TOWN OF FLORENCE
REGULAR MEETING AGENDA

Mayor Tara Walter
Vice-Mayor John Anderson
Councilmember Bill Hawkins
Councilmember Karen Wall
Councilmember Kristen Larsen
Councilmember Michelle Cordes
Councilmember Judy Hughes

Florence Town Hall
775 N. Main Street
Florence, AZ 85132
(520) 868-7500
www.florenceaz.gov
Meet 1st and 3rd Mondays

Monday, March 16, 2020 **5:30 PM**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Town of Florence Council and to the general public that a Regular Meeting of the Florence Town Council will be held on Monday, March 16, 2020, at 5:30 p.m., in the Florence Town Council Chambers, located at 775 N. Main Street, Florence, Arizona. The agenda for this meeting is as follows:

1. **CALL TO ORDER**

2. **ROLL CALL: Tara Walter, John Anderson, Bill Hawkins, Karen Wall, Kristen Larsen, Michelle Cordes, Judy Hughes**

3. **MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1**

   a. Call to Order

   b. **ROLL CALL: Tara Walter, John Anderson, Bill Hawkins, Karen Wall, Kristen Larsen, Michelle Cordes, Judy Hughes**

4. **MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2**

   a. Call to Order

   b. **ROLL CALL: Tara Walter, John Anderson, Bill Hawkins, Karen Wall, Kristen Larsen, Michelle Cordes, Judy Hughes**

5. **ADJOURNMENT TO A JOINT EXECUTIVE SESSION WITH MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1, MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2 AND THE MAYOR AND COUNCIL OF THE TOWN OF FLORENCE.**

   For the purposes of discussions or consultations with designated representatives of the public body and/or legal counsel pursuant to A.R.S. Sections 38-431.03 (A)(3), (A)(4) and (A)(7) to consider its position and instruct its representatives and/or attorneys regarding:

   a. Discussion or consultations regarding a Notice of Claim filed by Merrill Ranch Owner's Agent, L.L.C., CMR/Casa Grande, L.L.C., Roadrunner Resorts, L.L.C. and Florence

Copper, Inc. against Merrill Ranch Community Facilities Districts No. 1, Merrill Ranch Community Facilities District No. 2 and the Town of Florence.

b. Discussion or consultation potential and threated claims against the Town and Districts.

6. ADJOURNMENT FROM MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1 EXECUTIVE SESSION.

7. ADJOURNMENT FROM MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1 MEETING.

8. ADJOURNMENT FROM MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2 EXECUTIVE SESSION.

9. ADJOURNMENT FROM MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2 MEETING.

10. ADJOURNMENT FROM THE FLORENCE TOWN COUNCIL EXECUTIVE SESSION AND TO RESUME REGULAR MEETING.

11. MOMENT OF SILENCE

12. PLEDGE OF ALLEGIANCE

13. 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.

14. PUBLIC HEARING AND PRESENTATION

a. Public hearing to receive public comment on the Text Amendment to the Town of Florence Land Development Code and first reading of Ordinance 689-20**:** 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, Administration and Procedures Sections 150.000 to 150.019 and adding Sections 150.020 to 150.024, and relocating "Part 1. General Provisions," Sections 150.080 to 150.081 to the Administration and Procedures Sections 150.020 and 150.021, respectively. The proposed text amendment document was declared a public record by Resolution No 1733-20, one paper copy is on file in the Office of the Town Clerk, and one electronic copy is available on the Town of Florence website. (Dana Burkhart)

b. Census 2020 Presentation. (Jennifer Evans)

15. **CONSENT: All items on the consent agenda 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 dispose of vehicles that are no longer needed and have outlived their useful life. (Rebecca Jimenez)

b. Approval of Lantis Fireworks and Lasers contract for the 2020-2021 Fireworks Display in an amount not to exceed $37,000. (Alison Feliz)

c. Approval of a Change Order for the Poston Butte Preserve Project On-Call Engineering, pursuant to Council approved contract with WestLand Resources, Inc., for an additional $2,500, increasing the total to $199,913, which is within budget for this fiscal year. (John Nixon)

d. Authorize Town staff to proceed with negotiations with the five parks communities in drafting a special use agreement for future development of a Town parcel for use as a community dog park. (John Nixon)

e. Approval of the January 27, 2020 Town Council Meeting minutes.

f. Receive and file the following board and commission minutes:

1. January 9, 2020 Arts and Culture Commission Meeting minutes.
2. January 29, 2020 Historic District Advisory Commission Meeting minutes.
3. December 5, 2019 Planning and Zoning Commission Meeting minutes.

16. **UNFINISHED BUSINESS**

a. Ordinance No. 691-20: Second reading and Discussion/Approval/Disapproval of AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA AMENDING SECTIONS OF CHAPTER 32.001 (D) TOWN BOARDS, COMMISSION, AND COMMITTEES. (Lisa Garcia)

17. **NEW BUSINESS**

a. Discussion/Approval/Disapproval to adopt the Major General Plan Amendment Calendar for 2020. (Larry Harmer)

b. First reading of Ordinance No. 692-20: AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE CODE OF ORDINANCE, ARIZONA, TITLE XI BUSINESS REGULATIONS, BY AMENDING CHAPTER 111, SECTION 111.05 (F) OPERATIONAL REQUIREMENTS. (Lisa Garcia)

c. Resolution No. 1735-20: Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, EXERCISING TOWN COUNCIL'S LEGISLATIVE DISCRETION TO NOT ENFORCE OR SUSPEND ENFORCEMENT OF CHAPTER 111, SECTION 111.05 (F) UNTIL THE EFFECTIVE DATE OF ORDINANCE NO. 692-20. (Lisa Garcia)

d. Resolution No. 1736-20: Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ADOPTING REVISIONS TO THE TOWN OF FLORENCE PROPERTY LEASE POLICY. (Lisa Garcia/Jennifer Evans)

18. WORK SESSION ON STREET LIGHT IMPROVEMENT ORDINANCE AND POLICY (Chris Salas)

19. MANAGER'S REPORT

20. CALL TO THE PUBLIC

21. CALL TO THE COUNCIL – CURRENT EVENTS ONLY

22. ADJOURNMENT TO EXECUTIVE SESSION

For the purposes of discussions or consultations with designated representatives of the public body and/or legal counsel pursuant to A.R.S. Sections 38-431.03 (A)(3), (A)(4) and (A)(7) to consider its position and instruct its representatives and/or attorneys regarding:

a. Town's position and instruct its attorneys regarding pending litigation in Maricopa County Superior Court: Town of Florence v. Florence Copper, Inc. CV2015-000325, including counterclaims.
b. Town's position and instruct its attorneys regarding Arizona Department of Environmental Quality proceedings, related to Water Quality Appeals Board Case No. 16-002, including appellate proceedings to reviewing courts.
c. Town's position and instruct its attorneys regarding pending litigation in the U.S. District Court for the District of Arizona: (Case No. CV-14-01304-PHX-DMF) Walt Hunter and Jarris A.H. Varnrobinson Von Zombie v. Town of Florence, et al.
d. Town's position on purchasing, leasing and or selling land.

23. ADJOURNMENT FROM EXECUTIVE SESSION

24. 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). One or more members of Council may appear for part or all of the meeting including Executive Session telephonically.

POSTED ON MARCH 12, 2020, BY LISA GARCIA, TOWN CLERK, AT 775 NORTH MAIN 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.*****

MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1
AGENDA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Merrill Ranch Community Facility District No. 1 Members and to the general public that a Special Meeting of the District Board will be held on Monday, March 16, 2020 at 5:30 p.m., or immediately following the Town of Florence Council Meeting, in the Florence Town Council Chambers, located at 775 N. Main Street, Florence, Arizona. The agenda for this meeting is as follows:

1. **CALL TO ORDER**

2. **ROLL CALL: Tara Walter __, John Anderson__, Bill Hawkins__, Karen Wall____, Kristen Larsen___, Michelle Cordes__, Judy Hughes___.**

3. **ADJOURNMENT TO A JOINT EXECUTIVE SESSION WITH MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1, MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2 AND THE MAYOR AND COUNCIL OF THE TOWN OF FLORENCE.**

For the purposes of discussions or consultations with designated representatives of the public body and/or legal counsel pursuant to A.R.S. Sections 38-431.03 (A)(3), (A)(4) and (A)(7) to consider its position and instruct its representatives and/or attorneys regarding:

a. Discussion or consultations regarding a Notice of Claim filed by Merrill Ranch Owner's Agent, L.L.C., CMR/Casa Grande, L.L.C., Roadrunner Resorts, L.L.C. and Florence Copper, Inc. against Merrill Ranch Community Facilities Districts No. 1, Merrill Ranch Community Facilities District No. 2 and the Town of Florence.

b. Discussion or consultation potential and threated claims against the Town and Districts.

4. **ADJOURNMENT FROM MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1 EXECUTIVE SESSION.**

5. **ADJOURNMENT**

The Merrill Ranch Community Facilities District No. 1 (MRCFD1) Board may go into Executive Session at any time during the meeting for the purpose of obtaining legal advice from the District's Attorney(s) on any of the agenda items pursuant to A.R.S. § 38-431.03(A)(3). One or more members of MRCFD1 Board may appear for part or all of the meeting including Executive Session telephonically.

POSTED ON March 12, 2020, BY LISA GARCIA, DISTRICT CLERK, AT 775 N. MAIN STREET, ARIZONA AND WWW.FLORENCEAZ.GOV.

*****PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA), THE MERRILL RANCH COMMUNTIY FACILITIES DISTRICT NO. 1 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.*****

MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2
AGENDA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Merrill Ranch Community Facility District No. 2 Members and to the general public that a Special Meeting of the District Board will be held on Monday, March 16, 2020 at 5:30 p.m., or immediately following the Town of Florence Council Meeting, in the Florence Town Council Chambers, located at 775 N. Main Street, Florence, Arizona. The agenda for this meeting is as follows:

1. **CALL TO ORDER**

2. **ROLL CALL: Tara Walter __, John Anderson__, Bill Hawkins__, Karen Wall____, Kristen Larsen___, Michelle Cordes__, Judy Hughes___.**

3. **ADJOURNMENT TO A JOINT EXECUTIVE SESSION WITH MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1, MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2 AND THE MAYOR AND COUNCIL OF THE TOWN OF FLORENCE.**

For the purposes of discussions or consultations with designated representatives of the public body and/or legal counsel pursuant to A.R.S. Sections 38-431.03 (A)(3), (A)(4) and (A)(7) to consider its position and instruct its representatives and/or attorneys regarding:

a. Discussion or consultations regarding a Notice of Claim filed by Merrill Ranch Owner's Agent, L.L.C., CMR/Casa Grande, L.L.C., Roadrunner Resorts, L.L.C. and Florence Copper, Inc. against Merrill Ranch Community Facilities Districts No. 1, Merrill Ranch Community Facilities District No. 2 and the Town of Florence.

b. Discussion or consultation potential and threated claims against the Town and Districts.

4. **ADJOURNMENT FROM MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO.2 EXECUTIVE SESSION.**

5. **ADJOURNMENT**

The Merrill Ranch Community Facilities District No. 2 (MRCFD2) Board may go into Executive Session at any time during the meeting for the purpose of obtaining legal advice from the District's Attorney(s) on any of the agenda items pursuant to A.R.S. § 38-431.03(A)(3). One or more members of MRCFD2 Board may appear for part or all of the meeting including Executive Session telephonically.

POSTED ON March 12, 2020, BY LISA GARCIA, DISTRICT CLERK, AT 775 N. MAIN STREET, ARIZONA AND WWW.FLORENCEAZ.GOV.

*****PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA), THE MERRILL RANCH COMMUNTIY FACILITIES DISTRICT NO. 2 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	**AGENDA ITEM 14a.**
MEETING DATE: March 16, 2020 **DEPARTMENT:** Community Development **STAFF PRESENTER:** Dana Burkhardt, Consultant, and Larry Harmer, Senior Planner **SUBJECT:** Ordinance No. 689-20: Text amendment to restructure the Development Code Administration and Procedures Section		☐ **Action** ☐ **Information Only** ☒ **Public Hearing** ☐ **Resolution** ☒ **Ordinance** ☐ **Regulatory** ☐ **1st Reading** ☒ **2nd Reading** ☐ **Other**
STRATEGIC PLAN REFERENCE: ☐ Community Vitality ☐ Economic Prosperity ☒ Leadership and Governance ☐ Partnership and Relationships ☐ Transportation and Infrastructure ☐ Statutory ☐ None		

RECOMMENDED MOTION/ACTION (after 2nd reading):

Public Hearing on Ordinance No. 689-20: 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, ADMINISTRATION AND PROCEDURES SECTIONS 150.000 TO 150.019 AND ADDING SECTIONS 150.020 TO 150.024, AND RELOCATING "PART 1. GENERAL PROVISIONS," SECTIONS 150.080 AND 150.081 TO THE ADMINISTRATION AND PROCEDURES SECTIONS 150.020 AND 150.021, RESPECTIVELY.

BACKGROUND/DISCUSSION:

Over the years, the Town's Development Code has been incrementally updated and in some instances the codes and structure appear piecemeal. The purpose of this code amendment is to "clean-up" the Town's Development Code by restructuring the Administration and Procedures section to remove obvious inconsistencies and conflicts within the Code. The intent is to make minimal regulatory changes unless necessary to comply with statute and to restructure the sections to reflect current practices and to be more user friendly.

This draft text amendment was first introduced to the Planning and Zoning Commission on May 16, 2019. The Planning and Zoning Commission's review included a progression of three updates to the proposed language. Each updated version has been made available for public download, review, and comment on the Town's Community

Development webpage. The following is a list of the public meeting and review process (events with an * are pending):

1.	P&Z Introduction – Process Overview and Proposed Draft	5/16/19
2.	HDAC Introduction - Process Overview and Proposed Draft	5/29/19
3.	HDAC – Review and Comment	7/31/19
4.	HDAC – Review and Comment	8/28/19
5.	P&Z Follow up – 1st Review discussion	9/05/19
6.	P&Z – 1st Review Comments	9/19/19
7.	HDAC – Review and Recommendation	9/25/19
8.	Neighborhood Meeting/Open House	11/07/19
9.	P&Z – 2nd Review Comments	11/07/19
10.	3rd Draft Issued for Review	1/23/20
11.	P&Z – 3rd Review Comments and Public Hearing	2/20/20
12.	*Town Council 1st Read & Public Hearing	3/16/20
13.	*Town Council 2nd Read	4/06/20

Accompanying this RCA are two exhibits of the proposed changes to the Administrative and Procedures section of the Development Code. Exhibit A includes the complete Ordinance 689-20 as advertised for adoption and is the subject of Council's consideration. Exhibit B is for your reference only and contains the same proposed text amendments as Exhibit A, with staff's commentary to explain the impetus of particular revisions. The purpose of Exhibit B is simply to explain why specific revisions are proposed, or if the text is being relocated from another area of the code. The following summarizes the proposed text amendments:

- Reference to the Town's Historic District Advisory Commission creation and authorities
- Codify the Pre-Application Conference process, as has been practiced for over a decade and as referenced in other sections of the Code.
- Consolidate the Site Plan Review procedure with Design Review.
- Establish Temporary Use Permit procedure as referenced in other sections of the Code.
- Establish a "Claim for Diminution in Value" procedure to address potential Proposition 207 claims against the Town.
- Relocate "Non-conforming Use" and "Enlargement of building or land" from General Provisions section to the administration section.
- Statutory change update to rezoning protest criteria (HB 2116.)

The Planning and Zoning Commission and Historic District Advisory Commission unanimously recommend the Town Council adopt Ordinance No. 689-20.

A VOTE OF NO WOULD MEAN:

A no vote would mean that the Town of Florence will not proceed at this time with adopting Ordinance No. 689-20 to amend the Development Code language as presented.

A VOTE OF YES WOULD MEAN:

A yes vote would mean that the Town of Florence adopts Ordinance No. 689-20 to amend the Development Code language as presented.

FINANCIAL IMPACT:

None

ATTACHMENTS:

Ordinance No. 689-20
Exhibit A – Text Amendment
Exhibit B - Proposed Code Amendment with Staff Commentary (for reference only)
Notice of Public Hearing
Presentation

ORDINANCE NO. 689-20

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, ADMINISTRATION AND PROCEDURES SECTIONS 150.000 TO 150.019 AND ADDING SECTIONS 150.020 TO 150.024, AND RELOCATING "PART 1. GENERAL PROVISIONS," SECTIONS 150.080 AND 150.081 TO THE ADMINISTRATION AND PROCEDURES SECTIONS 150.020 AND 150.021, RESPECTIVELY.

WHEREAS, in accordance with A.R.S. 9-462, the legislative body may adopt by ordinance, any change or amendment to the regulations and provisions as set forth in the Development Code of the Town of Florence; and

WHEREAS, a certain document entitled "Text Amendment to the Town of Florence Code of Ordinances Title XV Land Usage Chapter 150: Development Code Administration and Procedures, Sections 150.001 through 150.019 and adding Sections 150.020 to 150.024, and relocating Part 1. General Provisions, Sections 150.080 and 150.081 to the Administration and Procedures Sections 150.020 and 150.021, respectively," one paper copy and one electronic copy on the Town's website which is on file in the Office of the Town Clerk, of the Town of Florence, which document was made a public record by Resolution No 1733-20, is hereby referred to, adopted and made a part hereof as if fully set forth in this Ordinance; and

WHEREAS, notification of this amendment has been published in a local newspaper with general circulation in the Town of Florence, giving fifteen (15) day notice of time, date, and place of public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission on February 20, 2020; and

WHEREAS, the Planning and Zoning Commission, after having held a public hearing on the case, has forwarded the Mayor and Town Council a favorable recommendation for the text amendment ordinance; and

WHEREAS, the Town Council has determined that it is in the best interest of the residents of Florence to amend the Town of Florence Development Code, Sections 150.000 to 150.024,150.080 and 150.081, such that it is advisable to repeal and replace the aforementioned sections, as further set forth in Exhibit "A", which is attached hereto and incorporated herein by reference; and

WHEREAS, the Town Council 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 ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FLORENCE, ARIZONA, AS FOLLOWS:

Section 1. Any proposal for a change in use or construction of new facilities or the modification of existing facilities within the Town shall be subject to the following: Town of Florence Code of Ordinances Title XV Land Usage, Chapter 150 of the Florence Development Code Sections 150.000 to 150.024 “Administration and Procedures,”; the Town's licensing and permit requirements; the Town’s reasonable design review and development standards; the Town's reasonable rates and fees as adopted by the Town; and all other applicable regulatory processes.

Section 2. That Title XV *Land Usage* of the Town of Florence Code of Ordinances is hereby amended by the revisions, additions, deletions, and replacement of the Development Code text as included and on file at the Clerk’s Office and online electronically per Resolution No. 1733-20, Exhibit “A”, and as codified in the Town Code of Ordinances. That a certain document entitled existing Title XV of the Town of Florence Code of Ordinances as amended by Exhibit “A”, one paper copy and one electronic copy of which are on file in the Office of the Town Clerk, are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 3 of this Ordinance.

Section 3. Exhibit "A" is hereby approved, adopted and incorporated into the Town of Florence Code of Ordinances Title XV Land Usage, Chapter 150 Development Code by reference, as fully as if set forth in this Ordinance in its entirety.

Section 4. Should there be any conflicting provision of the Technical Codes with any other Codes and regulations adopted by the Town of Florence, the more restrictive code requirement shall take precedence.

Section 5. That if any section, subsection, clause, phrase or portion of this Ordinance or any part of the amended and restated Town of Florence Code of Ordinances Title XV is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof. The Town of Florence, Arizona hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections,

subsections, sentences, clauses and phrases be declared unconstitutional.

Section 6. That nothing in this legislation or in the text hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed or modified as cited in Sections 2 and 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

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

_____
Tara Walter, Mayor

ATTEST:

_____
Lisa Garcia, Town Clerk

APPROVED AS TO FORM:

_____
Clifford Mattice, Town Attorney

EXHIBIT A

Text Amendment to the Town of Florence Code of Ordinances Title XV Land Usage Chapter 150: Development Code Administration and Procedures Sections 150.001 through 150.019 and adding Sections 150.020 to 150.024 and relocating Part 1. General Provisions Sections150.080 and 150.081 to the Administration and Procedures Sections 150.020 and 150.021, respectively.

Proposed new or relocated text is shown in red, blue or green underline, text with a red, blue or green strike through is proposed for deletion.

TITLE XV: LAND USAGE

Chapter 150: Development Code

Table of Contents:

Section 150.000 Administration and Procedures (0 Series)

150.001 Title

150.002 Purpose

150.003 Effective date, repeal and severability

150.004 Enforcement, interpretation and conflict

150.005 Compliance

150.006 Injunction

150.007 Planning and Zoning Commission

150.008 Historic District Advisory Commission

150.~~008~~ 009 Board of Adjustment; appeals

150.~~009~~ 010 Variances

150.~~010~~ 011 Administrative staff

150.~~011~~ 012 Technical Advisory Committee

150.013 Pre-Application Conference

~~150.012 Site plan: Application, content and review~~

150.~~013~~ 014 Design Review

150.~~014~~ 015 Zone changes; amendments

150.~~015~~ 016 Conditional Use Permits

Commented [DB1]: Codifying this procedure as practiced by the Com Dev Dept. It is currently codified as a procedure in the Subdivision Ordinance

Commented [DB2]: Site Plan review consolidated within elements of Design Review.

150.017 Temporary Use Permits

150.~~016~~ 018 Exceptions and modifications

~~150.017 Applications and fees~~

150.~~018~~ 019 Building permits and Certificates of Occupancy

150.020 ~~150.080~~ Nonconforming use

150.021 ~~150.081~~ Enlargement of building or land; destruction

150.~~019~~ 022 Citizen review process

150.0~~17~~23 Applications and fees

150.024 Claim for Diminution in Value

Commented [DB3]: Moved to end of section 150.023

Commented [DB4]: Moved here from "Regulations Section 150.080 and .081"

Section 150.000 Administration and Procedures (0 Series)

150.001 Title

These regulations shall be known and cited as "The Development Code of the Town of Florence" (hereinafter known as the "Development Code").

(Prior Code, Ch. 4, Art. I, § 4-1) (Ord. 432-06, passed 6-19-2006)

150.002 Purpose

This Development Code of the Town of Florence, Arizona, (hereinafter "town") is hereby adopted for the following purposes:

I. ~~(A) (1)~~ To promote and protect the health, safety and welfare of the residents of the town by:
(A) ~~and to e~~Establishing land use classifications;~~, d~~
(B) Dividing the town into districts;
(C) ~~, i~~Imposing regulations, prohibitions and restrictions for the promotion of health, safety, convenience, aesthetics and welfare;
(D) ~~, g~~Governing the use of land for residential and nonresidential purposes~~, r~~;
(E) Regulating and limiting the height and bulk of buildings and other structures, limiting lot occupancy and the size of yards and other open spaces;~~,~~
(F) E~~e~~stablishing standards of performance and design;~~, a~~
(G) Adopting a map of the districts; and
~~(A)~~(H) ~~, p~~Prescribing penalties for violations of the Code and repealing all codes in conflict therewith.

II. ~~(2)~~ Furthermore, these regulations are deemed necessary to ensure orderly growth and harmonious development of the municipality to:

(A) eEnsure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities; , a

(B) Achieve individual property lots of reasonable utility and livability;,

(C) Ssecure adequate provisions for water supply, drainage, sanitary sewerage and other health requirements; , e

(D) Ensure consideration for adequate sites for schools, recreation areas and other public facilities; , p and

(E) Promote the conveyance of land by accurate legal description and to provide logical procedures for the achievement of this purpose.

II. In its interpretation and application, the provisions of this Development Code are intended to provide a common ground of understanding and equitable working relationship between public and private interests to the end that both independent and mutual objectives can be achieved in the subdivision of land.

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III. (B) This Development Code shall be considered the minimum requirements necessary for the promotion of the general plan as amended from time to time, for the protection of the citizens of the town.

(Prior Code, Ch. 4, Art. I, § 4-2) (Ord. 432-06, passed 6-19-2006) (Ord. 689-20, passed X-X-202X)

150.003 Effective date, repeal and severability

This chapter shall be in full force and effect from and after July 19, 2006.

(Prior Code, Ch. 4, Art. I, § 4-3) (Ord. 432-06, passed 6-19-2006)

150.004 Enforcement, interpretation and conflict

I. (A)*Enforcement.* The Office of Planning DirectorCommunity Development Director shall have the responsibility for enforcement of this Development Code.

II. (B)*Interpretation.* When the provisions of this Development Code are interpreted or applied, they shall be held to be the minimum requirements for the promotion of the public safety, health and general welfare.

III. (C)*Conflict.* The provisions of this Development Code are not intended to interfere with, abrogate or annul any code, rule, regulation or permit previously adopted or issued, and not in conflict with any provision of this Development Code, or which shall be adopted or issued pursuant to law relating to the use of building or Code not in conflict with this Development Code; nor is it intended by this Development Code to interfere with, abrogate or annul any easement, covenant or other agreement between parties, except when this Development Code imposes a greater restriction, this Development Code shall control.

(Prior Code, Ch. 4, Art. I, § 4-4) (Ord. 432-06, passed 6-19-2006) (Ord. 689-20, passed X-X-202X)

150.005 Compliance

No building or land shall be devoted to any use other than a use permitted in the zoning district in which the building or land shall be located, with the exception of the following:

I. ~~(A)~~ Uses lawfully established as of the effective date of this comprehensive amendment, see § 150.019 and 150.020;
II. ~~(B)~~ Analogous uses;
III. ~~(C)~~ Accessory uses customarily incidental to the permitted uses; and
IV. ~~(D)~~ Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but the temporary buildings shall be removed upon completion or abandonment of the construction work.

(Prior Code, Ch. 4, Art. I, § 4-5(b)) (Ord. 432-06, passed 6-19-2006) (Ord. 689-20, passed X-X-202X)

150.006 Injunction

I. ~~(A)~~ *Injunction.* If any building or maintained structure is constructed, reconstructed, altered, repaired, converted or any building, structure or land is used in violation of this Development Code, the town, any owner or tenant of real property affected by the building or structure in question, in addition to other remedies, may institute any appropriate action or proceedings:
   (A) ~~(1)~~ To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use;
   (B) ~~(2)~~ To prevent the illegal act, conduct, business or use in or about the premises;
   (C) ~~(3)~~ To prevent occupancy of the building, structure or land whether improved or otherwise; and
   (D) ~~(4)~~ To restrain, correct or abate the violation.
II. ~~(B)~~ When any action is instituted by an owner or tenant, notice of the action shall be served upon the municipality at the time suit is begun by serving a copy of the complaint on the Manager or designee thereof.
III. In any action or proceeding, the court with jurisdiction thereof has the power ~~and in its discretion~~and, in its discretion, may issue a restraining order, or a preliminary injunction, as well as a permanent injunction, upon the terms and under the conditions as will do justice and enforce the purpose of this Development Code.

(Prior Code, Ch. 4, Art. I, § 4-6) (Ord. 432-06, passed 6-19-2006) (Ord. 689-20, passed X-X-202X)

150.007 Planning and Zoning Commission

See § 32.105 and 32.106.

(Prior Code, Ch. 4, Art. I, § 4-7) (Ord. 432-06, passed 6-19-2006)

150.008 Historic District Advisory Commission

See § 32.070.

(Ord. 689-20, passed X-X-202X)

~~150.008~~150.009 Board of Adjustment; appeals

I. ~~(A)~~ *Creation.* There is hereby created a Board of Adjustment, the membership of which shall consist of the Mayor and Town Council of the town and, the word BOARD when used in

this Development Code, shall mean the Mayor and Council when sitting as the Board of Adjustment.

II. ~~(B)~~ *Meetings, oaths and witnesses.* All meetings of the Board shall be held at the call of the Chairperson and at the other times as the Board may determine. All meetings of the Board shall be open to the public. The Chairperson, or in the Chairperson's absence, the acting Chairperson may administer oaths and compel the attendance of witnesses in accordance with the laws of the state.

III. ~~(C)~~ *Procedure.* The Board shall make and publish rules and regulations to govern its proceedings. The presence of four members shall constitute a quorum. The concurring vote of a majority of the Board shall be necessary to reverse an order or decision of an administrative official, or to ~~effect~~affect any variations from the terms and conditions of this Development Code. The minutes and records of all Board proceedings shall be kept and filed as public record in the office of the Town Clerk. The Board may call on the administrative staff of the municipality for assistance in the performance of its duties, and it shall be the duty of the departments to render the assistance to the Board as may be reasonably required.

IV. ~~(D)~~ *Powers and duties.* The Board of Adjustment shall have the power and jurisdiction to hear those matters set forth in this Development Code.

V. ~~(E)~~ *Appeals of administrative decisions.*

(A) ~~(1)~~ Appeals may be taken to the Board of Adjustment by persons aggrieved or by any officer, department, commission, board or bureau of the municipality affected by a decision of an administrative official within 30 calendar days from the date of the decision. Within this 30-day timeframe, the aggrieved person or body ~~by filing~~shall file with the officer from whom the appeal is taken and with the Town Clerk, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

(B) ~~(2)~~ An appeal shall stay all proceedings in the matter appealed from, unless the officer from whom the appeal is taken certified to the Board that, by reason of the fact stated in the certificate, the stay would in the officer's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the Board or by a court of record on application and notice to the officer from whom the appeal is taken. The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties in interest and the public.

(Prior Code, Ch. 4, Art. I, § 4-8) (Ord. 432-06, passed 6-19-2006) (Ord. 689-20, passed X-X-202X)

Cross-reference:

For other town boards and commissions, see Ch. 32

~~150.009~~150.010 Variances

I. ~~(A)~~ *Application.* Application for a variance to property development standards ~~shall be made to the Board of Adjustment in the form of a written application. The application~~ shall be filed with the Office of the Community Development Director ~~Town Clerk~~ upon a form prepared by the Community Development Department pursuant to subsection 150.023 of

this code. The completed application form ~~provided by the Town Clerk, and~~ shall be accompanied by:

(A) ~~(1)~~ Plans. Plans and description sufficient to indicate the nature of the project involved and the proposed use with ~~ground~~ site plan~~s~~ and elevations of all proposed buildings, together with an estimate of cost.

(B) ~~(2)~~ Period of approval. Evidence satisfactory to the Board of Adjustment of the ability and intention of the applicant to proceed with actual construction work in accordance with the plans within six months after issuance of the variance.

II. ~~(B)~~ *Fee.* A filing fee pursuant to the town fee schedule shall accompany each application. If the Board of Adjustment finds that it has no jurisdiction to hear the matter, the filing fee shall not be refunded to the applicant. From the time of filing the application until the time of the hearing, the application and all maps, plans and other accompanying data shall be available for public inspection during office hours at the office of the Town Clerk.

III. ~~(C)~~ *Hearing and notice.* Upon receipt in proper form of any application, the Board of Adjustment shall proceed to hold a public hearing upon the application within 45 calendar days after the filing at which time all persons shall be given an opportunity to be heard. The Board of Adjustment shall cause one notice of the hearing to be published in a newspaper of general circulation in the area of the municipality and shall cause to be posted three notices of hearing, one of which shall be on the subject property and the other two within 300 feet thereof, giving at least ~~ten~~fifteen-days' notice of the hearing, and the time and place where the hearing will be held. The notice, both as published and posted, shall also show the nature of the variance or exception requested and state that anyone wanting to be heard may appear in person or by writing.

IV. ~~(D)~~ *Findings.* A variance from the provisions of this Development Code shall not be authorized unless the Board shall find upon sufficient evidence:

(A) ~~(1)~~ There are special circumstances or conditions applying to the land, building or use referred to in the application which do not apply to other properties in the district;

(B) ~~(2)~~ The special circumstances were not created by the owner or applicant;

(C) ~~(3)~~ The condition or situation of the specific piece of property for which the variance is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation for the conditions or situations (if, in the Board's opinion, the formulation of a general regulation is more appropriate than a variance, the Board shall table its consideration of the application and communicate to the Council its recommendation for a general regulation; should the Council not act upon the recommendation within 30 calendar days, the Board shall reconsider the application);

(D) ~~(4)~~ The authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights; and

(E) ~~(5)~~ The authorizing of the variance application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, the neighborhood or the public welfare in general.

V. ~~(E)~~ *Action.* The Board shall prescribe in connection with any variance the conditions, as the Board may deem necessary in order to fully carry out the provisions and intent of this Development Code. The conditions may include, among other things, a limitation of the

time for which the variance shall be valid. Violation of any condition shall be a violation of this Development Code, and the violation shall render the variance null and void.

VI. ~~(F)~~ *Review.* Any person aggrieved by a decision of the Board may, within 30 days after the decision of the Board, and not thereafter, petition the Superior Court to review the Board's decision pursuant to A.R.S. § 9-462.06, as amended, and the Superior Court Rules for Special Actions.

(Prior Code, Ch. 4, Art. I, § 4-9) (Ord. 432-06, passed 6-19-2006) (Ord. 689-20, passed X-X-202X)

~~150.010~~150.011 Administrative staff

I. ~~(A)~~ *Creation.* There is hereby created the position of ~~Planning Director~~Community Development Director who shall be hired by the town. The ~~Planning Director~~Community Development Director shall be responsible with enforcement of this Development Code. As used in this Development Code, ~~PLANNING DIRECTOR~~Community Development Director shall include staff authorized by the ~~Planning Director~~Community Development Director.

II. ~~(B)~~ *Powers and duties.* The ~~Planning Director~~Community Development Director shall perform the following functions:

(A) ~~(1)~~ Enforce this Development Code by ensuring that all activities, construction and development within the town are in conformance with the town zoning regulations;

(B) ~~(2)~~ Accomplish all administrative tasks required by this Development Code including informing and processing applications for all persons requesting a re-zoning, use permit, plan review, variance, appeal or other action of the Planning and Zoning Commission, Board of Adjustment or Town Council; and

(C) ~~(3)~~ Subject to the policies of the Planning and Zoning Commission and Town Council, interpret this Development Code to members of the public, town departments and other branches of government. Serve as planning staff to the Town Council ~~and~~, Planning and Zoning Commission, Board of Adjustment, Historic District Advisory Commission, and, as necessary, attend meetings of these and other organizations and agencies.

(Prior Code, Ch. 4, Art. I, § 4-10) (Ord. 432-06, passed 6-19-2006) (Ord. 689-20, passed X-X-202X)

~~150.011~~150.012 Technical Advisory Committee

I. ~~(A)~~ *Creation and composition.* The Technical Advisory Committee (hereinafter "Committee" or "TAC") is created ~~which~~ and shall consist of ~~a maximum of nine members, which may include~~ the Town Manager, ~~Planning Director~~Community Development Director, Building Official, Town Engineer, Senior Planner, Economic Development Director, Fire Chief, Police Chief and the Public Works Director, or their designees. The TAC may also include members of utility companies and agencies impacted by the specific request at hand.

II. ~~(B)~~ *Conflict.* When any Committee member has direct pecuniary or proprietary interest in any matter before the Committee, the member shall be excused and refrain from participating in voting on any matters over which the conflict occurs while being considered by the Committee.

III. ~~(C)~~ *Meetings.* Meetings shall be at the call of the ~~Planning Director~~Community Development Director, or designee, or on an as-needed basis. Minutes showing the actions of the Committee shall be compiled, distributed to Committee members and a copy shall be

kept in the ~~Planning and Zoning~~ Community Development Department. The ~~Planning Director~~Community Development Director, or designee, shall serve as Chairperson to the Committee and a person designated by the ~~Planning Director~~Community Development Director shall serve as Secretary.

IV. ~~(D)~~ Intent. The Committee review of development plans and proposals is intended to provide guidance and direction to a prospective applicant, developer or builder in order to achieve site development that conforms with the town's general plan, Town Code and regulations and its goals for quality development in the community. Technical review is intended to promote safe, attractive, harmonious and compatible development within the town and is, therefore, considered to be in the interest of the public health, safety and general welfare. Complete submittal requirements for technical review are outlined ~~in § 150.015(B)~~for the various applications and procedures referenced throughout this Development Code. Additional information and exhibits may be required to explain the full scope and impacts of a proposal. Additional information and exceptions to the minimum submittal requirements are subject to the discretion of the Community Development Director.

V. ~~(E)~~ *Powers, duties and jurisdiction.* The Committee shall have power to recommend, conditionally recommend or deny any application, not in compliance with this Development Code. The applicant shall be responsible for proving that the intent and purpose of this Development Code and other applicable provisions of the Town Code will be satisfied.

(A) ~~(1)~~ The Committee, upon hearing an application, may impose reasonable conditions to carry out the intent of this Development Code. Violation of any of these conditions shall be considered a violation of this Development Code, and shall render any permit null and void.

(B) ~~(2)~~ Prior to development, construction, remodel, change or alteration of any project subject to technical review, the property owner or designated agent shall secure written approval from the ~~Planning Director~~Community Development Director or designee. Technical review is required for design review applications, multi-family projects, manufactured home subdivisions, recreational vehicle parks, commercial and industrial developments, public facilities, public and private utilities and other uses identified in zoning districts as required by this Development Code

VI. ~~(F)~~ *Review.* The Committee shall review and comment on all residential development which contain four or more dwelling units, commercial or industrial developments ~~which contain four or more dwelling units~~, and businesses or buildings ~~but~~ which do not constitute a subdivision.

~~VII. (G) *Planning Commission review.* Subsequent to the review by the Committee, and prior to submission to the Town Council, all projects requiring technical review shall appear before and present their case to the Planning Commission. The Planning Commission shall forward the case (with its recommendation for approval or denial) and any suggested stipulations and/or changes to the submission to the Town Council for its review.~~

~~VIII. (H) *Town Council review.* Where required by the provisions of this Development Code, or as stipulated to by a Council action on a zoning amendment or otherwise, applications for technical review shall also be submitted to the Town Council for consideration following the required review by the Committee. When Council review and approval is required of the~~

~~applications, the action of the Committee on the project shall constitute only a recommendation. If the Council finds that a site plan does not meet the intent of this Development Code or the review criteria, the Council may disapprove the site plan.~~

~~IX. (I) *Period of approval.* An approved plan shall be valid for a period of 180 days from the date of approval and shall become invalid if a building permit has not been issued in that time. Up to an additional 180 days may be granted by the Planning Director or designee, upon written request of the applicant or Council, when Council review and approval is required.~~

~~X. (J) *Appeal procedure.* An applicant may appeal the decision of the Committee to the Town Council if that appeal is made in writing and filed with the Town Clerk within 60 days of the Committee's written decision. The appeal shall give the reasons for that appeal and the relief requested. The Town Council may affirm, modify or reverse the decision of the Committee. Appeals from a Town Council decision shall be heard by a state court of competent jurisdiction.~~

(Prior Code, Ch. 4, Art. I, § 4-11) (Ord. 432-06, passed 6-19-2006) (Ord. 689-20, passed X-X-202X)

~~150.012~~150.013 ~~Site Plan: Application, content and review~~ Pre-Application Conference

The pre-application conference stage of the planning approval process is an exploratory period preceding actual preparation of detailed development plans by the applicant. During this time, applicants, developers and builders make their intentions known informally to the town, are advised of specific public objectives related to the proposed development and are given detailed information regarding approval procedures and requirements. At a minimum, the applicant shall submit a site plan (or floor plan for tenant improvements), building elevations, and proposed uses to sufficiently convey the scope of the applicant's intentions for the subject property.

~~I. (A) *Application.* The Town Planning Department shall prescribe the form and content of applications and necessary accompanying data. Application shall be filed with the Planning Director or designee. Applications shall be made by the owner of the property or an agent authorized by a letter from all owners of the property.~~

~~II. (B) *Content.* A site plan shall include the following information:~~

~~(A) (1) *Technical review.* An accurate site plan on a minimum 18-inch by 24-inch sheet (or other as determined by the Planning Director) drawn at an appropriate scale showing the boundaries and dimensions of the site, acreage of the site, a north arrow, existing zoning of the site and contiguous property, dimensions and center lines of all streets, dimensions of all alleys and easements bounding or touching the site, dimensions from all street center lines to existing curb, gutter, sidewalk, water lines, sewer lines and irrigation lines, location, dimensions, direction and bearing of any major physical features such as railroads or drainage ways and existing topographic contours at intervals of not more than two feet.~~

~~(B) (2) *Development information.* Proposed grading of the site, proposed public dedications, if any, within the site, proposed location, proposed grade, dimensions and use of all buildings, structures and signs to be located on the site.~~

~~(C) (3) *Provisions of services.* Location, quantity and typical stall dimensions of off-street parking and loading facilities, points of ingress to and egress from the site,~~

Commented [DB5]: This process reads as it was the initial Design Review process. Formal Design Review process is now exercised by the Town. This procedural section of the Technical Advisory Committee is no longer utilized or applicable.

Commented [DB6]: The "Site Plan" procedure is now consolidated with the Design Review process 150.014

Commented [DB7]: The Pre-Application Conference process is / has been practiced by the Com Dev Department for past decade, with no fee for application. The Pre-application process is referenced in the Design Review application and referenced in the Development Code for PUD's. This procedure is practiced in progressive communities and is extremely helpful to the applicant and town at the onset of a project proposal. Already codified for Subdivision applications.

Commented [DB8]: Site Plan language merged with Design Review 150.014

Commented [DB9]: Consolidated Site plan submittal requirements with Design Review process. The Site Plan review requirements are already incorporated in the Design Review Application

Commented [DB10]: Moved to Design Review

~~including width of curb cuts, water, sewer, electric, gas and other public and private utility line sizes and locations, internal circulation, refuse collection areas, fire lanes and fire hydrants, off-site improvements and street lighting.~~

~~(D) (4) *Provision of amenities.* Proposed location of open space and recreational facilities on the site, location and type of landscaping, location and height of screen walls and, location and specifications for any other proposed features of development contributing to the use of the site and to the compatibility of the proposed development with the surrounding area.~~

~~(E) (5) *Calculations.* As applicable to the proposed development, calculations shall be tabulated on the map for storm water retention, parking spaces, number of dwelling units, compute density of dwelling units as provided in the town general plan, area of open space, building floor area by category of use and percentage and area of coverage of the site.~~

(Prior Code, Ch. 4, Art. I, § 4-12) (Ord. 432-06, passed 6-19-2006) (Ord. 689-20, passed X-X-202X)

~~150.013~~150.014 Design Review

I. ~~(A)~~ The purpose of design review is to:

(A) ~~(1)~~ Promote development consistent with the town's codes, policies, guidelines, zoning regulations and overall goals and vision per the town's general plan;

(B) ~~(2)~~ Ensure that development is compatible and in character with the surrounding area;

(C) ~~(3)~~ Provide an opportunity to address site plan, architectural, engineering and other development issues at a preliminary level, as requested by the Technical Advisory Committee, to facilitate the subsequent preparation of construction plans, and to assist in expediting permitting and development activities; and

(D) ~~(4)~~ Allow an opportunity to review the aesthetic and functional aspects of a proposed development or project.

II. ~~(B)~~ Projects within planned unit developments, including single-family homes; multiple-family developments, including condominiums and townhomes; office; commercial; mixed-use; institutional; and industrial projects, are subject to the design review process if any one of the following requirements is met:

(A) ~~(1)~~ Project or development includes new or modified vertical (above grade) development or construction components, including permanent signs, that require a building permit, except as noted in divisions (~~C~~III) and (~~D~~IV) below; and/or

(B) ~~(2)~~ Project includes new or modified horizontal project components, such as parking areas, driveways, circulation areas, landscape areas, outdoor storage areas, retention basins, parks and/or similar site elements, except as noted in divisions (~~C~~III) and (~~D~~IV) below.

III. ~~(C)~~ Grading plans, civil improvement plans, underground utility installations and similar projects, as may be determined by the ~~Planning Director~~Community Development Director, are exempt from the design review process.

IV. ~~(D)~~ Interior remodels or tenant improvements that do not alter the exterior dimensions or physical appearance of a structure and/or the historical integrity of a structure within the town's historic district, are exempt from the design review process.

Commented [DB11]: Moved to Design Review

Commented [DB12]: Moved to Design Review

Commented [DB13]: Moved to "Parcel Data" under Design Review process, below

Commented [DB14]: Moved from 150.013. Site Plan process above is now incorporated under Design Review procedures

V. ~~(E)~~ Applications for design review shall be submitted to the ~~Planning~~ Community Development Department and shall contain, where applicable:

(A) ~~(1)~~ Completed design review application forms and fee;

(B) ~~(2) Site plan showing all existing and proposed improvements; rights-of-way; and easements;~~ An accurate site plan ~~on a minimum 24-inch by 36-inch sheet (or other as determined by the Community Development Director)~~ drawn at an appropriate scale showing the boundaries and dimensions of the site, acreage of the site, a north arrow, existing zoning of the site and contiguous property, dimensions and center-lines of all streets, dimensions of all alleys and easements bounding or touching the site, dimensions from all street center lines to existing curb, gutter, sidewalk, water lines, sewer lines and irrigation lines, location, dimensions, direction and bearing of any major physical features such as railroads or drainage ways and existing topographic contours at intervals of not more than two feet, or in a manner acceptable to the Community Development Director;

(C) ~~(3)~~ Parcel data, including parcel number and/or legal description; lot dimensions; setbacks; floor area ratio; building heights; lot coverage; and other relevant data. ~~A~~as applicable to the proposed development. ~~, c~~Calculations shall be tabulated on the map for storm water retention, parking spaces, number of dwelling units, compute density of dwelling units as provided in the town general plan, area of open space, building floor area by category of use and percentage and area of coverage of the site~~.~~;

(D) ~~(4)~~ Building elevations;

(E) ~~(5) Conceptual landscape plan~~ Proposed location of open space and recreational facilities on the site, location and type of landscaping, location and height of screen walls and, location and specifications for any other proposed features of development contributing to the use of the site and to the compatibility of the proposed development with the surrounding area~~.~~;

(F) ~~(6)~~ Preliminary grading and drainage plan for site and development context ~~Proposed grading of the site,~~ showing all proposed public dedications, if any, within the site~~.~~. Site plan shall also include the proposed location, proposed grading and drainage, dimensions and use of all buildings, structures and signs to be located on the site~~.~~;

(G) ~~(7)~~ Materials and colors exhibits;

(H) ~~(8)~~ Signage plan;

(I) ~~(9) Applicable utility information~~ Location, quantity and typical stall dimensions of off-street parking and loading facilities, points of ingress to and egress from the site, including width of curb cuts, water, sewer, electric, gas and other public and private utility line sizes and locations, internal circulation, refuse collection areas, fire lanes and fire hydrants, off-site improvements and street lighting~~.~~; and

(J) ~~(10)~~ Other ancillary documentation required to complete the review as supported by applicable town code and guidelines.

