

**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, SEPTEMBER 16, 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. PUBLIC HEARING AND PRESENTATIONS

- a. **Public Hearing on** Ordinance No. 600-13: 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(PZC-27-13-ORD).
- b. Presentation by Greater Florence Chamber of Commerce recognizing the Business of the Month.
- c. **Proclamation supporting** the “Start by Believing” Public Awareness Campaign.

- 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. ***Authorization to forward** a favorable recommendation to the Arizona Department of Liquor Licenses and Control regarding the Coolidge-

Florence Elk's Lodge 2350 Application for Special Event Liquor License on October 6, 2013, for the HAMC Tucson Demo Derby.

- b. *Receive and file the following board and commission minutes:
 - i. **March 12, 2013** Historic District Advisory Commission minutes.
 - ii. **June 6, 2013** Planning and Zoning Commission minutes.

8. UNFINISHED BUSINESS

- a. **Discussion/Approval/Disapproval** of Ordinance No. 598-13: AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING TITLE XV – LAND USAGE, CHAPTER 150 – DEVELOPMENT CODE, SECTIONS § 150.280 – DEVELOPMENT IMPACT FEES, AND SECTIONS § 150.281, § 150.282, § 150.283, § 150.284, § 150.285, § 150.286, § 150.287, § 150.288, § 150.289 AND § 150.290.
- b. **Discussion/Approval/Disapproval** of Ordinance No. 601-13: 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).

9. CALL TO THE PUBLIC


10. CALL TO THE COUNCIL

11. 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 6th DAY AUGUST 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: September 16, 2013 DEPARTMENT: Community Development STAFF PRESENTER: Mark Eckhoff, AICP Community Development Director SUBJECT: Ordinance 600-13: Medical Marijuana Text Amendment (PZC-27-13-ORD)		<input type="checkbox"/> Action <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input 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 only on September 16, 2013.

On October 7, 2013, motion to adopt Ordinance No. 600-13 for the Medical Marijuana Text Amendment.

BACKGROUND/DISCUSSION:

The Town of Florence requests approval of the following application:

PZC-27-13-ORD: 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.

Medical Marijuana Text Amendment Case PZC-27-13-ORD was presented to the Planning and Zoning Commission on August 1, 2013 and a favorable recommendation with an added condition was sent to Town Council on behalf of the Commission. Upon further review, staff made a few changes to the Text Amendment and is presenting this updated version to the Planning and Zoning Commission to review with an updated recommendation. Though the text changed, the intent of the previous language remains consistent.

On November 2, 2010, the voters of the State of Arizona approved Proposition 203, the "Arizona Medical Marijuana Act", which created a distinction between the medical and non-medical uses of marijuana under Arizona law for persons suffering from debilitating medical conditions who are in need of marijuana for medical purposes and who obtain and use medical marijuana under the

circumstances specified in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq.

In Arizona, the “Arizona Medical Marijuana Act” allowed cities, towns and counties to enact reasonable zoning regulations that limited the use of land for registered non-profit medical marijuana dispensaries to specified areas. In 2011, the Town of Florence enacted the Town’s Medical Marijuana Ordinance, which set forth restrictions on where potential medical marijuana businesses could be located.

Since the effective date of the Town’s Medical Marijuana Ordinance, the Town has received several applications for medical marijuana dispensaries. Some applicants have withdrawn their applications and two Conditional Use Permits for proposed medical marijuana dispensaries were disapproved by the Mayor and Council of the Town of Florence.

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.

FINANCIAL IMPACT:

This request has no direct or specific financial impacts.

RECOMMENDATION:

This Amendment was presented to the Planning and Zoning Commission on September 5, 2013, which forwarded a favorable recommendation on this case to the Town Council.

Public Hearing and First Reading only on September 16, 2013.

On October 7, 2013, motion to adopt Ordinance No. 600-13 for the Medical Marijuana Text Amendment.

ATTACHMENT:

Ordinance No. 600-13

ORDINANCE NO. 600-13

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*(PZC-27-13-ORD).

WHEREAS, on November 2, 2010, the voters of the State of Arizona approved Proposition 203, the “Arizona Medical Marijuana Act”, which created a distinction between the medical and non-medical uses of marijuana under Arizona law for persons suffering from debilitating medical conditions who are in need of marijuana for medical purposes and who obtain and use medical marijuana under the circumstances specified in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq.; and

WHEREAS, in many communities where medical marijuana “dispensaries” have been established, law enforcement agencies have documented the serious and adverse impacts associated with such dispensaries. These communities and the media have reported increased crime, including burglaries, robberies, violence, illegal sales of marijuana to and use of marijuana by minors and others without medical need in the areas immediately surrounding such medical marijuana dispensaries. Other negative secondary effects include the smoking of marijuana in public areas and adverse impacts on neighboring businesses, including odor complaints. Such negative secondary effects related to medical marijuana use have been considered by other government agencies. The Town of Florence (“the Town”) could reasonably anticipate experiencing similar adverse impacts and effects from marijuana dispensaries and cultivation and other marijuana operations established in the Town; and

WHEREAS, a number of sources, including the United States Department of Justice’s California Medical Marijuana website, which contains various documents and reports related to issues surrounding marijuana use, and the “White Paper on Marijuana Dispensaries” published by the California Police Chiefs Association’s Task Force on Marijuana Dispensaries (April 22, 2009), have concluded that the establishment of marijuana dispensaries can lead to an increase in crime. Among the crimes cited as typical examples are burglaries, robberies, sales of illegal drugs in areas immediately surrounding such dispensaries, as well as other public nuisances such as loitering, smoking marijuana in public places, sales to minors and driving while under the influence of marijuana. The Mayor and Council of the Town of Florence find that these data and conclusions, experiences in other cities, towns and counties justify the implementation of the amended regulatory zoning and safety measures included in this ordinance; and

WHEREAS, the possession, use, sale, distribution or transportation of marijuana is still a violation of Federal law and, when possessed, used, sold, distributed or transported for any purpose other than medical use, a violation of state law as well; and

WHEREAS, accordingly, the possession, use, sale, distribution, and transportation of marijuana for medical use as contemplated by Proposition 203 should be closely monitored and regulated by the Town; and

WHEREAS, if not closely monitored and regulated, the manner in which medical marijuana is possessed, used and distributed may adversely affect the health, safety, and welfare of the residents of the Town as well as the health, safety and welfare of the qualifying patients and designated caregivers whose possession and use of marijuana for medical purposes is permitted by Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq.; and

WHEREAS, it is not appropriate to allow establishments that grow, sell or distribute medical marijuana or paraphernalia to be located in every zoning district in the Town; and

WHEREAS, the Mayor and Council of the Town of Florence reviewed the issues, concerns and secondary effects that may be associated with the operation of medical marijuana dispensaries and medical marijuana cultivation facilities in the Town and subsequently adopted regulations pertaining to the same that are subject to the amendments provided herein; and

WHEREAS, the Planning and Zoning Commission of the Town of Florence reviewed the proposed ordinance and held a public hearing on the same and voted to send the Mayor and Council of the Town of Florence a favorable recommendation on this ordinance; and

WHEREAS, by adoption of this ordinance, the Mayor and Council of the Town of Florence does not intend to authorize or make legal any act that is not permitted under Federal or State law but rather to establish local regulations governing the possession and use of medical marijuana under Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq.; and

WHEREAS, the Mayor and Council of the Town of Florence has determined that, for the reasons set forth above and for the purpose of protecting the public health, safety and welfare of the residents and visitors of Florence, it is in the best interests of the Town to amend the Code of Ordinances as provided herein.

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

Section 1. That the recitals contained in this ordinance are hereby adopted and incorporated herein as findings of fact of the Mayor and Council of the Town of Florence.

Section 2. That if any word, sentence, paragraph, clause, phrase or other provision of this ordinance is for any reason deemed to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining words, sentences, paragraphs, clauses, phrases or other provisions of this ordinance, or the validity of this ordinance in its entirety, it being the legislative intent that this ordinance shall stand, notwithstanding the invalidity of any word, sentence, paragraph, clause, phrase or other provision.

Section 3. That Chapter 152 *Medical Marijuana* within Title XV *Land Usage* of the Town Code of Ordinances is hereby amended as follows:

TITLE XV: LAND USAGE

CHAPTER 152: MEDICAL MARIJUANA

Section 152.02 Definitions.

A. The following words, terms and phrases, when used in this Title (*Land Usage*), shall have the meanings ascribed to them in this Section:

1. **Cultivation** shall mean the process by which a person grows a marijuana plant(s) as allowed by Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq. and the Department rules and regulations.
2. **Department** shall mean the Arizona Department of Health Services or its successor agency.
3. **Department rules and regulations** shall mean the adopted regulations of the Department relating to the provisions of Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq. currently in existence and as adopted in the future.
4. **Designated caregiver** shall mean a person, other than qualifying patient and the patient's physician, who, pursuant to Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq. and the Department rules and regulations, assists no more than five (5) registered qualifying patients with the medical use of marijuana.
5. **Massage establishment** shall mean any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to

include a hospital, nursing home, or the office of a physician, surgeon, chiropractor, osteopath, or duly licensed physical therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders.

6. **Medical marijuana** shall mean marijuana or cannabis, including all parts of any plant of the genus cannabis whether growing or not, and the seeds of such plant, approved under state law for treatment of persons suffering from debilitating medical conditions as designated in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq., the Department rules and regulations, and other laws and regulations of the State of Arizona.
7. **Medical marijuana designated caregiver cultivation location** shall mean an enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed 250 square feet of cultivation space where a designated caregiver, as designated by Arizona Revised Statutes, Title 36, § A.R.S. 36-2801 et seq., Department rules and regulations, cultivates medical marijuana. A designated caregiver cultivation location within a residential zoning district must be an accessory use to the qualifying caregiver's primary residence. Medical marijuana cultivation as an accessory use to the qualifying caregiver's primary residence must not be detectable from the exterior of the building in which the cultivation takes place. Medical marijuana cultivation as an accessory use to the qualifying caregiver's primary residence shall only be permitted if the residence is located at least 25 miles from a medical marijuana dispensary.
8. **Medical marijuana dispensary offsite cultivation location** shall mean a building, dwelling, structure, or premises used for the cultivation or storage of medical marijuana that is the additional location where marijuana is cultivated by a medical marijuana dispensary as designated in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq. or Department rules and regulations.
9. **Medical marijuana dispensary** shall mean a building, dwelling, structure or premises used to acquire, possess, cultivate, manufacture, deliver, transfer, transport, sell, distribute, transmit, give, dispense or otherwise provide medical marijuana in any manner to patients or designated caregivers pursuant to the authority contained in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq., Department rules and regulations, or other implementing state statutes and administrative regulations. May be known also as *dispensary* within this Chapter.

10. **Medical marijuana infusion facility** shall mean a facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporation into consumable/edible goods.
11. **Medical marijuana operation** shall mean any person acting alone or in concert with another person, whether for barter, reimbursement, profit or not for profit, who cultivates, grows, harvests, processes, packages, transports, displays, sells, dispenses or otherwise distributes the stalks, stems, roots, seeds, leaves, buds or flowers of any plant of the genus cannabis, or any mixture or preparation thereof, and medical marijuana for medical use as authorized by Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq. This definition shall be construed to include, but is not limited to, the following: a) medical marijuana dispensaries; b) medical marijuana offsite cultivation locations; c) medical marijuana infusion facilities; and d) any other operation involving medical marijuana registered with the Department; all as designated in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq., the Department rules and regulations, or other implementing State statutes and administrative regulations. This definition does not include medical marijuana operations that may be exempt from local zoning regulations per the Arizona Medical Marijuana Act.
12. **Medical marijuana paraphernalia** shall mean all equipment, products and materials of any kind, which is used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, including medical marijuana. May be known also as *paraphernalia* within this Chapter.
13. **Medical marijuana qualifying patient cultivation location** shall mean an enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed 50 square feet of cultivation space where a qualifying patient, as defined in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq. or Department rules and regulations, cultivates medical marijuana. The qualifying patient cultivation location must be an accessory use to the qualifying patient's primary residence. Medical marijuana cultivation as an accessory use to the qualifying patient's primary residence must not be detectable from the exterior of the building in which the cultivation takes place. Medical marijuana cultivation as an accessory use to the qualifying patient's primary residence shall only be permitted if

the residence is located at least 25 miles from a medical marijuana dispensary.

14. **Park** shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.
15. **Patient** shall mean a person who has a debilitating medical condition as defined in Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq. and is a registered qualifying patient as defined by State law and the Department rules and regulations.
16. **Person** shall mean a natural person or business entity such as, without limitation, a corporation, association, firm, joint venture, estate, trust, business trust, syndicate, fiduciary, partnership or any group or combination thereof.
17. **Place of worship or religious assembly** shall mean buildings or facilities used for the purpose of conducting religious services, worship and related educational, cultural, and social activities.
18. **Premises** shall mean the entire parcel of property upon which a medical marijuana dispensary, medical marijuana cultivation facility or any other medical marijuana operation is located.
19. **School** ~~means any building, group of buildings or portion of a building used for the purpose of education or instruction and include the following types of schools: means any building, portion of building, or group of buildings which is designed, constructed, or used for education or instruction in any branch of knowledge, including tutoring centers, day care centers, and the following types of schools:~~
 - a) "Charter school" means a school operating under sponsorship of a public school district governing board, the State Board of Education or the State Board for Charter Schools and has been created pursuant to A.R.S. 15-181.
 - b) "Private school" means any building, group of buildings or portion of a building used for preschool, elementary, secondary or higher education that does not secure the major part of its funding from a governmental agency.
 - c) "Public school" means any building, group of buildings or portion of a building used for preschool, elementary, secondary or higher education that secures the major part of its funding from a governmental agency.
 - d) "Vocational school" or "Trade School" means any building, group of buildings or portion of a building used for a

secondary school where students are trained in a trade or skill to be pursued as a career.

- ~~b) "Instructional school" means a public or private school providing domestic, recreational, and other types of instruction such as dance, gymnastics, cooking, music, martial arts (without fitness center equipment), and fine arts.~~
- ~~c) "Private school" means any building, portion of building, or group of buildings used for elementary, secondary or higher education that does not secure the major part of its funding from a governmental agency.~~
- ~~d) "Public school" means any building, portion of building, or group of buildings used for elementary, secondary or higher education that secures the major part of its funding from a governmental agency.~~
- ~~e) "Vocational school" means an institution which teaches trades, business courses, hairdressing and similar skills on a post-secondary level.~~

20. **Sensitive uses** shall be construed to include the following uses: school; public or private recreation center; park; public library; place of worship; massage establishment; sexually oriented business; correctional facility; halfway house; or teen club.
21. **Single-Family Residential Zoning District** shall include the following Town Zoning Districts: R1-6, R-2, MHS, RV Overlay or any of said aforementioned districts within the parameters of a PUD.
22. **Teen club** An enclosed or unenclosed structure which is open to persons from fifteen (15) through twenty (20) years of age unaccompanied by adults at which music is furnished for the purpose of social dancing, and at which a person fifteen (15) through twenty (20) years of age pays an admission, membership dues, or a minimum fee or cover charge, whether or not admission is limited to members only. This definition shall be construed to include the enclosed or unenclosed structure and the surrounding premises used for parking and any activity related to the dancing operation.
23. **Zoning clearance** shall mean the issuance of a permit, certificate or authorization by the Zoning Administrator, or designee, indicating that a proposed building, structure, or use of land for a medical marijuana operation meets all of the standards, criteria, procedures, and requirements contained in this Chapter.

Section 152.04 Distance Separation Requirements.

A. All medical marijuana dispensaries, medical marijuana dispensary offsite cultivation locations and medical marijuana infusion facilities shall meet the following minimum location requirements:

1. No medical marijuana dispensary, medical marijuana dispensary offsite cultivation location or medical marijuana infusion facility shall be operated or maintained within 2,640 feet of another medical marijuana dispensary, medical marijuana dispensary offsite cultivation location or medical marijuana infusion facility.
2. No medical marijuana dispensary, medical marijuana dispensary offsite cultivation location or medical marijuana infusion facility shall be operated or maintained within ~~660~~ 500 feet of any Sensitive Uses within the corporate limits of Florence. This distance separation provision is not applicable for cases where the aforementioned uses are separated by a State Highway, except as governed by the "Arizona Medical Marijuana Act" and applicable State statutes.
3. No medical marijuana dispensary, medical marijuana dispensary offsite cultivation location or medical marijuana infusion facility shall be operated or maintained within ~~660~~ 500 feet of a boundary of a single-family residential zoning district within the corporate limits of Florence. This distance separation provision is not applicable for cases where the aforementioned uses are separated by a State Highway, except as governed by the "Arizona Medical Marijuana Act" and applicable State statutes.
4. A medical marijuana dispensary, medical marijuana dispensary offsite cultivation location or medical marijuana infusion facility shall 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.
5. 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 Item 4 above would remain applicable.

B. For purposes of this section, the distance limitations shall be measured as the shortest horizontal line between the property lines of the relevant properties involved. In the case of item 4 above, the outer edge of the right-of-way or easement shall be considered a property line. ~~This measurement shall include any public right-of-way that is adjacent and connected to the recorded lot lines of the relevant properties involved in the measurement.~~

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of _____, 20____.


