

**TOWN OF FLORENCE
REGULAR MEETING
AGENDA**

PURSUANT TO A.R.S. § 38-431.02, NOTICE IS HEREBY GIVEN TO THE MEMBERS OF THE FLORENCE TOWN COUNCIL AND TO THE GENERAL PUBLIC THAT THE FLORENCE TOWN COUNCIL WILL HOLD A MEETING OPEN TO THE PUBLIC ON MONDAY, NOVEMBER 18, 2013, AT 6:00 P.M., IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.

1. CALL TO ORDER

- 2. ROLL CALL:** Mayor Rankin___; Vice-Mayor Smith___;
Councilmembers: Tom Celaya___; Bill Hawkins___;
Ruben Montaña___; Tara Walter___; Vallarie Woolridge___;

3. INVOCATION

4. PLEDGE OF ALLEGIANCE

5. CALL TO THE PUBLIC

Call to the Public for public comment on issues within the jurisdiction of the Town Council. Council rules limit public comment to three minutes. Individual Councilmembers may respond to criticism made by those commenting, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.

6. PRESENTATION AND PUBLIC HEARING

- a. **PUBLIC HEARING ON ORDINANCE** NO. 603-13: AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING A ZONE CHANGE ON THE OLD WEST BAIL BONDS/AMAZING RC HOBBIES PROPERTY, LOCATED AT 375 EAST BUTTE AVENUE, FLORENCE, ARIZONA, AKA, APN 202-03-001 (PZC-15-13-ZC).
- b. Presentation by Greater Florence Chamber of Commerce recognizing the Business of the Month.
- c. **Presentation on Citizen** Survey Questionnaire.

- 7. CONSENT:** All items indicated by an (*) will be handled by a single vote as part of the consent agenda, unless a Councilmember or a member of the public objects at the time the agenda item is called.

- a. * **Approve the construction** and sampling of Point of Compliance Well (POC #3) at the South Wastewater Treatment Plant.
- b. *Receive and file the following board and commission minutes:
 - i. **March 27, April 10,** and **May 29, 2013** Historic District Advisory Commission Minutes.
 - ii. **July 18, August 1,** and **August 15, 2013** Planning and Zoning Commission minutes.
 - iii. **July 25, 2013** Parks and Recreation Advisory Board minutes.

8. NEW BUSINESS

- a. **Ordinance No. 604-13:** First Reading of AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING TITLE V, CHAPTER 52, "SOLID WASTE".
- b. **Discussion/Approval/Disapproval** to commit matching funds to be used towards the restoration of the Cuen building with a commitment to not utilize the restored building for governmental offices.

9. MANAGER'S REPORT

10. CALL TO THE PUBLIC


11. CALL TO THE COUNCIL

12. ADJOURNMENT

Council may go into Executive Session at any time during the meeting for the purpose of obtaining legal advice from the Town's Attorney(s) on any of the agenda items pursuant to A.R.S. § 38-431.03(A)(3).

POSTED THE 13th DAY OF NOVEMBER 2013, BY LISA GARCIA, TOWN CLERK, AT 775 NORTH MAIN STREET, 1000 SOUTH WILLOW STREET, FLORENCE, ARIZONA, AND AT WWW.FLORENCEAZ.GOV.

PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA), THE TOWN OF FLORENCE DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY REGARDING ADMISSION TO PUBLIC MEETINGS. PERSONS WITH A DISABILITY MAY REQUEST REASONABLE ACCOMMODATIONS BY CONTACTING THE TOWN OF FLORENCE ADA COORDINATOR, AT (520) 868-7574 OR (520) 868-7502 TDD. REQUESTS SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE ACCOMMODATION.

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 6a.
MEETING DATE: November 18, 2013 DEPARTMENT: Community Development STAFF PRESENTER: Mark Eckhoff, AICP Community Development Director SUBJECT: Ordinance 603-13: Old West Bail Bonds/Amazing RC Hobbies (PZC-15-13-ZC)		<input type="checkbox"/> Action <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input checked="" type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Public hearing and first reading on November 18, 2013.

On December 2, 2013, motion to adopt Ordinance No. 603-13 for the Old West Bail Bonds/Amazing RC Hobbies Zone Change.

BACKGROUND/DISCUSSION:

The applicant, Ron Escott, requests approval of the following application:

A Zone Change to change the existing zoning on the subject property from Neighborhood Office (NO) to Neighborhood Business (B-1). The subject property is located at 375 East Butte Avenue, Florence, Arizona, AKA, APN 202-03-001.

Old West Bail Bonds is a privately owned bail bonds business located at 375 East Butte Avenue, Florence, Arizona. The business is owned and managed by Sandra Margot-Escott and Ron Escott since October 2006.

The owners recently decided to pursue a retail business venture in addition to the bail bond business. The owners split their building into two separate businesses, leaving each side with approximately 600 square feet per side. The B-1 Zoning District is more appropriate for the expanded commercial nature of their operations.

ANALYSIS:

In accordance with Town of Florence requirements, a series of improvements to the subject site were implemented in 2009, as the property and home was Ordinance No. 603-13 Old West Bail Bonds/Amazing RC Hobbies Zone Change PZC-15-13-ZC

converted from a residential land use to a neighborhood office use. The added improvements to the subject site makes the Zone Change from Neighborhood Office (NO) to Neighborhood Business (B-1) a good transition with minimal impacts to the surrounding neighbors.

Over the long-term, it is plausible that surrounding adjacent properties facing Butte Avenue might be assembled to allow for commercial or office development. In fact, staff notes that the Town’s 2020 General Plan supports the redevelopment of this property and adjacent properties for commercial or office land uses. This site has a Downtown Mix Use (DMU) land use designation in the General Plan that supports the application of commercial zoning on the subject site. The Downtown Mixed Use designation is used within the downtown areas to provide for a mix of land uses supportive of revitalization efforts while respecting the historical value of the area and existing developed properties.

The subject site has undergone a design review application that was approved and therefore all the necessary improvements have been implemented. Staff contends that the business is ready for the B-1 zoning due to the fact that the following have been established:

- Paved and striped parking area
- Access to the site has already been established off of Park Street
- Six foot screening wall from adjacent residences
- Landscaping
- Monument and wall signage
- ADA accessible parking space and ramp

Surrounding Land Uses and Zoning Districts:		
	Zoning Classification	Existing Use
North	Neighborhood Office (NO)	Vacant Land
East	Neighborhood Office (NO)	Residential Home
South	Single- Family Residential (R1-6)	Residential Home
West	Neighborhood Office (NO)	Residential Home
On-Site	Neighborhood Office (NO)	Old West Bail Bonds Business

FINDINGS:

Staff offers the following findings for the consideration of the Town Council:

1. The proposed zoning is consistent with the Town of Florence 2020 General Plan.
2. The 2020 General Plan has the Downtown Mixed Use (DMU) designation on the site that supports the mix of land uses while respecting the value of the historic area.
3. The future development of the site will be subject to all applicable Town codes.
4. Access to the site has been established and will be appropriate for the proposed use.

PUBLIC PARTICIPATION:

A notice for the Planning and Zoning Commission public hearing was mailed to all property owners within three hundred (300) feet of the site. Property posting for notice of public hearings was posted on site and advertisements in the local Town paper per the Town requirements. Under Arizona Revised Statutes, Title 9, Section-462.04 and Town of Florence Development Code, a public hearing is required for a Zone Change.

Staff notes that as of this writing, no public comments have been received.

The Planning and Zoning Commission/Town Council meeting schedule for this application is as follows:

October 17, 2013	Planning and Zoning Public Hearing
* November 18, 2013	Town Council Public Hearing and 1 st Reading
* December 2, 2013	Town Council and 2 nd Reading/Action

All meetings will be held at Town Hall Council Chambers – 775 North Main Street, Florence, Arizona 85132.

FINANCIAL IMPACT:

This Zone Change will have no financial impact to the Town of Florence, other than to support the existing and ongoing commercial use and development of the subject site.

RECOMMENDATION:

The Planning and Zoning Commission found that the Zone Change for Old West Bail Bonds/Amazing RC Hobbies (PZC-15-13-ZC) is in compliance with the Town's General Plan and is in the interest of general welfare, health and safety of the public. The Planning and Zoning Commission has forwarded a unanimous favorable recommendation on the Old West Bail Bonds/Amazing RC Hobbies Zone Change to the Mayor and Town Council, subject to the following conditions:

1. The development of the subject site, as described in Exhibit A attached, shall be in conformance to any applicable Town Codes, Ordinances and Building Codes.
2. Property Owners agree to waive claims for diminution in value pursuant to Proposition 207 [A.R.S. § 12-1134] pursuant to the waivers attached hereto as Exhibit B.
3. Any additional conditions deemed necessary by the Town Council.

Public hearing and first reading on November 18, 2013.

On December 2, 2013, motion to adopt Ordinance No. 603-13 for the Old West Bail Bonds/Hobby Shop Zone Change.

ATTACHMENTS:

Ordinance No. 603-13
Exhibit A Legal Description
Exhibit B 207 Waiver
Application

ORDINANCE NO. 603-13

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING A ZONE CHANGE ON THE OLD WEST BAIL BONDS/AMAZING RC HOBBIES PROPERTY, LOCATED AT 375 EAST BUTTE AVENUE, AKA, APN 202-03-001 (PZC-15-13-ZC).

WHEREAS, a request to change the existing zoning on the subject property from Neighborhood Office (NO) to Neighborhood Business (B-1) Zoning has been proposed and a public hearing has been held by the Planning and Zoning Commission; and

WHEREAS, the Planning and Zoning Commission has found the Zone Change is in conformance with the Town's General Plan; and

WHEREAS, the Planning and Zoning Commission has forwarded the Mayor and Council of the Town of Florence a favorable recommendation for the Zone Change, subject to certain conditions; and

WHEREAS, said proposal has been considered by the Mayor and Council of the Town of Florence and the recommended Zone Change has been found to be appropriate and further found to promote the health, safety and welfare of the residents of the Town and its orderly growth.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

The Zoning Map of Florence Arizona is hereby amended by changing the zoning classification of the parcel of land depicted on EXHIBIT A attached hereto, from Neighborhood Office (NO) to Neighborhood Business (B-1), subject to the following conditions:

1. The development of the subject site, as described in Exhibit A attached, shall be in conformance to any applicable Town Codes, Ordinances and Building Codes.
2. Property Owners agree to waive claims for diminution in value pursuant to Proposition 207 [A.R.S. § 12-1134] pursuant to the waivers attached hereto as Exhibit B.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ___ day of _____, 2013.

Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

James E. Mannato, Town Attorney

Exhibit A: Old West Bail Bonds Zone Change



**Town of
Florence**

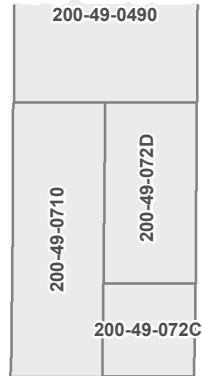


Bail Bonds Site

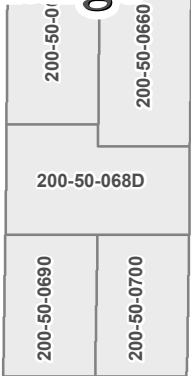


Parcel Lines

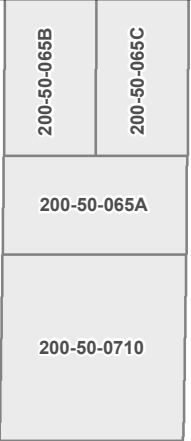
FLORENCE ST



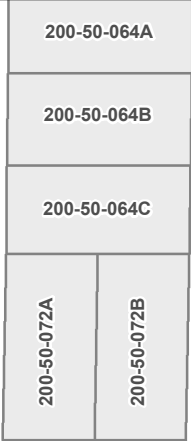
PARK ST



CENTER ST



WARNER ST

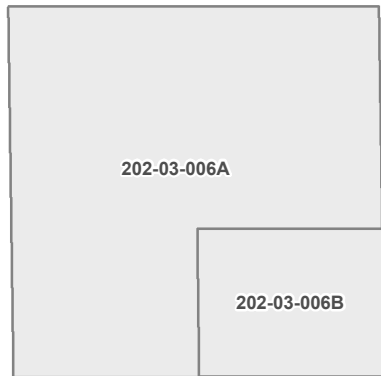


SILVER ST

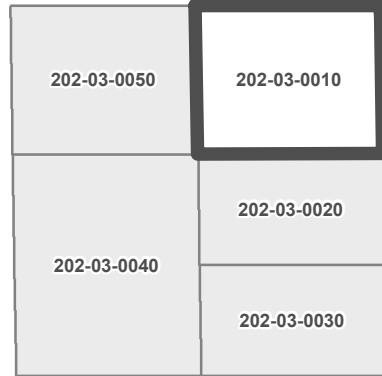
200-50-073A

BUTTE AVE

ORLANDO ST



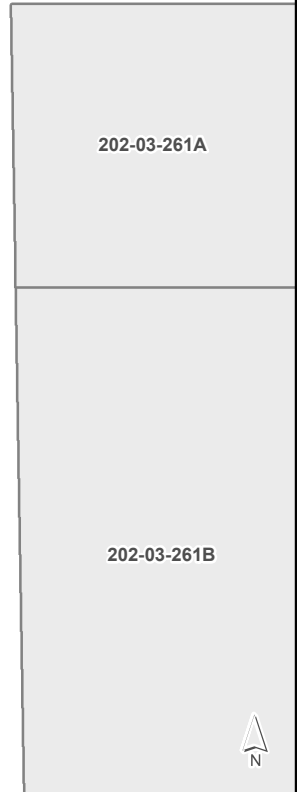
MATILDA ST



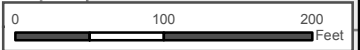
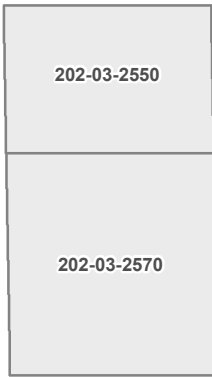
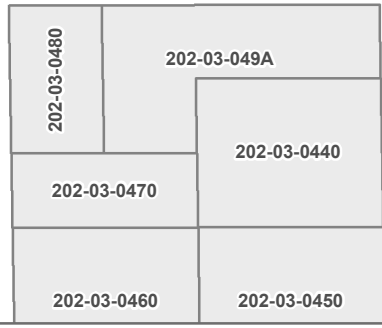
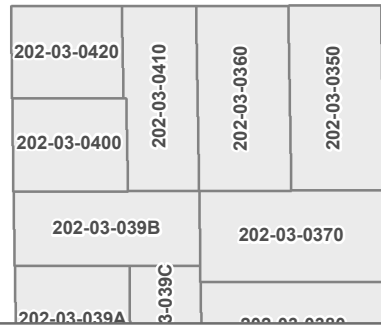
PARK ST



SAN CARLOS ST



AGUILAR ST



This map is created for reference purposes only and is to be used at your own risk. The Town of Florence makes no warranty as to the accuracy or completeness of the information contained in this map and assumes no liability for any errors or omissions contained therein, nor for any direct, indirect, or consequential damages which may be caused by its use. It is the user's responsibility to verify all information contained herein.
BailBondsExhibitA.mxd TOF GIS 09/05/2013

EXHIBIT B

CONSENT TO CONDITIONS/WAIVER FOR DIMINUTION OF VALUE

The undersigned is/are the owner(s) of the subject land described in Exhibit A hereto that is the subject of a Zone Change Application PZC-15-13-ZC. By signing this document, the undersigned agrees and consents to all the conditions imposed by the Florence Town Council in conjunction with the approval of the Zone Change Application PZC-15-13-ZC ("Conditions of Approval") and waives any right to compensation for diminution in value pursuant to Arizona Revised Statutes § 12-1134 that may now or in the future exist as a result of the approval of the Zone Change Application PZC-15-13-ZC. Except as expressly set forth in the Zone Change Application PZC-15-13-ZC and its Conditions of Approval, nothing herein shall constitute a waiver of any other of the undersigned's rights pursuant to the above-referenced statutes.

Dated this 3RD day of OCTOBER 2013.

Owner:

By: SANDRA MARGOT-ESCOFF
Print Name

Sandra Margot Escott
Signature

Its: owner.
Title

STATE OF ARIZONA)
County of Pinal) ss

On this 3 day of October, 2013, before me, the undersigned Notary Public, personally appeared Sandra Margot Escott, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that she executed the same.

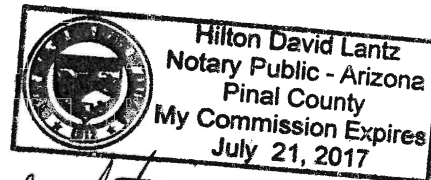
IN WITNESS WHEREOF, I hereto set my hand and official seal.

My commission expires:

7/21/2017

Hilton David Lantz

Notary Public



APPLICATION FOR REZONING

PROJECT NAME: Old West Bail Bonds

APPLICATION TYPE: Rezoning PUD PUD Amendment

1. Property Owner: Name: Sandra Margot-Escott/Old West Bail Bonds
Address: PO Box 2927
375 East Butte Ave., Florence, Arizona 85132
Phone: 520-251-6190 Fax: _____
Email: Mrsescott66@gmail.com

2. Applicant/Developer: Name: Ron Escott
Address: 110 East Gressinger, Florence, Arizona 85132
Phone: 520-251-6105 Fax: _____
Email: Ronescott32@gmail.com

3. Address or Location of Property: 375 East Butte Ave., Florence, Arizona 85132

4. Legal Description of Property: If applicable, include Lot(s), Block(s), and Subdivision Name: _____

Tax Parcel Numbers: APN: 202-03-001

Gross Acres: _____ Net Acres: 12,500 sq. ft.

5. Current Zoning District: Neighborhood Office (NO)

6. Proposed Zoning District: Neighborhood Business(B-1)

SIGNATURE OF PROPERTY OWNER or REPRESENTATIVE _____ **DATE** _____

FOR STAFF USE ONLY:

CASE NO. <u>PZC-15-13-ZC</u>	APPLICATION DATE AND TIME _____
PZ HEARING DATE <u>Oct. 17, 2013</u>	FEE \$ <u>536.00</u>
1 st TC HEARING DATE <u>Nov. 18, 2013</u>	REVIEWED BY: <u>Gilbert Olgin</u>
2 nd TC HEARING DATE <u>Dec. 2, 2013</u>	
RECOMMENDATION: <u>APPROVAL</u>	<u>DISAPPROVAL</u>

OWNER'S PERMISSION FORM

This sheet must be completed if the applicant for an Annexation, General Plan Amendment, Planned Unit Development, Zone Change, Conditional Use Permit, Design Review and/or Preliminary/Final Plat, is not the owner of the property.

I/we, the Undersigned, do hereby grant permission to: RONALD ESCOTT

to act on my/our behalf for the purpose of obtaining one or more of the following: Annexation, General Plan Amendment, Planned Unit Development, Zone Change, Conditional Use Permit, Design Review and/or Preliminary/Final Plat on the following described property:

375 E. BUTTE AVE FLORENCE AZ 85132

Owner(s) Sandra Margot Escott
Signature

SANDRA MARGOT-ESCOTT
Print or Type Name

Address 110 E. GRESSINGER ST.
FLORENCE AZ 85132

Telephone (520) 251-6190

STATE OF ARIZONA)
County of Pinal) ss

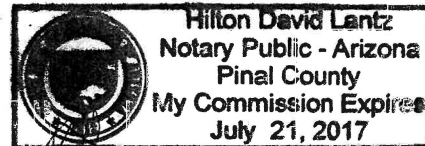
On this 3 day of October, 20 13, before me, the undersigned Notary Public, personally appeared Sandra Margot Escott, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that She executed the same.

IN WITNESS WHEREOF, I hereto set my hand and official seal.

My commission expires:

7/21/2017

Hilton David Lantz
Notary Public



NOTICE OF PUBLIC HEARING PLANNING AND ZONING COMMISSION

Notice is hereby given that the Planning and Zoning Commission of the Town of Florence, Arizona will hold a Public Hearing on Thursday, October 17, 2013 at 6:00 PM at Florence Town Hall located at 775 N. Main Street, Florence, Arizona, 85132 to discuss the following application:

PZC-15-13-ZC. Public Hearing. A Zone Change request by Ron Escott to change existing zoning on the subject property from Neighborhood Office (NO) to Neighborhood Business (B-1). The subject property is located at 375 East Butte Avenue, Florence, Arizona, AKA, APN 202-03-0010. A detailed description of the proposed Zone Change request is available for viewing at the Town of Florence Community Development Department.

Additional information on the above case can be obtained Monday thru Friday from 8 AM to 5 PM at the Town of Florence Community Development Department located at 600 N. Main Street, Florence, Arizona 85132 or please call (520) 868-7542.

Pursuant to Title II of the Americans with Disabilities Act (ADA), the Town of Florence does not discriminate on the basis of disability regarding admission to public meetings. Persons with a disability may request reasonable accommodations by contacting the Town of Florence ADA Coordinator at (520) 868-7574 or (520) 868-7502 TDD. Requests should be made as early as possible to allow time to arrange the accommodation.

No. of publications: One; date of publication: September 26, 2013.



TOWN OF FLORENCE COUNCIL ACTION FORM

AGENDA ITEM 6c.

MEETING DATE: November 18, 2013

DEPARTMENT: Administration

STAFF PRESENTER: Jess Knudson
Assistant Town Manager

SUBJECT: Presentation on the 2014 Citizen Survey
Questionnaire

- Action
- Information Only
- Public Hearing
- Resolution
- Ordinance
 - Regulatory
 - 1st Reading
 - 2nd Reading
- Other

RECOMMENDED MOTION/ACTION:

Presentation on the 2014 Citizen Survey Questionnaire.

BACKGROUND/DISCUSSION:

The Town began sending out citizen surveys in 2006. The surveys are used to collect comprehensive information about our residents as a whole, gauge the perception of the public on the community and Town services, as well as collect the thoughts from the public on upcoming Town and Town Council decisions.

Since the Town has sent out the surveys, we have received incredible interest from the residents. The national average for these types of surveys to be returned is approximately 25%. In contrast, we consistently receive more than 40% of the surveys back from the residents. This shows us that our residents want to participate in a process that allows them to voice their opinions on the community and the activities of the Town.

Surveys are not sent to every household. Instead, surveys are sent to a random sample of households. Based on our existing population, we need approximately 400 surveys returned from the public to provide us with a sample size that scientifically represents the total population of Florence at a 95% confidence interval, or a 5% margin of error.