VI. ~~(F)~~ Town staff shall review the design review application for the following:

(A) ~~(1)~~ The proposed development complies with all provisions of this Development Code and all other ordinances, master plans, general plans, guidelines, goals, objectives and standards of the town;

Commented [DB15]: Consolidated Site Plan submittal requirements with Design Review process

Commented [DB16]: Moved from Site plan review

Commented [DB17]: Moved from Site Plan

Commented [DB18]: Moved from 150.012 B.2 and edited as shown

Commented [DB19]: Moved from Site Plan

(B) ~~(2)~~ Building heights, building locations, access points and parking areas of the proposed development will not negatively impact adjacent properties or the surrounding neighborhood;

(C) ~~(3)~~ The proposed development promotes a functional relationship of structures to one another, to open spaces and to topography, both on the site and in the surrounding neighborhood;

(D) ~~(4)~~ The height, location, materials, color, texture, area, setbacks and mass, as well as parts of any structure (buildings, walls, signs and lighting) and landscaping is appropriate to the development, the neighborhood and the community;

(E) ~~(5)~~ Ingress, egress, internal and external traffic circulation, off-street parking facilities, loading and service areas, and pedestrian ways are designed as to promote safety and convenience;

(F) ~~(6)~~ The architectural character of the proposed structure is in harmony with, and compatible to, structures in the neighboring environment and the architectural character desired for the town; avoiding excessive variety or monotonous repetition; and

(G) ~~(7)~~ All mechanical equipment, appurtenances and utility lines are concealed from view and integral to the building and site design.

VII. ~~(G)~~ Town staff will review the design review application materials ~~and will~~to determine ~~whether~~ if the design review application ~~shall be reviewed by~~falls within the final decision making authority of the town staff for an administrative decision, or if the application ~~forwarded to~~requires final action by the Planning and Zoning Commission and/or the Historic District Advisory Committee.

VIII. ~~(H)~~ Design review applications reviewed administratively by town staff shall include applications for:

(A) ~~(1)~~ Standard architectural plans for single-family, two family, and three-family attached production homes, a~~A~~ttached signs, except where required by the planned unit development or comprehensive sign plan or within the historic district;

(B) ~~(2)~~ Landscaping, parks and recreational fields, except for commercial recreational facilities; and/or

(C) ~~(3)~~ Projects on less than one acre and/or involving less than 10,000 square feet of floor/building area, except for projects within the historic district.

IX. ~~(I)~~ Design review applications can be approved, approved with conditions, or denied. Design review decisions rendered by town staff are administrative and can be appealed within 15 calendar days from the date of the decision, to the Planning and Zoning Commission.

X. ~~(J)~~ A ~~Design~~ design review application~~s~~ that ~~are ineligible for staff review or staff reviewed~~receive an administrative ~~design review~~ determination~~cisions~~ are subject to appeal pursuant to subsection IX above, and shall be forwarded for consideration and recommendation to the Planning and Zoning Commission. The Planning and Zoning Commission shall hear the application at a scheduled meeting, shall review the findings of staff, and shall either:

(A) ~~(1)~~ Approve the application;

(B) ~~(2)~~ Deny the application; or

(C) ~~(3)~~ Approve the application with conditions.

XI. ~~(K)~~ If the application is found to be lacking, or in noncompliance with any of the items of this Development Code, and adequate resolution cannot be ensured by the applicant, the application shall be denied, and the applicant shall be provided a written response by the ~~Planning~~ Community Development Department, stating the reasons for denial. The applicant may appeal the Planning and Zoning Commission's decision to the Council within 15 calendar days of the decision. The appeal letter shall describe the unresolved issues and describe what design solutions are proposed by the applicant. The applicant shall be notified of the date of the Town Council meeting to consider the appeal a minimum of 15 calendar days prior to the public meeting. The decision of the Town Council shall be final.

(Prior Code, Ch. 4, Art. V, § 4-461) (Ord. 432-06, passed 6-19-2006; Ord. 605-13, passed 2-3-2014) (Ord. 689-20, passed X-X-202X)

~~150.014~~150.015 Zone changes; amendments

I. ~~(A)~~ *Intent.* Regulations set forth in this Development Code and boundaries of zoning districts established by the town may be amended, supplemented, changed, modified or repealed when deemed necessary to best serve the public interest, health, comfort, convenience, safety and general welfare of the citizens of the town.

II. ~~(B)~~ *Review.* Upon receipt of an application for an amendment, including requests for use permits and special use permits, the ~~Planning Director~~Community Development Director or designee, shall review the application for completeness and applicability to this Development Code and the general plan, comment on the proposal and shall adhere to the posting and publication requirements required by state law, including compliance with the citizen review process provided in § 150.~~019~~022, prior to the public hearing before the ~~Planning Commission~~Planning and Zoning Commission. Requests for amendments shall be considered by the ~~Planning Commission~~Planning and Zoning Commission for the purpose of making a written recommendation, which shall, after holding a public hearing at which parties of interest and citizens have been heard, include the reasons for the recommendations to the Mayor and Council.

(A) ~~(1)~~ The Town Council may adopt the recommendation of the Commission without holding a second public hearing if there is no objection, request for public hearing or other protest.

(B) ~~(2)~~ The Town Council shall hold a public hearing if requested in writing by the applicant, or by any person appearing in opposition at the Commission hearing, or by any person who has filed a written protest, in accordance with state law.

(C) ~~(3)~~ If an application for amendment is denied by Council, or the application is withdrawn after Commission hearing, the Commission shall not consider an application for the same amendment within one year from the date of the original hearing.

III. ~~(C)~~ *Adoption.* Adoption of an amendment may be subject to the conditions as the Council deems applicable to enforce this Development Code. If one condition is a schedule for development of specific uses for which zoning is requested, and at expiration of that period the property has not been developed according to the schedule, it may be reverted to its former zoning classification by the Town Council.

IV. ~~(D)~~ *Application.* An application for an amendment shall be filed and signed by:

(A) ~~(1)~~ The owner of the property;

(B) ~~(2)~~ One or more of several joint owners of property whose ownership constitutes a majority interest in the property;

(C) ~~(3)~~ Seventy-five percent or more of the owners of property in the area to be affected, when the application affects more than one property; or

(D) ~~(4)~~ An agent of any property owner(s) authorized to sign as above, when the authority of the agent is in writing and filed with the application.

V. ~~(E)~~ *Protests.* If the owners of 20% or more of ~~either the area of the lots included in a proposed ordinance or zoning map change, or those immediately adjacent in the rear or any side extending 150 feet therefrom, or those directly opposite extending 150 feet from the street frontage of opposite lots,~~ the property by area and number of lots, tracts and condominium units within the Zoning Area of the affected property file a protest in writing against a proposed ordinance amendment, the amendment shall not become effective except by favorable vote of three-fourths of the Council. If any member of the Council is unable to vote because of a conflict of interest, then the required number of votes shall be three-fourths of the remaining Council members (provided that required number of votes shall not be less than a majority of the full Council). For the purposes of this subsection, the vote shall be rounded to the nearest whole number.

VI. ~~(F)~~ *Annexation.* Areas, when annexed to the town, shall, until officially zoned by the Council, be considered to be zoned to densities and uses no greater than those permitted by the county immediately prior to the annexation.

(Prior Code, Ch. 4, Art. I, § 4-13) (Ord. 432-06, passed 6-19-2006) (Ord. 689-20, passed X-X-202X)

~~150.015~~150.016 ~~Exceptions and modifications.~~ Conditional Use Permits

I. ~~(A)~~ *Purpose.* Because there are some uses, which may be beneficial to have within certain zones, and because these uses may not be completely compatible with adjoining or nearby permitted uses if not specifically controlled, this division permits these uses after certain conditions have been met. The process outlined here will allow the Planning and Zoning Commission and Council to review and approve or disapprove applications for these uses. It will also allow for the modification of an application, if desired, to make it more harmonious and compatible with adjoining and/or nearby uses.

II. ~~(B)~~ *Permitted uses.* Only those uses listed in the conditional use section of each zone, or as otherwise specified in this Development Code, shall be permitted under the process provided for by this division.

III. ~~(C)~~ *Application.* Application for a conditional use permit shall be made by a property owner or authorized agent upon forms provided by the municipality. All information requested on the application form must be completed before the application will be processed.

IV. ~~(D)~~ *Public hearing.* After receipt of a completed application form under this division, including filing fee and list of property owners within 300 feet of the property, items shall be placed on the Planning and Zoning Commission's agenda for public hearing within 60 days after receipt of the application.

V. ~~(E)~~ *Notice.* Notice of the public hearing before the Planning and Zoning Commission shall be given in the manner established in § 150.~~014~~015. In proceedings that are not initiated by

Commented [DB20]: HB 2116 amendment updates

Commented [DB21]: Moved to 150.017

the property owner, notice of the public hearing shall also be mailed to the owners of property within 300 feet of the subject property boundary, as recorded with Pinal County. This mailing shall occur at least 15 days prior to the public hearing.

VI. ~~(F)~~ *Action by Commission.* Within 35 calendar days of the public hearing under this division, the Planning and Zoning Commission shall recommend approval, approval with conditions or disapproval of the application. Notice of the recommendation shall be sent to the Council and the applicant.

VII. ~~(G)~~ *Review.* In reviewing an application for a conditional use permit, the Planning and Zoning Commission shall consider:

(A) ~~(1)~~ The site of the proposed use and the surrounding land uses;

(B) ~~(2)~~ Access to the site; and

(C) ~~(3)~~ The impact on adjoining and surrounding property if the application is approved.

VIII. ~~(H)~~ *Conditions.* In making its recommendation, the Planning and Zoning Commission may include conditions which are deemed necessary to protect the public health, safety and general welfare. These conditions may include, but are not limited to:

(A) ~~(1)~~ Regulation of use;

(B) ~~(2)~~ Special yard requirements;

(C) ~~(3)~~ Special buffers, fences or walls;

(D) ~~(4)~~ Special parking areas;

(E) ~~(5)~~ Street dedications and/or improvements or appropriate bonds;

(F) ~~(6)~~ Regulation of access points;

(G) ~~(7)~~ Sign restrictions;

(H) ~~(8)~~ Required maintenance of yard;

(I) ~~(9)~~ Regulations of odors, noise, light or other special environmental factors;

(J) ~~(10)~~ Restrictions of hours of activity;

(K) ~~(11)~~ Duration of use;

(L) ~~(12)~~ Completion of development; and

(M) ~~(13)~~ Other conditions which will make the proposed use more compatible and harmonious with the surrounding land uses. In no case, however, shall these conditions be less restrictive than those found in the existing zoning classification.

IX. ~~(I)~~ *General requirements.* In addition to any of the above special conditions, the Planning and Zoning Commission and Council shall impose the following general requirements on every conditional use permit which is granted:

(A) ~~(1)~~ No conditional use approval shall be final until all conditions imposed have been met;

(B) ~~(2)~~ All of the special conditions shall constitute restrictions which run with the land and which shall be binding upon the owner of the land, successors or assigns;

(C) ~~(3)~~ The special conditions imposed by the Planning and Zoning Commission and/or Council shall be consented to in writing by the applicant prior to issuance of a conditional use permit; and

(D) ~~(4)~~ The resolution of the Council granting the application together with all consent forms shall be recorded by the Recorder of the county.

X. ~~(J)~~ *Action by Council.* Upon receipt of a recommendation under this division from the Planning and Zoning Commission, the Council shall approve, approve with conditions or

deny the application. Before acting on the application, the Council may hold a public hearing on the application. If it does, notice of the hearing will be in compliance with § 150.~~014~~015. If it does or does not hold a public hearing, the Council will approve, approve with conditions or disapprove the application within 30 days of receiving a recommendation from the Planning and Zoning Commission.

XI. ~~(K)~~ *Protests.* If written protests are received to an application filed under this Development Code, the regulations of § 150.~~014~~015(~~E~~V.) shall apply.

XII. ~~(L)~~ *Revocation.* The Council, acting on the recommendation of the Planning and Zoning Commission or on its own, may revoke any conditional use permit for noncompliance with any of the conditions set forth in the resolution granting the permit. This revocation shall occur by resolution of the Council after a public hearing, notice for which shall be in accordance with § 150.~~014~~015. Written notice of the possibility of revocation shall be mailed to the applicant or successor not less than 30 days prior to the Council meeting at which the issue will be discussed. The revocation of a conditional use permit shall have the effect of denying all rights and privileges granted by the approval of the conditional use permit.

XIII. ~~(M)~~ *Time limit.* If an established time limit for development expires or if a time limit for the duration of the carrying on of the conditional use has been established as a ~~of the~~ condition of approval, the permission for the use shall be considered to be revoked upon the date of expiration without any notification to the applicant or successor.

XIV. ~~(N)~~ *Alteration of structures.* Any proposed changes, either additions, enlargements or modifications of the structures approved in any conditional use permit or any proposed extension of the uses into areas approved in any permit shall follow the same process as outlined in this division. No building permit for any change shall be issued unless the Council has approved the change.

(Prior Code, Ch. 4, Art. I, § 4-14) (Ord. 432-06, passed 6-19-2006) (Ord. 689-20, passed X-X-202X)

150.017 Temporary Use Permits

Commented [DB22]: Temp Use Permit process is new to code, however is currently reference in areas of development code. TUP's are an important tool in permitting certain uses and activities in the community.

I. *Purpose.* Because there are certain uses intended to be temporary in nature, this section establishes a process for review and approval of certain uses that are intended to be a limited duration of time and will not permanently alter the character or physical facilities of the site where they occur. The process outlined here will allow the Community Development Director and the Planning and Zoning Commission to review and approve or disapprove applications for temporary uses. It will also allow for the modification of an application, if desired, to make it more harmonious and compatible with adjoining and/or nearby uses.

II. *Permitted uses.* Only those uses listed in the temporary use section of each zone, or as otherwise specified in this Development Code, shall be permitted under the process provided for by this division.

III. *Permit Procedures.*

(A) *Application.* Application for a temporary use permit shall be made by a property owner or authorized agent upon forms provided by the municipality. All information requested on the application form must be completed before the application will be processed.

Applicant may apply for approval of a temporary use not less than 45 days before the use is intended to begin accompanied by payment of the required fee.

(B) *Required Findings.* The decision-making authority (Community Development Director, Planning and Zoning Commission, or Town Council, as applicable) may approve an application for a Temporary Use Permit to allow a temporary use for a period of time, only upon making all of the following findings:

(1) The proposed use will not unreasonably affect or have a negative impact on adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the Town;

(2) The proposed use is consistent with a land use permitted by the present Zoning District within which the site is located, or a land use considered permitted by a Zoning District listed in the General Plan as being consistent with the General Plan land use designation of the site;

(3) The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas; and

(4) Appropriate controls are in place that will ensure the premises will be kept clean, sanitary, free of litter, and all circulation and parking surfaces will include a suitable dust-controlled surface.

(C) *Approvals.* The Community Development Director may approve an application for a Temporary Use Permit to allow a temporary use for a period of time not to exceed 45 days. All temporary use requests for a period of time exceeding 45 days may be approved by the Planning and Zoning Commission. Temporary Use Permits shall be valid for a maximum period of two years.

(D) *Conditions*. In approving a Temporary Use Permit, the decision-making authority may impose reasonable conditions deemed necessary to achieve the findings for a Temporary Use Permit listed above, including but not limited to:

(1) Regulation of vehicular ingress and egress and traffic circulation;

(2) Regulation of dust control surfaces;

(3) Regulation of lighting;

(4) Regulation of solid waste removal;

(5) Regulation of hours, total number of events/duration for the permit, and other characteristics of operation;

(6) Submission of final plans to ensure compliance with conditions of approval;

(7) Requirement of bonds or other guarantees for cleanup or removal of structure or equipment; and

(8) Such other conditions as the decision-making authority may deem necessary to carry out the intent and purpose of this section.

(E) *Appeals.* The Director's decision may be appealed to the Planning and Zoning Commission if a written request from the applicant is received by the Community Development Department within 15 calendar days after the Director's final decision is

rendered. Appeals will be heard, and a final decision will be rendered by the Planning and Zoning Commission at their next regular meeting after seven (7) calendar days from receipt of the appeal. The Planning and Zoning Commission's decision may be appealed to the Town Council if a written request from the applicant is received by the Community Development Department within 15 calendar days after the Commission's final decision. Council's consideration of the appeal will be scheduled at a time to be determined by the Town Clerk.

IV. *Notice.* Notice of the proposed Temporary Use Permit shall be posted on the subject property for a period of 15 days prior to the date scheduled for final decision of the request. Notice shall also be mailed to property owners within 300 feet of the property boundaries proposed for the Temporary Use. Additional notification may be required at the Community Development Director's discretion.

V. *Revocation.* The decision-making authority may revoke any Temporary Use Permit for noncompliance with any of the conditions set forth in granting the permit. This revocation shall occur after a public hearing, notice for which shall be in accordance with §150.015. Written notice of the possibility of revocation shall be mailed to the applicant and property owner not less than 30 days prior to the meeting at which the issue will be discussed. The revocation of a Temporary Use Permit shall have the effect of denying all rights and privileges granted by the approval of the use permit.

VI. *Time limit.* If an established time limit for the Temporary Use Permit expires or if a time limit for the duration of the carrying on of the use has been established as a of the condition of approval, the permission for the use shall be considered to be revoked upon the date of expiration without any notification to the applicant.

VII. *Effective Dates.*

(A) *Permit Period 45 Days or Less*. A Temporary Use Permit issued for 45 days or less shall become effective on the date the permit is approved by the decision-making authority.

(B) *Permit Period More than 45 Days*. A Temporary Use Permit for more than 45 days shall become effective seven days from the date the permit is approved by the decision-making authority.

(Ord. 689-20, passed X-X-202X)

~~150.016~~150.018 ~~Applications and fees.~~ Exceptions and modifications

Commented [DB23]: Application and Fees Section moved to 150.023

Regulations specified in this Development Code shall be subject to the following exceptions, modifications and interpretations:

I. ~~(A)~~ *Extension of time.* Under special conditions, the Council may grant extensions of time unless otherwise set forth in this Development Code.

II. ~~(B)~~ *Use of existing lots of record.* In any district where dwellings are permitted, a single-family dwelling may be located on any lot or plot of official record that existed on the effective date of this Development Code, which does not meet area and/or width requirements of this Development Code.

III. ~~(C)~~ *Structures permitted above the height limit.* Building height limitations of this Development Code may be modified as follows: public, semi-public or public service

buildings, sanitariums, schools, churches and temples, when permitted in a district, may have the applicable height limit waived by the Town Council, provided that each setback is increased one foot for each foot of additional building height above the height limit otherwise provided in that district.

IV. ~~(D)~~ *Area requirements.* In any residential district where neither the public water supply nor public sanitary sewer is accessible, lot area and frontage requirements shall be consistent with county or state health requirements and meet the minimum requirements of the zone district in which it is located.

V. ~~(E)~~ *Other exceptions to yard requirements.* Every part of a required yard shall be open to the sky, unobstructed by any structure, except for permitted accessory buildings, and except for ordinary projections of sills, bay windows, cornices and other features permitted elsewhere in this Development Code.

VI. ~~(F)~~ *Mixed-use yard requirements.* When buildings are erected containing two or more uses housed vertically, required side yards for the first floor use shall control.

(Prior Code, Ch. 4, Art. I, § 4-15) (Ord. 432-06, passed 6-19-2006)

~~150.017~~150.019 Building Permits and Certificates of Occupancy

Neither building permits nor certificates of occupancy may be issued until the use of building(s) and land conforms with this Development Code and all other applicable codes and ordinances.

(Prior Code, Ch. 4, Art. I, § 4-17) (Ord. 432-06, passed 6-19-2006) (Ord. 689-20, passed X-X-202X)

~~I. (A) *Applications.* Applications for use permits, appeals, variances, amendments and design review shall be made in the Office of the Planning Director on forms provided. Applications shall contain the following information supplied by the applicant:~~

~~(A) (1) *Vicinity ownership map.* Drawn to scale, at least eight and one-half inches by 11 inches, showing all parcels adjacent to and surrounding the property within a radius of 150 feet from exterior boundaries.~~

~~(B) (2) *Ownership lists.* Typed in the form of mailing labels, containing complete names and mailing addresses of owners and parcel designations within a radius of 300 feet of the boundaries of the property.~~

~~(C) (3) *Plot plan.* Drawn to scale, at least eight and one-half inches by 11 inches by 17 inches, or as otherwise required by this Development Code, showing dimensions of the property, name and width of the internal and abutting streets, roads or alleys and existing buildings, fences and easements (with distances to property lines).~~

~~(D) (4) *Legal description of property.* Either lot or tract of a recorded subdivision, or metes and bounds description prepared by a registered Engineer and licensed land surveyor and map of the same.~~

~~(E) (5) *Letter of explanation.* Explaining the nature and intent of the proposed development, reasons justifying the request and expected effects upon surrounding neighborhoods and the town at- large.~~

~~(F) (6) *Additional materials.* Development plans, elevations, maps and other materials may be required (in accordance with other stipulations of this Development Code).~~

Commented [DB24]: Application and Fees Section moved to 150.023

~~II. (B) *Fees.* Fees for all matters pertinent to the administration of this Development Code will be set from time to time by resolution of the Town Council, including but not limited to the following:~~

~~(A) (1) General plan amendment;~~

~~(B) (2) Request for re-zoning or special use;~~

~~(C) (3) Code text amendment;~~

~~(D) (4) Design review;~~

~~(E) (5) Appeal of site plan decision to Town Council;~~

~~(F) (6) Amendment to an approved site plan;~~

~~(G) (7) Use permit;~~

~~(H) (8) Variance;~~

~~(I) (9) Code interpretation;~~

~~(J) (10) Extension of re-zoning, special use, use permit or variance;~~

~~(K) (11) Continuance of application hearing at applicant's request;~~

~~(L) (12) Landscape plans review;~~

~~(M) (13) Landscape inspection fee;~~

~~(N) (14) Right-of-way and easement abandonment fee; and~~

~~(O) (15) Annexation initiated by land owner.~~

~~III. (C) *Refunds.* Application fees shall not be refundable.~~

~~(Prior Code, Ch. 4, Art. I, § 4-16) (Ord. 432-06, passed 6-19-2006)~~

~~150.018~~150.020 ~~Building Permits and Certificates of Occupancy~~ ~~150.080~~ Nonconforming use

I. ~~(A)~~ Continuance of use of land; abandonment. The lawful use of land existing on July 19, 2006, although not conforming to the provisions hereof for the land, may be continued, but if the nonconforming use is abandoned, and a nonconforming use discontinued for a period of three months, it is presumed abandoned, then any future use of the land shall be in conformity with the provisions of this Development Code.

II. ~~(B)~~ Continuance of use of building or land. The lawful use of a building or land existing on July 19, 2006 may be continued, although the use does not conform with the provisions of this Development Code for the building or land and the use may be continued providing only reasonable repairs and alterations are made. Whenever a nonconforming use of a building or land has been changed to a more restricted use or to a conforming use, the use shall not thereafter be changed to a less restricted use or a nonconforming use.

III. ~~(C)~~ Abandonment of use of building or land. In the event that a nonconforming use of any building is abandoned, and a nonconforming use discontinued for a period of three months is presumed abandoned, then any future use of the building or land shall be in conformity with the provisions of this Development Code.

(Prior Code, Ch. 4, Art. IV, § 4-91) (Ord. 432-06, passed 6-19-2006) (Ord. 689-20, passed X-X-202X)

~~Neither building permits nor certificates of occupancy may be issued until the use of building(s) and land conforms with this Development Code and all other applicable codes and ordinances.~~

~~(Prior Code, Ch. 4, Art. I, § 4-17) (Ord. 432-06, passed 6-19-2006)~~

Commented [DB25]: Building Permits and C of O moved above

Commented [DB26]: Moved from "Regulations; Part 1 General Provisions; 150.080." Out of place as is, this is an administrative procedure, more than a "General Provision"

~~150.019~~150.021 ~~Citizen Review Process~~ 150.081 Enlargement of building or land; destruction

I. ~~(A)~~ Enlargement, extension, reconstruction or structural alteration of building or land. No existing building or land designed, arranged or intended for or devoted to a use not permitted under the regulations of this Development Code for the district in which the building or land is located shall be enlarged, extended, reconstructed or structurally altered unless the building and the enlargement, extension, reconstruction and structural alterations, and further use hereof, conform in every respect with the regulations specified by this Development Code for the district in which the building or land is located, provided nothing herein shall prohibit any reasonable repairs or alterations in a building or land used for the existing purposes.

II. ~~(B)~~ Destruction of building ~~or land~~. If at any time any building ~~or land~~ in existence or maintained on July 19, 2006, which does not conform to the regulations for the district in which it is located, shall be destroyed by fire, explosion, during modification, remodeling, renovation or acts of God or acts of the public enemy to the extent of 50% of its value as determined by three competent appraisers, then and without further action by the Council, the building ~~and the land on which the building was located or maintained~~ shall from and after the date of the destruction be subject to all the regulations specified by this Development Code for the district in which the land and building are located.

(Prior Code, Ch. 4, Art. IV, § 4-92) (Ord. 432-06, passed 6-19-2006) (Ord. 689-20, passed X-X-202X)

~~III. (A) Neighborhood meeting. Prior to any public hearing, as required under § 150.014, on any application for any zoning ordinance that changes any property from one zoning district to another, a use or special use permit application that imposes any regulation not previously imposed, or that removes or modifies any regulation previously imposed, the Planning Director or designee, shall require the applicant to conduct a neighborhood meeting or an acceptable alternative prior to a public hearing to consider the proposal. A written notice of the application shall be mailed to all adjacent landowners of the property that is subject to a re-zoning, use or special use permit application and to the other persons as the Planning Director or designee reasonably determines to be other potentially affected citizens. In determining the number of potentially affected citizens, the Planning Director or designee, shall review the density and intensity of residential development in the general vicinity, the existing street system and other factors that may be related to the zoning or use permit's impact on the character of the neighborhood.~~

~~IV. (B) Written notice. The written notice shall also include a general explanation of the substance of the proposed re-zoning, use permit or special use permit application and shall state the date, time and place scheduled for a neighborhood meeting, at which any adjacent landowner(s) or those other potentially affected citizens, will be provided a reasonable opportunity to express any issues or concerns that the landowner or citizen may have with the proposed zoning or use permit application.~~

~~V. (C) Publication. At the discretion of the Planning Director, written notice shall be given at least 15 days before the neighborhood meeting in at least one of the following methods:~~

~~(A) (1) The notice shall be published once in a newspaper of general circulation published or circulated in the town.~~

Commented [DB27]: Moved from "Regulations; Part 1 General Provisions; 150.081." This section is a part of and expands on above "Nonconforming use" regulation

Commented [DB28]: Citizen review process moved to 150.022

~~(B) (2) The notice shall be posted upon the sign required in § 150.014 unless waived by the Planning Director or designee.~~

~~(C) (3) The notice shall be mailed in accordance with the same procedures, and delivered in accordance with the provisions of § 150.014.~~

~~VI. (D) *Time, date and location.* The Planning Director, upon consultation with the applicant, shall establish a time, date and place for the neighborhood meeting that provides a reasonable opportunity for the applicant, adjacent landowners and those other potentially affected citizens to discuss and express their respective views concerning the application and any issues or concerns that they may have with the zoning or re-zoning ordinance and use permit proposed by the application. The Planning Director or designee shall attend the meeting, but is not required to conduct the meeting. The Planning Director or designee shall report the results of the neighborhood meeting to the Planning and Zoning Commission and Mayor and Town Council at the time as they take action on the application.~~

(Prior Code, Ch. 4, Art. I, § 4-18) (Ord. 432-06, passed 6-19-2006) (Ord. 689-20, passed X-X-202X)

150.022 Citizen Review Process

I. *Neighborhood meeting.* Prior to any public hearing, as required under § 150.015, on any application for any zoning ordinance that changes any property from one zoning district to another, a use or conditional ~~special~~ use permit application that imposes any regulation not previously imposed, or that removes or modifies any regulation previously imposed, the Community Development Director or designee, shall require the applicant to conduct a neighborhood meeting or an acceptable alternative prior to a public hearing to consider the proposal. A written notice of the application shall be mailed to all adjacent landowners of the property that is subject to a re-zoning, use or special use permit application and to the other persons as the Community Development Director or designee reasonably determines to be other potentially affected citizens. In determining the number of potentially affected citizens, the Community Development Director or designee, shall review the density and intensity of residential development in the general vicinity, the existing street system and other factors that may be related to the zoning or use permit's impact on the character of the neighborhood.

II. *Written notice.* The written notice shall also include a general explanation of the substance of the proposed re-zoning, use permit or special use permit application and shall state the date, time and place scheduled for a neighborhood meeting, at which any adjacent landowner(s) or those other potentially affected citizens, will be provided a reasonable opportunity to express any issues or concerns that the landowner or citizen may have with the proposed zoning or use permit application.

III. *Publication.* At the discretion of the Community Development Director, written notice shall be given at least 15 days before the neighborhood meeting in at least one of the following methods:

(A) The notice shall be published once in a newspaper of general circulation published or circulated in the town.

(B) The notice shall be posted upon the sign required in § 150.015 unless waived by the Community Development Director or designee.

Commented [DB29]: Moved from 150.019 for clarity and flow. No changes to text except alpha-numeric update, and updated cross references

Commented [DB30]: Reference number updated

Commented [DB31]: Corrected reference

Commented [DB32]: Reference number updated

(C) The notice shall be mailed in accordance with the same procedures, and delivered in accordance with the provisions of § 150.015.

IV. *Time, date and location.* The Community Development Director, upon consultation with the applicant, shall establish a time, date and place for the neighborhood meeting that provides a reasonable opportunity for the applicant, adjacent landowners and those other potentially affected citizens to discuss and express their respective views concerning the application and any issues or concerns that they may have with the zoning or re-zoning ordinance and use permit proposed by the application. The Community Development Director or designee shall attend the meeting, but is not required to conduct the meeting. The Community Development Director or designee shall report the results of the neighborhood meeting to the Planning and Zoning Commission and Mayor and Town Council at the time as they take action on the application.

(Prior Code, Ch. 4, Art. I, § 4-18) (Ord. 432-06, passed 6-19-2006) (Ord. 689-20, passed X-X-202X)

Commented [DB33]: Reference number updated

150.023 Applications and fees

Commented [DB34]: Moved from 150.017, no changes to text unless noted

I. *Applications.* Applications for use permits, appeals, variances, amendments and design review shall be made in the Office of the Community Development Director on forms provided. Applications shall contain the following information supplied by the applicant:

(A) *Vicinity ownership map.* Drawn to scale, at least eight and one-half inches by 11 inches, showing all parcels adjacent to and surrounding the property within a radius of 150 feet from exterior boundaries.

(B) *Ownership lists.* Typed in the form of mailing labels, containing complete names and mailing addresses of owners and parcel designations within a radius of 300 feet of the boundaries of the property.

(C) *Plot plan.* Drawn to scale ~~on eight and one-half 24 17 by 36 inch sheet(s), or as otherwise required by this Development Code,~~ showing dimensions of the property, name and width of the internal and abutting streets, roads or alleys and existing buildings, fences and easements (with distances to property lines).

(D) *Legal description of property.* Either lot or tract of a recorded subdivision, or metes and bounds description prepared by a registered Engineer or licensed land surveyor and map of the same.

(E) *Letter of explanation.* Explaining the nature and intent of the proposed development, reasons justifying the request and expected effects upon surrounding neighborhoods and the town at- large.

(F) *Additional materials.* Development plans, elevations, maps and other materials may be required (in accordance with other stipulations of this Development Code).

II. *Fees.* Fees for all matters pertinent to the administration of this Development Code will be set from time to time by resolution of the Town Council, including but not limited to the following:

(A) General plan amendment;

(B) Request for re-zoning or special use;

(C) Code text amendment;

(D) Design review;

(E) Appeal of site plan decision to Town Council;

(F) Amendment to an approved site plan;
(G) Use permit;
(H) Variance;
(I) Code interpretation;
(J) Extension of re-zoning, special use, use permit or variance;
(K) Continuance of application hearing at applicant's request;
(L) Landscape plans review;
(M) Landscape inspection fee;
(N) Right-of-way and easement abandonment fee; and
(O) Annexation initiated by land owner.

III. *Refunds.* Application fees shall not be refundable.

(Prior Code, Ch. 4, Art. I, § 4-16) (Ord. 432-06, passed 6-19-2006) (Ord. 689-20, passed X-X-202X)

150.024 Claim for Diminution in Value pursuant to A.R.S. §12-1134

Commented [DB35]: New procedure to address what is known as a Prop 207 claim (2006)

I. *Filing of claim*. All claims for diminution in value pursuant to A.R.S. § 12-1134 shall be filed with the Town Clerk on a form prescribed by the Town.

II. *Review*. After a claim is filed, Town staff shall review the claim to determine whether the enactment or application of a land use law has diminished the value of the claimant's property. A certified land appraiser, economist, or other qualified expert may be consulted to determine the amount of the diminishment of value, if any.

III. *Staff recommendation.* The Community Development Director shall prepare a recommendation to the Town Council to deny the claim, pay compensation for diminishment in value or rescind or modify the land use regulation.

IV. *Town Council determination*. Within 90 days of the filing of the claim, Town Council shall make a determination whether to deny the claim, pay compensation, modify or rescind the land use law or its application to the claimant's property. The Town Council's determination shall be made in writing and a copy shall be provided to the claimant. Any rescission or modification of the application of a land use law to an individual property shall be recorded against the property in the office of the Pinal County Recorder.

V. *Satisfaction of Notice of Claims requirements.* Filing a claim pursuant to this Section shall be deemed to satisfy the requirements set forth in A.R.S. § 12-821.01 for filing an administrative claim against the Town.

(Ord. 689-20, passed X-X-202X)

Town of Florence Development Code

Restructuring

Module 1

Administration and Procedures

Public Hearing Draft: February 21, 2020

Alphanumeric Format

Section 150.000 (Section Series Heading)

150.001 (Subsection Heading)

I. (Roman Numeral)

(A) (Capital Alpha)

(1) (Numeral)

a.

i.

TITLE XV: LAND USAGE

Chapter 150: Development Code

Table of Contents:

Section 150.000 Administration and Procedures (0 Series)

150.001 Title

150.002 Purpose

150.003 Effective date, repeal and severability

150.004 Enforcement, interpretation and conflict

150.005 Compliance

150.006 Injunction

150.007 Planning and Zoning Commission

150.008 Historic District Advisory Commission

150.~~008~~ 009 Board of Adjustment; appeals

150.~~009~~ 010 Variances

150.~~010~~ 011 Administrative staff

150.~~011~~ 012 Technical Advisory Committee

150.013 Pre-Application Conference

~~150.012 Site plan: Application, content and review~~

150.~~013~~ 014 Design Review

150.~~014~~ 015 Zone changes; amendments

150.~~015~~ 016 Conditional Use Permits

150.017 Temporary Use Permits

Commented [DB1]: Codifying this procedure as practiced by the Com Dev Dept. It is currently codified as a procedure in the Subdivision Ordinance

Commented [DB2]: Site Plan review consolidated within elements of Design Review.

150.~~016~~ 018 Exceptions and modifications

~~150.017 Applications and fees~~

150.~~018~~ 019 Building permits and Certificates of Occupancy

150.020 Nonconforming use

150.021 Enlargement of building or land; destruction

150.~~019~~ 022 Citizen review process

150.0~~17~~23 Applications and fees

150.024 Claim for Diminution in Value

Commented [DB3]: Moved to end of section

Commented [DB4]: Moved here from "Regulations Section 150.080 and .081"

Section 150.000 Administration and Procedures (0 Series)

150.001 Title

These regulations shall be known and cited as "The Development Code of the Town of Florence" (hereinafter known as the "Development Code").

(Prior Code, Ch. 4, Art. I, § 4-1) (Ord. 432-06, passed 6-19-2006)

150.002 Purpose

This Development Code of the Town of Florence, Arizona, (hereinafter "town") is hereby adopted for the following purposes:

I. ~~(A) (1)~~ To promote and protect the health, safety and welfare of the residents of the town by:
(A) ~~and to e~~Establishing land use classifications;~~, d~~
(B) Dividing the town into districts;
(C) ~~, i~~Imposing regulations, prohibitions and restrictions for the promotion of health, safety, convenience, aesthetics and welfare;
(D) ~~, g~~Governing the use of land for residential and nonresidential purposes~~, r~~;
(E) Regulating and limiting the height and bulk of buildings and other structures, limiting lot occupancy and the size of yards and other open spaces;~~,~~
(F) E~~e~~stablishing standards of performance and design;~~, a~~
(G) Adopting a map of the districts; and
~~(A)~~(H) ~~, p~~Prescrib~~ing~~e penalties for violations of the Code and repealing all codes in conflict therewith.

II. ~~(2)~~ Furthermore, these regulations are deemed necessary to ensure orderly growth and harmonious development of the municipality to:
(A) ~~e~~Ensure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities; ~~, a~~
(B) Achieve individual property lots of reasonable utility and livability;~~,~~

(C) Ssecure adequate provisions for water supply, drainage, sanitary sewerage and other health requirements;, e

(D) Ensure consideration for adequate sites for schools, recreation areas and other public facilities;, p and

(E) Promote the conveyance of land by accurate legal description and to provide logical procedures for the achievement of this purpose.

II. In its interpretation and application, the provisions of this Development Code are intended to provide a common ground of understanding and equitable working relationship between public and private interests to the end that both independent and mutual objectives can be achieved in the subdivision of land.

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III. (B) This Development Code shall be considered the minimum requirements necessary for the promotion of the general plan as amended from time to time, for the protection of the citizens of the town.

(Prior Code, Ch. 4, Art. I, § 4-2) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

150.003 Effective date, repeal and severability

This chapter shall be in full force and effect from and after July 19, 2006.

(Prior Code, Ch. 4, Art. I, § 4-3) (Ord. 432-06, passed 6-19-2006)

150.004 Enforcement, interpretation and conflict

I. (A)*Enforcement.* The Office of Planning DirectorCommunity Development Director shall have the responsibility for enforcement of this Development Code.

II. (B)*Interpretation.* When the provisions of this Development Code are interpreted or applied, they shall be held to be the minimum requirements for the promotion of the public safety, health and general welfare.

III. (C)*Conflict.* The provisions of this Development Code are not intended to interfere with, abrogate or annul any code, rule, regulation or permit previously adopted or issued, and not in conflict with any provision of this Development Code, or which shall be adopted or issued pursuant to law relating to the use of building or Code not in conflict with this Development Code; nor is it intended by this Development Code to interfere with, abrogate or annul any easement, covenant or other agreement between parties, except when this Development Code imposes a greater restriction, this Development Code shall control.

(Prior Code, Ch. 4, Art. I, § 4-4) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

150.005 Compliance

No building or land shall be devoted to any use other than a use permitted in the zoning district in which the building or land shall be located, with the exception of the following:

I. (A) Uses lawfully established as of the effective date of this comprehensive amendment, see § 150.019 and 150.020;

II. (B) Analogous uses;

III. (C) Accessory uses customarily incidental to the permitted uses; and

IV. ~~(D)~~ Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but the temporary buildings shall be removed upon completion or abandonment of the construction work.

(Prior Code, Ch. 4, Art. I, § 4-5(b)) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

150.006 Injunction

I. ~~(A)~~ *Injunction.* If any building or maintained structure is constructed, reconstructed, altered, repaired, converted or any building, structure or land is used in violation of this Development Code, the town, any owner or tenant of real property affected by the building or structure in question, in addition to other remedies, may institute any appropriate action or proceedings:

(A) ~~(1)~~ To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use;

(B) ~~(2)~~ To prevent the illegal act, conduct, business or use in or about the premises;

(C) ~~(3)~~ To prevent occupancy of the building, structure or land whether improved or otherwise; and

(D) ~~(4)~~ To restrain, correct or abate the violation.

II. ~~(B)~~ When any action is instituted by an owner or tenant, notice of the action shall be served upon the municipality at the time suit is begun by serving a copy of the complaint on the Manager or designee thereof.

III. In any action or proceeding, the court with jurisdiction thereof has the power ~~and in its discretion~~and, in its discretion, may issue a restraining order, or a preliminary injunction, as well as a permanent injunction, upon the terms and under the conditions as will do justice and enforce the purpose of this Development Code.

(Prior Code, Ch. 4, Art. I, § 4-6) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

150.007 Planning and Zoning Commission

See § 32.105 and 32.106.

(Prior Code, Ch. 4, Art. I, § 4-7) (Ord. 432-06, passed 6-19-2006)

150.008 Historic District Advisory Commission

See § 32.070.

(Ord. XXX-XX, passed X-X-201X)

~~150.008~~150.009 Board of Adjustment; appeals

I. ~~(A)~~ *Creation.* There is hereby created a Board of Adjustment, the membership of which shall consist of the Mayor and Town Council of the town and, the word BOARD when used in this Development Code, shall mean the Mayor and Council when sitting as the Board of Adjustment.

II. ~~(B)~~ *Meetings, oaths and witnesses.* All meetings of the Board shall be held at the call of the Chairperson and at the other times as the Board may determine. All meetings of the Board shall be open to the public. The Chairperson, or in the Chairperson's absence, the

acting Chairperson may administer oaths and compel the attendance of witnesses in accordance with the laws of the state.

III. ~~(C)~~ *Procedure.* The Board shall make and publish rules and regulations to govern its proceedings. The presence of four members shall constitute a quorum. The concurring vote of a majority of the Board shall be necessary to reverse an order or decision of an administrative official, or to ~~effect~~affect any variations from the terms and conditions of this Development Code. The minutes and records of all Board proceedings shall be kept and filed as public record in the office of the Town Clerk. The Board may call on the administrative staff of the municipality for assistance in the performance of its duties, and it shall be the duty of the departments to render the assistance to the Board as may be reasonably required.

IV. ~~(D)~~ *Powers and duties.* The Board of Adjustment shall have the power and jurisdiction to hear those matters set forth in this Development Code.

V. ~~(E)~~ *Appeals of administrative decisions.*

(A) ~~(1)~~ Appeals may be taken to the Board of Adjustment by persons aggrieved or by any officer, department, commission, board or bureau of the municipality affected by a decision of an administrative official within 30 calendar days from the date of the decision. Within this 30-day timeframe, the aggrieved person or body ~~by filing~~shall file with the officer from whom the appeal is taken and with the Town Clerk, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

(B) ~~(2)~~ An appeal shall stay all proceedings in the matter appealed from, unless the officer from whom the appeal is taken certified to the Board that, by reason of the fact stated in the certificate, the stay would in the officer's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the Board or by a court of record on application and notice to the officer from whom the appeal is taken. The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties in interest and the public.

(Prior Code, Ch. 4, Art. I, § 4-8) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

Cross-reference:

For other town boards and commissions, see Ch. 32

~~150.009~~150.010 Variances

I. ~~(A)~~ *Application.* Application for a variance to property development standards ~~shall be made to the Board of Adjustment in the form of a written application. The application~~ shall be filed with the Office of the Community Development Director ~~Town Clerk~~ upon a form prepared by the Community Development Department pursuant to subsection 150.023 of this code. The completed application form ~~provided by the Town Clerk, and~~ shall be accompanied by:

(A) ~~(1)~~ Plans. Plans and description sufficient to indicate the nature of the project involved and the proposed use with ~~ground~~ site plan~~s~~ and elevations of all proposed buildings, together with an estimate of cost.

(B) ~~(2)~~ Period of approval. Evidence satisfactory to the Board of Adjustment of the ability and intention of the applicant to proceed with actual construction work in accordance with the plans within six months after issuance of the variance.

II. ~~(B)~~ *Fee.* A filing fee pursuant to the town fee schedule shall accompany each application. If the Board of Adjustment finds that it has no jurisdiction to hear the matter, the filing fee shall not be refunded to the applicant. From the time of filing the application until the time of the hearing, the application and all maps, plans and other accompanying data shall be available for public inspection during office hours at the office of the Town Clerk.