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> 6c.
MEETING DATE: September 16, 2013 DEPARTMENT: Police Department STAFF PRESENTER: Tom J. Rankin, Mayor SUBJECT: Start by Believing Proclamation		<input type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <ul style="list-style-type: none"> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input checked="" type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Request that the Mayor and Council proclaim their support of the “Start by Believing” Public Awareness Campaign.

BACKGROUND/DISCUSSION:

There is no shame when a loved one dies, when your car is stolen, or if you are diagnosed with cancer. Friends and loved ones gather around you for support. They don’t blame you for "bringing it on yourself." It should be the same with sexual violence. But all too often, survivors who have the courage to tell someone what happened are blamed for bringing it on themselves. This needs to change.

Start by Believing is a public awareness campaign uniquely focused on the public response to sexual assault. Because a friend or family member is typically the first person a victim confides in after an assault, each individual’s personal reaction is the first step in a long path toward justice and healing. Knowing how to respond is critical— a negative response can worsen the trauma and foster an environment where sexual assault predators face zero consequences for their crimes.

Start by Believing will lead the way toward stopping this cycle, by creating a positive community response, informing the public, uniting allies and supporters, and improving our personal reactions. The goal is to change the world, and outcomes for victims, one response at a time.

Other communities, such as Apache Junction, are also proclaiming their support.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

That the Mayor proclaims the Council's support of the "Start by Believing" Public Awareness Campaign.

ATTACHMENTS:

Proclamation
Apache Junction Letter

Proclamation

SUPPORTING THE “START BY BELIEVING” PUBLIC AWARENESS CAMPAIGN

WHEREAS, The Town of Florence shares a critical concern for victims of sexual violence and a desire to support their needs for justice and healing; and

WHEREAS, research estimates that as many as 1 in 5 women and 1 in 71 men are the victim of rape (Center for Disease Control, 2012 Summary Report), yet most will not report the crime to law enforcement (U.S. Department of Justice, Victimization Not Reported to Police, 2006 – 2010); and

WHEREAS, research documents that victims are far more likely to disclose their sexual assault to a friend or family member, and when those loved ones respond with doubt, shame or blame, victims suffer additional negative effects on their physical and psychological well-being (Rape Abuse & Incest National Network); and

WHEREAS, the “Start By Believing” Public Awareness Campaign is designed to improve the responses of friends, family members and community professions, so they can help victims to access supportive resources and engage in the criminal justice system.

NOW, THEREFORE, I, Tom J. Rankin, Mayor of the Town of Florence, Arizona, do hereby proclaim, in concert with the Town of Florence Police Department, the support of the Start By Believing” Public Awareness Campaign.

Tom J. Rankin, Mayor

ATTEST:

Lisa Garcia, Town Clerk



City of Apache Junction

August 22, 2013

The Honorable Tom Rankin
Mayor of the Town of Florence
PO Box 2670
Florence, AZ 85132

Dear Mayor Rankin,

On August 6, 2013, Mayor Insalaco issued a proclamation supporting the Start by Believing public awareness campaign. The Start by Believing public awareness campaign focuses on public response to sexual assault. The campaign is a partnership between criminal justice and community partners with the goal of changing our communities – and outcomes for our victims of sexual assault – one response at a time.

Please consider supporting the Start by Believing campaign in your community. More information about the public awareness campaign can be found at startbybelieving.org. I've also attached a copy of our proclamation for your review.

Thank you for taking the time to consider this important topic.

Sincerely,

A handwritten signature in black ink that reads "Robin Barker".

Robin Barker, Vice-Mayor
City of Apache Junction

Enclosure

C: Honorable Mayor and City Council
Central Files



TOWN OF FLORENCE COUNCIL ACTION FORM

AGENDA ITEM 7a.

MEETING DATE: February 19, 2013

DEPARTMENT: Administration

STAFF PRESENTER: Lisa Garcia
Deputy Town Manager/Town Clerk

SUBJECT: Coolidge-Florence Elk's Lodge 2350
Special Event License

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

RECOMMENDED MOTION/ACTION:

Authorization to forward a favorable recommendation to the Arizona Department of Liquor Licenses and Control regarding the Coolidge-Florence Elk's Lodge 2350 Application for Special Event Liquor License on October 6, 2013, for the HAMC Tucson Demo Derby.

BACKGROUND/DISCUSSION:

The purpose of a Special Event License is to allow charitable, civic, fraternal, political, or religious organizations to sell and serve spirituous liquor for consumption as a fundraiser. Special event licenses may be issued for no more than a cumulative total of ten (10) days in a calendar year. The fee for a Special Event License is \$25 per day, payable to the Arizona Department of Liquor License and Control.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

Staff recommends the Council forward a favorable recommendation to the Arizona Department of Liquor Licenses and Control.

ATTACHMENTS:

Application

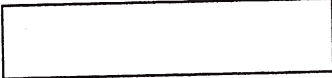
State of Arizona Department of Liquor Licenses and Control
 800 W. Washington, 5th Floor
 Phoenix, AZ 85007
 www.azliquor.gov
 (602)542-5141

APPLICATION FOR SPECIAL EVENT LICENSE

Fee = \$25.00 per day for 1-10 day events only
 A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. § 44-6852)

NOTE: THIS DOCUMENT MUST BE FULLY COMPLETED OR IT WILL BE RETURNED.
 PLEASE ALLOW 10 BUSINESS DAYS FOR APPROVAL

**Application must be approved by local government before submission to
 Department of Liquor Licenses and Control. (Section #20)



1. Name of Organization: Coolidge-Florence Elks Lodge 2350

2. Non-Profit/I.R.S. Tax Exempt Number: 86-6057513

3. The organization is a: (check one box only)
- Charitable
 - Fraternal (must have regular membership and in existence for over 5 years)
 - Civic
 - Political Party, Ballot Measure, or Campaign Committee
 - Religious

4. What is the purpose of this event? Fundraiser

5. Location of the event: 4900 S Pinal Parkway, Florence Pinal 85132
Address of physical location (Not P.O. Box) City County Zip

Applicant must be a member of the qualifying organization and authorized by an Officer, Director or Chairperson of the Organization named in Question #1. (Signature required in section #18)

6. Applicant: Myers Varr Hugh 3-4-1951
Last First Middle Date of Birth

7. Applicant's Mailing Address: 9805 N Valley Farms Rd, Coolidge AZ 85128
Street City State Zip

8. Phone Numbers: (520) 251-2306 (520) 723-3832 (520) 560-5198
Site Owner # Applicant's Business # Applicant's Home #

9. Date(s) & Hours of Event: (Remember: you cannot sell alcohol before 10:00 a.m. on Sunday)

	Date	Day of Week	Hours from A.M./P.M.	To A.M./P.M.
Day 1:	<u>Oct 6 2013</u>	<u>Sunday</u>	<u>10:00 am</u>	<u>11:59 pm</u>
Day 2:	_____	_____	_____	_____
Day 3:	_____	_____	_____	_____
Day 4:	_____	_____	_____	_____
Day 5:	_____	_____	_____	_____
Day 6:	_____	_____	_____	_____
Day 7:	_____	_____	_____	_____
Day 8:	_____	_____	_____	_____
Day 9:	_____	_____	_____	_____
Day 10:	_____	_____	_____	_____

10. Has the applicant been convicted of a felony in the past five years, or had a liquor license revoked?
 YES NO (attach explanation if yes)

11. This organization has been issued a special event license for 3 days this year, including this event
(not to exceed 10 days per year).

12. Is the organization using the services of a promoter or other person to manage the event? YES NO
If yes, attach a copy of the agreement.

13. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds.
THE ORGANIZATION APPLYING MUST RECEIVE 25% OF THE GROSS REVENUES OF THE SPECIAL EVENT LIQUOR SALES.

Name Coolidge-Florence Elks Lodge 2350 50%
Percentage

Address PO Box 1033 Florence AZ 85132

Name Pinal County Mounted Posse 50%
Percentage

Address PO Box 1128 Florence AZ 85132

(Attach additional sheet if necessary)

14. Knowledge of Arizona State Liquor Laws Title 4 is important to prevent liquor law violations. If you have any questions regarding the law or this application, please contact the Arizona State Department of Liquor Licenses and Control for assistance.

NOTE: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.
"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT PREMISES."

15. What security and control measures will you take to prevent violations of state liquor laws at this event?
(List type and number of security/police personnel and type of fencing or control barriers if applicable)

___ # Police Fencing
___ # Security personnel Barriers

Uniformed Posse Members throughout venue

16. Is there an existing liquor license at the location where the special event is being held? YES NO
If yes, does the existing business agree to suspend their liquor license during the time period, and in the area in which the special event license will be in use? YES NO

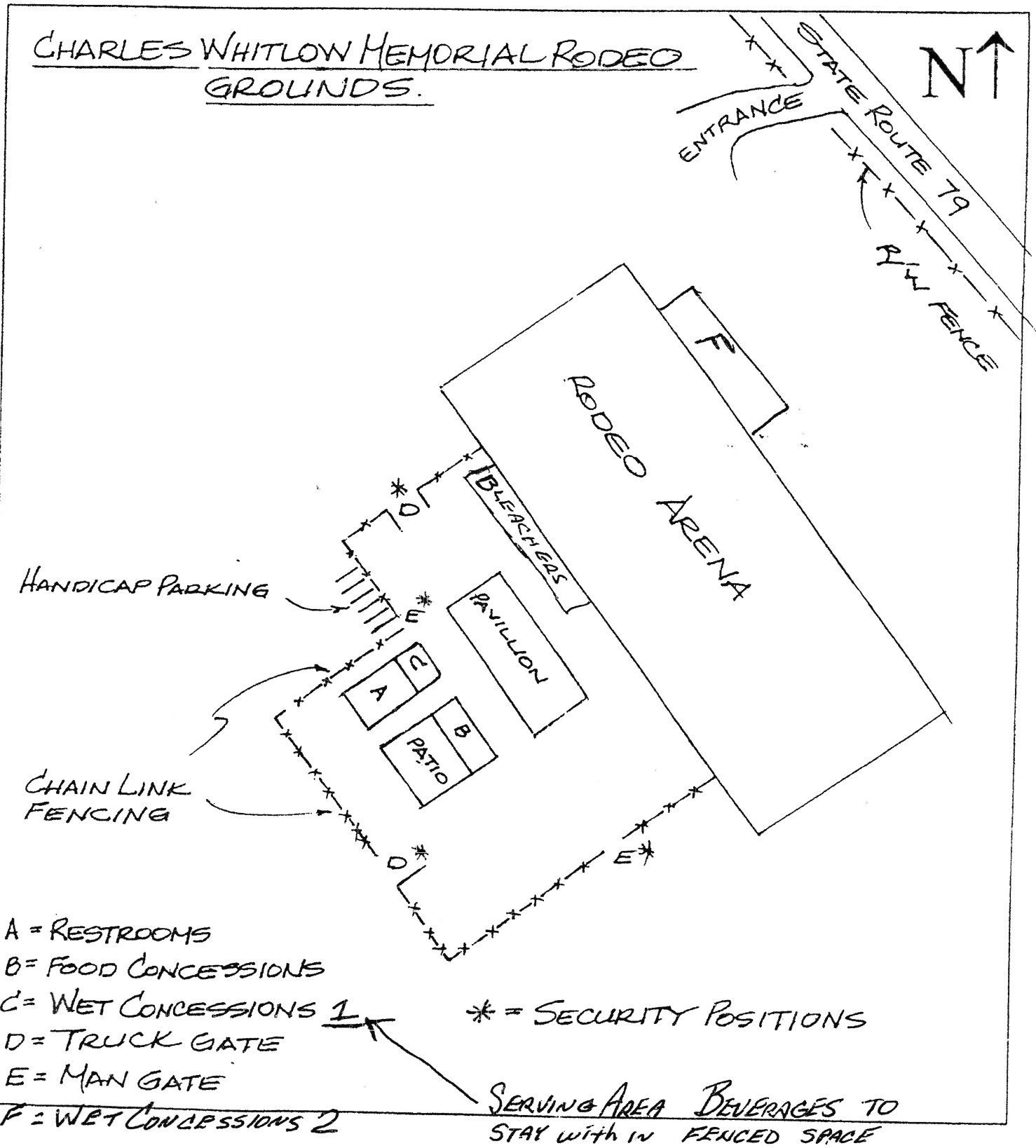
(ATTACH COPY OF AGREEMENT)

Name of Business () Phone Number

17. Your licensed premises is that area in which you are authorized to sell, dispense, or serve spirituous liquors under the provisions of your license. The following page is to be used to prepare a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades or other control measures and security positions.

SPECIAL EVENT LICENSED PREMISES DIAGRAM
 (This diagram must be completed with this application)

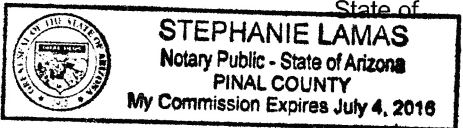
Special Event Diagram: (Show dimensions, serving areas, and label type of enclosure and security positions)
 NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.



THIS SECTION TO BE COMPLETED ONLY BY AN OFFICER, DIRECTOR OR CHAIRPERSON OF THE ORGANIZATION NAMED IN QUESTION #1

18. I, Varr Hugh Myers declare that I am an Officer/Director/Chairperson appointing the applicant listed in Question 6, to apply on behalf of the foregoing organization for a Special Event Liquor License.

X [Signature] (Signature) JUSTICE (Title/Position) 9-4-13 (Date) 5205605198 (Phone #)



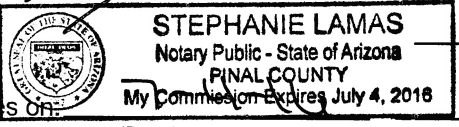
State of Arizona County of Pinal
The foregoing instrument was acknowledged before me this 4 Day 9 Month 13 Year

My Commission expires on: 7-4-14 (Date) [Signature] (Signature of NOTARY PUBLIC)

THIS SECTION TO BE COMPLETED ONLY BY THE APPLICANT NAMED IN QUESTION #6

19. I, Varr Hugh Myers declare that I am the APPLICANT filing this application as listed in Question 6. I have read the application and the contents and all statements are true, correct and complete.

X [Signature] (Signature) State of Arizona County of Pinal
The foregoing instrument was acknowledged before me this _____ Day _____ Month _____ Year



My commission expires on: _____ (Date) [Signature] (Signature of NOTARY PUBLIC)

You must obtain local government approval. City or County MUST recommend event and complete item #20. The local governing body may require additional applications to be completed and submitted 60 days in advance of the event. Additional licensing fees may also be required before approval may be granted.

LOCAL GOVERNING BODY APPROVAL SECTION

20. I, _____ (Government Official) _____ (Title) hereby recommend this special event application on behalf of _____ (City, Town or County) _____ (Signature of OFFICIAL) _____ (Date)

FOR DLLC DEPARTMENT USE ONLY

Department Comment Section:

(Employee) _____ (Date)

APPROVED DISAPPROVED BY: _____

(Title) _____ (Date)

SERIES:

15 SPECIAL EVENT LICENSE (Temporary)

Non-transferable

On-sale retail privileges

PURPOSE:

Allows a charitable, civic, fraternal, political or religious organization to sell and serve spirituous liquor for consumption only on the premises where the spirituous liquor is sold, and only for the period authorized on the license. This is a temporary license.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:

The applicant for a special event license must request a special event application from the Department and file the application with the governing body of the city or town, or Board of Supervisors of an unincorporated area of a county (where the special event is to take place) for approval or disapproval. Some local governing bodies may require approximately 60 days prior notice.

If the application is approved by the local authority, and the event meets the requirements for granting the license, the Director will issue a special event license to the qualifying organization.

Qualifying organizations will be granted a special event license for no more than ten (10) days in a calendar year. Events must be held on consecutive days and at the same location or additional licenses will be required. The license is automatically terminated upon closing of the last day of the event or the expiration of the license, whichever occurs first.

The qualified organization must receive at least twenty-five percent (25 %) of the gross revenues of the special event liquor sales.

A person selling spirituous liquor under a special event license must purchase the spirituous liquor from the holder of a license authorized to sell off-sale; *except that*, in the case of a non-profit organization which has obtained a special event license for the purpose of charitable fund raising activities, a person may receive the spirituous liquor from a wholesaler as a donation.

AVERAGE APPROVAL TIME: One (1) to seven (7) days.

PERIOD OF ISSUANCE:

Issued for no more than a cumulative total of ten (10) days in a calendar year. A special event may be held for more than one (1) day, but it must be held on consecutive days and at the same location or additional licenses will be required.

FEES: \$25.00 per day.

ARIZONA STATUTES AND REGULATIONS:

ARS 4-203.02, 4-244, 4-261; Rule R19-1-228, R19-1-235, R19-1-309.

Disabled individuals requiring special accommodations please call (602) 542-9027

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SUN. OCTOBER 6. 2013

Doors Open 11am • First Demo Heat at 1pm
Party to Follow

FLORENCE RODEO GROUNDS

ADMISSION: \$10

LIVE MUSIC • FOOD • VENDORS • OPEN TO THE PUBLIC
For Rules or Info: www.hamc2son.com or onepercenter@hotmail.com



NOT FOR RESALE

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

SPECIAL MEETING OF THE HISTORIC DISTRICT ADVISORY COMMISSION OF THE TOWN OF FLORENCE HELD TUESDAY, MARCH 12, 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 Smith led the Pledge.

