confined to the stand itself. Seating, tables or other furniture may not be provided in association with the vending operation.

h. A vending stand shall not be left unattended while in operation or left outdoors overnight.

i. Vendors shall not solicit or conduct business with persons in motor vehicles.

j. Vendors shall not sound any device that produces a loud and raucous noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public.

k. No advertising shall be permitted on any stand, except to identify prices and/or the name of the product or vendor.

l. All vending stands shall comply with the following safety requirements:

i. All equipment shall be secured in order to prevent movement during transit and to prevent detachment in the event of a collision or overturn. A safety knife holder shall be provided to avoid the loose storage of knives.

ii. All mechanical instruments used in the operation of the stand shall be installed so as to be hidden from view to the extent possible while remaining accessible.

13. Single-Family attached dwellings are allowed in the Neighborhood Sub-District, 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.

14. Single-Family detached dwellings are allowed in the Neighborhood Sub-District, 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.

15. Multi-Family dwellings are allowed in the Neighborhood Sub-District, 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 Sub-District 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 Sub-District 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 Sub-District 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 SUB-DISTRICT	NEIGHBORHOOD SUB-DISTRICT
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 307(G)(2)(a) below	0 feet, except when adjacent to a residential use a 5' minimum setback is required.
Minimum Street Side Setback	0 feet	10 feet
Minimum Rear Setback	0 feet, except as provided in subsection 307(G)(2)(b) below	15 feet

2. Additional Requirements.

a. Within the Heritage Sub-District, 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 Sub-District, 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 307(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 Section 9 of the Zoning Ordinance and the Historic Avondale Design and Development Guidelines.

7. Except where specified otherwise within this subsection 307, parking shall be provided in accordance with Section 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 Section 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 1204(C)(1)(d) (Landscape Design Standards, Required Landscape Areas, General). No minimum percentage of site landscaping shall be required.

   b. The provisions of subsection 1204(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 1204(C)(5) (Landscape Design Standards, Land Use Buffers) shall not apply to development in the OTAB District.

308 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 subsections 304 (Uses Permitted with Conditions) and 305 (Conditional Use Development Standards) of this Zoning Ordinance shall also apply unless specifically exempted in this subsection 308.

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 308(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 Section 8 of this Zoning Ordinance. Joint-use parking shall be permitted in accordance with the procedures outlined in Section 8 of this Zoning Ordinance.

4. Landscaping and walls shall be required in accordance with the provisions of Section 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 1204(C)(1)(d) (Landscape Design Standards, Required Landscape Areas, General).

   b. The provisions of 1204(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 308(D)(1) above.

c. The provisions of 1204(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 308(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 subsections 304 (Uses Permitted With Conditions) and 305 (Conditional Use Development Standards) of this Zoning Ordinance shall apply, except as follows:

a. The provisions of subsection 304(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 304(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.

Section 4 Employment Districts

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SECTION 4 EMPLOYMENT DISTRICTS

401 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.

402 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 105 of this Ordinance.

Land Use Matrix

Permitted Use	P
Permitted Use with Conditions	PC
Conditional Use Permit	C
Accessory Use	A
Not Permitted	-

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

LAND USE	CP	A-1
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
Medical Marijuana Cultivation Location	-	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
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
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

403 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 403, medical marijuana dispensaries and medical marijuana cultivation locations are allowed in certain general industrial districts as set forth above, so long as such uses are in compliance with the requirements of Section 13 of this Zoning Ordinance.

B. In addition to, and in no way limiting the general nature of this Section 403, 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 Section 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.

404 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 Section 1 of this Zoning Ordinance prior to approval of a Site Plan.

405 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 Section 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’

District	CP	A-1
Adjacent to a residential Zoning District or use*	50’	75’

* Not applicable to manufactured home parks.

406 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.

Section 5 Special Districts

Section 501 City Center District 119
Section 502 Major Sports and Entertainment District 128
Section 503 Special Use Overlay 140
Section 504 Historic Avondale Infill Overlay 144

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SECTION 5 SPECIAL DISTRICTS; OVERLAYS

501 City Center District

A. 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 Sub-Districts 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 Sub-District categories set forth in Section 503 below are intended to directly relate to and implement the provisions set forth in Section 3.2 of the CCSP for the corresponding Sub-District 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.

B. Applicability

1. Only properties within the City Center boundary will be permitted to rezone to the CCD.

2. The development regulations related to each Sub-District 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.

C. Sub-Districts

The CCD is divided into six (6) Sub-Districts. Properties within each Sub-District 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 Sub-District. The six (6) Sub-Districts are described below:

1. Gateway Employment.

The Gateway Employment (GE) Sub-District 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 Sub-District include retail, office, and hotel. In this Sub-District, 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 Sub-District, subject to an appropriate Development Plan.