The attached survey will be mailed to 1,100 random households in Florence in mid-December. Survey participants will have six weeks to return the survey to the Town. It will then take staff approximately six weeks to collect, analyze and prepare the results for a presentation at an upcoming Town Council meeting.

Staff is interested in any questions that the Town Council may want to include in the survey.

FINANCIAL IMPACT:

The cost of materials to send and receive the citizen surveys is approximately \$1,500. This cost estimate does not include staff time.

STAFF RECOMMENDATION:

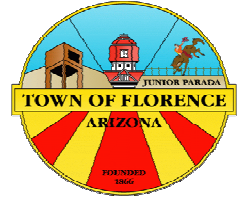
There is no staff recommendation or need for formal Town Council action.

ATTACHMENTS:

2014 Citizen Survey Questionnaire

Town of Florence

2014 Citizen Survey



1. How would you describe Florence as a place to live?

Excellent Good Average Poor Very Poor

2. Do you feel safe and secure in your neighborhood?

Very Safe Safe Average Unsafe Very Unsafe

3. Overall, do you feel you are getting adequate value for your Town tax dollar?

Excellent Good Average Poor Very Poor Not Sure

4. Rate the following as they apply to living in Florence. (please circle your answer)

	Excellent	Good	Average	Poor	Very Poor	Don't Know
Small town feel	1	2	3	4	5	6
Friendly people	1	2	3	4	5	6
Beautiful scenery	1	2	3	4	5	6
Amount of crime	1	2	3	4	5	6
Parks	1	2	3	4	5	6
Climate	1	2	3	4	5	6
Job opportunities	1	2	3	4	5	6
Quiet	1	2	3	4	5	6
Historical character	1	2	3	4	5	6
Shopping opportunities	1	2	3	4	5	6
Growing community	1	2	3	4	5	6

5. To what extent, if any, do you see the following as a problem in Florence? (Please circle)

	Not a Problem	Minor Problem	Average	Moderate Problem	Major Problem	Don't Know
Crime	1	2	3	4	5	6
Drugs	1	2	3	4	5	6
Too much growth	1	2	3	4	5	6
Lack of growth	1	2	3	4	5	6
Unkept buildings	1	2	3	4	5	6
Taxes	1	2	3	4	5	6
Traffic congestion	1	2	3	4	5	6
Unsupervised youth	1	2	3	4	5	6
Homelessness	1	2	3	4	5	6
Weeds	1	2	3	4	5	6

6. Does the Town provide adequate information to its residents?

Yes, information IS adequate No, information IS NOT adequate

7. **Town Services:** The following are services provided by the Town. Please rate your satisfaction with each of the services listed. The scale is from 1 to 5 (1 being the best and 5 being the worst). **If you have no experience with the service in the past 12 months or have no opinion, select NE (No Experience).** Please circle your answer.

Fire Services

	Excellent					Very Poor
Firefighter attitude and behavior	1	2	3	4	5	NE
Emergency response time	1	2	3	4	5	NE
Non-emergency response time	1	2	3	4	5	NE
Use of education to prevent fires	1	2	3	4	5	NE
Professionalism of the Fire Department	1	2	3	4	5	NE

Park and Recreation Services

	Excellent					Very Poor
Fitness Center	1	2	3	4	5	NE
Quality of recreational programs	1	2	3	4	5	NE
Variety of recreational programs	1	2	3	4	5	NE
Recreational facilities (example: parks, baseball field)	1	2	3	4	5	NE
Parks maintenance	1	2	3	4	5	NE
Maintenance of downtown Florence	1	2	3	4	5	NE

Police and Court Services

	Excellent					Very Poor
Officer attitude and behavior	1	2	3	4	5	NE
Emergency response time	1	2	3	4	5	NE
Non-emergency response time	1	2	3	4	5	NE
Professionalism of the Police Department	1	2	3	4	5	NE
Service provided by dispatch	1	2	3	4	5	NE
Service provided by records request staff	1	2	3	4	5	NE
Professionalism of Courts personnel	1	2	3	4	5	NE
Professionalism of Town Attorney/Prosecutor	1	2	3	4	5	NE

Street, Water and Sanitation Services

	Excellent					Very Poor
Garbage pickup	1	2	3	4	5	NE
Street repair and maintenance	1	2	3	4	5	NE
Water taste	1	2	3	4	5	NE
Storm water drainage	1	2	3	4	5	NE
Water pressure	1	2	3	4	5	NE

Senior Center Services

	Excellent					Very Poor
Hours of operation	1	2	3	4	5	NE
Professionalism of senior center employees	1	2	3	4	5	NE
Quality of programming	1	2	3	4	5	NE

Library Services

	Excellent					Very Poor
Selection of books, periodicals and other materials	1	2	3	4	5	NE
Hours of operation	1	2	3	4	5	NE
Professionalism of library employees	1	2	3	4	5	NE
Quality of programming	1	2	3	4	5	NE
Functionality of library building	1	2	3	4	5	NE

General Services and Communication

	Excellent					Very Poor
Professional manner of individuals answering Town phones	1	2	3	4	5	NE
Town Hall office hours	1	2	3	4	5	NE
Channel 11 (Town's government channel - available only on cable TV)	1	2	3	4	5	NE
Town website (www.florenceaz.gov)	1	2	3	4	5	NE

8. Overall, rate the quality of services provided by the Town. 1 2 3 4 5 NE
9. Overall, rate the quality of services provided by the County. 1 2 3 4 5 NE
10. Overall, rate the quality of services provided by the State. 1 2 3 4 5 NE
11. Overall, rate the quality of services provided by the Federal Government. 1 2 3 4 5 NE

12. In the last 6 months, have you had any contact with a Town of Florence employee?

Yes No Don't Know

12b. If yes, what was your impression of the LAST Town employee you were in contact with?

	Excellent	Good	Average	Poor	Very Poor	Don't Know
Responsive	1	2	3	4	5	6
Knowledgeable	1	2	3	4	5	6
Courteous	1	2	3	4	5	6
Overall	1	2	3	4	5	6

13. How would you rate the actions of the Town Council in 2013?

Excellent Good Average Poor Very Poor Not Sure

14. Who provides your water and wastewater services?

Town of Florence Johnson Utilities Not Sure

15. Do you use Facebook or Twitter Internet sites regularly (at least twice a month)?

Facebook Twitter Both Neither

16. Do you subscribe to the Florence News Email Alerts? (www.florenceaz.gov)

Yes No Not Sure

17. Who provides your TV services?

Cox Dish DirectTV Other I don't watch TV

18. Is the TV you watch the most at home a flat screen or a tube style TV?

Flat Screen Tube Not Sure

19. Are you satisfied with the trash and recycling services provided by Right Away Disposal (RAD)?

Yes No Not Sure

20. Are you supportive of the Town's actions to annex the Magic Ranch, Crestfield Manor and Wild Horse Estates areas?

Yes No Not Sure

21. Should the Town support the incorporation efforts of San Tan Valley?

Yes No Not Sure

22. Should a medical marijuana dispensary be allowed to open in the Town of Florence?

Yes No Not Sure

23. Should the Town of Florence spend money on the restoration of historic buildings in the downtown?

Yes No Not Sure

24. Currently, a private company provides ambulance service to residents in Florence. Are you in favor of the Town of Florence Fire Department providing this service and collecting a user fee?

Yes No Not Sure

25. How long have you lived in Florence?

I have lived in Florence for _____ years.

26. Are you employed?

- Full-time
- Part-time
- Self employed
- Retired
- Disabled/Unable to work

27. Where do you work?

- I work at home
- I am unemployed / retired
- Florence
- Coolidge
- Casa Grande
- Phoenix Area
- Tucson Area
- Other _____

28. What is your marital status?

- Single
- Married

29. How many people reside in your household?

- 1
- 2
- 3
- 4
- 5
- 6 or more

30. What is your gender?

- Male
- Female

31. What is your age?

I am _____ years old.

32. What is the highest level of education you have completed?

- Some High School
- High School
- Some College, no degree
- Associate's Degree
- Other Professional Degree
- Bachelor's Degree
- Masters Degree
- PhD
- Other

33. Are you registered to vote in Arizona?

- Yes
- No
- Don't know

34. Are you a permanent (all year) resident of Florence?

- Yes, I live in Florence all year
- No, I live in Florence for _____ months
- Other

35. Where in Florence do you live?

- Downtown Area
- Anthem Area
- Florence Gardens Area
- Other _____

Please place any comments below. You can include comments on a separate sheet of paper. (any foul language or personal attacks will not be included in the final report)

Thank you for taking the time to complete this survey!



TOWN OF FLORENCE COUNCIL ACTION FORM

AGENDA ITEM 7a.

MEETING DATE: November 18, 2013

DEPARTMENT: Utilities Department

STAFF PRESENTER: John V. Mitchell, Utilities Director

SUBJECT: Approval to Construct and Sample Point of Compliance Well at South Wastewater Treatment Plant

- Action
- Information Only
- Public Hearing
- Resolution
- Ordinance
 - Regulatory
 - 1st Reading
 - 2nd Reading
- Other

RECOMMENDED MOTION/ACTION:

Motion to approve the construction and sampling of Point of Compliance well (POC #3) at the south wastewater treatment plant.

BACKGROUND/DISCUSSION:

In August 2013 the Town of Florence entered into a Consent Order with the Arizona Department of Environmental Quality (ADEQ) agreeing to correct violations to the Aquifer Protection Permit and Arizona Pollution Discharge Elimination Permit for the South Wastewater Treatment Plant. The violations included the failure to construct a new Point of Compliance (POC) monitor well and exceedances of total residual chlorine. A new compliance schedule was attached to the Consent Order, and the Town is on track to meet the deadlines of the new schedule.

Water Works Engineering is currently contracted with the Town to provide general engineering services. Water Works Engineering has sub-contracted with Southwest Ground-Water Consultants, Inc. (SWG) to design and install the new monitoring well. SWG sought to obtain three bids from three drilling contractors. Two bids were received. The lowest bid was for the amount of \$29,170. The total cost for the project is approximately \$54,000 and includes the drilling of the POC monitoring well, ambient groundwater sampling, ambient groundwater analysis, and reporting.

FINANCIAL IMPACT:

The cost to construct a new POC monitor well, sample and analyze ambient groundwater, and report findings to ADEQ is approximately \$54,000. Funds are available in the Town of Florence Sewer Fund, line item 52-575-217 (professional services).

STAFF RECOMMENDATION:

Staff recommends approval of the construction and sampling of a new POC monitoring well.

**TOWN OF FLORENCE
HISTORIC DISTRICT ADVISORY COMMISSION
REGULAR MEETING
MINUTES**

REGULAR MEETING OF THE HISTORIC DISTRICT ADVISORY COMMISSION OF THE TOWN OF FLORENCE HELD WEDNESDAY, MARCH 27, 2013 AT 6:00 P.M. IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.

CALL TO ORDER

Chairman Wheeler called the meeting to order at 6:00 pm.

ROLL CALL:

Present: Wheeler, Madden, Smith, Reid and Adam
Absent: Cochran

PLEDGE OF ALLEGIANCE

Vice Chair Madden led the Pledge of Allegiance.

DISCUSSION/APPROVAL/DISAPPROVAL of the regular meeting minutes conducted October 24, 2012.

On motion of Commissioner Madden, seconded by Commissioner Reid and carried to approve the regular meeting minutes conducted October 24, 2013.

NEW BUSINESS

A. CASE HDAC-03-13-DR (CIRCA 1880 ANTIQUES)

PRESENTATION/DISCUSSION/APPROVAL/DISAPPROVAL of a Design Review application for the proposed signage for Circa 1880 Antiques and Prickly Pear Pie Place located at 191 North Bailey Street in Florence, Arizona.

The property is located within the Historic District and is historically known as Cosgrove/Nicholas/Aguiar Residence (FL-34). Built around 1878 and transformed to Early Transitional between 1891-1898 then transformed to American Victorian between 1900-1910.

This property is zoned NO (Neighborhood Office) and has functioned as a residence in the past. The current owners propose a new business venture which includes a small retail and sandwich shop.

The owners of Circa 1880 Antiques and Prickly Pear Pie Place have met with staff and submitted an application for Design Review for wall signage. There will be one wall sign which shall be located on the front of the building facing Bailey Street. The applicant has attached the sign to a gold painted metal frame and will erect the sign in front of the property. Staff contends that this option is a good compromise as an alternative to attaching the sign to the brick wall.

Commission members had asked the applicant to consider the use of a monument signage in lieu of the wall sign. Staff researched this option and found the following:

Per the Florence Townsite Historic District Preservation Design Guidelines for Monument Signs 6.5.1 *"Limit the use of monument signs to buildings that are set back more than 15 feet from the property line"*.

Staff has recommended the applicant follow the Florence Townsite Historic District Preservation Design Guideline (THDPDG) for wall signs and monument signs. The applicant's wall sign is in compliance with Town Code but defers from the THDPDG. Staff contends that of the eight (8) recommendations within the THDPDG the applicant has met all recommendations but one (6.8.3).

Additional information about proposed signage:

Wall Sign

- Sign height: 44"
- Sign width: 36"
- Durable material with vinyl decoration
- Colors: Brown, black with cactus(green) background
- Historic font lettering
- Mounted to a golden painted metal frame
- Attached to the ground

Staff found that the request was in compliance with applicable Town Codes but defers from the Florence Townsite Historic District Preservation Design Guidelines. Therefore, staff hereby presented to the Historic District Advisory Commission the Design Review application for HDAC-03-13-DR for approval or disapproval, subject to the following conditions:

1. Construction of signage shall conform to the exhibits presented on March 27, 2013 and as may be amended by the conditions of approval.
2. Design Review approval shall expire in one (1) year from this approval (March 27, 2013) if a building permit is not issued for the subject site/project within said period.

3. Signage shall comply with all applicable Town Codes, including all applicable building, fire and engineering codes.

Commissioner Smith stated thanked the owner for what was done to the building and the improvement to the neighborhood. She was concerned about the sign being placed on the brick and destroying the brick/mortar due to screws from the proposed sign. Commissioner Smith suggests the applicant place a monument sign instead. It's the only kind of monument sign that can be placed because it was a house and is now being converted into a business.

Gilbert Olgin, Town Planner stated if the sign is approved tonight, the applicant has to pull a permit, the building inspector will make sure that it is adhere to the wall and does not fall off.

Chairwomen Wheeler asked, is this a permitted use in a Neighborhood Office?

Gilbert Olgin responded yes, the use is permitted in a Neighborhood Office Zone.

Commissioner Reid asked, is there sufficient parking?

Gilbert Olgin responded staff is working with the applicant and has asked that the site be ADA compliant. Staff has not asked them to accommodate any more spaces at this time due to additional historic structures in the back of the property. Staff is working with the applicant to rezone the property to Downtown Commercial that would lessen the requirements on parking and setbacks. This is more of a pedestrian use and staff is trying to promote a more walkable downtown.

Commissioner Reid asked the applicant what the two dark spots on the brick in the presented picture? Can a sign be tied or attached to the medal rod's coming out of the building?

The applicant, Dick Smith responded that the brick has been tied into the adobe to support the building. We are trying to follow the Guidelines for the sign.

Commissioner Smith asked if the Commission could approve a monument sign in place of the wall sign as long as they follow the Guidelines?

Gilbert Olgin responded no, that the applicant needs to present it through a Design review to staff and the commission for approval. Tonight we have to approve or disapprove the wall sign.

Commissioner Reid asked how likely the applicant would go with a monument sign and take on the additional cost and time require.

Chairwomen Wheeler stated, you are asking the Commission to approve something that two Commissioners think is not wise.

Gilbert Olgin responded that what staff is asking is for the Commission to approve or disapprove what is being presented tonight, the wall sign.

Commissioner Adams responded that in addition to a monument sign, maybe the applicant can do some more investigation into the wall to see if it would maintain the integrity of the mortar should you have to take down the sign later.

Dick Smith responded that a contractor came in and re-plastered and re-mortared the joints and bottom portion of the walls where needed. So it's feasible to attach the sign to the building and then when it comes down, to re-patch the wall.

Chairwomen Wheeler asked the applicant that if it would not be difficult to remove the sign?

Dick Smith responded no. That it would be 3/8" size bolts in the aluminum sign.

Commissioner Reid asked if the entire surface of the sign has a vinyl coating?

Dick Smith responded that the sign is painted with epoxy coating over the sign to protect it.

Gilbert Olgin responded its aluminum with white paint, then plastic letters and then a layering of epoxy coating to project the sign from the elements.

Commissioner Reid asked if the applicant got a quote of how long the sign would last and how do they feel about a monument sign instead?

Dick Smith responded that he did not know, but it's a quarter inch thick. The monument sign was an alternative idea. By placing dead saguaro cactus ribs to hold up the sign. I would rather mount the sign on the building then using a monument sign.

Chairwomen Wheeler asked the applicant if the contractor recommended if the sign was placed on the wall, would any damage occur?

Dick Smith responded that's correct.

Commissioner Reid asked if the sign will be illuminated at night. Would you be open in the evenings?

Gilbert Olgin said there will be small accent light in front of the sign and would not be required for review.

Dick Smith responded that the lights were small LED battery operated outdoor lights and the business will not be open in the evenings.

On motion of Commissioner Smith, seconded by Vice Chairman Madden and carried to disapprove the proposed signage for Circa 1880 Antiques and Prickly Pear Pie Place located at 191 North Bailey Street in Florence, Arizona.

Measure passes 3-2

Roll Call

Commissioner Smith: Yes

Vice Chair Madden: Yes

Chairwomen Wheeler: No

Commissioner Reid: No

Commissioner Adams: Yes

STAFF REPORT:

A. Town of Florence National Bank of Arizona status.

Gilbert Olgin updated the Commission on the status of the National Bank of Arizona building and the monument sign for Downtown Florence.

B. National Nomination Preparation Update.

Gilbert Olgin updated the Commission on the status of the nominations. Staff has selected a firm; details will be forthcoming at the next HDAC meeting.

C. Historic Marker Update.

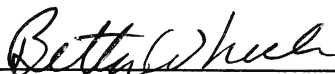
Gilbert Olgin stated that the markers language is done and proofs will be sent out to the Chair and Vice Chair.

CALL TO THE PUBLIC/COMMISSION RESPONSE: Call to the Public for Comment is limited to issues within the jurisdiction of the Town of Florence Historic District Advisory Commission. Individual Commission members may respond to criticism made by those commenting, may ask staff liaison to review a matter raised, or may ask that a matter be put on a future agenda.

CALL TO THE COMMISSION

ADJOURNMENT

Chairman Wheeler adjourned the meeting at 6:32 pm.

x 

Chairman Wheeler

**TOWN OF FLORENCE
HISTORIC DISTRICT ADVISORY COMMISSION
SPECIAL MEETING
MINUTES**

SPECIAL MEETING OF THE HISTORIC DISTRICT ADVISORY COMMISSION OF THE TOWN OF FLORENCE HELD WEDNESDAY, APRIL 10, 2013 AT 6:00 P.M. IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.

CALL TO ORDER

Chairman Wheeler called the meeting to order at 6:00 pm.

ROLL CALL:

Present: Wheeler, Madden, Smith, Reid, Cochran and Adam.

PLEDGE OF ALLEGIANCE

Commissioner Reid led the Pledge.

OLD BUSINESS

CASE HDAC-03-13-DR (CIRCA 1880 ANTIQUES)

PRESENTATION/DISCUSSION/APPROVAL/DISAPPROVAL of a Design Review application for the proposed signage for Circa 1880 Antiques and Prickly Pear Pie Place located at 191 North Bailey Street in Florence, Arizona

This property is located within the Historic District and is historically known as Cosgrove/Nicholas/Aguilar Residence (FL-34). Built around 1878 and transformed to Early Transitional between 1891-1898 then transformed to American Victorian between 1900 - 1910.

This property is zoned NO (Neighborhood Office) and has functioned as a residence in the past. The current owners propose a new business venture which includes a small retail and sandwich shop.

The owners of Circa 1880 Antiques and Prickly Pear Pie Place have met with staff and re-submitted an application for Design Review for wall signage. There will be one wall sign which shall be located on the front of the building facing Bailey Street. The applicant has attached the sign to a gold painted metal frame and will erect the sign in front of the property. Staff contends that this option is a good compromise as an alternative to attaching the sign to the brick wall.

Commissioner members had asked the applicant to consider the use of a monument signs in lieu of the wall sign and staff researched this option and found the following:

1. Per the Florence Townsite Historic District Preservation Design Guidelines for Monument Signs 6.5.1 *“Limit the use of monument signs to buildings that are set back more than 15 feet from the property line”*.

A portion of the property sits on Bailey Street and is built to the property line. On the other side of the property facing 10th Street, there is only twelve feet remaining to place a monument sign. Town code requires monument signs to be placed back at least five feet from the property line and therefore would allow the applicant only seven feet to place the proposed monument on Tenth Street which would not comply. Staff contends that a monument sign is not a viable option.

Staff has recommended to the applicant to follow the Florence Townsite Historic District Preservation Design Guideline (THDPDG) for wall signs and monument signs.

Staff finds that the request is in compliance with applicable Town Codes but defers from the Florence Townsite Historic District Preservation Design Guidelines. Therefore, staff hereby presents to the Historic District Advisory Commission the Design Review application for HDAC-03-13-DR for approval, subject to the following conditions:

1. Construction of signage shall conform to the exhibits presented on April 10, 2013 and as may be amended by the conditions of approval.
2. Design Review approval shall expire in one (1) year from this approval (April 10, 2013) if a building permit is not issued for the subject site/project within said period.
3. Signage shall comply with all applicable Town Codes, including all applicable building, fire and engineering codes.

Commissioner Adam asked that in the report it says wall sign, but we are not looking at a wall sign correct?

Town Planner, Gilbert Olgin responded it is a wall sign. Staff looked into the option of a monument sign for this business as directed by the Commission. A monument sign would not work on this site mostly because of the building. There are limitations due to the property sitting on the property line, lack of a visibility triangle and not enough space on the north side to place a sign. The only option that will work is a wall sign.

Commissioner Adams responded it's a wall sign, but not attached to the wall.

Gilbert Olgin responded that it is a wall sign but will not be attached to the wall.

Commissioner Smith asked how will the applicant keep the sign from falling over?

Gilbert Olgin replied that the sign will be placed in a ½ inch pipe in the ground.

Commissioner Smith replied that there should be different rules for homes that are on the property lines.

Dick Smith, the applicant responded that the sign is mounted on a 1880 bed frame. And its about two to three inches from the building. The frame will be placed in the ground three feet deep.

Commissioner Cochran commented that sign is very appropriate due to its time period.