OLD BUSINESS

CASE HDAC-01-13-DR (HISTORIC MARKER LANGUAGE)

PRESENTATION/DISCUSSION/APPROVAL/DISAPPROVAL on Historic Marker language for the purpose of creating new Historic Markers for the following properties:

- **C. D. Henry House**
- **Rittenhouse/Arriola's Cosmopolitan Store**
- **Southworth Cleman's House**
- **Thomas Fulbright Residence**

Gilbert Olgin, Town Planner stated that the owner of the C. D. Henry House has met with staff about the marker language. He was excited about the marker and wants it up as soon as possible.

Once the language of the markers is agreed upon between the commission, staff and the home owners, staff could move forward in getting proofs to the contractor who has been contracted with the town to produce the markers.

Commissioner Reid asked if the Emma Guild Residence marker could be found and could it be erected with the extra money the Town has for historic markers?

Gilbert Olgin, Town Planner stated that the marker would be an option. The marker is being held by public works.

Commissioner Reid stated that the spelling of the Clemans house was incorrect and it did not need an apostrophe.

Mr. Olgin said staff has corrected the error on the handout of the most updated information.

Mr. Olgin stated that both Commissioner Reid and Smith asked staff to italicize the names of the books and bold them on the marker.

Commissioner Smith answered yes and I think Gordo should be also be italicized since he wrote many books.

Commissioner Reid stated there is no mention of the Junior Parada on the Clemans marker still.

Commissioner Smith stated to staff to emphasize the importance of the family local ranches and rodeos in New York Madison Square Garden and Boston on the Clemans historic marker.

On motion of Commissioner Smith, seconded by Commissioner Madden and carried to approve the Historic Marker language for the purpose of creating new Historic Markers for following properties:

- C. D. Henry House
- Rittenhouse/Arriola's Cosmopolitan Store
- Southworth Cleman's House
- Thomas Fulbright Residence

NEW BUSINESS

CASE HDAC-02-13-DR (R.C. BROWN HOUSE)

PRESENTATION/DISCUSSION/APPROVAL/DISAPPROVAL of a Design Review application for a proposed enclosure rear addition and workshop for the R.C. Brown House located at 94 West 12th Street.

The original R.C.Brown structure is a classic four bedroom home constructed in 1878. Over the years the structure has undergone a number of changes, including the roof-line, two additions, plumbing, a porch and various out buildings.

The applicant has submitted a Design Review application for a proposed enclosure rear addition enclosure and a workshop to the residence at 94 West 12th Street, located in the Town of Florence Historic District.

The intent of this proposed project is for two structures:

- An enclosure for an existing water heater and to extend the roof to the back door into the kitchen.
- Build a small workshop on an existing cement slab a 16' x 18' enclosure with new walls and a new roof.

The proposed two structures will be located on the north side (back of home) and east side of the property. The addition on the back of the house will clean up the site, enclose existing pipes and provide better protection to the existing water heater. The second structure will be on east side of the home and will be used as a workshop. Staff contends that this structure should be designed and built as to fit within the Historic District and retain a level of individuality. As stated per the following:

**Secretary of the Interior's Standards for the Treatment of Historic Properties:
Standards for Rehabilitation**

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships characterizing the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction will be undertaken in such a manner, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The projects described above are intended to clean up, add security to the existing structure and create a workshop. There are some minor architectural changes anticipated in the appearance of the building which will not change the look or integrity of the historic structure.

The applicant has met with Community Development Department and staff has recommended the applicant follow the Florence Townsite Historic District Preservation Design Guidelines.

The following information will describe the project scope for both buildings:

Addition

1. Add new walls on the west, east and north side of the existing property.
2. Add a matching roof to complement and blend with existing home.
3. Enclose existing water heater per Town Code.
4. All work to be done will match the exterior materials and colors as per Secretary of the Interior's Standards for the Treatment of Historic Properties.

Work Shop

1. Add four new walls on the north, east, west and south side of the existing foundation.
2. Add a matching roof to complement and blend with existing home.
3. All work to be done will match the exterior materials and colors as per Secretary of the Interior's Standards for the Treatment of Historic Properties.

Staff did not receive all information from the applicant to conclude that the applicant is in compliance with applicable Town Codes and Historic Guidelines. If HDAC approves case HDAC-02-13-DR, then the following conditions apply:

1. Construction shall conform to the exhibits presented on March 12, 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 12, 2013) if a building permit is not issued for the subject site/project within said period.
3. Project shall comply with all applicable Town Codes, Historic District Guidelines, including all applicable building, fire and engineering codes.
4. New addition and work shop shall match existing colors.

Commissioner Adams asked will the new building mimic the existing tool shed on the property.

Carolyn Jackson, the applicant answered that the tool shed was existing when they purchased the property. Mr. Jackson decided to build a workshop for his hobbies. Since the slab was existing, Mr. Jackson thought it would not cost as much to add the workshop instead of removing the slab. The finish is expected to be stucco and to look like the adobe.

Commissioner Smith asked the applicant about her building that was already there.

Carolyn Jackson presumed it was approved but have not been able to find much and have asked for records of permits.

Commissioner Smith asked if the colors could resemble more of a beige color that is reflected in the Historic District?

Carolyn Jackson responded that it is beige. The trim is a rustic color which matches the post on the front porch. The applicant stated they could repaint them if the Commission desires. The first thing they did when they purchase the property was paint the shed. They agree that the color is a little too strong for the area, but their idea was to make it look better and pick a color that does not show the dust as much.

Commissioner Smith asked the applicant if they built it to look like stucco with more of a modern touch? Maybe use other types of materials so people can differentiate between the new and the original historic building.

Commissioner Reid asked the applicant to clarify the addition for the water heater in the submitted drawing. Will it be a structure that is just big enough to cover the hot water heater?

Carolyn Jackson responded that the water heater enclosure is pretty dilapidated. They wanted to remove the existing structure and build one that looks like what should be there. They also want to put on a tin roof and extend the roof over to the rear entrance. This should be depicted in the submittal materials.

Commissioner Reid asked are you talking about going the length of the home?

Carolyn Jackson said that Mr. Jackson did an artistic rendition on the kitchen door and at the moment it is exposed to all the weather. They want to cover it to give it some protection from the elements.

Chairman Wheeler asked staff what information they still need from the applicant?

Gilbert Olgin, Town Planner said staff does not need more information, but what staff did not receive is a rendering of what are the final proposed upgrades would be. The proposed project is not 100% per Guidelines because staff has not seen the final product.

Commissioner Reid asked when would the work begin?

Carolyn Jackson responded that as soon as they get a permit.

Commissioner Reid asked, so as the project progresses, can you give staff a rendering of the final product?

Gilbert Olgin stated that is why staff wrote the conditions saying that it must comply. When staff inspects the site and if it is not in compliance, staff will approach the Chair and Vice Chair and show the progress and they can make a decision. The applicant has agreed to comply with all of the conditions placed.

Commissioner Smith asked what are they going to do with the cement blocks in the front yard?

Carolyn Jackson responded that they are having a fence built. It will be made out of concrete block and adobe. They expect Reggie, from Adobe Tech, to build and make the wall look like it has always been there.

Commissioner Adam clarified; it will look like my wall. It will be adobe.

Carolyn Jackson said they have been collecting salvaged old adobe to reuse in the wall.

Vice Chair Madden asked if the workshop will have a tin roof like the rest of the house?

Carolyn Jackson responded yes it will.

On motion of Commissioner Adam, seconded by Commissioner Madden and carried to approve a Design Review application for the proposed enclosure rear addition and a workshop for the R.C Brown House located at 94 West 12th Street.

STAFF REPORT:

A. Update on posts in front of the William Clark House.

Mr. Olgin, Town Planner presented that he posts have been removed from the William Clarke House.

B. Update 2013 Historic Preservation Conference.

Mr. Olgin, Town Planner discussed the upcoming Arizona State Historic Preservation Conference in June.

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 6:31 pm.

x Betty Wheeler
Chairman Wheeler

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

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

CALL TO ORDER

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

ROLL CALL:

Present: Putrick, Petty, Anderson, and Reed.

Absent: Wooley

PLEDGE OF ALLEGIANCE

Gilbert Olgin, Senior Planner led the Pledge of Allegiance

DISCUSSION/APPROVAL/DISAPPROVAL of the minutes of the special meeting conducted on September 25th, 2012, and the regular meeting conducted on February 7th, 2013, and February 21st, 2013.

Vice Chair Putrick tabled the special meeting minutes for September 25th, 2012 to the next regular scheduled meeting.

On motion of Commissioner Petty, seconded by Commissioner Reed and carried to approve the meeting minutes of February 7th, 2013 and February 21st, 2013.

PUBLIC HEARING

CASE PZC-35-12-PUD (MERRILL RANCH PUD AMENDMENT)

PRESENTATION/RECOMMENDATION for a request by Jared Baxter, P.E. of the Baxter Design Group, LLC on behalf of Southwest Value Partners (SWVP-GTIS MR, LLC) for an Amendment to a portion of the Merrill Ranch Planned Unit Development (PUD). The Amendment proposes to change the land uses on a portion of the PUD that is generally located at the northwest and northeast corners of Hunt Highway and Felix Road in Florence, Arizona. The intent of this

PUD Amendment is to replace a portion of the concentrated commercial, retail, employment and mixed land uses planned for the subject area with single-family detached residential uses consistent with the adjacent neighborhoods of the Anthem at Merrill Ranch development.

Vice Chair Putrick opened the public hearing.

On motion of Commissioner Anderson, seconded by Commissioner Petty continue the PUD amendment to the Special Planning and Zoning Commission on June 27th, 2013.

NEW BUSINESS

CASE PZC-14-13-PP (ANTHEM AT MERRILL RANCH UNIT 37 PRELIMINARY PLAT)

PRESENTATION/APPROVAL/DISAPPROVAL of a Preliminary Plat Application for Anthem at Merrill Ranch Unit 37 submitted by Southwest Value Partners (SWVP-GTIS MR, LLC).

Town Planner, Heath Reed stated that Unit 37 is located south of Merrill Ranch Parkway and west of Hunt Highway. Southwest Value Partners (SWVP) owns the Unit 37 within Anthem at Merrill Ranch.

The Preliminary Plat for Unit 37 includes one hundred and thirty (130) single-family residential lots with three points of ingress/egress into the subdivision. Access points to the community will be off of the proposed Merrill Ranch Parkway west extension (north), through proposed Unit 35 phase B (east) and through Unit 35 phase A (south). The typical lot within Unit 37 is 45'x115' (5,175 sq. ft.). The proposed density of this subdivision is 3.84 dwelling units per acre. This subdivision expands the current and planned network of green belts and walking trails for Anthem at Merrill Ranch with 8.2 acres dedicated to open space within the community. The zoning for this Preliminary Plat is PUD (R-1), Planned Unit Development (Single-Family Residential).

Staff recommended that the Planning and Zoning Commission approve this Preliminary Plat, subject to the following conditions of approval.

1. Development of subdivision shall comply with all applicable Town codes, including all applicable planning, building, fire, and engineering requirements.
2. The applicant shall address any final comments on the Preliminary Plat by the Town Engineer prior to the Final Plat going to Town Council.

3. Developer/Property owner responsible for all applicable street dedications and improvements at the time the subdivision is developed, except as otherwise approved by the Town of Florence.
4. Final plans for right-of-way and easement dedications and/or abandonments, that may be provided for via the Final Plat or other means, are subject to the review and approval of the Town Engineer.
5. Developer/Property owner shall provide a secondary emergency ingress/egress for Unit 37 until other surrounding phases are completed.

Commissioner Reed asked if the Sun City component will expand west of Hunt highway, north of Merrill Ranch Parkway?

Mark Eckhoff stated that the Sun City component was never carried west of Hunt Highway from the conception of the PUD. This unit has a similar lot design that has been approved and built east of Hunt Highway.

Commissioner Reed asked that the density of this unit exceeds the 3.5 du.ac in the PUD.

Mr. Eckhoff commented that the lots you are seeing tonight are similar to the current subdivisions that are built in the Anthem Parkside community. Once Anthem is built out, the density of each unit will vary due to product size, topography, open space, and community amenities.

Commissioner Anderson stated that he does not understand how we can violate the overall maximum density of the PUD at 3.5 dwelling units per acre.

Mr. Eckhoff stated that there will be units that are above and below the 3.5 dwelling units per acre. The 3.5 dwelling units per acre is the overall density of the single family homes in the Anthem Community. As long as they do not start building more dense product such as attached homes, Pulte Group will not exceed the overall 3.5 dwelling units per acre.

Commissioner Reed stated that another plat has a density of 4.8 dwelling units per acre, how is this possible to be in compliance.

Mr. Eckhoff stated that bulk of the open space is on the other side of Hunt Highway which skews the calculations of higher density west of Hunt. Open space and street networks are figured into the calculation of the overall density of this plat. The single family densities on this side are going to be higher due to the fewer amenities west of Hunt Highway.

Commissioner Anderson asked how the new State Law concerning HOA's and enforcing parking will affect the PUD which specifically states that there be two lanes of traffic at all times on the streets. If the community cannot enforce parking now, will these new units promote more street parking?

Mr. Eckhoff responded that the new law only pertains to new HOA's. This will not affect the current HOA rules in Anthem. Concerning the roads, the Town Engineer, Police and Fire stated that the roads are adequate. If they see a condition where there is congestion or other issues, the Town will address this on a case by case basis.

Vice Chair Putrick asked the applicant if they have read and if they agree to the conditions staff has recommended?

Jarred Baxter stated he has read and agrees with the conditions.

On motion of Commissioner Petty, seconded by Commissioner Reed to approve the Preliminary Plat for Anthem at Merrill Ranch Unit 37 (PZC-14-13-PP).

Roll Call Vote:

Yes: Vice Chairman Putrick, Commissioner Petty

No: Commissioner Anderson, Commissioner Reed

Motion Failed

CASE PZC-21-13-PP (ANTHEM AT MERRILL RANCH UNIT 47 PRELIMINARY PLAT)

PRESENTATION/APPROVAL/DISAPPROVAL of a Preliminary Plat application for Anthem at Merrill Ranch Unit 47 submitted by Southwest Value Partners (SWVP-GTIS MR, LLC).

Town Planner, Heath Reed stated that this unit is located north of Merrill Ranch Parkway and west of Hunt Highway. Pulte Group Inc is the land owner and Southwest Value Partners (SWVP) is the applicant. While this area will remain a part of the Anthem at Merrill Ranch community, it is possible that additional builders will build in these new areas to supplement Pulte's construction activities.

The Preliminary Plat for Unit 47 includes one hundred and thirty (130) single-family residential lots with three points of ingress/egress into the subdivision. Access points to the community will be off of Hunt Highway (east), through proposed Unit 51 (north) and off of a future collector road (west). The typical lot within Unit 47 is 45'x115' (5,175 sq. ft.). The proposed density of this subdivision

is 3.6 dwelling units per acre. This subdivision expands the current and planned network of green belts and walking trails within Anthem at Merrill Ranch with 13.1 acres dedicated to open space within the community. The zoning for this Preliminary Plat is PUD (R-1), Planned Unit Development (Single-Family Residential).

Staff recommended that the Planning and Zoning Commission approve this Preliminary Plat Unit 47 for Southwest Value Partners subject to the noted conditions of approval.

1. Development of subdivision shall comply with all applicable Town codes, including all applicable planning, building, fire and engineering requirements.
2. The applicant shall address any final comments on the Preliminary Plat by the Town Engineer prior to the final plat going to Town Council.
3. Developer/Property owner responsible for all applicable street dedications and improvements at the time the subdivision is developed, except as otherwise approved by the Town of Florence.
4. Final plans for right-of-way and easement dedications and/or abandonments, that may be provided for via the Final Plat or other means, are subject to the review and approval of the Town Engineer.
5. A track that shall include a future concrete walkway connecting the internal subdivision walkways to Hunt Highway shall be located at the northeast corner of this subdivision.

On motion of Commissioner Petty, seconded by Commissioner Reed to approve the Preliminary Plat for Anthem at Merrill Ranch Unit 47 (PZC-21-13-PP).

Roll Call Vote:

Yes: Vice Chairman Putrick, Commissioner Petty

No: Commissioner Anderson, Commissioner Reed

Motion Failed

CASE PZC-23-13-PP (ANTHEM AT MERRILL RANCH UNIT 51 PRELIMINARY PLAT)

PRESENTATION/APPROVAL/DISAPPROVAL of a Preliminary Plat application for Anthem at Merrill Ranch Unit 51 submitted by Southwest Value Partners (SWVP-GTIS MR, LLC).

Town Planner, Heath Reed stated that Unit 51 is located north of Merrill Ranch Parkway and west of Hunt Highway. Pulte Group Inc is the land owner and Southwest Value Partners (SWVP) is the applicant. While this area will remain a part of the Anthem at Merrill Ranch community, it is possible that additional builders will build in these new areas to supplement Pulte's construction activities.