III. ~~(C)~~ *Hearing and notice.* Upon receipt in proper form of any application, the Board of Adjustment shall proceed to hold a public hearing upon the application within 45 calendar days after the filing at which time all persons shall be given an opportunity to be heard. The Board of Adjustment shall cause one notice of the hearing to be published in a newspaper of general circulation in the area of the municipality and shall cause to be posted three notices of hearing, one of which shall be on the subject property and the other two within 300 feet thereof, giving at least ~~ten~~fifteen-days' notice of the hearing, and the time and place where the hearing will be held. The notice, both as published and posted, shall also show the nature of the variance or exception requested and state that anyone wanting to be heard may appear in person or by writing.

IV. ~~(D)~~ *Findings.* A variance from the provisions of this Development Code shall not be authorized unless the Board shall find upon sufficient evidence:

(A) ~~(1)~~ There are special circumstances or conditions applying to the land, building or use referred to in the application which do not apply to other properties in the district;

(B) ~~(2)~~ The special circumstances were not created by the owner or applicant;

(C) ~~(3)~~ The condition or situation of the specific piece of property for which the variance is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation for the conditions or situations (if, in the Board's opinion, the formulation of a general regulation is more appropriate than a variance, the Board shall table its consideration of the application and communicate to the Council its recommendation for a general regulation; should the Council not act upon the recommendation within 30 calendar days, the Board shall reconsider the application);

(D) ~~(4)~~ The authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights; and

(E) ~~(5)~~ The authorizing of the variance application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, the neighborhood or the public welfare in general.

V. ~~(E)~~ *Action.* The Board shall prescribe in connection with any variance the conditions, as the Board may deem necessary in order to fully carry out the provisions and intent of this Development Code. The conditions may include, among other things, a limitation of the time for which the variance shall be valid. Violation of any condition shall be a violation of this Development Code, and the violation shall render the variance null and void.

VI. ~~(F)~~ *Review.* Any person aggrieved by a decision of the Board may, within 30 days after the decision of the Board, and not thereafter, petition the Superior Court to review the

Board's decision pursuant to A.R.S. § 9-462.06, as amended, and the Superior Court Rules for Special Actions.

(Prior Code, Ch. 4, Art. I, § 4-9) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

~~150.010~~150.011 Administrative staff

I. ~~(A)~~ *Creation.* There is hereby created the position of ~~Planning Director~~Community Development Director who shall be hired by the town. The ~~Planning Director~~Community Development Director shall be responsible with enforcement of this Development Code. As used in this Development Code, ~~PLANNING DIRECTOR~~Community Development Director shall include staff authorized by the ~~Planning Director~~Community Development Director.

II. ~~(B)~~ *Powers and duties.* The ~~Planning Director~~Community Development Director shall perform the following functions:

(A) ~~(1)~~ Enforce this Development Code by ensuring that all activities, construction and development within the town are in conformance with the town zoning regulations;

(B) ~~(2)~~ Accomplish all administrative tasks required by this Development Code including informing and processing applications for all persons requesting a re-zoning, use permit, plan review, variance, appeal or other action of the Planning and Zoning Commission, Board of Adjustment or Town Council; and

(C) ~~(3)~~ Subject to the policies of the Planning and Zoning Commission and Town Council, interpret this Development Code to members of the public, town departments and other branches of government. Serve as planning staff to the Town Council ~~and~~, Planning and Zoning Commission, Board of Adjustment, Historic District Advisory Commission, and, as necessary, attend meetings of these and other organizations and agencies.

(Prior Code, Ch. 4, Art. I, § 4-10) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

~~150.011~~150.012 Technical Advisory Committee

I. ~~(A)~~ *Creation and composition.* The Technical Advisory Committee (hereinafter "Committee" or "TAC") is created ~~which~~ and shall consist of ~~a maximum of nine members, which may include~~ the Town Manager, ~~Planning Director~~Community Development Director, Building Official, Town Engineer, Senior Planner, Economic Development Director, Fire Chief, Police Chief and the Public Works Director, or their designees. The TAC may also include members of utility companies and agencies impacted by the specific request at hand.

II. ~~(B)~~ *Conflict.* When any Committee member has direct pecuniary or proprietary interest in any matter before the Committee, the member shall be excused and refrain from participating in voting on any matters over which the conflict occurs while being considered by the Committee.

III. ~~(C)~~ *Meetings.* Meetings shall be at the call of the ~~Planning Director~~Community Development Director, or designee, or on an as-needed basis. Minutes showing the actions of the Committee shall be compiled, distributed to Committee members and a copy shall be kept in the Planning and Zoning Department. The ~~Planning Director~~Community Development Director, or designee, shall serve as Chairperson to the Committee and a person designated by the ~~Planning Director~~Community Development Director shall serve as Secretary.

IV. ~~(D)~~ Intent. The Committee review of development plans and proposals is intended to provide guidance and direction to a prospective applicant, developer or builder in order to achieve site development that conforms with the town's general plan, Town Code and regulations and its goals for quality development in the community. Technical review is intended to promote safe, attractive, harmonious and compatible development within the town and is, therefore, considered to be in the interest of the public health, safety and general welfare. Complete submittal requirements for technical review are outlined ~~in § 150.015(B)~~for the various applications and procedures referenced throughout this Development Code. Additional information and exhibits may be required to explain the full scope and impacts of a proposal. Additional information and exceptions to the minimum submittal requirements are subject to the discretion of the Community Development Director.

V. ~~(E)~~ *Powers, duties and jurisdiction.* The Committee shall have power to recommend, conditionally recommend or deny any application, not in compliance with this Development Code. The applicant shall be responsible for proving that the intent and purpose of this Development Code and other applicable provisions of the Town Code will be satisfied.

(A) ~~(1)~~ The Committee, upon hearing an application, may impose reasonable conditions to carry out the intent of this Development Code. Violation of any of these conditions shall be considered a violation of this Development Code, and shall render any permit null and void.

(B) ~~(2)~~ Prior to development, construction, remodel, change or alteration of any project subject to technical review, the property owner or designated agent shall secure written approval from the ~~Planning Director~~Community Development Director or designee. Technical review is required for design review applications, multi-family projects, manufactured home subdivisions, recreational vehicle parks, commercial and industrial developments, public facilities, public and private utilities and other uses identified in zoning districts as required by this Development Code

VI. ~~(F)~~ *Review.* The Committee shall review and comment on all residential development which contain four or more dwelling units, commercial or industrial developments ~~which contain four or more dwelling units~~, and businesses or buildings ~~but~~ which do not constitute a subdivision.

~~VII. (G) *Planning Commission review.* Subsequent to the review by the Committee, and prior to submission to the Town Council, all projects requiring technical review shall appear before and present their case to the Planning Commission. The Planning Commission shall forward the case (with its recommendation for approval or denial) and any suggested stipulations and/or changes to the submission to the Town Council for its review.~~

~~VIII. (H) *Town Council review.* Where required by the provisions of this Development Code, or as stipulated to by a Council action on a zoning amendment or otherwise, applications for technical review shall also be submitted to the Town Council for consideration following the required review by the Committee. When Council review and approval is required of the applications, the action of the Committee on the project shall constitute only a recommendation. If the Council finds that a site plan does not meet the intent of this Development Code or the review criteria, the Council may disapprove the site plan.~~

IX. (I) *Period of approval.* An approved plan shall be valid for a period of 180 days from the date of approval and shall become invalid if a building permit has not been issued in that time. Up to an additional 180 days may be granted by the Planning Director or designee, upon written request of the applicant or Council, when Council review and approval is required.

X. (J) *Appeal procedure.* An applicant may appeal the decision of the Committee to the Town Council if that appeal is made in writing and filed with the Town Clerk within 60 days of the Committee's written decision. The appeal shall give the reasons for that appeal and the relief requested. The Town Council may affirm, modify or reverse the decision of the Committee. Appeals from a Town Council decision shall be heard by a state court of competent jurisdiction.

(Prior Code, Ch. 4, Art. I, § 4-11) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

150.012150.013 Site Plan: Application, content and review Pre-Application Conference

The pre-application conference stage of the planning approval process is an exploratory period preceding actual preparation of detailed development plans by the applicant. During this time, applicants, developers and builders make their intentions known informally to the town, are advised of specific public objectives related to the proposed development and are given detailed information regarding approval procedures and requirements. At a minimum, the applicant shall submit a site plan (or floor plan for tenant improvements), building elevations, and proposed uses to sufficiently convey the scope of the applicant's intentions for the subject property.

I. (A) *Application.* The Town Planning Department shall prescribe the form and content of applications and necessary accompanying data. Application shall be filed with the Planning Director or designee. Applications shall be made by the owner of the property or an agent authorized by a letter from all owners of the property.

II. (B) *Content.* A site plan shall include the following information:

(A) (1) *Technical review.* An accurate site plan on a minimum 18-inch by 24-inch sheet (or other as determined by the Planning Director) drawn at an appropriate scale showing the boundaries and dimensions of the site, acreage of the site, a north arrow, existing zoning of the site and contiguous property, dimensions and center-lines of all streets, dimensions of all alleys and easements bounding or touching the site, dimensions from all street center lines to existing curb, gutter, sidewalk, water lines, sewer lines and irrigation lines, location, dimensions, direction and bearing of any major physical features such as railroads or drainage ways and existing topographic contours at intervals of not more than two feet.

(B) (2) *Development information.* Proposed grading of the site, proposed public dedications, if any, within the site, proposed location, proposed grade, dimensions and use of all buildings, structures and signs to be located on the site.

(C) (3) *Provisions of services.* Location, quantity and typical stall dimensions of off-street parking and loading facilities, points of ingress to and egress from the site, including width of curb cuts, water, sewer, electric, gas and other public and private utility line sizes and locations, internal circulation, refuse collection areas, fire lanes and fire hydrants, off-site improvements and street lighting.

Commented [DB5]: This process reads as it was the initial Design Review process. Formal Design Review process is now exercised by the Town. This procedural section of the Technical Advisory Committee is no longer utilized or applicable.

Commented [DB6]: The "Site Plan" procedure is now consolidated with the Design Review process 150.014

Commented [DB7]: The Pre-Application Conference process is and has been practiced by the Com Dev Department for past decade, with no fee for application. The Pre-application process is referenced in the Design Review application and referenced in the Development Code for PUD's. This procedure is practiced in progressive communities and is extremely helpful to the applicant and town at the onset of a project proposal. Already codified for Subdivision applications.

Commented [DB8]: Site Plan language merged with Design Review 150.014

Commented [DB9]: Consolidated Site plan submittal requirements with Design Review process. The Site Plan review requirements are already incorporated in the Design Review Application

Commented [DB10]: Moved to Design Review

Commented [DB11]: Moved to Design Review

(D) (4) *Provision of amenities.* Proposed location of open space and recreational facilities on the site, location and type of landscaping, location and height of screen walls and, location and specifications for any other proposed features of development contributing to the use of the site and to the compatibility of the proposed development with the surrounding area.

(E) (5) *Calculations.* As applicable to the proposed development, calculations shall be tabulated on the map for storm water retention, parking spaces, number of dwelling units, compute density of dwelling units as provided in the town general plan, area of open space, building floor area by category of use and percentage and area of coverage of the site.

(Prior Code, Ch. 4, Art. I, § 4-12) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

150.013150.014 Design Review

I. (A) The purpose of design review is to:
   (A) (1) Promote development consistent with the town's codes, policies, guidelines, zoning regulations and overall goals and vision per the town's general plan;
   (B) (2) Ensure that development is compatible and in character with the surrounding area;
   (C) (3) Provide an opportunity to address site plan, architectural, engineering and other development issues at a preliminary level, as requested by the Technical Advisory Committee, to facilitate the subsequent preparation of construction plans, and to assist in expediting permitting and development activities; and
   (D) (4) Allow an opportunity to review the aesthetic and functional aspects of a proposed development or project.

II. (B) Projects within planned unit developments, including single-family homes; multiple-family developments, including condominiums and townhomes; office; commercial; mixed-use; institutional; and industrial projects, are subject to the design review process if any one of the following requirements is met:
   (A) (1) Project or development includes new or modified vertical (above grade) development or construction components, including permanent signs, that require a building permit, except as noted in divisions (CIII) and (DIV) below; and/or
   (B) (2) Project includes new or modified horizontal project components, such as parking areas, driveways, circulation areas, landscape areas, outdoor storage areas, retention basins, parks and/or similar site elements, except as noted in divisions (CIII) and (DIV) below.

III. (C) Grading plans, civil improvement plans, underground utility installations and similar projects, as may be determined by the Planning DirectorCommunity Development Director, are exempt from the design review process.

IV. (D) Interior remodels or tenant improvements that do not alter the exterior dimensions or physical appearance of a structure and/or the historical integrity of a structure within the town's historic district, are exempt from the design review process.

V. (E) Applications for design review shall be submitted to the Planning Community Development Department and shall contain, where applicable:
   (A) (1) Completed design review application forms and fee;

Commented [DB12]: Moved to Design Review

Commented [DB13]: Moved to "Parcel Data" under Design Review process, below

Commented [DB14]: Moved from 150.013. Site Plan process above is now incorporated under Design Review procedures

(B) ~~(2) Site plan showing all existing and proposed improvements; rights-of-way; and easements;~~An accurate site plan ~~on a minimum 24-inch by 36-inch sheet (or other as determined by the Community Development Director)~~ drawn at an appropriate scale showing the boundaries and dimensions of the site, acreage of the site, a north arrow, existing zoning of the site and contiguous property, dimensions and center-lines of all streets, dimensions of all alleys and easements bounding or touching the site, dimensions from all street center lines to existing curb, gutter, sidewalk, water lines, sewer lines and irrigation lines, location, dimensions, direction and bearing of any major physical features such as railroads or drainage ways and existing topographic contours at intervals of not more than two feet, or in a manner acceptable to the Community Development Director;

(C) ~~(3)~~ Parcel data, including parcel number and/or legal description; lot dimensions; setbacks; floor area ratio; building heights; lot coverage; and other relevant data ~~.~~as applicable to the proposed development.~~, c~~Calculations shall be tabulated on the map for storm water retention, parking spaces, number of dwelling units, compute density of dwelling units as provided in the town general plan, area of open space, building floor area by category of use and percentage and area of coverage of the site~~.~~;

(D) ~~(4)~~ Building elevations;

(E) ~~(5) Conceptual landscape plan.~~Proposed location of open space and recreational facilities on the site, location and type of landscaping, location and height of screen walls and, location and specifications for any other proposed features of development contributing to the use of the site and to the compatibility of the proposed development with the surrounding area~~.~~;

(F) ~~(6)~~ Preliminary grading and drainage plan for site and development context ~~Proposed grading of the site,~~showing all proposed public dedications, if any, within the site~~.~~. Site plan shall also include the proposed location, proposed grading and drainage, dimensions and use of all buildings, structures and signs to be located on the site~~.~~;

(G) ~~(7)~~ Materials and colors exhibits;

(H) ~~(8)~~ Signage plan;

(I) ~~(9) Applicable utility information~~Location, quantity and typical stall dimensions of off-street parking and loading facilities, points of ingress to and egress from the site, including width of curb cuts, water, sewer, electric, gas and other public and private utility line sizes and locations, internal circulation, refuse collection areas, fire lanes and fire hydrants, off-site improvements and street lighting~~.~~; and

(J) ~~(10)~~ Other ancillary documentation required to complete the review as supported by applicable town code and guidelines.

VI. ~~(F)~~ Town staff shall review the design review application for the following:

(A) ~~(1)~~ The proposed development complies with all provisions of this Development Code and all other ordinances, master plans, general plans, guidelines, goals, objectives and standards of the town;

(B) ~~(2)~~ Building heights, building locations, access points and parking areas of the proposed development will not negatively impact adjacent properties or the surrounding neighborhood;

Commented [DB15]: Consolidated Site Plan submittal requirements with Design Review process

Commented [DB16]: Moved from Site plan review

Commented [DB17]: Moved from Site Plan

Commented [DB18]: Moved from 150.012 B.2 and edited as shown

Commented [DB19]: Moved from Site Plan

(C) ~~(3)~~ The proposed development promotes a functional relationship of structures to one another, to open spaces and to topography, both on the site and in the surrounding neighborhood;

(D) ~~(4)~~ The height, location, materials, color, texture, area, setbacks and mass, as well as parts of any structure (buildings, walls, signs and lighting) and landscaping is appropriate to the development, the neighborhood and the community;

(E) ~~(5)~~ Ingress, egress, internal and external traffic circulation, off-street parking facilities, loading and service areas, and pedestrian ways are designed as to promote safety and convenience;

(F) ~~(6)~~ The architectural character of the proposed structure is in harmony with, and compatible to, structures in the neighboring environment and the architectural character desired for the town; avoiding excessive variety or monotonous repetition; and

(G) ~~(7)~~ All mechanical equipment, appurtenances and utility lines are concealed from view and integral to the building and site design.

VII. ~~(G)~~ Town staff will review the design review application materials ~~and will~~to determine ~~whether~~ if the design review application ~~shall be reviewed by~~falls within the final decision making authority of the town staff for an administrative decision, or if the application ~~forwarded to~~requires final action by the Planning and Zoning Commission and/or the Historic District Advisory Committee.

VIII. ~~(H)~~ Design review applications reviewed administratively by town staff shall include applications for:

(A) ~~(1)~~ Standard architectural plans for single-family, two family, and three-family attached production homes, a~~A~~ttached signs, except where required by the planned unit development or comprehensive sign plan or within the historic district;

(B) ~~(2)~~ Landscaping, parks and recreational fields, except for commercial recreational facilities; and/or

(C) ~~(3)~~ Projects on less than one acre and/or involving less than 10,000 square feet of floor/building area, except for projects within the historic district.

IX. ~~(I)~~ Design review applications can be approved, approved with conditions, or denied. Design review decisions rendered by town staff are administrative and can be appealed within 15 calendar days from the date of the decision, to the Planning and Zoning Commission.

X. ~~(J)~~ A ~~Design~~ design review application~~s~~ that ~~are ineligible for staff review or staff reviewed~~receive an administrative ~~design review~~ determination~~cisions~~ are subject to appeal pursuant to subsection IX above, and shall be forwarded for consideration and recommendation to the Planning and Zoning Commission. The Planning and Zoning Commission shall hear the application at a scheduled meeting, shall review the findings of staff, and shall either:

(A) ~~(1)~~ Approve the application;

(B) ~~(2)~~ Deny the application; or

(C) ~~(3)~~ Approve the application with conditions.

XI. ~~(K)~~ If the application is found to be lacking, or in noncompliance with any of the items of this Development Code, and adequate resolution cannot be ensured by the applicant, the

application shall be denied, and the applicant shall be provided a written response by the ~~Planning~~ Community Development Department, stating the reasons for denial. The applicant may appeal the Planning and Zoning Commission's decision to the Council within 15 calendar days of the decision. The appeal letter shall describe the unresolved issues and describe what design solutions are proposed by the applicant. The applicant shall be notified of the date of the Town Council meeting to consider the appeal a minimum of 15 calendar days prior to the public meeting. The decision of the Town Council shall be final.

(Prior Code, Ch. 4, Art. V, § 4-461) (Ord. 432-06, passed 6-19-2006; Ord. 605-13, passed 2-3-2014) (Ord. XXX-XX, passed X-X-201X)

~~150.014~~150.015 Zone changes; amendments

I. ~~(A)~~ *Intent.* Regulations set forth in this Development Code and boundaries of zoning districts established by the town may be amended, supplemented, changed, modified or repealed when deemed necessary to best serve the public interest, health, comfort, convenience, safety and general welfare of the citizens of the town.

II. ~~(B)~~ *Review.* Upon receipt of an application for an amendment, including requests for use permits and special use permits, the ~~Planning Director~~Community Development Director or designee, shall review the application for completeness and applicability to this Development Code and the general plan, comment on the proposal and shall adhere to the posting and publication requirements required by state law, including compliance with the citizen review process provided in § 150.~~019~~022, prior to the public hearing before the ~~Planning Commission~~Planning and Zoning Commission. Requests for amendments shall be considered by the ~~Planning Commission~~Planning and Zoning Commission for the purpose of making a written recommendation, which shall, after holding a public hearing at which parties of interest and citizens have been heard, include the reasons for the recommendations to the Mayor and Council.

(A) ~~(1)~~ The Town Council may adopt the recommendation of the Commission without holding a second public hearing if there is no objection, request for public hearing or other protest.

(B) ~~(2)~~ The Town Council shall hold a public hearing if requested in writing by the applicant, or by any person appearing in opposition at the Commission hearing, or by any person who has filed a written protest, in accordance with state law.

(C) ~~(3)~~ If an application for amendment is denied by Council, or the application is withdrawn after Commission hearing, the Commission shall not consider an application for the same amendment within one year from the date of the original hearing.

III. ~~(C)~~ *Adoption.* Adoption of an amendment may be subject to the conditions as the Council deems applicable to enforce this Development Code. If one condition is a schedule for development of specific uses for which zoning is requested, and at expiration of that period the property has not been developed according to the schedule, it may be reverted to its former zoning classification by the Town Council.

IV. ~~(D)~~ *Application.* An application for an amendment shall be filed and signed by:

(A) ~~(1)~~ The owner of the property;

(B) ~~(2)~~ One or more of several joint owners of property whose ownership constitutes a majority interest in the property;

(C) ~~(3)~~ Seventy-five percent or more of the owners of property in the area to be affected, when the application affects more than one property; or

(D) ~~(4)~~ An agent of any property owner(s) authorized to sign as above, when the authority of the agent is in writing and filed with the application.

V. ~~(E)~~ *Protests.* If the owners of 20% or more of ~~either the area of the lots included in a proposed ordinance or zoning map change, or those immediately adjacent in the rear or any side extending 150 feet therefrom, or those directly opposite extending 150 feet from the street frontage of opposite lots,~~ the property by area and number of lots, tracts and condominium units within the Zoning Area of the affected property file a protest in writing against a proposed ordinance amendment, the amendment shall not become effective except by favorable vote of three-fourths of the Council. If any member of the Council is unable to vote because of a conflict of interest, then the required number of votes shall be three-fourths of the remaining Council members (provided that required number of votes shall not be less than a majority of the full Council). For the purposes of this subsection, the vote shall be rounded to the nearest whole number.

VI. ~~(F)~~ *Annexation.* Areas, when annexed to the town, shall, until officially zoned by the Council, be considered to be zoned to densities and uses no greater than those permitted by the county immediately prior to the annexation.

(Prior Code, Ch. 4, Art. I, § 4-13) (Ord. 432-06, passed 6-19-2006)

~~150.015~~150.016 ~~Exceptions and modifications.~~ Conditional Use Permits

I. ~~(A)~~ *Purpose.* Because there are some uses, which may be beneficial to have within certain zones, and because these uses may not be completely compatible with adjoining or nearby permitted uses if not specifically controlled, this division permits these uses after certain conditions have been met. The process outlined here will allow the Planning and Zoning Commission and Council to review and approve or disapprove applications for these uses. It will also allow for the modification of an application, if desired, to make it more harmonious and compatible with adjoining and/or nearby uses.

II. ~~(B)~~ *Permitted uses.* Only those uses listed in the conditional use section of each zone, or as otherwise specified in this Development Code, shall be permitted under the process provided for by this division.

III. ~~(C)~~ *Application.* Application for a conditional use permit shall be made by a property owner or authorized agent upon forms provided by the municipality. All information requested on the application form must be completed before the application will be processed.

IV. ~~(D)~~ *Public hearing.* After receipt of a completed application form under this division, including filing fee and list of property owners within 300 feet of the property, items shall be placed on the Planning and Zoning Commission's agenda for public hearing within 60 days after receipt of the application.

V. ~~(E)~~ *Notice.* Notice of the public hearing before the Planning and Zoning Commission shall be given in the manner established in § 150.~~014~~015. In proceedings that are not initiated by the property owner, notice of the public hearing shall also be mailed to the owners of property within 300 feet of the subject property boundary, as recorded with Pinal County. This mailing shall occur at least 15 days prior to the public hearing.

Commented [DB20]: HB 2116 amendment updates

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VI. ~~(F)~~ *Action by Commission.* Within 35 calendar days of the public hearing under this division, the Planning and Zoning Commission shall recommend approval, approval with conditions or disapproval of the application. Notice of the recommendation shall be sent to the Council and the applicant.

VII. ~~(G)~~ *Review.* In reviewing an application for a conditional use permit, the Planning and Zoning Commission shall consider:

(A) ~~(1)~~ The site of the proposed use and the surrounding land uses;

(B) ~~(2)~~ Access to the site; and

(C) ~~(3)~~ The impact on adjoining and surrounding property if the application is approved.

VIII. ~~(H)~~ *Conditions.* In making its recommendation, the Planning and Zoning Commission may include conditions which are deemed necessary to protect the public health, safety and general welfare. These conditions may include, but are not limited to:

(A) ~~(1)~~ Regulation of use;

(B) ~~(2)~~ Special yard requirements;

(C) ~~(3)~~ Special buffers, fences or walls;

(D) ~~(4)~~ Special parking areas;

(E) ~~(5)~~ Street dedications and/or improvements or appropriate bonds;

(F) ~~(6)~~ Regulation of access points;

(G) ~~(7)~~ Sign restrictions;

(H) ~~(8)~~ Required maintenance of yard;

(I) ~~(9)~~ Regulations of odors, noise, light or other special environmental factors;

(J) ~~(10)~~ Restrictions of hours of activity;

(K) ~~(11)~~ Duration of use;

(L) ~~(12)~~ Completion of development; and

(M) ~~(13)~~ Other conditions which will make the proposed use more compatible and harmonious with the surrounding land uses. In no case, however, shall these conditions be less restrictive than those found in the existing zoning classification.

IX. ~~(I)~~ *General requirements.* In addition to any of the above special conditions, the Planning and Zoning Commission and Council shall impose the following general requirements on every conditional use permit which is granted:

(A) ~~(1)~~ No conditional use approval shall be final until all conditions imposed have been met;

(B) ~~(2)~~ All of the special conditions shall constitute restrictions which run with the land and which shall be binding upon the owner of the land, successors or assigns;

(C) ~~(3)~~ The special conditions imposed by the Planning and Zoning Commission and/or Council shall be consented to in writing by the applicant prior to issuance of a conditional use permit; and

(D) ~~(4)~~ The resolution of the Council granting the application together with all consent forms shall be recorded by the Recorder of the county.

X. ~~(J)~~ *Action by Council.* Upon receipt of a recommendation under this division from the Planning and Zoning Commission, the Council shall approve, approve with conditions or deny the application. Before acting on the application, the Council may hold a public hearing on the application. If it does, notice of the hearing will be in compliance with § 150.~~014~~015. If it does or does not hold a public hearing, the Council will approve, approve with

conditions or disapprove the application within 30 days of receiving a recommendation from the Planning and Zoning Commission.

XI. ~~(K)~~ *Protests.* If written protests are received to an application filed under this Development Code, the regulations of § 150.~~014~~015(~~E~~V.) shall apply.

XII. ~~(L)~~ *Revocation.* The Council, acting on the recommendation of the Planning and Zoning Commission or on its own, may revoke any conditional use permit for noncompliance with any of the conditions set forth in the resolution granting the permit. This revocation shall occur by resolution of the Council after a public hearing, notice for which shall be in accordance with § 150.~~014~~015. Written notice of the possibility of revocation shall be mailed to the applicant or successor not less than 30 days prior to the Council meeting at which the issue will be discussed. The revocation of a conditional use permit shall have the effect of denying all rights and privileges granted by the approval of the conditional use permit.

XIII. ~~(M)~~ *Time limit.* If an established time limit for development expires or if a time limit for the duration of the carrying on of the conditional use has been established as a ~~of the~~ condition of approval, the permission for the use shall be considered to be revoked upon the date of expiration without any notification to the applicant or successor.

XIV. ~~(N)~~ *Alteration of structures.* Any proposed changes, either additions, enlargements or modifications of the structures approved in any conditional use permit or any proposed extension of the uses into areas approved in any permit shall follow the same process as outlined in this division. No building permit for any change shall be issued unless the Council has approved the change.

(Prior Code, Ch. 4, Art. I, § 4-14) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

150.017 Temporary Use Permits

I. *Purpose.* Because there are certain uses intended to be temporary in nature, this section establishes a process for review and approval of certain uses that are intended to be a limited duration of time and will not permanently alter the character or physical facilities of the site where they occur. The process outlined here will allow the Community Development Director and the Planning and Zoning Commission to review and approve or disapprove applications for temporary uses. It will also allow for the modification of an application, if desired, to make it more harmonious and compatible with adjoining and/or nearby uses.

II. *Permitted uses.* Only those uses listed in the temporary use section of each zone, or as otherwise specified in this Development Code, shall be permitted under the process provided for by this division.

III. *Permit Procedures.*

(A) *Application.* Application for a temporary use permit shall be made by a property owner or authorized agent upon forms provided by the municipality. All information requested on the application form must be completed before the application will be processed. Applicant may apply for approval of a temporary use not less than 45 days before the use is intended to begin accompanied by payment of the required fee.

(B) *Required Findings.* The decision-making authority (Community Development Director, Planning and Zoning Commission, or Town Council, as applicable) may approve an

application for a Temporary Use Permit to allow a temporary use for a period of time, only upon making all of the following findings:

(1) The proposed use will not unreasonably affect or have a negative impact on adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the Town;

(2) The proposed use is consistent with a land use permitted by the present Zoning District within which the site is located, or a land use considered permitted by a Zoning District listed in the General Plan as being consistent with the General Plan land use designation of the site;

(3) The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas; and

(4) Appropriate controls are in place that will ensure the premises will be kept clean, sanitary, free of litter, and all circulation and parking surfaces will include a suitable dust-controlled surface.

(C) *Approvals.* The Community Development Director may approve an application for a Temporary Use Permit to allow a temporary use for a period of time not to exceed 45 days. All temporary use requests for a period of time exceeding 45 days may be approved by the Planning and Zoning Commission. Temporary Use Permits shall be valid for a maximum period of two years.

(D) *Conditions*. In approving a Temporary Use Permit, the decision-making authority may impose reasonable conditions deemed necessary to achieve the findings for a Temporary Use Permit listed above, including but not limited to:

(1) Regulation of vehicular ingress and egress and traffic circulation;

(2) Regulation of dust control surfaces;

(3) Regulation of lighting;

(4) Regulation of solid waste removal;

(5) Regulation of hours, total number of events/duration for the permit, and other characteristics of operation;

(6) Submission of final plans to ensure compliance with conditions of approval;

(7) Requirement of bonds or other guarantees for cleanup or removal of structure or equipment; and

(8) Such other conditions as the decision-making authority may deem necessary to carry out the intent and purpose of this section.

(E) *Appeals.* The Director's decision may be appealed to the Planning and Zoning Commission if a written request from the applicant is received by the Community Development Department within 15 calendar days after the Director's final decision is rendered. Appeals will be heard, and a final decision will be rendered by the Planning and Zoning Commission at their next regular meeting after seven (7) calendar days from receipt of the appeal. The Planning and Zoning Commission's decision may be appealed to the Town Council if a written request from the applicant is received by the

Community Development Department within 15 calendar days after the Commission's final decision. Council's consideration of the appeal will be scheduled at a time to be determined by the Town Clerk.

IV. *Notice.* Notice of the proposed Temporary Use Permit shall be posted on the subject property for a period of 15 days prior to the date scheduled for final decision of the request. Notice shall also be mailed to property owners within 300 feet of the property boundaries proposed for the Temporary Use. Additional notification may be required at the Community Development Director's discretion.

V. *Revocation.* The decision-making authority may revoke any Temporary Use Permit for noncompliance with any of the conditions set forth in granting the permit. This revocation shall occur after a public hearing, notice for which shall be in accordance with §150.015. Written notice of the possibility of revocation shall be mailed to the applicant and property owner not less than 30 days prior to the meeting at which the issue will be discussed. The revocation of a Temporary Use Permit shall have the effect of denying all rights and privileges granted by the approval of the use permit.

VI. *Time limit.* If an established time limit for the Temporary Use Permit expires or if a time limit for the duration of the carrying on of the use has been established as a of the condition of approval, the permission for the use shall be considered to be revoked upon the date of expiration without any notification to the applicant.

VII. *Effective Dates.*

(A) *Permit Period 45 Days or Less*. A Temporary Use Permit issued for 45 days or less shall become effective on the date the permit is approved by the decision-making authority.

(B) *Permit Period More than 45 Days*. A Temporary Use Permit for more than 45 days shall become effective seven days from the date the permit is approved by the decision-making authority.

(Ord. XXX-XX, passed X-X-201X)

~~150.016~~150.018 ~~Applications and fees.~~ Exceptions and modifications

Regulations specified in this Development Code shall be subject to the following exceptions, modifications and interpretations:

I. ~~(A)~~ *Extension of time.* Under special conditions, the Council may grant extensions of time unless otherwise set forth in this Development Code.

II. ~~(B)~~ *Use of existing lots of record.* In any district where dwellings are permitted, a single-family dwelling may be located on any lot or plot of official record that existed on the effective date of this Development Code, which does not meet area and/or width requirements of this Development Code.

III. ~~(C)~~ *Structures permitted above the height limit.* Building height limitations of this Development Code may be modified as follows: public, semi-public or public service buildings, sanitariums, schools, churches and temples, when permitted in a district, may have the applicable height limit waived by the Town Council, provided that each setback is increased one foot for each foot of additional building height above the height limit otherwise provided in that district.

IV. ~~(D)~~ *Area requirements.* In any residential district where neither the public water supply nor public sanitary sewer is accessible, lot area and frontage requirements shall be consistent with county or state health requirements and meet the minimum requirements of the zone district in which it is located.

V. ~~(E)~~ *Other exceptions to yard requirements.* Every part of a required yard shall be open to the sky, unobstructed by any structure, except for permitted accessory buildings, and except for ordinary projections of sills, bay windows, cornices and other features permitted elsewhere in this Development Code.

VI. ~~(F)~~ *Mixed-use yard requirements.* When buildings are erected containing two or more uses housed vertically, required side yards for the first floor use shall control.

(Prior Code, Ch. 4, Art. I, § 4-15) (Ord. 432-06, passed 6-19-2006)

~~150.017~~150.019 Building Permits and Certificates of Occupancy

Neither building permits nor certificates of occupancy may be issued until the use of building(s) and land conforms with this Development Code and all other applicable codes and ordinances.

(Prior Code, Ch. 4, Art. I, § 4-17) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

~~I. (A) *Applications.* Applications for use permits, appeals, variances, amendments and design review shall be made in the Office of the Planning Director on forms provided. Applications shall contain the following information supplied by the applicant:~~

~~(A) (1) *Vicinity ownership map.* Drawn to scale, at least eight and one-half inches by 11 inches, showing all parcels adjacent to and surrounding the property within a radius of 150 feet from exterior boundaries.~~

~~(B) (2) *Ownership lists.* Typed in the form of mailing labels, containing complete names and mailing addresses of owners and parcel designations within a radius of 300 feet of the boundaries of the property.~~

~~(C) (3) *Plot plan.* Drawn to scale, at least eight and one-half inches by 11 inches by 17 inches, or as otherwise required by this Development Code, showing dimensions of the property, name and width of the internal and abutting streets, roads or alleys and existing buildings, fences and easements (with distances to property lines).~~

~~(D) (4) *Legal description of property.* Either lot or tract of a recorded subdivision, or metes and bounds description prepared by a registered Engineer and licensed land surveyor and map of the same.~~

~~(E) (5) *Letter of explanation.* Explaining the nature and intent of the proposed development, reasons justifying the request and expected effects upon surrounding neighborhoods and the town at large.~~

~~(F) (6) *Additional materials.* Development plans, elevations, maps and other materials may be required (in accordance with other stipulations of this Development Code).~~

~~II. (B) *Fees.* Fees for all matters pertinent to the administration of this Development Code will be set from time to time by resolution of the Town Council, including but not limited to the following:~~

~~(A) (1) General plan amendment;~~

~~(B) (2) Request for re-zoning or special use;~~

~~(C) (3) Code text amendment;~~

Commented [DB22]: Application and Fees Section moved to 150.022

~~(D) (4) Design review;~~
~~(E) (5) Appeal of site plan decision to Town Council;~~
~~(F) (6) Amendment to an approved site plan;~~
~~(G) (7) Use permit;~~
~~(H) (8) Variance;~~
~~(I) (9) Code interpretation;~~
~~(J) (10) Extension of re-zoning, special use, use permit or variance;~~
~~(K) (11) Continuance of application hearing at applicant's request;~~
~~(L) (12) Landscape plans review;~~
~~(M) (13) Landscape inspection fee;~~
~~(N) (14) Right-of-way and easement abandonment fee; and~~
~~(O) (15) Annexation initiated by land owner.~~

~~III. (C) *Refunds*. Application fees shall not be refundable.~~

~~(Prior Code, Ch. 4, Art. I, § 4-16) (Ord. 432-06, passed 6-19-2006)~~

~~150.018~~150.020 ~~Building Permits and Certificates of Occupancy~~Nonconforming use

I. ~~(A)~~ Continuance of use of land; abandonment. The lawful use of land existing on July 19, 2006, although not conforming to the provisions hereof for the land, may be continued, but if the nonconforming use is abandoned, and a nonconforming use discontinued for a period of three months, it is presumed abandoned, then any future use of the land shall be in conformity with the provisions of this Development Code.

II. ~~(B)~~ Continuance of use of building or land. The lawful use of a building or land existing on July 19, 2006 may be continued, although the use does not conform with the provisions of this Development Code for the building or land and the use may be continued providing only reasonable repairs and alterations are made. Whenever a nonconforming use of a building or land has been changed to a more restricted use or to a conforming use, the use shall not thereafter be changed to a less restricted use or a nonconforming use.

III. ~~(C)~~ Abandonment of use of building or land. In the event that a nonconforming use of any building is abandoned, and a nonconforming use discontinued for a period of three months is presumed abandoned, then any future use of the building or land shall be in conformity with the provisions of this Development Code.

(Prior Code, Ch. 4, Art. IV, § 4-91) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

~~Neither building permits nor certificates of occupancy may be issued until the use of building(s) and land conforms with this Development Code and all other applicable codes and ordinances.~~

~~(Prior Code, Ch. 4, Art. I, § 4-17) (Ord. 432-06, passed 6-19-2006)~~

~~150.019~~150.021 ~~Citizen Review Process~~Enlargement of building or land; destruction

I. ~~(A)~~ Enlargement, extension, reconstruction or structural alteration of building or land. No existing building or land designed, arranged or intended for or devoted to a use not permitted under the regulations of this Development Code for the district in which the building or land is located shall be enlarged, extended, reconstructed or structurally altered

Commented [DB23]: Building Permits and C of O moved above

Commented [DB24]: Moved from "Regulations; Part 1 General Provisions; 150.080." Out of place as is, this is an administrative procedure, more than a "General Provision"

Commented [DB25]: Moved from "Regulations; Part 1 General Provisions; 150.081." This section is a part of and expands on above "Nonconforming use" regulation

unless the building and the enlargement, extension, reconstruction and structural alterations, and further use hereof, conform in every respect with the regulations specified by this Development Code for the district in which the building or land is located, provided nothing herein shall prohibit any reasonable repairs or alterations in a building or land used for the existing purposes.

II. ~~(B)~~ Destruction of building ~~or land~~. If at any time any building ~~or land~~ in existence or maintained on July 19, 2006, which does not conform to the regulations for the district in which it is located, shall be destroyed by fire, explosion, during modification, remodeling, renovation or acts of God or acts of the public enemy to the extent of 50% of its value as determined by three competent appraisers, then and without further action by the Council, the building ~~and the land on which the building was located or maintained~~ shall from and after the date of the destruction be subject to all the regulations specified by this Development Code for the district in which the land and building are located.

(Prior Code, Ch. 4, Art. IV, § 4-92) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

~~III. (A) Neighborhood meeting. Prior to any public hearing, as required under § 150.014, on any application for any zoning ordinance that changes any property from one zoning district to another, a use or special use permit application that imposes any regulation not previously imposed, or that removes or modifies any regulation previously imposed, the Planning Director or designee, shall require the applicant to conduct a neighborhood meeting or an acceptable alternative prior to a public hearing to consider the proposal. A written notice of the application shall be mailed to all adjacent landowners of the property that is subject to a re-zoning, use or special use permit application and to the other persons as the Planning Director or designee reasonably determines to be other potentially affected citizens. In determining the number of potentially affected citizens, the Planning Director or designee, shall review the density and intensity of residential development in the general vicinity, the existing street system and other factors that may be related to the zoning or use permit's impact on the character of the neighborhood.~~

~~IV. (B) Written notice. The written notice shall also include a general explanation of the substance of the proposed re-zoning, use permit or special use permit application and shall state the date, time and place scheduled for a neighborhood meeting, at which any adjacent landowner(s) or those other potentially affected citizens, will be provided a reasonable opportunity to express any issues or concerns that the landowner or citizen may have with the proposed zoning or use permit application.~~

~~V. (C) Publication. At the discretion of the Planning Director, written notice shall be given at least 15 days before the neighborhood meeting in at least one of the following methods:~~

~~(A) (1) The notice shall be published once in a newspaper of general circulation published or circulated in the town.~~

~~(B) (2) The notice shall be posted upon the sign required in § 150.014 unless waived by the Planning Director or designee.~~

~~(C) (3) The notice shall be mailed in accordance with the same procedures, and delivered in accordance with the provisions of § 150.014.~~

Commented [DB26]: Citizen review process moved to 150.022

~~VI. (D) *Time, date and location.* The Planning Director, upon consultation with the applicant, shall establish a time, date and place for the neighborhood meeting that provides a reasonable opportunity for the applicant, adjacent landowners and those other potentially affected citizens to discuss and express their respective views concerning the application and any issues or concerns that they may have with the zoning or re-zoning ordinance and use permit proposed by the application. The Planning Director or designee shall attend the meeting, but is not required to conduct the meeting. The Planning Director or designee shall report the results of the neighborhood meeting to the Planning and Zoning Commission and Mayor and Town Council at the time as they take action on the application.~~

(Prior Code, Ch. 4, Art. I, § 4-18) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

150.022 Citizen Review Process

I. *Neighborhood meeting.* Prior to any public hearing, as required under § 150.015, on any application for any zoning ordinance that changes any property from one zoning district to another, a use or conditional ~~special~~ use permit application that imposes any regulation not previously imposed, or that removes or modifies any regulation previously imposed, the Community Development Director or designee, shall require the applicant to conduct a neighborhood meeting or an acceptable alternative prior to a public hearing to consider the proposal. A written notice of the application shall be mailed to all adjacent landowners of the property that is subject to a re-zoning, use or special use permit application and to the other persons as the Community Development Director or designee reasonably determines to be other potentially affected citizens. In determining the number of potentially affected citizens, the Community Development Director or designee, shall review the density and intensity of residential development in the general vicinity, the existing street system and other factors that may be related to the zoning or use permit's impact on the character of the neighborhood.

II. *Written notice.* The written notice shall also include a general explanation of the substance of the proposed re-zoning, use permit or special use permit application and shall state the date, time and place scheduled for a neighborhood meeting, at which any adjacent landowner(s) or those other potentially affected citizens, will be provided a reasonable opportunity to express any issues or concerns that the landowner or citizen may have with the proposed zoning or use permit application.

III. *Publication.* At the discretion of the Community Development Director, written notice shall be given at least 15 days before the neighborhood meeting in at least one of the following methods:

(A) The notice shall be published once in a newspaper of general circulation published or circulated in the town.

(B) The notice shall be posted upon the sign required in § 150.015 unless waived by the Community Development Director or designee.

(C) The notice shall be mailed in accordance with the same procedures, and delivered in accordance with the provisions of § 150.015.

IV. *Time, date and location.* The Community Development Director, upon consultation with the applicant, shall establish a time, date and place for the neighborhood meeting that provides a reasonable opportunity for the applicant, adjacent landowners and those other potentially

Commented [DB27]: Moved from 150.019 for clarity and flow. No changes to text except alpha-numeric update, and updated cross references

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affected citizens to discuss and express their respective views concerning the application and any issues or concerns that they may have with the zoning or re-zoning ordinance and use permit proposed by the application. The Community Development Director or designee shall attend the meeting, but is not required to conduct the meeting. The Community Development Director or designee shall report the results of the neighborhood meeting to the Planning and Zoning Commission and Mayor and Town Council at the time as they take action on the application.

(Prior Code, Ch. 4, Art. I, § 4-18) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

150.023 Applications and fees

Commented [DB32]: Moved from 150.017, no changes to text unless noted

I. *Applications.* Applications for use permits, appeals, variances, amendments and design review shall be made in the Office of the Community Development Director on forms provided. Applications shall contain the following information supplied by the applicant:

(A) *Vicinity ownership map.* Drawn to scale, at least eight and one-half inches by 11 inches, showing all parcels adjacent to and surrounding the property within a radius of 150 feet from exterior boundaries.

(B) *Ownership lists.* Typed in the form of mailing labels, containing complete names and mailing addresses of owners and parcel designations within a radius of 300 feet of the boundaries of the property.

(C) *Plot plan.* Drawn to scale ~~on eight and one-half 24 17 by 36 inch sheet(s), or as otherwise required by this Development Code,~~ showing dimensions of the property, name and width of the internal and abutting streets, roads or alleys and existing buildings, fences and easements (with distances to property lines).

(D) *Legal description of property.* Either lot or tract of a recorded subdivision, or metes and bounds description prepared by a registered Engineer or licensed land surveyor and map of the same.