Dick Smith responded that the sign is too low at this time, but he plans on raising the sign up.

On motion of Commissioner Smith, seconded by Commissioner Madden and carried to approve the signage for Circa 1880 Antiques and Prickly Pear Pie Place located at 191 North Bailey Street in Florence, Arizona.

NEW BUSINESS

CASE HDAC-04-13-DR (SOLAR SYSTEM)

PRESENTATION/DISCUSSION/APPROVAL/DISAPPROVAL of a Design Review application for a proposed roof mounted solar system for Circa 1880 Antiques and Prickly Pear Pie Place located at 191 North Bailey Street in Florence, Arizona.

Commissioner Adams asked if any other historic homes have solar panels on their roofs?

Town Planner, Gilbert Olgin responded that the Farmers Insurance building on Main Street has solar panels. Staff asked the owner to hide it from the view. The panels have been up there for years.

Commissioner Cochran asked about if the representative can explain the dead load calculations on the drawing? Also, the second half of the home, what is it made of?

Solar City Engineer, John answered that the dead load of the system is the entire load of the system divided by the percentage of the roof. What that number represents is the increase of weight to the roof. Structurally, it's two by two's and two by four's.

Gilbert Olgin responded that the back portion of the building is not adobe.

Commissioner Adams asked the representative what they have done structurally to assure that the building can withstand the weight?

John replied that when the project started, we sent an auditor in to evaluate measure and take pictures of the structure. The engineering team evaluates the pictures and measurements to determine the structure and weight loads on each roof.

Commissioner Reid asked if there is any additional electrical equipment that will be added to the home besides the panels? Will they be visible from the street?

John answered that there will be a utility required disconnect and another meter on the property. Those elements can be painted or disguised per the home owner's discretion. We also have latitude with electric companies to move equipment to different areas if necessary.

Commissioner Smith asked what is the life expediency of the unit?

John responded that Solar City warranties the unit for 20 years and does regular maintenance or replacement on the system. At the end, Solar City can remove the system and return the home back to its original state or continue the contract with the home owner.

On motion of Commissioner Reid, seconded by Commissioner Cochran and carried to approve a Design Review application for the proposed roof mounted solar system for Circa 1880 Antiques and Prickly Pear Pie Place located at 191 North Bailey Street in Florence Arizona.

GUEST SPEAKER

PRESENTATION/DISCUSSION from Charles Montoya, Town Manager, on organizational changes, downtown vision and Town structure.

Mr. Montoya presented the Town's vision going forward and about the value of historic heritage. He explained the Town's economic opportunities within the Historic District and finding the balance of preserving our past while taking advantage of our future growth opportunities. Mr. Montoya championed the Town's ability to grow and build a stronger and more vibrant community. The Town is looking at ways to invest in creating an urban park behind the Silver King Market Place led by the Community Development Department. The Town also received a grant to update the streetscapes and the Public Works Department will be starting that project here soon. The Town is investing into downtown to attract more business and people to our core, and the Town wants to promote its history, heritage and its opportunities to fill space and to build new opportunities in our core.

STAFF REPORT:


Historic Marker Update.

CALL TO THE PUBLIC/COMMISSION RESPONSE: Call to the Public for Comment is limited to issues within the jurisdiction of the Town of Florence Historic District Advisory Commission. Individual Commission members may respond to criticism made by those commenting, may ask staff liaison to review a matter raised, or may ask that a matter be put on a future agenda.

CALL TO THE COMMISSION

ADJOURNMENT

Chairman Wheeler adjourned the meeting at 6:37 pm.

x 

Chairman Wheeler

**TOWN OF FLORENCE
HISTORIC DISTRICT ADVISORY COMMISSION
REGULAR MEETING
MEETING MINUTES**

REGULAR MEETING OF THE HISTORIC DISTRICT ADVISORY COMMISSION OF THE TOWN OF FLORENCE HELD WEDNESDAY, MAY 29, 2013 AT 6:00 P.M. IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.

CALL TO ORDER

Chairman Wheeler called the meeting to order at 6:00 pm.

ROLL CALL:

**Present: Wheeler, Smith, Reid, Cochran and Adam
Absent: Madden**

PLEDGE OF ALLEGIANCE

Commissioner Smith led the Pledge of Allegiance

DISCUSSION/APPROVAL/DISAPPROVAL of the minutes of the regular meeting conducted on November 28, 2012.

On motion of Commissioner Cochran, seconded by Commissioner Smith and carried to approve the regular meeting minutes conducted November 28, 2012.

PRESENTATION/DISCUSSION by Swan Architects on Southworth/Clemans and Celaya Homes for Historic Preservation Nomination kickoff to State Historic Preservation Office (SHPO).

Jeff Swan, owner of Swan Architects introduced himself to the Commission and talked about the process for the Historic Preservation Nominations preparations for the Southworth/Clemans and Celaya Homes. It's a simple four step process that establishes the criteria, significance and setting of each property. Once everything is established, Swan Architects will submit to SHPO and if approved, then to the National Parks Service.

PRESENTATION/DISCUSSION on the 2014 Historic Home Tour planning stages.

Senior Planner Gilbert Olgin explained that the Town has now taken charge of the Florence Historic Home Tour for 2014. Town leadership has asked for the Parks and Recreation Departments to spearhead the planning and implementation of the Home Tour. The Commission and staff talked about potential ideas ranging from marketing,

funding, potential vendors, creating a committee and how to involve the local community.

STAFF REPORT:

- A. Change in Staff Liaison – Former Staff Liaison Gilbert Olgin has been promoted to Senior Planner and Town Planner, Heath Reed has been tasked being the new Staff Liaison to the Historic District Advisory Commission.
- B. Historic Preservation Conference – Conference is planned for June 12-14th. Confirm which Commissioners will be attending the conference.
- C. Historic Marker Update – Staff is working on the markers and finishing up the final touches before they are produced.

CALL TO THE PUBLIC/COMMISSION RESPONSE: Call to the Public for Comment is limited to issues within the jurisdiction of the Town of Florence Historic District Advisory Commission. Individual Commission members may respond to criticism made by those commenting, may ask staff liaison to review a matter raised, or may ask that a matter be put on a future agenda.

Ruth Harrison shared potential ideas about next year’s Historic Home Tour.

CALL TO THE COMMISSION

Commissioner Reid asked if the Town is still advertising to fill the last vacancy Chair on the HDAC Commission?

Commissioner Smith asked if some of the signs that have been deteriorating, have been replaced?

ADJOURNMENT

Chairman Wheeler adjourned the meeting at 7:05 pm.

X Betty Wheeler
Chairman Wheeler

**TOWN OF FLORENCE
PLANNING AND ZONING COMMISSION
MEETING MINUTES**

REGULAR MEETING OF THE TOWN OF FLORENCE PLANNING AND ZONING COMMISSION HELD THURSDAY, JULY 18th, 2013 AT 6:00 PM AT TOWN HALL COUNCIL CHAMBERS LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.

CALL TO ORDER

Chairman Wooley called the meeting to order at 6:00 pm.

ROLL CALL:

Present: Wooley, Anderson, Petty, and Reed.

Absent: Putrick

PLEDGE OF ALLEGIANCE

Chairman Wooley led the Pledge of Allegiance.

DISCUSSION/APPROVAL/DISAPPROVAL of the minutes of the regular meeting conducted March 7th, 2013.

On motion of Commissioner Anderson, seconded by Commissioner Reed and carried to approve the meeting minutes of March 7th, 2013.

PUBLIC HEARING

CASE PZC-01-13-ZC (TERRITORY SQUARE ZONE CHANGE)

PRESENTATION/DISCUSSION/RECOMMENDATION of a Zone Change request to change the existing zoning on the subject properties from Rural Agricultural (RA-10), Single Residential Ranchette (R1-R), Public/Institutional (P/I) and Planned Unit Development (PUD) to Territory Square (TS). The Territory Square project area is generally located along the south side of the Gila River between the Plant Road alignment and Highway 79.

Gilbert Olgin, Senior Planner stated that this is zone changed was created and detailed zoning ordinance in the North End Framework Vision Plan. With the help of Swaback Partners and Town staff, the book was created in a six month period after many public meetings and with an advisory citizen committee. The subject properties are currently zoned Rural Agricultural (RA-10), Single Residential

Ranchette (R1-R), Public/Institutional (P/I) and Planned Unit Development (PUD) and are seeking a recommendation from the commission to be changed to Territory Square (TS).

Work on the North End Framework Vision Plan ("Vision Plan"), a multi-faceted project that crafted a variety of economic development, planning and engineering enhancement strategies for an area along the Gila River in the core area of the Town of Florence, began in May 2010. The Vision Plan obtained the unanimous endorsement of the Town's Planning and Zoning Commission and the Mayor and Council of the Town of Florence. The Vision Plan has also been well-received by the community and won the 2011 Best Project of the Year Award from the Arizona Chapter of the American Planning Association. The study area subsequently was renamed Territory Square, a name with historical relevance that was supported by all of the property owners within the study area.

Prior to this initiative, community leaders had been evaluating the development feasibility for this property for a number of years. In 2006, the Town conducted a Facility Needs Study for the portion of the site often referred to as the Giles property, land that was acquired by the Town many years earlier (acquisition of purchased and donated parcels began in 2001). After acquiring the Giles property, the Town considered various potential uses for the site, but several factors prevented the property from being developed (almost the entire area is within the floodplain), though it has been consistently leased and used for farming purposes. The Town Facility Needs Study showed how the Giles property could potentially be developed with a new governmental complex and that idea led to discussions with Pinal County and other governmental agencies about the possibility of joint development opportunities. Seeing the long-term strategic importance of the subject area, efforts were made to broaden expectations and partnerships and an RFP process was commenced that ultimately resulted in the selection of the consultant team, a detailed scope of services, an extensive public participation plan and ultimately the development of the Vision Plan.

The Town of Florence is the primary stakeholder in this project. Two of the larger private portions of the subject area are: the Heritage Square planned development on property owned by the Londen Companies; and the Florence Farms development, which has been led by Harold and Katie Christ. While development has yet to commence on the Heritage Square property, the Florence Farms (a.k.a., Windmill Winery) property has seen much activity in recent years and has developed from a historic working farm to a successful plant nursery, winery and unique special event destination. Locally based families have enjoyed farming on their smaller properties within the study area, but also realize the long-term economic development potential of their properties and therefore appreciated the value of participating in the Vision Plan effort.

While the Vision Plan considered some phenomenally complex issues, Swaback Partners, the lead consultant that worked with the Town of Florence on this project, was able to create a document that is reader-friendly, easy to understand and motivational. Sub-consultants on the project included Wood, Patel & Associates, Inc. for engineering expertise and Eric Rasmussen and Pooled Resources for economic development, financing strategy and demographic expertise. From project commencement, it was critical that this project produced a vision and goals that were not only excelling in planning and design expectations, but was economically viable, practical and implementable from an engineering and development perspective.

The very nature of the project required nothing but the most original and innovative efforts and the final Vision Plan reflects such. The Vision Plan had to merge a variety of technical considerations to develop a workable vision and realistic implementation strategies. The Vision Plan also considers the very diverse interests of the stakeholders directly and indirectly involved with this project, with special consideration to the ultimate development of the long-term private-public partnerships critical to the success of the Vision Plan.

One critical benefit of the Vision Plan effort was that it allowed the Town and stakeholders an opportunity to finally place all of the puzzle pieces of past and on-going studies together so that flood plain mitigation, transportation, urban design, economic development, infrastructure, the future governmental complex, financing and a variety of other issues could finally be organized in a dynamic and comprehensive fashion.

To elaborate on one of the aforementioned study areas, economic development can prove quite challenging with inadequate transportation facilities and thus the timing of the Vision Plan was well-coordinated with critical transportation issues that have been and continue to be under consideration in Florence. The potential location of the North-South ADOT Corridor (planned to link Interstate 10 with US 60) was closely evaluated during the study process and ultimately the Town, working with a large contingent of stakeholders, was able to endorse a future corridor alignment that would benefit the subject study area and the long-term sustainability of the core of Florence. The Vision Plan also developed a recommendation for a future Main Street Gila River bridge crossing to better connect the core of Florence with new growth areas north of the Gila River. Additionally, the study process looked at ways of enhancing local access throughout the downtown area.

To promote additional outreach for the community on this project, the Town conducted a four-part series of Community Forums wherein the opportunity was readily available for citizenry input. Forums were held at Florence Town Hall, the Windmill Winery and the Anthem Parkside Community Center. All forums were educational, informative, interactive and well attended. Throughout the project,

the team also maintained a Facebook page and a specific webpage for the project. Press releases and several newspaper articles provided more information about the status of this project to the community.

The fundamental first step of this project was to formulate a scope of work that would be most conducive to the anticipated outcome. Unlike many planning exercises that are one-dimensional, this effort included significant expertise from a broad range of practitioners. It was important to organize the process, scope and deliverables in an incremental manner that would be informative for each task along the way. It was critical from the project's commencement to develop a team of stakeholders and technical experts to help Town staff and the consultant team to keep the project on track. The project had active stakeholder and technical committee meetings that helped to supplement regular project management meetings, community forums and other avenues of discussion on this project.

The Vision Plan articulates a creative alternative to a previously considered levee/dike scenario that calls for the careful relocation of earth material from locations closest to the riverbed to immediately adjacent land areas directly south. This process of "cut and fill" allows a significant area to have a raised elevation that would be above the floodplain. Therefore creating new "buildable" lands within the study area. A major riverfront park is planned for those areas that will remain in the floodplain. A land use budget for land area was created to allocate various types of uses that could be critically linked with new transportation and open space systems. Understanding future land uses and densities helped to model the types of infrastructure needed to support the envisioned development. That in turn, helped the project team to better understand the costs associated with development, what types of improvements might be financed and how the future development might be phased.

Concurrent with this process were discussions on the character of open space and development envisioned for the study area. Clearly, the Town needed to provide for the critical physical and symbolic linkage between historic Florence and the new growth areas of Florence. Furthermore, public feedback supported the notion that the study area needed to have its own identity that merged the multiple identities of Florence, but did not attempt to replicate historic or suburban Florence development character traits.

All of the aforementioned information was then compiled in the Vision Plan, along with several notebooks of accompanying technical reports. Perhaps the most critical portion of the Vision Plan is the implementation section that provides guidance to the Town as to the types of steps that could be taken to incentivize development.

Since the adoption of the Vision Plan, the Town has diligently worked to move this vision forward, while keeping all the project stakeholders well-informed on subsequent steps. The Town initiated a 2012 Major General Plan Amendment that redefined the MPC (Master Planned Community) land use designation to better fit this project and applied this new designation to the subject study area. The Town also continued their partnership with Swaback Partners in the development of a new, highly innovative and flexible hybrid zoning district that will work in concert with the MPC designation to support the implementation of the Vision Plan development strategies. The application (Zone Change) of this new Territory Square (TS) Zoning District is the focus of this application.

The Town is also working to extend a significant sewer main line in this area that will facilitate future development. The Town is also working with the Vision Plan engineering firm to complete a FEMA CLOMR (Conditional Letter of Map Revision) for the entire Vision Plan site and the FEMA LOMR (Letter of Map Revision) on the Town's first 40 acre development site within the study area. Furthermore, ongoing discussions with stakeholders are occurring to evaluate future development financing strategies and implementation of other economic development tools that the Town may use to facilitate the development of this site, including the use of the Infill Incentive District mechanism that was adopted as a possible tool for this site during the Vision Plan process.

Stakeholders, planners, investors, brokers, developers and builders are increasingly seeing the potential of this site because of the location, innovation, comprehensiveness, character, partnerships and availability of development incentives. The Vision Plan is paving the way for the ongoing prosperity of Florence and particularly the long-term sustainability and vitality of the heart and core of Florence.

As mentioned above, in 2012, Wood, Patel & Associates, Inc. was awarded the engineering contract to accomplish two primary floodplain mitigation objectives for the study area. First of all, to complete a FEMA CLOMR for the entire Territory Square site to obtain the support of FEMA and other regulatory agencies for the future site work and development that will occur on the site.

Secondly, to take the additional effort to remove a portion of Town property from the floodplain by completing the work identified and approved through the CLOMR process and obtaining a LOMR from FEMA for the subject portion of the Territory Square site. The result of this effort is to obtain approximately 40 acres of buildable land to the west of Florence Town Hall and north of Heritage Park that can be used to construct new Town facilities, such as a library, community center and perhaps even an aquatics center.

The aforementioned facilities are programmed in the CIP and, of course, it is well known that more modern, larger and efficient community facilities are needed to

meet current and projected population demands. Such facilities would be among the first to become a part of a larger Town complex that could also eventually include a new Town Hall and additional administrative offices. There is also the possibility of having some additional land within this first phase to develop for non-governmental complementary uses. This is consistent with the NEFVP and the Territory Square Zoning District.

Staff notes that the Town has programmed funds to bring fill to the subject 40 acre Town parcel so that an elevated pad can be created and certified in order to complete the LOMR. There will be additional costs to fully develop Town properties within the subject area. Staff further notes that the costs related to bringing properties not owned by the Town to the LOMR stage will be covered by those private property owners. As land values within the Territory Square area increase and the economy rebounds, a financing mechanism, such as a CFD, might be used to assist with infrastructure development within the Territory Square site.

The Territory Square Zoning District was developed as the primary zoning tool to implement the North End Framework Vision Plan. The Territory Square Zoning District provides a clear and concise methodology as to future development expectations and requirements. The zoning and associated components help ensure that the intended vision meets the high expectations of the Town, property owners, and community members for the subject study area. Territory Square is an innovative mixed-use hybrid zoning district because it combined features of traditional zoning with Form Based Code and SmartCode components. This approach is much different from the typical, more black and white, regulatory approach to zoning, which generally works well in most cases, but not with a highly innovative project such as Territory Square.

The Territory Square Zoning District document was organized as follows:

- The Transect and Regulatory Plan - General visual description of the anticipated built environment for this area as described from most urban to most rural.
- Land Use Groups (LUG's) Summary – Narrative descriptions of the zones associated with each section of the Transect. These sections represent Land Use Groups and associated characteristics of the built environment.
- Land Use Budget – Chart identifying the maximum number of housing units as well as non-residential maximum building square footage allowed within each Land Use Group.
- Function and Use – Identifies the spectrum of uses allowed in each Land Use Group.
- Land Use Group Summary – Narrative and pictorial description of the associated physical form within each LUG and typical lot characteristic development criteria.

- Frontage Types – Articulation of private and public frontage conditions for the range of LUG's.
- Build to Line – Description of areas within the Zoning District that will require build to line development.
- Open Space – Narrative and visual description of the range of civic open space opportunities within the LUG's.
- Design Guidelines – Design Guidelines within the Zoning District that articulates the anticipated quality and character of design.
- Use Glossary – Definition of terms.

The Territory Zoning District obtained the unanimous endorsement of the Town's Planning and Zoning Commission and the Mayor and Council of the Town of Florence in 2012. The adoption of the new zoning category did not apply it to any properties as such had to be accomplished under a separate application and after the MPC General Plan designation was applied to the subject area (zoning requires consistency with the General Plan in Arizona).

Staff has worked diligently to obtain the owner's authorization and "207" forms from property owners within the Territory Square area, thus fully indicating their willingness to have the zoning on their properties changed to TS. Consistent with endorsement of the NEFVP, the Town supports the application of the TS zoning on all of the properties within the study area. Unfortunately, one property owner with a small parcel within the study area has chosen to not apply the TS zoning to her property at this time, but staff expects cooperation with this upon further discussion. This does not negatively impact the implementation plans for this project.

Staff contends that the Town should remain steadfast in implementing the Vision Plan, as it has done thus far with the actions described in this report and with this application. The Town has a very unique opportunity with this project to act essentially as the Master Developer on a project of overwhelming significance to Florence. As discussed during the NEFVP process, this site helps bridge (literally and otherwise) development on both sides of the Gila River and provides the greatest opportunity for new, large scale, cohesive (marketable), residential and commercial growth in the core of Town, which will help to keep the Town's core vibrant and sustainable.

Beyond the steps identified within, here are some of the additional steps that can be anticipated in the future as the market recovers, land values improve and financing options are increased:

1. Enter into Development Agreements with property owners as a means of effectively agreeing upon terms for incentives, financing strategies, infrastructure planning and possible land trades.

2. Continue to market the project as a whole (in our new Economic Development brochure and on our new Economic Development webpage) and help private property owners market their sites for new residential and commercial development.
3. Look for opportunities for private—public partnerships on Town's 40 acre site. Ideas could include partnerships on the recreational components planned for the 40 areas. For example, the City of Maricopa and YMCA just entered into an agreement to run the city's multi-generational and aquatics facility.
4. Look for ways to fund and program key transportation improvements within the project area, such as the east-west roadway that will traverse the site from Plant Road to Highway 79.
5. Continue to be extremely diligent in efforts related to the ADOT North-South Corridor and Passenger Rail studies to facilitate the proper alignment of these facilities in proximity to this site and downtown Florence.
6. Work with CCA on the new sewer line planned across this site. Look for ways to facilitate other water and sewer improvements that will benefit this site.
7. As the market demands, work to take additional Town properties to the LOMR stage.
8. Develop a plan, phasing strategy and funding sources to begin linear park improvements along the south side of the Gila River between Plant Road and Highway 79. Include these plans in an updated Parks, Trails and Open Space Master Plan due to be updated soon because of new annexations and changes related to Development Impact Fee statutes related to park improvements.

Staff recommended to the Planning and Zoning Commission to forward a favorable recommendation to the Town Council for the Territory Zone Change subject to the following conditions.

1. Property Owners agree to waive claims for diminution in value pursuant to Proposition 207 [A.R.S. 12-1134] pursuant to the waivers attached hereto as Exhibit B.

Chairman Wooley opened the Public Hearing.

Mrs. Lena Austin, located at 224 East 1st Street stated that she served on the North End Framework Vision Committee. During her time on the committee, she was under the impression that the homes on the north side of 1st Street were included in the Vision Plan. Mrs. Austin was stunned when the Zoning Change notice was issued to surrounding residents. They would like to gather more information and inquired the Commission what might be built behind their properties. Will the project positively or negatively affect the residents along 1st Street? Do they have rights if they object to this Zone Change.

Chairman Wooley responded, I would have to refer you to Town staff because some of the questions are above this Commission.

Mrs. Austin requested that the Commission delay voting on this or table it. She inquired why the sudden resolve in passing the zone change and expressed her concern about the residents property rights.

Chairman Wooley closed the Public Hearing.