2. Employment Mixed-Use.

The Employment Mixed-Use (EMU) Sub-District 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 Sub-District if built in conjunction with employment uses; provided, however, that residential units fronting on Park 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 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 Sub-District 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 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. 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.

3. Pedestrian Retail.

The Pedestrian Retail (PR) Sub-District 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 Sub-District 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.

4. Neighborhood Commercial.

The Neighborhood Commercial (NC) Sub-District 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 Sub-District 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.

5. Residential Mixed-Use.

The Residential Mixed-Use (RMU) Sub-District 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.

6. Townhouse Residential.

The Townhouse Residential (TR) Sub-District is designed to provide a transition between the Residential Mixed-Use Sub-District 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.

D. Administration

1. Establishment.

CCD base zoning may be established on property within the City Center according to the procedures outlined in Section 111 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.

a. 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 107, Site Plan Review; provided, however that the Planning Commission shall review, and City Council shall review and approve, all Development Plans for properties zoned CCD.

b. 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 Sub-Districts that are included in the area to be rezoned.

2. 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 adjustments do not divide zoning Sub-Districts, (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.

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 (1) above shall be Minor Amendments.

E. Land Uses

Land uses for each Sub-District 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 105 of this Ordinance.

P = Permitted
C = Conditional Use
PC = Permitted with Conditions
FF = First Floor Only
A = Accessory
- = Not Allowed

LAND USE	CITY CENTER SUB-DISTRICTS					
	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	-

LAND USE	CITY CENTER SUB-DISTRICTS					
	GE	EMU	PR	NC	RMU	TR
Emergency medical care facility	P	P	P	P	FF	-
Employment agencies excluding day labor	P	P	P	P	FF	-
Farming	PC	PC	PC	PC	PC	PC
Funeral Home	P	-	-	-	-	-
Health and exercise center	P	P	P	P	FF	-
Hospitals	P	-	-	-	-	-
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, excluding liquor stores	P	P	P	P	FF	-
Roller rink, indoor	P	-	-	-	-	-

LAND USE	CITY CENTER SUB-DISTRICTS					
	GE	EMU	PR	NC	RMU	TR
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	-	-	-	-	-

F. 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.

1. A college or university is allowed in all CCD Sub-Districts provided that, in RMU and TR Sub-Districts, 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.

2. Drive-through uses, including restaurants and financial institutions, are allowed in GE, NC and EMU Sub-Districts. However, in EMU Sub-Districts, stand-alone drive-through uses shall be prohibited; Drive-through uses in such EMU Sub-Districts shall only be permitted as part of multi-use buildings.

3. A hotel is allowed in all CCD Sub-Districts; 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.

4. Medical, dental or health offices, clinics and laboratories, excluding plasma centers, are allowed in the RMU Sub-District; 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.

5. A professional office is allowed in the RMU Sub-District; 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.

6. Bars are allowed in the GE and EMU Sub-Districts; 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 Sub-Districts only, exits and entrances to a bar shall not be located within three hundred (300) feet of a residential district.

7. Night clubs are allowed in the GE and EMU Sub-Districts; provided, however, that (a) 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 Sub-Districts only, exits and entrances to a night club shall not be located within three hundred (300) feet of a residential district.

8. Residential Uses are allowed in EMU and PR Sub-Districts; provided, however, that, except for residential uses fronting on Park Avenue, such residential uses are only permitted on the upper floors.

9. Farming is allowed in all CCD Sub-Districts 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.

G. Development Guidelines

1. Properties within the Gateway Employment, Employment Mixed-Use, Residential Mixed-Use, and Townhouse Residential Sub-Districts shall comply with the Development Guidelines as listed in Table 5-1 of the CCSP. The Pedestrian Retail Sub-District shall comply with the Development Guidelines as listed for the Employment Mixed-Use Sub-District, except to the extent such guidelines are determined by the Zoning Administrator to be inapplicable.

2. Properties within the Neighborhood Commercial Sub-District shall comply with the Development Guidelines listed for the Gateway Employment Sub-District, 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).

H. Design Guidelines

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 Sub-District.

I. 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:

1. 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.

2. The parking demand analysis shall analyze the needs of every proposed use in the Development Plan, using the Required Parking Schedule in Section 8 of the Zoning Ordinance as a starting point.

    a. Provided parking shall not exceed the one hundred ten (110) percent of the number listed in the Parking Schedule.

    b. 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.

3. 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.

4. 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.

5. On-street parking counted towards the required parking shall be adjacent to the property for which the parking is intended.

J. 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 Section 111 of this Zoning Ordinance.

502 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 Section 1 of this Zoning Ordinance. The district may also be established on non-abutting parcels if those properties are located within one-quarter (1/4) 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 (1/4) 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 502(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 502(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 502(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 304(G).