(E) *Letter of explanation.* Explaining the nature and intent of the proposed development, reasons justifying the request and expected effects upon surrounding neighborhoods and the town at- large.

(F) *Additional materials.* Development plans, elevations, maps and other materials may be required (in accordance with other stipulations of this Development Code).

II. *Fees.* Fees for all matters pertinent to the administration of this Development Code will be set from time to time by resolution of the Town Council, including but not limited to the following:

(A) General plan amendment;

(B) Request for re-zoning or special use;

(C) Code text amendment;

(D) Design review;

(E) Appeal of site plan decision to Town Council;

(F) Amendment to an approved site plan;

(G) Use permit;

(H) Variance;

(I) Code interpretation;

(J) Extension of re-zoning, special use, use permit or variance;

(K) Continuance of application hearing at applicant's request;
(L) Landscape plans review;
(M) Landscape inspection fee;
(N) Right-of-way and easement abandonment fee; and
(O) Annexation initiated by land owner.

III. *Refunds.* Application fees shall not be refundable.

(Prior Code, Ch. 4, Art. I, § 4-16) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

150.024 Claim for Diminution in Value pursuant to A.R.S. §12-1134

I. *Filing of claim*. All claims for diminution in value pursuant to A.R.S. § 12-1134 shall be filed with the Town Clerk on a form prescribed by the Town.

II. Review. After a claim is filed, Town staff shall review the claim to determine whether the enactment or application of a land use law has diminished the value of the claimant's property. A certified land appraiser, economist, or other qualified expert may be consulted to determine the amount of the diminishment of value, if any.

III. Staff recommendation. The Community Development Director shall prepare a recommendation to the Town Council to deny the claim, pay compensation for diminishment in value or rescind or modify the land use regulation.

IV. *Town Council determination.* Within 90 days of the filing of the claim, Town Council shall make a determination whether to deny the claim, pay compensation, modify or rescind the land use law or its application to the claimant's property. The Town Council's determination shall be made in writing and a copy shall be provided to the claimant. Any rescission or modification of the application of a land use law to an individual property shall be recorded against the property in the office of the Pinal County Recorder.

V. Satisfaction of Notice of Claims requirements. Filing a claim pursuant to this Section shall be deemed to satisfy the requirements set forth in A.R.S. § 12-821.01 for filing an administrative claim against the Town.

NOTICE OF PUBLIC HEARING
TOWN OF FLORENCE
TOWN COUNCIL

Notice is hereby given that the Town Council of Florence, Arizona will hold a **Public Hearing** on Monday, **March 16, 2020** at **6:00 PM** at Florence Town Hall located at 775 North Main Street, Florence, Arizona, 85132 to discuss the following Text Amendment to the Town of Florence Land Development Code:

> **ORDINANCE 689-20:** 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, Administration and Procedures Sections 150.000 to 150.019 and adding Sections 150.020 to 150.024, and relocating "Part 1. General Provisions," Sections 150.080 to 150.081 to the Administration and Procedures Sections 150.020 and 150.021, respectively. The proposed text amendment document was declared a public record by Resolution No 1733-20, one paper copy is on file in the Office of the Town Clerk, and one electronic copy is available on the Town of Florence website.

All members of the public are invited to attend and participate in the public hearing. A detailed description of this proposed Text Amendment is available for viewing at the Town of Florence Town Clerk's office and at the Community Development building located at 224 W. 20th Street, Florence, Arizona, Monday thru Friday from 8 a.m. to 5 p.m. The Department can be reached by phone at (520) 868-7542. Ordinance 689-20 may also be downloaded at http://www.florenceaz.gov/community-development

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.

Public Notice Display Ad; No. of publications: Three; dates of publications: February 27, March 5, and 12, 2020.

Ordinance No. 689-20

Development Code

Text Amendment :

Administration & Procedures

City Council Meeting

May 16, 2020

Why?

- Correct code discrepancies and conflicts
- Address statutory changes
- NO regulatory changes
- ED Tool
- Organize section to easily navigate

Scope

1. Correct discrepancies

- Redundant design review processes
- Codify Pre-Application Conference and Temporary Use procedures
- Update terminology to be consistent

Scope

2. Update to reflect changes in statute

- HB 2116 passed in 2017 – rezoning appeal
- ARS 12-1134 Claim and Diminution in Value

Scope

3. NO regulatory changes

- Decennial General Plan Update and other leading policy studies coming soon

General Plan/ Strategic Plan

Master Plans: Transportation, Redevelopment, Parks and Open Space, etc.

Tech. Codes: Development, Building, Fire, Flood Control, etc.

Public Review and Recommendations

- Started process in May 2019
- 10 Public Meetings
- Community Meeting and Draft updates available for download and comment online
- HDAC and Planning & Zoning Commission recommend approval

Discussion
&
Questions

	TOWN OF FLORENCE COUNCIL ACTION FORM	**AGENDA ITEM 14b.**

MEETING DATE: March 16, 2020 **DEPARTMENT:** Administration **STAFF PRESENTER:** Jennifer Evans, Management Analyst **SUBJECT:** 2020 Census Presentation	☐ **Action** ☒ **Information Only** ☐ **Public Hearing** ☐ **Resolution** ☐ **Ordinance** ☐ **Regulatory** ☐ **1st Reading** ☐ **2nd Reading** ☐ **Other**

STRATEGIC PLAN REFERENCE:

☐ Community Vitality ☐ Economic Prosperity ☐ Leadership and Governance

☐ Partnership and Relationships ☐ Transportation and Infrastructure

☐ Statutory ☒ None

RECOMMENDED MOTION/ACTION:

None, for information only.

BACKGROUND/DISCUSSION:

The U.S. Constitution requires a census every 10 years that covers the entire country and everyone living here. Census information is used to determine congressional and legislative representation, how much federal and state funding is received for programs on the local level, and for economic development activities. This presentation provides a brief overview of the census, ways to respond, the census schedule, and how the community can support participation in the census.

A VOTE OF NO WOULD MEAN:

Not applicable

A VOTE OF YES WOULD MEAN:

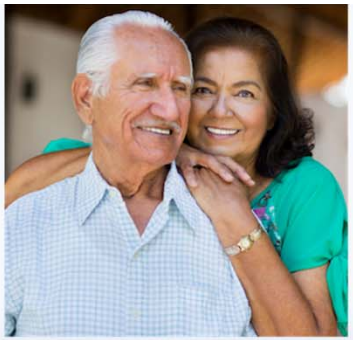
Not applicable

FINANCIAL IMPACT:

None

ATTACHMENTS:

2020 Census Presentation



Shape your future START HERE >

United States Census 2020

iCount · 2020

2020 Census

March 16, 2020

TOWN OF FLORENCE ARIZONA

Shape your future START HERE >

United States Census 2020

iCount 2020

How to Respond

- **Respond online, by phone, or by mail**

- **Partner Questionnaire Assistance Center at the Florence Community Library** - Place with computers and information for community members to self-respond.
- **Event-Based Questionnaire Assistance** - Census Bureau and Town staff will have a presence at community events.
- **Highly Mobile Questionnaire Assistance** - As we receive self-response data, partners and the Census Bureau will ensure we have questionnaire assistance in areas that are not seeing expected self-response.

TOWN OF FLORENCE ARIZONA

Shape your future START HERE >

United States Census 2020

iCount 2020

Census Schedule

WHAT WE WILL SEND IN THE MAIL	
On or between	**You'll receive:**
March 12–20	An invitation to respond online to the 2020 Census. (Some households will also receive paper questionnaires.)
March 16–24	A reminder letter.
	If you haven't responded yet:
March 26–April 3	A reminder postcard.
April 8–16	A reminder letter and paper questionnaire.
April 20–27	A final reminder postcard before we follow up in person.

TOWN OF FLORENCE ARIZONA

Shape your future START HERE >

United States Census 2020

iCount 2020

Support the Census

- Encourage people to respond online, by phone, or by mail
- Remind people to cooperate with census takers if they visit their home.
- Emphasize the census is safe and secure.
- Reach hard-to-count populations – farmworkers, children 0-5 years, non-English speakers, low-income families, veterans, winter residents
- Response Rate Challenge

TOWN OF FLORENCE ARIZONA

Shape your future START HERE >

United States Census 2020

iCount 2020

More Information

- Contact Jennifer Evans, Management Analyst, at 520-868-7549 or Jennifer.evans@florenceaz.gov
- www.icount2020.info
- www.2020census.gov

Count everyone…
once, only once, and in the right place

TOWN OF FLORENCE ARIZONA

	TOWN OF FLORENCE COUNCIL ACTION FORM	**AGENDA ITEM 15a.**

MEETING DATE: March 16, 2020

DEPARTMENT: Finance for Public Works Department

STAFF PRESENTER: Becki Jimenez, Finance Director

SUBJECT: Request for Disposal

☒ **Action**
☐ **Information Only**
☐ **Public Hearing**
☐ **Resolution**
☐ **Ordinance**
- ☐ **Regulatory**
- ☐ **1st Reading**
- ☐ **2nd Reading**

☐ **Other**

STRATEGIC PLAN REFERENCE:
☐ Community Vitality ☐ Economic Prosperity ☐ Leadership and Governance
☐ Partnership and Relationships ☐ Transportation and Infrastructure
☐ Statutory ☒ None

RECOMMENDED MOTION/ACTION:

Authorization to dispose of vehicles that are no longer needed and have outlived their useful life.

BACKGROUND/DISCUSSION:

The departments have some vehicles that are no longer needed and/or have outlived their useful life. The vehicles listed below have been deemed as eligible for disposal by our Fleet Maintenance Division for the following reasons:

1. The vehicles have no further identifiable use in any town operation and have not been requested for use by any other Town department.

Item	Year	VIN#	Location
Ford Ranger	2005	1FTYR14U105PA54408	Public Works Yard
Ford F150 4x4	2009	1FTPW14V19FA55608	Public Works Yard
Dodge 3500 Flat Bed	1997	1B6MF36W1VJ590485	Public Works Yard
Ford Crown Victoria	2003	2FAFP71W53X132412	Public Works Yard

The Town will dispose of the vehicles as per Policy, and the proceeds will be returned to the Town.

A VOTE OF NO WOULD MEAN:

The Town will not dispose of the vehicles nor equipment and will keep them on the insurance (if applicable) and eventually will sell them at a later date; at which time the value will have reduced.

A VOTE OF YES WOULD MEAN:

The Town would sell the items at auction and credit the revenue account for the sales, reducing the inventory and the insurance costs of items no longer needed or utilized.

FINANCIAL IMPACT:

The total salvage value of the items is estimated at $2,000.

ATTACHMENTS:

Auction Surplus Documents

Town of Florence
P.O. Box 2670
Florence, AZ 85132

Vehicles/Heavy Machinery Property Surplus

Please fill in the information below for each of your inventory items.

Overall Title/Asset#: 002.004.032

Year: 2005

Make/Manufacturer: FORD

Model: RANGER

Mileage/Hours: 138440

VIN # 1FTYR14U105PA54408 Digital Picture # (no Limit on Quantity): _____

Running Condition: ☐ **Runs Well** ☑ **Runs** ☐ **Doesn't Run** ☐ **Unknown**

General Description: 2 DOOR EXTENDED CAP PICKUP

Present Value: $500.00

Engine Make, Size, & Gas Type: FORD 3.0 GAS

Transmission Type: AUTO Body Style: 2 DOOR EXTENDED CAB

Brakes: GOOD

Condition of: Hydraulic (if any) N/A, Tires: GOOD, Glass GOOD

Asset was: ☐ **Lost** ☐ **Stolen** ☐ **Destroyed** ☑ **Outlived Useful Life** ☐ **Other** _____

Inventory # (Item Code): W-4

Storage Address (Pickup Location): PUBLIC WORKS YARD

Department: WATER **Department Manager Signature:** _____ **Date:** 2/12/20

Authorized by: _____ **Date:** 2/13/20

Prepared by: DHILLS **Entered by:** _____

Town of Florence
P.O. Box 2670
Florence, AZ 85132

Vehicles/Heavy Machinery Property Surplus

Please fill in the information below for each of your inventory items.

Overall Title/Asset#: 002.008.021

Year: 2009

Make/Manufacturer: FORD

Model: F150 4X4

Mileage/Hours: 162362

VIN # 1FTPW14V19FA55608 Digital Picture # (no Limit on Quantity): _____

Running Condition: ☐ **Runs Well** ☑ **Runs** ☐ **Doesn't Run** ☐ **Unknown**

General Description: 4 DOOR SHORT BED 4X4

Present Value: $500.00

Engine Make, Size, & Gas Type: FORD 5.4L GAS

Transmission Type: AUTO Body Style: 4 DOOR SHORT BED 4X4

Brakes: GOOD

Condition of: Hydraulic (if any) N/A, Tires: GOOD, Glass GOOD

Asset was: ☐ **Lost** ☐ **Stolen** ☐ **Destroyed** ☑ **Outlived Useful Life** ☐ **Other** _____

Inventory # (Item Code): WW-26

Storage Address (Pickup Location): PUBLIC WORKS YARD

Department: WASTE WATEI **Department Manager Signature:** _____ **Date:** 2/12/20

Authorized by: _____ **Date:** 2/13/20

Prepared by: DHILLS **Entered by:** _____

Town of Florence
P.O. Box 2670
Florence, AZ 85132

Vehicles/Heavy Machinery Property Surplus

Please fill in the information below for each of your inventory items.

Overall Title/Asset#: 002.003.028

Year: 1997

Make/Manufacturer: DODGE

Model: 3500 FLAT BED

Mileage/Hours: 123973

VIN # 1B6MF36W1VJ590485 Digital Picture # (no Limit on Quantity): _____

Running Condition: ☐ **Runs Well** ☑ **Runs** ☐ **Doesn't Run** ☐ **Unknown**

General Description: 2 DOOR FLAT BED,TRANSMISSION BAD,NEEDS COSTLY REPAIRS

Present Value: $500.00

Engine Make, Size, & Gas Type: DODGE V-10 GAS

Transmission Type: AUTO Body Style: 2 DOOR FLAT BED

Brakes: GOOD

Condition of: Hydraulic (if any) N/A, Tires: GOOD, Glass GOOD

Asset was: ☐ **Lost** ☐ **Stolen** ☐ **Destroyed** ☑ **Outlived Useful Life** ☐ **Other** _____

Inventory # (Item Code): ST-12

Storage Address (Pickup Location): PUBLIC WORKS YARD

Department: STREETS **Department Manager Signature:** _____ **Date:** 2/12/20

Authorized by: _____ **Date:** 2/12/20

Prepared by: DHILLS **Entered by:** _____

Town of Florence
P.O. Box 2670
Florence, AZ 85132

Vehicles/Heavy Machinery Property Surplus

Please fill in the information below for each of your inventory items.

Overall Title/Asset#: 002003004

Year: 2003

Make/Manufacturer: FORD

Model: CROWN VIC POLICE INTERCEPTOR

Mileage/Hours: 119354

VIN # 2FAFP71W53X132412 Digital Picture # (no Limit on Quantity): 3

Running Condition: ☐ **Runs Well** ☑ **Runs** ☐ **Doesn't Run** ☐ **Unknown**

General Description: NEEDS TO MANY REPAIRS

Present Value: $500.00

Engine Make, Size, & Gas Type: FORD 4.6L V8 SOHC 16V

Transmission Type: AUTO Body Style: 4 DOOR SEDAN

Brakes: GOOD

Condition of: Hydraulic (if any) N/A, Tires: FAIR, Glass GOOD

Asset was: ☐ **Lost** ☐ **Stolen** ☐ **Destroyed** ☑ **Outlived Useful Life** ☐ **Other** _____

Inventory # (Item Code): G-103DL

Storage Address (Pickup Location): PUBLIC WORKS YARD

Department: PD **Department Manager Signature:** _____ **Date:** 1/10/20

Authorized by: _____ **Date:** 1/23/20

Prepared by: DHILLS **Entered by:** _____

	TOWN OF FLORENCE COUNCIL ACTION FORM	**AGENDA ITEM 15b.**

MEETING DATE: March 16, 2020 **DEPARTMENT:** Community Services **STAFF PRESENTER:** Alison Feliz, Recreation Coordinator **SUBJECT:** 2020-2021 Fireworks Display Contract	☒ **Action** ☐ **Information Only** ☐ **Public Hearing** ☐ **Resolution** ☐ **Ordinance** ☐ **Regulatory** ☐ **1st Reading** ☐ **2nd Reading** ☐ **Other**

STRATEGIC PLAN REFERENCE:

☒ Community Vitality ☐ Economic Prosperity ☐ Leadership and Governance

☐ Partnership and Relationships ☐ Transportation and Infrastructure

☐ Statutory ☐ None

RECOMMENDED MOTION/ACTION:

A motion to approve Lantis Fireworks and Lasers contract for the 2020-2021 Fireworks Display in an amount not to exceed $37,000.

BACKGROUND/DISCUSSION:

The Parks and Recreation Division issued an RFP in December, for the 2020-2021 4th of July Fireworks Display. Lantis Fireworks and Lasers was the only vendor to respond to the solicitation.

Lantis is a Fireworks and Lasers company based out of Utah and has coordinated the Town's fireworks display for several years and has done a fantastic job. They are familiar with the requirements set by the Town, the shoot site, and event.

Included in the proposal was a shell count for the fireworks display. We are confident that the 2020 and 2021 4th of July Fireworks display will continue to impress our residents and visitors.

A VOTE OF NO WOULD MEAN:

Lantis Fireworks & Lasers is not awarded a contract and a new RFP will be issued.

A VOTE OF YES WOULD MEAN:

Lantis Fireworks and Lasers is awarded a two-year contract and will coordinate the 2020 and 2021 Fireworks display. The contract allows for termination by either party after the first year.

FINANCIAL IMPACT:

$37,000 total for a two-year contract
$18,500 FY20
$18,500 FY21

ATTACHMENTS:

Fireworks Contract

COMMUNITY SERVICES DEPARTMENT SERVICES AGREEMENT

The SERVICES AGREEMENT (the "Agreement") is entered into by and between Lantis Fireworks and Lasers ("Vendor") and the Town of Florence, a political subdivision of the State of Arizona ("Town"), effective as of February 11, 2020 Town and the Vender may be referred to in this Agreement collectively as the "parties" and each individually as a "party".

NOW THEREFORE, in consideration of the mutual promises and obligations contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Vendor and Town agree as follows:

Scope of Services: Vendor shall provide the Services described in the Scope of Services attached hereto and incorporated herein as Exhibit "A" (the "Services" or "Scope of Services", or "Program"). All work shall be reviewed and approved by Town's Contract Administrator to determine acceptable completion. Review and approval by the Contract Administrator shall not relieve Vendor of any liability for improper, negligent or inadequate Services rendered pursuant to this Agreement.

Pursuant to the Request for Proposals issued December 27, 2019, the Town is exercising its discretion to hire the vendor to provide services for two years (2020 and 2021).

Fees: The amount paid to the Vendor under this Agreement, including reimbursable expenses, shall not exceed $18,500 per year, for a two-year period, for a total of $37,000. Vendor shall be paid in full within 30 days of the completion of the Program.

Termination for Convenience: Town has the right to terminate, suspend or abandon this Agreement for cause or convenience, or to terminate any portion of the Services which have not been performed by the Vendor. Town may terminate this Agreement, or any part thereof for its sole convenience, at any time without penalty or recourse. Vendor shall receive payment for Services satisfactorily completed and accepted by Town, as determined by Town in its reasonable discretion, based on the Scope of Services and schedule for payment.

Independent Contractor: It is understood that Vendor shall be an independent contractor with respect to Services provided under this Agreement, and shall not be deemed to be a partner, employee, joint venturer, agent, or to have any other legal relationship with Town. As an independent contractor, Vendor shall: (a) have discretion in deciding upon the method of performing the Services provided; (b) not be entitled to worker's compensation benefits from the Town; (c) not be entitled to any Town sponsored benefit plan; (d) shall select the hours of his/her work; (e) shall provide her/his own equipment and tools; and(f) to the extent required by law, be responsible for obtaining and remaining licensed to provide the Services. Except as otherwise expressly provided herein, Town shall not be responsible for the payment of any taxes, permit fees or licenses incurred or required by Vendor in order to perform Services under this Agreement. Vendor understands that the Vendor is responsible to pay, according to law, the Vendor's income tax, and this may include Vendor's self-employment, social security, and other taxes. As an independent contractor, Vendor is responsible for providing all workers' compensation insurance required by law. Vendor shall be solely responsible for the acts and omissions of its officers, agents, servants, and employees.

Cancellation of Agreement: This Agreement is subject to cancellation by Town pursuant to A.R.S. § 38-511, the provisions of which are incorporated herein by reference.

Subject to allocation of fault, the Vendor shall at all times indemnify, keep indemnified, defendant save harmless Town and any of its Mayor, council members, officials, officers, from any and all claims, demand, suits, actions, proceedings, loss, costs and/or damages of every kind and description caused in whole or in part by Vendor acts or omissions or those of parties for whose conduct Vendor is responsible, including any attorney's fees and/or litigation expenses which may be brought or made against or incurred by Town on account of loss or damage to any property or for injuries to or death of any person caused by, arising out of, or contributed to, in whole or in part, by reason of any alleged act, omission, professional error, fault,

mistake, or negligence of the Vendor, its employees, agents, representatives or subcontractors, their employees, agents or representatives in connection with or incidental to the performance of this Agreement arising out Workers' Compensation claim, Unemployment Compensation Claims, or Unemployment Disability Compensation claim of employees of the Vendor or its subcontractors or claims under similar laws or obligations. The Vendor's obligations under this paragraph shall not extend to any liability caused by the negligence of Town or its employees.

In the event that any action or proceeding shall at any time be brought against Town by reason of any claim referred to in this Section, the Vendor, at Vendor's sole cost and on at least 10 days written notice from Town, shall defend the same with counsel acceptable to Town, in Town's reasonable discretion. The Vendor's obligations under this Section shall survive the expiration or earlier termination of this Agreement Insurance provisions set forth in this Agreement are separate and independent from the indemnity provisions of this Section and shall not be construed in any way to limit the scope and magnitude of this indemnification, nor shall this indemnification be construed in any way to limit the scope, magnitude or applicability of the insurance provisions.

Vendor liability hereunder is limited to the portion of fault attributed by the fact finder to Vendor, who shall make separate special verdicts on total damages and the proportional fault.

Notice: Unless otherwise provided herein, demands or notices under this Agreement will be in writing and will be deemed to have been duly given and received either (a) on the date of services if personally delivered to the party to whom notice is to be given, or (b) on the 3rd day after the date of the postmark of deposit by first class United States mail, registered or certified postage prepaid and properly addressed according to the party's place of business as set forth herein.

Insurance:

A. The Vendor shall provide and maintain and cause any subcontractors to provide and maintain appropriate insurance. In no event shall the total coverage be less than the minimum insurance coverage specified below:

    1. Commercial General Liability in an amount of not less than One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) general aggregate.
    2. Automobile Liability in an amount of not less than One Million Dollars ($1,000,000) per occurrence.
    3. Statutory Workman's compensation.

B. The Vendor shall name Town, its Mayor, council members, agents, officers, representatives, officials, volunteers and employees as additional insureds and shall specify that the insurance afforded by the Vendor shall be primary insurance and that any insurance coverage carried or self-insurance by Town, any department or employee shall be excess coverage and not contributory insurance to that provided by the Vendor. Said policy shall contain a severability of interest provision. Town reserves the right to continue payment of premium for which reimbursement shall be deducted from amounts due or subsequently due Vendor.

C. Failure on the part of the Vendor to procure and maintain the requested liability insurance and provide proof thereof to Town within ten (10) days following the commencement of a new policy, shall constitute a material breach of the Agreement upon which Town may immediately terminate this Agreement. Within ten (10) days of signing this Agreement, the Vendor shall furnish the Town with copies of the Certificate of Insurance and Endorsements drawn in conformity with the above insurance requirements. Town reserves the right to request and receive certified copies of any or all of the above policies and endorsements.

D. The Vendor agrees to comply with statutory requirements for both workers' compensation and unemployment insurance coverage during the term of this Agreement. A Certificate of Insurance for workers' compensation coverage shall be provided within ten (10) days of signing this Agreement. The insurer shall agree to waive all rights of subrogation against Town, its Mayor

and Council members, its officers, representatives, officials, volunteers, agents, and employees for losses arising from Services performed by the Vendor for Town.

E. The Vendor is primarily responsible for the risk management of its Services under this Agreement, including but not limited to obtaining and maintaining the required insurance and establishing and maintaining a reasonable risk control and safety program. Town reserves the right to amend the requirements herein at any time during the Agreement subject to at least (5) days written notice. The Vendor shall require any and all subcontractors to maintain insurance as required herein naming Town and Vendor as "Additional Insured" on all insurance policies, except Worker's Compensation, and this shall be reflected on the Certificate of Insurance. The Vendor's insurance coverage shall be primary insurance with respect to all other available sources. Coverage provided by the Vendor shall not be limited to the liability assumed under the Indemnification provision of this Agreement. To the extent permitted by law, Vendor waives all rights of subrogation or similar rights against Town, its Mayor and council members, officials, agents, representatives, officers, volunteers and employees. All insurance policies, except Workers' Compensation required by this Agreement, and self-insured retention or deductible portions, shall name, to the fullest extent permitted by law for claims arising out of the performance of this Agreement, Town, its Mayor and council members, agents, representatives, officers, directors, officials, volunteers and employees as Additional Insureds. Town reserves the right to require complete copies of all insurance policies and endorsements required by this Agreement at any time. Failure to maintain the insurance policies as required by this Agreement, or to provide evidence of renewal, is a material breach of contract.

COUNTERPARTS: This Agreement may be executed in one or more counterparts, and each originally executed duplicate counterpart of this Agreement shall be deemed to possess the full force and effect of the original, but all of which together shall constitute one and the same instrument, binding on all of the parties. The parties agree that this Agreement may be transmitted between them via facsimile. The parties intend that faxed signatures constitute original signatures and that a faxed Agreement containing the signatures (original or faxed) of all the parties is binding upon the parties.

CONSTRUCTION: The terms and provisions of this Agreement represent the results of negotiations between the parties, each of which has been or has had the opportunity to be represented by counsel of its own choosing, and neither of which has acted under any duress or compulsion, whether legal, economic or otherwise. Consequently, the terms and provisions of this Agreement shall be interpreted and construed in accordance with their usual and customary meanings, and the parties each hereby waive the application of any rule of law which would otherwise be applicable in connection with the interpretation and construction of this Agreement that ambiguous or conflicting terms or provisions contained in this Agreement shall be interpreted or construed against the party whose attorney prepared the executed Agreement or any earlier draft of the same.

DISPUTES, GOVERNING LAW: Should any dispute, misunderstanding or conflict arise as to the terms or provisions contained in this Agreement, the matter shall first be referred to Town, and Town shall determine the term or provision's true intent and meaning. This Agreement shall be deemed to be made under, shall be construed in accordance with, and shall be governed by the laws of the State of Arizona, without reference to choice of law or conflicts of laws principles thereof.

ENTIRE AGREEMENT: This Agreement constitutes the entire understanding of the parties and supersedes all previous representations, written or oral, with respect to the Services specified herein. The Agreement may not be modified or amended except by a written document, signed by authorized representatives for each party.

LICENSES: Vendor shall maintain in current status all Federal, State, and Local licenses and permits required for the operations of the business conducted by Vendor and the Services to be provided under this Agreement.

PERMITS AND RESPONSIBILITIES: Vendor, shall, without additional expense to Town, be responsible

for obtaining any necessary licenses and permits and for complying with any applicable Federal, State, County and Municipal Laws, codes and regulations in connection with the execution of the work, provision of Services and provision of materials.

NON-EXCLUSIVE REMEDIES: The rights and the remedies of Town under this Agreement are not exclusive. Town shall be entitled to offset against any sums due to Vendor, any expenses or costs incurred by Town, or damages assessed by Town concerning Vendor's non-conforming performance or failure to perform the Agreement, including costs and damages incurred by Town.

SURVIVAL: All warranties, representations and indemnification by Vendor shall survive the completion, expiration, or termination of this Agreement.

IN WITNESS WHEREOF, Vendor and Town have caused this document to be executed by their duly authorized representatives, this_____date of _____, 2020.

REVIEWED:

By: _____ 2/20/2020
Community Services Director

AS TO FORM:

By: _____
Town Attorney

TOWN OF FLORENCE:

By: _____
Town Manager/Deputy Town Manager

VENDOR:

By: _____ 7/24/2020

	TOWN OF FLORENCE COUNCIL ACTION FORM	**AGENDA ITEM 15c.**

MEETING DATE: March 16, 2020

DEPARTMENT: Community Services

STAFF PRESENTER: John Nixon, Interim Community Services Director

SUBJECT: Notice of Task Order/Change Order issued for On-Call Engineering pursuant to Council approved contract (WestLand Resources)

☒ **Action**
☐ **Information Only**
☐ **Public Hearing**
☐ **Resolution**
☐ **Ordinance**
- ☐ **Regulatory**
- ☐ **1st Reading**
- ☐ **2nd Reading**

☐ **Other**

STRATEGIC PLAN REFERENCE:

☒ Community Vitality ☐ Economic Prosperity ☐ Leadership and Governance

☐ Partnership and Relationships ☐ Transportation and Infrastructure

☐ Statutory ☐ None

RECOMMENDED MOTION/ACTION:

Approval of a Change Order for the Poston Butte Preserve Project On-Call Engineering, pursuant to Council approved contract with WestLand Resources, Inc., for an additional $2,500, increasing the total to $199,913, which is within budget for this fiscal year. (John Nixon)

BACKGROUND/DISCUSSION:

In March 2018, WestLand Resources, an authorized on-call engineering consultant, was issued a Task Assignment to perform an Environmental Assessment (EA) of two parcels the Town is proposing to acquire from the Bureau of Land Management (BLM) for the expansion of the Poston Butte Preserve.

Due to the extended timeframe by BLM in review of documents related to the project, WestLand Resources cultural resources staff has been involved in additional meetings and tribal administrative records required beyond the original scope of work. As a result, a Task Assignment Change Order is necessary to continue the work and complete all documentation required by BLM. The expanded scope of work will cost an additional $2,500.

A VOTE OF NO WOULD MEAN:

Item is placed on the consent agenda for information only. The item has Council authorization, project amount has changed but is still within Westland Resources, Inc. not to exceed contract amount.

A VOTE OF YES WOULD MEAN:

Item is placed on the consent agenda for information only. The item has Council authorization, project amount has changed but is still within Westland Resources, Inc. not to exceed contract amount

FINANCIAL IMPACT:

There is currently $195,000 in the Capital Improvement Project (CIP) Fund for the Poston Butte Expansion Project (POC-31). The current funding commitments for this fiscal year are for 1) WestLand Resources for Cultural, Biological and Environmental Assessment (EA) ($18,478); Historic Properties Treatment Plan (HPTP), and Programmatic Agreement (PA) ($23,600); and 2) J2 Engineering and Environmental Design for 60% design ($155,335). The total encumbered to-date is $197,413. With the addition of the Westland Resources Change Order ($2,500), the revised total would be $199,913, within budget for this fiscal year. However, staff anticipates the 60% design project will not wrap-up by the end of the fiscal year, providing an estimated savings of $22,200, leaving the total project within budget this fiscal year.

ATTACHMENTS:

None

	TOWN OF FLORENCE COUNCIL ACTION FORM	**AGENDA ITEM 15d.**

MEETING DATE: March 16, 2020

DEPARTMENT: Community Services

STAFF PRESENTER: John Nixon,
Interim Community Services Director

SUBJECT: Proposed Five Parks Community Dog Park

☒ **Action**
☐ **Information Only**
☐ **Public Hearing**
☐ **Resolution**
☐ **Ordinance**
- ☐ **Regulatory**
- ☐ **1st Reading**
- ☐ **2nd Reading**

☐ **Other**

STRATEGIC PLAN REFERENCE:

☒ Community Vitality ☐ Economic Prosperity ☐ Leadership and Governance

☐ Partnership and Relationships ☐ Transportation and Infrastructure

☐ Statutory ☐ None

RECOMMENDED MOTION/ACTION:

Authorize Town staff to proceed with negotiations with the five parks communities in drafting a special use agreement for future development of a Town parcel for use as a community dog park.

BACKGROUND/DISCUSSION:

The Town of Florence owns a 1.89-acre parcel (200780060) on East Arizona Boulevard in Florence Gardens that is used for retention of storm water. The residents and homeowners' associations (HOA) of the five parks communities (Florence Gardens, Caliente Case de Sol, Casita Hermosa, Tierra del Sol RV Resort, and Vista Hermosa) have expressed an interest in a community dog park to serve the communities. Currently, there is not a suitable facility for off-leash activity in the area. With improvements to the site including grading, fencing, turf and irrigation and stabilized access entry, the parcel would be suitable for use as a dog park, except in the event of rain when the dog park would continue to function as a storm water retention area.

The residents and HOA's have further expressed an interest in fundraising for the improvements, coordinating in-kind labor and long-term maintenance of the proposed dog park facility so there is no cost to the Town. The Town would in turn enter into a special use agreement with the five parks communities for use of the parcel for the proposed facility.

This new amenity would meet a need of the nearly 2,000, 55+ year old, residents in the five parks communities by creating a space for their dogs to exercise and socialize within a short distance from their homes.

A VOTE OF NO WOULD MEAN:

The residents of the five parks communities would need to identify another vacant parcel, or multiple parcels, within the communities for use as a community dog park.

A VOTE OF YES WOULD MEAN:

The Town will proceed with drafting a special use agreement with the five parks communities for future council consideration and provide letter of support for the project for possible grant opportunities.

FINANCIAL IMPACT:

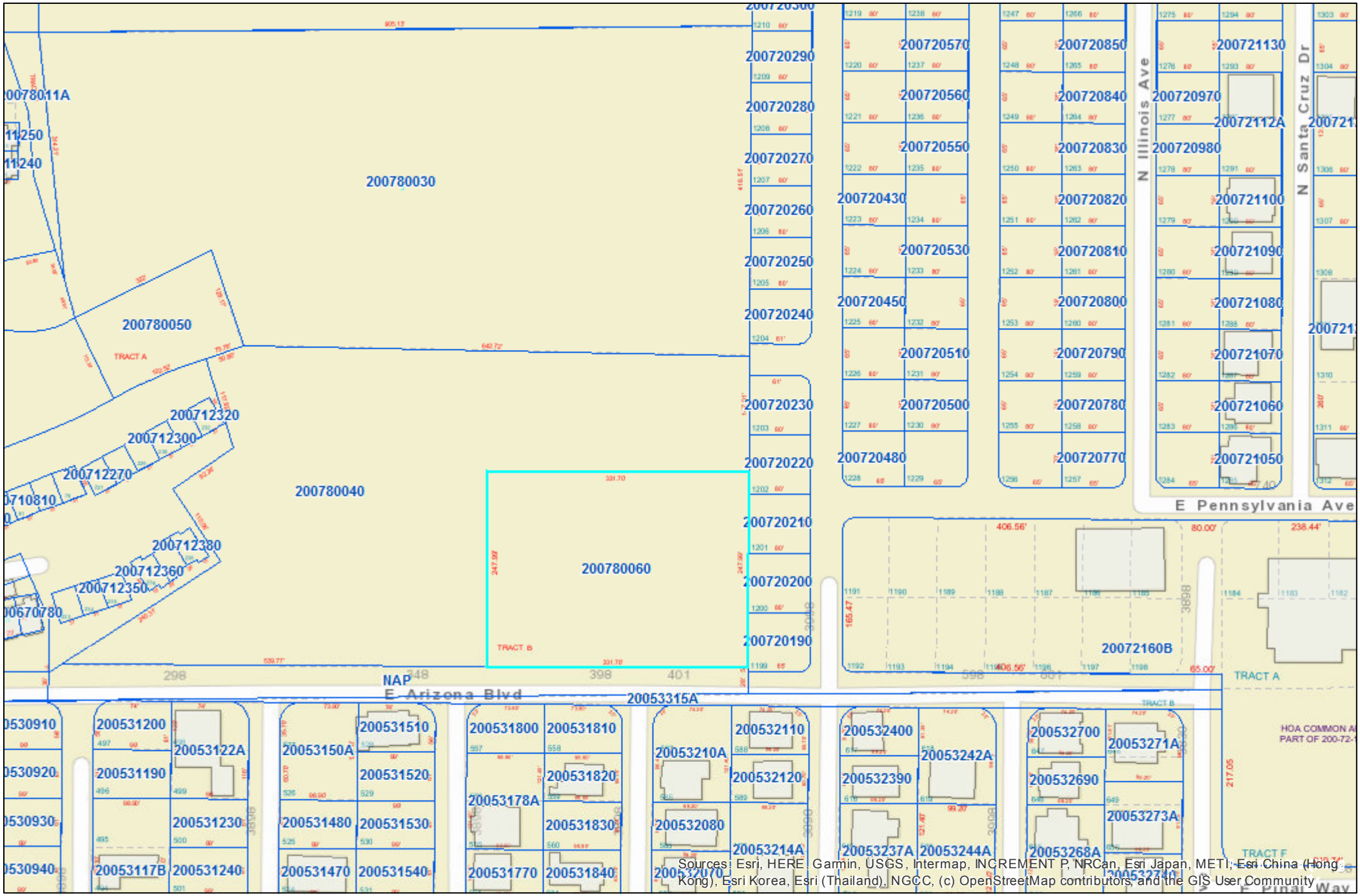
As proposed, there is no cost to Town.

ATTACHMENTS:

Pinal County Assessor Parcel Map

PINAL COUNTY
WHERE OPEN OPPORTUNITY

Pinal County Assessor Parcel Viewer · *Assessor Douglas J. Wolf*



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Pinal County Assessor's Office
PO Box 709
31 N Pinal St
Florence, AZ 85132
520.866.6361
assessor@pinalcountyaz.gov

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MINUTES OF THE TOWN OF FLORENCE COUNCIL WORK SESSION HELD ON MONDAY, JANUARY 27, 2020, AT 6:00 P.M., AT THE FLORENCE TOWN HALL, LOCATED AT 775 N. MAIN STREET, FLORENCE, AZ 85132.

CALL TO ORDER

Mayor Walter called the meeting to order at 6:00 p.m.

ROLL CALL:

Present: Tara Walter, John Anderson, Bill Hawkins, Karen Wall, Kristen Larsen, Michelle Cordes, Judy Hughes

WORK SESSION ON THE TOWN OF FLORENCE STRATEGIC PLAN UPDATE.

Council discussed the following question from the Citizen's Survey.
12. Please rate the following categories of Florence Government performance

- Overall direction the Town is taking
- Overall performance of general administration and management
- Decisions made by the Town Council
- Direction the Town is taking with respect to recreation facilities – this question was removed because it was skipped when placed on the online version
- Direction the Town is taking with respect to cultural programming/classes (e.g., library classes, Florence Youth Council)
- The job Florence does at running local government for the benefit of all the people
- The value of services for the taxes paid to Florence
- Florence Town government as an example of how to provide local government services
- Being responsive to residents
- Management of growth and development
- Effectively planning for the future
- Being ethical and honest
- Supporting the economic health of Florence
- Making decisions that support the quality of life in Florence
- Maintaining public infrastructure (such as roads, bridges, public buildings, etc.)
- Providing access to elected officials
- Being open and transparent to the public

Vice-Mayor Anderson stated that the Town received very poor ratings. He inquired what actions will be taken to raise the score and who is responsible to respond to the community regarding the ratings. He stated as a councilmember, he is unsure what he can do to raise the scores.

Mr. Ben Bitter, Assistant to the Town Manager, stated that the scores are similar to those of the last survey that was done in 2014. He stated that the scores provide an opportunity to build upon what the Town does now.

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, stated that the Town had some communication issues and that the Town needs to do a better job in communicating with the

public. She referenced Question # 14, which asked: How often, if ever, do you get information about the Town of Florence from each of the following sources:

- Arizona Republic
- Florence Reminder Blade-Tribune (Pinal Central)
- Town utility bill flyers
- Town website (www.FlorenceAZ.gov)
- Florence Channel 11 (on Cox Cable or YouTube)
- Nextdoor.com
- Town of Florence on Facebook
- Town of Florence on Twitter
- Town of Florence on Instagram
- Town of Florence on YouTube
- Event banners (or roadside signs)
- Attending government meetings (Town Council, commission meetings, etc.)
- Neighborhood organizations (e.g., HOAs)
- Word of mouth
- Other television channels/news/radio

Ms. Garcia stated that many people do not use the social media sites that the Town utilizes and that word of mouth is a better form of communicating with our public. By doing this, the scores for communication may raise along with other categories withing the Strategic Plan.

Mr. Brent Billingsley, Town Manager, addressed Question #12, sub-category: Planning for the Future, and stated that the Town has been vigorous in planning. The Town has approved five different plans and are updating the General Plan. Much of the public is not aware of all of the planning that the Town is doing. The Town has had several discussions through traditional means; however, the information is not reaching the public. He stated the management of growth is difficult; according to the survey results, there are certain areas that the public does not want growth and other areas in which they do. He stated that growth and future planning is difficult to understand what the public wants based on their response to the question. They may have been confused when they answered the question because they may have had something specific in mind and it may differ from the way the Town sees growth and development in the community.

Vice-Mayor Anderson stated that the Town has failed, and the responses provided are equivalent to a C or D on a report card.

Councilmember Larsen stated that she attributed the question to annexations.

Ms. Garcia stated that staff can better define the questions in future surveys.

Mayor Walter stated that the Committee will be instrumental in getting the word out as they are a diverse group and well connected with the community. They played a critical role in bringing the Strategic Plan on board and will continue with the partnership to continue to move forward.

Mr. Peter Koulouris, Citizens Advisory Council Member, stated that the Citizen Survey should not be looked at as a report card with failing grades, but rather on what needs improvement. The Town may have several opportunities for public involvement; however, the public needs to be made aware of the meetings, etc. in order to participate. It may be necessary to simplify the questions so that the public understands.

Mr. Mike Shoppell, Citizens Advisory Council Member, stated that it is important to have a plan and how to accomplish the plan. He stated music and entertainment is a great way to draw people to Town.

Councilmember Hawkins stated that the Council has continually tried to get the public involved and a variety of ways to communicate with the public. The Town has several events for the public to participate in.

Mr. Bitter stated that a random sampling of approximately 1200 voters received the survey. He stated that between 200 and 300 people responded to the survey, based on the various questions answered.

Councilmember Larsen stated that it would be a great opportunity to discuss Town projects, issues, great things happening in Town, etc. at the various events.

Councilmember Cordes stated that the Council has heard several times that there is a disconnect and lack of communication. The Town needs to stop saying all the things that it is doing and listen to the comments and pay attention to the data. Council gives the impression that they are not listening when they justify what they are doing and not validating their comments. The public will be inclined not to participate because the impression given is that we do not listen.

Mr. Shoppell stated that there are two individuals who are interested in being members of the Citizens Advisory Council Member. One of which has worked in public relations in Chandler for 20 years. He stated that he reviewed the survey and offered suggestions. He noted the following:

- There are enough rooftops to bring in a box store
- Will be approximately 8000 homes in the Anthem area
- 600 homes for DR Horton subdivision
- Improve ability to get into Town - roadways
- Improvements need to be made on Hunt Highway.
- The road is dangerous.

Discussion occurred on the two individuals who are interested in becoming members. Mr. Shoppell stated that he has discussed the possibility of them joining.

Mayor Walter gave direction to staff to move forward with formalizing the ad hoc committee at the February 18, 2020 Town Council meeting. She asked that Ms. Garcia contact the two individuals interested in joining.

Mr. Bitter stated that staff has created a draft template for the 2017 – 2022 update. He worked with the Police and Fire Chiefs to create a public safety element. He provided a brief overview of what is included, such as an index page, message from the Town Council, community priorities, and icons for each of the strategic areas. There will be a champion for each of the strategic areas

with a quote on how important that element is to the community and to the Strategic Plan. The champions will report to the Council on the progress of each of the elements. The goal is to use the icons in the budgets and for Request for Council Action forms so there is a direct tie that is simple.

Mr. Bitter stated that as the community sees and understands the icons they can be used on banners and within advertisements for events. Council was asked to provide feedback on the template and ensure they captured everything Council wanted to be included.

Councilmember Hughes inquired if it will still include benchmarks.

Ms. Garcia stated that the initial plan which contained a small paragraph that incorporated the objective and emphasis; however, there were no real objectives. Council instructed staff to proceed with the template that they presented. The Manager's document will contain elements from the Council's document and the Manager will have his objectives. Key elements will be created that will tie into the Town's plans as well as the budget and CIP.

Councilmember Hughes inquired about fiscal responsibility and having to develop a sustainable budget that can withstand a 5% revenue reduction. She inquired how does one come up with long term solutions for problems that are going to continually come up.

Ms. Garcia explained that collectively, Council and the committee will develop solutions, which are real, are important to the community and are measurable and meaningful.

Mr. Bitter stated that the Strategic Plan will be an implementation plan that will be more focused and can change. This amendment will be through 2022 and will include the public safety element which was not included in the initial Strategic Plan.