Gilbert Olgin, Senior Planner said all of the property owners are aware of this Zone Change within Territory Square. Each owner within Territory Square has approved the Zone Change and signed a letter of permission except for one property owner. Town staff notified all other property owners within a 300 foot buffer around the project. The properties outside of the Territory Square boundary are not being addressed in this Zone Change. That includes the properties along 1st Street. A majority of the properties along 1st street are zoned residential. The properties to the north are zoned Planned Unit Development (PUD). It's similar to what is in Anthem where there are commercial zoning and residential zoning.

Chairman Wooley asked, if this Zone Change is approved and a developer proposes to build in the Territory Square, they still have to follow all of the procedures to gain approval.

Mr. Olgin responded that is correct. They would have to follow that process. But the Territory Square zoning is a specific zoning that guides development.

Chairman Wooley asked if a developer came in to Territory Square and wanted to build a two story building or a commercial facility behind the homes of 1st street, what is the resident's protection now and down the road as Territory Square is developed.

Mr. Olgin responded that each development has to follow the Territory Square Ordinance. The Town Council will be holding public hearings on Territory square where the public can speak and the concerned citizens can sit down with Town staff.

Chairman Wooley asked will the property owners have more options zoning wise with this change.

Mr. Olgin answered currently on most parcels that is correct. The zoning will mirror the approved North End Framework Plan. The plan calls for open space, mix use, commercial, and residential all mixed in specific transects of the plan. So there are more options with Territory Square Zone Change.

Chairman Wooley stated that he is worried that the Town will not have control or protection of what happens on the properties within and adjacent to Territory Square.

Mr. Olgin responded that all of the property owners within Territory Square are in agreement and are not being pulled into this zone change. What gives the Town protection is the Zoning Code. If they are allowed to do something on their property, they can as long as they go through the regular public and permitting process. It's the same as B-2 or residential zoning district process with regulation and protection. The TS zoning has transects which breaks down what can happen in each section of the Territory Square District. It's not just a blanket zoning; development has to follow the guidelines and regulations in each transect.

Chairman Wooley asked staff why the owners along 1st street were first apart of the process and now are not a part of the process?

Mr. Olgin replied that the community was part of the process of the Vision Plan. The Town had a committee and held many public meetings on the plan. The plan is what created the foundation of the Zoning District. Since then, the Town has not moved forward with this zone change until now. Staff has followed all the State Statutes on notifying the public.

Commissioner Anderson asked do the property owners along 1st street want to be apart or included in Territory Square? When were they notified?

Mr. Olgin answered that the 1st Street properties are not in the Zone Change. They have been notified because they are within the 300 foot buffer. The Town is required to notify the affected property owners by fifteen days which staff followed.

Chairman Wooley asked if staff received any correspondence before this meeting about the Zone Change?

Mr. Olgin said that the Community Development Department did. There were three different property owners that came to us with questions and after sitting down with staff and explaining the project, the property owners were in favor of it.

On motion of Commissioner Petty, second by Commissioner Anderson, and carried to forward a favorable recommendation to Town Council for a Zone Change request for the Territory Square area.

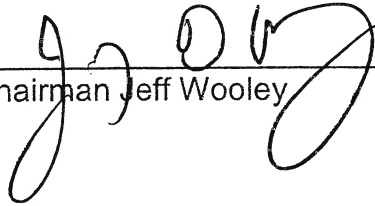
CALL TO THE PUBLIC/ COMMISSION RESPONSE:

Call to the Public for public comment on issues within the jurisdiction of the Planning and Zoning Commission. Individual Commission members may respond to criticisms made, may ask staff to review a matter raised or may ask that a matter be put on a future agenda.

CALL TO THE COMMISSION

ADJOURNMENT

Meeting adjourned at 6:34 pm.

X 
Chairman Jeff Wooley

**TOWN OF FLORENCE
PLANNING AND ZONING COMMISSION
REGULAR MEETING
MINUTES**

**MINUTES OF THE REGULAR MEETING OF THE TOWN OF FLORENCE
PLANNING AND ZONING COMMISSION HELD THURSDAY, AUGUST 1, 2013
AT 6:00 PM AT TOWN HALL COUNCIL CHAMBERS LOCATED AT 775
NORTH MAIN STREET, FLORENCE, ARIZONA.**

CALL TO ORDER

Vice Chairman Putrick called the meeting to order at 6:00 pm.

ROLL CALL:

Present: Putrick, Anderson, and Petty.

Absent: Wooley, and Reed.

PLEDGE OF ALLEGIANCE

Vice Chairman Putrick led the Pledge of Allegiance

DISCUSSION/APPROVAL/DISAPPROVAL of the minutes of the regular meeting held April 4, 2013.

On motion of Commissioner Anderson, seconded by Commissioner Petty and carried to approve the minutes of April 4, 2013.

NEW BUSINESS

CASE PZC-29-13-DR (Mama's Pizza)

PRESENTATION/APPROVAL/DISAPPROVAL of a Design Review application for the proposed signage for Mama's Pizza located at 3385 N. Hunt Highway Suite 121 in Florence, Arizona.

Gilbert Olgin, Senior Planner, stated that this is a sign package application for Mama's Kitchen Pizzeria which is located at the northeast corner of Merrill Ranch Parkway and Hunt Highway. The property is within the Anthem at Merrill Ranch Marketplace and is zoned Planned Unit Development. The sign package consists of four new signs which includes two wall signs and two monument panel signs. The new wall signs will be on the west wall of the building, facing the parking lot.

The signs consist of internally illuminated pan channel letters and a logo cabinet and will take up a total of 22.5 square feet of area. All proposed signage is in compliance with the Anthem Marketplace at Merrill Ranch Comprehensive Sign Plan, and the Town Code.

On motion of Commissioner Anderson, seconded by Commissioner Petty and carried to approve a Design Review application for Mama's Pizza located at 3385 N. Hunt Highway, Suite 121, in Florence, Arizona with the following conditions:

1. Construction of signage shall conform to the exhibits presented on August 1, 2013 and as may be amended by the conditions of approval.
2. Design Review approval shall expire in one (1) year from this approval (August 1, 2013) if a building permit is not issued for the subject site/project within said period.
3. Signage shall comply with the Anthem Marketplace at Merrill Ranch Comprehensive Sign Plan, all applicable Town Codes, including all applicable building, fire and engineering codes.
4. Any additional conditions deemed necessary by the Planning and Zoning Commission.

PUBLIC HEARING

CASE PZC-27-13-ORD (Medical Marijuana Text Amendment)

PRESENTATION/DISCUSSION/RECOMMENDATION of an Ordinance of the Town of Florence, Pinal County, Arizona, amending the Town of Florence Code of Ordinances, Title XV Land Usage, Chapter 152 Medical Marijuana, section 152.02 Definitions and section 152.04 Distance Separation Requirements.

Mark Eckhoff, Community Development Director, stated that staff is proposing changes to the Town's Medical Marijuana Ordinance in response to some of the reoccurring issues and concerns with past Conditional Use Permit applications for medical marijuana dispensaries. Staff contends that the changes could help to reduce locational and compatibility issues presented with past applications.

Changes proposed are summarized as follows:

1. Within Section 152.02 Definitions, staff updated a couple of the defined words for added clarity. Two new Sensitive Uses are suggested: correctional facility and halfway house.
2. Changes to Section 152.04 Distance Separation Requirements, propose that the minimum separation requirement between a Sensitive Use and a medical marijuana business be reduced from 660 feet to 500 feet. The 500 foot distance is consistent with State regulations requiring a 500 foot separation between schools and medical marijuana businesses.
3. Changes to Section 152.04 Distance Separation Requirements, also propose that a medical marijuana business not be operated or maintained on a parcel located less than 500 feet from the existing right-of-way or easement for Hunt Highway, Felix Road, State Route 287 or State Route 79/79B.
4. Changes to Section 152.04 Distance Separation Requirements, also propose that where a medical marijuana dispensary is entirely contained within a hospital or other professional office building that is predominantly used for medical/healthcare-related uses and the dispensary would make up no more than half of the subject building, Sensitive Uses shall be limited to the State of Arizona's definition of a public or private school; there is no minimum separation requirement between a medical marijuana dispensary and a single-family residential zoning district; and the buffer requirement from specified major corridors would remain applicable.

Staff notes that in all cases, a medical marijuana dispensary remains a Conditionally Permitted Use that can only be considered on properties with B-2 (Highway Business Commercial) or LI (Light Industrial) zoning.

The Planning and Zoning Commission may suggest other text modifications and Council work session could precede Council's action on the proposed Ordinance

Vice Chairman Putrick opened the public hearing, there being no public comment, Vice Chairman Putrick closed the public hearing.

Commissioner Petty asked if there where any current or pending applications.

Mr. Eckhoff stated none that he is aware of.

Commissioner Anderson asked what is the logic for not allowing a dispensary on Highways 287, 79, 79B and Hunt Highway.

Mr. Eckhoff explained that areas along 79B do not have adequate sized properties which would meet the required 500 foot buffer. There is very limited commercial along those areas making it hard to accommodate for this type of use.

Commissioner Anderson would like to add Felix Road to that list.

Mr. Eckhoff stated that staff will recommend the addition of Felix Road to Council, if commission so desires.

On motion of Commissioner Anderson, seconded by Commissioner Petty and carried to forward a favorable recommendation to Town Council on a text amendment application by the Town of Florence amending the Town of Florence Code of Ordinances. More specifically, an Ordinance of the Town of Florence, Pinal County, Arizona, amending the Town of Florence Code of Ordinances, Title XV Land Usage, Chapter 152 Medical Marijuana, section 152.02 Definitions and section 152.04 Distance Separation Requirement, with the condition that Felix Road is added. (PZC-27-13-ORD)

CASE PZC-16-13-ORD (Manufactured Home Subdivision Text Amendment)

PRESENTATION/DISCUSSION/RECOMMENDATION of an Ordinance of the Town Florence, Pinal County Arizona amending the Town of Florence Code of Ordinances, Title XV Land Usage, Chapter 150 Development Code, Sections 150.031 Defined Words, section 150.047 District Use Regulations Tables (A), section 150.055 Manufactured Home Subdivision (MHS) and section 150.068 Recreational Vehicle Parks and/or Subdivisions.

Mark Eckhoff, Community Development Director, stated that staff received direction to review sections of the Town Code pertaining to manufactured homes and recreational vehicles. Upon review, staff found that there was an opportunity to update these sections.

Changes proposed are summarized as follows:

1. Within Section 150.031 Defined Words, staff redefined several of the defined words with modern definitions and added some additional words for clarity.
2. The text amendment proposes a change to the District Use Regulation Tables so that manufactured home is no longer considered a Conditionally Permitted Use within a Single-Family Residential (R1-6) Zoning District.

3. Section 150.055 Manufactured Home Subdivisions (MHS) proposes that a manufactured home placed on a Manufactured Home Subdivision lot be no more than 5 years old.

These changes are in the interest of the general welfare, health and safety of the public and will complement recent text amendments processed. Other changes have been worked on and will be presented for discussion at a separate public hearing.

Vice Chairman Putrick opened the public hearing, there being no public comment, Vice Chairman Putrick closed the public hearing.

On motion of Commissioner Petty, seconded by Commissioner Anderson, and carried to forward a favorable recommendation to Town Council on a text amendment application by the Town of Florence amending the Town of Florence Code of Ordinances. More specifically, an Ordinance of the Town of Florence, Pinal County Arizona amending the Town of Florence Code of Ordinances, Title XV Land Usage, Chapter 150 Development Code, Sections 150.031 Defined Words, section 150.047 District Use Regulations Tables (A), section 150.055 Manufactured Home Subdivision (MHS) and section 150.068 Recreational Vehicle Parks and/or Subdivisions. (PZC-16-13-ORD)

CALL TO THE PUBLIC/ COMMISSION RESPONSE:

No public comment was made.

CALL TO THE COMMISSION

No Commission comment was made.

ADJOURNMENT

Vice Chairman Putrick adjourned the meeting at 6:35 pm.



Larry Putrick, Vice Chairman

**TOWN OF FLORENCE
PLANNING AND ZONING COMMISSION
REGULAR MEETING
MINUTES**

MINUTES OF THE REGULAR MEETING OF THE TOWN OF FLORENCE PLANNING AND ZONING COMMISSION HELD THURSDAY, AUGUST 15, 2013 AT 6:00 PM AT TOWN HALL COUNCIL CHAMBERS LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.

CALL TO ORDER

Chairman Wooley called the meeting to order at 6:00 pm.

ROLL CALL:

Present: Wooley, Putrick, Anderson, Petty, and Reed.

PLEDGE OF ALLEGIANCE

Chairman Wooley led the Pledge of Allegiance

DISCUSSION/APPROVAL/DISAPPROVAL of the minutes of the regular meeting held June 6, 2013.

On motion of Vice Chair Putrick, seconded by Commissioner Petty and carried to approve the minutes of June 6, 2013 with corrections.

NEW BUSINESS

CASE PZC-30-13-DR (PULTE/DEL WEBB MEMORIAL STADIUM)

PRESENTATION/APPROVAL/DISAPPROVAL of a Design Review application for Pulte/Del Webb Memorial Stadium located at the southwest corner of Merrill Ranch Parkway and Constitution Way in Florence, Arizona.

Gilbert Olgin, Senior Planner, stated that this design review is for the Anthem/Del Webb Memorial Stadium which will be located within the Anthem Community Park bordered by Merrill Ranch Parkway, Constitution Way, American Way and Anthem Way. Currently, the park houses an amphitheater, adventure playground, soccer field and two little league fields. Adjacent to the park is the Anthem Elementary School and the Parkview Community Center. The Community Park is the central gathering place of the Anthem Sun City and

Parkside communities. In addition to these facilities, Pulte is building a softball field and two soccer fields with sidewalks connecting to the currently built amphitheater and playground to the west of the softball complex.

Commissioner Anderson asked what else is being built other than the softball field.

Mr. Olgin stated that the review for tonight is only the stadium, concession building, parking area and the restrooms.

Commissioner Anderson stated that he would like to see the total plan for the area. He has concerns with two separate parking lots.

Dan Bonow, Pulte Manager of Land Development, stated that a master plan for the park is just not a reality at this time. Unfortunately, we just don't know when the future development of these amenities will be. The need at this time is the softball stadium. The proposed parking lot located off of Constitution Way, on the east side of the park, will be connected by a concrete path to the existing parking lot.

Commissioner Anderson asked about the construction of the dog park.

Mr. Bonow stated that the construction of the dog park could come six to nine months after the stadium is completed.

Vice Chair Putrick stated that he would like to see the stadium named after Dominick Latezio. He feels that would be a nice gesture.

Commissioner Anderson asked why this plan was not presented before construction began.

Mr. Olgin stated that it was brought before the Commission approximately four or five years ago as a conceptual plan.

Mr. Bonow stated that only earth moving is going on right now. Pulte is in the process of applying for building and foundation permits. This is a great product and will be a great asset to the community.

Chairman Wooley asked if Pulte is agreeable to the conditions set forth by the Town

Mr. Bonow stated yes.

On motion of Commissioner Petty, seconded by Vice Chair Putrick, and carried to approve a Design Review application for Pulte/Del Webb Memorial Stadium located at the southwest corner of Merrill Ranch Parkway and Constitution Way in Florence, Arizona with the following conditions

1. Design Review approval shall expire in one year from this approval (August 15, 2014) if a building permit is not issued for the subject construction within said period.
2. Project shall comply with all applicable Town Codes, including all applicable building, fire and engineering codes.
3. Any exterior lighting on the property and on the buildings shall be in compliance with applicable light control restrictions.
4. All utility boxes, back-flow preventers and similar equipment shall be painted to match the surrounding buildings.
5. Compliance with this Design Review approval shall be required prior to issuance of Final Certificate of Occupancy.
6. Any additional conditions deemed necessary by the Planning and Zoning Commission.

STAFF REPORT

AZ APA Conference in Scottsdale (September 25-27, 2013).

Mr. Olgin stated that there is funding available to pay the tuition for two commissioners to attend the conference. He asked that they let staff know as soon as possible if interested in attending.

CALL TO THE PUBLIC/ COMMISSION RESPONSE:

No public comment was made.

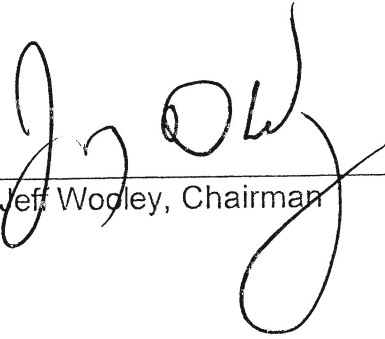
CALL TO THE COMMISSION

Commissioner Anderson would like a copy of the Master Plan for Anthem Community Park.

Chairman Wooley stated that he does not want to see these funds wasted. This is a great conference and he would like to see two commissioners attend.

ADJOURNMENT

Chairman Wooley adjourned the meeting at 6:24 pm.



Jeff Wooley, Chairman

TOWN OF FLORENCE PARKS AND RECREATION ADVISORY BOARD

**MINUTES FROM THE REGULAR MEETING HELD ON THURSDAY, JULY 25, 2013
6:00 P.M. IN THE COUNCIL CHAMBER OF TOWN HALL, LOCATED AT 775 N.
MAIN STREET, FLORENCE, AZ.**

CALL TO ORDER

Chairman Revis called the meeting to order at 6:13 p.m.

ROLL CALL

Present: Jaclyn Revis, Christine Reeder, Donald Woolridge (Quorum)

Absent: Don Pinson and Council Liaison Tara Walter

DISCUSSION/APPROVAL OF MINUTES OF PAST MEETING ON APRIL 25, 2012

On motion by Board member Woolridge, seconded by Board member Reeder, and carried to approve the minutes of the April 25, 2013 meeting.

NEW BUSINESS:

a. Discussion Of Before the Bell and After the Bell for children K-6

Mr. Ray Hartzel described the before the bell after the bell program which consisted of: the hours of operation, location, procedures, and fees; fee includes morning and afternoon enrollment. Mr. Ray Hartzel also mentioned staff had attended "Meet the Teacher" night and set up an enrollment station. First week of program there were 19 children enrolled, Mr. Ray Hartzel said there is no max capacity as of yet. Chairman Revis along with board member Reeder expressed this is a great program; board member Reeder liked the name of the program.

b. Discussion of Downtown Beautification Projects

Mr. Ray Hartzel announced that the department had been directed to strategically set planters all along Main Street as part of the beautification project. Mr. Ray Hartzel informed the board members that Keith Kinney, local vendor, manufactured the planters. Board member Woolridge commented that he has heard a lot of positive feedback on the planters. Mr. Ray Hartzel proceeded to tell the members full details on the care of the planters and looking into possibly purchasing 60 gal water tank to do the watering; right now we use 5 gal drums to haul water. Board Member Woolridge suggested asking citizens to volunteer to water the planters; Mr. Ray Hartzel indicated High School students have to do "X" amount of community service and we will be utilizing them for the daily watering.

c. Discussion of Proposed Padilla Park

Mr. Ray Hartzel announced as part of the Downtown Beautification, the Town acquired a vacant lot behind the Silver King that was a part of the Padilla Trust, as part of the agreement the park will be named after the mentioned Family. Mr. Ray Hartzel told the board he and Mr. Mark Eckhoff met with the Swaback Partners in Scottsdale earlier in the week to discuss about Padilla Park; the Swaback Partners will be designing the park for free. Mr. Ray Hartzel also indicated the Town is seeking an "anchor" business for the Silver King; preferably a restaurant. Board Member Reeder suggested working with Anthem Park to order benches or trees; Mr. Ray Hartzel said he will ask Management if that could be a possibility. Board member Reeder asked if the Town already had someone in mind to be the Anchor business at Silver King. Mr. Ray Hartzel responded that there was no one in mind; the Town has great incentive for whoever comes in.

d. Discussion of Historic Home Tour

Mr. Ray Hartzel announced the Parks and Recreations department together with the Community Development department will be taking over the Historic Home Tour. Mr. Ray Hartzel expressed how our department is excited about taking on this endeavor. Mr. Ray Hartzel confidently conveyed that with the staff we have we should be able to continue to put on a quality event.

SUMMARY OF PAST AND CURRENT EVENTS

a. Discussion of July 4th Freedom Fest

Mr. Hartzel stated the July 4th Fiesta Freedom Fest was a success, fireworks were amazing. Board member Woolridge asked how the band was received. Mr. Ray Hartzel indicated the band was well received. Chairman Revis asked if we were short in funds. Mr. Ray Hartzel responded that we were; we only brought in half of the normal sponsored overall amount. Board member Reeder asked how early we mail Sponsorship packets out. Mr. Ray Hartzel responded we sent them out end of March. Board member Reeder suggested mailing them out at least a year in advance.

b. Discussion of Recreation Programs

Mr. Ray Hartzel announced the Parks and Recreation department is having "Movie in the Park" and we hope we will have more attendees in future showings. Board member Reeder said we may borrow Anthem Parkside's movie screen if we'd like to. Board member Woolridge suggested charging to enter to cover cost of movie. Mr. Ray Hartzel indicated we will be seeking sponsors for cost of movie licensing and movie screen.

c. Update on Magic Ranch and Arizona Farms Annexations

Mr. Hartzel indicated the annexation is not finalized; Council will be attending a work session to determine if the annexation is feasible. Mr. Ray Hartzel expressed he doesn't believe the Parks and Recreation department will be affected right away, but he believes there will be an increase of participants for the Senior Center.

CALL TO THE PUBLIC/BOARD RESPONSE

None

CALL TO THE BOARD

Chairman Revis asked if anyone had any questions, comments or suggestions. Board member Woolridge expressed his appreciation to Mr. Ray Hartzel for the fantastic job he is doing. Mr. Ray Hartzel appreciated his kind words.

ADJOURNMENT

On motion made by Chairman Revis, seconded by Member Woolridge, and carried to adjourn the meeting at 6:57 p.m.

Approved:



Jaclyn Revis, Chairman



TOWN OF FLORENCE COUNCIL ACTION FORM

AGENDA ITEM 8a.

MEETING DATE: November 18, 2013

DEPARTMENT: Administration

STAFF PRESENTER: James Mannato, Town Attorney
Jess Knudson, Asst. Town Manager

SUBJECT: Ordinance No. 604-13: Update to Chapter 52 of the Florence Town Code pertaining to Sanitation Services.

- Action
- Information Only
- Public Hearing
- Resolution
- Ordinance
 - Regulatory
 - 1st Reading
 - 2nd Reading
- Other

RECOMMENDED MOTION/ACTION:

First Reading of Ordinance No. 604-13: AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING TITLE V, CHAPTER 52, "SOLID WASTE".