2. Except as provided in subsection 502(F), pet boarding and day care facilities, without and with outdoor play areas, subject to the conditions listed in Zoning Ordinance subsection 304(K) and 304(L) respectively.

3. Permanent towers and antennae, subject to the provisions of Zoning Ordinance Section 708.

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 Section 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 502(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 Section 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 802(B) shall not apply and portions of the required parking may be located off-site as needed to meet minimum requirements.

f. Subsection 802(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 803(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 803(B) shall not apply and parking/circulation areas shall be separated from landscaped areas according to approved landscape plans, as applicable.

i. Subsection 803(I) shall not apply and instead the provisions of subsection 502(K) shall govern.

j. Subsections 803(K) and 803(L) shall not apply.

k. Major sports and entertainment venues shall be exempt from subsection 804(C). Where a mix of uses is planned, shared parking requirements may be utilized pursuant to an approved CPP.

l. Subsection 805(A) shall not apply

2. Parking for all other uses allowed in the MSED shall comply with all requirements of Zoning Ordinance Section 8, Parking.

I. Site Lighting

1. Lighting for major sports and entertainment venues (including all subordinate accessory facilities) shall adhere to Zoning Ordinance Section 707, 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 707(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 707.

i. Temporary lighting requirements contained in subsection 707(E) shall not apply.

j. Nonstandard lighting requirements contained in subsection 707(F) shall not apply.

2. Lighting for all other uses allowed in the MSED shall adhere to all requirements of Zoning Ordinance Section 707, 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 Section 12, Landscaping, Walls, and Fences, but shall be exempt from all parking lot landscaping requirements including the following:

a. Subsection 1203(B)(2)(a) shall not apply.

b. Subsection 1203(B)(3) shall not apply.

c. Subsection 1204(A)(1)(b) shall not apply.

d. Subsection 1204(A)(3) shall not apply.

e. Subsection 1204(A)(5) shall not apply.

f. Subsection 1204(C)(1)(d) shall not apply.

g. Subsection 1204(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 1204(C) (6)-(8) shall not apply.

i. Subsection 1207(B) (2) shall not apply.

j. Subsection 1207(B) (4) (b) shall not apply.

k. Except as provided elsewhere in this subsection 502(K), subsection 1207(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 1207(F) shall not apply.

m. Subsection 1207(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 1207(H) shall not apply.

2. Landscaping, walls, and fences all other uses allowed in the MSED shall comply with all requirements of Zoning Ordinance Section 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 Section 9 (Sign Ordinance) except as specifically provided below. A CSP may propose signage in excess of what is allowed by Section 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 Section 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 903(B) shall not apply.

    b. Subsection 904(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 905(A)(7) shall not apply and signs and sign structures may extend above a building's parapet.

    d. Subsection 905(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 905(A)(10) shall not apply and temporary, event-related signs may be placed on, attached to, or hung from any permanent sign.

    f. Subsection 905(A)(11) shall not apply and temporary signs and displays may be placed on the roof of any building or structure.

    g. Subsection 905(C)(2) shall not apply during event-related activities.

    h. Subsection 907(A)(1) shall not apply.

    i. Subsection 907(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 907(B)(3) shall not apply.

    k. Subsection 907(C)(1) shall apply only to those signs visible from public rights-of-way.

    l. Subsection 907(C)(2) shall apply only to those signs visible from public rights-of-way.

    m. Subsection 907(C)(3) shall not apply.

n. Subsection 907(C)(4) shall apply only to those signs visible from public rights-of-way.

o. Subsection 908(C) shall not apply, but attachments to temporary signs shall be provided with temporary sign permit.

p. Subsection 909(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 911 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 912(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 912(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 913(A), (B), and (C) shall not apply.

u. Subsection 913(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 913(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 913(D)(3)(b).

x. Subsection 913(D)(4)(a) shall not apply.

y. Subsection 913(D)(4)(c) shall not apply, and instead, the maximum height and area for monument signs shall be determined through the CSP.

z. Subsection 913(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 913(D)(5)(a) shall not apply.

bb. Subsection 913(D)(5)(c) shall not apply, and instead, the maximum height and area for monument signs shall be determined through the CSP.

cc. Subsection 913(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 913(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 914(B)(8) shall not apply to temporary signs erected in conjunction with events at the major sports and entertainment venues.

503 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 503.

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 110 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 storm water 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, storm water 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 Attorney, 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 112, above, and complete notifications in accordance with Section 113, 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 113, 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 113, 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 106 of this Ordinance shall be satisfied prior to the issuance of any construction permits. (Ord. No. 1175-306 §4, 3-20-06)

504 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 504. 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.