The Citizens Advisory Group was provided a copy of the Strategic Plan and provided ratings between 1 (Disappointing) and 5 (Exceptional), and comments for each of the categories and Ms. Garcia and Mr. Bitter outlined the following:

- Background
  - In 2016, at the time the current Plan was created, a Citizens Advisory Group provided input into their thoughts and ideas about the future of Florence.
  - Various business and community leaders participated in the Group. This included Harold Christ, Henry Padilla, Betty Wheeler, Mike Shoppell, Pete Koulouris, Guy Rankin, Jim Tchida, and Russell Clark.
  - Although some of these leaders have since left the community, the remaining leaders were asked to provide their feedback about how they feel the Town has performed since the process started in 2017. In the 2019 responses, Roger Biede was also asked to complete the survey on behalf of the Greater Florence Chamber of Commerce. Harold, Henry, Betty, Mike, and Pete also completed responses in 2019.
- Addressing the 2017 Plan
  - How do you feel the Town has progressed with implementing the Strategic Priority Areas?
    - Response
      - I feel it is making good progress.
      - It needs help and clarity.

- Community Vitality
  - The Citizen's Advisory Group rated this category as:
    - 1 – 1 person
    - 2 – 5 people
  - How do you feel the Town has progressed with implementing this Strategic Priority Area? Its focus is to "Encourage resilience, adaptation and innovation in connecting the multidimensional nature of community life."
  - Comments received
    - Are there documents that indicate this?
    - P.O.W.W.O.W. will increase this. More people will come into the community.
  - What has the Town done:
    - Work with Bureau of Land Management on the Poston Butte Preserve
    - Started the Produce on Wheels Without Waste (P.O.W.W.O.W. Program)
    - Working with the community to produce a music festival in March 2020
    - Art programming in the downtown redevelopment area
    - Code Enforcement and Kokopelli cleanup
  - What has the community done:
    - Merchants started the 3rd Fridays on Main and are working with the Chamber of Commerce
      - Well attended and Town is now assisting with this event
    - River Bottom has live music which generates a lot of patrons
    - Windmill Winery has live music Thursdays through Saturday
    - Valentino's has live music on certain days
  - Economic Prosperity
  - The Citizen's Advisory Group rated this category as:
    - 1 – 2 people
    - 2 – 1 person
    - 2 – 3 people
  - How do you feel the Town has progressed with implementing the Strategic Priority Areas? Its focus is to "Build and diversify a local economy that is robust and resilient.
  - Comments received:
    - "Florence still has a lot to do here."
    - "It falls back on leadership to continue and implement the vision."
    - "Minimal things to bring people to town."
  - Businesses that have opened in Town
    - Blue Sky Boutique
    - Rail Three Ranch
    - Heart J Ranch
    - Horizon Health and Wellness
    - Florence Hospital: A Campus of Mountain Vista Medical Center
    - Casa de Baca Studios
    - New Circle Building
    - Tattoo Shop
  - New Housing
    - Leads to a more stable economy
    - Wade Jurney Homes
    - DR Horton
    - Infill Housing

- Permits issued
  - 2017: 218 permits
  - 2018: 233 permits
  - 2019: 372 permits - most in any given year

Mr. Shoppell stated that he works part-time as an ambassador for Pulte and showcases the amenities offered to their residents to the prospective buyers as well as local events and businesses in the downtown area. He stated that there are very few things in Florence that he can brag about.

Mr. Koulouris stated that there are several services in our local area; however, many are overlooked because they are not needed on an ongoing basis such as visits to the hospital, etc. It is important to communicate those services just as it is important to communicate the retail shops and restaurants. He stated that different forms are needed because the majority of our residents do not use social media sites.

Vice-Mayor Anderson suggested that the Town publish its own newsletter and distribute it along with the sanitation bill.

Councilmember Larsen stated that she does not feel like another newsletter will be beneficial. She believes the Chamber is a great resource for communication and feels that those who use the social media sites will communicate with those who do not. She also believes in providing praise by the Town to the businesses is important and builds a connection.

Mayor Walter stated that there is an opportunity to provide recognition on a monthly basis for the following categories:

- Volunteer of the Month
- Employee of the Month
- Citizen of the Month
- Student of the Month (K-8 and 9-12)
- Business of the Month
- Non-Profit of the Month

Mayor Walter stated that this would bring people to the meetings.

Mr. Shoppell stated that flyers can be placed throughout the community. The volunteers can also help promote this opportunity.

Councilmember Cordes stated that recognitions normally happen at the beginning of the meeting and everyone leaves as soon as the recognitions are over.

Mr. Koulouris stated that another form of communication may be to tap into the smartphones to send notifications to everyone.

Mr. Roger Biede, Committee Member, stated that other communities have public relations team, and inquired why Florence does not have one. He stated that it is important to promote Florence and all that it has to offer. He stated that people do not care which is why they do not come to

the Council meetings or visit the social media sites. He stated that his website is getting a lot of hits because he showcases Florence and all that it offers. It is important to have pride in the Town. Some communities have a convention and visitor's bureau and their funding comes from hotel tax and communities that do not have that find other ways or use a public relations firm.

Mr. Brent Billingsley, Town Manager, stated that the River Bottom has large events and there are times that there is not enough parking.

Staff continued with the presentation, in which they outlined the following:

- Leadership and Governance (Rating score: 0 (disappointing) through 5 (exceptional)
- The Citizen's Advisory Group rated this category as:
  - 1 – 1 person
  - 2 – 1 person
  - 3 – 3 people
  - 4 – 1 person
- How do you feel the Town has progressed with implementing this Strategic Priority Area? Its focus is to "Provide effective leadership and oversight by engaging younger residents and transparent governance."
- Comments received
- "What is happening here?"
- "Not sure the public sees it that way."
- "The Youth Council is great, let's build on it."
- "I am happy with the Mayor and Council. We have dedicated forward-thinking staff."
- What has the Town done
  - The Teen Council was established.
    - Annual teen leadership summit
  - 2019 Citizen Survey
    - 2014 and 2017 survey were done previously
  - 100% increase in social media followers
  - Staff highly involved with various International, National, State and Local agencies
  - Drafted a bill on public safety pension, which was signed into law
  - Public Records portal available on Town website
- What has the community done?
  - Florence Leadership Academy reinstated
    - Will be Town ad hoc commission
  - Passed Permanent Base Adjustment
- Partnerships and Relationships
- The Citizen's Advisory Group rated this category as:
  - 1 – 1 person
  - 2 – 1 person
  - 3 – 3 people
  - Unknown – 1 person
- How do you feel the Town has progressed with implementing this Strategic Priority Area? Its focus is to "Lead the community in developing and nurturing partnerships in the region.
- Comments received
- "This would be good to build on."

- “Let’s leverage the many secondary businesses that are supporting the larger companies.”
- “This is not happening.”
- What has the Town done:
  - Partnered with Pinal County for Emergency Notification System (PENS/Florence Alerts)
    - Resulted due to business concern of information not being disseminated to the public in a timely manner
  - Hosted Supervisor Goodman at Town Council Meeting
  - Hosted ADOT State Transportation Board Meeting
  - Staff remains active with Maricopa Association of
  - Governments and Central Arizona Governments.
  - Partner with Chamber on Arts/Programming/Special Events
  - 2020 Census Complete Count Committee brings together civic, educational, faith, and Chamber leaders.
  - Signed Intergovernmental Agreement for Graffiti Abatement Program with Pinal County
  - Peanut Butter & Jelly Drive
  - Make-A-Difference Day
- Transportation and Infrastructure
- The Citizen’s Advisory Group rated this category as:
  - 1 – 2 people
  - 2 – 1 person
  - 3 – 1 person
  - 4 – 2 people
- How do you feel the Town has progressed with implementing this Strategic Priority Area? Its focus is to “Build and maintain physical connectivity throughout the community to reinforce Community Vitality and Economic Prosperity.
- Comments received
- “I believe this actually is going well."
- "North South Freeway is too far west. We need more signage to get people to Florence."
- "Once more businesses downtown, there will need to be better transportation to there from north of the Gila River, and connection to the greater network. "
- "Hunt Highway needs more attention. Hunt and Highway 79 need more lights and a traffic light."
- What has the Town done
  - Opened Water Recharge Facility
  - Adopted various plans
  - Parks, Trails, and Open Space Master Plan
  - Regional Transportation Plan
  - Active Transportation Plan
  - Participated in important matters of statewide concern:
  - Pinal Groundwater Users
  - Arizona Corporation Commission discussion into
  - Johnson Utilities
  - Design and planning for statewide projects
  - Roundabout
  - Gila River Bridge
  - Various street improvements
  - Downtown (including paving Florence Heights Drive)

- Anthem
- Florence Gardens
- Traffic signal at Hunt Highway and Attaway Road
- North-South Corridor

Councilmember Cordes stated that she likes how other communities have billboards that provide status information on lengthy projects. She would like Florence to have something similar. She would like project status information to be available at Town Hall and at the Chamber facilities.

Ms. Jennifer Evens, Management Analyst, continued with the presentation, in which she outlined the following:

- Missed priorities
- "Economic development should be number one. I would also suggest better communications/community relations."
  - Staff is working on economic development.
- "Employ someone to work specifically on attracting economic employment opportunities to the town."

Mayor Walter inquired about the status regarding working with a consultant for economic development.

Mr. Billingsley stated that Council has allowed him to hire an economic development consultant, McClure Consulting, to provide a baseline economic development study to help find strengths, weakness, opportunities and focus on how the Town should move forward. This will be used in hiring the right kind of person for economic development.

Approximately two weeks ago, Mr. McClure provided the Town and Pinal County a white paper, which contained background research. Both the Town and Pinal County reviewed the paper, met with Mr. McClure and provided comments. Unfortunately, there is not much background information available. Mr. McClure will review the comments and will provide findings in the near future.

Staff continued with the presentation, in which she outlined the following:

- "The plan itself is good, but the implementation is weak."
- "We need more events to attract people to come to town."
- Do you feel Florence has improved since the adoption of the Strategic Plan?
  - Yes, we still have a lot more to do."
  - "The infrastructure is much improved. The visual look is about the same. The new Florence is great and gets better every day."
  - "I have seen meeting after meeting without anything really being done. I believe it is time to start moving forward, which we have not done. I think we need a citizen's strategic plan oversight committee."
  - "Yes, Town is doing well, perhaps not in overly public ways that create buzz, but in ways that will help in the future. As mentioned, more public goals and then accomplishment to get better public support."

- "There has been structural improvement to roads, water systems and internal improvements to planning office. There has been, however, more vacant lots in downtown. Opportunities for new business in downtown need to be pursued.
- Adding to the Town ownership of downtown does not result in a wider tax base. Private business ownership is needed. "
- "We have taken steps in the right direction, but we need help in economic development."

- General Comments
  - "This is a wonderful robust town filled with amazing people. The government needs more transparency and leadership in order to bring us more into the future.
  - Unity is also a must right now. Florence consists of three different parts that don't communicate with one another. Divided we fall."
  - "In my opinion there is too much of an adversarial relationship and they're not recognized for the great accomplishments."
  - "We need someone to focus only on economic development. We should have better participation in regional organizations."
  - "The pool was a huge expense and it is never open - there are 12 months in a year. Pool is not heated."
  - "A forward step would be hiring an economic development person or a contractor for marketing."
  - "People need to be involved in developing and marketing the Plan. Nobody knows what the Town is doing or what is part of the Plan."
  - "Create a booklet of assets for business development."
  - "Get people who want to see Florence grow and prosper involved."
  - "Hold more events (motorcycle or bike race, plant sale, car shows, bring entertainment such as plays or music). Events bring people (10k, 5K, Bingo, Trivia, etc.)."
  - "We need shovel ready areas for business or industry to locate. Turn the dump on 287 into a solar farm. Get the Florence exit sign back on Interstate 10 at 87."

Ms. Garcia inquired if the Council believes communication has improved between the three housing areas in Florence. She also inquired what else can be done to improve communication between everyone.

Mr. Biede stated that as a Chamber, trying to advertise and work with Pulte – Anthem Community personnel is impossible. They are not interested in what the Chamber is doing, nor do they care. They have no interest in supporting local events.

Mayor Walter suggested that the Chamber include their events in the quarterly brochure that is sent out by the Community Services Department.

Mr. Henry Padilla, Citizen's Advisory Group Member, stated that the communication is key.

Mayor Walter stated that based on the rate of houses being built between 2017 and 2019, it shows that people outside of Florence know about the Town and made a choice to move here.

Mr. Shoppell inquired if the Town can provide a listing of businesses and events for Pulte to distribute to new homeowners.

Mayor Walter directed Mr. Billingsley, at the next meeting with Pulte, to partner with Mr. Biede and Town staff to discuss a way to disseminate information to their residents.

Mr. Biede stated that he is working with local businesses to provide coupons so they can visit the different local businesses.

Mr. Shoppell stated that he will talk with the Pulte Sales Manager for approval.

Councilmember Cordes addressed Mr. Shoppell on the Town's struggles in advertising the Town events. She asked Mr. Shoppell to invite others to attend their next HOA meeting and let them know that the residents want to know what is happening in Florence and would like the avenue of communication opened. She noted that Anthem Parkside residents are unable to participate in Sun City Anthem events. It is important that all the communities are part of Florence. She stated that Pulte Management needs to approve the distribution of information in Anthem.

Mr. Billingsley stated that he meets with Pulte and DR Horton on a monthly basis. He will ensure that this topic is an agenda item for the next meeting.

Councilmember Larsen stated that it was requested that a teen meeting be held in Anthem to rally more members from that community. They also installed bulletin boards which has been helpful. With regards to communication, banner signs can be used along Hunt Highway and on arterial streets. She stated information regarding the Town can be handed out when the new residents sign up for trash service. She stated that they could partner with Pinal County to help disseminate information as well.

Staff continued with the presentation, in which she outlined the following:

- Next Steps for updating the 2017-2022 Strategic Plan
- Council feedback
- Development of new elements and design
- Implementation schedule 2020-2022
- Promotion of plan and completed objectives

Ms. Garcia asked that Council review the public safety piece and return their comments to staff. Staff will then present to Council for adoption. Staff requested Mayor to assign a member to each section to be the champion and be actively engaged in the Strategic Plan. The Plan is through 2022 and are included in the CIP Plan. It is important to have the projects in the budget and funded. Staff will work with the Citizen Advisory Group to ensure they are included. Staff and will present their presentations to the Citizen Advisory Group to ensure that nothing has been missed before it goes before Council.

ADJOURNMENT

Mayor Walter adjourned the meeting at 7:38 p.m.

_____

Tara Walter, Mayor

ATTEST:

_____
Lisa Garcia, Town Clerk

I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on January 27, 2020, and that the meeting was duly called to order and that a quorum was present.

_____
Lisa Garcia, Town Clerk

MINUTES OF THE TOWN OF FLORENCE ARTS AND CULTURE COMMISSION REGULAR MEETING HELD ON THURSDAY, JANUARY 09, 2020 AT 2:30 P.M. IN RECREATION ROOM A, LOCATED AT 778 N. MAIN STREET, FLORENCE, AZ.

1. **CALL TO ORDER**

   Chair Ann Rankin called the meeting to order at 2:30 p.m.

2. **ROLL CALL:**

   Present: Neola Bye-Beza, Doris Hagemann, Ann Rankin

   Absent: Ed Curran

3. **PLEDGE OF ALLEGIANCE**

4. **DISCUSSION/APPROVAL/DISAPPROVAL of minutes from the December 12, 2019 Regular Meeting.**

   On motion by Commissioner Neola Bye-Beza, seconded by Vice-Chair Doris Hagemann and carried (3-0) to approve the minutes from the December 12, 2019 Regular Meeting.

5. **NEW BUSINESS**

   a. **Discussion on Spring 2020 Arts and Culture Programming.**

   Commissioner Bye-Beza suggested hosting a calligraphy class at the Suter House.
   Commissioner Bye-Beza offered to help put together a simple book and suggested a registration fee for the class to be set at $10.
   Vice-Chair Hagemann suggested $5 for the class.
   Commissioner Bye-Beza stated that she believes when people register and pay that they will be more apt to show up and $5 is a good start.
   Vice-Chair Hagemann stated that the felt pens she donated are also available for use but may need to purchase more.
   Commissioner Bye-Beza suggested providing resources to where people may purchase their own pens.

   Commissioner Bye-Beza stated that if the calligraphy class is a hit then maybe they can offer an art class before the summer.
   Chair Rankin suggested a painting class or drawing and sketching.
   Commissioner Bye-Beza conveyed that she believes that Open Studio may be a bit overwhelming.

   Chair Rankin asked Commissioner Bye-Beza if she can put together a curriculum for the class(es).

Commissioner Bye-Beza state that the Rose House in Eloy is doing classes like this and she can pull some information from that but suggested keeping it simple to start. Commissioner Bye-Beza agreed to work on a curriculum and may ask for feedback from Vice- Chair Hagemann and present it to the Commission at the next meeting.
Vice-Chair Hagemann suggested expanding the program "Dabble in the Arts" to adults. Vice-Chair Hagemann conveyed that by expanding it to adults they may bring their children.

b. Discussion of Library and Community Center rotating art and photography exhibits.

Recreation Coordinator, Megan Cetta stated that herself and Community Services Director, Bryan Hughes are working on a calendar for the different media of art to display at the Library and Community Center.
Coordinator Cetta stated that she is hoping to get different local artist, photographers, school art classes/clubs to participate.
Coordinator Cetta mentioned that she spoke to local photographer, Michael Baca of Casa de Baca Studios, about the display at the Library and Community Center and Mr. Baca is very interested in participating.

Vice-Chair Hagemann asked Coordinator Cetta if the rotating art and photography exhibit is going to be titled or have an official name?
Coordinator Cetta stated that the exhibit is still in the planning stages and an official name has not been thought of yet but is confident to have something soon.

Coordinator Cetta asked the Commissioners to send her any contact information they may have so she may reach out to them and inform them of the exhibit.
Commissioner Bye-Beza mentioned she has contact information for the Casa Grande Art Association and the Artist of the Superstition Association and stated that there aren't any local associations in Florence, which would be nice since local artists she knows travel to Casa Grande and Gold Canyon.

Vice-Chair Hagemann suggested to Coordinator Cetta to think about tying the exhibit together with other events, i.e. Home Tour.

Chair Rankin stated that realistically they probably won't be able to get anybody to participate until March and asked if it's possible to get any artwork until then?
Coordinator Cetta stated that when she spoke Michael Baca earlier in the day that he is very interested and is willing to get something up as soon as we want him to.

c. Update on the Historic Florence Arts and Culture Festival scheduled for April 4-5, 2020.

Roger Biede of the Greater Florence Chamber of Commerce updated the Commission of the Florence Arts and Culture Festival.
Mr. Biede stated that working with the Town of Florence it was decided to do a Street Fair for Artist to bring their work and sell it. Mr. Biede mentioned that they will be using Zapp to ask for submissions.
Mr. Biede mentioned the reason the event was titled Arts and Culture is because the Fair is going to include Cultural presentations or displays.
Mr. Biede also shared that there will be a band and a carnival.

Chair Rankin asked Mr. Biede as far as the Commissions involvement, are we just helping support?
Mr. Biede conveyed that he is looking for as much of support and guidance the Commission may have and if the Commission has any suggestions of the direction of the event Mr. Biede is willing to hear them but ultimately the decisions will be up to the Greater Florence Chamber of Commerce.

d. Discussion/Approval/Disapproval of a partnership for an inmate art event with the Greater Chamber of Commerce.

Roger Biede of the Greater Florence Chamber of Commerce asked the Commission to partner for the inmate art event that the Chamber is planning.
Mr. Biede stated that the inmate art will be a citywide art installation that will run for about two weeks prior and be featured at the Arts and Culture Festival where the art will be available for purchase.
Mr. Biede mentioned that the Chamber will be buying art supplies for three of the prisons in Town for inmates to use and asked the Commission to donate $2,000 from their budget to help purchase the art supplies.
Chair Rankin asked if the Commission will get any of the proceeds back from the artwork sales?
Mr. Biede stated that 1/3 of the proceeds from the artwork sales will go to a charity in Phoenix that provides art supplies to children, 1/3 will go back to the Chamber and the other 1/3 will need to be decided on as the money cannot go back to the prisons or the Town.

Commissioner Bye-Beza stated that since she is fairly new with this group and doesn't know if the Commission has a Mission Statement because they seem to be floating around and helping other stuff, which is fine if that's the mission, but it's in her belief that this event is something worth doing and by partnering it will show the Human side of what goes on in our prisons throughout the Community. Commissioner Bye-Beza left it up to Chair Rankin and Vice-Chair Hagemann to decide on whether to spend $2,000 of the remaining $3,500 budget.

On motion by Chair Rankin, seconded by Vice-Chair Hagemann, and carried (3-0) to approve the partnership for an inmate art event with the Greater Florence Chamber of Commerce.

6. CALL TO THE PUBLIC/BOARD RESPONSE

Call to the Public for Comment is limited to issues within the jurisdiction of the Town of Florence Arts and Culture Commission. Individual commission members may respond to criticism made by those commenting, may ask the staff liaison to review a matter raised, or may ask that a matter be placed on future agenda.

Ruth Harrison suggested to the Commission to have Children's Art displayed at the Art Festival and to reach out to people at Florence Gardens to local Art.
Ms. Harrison stated that she doesn't agree with the Commissions support of the inmate art. Ms. Harrison stated that she doesn't believe it's in the Town's best interest to take more than half of their budget and spend it on an event that proceeds will be going to a charity in Phoenix, the money is not even going to stay locally. She is hopeful that the decision to partner with the Chamber can be overturned if possible.

Roger Biede mentioned that the Chamber is thinking about taking over the Junior Parada parade and making it more of cowboy story telling/poetry old time singing kind of thing for that Saturday. Mr. Biede is hopeful the Town will let the Chamber take over the Junior Parada Parade and make more of an event than it's used to being and bring more people down to the event. Mr. Biede mentioned Larry Harmer with the City writes cowboy poetry and has been published and that's sort of where it started but reaching out to Marshall Trimble as being kind of the head liner or maybe the Posse can make him the Grand Marshall for the Junior Parada. Still playing with ideas as this is only two weeks in and still don't have permission from the Town to take over Junior Parada Parade yet.

7. CALL TO THE COMMISSION- CURRENT EVENTS ONLY

Commissioner Bye-Beza mentioned that this Saturday 9 am – 4 pm, the Artist of the Superstition are having an extra art show which is not one they normally have done in January. It will be held indoors at the Lutheran Church off Goldfield in Apache Junction. This will be a great opportunity to see what Artist are there and get contact information. Also, the Casa Grande Studio Tour will be for two days in March; will provide additional information later.

8. ADJOURNMENT

On motion by Vice-Chair Hagemann, seconded by Commissioner Bye-Beza, and carried (3-0) to adjourn the meeting at 3:12 P.M.

Approved:

Ann Rankin, Chair

REGULAR MEETING OF THE HISTORIC DISTRICT ADVISORY COMMISSION OF THE TOWN OF FLORENCE HELD WEDNESDAY, JANUARY 29, 2020, AT 6:00 PM, AT THE FLORENCE TOWN COUNCIL CHAMBERS, 775 N. MAIN STREET, FLORENCE, ARIZONA

CALL TO ORDER

Chairman Wheeler called the meeting to order at 6:15 pm

ROLL CALL

Present: Wheeler, Adam, Smith, Reid, Novotny, Michael, Knight and Council Liaison Cordes.

PLEDGE OF ALLEGIANCE

DISCUSSION/APPROVAL/DISAPPROVAL of the meeting minutes for the regular meeting conducted on December 18, 2019 and the Work Session of January 13, 2020.

On motion by Commissioner Michael, seconded by Commissioner Knight, and carried 7-0, to approve the regular meeting minutes of December 18, 2019.

On motion by Vice-Chair Adam, seconded by Commissioner Novotny, and carried 7-0, to approve the work session minutes of January 13, 2020.

NEW BUSINESS

A. Presentation/Discussion/Possible Action

Request by the Town of Florence for review of an extension to the balcony to connect the east elevation to the north elevation of the Silver King Hotel. A presentation will be offered by Tom Celaya, Facilities Manager.

Community Development Director Larry Harmer gave a brief presentation on the balcony extension to the Silver King Hotel. The extension provides the required secondary emergency exit, and the State Historic Preservation Office (SHPO) approved the design. Commissioner Reid asked why the balcony was not extended to be a square corner instead of an inset corner. The architect, Mr. Swan, explained they did not want the impression that the extension was part of the original balcony. The addition is four-foot-wide and meets the requirements for the occupancy load. Vice-Chair Adam said this design was a better alternative to the fire tunnel. Commissioner Reid asked if this extension will be open to the public. Facilities Manager Tom Celaya said when the extension is complete, it should be accessible to people visiting the building. Chairman Wheeler asked if the work will be done this year. Mr. Celaya said they hope to have it completed before the end of June. Commissioner Novotny asked why it was not originally a wrap around. Mr. Celaya said the original design had the exit 'tunnel' through the building, but he was not sure why they did not complete it.

On motion by Vice-Chair Adam, seconded by Commissioner Reid, and carried 7-0, to approve the extension to the Silver King Hotel balcony to connect the east elevation to the north elevation of the building.

OLD BUSINESS

A. General Discussion from Joint Town Council Work Session

This will be a general follow-up discussion resulting from the Joint Work Session with the Town Council. The discussion will include summary thoughts, insights, and initiate potential work program for HDAC and the Town of Florence.

Mr. Harmer said the meeting was comprehensive, but this is the time for specific recommendations. Programs that require budget money need to get in front of Council now. Mr. Harmer turned the discussion over to the Commission. Chairman Wheeler asked for overall thoughts on the meeting and what should be next. Vice-Chair said the meeting got off track, but the focus should be on how small businesses are held to a high standard of life safety and cannot move forward. The sprinkler program could be prorated by square footage and these changes could happen over time.

Chairman Wheeler found that the most disturbing news was the State prison closing because it may impact the budget. Mr. Harmer said the Town does not have an exact timeline on the prison closure, so Staff is waiting on State direction. Chairman Wheeler clarified that downtown businesses were not required to be part of the sprinkler program. Mr. Harmer agreed. Chairman Wheeler said it was important to have some dialogue with the business owners on the advantages of these programs. Commissioner Reid said the Chamber of Commerce can help by talking with business owners. Mr. Harmer said the Chamber Director has been much more active with marketing and participating in Town events.

Commissioner Smith asked what the cost is for the electronic fire alarm system. Mr. Harmer said he did not have the number off the top of his head. Chairman Wheeler asked where the number comes from. Mr. Harmer said that contractors calculate the cost and connect the system. Commissioner Smith asked if the cost was annual. Mr. Harmer said it is a one-time installation cost and then there is a periodic maintenance cost.

Commissioner Reid stated there needs to be better dialogue between Anthem and Town for events. Chairman Wheeler mentioned that Anthem felt it was not their responsibility to promote events. She said she could post some events on the Sun City bulletin board. Mr. Harmer explained that the issue was discussed during the update to the Strategic Plan. Council Liaison Michelle Cordes said that Pulte builds these communities, so no one needs to leave. The schools play a big role since not all the kids that go there are from Anthem. She noted that the Town Manager meets with Pulte once a month and can ask about advertisement between Anthem and Florence. Commissioner Reid said the conversation is encouraging.

Vice-Chair Adam said Kimber Lanning is an asset to the Council when it comes to economic development. Liaison Cordes asked the Commission about the next steps. Vice-Chair Adam said it was difficult to think of next steps because that extends beyond the purpose and responsibilities of the Historic District Advisory Commission. Mr. Harmer said the Commission's discussion is impacting other items like the Redevelopment Plan. The Redevelopment Plan consultants have an open house on March 12th to expand on this topic. Liaison Cordes said the Commission was limited, but their ideas were welcome.

Vice-Chair Adam suggested having a series of small group discussions to fix the disconnect between business owners, Council Members, and Staff. There is a negative perception about development. Michelle Cordes suggested coffee with the Mayor. Chairman Wheeler observed that some of the business owners came in with a chip on their shoulder. Future discussions should have ground rules to prevent a venting session, but still acknowledge what happened and send a positive message that a lesson was learned.

Commissioner Reid suggested sending more staff to preservation conferences to learn how to regulate historic buildings. Chairman Wheeler suggested asking the conference organizers to have sessions on historic building code and topics that relate to smaller communities. Mr. Harmer said he will put in a suggestion during the call for sessions. Vice-Chair Adam stated the Town's current mindset needed to change before further education. It seemed like other places did not have the same issues. Mr. Harmer said municipalities can interpret or amend local building codes for their unique situations.

COMMUNITY DEVELOPMENT REPORT

A. Status of Vacant Building Legislation

The Bill number for the legislation has "dropped" on the floor. Staff will continue to meet with legislatures and supporters of the bill. The Town Council will approve a Resolution of support on Monday at the Town Council Meeting. Commissioner Michael asked Mr. Harmer who the opposition was for the bill. Mr. Harmer stated they were not sure who was the opposition at this time.

B. Code Compliance Update

Seven recent cases for code compliance that have not been mitigated are going through the legal channels. Most people are complying with letters, but weed season is back and the Town will continue to enforce clean up.

C. CLG Grant Progress

The consultant, Bob Graham with Motely Design LLC, completed some research on January 13th. Mr. Harmer asked those who work with the Pinal County Museum, and help in grant research, to log their time for future reference.

D. Future Agendas

The consultants of the Redevelopment Plan scheduled a Public Open House for March 12th.

CALL TO THE PUBLIC/COMMISSION RESPONSE

Ruth Harrison, Florence, AZ, thanked staff for publishing the PowerPoint on the Town website. She suggested making access to the historic district page on the website easier. She also asked for budget changes to address quality of life issues.

CALL TO THE COMMISSION-CURRENT EVENTS ONLY

Commissioner Reid stated the Home Tour orientation had a good turn-out of volunteers and homeowners. It was encouraging to see new faces.

ADJOURNMENT

On motion by Commissioner Reid, seconded by Commissioner Smith, and carried 7-0, to adjourn the regular meeting at 7:09 PM.

Betty Wheeler

Betty Wheeler

2/26/2020

Date

TOWN OF FLORENCE
PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF FLORENCE REGULAR MEETING HELD ON THURSDAY, DECEMBER 05, 2019, AT 6:00 P.M., IN THE TOWN COUNCIL CHAMBERS, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.

1. CALL TO ORDER

Chairman Pranzo called the meeting to order at 6:00 pm

2. ROLL CALL:

Chairman Pranzo	**Present**
Vice-Chair Frost	**Present**
Commissioner Smidt	**Absent**
Commissioner Simmonds	**Present**
Commissioner Proulx	**Present**

3. PLEDGE OF ALLEGIANCE

4. DISCUSSION/APPROVAL/DISAPPROVAL of the minutes of the regular meetings conducted on November 07, 2019.

On a motion by Vice-Chair Frost, seconded by Commissioner Simmonds, and carried by a 4-0 vote, to approve with changes the regular meeting minutes from November 07, 2019.

5. NEW BUSINESS

A. PRESENTATION/RECOMMENDATION OF APPROVAL OR DISAPPROVAL of a Conditional Use Permit (CUP) request by applicant, Joe Bilbrey, to allow an assembly building for church services and ancillary daycare within the Single Residential Ranchette (R1-R) Zoning for property located at 9230 W. Franklin Road, Florence, Arizona 85132, APNS 200-24-0470 and 200-24-0480.

Commissioner Proulx declared a Conflict-of-Interest as he is a member of the applicant church and recused himself from the discussion and action on this item.

Town Planner, Maricella Benitez, gave a brief presentation on the request by the Desert Rock Church for a Conditional Use Permit. Commissioner Proulx recused himself from

the case. Vice-Chair Frost asked what the water system was for the current property. Ms. Benitez stated they have a septic system and wells. He asked if the well water has been checked and treated for use. The representative of the Desert Rock Church, Pastor Joey Bilbrey, explained the well water had been tested when they started the daycare and the results came back without issues. Vice-Chair Frost asked why only the two first parcels are required to be combined and not all three parcels. Community Development Director Larry Harmer said the project requires for at least the first two parcels to be combined, but the property owner can combine all three. Vice-Chair Frost asked about the timeline for improvements on the parcels. Mr. Bilbrey said they want to start as soon as possible. Mr. Harmer said staff is also reaching out to neighboring property owners for a potential partnership on developing Franklin Road. Vice-Chair Frost asked if the general plan allowed the uses for the modular and the construction of the main building for gatherings. Mr. Bilbrey said the General Plan allowed the uses. They want to expand some uses into the main building as well. Vice-Chair Frost asked if the current modular will allow them to have all their meetings or will they still have to use the ALA School. Mr. Bilbrey said they will only use the modular as it is being used now, and they can continue to rent space from the school till May.

Chairman Pranzo asked about the child daycare as an ancillary use. Mr. Harmer said the Town Development Code does allow for a child daycare within a church facility as an ancillary use. Chairman Pranzo asked about the State Law pertaining to childcare. Mr. Harmer explained there is a threshold for the number of children before the State requires a permit and the Desert Rock Church has not as yet hit it the threshold. Chairman Pranzo asked if there should be a condition for childcare. Mr. Harmer stated that the Town is monitoring the project and Town Staff has had previous discussion with the church on how the daycare will be operated.

On motion by Chairman Pranzo, seconded by Vice-Chair Frost, and carried by a 3-0 vote, to recommend approval with conditions of the Conditional Use Permit for the Desert Rock Church (PZ-19-32).

6. PRESENTATIONS

A. Redevelopment Plan Update

Mr. Harmer summarized the recent edits to the Open House presentation and stated that there was an online survey on the website for feedback. The Plan is on schedule and the next round of drafts will come in the next 30-60 days. Chairman Pranzo asked if the deadline is in January. Mr. Harmer clarified the only deadline was the new State Statute and the Town had already initiated the update before State deadline. Commissioner Simmonds asked if the Town could share the survey link on social media in order to get additional responses. Staff agreed.

B. General Plan Update

The contract has been signed with the consultant Michael Baker International and first internal meeting with Town Staff is on January 8th. This will include a driving tour, one-on-ones, and department input. This will be a fifteen-month process. Chairman Pranzo asked for a stated goal for something the General Plan to focus on. Mr. Harmer said one of the first goals is to get a mission statement based on input from the community.

C. Future Agenda Items/Information Only

Commissioner responses from Mr. Burkhardt were received and appreciated. Future code amendments will come forward otherwise there are no future agenda items. Vice-Chair Frost asked about the meeting on January 2nd. Mr. Harmer said there are no current action items for the first meeting.

7. CALL TO THE PUBLIC/COMMISSION RESPONSE:

8. CALL TO THE COMMISSION- CURRENT EVENTS ONLY.

Vice-Chair Frost talked about the upcoming Christmas on Main Street event. Mr. Harmer confirmed that there will be snow. Commissioner Proulx asked what time it starts. Chairman Pranzo said 6 PM and there will be food trucks and other vendors.

9. ADJOURNMENT

On motion by Commissioner Proulx, seconded by Commissioner Simmonds, and carried by a 4-0 vote, to adjourn the meeting at 6:25 pm.

G J Pranzo
Gary Pranzo

February 20, 2020
Date

	TOWN OF FLORENCE COUNCIL ACTION FORM	**AGENDA ITEM 16a.**
MEETING DATE: March 16, 2020 **DEPARTMENT:** Administration **STAFF PRESENTER:** Lisa Garcia, Deputy Town Manager/ Town Clerk **SUBJECT:** Ordinance No. 691-20		☒ **Action** ☐ **Information Only** ☐ **Public Hearing** ☐ **Resolution** ☒ **Ordinance** ☐ **Regulatory** ☐ **1st Reading** ☒ **2nd Reading** ☐ **Other**

STRATEGIC PLAN REFERENCE:

☒ Community Vitality ☐ Economic Prosperity ☐ Leadership and Governance

☐ Partnership and Relationships ☐ Transportation and Infrastructure

☐ Statutory ☐ None

RECOMMENDED MOTION/ACTION:

Second Reading and adoption of Ordinance No. 691-20: AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING SECTIONS OF CHAPTER 32.001 (D) TOWN BOARDS, COMMISSION, AND COMMITTEES.

BACKGROUND/DISCUSSION:

As per section § 32.001 Powers and duties of Council:

The Council may create the boards, commission, and committees, standing or special, as it deems necessary. In addition, the Council may provide aid and assistance from the administrative staff of the municipality to any board, commission or committee as may be necessary.

Any board, commission, and committee created by Council shall be responsible to the Council and shall function in an advisory capacity to the Council.

Any board, commission, and committee created by the Council shall serve at the will of the Council and may be dissolved by the Council at any time that the Council determine that the commission or committee has fulfilled the function for which it was created or that is advice and service is no longer needed by Council.

The Code after codification will read as follows:

There shall be the following boards, commissions and committees:

~~(1) Library advisory board~~
(1) Board of Appeals
(2) Community Services Advisory Board
(3) Historic District Advisory Commission
(4) ~~Parks and recreation advisory board~~
(4) Planning and Zoning Commission
(5) Redevelopment Commission*
~~(6) Arts and culture commission~~

*Town Council serve as the Town's Redevelopment Commission

A VOTE OF NO WOULD MEAN:

The Code would not change and would not reflect the actions of the Town Council.

A VOTE OF YES WOULD MEAN:

The Code would change to reflect the actions of the Town Council.

FINANCIAL IMPACT:

Costs to codify the Code of Ordinances.

ATTACHMENTS:

Ordinance No. 691-20

ORDINANCE NO. 691-20

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING SECTIONS OF CHAPTER 32.001 (D) TOWN BOARDS, COMMISSION, AND COMMITTEES.

WHEREAS, it has been brought to the attention of the Town Council of the Town of Florence, that the current Town Organization Code is outdated; and

WHEREAS, The Town Council of the Town of Florence desire the Code to be a reflection of current operations and regulations.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Florence, Arizona, that Chapter 32.001(D) be amended by deleting the stricken sections and inserting the underlined sections.

32.001(D) There shall be the following boards, commissions and committees:

~~(1) Library advisory board~~
(1) Board of Appeals
(2) Community Services Advisory Board
(3) Historic District Advisory Commission
(4) ~~Parks and recreation advisory board~~
(4) Planning and Zoning Commission
(5) Redevelopment Commission
~~(6) Arts and culture commission~~

PASSED AND ADOPTED by a majority vote of the Mayor and Council of the Town of Florence, Arizona, the 16th day of March 2020.

_____
Tara Walter, Mayor

ATTEST:

_____
Lisa Garcia, Town Clerk

APPROVED AS TO FORM:

_____
Clifford L. Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	**AGENDA ITEM 17a.**

MEETING DATE: March 16, 2020

DEPARTMENT: Community Development

STAFF PRESENTER: Larry C. Harmer
Senior Planner

SUBJECT: 2020 Major General Plan Amendment Calendar

☒ **Action**
☐ **Information Only**
☐ **Public Hearing**
☐ **Resolution**
☐ **Ordinance**
- ☐ **Regulatory**
- ☐ **1st Reading**
- ☐ **2nd Reading**

☐ **Other**

STRATEGIC PLAN REFERENCE:

☒ Community Vitality ☒ Economic Prosperity ☒ Leadership and Governance

☐ Partnership and Relationships ☐ Transportation and Infrastructure

☒ Statutory ☐ None

RECOMMENDED MOTION/ACTION:

Motion to adopt the Major General Plan Amendment Calendar for 2020.

BACKGROUND/DISCUSSION:

ARS §9-461.06H prescribes that Major Amendments to a General Plan may occur only once in a calendar year. To accomplish this, the Town must commit to a process that allows ample time to receive applications and, additionally, account for statutory requirements for review, advertising and conducting required Public Hearings. The review of an application includes distribution to neighboring jurisdictions and agencies for a 60-day comment period. A sampling of these agencies includes: APS, SRP, Arizona Department of Water Resources, Pinal County, Central Arizona Governments, City of Coolidge, Town of Queen Creek, Florence Unifies School District, Arizona State Land Department, and others. The proposed calendar for the Major General Plan Amendment for the 2020 year is as follows:

Completed Application Submittal due:	April 23, 2020
Planning and Zoning Commission 1st Public Hearing:	August 6, 2020
Planning and Zoning Commission 2nd Public Hearing and Recommendation:	September 3, 2020
Town Council Public Hearing and Possible Action:	October 5, 2020

The required Public Hearings include notifications of neighboring property owners, on-site advertising signs and legal advertisement in the local newspaper. At this time, staff has had only one inquiry regarding this year's process.

A VOTE OF NO WOULD MEAN:

The Town would not adopt the 2020 Major General Plan Amendment Calendar and staff would return with a revised schedule.

A VOTE OF YES WOULD MEAN:

The 2020 Major General Plan Amendment Calendar would be approved, and applications could be received.

FINANCIAL IMPACT:

There would no direct cost to the Town. The required application fee of $750 plus $36 per acre is intended to cover the Town's costs for processing of a Major General Plan Amendment application.

ATTACHMENT

2020 Major General Plan Amendment Application

TOWN OF FLORENCE

GENERAL PLAN AMENDMENT PROCESS Application & Checklist

Community Development Department
P.O. Box 2670
224 West 20th Street
Florence, Arizona 85132
(520) 868-7575
www.florenceaz.gov

TYPICAL GENERAL PLAN AMENDMENT PROCESS GENERAL PLAN AMENDMENT APPLICATION PROCEDURES

The following information is provided to assist in the preparation and submittal of an application for a General Plan map or text amendment for property within the Town of Florence.

It is important to note that since an amendment may affect the entire community, adjacent jurisdictions, schools and public utilities, the analysis of a General Plan Amendment request must be comprehensive in nature and address all potential impacts.

1. **Pre-Application Review Process** – Prior to filing an application for a General Plan Amendment, the applicant must participate in a Pre-Application review meeting with the Community Development Department and Technical Staff.

2. **Application Filing** – For an application to be accepted, the applicant must provide all of the required information described on the submittal checklist at the time of formal submittal. Ensuring the accuracy of the request is the responsibility of the applicant. Applications will not be accepted or processed without an adequate description of the "Request" being submitted. Incomplete applications will not be accepted.

    a. Major Amendments – Applications for Major Amendments to the General Plan will be considered once a year. The Florence General Plan defines what constitutes a Major Amendment. Submittals are accepted based on the schedule provided in this application.

    b. Minor Amendments – Minor General Plan Amendments include any change to the General Plan not defined as a Major Amendment. Applications may be filed at any time during the year per the schedule provided in this application.

3. **Staff Review** – Upon receiving a complete application, the submitted information will be routed to Town staff and applicable agencies for timely review and comment. After this review is completed, the comments are consolidated and returned to the applicant. The applicant is responsible for addressing staff comments and submitting revised plans.

4. **Neighborhood Meetings** – Neighborhood meetings beyond the required minimum Town hearings are required for certain General Plan Amendments, as deemed necessary by the Community Development Director. Applicants will be required to set up and conduct these meetings. Efforts shall be made to encourage public participation.

5. **Public Notice** – Except for requests limited to text amendments, the Town will prepare the public notice to mail to surrounding property owners and provide a copy to the applicant. The notice for the first public hearing must be mailed by the applicant at least fifteen (15) calendar days prior to the date of the hearing to the following:

   a. All property owners of record within three hundred (300) feet of the site.

   b. To the owner, if the application is initiated by a person other than the owner; and

   c. Any person or group who has requested notice in writing.

   The Community Development Director may expand the notification area set forth in this section if it is determined that the potential impact of the project extends beyond the required notification boundary. The applicant must submit a signed affidavit of mailing prior to public hearing. Failure of the applicant to provide evidence of mailing will result in a postponement of the public hearing item. The applicant will be charged a fee for the postponement.

   Minor or Major General Plan Amendments initiated by the Town for text changes or more extensive and sometimes, Town-wide, map changes may call for an adjustment of the individual notification process as approved by the Community Development Director.

   The Town will send public hearing notices to the local newspaper of general circulation in accordance with State and local requirements.

6. **Property Posting (Sign)** – Notice of Public Hearing for a General Plan Amendment must be posted at least fifteen (15) calendar days prior to the date of each public hearing. The applicant is responsible for posting and maintaining the sign on the property, subject to the following specifications and requirements:

   a. Posting, maintenance, and removal of signs are the responsibility of the applicant;

   b. Signs should not be removed until after the case is acted upon by the Town Council or, in the case of an application that is withdrawn, not until the withdrawal is officially accepted by the Town;

   c. The applicant must remove all signs within ten (10) days after final action on the case. If the sign is not removed on time, the Town will remove the sign and charge the applicant a removal fee;

   d. The signs must comply with the attached sign criteria, except as may be modified by the Community Development Director;

e. The applicant must submit a signed and dated affidavit of posting, and color photos of the posted signs prior to the public hearing; and

f. Failure of the applicant to provide evidence of posting could result in a postponement of the public hearing.

Minor or Major General Plan Amendments initiated by the Town for text changes or more extensive and sometimes, Town-wide, map changes may call for an adjustment of the sign posting requirements as approved by the Community Development Director.

7. **Public Participation Plan for Town-Initiated Application**

The Town may choose to develop a unique Public Participation Plan (PPP) for Town-initiated applications, particularly in the case of Major General Plan Amendments. Items in a PPP used by the Town could include a combination of public meetings, open houses, presentations, workshops, signs, display advertisements and other notification and participation methodologies/tools so long as minimum set State criteria is met.

8. **Staff Reports** – After the staff comments have been addressed and the project has been scheduled for the public hearings, the Community Development Department will prepare reports describing and evaluating the proposed project and making recommendations to the Planning and Zoning Commission and Town Council. Copies of the staff reports will be made available to the public and sent to the applicant prior to each public hearing.