The Preliminary Plat for Unit 51 includes seventy eight (78) single-family residential lots with two points of ingress/egress into the subdivision. Access points will be through Unit 47 (south) and off of a future collector roadway (west). The typical lot within Unit 51 is 45'x115' (5,175 sq. ft). The proposed density of this subdivision is 4.8 dwelling units per acre. This subdivision expands the current and planned network of green belts and walking trails within Anthem at Merrill Ranch with 3.1 acres dedicated to open space within the community. The zoning for this Preliminary Plat is PUD (R-1), Planned Unit Development (Single-Family Residential).

Staff recommended that the Planning and Zoning Commission approve this Preliminary Plat, subject to the noted conditions of approval.

1. Development of subdivision shall comply with all applicable Town codes, including all applicable planning, building, fire, and engineering requirements.
2. The applicant shall address any final comments on the Preliminary Plat by the Town Engineer prior to the final plat going to Town Council.
3. Developer/Property owner responsible for all applicable street dedications and improvements at the time the subdivision is developed, except as otherwise approved by the Town of Florence.
4. Final plans for right-of-way and easement dedications and/or abandonments, that may be provided for via the Final Plat or other means, are subject to the review and approval of the Town Engineer.
5. Subdivision shall include, upon construction, concrete walkways connecting "Sand Piper Court" and "Stony Quail Court" to the future collector road walkway.

On motion of Commissioner Petty, seconded by Commissioner Reed to approve the Preliminary Plat for Anthem at Merrill Ranch Unit 51 (PZC-23-13-PP).

Roll Call Vote:

Yes: Vice Chairman Putrick, Commissioner Petty
No: Commissioner Anderson, Commissioner Reed

Motion Failed

CASE PZC-25-13-DR (FLORENCE FIRE STATION NO. 2 DESIGN REVIEW)

PRESENTATION/APPROVAL/DISAPPROVAL of a Design Review application for Florence Fire Station No. 2 submitted by Baxter Design Group, LLC.

Gilbert Olgin, Senior Planner stated the temporary Florence Fire Station No. 2 currently resides within the community of Anthem and is currently located off of Constitution Way within the Parkside portion of Anthem. The present station was a temporary solution to address the demand for fire services outside of the Town core area.

The Town owns a 9.74 acres site, which 2.58 acres is set aside for the new Fire Station facility, which includes a Police sub-station and community center. The site is located within the Anthem community along the eastern portion of Hunt Highway and south of American Way. Staff notes that Pulte Group donated this site to the Town of Florence.

The Design Review application is provided to review the general site design and aesthetics of the proposed facility. Staff has reviewed the application and design of the new 10,672 sq. ft. Fire Station No. 2.

The Fire Station will be positioned to accommodate future Town uses on the remainder of the parcel. The station primary functions as a full service fire facility, but also has provided space for a Police sub-station and community center. The floor plan of the proposed station is comprised of the following aspects;

- Three (3) apparatus bays
- Eight (8) dorms
- Kitchen
- Dining
- Dayroom
- Individual unisex restrooms
- Support areas
- Exercise
- Captain and crew offices
- Police report taking area
- Community/multi-purpose room
- Public entry/lobby

The Fire Station design is based on traditional prairie style architecture characteristic of the Pulte subdivision and design standards for the area. The architectural style compliments the surrounding community and blends in well

with the Anthem community. The building is situated on the site in an orientation that best utilizes the site area and allows for circulation, solar orientation and is respectful to the adjacent neighborhoods.

The Fire Station is to be built using conventional wood framed structure and CMU walls at the apparatus bays and support areas, concrete slabs and footings, stucco veneer exterior with 4" block wainscot and standing seam metal roof. The design will use synthetic and foam architectural accent features to keep with the architectural style. The color palette will be southwest tones that are customary and complementary to the Anthem community and reflect the architectural style.

A total of twenty-six (26) parking spaces are provided on the site. Twelve (12) spaces for fire department staff, two (2) for police department staff, nine (9) for the general public and two (2) handicap spaces, one of which is van accessible. Parking requirements meet Town Code. The initial circulation on the parcel allows for one point of ingress/egress onto Hunt Highway that will be signalized. This access point will be shared with the public and the fire vehicles. Public parking will be on the south side of the development and staff parking will be on the east/northeast side of the site. As the rest of the parcel develops, an effort will be made to split the fire and public access points and circulation.

The landscaping of the site has a similar design as the Anthem community and takes from a desert landscape pallet. A variety of trees, shrubs and cacti accents are placed around the site with decomposed granite ground cover. The site has been previously graded with building pads and retention basins that were designed for this project. The project will also include a bike rack and trash receptacles when constructed.

Signage for the proposed building will consist of building mounted raised pan address and identification signage and raised pan letters on the monument sign(s) to locate the Town's Fire Station.

Staff found that the request is in compliance with applicable Town Codes. Therefore, staff hereby recommended approval of the Design Review application for PZC-25-13-DR, subject to the following conditions:

1. Construction of signage shall conform to the exhibits presented on June 6, 2013 and as may be amended by the conditions of approval.
2. Design Review approval shall expire in one (1) year from this approval (June 6, 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 Anderson asked if there will be a traffic control light at the intersection of the Fire Station and Hunt Highway?

Gilbert Olgin stated that there will be a traffic light for the Fire Truck to enter and exit the facility. The lights will be triggered when the fire truck comes out for emergencies.

Commissioner Reed asked who do you envision will be using the community center?

Mr. Olgin responded, a public space for youth groups, Boy and Girl Scout Troops, community groups, and the public. It will also be a training facility for Town staff and a community amenity.

Vice Chair Putrick asked if the applicant agrees with the staffs conditions?

Jared Baxter responded, yes.

On motion of Commissioner Anderson, seconded by Commissioner Reed and carried to approve a Design Review application the proposed Florence Fire Station No. 2 located at southeast of American Way and Hunt Highway in Florence, Arizona.


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 6:53 pm.

X 

Vice Chair Putrick

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8a.
MEETING DATE: September 16, 2013 DEPARTMENT: Finance STAFF PRESENTER: Mike Farina, Finance Director SUBJECT: Ordinance No. 598-13, which amends the Town's Code for Development Impact Fees		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input checked="" type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to adopt Ordinance No. 598-13: AN ORDINANCE OF THE TOWN OF FLORENCE, ARIZONA AMENDING TITLE XV – LAND USAGE, CHAPTER 150 – DEVELOPMENT CODE, SECTIONS § 150.280 – DEVELOPMENT IMPACT FEES, AND SECTIONS § 150.281, § 150.282, § 150.283, § 150.284, § 150.285, § 150.286, § 150.287, § 150.288, § 150.289 AND § 150.290.

BACKGROUND/DISCUSSION:

The Town's Code relating to development impact fees must be amended in order to comply with legislative changes to the Arizona Revised Statutes (A.R.S. §9-463.05). The item tonight is the next step in a series of steps the Town has worked through over the past several months to bring the Town into compliance with the new development impact fee legislation. Adopting this ordinance will bring the Town into compliance with the new legislation. On July 1, 2013, Town Council adopted the Land Use Assumptions and Infrastructure Improvements Plan (the "LUA/IIP"), which are the basis for the calculation of the development impact fees that are contained within the ordinance. The legislation requires that the Town be in complete compliance by August 1, 2014.

Tonight is the second reading and adoption of the ordinance. The new development impact fees will be effective on December 1, 2013, ahead of the deadline. A Public Hearing and First Reading of the ordinance was held on August 5, 2013.

FINANCIAL IMPACT:

Development impact fees will either increase or decrease based on the LUA/IIP and impact fee study (see Tables below).

Table 1. Current and Updated Non-Utility Fees

Land Use	Roads			Fire		Police	Library	Total Non-Utility Fees		
	non-CFD	in CFD	Parks*	non-CFD	in CFD			non-CFD		in CFD
Updated Fees										
Single-Family (unit)	\$2,086	\$641	\$1,417	\$917	\$607	\$607	\$203	\$5,230	\$3,813	\$2,058
Multi-Family (unit)	\$1,313	\$403	\$1,148	\$743	\$492	\$492	\$164	\$3,860	\$2,712	\$1,551
Commercial (1000 sf)	\$3,141	\$964	\$170	\$660	\$437	\$437	\$24	\$4,432	\$4,262	\$1,862
Institutional (1,000 sf)	\$1,733	\$532	\$198	\$605	\$401	\$401	\$28	\$2,965	\$2,767	\$1,362
Industrial (1000 sf)	\$1,015	\$312	\$128	\$202	\$134	\$134	\$18	\$1,497	\$1,369	\$598
Current Fees										
Single-Family (unit)	\$583	\$583	\$857	\$1,096	\$1,096	\$913	\$0	\$3,449	\$3,449	\$3,449
Multi-Family (unit)	\$410	\$410	\$617	\$788	\$788	\$657	\$0	\$2,472	\$2,472	\$2,472
Commercial (1000 sf)	\$2,618	\$2,618	\$162	\$629	\$629	\$171	\$0	\$3,580	\$3,580	\$3,580
Institutional (1,000 sf)	\$2,618	\$2,618	\$162	\$629	\$629	\$171	\$0	\$3,580	\$3,580	\$3,580
Industrial (1000 sf)	\$425	\$425	\$92	\$362	\$362	\$98	\$0	\$977	\$977	\$977
Percent Change										
Single-Family (unit)	258%	10%	65%	-16%	-45%	-34%	n/a	52%	11%	-40%
Multi-Family (unit)	220%	-2%	86%	-6%	-38%	-25%	n/a	56%	10%	-37%
Commercial (1000 sf)	20%	-63%	5%	5%	-31%	156%	n/a	24%	19%	-48%
Institutional (1,000 sf)	-34%	-80%	22%	-4%	-36%	135%	n/a	-17%	-23%	-62%
Industrial (1000 sf)	139%	-27%	39%	-44%	-63%	37%	n/a	53%	40%	-39%

* updated park fees would not be charged outside of the park service area

Table 2. Current and Updated Utility Fees

Meter Size	Type	Water			Wastewater			Total Change
		Current	Updated	Change	Current	Updated	Change	
5/8"x3/4"	Disc-Resid.	\$3,330	\$1,980	-41%	\$4,105	\$2,140	-48%	-45%
5/8"x3/4"	Disc-Other	\$3,330	\$1,980	-41%	\$4,105	\$2,782	-32%	-36%
1"	Disc	\$5,550	\$4,950	-11%	\$6,841	\$7,062	3%	-3%
1 1/2"	Disc	\$11,101	\$9,900	-11%	\$13,684	\$14,338	5%	-2%
2"	Disc	\$22,201	\$15,840	-29%	\$27,369	\$22,898	-16%	-22%
3"	Compound	\$35,522	\$31,680	-11%	\$43,789	\$45,582	4%	-3%
3"	Turbine	\$35,522	\$34,650	-2%	\$43,789	\$49,862	14%	7%
4"	Compound	\$55,503	\$49,500	-11%	\$68,422	\$71,262	4%	-3%
4"	Turbine	\$55,503	\$59,400	7%	\$68,422	\$85,600	25%	17%
6"	Compound	\$111,007	\$99,000	-11%	\$136,843	\$142,738	4%	-2%
6"	Turbine	\$111,007	\$123,750	11%	\$136,843	\$178,262	30%	22%
8"	Turbine	\$266,415	\$178,200	-33%	\$328,422	\$256,800	-22%	-27%
10"	Turbine	\$421,825	\$287,100	-32%	\$522,154	\$413,662	-21%	-26%
12"	Turbine	\$555,031	\$425,700	-23%	\$684,213	\$613,538	-10%	-16%

STAFF RECOMMENDATION:

Staff recommends adoption of Ordinance No. 598-13, which amends the Town's Code for Development Impact Fees.

ATTACHMENTS:

Ordinance No. 598-13
Affidavit of Publication

ORDINANCE NO. 598-13

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA AMENDING TITLE XV – LAND USAGE, CHAPTER 150 – DEVELOPMENT CODE, SECTIONS § 150.280 – DEVELOPMENT IMPACT FEES, AND SECTIONS § 150.281, § 150.282, § 150.283, § 150.284, § 150.285, § 150.286, § 150.287, § 150.288, § 150.289 AND § 150.290.

WHEREAS, it has been brought to the attention of the Council of the Town of Florence, that Florence Town Code, Chapter 150 relating to development impact fees is required to be amended due to legislative changes to the Arizona Revised Statutes (“A.R.S.”) § 463.05, pertaining to Development Fees; and

WHEREAS, the Town of Florence has adopted a new Land Use Assumptions and Infrastructure Improvements Plan, which provides for revised development impact fees, which must be codified pursuant to A.R.S. § 463.05(C).

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Florence, Arizona, that Florence Town Code Chapter 150, Sections § 150.280, § 150.281, § 150.282, § 150.283, § 150.284, § 150.285, § 150.286, § 150.287, § 150.288, § 150.289 and § 150.290 is hereby amended by striking and deleting the existing code sections which read as follows:

~~DEVELOPMENT IMPACT FEES~~

~~§150.280 – GENERALLY~~

~~(A) — *Purpose and intent.* The Town Council may from time to time, by ordinance in accordance with state law and this section, establish development impact fees designed to support specific categories of community infrastructure which will benefit the new development, such as, but not limited to, police, fire, community-wide parks and recreation facilities, water resources, water facilities and wastewater facilities, and shall be paid by the property owner.~~

~~—(B) — *Accountable.* Monies received from the development impact fees shall be placed in a separate fund established for each category of development impact fees, accounted for separately and used only for infrastructure related to the category of service covered by the fee. Interest earned on monies in each separate fund shall be credited to such fund.~~

~~—(C) — *Collection of development impact fees.* Shall be collected by the Building Official who shall be charged with the administration thereof. The~~

~~Building Official shall not issue any requested permit or other approval to construct until all applicable development impact fees have been paid.~~

~~(D) Credits. A property owner, who dedicates land or improvements, or agrees to participate in an improvement district, or otherwise contributes funds for improvements, or contributes infrastructure or public facilities for which development impact fees are to be collected, may be eligible for a credit against the development impact fees that would otherwise be collected; provided, however, the total credit received shall not exceed the amount of the applicable development impact fee for the specific category and no contribution shall be credited more than once. The value of infrastructure or public facilities contributed shall be at the amount included for such infrastructure or public facilities in computing the development impact fees. Credits may only be used for development of property for which development impact fees have been levied.~~

~~(1) An application for a credit must be submitted by the property owner on forms provided by the town no later than the earlier of:~~

~~(a) The time entering into an agreement with the town to make the contribution, unless the development impact fees was not in effect at that time and the agreement does not preclude requesting the credit;~~

~~(b) The time of making the contribution to the town, unless the development impact fees was not in effect at that time;~~

~~(c) Thirty days after the development fee is effective, if, prior to the effective date of the development impact fees, either an agreement to make the contribution had been entered into with the town or the contribution had already been made to the town; or~~

~~(d) The time of applying for any permit to construct or other approval to construct where development impact fees are required to be collected.~~

~~(2) The Town Engineer shall determine:~~

~~(a) The value of the developer contribution;~~

~~(b) Whether the contributions will substitute or otherwise reduce the need for the town's expenditure of the infrastructure for which the development impact fees are being collected; and~~

~~(c) Whether the contribution, if not a cash contribution, otherwise meets all applicable town standards relating to the particular contribution for which the property owner is seeking credit.~~

~~—— (3) — The applicant shall pay the cost incurred by the town in making the determination. The town as a condition of proceeding with the application will require a deposit of the reasonably estimated cost.~~

~~—— (4) — Development credits must be used within ten years from the date of issuance of the certificate evidencing the Development credit.~~

~~—— (E) — *Protest.* Any property owner who disagrees with the determination:~~

~~—— (1) — A modification, enlargement, reconstruction or removal and rebuilding of any existing structure will add to the burden on the town's resources and/or infrastructure caused by the pre-existing structure; or~~

~~—— (2) — Of the town's engineer's regarding an application for credit timely filed pursuant to periodic review of this section, may file a written protest with the Town Clerk setting forth, with particularity, the basis of the protest, the development impact fees involved and the relief requested. The protest shall be filed within 30 days after the determination was made, in writing and prior to paying the development impact fees. The Town Manager shall approve or deny the protest, in whole or in part, within 60 days after its submittal to the Town Clerk. The Town Manager's determination shall be provided in writing the property owner and the Town Council and shall be final unless, within 30 days after the Town Manager's determination, a majority of the town council votes to hold a public hearing on the protest. In such case, the Town Council shall hold a public hearing and shall make a determination within 30 days after the public hearing, which determination shall be final.~~

~~—— (F) — *Schedule.* A schedule of all development impact fees adopted shall be compiled and maintained by the Town Clerk, together with the written report(s) supporting the development impact fees.~~

~~—— (G) — *Periodic review.* All development impact fees shall be reviewed as deemed necessary by the Town Engineer to ensure each development fee continues to be assessed in a nondiscriminatory manner, results in a beneficial use to the developments, which must pay the fees, and bears a reasonable relationship to the burden imposed upon the town to provide additional necessary public services to those developments. A written report shall be provided to the Town Council not less than once every five years evaluating the proper level of each development fee collected by the town, recommending new, increased or reduced development fee and providing any other information deemed appropriate by the Town Engineer related to development impact fees.~~