BACKGROUND/DISCUSSION:

An update to the Florence Town Code is needed since the last revision occurred in 2004. The Sanitation Chapter identifies the rules and regulations for the providers and customers of the sanitation services provided by the Town.

This item is an update to the Sanitation Chapter in the Florence Town Code and is unrelated to the existing contract with RAD.

Highlights of Chapter 52 include:

- All Town residents are required to participate in the sanitation system (exclusions apply for seasonal residents or residents out of town for an extended period of time).
- Trash cannot be placed in the alleys.
- Types of materials that are and are not collected.
- Bulk Trash items must be placed out within 48 hours of pickup.
- Trash and recycling containers, and bulk trash must be placed out in a manner that does not impede pedestrian or vehicle traffic.
- Illegal dumping.

FINANCIAL IMPACT:

There is no financial impact associated with this item.

STAFF RECOMMENDATION:

Adopt Ordinance No. 604-13

ATTACHMENTS:

Ordinance No. 604-13

ORDINANCE -13

**AN ORDINANCE OF THE TOWN OF FLORENCE, ARIZONA
AMENDING TITLE V, CHAPER 52, "SOLID WASTE".**

WHEREAS, it has been brought to the attention of the Common Council of the Town of Florence that it would be desirable and further the efficiency of the Finance and Public Works Departments to amend certain provisions of the Town's solid waste regulations.

NOW, THEREFORE, BE IT ORDAINED that Title V, Chapter 52 of the Code of the Town of Florence is hereby amended by striking, deleting or adding the following provisions:

GENERAL PROVISIONS

§ 52.001 TITLE.

This Chapter shall be known as the "Solid Waste Ordinance of the Town of Florence". It may be cited as such or as the "Florence Sanitation Code". It may also be referred to hereinafter as "this Chapter".

§ 52.002 PURPOSE AND SCOPE.

A. Purpose.

The purpose of this Chapter is to protect the health and safety of the citizens of the Town and to protect the environment by establishing minimum standards for the storage, collection, treatment, transportation, processing and disposal of solid waste. In addition, to set rates charged by the Town for its solid waste program and its inspection, collection and disposal services, so as to recover the Town's costs to provide such services.

B. Collection Required.

Solid waste collections shall be made by the Town or by collection companies as authorized by the Town. Except as provided in subsections (C) and (D) of the section, all persons and properties within the Town are required to use the solid waste collection system of the Town, to haul, carry or transport solid waste through the streets and highways of the Town. All persons and occupied property shall use and be responsible for at least the minimum level of solid waste collection service and the associated charges and fees for residential, institutional or commercial service, as applicable, unless exempted from such requirements under this subsection or subsection (C) of this section. It shall be unlawful to dump or store solid waste, recyclable, or yard waste materials in

violation of the provisions of this Chapter. The Town shall automatically bill the residential or commercial customer for such minimum level of service if the customer does not sign up for service within thirty (30) days of occupying a property in the Town. Upon satisfactory evidence that a residential customer owns a business in the Town that has a commercial solid waste collection service, the Director may in his discretion approve an exemption from the mandatory solid waste collection service and payment requirements of this section.

C. Commercial Permitted Hauler.

Those commercial and industrial business establishments having prior established permits to haul their own waste may continue to haul such solid waste by annual permit. Renewal permits shall be issued upon application and payment of the annual permit fee. Any permit holder, as provided for in this subsection, shall haul solid waste at least once a week for public health reasons.

D. Self-haul.

This section does not prohibit the limited and occasional hauling of solid waste, recyclable materials, or yard wastes by a customer from their property to an approved Town solid waste, recyclables, or yard waste collection site. However, occasional haulers are not exempt from the mandatory solid waste collection service and payment requirements above and are responsible for the fees for collection site services, if any.

E. Penalty.

Violations of the provisions of this section are punishable as provided in § 52.999(B)(2) of this Chapter.

52.003 POWERS AND DUTIES OF ~~THE PUBLIC WORKS~~ DIRECTOR.

The Director, in order to protect the health and safety of the citizens and the environment of the Town, is authorized and directed to implement and enforce the provisions of this Chapter to control the storage, collection, treatment, transportation, processing and disposal of solid waste generated within the Town. The Director is further authorized and directed to provide public solid waste disposal facilities for solid waste originating within the Town. Nothing in this Chapter is intended or shall be construed so as to infringe or supplant the authority of the Pinal County Health Department, the State Department of Health Services, State Department of Environmental Quality or the United States Environmental Protection Agency in this area pursuant to federal and state laws.

52.004 HOURS OF COLLECTION.

(A) The hours for collection of solid waste or recyclables by private and municipal collectors shall be regulated by the Director. In order to prohibit the disturbance of the public, it shall be unlawful to collect or remove solid waste or recyclables between the hours of ~~6~~5:00 p.m. and 6:00 a.m. In the event of a missed collection or other unusual

circumstances, reasonable accommodations may be approved by the Director if a request is made by a person authorized to collect solid waste in the Town.

(B) For purposes of this section, **PRIVATE** means any entity other than the Town or a collection service authorized by the Town.

(C) All refuse shall be collected as deemed necessary by the Director or designee of Public Works.

52.005 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

~~—ALLEY.~~ A public passageway affording a secondary means of access to abutting property for utility and; emergency ~~and solid waste~~ vehicles.

~~—ASHES.~~ All residue from the burning of any combustible material but does not include ashes from medical waste, hazardous wastes or special waste.

~~—AUTOMATED CONTAINED SOLID WASTE COLLECTION SYSTEM.~~ A contained solid waste collection system that utilizes Town specified solid waste containers and a solid waste collection vehicle equipped with a lifting device.

~~—BIN SYSTEM.~~ ~~A contained solid waste collection system that utilizes large metal containers varying in size.~~

~~—BULK TRASH.~~ Bulk trash means those items as defined in § 52.048(G).

~~—COLLECTOR.~~ The municipality or its authorized representative.

~~—COMMERCIAL CONTAINERS.~~ ~~A solid waste container for use by a commercial user.~~

~~—COMMERCIAL SERVICE UNIT.~~ Any building, structure or premises not defined as a **RESIDENTIAL SERVICE UNIT** or an **INSTITUTIONAL SERVICE UNIT** in this section.

~~—COMPACTOR OR ROLL-OFF SYSTEM.~~ A contained solid waste collection system that uses a stationary solid waste compactor and compactor bins or open top roll-off boxes.

~~—COMPOSTING.~~ ~~A controlled condition under which organic material decomposes or stabilizes.~~

~~—CONSTRUCTION AND DEMOLITION SOLID WASTE.~~ All solid waste, building materials, rubble, soil and spoils resulting from construction, remodeling, repair and demolition operations.

~~—CONTAINED SOLID WASTE.~~ All garbage and trash generated and placed in containers for disposal.

~~—**CONTAMINATED LOAD.** Any load containing prohibited materials.~~

~~—**DEPARTMENT.** The Town of Florence Public Works Department.~~

~~—**DIRECTOR.** The Town Manager~~Public Works Director~~ or designee.~~

~~—**DWELLING UNIT.** Any structure or structures used primarily for human habitation by one or more persons.~~

FLY-TIGHT. The lid of the container must fit flush around all contact points and prevent entry of flies or rodents.

~~—**GARBAGE.** All putrescible waste, except sewage and body waste, including waste accumulated of animals, food or vegetable matter, and including waste that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetable, and shall include all the wastes or accumulations or vegetable matter of residence, restaurants, hotels and places where food is prepared for human consumption. The term **GARBAGE** shall not include recognized industrial byproducts. Swill, offal and any accumulation of spoiled, partially or fully decomposed, rotting or discarded animal, vegetable or other matter that attends the preparation, handling, consumption, storage or decay of plant and animal matter including meats, fish, fowl, buds, fruits, vegetables or dairy products and their waste wrappers or containers.~~

~~—**GVW; GROSS VEHICLE WEIGHT.** Weight of vehicle plus load and driver of the vehicle used to determine fees for Town of Florence solid waste disposal services.~~

~~—**HAZARDOUS WASTE.** Any waste so defined by the provisions of A.R.S. Title 49, Chapter 5, Art. 2 and 40 C.F.R. part 261 and polychlorinated biphenyls (PCB's).~~

~~—**HOT LOAD.** Any vehicle carrying solid waste observed to be smoldering, smoking, on fire, giving off toxic odor, or leaking a potentially caustic substance.~~

~~—**HOUSEHOLD HAZARDOUS WASTE.** Any waste that would otherwise be a hazardous waste pursuant to A.R.S., Title 49, Chapter 5, Art. 2, and 40 C.F.R. part 261 but is excluded as a hazardous waste because it is generated by the normal day-to-day activities of households.~~

~~—**IMMINENT HEALTH** or **SAFETY HAZARD.** Condition of real property, solid waste or recycling container that places a persons life, health, safety or property in high risk of peril when the condition is immediate, impending on the point of happening and menacing.~~

~~—**INCIPIENT HAZARD.** Condition of real property that can become an imminent or health hazard if further deterioration occurs that can cause unreasonable risk of death or severe personal injury.~~

INSTITUTIONAL SERVICE UNIT. Institutional Service Unit shall mean any school or educational facility; any government building or facility whether belonging to the Town of Florence, Pinal County, the State of Arizona or the United States; any jail or prison facility whether privately or publicly owned; any religious institution; any publicly owned medical facility and the buildings and facilities of any nonprofit organization.

~~**INDUSTRIAL SOLID WASTE.** Any **SOLID WASTE** as defined in this section, produced as a result of any industrial operation.~~

~~**INFECTIOUS SOLID WASTE.** Any material which presents a significant danger of infection because it is contaminated with or may reasonably be expected to be contaminated with agents which cause or significantly contribute to the cause of increased infection or infectious disease in human beings.~~

~~**INSPECTOR.** The authorized employee or employees of the municipality having the duty of the enforcement of this Chapter.~~

~~**LARGE ANIMAL WASTE.** Refuse including feces and/or discarded bedding or flooring materials such as straw, sawdust or other materials from yards, pens, corrals, stables or other containment for domestic animals such as cattle, horses and/or other domestic or permitted wild animals larger than 150 pounds.~~

~~**MANUAL SOLID WASTE COLLECTION SYSTEM.** A solid waste collection system that uses manual labor to load solid waste into a collection vehicle.~~

~~**MANUAL SOLID WASTE COLLECTION FEE.** Fees charged for manual collection and/or disposal services.~~

~~**MATERIAL RECOVERY FACILITY.** A site used for the collection, storage and processing of recyclables.~~

~~**MEDICAL SOLID WASTE.** Consists of human or animal tissue, any part of a human or animal body that has been removed by surgery and any contaminated material such as, but not limited to, facial tissues, bandages and hypodermic needles.~~

~~**MOBILE HOME DEVELOPMENT.** A subdivision designed for mobile homes in which the lots are individually owned.~~

~~**MOBILE HOME PARK.** Property owned and operated for the purpose of leasing or renting out mobile home space to tenants.~~

~~**MULTI-FAMILY DWELLING UNITS.** A building or buildings attached to each other and containing two or more dwelling units. This term is intended to apply to dwelling unit types such as duplex, triplex, four-plex and apartments.~~

~~**NONCOMBUSTIBLE SOLID WASTE.** Consists of miscellaneous solid waste materials that are unburnable at ordinary incinerator operating temperatures (up to 2,000°F) and is in the inorganic component of solid waste.~~

~~**NON-HAZARDOUS LIQUID WASTE.** All liquid waste defined as non-hazardous liquid waste by the State Department of Environmental Quality.~~

~~**NONPROFIT ORGANIZATION AGENCIES.** Any entity recognized by the Internal Revenue Service as having § 501(C)(3) status, or other tax exempt organizations however described.~~

~~—**OBNOXIOUS MATERIALS.** Any solid waste that, when exposed, is unpleasant or offensive to the senses due to its odor or condition.~~

~~—**OWNER.** A person, persons or legal entity listed as current title holder as recorded in the official records of the County Recorder's office. **OWNER** and **OCCUPANT** may be used interchangeably and shall mean every person in possession, charge or in control of any dwelling, flat, rooming house or any eating place, shop, place or business establishment where garbage or other refuse is created or accumulated.~~

~~—**PATHOGENIC LIQUID or SOLID WASTE.** Any liquid or solid waste causing or capable of causing disease.~~

~~—**PERSON.** Any natural person; any corporation, partnership or other legal entity; and the United States, State of Arizona, County of Pinal and Town of Florence.~~

~~—**PLACEMENT DATE.** The first day of the scheduled collection period, as established and published by the Director.~~

~~—**PPREMISES.** Land, building or other structures, or parts thereof, where solid waste is stored or accumulated.~~

~~—**PRIVATE SOLID WASTE COLLECTION HAULERS.** Solid waste collection services owned and operated by private individuals or corporations holding a business license issued by the Town.~~

~~—**PUBLIC BUILDINGS.** All buildings or structured owned or leased by governmental agencies and used for the purpose of conducting public business.~~

~~—**PUBLIC NUISANCE.** Anything which is injurious or obnoxious to health, or is offensive to the senses, or is an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by any considerable number of persons, or which obstruct the free passage or use, in the customary manner, of any street, alley, sidewalk or public property.~~

~~—**PUTRESCIBLE SOLID WASTE.** Solid waste which is capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors or gases and capable of providing food for or attracting birds, insects, snakes, rodents or animals capable of transferring a diseased bacterium or virus from one organism to another.~~

~~—**RECYCLABLES.** Any solid waste that has been separated from other solid waste for the purpose of being collected and recycled.~~

~~—**RECYCLING CONTAINER.** A receptacle used exclusively for the storage of recyclables until they are collected.~~

~~—**REFRIGERANTS.** Chlorofluorocarbon (CFC) and hydrochloroflourocarbons (HCFC).~~

~~—**REFUSE.** Solid wastes, including garbage and rubbish.~~

RESIDENTIAL SERVICE UNIT. Any single family or multi-family dwelling unit; any apartment building or apartment complex; any townhouse or condominium; and any other building or structure regardless of type which is used primarily for human habitation. Residential Service Unit does not include facilities for the detention or incarceration of prisoners.

-RESPONSIBLE PARTY. An occupant, lessor, lessee, manager, licensee, owner or other person having control over a structure or parcel of land and in the case where remediation is proposed as a means of abatement, any lien holder whose lien interest is recorded in the official records of the County Recorder's office.

-RUBBISH. Refuse other than garbage, tin cans, bottles, ashes, paper, pasteboard or wooden boxes, brush, leaves, weeds and cuttings from trees, lawns, shrubs and gardens or other waste materials produced in the normal course of everyday living.

-SCHOOLS. All public and private buildings used for pre-school, elementary, specialized or higher education purposes.

-SMALL ANIMAL WASTE. Refuse including feces and/or discarded bedding or flooring materials such as straw, sawdust or paper from yards, kennels, dog or cat runs, chicken pens, aviaries or other containment for domestic animals such as dogs, cats, fowl such as birds, chickens, ducks, geese or other tame or permitted wild animals under 150 pounds.

-SOLID WASTE. Any garbage, bulk trash, yard waste and other materials or products, including putrescible and non-putrescible wastes, organic and inorganic wastes, combustible and noncombustible wastes and liquid non-hazardous waste, but not including hazardous waste or human body parts.

-SOLID WASTE CONTAINER. A receptacle used exclusively for the storage of solid waste, excluding construction and demolition solid waste until it is collected.

-SOLID WASTE DISPOSAL FACILITY. Any site owned, operated or utilized by any person for the collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid waste.

-SOLID WASTE FEE. A fee assessed by the Town of Florence for solid waste services provided by the Public Works Department and associated functions.

~~**-TARE WEIGHT.** Empty weight of vehicle with driver.~~

~~**-TIRE.** Is a tire used on vehicles, trailers, machinery or equipment used on or off the road, excluding bicycles and mopeds.~~

~~**-TOWN OF FLORENCE.** The Town of Florence, Arizona.~~

~~**-VOLUME BASED SERVICE FEE.** Fees charged for collection and/or disposal services based on quantity.~~

-WATERTIGHT. The lid of the container must fit flush around all contact points and prevent entry of rain.

—**WASTE.** Unwanted solid, liquid or gaseous materials.

—**YARD WASTE.** Branches, palm fronds, twigs, weeds, leaves, grass and vegetation clippings.

§ 52.006 UNAUTHORIZED USE OF REFUSE COLLECTION SYSTEM UNLAWFUL.

There is hereby established a system of refuse collection, transportation and disposal and it shall be unlawful for any person to dump or dispose of any rubbish or garbage within the limits of the Town except ~~placing in~~ placing in the refuse container assigned to them ~~or owned by them~~ as an owner or occupant of a premises located in the Town, or as otherwise permitted in this Chapter. It shall also be unlawful to engage in the business of residential or institutional collection, transportation, hauling or conveying of solid waste over the streets or alleys of the municipality or to dump or dispose of the same except by the Town or its authorized collection services.

§ 52.007 REFUSE ACCUMULATION UNLAWFUL.

It shall be unlawful for any person to accumulate or permit to accumulate in or about any yard, lot, place or premises, or upon any street, alley or sidewalk adjacent to such lot, yard, place or premises, any solid waste, garbage or refuse that is not contained as required by this Chapter.

SOLID WASTE CONTAINMENT

§ 52.020 INSPECTION OF CONTAINERS.

Provisions shall be made for regular inspections, by the Solid Waste Division of the Public Works Department to secure compliance with this Chapter with reference to containment of solid waste or recyclables. The Director shall have the right to enter commercial, industrial and institutional establishments for inspection purposes.

§ 52.021 RESPONSIBILITY FOR SOLID WASTE AND RECYCLABLES.

(A) The responsible party of any premises or business establishment shall be responsible for their solid waste or recyclables until the solid waste or recyclables are collected by the Town of Florence agents of the Town of Florence or licensed solid waste haulers.

(B) The responsible party of any premises, business establishment or industry shall be responsible for the sanitary conditions of the premises, business establishment or industry, and for the proper storage, containment and placement for collection of all solid waste and recyclables. Except as provided in this Chapter, it shall be a violation for any person

to bury, dump, dispose or release upon any street, alley, right-of-way or public land, any solid waste or recyclables, including construction and demolition solid waste and tires.

§ 52.022 ILLEGAL DUMPING OF SOLID WASTE; PENALTY.

(A) It shall be a violation for any person to dump, dispose or release, or cause to be dumped, disposed or released, any solid waste, garbage, bulk waste or refuse, including hazardous waste, upon any street, alley, right-of-way, public or private property within the Town of Florence except as specifically permitted in this Chapter.

(B) In addition to any penalties imposed pursuant to § ~~52.999~~(B), a person in violation of subsection (A) above shall make restitution to the Town of Florence for all cleanup and disposal costs incurred by the Town of Florence.

(C) If issuing a notice of violation of this provision involves a vehicle, the person in whose name the vehicle is registered shall be prima facie responsible for the violation and subject to penalties described in this Chapter.

(D) The provisions of this section shall apply to those persons in whose names the vehicle is jointly registered. The person shall jointly and severally prima facie responsible for such a violation and subject to the penalties therefore.

§ 52.023 HOUSEHOLD MEDICAL AND INFECTIOUS WASTE.

All household medical and infectious solid waste including lancets, syringes and hypodermic needles must be properly contained before disposing of in the solid waste container. Household and infectious waste must be placed in plastic bags and securely tied before placing in the solid waste container. Lancets, syringes and hypodermic needles must be placed in a rigid, leak-proof and puncture resistant container with a secured and taped lid and must be clearly labeled identifying the contents before placing in the solid waste container. Depositing or disposing of household medical and infectious waste or lancets, syringes and hypodermic needles in any recycling container is prohibited.

§ 52.024 ANIMAL WASTE.

(A) Wastes from animals and pets shall be removed and disposed of in the manner prescribed and as often as necessary to prevent occurrence of a nuisance or health and safety hazard.

(B) Small animal waste from typical domestic pets such as dogs and cats shall be placed in a plastic bag, securely tied and placed in a solid waste container.

~~—(C) Large animal waste from animals such as horses and livestock may be collected for a different and separate fee using an alternate collection method.~~

(C) All animal owners and custodians shall immediately clean up and properly dispose of wastes left by their animals on any public street, alley, gutter, sidewalk, right-of-way or park.

§ 52.025 UNOBSTRUCTED PASSAGE IN STREETS AND ALLEYS.

(A) It shall be a violation for any person to permit trees, shrubs or brush growing upon his or her property to encroach on or over any public right-of-way so as to interfere with the movement of persons or vehicles. It is the responsibility of the responsible party to trim trees or shrubbery on their property and in the adjacent right-of-way back to their property line and allow 13 foot height clearance.

(B) It shall be illegal to have any obstruction, including, but not limited to, parked vehicles within 15 feet of a solid waste or recycling container placed out or collection service or to obstruct the solid waste and/or recycling collection operations in any other manner.

§ 52.026 SOLID WASTE OR RECYCLABLES CONTAINER REQUIREMENTS.

(A) *General statement.* The responsible party of any premises, business establishment or industry shall be responsible for the sanitary condition of the premises, business establishment or industry and for the proper storage, containment and placement for collection of all solid waste and recyclables. All solid waste and recyclables shall be stored in a manner that does not present a health or safety hazard or public nuisance, including, but not limited to the breeding of insects. No person shall place, deposit or allow to be placed or deposited on his or her premises or private property or any public street, alley or right-of-way any solid waste or recyclables except in a manner prescribed in this Chapter.

(B) *General requirements.*

(1) All responsible parties using or occupying any dwelling unit, commercial, industrial or institutional establishment or grounds within the corporate limits of the Town of Florence where solid waste and recyclables accumulate, shall contain their solid waste and recyclables in watertight and fly-tight containers.

(2) Solid waste shall be stored, collected and hauled for disposal in accordance with the State Department of Health Services and State Department of Environmental Quality Regulations.

(3) It is the container users' and responsible parties' responsibility to properly contain solid waste or recyclables generated on their premises and to keep the area around the container continuously clear and free of all debris. If the property has alley solid waste service, the term **AREA** includes the alley.

~~(4) A minimum service level of no less than one fourth cubic yard per dwelling unit, collected twice weekly, is required for all residential establishments. One fourth cubic~~

~~yard is equivalent to 50 United States gallons or one half of a Town of Florence 96-gallon curbside collection container.~~

~~(45)~~ All solid waste and recycling containers shall be maintained in a sanitary condition. Containers shall not be stored or maintained in such a manner as to constitute a nuisance, health or safety hazard.