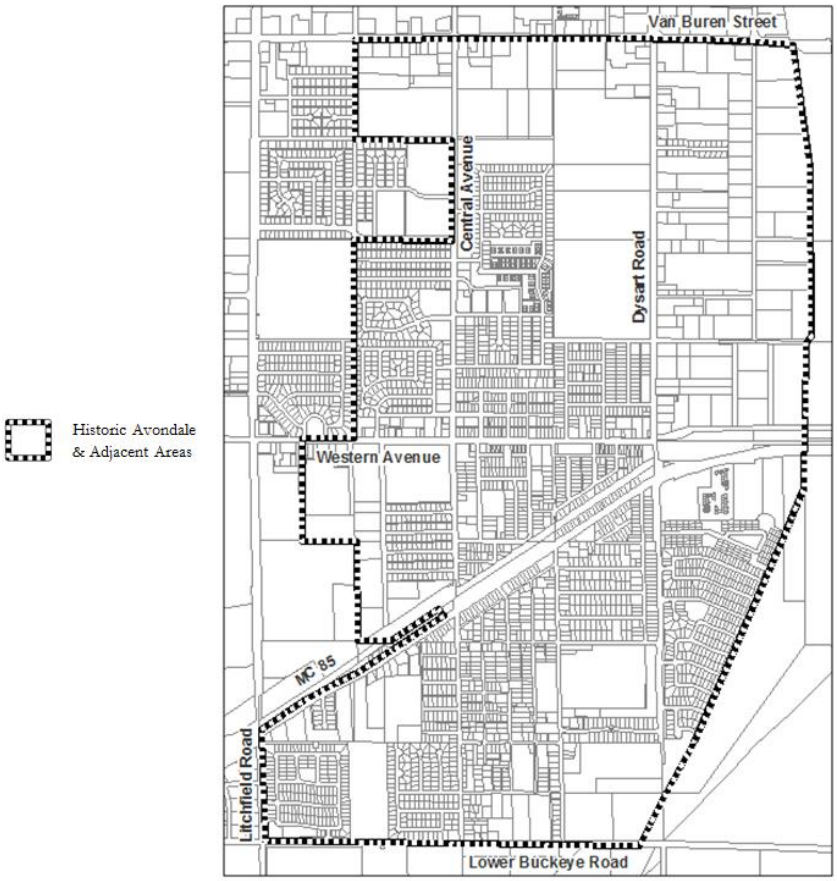
   d. Encourage pedestrian-oriented design and development consistent with the historic character.

   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 504, 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 110 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 storm water 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 112, below, and complete notifications in accordance with Section 113, 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 113, 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 113, 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 106 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.

Section 6 Planned Area Development District

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SECTION 6 PLANNED AREA DEVELOPMENT DISTRICT

601 Purpose

The purpose of the Planned Area Development (PAD) District is to promote the development of mixed-use developments and/or 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.

602 General Provisions

A. PAD Uses and Development Standards

All uses and development standards in a PAD District shall be established through the zoning approval process. All uses and development standards of a PAD District shall conform, to the extent possible, to a comparable Avondale Zoning District, or districts. Wherever used in this Section 6, the phrase "comparable Zoning District" shall mean to the most closely similar Avondale Zoning District based upon the land use designation, the General Plan, proposed uses, densities and lot sizes. The Zoning Administrator or designee shall determine the comparable Zoning District(s) based upon the land use designation, the General Plan, proposed uses, densities, lot sizes and other facts as appropriate. The approved PAD Narrative shall 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 603(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 and in the form approved by the City Attorney, for construction of such portions of the infrastructure improvements located within the public right-of-way on the exterior of the PAD.

603 Establishment of a PAD District

A. Approvals; Required Findings

The applicant shall address each of the required findings (set forth below) individually, and shall demonstrate with sufficient, objective information, how the proposed PAD complies with each. The City Council, following a recommendation from the Planning Commission, may approve an amendment of the Zoning Map of the City of Avondale to reflect establishment of the PAD on the subject property upon determining that all of the following findings have been met:

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

2. The proposed PAD meets the PAD requirements of the Zoning Ordinance, Subdivision Regulations, Design Manuals and other applicable regulations and requirements, unless otherwise modified by the PAD Narrative.

3. That 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

Approval of any PAD zoning is conditioned on development of the first phase of the project commencing within four (4) years of the effective date of the ordinance approving the PAD zoning on the property.

1. Prior to the expiration of the four (4) year time condition, the property owner or authorized representative may submit an application for an extension to the City. A submittal of an application for extension of the four (4) year time condition does not toll the running of the time condition. Should the four (4) year time condition expire between the submittal of an application for a time extension and the public hearing on the requested extension, the PAD shall be subject to reversion as set forth in subsection 603(D)(3) below. Upon receipt of a request for extension, the Zoning Administrator shall submit the request to the City Council for consideration at a public hearing held pursuant to subsection 603(D)(2) below.