~~—— (H) — (1) — Development resulting in first time town services such as, but not limited to, water and/or wastewater will be subject to the applicable development impact fees. Development of vacant or demolished properties that were previously provided town services such as water and/or wastewater will not be~~

~~charged development impact fees unless there is a change in square footage. In such cases the difference in percentage of square footage will be used to prorate the development impact fee to allow for the impact to the town services and systems.~~

~~————— (2) ——— To ensure a reasonable relationship between each of the development impact fees and the type of development paying the development impact fee, growth projections are used to distinguish between different land use types. The land use types are defined below:~~

~~————— (a) ——— Single family: Attached and detached one-family dwelling units, modular, and manufactured homes;~~

~~————— (b) ——— Multi-family: All attached dwelling units such as duplexes and condominiums, mobile homes, apartments, and dormitories;~~

~~————— (c) ——— Commercial: All commercial, office, retail, institutional, and hotel/motel development;~~

~~————— (d) ——— Industrial: All manufacturing and warehouse development.~~

~~—— (l) — (1) — The Capital Improvement Plan-Infrastructure Improvement Plan (CIP-IIP) projects will be updated throughout the year and approved during the budget process to program fee revenues to specific project. Use of the CIP-IIP documents a reasonable relationship between new development and the use of fee revenues.~~

~~———— (2) — The town may alter the scope of the planned projects, or substitute new projects as long as the project continues to represent an expansion of the town's facility capabilities. If the total cost of all planned projects varies from the total cost used as a basis for any of the fees, the town will revise those fees accordingly.~~

~~§ 150.281 WATER DEVELOPMENT IMPACT FEES.~~

~~—— Please see the Town of Florence Schedule of Fees.~~

~~§ 150.282 WASTEWATER DEVELOPMENT IMPACT FEES.~~

~~—— Please see the Town of Florence Schedule of Fees.~~

~~§ 150.283 TRANSPORTATION DEVELOPMENT IMPACT FEES.~~

~~—— Please see the Town of Florence Schedule of Fees.~~

~~§ 150.284 RESERVED.~~

~~§ 150.285 RESERVED.~~

~~§ 150.286 POLICE DEVELOPMENT IMPACT FEES.~~

~~— Please see the Town of Florence Schedule of Fees.~~

~~§ 150.287 FIRE/EMERGENCY MEDICAL SERVICES DEVELOPMENT IMPACT FEES.~~

~~— Please see the Town of Florence Schedule of Fees.~~

~~§ 150.288 PARKS AND OPEN SPACE DEVELOPMENT IMPACT FEES.~~

~~— Please see the Town of Florence Schedule of Fees.~~

~~§ 150.289 LIBRARY DEVELOPMENT IMPACT FEES.~~

~~— Please see the Town of Florence Schedule of Fees.~~

~~§ 150.290 RESERVED.~~

AND by adoption of the new code section § 150.280(A) – (P), which reads as follows:

Sec. 150.280 - DEVELOPMENT IMPACT FEES

- (A) Title
- (B) Intent and Purpose
- (C) Definitions
- (D) Applicability
- (E) Authority
- (F) Administration
- (G) Land Use Assumptions
- (H) Infrastructure Improvement Plan
- (I) Adoption and Modification Procedures
- (J) Required Updates
- (K) Assessment and Collection
- (L) Credit and Credit Agreements
- (M) Development Agreements
- (N) Appeals
- (O) Refunds
- (P) Oversight

(A) Title

This Section shall be known as the “Development Impact Fee Ordinance of the Town of Florence,” and may be cited herein as “this Ordinance.”

(B) Intent and Purpose

This Ordinance is adopted for the purpose of promoting the health, safety and general welfare of the residents of the Town by:

(1) Requiring new development to pay its proportionate share of the costs incurred by the Town that are associated with providing Necessary Public Services to new development.

(2) Setting forth standards and procedures for creating and assessing development impact fees consistent with the requirements of Arizona Revised Statutes (“A.R.S.”) § 9-463.05.

(3) Setting forth procedures for administering the development impact fee program.

(C) Definitions

When used in this Ordinance, the terms listed below shall have the following meanings unless the context requires otherwise. Singular terms shall include their plural.

Applicant: A person who applies to the Town for a Building Permit.

Appurtenance: Any fixed machinery or equipment, structure or other fixture, including integrated hardware, software or other components, associated with a Capital Facility that are necessary or convenient to the operation, use, or maintenance of a Capital Facility, but excluding replacement of the same after initial installation.

Aquatic Center: A facility primarily designed to host non-recreational competitive functions generally occurring within water, including, but not limited to, water polo games, swimming meets, and diving events. Such facility may be indoors, outdoors, or any combination thereof, and includes all necessary supporting amenities, including but not limited to, locker rooms, offices, snack bars, bleacher seating, and shade structures.

Building Permit: Any permit issued by the Town that authorizes vertical construction, increases square footage, authorizes changes to land use, or provides for the addition of a residential or non-residential point of demand to a water or wastewater system.

Capital Facility: An asset having a Useful Life of three or more years that is a component of one or more Categories of Necessary Public Service provided by the Town. A Capital Facility may include any associated purchase of real property, architectural and engineering services leading to the design and construction of buildings and facilities, improvements to existing facilities, improvements to or expansions of existing facilities, and associated financing and professional services. Wherever used herein, “infrastructure” shall have the same meaning as “Capital Facilities.”

Category of Necessary Public Service: Any one of the following types of Capital Facilities for which the Town assesses development impact fees: Road Facilities, Water Facilities, Wastewater Facilities, Park Facilities, Library Facilities, Fire Facilities and Police Facilities.

Category of Development: A specific category of residential, commercial, or industrial land use against which a development impact fee is calculated and assessed. The Town assesses development impact fees against the following categories of development: Single-Family, Multi-Family, Commercial, Institutional and Industrial.

Commercial Land Use: A nonresidential use other than Institutional or Industrial as herein defined. Typical uses include shopping centers, office buildings, medical offices, banks, hotels, discount stores, supermarkets, home improvement stores, pharmacies, restaurants, bars, nightclubs, automobile sales and service, movie theaters, amusement arcades, bowling alleys, barber shops, laundromats, funeral homes, private vocational or technical schools, dance studios, health clubs, gasoline station stations, convenience stores, recording and broadcasting studios, veterinarian clinics and kennels, and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations.

Credit: A reduction in an assessed development impact fee resulting from developer contributions to, payments for, construction of, or dedications for Capital Facilities included in an Infrastructure Improvements Plan.

Developer: An individual, group of individuals, partnership, corporation, limited liability company, association, municipal corporation, state agency, or other person or entity undertaking land development activity, and their respective successors and assigns.

Development Agreement: An agreement prepared in accordance with the requirements of Section 9-500.05, Arizona Revised Statutes, and any applicable requirements of the Town Code.

Dwelling Unit: A room or group of rooms in a residential building intended for occupancy as separate living quarters by a person or household, complete with cooking facilities.

Equipment: Machinery, tools, materials, and other supplies, not including vehicles, that are needed in conjunction with a Capital Facility to provide services, but excluding replacement of the same after initial development of the Capital Facility.

Excluded Library Facility: Library facilities for which development impact fees may not be charged pursuant to A.R.S. § 9-463.05, including that portion of any Library facility that exceeds 10,000 square feet, and Equipment, Vehicles or Appurtenances associated with Library operations.

Excluded Park Facility: Park and recreational facilities for which development impact fees may not be charged pursuant to A.R.S. § 9-463.05, including amusement parks, aquariums, Aquatic Centers, auditoriums, arenas, arts and cultural facilities, bandstand and orchestra facilities, bathhouses, boathouses, clubhouses, community centers greater than three thousand square feet in floor area, environmental education centers, equestrian facilities, golf course facilities, greenhouses, lakes, museums, theme parks, water reclamation or riparian areas, wetlands, or zoo facilities.

Fee Report: A written report developed pursuant to this Ordinance that identifies the methodology for calculating the amount of each development impact fee, explains the relationship between the development impact fee to be assessed and the Net Cost per Service Unit calculated in the Infrastructure Improvements Plan, and which meets other requirements set forth in A.R.S. § 9-463.05.E.

Financing or Debt: Any debt, bond, note, loan, interfund loan, fund transfer, or other debt service obligation used to finance the development or expansion of a Capital Facility.

Fire Facilities: A Category of Necessary Public Services that includes fire stations, fire Equipment, fire Vehicles and all Appurtenances for fire stations, as well as fire department administrative facilities. Fire Facilities does not include Vehicles or Equipment used to provide administrative services, or helicopters or airplanes. Fire Facilities does not include any facility that is used for training firefighters from more than one station or substation.

General Plan: Refers to the overall land-use plan for the Town establishing areas of the Town for different purposes, zones and activities.

Gross Floor Area: The total area of all floors of a structure measured from the outside surface of exterior walls, including for example halls, stairways, and elevator shafts, but excluding enclosed vehicle parking areas.

Gross Impact Fee: The total development impact fee to be assessed against a Subject Development on a per unit basis, prior to subtraction of any Credits.

Industrial Land Use: An establishment primarily engaged in the fabrication, assembly or processing of goods, or in the display, storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Typical uses include manufacturing plants, welding shops, wholesale bakeries, dry cleaning plants, bottling works, wholesale distributors, storage warehouses, moving and storage firms, trucking and shipping operations and major mail processing centers.

Infrastructure Improvements Plan: A document or series of documents that meet the requirements set forth in A.R.S. § 9-463.05 to cover any Category or combination of Categories of Necessary Public Services.

Institutional Land Use: A governmental, quasi-public or institutional use, or a non-profit recreational use, not located in a shopping center. Typical uses include elementary, secondary or higher educational establishments, day care centers, hospitals, mental institutions, nursing homes, assisted living facilities, fire stations, city halls, courthouses, civic or convention centers, post offices, jails, libraries, museums, places of religious worship, military bases, airports and bus stations.

Land Use Assumptions: Projections of changes in land uses, densities, intensities and population for a Service Area over a period of at least ten years.

Level of Service: A quantitative and/or qualitative measure of a Category of Necessary Public Service that is to be provided by the Town to development in a particular Service Area, defined in terms of the relationship between the capacity or cost of Capital Facilities and the demand for those Capital Facilities.

Library Facilities: A Category of Necessary Public Services in which literary, musical, artistic, or reference materials are kept (materials may be kept in any form of media such as electronic, magnetic, or paper) for non-commercial use by the public in a facility. Libraries do not include Excluded Library Facilities, although a Library may contain, provide access to, or otherwise support an Excluded Library Facility.

Multi-Family: A residential building containing two or more other dwelling units.

Necessary Public Services: "Necessary Public Services" shall have the meaning prescribed in A.R.S. 9-463.05, subsection T, paragraph 5.

Net Cost per Service Unit: The maximum amount that may be charged per Service Unit in a Service Area for a Category of Necessary Public Services.

based on the existing or planned Level of Service less Offsets, as determined in the Infrastructure Improvements Plan.

Nonresidential Land Use: A Commercial, Institutional or Industrial Land Use, as herein defined.

Offset: An amount that is subtracted from the cost per Service Unit of providing Necessary Public Services to account for those capital components of infrastructure, associated debt or existing deficiencies that will be paid for by a development through taxes, fees (except for development impact fees) and other revenue sources.

Park Facilities: A Category of Necessary Public Services including but not limited to parks, swimming pools and related facilities and equipment located on real property not larger than 30 acres in area, as well as up to 30 acres of larger park facilities. Park Facilities do not include Excluded Park Facilities, although Park Facilities may contain, provide access to, or otherwise support an Excluded Park Facility.

Police Facilities: A Category of Necessary Public Services, including Vehicles and Equipment, that are used by law enforcement agencies to preserve the public peace, prevent crime, detect and arrest criminal offenders, protect the rights of persons and property, regulate and control motorized and pedestrian traffic, train sworn personnel, and/or provide and maintain police records, vehicles, equipment, and communications systems. Police Facilities do not include Vehicles and Equipment used to provide administrative services, or helicopters or airplanes. Police Facilities do not include any facility that is used for training officers from more than one station or substation.

Qualified Professional: Any one of the following: (a) a professional engineer, surveyor, financial analyst or planner, or other licensed professional providing services within the scope of that person's education or experience related to Town planning, zoning, or impact development fees and holding a license issued by an agency or political subdivision of the State of Arizona; (b) a financial analyst, planner, or other non-licensed professional that is providing services within the scope of the person's education or experience related to Town planning, zoning, or impact development fees; or (c) any other person operating under the supervision of one or more of the above.

Residential Land Use: A Single-Family or Multi-Family use, as herein defined.

Road Facilities: A Category of Necessary Public Services consisting of Town-owned arterial and major collector streets, including associated traffic signals, rights-of-way, bridges, culverts, storm drains and other necessary Appurtenances.

Service Area: A specified area within the boundaries of the Town or the area served by the Town's water or wastewater system within which the Town will provide a Category of Necessary Public Services to development at a planned Level of Service. Some or all of the Capital Facilities providing service to a Service Area may be physically located outside of that Service Area.

Service Unit: A standardized measure of the demand generated for a Category of Necessary Public Service.

Single-Family: A dwelling unit that is not attached to any other dwelling unit.

Subject Development: A contiguous land area linked by a unified plan of development.

Swimming Pool: A public facility primarily designed and/or utilized for recreational non-competitive functions generally occurring within water, including, but not limited to, swimming classes, open public swimming sessions, and recreational league swimming/diving events. The facility may be indoors, outdoors, or any combination thereof, and includes all necessary supporting amenities.

Town: The Town of Florence, Arizona.

Useful Life: The period of time in which an asset can reasonably be expected to be used under normal conditions, whether or not the asset will continue to be owned and operated by the Town over the entirety of such period.

Vehicle: Any device, structure, or conveyance utilized for transportation in the course of providing a particular Category of Necessary Public Services at a specified Level of Service, excluding helicopters and other aircraft.

Wastewater Facilities: A Category of Necessary Public Services consisting of those facilities necessary to provide wastewater service, including but not limited to sewers, lift stations, reclamation plants, wastewater treatment plants, and all other facilities for the collection, interception, transportation, treatment and disposal of wastewater, and any Appurtenances for those facilities, but excluding lines less than 10 inches in diameter.

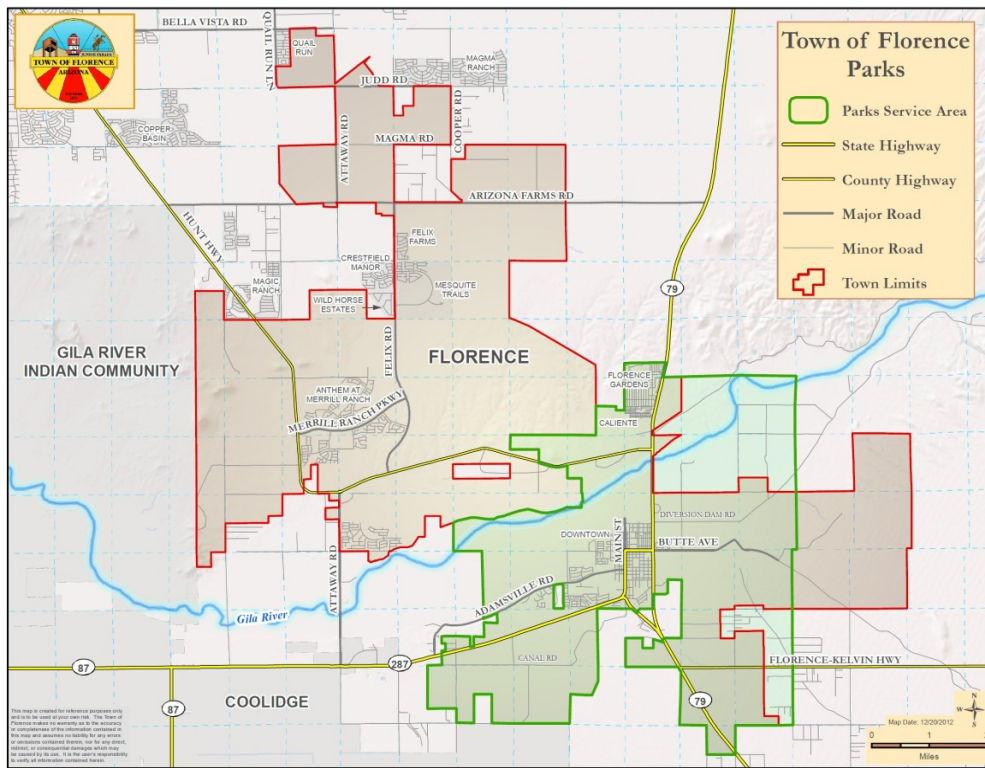
Water Facilities: A Category of Necessary Public Services consisting of those facilities necessary to provide for potable water service, including the acquisition, supply, transportation, treatment, purification and distribution of water, and any Appurtenances for those facilities, but excluding water meters and lines of 12 inches in diameter or less.