(56) It shall be unlawful for any person not authorized by the responsible party to remove, collect or disturb the solid waste and recyclables stored in the containers or to remove from a solid waste or recycling container any solid waste or recyclables set out for collection and disposal by the Town of Florence or its authorized collection services, or licensed commercial solid waste haulers. This prohibition does not apply to Town employees or authorized agents of the Town~~law enforcement officers~~ acting within the scope of their official duties.

(67) It shall be unlawful for any person to utilize the solid waste or recycling containers or receptacles assigned to other persons for the disposal of solid waste or recyclables without their permission. This does not apply to the automated solid waste or recycling collection system where residents share the use of common containers.

(78) The lids or covers of any solid waste and recycling containers shall at all times be kept secure in such a manner to prevent intrusion or moisture, infestation of insects and scattering of solid waste or recyclables. Covers shall be kept closed except when containers are being loaded or emptied. Each container shall be placed on or adjacent to the property of the authorized user at a location approved by the Director.

(98) Location of containers. Containers used for storage of solid waste and recyclables shall be placed as follows:

(a) Residential containers shall be located at curbside in front of the residential service unit.

(b) No container shall be placed so as to restrict egress from an exit door or beneath a fire escape. No container shall be placed under a street floor window unless the window is of fire-resistant construction.

(409) Containers placed at curbside shall be located in such a manner to not interfere with pedestrians or vehicles.

~~(110)~~ All boxes, cartons and crates shall be collapsed before being placed in containers. Ashes shall be soaked with water to extinguish any live embers and contained in tied bags before placement in containers.

(112) Explosive or flammable materials of any kind shall not be placed in any solid waste recycling container.

(123) Corrosives, reactives, oxidizers, lead acid batteries or any hazardous waste shall not be disposed of in solid waste or recycling containers.

(134) Pool chemical containers shall be emptied, rinsed, drained and moisture free prior to being placed in a solid waste or recycling container.

(C) *Residential user requirements.*

(1) All household solid waste and grass shall be bagged and securely tied before being placed in solid waste containers. Solid waste shall be drained of all liquids and tied in waterproof bags before being placed in solid waste containers.

(2) Construction and demolition solid waste shall not be placed in a solid waste or recycling container unless generated by the Owner or Occupant of a residential dwelling unit. If the construction and demolition solid waste is generated by a contractor, the contractor/responsible party is responsible for the removal and disposal of the solid waste. All construction and demolition solid waste shall be removed promptly and shall not be stored in any location where it may be blown or otherwise dispersed beyond the construction site. The Town of Florence may, upon request from the responsible party, provide containers for the construction and demolition solid waste for a different and separate fee.

(3) It shall be unlawful to place material in any solid waste or recycling container of a volume or weight which prevents the collection vehicle from emptying the container or which damages the collection vehicle or container. Maximum weight of material placed in any 90- to 100-gallon container shall not exceed 200 pounds. ~~Maximum weight of material placed in a 300-gallon container shall not exceed 500 pounds.~~

(4) It shall be unlawful for any person not authorized by the Town to utilize, for other than its intended purpose, the lid from any solid waste or recycling container.

(D) *Commercial user requirements.*

(1) The owner or responsible party of any commercial or institutional solid waste or recycling container placed on private property or in the Town of Florence right-of-way shall be responsible for maintaining the area within a 25-foot radius around the container and/or bin in a sanitary condition and prevent scattering or blowing around of materials deposited.

(2) Commercial users shall, where the volume of solid waste or recyclables accumulated cannot be conveniently handled in cans or bags, provide bins or compactor bins for containment of solid waste and/or recyclables. The bins or compactor bins shall be constructed of durable non-absorbent, noncombustible material and have suitable fly-tight and watertight covers.

(3) All commercial and institutional containers shall be placed or concealed in such a manner so as to minimize visibility from the street or public walkways.

(4) All solid waste and recycling containers shall be identifiable by indicating the owner's name and telephone number on the container and shall meet all requirements of this Chapter. The container identification must be readable from a minimum distance of ten feet.

(5) Commercial users, shall, upon request of the Director, be required to show documentation of the method of collection and removal of solid waste and/or recyclables generated by the establishment.

§ 52.027 CONDEMNATION OF CONTAINERS; REMOVAL.

(A) If a solid waste or recycling container is in violation and presents a health or safety hazard, the Director shall issue a notice of violation to the responsible party. Notification shall consist of tagging the solid waste or recycling containers with a notice of violation or by delivering a notice in person or by mail to the responsible party.

(B) If action necessary to remedy the violation is not taken within the period specified, the Director shall have the right to remove the solid waste or recycling container and dispose of it in accordance with and subject to § 52.003.

§ 52.028 RESPONSIBILITY FOR STREETS, ALLEYS AND SIDEWALKS.

(A) The owner and any responsible party in control of any land abutting a sidewalk, alley or street shall maintain the sidewalk, alley or street free from any accumulation of solid waste.

(B) The areas required to be maintained pursuant to this section are:

(1) Any portion of a street, which has been opened for public use, between the curb line and the abutting property line including sidewalks; and

(2) One-half the width of abutting alleys from the property line to the centerline of the alley.

§ 52.029 BURNING AND DUMPING UNLAWFUL.

No person, whether a resident or non-resident, shall burn, incinerate, bury, dump, collect, remove or in any other manner dispose of rubbish or garbage within the limits of the municipality, except as provided in this Chapter or as provided in a special permit issued by the Pinal County Air Quality Control and the Florence Fire Department. No person shall throw, discard or deposit any rubbish or garbage in or upon any street, alley, sidewalk or vacant ground, or in or upon any canal, irrigation ditch, drainage ditch or other watercourse.

~~§ 52.030 REFUSE CONTAINERS.~~

~~—(A) On all new residential construction, each lot or combination of lots shall be supplied with an automated refuse container at the expense of the developer or subdivision to be owned and maintained by the Town or its authorized collection service, as approved by the Director of Public Works.~~

- ~~—(B) Existing residential service units shall be provided an automated refuse container by the Town or its authorized collection service, which shall maintain the automated refuse containers.~~
- ~~—(C) All garbage shall, before deposit in any automated refuse container, be wrapped in paper or other material so as to prevent the escape of liquids therefrom.~~
- ~~—(D) All automated refuse containers shall be kept in a place determined by the Director of Public Works to be accessible to the collector.~~
- ~~—(E) No tires shall be mixed in with other refuse, but arrangements shall be made with the Director of Public Works concerning special containers or special handling pickup per the sanitation fees schedule.~~
- ~~—(F) The Director of Public Works may, at times for the convenience of the municipality, assign a larger container to the owner.~~
- ~~—(G) The Director of Public Works shall designate the type of service and/or container size to be utilized by each use.~~

SOLID WASTE COLLECTION

§ 52.045 OWNERSHIP, PLACEMENT AND RESPONSIBILITY FOR CONTAINERS.

(A) The frequency of contained solid waste collections shall be in accordance with the State Department of Environmental Quality Regulations.

(B) Collection days shall be designated by the Director.

(C) The Director determines the service level required and method of collection. Residents may request different levels of service based on service levels and fees established in § 52.100.

(D) The ~~Town or its authorized solid waste collection service~~ Collector will specify, purchase and own the containers which are provided to the residents, which are to be used by residential service units for no other purpose than as solid waste and recycling collection containers.

(E) Residents receiving curbside service shall place their containers at the curb in front of their residence in such a manner that it allows for the safe and efficient operation of the collection vehicle and does not interfere with pedestrian or vehicular traffic. Containers shall be placed so that they open towards the street.

(F) Residential lots that cannot be safely or efficiently serviced using the Town's standard solid waste equipment will be assessed a different and separate fee as set by the Director. Situations where a different and separate fee may apply includes, but is not limited to, hillside developments, private streets, dead-end streets without adequate turnarounds and multi-family dwelling units.

(G) The Collector ~~Town~~ is responsible for cleaning only shared use containers. ~~The responsible party is responsible for cleaning the individual container assigned to their property.~~

(H) All containers issued by the Town or its authorized collection service for use in conjunction with an automated loading device shall remain the property or the authorized service provider. The Town or its authorized collection service is responsible for repairs to the containers when damage is caused during normal usage. Containers shall be secured between collection days in such a manner that they are not readily susceptible to theft or vandalism. Anyone found to have intentionally or negligently damaged the container provided to them shall be liable to pay the replacement or repair cost.

(I) Only the ~~Collector~~Director shall be authorized to remove any solid waste or recycling container from its assigned location. It shall be unlawful for any other person to remove a container from the address to which it is assigned.

(J) To ensure containers are placed out on time, containers may be placed at the curb after 6:00 p.m. on the day preceding collection. Containers for street collection shall be placed at the curb for service no later than 5:30 a.m. on the day of collection. They must be removed prior to 5:30 a.m. on the day after collection. It shall be unlawful to place or permit containers to remain adjacent to the curb except upon regular collection days. Containers shall be stored between collection days on the users' property so as to not interfere with pedestrian or vehicular traffic.

(L) Every owner and occupant of premises within the prescribed limits of the Town shall use the refuse collecting and disposal system assigned to them, and they shall deposit or cause to be deposited in accordance with this Chapter all rubbish and garbage that is of a nature that it is perishable, may decompose or may be scattered by wind or otherwise, which accumulated on their premises.

~~§ 52.046 MANUAL SOLID WASTE COLLECTION.~~

~~—(A) The Town of Florence may, at the Director's discretion, utilize a manual solid waste collection system for residential collection in areas where automated collection vehicles cannot safely or efficiently operate.~~

~~—(B) All containers for manual collection shall be maintained by the responsible party in a sanitary condition and shall be thoroughly cleaned as needed.~~

~~—(1) Containers shall not be less than ten nor more than 32 gallons capacity each. They shall be constructed of galvanized steel, heavy-duty plastic or equivalent material with a tight fitting lid or cover and with handles strong enough for lifting and emptying.~~

~~—(2) Containers shall not be affixed to any attachment such as carts, fences, poles, strands or similar objects. Containers shall be removed from underground or enclosed receptacles and placed out for collection.~~

~~—(C) Wet strength plastic bags may be used in lieu of containers. Bags shall have a capacity of not less than ten gallons nor more than 32 gallons and be sufficiently strong and free from tears and leakage. Bags must be securely tied and not weigh more than 32 pounds when placed out for collection.~~

~~—(D) The Director shall determine whether alley or street collection service shall be provided and shall designate the collection location.~~

§ 52.047 RESIDENTIAL, INSTITUTIONAL AND COMMERCIAL COLLECTION.

(A) The Town of Florence or its authorized collection service shall provide solid waste collection service to all residential service dwelling units ~~including:~~

- ~~— (1) Single family dwelling units;~~
 - ~~— (2) All buildings with fewer than five dwelling units and all buildings with five or more units;~~
 - ~~— (3) The Town or its authorized collection service shall provide solid waste collection service to any building with five or more multi-family dwelling units;~~
 - ~~— (4) Mobile home parks;~~
 - ~~— (5) Mobile home developments; and~~
 - ~~— (6) Townhouses and condominiums.~~
- (B) The Town of Florence or its authorized collection service shall provide solid waste collection service to all institutional service units.

§ 52.048 RESIDENTIAL BULK TRASH PLACEMENT AND COLLECTION SERVICES.

(A) Bulk Trash collection services shall only be available for single family residential dwelling units. It shall be unlawful to place bulk trash out for collection more than 48 hours prior to the scheduled placement date. The owner or occupant of a single family residential service unit shall notify the Collector no later than 24 hours before the scheduled placement date that a Bulk Trash pickup is requested.

(B) Bulk trash shall be placed out for collection no later than 5:30 a.m. on the scheduled placement date.

(C) Bulk trash placed out for collection shall be in neat stacks.

(D) Bulk trash placed out for curbside collection shall be placed on the resident's property, parallel to the street or curb. Bulk trash shall not be placed on the sidewalk or in the street.

(E) Bulk trash shall not be placed within five feet of any fixed object, solid waste or recycling container, utility meter, or in any manner which would interfere with or be hazardous to pedestrians, bicyclists, equestrians or motorists.

(F) The amount of bulk trash placed for collection shall not exceed a total uncompacted volume of 20 cubic yards.

(G) Items of bulk trash which are acceptable for normal residential collection are:

(1) Tree limbs and branches less than four feet in length and 12 inches in diameter that are bundled, bagged or boxed;

(2) Palm fronds;

(3) Metal materials 20 pounds or less;

(4) Pipe less than one inch in diameter and less than four feet in length;

(5) Cardboard boxes;

(6) Bagged or boxed leaves, weeds, grass, small hedge and vegetation clippings;

(7) Manufactured items, such as washers, dryers, hot water heaters and appliances and equipment not containing refrigerants;

(8) Twenty-five pounds or less of construction and demolition solid waste generated by a resident;

(9) Hedge clippings, such as oleanders; and

(10) Rubbish consisting only of cardboard, wooden boxes, brush, furniture, appliances, weeds and cuttings from trees or shrubs may be kept separately, without depositing in containers. Bulk materials, such as leaves and lawn clippings, if not placed in containers, shall be in a sack or receptacle for ease of loading. Compost piles may be maintained for fertilization purposes and matter used for fertilization purposes only be transported, kept and used. Nothing in this section shall be constructed as to permit the violations of any provision of this code, any ordinance or any rule or regulation of the Department.

(H) Items of bulk trash which are not acceptable for normal residential collection include:

(1) More than 25 pounds of construction and demolition solid waste generated by a resident or any amount generated by a contractor;

(2) Vehicles or equipment parts in excess of 20 pounds;

(3) Metal material in excess of 20 pounds;

(4) Tires;

(5) Pipe over one inch in diameter or over four feet in length;

(6) Cement, cement blocks, bricks, asphalt, stones and dirt; and

(7) Lead acid batteries; and-

(8) Hazardous materials.

(I) It shall be a violation of this Chapter to place unacceptable items, an amount exceeding 20 cubic yards or improperly placed bulk trash items out for collection. The

responsible party shall remove and dispose of all bulk trash improperly placed, bulk trash exceeding 20 cubic yards and any unacceptable items of bulk trash at their own expense.

(J) The Town municipality may abate any violation of this section pursuant herein.

(K) [Bulk Trash shall be collected once per month on a date determined by the Director.](#)

(L) [Additional Bulk Trash collections may be requested for an additional fee pursuant to § 52.100.](#)

(M) The Director may require that yard waste be separated from other bulk trash for collection in an alternative manner.

ADMINISTRATION AND ENFORCEMENT

§ 52.065 AUTHORITY TO ENFORCE.

The Director shall enforce the provisions of this Chapter. In addition, the Director is authorized to abate conditions, which in the opinion of the Director are an incipient or imminent threat to the health or safety of any person or persons or constitute a public nuisance.

§ 52.066 RULES AND REGULATIONS.

The Director is authorized to make reasonable and necessary rules and regulations to carry out provisions of this Chapter.

§ 52.067 ENFORCEMENT AND COOPERATION OF OTHER DEPARTMENTS.

Upon request from the Director, the Police Department, Town Attorney or the Florence Code Enforcement Officer have the authority to assist and cooperate in the enforcement of this Chapter.

§ 52.068 ISSUANCE OF CITATION OR NOTICE OF VIOLATION.

(A) If the municipality finds a violation of this Chapter, the municipality may notify the owner or responsible party through the issuance of a notice of violation or it may issue a citation.

(B) If a notice of violation is issued and the violation is not corrected within the specified period, a civil citation or criminal complaint may be issued by any person authorized by this Chapter. If a notice of violation of this Chapter is issued, it shall include:

- (1) Identification of property in violation;

(2) Statement of violations in sufficient detail to allow an owner or responsible party to identify and correct the problem;

(3) Re-inspection date;

(4) Address and phone number of a municipality representative to contact; and

(5) A cost estimate to correct the violations, if the municipality intends to abate the violation.

(C) Any notice given for any purpose under this Chapter shall be deemed effective on the date when written notice is delivered or mailed to the property owner or responsible party. If the municipality intends to abate the violation, any mailed service must be certified, return receipt requested. Nothing herein shall preclude the municipality from giving additional verbal or written notice at its discretion. If the municipality does elect to give any additional notice in any instance, it shall not thereby become obligated to give additional notice thereafter in the same or other situations.

(D) Nothing in this section shall require the issuance of a notice of violation prior to the commencement of civil or criminal violation proceedings.

§ 52.069 THREATS AND INTIMIDATION.

No person shall, by threatening to use or by using violence or physical force, intentionally obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the municipality who is lawfully engaged in the enforcement or execution of the provisions of this Chapter.

SOLID WASTE DISPOSAL FACILITIES

§ 52.085 DISPOSAL SITE; DESIGNATION; ENFORCEMENT.

There is hereby established at the places and locations as the Council may from time to time designate, by motion or order, a place for the dumping and depositing of solid waste, bulk waste, recyclables, rubbish and garbage and any place or location shall be known, and the same is hereby designated as, the municipal disposal site.

§ 52.086 DISPOSAL SITE; RULES AND REGULATIONS.

The ~~inspector-municipality~~ is hereby authorized to make rules and regulations in cooperation and agreement with the health authorities designating the manner of and hours and limits of time of dumping or depositing rubbish and garbage in violation thereof; providing that before the rules and regulations become effective, appropriate signs shall be placed at or upon the premises of the municipal disposal site giving notice of the rules and regulations.

SOLID WASTE FEES

§ 52.100 LEVEL OF SOLID WASTE FEES; NO EXCEPTIONS.

(A) Monthly solid waste fees shall be established by the Council as part of the annual budget process.

§ 52.102 PAYMENT OF SOLID WASTE FEES.

All solid waste fees set forth in this Chapter shall be charged to the customer in accordance with the provisions set forth herein.

§ 52.103 CREDITS AND DEBITS OF SOLID WASTE FEES.

(A) The ~~Finance Director~~~~Public Works Director~~ may not grant credits for missed pickups.

(B) If an error occurs where either a customer has received Town solid waste service, but was not charged, or a customer was charged solid waste service he or she did not receive, except for missed pickups, a debit or credit may be approved.

(C) The Finance Director will research the customer account to determine whether a credit or debit is owed and the amount to be debited or credited.

(D) The length of time for either a debit by the Town or a credit to the customer shall be limited to 36 months prior to the date when the customer notifies the town of the error or the date the Town discovers the error.

§ 52.104 METHOD OF COLLECTING FEES.

(A) The method of collecting fees shall be established by the ~~Finance Director~~~~Town Manager~~, who shall have the authority necessary to ensure the collection of the fees. All fees shall be due and payable on the last day of the month following billing.

(B) If payment is not made, the ~~collection~~~~garbage~~ service may be suspended and the ~~collection~~~~garbage~~ container may be removed; however, the Owner or Occupant shall still be responsible for mandatory fees pursuant to § 52.002(B).

(C) A deposit is required on sanitation accounts with no water service. ~~The first initial account in which fees were paid through the building permit is excluded.~~ When a container is delivered to a residential account that has established or reestablished service, or the container was picked up for non-payment, the deposit will be charged and remain on the account for two years (see Town of Florence Schedule of Fees).

~~(D)~~—An establishment fee is required to establish a service account. The first initial account in which fees were paid through the building permit is excluded (see Town of Florence Schedule of Fees).

—~~(DE)~~ A fee may be imposed to restart the service in the event a service order is issued and a container is removed for non-payment. A ~~collection~~garbage container shall be delivered and service restarted upon receipt of all fees and payment (see Town of Florence Schedule of Fees).

(EF) Charges for service will commence when the customer has or should have established service, whether used or not. If service is established between the first day of the month and the fifteenth day of the month, a full month charge will be billed. If service is established between the sixteenth day of the month and the last, a half-month charge will be billed.

~~(FG)~~ When a property will be unoccupied for a period of time, sSuspension of service and collection of fees will be permitted for a period of not less than one~~two~~ consecutive months but not more than twelve (12) months for ~~the~~ residential service units, provided that they are unoccupied~~class~~. If service is discontinued between the first day of the month and the fifteenth, a half-month charge shall be billed. If service is discontinued between the sixteenth of the month and the last day of the month, a full month charge will be billed.

(GH) All requests for such suspension of service shall be in writing, on a form provided by the Town, and must be received prior to the first day of the month that the suspension is to begin.

~~(HI)~~ If any dispute arises from the return date of a customer, the Director of Public Works or the Finance Director may use any means possible to establish the date of return. Any uncollected fees arising from billing for the date of return will be added to the monthly bill and will become due and payable on the next billing cycle.

§ 52.999 PENALTY.

(A) A person convicted of a violation of division (A) of § 52.022 is guilty of a Class 1 misdemeanor, punishable by a fine of not less than \$250 nor more than \$2,500, and, in the discretion of the court, by imprisonment for a term of not more than six months. In no case shall a person convicted of a violation of § 52.022(A) be eligible for suspension or commutation of a sentence unless the person is placed on probation with the condition that the minimum mandatory fines be paid.

(B)

(1) Any responsible party who commits, permits, facilitates or aids and abets any violation of this Chapter, or who fails to perform any act or duty required by this Chapter, is guilty of a Class 1 misdemeanor.

(3) Each day that any violation of this Chapter, or the failure to perform any act or duty required by this Chapter exists shall constitute a separate violation or offense.

(4) The owner of record of a property at which a violation of this Chapter exists shall be presumed to be the person having lawful control over any such building, structure or parcel of land. If more than one person is determined to be an owner of the property, such persons shall be jointly and severally liable for the violation. Any presumption arising from this subsection shall be rebuttable.

(5) If a responsible party served with a notice of violation or citation by the municipality fails to correct the violation within the period specified, the municipality may correct or abate the condition as described in the notice and, in addition to any fine which may be imposed for a violation of any provision of this Chapter, the responsible party shall be liable for all costs which may be assessed pursuant to this Chapter for the correction or abatement of the condition.

(6) If in the opinion of the Director any condition which is in violation of this Chapter constitutes an imminent health or safety hazard or a public nuisance, the Director may immediately abate the hazard without notice. The abatement of an imminent health or safety hazard or nuisance shall be limited to the minimum work necessary to remove or abate the hazard or the nuisance.

PASSED AND ADOPTED by the Common Council of the Town of Florence, Arizona this 18th day of November, 2013.

Tom J. Rankin, Mayor

ATTEST:

Lisa Garcia, Town Clerk

APPROVED AS TO FORM:

James E. Mannato, Town Attorney

ORDINANCE 604-13

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA AMENDING TITLE V, CHAPTER 52, "SOLID WASTE".

WHEREAS, it has been brought to the attention of the Council of the Town of Florence that it would be desirable and further the efficiency of the Finance and Public Works Departments to amend certain provisions of the Town's solid waste regulations.

