

Section 6 PLANNED AREA DEVELOPMENT DISTRICT

Sections

[601 Purpose.](#)

[602 General provisions.](#)

[603 Establishment of a PAD District.](#)

[604 PAD Narrative and Development Plan.](#)

601 Purpose.

The purpose of the Planned Area Development (PAD) District is to promote the development of mixed use developments and/or residential subdivisions that include residential, commercial or business park development according to an overall plan. It is the intent of the PAD District to:

- A. Encourage creative and innovative planning principles by providing greater flexibility in design.
- B. Establish mixed use developments or residential neighborhoods that have a distinct character and an established sense of place.
- C. Create residential communities with a mix of lot sizes and complementary uses.
- D. Provide a process which relates the architecture, urban design and scale of the project to the unique characteristics of the site.
- E. Require the nature and intensity of development to be supported by adequate utilities, transportation, drainage and open spaces to serve the development and to minimize impact on existing or future adjacent development.
- F. Encourage the provision of open space within the development.
- G. Encourage development that is consistent with the policies and the guidelines established in applicable specific plans and the general plan. (Ord. No. 1352-309, § 2, 3-2-09)

602 General provisions.

A. PAD Uses and Development Standards. All uses and development standards in a PAD District shall be established through the zoning approval process. All uses and development standards of a PAD District shall conform, to the extent possible, to a comparable Avondale zoning district, or districts. Wherever used in this Section 6, the phrase "comparable zoning district" shall mean to the most closely similar Avondale zoning district based upon the land use designation, the General Plan, proposed uses, densities and lot sizes. The Zoning Administrator or designee shall determine the comparable zoning district(s) based upon the land use designation, the general plan, proposed uses, densities, lot sizes and other facts as appropriate. The approved PAD Narrative clearly delineate the uses and development standards and shall provide justification and mitigation for development standards that deviate from the standard Zoning Ordinance requirements for the comparable zoning district.

B. Modification of development standards. Based upon a recommendation of the Planning Commission, the City Council may eliminate otherwise permitted uses in any comparable zoning district and may specify modification of the regulations, requirements and standards than might be otherwise permitted by the comparable zoning district. No modification of development standards shall be permitted unless the applicant provides substantial evidence indicating that the modifications will produce an environment superior to that which could have been produced

by strict application of existing standards for comparable zoning districts.

C. Coordination with subdivision regulations. It is the intent of these PAD regulations that the review of the requirements of the City of Avondale Subdivision Regulations be carried out simultaneously with the review of the PAD.

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

E. Design standards. Site layout, architecture and landscaping shall be consistent with the Design Manuals as maintained by the Zoning Administrator or his designee.

F. Phasing. The PAD may provide for certain on-site and off-site infrastructure to be constructed in phases, subject to the following limitations.

1. The first phase infrastructure improvements shall commence prior to expiration of the PAD zoning as set forth in Section 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 development agreement adopted pursuant to Ariz. Rev. Stat. § 9-500.05, as amended.
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. (Ord. No. 1352-309, § 2, 3-2-09)

603 Establishment of a PAD District.

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

1. The proposed PAD is in conformance with the general plan and applicable specific plan(s).
2. The proposed PAD meets the PAD requirements of the Zoning Ordinance, Subdivision Regulations, Design Manuals and other applicable regulations and requirements, unless otherwise modified by the PAD Narrative.
3. That either there exists adequate public infrastructure and services to serve the proposed development or all necessary public infrastructure and services to serve the proposed development will be completed in connection with development within the PAD.
4. The proposed PAD will result in compatible land use relationships within the proposed development and with adjacent properties.
5. The development standards of the proposed PAD are consistent with or exceed the desired character of development for the area.

B. Conditions and stipulations of approval. The City Council may, in its sole discretion, approve a PAD subject to conditions or stipulations. Conditions and stipulations included in the City Council action establishing a PAD District shall become part of the regulations governing the

use and development of the PAD.

C. PAD Regulations. The PAD Narrative, site plan, design standards and any other documents, exhibits or plans associated with the PAD, in the form approved by the city, shall become part of the regulations governing the use and development of the PAD and the Zoning Map shall be amended to reflect adoption of the PAD and the related documents and plans.

D. Expiration. Approval of any PAD zoning is conditioned on development of the first phase of the project commencing within three (3) years of the effective date of the ordinance approving the PAD zoning on the property.

1. Prior to the expiration of the three (3) year time condition, the property owner or authorized representative may submit an application for an extension to the city. A submittal of an application for extension of the three (3) year time condition does not toll the running of the time condition. Should the three (3) year time condition expire between the submittal of an application for a time extension and the public hearing on the requested extension, the PAD shall be subject to reversion as set forth in Section 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 Section 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 Section 603.D.5 below. If the public hearing is held after expiration of the time condition, the City Council may also, at that public hearing, take action to revert the zoning on the property to its prior zoning classification.

3. In the event the project's first phase has not commenced within the three (3) year time period and no request for time extension has been received as provided in Section 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 Section 603.E.4 below.