(D) Applicability

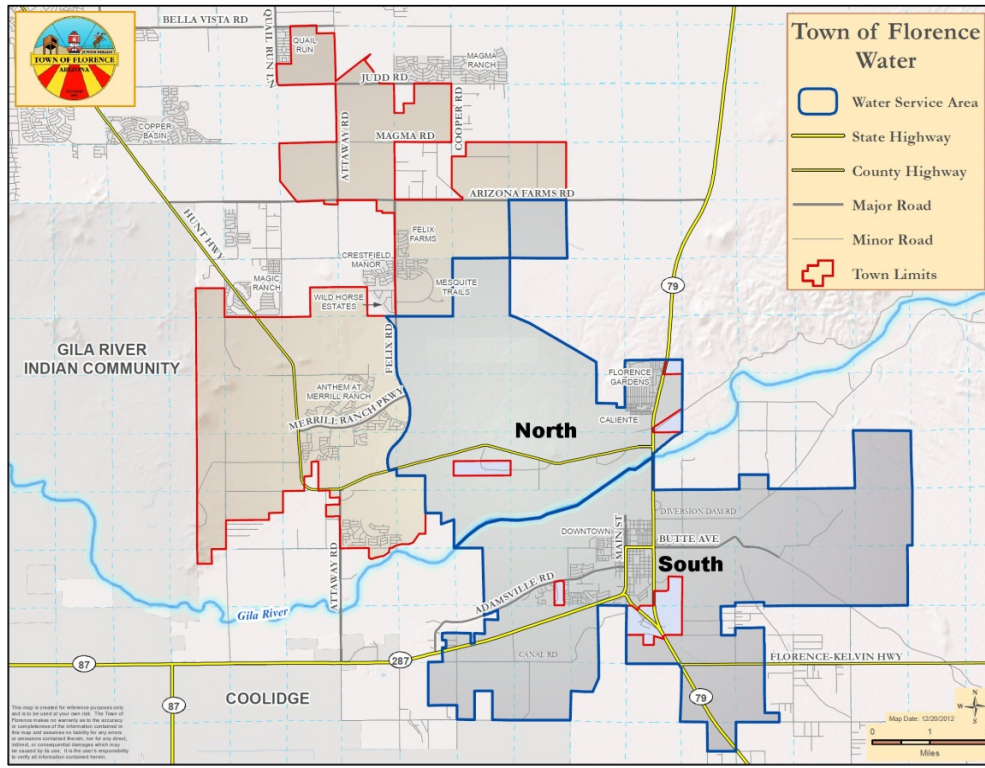
(1) Service Areas. Except as otherwise provided herein, this Ordinance shall apply to all new development within any Service Area. The following Service Areas are hereby established.

(a) The Service Areas for road, fire, police and library development impact fees shall each encompass all of the territory within the corporate limits of the Town, as those boundaries may be amended in the future through annexation.

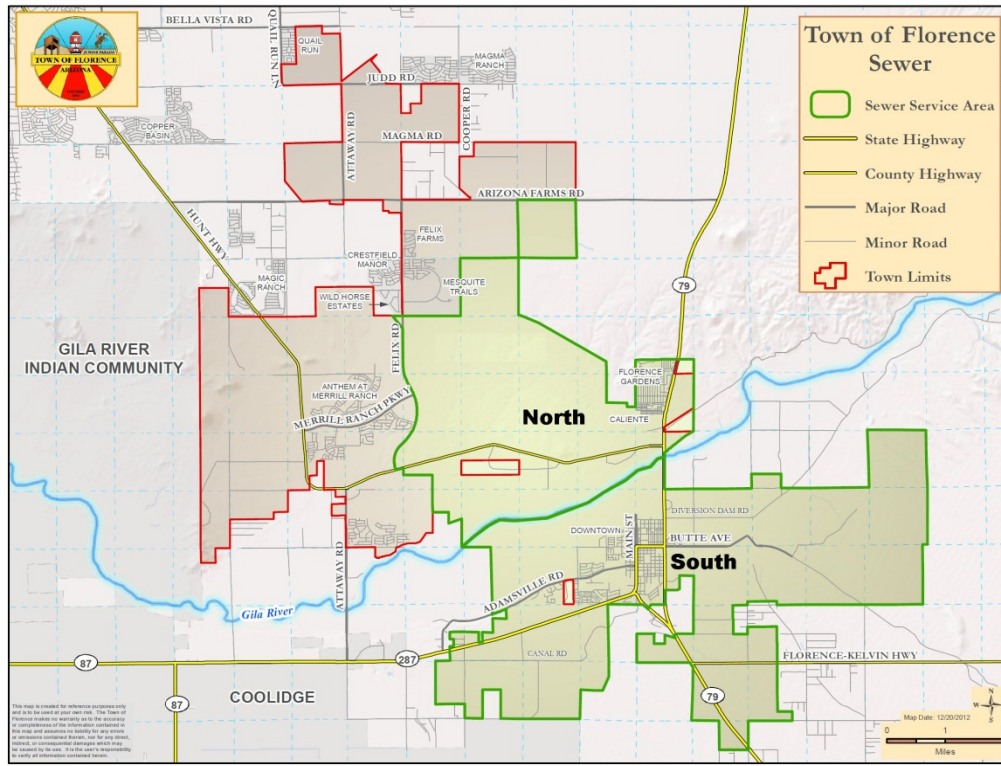
(b) The Service Area for park development impact fees shall be the area shown in the figure below.



(c) The two Service Areas for the water development impact fees shall be the areas north and south of the Gila River, shown in the figure below, as those areas may be expanded in the future through the extension of Town water service.



(d) The two Service Areas for the wastewater development impact fees shall be the areas north and south of the Gila River, shown in the figure below, as those areas may be expanded in the future through the extension of Town wastewater service.



(2) Administration. The Town Manager or his/her designee is authorized to make determinations regarding the application, administration and enforcement of the provisions of this Ordinance.

(E) Authority

(1) Fee Report and implementation. The Town may assess and collect a development impact fee for costs of Necessary Public Services, including all professional services required for the preparation or revision of Land Use Assumptions, Infrastructure Improvements Plan, Fee Report, development impact fee, and required reports or audits conducted pursuant to this Section. Development impact fees shall be subject to the following requirements:

(a) The Town shall develop and adopt a Fee Report that analyzes and defines the development impact fees to be charged in each Service Area for each Capital Facility Category, based on the Infrastructure Improvements Plan and the Net Cost per Service Unit.

(b) No development impact fee shall exceed the Net Cost per Service Unit for any Category of Necessary Public Services for any Category of Development.

(c) No development impact fees shall be charged, or Credits issued, for any Capital Facility that does not fall within one of the Categories of

Necessary Public Services for which development impact fees are assessed by the Town.

(d) Costs for Necessary Public Services made necessary by new development shall be based on the same Level of Service provided to existing development in the same Service Area. Development impact fees may not be used to provide a higher Level of Service to existing development or to meet stricter safety, efficiency, environmental, or other regulatory standards to the extent that these are applied to existing Capital Facilities that are serving existing development.

(e) Development impact fees may not be used to pay the Town's administrative, maintenance, or other operating costs.

(f) Projected interest charges and financing costs can only be included in development impact fees to the extent they represent principal and/or interest on the portion of any Financing or Debt used to finance the construction or expansion of a Capital Facility identified in the Infrastructure Improvements Plan.

(g) All development impact fees charged by the Town must be included in a fee schedule prepared pursuant to this Ordinance.

(h) All development impact fees shall meet the requirements of A.R.S. § 9-463.05.

(2) *Net Cost per Service Unit.* The Fee Report shall summarize the costs of Capital Facilities necessary to serve new development on a per Service Unit basis as defined and calculated in the Infrastructure Improvements Plan, less any required Offsets, and shall recommend a development impact fee structure for adoption by the Town. The actual impact fees to be assessed shall be adopted in the form of impact fee schedules.

(F) Administration

(1) *Separate accounts.* Development impact fees collected pursuant to this Section shall be placed in separate, interest-bearing accounts for each Capital Facility category within each Service Area.

(2) *Limitations on use of fees.* Development impact fees and any interest thereon collected pursuant to this Section shall be spent to provide Capital Facilities associated with the same Category of Necessary Public Services in the same Service Area for which they were collected, including costs of Financing or Debt used by the Town to finance such Capital Facilities and other costs authorized by this Section that are included in the Infrastructure Improvements Plan.

(3) Time limit. Development impact fees collected after July 31, 2014 shall be used within ten years of the date upon which they were collected for all Categories of Necessary Public Services except for Water and Wastewater Facilities. For Water Facilities or Wastewater Facilities collected after July 31, 2014, development impact fees shall be used within 15 years of the date upon which they were collected. Any funds not so used shall be subject to refund pursuant to section 150.280(O). Whether fees paid by a particular development have been spent shall be determined on a first-in, first-out basis.

(G) Land Use Assumptions

The Infrastructure Improvements Plan shall be consistent with the Town's current Land Use Assumptions for each Service Area and each Category of Necessary Public Services as adopted by the Town pursuant to A.R.S. § 463.05. Prior to the adoption or amendment of an Infrastructure Improvements Plan, the Town shall review and evaluate the Land Use Assumptions on which the Infrastructure Improvements Plan is to be based to ensure that the Land Use Assumptions within each Service Area conform to the General Plan.

(H) Infrastructure Improvements Plan

The Infrastructure Improvements Plan shall be developed by Qualified Professionals and may be based upon or incorporated within the Town's Capital Improvements Plan. The Infrastructure Improvements Plan shall:

(1) Specify the Categories of Necessary Public Services for which the Town will impose a development impact fee.

(2) Define and provide a map of one or more Service Areas within which the Town will provide each Category of Necessary Public Services for which development impact fees will be charged.

(3) Identify and describe the Land Use Assumptions upon which the Infrastructure Improvements Plan is based in each Service Area.

(4) Analyze and identify the existing Level of Service provided by the Town to existing development for each Category of Necessary Public Services in each Service Area.

(5) Identify the Level of Service to be provided by the Town for each Category of Necessary Public Services in each Service Area.

(6) Estimate the total number of existing and future Service Units within each Service Area based on the Town's Land Use Assumptions and projected new Service Units in each Service Area.

(7) Analyze and identify the projected utilization of any available excess capacity in existing Capital Facilities, and the new or expanded Capital Facilities that will be required to provide and maintain the planned Level of Service in each Service Area for each Category of Necessary Public Services, resulting from projected new Service Units for a period not to exceed ten years. Nothing in this Subsection shall prohibit the Town from additionally including in its Infrastructure Improvements Plan projected utilization of, or needs for, Capital Facilities for a period longer than ten years, provided that the costs of such Capital Facilities are excluded from the calculation of the Net Cost per Service Unit.

(8) Forecast the revenues from taxes, fees, assessments or other sources that will be available to fund the new or expanded Capital Facilities identified in the Infrastructure Improvements Plan, which shall include estimated state-shared revenue, highway users revenue, federal revenue, ad valorem property taxes, construction contracting or similar excise taxes and the capital recovery portion of utility fees attributable to development based on the approved land use assumptions.

(I) Adoption and Modification Procedures

(1) Adopting or amending the Infrastructure Improvements Plan. The Infrastructure Improvements Plan shall be adopted or amended subject to the following procedures:

(a) Major amendments. Except as provided in subsection (b) below, the adoption or amendment of an Infrastructure Improvements Plan and underlying Land Use Assumptions shall occur according to the following schedule:

1. At least sixty days before the public hearing regarding a new or updated Infrastructure Improvements Plan, the Town shall provide public notice of the hearing and post the Infrastructure Improvements Plan and the underlying Land Use Assumptions on its website; the Town shall additionally make available to the public the documents used to prepare the Infrastructure Improvements Plan and underlying Land Use Assumptions and the amount of any proposed changes to the Net Cost per Service Unit.

2. The Town shall conduct a public hearing on the Infrastructure Improvements Plan and underlying Land Use Assumptions.

3. Following the public hearing, the Town may amend the Infrastructure Improvements Plan and underlying Land Use Assumptions, provided that Town shall post the amended

Infrastructure Improvements Plan and underlying Land Use Assumptions on its website and make them available to the public at least 14 days prior to approval or disapproval.

4. The Town shall approve or disapprove the Infrastructure Improvements Plan and underlying Land Use Assumptions at least 30 days, but no more than 60 days, following the public hearing.

(b) Minor amendments. The Town may update the Infrastructure Improvements Plan and/or its underlying Land Use Assumptions without a public hearing if all of the following apply:

1. The changes in the Infrastructure Improvements Plan and/or the underlying Land Use Assumptions will not add any new Category of Necessary Public Services to any Service Area.

2. The changes in the Infrastructure Improvements Plan and/or the underlying Land Use Assumptions will not increase the Level of Service to be provided in any Service Area.

3. Based on an analysis of the Fee Report and the Town's adopted development impact fee schedules, the changes in the Infrastructure Improvements Plan and/or the underlying Land Use Assumptions would not, individually or cumulatively with other amendments undertaken pursuant to this subsection, cause a development impact fee in any Service Area to be increased by more than five per cent above the development impact fee that is provided in the current development impact fee schedule.

4. At least 30 days prior to the date that the any amendment pursuant to this Section is adopted, the Town shall post the proposed amendments on the Town website.

(2) Amendments to the fees. Any adoption or amendment of a Fee Report and fee schedule shall occur according to the following schedule:

(a) The public hearing on the fees must be held at least 30 days after the approval of the Infrastructure Improvements Plan as provided in subsection (1) above. The Town must give at least 30 days' notice prior to the hearing, provided that this notice may be given on the same day as the approval of the Infrastructure Improvements Plan.

(b) The Town shall make the proposed fees available to the public on the Town's website 30 days prior to the public hearing described in paragraph (a) above.

(c) The amended fees may be adopted by the Town no sooner than 30 days, and no later than 60 days, after the hearing described in paragraph (a) above.

(d) The development fee schedules adopted pursuant to this subsection shall become effective 75 days after adoption by the Town.

(J) Required Updates

(1) *Revising the Infrastructure Improvements Plan.* Except as provided in paragraph (2) below, not later than every five years the Town shall update the applicable Land Use Assumptions, Infrastructure Improvements Plan and Fee Report related to each Category of Necessary Public Services pursuant to the procedures outlined in subsection (I) above. Such five-year period shall be calculated from the date of the adoption of the Infrastructure Improvements Plan.

(2) *Determination of no changes.* Notwithstanding paragraph (1) above, if the Town determines that no changes to an Infrastructure Improvements Plan, underlying Land Use Assumptions, or Fee Report are needed, the Town may elect to continue the existing Infrastructure Improvements Plan and Fee Report without amendment by providing notice as follows:

(a) Notice of the determination shall be published at least 180 days prior to the end of the five-year period described in Subsection A of this Section.

(b) The notice shall identify the Infrastructure Improvements Plan and Fee Report that shall continue in force without amendment.

(c) The notice shall provide a map and description of the Service Area(s) covered by such Infrastructure Improvements Plan and Fee Report.

(d) The notice shall identify an address to which any resident of the Town may submit, within 60 days, a written request that the Town update the Infrastructure Improvements Plan, underlying Land Use Assumptions, and/or Fee Report and the reasons and basis for the request. The Town shall consider and respond within 30 days to any timely requests submitted.

(K) Assessment and Collection

(1) *Assessment.* Development impact fees shall be assessed on new development according to the provisions of this Ordinance and the following fee schedules.

(a) Non-utility fee schedule. Road, park, fire, police and library development impact fees shall be assessed according to the following fee schedule. Road and fire fees in columns labeled “CFD” apply to development located within the Merrill Ranch Community Facilities Districts No. 1 and No. 2. Road and fire fees in columns labeled “non-CFD” apply to development located within the Town limits but outside the Merrill Ranch Community Facilities Districts No. 1 and No. 2. Park fees apply only to development located within the Park Service Area. Police and library fees apply Town-wide. Residential Land Uses shall be assessed per Dwelling Unit. Nonresidential Land Uses shall be assessed per 1,000 square feet of Gross Floor Area.

Land Use	Road			Fire			
	non-CFD	in CFD	Park*	non-CFD	in CFD	Police	Library
Single-Family (unit)	\$2,086	\$641	\$1,417	\$917	\$607	\$607	\$203
Multi-Family (unit)	\$1,313	\$403	\$1,148	\$743	\$492	\$492	\$164
Commercial (1000 sf)	\$3,141	\$964	\$170	\$660	\$437	\$437	\$24
Institutional (1,000 sf)	\$1,733	\$532	\$198	\$605	\$401	\$401	\$28
Industrial (1000 sf)	\$1,015	\$312	\$128	\$202	\$134	\$134	\$18

* applicable to new development in Park Service Area only.

(b) Utility fee schedule. Water and wastewater development impact fees shall be assessed according to the following fee schedule. Water and wastewater fees apply only to customers of the Town’s water and wastewater systems located in the water and wastewater service areas. Water and wastewater fees shall not be assessed on property located within the North Florence Improvement District. Water and wastewater fees are based on the size and type of the water meter. For wastewater customers that are not also water customers, the wastewater fee shall be based on the water meter size and type that is appropriate for the customer, as determined by the Town Engineer.