9. **Planning and Zoning Commission Hearing** – The Planning and Zoning Commission will conduct at least one public hearing for a Minor General Plan Amendment and at least two public hearings for Major General Plan Amendments. Planning Commission hearings schedules are included in this application. Regular meetings are held at Florence Town Hall, 775 North Main Street. The applicant or a project representative should be present at the hearing. Upon hearing the case, the Commission may forward a recommendation for approval, approval with modifications, or denial of a General Plan Amendment request to the Town Council. For General Plan Amendments, a tied vote shall be considered a recommendation for denial. The Commission may continue/table a Minor General Plan Amendment case as deemed necessary.

10. **Town Council Hearing** – Regular Town Council hearings occur on the first and third Monday of each month at 6:00 p.m. and are held in the Council Chambers, 775 North Main Street. The applicant or project representative must be present at the hearing. The Town Council will approve, approve with modifications and/or conditions, or deny the application. Approval of any Major General Plan amendment requires an affirmative vote by at least two-thirds of the members of the Council.

11. **Withdrawals** – A General Plan Amendment application that has been acted upon by the Planning and Zoning Commission may not be unilaterally withdrawn by an applicant/property owner after such action has occurred. The Town Council shall vote on whether to accept or not accept a request to withdraw an application. If the request for withdraw is not accepted, the matter shall move forward through the Town Council's General Plan Amendment Public Hearing process.

12. **Inactive Cases** – All applications need to be actively pursued to a decision. If no activity has occurred on an application for 180 days, the application will be determined to be inactive, deemed to be withdrawn and the file will be closed. At least thirty (30) days prior to that date the staff will notify the applicant in writing. The applicant may submit a written request that the application remain active, with an explanation for the inactivity. The Community Development Director may grant an extension for up to 180 days for good cause if there is a reasonable belief that the application will be actively pursued during the extension period.

GENERAL PLAN AMENDMENT
TYPICAL MINIMUM CONTENT REQUIREMENTS

1. Project Narrative

- ❑ Description of proposed General Plan changes;
- ❑ If a Text Amendment, a detailed explanation of the proposed text changes;
- ❑ Explanation on how the proposed change is compatible with adjacent properties and other elements of the General Plan;
- ❑ An analysis/assessment of how the proposed amendment will impact the overall balance and mixture of land uses within the Town's Planning Area; and
- ❑ Explanation on the availability of public utilities and services.

2. Land Use or Circulation Exhibit

- ❑ Vicinity Map;
- ❑ Scale, north arrow, and dimensions;
- ❑ Existing roadways;
- ❑ Table indicating proposed roadway classifications.
- ❑ Proposed land use classification boundaries;
- ❑ Adjacent land use classifications within 300 feet;
- ❑ Project Data Table:
  - Gross acres;
  - Current and proposed General Plan Classification(s); and
  - Percent of total acreage in each land use classification.

3. Market Study (if applicable)

The Town may require a market study to be performed to evaluate the economic and fiscal impact of the proposed amendment on the Town and other land uses. Market studies will be the financial responsibility of the applicant and contracted by the Town to ensure objectivity.

NARRATIVE STATEMENT/PROJECT JUSTIFICATION

A narrative is required for Town evaluation of all proposed General Plan Amendments. At a minimum, the narrative must address the following questions:

1. Why is the current land use/circulation classification not suitable?

2. Does the proposal conform with land use goals? Will the proposed change in land use or circulation do the following:

    a. Support the goals and policies of the General Plan;
    b. Conform to the proposed range of land uses, densities, and intensity of uses, hierarchy of transportation systems; and
    c. Avoid creation of isolated uses that will cause incompatible community form and a burden on services and circulation systems?

3. What unique physical characteristics of the site present opportunities or constraints for the development under the existing classification?

4. What is the ability and capacity of the water and sewer system to accommodate development that may occur as a result of the General Plan Amendment without system extensions or improvements?

5. What is the ability of existing police and fire department personnel to provide adequate emergency services according to acceptable response standards set by the community?

6. What is the ability of the proposed public and private open space, recreation, schools, and library facilities to meet the projected demand of future development without reducing services below community standards?

7. What is the proposed fiscal impact of future development based on evaluation of projected revenues and the additional cost of providing public facilities and services to accommodate projected increases or decreases in population and development that could occur as a result of the General Plan Amendment?

8. How will the proposed amendment affect the ability of the community to sustain the physical and cultural resources, including air quality, water quality, energy, natural and human-made resources necessary to meet the demands of present and future residents?

9. What changes, if any, in Federal or State laws or policies substantiate the proposed amendment?

GENERAL PLAN AMENDMENT CHECKLIST

REQUIRED MATERIALS	Applicant Checklist	Staff Verification
Application		
Fee Please review the fee schedule for applicable fees (all fees are Non-Refundable).		
Project Narrative		
Owner's Authorization Form		
2 copies – Traffic Impact Analysis (if required by Traffic Engineer)		
Market Study (if required by the Town)		
Legal Description (Metes and bounds description required for unplatted property) including total gross acreage, sealed and signed by a registered engineer or surveyor (8.5" x 11")		
Pinal County Assessor Parcel Map (8.5" x 11") (Highlight project area and provide parcel numbers)		
Documentation of the Neighborhood Meeting including (Submitted after meeting is conducted):		
A typed listing of persons that attended the meeting Including their names, addresses, and telephone numbers.		
Minutes of the meeting addressing neighborhood concerns, topics discussed, and how the applicant addressed such concerns.		
Copy of the letter notifying property owners of the meeting.		
Land Use or Circulation Exhibit (N/A for text amendments):		
Initial 3 copies (24" x 36") plus 1 digital copy		
Initial 3 copies (11" x 17") versions of above noted exhibit		

Neighborhood Notice (N/A for text amendments):		
A parcel map highlighting properties within 300 feet.		
Typed names and addresses of all property owners identified on highlighted parcel map.		

APPLICATION FOR GENERAL PLAN AMENDMENT

PROJECT NAME:_____

APPLICATION TYPE: ☐Major ☐Minor ☐Text

1. Property Owner: Name: _____
   Address: _____
   _____
   Phone: _____
   Email: _____

2. Applicant/Developer: Name: _____
   Address: _____
   _____
   Phone: _____
   Email: _____

3. Address or Location of Property: _____

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

Tax Parcel Number(s):_____

Gross Acres:_____

5. Current Land Use Classification(s):_____

6. Proposed Land Use Classification(s):_____

_____
SIGNATURE OF PROPERTY OWNER or REPRESENTATIVE DATE

FOR STAFF USE ONLY:

CASE NO. _____	APPLICATION DATE AND TIME_____
PERMIT NO._____	FEE $ _____
PZ HEARING DATES _____	
TC HEARING DATE_____	REVIEWED BY:_____

OWNER'S AUTHORIZATION FORM

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

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

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

_____

Owner(s)

_____
Signature

_____
Print or Type Name

Address

_____

_____

Telephone

_____

STATE OF ARIZONA)
) ss
County of _____)

On this _____ day of _____, 20 ____, before me, the undersigned Notary Public, personally appeared _____, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that _____ executed the same.

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

My commission expires:

_____ _____
Notary Public

POSTING REQUIREMENTS

Florence Code requires posting of a sign (or signs) announcing a Public Hearing regarding certain land-use actions a minimum of fifteen (15) days before the date of the Hearing. These actions include General Plan Amendments, Conditional Use Permits, Special Use Permits, Rezoning and Variance Requests. It shall be the responsibility of the applicant to erect and maintain the sign on the subject property as well as maintain the current public hearing information on the sign until formal decision of the case has been made by Town Council. It shall also be the responsibility of the applicant to remove the sign after final disposition of the case. The attached Affidavit of Sign Posting must be provided to the Community Development Department within twenty-four (24) hours of the posting. A general sign format to follow is provided below.

	TOWN OF FLORENCE		]- 3”
	(Planning & Zoning) or (Town Council)		]- 3”
	Public Hearing Notice		]- 4”
	(space)		
3” -[	(Action Requested)		
	(space)		
2” -[	(Project description and location)		
	(space)		
2” -[	(Time of Hearing),	More Information:	]- 2”
2” -[	(Date of Hearing),	Town of Florence	]- 2”
2” -[	600 North Main Street	Community Development Department	]- 2”
2” -[	Florence, Arizona	520-868-7575	]- 2”

- Contact the Community Development Department regarding number and placement of signs.
- Body of sign to be brilliant yellow and lettering to be black.
- Minimum Sign dimensions shall be 4’ X 8’ with lettering as noted above.
- Height of sign shall be at least 6 feet from finished grade to the top of the sign.
- Sign shall be made of weather resistant material.
- Placement and maintenance of sign is applicant’s responsibility.
- Applicant must post sign at least 15 calendar days prior to the hearing date.
- Applicant must remove sign within 10 working days of final action.
- The Community Development Director may allow changes to sign format so long as all sign content requirements are met.

AFFIDAVIT OF SIGN POSTING

Applicant Name: _____

Project Name/Location: _____

I confirm that the site has been posted as required by Town of Florence Community Development Department. A picture of the sign(s) posted on the subject site has also been submitted.

_____ _____

Applicant/Representative Signature Date

STATE OF ARIZONA)
) ss
County of _____)

On this _____ day of _____, 20 ____, before me, the undersigned Notary Public, personally appeared _____, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that _____ executed the same.

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

My commission expires:

_____

Notary Public

Return completed notarized affidavit and picture to the Community Development Department within twenty-four (24) business hours of the posting.

MINOR GENERAL PLAN AMENDMENT
PLANNING AND ZONING COMMISSION

2020 MEETING SCHEDULE

Minor General Plan Amendments will be heard and acted upon by the Planning and Zoning Commission at one of their regularly scheduled meetings that occur on the first and third Thursday of the month. Meetings are held in the Town Hall Council Chambers (775 N. Main St.) starting at 6:00 p.m. Meeting dates, times, and/or locations may be changed if deemed necessary by the Town. Proper notice of such changes will be provided.

All meetings of the Planning and Zoning Commission are open to the Public.

Complete applications and fees are due to the Community Development Department by 12:00 p.m. (noon) on the deadline date.

Scheduling of your request for consideration by the Planning and Zoning Commission is contingent upon receipt of a complete application. Additional factors, such as review periods and minimum public notification requirements, will determine when your request is heard by the Planning and Zoning Commission. The applicant will be notified of their application's status.

A pre-application meeting with the Town's Technical Review Committee is required for most development applications. Applicant must set a meeting time with the Community Development Department prior to the submittal deadline.

A separate Planning and Zoning meeting schedule is provided for the consideration of Major General Plan Amendments.

MAJOR GENERAL PLAN AMENDMENT
PLANNING AND ZONING COMMISSION

2020 MEETING SCHEDULE

Special meeting dates, times and locations have been set for the consideration of Major Amendments to the Town's General Plan by the Planning and Zoning Commission and Town Council as stated below. Meeting dates, times, and/or locations may be changed if deemed necessary by the Town. Proper notice of such changes will be provided. All meetings of the Planning and Zoning Commission and Town Council are open to the Public.

The following is the tentative 2020 Planning and Zoning Commission meeting schedule for Major General Plan Amendments

Submittal Deadline	**Notice in Newspaper**	***First P/Z Meeting Date**
April 23, 2020	July 15, 2020	August 6, 2020 (Thursday)
	Notice in Newspaper	***Second P/Z Meeting Date**
	August 12, 2020	September 3, 2020 (Thursday)
	Notice to Newspaper	**Town Council Public Hearing Meeting Date**
	September 9, 2020	October 5, 2020 (Monday)

Complete applications and fees are due to the Community Development Department by 12:00 p.m. (noon) on the deadline date. Scheduling of your request for consideration by the Planning and Zoning Commission is contingent upon receipt of a complete application. The applicant will be notified of their application's status.

A pre-application meeting with the Town's Technical Review Committee is required for Major General Plan Amendment applications. If you are submitting for a Major General Plan Amendment the applicant must set a meeting time with Community Development Department prior to the submittal deadline. Application materials will be distributed to meet 60-day review and comment requirements.

*Two Planning and Zoning Commission meetings are required to promote public participation. The first meeting will be held at a location other than Florence Town Hall unless otherwise noticed by the Town. The second meeting will be held in the Town Hall Council Chambers at 775 N. Main St. unless otherwise noticed by the Town. Both meetings to be held at 6:00 pm unless otherwise noticed. The Town reserves the right to adjust meeting dates, times and/or locations so long as proper notice is provided.

	TOWN OF FLORENCE COUNCIL ACTION FORM	**AGENDA ITEM 17b.**

MEETING DATE: March 16, 2020

DEPARTMENT: Administration

STAFF PRESENTER: Lisa Garcia, Deputy Town Manager/ Town Clerk

SUBJECT: Ordinance No. 692-20: Regulation of Mobile Food Units

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

STRATEGIC PLAN REFERENCE:

☐ Community Vitality ☐ Economic Prosperity ☐ Leadership and Governance

☐ Partnerships and Relationships ☐ Transportation and Infrastructure

☒ Statutory ☐ None

RECOMMENDED MOTION/ACTION:

Ordinance No. 692-20: First Reading of AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE CODE OF ORDINANCE, ARIZONA, TITLE XI BUSINESS REGULATIONS, BY AMENDING CHAPTER 111, SECTION 111.05 (H) OPERATIONAL REQUIREMENTS.

BACKGROUND/DISCUSSION:

In 2018, House Bill (HB) B2371 established a statewide food and health safety licensing standards for mobile food vending operations, intended specifically for food trucks. Of interest to cities and towns are the provisions of the new law that standardize the local regulation of food truck operations, including provisions related to use of public parking spaces, required fire and safety inspections, operations on private property and required spacing distances from existing bricks-and-mortar restaurants, among others.

The League convened a small group of attorneys to draft a model ordinance to comply with the legislation and provide for consistent regulation the industry is seeking. The League included suggestions from the National League of Cities and other city codes from across the country, feedback from the National Food Truck Association, and met with local food truck vendors to discuss the draft ordinance and incorporate their feedback.

Vendors expressed these provisions are the most important to their industry to have standardization and adopting these will most likely avoid further state regulation and preemption in this area.

In 2019, the Town of Florence adopted the model ordinance, the section on operational requirement contains the provisions that are most important to the mobile food industry, including requirements, noise, parking and location restrictions, among others.

Staff has determined that under the limitation of 250 feet from residential, it severely limits food trucks ability to conduct business in Florence. Staff if recommending the following changes (strike deletes language and underline adds language).

Sec. 111.05 Operational Requirements.

H . Location. A mobile food vendor shall operate a mobile food unit only in Downtown Commercial, Highway Business Commercial, Tourist Commercial, Professional Office, Public/Institutional, Neighborhood Business, Neighborhood Office, Light Industrial Heavy Industrial zoning districts in accordance with the Town Zoning Code and subject to the following limitations and conditions:

1. Residential Area. A mobile food vendor shall not operate in an area zoned for residential use or within ~~two hundred~~ fifty feet (~~2~~50') of an area zoned for residential use (<u>use to use not property line to property line</u>), except:

    a. A mobile food vendor selling only ice cream may operate on public rights-of-way in areas zoned for residential use; or

    b. Subject to applicable laws and the Town Code, a mobile food vendor may operate on private property in a residential area if the mobile food vendor obtains a separate agreement with the property owner to operate a mobile food unit for a maximum of six (6) hours within a twenty-four (24) hour period on the private property.

    c. <u>A mobile food vendor, including auxiliary generator and other related equipment, that project less than 66 decibels at property line may be within 50 feet of a residential use.</u>

Parking

Parking on private property will require proof of permission from the property owner and the Town Code establishes a 96-hour time limit. See blow:

Notwithstanding the permission of a person owning or having lawful control of private real property, a mobile food unit shall not remain in one location on private property for longer than 96 consecutive hours, unless the town grants permission for a permitted event greater than four days. *One Location* within this division means a location within a parcel of land and includes movements from different parked positions within the same parcel.

If Council would like to amend the 96 consecutive hour clause, staff will amend prior to the second reading.

Noise

HOUSING AND URBAN DEVELOPMENT NOISE GUIDELINES

HUD Noise Zones	Day-Night Average Sound Level
Acceptable	Above 55 dBA but Not Exceeding 65 dBA (a)
Normally Unacceptable	Above 65 dBA but Not Exceeding 75 dBA (b)
Unacceptable	Above 75 dBA
(a) HUD, USDOT, and EPA recognize Ldn=55 dB as a goal for outdoors in residential areas protecting the public health and welfare with an adequate margin of safety. However, it is not a regulatory goal. It is a level defined by a negotiated scientific consensus without concern for economics and technological feasibility or the needs and desires of any particular community.	
(b) 5dBA additional attenuation required for sites above 65 dB but not exceeding 70 dB, and 10 dB additional attenuation required for sites above 70 dB but not exceeding 75 dB.	

Source: The HUD Guidebook 1985

A VOTE OF NO WOULD MEAN:

A No vote would mean that the Town of Florence Code of Ordinances would not be amended.

A VOTE OF YES WOULD MEAN:

A Yes vote would mean that the Town of Florence Code of Ordinances would be amended.

FINANCIAL IMPACT:

Cost for publication of ordinance and codification of Code.

ATTACHMENTS:

Ordinance No. 692-20
Map- 250-foot limit
Map – 50-foot limit
Current Code

ORDINANCE NO. 692-20

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE CODE OF ORDINANCE, ARIZONA, TITLE XI BUSINESS REGULATIONS, BY AMENDING CHAPTER 111, SECTION 111.05 (F) OPERATIONAL REQUIREMENTS.

WHEREAS, the Town is authorized to enact and enforce regulations and zoning codes regulating mobile food units and/or mobile food vendors that are not otherwise prohibited by law; and

WHEREAS, the Town is authorized to regulate mobile food vendors pursuant to applicable law, including Arizona Revised Statutes Sections 9-485, 9-485.01, 9-485.02, and 36-1761; and

WHEREAS, the Town recognizes that mobile food vendors create opportunities for economic development and can provide affordable, food [and goods] at a variety of locations and events; and

WHEREAS, the Town seeks to protect public health, safety and welfare through a reasonable regulatory program of mobile food vendors that includes safety standards and parking regulations; and

WHEREAS, with these regulations, the Town ensures that mobile food vendors comply with applicable law, including building, health, fire, and sanitation codes, as applicable.

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

Sec. 111.05 Operational Requirements.

F. Location. A mobile food vendor shall operate a mobile food unit only in Downtown Commercial, Highway Business Commercial, Tourist Commercial, Professional Office, Public/Institutional, Neighborhood Business, Neighborhood Office, Light Industrial Heavy Industrial zoning districts in accordance with the Town Zoning Code and subject to the following limitations and conditions:

1. Residential Area. A mobile food vendor shall not operate in an area zoned for residential use or within ~~two hundred~~ fifty feet ~~(2~~50') of an area zoned for residential use (<u>use to use not property line to property line</u>), except:

    a. A mobile food vendor selling only ice cream may operate on public rights-of-way in areas zoned for residential use; or

    b. Subject to applicable laws and the Town Code, a mobile food vendor may operate on private property in a residential area if the mobile food vendor obtains a separate agreement with the property owner to operate a mobile food unit for a maximum of six (6) hours within a twenty-four (24) hour period on the private property.

c. A mobile food vendor, including auxiliary generator and other related equipment, that contributes to less than 65 A-weighted decibels (in aggregate with ambient conditions) at property line may be within 50 feet of a residential use.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Recitals.

The recitals above are fully incorporated in this Ordinance by reference.

Section IV. Effective Date.

The effective date of this Ordinance shall be thirty (30) days following adoption by the Town Council.

Section V. Preservation of Rights and Duties.

This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

Section VI. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, on this 6th day of April 2020.

_____
Tara Walter, Mayor

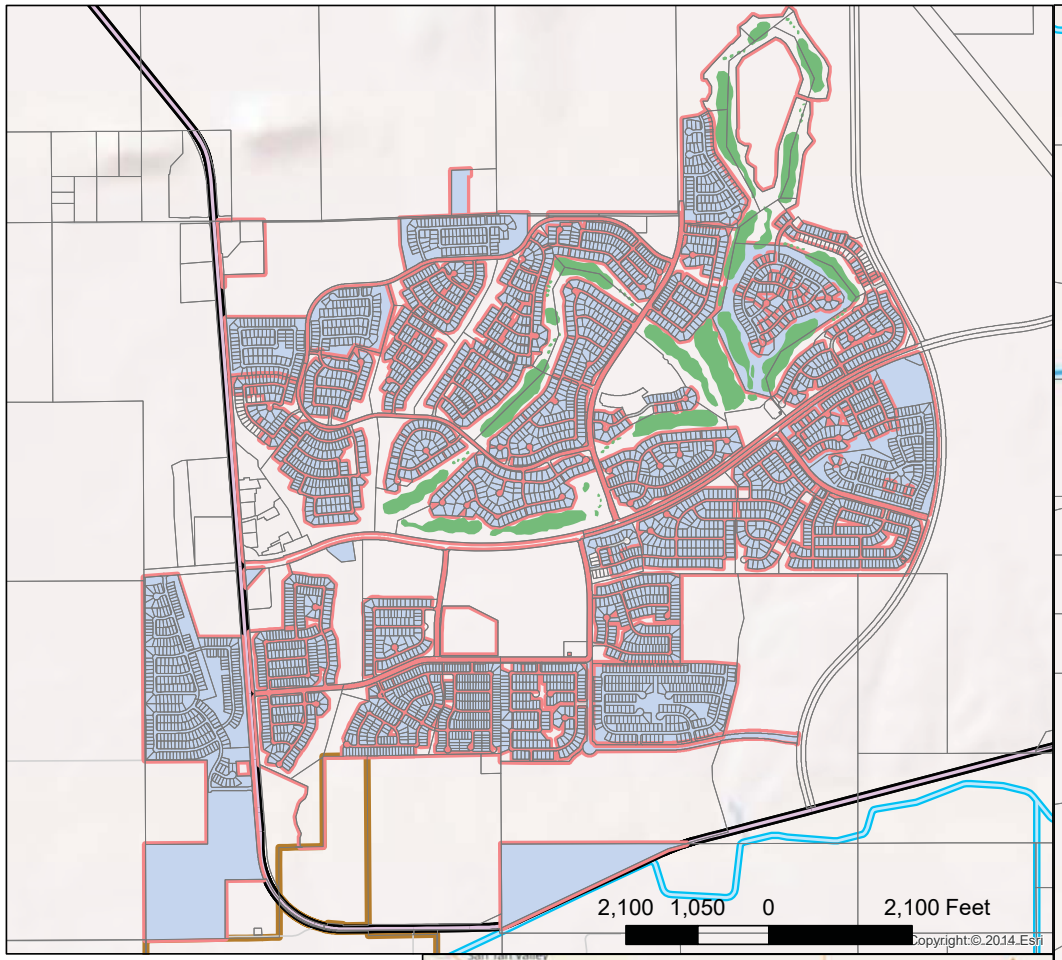
ATTEST:

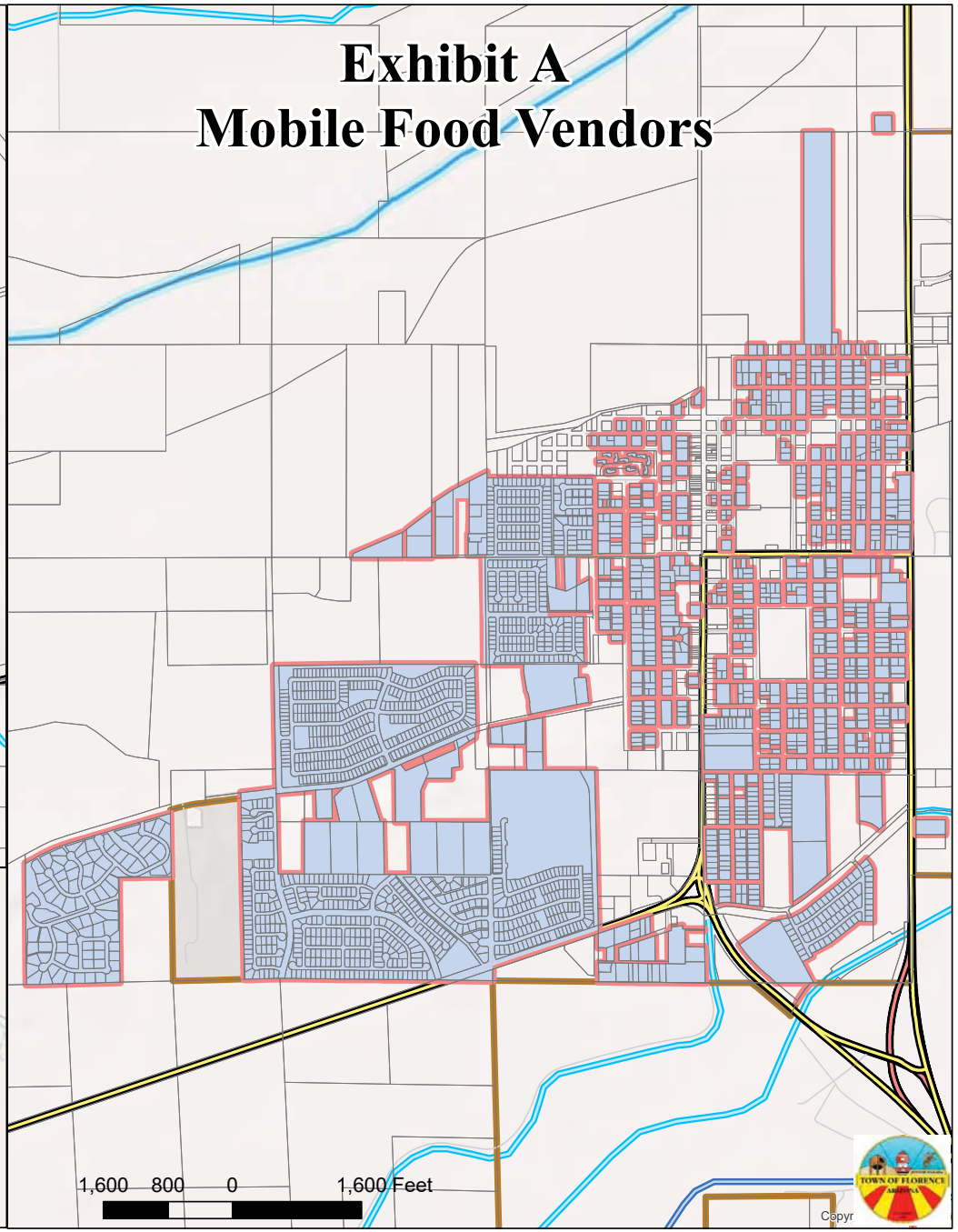
_____
Lisa Garcia, Town Clerk

APPROVED AS TO FORM:

_____
Clifford L. Mattice, Town Attorney

Exhibit A
Mobile Food Vendors





Residential - No Food Vendors

Allowed Outside 50' Buffer

State Highway

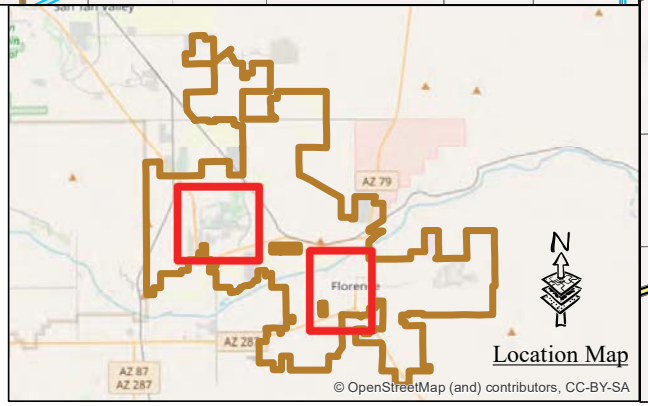
County Highway

Major Road

Local Road

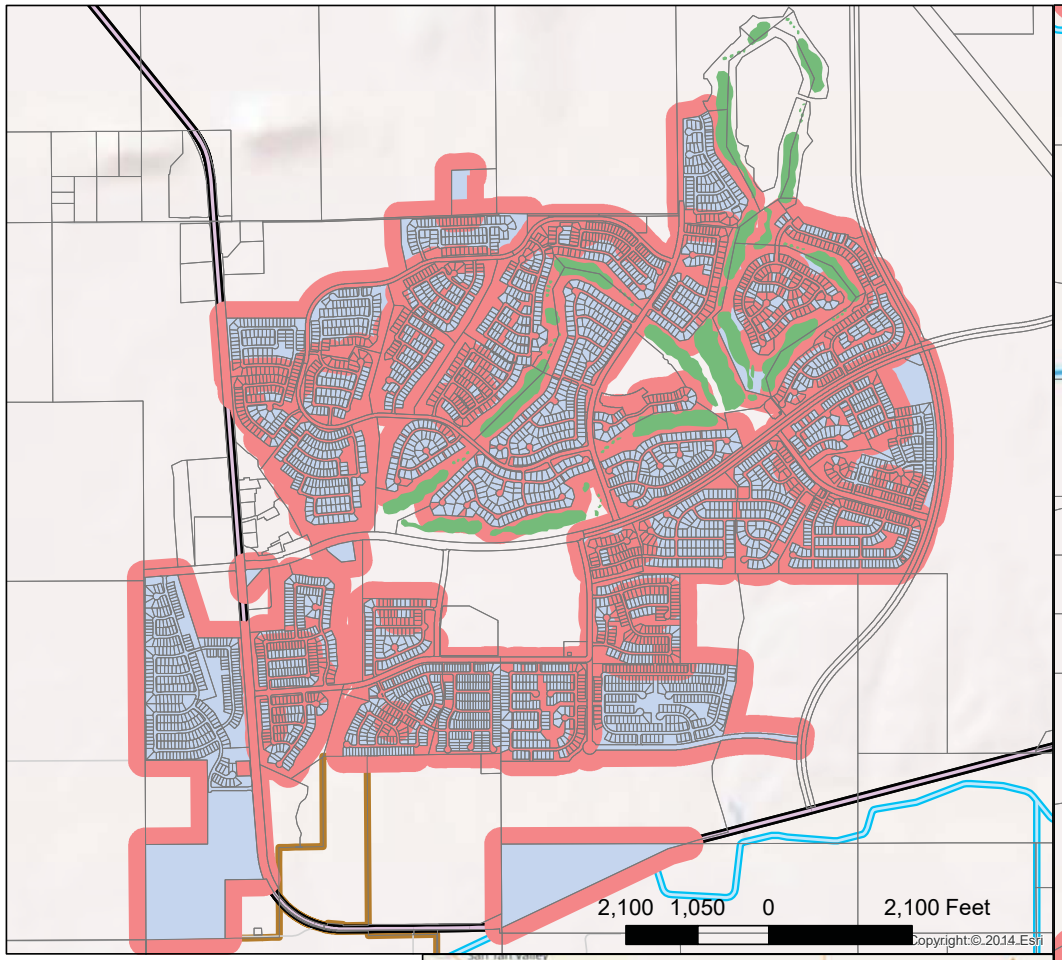
Town Limits

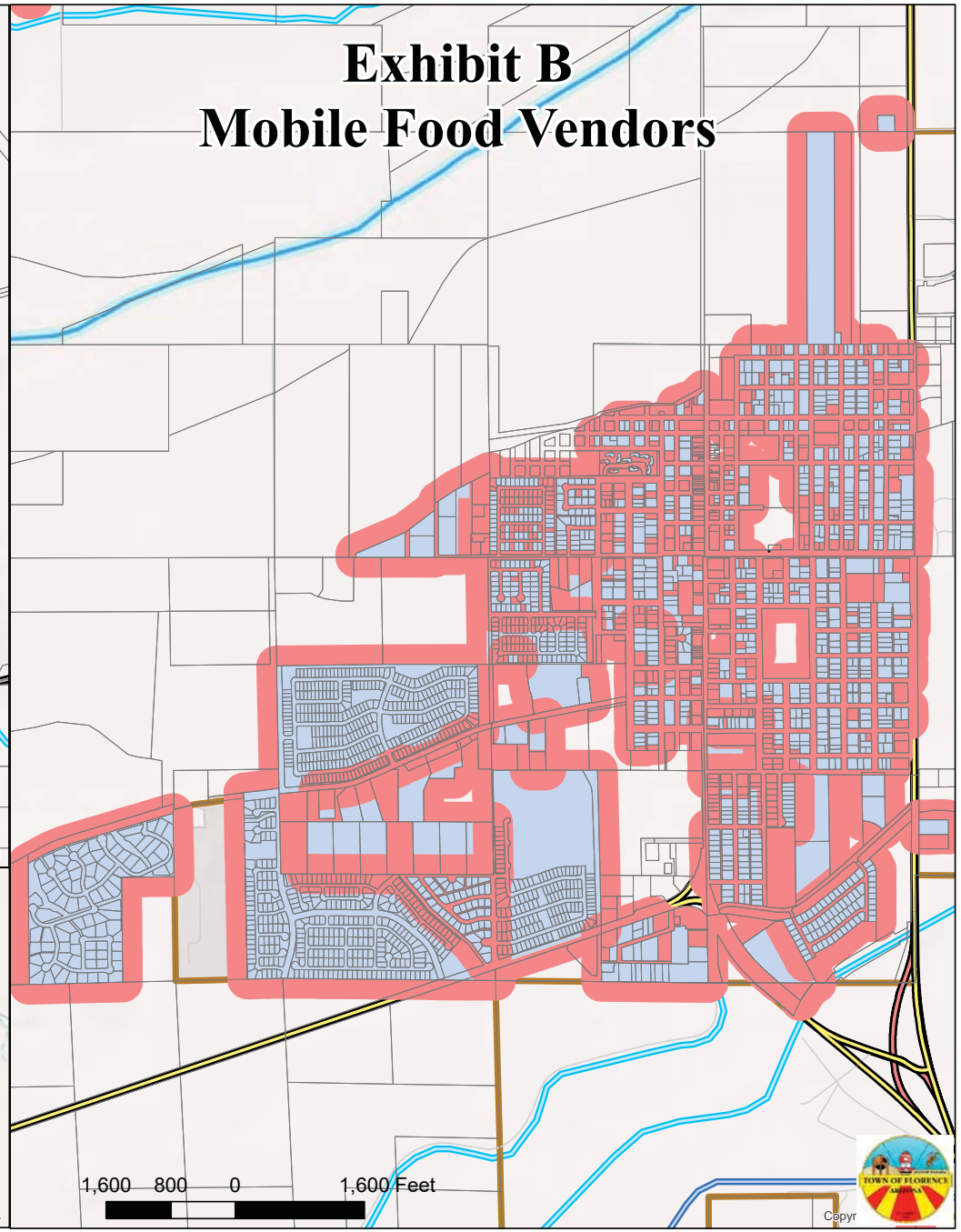
Town of Florence Parcels



Date Created: 2/25/2020 Date Modified: 3/11/2020

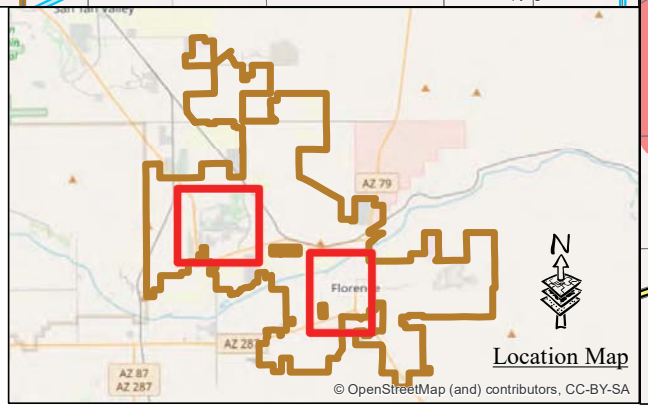
Exhibit B
Mobile Food Vendors





Allowed Outside 250' Buffer
Residential - No Food Vendors
State Highway
County Highway
Major Road
Local Road
Town Limits
Town of Florence Parcels

Date Created: 2/25/2020 Date Modified: 3/11/2020



CHAPTER 111: MOBILE FOOD VENDORS

Section

111.01 Purpose
111.02 Definitions
111.03 Compliance with state licensing requirements
111.04 Permit requirements
111.05 Operational requirements
111.06 Violations; suspension and revocation

111.99 Penalty

§ 111.01 PURPOSE.

This chapter is adopted to protect the health, safety, and welfare of the town by enacting reasonable regulations for mobile food vendors, their employees, agents, lessees, or independent contractors, by requiring compliance with minimum standards for safety and security.

(Ord. 673-19, passed 5-6-2019)

§ 111.02 DEFINITIONS.

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

APPLICANT. The person who applies for a license pursuant to this chapter.

CONTROLLING PERSON. A natural person who either has a 10% or greater interest in the ownership or earnings of the mobile merchant business, or is any of the following:

(1) An officer, director, or any stockholder who owns 10% or more of a corporation licensee/applicant;

(2) A general partner of a limited partnership licensee/applicant or partner of a non-limited partnership licensee/applicant;

(3) An officer, president, member, or secretary of a limited liability company/corporation licensee/applicant; or

(4) The sole proprietor of a sole proprietorship licensee/applicant.

DESIGNATED AGENT. The person designated by the licensee/applicant to receive notices from the town pursuant to this chapter.

LEGAL PARKING SPACE.

(1) An area designated for vehicle parking in the town right-of-way that may be paved or unpaved and may be delineated by road surface markings.

(2) ***LEGAL PARKING SPACE*** does not include a parking space in a parking lot on property owned by the town.

MOBILE FOOD UNIT. A food establishment that is licensed by this state, that is readily movable, and that dispenses food or beverages for immediate service and consumption and other incidental retail items from any vehicle as defined in A.R.S. § 28-101.

MOBILE FOOD VENDOR. Any person who owns, controls, manages, or leases a mobile food unit, or contracts with a person to prepare foods and vend from, drive, or operate a mobile food unit.

MOBILE MERCHANT. Any person who sells any type of tangible personal property, including, but not limited to, food and drink, at or adjacent to the person's mobile sales unit in which such tangible personal property is carried. This definition shall not include any person working or acting for a person holding a mobile merchant permit issued in accordance with this chapter.

MOBILE SALES UNIT. Any vehicle used for carrying tangible personal property for sale at or adjacent to the vehicle in which such tangible personal property is carried.

PERMITTEE. The person who applied for a permit pursuant to this chapter and in whose name such permit was issued by the town pursuant to this chapter.

PERSON. An individual, partnership, corporation, association, or any other entity of whatever kind or nature.

RIGHT-OF-WAY. An area of land owned or controlled by the town and that is used for street or highway purposes.

SEMI-PERMANENT STRUCTURE. Equipment or any dining area, including, but not limited to, tables, chairs, booths, bar stools, benches, and standup counters.

(Ord. 673-19, passed 5-6-2019)

§ 111.03 COMPLIANCE WITH STATE LICENSING REQUIREMENTS.

It shall be unlawful for any person to operate a mobile food unit or act as a mobile food vendor without having first obtained a valid license from

the State of Arizona Department of Health Services, pursuant to A.R.S. § 36-1761.

(Ord. 673-19, passed 5-6-2019)

§ 111.04 PERMIT REQUIREMENTS.

(A) It shall be unlawful for a person to operate a mobile food unit at any location within the town without obtaining a permit from the Town Clerk in accordance with this code. The mobile food vendor shall comply with the requirements of this chapter.

(B) A permit issued pursuant to this chapter, including a renewal of a permit, is valid from the date of issuance through December 31 of that year if the mobile food vendor is in compliance with this chapter. The permit is nontransferable.

(Ord. 673-19, passed 5-6-2019)

§ 111.05 OPERATIONAL REQUIREMENTS.

It is unlawful for any person to operate a mobile food unit that does not meet the requirements of this section.

(A) *Fire safety and inspection.*

(1) A mobile food vendor must ensure that the mobile food unit complies with the version of the International Fire Code in effect at the time when the permit is issued, state law, and this code relating to fire and explosion safety standards.

(2) A mobile food unit shall be inspected by the Town Fire Department, or the mobile food vendor shall provide evidence that the mobile food unit passed a fire inspection by another city or town fire department in this state within the preceding 12 months.

(B) *Refuse, trash, and litter maintenance.* A mobile food unit shall:

(1) Provide a minimum of one 15-gallon trash receptacle within 15 feet of each individual mobile food unit for customers and employees;

(2) Maintain an area around the mobile unit clear of litter, garbage, rubble, and debris; and

(3) Transport the trash from the area of operation to an authorized waste disposal location.

(C) *Noise restrictions.* A mobile food vendor shall not use, play, or caused to be used or played, any amplifier, loudspeaker, microphone, amplified music, or any other amplified instrument or device used for the production of sound in a vending area when the motor vehicle or mobile food unit from which mobile food vendor is vending is stationary or mobile upon any right-of-way, park, or other public place. For the purpose of this division, the factors for determining whether a sound is amplified include, but are not limited to, the following:

(1) The proximity of the sound to sleeping facilities, whether residential or commercial;

(2) The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;

(3) The time of day or night when the sound occurs; it shall be presumed that any amplified noise between 10:00 p.m. and 6:00 a.m. is disturbing to the public in violation of this section;

(4) The duration of the sound; and

(5) Whether the sound is recurrent, intermittent, or constant.

(D) *Security.*

(1) The mobile food unit and the surrounding vending area shall be maintained in a safe and clean manner at all times.

(2) A mobile food unit shall have adequate lighting to ensure customer safety in the vending area. Lighting shall be directed downwards and away from rights-of-way and adjacent properties.

(3) The mobile food unit and its customers shall not obstruct the movement of pedestrians or other vehicles using the sidewalk, street, alley, or other public right-of-way.

(E) *Insurance.*

(1) If a mobile food vendor attends an event sponsored by the town or operates on public property, including rights-of-way or property owned or controlled by the town, the mobile food vendor shall obtain an insurance policy naming the town as an additional insured in amounts and coverage terms as required by the town and in accordance with the requirements of A.R.S. Title 9, Chapter 4, Article 7.2.

(2) The insurance company issuing the policy shall be authorized to issue commercial liability policies in this state by the Arizona Department of Insurance.

(3) The policy shall designate, by manufacturer's serial or identification number, all mobile food units for which coverage is granted.

(4) The policy shall insure the person named in the policy and any other person using the mobile food vendor with the express or implied permission of the named insured, against any liability arising out of the ownership, maintenance, or use of the mobile food unit in the state.

(5) Additional terms for insurance coverage may be required by the town.

(F) *Location.* A mobile food vendor shall operate a mobile food unit only in Downtown Commercial, Highway Business Commercial, Tourist Commercial, Professional Office, Public/Institutional, Neighborhood Business, Neighborhood Office, Light Industrial, and Heavy Industrial zoning districts in accordance with Chapter 150 and subject to the following limitations and conditions.

(1) *Residential area.* A mobile food vendor shall not operate in an area zoned for residential use or within 250 feet of an area zoned for residential use, except:

(a) A mobile food vendor selling only ice cream may operate on public rights-of-way in areas zoned for residential use; or

(b) Subject to applicable laws and this code, a mobile food vendor may operate on private property in a residential area if the mobile food vendor obtains a separate agreement with the property owner to operate a mobile food unit for a maximum of six hours within a 24-hour period on the private property.

(2) *Town-owned property.* A mobile food vendor shall only operate in a legal parking space. If the mobile food vendor desires to operate on town property other than a legal parking space in a right-of-way, the mobile food vendor shall obtain from the town:

(a) A separate license for use, services contract, or similar agreement, which will be entered into at the town's sole discretion and applicable law; or

(b) A special event permit or similar permission in accordance with this code.

(3) *Private property.* A mobile food vendor shall obtain written permission to use any private property where a mobile food unit is operating and shall provide proof of such written permission on demand by the town.

(4) Notwithstanding the permission of a person owning or having lawful control of private real property, a mobile food unit shall not remain in one location on private property for longer than 96 consecutive hours, unless the town grants permission for a permitted event greater than four days. ***ONE LOCATION*** within this division means a location within a parcel of land and includes movements from different parked positions within the same parcel.

(G) *Parking.* A mobile food unit shall comply with this division and applicable law as it pertains to parking, unless parking is governed by a separate division or section in this chapter.

(1) A mobile food unit shall only operate in a legal parking space.

(2) A mobile food unit, including any semi-permanent structure used or associated with the mobile food unit, may use no more than one legal parking space, unless the mobile food vendor has a separate agreement with the town to use additional legal parking spaces or parking spaces on town property other than a right-of-way.

(3) No mobile food unit exceeding 24 feet may park diagonally in a diagonal parking space or park in any manner that occupies more than one diagonal parking space.

(4) No mobile food unit shall operate with the serving window facing street traffic.

(5) A mobile food unit shall abide by all parking regulations, including posted time limits. If there are no other time restrictions on the use of a legal parking space, a mobile food unit shall not occupy a legal parking space for more than six hours in a 24-hour period. ***OCCUPY*** within this division means within 100 feet of the place in which the mobile food unit was initially parked.

(6) A mobile food unit shall not occupy a legal parking space with insufficient parking capacity as prescribed by Chapter 150 and applicable law, and includes occupying a legal parking space that reduces the number of available parking spaces surrounding the area which is required for the principal use or uses of the property associated with the parking spaces as set forth in A.R.S. Title 9, Chapter 4, Article 7.2.

(7) A mobile food vendor shall not claim or attempt to establish any exclusive right to park at a particular street location, unless the parking space is part of a permitted event.

(H) *Signs.* A mobile food vendor shall comply with the Sign Code, pursuant to Chapter 150.