NOW, THEREFORE, BE IT ORDAINED that Title V, Chapter 52 of the Code of the Town of Florence is hereby amended by striking, deleting or adding the following provisions:

GENERAL PROVISIONS

§ 52.001 TITLE.

This Chapter shall be known as the "Solid Waste Ordinance of the Town of Florence". It may be cited as such or as the "Florence Sanitation Code". It may also be referred to hereinafter as "this Chapter".

§ 52.002 PURPOSE AND SCOPE.

A. Purpose.

The purpose of this Chapter is to protect the health and safety of the citizens of the Town and to protect the environment by establishing minimum standards for the storage, collection, treatment, transportation, processing and disposal of solid waste. In addition, to set rates charged by the Town for its solid waste program and its inspection, collection and disposal services, so as to recover the Town's costs to provide such services.

B. Collection Required.

Solid waste collections shall be made by the Town or by collection companies as authorized by the Town. Except as provided in subsections (C) and (D) of the section, all persons and properties within the Town are required to use the solid waste collection system of the Town, to haul, carry or transport solid waste through the streets and highways of the Town. All persons and occupied property shall use and be responsible for at least the minimum level of solid waste collection service and the associated charges and fees for residential, institutional or commercial service, as applicable, unless exempted from such requirements under this subsection or subsection (C) of this section. It shall be unlawful to dump or store solid waste, recyclable, or yard waste materials in

violation of the provisions of this Chapter. The Town shall automatically bill the residential or commercial customer for such minimum level of service if the customer does not sign up for service within thirty (30) days of occupying a property in the Town. Upon satisfactory evidence that a residential customer owns a business in the Town that has a commercial solid waste collection service, the Director may in his discretion approve an exemption from the mandatory solid waste collection service and payment requirements of this section.

C. Commercial Permitted Hauler.

Those commercial and industrial business establishments having prior established permits to haul their own waste may continue to haul such solid waste by annual permit. Renewal permits shall be issued upon application and payment of the annual permit fee. Any permit holder, as provided for in this subsection, shall haul solid waste at least once a week for public health reasons.

D. Self-haul.

This section does not prohibit the limited and occasional hauling of solid waste, recyclable materials, or yard wastes by a customer from their property to an approved Town solid waste, recyclables, or yard waste collection site. However, occasional haulers are not exempt from the mandatory solid waste collection service and payment requirements above and are responsible for the fees for collection site services, if any.

E. Penalty.

Violations of the provisions of this section are punishable as provided in § 52.999(B)(2) of this Chapter.

52.003 POWERS AND DUTIES OF THE DIRECTOR.

The Director, in order to protect the health and safety of the citizens and the environment of the Town, is authorized and directed to implement and enforce the provisions of this Chapter to control the storage, collection, treatment, transportation, processing and disposal of solid waste generated within the Town. The Director is further authorized and directed to provide public solid waste disposal facilities for solid waste originating within the Town. Nothing in this Chapter is intended or shall be construed so as to infringe or supplant the authority of the Pinal County Health Department, the State Department of Health Services, State Department of Environmental Quality or the United States Environmental Protection Agency in this area pursuant to federal and state laws.

52.004 HOURS OF COLLECTION.

(A) The hours for collection of solid waste or recyclables by private and municipal collectors shall be regulated by the Director. In order to prohibit the disturbance of the public, it shall be unlawful to collect or remove solid waste or recyclables between the hours of 6:00 p.m. and 6:00 a.m. In the event of a missed collection or other unusual

circumstances, reasonable accommodations may be approved by the Director if a request is made by a person authorized to collect solid waste in the Town.

(B) For purposes of this section, **PRIVATE** means any entity other than the Town or a collection service authorized by the Town.

(C) All refuse shall be collected as deemed necessary by the Director or designee.

52.005 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

ALLEY. A public passageway affording a secondary means of access to abutting property for utility and emergency vehicles.

ASHES. All residue from the burning of any combustible material but does not include ashes from medical waste, hazardous wastes or special waste.

AUTOMATED CONTAINED SOLID WASTE COLLECTION SYSTEM. A contained solid waste collection system that utilizes Town specified solid waste containers and a solid waste collection vehicle equipped with a lifting device.

BULK TRASH. Bulk trash means those items as defined in § 52.048(G).

COLLECTOR. The municipality or its authorized representative.

COMMERCIAL SERVICE UNIT. Any building, structure or premises not defined as a **RESIDENTIAL SERVICE UNIT** or an **INSTITUTIONAL SERVICE UNIT** in this section.

COMPACTOR OR ROLL-OFF SYSTEM. A contained solid waste collection system that uses a stationary solid waste compactor and compactor bins or open top roll-off boxes.

CONSTRUCTION AND DEMOLITION SOLID WASTE. All solid waste, building materials, rubble, soil and spoils resulting from construction, remodeling, repair and demolition operations.

CONTAINED SOLID WASTE. All garbage and trash generated and placed in containers for disposal.

DEPARTMENT. The Town of Florence Public Works Department.

DIRECTOR. The Town Manager or designee.

DWELLING UNIT. Any structure or structures used primarily for human habitation by one or more persons.

FLY-TIGHT. The lid of the container must fit flush around all contact points and prevent entry of flies or rodents.

GARBAGE. All putrescible waste, except sewage and body waste, including waste accumulated of animals, food or vegetable matter, and including waste that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetable, and shall include all the wastes or accumulations or vegetable matter of residence, restaurants, hotels and places where food is prepared for human consumption. The term **GARBAGE** shall not include recognized industrial byproducts. Swill, offal and any accumulation of spoiled, partially or fully decomposed, rotting or discarded animal, vegetable or other matter that attends the preparation, handling, consumption, storage or decay of plant and animal matter including meats, fish, fowl, buds, fruits, vegetables or dairy products and their waste wrappers or containers.

HAZARDOUS WASTE. Any waste so defined by the provisions of A.R.S. Title 49, Chapter 5, Art. 2 and 40 C.F.R. part 261 and polychlorinated biphenyls (PCB's).

HOUSEHOLD HAZARDOUS WASTE. Any waste that would otherwise be a hazardous waste pursuant to A.R.S., Title 49, Chapter 5, Art. 2, and 40 C.F.R. part 261 but is excluded as a hazardous waste because it is generated by the normal day-to-day activities of households.

IMMINENT HEALTH or SAFETY HAZARD. Condition of real property, solid waste or recycling container that places a persons life, health, safety or property in high risk of peril when the condition is immediate, impending on the point of happening and menacing.

INCIPIENT HAZARD. Condition of real property that can become an imminent or health hazard if further deterioration occurs that can cause unreasonable risk of death or severe personal injury.

INSTITUTIONAL SERVICE UNIT. Institutional Service Unit shall mean any school or educational facility; any government building or facility whether belonging to the Town of Florence, Pinal County, the State of Arizona or the United States; any jail or prison facility whether privately or publicly owned; any religious institution; any publicly owned medical facility and the buildings and facilities of any nonprofit organization.

INFECTIOUS SOLID WASTE. Any material which presents a significant danger of infection because it is contaminated with or may reasonably be expected to be contaminated with agents which cause or significantly contribute to the cause of increased infection or infectious disease in human beings.

INSPECTOR. The authorized employee or employees of the municipality having the duty of the enforcement of this Chapter.

MOBILE HOME DEVELOPMENT. A subdivision designed for mobile homes in which the lots are individually owned.

MOBILE HOME PARK. Property owned and operated for the purpose of leasing or renting out mobile home space to tenants.

MULTI-FAMILY DWELLING UNITS. A building or buildings attached to each other and containing two or more dwelling units. This term is intended to apply to dwelling unit types such as duplex, triplex, four-plex and apartments.

NONCOMBUSTIBLE SOLID WASTE. Consists of miscellaneous solid waste materials that are unburnable at ordinary incinerator operating temperatures (up to 2,000°F) and is in the inorganic component of solid waste.

NONPROFIT ORGANIZATION. Any entity recognized by the Internal Revenue Service as having § 501(C)(3) status, or other tax exempt organizations however described.

OBNOXIOUS MATERIALS. Any solid waste that, when exposed, is unpleasant or offensive to the senses due to its odor or condition.

OWNER. A person, persons or legal entity listed as current title holder as recorded in the official records of the County Recorder's office. **OWNER** and **OCCUPANT** may be used interchangeably and shall mean every person in possession, charge or in control of any dwelling, flat, rooming house or any eating place, shop, place or business establishment where garbage or other refuse is created or accumulated.

PERSON. Any natural person; any corporation, partnership or other legal entity; and the United States, State of Arizona, County of Pinal and Town of Florence.

PLACEMENT DATE. The first day of the scheduled collection period, as established and published by the Director.

PREMISES. Land, building or other structures, or parts thereof, where solid waste is stored or accumulated.

PRIVATE SOLID WASTE COLLECTION HAULERS. Solid waste collection services owned and operated by private individuals or corporations holding a business license issued by the Town.

PUBLIC NUISANCE. Anything which is injurious or obnoxious to health, or is offensive to the senses, or is an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by any considerable number of persons, or which obstruct the free passage or use, in the customary manner, of any street, alley, sidewalk or public property.

PUTRESCIBLE SOLID WASTE. Solid waste which is capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors or gases and capable of providing food for or attracting birds, insects, snakes, rodents or animals capable of transferring a diseased bacterium or virus from one organism to another.

RECYCLABLES. Any solid waste that has been separated from other solid waste for the purpose of being collected and recycled.

RECYCLING CONTAINER. A receptacle used exclusively for the storage of recyclables until they are collected.

REFRIGERANTS. Chlorofluorocarbon (CFC) and hydrochloroflourocarbons (HCFC).

REFUSE. Solid wastes, including garbage and rubbish.

RESIDENTIAL SERVICE UNIT. Any single family or multi-family dwelling unit; any apartment building or apartment complex; any townhouse or condominium; and any other building or structure regardless of type which is used primarily for human habitation. Residential Service Unit does not include facilities for the detention or incarceration of prisoners.

RESPONSIBLE PARTY. An occupant, lessor, lessee, manager, licensee, owner or other person having control over a structure or parcel of land and in the case where remediation is proposed as a means of abatement, any lien holder whose lien interest is recorded in the official records of the County Recorder's office.

RUBBISH. Refuse other than garbage, tin cans, bottles, ashes, paper, pasteboard or wooden boxes, brush, leaves, weeds and cuttings from trees, lawns, shrubs and gardens or other waste materials produced in the normal course of everyday living.

SCHOOLS. All public and private buildings used for pre-school, elementary, specialized or higher education purposes.

SMALL ANIMAL WASTE. Refuse including feces and/or discarded bedding or flooring materials such as straw, sawdust or paper from yards, kennels, dog or cat runs, chicken pens, aviaries or other containment for domestic animals such as dogs, cats, fowl such as birds, chickens, ducks, geese or other tame or permitted wild animals under 150 pounds.

SOLID WASTE. Any garbage, bulk trash, yard waste and other materials or products, including putrescible and non-putrescible wastes, organic and inorganic wastes, combustible and noncombustible wastes and liquid non-hazardous waste, but not including hazardous waste or human body parts.

SOLID WASTE CONTAINER. A receptacle used exclusively for the storage of solid waste, excluding construction and demolition solid waste until it is collected.

SOLID WASTE DISPOSAL FACILITY. Any site owned, operated or utilized by any person for the collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid waste.

SOLID WASTE FEE. A fee assessed by the Town of Florence for solid waste services provided by the Public Works Department and associated functions.

TIRE. Is a tire used on vehicles, trailers, machinery or equipment used on or off the road, excluding bicycles and mopeds.

TOWN OF FLORENCE. The Town of Florence, Arizona.

WATERTIGHT. The lid of the container must fit flush around all contact points and prevent entry of rain.

WASTE. Unwanted solid, liquid or gaseous materials.

YARD WASTE. Branches, palm fronds, twigs, weeds, leaves, grass and vegetation clippings.

§ 52.006 UNAUTHORIZED USE OF REFUSE COLLECTION SYSTEM UNLAWFUL.

There is hereby established a system of refuse collection, transportation and disposal and it shall be unlawful for any person to dump or dispose of any rubbish or garbage within the limits of the Town excepting in the refuse container assigned to them as an owner or occupant of a premises located in the Town, or as otherwise permitted in this Chapter. It shall also be unlawful to engage in the business of residential or institutional collection, transportation, hauling or conveying of solid waste over the streets or alleys of the municipality or to dump or dispose of the same except by the Town or its authorized collection services.

§ 52.007 REFUSE ACCUMULATION UNLAWFUL.

It shall be unlawful for any person to accumulate or permit to accumulate in or about any yard, lot, place or premises, or upon any street, alley or sidewalk adjacent to such lot, yard, place or premises, any solid waste, garbage or refuse that is not contained as required by this Chapter.

SOLID WASTE CONTAINMENT

§ 52.020 INSPECTION OF CONTAINERS.

Provisions shall be made for regular inspections, by the Solid Waste Division of the Public Works Department to secure compliance with this Chapter with reference to containment of solid waste or recyclables. The Director shall have the right to enter commercial, industrial and institutional establishments for inspection purposes.

§ 52.021 RESPONSIBILITY FOR SOLID WASTE AND RECYCLABLES.

(A) The responsible party of any premises or business establishment shall be responsible for their solid waste or recyclables until the solid waste or recyclables are collected by the Town of Florence agents of the Town of Florence or licensed solid waste haulers.

(B) The responsible party of any premises, business establishment or industry shall be responsible for the sanitary conditions of the premises, business establishment or industry, and for the proper storage, containment and placement for collection of all solid waste and recyclables. Except as provided in this Chapter, it shall be a violation for any person to bury, dump, dispose or release upon any street, alley, right-of-way or public land, any solid waste or recyclables, including construction and demolition solid waste and tires.

§ 52.022 ILLEGAL DUMPING OF SOLID WASTE; PENALTY.

(A) It shall be a violation for any person to dump, dispose or release, or cause to be dumped, disposed or released, any solid waste, garbage, bulk waste or refuse, including hazardous waste, upon any street, alley, right-of-way, public or private property within the Town of Florence except as specifically permitted in this Chapter.

(B) In addition to any penalties imposed pursuant to § 52.999(B), a person in violation of subsection (A) above shall make restitution to the Town of Florence for all cleanup and disposal costs incurred by the Town of Florence.

(C) If issuing a notice of violation of this provision involves a vehicle, the person in whose name the vehicle is registered shall be prima facie responsible for the violation and subject to penalties described in this Chapter.

(D) The provisions of this section shall apply to those persons in whose names the vehicle is jointly registered. The person shall jointly and severally prima facie responsible for such a violation and subject to the penalties therefore.

§ 52.023 HOUSEHOLD MEDICAL AND INFECTIOUS WASTE.

All household medical and infectious solid waste including lancets, syringes and hypodermic needles must be properly contained before disposing of in the solid waste container. Household and infectious waste must be placed in plastic bags and securely tied before placing in the solid waste container. Lancets, syringes and hypodermic needles must be placed in a rigid, leak-proof and puncture resistant container with a secured and taped lid and must be clearly labeled identifying the contents before placing in the solid waste container. Depositing or disposing of household medical and infectious waste or lancets, syringes and hypodermic needles in any recycling container is prohibited.

§ 52.024 ANIMAL WASTE.

(A) Wastes from animals and pets shall be removed and disposed of in the manner prescribed and as often as necessary to prevent occurrence of a nuisance or health and safety hazard.

(B) Small animal waste from typical domestic pets such as dogs and cats shall be placed in a plastic bag, securely tied and placed in a solid waste container.

(C) All animal owners and custodians shall immediately clean up and properly dispose of wastes left by their animals on any public street, alley, gutter, sidewalk, right-of-way or park.

§ 52.025 UNOBSTRUCTED PASSAGE IN STREETS AND ALLEYS.

(A) It shall be a violation for any person to permit trees, shrubs or brush growing upon his or her property to encroach on or over any public right-of-way so as to interfere with the movement of persons or vehicles. It is the responsibility of the responsible party to trim trees or shrubbery on their property and in the adjacent right-of-way back to their property line and allow 13 foot height clearance.

(B) It shall be illegal to have any obstruction, including, but not limited to, parked vehicles within 15 feet of a solid waste or recycling container placed out or collection service or to obstruct the solid waste and/or recycling collection operations in any other manner.

§ 52.026 SOLID WASTE OR RECYCLABLES CONTAINER REQUIREMENTS.

(A) *General statement.* The responsible party of any premises, business establishment or industry shall be responsible for the sanitary condition of the premises, business establishment or industry and for the proper storage, containment and placement for collection of all solid waste and recyclables. All solid waste and recyclables shall be stored in a manner that does not present a health or safety hazard or public nuisance, including, but not limited to the breeding of insects. No person shall place, deposit or allow to be placed or deposited on his or her premises or private property or any public street, alley or right-of-way any solid waste or recyclables except in a manner prescribed in this Chapter.

(B) *General requirements.*

(1) All responsible parties using or occupying any dwelling unit, commercial, industrial or institutional establishment or grounds within the corporate limits of the Town of Florence where solid waste and recyclables accumulate, shall contain their solid waste and recyclables in watertight and fly-tight containers.

(2) Solid waste shall be stored, collected and hauled for disposal in accordance with the State Department of Health Services and State Department of Environmental Quality Regulations.

(3) It is the container users' and responsible parties' responsibility to properly contain solid waste or recyclables generated on their premises and to keep the area around the container continuously clear and free of all debris. If the property has alley solid waste service, the term **AREA** includes the alley.

(4) All solid waste and recycling containers shall be maintained in a sanitary condition. Containers shall not be stored or maintained in such a manner as to constitute a nuisance, health or safety hazard.

(5) It shall be unlawful for any person not authorized by the responsible party to remove, collect or disturb the solid waste and recyclables stored in the containers or to remove from a solid waste or recycling container any solid waste or recyclables set out for collection and disposal by the Town of Florence or its authorized collection services, or licensed commercial solid waste haulers. This prohibition does not apply to Town

employees or authorized agents of the Town acting within the scope of their official duties.

(6) It shall be unlawful for any person to utilize the solid waste or recycling containers or receptacles assigned to other persons for the disposal of solid waste or recyclables without their permission. This does not apply to the automated solid waste or recycling collection system where residents share the use of common containers.

(7) The lids or covers of any solid waste and recycling containers shall at all times be kept secure in such a manner to prevent intrusion or moisture, infestation of insects and scattering of solid waste or recyclables. Covers shall be kept closed except when containers are being loaded or emptied. Each container shall be placed on or adjacent to the property of the authorized user at a location approved by the Director.

(8) Location of containers. Containers used for storage of solid waste and recyclables shall be placed as follows:

(a) Residential containers shall be located at curbside in front of the residential service unit.

(b) No container shall be placed so as to restrict egress from an exit door or beneath a fire escape. No container shall be placed under a street floor window unless the window is of fire-resistant construction.

(9) Containers placed at curbside shall be located in such a manner to not interfere with pedestrians or vehicles.

(10) All boxes, cartons and crates shall be collapsed before being placed in containers. Ashes shall be soaked with water to extinguish any live embers and contained in tied bags before placement in containers.

(11) Explosive or flammable materials of any kind shall not be placed in any solid waste recycling container.

(12) Corrosives, reactives, oxidizers, lead acid batteries or any hazardous waste shall not be disposed of in solid waste or recycling containers.

(13) Pool chemical containers shall be emptied, rinsed, drained and moisture free prior to being placed in a solid waste or recycling container.

(C) *Residential user requirements.*

(1) All household solid waste and grass shall be bagged and securely tied before being placed in solid waste containers. Solid waste shall be drained of all liquids and tied in waterproof bags before being placed in solid waste containers.

(2) Construction and demolition solid waste shall not be placed in a solid waste or recycling container unless generated by the Owner or Occupant of a residential dwelling unit. If the construction and demolition solid waste is generated by a contractor, the contractor is responsible for the removal and disposal of the solid waste. All construction and demolition solid waste shall be removed promptly and shall not be stored in any

location where it may be blown or otherwise dispersed beyond the construction site. The Town of Florence may, upon request from the responsible party, provide containers for the construction and demolition solid waste for a different and separate fee.

(3) It shall be unlawful to place material in any solid waste or recycling container of a volume or weight which prevents the collection vehicle from emptying the container or which damages the collection vehicle or container. Maximum weight of material placed in any 90- to 100-gallon container shall not exceed 200 pounds.

(4) It shall be unlawful for any person not authorized by the Town to utilize, for other than its intended purpose, the lid from any solid waste or recycling container.

(D) *Commercial user requirements.*

(1) The owner or responsible party of any commercial or institutional solid waste or recycling container placed on private property or in the Town of Florence right-of-way shall be responsible for maintaining the area within a 25-foot radius around the container and/or bin in a sanitary condition and prevent scattering or blowing around of materials deposited.

(2) Commercial users shall, where the volume of solid waste or recyclables accumulated cannot be conveniently handled in cans or bags, provide bins or compactor bins for containment of solid waste and/or recyclables. The bins or compactor bins shall be constructed of durable non-absorbent, noncombustible material and have suitable fly-tight and watertight covers.

(3) All commercial and institutional containers shall be placed or concealed in such a manner so as to minimize visibility from the street or public walkways.

(4) All solid waste and recycling containers shall be identifiable by indicating the owner's name and telephone number on the container and shall meet all requirements of this Chapter. The container identification must be readable from a minimum distance of ten feet.

(5) Commercial users, shall, upon request of the Director, be required to show documentation of the method of collection and removal of solid waste and/or recyclables generated by the establishment.

§ 52.027 CONDEMNATION OF CONTAINERS; REMOVAL.

(A) If a solid waste or recycling container is in violation and presents a health or safety hazard, the Director shall issue a notice of violation to the responsible party. Notification shall consist of tagging the solid waste or recycling containers with a notice of violation or by delivering a notice in person or by mail to the responsible party.

(B) If action necessary to remedy the violation is not taken within the period specified, the Director shall have the right to remove the solid waste or recycling container and dispose of it in accordance with and subject to § 52.003.

§ 52.028 RESPONSIBILITY FOR STREETS, ALLEYS AND SIDEWALKS.

(A) The owner and any responsible party in control of any land abutting a sidewalk, alley or street shall maintain the sidewalk, alley or street free from any accumulation of solid waste.

(B) The areas required to be maintained pursuant to this section are:

(1) Any portion of a street, which has been opened for public use, between the curb line and the abutting property line including sidewalks; and

(2) One-half the width of abutting alleys from the property line to the centerline of the alley.

§ 52.029 BURNING AND DUMPING UNLAWFUL.