Meter Size	Type	Water	Wastewater
5/8"x3/4"	Disc-Resid.*	\$1,980	\$2,140
5/8"x3/4"	Disc-Other	\$1,980	\$2,782
1"	Disc	\$4,950	\$7,062
1 1/2"	Disc	\$9,900	\$14,338
2"	Disc	\$15,840	\$22,898
3"	Compound	\$31,680	\$45,582
3"	Turbine	\$34,650	\$49,862
4"	Compound	\$49,500	\$71,262
4"	Turbine	\$59,400	\$85,600
6"	Compound	\$99,000	\$142,738
6"	Turbine	\$123,750	\$178,262
8"	Turbine	\$178,200	\$256,800
10"	Turbine	\$287,100	\$413,662
12"	Turbine	\$425,700	\$613,538

* applicable rate for single-family customers

(2) Collection. Development impact fees, together with administrative charges assessed pursuant to subsection (K)(2)(e) below, shall be calculated and collected prior to issuance of permission to commence development; specifically:

(a) Unless otherwise specified pursuant to a Development Agreement adopted pursuant to this Ordinance, development impact fees shall be paid prior to issuance of a building permit according to the current development impact fee schedule for the applicable Service Area(s) as adopted pursuant to this Ordinance, or according to any other development impact fee schedule as authorized in subsection (K)(4).

(b) If a building permit is not required for the development, but water or wastewater connections are required, any and all development impact fees due shall be paid at the time the water service connection is purchased. If only a wastewater connection is required, the development impact fees shall be paid prior to approval of a connection to the sewer system.

(c) No building permit, water or sewer connection, or certificate of occupancy shall be issued if a development impact fee is not paid as directed in the previous paragraphs.

(d) If the building permit is for a change in the type of building use, an increase in square footage, a change to land use, or an addition to a residential or nonresidential point of demand to the water or wastewater system, the development impact fee shall be assessed on the additional service units resulting from the expansion or change, and following the development impact fee schedule applicable to any new use type.

(e) For issued permits that expire or are voided, development impact fees and administrative charges shall be as follows:

1. If the original permittee is seeking to renew an expired or voided permit, and the development impact fees paid for such development have not been refunded, then the permittee shall pay the difference between any development impact fees paid at the time the permit was issued and those in the fee schedule at the time the permit is reissued or renewed.

2. If a new or renewed permit for the same development is being sought by someone other than the original permittee, the new permit Applicant shall pay the full development impact fees specified in the fee schedule in effect at the time that the permits are reissued or renewed. If the original permittee has assigned its rights under the permits to the new permit Applicant, the new permit

Applicant shall pay development impact fees as if it were the original permittee.

(3) Exemptions. Development impact fees shall not be owed under either of the following conditions:

(a) Development impact fees have been paid for the development and the permit(s) which triggered the collection of the development impact fees have not expired or been voided.

(b) The approvals that trigger the collection of development impact fees involve modifications to existing development that do not result in an increase in the number of Service Units.

(4) Temporary exemption from fee increases. New developments in the Town shall be temporarily exempt from increases in development impact fees that result from the adoption of new or modified development impact fee schedules, as follows.

(a) Single-Family uses. On or after the day that the first building permit is issued for a single-family residential development, the Town shall, at the permittee's request, provide the permittee with an applicable development impact fee schedule that shall be in force for a period of 24 months beginning on the day that the first building permit is issued, and which shall expire at the end of the first business day of the 25th month thereafter. During the effective period of the applicable development impact fee schedule, any building permit issued for the same single-family residential development shall not be subject to any new or modified development impact fee schedule.

(b) Nonresidential and Multi-family uses. On or after the day of approval of a site plan, or if no site plan is required for the development the approval of the final subdivision plat, for a nonresidential or multi-family development, the Town shall, at the permittee's request, provide the permittee with an applicable development impact fee schedule that shall be in force for a period of 24 months beginning on the day that final development approval of a site plan or final subdivision plat is given, and which shall expire at the end of the first business day of the 25th month thereafter. During the effective period of the applicable development impact fee schedule, any building permit issued for the same development shall not be subject to any new or modified development impact fee schedule.

(c) Changes to site plans and subdivision plats. Notwithstanding the other requirements of this subsection, if changes are made to a development's final site plan or subdivision plat that will increase the

number of service units after the issuance of a grandfathered development impact fee schedule, the Town may assess any new or modified development impact fees against the additional Service Units.

(d) *Fee reductions provided.* If the Town reduces the amount of an applicable development impact fee during the period that a grandfathered development impact fee schedule is in force, the Town shall assess the lower development impact fee.

(L) Credits and Credit Agreements

(1) *Eligibility of Capital Facility.* All development impact fee Credits must meet the following requirements.

(a) One of the following is true:

1. The Capital Facility, or the financial contribution toward the Capital Facility, that will be provided by the developer and for which a Credit will be issued must be identified in an adopted Infrastructure Improvements Plan and Fee Report as a Capital Facility for which a development impact fee was assessed; or

2. The Applicant must demonstrate to the satisfaction of the Town that, given the class and type of improvement, the subject Capital Facility should have been included in the Infrastructure Improvements Plan in lieu of a different Capital Facility that was included in the Infrastructure Improvements Plan and for which a development impact fee was assessed. If the subject Capital Facility is determined to be eligible for a Credit in this manner, the Town shall amend the Infrastructure Improvements Plan to (i) include the subject replacement facility and (ii) delete the Capital Facility that will be replaced.

(b) The Subject Development is located within the Service Area of the eligible Capital Facility.

(c) Credits shall not be available for any infrastructure provided by a developer if the cost of such infrastructure will be repaid to the developer by the Town through another agreement or mechanism. To the extent that the developer will be paid or reimbursed by the Town or an improvement district for any contribution, payment, construction, or dedication from any Town funding source, any Credits claimed by the developer shall be reduced by any amounts to be paid or reimbursed by the Town or improvement district.

(2) Calculation of Credits. Credit amounts will be based on that portion of the costs for an eligible Capital Facility identified in the adopted Infrastructure Improvements Plan for which a development fee was assessed pursuant to the Fee Report. If the Gross Impact Fee for a particular category of Necessary Public Service is adopted at an amount lower than the Net Cost per Service Unit, the amount of any Credit shall be reduced in proportion to the difference between the Net Cost per Service Unit and the Gross Impact Fee adopted. A Credit shall not exceed the actual costs the Applicant incurred in providing the eligible Capital Facility. The amount of the credit shall be determined by the Town Engineer.

(3) Application of Credits. Unless otherwise provided in a Development Agreement, Credits shall be applied to reduce the amount of the development impact fees otherwise due for the Subject Development. Credits shall be applied on a first-come, first-served basis until the amount of the Credit has been exhausted or the Subject Development has been completed. Credits shall not be transferable to another development.

(4) Effective date of Credits. Unless otherwise provided in a Development Agreement, Credits shall become effective when the amount of the credit has been determined by the Town Engineer and the improvement, dedication or financial contribution has been accepted by the Town. Prior to Credits becoming effective, development impact fees for the Subject Development shall be due and payable in full, but shall be refunded to the fee payer in whole or part, as applicable, after the Credits become effective.

(5) Issuance of Credits. Credits may be issued and applied toward the Gross Impact Fees due from a development, subject to the following conditions.

(a) Credits issued for an eligible Capital Facility may only be applied to the development impact fee due for the applicable Category of Necessary Public Services, and may not be applied to any fee due for another Category of Necessary Public Services.

(b) Credits, once issued, may not be rescinded or reallocated to another permit or parcel, except that Credits may be released for reuse on the same Subject Development if a building permit for which the Credits were issued has expired or been voided and is otherwise eligible for a refund under this Ordinance.

(6) Life of Credits. Unless otherwise provided in a Development Agreement, Credits must be used within ten years from their effective date.

(M) Development Agreements

Development Agreements containing provisions regarding development impact fees, development impact fee Credits, and/or disbursement of revenues from development impact fee accounts shall comply with the following provisions.

(1) Development Agreement required. A Development Agreement is required to authorize any of the following:

(a) To issue Credits prior to the Town's acceptance of an eligible Capital Facility, provided that the Development Agreement specifically states the form and value of the security (i.e. bond, letter of Credit, etc.) to be provided to the Town prior to issuance of any Credits. The Town shall determine the acceptable form and value of the security to be provided.

(b) To transfer Credits to a parcel that is within the same Service area but outside the Subject Development.

(c) To reimburse the developer of an eligible Capital Facility using funds from development impact fee accounts. Funds reimbursed to developers from impact fee accounts for construction of an eligible Capital Facility must be utilized in accordance with applicable law for the use of Town funds in construction or acquisition of Capital Facilities, including A.R.S. § 34-201, et seq.

(d) To allocate different Credit amounts within a Subject Development in a manner other than first-come, first-served.

(e) To allow development impact fees for a Single-Family residential development to be paid at a later time than the issuance of a building permit, provided that a development impact fee may not be paid later than the 15 days after the issuance of the certificate of occupancy for that Dwelling Unit. The Development Agreement shall provide for the value of any deferred development impact fees to be supported by appropriate security, including a surety bond, letter of credit, or cash bond.

(f) To waive development impact fees. If the Town agrees to waive any development impact fees assessed on development in a Development Agreement, the Town shall reimburse the appropriate development impact fee account for the amount that was waived.

(g) To allow the use of Credits to extend beyond ten years of their effective date.

(2) *General requirements.* All Development Agreements shall be prepared and executed in accordance with A.R.S. 9-500.05 and any applicable requirements of the Town Code.

(3) *No obligation.* Nothing in this subsection obligates the Town to enter into any Development Agreement or to authorize any type of Credit arrangement permitted by this Section.

(N) Appeals

A development impact fee determination by Town staff may be appealed in accordance with the following procedures:

(1) *Limited scope.* An appeal shall be limited to disputes regarding the appropriate land use category or other matters relating to the determination of the number of new Service Units for a specific development, or the amount of a credit.

(2) *Form of appeal.* An appeal shall be initiated on such written form as the Town may prescribe, setting forth, with particularity, the basis of the protest, the development impact fees involved and the relief requested. The appeal shall be filed within 30 days after the determination was made, in writing and prior to paying the development impact fees.

(3) *Decision.* The Town Manager shall approve or deny the protest, in whole or in part, within 60 days after its submittal to the Town. The Town Manager's determination shall be provided in writing to the property owner and the Town Council and shall be final unless, within 30 days after the Town Manager's determination, a majority of the Town Council votes to hold a public hearing on the appeal. In such case, the Town Council shall hold a public hearing and shall make a determination within 30 days after the public hearing. The decision of the Town Council shall be based on the applicable provisions of this Ordinance, and shall be final.

(4) *Fees during pendency.* Building permits may be issued during the pendency of an appeal if the Applicant (a) pays the full impact fee calculated by the Town at the time the appeal is filed or (b) provides the Town with financial assurances in the form acceptable to the Town Manager or authorized designee equal to the full amount of the impact fee. Upon final disposition of an appeal, the fee shall be adjusted in accordance with the decision rendered, and a refund paid if warranted. If the appeal is denied by the Town Council, and the Applicant has provided the Town with financial assurances, the Applicant shall deliver the full amount of the impact fee to the Town within ten days of the final decision on the appeal. If the Applicant fails to deliver the full amount of the impact fees when required by this subsection, the Town may draw upon such financial

assurance instrument(s) as necessary to recover the full amount of the impact fees due from the Applicant.

(O) Refunds

(1) Generally. A refund (or partial refund) will be paid to any current owner of property within the Town who submits a written request to the Town and demonstrates that one of the following applies.

(a) The permit(s) that triggered the collection of the development impact fee have expired or been voided prior to the commencement of the development for which the permits were issued and the development impact fees collected have not been expended, encumbered, or pledged for the repayment of Financing or Debt; or

(b) The owner of the subject real property or its predecessor in interest paid a development impact fee for the applicable Capital Facility on or after August 1, 2014, and one of the following conditions exists:

1. The Capital Facility designed to serve the subject real property has been constructed, has the capacity to serve the subject real property and any development for which there is reserved capacity, and the service which was to be provided by that Capital Facility has not been provided to the subject real property from that Capital Facility or from any other infrastructure.

2. After collecting the fee to construct a Capital Facility the Town fails to complete construction of the Capital Facility within the time period identified in the Infrastructure Improvements Plan, as it may be amended, and the corresponding service is otherwise unavailable to the subject real property from that Capital Facility or any other infrastructure.

3. For a Category of Necessary Public Services other than Water or Wastewater Facilities, any part of a development impact fee is not spent within ten years of the Town's receipt of the development impact fee.

4. Any part of a development impact fee for Water or Wastewater Facilities is not spent within 15 years of the Town's receipt of the development impact fee.

5. The development impact fee was calculated and collected for the construction cost to provide all or a portion of a specific Capital Facility serving the subject real property and the actual construction costs for the Capital Facility are less than the

construction costs projected in the Infrastructure Improvements Plan by a factor of 10% or more. In such event, the current owner of the subject real property shall, upon request, be entitled to a refund for the difference between the amounts of the development impact fee charged for and attributable to such construction cost and the amount the development impact fee would have been calculated to be if the actual construction cost had been included in the Fee Report. The refund contemplated by this Subsection shall relate only to the costs specific to the construction of the applicable Capital Facility and shall not include any related design, administrative, or other costs not directly incurred for construction of the Capital Facility that are included in the development impact fee as permitted by A.R.S. § 9-463.05.

(2) *Earned interest.* A refund of a development impact fee shall include any interest actually earned on the refunded portion of the development impact fee by the Town from the date of collection to the date of refund. All refunds shall be made to the record owner of the property at the time the refund is paid.

(3) *Refund to government.* If a development impact fee was paid by a governmental entity, any refund shall be paid to that governmental entity.

(P) Oversight

(1) *Annual report.* Within 90 days of the end of each fiscal year, the Town shall file with the Town Clerk an unaudited annual report accounting for the collection and use of the fees for each service area and shall post the report on its website in accordance with A.R.S. § 9-463.05, Subsections N and O, as amended.

(2) *Biennial audit.* In addition to the Annual Report described in subsection (1) above, the Town shall provide for a biennial, certified audit of the Town's Land Use Assumptions, Infrastructure Improvements Plan and development impact fees.

(a) An audit pursuant to this subsection shall be conducted by one or more Qualified Professionals who are not employees or officials of the Town and who did not prepare the Infrastructure Improvements Plan.

(b) The audit shall review the collection and expenditures of development fees for each project in the plan and provide written comments describing the amount of development impact fees assessed, collected, and spent on capital facilities.

(c) The audit shall describe the Level of Service in each Service Area, and evaluate any inequities in implementing the Infrastructure Improvements Plan or imposing the development impact fee.

(d) The Town shall post the findings of the audit on the Town's website and shall conduct a public hearing on the audit within 60 days of the release of the audit to the public.

(e) For purposes of this subsection a certified audit shall mean any audit authenticated by one or more of the Qualified Professionals conducting the audit.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this 16th day of September 2013.

Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

James E. Mannato, Town Attorney

Affidavit of Public

STATE OF ARIZONA

COUNTY OF PINAL

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**Town of Florence, AZ
Notice of Intention to Increase/Decrease
Development Impact Fees**

Notice is hereby given that on August 5, 2013 the Town Council of the Town of Florence, Arizona, will hold a public hearing to receive public comment on Ordinance No. 598-13, to increase or decrease existing Development Impact Fees as follows:

Land Use	Roads		Fire		Parks	Police	Library
	non-CFD	in CFD	non-CFD	in CFD			
Single Family (unit)	\$ 2,086	\$ 641	\$ 917	\$ 607	\$ 1,417	\$ 607	\$ 203
Multifamily (unit)	\$ 1,313	\$ 403	\$ 743	\$ 492	\$ 1,148	\$ 492	\$ 164
Commercial (1,000 sf)	\$ 3,141	\$ 964	\$ 660	\$ 437	\$ 170	\$ 437	\$ 24
Institutional (1,000 sf)	\$ 1,733	\$ 532	\$ 605	\$ 401	\$ 198	\$ 401	\$ 28
Industrial (1,000 sf)	\$ 1,015	\$ 312	\$ 202	\$ 134	\$ 128	\$ 134	\$ 18
Meter Sizes	Water	Wastewater					
5/8" - 3/4" Disc- Residential	\$ 1,980	\$ 2,140					
5/8" - 3/4" Disc-Other	\$ 1,980	\$ 2,782					
1" Disc	\$ 4,950	\$ 7,062					
1 1/2" Disc	\$ 9,900	\$ 14,338					
2" Disc	\$ 15,840	\$ 22,898					
3" Compound	\$ 31,680	\$ 45,582					
3" Turbine	\$ 34,650	\$ 49,862					
4" Compound	\$ 49,500	\$ 71,262					
4" Turbine	\$ 59,400	\$ 85,600					
6" Compound	\$ 99,000	\$ 142,738					
6" Turbine	\$ 123,750	\$ 178,262					
8" Turbine	\$ 178,200	\$ 256,800					
10" Turbine	\$ 287,100	\$ 413,662					
12" Turbine	\$ 425,700	\$ 613,538					

The effective date of the fees is December 1, 2013. A copy of the ordinance and schedule of the new fees are available for public inspection in the office of the Town Clerk at 775 N. Main Street, Florence, AZ or call 520-868-7500, Town of Florence.