(Ord. 673-19, passed 5-6-2019)

§ 111.06 VIOLATIONS; SUSPENSION AND REVOCATION.

(A) It is a violation of this chapter for any person to provide false information on any permit application.

(B) It is a violation of this chapter for a person to operate a mobile food unit that fails to meet all the requirements of this chapter.

(C) It is a violation of this chapter for a mobile food vendor to fail to display the permit or other required documents, including proof of insurance or fire inspection, to a law enforcement officer or Town Inspector on demand.

(D) The town shall give written notice of a violation to the permittee or designated agent that may result in the suspension or revocation of the permit. The notice shall include a description of the violation, the statutory or code reference, how the permittee can comply with the requirements, a description of the process whereby a hearing may be requested, the time limit for requesting a hearing, and a warning that failure to timely request a hearing may result in suspension or revocation of the permit. The notice shall be served on the permittee or designated agent by either personal service or registered/certified mail. Service of the notice shall be deemed complete upon mailing to, or personal service on, the permittee or designated agent.

(E) The permittee or designated agent receiving a notice under this section may request a hearing pursuant to § 110.40. If the permittee fails to comply with the requirements of this chapter by the date provided in the notice, the town may suspend or revoke the permit, as provided in this section.

(F) In addition to any penalties set forth in this chapter, a permit shall be suspended if, during the term of the permit, the permittee or a

controlling person has violated any of the provisions of this chapter. During the suspension period, the permittee shall not operate any mobile food unit associated with the suspended permit. If a fine is associated with the violation that is the basis for suspension, the suspension may continue beyond the period set forth in this division until such time as the permittee pays the fine. The penalty for a suspension of a permit shall be:

(1) For the first suspension of a permit during a 12-month period, the permit shall be suspended up to 14 calendar days in addition to other penalties and fines.

(2) For the second suspension of a permit during a 12-month period, the permit shall be suspended for a minimum of 15 calendar days up to a maximum of 30 calendar days in addition to penalties and fines.

(3) For the third suspension of a permit during a 12-month period, the permit shall be revoked.

(G) In addition to a revocation for a third suspension as set forth above, the town may revoke a permit issued pursuant to this chapter if the town determines that:

(1) A mobile food unit associated with the suspended permit was operated in the town during the suspension period;

(2) A permittee, designated agent, or controlling person, following the issuance of a permit, is convicted of any offense listed in § 111.04(F)(7);

(3) The permittee or designated agent operated, or attempted to operate, a mobile food unit without a permit;

(4) The town previously issued three or more notices of suspension or violation within a six-month period;

(5) The permittee or controlling person has not complied with a provision of this chapter, or has failed to provide information as required by this chapter;

(6) The application fee, permit fee, or any transaction privilege tax has not been paid; or

(7) The permittee fails to pay outstanding fines or resolve any violations.

(H) If a permit is revoked pursuant to this section, the permit and its controlling person(s) may not apply for a permit under this chapter for a period of one year from the date of revocation.

(Ord. 673-19, passed 5-6-2019)

§ 111.99 PENALTY.

(A) Each day any violation of any provision of this chapter shall continue shall constitute a separate offense.

(B) *Criminal penalty.* Among other penalties that may apply, including revocation or suspension of a permit (when applicable), any person who violates any provision of this chapter, whether or not the act is specifically stated as being unlawful, shall be guilty of a class 3 misdemeanor and upon conviction shall be punished as provided in § 10.99.

(Ord. 673-19, passed 5-6-2019)

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	TOWN OF FLORENCE COUNCIL ACTION FORM	**AGENDA ITEM 17c.**
MEETING DATE: March 16, 2020 **DEPARTMENT**: Administration **STAFF PRESENTER:** Lisa Garcia, Deputy Town Manager/ Town Clerk **SUBJECT:** Resolution No. 1735-20 Mobile Food Units		☐ **Action** ☐ **Information Only** ☐ **Public Hearing** ☐ **Resolution** ☒ **Ordinance** ☐ **Regulatory** ☒ **1st Reading** ☐ **2nd Reading** ☐ **Other**
STRATEGIC PLAN REFERENCE: ☐ Community Vitality ☐ Economic Prosperity ☐ Leadership and Governance ☐ Partnerships and Relationships ☐ Transportation and Infrastructure ☒ Statutory ☐ None		

RECOMMENDED MOTION/ACTION:

Resolution No. 1735-20: Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, EXERCISING TOWN COUNCIL'S LEGISLATIVE DISCRETION TO NOT ENFORCE OR SUSPEND ENFORCEMENT OF CHAPTER 111, SECTION 111.05 (F) UNTIL THE EFFECTIVE DATE OF ORDINANCE NO. 692-20.

BACKGROUND/DISCUSSION:

The Town is authorized to enact and enforce or not enforce regulations of the Town Code of Ordinances. The Town is authorized to regulate mobile food vendors pursuant to applicable law, including Arizona Revised Statutes Sections 9-485, 9-485.01, 9-485.02, and 36-1761. Staff is recommending Ordinance No 692-20 be adopted with an effective date of May 6, 2020. In order to allow food truck to vend 50-feet from residential immediately the Mayor and Council exercising their discretion to not enforce Chapter 111, Section 111.05 (H) until the following is effective:

Sec. 111.05 Operational Requirements.

H . Location. A mobile food vendor shall operate a mobile food unit only in Downtown Commercial, Highway Business Commercial, Tourist Commercial, Professional Office, Public/Institutional, Neighborhood Business, Neighborhood Office, Light Industrial Heavy Industrial zoning districts in accordance with the Town Zoning Code and subject to the following limitations and conditions:

1. Residential Area. A mobile food vendor shall not operate in an area zoned for residential use or within ~~two hundred~~ fifty feet ~~(2~~50') of an area zoned for residential use (use to use not property line to property line), except:

   a. A mobile food vendor selling only ice cream may operate on public rights-of-way in areas zoned for residential use; or

   b. Subject to applicable laws and the Town Code, a mobile food vendor may operate on private property in a residential area if the mobile food vendor obtains a separate agreement with the property owner to operate a mobile food unit for a maximum of six (6) hours within a twenty-four (24) hour period on the private property.

   c. A mobile food vendor, including auxiliary generator and other related equipment, that project less than 66 decibels at property line may be within 50 feet of a residential use.

Noise

HOUSING AND URBAN DEVELOPMENT NOISE GUIDELINES

HUD Noise Zones	Day-Night Average Sound Level
Acceptable	Above 55 dBA but Not Exceeding 65 dBA (a)
Normally Unacceptable	Above 65 dBA but Not Exceeding 75 dBA (b)
Unacceptable	Above 75 dBA
(a) HUD, USDOT, and EPA recognize Ldn=55 dB as a goal for outdoors in residential areas protecting the public health and welfare with an adequate margin of safety. However, it is not a regulatory goal. It is a level defined by a negotiated scientific consensus without concern for economics and technological feasibility or the needs and desires of any particular community.	
(b) 5dBA additional attenuation required for sites above 65 dB but not exceeding 70 dB, and 10 dB additional attenuation required for sites above 70 dB but not exceeding 75 dB.	

Source: The HUD Guidebook 1985

A VOTE OF NO WOULD MEAN:

A No vote would mean that the Town enforce the Town of Florence Code of Ordinances.

A VOTE OF YES WOULD MEAN:

A Yes vote would mean that Town would not enforce the Town of Florence Code of Ordinances.

FINANCIAL IMPACT:

No cost associated with the resolution.

ATTACHMENTS:

Resolution No. 1735-20

Resolution No. 1735-20

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, EXERCISING TOWN COUNCIL'S LEGISLATIVE DISCRETION TO NOT ENFORCE OR SUSPEND ENFORCEMENT OF CHAPTER 111, SECTION 111.05 (F) UNTIL THE EFFECTIVE DATE OF ORDINANCE NO. 692-20.

WHEREAS, the Town is authorized to enact and enforce or not enforce regulations of the Town Code of Ordinances; and

WHEREAS, the Town is authorized to regulate mobile food vendors pursuant to applicable law, including Arizona Revised Statutes Sections 9-485, 9-485.01, 9-485.02, and 36-1761; and

WHEREAS, the first reading of Ordinance No 692-20 is scheduled for March 16, 2020; the second reading is scheduled for April 6, 2020; with an effective date of May 6, 2020; and

WHEREAS, The Town Council finds that suspension of the separation requirement for mobile vendors described herein is necessary at this time to promote the health safety and welfare of the Florence community and specifically such suspension promotes the economic vitality of the Town while protecting private property rights in a reasonable and fair manner.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, that the Mayor and Council are hereby exercising their legislative discretion to not enforce or suspend enforcement of Chapter 111, Section 111.05 (F) until the following provisions contained in Ordinance No. 692-20 are effective:

Sec. 111.05 Operational Requirements.

F. Location. A mobile food vendor shall operate a mobile food unit only in Downtown Commercial, Highway Business Commercial, Tourist Commercial, Professional Office, Public/Institutional, Neighborhood Business, Neighborhood Office, Light Industrial Heavy Industrial zoning districts in accordance with the Town Zoning Code and subject to the following limitations and conditions:

1. Residential Area. A mobile food vendor shall not operate in an area zoned for residential use or within ~~two hundred~~ fifty feet ~~(2~~50') of an area zoned for residential use (<u>use to use not property line to property line</u>), except:

    a. A mobile food vendor selling only ice cream may operate on public rights-of-way in areas zoned for residential use; or

b. Subject to applicable laws and the Town Code, a mobile food vendor may operate on private property in a residential area if the mobile food vendor obtains a separate agreement with the property owner to operate a mobile food unit for a maximum of six (6) hours within a twenty-four (24) hour period on the private property.

c. A mobile food vendor, including auxiliary generator and other related equipment, that project less than 66 decibels at property line may be within 50 feet of a residential use.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, on this 16th day of March 2020.

_____
Tara Walter, Mayor

ATTEST:

_____
Lisa Garcia, Town Clerk

APPROVED AS TO FORM:

_____
Clifford L. Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	**AGENDA ITEM 17d.**

MEETING DATE: March 16, 2020

DEPARTMENT: Administration

STAFF PRESENTER: Lisa Garcia, Deputy Town Manager/ Town Clerk and Jennifer Evans, Management Analyst

SUBJECT: Resolution No. 1736-20 Property Lease Policy

☒ **Action**
☐ **Information Only**
☐ **Public Hearing**
☐ **Resolution**
☐ **Ordinance**
- ☐ **Regulatory**
- ☐ **1st Reading**
- ☐ **2nd Reading**

☐ **Other**

STRATEGIC PLAN REFERENCE:

☐ Community Vitality ☒ Economic Prosperity ☐ Leadership and Governance

☐ Partnership and Relationships ☐ Transportation and Infrastructure

☐ Statutory ☐ None

RECOMMENDED MOTION/ACTION:

Adoption of Resolution No. 1736-20: A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ADOPTING REVISIONS TO THE TOWN OF FLORENCE PROPERTY LEASE POLICY.

BACKGROUND/DISCUSSION:

The Property Lease Policy provides guidance for leasing properties owned by the Town of Florence. The Town owns the Silver King Marketplace and Brunenkant Building that are currently leased to commercial tenants. The Town Council held a work session on November 4, 2019 to discuss proposed changes to the policy. Since that time staff has amended the policy, lease, and RFP. We have included information to assist the prospective Tenant with the RFP process as well as outline Tenant responsibilities in the lease.

The proposed changes to the policy include adding Section III. D. – E. pertaining to the Town Attorney, Tenant, and Pinal County. Section IV. A. V. lists the statutes enabling the Town to lease property in redevelopment areas and the Government Property Lease Excise Tax. Section V. has been extensively re-written. Exhibit A contains information on the statutes governing Town-owned properties.

Section III. Responsibilities

The Town Council is responsible for approving the use. The Town Manager, or designee, is responsible for all lease negotiation activities, lease agreement management, and lease policy administration. Tenant is responsible for signing a statement that they have read and understand this policy, terms of the lease, and State Statutes associated with this policy. Tenant is responsible for paying all invoices and taxes on time. The policy also informs the Tenant that it is the Pinal County Treasurer and not the Town of Florence that issues and receives all payments for the Government Property Lease Excise Tax.

Section VI. Procedures has the following suggested changes:

The Town will seek to maximize the value of its assets and lease property for the highest and best use. Retail and restaurant uses will be given preference in ground floor spaces on Main Street. The section on uses not allowed is no longer included in the policy, allowable zoning will dictate use.

In order to promote business, the Tenant may hold special events in as much as these events are within the confines of their regular business and are meant to increase foot traffic to the Tenant's business.

The Request for Proposal Procedures is outlined in Section V. of the Policy, page 3 of 14. All proposals shall be evaluated by Town staff prior to being considered by the Florence Town Council. The criteria for evaluating proposals is included in the section. At the Council meeting, Council would have the option to approve the recommended use, or to reject the recommended use and consider the second or third recommended use. This is at the discretion of Council. If the Town Council approves a use, the Town will begin the protest period. If no protest is received after 72 hours the Town Manager will negotiate terms and enter into the lease agreement. The lease agreement is attached to the policy as an exhibit.

Lease Rental Rates, Taxes, and Payments section is a follow:

I. General Lease Rental Rates

   a. Properties shall be rented on a modified gross lease basis at fair market rent. A lease analysis will be performed under the direction of the Town Manager and may include an independent consultation of an Arizona licensed commercial real estate appraiser.

   b. Leased rental rate increases will be tied to the Consumer Price Index.

   c. The Town Council may approve a lease of Town property for less than fair market rent only if the motion approving the lease contains a finding that the lease is for a valuable public purpose or use and it states such public purpose or use.

A security deposit of no less than two months rent is paid by the tenant upon approval of the lease. This is an increase from on months rent.

Staff received a quote from an independent fee appraiser to conduct a comprehensive market lease rate analysis ranges between $1,250 and $3,000 for the Silver King Marketplace. Staff did not retain the services, instead staff received a market analysis from Belva's Real Estate which is attached.

The Town currently rents five spaces.

1. Sliver King Suite 101, 570 Sq.
2. Silver King Suite 102, 1,424 Sq.
3. Silver King Suite 201, 782 Sq.
4. Silver King Suite 202, 1,300 Sq.(when re-measured by architect, approx. 1,424 SF)
5. Bruenenkant, 1782 (1st and 2nd Floor).

#	Current Monthly Rent	Current Annual Rent	SF		**Rate/SF**	**Monthly Rate**	**Annual Rate**
1.	$142.50	$1,710.00	570		**$0.51**	**$290.7**	**$3,488.40**
2.	$356.00	$4,272.00	1424		**$0.51**	**$726.24**	**$8,714.88**
3.	$325.00	$3,900.00	1300		**$0.51**	**$663.00**	**$7,956.00**
4.	$500.00	$6,000.00	891	1782	**$0.51**	**$908.82**	**$10,905.84**

Staff surveyed tenants of comparable properties on Main Street during December and January and from our discussion believes lease rates on Main Street range from $0.24 to $0.69 per SF. Detailed information follows:

#	Monthly Rent	Annual Rent	SF	Rate/SF
1.	$300.00	$3,600.00	682	$0.43
2.	$450.00	$5,400.00	650	$0.69
3.	$450.00	$5,400.00	650	$0.69
4.	$400.00	$4,800.00	696	$0.57
5.	$400.00	$4,800.00	696	$0.57
6.	$703.50	$8,442.00	1296	$0.54
7.	$500.00	$6,000.00	2071	$0.24
8.	$500.00	$6,000.00	1598	$0.31

Tenants #2 and #3 share a 1,300 SF building but have separate leases. Tenants #4 and #5 have separate spaces and leases in the same building. The lease rate for Tenant #6 is reduced during the summer months so the monthly rent is an average. Tenants in Town-owned buildings pay the following:

#	Monthly Rent	Annual Rent	SF	Rate/SF	GPLET Rate	Total Rate/SF
1.	$142.50	$1,710.00	570	$0.25	$0.00	$0.25*
2.	$356.00	$4,272.00	1424	$0.25	$0.19	$0.44
3.	$325.00	$3,900.00	1300	$0.25	$0.19	$0.44
4.	$500.00	$6,000.00	891	$0.56	$0.15	$0.71**

*No longer a nonprofit and will pay GPLET
** Office space had an increased rate in old policy.

It is a policy decision if the GPLET is factored in rent cost or not. State suggests that it is should not be factor, but as you are aware the Town Council may approve a lease of Town property for less than fair market rent only if the motion approving the lease contains a finding that the lease is for a valuable public purpose or use and it states such public purpose or use.

1. The Town Council could advise the Town Manager to use the $0.51 rate and not include GPLET.
2. The Town Council could advise the Town Manager to use a combined rate to equal $0.51. This would deduct the GPLET rate from the amount the Town receives. Tenant would pay GPLET to Pinal County.

Nonprofit example. Scenario 1, rent would be $0.51 a SF.
Scenario 2, rent would be $0.51 a SF.

For profit example. Scenario 1, rent would be $0.51 a SF, plus GPLET.
Scenario 2, rent would be $0.51 a SF.

Town Council asked for information on the costs of utilities in the common area of the Silver King Marketplace. The common area is approximately 900 SF which includes the first and second floor areas. The Town has paid the following for utilities in the common areas from January through December 2019:

Electric $1,881.73
Phone $2,022.21 (for alarm and sprinkler system)
Water $2,183.90
Total: $6,087.84

During the work session, there was a request to remove the section that requires tenants to pay the utilities costs in the common areas. This area has been removed from the policy and the Town will continue to cover costs of the common areas.

RFP Calendar assumes adoption of Property Lease Policy on March 16, 2020. All dates are tentative and subject to change.

RFP to advertised 30 days	March 19 – April 19
Current Lease Renewals	March
What's Upstairs Vacant	April 30
Recommendation to Council Suite 202	May 19, 2020
Recommendation to Council Suite 201	May 19, 2020
Suite 201 – Egress Issues Resolved	June 30, 2020

A VOTE OF NO WOULD MEAN:

The existing Property Lease Policy will remain in effect.

A VOTE OF YES WOULD MEAN:

The Property Lease Policy will be amended as specified in the attached policy.

FINANCIAL IMPACT:

Not applicable

ATTACHMENTS:

Resolution No. 1736-20
Property Lease Policy
RFP
Map
Memorandum

RESOLUTION NO 1736-20

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ADOPTING REVISIONS TO THE TOWN OF FLORENCE PROPERTY LEASE POLICY.

WHEREAS, it has been brought to the attention of the Mayor and Council that the current Town of Florence Property Lease Policy is in need of revision; and

WHEREAS, Section 14-33 of the Code of the Town of Florence and other applicable laws require that the Council take formal action by Resolution to declare the relevant document to be public record, and to approve and adopt such amendments;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Town Council, that the Town of Florence hereby adopts the recommended amendments to the Town of Property Lease Policy effective April 16, 2020.

PASSED AND ADOPTED by the Town Council this 16th day of March 2020.

_____
Tara Walter, Mayor

ATTEST:

_____
Lisa Garcia, Town Clerk

APPROVED AS TO FORM:

_____
Clifford L. Mattice, Town Attorney

Town of Florence

POLICY TITLE: PROPERTY LEASE POLICY	**EFFECTIVE DATE:**
RESPONSIBLE DEPARTMENT: Administration	**AP / RESOLUTION NO.:** Resolution No. 1736-20
APPROVAL: REFERENCES: ☐ TOWN MANAGER SIGNATURE: _____ ☒ TOWN COUNCIL DATE APPROVED:_____	

Section I. Purpose

Provide guidance and outline procedures for all lease activities on properties owned by the Town of Florence.

Section II. Scope

The policy applies to properties owned by the Town of Florence that are not required for current municipal use.

Section III. Responsibilities

A. The Town Council is responsible for approving the use for the Leased Premises.

B. The Town Manager, or designee, is responsible for all lease negotiation activities, lease agreement management, and lease policy administration.

C. The Town Finance Department is responsible for the billing and collection of all rents, utilities, and late payments.

D. The Town Attorney is responsible for notifying Tenant of defaults and managing the eviction process.

E. Tenant is required to sign a statement that they have read and understand this policy, terms of the lease, and State Statutes associated with this policy. Tenant is responsible for paying all invoices and taxes on time.

F. The Pinal County Treasurer receives all payments for the Government Property Lease Excise Tax.

Section IV. Policies

A. General

I. The Town of Florence will lease property when it is in the best interest of the Town to do so. The Town will seek to maximize the value of its assets and lease property for the highest and best use.

II. The Town will implement its leasing program in accordance with all local, state and federal legal requirements and in a fair and nondiscriminatory manner. Opportunities for leases on Town-owned properties will be made available to the public through the request for proposal process described herein.

III. The Town will lease property to a Tenant for a specific purpose or use. Leasing for the purpose of speculation, subleasing, or assignment of leases is not allowed.

IV. All properties, identified as available for lease by the Town of Florence, shall be subject to the lease policies and procedures contained herein. These lease policies shall be incorporated by references into all leases.

V. The Town will lease property as allowed by A.R.S §36-1474 and A.R.S. §42-6201.

B. Acceptable and Unacceptable Uses

I. All uses and activities on properties made available for lease are subject to the Town General Plan, 2009 Redevelopment Plan update, development code and other applicable local, state, and federal laws and regulations.

II. The Town Council may restrict specific Town properties to certain uses or classes of use. Such properties will be available for leasing only for such uses.

III. Retail and restaurant uses will be given preference in ground floor spaces on Main Street.

IV. Residential dwellings or clubs are not acceptable uses.

V. Tenant may hold special events in as much as these events are within the confines of their regular business and are meant to increase foot traffic to the Tenant's business.

VI. Tenant shall not sublet or assign the lease without the Town's prior written consent.

VII. Tenant shall not operate business within the common areas.

VIII. Tenants shall not store items in common areas.

Section V. Procedures

A. Requests for Proposal Procedures and Evaluation Process

Pursuant to Arizona State Statutes, the Town is required to issue a public notice to bid for at least 30 days to lease Town-owned properties in the redevelopment area. Exhibit A contains the State Statutes related to redevelopment areas or projects.

I. A submitted proposal shall include:

a. Applicant contact information.

b. A statement of purpose for use of the building space/ Leased Premises.

c. Any and all requested Tenant improvements.

d. Sketch of building layout for proposed use.

e. Business references.

f. Information and release for credit check.

g. Timeline for business opening to the public.

h. Comprehensive business plan that includes a detailed budget and financing.

i. Assurance that the Tenant maintains adequate insurance coverage to satisfy the lease terms.

j. Any other information that will establish highest and best use.

II. All proposals shall be evaluated by Town staff prior to being considered by the Florence Town Council.

III. The criteria for evaluating proposals shall include, but is not limited to the following:

a. Highest and best use.

b. Compatibility with neighboring uses and consistency with applicable land use regulations including the General Plan.

c. Comprehensive business plan.

d. Experience of the applicant in the proposed business or venture.

e. Financial capability or backing of the applicant including credit history, prior lease history, and assets that will be used to support the proposed business.

f. Number of employees.

g. Other financial impacts such as potential tax revenues, stimulation of related or spin-off economic development.

h. Other long term social and economic development benefits.

IV. Proposals deemed to have the highest and best use will be presented to Town Council for consideration. If the use is approved, Council will authorize the Town Manager to negotiate and enter into a Lease Agreement.

V. Town Manager and Tenant will sign and execute agreement that shall remain on file with the Town Clerk.

VI. Protest Procedure

a. Bid protests shall be submitted in writing to: Town Manager, Florence Town Hall, 775 N. Main Street, P.O. Box 2670, Florence, Arizona 85132, phone (520)868-7500 or (520)868-7502 (TDD Relay) within 72 hours of notification of award. Protests must contain at a minimum, the name, address, and telephone number of the protestor; the signature of the protester or its representative and evidence of the authority to sign; a detailed statement of the legal and factual grounds of the protest including copies of relevant data; and the form of relief requested. Within 5 business days of receipt, and after consultation with legal counsel, the Town Manager will respond to the protest. The Town Manager's decision shall be final.

B. Lease Rental Rates, Taxes, and Payments

I. General Lease Rental Rates

a. Properties shall be rented on a modified gross lease basis at fair market rent. A lease analysis will be performed under the direction of the Town Manager and may include an independent consultation of an Arizona licensed commercial real estate appraiser and/or real estate broker or agent.

b. Leased rental rate increases will be tied to the Consumer Price Index.

c. The Town Manager may approve a lease of Town property for less than fair market rent only if the motion approving the lease contains a finding

that the lease is for a valuable public purpose or use and it states such public purpose or use.

II. A security deposit of no less than two months rent is paid by the Tenant upon approval of the lease. The deposit may be increased or decreased depending on the type of business, length of lease and information in the business plan.

III. Utilities

a. The Town of Florence will maintain accounts for electric, water, and gas service, as applicable. Tenants will be invoiced for utility costs on a monthly basis for the Tenant's suite.

b. he Tenant bears the full costs of all cable, internet, and telephone service, if so elected, including deposits, setup, and cancellation fees.

IV. Collection of payment

a. Payment of rent and utilities are due on the first day of each month even if the first day of the month falls on a Saturday, Sunday or holiday. It is the sole responsibility of the Tenant to pay rent and utilities on the first day of each month. The Town will assess a $100 late fee after the fifth day of the month. The Town will also assess returned check fees, pursuant to local laws and regulations.

b. For the Tenants' convenience, the Town allows for automatic electronic payments to be deducted from the Tenant's checking account.

V. Government Property Lease Excise Tax (GPLET)

a. GPLET will be assessed in accordance with A.R.S. § 42-6201 et seq. The Town will levy the excise tax on each prime Tenant for the use or occupancy of each government property improvement. Within thirty (30) days after entering into a lease, the Town will record a memorandum of lease in the Pinal County Recorder's office, submit a copy of the lease to the County Treasurer, post lease agreements on the Town website; and submit a current link to the list of lease agreements on the Town's website to the Arizona Department of Revenue. The enforcement of the tax is governed by Sections 545 and 590 of the Model City Tax Code.

b. The Government Property Lease Excise Tax is due and payable to the Pinal County Treasurer annually on or before December 1. The tax is delinquent if not paid on or before that date. The Town calculates the excise tax for each prime Tenant, submits a return to the County Treasurer, and submits a copy of the return to the Tenant. If any part of the tax is not paid before it comes due, interest accrues on the unpaid amount at the rate and in the manner prescribed by A.R.S. §42-18053 until it is paid.

C. Tenant Improvements

I. Tenant, at Tenant's expense, may remodel, redecorate~~,~~ or make additions, improvements and replacements to all or any part of the Leased Premises from time to time as Tenant may deem desirable (the "Tenant Improvements"), provided Tenant obtains written consent of the Town prior to undertaking any such Tenant Improvements. Tenant Improvements will be made in a workmanlike manner, lien free, in accordance with all codes and utilizing good quality materials. Tenant may place and install personal property, trade fixtures, equipment and other temporary installations in and upon the Leased Premises and fasten the same to the Leased Premises. All personal property, equipment, machinery, trade fixtures and temporary installations, whether acquired by Tenant at the commencement of the Lease term or placed or installed on the Leased Premises by Tenant thereafter, shall remain Tenant's property free and clear of any claim by Town. Tenant shall have the right to remove the same at any time during the term of this Lease but not after ten (10) days after the expiration thereof, provided that such removal does not cause any damage to the Premises. Any damage caused by the removal of Tenant's personal property shall be repaired by Tenant at Tenant's expense. If Tenant fails to reasonably repair any such damage Town may repair the damage and deduct the costs thereof from Tenant's security deposit, with Tenant remaining liable for the excess, if any, over the security deposit. At the expiration of this Lease, at Town's direction, Tenant shall remove any such personal property from the Leased Premises at Tenant's sole cost and expense, repairing any damage to the Leased Premises occasioned thereby.

II. Tenant may have prepared plans and specifications for the construction of Tenant Improvements, and, if so, such plans and specifications are attached hereto as Exhibit "B" and incorporated herein by reference. Tenant shall obtain all certificates, permits, licenses and other authorizations of governmental bodies or authorities which are necessary to permit the construction of the improvements on the Leased Premises and shall keep the same in full force and effect at Tenant's cost.

III. Tenant shall negotiate, let, and supervise all contracts for the furnishing of services, labor, and materials for the construction of Tenant Improvements on the Leased Premises at its sole cost and expense. All such contracts shall require the contracting party to guarantee performance and all workmanship and materials installed by it for a period of one year following the date of completion of construction. Tenant shall cause all contracts to be fully and completely performed in a good and workmanlike manner and lien free, all to the effect that the improvements shall be fully and completely constructed and installed in accordance with good engineering and construction practice. Tenant shall include in any contract for the construction of Tenant Improvements a requirement that bonds in the full amount of the contract sum be furnished guaranteeing the faithful performance of the contract requirements and the payment of any and all subcontractors.

IV. During the course of Tenant Improvements, Tenant shall, at its cost, keep in full force and affect a policy of builder's risk and liability insurance in a sum equal to three times the amount expended for construction of the improvements. All risk of loss or damage to the improvements during the course of construction shall be on Tenant with the proceeds from insurance thereon payable to Town.

V. Nothing herein shall alter the intent of the parties that Tenant shall be fully and completely responsible for all aspects pertaining to the construction of Tenant Improvements to Leased Premises and for the payment of all costs associated therewith. Town shall be under no duty to investigate or verify Tenant's compliance with the provisions contained herein. Moreover, neither Tenant nor any third party may construe the permission granted Tenant hereunder to create any responsibility on the part of Town to pay for any improvements, alterations or repairs occasioned by Tenant.

D. Duration and Conclusion of Leases

I. The lease term will be negotiated by the Town Manager or designee. Lease extensions will be for a minimum of one year.

II. The Town and Tenant may elect to extend the initial term upon such terms and conditions as may be agreed upon in writing and signed by the parties at the time of any such election; provided that Tenant gives notice of its request to extend the initial term no later than sixty (60) days prior to the expiration of the initial term. If Tenant does not elect to extend the initial term, the lease shall terminate at the end of the term and the Tenant may only occupy the premises on a month-to-month basis. Such month-to-month tenancy may be terminated by the Town upon thirty (30) days' notice to Tenant. The Town's acceptance of rent payments after the expiration date shall not constitute a renewal of this Lease Agreement.

III. Tenant Improvement at Conclusion of Lease

a. If authorized or required by the Town Facilities Maintenance Manager, improvements must be removed prior to the conclusion of the lease. The Town Facilities Maintenance Manager will determine and approve techniques for removal prior to commencement of activities.

b. Tenant is responsible for the costs associated with removing improvements.

i. If Tenant fails to remove Tenant improvements prior to the termination date of the lease, Tenant shall be responsible for the costs incurred by the Town in removing and disposing of the improvements.

ii. Unless permanent improvement has been authorized by the Town or as otherwise provided in the lease, or agreed to in writing by the

parties, the Tenant shall restore the property to the same condition it was in at the time the lease was executed by the Tenant.

iii. Any unpaid amount owed to the Town by the Tenant requires the Town to follow debt collection procedures. This may include Town staff making collection calls, referring the debt to a collection agency, or requesting the Town Attorney to initiate legal action on the lease agreement.

E. Insurance

I. The Tenant must provide the Town of Florence with a copy of the insurance policy naming the Town, its agents, officers, officials and employees as additional insured. The Tenant must have coverage of a least $1,000,000 of comprehensive public liability (i.e. bodily injury, broad form property damage, personal injury, and blanket contractual coverage) and $1,000,000 per each occurrence. If the Tenant's operations require the use of open flame, Tenant will also provide insurance coverage for fire and casualty on the leased premises in an amount sufficient to provide replacement cost of the leased premises. The Town Manager or designee may raise the required amount at his/her discretion depending upon trends in the insurance industry, value of the building, and the Tenant's business.

II. Property Insurance

a. Town shall obtain and keep in force during any term of this Lease, a policy or policies of insurance covering loss or damage to the Leased Premises, in the amount of the full replacement value thereof, providing protection against all perils included within the classification of fire, flood, extended coverage, vandalism, malicious mischief, and special extended perils.

b. Tenant shall obtain and keep in force during any term of this Lease, a policy or policies of insurance covering loss or damage to the contents of the Leased Premises. Tenant agrees that Town shall not be liable for injury to Tenant's business or any loss of income there from, or for loss or damage to goods, wares, merchandise, or other property in or on the Leased Premises owned or belonging to Tenant, Tenant's employees, invitees, customers, or any other person in or about the Leased Premises; nor shall Town be liable for injury to the person of Tenant, Tenant's employees, invitees, agents, or contractors, whether such damage or injury to persons or property is caused by or results from fire, steam, electricity, gas, water, or rain, or from the breakage, leakage, obstruction, or other defects of pipes, sprinklers, wires, appliances, plumbing, air conditioning, or light fixtures or from any other cause; or whether the said damage or injury to person or property results from conditions arising upon the Leased Premises or from other sources or places, and regardless of whether the cause of such damage or injury or the means of repairing the same is inaccessible to Tenant.

III. Certificates of Insurance showing the required insurance is in effect and identifying the Town of Florence as an additional insured shall be provided to the Town of Florence initially at the time a lease becomes effective and annually thereafter, and upon every change in insurance provider or insurance coverage.

IV. All insurance policies must be in effect for the duration of the lease term or longer if stated in the lease, and the Town must be notified of any changes to policies.

F. Hazardous Materials

I. The Tenant shall not allow hazardous materials to be used or stored on Town property, except as specifically permitted or necessary for the Tenant's lawful use and approved of the property.

II. The Tenant's use of hazardous materials, if permitted, shall comply with all applicable local, state, and federal laws and regulations.

III. The Tenant shall not pollute or contaminate the environment with discharges, leaks, or emissions of hazardous materials.

IV. The Tenant shall be required to promptly notify the appropriate authorities and the Town of any discharge or spill and to clean up the impacted area at Tenant's own expense in compliance with applicable laws.

V. Tenant shall be fully liable for all damages, costs and expenses related to a violation of the terms of the lease with respect to the use, storage, cleanup, remediation, or disposal of hazardous materials.

G. Signage

I. All signage requested by the Tenant must be approved by the Historic District Advisory Commission and purchased by the Tenant.

II. Any and all signage erected by the Tenant must conform to all applicable laws and ordinances outlined in Town Code Chapter 150, Part 3 (Sign Regulations).

III. The Tenant must remove signs within 15 days after termination of the lease and repair all damage occasioned thereby to the Leased Premises at the Tenant's sole cost and expense.

IV. Tenants are required to purchase signs from a pre-approved vendor for Town-owned buildings with standardized signs. Standardized signs have been previously approved by the Historic District Advisory Commission.

H. Performance Standards

I. All properties leased by the Town are to be maintained in a proper, safe, clean, and orderly fashion taking into consideration its permitted use, surrounding properties, zoning, and other applicable laws and regulations.

a. Tenants will not occupy, store, or display any items in the lobbies or other public spaces.

b. Smoking is prohibited in Town-owned buildings and within 20 feet of exterior doorways.

c. Tenants may not place staples, nails, paint, fake snow, or other items that may cause damage to the ceilings, walls, floors, fixtures, or mechanical systems.

d. Any activity that causes physical damage to Town-owned properties is prohibited.

II. The Town of Florence reserves the right to enter leased property and the structures thereon at all reasonable times. This includes regular annual inspections. Town staff will provide 24-hour notice to Tenant if entry into the leased property is required before or after regular business hours.

III. All commercial structures shall at all times be in compliance with applicable building, fire, mechanical, electrical, and other regulations. Applicable building code and fire marshal inspections must be performed and certified to the Town upon completion of all renovations, remodels, and/or new construction.

IV. Easements or rights-of-way on the leased parcel shall not be used in any way that interferes with the rights of the holders or any person(s) lawfully using the easement or right-of-way. Easements or rights-of-way outside of the leased parcel and/or immediately adjacent to it shall not be used for storage, parking, or any other unauthorized uses.

V. Requests for maintenance in Town-owned properties will be submitted through the Town's Facility Maintenance System.

VI. Only service animals are allowed in Town-owned buildings. A service animal means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability.

VII. Tenants will maintain standard business hours as determined by the Town. Winter business hours for the Silver King Marketplace are October through March, Monday through Saturday from 10:00 a.m. until 6:00 p.m. Summer business hours for the Silver King Marketplace are Tuesday through Saturday, 11:00 a.m. to 5:00 pm. The business hours for the Brunenkant Building are Monday through Friday from 8:00 a.m. until 5:00 p.m.

VIII. Failure to comply with the performance standards listed in this section or any other provisions or stipulations contained in the lease are grounds for termination of the lease if the Tenant does not rectify the problem after reasonable notice by the Town.

Section VI. Definitions

Building Core: The building core includes portions of the building that are not rented but serve all Tenants indirectly. The building core includes public restrooms, ventilation shafts, electrical distribution, elevator shafts, and stairwells.

Fair Market Rent: Rental income that a public and private property would most likely command in the open market; indicated by the current rents paid for comparable space.

Government Lessor: A city, town, county or county stadium district.

Government Property Improvement: A building for which a certificate of occupancy has been issued, for which the title of record is held by a government lessor, that is situated on land for which the title of record is held by a government lessor or a political subdivision of this state and that is available for use for any commercial, residential rental or industrial purpose, including, but not limited to, office, retail, restaurant, service business, hotel, entertainment, recreational or parking uses.

Gross Building Space: The total floor area of a building measured from the exterior of the wall, but not including unenclosed areas.

Highest and Best Use: The basic four tests of highest and best use are as follows:

Is the use physically possible?
Is the use legally permitted?
Would the use be financially feasible?
Would the use be maximally productive?

In other words, and assuming that the first three are satisfied, rank prospects in order of value or rate of return. In the end, the proposed use with the highest internal rate of return and net present value is the maximally productive use. The bottom line is what would be the highest net income for a proposed structure. Determining the most profitable requires review of a market analysis or a business plan/feasibility study.

Landlord Lien: Lien placed on a Tenant's property for the satisfaction of unpaid rent or property damage.

Load Factor: Load factor is a method of calculating total monthly rent costs to a Tenant that combines usable square feet and a percentage of square feet of common areas. Usable square feet + percentage of core area square feet = rentable square feet. The addition of a percent of the common area expenses to monthly rent is known as the "load factor." This item may be a factor used to calculate future rental rates.

Modified Gross Lease: A type of real estate rental agreement where the Tenant pays base rent at the lease's inception, but it takes on a proportional share of some of the other costs associated with the property as well, such as property taxes, utilities, insurance, and maintenance. This item may be a factor used to negotiate future rental rates.

Prime Tenant: Any person, partnership, corporation, company, limited liability company, joint venture or other organization or association that enters into a lease directly with a government lessor to develop or occupy for at least thirty (30) consecutive days a government property improvement, regardless of whether the improvement is actually used by the prime Tenant or by one or more subtenants.

Redevelopment Project: Any work or undertaking to sell, lease, or otherwise make available land in areas for residential, recreational, commercial, industrial, or other use or for public use or to retain land for public use, in accordance with a redevelopment plan. It includes the preparation of a redevelopment plan, the planning, surveying and other work incident to a redevelopment project and the preparation of all plans and arrangements for carrying out a redevelopment project.

Sublease: Rental agreement between a Tenant who already holds a lease to a commercial space or property and someone (the sublessee) who wants to use part or all of the Tenant's space. In a sublease, the Tenant assigns certain rights that they already hold, to the sublessee. Sublessees pay rent directly to the rightful Tenant (sublessor) to either share the space with the sublessor or take over the entire space from the sublessor. A sublessor cannot legally assign rights to a sublessee if the sublessor's lease agreement terms do not allow for subleasing.

Triple Net Lease: Lease agreement on a property where the Tenant agrees to pay all real estate taxes, building insurance, and maintenance (the three "nets") on the property in addition to any normal fees that are expected under the agreement (rent, utilities, et al). This item may be a factor used to negotiate future rental rates.

Useable Square Feet: In commercial leasing, usable square feet simply means the square footage that is rented to be used exclusively by the Tenant. it may also be referred to as net square feet. Usable square feet includes private (Tenant-only) restrooms, closets, storage, and any other areas used only by the Tenant. Usable Square Feet also refers to square footage that can only be used by the Tenant and not leased to another. This item may be a factor used to negotiate rental rates.

Section VII. Supplemental Forms

Exhibit "A" Statutes
Exhibit "B" Standard Lease Agreement

Exhibit "A"

A. The Town must follow A.R.S. §36-1471 et. seq. for Town-owned properties that are located within the Downtown Redevelopment Area. A redevelopment project as defined by A.R.S. §36-1471(17) is any work or undertaking to sell, lease or otherwise make available land in areas for residential, recreational, commercial, industrial or other use of for public use or to retain land for public use, in accordance with a redevelopment plan.

B. A.R.S. §36-1474(C) allows a municipality to sell, lease, exchange, transfer, assign, subdivide, retain for its own use, mortgage, hypothecate or otherwise encumber or dispose of any real or personal property or any interest in the property in a redevelopment project.

C. A.R.S. §36-1477 applies to Town-owned properties in the redevelopment area as follows:

I. A public official of a municipality, commissioner, or employee of a housing authority or slum clearance and redevelopment commission to which the powers of a municipality have been delegated pursuant to this article shall not voluntarily acquire any interest, direct or indirect, in a redevelopment project or in any property included or planned to be included in a redevelopment project of the municipality or in any contract or proposed contract in connection with a redevelopment project. If an acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body and the disclosure shall be entered upon the minutes of the governing body.

II. If any official, commissioner or employee presently owns or controls, or owned or controlled within the preceding two years, any interest, direct or indirect, in any property which the person knows is included or planned by the municipality to be included in a redevelopment project, the person shall immediately disclose this fact in writing to the local governing body, and this disclosure shall be entered upon the minutes of the governing body. The person shall not participate in any action by the municipality, housing authority or commission affecting the property. Any violation of this section shall constitute misconduct in office.

D. A.R.S. §36-1480 applies to Town-owned properties in the redevelopment area as follows:

I. The sale, lease, exchange or other transfer, and any related agreement may be made only after, or subject to, the approval of the redevelopment plan by the local governing body. Real property shall be sold, leased or transferred at its fair value for uses in accordance with the redevelopment plan even though the fair value may be less than the cost of acquiring and preparing the property for redevelopment.

II. A municipality shall take into account and give consideration to the uses and purposes required by the plan, the restrictions upon, and the covenants, conditions and obligations assumed by the redeveloper of the property, the objectives of the redevelopment plan for the prevention of the recurrence of slum or blighted areas, and other matters the municipality specifies as being appropriate.

III. Sale, lease, exchange, or other transfer of real property or any interest of the property shall not be made until after public advertising for bids has been made for at least thirty (30) days in a newspaper of general circulation within the municipality and the posting of notices in three or more public places within the municipality.

SILVER KING MARKET PLACE LEASE AGREEMENT

TOWN OF FLORENCE, ARIZONA,
an Arizona municipal corporation

AND

_____, an Arizona limited liability company

DATE: As of _____, 2019

SILVER KING MARKET PLACE LEASE AGREEMENT

This Silver King Market Place Lease Agreement (this "Lease") is made and entered into as of the ___ day of _____, 2020 by Town of Florence, an Arizona municipal corporation, hereinafter called "Town", and _____, an Arizona limited liability company, hereinafter called “Tenant".

1. LEASED PREMISES

For and in consideration of the rent to be paid and of the covenants and agreements of Tenant as hereinafter set forth, the Town does hereby lease **728 square feet** to Tenant of the premises located at **440 N. Main Street, Suite 201,** Florence, Arizona, also known as the Silver King Market Place, and hereinafter referred to as the “Premises”, or, the “Leased Premises”. The Leased Premises are also described as Suite 201, which is located at the south end of the building in which the Premises are located (the “Building”) on the second floor.

2. TERM

The Lease term shall begin on the **1st day of _____, 2020** and end on the **__st day of _____, 2021** (the “Initial Term”). The Town shall use commercially reasonable efforts to put Tenant in possession of the Leased Premises at the beginning of the Initial Term. If Town is unable to timely provide the Leased Premises for occupancy by Tenant, rent shall abate for the period of delay. Tenant agrees it shall make no other claim against Town for any such delay.

3. EXTENSIONS

The parties hereto may elect to extend the Initial Term upon such terms and conditions as may be agreed upon in writing and signed by the parties at the time of any such election; provided that Tenant gives notice of its request to extend the Initial Term no later than sixty (60) days prior to the expiration of the Initial Term. If Tenant does not elect to extend the Initial Term in accordance with this paragraph, this Lease shall end on the **31st day of _____, 2021** (the “Expiration Date”) and thereafter Tenant may only occupy the Premises on a month-to-month basis. Such month-to-month tenancy may be terminated by Town upon thirty (30) days notice to Tenant. Town’s acceptance of rent payments after the Expiration Date shall not constitute a renewal of this Lease Agreement.

4. RENTS

Rent shall be paid at the rate of _____ **dollars ($XXX.00)** per month for the duration of this Lease. In addition to the rent, Tenant is responsible for any commercial property lease transaction privilege tax and government property lease excise tax. Each monthly payment of rent due thereafter shall be payable on the first day of each calendar month for the balance of the Initial Term, together with such taxes. Payment of rent shall be

made to the Town at Town of Florence, P.O. Box 2670, 775 North Main Street, Florence, Arizona 85132, or at such other place designated by written notice from Town. The rental payment amount for any partial calendar months included in the Lease term shall be prorated on a daily basis. If rent is not received by the close of the fifth business day then a late fee of $100.00 will be added to Tenant's account and past-due rent shall bear interest at the rate of ten per cent (10%) per annum from the date due (i.e., the first day of each month) until paid.