2. The City Council shall, after notices via certified mail to the property owner and authorized representative have been provided at least fifteen (15) days prior to the date of the scheduled hearing, hold a public hearing on the extension request. The City Council may, in its sole discretion, grant an extension of the time condition, subject to the limitation on the number of extensions set forth in subsection 603(D)(5) below. If the public hearing is held after expiration of the time condition, the City Council may also, at that public hearing, take action to revert the zoning on the property to its prior zoning classification.

3. In the event the project's first phase has not commenced within the four (4) year time period and no request for time extension has been received as provided in subsection 603(D)(1) above, the Zoning Administrator may submit the PAD to the City Council for consideration of reversion, pursuant to the hearing procedure set forth in subsection 603(D)(4) below.

4. The Zoning Administrator shall notify the property owner and authorized representative by certified mail of the City Council's intention to hold a hearing to determine compliance with the four (4) year time condition, and to revert the zoning on the property to its former classification if the condition is determined by the City Council to have not been met. All such notices shall be made at least fifteen (15) days prior to the date of the scheduled hearing. The City Council may, in its sole discretion, either grant an extension of the time condition, subject to the limitation on the number of extensions set forth in subsection 603(D)(5) below, or revert the zoning on the property to its prior zoning classification.

5. The City Council may, in its sole and absolute discretion, grant up to three (3) two (2) year extensions of the time condition. The City Council may include conditions on any extension as it deems appropriate in its sole and absolute discretion.

6. Following the commencement of the first phase of the project, the Zoning Administrator shall monitor the project to ensure compliance with the approved PAD phasing schedule. Upon the Zoning Administrator's initial determination that the phasing schedule is not being met, no further review or approval of any project site plan or plat shall occur until it is determined that good cause exists for delay in the construction of the project. Should the project fail to proceed as scheduled, a public hearing shall be held by the City Council to determine the cause of the delay. At the public hearing on the matter, if the City Council determines that there is not good cause for the delay, it may impose additional conditions on the PAD to ensure compliance with the phasing schedule. If such additional conditions and the phasing schedule are not met, the Zoning Administrator may set the matter for public hearing, according to the process set forth in subsection 603(D)(4) above, on a possible reversion of the PAD zoning. If the City Council determines that good cause exists, it may amend the PAD development phasing schedule.

7. For purposes of this Section, the terms "commence," "commencing" and "commencement" shall mean (a) for a PAD smaller than five (5) acres, physical vertical construction activity in accordance with a valid building permit issued by the City and (b) for a PAD five (5) acres and larger, beginning of construction of off-site infrastructure including streets, sidewalks, water and wastewater, so long as such infrastructure is completed prior to expiration of the City-issued development permit issued therefore.

8. The provisions of this subsection 603(D) shall apply to all PADs approved prior to April 2, 2009, except that such provisions shall not apply to any previously approved PAD for which the time condition thereon has expired prior to February 1, 2009.

E. Amendment

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

Amendments shall require administrative approval by the Zoning Administrator or designee only. No amendment to a PAD will be approved without concurrent revision of its development plan.

1. Major Amendment. Any one (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.

604 PAD Narrative and Development Plan

The narrative text shall provide uses and development standards for the PAD District. The PAD Narrative shall be both prescriptive and concise. The PAD Narrative shall conform in formatting and organization to the PAD application maintained by the Zoning Administrator or designee. The PAD Narrative shall sufficiently address all of the following as individual sections:

A. Introduction and Opening Statements

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

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

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

B. Proposed Uses

1. List permitted uses.

2. List uses permitted with conditions.

3. List uses permitted with a Conditional Use Permit.

4. Provide the following statement - "All uses not specifically provided for herein are prohibited, unless a subsequent determination by the Zoning Administrator finds a specific use to be an analogous use to a permitted use."

C. Density (Residential only)

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

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

2. Providing Open Space in excess of the minimum amount may be used as justification and mitigation for exceeding the Target Density. The density bonus should be in proportion to the amount of Open Space provided.

D. Development Standards

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. Storm water 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, both the Single-Family Residential Design Manual and Commercial/Industrial/Multi-Family Design Manual standards must be met and, in the case of a conflict, the more stringent standard governs.

G. Landscaping

Landscaping provided along street frontages, around the property perimeter, internal to the site and in parking areas shall conform to the standards set forth in the applicable Design Manual for the most closely comparable Zoning District.

H. Perimeter and Internal Walls, Gates & Entry Feature Designs and Materials

All perimeter and internal walls, gates and entry feature designs and materials shall conform to the applicable Design Manual. In areas with mixed uses, both the Single-Family Residential Design Manual and Commercial/Industrial/Multi-Family Design Manual standards must be met and, in the case of a conflict, the more stringent standard governs.

I. Signage

Unless signage is approved as part of a comprehensive sign package, signage shall conform to the comparable zoning category.

J. Maintenance of Common Areas and Adjacent Rights-of-Way

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

2. A statement shall also be placed on the approved site plan or plat, as appropriate, stating that landscaping in adjacent rights-of-way areas shall be maintained by the Owners' Association.