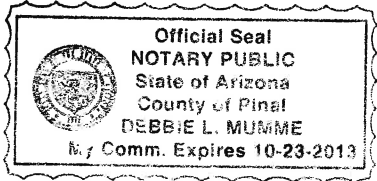
No. of publications: 1; date of publication: July 11, 2013.


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	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8b.
MEETING DATE: September 16, 2013 DEPARTMENT: Community Development STAFF PRESENTER: Mark Eckhoff, AICP Community Development Director SUBJECT: Ordinance 601-13: Manufactured Homes Subdivision (MHS) and Recreational Vehicle Parks and/or Subdivisions Text Amendment (PZC-16-13-ORD)		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1 st Reading <input checked="" type="checkbox"/> 2 nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to adopt Ordinance No. 601-13 for the Manufactured Homes Subdivision (MHS) and Recreational Vehicle Parks and/or Subdivisions Text Amendment.

BACKGROUND/DISCUSSION:

The Town of Florence requests approval of the following application:

PZC-16-13-ORD: 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.

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 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.

FINANCIAL IMPACT:

This request has no direct or specific financial impacts.

RECOMMENDATION:

This Amendment was presented to the Planning and Zoning Commission on August 1, 2013, which forwarded a unanimous favorable recommendation on this case to the Town Council.

The Public Hearing and First Reading were held on September 3, 2013.

On September 16, 2013: Motion to adopt Ordinance No. 601-13 for the Manufactured Homes Subdivision (MHS) and Recreational Vehicle Parks and/or Subdivisions Text Amendment.

ATTACHMENT:

Ordinance No. 601-13

ORDINANCE NO. 601-13

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).

WHEREAS, development codes are designed to protect the health, safety and general welfare of the public and are subject to modifications to ensure that codes are current and meet the needs of the local community; and

WHEREAS, deficiencies have been noted in current development codes pertaining to the aforementioned sections; and

WHEREAS, the Town of Florence has proposed this ordinance to address such deficiencies and ensure that local development codes pertaining to the aforementioned sections are appropriate and current for the Town of Florence; and

WHEREAS, the Florence Planning and Zoning Commission conducted a public hearing on this Ordinance and have sent the Mayor and Council of the Town of Florence a favorable recommendation on this proposed ordinance.

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

Section 1. That the recitals contained in this ordinance are hereby adopted and incorporated herein as findings of fact of the Town Council.

Section 2. That if any word, sentence, paragraph, clause, phrase or other provision of this ordinance is for any reason deemed to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining words, sentences, paragraphs, clauses, phrases or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand, notwithstanding the invalidity of any word, sentence, paragraph, clause, phrase or other provision.

Section 3. That noted portions of Chapter 150, Section 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 within Title XV Land Usage of the Town Code

of Ordinances is hereby amended and shall read as follows:

150.031 DEFINED WORDS

~~**MANUFACTURED HOME.** A dwelling unit, transportable in one or more sections, manufactured after June 15, 1976, built to HUD standards with a HUD seal affixed, which:~~

~~(1) In the traveling mode is greater than eight feet in width or 40 feet in length, or when erected on a site, is more than 320 square feet;~~

~~(2) Built on a permanent chassis;~~

~~(3) Designed to be used as a dwelling, with or without a permanent foundation, when designed with and connected to the required utilities, which include the plumbing, heating, cooling, gas and electrical systems; and~~

~~(4) Installation permits for these structures may be issued only in accordance with those residential zones in which manufactured homes are a permitted use, either as a matter of right or with the granting of a conditional use permit.~~

MANUFACTURED HOME. A dwelling unit, manufactured after June 15, 1976 and built to HUD standards with a HUD seal affixed, that is transportable in one or more sections, built on a permanent chassis, designed for use with or without a permanent foundation and when installed will have the required utilities. Does not include Mobile Home or Recreational Vehicle.

MANUFACTURED HOME SUBDIVISION. Any lot, tract or parcel of land used or offered for use in whole or in part with or without charge for the placement or installation of one or more manufactured homes. ~~parking of mobile homes or trailer coaches used for sleeping or household purposes.~~

MOBILE HOME. A transportable structure suitable for year round single-family occupancy and utility connections similar to conventional dwellings, which was constructed prior to June 15, 1976, and bears a state insignia of approval pursuant to A.R.S. § 41-2195. Does not include Manufactured Home or Recreational Vehicle.

MODULAR BUILDING. A building including a dwelling unit or habitable room thereof that is either substantially or entirely manufactured at an off-site location to be assembled on-site, and which complies with all the applicable building codes adopted by the Town.

PARK MODEL. A Recreational Vehicle that is designed for temporary, seasonal or permanent residential use and does not exceed 400 square feet in area, excluding accessory structures.

~~**RECREATIONAL VEHICLE.** A vehicular type unit primarily designed to provide temporary or permanent living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another~~

~~vehicle, such as travel trailer, truck camper, camping trailer, motor homes and park model travel trailers.~~

RECREATIONAL VEHICLE. A vehicle designed to be self propelled or permanently towable that is designed for residential use for recreational, camping, travel, temporary or seasonal purposes, including Park Models.

RECREATIONAL VEHICLE AWNINGS. A lightweight overhead structure used in conjunction with a recreational vehicle ~~and/or travel trailer,~~ for the purpose of shading or weather protection of areas such as carports, patios, porches and windows.

RECREATIONAL VEHICLE PARK.

~~(1) An approved parcel or subdivision, residential development as shown in the records of the municipality, together with certain accessory buildings and uses providing for the enjoyment and benefit of the patrons of the park, in which individual spaces are provided for parking or placement of a recreational vehicle or travel trailer for temporary or permanent housing, whether or not a charge is made for the accommodation, excluding a Manufactured Home Subdivision.~~

~~(2) A parcel of land within an approved recreational vehicle park, which is shown in the records of the municipality and which was designed and intended for the accommodation of one recreational vehicle or travel trailer.~~

TRAILER COACH. See **TRAVEL TRAILER.**

TRAILER PARK. See **MANUFACTURED HOME SUBDIVISION**

~~**TRAVEL TRAILER.** A vehicle or portable unit mounted on its chassis and wheels, as required by the state, according to the manufactured housing specifications and is drawn by a motor vehicle to provide temporary or permanent living quarters for recreational, camping or travel use.~~

TRAVEL TRAILER PARK. See **RECREATIONAL VEHICLE PARK**

§ 150.047 DISTRICT USE REGULATIONS TABLES.

(A) Residential zoning district use regulations.

P=Permitted N=Not Permitted C=Conditional T=Temporary Uses

Use	RA-10	RA-4	R1-R	R1-18	R-1-6	R-2	MFR	MHS	PUD
Manufactured Home	C	C	C	C	C N	N	N	P	N

§ 150.055 MANUFACTURED HOME SUBDIVISION (MHS).

(A) *Purpose.* The purpose of the manufactured home subdivision zoning district is intended to encourage unique, creatively developed subdivisions that are unified by common amenities, operations and associations for the accommodation of manufactured homes ~~or mobile home living~~ on individually owned or rented lots, including necessary accessory uses and amenities and adequate open space to preserve the residential character.

(B) *Permitted uses.* The following uses are permitted in the MHS district:

(1) One manufactured home, being no more than five years in age since the date of original construction, shall be permitted on each approved manufactured home lot.

(2) Accessory buildings and uses, including private swimming pools and home occupations;

(3) Secondary uses:

(a) Community or recreational facilities to an extent not less than specified in the development requirements;

(b) Common facility service buildings (laundry facilities, accessory supplies, park maintenance, management, community buildings and other uses of a similar nature). All the buildings shall be centrally located and use shall be restricted to occupants; and

(c) One dwelling unit for manager, caretaker and/or watchperson employed on the premises.

(C) *Conditional uses.* Reserved.

Because no list of uses can be exhaustive, interpretations on unspecified uses shall be rendered by the Town Community Development Director with the right to appeal to the Planning and Zoning Commission and Town Council.

(D) *Property development standards.* (See elsewhere in this Development Code for additional standards and exceptions.)

(1) Setbacks.

Front	Interior Side	Street Side	Rear
10 feet	5 feet	10 feet	10 feet

(2) Area and bulk requirements.

Minimum Site Area	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Maximum Height
8 acres	4,000 square feet	40 feet	100 feet	30 feet

Note: Regulations for distances between buildings, accessory buildings, access, walls, fences and required screening are contained in ~~§§ 150.164 through 150.184.~~ Part 8. Additional Height and Area Regulations and Expectations of the Development Code.

(2) Permanent Foundation.

All manufactured homes must be attached to a permanent foundation where the home is set at the level of the adjacent grade, an installation commonly known as "ground-set".

~~(E) Off-street parking. The provisions of §§ 150.156 through 150.163 shall apply. In addition, parking shall be allowed in the rear ten feet of the front yard only if it is screened from the street by a solid wall, fence or landscape screen a minimum of three feet in height. Parking regulations are as provided in Part 7. Parking; Loading and Unloading of the Development Code.~~

§ 150.068 RECREATIONAL VEHICLE PARKS AND/OR SUBDIVISIONS.

~~(A) Purpose and intent. The purpose of this division is to provide for recreational vehicle and travel trailer parks which parks and /or subdivisions that are suitably developed for the placement and occupancy of recreational vehicles and travel trailers for residential purposes on leased, rented or owned spaces on a long-term or temporary basis. The intent of these regulations is to encourage development of a unified project with adequate open space provisions to preserve the residential character of the area and to prohibit uses that are incompatible with the surrounding areas and development.~~

(B) Permitted uses. The following uses shall be permitted ~~in the parks~~ under this division:

(1) Only one recreational vehicle permitted per approved space or lot within a lawfully zoned, permitted, developed and conforming Recreational Vehicle Park.

(2) Manager's office and residences may be of conventional type construction;

(3) Recreational and social centers shall be of conventional type construction and may be used for dancing, crafts, hobbies, games, meetings, banquets, theatrical performances, movie viewing and similar entertainment uses;

(4) Outdoor recreational facilities, such as parks, swimming pools, ramadas, playgrounds, shuffle boards, tennis courts, putting greens and similar recreational uses, provided all the improvements conform to state and county regulations for semi-public uses;

(5) Coin-operated laundry facilities, maintenance building and/or facilities;

(6) Security guard houses at park entrance;

(7) Recreational vehicle storage, including washing areas;

(8) Recreational centers and guest parking areas; and

(9) Accessory structures as defined in § ~~450.175~~. 150.174. Accessory structure plumbing shall be limited to drains for the use of one clothes washer, one sink, one toilet and one shower or combination tub/shower. Heating and/or cooling, electrical convenience outlets and ceiling fans may be installed as per current Code requirements.

(C) Conditional uses. Reserved.

Because no list of uses can be exhaustive, interpretations on unspecified uses shall be rendered by the Town Community Development Director with the right to appeal to the Planning and Zoning Commission and Town Council.

(D) Property development standards.

(1) Setbacks.

Front	Interior Side	Street Side	Rear
5 feet *	5 feet	10 feet	5 feet
* Exclusive of recreational vehicle tongue.			

(2) Area and bulk requirements.

Minimum Area	Site	Minimum Space Area	Minimum Width	Lot	Minimum Depth	Lot	Maximum Height
10 acres		2,000 square feet*	40 feet		50 feet		30 feet
*A maximum density of 14 recreational vehicles per net acre after deduction of existing and/or proposed right-of-way.							

(E) Access. Access to all recreational vehicle parks shall be from the interior of the park. There shall be no individual access to any recreational space from the public right-of-way.

(F) Open space requirements. A minimum of 75 square feet of recreational open space and/or recreational facilities for each recreational vehicle park. Public or private streets, vehicle storage areas and exterior boundary landscaping areas shall not be included in calculating open space.

(G) Accessory structures. Removal of sliding doors, windows or modifications of the existing recreational vehicle enclosed by an accessory structure is prohibited. Construction of all accessory structures shall conform to all building codes currently in force in the municipality.

(H) Signs. Directional and informational signs within the park and one identification sign in accordance with all Codes.

(I) Temporary construction uses. Temporary construction buildings and yards necessary during the actual development of the park.

(J) Off-street parking. ~~The provisions of §§ 150.156 through 150.163 shall apply.~~ Parking regulations are as provided in Part 7. *Parking; Loading and Unloading of the Development Code.*

(K) Procedure for park approval. Approval of a new or expanded Recreational Vehicle Park shall be pursued through the Town's Design Review application process. Any subdivision is subject to the Town's applicable procedures and codes for subdivisions. ~~The developer shall meet informally with the Planning Director or designee to review tentative plans, sketches and ideas for the proposed park. Staff shall advise the developer of the necessary procedural steps and requirements for design review and, if necessary, re-zoning.~~

~~(L) Application. After completing the informal review, the developer shall file a conditional use permit application, in accordance with § 150.015. The application shall contain the following information:~~

~~(1) Park boundary dimensions, gross and net acreage, excluding any public right-of-way;~~

~~(2) The number, location and rough dimensions of all spaces;~~

~~(3) Typical recreational vehicle locations on proposed spaces;~~

~~(4) Street locations, widths and typical cross sections;~~

~~(5) Pedestrian circulation;~~

~~(6) The location, square footage and acreage of all recreational areas, facilities and buildings;~~

~~(7) Walls, fencing and rights-of way;~~

~~(8) Off-street parking facilities;~~

- ~~_____ (9) Signs, location, size, height and illumination;~~
- ~~_____ (10) Vehicle storage areas;~~
- ~~_____ (11) Drainage facilities;~~
- ~~_____ (12) Waste disposal facilities;~~
- ~~_____ (13) Right-of-way dedications; and~~
- ~~_____ (14) Landscaping and screening.~~
- ~~_____ (M) Review. Prior to issuance of any construction permits, the park development plan shall be reviewed and approved by all appropriate utility agencies, the municipality and applicable Health Department.~~
- ~~_____ (N) Additional data. Any other data the developer feels may assist the municipal staff in determining the type of development proposed on the property and its effect on adjacent land uses.~~

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ___ day of _____, 20___.

Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

James E. Mannato, Town Attorney



TOWN OF FLORENCE

Community Development Department

MEMO

To: Mayor and Council
Charles Montoya, Town Manager
Lisa Garcia, Deputy Town Manager

From: Mark Eckhoff, AICP, Community Development Director

Date: September 16, 2013 Town Council Meeting

Re: Supplement to RCA and Ordinance No. 601-13

Staff was directed to provide supplemental information in regards to what could be an acceptable and appropriate age limit for new manufactured home installations within the Town of Florence. Staff was also directed to review possible requirements for ground setting manufactured homes.

Staff was unable to find any municipalities in the region that permit mobile homes (constructed prior to June 15, 1976), and any mobile homes that are existing are grandfathered and generally being removed as they become functionally obsolete, unsafe or land values have facilitated redevelopment opportunities. It is noted, however, that some communities tend to blur the distinctions between mobile home, manufactured home, modular home and park model, thus, making this research a bit more challenging. The Town's proposed ordinance provides clear definitions for each of these housing types.

Staff's research found that the cities of Casa Grande, Maricopa and the Town of Queen Creek have reached the period in their growth cycle where land values and the market for site-built single family homes have essentially ceased the zoning for or the permitting of new manufactured homes. Maricopa has some older grandfathered manufactured homes that were approved under the jurisdiction of Pinal County. Casa Grande has several existing high quality manufactured home and RV communities where, like with Florence Gardens, the CC&R and HOA requirements for development standards exceed municipal standards. The Town of Queen Creek no longer permits any manufactured homes so there is no specified age limit, but they will allow new modular homes that are assembled on site and meet all of the locally adopted building codes. The City of Eloy has a clearly defined ten year age requirement for manufactured homes brought into their jurisdiction. The City of Coolidge has a clearly defined three year age requirement for manufactured homes brought into their jurisdiction.

The Town of Florence had recent code restrictions for the age of manufactured homes that ranged from three to six years. This requirement was inadvertently omitted during

subsequent code updates. Over the past seven or more years, only new manufactured homes have been installed in Florence Gardens, and three manufactured homes have been approved in the Town outside of Florence Gardens through the CUP process. In each of these three CUP cases, the Mayor and Council placed an age limit on these manufactured homes that ranged from one to three years. Ground setting requirements were also imposed.

Staff found that there is a universal requirement in surrounding municipalities that if, and when, manufactured homes are allowed, they be ground-set. Staff contends that this common requirement should be added to the Town's code to further enhance the aesthetics and compatibility of manufactured homes.

Furthermore, staff found that in *Schanzenbach v. Town of Opal, Wyoming*, (706 F.3rd 1269), Feb. 7, 2013 (U.S. App., 10th Cir), the court upheld the Town's right to place a ten year age limit on manufactured homes that was established to protect the aesthetics of the community and property values.

In conclusion, staff contends that it is in the best interest of the Town of Florence in regards to the enhancement of community aesthetics and property values and beneficial to the health, welfare and safety of the residents of Florence to adopt Ordinance No. 601-13 as attached. Staff further contends that this Ordinance, combined with code compliance efforts, infill incentives and redevelopment initiatives will ultimately protect the long-term sustainability of the Town of Florence, particularly the core of the Town and the Town's historic district.