4. The Zoning Administrator shall notify the property owner and authorized representative by certified mail of the City Council's intention to hold a hearing to determine compliance with the three (3) year time condition, and to revert the zoning on the property to its former classification if the condition is determined by the City Council to have not been met. All such notices shall be made at least fifteen (15) days prior to the date of the scheduled hearing. The City Council may, in its sole discretion, either grant an extension of the time condition, subject to the limitation on the number of extensions set forth in Section 603.D.5 below, or revert the zoning on the property to its prior zoning classification.

5. The City Council may grant up to four (4) one-year extensions of the time condition.

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

Section 603.D.4 above, on a possible reversion of the PAD zoning. If the City Council determines that good cause exists, it may amend the PAD development phasing schedule.

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

8. The provisions of this subsection Section 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 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 which could have significant impact on areas adjoining the PAD.
- d. Any change which could have a significant traffic impact on roadways adjacent or external to the PAD.
- e. Amending the uses allowed by adding a permitted use, a use permitted with conditions or a use requiring a conditional use permit, unless the Zoning Administrator has determined that the use to be added is analogous to a permitted use.
- f. Changes to, or addition of, phasing for a PAD when such changes impact twenty-five (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. (Ord. No. 1352-309, § 2, 3-2-09)

604 PAD Narrative and Development Plan.

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

A. Introduction and opening statements.

1. Describe the general location within the city, the property boundaries and the

surrounding properties.

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

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

B. Proposed uses.

1. List permitted uses.

2. List uses permitted with conditions.

3. List uses permitted with a conditional use permit.

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

C. Density (residential only). State the density for the overall project as well as the densities of each specific development subsection or neighborhood.

1. The density shall not exceed the target density identified in the general plan unless justification and mitigation are provided. In no case shall the maximum density identified in the general plan be exceeded.

2. Providing open space in excess of the minimum amount may be used as justification and mitigation for exceeding the target density. The density bonus should be in proportion to the amount of open space provided.

D. Development standards. State development standards that deviate from the Zoning Ordinance. In the case where no development standard is provided in the PAD Narrative, the Zoning Administrator shall determine the applicable development standard to apply. Residential developments shall provide different sizes of lots. The size differentials and their respective quantities shall compliment the character of the area and demonstrate superior design and a unique housing product mixture as established in the applicable Design Manuals.

E. Open space. Open space shall be an integral part of a PAD development, shall be provided in an amount commensurate to the size of the development, in minimum amounts not less than set forth below and shall, to the extent possible, be designed central to the internal functions of the site.

1. Single Family Residential Open Space.

a. A minimum of fifteen (15) percent of the net development area shall be provided as open space.

b. The following areas shall count as open space:

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

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

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

- (4) Reserved or dedicated steep slope areas.
- (5) Up to a maximum of fifty (50) percent of an area identified as a golf course.
- (6) Basketball, tennis or other sport courts, baseball, softball and soccer fields, tot lots and ramadas with barbeque areas.
- (7) Stormwater detention and floodway areas, but only those proportions containing un-sloped turf areas.
- (8) Any other areas deemed acceptable as determined by the Zoning Administrator or designee.

c. The following areas that shall not count as open space:

- (1) Areas less than five thousand (5,000) contiguous square feet, unless such areas either are part of a larger trail system or contain significant project amenities in accordance with the applicable Design Manual, as determined by the Zoning Administrator.
- (2) Public rights-of-way, dedicated streets and alleys, vehicular drives, parking, parking landscape areas, loading and storage areas.
- (3) Required setback areas unless such areas contain significant project amenities in accordance with the applicable Design Manual, as determined by the Zoning Administrator.
- (4) Reserved school and park sites that require subsequent purchase of the land.
- (5) Concrete or rock-lined areas designated primarily for the conveyance of water.
- (6) Utility corridor easements, unless substantially improved to make the area usable for outdoor activities. Only that proportion substantially improved shall be counted as open space. "Substantially improved" shall include any of the improvements listed in residential open space above, or any other improvements deemed substantial by the Zoning Administrator.

d. Meaningful open space areas shall be included within all phases of a PAD project and such open space shall be provided proportional to the amount of development related to each phase, unless otherwise permitted by the Zoning Administrator and included in the phasing schedule.

2. Commercial/industrial/multi-family residential open space.

- a. Open space shall be provided in amounts and in the manner set forth in the applicable Design Manual.
- b. Open space shall be provided in the form of pedestrian refuge areas with shaded seating, landscaped and hardscape plaza areas and public art features when appropriate.

F. Architectural design. Architectural design shall conform to the applicable Design Manual. In areas with mixed uses, both the Single Family Residential Design Manual and Commercial/Industrial/Multi-Family Design Manual standards must be met and, in the case of a conflict, the more stringent standard governs.

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

H. Perimeter and internal walls, gates and 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. (Ord. No. 1352-309, § 2, 3-2-09)