K. Justification and Mitigation

Substantial justification and mitigation is required for proposed PAD standards that do not meet the standards of the comparable Zoning District.

L. Exhibits

The following exhibits shall be provided with the Development Plan for a PAD:

1. Property boundary and legal description.

2. Areas designating lot sizes, densities and land use(s).

3. Circulation plan to include arterial and collector streets, and vehicular and pedestrian circulation routes.

4. Phasing schedule, which shall include all of the following:

   a. Type of development.

   b. Density.

   c. Floor Area Ratios for each phase.

   d. Map of the development designating the phases and sequence of development. The map shall include a schedule of development with action dates. All infrastructure improvements shall be shown and scheduled for the entire development.

5. The applicant shall document the location and acreage of Open Space as well as listing amenities to be provided at each location.

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SECTION 7 SUPPLEMENTARY REGULATIONS

701 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.

702 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 Section 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 703 below.

   b. The ordinary projections of 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 (1/3) the length of said wall.

2. Side Yards.

   a. The ordinary projections of 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 (1/3) 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.

703 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 Section 1 of this Zoning Ordinance.

B. Any detached accessory building not located in the rear one-half (1/2) 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 (1/2) 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 Section 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.

704 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 708.

705 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. Multiple permits may be granted to the same applicant(s), provided the combined seasonal sales activities do not exceed a period of sixty (60) days within a calendar year. 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.

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 705(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 803(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.

706 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 Section 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 706 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.

707 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 Section 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 707(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 707 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 707 shall require approval of a Conditional Use Permit, which may be approved or denied by the City Council in its sole discretion.

708 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 Section 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 708 (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 less than thirty-five (35) feet in height are permitted in all Zoning Districts subject to administrative approval; no new

Lattice Wireless Facilities or Guyed Wireless Facilities shall be permitted. Freestanding Monopole Wireless Facilities thirty-five (35) feet or greater in height are permitted in all Zoning Districts subject to conditional use permit approval.

b. No Wireless Facilities are allowed in the public right-of-way, except for Small Wireless Facilities permitted according to Subsection 708 (B)(3)(6) below.

c. Prior to approval, the applicant must demonstrate an inability, or technical rationale, for not co-locating the Wireless Facilities on an existing vertical element. The applicant must provide the following information for City review:

i. A comprehensive list of all existing vertical elements of within a one-half (1/2) 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 708(B)(1)(b)(1) 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.

d. Freestanding Monopole Wireless Facilities shall be set back from all 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.

e. 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 palm tree in an area with mature palm trees, a pine tree 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 saguaro cactus in an area with other, mature saguaro cacti); provided, however, that monopole, lattice tower or guyed tower designs 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.

709 Design Requirements for Non-Residential Districts

A. Purpose

The purpose of this Section 709 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 709 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 City's Design Manual for Commercial, Industrial, and Multi-Family Residential Development.

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 Design Manual for Commercial, Industrial and Multi-Family Residential Development.

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.

Section 8 Parking

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SECTION 8 PARKING

801 Purpose and Applicability

A. Purpose

The purpose of this Section is to establish standards for the provision of parking, loading and on-site circulation 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 subsection 802 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 Section 8, excluding subsection 802, 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.

802 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 Section 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 Section 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 Section 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.

803 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 (6) 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 storm water.

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 803(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 (20) 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 807 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 Section 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 Section 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.

804 Required Parking

Unless modified by the provisions of subsections 807 and 808, parking shall be provided in accordance with this subsection 804. 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
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/400 SF MAXIMUM spaces allowed: 0 – 150,000 SF – 1 space/750 SF 150,001 – 500,000 SF – 1 space/1,500 SF 500,001 SF or greater – 1 space/1,750 SF
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 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 MAXIMUM spaces allowed – 1 space/140 SF
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 1 Bedroom: 1.5 spaces/unit 2 Bedroom: 1.75 spaces/unit 3 Bedroom: 2 spaces/unit Townhome: 2 spaces/unit **PLUS:** One (1) visitor space per ten (10) 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 804(G) for exceptions)

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
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 MAXIMUM spaces allowed: 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 subsection 808 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 subsection 808 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. 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.

805 Parking and Access Standards

A. Parking Space Sizes

1. The standard parking space shall be a minimum of nine and one-half (9-1/2) 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 802(F) above.

5. Vehicle overhang over curb, sidewalk or landscape areas shall not count towards minimum parking space dimensions.

B. Parking lot aisles, as defined in Section 115, 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 115, shall be twenty-six (26) feet for two (2) way drives and

twenty (20) feet for one (1) 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.

806 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.

807 Parking Provisions for Special Districts

A. City Center (CCD) Zoning District

1. Excluding the Gateway Employment sub-district, 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 804, Required Parking Schedule.