No person, whether a resident or non-resident, shall burn, incinerate, bury, dump, collect, remove or in any other manner dispose of rubbish or garbage within the limits of the municipality, except as provided in this Chapter or as provided in a special permit issued by the Pinal County Air Quality Control and the Florence Fire Department. No person shall throw, discard or deposit any rubbish or garbage in or upon any street, alley, sidewalk or vacant ground, or in or upon any canal, irrigation ditch, drainage ditch or other watercourse.

SOLID WASTE COLLECTION

§ 52.045 OWNERSHIP, PLACEMENT AND RESPONSIBILITY FOR CONTAINERS.

(A) The frequency of contained solid waste collections shall be in accordance with the State Department of Environmental Quality Regulations.

(B) Collection days shall be designated by the Director.

(C) The Director determines the service level required and method of collection. Residents may request different levels of service based on service levels and fees established in § 52.100.

(D) The Collector will specify, purchase and own the containers which are provided to the residents, which are to be used by residential service units for no other purpose than as solid waste and recycling collection containers.

(E) Residents receiving curbside service shall place their containers at the curb in front of their residence in such a manner that it allows for the safe and efficient operation of the collection vehicle and does not interfere with pedestrian or vehicular traffic. Containers shall be placed so that they open towards the street.

(F) Residential lots that cannot be safely or efficiently serviced using the Town's standard solid waste equipment will be assessed a different and separate fee as set by the Director. Situations where a different and separate fee may apply includes, but is not limited to, hillside developments, private streets, dead-end streets without adequate turnarounds and multi-family dwelling units.

(G) The Collector is responsible for cleaning only shared use containers.

(H) All containers issued by the Town or its authorized collection service for use in conjunction with an automated loading device shall remain the property of the authorized service provider. The Town or its authorized collection service is responsible for repairs to the containers when damage is caused during normal usage. Containers shall be secured between collection days in such a manner that they are not readily susceptible to theft or vandalism. Anyone found to have intentionally or negligently damaged the container provided to them shall be liable to pay the replacement or repair cost.

(I) Only the Collector shall be authorized to remove any solid waste or recycling container from its assigned location. It shall be unlawful for any other person to remove a container from the address to which it is assigned.

(J) To ensure containers are placed out on time, containers may be placed at the curb after 6:00 p.m. on the day preceding collection. Containers for street collection shall be placed at the curb for service no later than 5:30 a.m. on the day of collection. They must be removed prior to 5:30 a.m. on the day after collection. It shall be unlawful to place or permit containers to remain adjacent to the curb except upon regular collection days. Containers shall be stored between collection days on the users' property so as to not interfere with pedestrian or vehicular traffic.

(L) Every owner and occupant of premises within the prescribed limits of the Town shall use the refuse collecting and disposal system assigned to them, and they shall deposit or cause to be deposited in accordance with this Chapter all rubbish and garbage that is of a nature that it is perishable, may decompose or may be scattered by wind or otherwise, which accumulated on their premises.

§ 52.047 RESIDENTIAL, INSTITUTIONAL AND COMMERCIAL COLLECTION.

(A) The Town of Florence or its authorized collection service shall provide solid waste collection service to all residential service units.

(B) The Town of Florence or its authorized collection service shall provide solid waste collection service to all institutional service units.

§ 52.048 RESIDENTIAL BULK TRASH PLACEMENT AND COLLECTION SERVICES.

(A) Bulk Trash collection services shall only be available for single family residential dwelling units. It shall be unlawful to place bulk trash out for collection more than 48 hours prior to the scheduled placement date. The owner or occupant of a single family

residential service unit shall notify the Collector no later than 24 hours before the scheduled placement date that a Bulk Trash pickup is requested.

(B) Bulk trash shall be placed out for collection no later than 5:30 a.m. on the scheduled placement date.

(C) Bulk trash placed out for collection shall be in neat stacks.

(D) Bulk trash placed out for curbside collection shall be placed on the resident's property, parallel to the street or curb. Bulk trash shall not be placed on the sidewalk or in the street.

(E) Bulk trash shall not be placed within five feet of any fixed object, solid waste or recycling container, utility meter, or in any manner which would interfere with or be hazardous to pedestrians, bicyclists, equestrians or motorists.

(F) The amount of bulk trash placed for collection shall not exceed a total uncompacted volume of 20 cubic yards.

(G) Items of bulk trash which are acceptable for normal residential collection are:

(1) Tree limbs and branches less than four feet in length and 12 inches in diameter that are bundled, bagged or boxed;

(2) Palm fronds;

(3) Metal materials 20 pounds or less;

(4) Pipe less than one inch in diameter and less than four feet in length;

(5) Cardboard boxes;

(6) Bagged or boxed leaves, weeds, grass, small hedge and vegetation clippings;

(7) Manufactured items, such as washers, dryers, hot water heaters and appliances and equipment not containing refrigerants;

(8) Twenty-five pounds or less of construction and demolition solid waste generated by a resident;

(9) Hedge clippings, such as oleanders; and

(10) Rubbish consisting only of cardboard, wooden boxes, brush, furniture, appliances, weeds and cuttings from trees or shrubs may be kept separately, without depositing in containers. Bulk materials, such as leaves and lawn clippings, if not placed in containers, shall be in a sack or receptacle for ease of loading. Compost piles may be maintained for fertilization purposes and matter used for fertilization purposes only be transported, kept and used. Nothing in this section shall be construed as to permit the violations of any provision of this code, any ordinance or any rule or regulation of the Department.

(H) Items of bulk trash which are not acceptable for normal residential collection include:

(1) More than 25 pounds of construction and demolition solid waste generated by a resident or any amount generated by a contractor;

(2) Vehicles or equipment parts in excess of 20 pounds;

(3) Metal material in excess of 20 pounds;

(4) Tires;

(5) Pipe over one inch in diameter or over four feet in length;

(6) Cement, cement blocks, bricks, asphalt, stones and dirt; and

(7) Lead acid batteries; and

(8) Hazardous materials.

(I) It shall be a violation of this Chapter to place unacceptable items, an amount exceeding 20 cubic yards or improperly placed bulk trash items out for collection. The responsible party shall remove and dispose of all bulk trash improperly placed, bulk trash exceeding 20 cubic yards and any unacceptable items of bulk trash at their own expense.

(J) The Town municipality may abate any violation of this section pursuant herein.

(K) Bulk Trash shall be collected once per month on a date determined by the Director.

(L) Additional Bulk Trash collections may be requested for an additional fee pursuant to § 52.100.

(M) The Director may require that yard waste be separated from other bulk trash for collection in an alternative manner.

ADMINISTRATION AND ENFORCEMENT

§ 52.065 AUTHORITY TO ENFORCE.

The Director shall enforce the provisions of this Chapter. In addition, the Director is authorized to abate conditions, which in the opinion of the Director are an incipient or imminent threat to the health or safety of any person or persons or constitute a public nuisance.

§ 52.066 RULES AND REGULATIONS.

The Director is authorized to make reasonable and necessary rules and regulations to carry out provisions of this Chapter.

§ 52.067 ENFORCEMENT AND COOPERATION OF OTHER DEPARTMENTS.

Upon request from the Director, the Police Department, Town Attorney or the Florence Code Enforcement Officer have the authority to assist and cooperate in the enforcement of this Chapter.

§ 52.068 ISSUANCE OF CITATION OR NOTICE OF VIOLATION.

(A) If the municipality finds a violation of this Chapter, the municipality may notify the owner or responsible party through the issuance of a notice of violation or it may issue a citation.

(B) If a notice of violation is issued and the violation is not corrected within the specified period, a civil citation or criminal complaint may be issued by any person authorized by this Chapter. If a notice of violation of this Chapter is issued, it shall include:

- (1) Identification of property in violation;
- (2) Statement of violations in sufficient detail to allow an owner or responsible party to identify and correct the problem;
- (3) Re-inspection date;
- (4) Address and phone number of a municipality representative to contact; and
- (5) A cost estimate to correct the violations, if the municipality intends to abate the violation.

(C) Any notice given for any purpose under this Chapter shall be deemed effective on the date when written notice is delivered or mailed to the property owner or responsible party. If the municipality intends to abate the violation, any mailed service must be certified, return receipt requested. Nothing herein shall preclude the municipality from giving additional verbal or written notice at its discretion. If the municipality does elect to give any additional notice in any instance, it shall not thereby become obligated to give additional notice thereafter in the same or other situations.

(D) Nothing in this section shall require the issuance of a notice of violation prior to the commencement of civil or criminal violation proceedings.

§ 52.069 THREATS AND INTIMIDATION.

No person shall, by threatening to use or by using violence or physical force, intentionally obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the municipality who is lawfully engaged in the enforcement or execution of the provisions of this Chapter.

SOLID WASTE DISPOSAL FACILITIES

§ 52.085 DISPOSAL SITE; DESIGNATION; ENFORCEMENT.

There is hereby established at the places and locations as the Council may from time to time designate, by motion or order, a place for the dumping and depositing of solid waste, bulk waste, recyclables, rubbish and garbage and any place or location shall be known, and the same is hereby designated as, the municipal disposal site.

§ 52.086 DISPOSAL SITE; RULES AND REGULATIONS.

The municipality is hereby authorized to make rules and regulations in cooperation and agreement with the health authorities designating the manner of and hours and limits of time of dumping or depositing rubbish and garbage in violation thereof; providing that before the rules and regulations become effective, appropriate signs shall be placed at or upon the premises of the municipal disposal site giving notice of the rules and regulations.

SOLID WASTE FEES

§ 52.100 LEVEL OF SOLID WASTE FEES; NO EXCEPTIONS.

(A) Monthly solid waste fees shall be established by the Council as part of the annual budget process.

§ 52.102 PAYMENT OF SOLID WASTE FEES.

All solid waste fees set forth in this Chapter shall be charged to the customer in accordance with the provisions set forth herein.

§ 52.103 CREDITS AND DEBITS OF SOLID WASTE FEES.

- (A) The Finance Director may not grant credits for missed pickups.
- (B) If an error occurs where either a customer has received Town solid waste service, but was not charged, or a customer was charged solid waste service he or she did not receive, except for missed pickups, a debit or credit may be approved.
- (C) The Finance Director will research the customer account to determine whether a credit or debit is owned and the amount to be debited or credited.
- (D) The length of time for either a debit by the Town or a credit to the customer shall be limited to 36 months prior to the date when the customer notifies the town of the error or the date the Town discovers the error.

§ 52.104 METHOD OF COLLECTING FEES.

(A) The method of collecting fees shall be established by the Finance Director, who shall have the authority necessary to ensure the collection of the fees. All fees shall be due and payable on the last day of the month following billing.

(B) If payment is not made, the collection service may be suspended and the collection container may be removed; however, the Owner or Occupant shall still be responsible for mandatory fees pursuant to § 52.002(B).

(C) A deposit is required on sanitation accounts with no water service. When a container is delivered to a residential account that has established or reestablished service, or the container was picked up for non-payment, the deposit will be charged and remain on the account for two years (see Town of Florence Schedule of Fees).

(D) A fee may be imposed to restart the service in the event a service order is issued and a container is removed for non-payment. A collection container shall be delivered and service restarted upon receipt of all fees and payment (see Town of Florence Schedule of Fees).

(E) Charges for service will commence when the customer has or should have established service, whether used or not. If service is established between the first day of the month and the fifteenth day of the month, a full month charge will be billed. If service is established between the sixteenth day of the month and the last, a half-month charge will be billed.

(F) When a property will be unoccupied for a period of time, suspension of service and collection of fees will be permitted for a period of not less than one month but not more than twelve (12) months for residential service units, provided that they are unoccupied. If service is discontinued between the first day of the month and the fifteenth, a half-month charge shall be billed. If service is discontinued between the sixteenth of the month and the last day of the month, a full month charge will be billed.

(G) All requests for such suspension of service shall be in writing, on a form provided by the Town, and must be received prior to the first day of the month that the suspension is to begin.

(H) If any dispute arises from the return date of a customer, the Director or the Finance Director may use any means possible to establish the date of return. Any uncollected fees arising from billing for the date of return will be added to the monthly bill and will become due and payable on the next billing cycle.

§ 52.999 PENALTY.

(A) A person convicted of a violation of division (A) of § 52.022 is guilty of a Class 1 misdemeanor, punishable by a fine of not less than \$250 nor more than \$2,500, and, in the discretion of the court, by imprisonment for a term of not more than six months. In no case shall a person convicted of a violation of § 52.022(A) be eligible for suspension or commutation of a sentence unless the person is placed on probation with the condition that the minimum mandatory fines be paid.

(B)

(1) Any responsible party who commits, permits, facilitates or aids and abets any violation of this Chapter, or who fails to perform any act or duty required by this Chapter, is guilty of a Class 1 misdemeanor.

(3) Each day that any violation of this Chapter, or the failure to perform any act or duty required by this Chapter exists shall constitute a separate violation or offense.

(4) The owner of record of a property at which a violation of this Chapter exists shall be presumed to be the person having lawful control over any such building, structure or parcel of land. If more than one person is determined to an owner of the property, such persons shall be jointly and severally liable for the violation. Any presumption arising from this subsection shall be rebuttable.

(5) If a responsible party served with a notice of violation or citation by the municipality fails to correct the violation within the period specified, the municipality may correct or abate the condition as described in the notice and, in addition to any fine which may be imposed for a violation of any provision of this Chapter, the responsible party shall be liable for all costs which may be assessed pursuant to this Chapter for the correction or abatement of the condition.

(6) If in the opinion of the Director any condition which is in violation of this Chapter constitutes an imminent health or safety hazard or a public nuisance, the Director may immediately abate the hazard without notice. The abatement of an imminent health or safety hazard or nuisance shall be limited to the minimum work necessary to remove or abate the hazard or the nuisance.

PASSED AND ADOPTED by the Council of the Town of Florence, Pinal County, Arizona, this ___ day of _____, 2013.


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

James E. Mannato, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8b.
MEETING DATE: November 18, 2013 DEPARTMENT: Community Development STAFF PRESENTER: Mark Eckhoff, AICP Community Development Director SUBJECT: Cuen Building Stabilization	<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other	

RECOMMENDED MOTION:

Motion to commit up to \$50,000 in matching funds to use towards the stabilization of the Cuen building with a commitment to not utilize the restored building for governmental offices.

BACKGROUND/DISCUSSION:

On October 7, 2013, the Mayor and Council of the Town of Florence accepted the donation for the Cuen building from Langley Momentum Historical, LLC.

The Cuen Building, located adjacent to the Town’s Fitness Center, is an example of Transformed Sonoran architecture. Available evidence suggests that the building was originally built as a residence and shop by Francisco Cuen, a butcher. This brick and adobe then housed Florence’s first Telephone Exchange.

As initially constructed, the building was L-shaped, with two one room wide wings. The building interior was extensively remodeled in 1910 for use as Florence’s first telephone central office. At about this time, the structure’s 11th Street wing was shortened. The building continued in use as the Town’s telephone exchange until after 1941. By 1960, it had become the office of attorneys Tom Fulbright and Ernest McFarland. Fulbright, a prominent Florence lawyer, served as Pinal County District Attorney and, later, as Attorney for the Town of Florence. For the past few decades, the building has been unoccupied and continually deteriorating.

Over the past seven years, a few improvements have been made to stabilize the structure on an interim basis. A recent external and internal assessment of the facility with Town staff and Swan Architects confirmed that prompt action needs to be taken to demolish, rehabilitate or re-construct the subject building.

Multiple penetrations into the building have allowed the elements to accelerate deterioration (bricks, plaster, adobe, etc.) and permitted pigeons to roost in the facility. The north wall, roof and chimney cannot be saved. The building is gutted inside. Beyond structural concerns, these conditions present aesthetic and other issues that are repeatedly noted by downtown visitors and patrons of the Fitness Center.

Swan Architects (known for the current work on the Brunenkant building and their completed work on the 1891 Pinal County Courthouse) has provided estimates for three construction options. Swan Architects has estimated a probable renovation cost of \$177,100.00. Their estimate to reconstruct the building, i.e., essentially to create a replica, increases to \$256,969. The third option is to only allocate the funds necessary to keep the building safe, structurally sound and more aesthetically pleasing. This stabilization approach is estimated to cost approximately \$91,000.

Restored, the Cuen Building remains very small at approximately 1,000 square feet, thus limiting its practical use. However, the building could accommodate a small office or service use or maybe even make a good location for a small walk-up restaurant. Though small, the building has a rich history and is an important contributor to the Historic District and Main Street environment.

FINANCIAL IMPACT:

Estimates to restore the building in 2005-2006 were closer to \$150,000. Since that time the facility has substantially deteriorated and based on a field assessment and a review of the 2005-2006 construction plans, Swan Architects suggests it could take approximately \$91,000 to stabilize the building, \$177,000 to rehabilitate the building or nearly \$257,000 to re-construct the building. It would take a more in depth analysis to determine the precise figure, but these estimates predict the probable price range to save this building.

The acceptance of donations to go towards restoration efforts would off-set the Town's financial impact and also allow for greater community participation in an important restoration project. However, the IDA and others have indicated a preference to only donate funds for this project if it is confirmed that the Town will match funds and not use the restored facility for governmental offices.

Currently, the Town has verbal statements from the IDA indicating their willingness to donate between \$30,000 and \$40,000 to the Town towards the Cuen restoration project. Other smaller donations could bring the amount of donated funds closer to \$50,000. With the \$50,000 match, the Town would have the funds needed for the stabilization work.

No funds have been allotted for stabilization, restoration or construction efforts on this building/property in the current budget, though there are funds in the budget that could be redistributed for this project should the higher priority be established. Grant funds

that once existed for these types of projects are not available, though this could change in the coming years.

Staff notes that the Town's expenditure on the Brunenkant stabilization project is not projected to exceed \$200,000, which is substantially less than the \$300,000 authorized and set aside for this project. This savings can be applied towards the Cuen building so there is no net increase in funding for these two worthy historic preservation projects.

RECOMMENDATION:

Motion to commit up to \$50,000 in matching funds to use towards the stabilization of the Cuen building with a commitment to not utilize the restored building for governmental offices.

ATTACHMENTS:

Swan Architects Estimates



September 30, 2013

Mark Eckhoff, AICP, CFM
Director of Community Development
Town of Florence

Re: Cuen Building

Dear Mr. Eckhoff,

We have reviewed the previously completed contract documents and have the following cost-saving recommendations.

Architectural

- Postpone construction of west porch until a grant can be obtained.
- Restore rather than replace original or early wood windows. Install 3/4"-thick, low -E, insulated glass.
- Relocate restroom to northeast corner of building. This is the smaller of the two existing east rooms and could also be used as an office equipment/work room with a kitchenette. Verify if sewer and water can be obtained in 11th Street.
- Do not remove sound stucco from exterior walls. This will only damage the existing clay bricks and adobe blocks. Restore stucco finishes.

Structural

- Reinforce existing rafters with new 2x rafters sistered to existing.
- Install steel pipe columns below existing and/or new ridge beam.
- Mechanically attach rafters to top of west brick wall and east wood frame wall.
- Delete east and west glulam beam, columns, and caisson footings.
- Install new plywood sheathing over entire roof prior to installing felt and corrugated metal roof panels.

Mechanical

- Route restroom exhaust fan through east wood stud wall rather than roof.

Electrical

- Reduce by at least 50 percent the number of electrical receptacles and lighting fixtures.

Probable Renovation/Rehabilitation Costs September 30, 2013	
Selective Demolition/Sawcutting	\$ 8,000
Concrete/Asphalt	\$ 10,000
Adobe Block/Brick Rehabilitation	\$ 13,000
Miscellaneous Steel	\$ 2,000
Rough Carpentry	\$ 12,000
Gypsum Drywall	\$ 7,000
Stucco/Plaster	\$ 10,000
Skylight Restoration	\$ 5,000
Wood Doors/Hardware	\$ 8,000
Wood Windows	\$ 4,000
Floor Covering	\$ 3,000
Paint	\$ 3,000
Miscellaneous/Accessories	\$ 1,500
Mechanical	\$ 10,000
Plumbing	\$ 18,000
Electrical	\$ 12,000
Subtotal	\$ 126,500
Contingency (10%)	\$ 12,650
Contractor Overhead and Profit (19%)	\$ 24,035
Bonds, Insurance, and Taxes (11%)	\$ 13,915
Total Probable Costs:	\$ 177,100

Probable Reconstruction Costs September 30, 2013	
Demolition Costs – 1,003 s.f. x \$8/s.f.	\$ 8,024
Construct Replica Building – 1,003 s.f. x \$175/s.f.	\$ 175,525
Subtotal	\$ 183,549
Contingency (10%)	\$ 18,355
Contractor Overhead and Profit (19%)	\$ 34,874
Bonds, Insurance, and Taxes (11%)	\$ 20,190
Total Probable Costs:	\$ 256,969

Sincerely,



Jeffrey A. Swan, AIA
President



October 21, 2013

Mark Eckhoff, AICP, CFM
Director of Community Development
Town of Florence

Re: Cuen Building

Dear Mr. Eckhoff,

The following probable costs are to stabilize the Cuen Building. However, we also included the restoration/ replacement of exterior doors and windows so the building's exterior is more attractive to prospective tenants.

Architectural

- Postpone construction of west porch until a grant can be obtained.
- Restore rather than replace original or early wood windows. Install 3/4"-thick, low -E, insulated glass.
- Do not remove sound stucco from exterior walls. This will only damage the existing clay bricks and adobe blocks. Restore exterior stucco walls.

Structural

- Reinforce existing rafters with new 2x rafters sistered to existing.
- Install steel pipe columns below existing and/or new ridge beam.
- Mechanically attach rafters to top of west brick wall and east wood frame wall.
- Delete east and west glulam beam, columns, and caisson footings.
- Install new plywood sheathing over entire roof prior to installing felt and corrugated metal roof panels.

Mechanical

No work

Electrical

No work

Probable Stabilization Costs	
October 21, 2013	
Selective Demolition/Sawcutting	\$ 5,000
Concrete	\$ 4,000
Adobe Block/Brick Rehabilitation	\$ 18,000
Miscellaneous Steel	\$ 2,000
Rough Carpentry	\$ 13,000
Stucco/Plaster	\$ 3,000
Skylight Weatherproofing	\$ 1,500
Metal Roof Panels	\$ 5,000
Wood Doors/Hardware	\$ 5,000
Wood Windows	\$ 4,000
Sealants	\$ 1,500
Paint	\$ 3,000
	Subtotal \$ 65,000
Contingency (10%)	\$ 6,500
Contractor Overhead and Profit (19%)	\$ 12,350
Bonds, Insurance, and Taxes (11%)	\$ 7,150
	Total Probable Costs: \$ 91,000

Sincerely,



Jeffrey A. Swan, AIA
President