2. Residential uses within the Townhouse Residential sub-district shall be allowed a ten (10) percent reduction in minimum required parking from the allowances listed in subsection 804, 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 sub-district, 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 sub-district, 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 Sub-Districts 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 Sub-District shall comply with the Development Guidelines as listed for the Employment Mixed-Use Sub-District, 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 804. 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.

808 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 Section 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.

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Section 9 Signs

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SECTION 9 SIGNS

901 Purpose

The purpose of this Section 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.

902 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 Section 9.

903 Interpretation of Avondale Sign Regulations

A. The provisions of this Section 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 Section 9 and provisions of other regulations of the City of Avondale, the provisions of this Section 9 shall take precedence.

904 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 913(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 (1/4) mile (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 (1/4) mile (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 Section 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.

905 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 Section 9.

2. When explicitly allowed by this Section 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) and Old Town Avondale Business (OTAB) Zoning Districts. Within the CC 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) Zoning District. Within the CC District, 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 Section 9. This shall not prevent the use of searchlights allowed in conjunction with special events and promotions, as regulated by Section 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 905(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.

906 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 Section 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.

907 Permanent Sign Design, Illumination, and Construction

A. General

1. All permanent signs shall be designed to conform to the standards set forth in the applicable Design Manual for Commercial, Industrial, and Multi-Family Residential Development. In addition, 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) Zoning District shall adhere to Design Manual for the City Center.

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 box-cabinet signs greater than six (6) square feet in area shall be prohibited. Wall mounted custom cabinet signs over six (6) square feet are permitted in accordance with the custom cabinet sign specifications contained within the Design Manual for Commercial, Industrial, and Multi-Family Residential Development.

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) 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) 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	651-1000 SF	1001+ 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.

908 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 Section 7 of this Ordinance.

C. Attachments to any permitted temporary sign, including, but not limited to, balloons and ribbons, are prohibited.

909 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 (60) day period shall be considered an abandoned sign for the purpose of enforcement.

910 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 Section 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 (1/8) 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.

911 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.

912 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 (4) inch high contrasting numbers with a five-eighths (5/8) 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 (18) inch high contrasting numbers/letters with a three (3) 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 (18) inch high contrasting numbers/letters with a

three (3) 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 (7) inch high contrasting numbers/letters with a one (1) inch stroke width.

v. Each individual unit shall be identified near the unit entryway using minimum four (4) inch high contrasting numbers/letters with a five-eighths (5/8) inch minimum stroke width.

d. Commercial/Employment.

i. All commercial and employment buildings shall identify the street number of the building with minimum eighteen (18) inch high contrasting numbers/letters with a three (3) 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 (1/2) 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 (18) inch high contrasting numbers/letters with a three (3) inch stroke width.

iv. Each individual unit shall be identified near the primary unit entryway using minimum six (6) inch high contrasting numbers/letters with a one (1) 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 Section 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 Section 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 Section 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 913(F)(5)(d)-(h).

913 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 913(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 913(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
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	None	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	Primary Elevation Only	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

* (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) 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 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) Zoning District, one (1) single-tenant monument sign shall be permitted for single-user developments 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.

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 street frontage to another.

b. Within the City Center (CC) Zoning District, one (1) multi-tenant monument sign shall be permitted for multiple-user developments 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.

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 904 above.

ii. Freeway pylon signs are permitted in the C-3, CC, 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 904, 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 (71) 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 Section 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 Section 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 Section 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 913(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 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 sub-district. 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).

ii. A weather-protected map of the campus, business district or sub-district identifying the locations of businesses, buildings, and public facilities within the district, sub-district, 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 four (4) square feet and not taller than three (3) feet in height.

c. One 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 (1/2) 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 (6) 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. 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.

2. A sign permit shall not be issued prior to the issuance of building permits for the model homes.

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. The sign shall be removed when the model home complex closes.

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.

914 Sign Permitting

A. General

1. No sign shall hereafter be erected, re-erected, constructed or altered except as provided by this Section 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 Section 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 Section 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 Section 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.

Section 10 Sexually Oriented Businesses

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SECTION 10 SEXUALLY ORIENTED BUSINESSES

1001 Purpose

It is the purpose of this Section 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 Section 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 Section 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 Section 10 to condone or legitimize the distribution of obscene material.

1002 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 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 Section 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 Section 10.

V. The general welfare, health, morals and safety of the citizens of the City will be promoted by the enactment of this Section 10.

1003 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.

1004 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 1004, comply with the application requirements set forth in Section 1014.

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.

1005 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 1010 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 1006 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 Section 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 1003 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 1003 above.

1006 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.

1007 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.

1008 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 1004 above. Application for renewal shall be made not less than 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.

1009 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 1007.

1010 Revocation

A. The City shall revoke a license if a cause for suspension in Section 1009 occurs during the 12-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.

1011 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.

1012 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 Section 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 1012 (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 1012 (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 1012 (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 Section 10 that is in violation of subsections 1012 (A) through (F) 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 1012 (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 1012 (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.

1013 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 1013 (B) above, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

1014 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 1014 (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 1014(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 subsection 1014 (A) (1) through (14) above commits a class 1 misdemeanor if he/she/it knowingly fails to fulfill that duty.

1015 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.

1016 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.

1017 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.

1018 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.

1019 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.

1020 Exemptions

A. It is a defense to prosecution under Section 1017 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.

1021 Injunction

A person who operates or causes to be operated a sexually oriented business without a valid license or in violation of Section 1012 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.

Section 11 Required Public Art for New Planned Areas Developments (PAD), Commercial, Office, Employment, and Municipal Construction

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SECTION 11 REQUIRED PUBLIC ART FOR NEW PLANNED AREA DEVELOPMENTS (PAD), COMMERCIAL, OFFICE, EMPLOYMENT, AND MUNICIPAL CONSTRUCTION

1101 Purpose

The purpose of this Section 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.

1102 Reserved

1103 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.

1104 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 Section 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 Section 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 Section 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.

1105 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 1107. 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 1108(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.

1106 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).

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).

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).

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.

1107 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 1106 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 1108 and 1109.

1108 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 1105(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 107 is required to become familiar with the requirements of this Section 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 1109 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 1109. 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 1110

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 1107.

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.

1109 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.

1110 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.

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SECTION 12 LANDSCAPE, WALLS AND FENCES

1201 Purpose

The purpose of this Section 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 Section 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 storm water run-off; and creating a more sustainable environment.

1202 Applicability

A. Except as specifically set forth herein, all of the provisions of this Section 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 Section 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 1207(B)(4). Agricultural uses, single-family and two-family residences and their accessories shall be exempt from the landscape and maintenance requirements of this Section 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 1203, 1205, 1206 and 1207 shall be applicable to developments within the City Center Specific area.

E. The standards and regulations of this Section 12 shall be held to be the minimum requirements necessary for the promotion of the objectives set forth in Section 1201 above.

1203 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 single-trunk trees required on site shall be two (2) inch caliper average size. Tree calipers for single-trunk trees shall be measured at twelve (12) inches above the ground.

b. All multi-trunk trees shall be one and one-half (1-1/2) inch caliper minimum. Tree caliper for multi-trunk trees shall be measured twelve (12) inches above the first fork or twelve (12) inches above ground if all trunks originate from the soil. Caliper of multi-trunk trees shall be determined by taking the average caliper of all its trunks. Multi-trunk trees shall have no more than three (3) trunks.

c. 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 caliper, 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.

d. All palm trees (fan palms, date palms, and queen palms) shall have a minimum twelve (12) 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 1201 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 (3/4) 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 (2/3) the dimension of the rock to prevent its removal or relocation. Each rock shall not be spaced further than one-half (1/2) 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.

1204 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 Commercial/Industrial/Multi-Family 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 (1-1/2) 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 Section 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 (1/4) 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 (5) 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.

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.

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 1204(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 1204

(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.

c. 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.

d. 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 Section (A)(6) of this chapter. 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 (2) 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 (20) 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 (5) 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. Shrubs and trees in parking islands shall not be planted within the two (2) foot overhang at the head of a parking stall. 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. Trees and lighting shall be located to avoid conflicts with each other and with existing and proposed structures.

h. Parking lot light poles shall be placed within a landscaped area.

i. 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. Storm water 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 (5) gallon can size at a maximum four (4) feet on-center spacing. At Wireless Facility or Transmitting Tower locations, provide a minimum of two thirty-five (35) 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.

1205 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 Section 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.

1206 Landscape Inspections

A. All projects required by this Section 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.

1207 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 Design Manual for Commercial/Industrial/Multi-Family for the City of Avondale.

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 (1000) 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 (8) 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 1207(B) above and herein.

2. Eight (8) foot tall, six (6) inch thick walls required along all arterials.

3. Six (6) foot tall, six (6) 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 (4) 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~~s~~ 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 1207(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 (3) foot-six (6) 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 1204.

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 (6) 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.

1208 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 1205(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 storm water retention shall be maintained and reserved for that primary purpose. Any alteration or deterioration of those areas shall be considered a violation of this Section 12.

8. It shall be a violation of the provisions of this Chapter 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.

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SECTION 13 MEDICAL MARIJUANA USES

1301 Purpose and Applicability

The purpose of this Section 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 Section 13 shall apply to all Medical Marijuana Dispensaries and Medical Marijuana Cultivation Locations located within the corporate limits of the City of Avondale.

1302 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 1302 (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.

1303 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 Section 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 1302 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 6:00 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 (500) 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) 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.