5. GOVERNMENT PROPERTY LEASE EXCISE TAX

Tenant shall be responsible for any and all property taxes and all government property lease excise taxes described in A.R.S. § 42-6201 *el seq*. or similar laws in force from time to time. The Government Property Lease Excise Tax is payable to Pinal County by December 1 each year. Pursuant to A.R.S. § 42-6206, failure by Tenant to pay any such tax after notice and an opportunity to cure is an event of default that could result in divesting the Tenant of any interest in or right of occupancy of the Leased Premises.

6. SECURITY DEPOSIT

Tenant has deposited with Town the sum of _____ **dollars ($XXX.00)** as security for the full and faithful performance by Tenant of all the terms of this Lease required to be performed by Tenant. Such sum shall be returned to Tenant after the expiration of this Lease; provided Tenant has fully and faithfully carried out all of its terms. At the expiration of this Lease or such other time as Tenant may properly request the return of the Security Deposit, Town shall make an inspection of the Leased Premises and deduct from the Security Deposit such sums as are necessary to repair and refurbish the Leased Premises to the condition which existed prior to Tenant's occupancy thereof. In the event of a bona fide sale of the Building of which the Leased Premises are a part, Town shall have the right to transfer the security to the purchaser to be held under the terms of this lease, and Town shall be released from all liability for the return of such security to Tenant.

7. PURPOSE

A. Tenant shall use the Leased Premises for the purpose of conducting the business of a _____ and for no other purpose without Town's express prior written consent. This use must also be and remain consistent with Exhibit "A". In the event Tenant desires to use the Leased Premises for a different business purpose not described above, Tenant shall first apply, in writing, for approval for such use to the Town of Florence. As a further condition of this Lease, Tenant must also maintain regular business hours and be open for at least thirty-five (35) hours per week with exception of holidays.

B. If Tenant fails to meet any of these requirements, then Town may terminate this Lease after providing Tenant no less than thirty (30) days written notice of Town's intent to terminate this Lease. If Tenant does not satisfy the above conditions or

otherwise cure the deficiencies indicated in the notice within thirty (30) days, Town may terminate this Lease as provided in Section 18 below.

The Premises shall not be used in violation of this Lease, any zoning laws applicable to the Premises, or in violation of any federal, state or local laws or regulations.

8. PROHIBITED USES

Notwithstanding the forgoing, Tenant shall not use the Leased Premises for the purposes of storing, manufacturing or selling any explosives, flammables or other inherently dangerous substance, chemical, thing or device. All uses must conform to the zoning code of the Town of Florence and the Town's Property Lease Policy which is incorporated by reference fully herein, both as promulgated by Town from time to time.

The tenant shall not allow hazardous materials to be used or stored on Town property, except as specifically permitted or necessary for the tenant's lawful use and approved of the property.

9. SUBLEASE AND ASSIGNMENT

A. Tenant shall not sublet or assign this Lease without Town's consent. To assign this Lease to a business with which Tenant may merge or consolidate, to any subsidiary of Tenant, to any corporation under common control with Tenant, or to a purchaser of substantially all of Tenant's assets Tenant must receive either written consent from Town (not to be unreasonably withheld) or enter into a new lease agreement reasonably satisfactory to both parties.

B. Except as set forth above, neither Tenant nor any assignee may sublease all or any part of the Leased Premises or assign this Lease in whole or in part without the Town's written consent.

10. REPAIRS

During the Lease term, Tenant shall make, at Tenant's expense, all necessary repairs and refurbishment of the Leased Premises. Repair and refurbishment shall include, but is not limited to, the repair and refurbishment of normal wear and tear to floors, walls, ceilings, and other parts of the Leased Premises caused by Tenant's use and enjoyment of the Leased Premises, except for major mechanical systems or the roof [(so long as damage thereto is not caused, in whole or in part, by the acts or omissions of Tenant, its invitees or those under Tenant's direction and control) subject to the obligations of the parties as may otherwise be set forth in this Lease.]

11. TENANT IMPROVEMENTS

A. Tenant, at Tenant's expense, shall have the right to remodel, redecorate~~,~~ or make additions, improvements and replacements to all or any part of the Leased Premises from time to time as Tenant may deem desirable (the "Tenant Improvements"); provided the same are made in a workmanlike manner, lien free, in accordance with all codes and utilizing good quality materials. Tenant must obtain the written consent of the Town prior to undertaking any such Tenant Improvements. Tenant shall have the right to place and install personal property, trade fixtures, equipment and other temporary installations in and upon the Leased Premises and fasten the same to the Leased Premises. All personal property, equipment, machinery, trade fixtures and temporary installations, whether acquired by Tenant at the commencement of the Lease term or placed or installed on the Leased Premises by Tenant, thereafter, shall remain Tenant's property free and clear of any claim by Town. Tenant shall have the right to remove the same at any time during the term of this Lease but not after ten (10) days after the expiration thereof, provided that such removal does not cause any damage to the Premises. Any damage caused by the removal of Tenant's personal property shall be repaired by Tenant at Tenant's expense.

   If Tenant fails to repair any such damage the Town may repair the damage and deduct the costs thereof from Tenant's security deposit, with Tenant remaining liable for the excess, if any, over the security deposit. At the expiration of this Lease, at Town's direction, Tenant shall remove any such personal property from the Leased Premises at Tenant's sole cost and expense, repairing any damage to the Leased Premises occasioned thereby.

B. Tenant may have prepared plans and specifications for the construction of Tenant Improvements, and, if so, such plans and specifications are attached hereto as Exhibit "B" and incorporated herein by reference. Tenant shall obtain all certificates, permits, licenses and other authorizations of governmental bodies or authorities which are necessary to permit the construction of the improvements on the Leased Premises and shall keep the same in full force and effect at Tenant's cost.

C. Tenant shall negotiate, let and supervise all contracts for the furnishing of services, labor, and materials for the construction of Tenant Improvements on the Leased Premises at its sole cost and expense. All such contracts shall require the contracting party to guarantee performance and all workmanship and materials installed by it for a period of one year following the date of completion of construction. Tenant shall cause all contracts to be fully and completely performed in a good and workmanlike manner and lien free, all to the effect that the improvements shall be fully and completely constructed and installed in accordance with good engineering and construction practice. Tenant shall include in any contract for the construction of Tenant Improvements a requirement that bonds in the full amount of the contract sum be furnished guaranteeing the faithful performance of the contract requirements and the payment of any and all subcontractors.

D. During the course of Tenant Modifications, Tenant shall, at its cost, keep in full force and affect a policy of builder's risk and liability insurance in a sum equal to three times the amount expended for construction of the improvements. All risk of loss or damage to the improvements during the course of construction shall be on Tenant with the proceeds from insurance thereon payable to the Town.

E. Nothing herein shall alter the intent of the parties that Tenant shall be fully and completely responsible for all aspects pertaining to the construction of Tenant Improvements to Leased Premises and for the payment of all costs associated therewith. Town shall be under no duty to investigate or verify Tenant's compliance with the provisions contained herein. Moreover, neither Tenant nor any third party may construe the permission granted Tenant hereunder to create any responsibility on the part of Town to pay for any improvements, alterations or repairs occasioned by Tenant.

12. UTILITIES

The Town shall pay the amount due for charges for water, sewer, gas, and electricity and separately invoice Tenant for Tenant's share of the charges as determined by Town in its reasonable judgment utilizing any reasonable method of apportionment. Tenant shall pay the utilities invoice upon the due date for the monthly payment of this Lease or the first of the month, whichever comes first. If the utilities payment is not received by the due date, then a late fee of $25.00 will be added to Tenant’s account and the past-due amount shall bear interest at the rate of ten per cent (10%) per annum from the date due until paid. Tenant shall be responsible for all of its own telecommunications/cable/Internet charges.

Tenant acknowledges that the Leased Premises are designed to provide standard office or retail use electrical facilities and standard office lighting. Tenant shall not use any equipment or devices that utilize excessive electrical energy, or which may, in Town's reasonable opinion, overload the wiring or interfere with electrical services to other tenants.

13. SIGNAGE

A. Exterior Signs. Tenant may purchase and the Town will install one exterior sign located on the east side of the Building. Tenant shall have the right, at its sole risk and expense and in conformity with applicable laws and ordinances, to erect and thereafter, to repair or replace, if it shall so elect, signs on any portion of the Leased Premises, provided that Tenant shall remove any such signs upon termination of this Lease, and repair all damage occasioned thereby to the Leased Premises, all at Tenant’s sole cost and expense.

B. Interior Signs. Tenant shall have the right, at its sole risk and expense and in conformity with applicable laws and ordinances, to erect, maintain, place and

install its usual and customary signs and fixtures in the interior of the Leased Premises.

14. ENTRY

Town shall have the right to enter upon the Leased Premises at reasonable hours (absent emergency [during which Town may enter to inspect/endeavor to abate emergency]) to inspect the same, provided Town shall not thereby unreasonably interfere with Tenant's business on the Leased Premises.

15. PARKING

During the term of this Lease, Tenant shall have the non-exclusive use in common with Town, other tenants of the Building, their guests and invitees, of the non-reserved common automobile parking areas, driveways, and footways, subject to rules and regulations for the use thereof as prescribed from time to time by Town. Town reserves the right to designate parking areas within the Premises or in reasonable proximity thereto, for Tenant and Tenant's agents and employees or for others within or utilizing the Building.

16. MECHANIC'S AND OTHER LIENS

Tenant shall pay before delinquent all sums of money which, if unpaid, would entitle any person to a mechanic's or material supplier's or laborer's lien against the Leased Premises, or on Tenant's interest under this Lease. Tenant agrees that it will neither do any act, nor fail to do any act, which would result in the recordation of any lien against the Leased Premises, the Building or the Silver King Market Place as a whole.

17. INSURANCE AND INDEMNIFICATION

A. INDEMNIFICATION

i. To the fullest extent permitted by law, Tenant shall defend, indemnify and hold harmless Town (i.e., the Town of Florence), its agents, officers, officials (whether elected or not), attorneys and employees (collectively, the "Indemnified Parties") from, of and against all claims, damages, losses and expenses (including, but not limited to, attorneys' fees [whether or not suit is brought], court costs, and the cost of appellate proceedings), relating to, arising out of, or alleged to have resulted either wholly or in part from the acts, errors, mistakes, omissions, work or services of Tenant, its agents, employees, contractors, subcontractors or business invitees in the performance of this Agreement, and regardless of whether or not such claim, damages, loss or expenses are caused in part by Town.

ii. Tenant's duty to defend, hold harmless and indemnify the Indemnified Parties and each of them shall arise in connection with any claims, damages, losses

or expenses that are attributable to bodily injury, sickness, disease, death, or injury to, impairment, or destruction of property including loss of use resulting therefrom, caused either wholly or in part by Tenant's acts, errors, mistakes, omissions, work or services in the performance of this Agreement including any employee or business invitee of Tenant or any other person for whose acts, errors, mistakes, omissions, work or services Tenant may be legally liable, and regardless of whether or not such claim, damages, losses or expenses are caused in part by Town.

iii. The amount and type of insurance coverage requirements set forth herein will in no way be construed as limiting the scope of the indemnity in this paragraph 17A.

B. INSURANCE REQUIREMENTS

i. Tenant, at Tenant's own expense, shall purchase and maintain the herein stipulated minimum insurance with companies duly licensed, possessing a current A.M. Best, Inc. rating of "A", or approved and licensed to do business in the State of Arizona with policies and forms satisfactory to Town.

ii. All insurance required herein shall be maintained in full force and effect during any term of this Lease; failure to do so may, at the sole discretion of Town, constitute a material breach of this Lease.

iii. Tenant's insurance shall be primary insurance, and any insurance or self-insurance maintained by Town shall not contribute to it. Any failure to comply with the claim reporting provisions of the policies or any breach of an insurance policy warranty shall not affect coverage afforded under the policy to protect Town.

iv. The insurance policies required by this Agreement shall name Town and any other Indemnified Parties designated by Town as Additional Insured(s).

v. Town reserves the right to amend the requirements herein at any time during the Lease subject to at least 30 days written notice. Coverage provided by the Tenant shall not be limited to the liability assumed under the Indemnification provision of this Lease. To the extent permitted by law, Tenant waives all rights of subrogation or similar rights against Town. Town reserves the right to require complete copies of all insurance policies required by this Lease at any time. Failure to maintain the insurance policies required by this Lease, or to provide evidence of renewal, is a material breach of contract.

C. REQUIRED COVERAGES

i. General Liability/Contractual Indemnity

a. Tenant shall, at Tenant's expense, maintain a policy of comprehensive public liability insurance with a limit of not less than $1,000,000 for each occurrence and with a $1,000,000 General Aggregate Limit. The policy shall include coverage for bodily injury, broad form property damage, personal injury, and blanket contractual coverage including, but not limited to, the liability assumed under the indemnification provisions of this Agreement, which coverage will be at least as broad as Insurance Service Office, Inc. Policy Form CG 000211093(October 2001 version). The coverage shall not exclude X, C, U.

b. Such policy shall contain a severability of interest provision and shall not contain a sunset provision or commutation clause, nor any provision, which would serve to limit third party action over claims.

c. The Commercial General Liability additional insured endorsement shall be at least as broad as the Insurance Service Office, Inc.'s, Additional Insured, Form B, CG2O101185 (October 2001 version).

ii. <u>Property Insurance</u>

a. Tenant shall obtain and keep in force during any term of this Lease, a policy or policies of insurance covering loss or damage to the Leased Premises, in the amount of the full replacement value thereof, providing protection against all perils included within the classification of fire, flood, extended coverage, vandalism, malicious mischief and special extended perils.

b. Tenant shall obtain and keep in force during any term of this Lease, a policy or policies of insurance covering loss or damage to the contents of the Leased Premises. Tenant agrees that Town shall not be liable for injury to Tenant's business or any loss of income there from, or for loss or damage to goods, wares, merchandise or other property in or on the Leased Premises owned or belonging to Tenant, Tenant's employees, invitees, customers, or any other person in or about the Leased Premises; nor shall Town be liable for injury to the person of Tenant, Tenant's employees, invitees, agents or contractors, whether such damage or injury to persons or property is caused by or results from fire, steam, electricity, gas, water or rain, or from the breakage, leakage, obstruction, or other defects of pipes, sprinklers, wires, appliances, plumbing, air conditioning, or light fixtures or from any other cause; or whether the said damage or injury to person or property results from conditions arising upon the Leased Premises or from other sources or places, and regardless of whether the cause of such damage or injury or the means of repairing the same is inaccessible to Tenant.

iii. <u>Certificates of Insurance</u>

a. Prior to delivery of possession of the Leased Premises to Tenant, Tenant shall furnish Town with proof of payment acceptable to Town of any required coverages hereunder, together with Certificates of Insurance, or formal endorsements as required by this Lease, issued by Tenant's insurer(s), as evidence that policies providing the required coverage, conditions and limits required by this Lease are in full force and effect.

b. In the event any insurance policy(ies) required by this Lease is (are) written on a "claims made" basis, coverage shall extend for two years past the expiration of any term of this Lease as evidenced by annual Certificates of Insurance.

c. If a policy does expire during any term of this Lease, a renewal certificate must be sent to Town fifteen (15) days prior to the expiration date.

18. DEFAULTS AND REMEDIES

A. DEFAULTS

The occurrence of any one or more of the following events shall constitute a material default and breach of this Lease by Tenant:

i. The vacating or abandonment of the Leased Premises by Tenant;

ii. The failure by Tenant to make any payment of rent or any other payment required to be made by Tenant hereunder, as and when due;

iii. The failure by Tenant to observe or perform any of the covenants, conditions, or provisions of this Lease to be observed or performed by Tenant, other than described in subsection (ii) above, where such failure shall continue for a period of fifteen (15) days after written notice hereof from Town to Tenant; provided, however, that if the nature of Tenant's default is such that more than fifteen (15) calendar days are reasonably required for its cure, then Tenant shall not be deemed to be in default if Tenant commenced such cure within said fifteen (15) day period and thereafter diligently prosecutes such cure to completion, such additional time to complete not to exceed thirty (30) additional days.

iv. The making by Tenant of any general arrangement for the benefit of creditors; the filing by or against Tenant of a petition to have Tenant adjudged a bankrupt or a petition for reorganization or arrangement under any law relating to bankruptcy (unless, in the case of a petition filed against Tenant, the same is dismissed within sixty (60) days); the appointment of a trustee or receiver to take possession of substantially all of Tenant's assets, located at the Leased Premises, or, of Tenant's interest in this Lease, where possession is not restored to Tenant within thirty (30) calendar days; or, the attachment, execution, or other judicial seizure of substantially all of Tenant's assets located

at the Leased Premises or of Tenant's interest in this Lease where such seizure is not discharged within thirty (30) days; or

v. The filing or recordation of a lien against the Leased Premises, the Building or the Silver King Market Place as a whole due to any action or inaction of Tenant.

B. REMEDIES

i. In the event of any such default or breach by Tenant, Town may at any time thereafter, with or without notice or demand and without limiting Town in the exercise of any right or remedy which Town may have by reason of such default or breach:

ii. Terminate Tenant's right to possession of the Leased Premises by any lawful means, in which case this Lease shall terminate, and Tenant shall immediately surrender possession of the Leased Premises to Town. In such event Town shall be entitled to recover from Tenant all damages incurred by Town by reason of Tenant's default, including but not limited to, the cost or recovering possession of the Premises; expenses of reletting, including necessary renovation and alteration of the Premises; reasonable attorneys' fees; any real estate commission actually paid; and the worth at the time of award by the court having jurisdiction thereof of the amount by which the unpaid rent for the balance of the term after the time of such award exceeds the amount of such rental loss for the same period that Tenant provides could be reasonably avoided. In the event Tenant shall have abandoned the Premises, Town shall have the option of 1) retaking possession of the Premises and recovering from Tenant the amount specified in this paragraph; or 2) proceeding under subsection (iii) immediately below.

iii. Maintain Tenant's right to possession, in which case this Lease shall remain in effect whether or not Tenant shall have abandoned the Premises. In such event, Town shall be entitled to enforce all of Town's rights and remedies under this Lease, including the right to recover the rent as it becomes due hereunder.

iv. Pursue any other remedy now or hereafter available to Town under the laws or judicial decisions of the State of Arizona, including the right to declare a Town's lien on Tenant's personal property located on the Leased Premises. Where a Town's lien is declared by Town, Town may, without notice or demand to Tenant, terminate Tenant's right to possession of the premises until Town has secured sufficient personal property or full payment of rent to satisfy the amount of rent owed. Should Town declare a Town's lien on the Leased Premises pursuant to this paragraph, this Lease shall not be considered terminated, and Town shall have a right to recover rent as it becomes due.

C. DEFAULT BY TOWN

Town shall not be in default unless Town fails to perform obligations required of Town within a reasonable time, but in no event later than fifteen (15) days after written notice by Tenant to Town and to the holder of any first mortgage or deed of trust covering the Premises whose name and address shall have theretofore been furnished to Tenant in writing, specifying wherein Town has failed to perform such obligations; provided however, that if the nature of Town's obligation is such that more than fifteen (15) days are required for performance, then Town shall not be in default if Town commences performance within such thirty day period and thereafter diligently prosecutes the same to completion. If Town does not perform, the holder of any first mortgage may perform in Town's place and Tenant must accept such performance.

D. HOLDOVER BY TENANT

If Tenant shall hold over after expiration of the Initial Term, or any extension of the Initial Term, such tenancy shall be from month-to-month only upon such terms, covenants~~,~~ and conditions as set forth herein except for those relating to the term of the Lease. Any such month-to-month tenancy may be terminated by Town upon thirty (30) days notice to Tenant. However, nothing herein shall be construed as or deemed a waiver of any rights of Town to take such action in law or equity as Town may have under the provisions of this Lease or otherwise.

E. BANKRUPTCY OF TENANT

If Tenant should make a general assignment for the benefit of creditors, or file a voluntary petition in bankruptcy, or be adjudicated bankrupt or insolvent, or permit a receiver to be appointed to take possession of a substantial portion of the Tenant's assets or of this leasehold, and such bankruptcy, insolvency or receivership proceedings not be dismissed within thirty days, then Town may, without notice or demand, terminate this Lease and forthwith re-enter and repossess the demised premises and remove all persons, and under no circumstances shall this Lease be assigned or transferred by operation of law.

19. DAMAGE AND DESTRUCTION

Subject to the Insurance provisions contained herein, if the Leased Premises or any part thereof or any appurtenance thereto is so damaged by fire, casualty or structural defects that the same cannot be used for Tenant's purposes, then Tenant shall have the right within ninety (90) days following damage to elect by notice to Town to terminate this Lease as of the date of such damage. In the event of minor damage to any part of the Leased Premises, and if such damage does not render the Leased Premises unusable for Tenant's purposes, Town shall promptly repair such damage at the cost of Town. In making the repairs called for in this paragraph, Town shall not be liable for any delays resulting from state of emergency declarations government orders, pandemic, strikes, governmental restrictions, inability to obtain necessary materials or labor or other matters which are beyond the reasonable control of Town. Tenant shall be relieved from paying

rent and other charges during any portion of the Lease term that the Leased Premises are inoperable or unfit for occupancy, or use, in whole or in part, for Tenant's purposes. Rentals and other charges paid in advance for any such periods shall be credited on the next ensuing payments, if any, but if no further payments are to be made, any such advance payments shall be refunded to Tenant subject to the provisions of this Lease which may permit Town to retain such payments. The provisions of this paragraph extend not only to the matters aforesaid, but also to any occurrence which is beyond Tenant's reasonable control and which renders the Leased Premises, or any appurtenance thereto, inoperable or unfit for occupancy or use, in whole or in part, for Tenant's purposes.

20. TITLE

A. Subordination. Tenant shall, upon the request of Town in writing, subordinate this Lease to the lien of any present or future institutional mortgage/deed of trust upon the Leased Premises irrespective of the time of execution or the time of recording of any such mortgage; provided, however, that as a condition to such subordination, the holder of any such encumbrance shall enter first into a written agreement with Tenant reasonably satisfactory to such encumbrancer in form suitable for recording to the effect that:

   i. In the event of foreclosure or other action taken under the encumbrance by the holder thereof, this Lease and the rights of Tenant hereunder shall not be disturbed but shall continue in full force and effect so long as Tenant shall not be in default hereunder; and

   ii. Such holder shall permit insurance proceeds and condemnation proceeds to be used for any restoration and repair required by the Damage and Insurance provisions of this Lease. Tenant agrees that if the encumbrancer or any person claiming under the encumbrancer shall succeed to the interest of Town in this lease, Tenant will attorn to and recognize said encumbrancer or person as its Landlord under the terms of this Lease; provided that said encumbrancer or person for the period during which said encumbrancer or person respectively shall be in possession of the Leased Premises and thereafter their respective successors in interest shall assume all of the obligations of Town hereunder, but shall not be liable for prior defaults of Town hereunder. The word "mortgage", as used herein includes mortgages, deeds of trust or other similar instruments, and modifications, and extensions thereof. The term "institutional mortgage" means a mortgage securing a loan from a bank (commercial or savings) or trust company, insurance company or pension trust or any other lender institutional in nature and constituting a lien upon the Leased Premises.

B. Quiet Enjoyment. Town covenants and agrees that upon Tenant paying the rent and observing and performing all of the terms, covenants and conditions on Tenant's part to be observed and performed hereunder, that Tenant may peaceably and quietly have, hold, occupy and enjoy the Leased Premises in

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accordance with the terms of this Lease without hindrance or molestation from Town or any persons lawfully claiming through Town.

21. ATTORNEYS' FEES

In the event of any legal action between Town and Tenant to enforce any of the provisions and/or rights hereunder, the unsuccessful party to such action agrees to pay to the other party all costs and expenses, including reasonable attorneys' fees incurred in prosecuting or defending such action, and if judgment is recovered in such action or proceeding, such costs, expenses and attorney's fees shall be included in and as a part of such judgment.

22. NOTICES

Any notice required to be given by or to either Town or Tenant pursuant to this Lease, shall be in writing and shall be forwarded by certified mail, postage prepaid, addressed as follows:

For Town:	For Tenant:
Town of Florence	_____
Town Manager	_____
P.O. Box 2670	_____
775 North Main Street	_____
Florence, AZ 85132	

23. WAIVER

A waiver of any breach of this Lease, or of any of the terms or conditions by either party hereto, shall not be deemed a waiver of any repetition of such breach or in any way affect any other terms or conditions hereof. No waiver shall be valid or binding unless it shall be in writing and signed by the parties.

24. CANCELLATION OF AGREEMENT

Pursuant to A.R.S. § 38-511, the provisions of which are incorporated herein by reference, all parties are hereby put on notice that this Lease is subject to cancellation by Town if any person significantly involved in initiating, negotiating, securing, drafting or creating this Lease on behalf of Town is, at any time while this Lease or any extension of this Lease is in effect, an employee or agent of Tenant in any capacity or a consultant to Tenant with respect to the subject matter of this Lease.

{BALANCE OF THIS PAGE LEFT BLANK INTENTIONALLY; SIGNATURES AND ACKNOWLEDGEMENTS APPEAR ON FOLLOWING PAGE]

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IN WITNESS WHEREOF, Town and Tenant have executed this Lease as of the day and year first written above.

TOWN:

TOWN OF FLORENCE, an Arizona municipal corporation

Tara Walter, Mayor	Date
ATTEST:	**APPROVED AS TO FORM:**
Lisa Garcia, Town Clerk	Clifford L. Mattice, Town Attorney

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TENANT:

_____, an Arizona limited liability company

By: _____

Its: _____

Date: _____

STATE OF ARIZONA)
) ss.
County of Pinal)

On this ____ day of _____, 2020, before me, the undersigned Notary Public, personally appeared _____, a married woman on her own behalf and that as such, being authorized so to do, executed the foregoing instrument for the purpose therein contained on behalf of the said company.

(Seal and Expiration Date)

_____
Notary Public

My Commission Expires:

_____

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EXHIBIT A

Business Description

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EXHIBIT B

[PLACE HOLDER FOR ALL PERMANENT TENANT IMPROVEMENTS]

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Request For Proposals

Silver King Marketplace Lease
440 North Main Street, Suite 201

Town of Florence
775 North Main Street, Florence, Arizona 85132

Submittal Deadline:
day; date; time MST

BACKGROUND

The Silver King Marketplace is located at 440 North Main Street, Florence, Arizona, and is owned by the Town of Florence. The building contains four suites that are leased to commercial tenants. Suite 101 has 570 SF, Suite 102 has 1,424 SF, Suite 201 has 728 SF, and Suite 202 has 1400 SF . Suites may be leased for retail and non-retail uses subject to local, state, and federal laws and regulations. This is a prime location in historic downtown Florence that is just blocks from multiple government offices, across the street from McFarland State Historic Park, and in close proximity to residential areas. **Attachment A** contains a Location Map for the property.

CURRENT CONDITIONS

The property is located at the northwest corner of Main Street and 6th Street, Florence, Pinal County, Arizona 85132. The property is located in the Florence Townsite Historic District and the Downtown Redevelopment Area. The requirements of A.R.S. §36-1471 et. seq. apply since the Silver King Marketplace is within the Town's designated redevelopment area. More information about the Downtown Redevelopment Area can be found at the following link: http://www.florenceaz.gov/directory-of-documents.

Key considerations with respect to the site include:

- **Government Property Lease Excise Tax (GPLET)**. GPLET applies to buildings owned by a government entity that are leased wholly or in part by a private party lessee. A.R.S. §42-6201 et. seq. requires the Town of Florence, as the lessor of government property, to annually file a GPLET return with the Pinal County Treasurer's office with a copy to the lessee. The GPLET is based on the square footage and use of the building that is occupied by the lessee. GPLET is due and payable to the Pinal County Treasurer on or before December 1 of each calendar year. All such taxes must be paid by the lessee.
- **Zoning.** Zoning is Downtown Commercial (DC). The complete zoning ordinance can be accessed at www.florenceaz.gov
- **Topography.** The site is basically level.
- **Floodplain.** According to the flood control maps, the subject property is located in a Zone X, FIRM Map # 04021C0867E, effective December 3, 2007**.**
- **Utilities/Services.** Utility providers for the site are as follows:

  - **Electricity –** Arizona Public Service
  - **Water –** Municipal service/Town of Florence
  - **Telephone –** CenturyLink
  - **Sanitary Sewer –** Municipal service
  - **Natural Gas –** Southwest Gas
  - **Fire –** Town of Florence
  - **Police -** Town of Florence
  - **Free public WiFi**

- **Adjacent Improvements.** The Town of Florence owns Padilla Park that is

adjacent to the building. The park provides an onsite social gathering area with a patio for dining, a splash pad feature, and a special event area.

The information provided is intended for background information only and the Town of Florence encourages potential tenants to conduct their own independent, professional feasibility studies. **Attachment B** Property Lease Policy and **Attachment C** Silver King Marketplace Lease are provided for reference.

SUBMISSION REQUIREMENTS

Complete proposals must be compatible with the Redevelopment Plan, updated February 2009, and will include the following:

Development Entity

1. A clear and precise narrative description of the proposed use of the suite.
2. A specific time schedule and benchmarks for development.
3. A detailed business plan that includes ownership structure, budget, and anticipated impact of the business.
4. Any other information that is pertinent to the proposal scoring criteria.
5. Name, address, and phone number of the primary contact person.
6. Three (3) references that can comment on the Responder's business experience. Include names, phone numbers, physical addresses, and email addresses.
7. Completed forms:
    - **Attachment D** – Demonstrating Lawful Presence Form
    - **Attachment E** - Deviation/Compliance Certification Form
    - **Attachment F** – Addendum Acknowledgement Form
    - **Attachment G** – Participation in Boycott of Israel Form

Proposal Evaluation Criteria

1. Compatibility with neighboring uses and consistency with applicable land use regulations including the General Plan. (15 points)
2. The "Redevelopment Plan, updated February 2009, including all proposed phases and timetables.
3. Submittal of a business plan. (15 points)
4. Experience of the applicant in the proposed business or venture including similar projects. (15 points)
5. Financial capability or backing of the applicant including credit history, prior lease history, and assets that will be used to support the proposed development. (15 points)
6. Number of employees. (10 points)
7. Other financial impacts such as tax revenues, stimulation of related or spin-off economic development. (20 points)
8. Other long term social and economic development benefits. (10 points)

Submission Deadlines and Timeline

Three copies of the completed **SEALED** proposal must be submitted no later than time p.m. Mountain Standard Time on **day, date**. Proposals should be labeled

"SILVER KING MARKETPLACE LEASE, 440 NORTH MAIN STREET, SUITE 201 or 202" and addressed to:

Town Clerk
Florence Town Hall
775 North Main Street
Florence, Arizona
85132

Questions regarding the proposal or property can be directed to Jennifer Evans, Management Analyst, 520-868-7549, Jennifer.evans@florenceaz.gov. Any addendum or clarification will be posted on the Town's website.

An open house will take place on (two weeks before deadline) from 4:00 p.m. to 6:00 p.m. Attendance is not mandatory but will allow potential tenants to view the suites.

Reservation of Rights

The Town of Florence reserves the right to reject or accept any and all submittals received. The Town of Florence reserves the sole right to evaluate the submittals received, waive any irregularity, evaluate and select any preferred firm/Team, and/or reject any and all submittals. The Town may contact the identified individual or firm during its review of submittals for additional clarification/information. The Town of Florence also reserves the right to hold any or all submittals for a period of 45 days after the date of award. The Town Manager will negotiate the lease agreement and the Town Council will approve the use of the suite. The Town retains the right, in its sole discretion, to cease agreement negotiations with any Responder prior to final approvals and initiate negotiations and enter an agreement with the next highest scoring responder.

Protest Procedure

Bid protests shall be submitted in writing to: Town Manager, Florence Town Hall, 775 N. Main Street, P.O. Box 2670, Florence, Arizona 85132, phone (520)868-7500 or (520)868-7502 (TDD Relay) within 72 hours of notification of award. Protests must contain at a minimum, the name, address, and telephone number of the protestor; the signature of the protester or its representative and evidence of the authority to sign; a detailed statement of the legal and factual grounds of the protest including copies of relevant data; and the form of relief requested. Within five business days of receipt, and after consultation with legal counsel, the Town Manager will respond to the protest. The Town Manager's decision shall be final.

Attachment A

Belva's Real Estate, L.L.C.
150 N. Main Street, P.O. Box 1188
Florence, AZ 85132
520-868-3520

March 9, 2020

Town of Florence

E-mail: Lisa.Garcia@florenceaz.gov

Re: Downtown Commercial Market Rent Value

To Whom It May Concern:

As requested, I have reviewed the market value of Downtown Main Street Rentals. As I am not an appraiser, I am only able to give a comparable market analysis based on my opinion.

I have reviewed current Downtown rental properties. The average rental is $0.51 per square feet. Tenant's are responsible for their own utilities.

Should you require further information or have any questions, please feel free to contact me.

Cordially,

Cindy ~~L.~~ Sills, Broker
Cell# 520-560-5899

	TOWN OF FLORENCE COUNCIL ACTION FORM	**AGENDA ITEM 18.**

MEETING DATE: March 16, 2020

DEPARTMENT: Public Works

STAFF PRESENTER: Chris Salas, P.E.
Public Works Director

SUBJECT: Street Light Improvement District Work Session

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

☒ **Other**

STRATEGIC PLAN REFERENCE:

☐ Community Vitality ☐ Economic Prosperity ☐ Leadership and Governance

☐ Partnership and Relationships ☒ Transportation and Infrastructure

☐ Statutory ☐ None

RECOMMENDED MOTION/ACTION:

Work Session on Street Light Improvement Districts

BACKGROUND/DISCUSSION:

The Public Works Director/Town Engineer will provide an update to Council on his SLID analysis. If Council is ready to move forward, staff will bring ordinance changes in May. Mesquite Trails has six SLIDs under review at this time. Staff is using the submittal to align policies and procedures internally. Once this is complete, staff will present the updated policy to Council for review; the estimated time frame is July 2020.

On November 19, 2019, the Town Council held a work session on the Street Light Improvement District Policy, Procedure, and Ordinance. Minutes of that meeting have been attached for your review. Per the direction of the Town Council, researched existing Street Light Improvement District (SLID) codes, policies and procedures to validate that the Town is consistent with the State of Arizona Revised Statutes (A.R.S.) Title 48 and best practices are used in the application SLIDs.

Pursuant to the provisions of Arizona Revised Statutes Title 48, Chapter 4, Arizona cities and towns may order the formation of Street Light Improvement Districts to pay for the electricity, operation and maintenance of street lighting systems on public streets and parks. There are three options available, as authorized in A.R.S., which are described in Table 1 below.

Table 1

Option	Description	When Used	Public Support
Unanimous Petition	Signed by all property owners prior to final plat approval	Used for all new residential/commercial development	Support by all property owners
Majority Petition	Initiated by an existing neighborhood or commercial development	Existing residential/commercial development	Support by a majority of property owners
Municipality Initiated	Initiated by the municipality	Existing residential/commercial development	May or may not have support of the residents

As can be seen from Table 1, the public support for a Street Light Improvement District is a major determining factor in which option is chosen.

In new development where all of the property in still under a limited number of owners, the Unanimous Petition is the most common option. The municipality can require the developer to initiate the formation of the SLID prior to final plat approval by executing a petition for its formation with the signatures from all owners, which prior to the final plat will be the developer. The municipality then proceeds by adopting a resolution or ordinance declaring its intention to make public improvements pursuant to A.R.S. Section 48-576.

In an existing residential or commercial development, having all the property owners in support would be rare. In that case the Majority Petition is most often used. In this option, a majority of property owners (51%) must sign a petition for the Town to proceed with formation of the SLID. After the resolution of any protests made pursuant to A.R.S. Section 48-507, the municipality can move forward with the formation of the SLID.

For the Municipality Initiated process, the Council would adopt a resolution or ordinance of intention to form the SLID and would hold a public hearing. If the municipality is presented with written protests or a petition protesting the formation of the SLID signed by a majority of the property owners within the proposed SLID, resolution of those protests should be attempted by the municipality before the district formation proceeds; however, such protests would not prevent the municipality from proceeding with the subsequent order of formation subject to notice, hearing, and protest as provided for in the A.R.S. Section 48-576 and their municipal code.

We reached out to other communities to see if they had ever used a municipal initiated process without the majority of property owner's support. As described below, none of the agencies have utilized that approach.

The City of Peoria requires the formation of a SLID for new public residential streets in new development projects. Any streets lights on adjacent arterial or collector streets fronting the new development are installed by the development but are not included in the SLID. Costs for the operations and maintenance of those lights are paid by the City.

Private streets such as gated communities are not required to form a SLID but if there are streetlights, the HOA would be responsible to pay for the operations and maintenance costs. Peoria has not initiated the formation of a SLID in an existing neighborhood or commercial development. Any developments completed prior of the authority to form SLIDs continue to be an obligation to the City for all costs to operate and maintain.

The City of Surprise also requires the formation of a SLID for the operating costs associated with streetlights on public streets within all new residential and commercial developments. Streetlights installed by the developer on arterial or parkway streets are not included in the SLID and the City assumes the operating cost for those lights. The petition to initiate the formation of the SLID is required prior to approval of the final plat or site plan. The developer is responsible for all capital costs to install the street lighting system which is then turned over to the City as the owner. Surprise has also formed SLIDs through the majority petition process where a neighborhood has requested streetlights. Surprise requires the petition to have at least 50% plus one owner in support for the formation to proceed. In 2009, Surprise did attempt to garner support for a SLID in an existing neighborhood without first getting a majority petition. A letter was sent to all residents and staff followed up by going door to door describing the process and asking residents to sign the petition in support. Surprise was not able to get the required majority of residents to support the SLID and the effort was cancelled.

Answers to Questions previously asked:

Forming an Improvement District in established areas:

If Council voted to establish a SLID within an established area, the Town would be the applicant and establish boundaries. The Town would circulate the petitions to the property owners within those boundaries (current town policy only states APS service areas). Once the signatures have been acquired and the petitions are submitted, the Town Council has the final approval for the formation of an Improvement District.

What is the benefit to forming an Improvement District?

Improvement Districts have the authority to assess properties and impose ad valorem property taxes to distribute the cost of improvements among the properties benefited. (The county collects taxes on behalf of the district in a similar manner as property taxes.) As decisions are made in open meetings the residents have the opportunity to be heard on issues concerning the system and the district. An Improvement District is considered a political subdivision of the State of Arizona, which is a governmental agency and cannot profit. Fees charged shall cover the cost to construct, repair and operate the improvement.

Who is responsible for financing an Improvement District?

The fees charged to the properties benefited by the improvement cover the financing of a district. It is the responsibility of the District Board to establish these fees, but it is the obligation of the users of the system to pay for the construction and operations of the improvements.

A.R.S. State Statues

48-615. Special provisions relating to Improvement Districts for purchasing electricity for lighting public streets or parks

A. If a petition for the formation of an Improvement District to purchase electricity for street or public park lighting is presented to the governing body, which purports to be signed by all of the real property owners in the proposed district, exclusive of mortgagees and other lienholders, the governing body, after verifying such ownership and making a finding of such fact, shall adopt a resolution of intention to order the improvement pursuant to the provisions of Section 48-576 and shall have immediate jurisdiction to adopt the resolution ordering the improvement pursuant to provisions of Section 48-581, without the necessity of publication and posting of the resolution of intention provided for in Section 48-578.

B. If a petition for the formation of an Improvement District for off-street parking purposes, and for the leasing of sites and improvement, operation and maintenance thereof is presented to the governing body, signed by the owners of a majority of the frontage of the property proposed to be contained within the limits of the assessment district, the governing body shall adopt a resolution of intention ordering the proposed improvement and cause same to be published and posted pursuant to the provisions of Section 48-578.

48-616. Improvement Districts for purchasing energy for lighting public streets and parks

A. In addition to the purposes for which an Improvement District may be formed under the provisions of Section 48-572, an Improvement District may be formed for the sole purpose of purchasing and not generating energy for the lighting of the public streets and parks of the Improvement District.

B. Subject to the limitations contained in this section, the powers and duties of the governing body of a municipality shall be as provided in this article for other types of Improvement Districts.

C. The governing body shall make annual statements and estimates of the expenses of the district which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all the property real and personal

in the district or by an equal apportionment of taxes based on the number and classification of properties within the district, publish notice of the statements and estimates, hold hearings on them and adopt them at the times and in the manner provided for incorporated cities and towns' statements and estimates by applicable portions of title 42, chapter 17, article 3, and the governing body, on or before the third Monday in August each year, shall fix, levy and assess the amount to be raised by ad valorem taxes or by an equal apportionment of taxes upon all of the property of the district and collect as county taxes are collected the amounts shown by the statements and estimates as adopted by the governing body. All statutes providing for the levy and collection of general county taxes, including collection of delinquent taxes and sale of property for nonpayment of taxes, are applicable to the district taxes as provided to be levied by this section.

D. An Improvement District formed under the provisions of this section shall not be authorized to issue bonds, and no assessment for district purposes against the property within such district shall exceed one dollar twenty cents per one hundred dollars of assessed valuation thereof in any year.

E. No such district is authorized to engage in any activity other than contracting for and purchasing of energy for street and public park lighting.

F. In the event the municipality is willing to participate in the costs of the lighting of streets in such Improvement Districts, the governing body may by resolution summarily order such participation. If the municipality is willing to assume the total cost of such lighting, the council may summarily dissolve the district by resolution after payment of all liabilities.

G. The formation of an Improvement District for street and public park lighting under the provisions of this section shall not prevent the subsequent establishment of Improvement Districts for other purposes, including Improvement Districts for the purpose of constructing street lighting facilities within any part or all of the same territory.

H. In the event an Improvement District is formed which includes the construction and operation of street lighting facilities within all or any part of the territory of a district formed under this section, the governing body may by resolution summarily delete from the district formed under this section any area covered by a subsequently formed district and form a new district from the balance of the original district formed under this section.

I. The rate to be paid for the purchase of energy may include a charge for electric power, natural gas and other forms of energy and a charge for the use of lighting facilities if the established rate of the public service corporation or public agency

imposes such a charge for the type of lighting facilities which the governing body determines shall be installed in accordance with Section 48-617, Subsection C.

J. In either a new or existing Improvement District organized for purposes prescribed by this section, a majority of the real property owners may petition the governing body to levy ad valorem taxes or to equally apportion the taxes based on the number and classification of properties within the district. If the petition is signed by the required number of owners of real property in the district, the governing body of the district shall declare the petition approved and shall provide that beginning on a date certain, all subsequent taxes levied for the benefit of the district shall be assessed and levied as prescribed by this subsection.

48-617. Special provisions relating to Improvement Districts for purchasing energy for lighting public streets or parks

A. If a petition for the formation of an Improvement District to purchase and not generate energy for street or public park lighting is presented to the governing body, which purports to be signed by all of the real property owners in the proposed district, exclusive of mortgagees and other lienholders, the governing body, after verifying such ownership and making a finding of such fact, shall adopt a resolution of intention to order the proposed improvement pursuant to the provisions of Section 48-576 and shall have immediate jurisdiction to adopt the resolution ordering the improvement, pursuant to the provisions of Section 48-581, without the necessity of publication and posting of the resolution of intention provided for in Section 48-578.

B. If a petition for the formation of an Improvement District to purchase energy for street or public park lighting is presented to the governing body signed by a majority of the real property owners in the proposed district, the governing body shall adopt a resolution of intention to order the proposed improvement and cause same to be published and posted pursuant to the provisions of Section 48-578, and unless protests received pursuant to Section 48-579 are sufficient to bar further proceedings, the governing body shall thereafter proceed with the improvements so petitioned.

C. At the time of the adoption of the resolution of intention pursuant to the provisions of Section 48-576, the governing body shall determine the type of lighting facilities to be installed and consider the rate to be paid for purchasing the energy for the proposed district.

A VOTE OF NO WOULD MEAN:

Not Applicable

A VOTE OF YES WOULD MEAN:

Not Applicable

FINANCIAL IMPACT:

Staff will complete an analysis based on Council direction prior to adoption of Policies or Ordinance.

ATTACHMENTS:

Power Point Presentation
November 19, 2019 Minutes

STREET LIGHT IMPROVEMENT DISTRICT

Town of Florence

Public Works Department

DEFINITION

- A Street Light Improvement District (SLID) is a neighborhood partnership and very common practice in which property owners in a defined area agree to pay the costs to operate and maintain their immediate area's street lights through a property tax.

OTHER COMMUNITIES THAT HAVE SLID'S

- All new developments in the City of Surprise require a SLID for streetlights on collector or local roadways.
- The City of Apache Junction utilizes a special district mechanism to fund the installation and energy costs of streetlights placed in residential subdivisions.
- Maricopa County - A Street Lighting Improvement District (SLID) may be formed for the sole purpose of paying for the energy to power street lights on the public streets and parks. The SLID provides the means for purchasing energy for lighting public streets and parks. The SLID also provides a mechanism to split these energy costs among all property owners in the SLID.
- The City of Scottsdale's streetlight improvement districts were established beginning in 1971 to allow taxpayers residing in the benefiting area to pay for the operation of the streetlights. The City currently has 355 streetlight improvement districts formed by petition of the property owners for the sole purpose of purchasing electricity for the lighting of public streets.

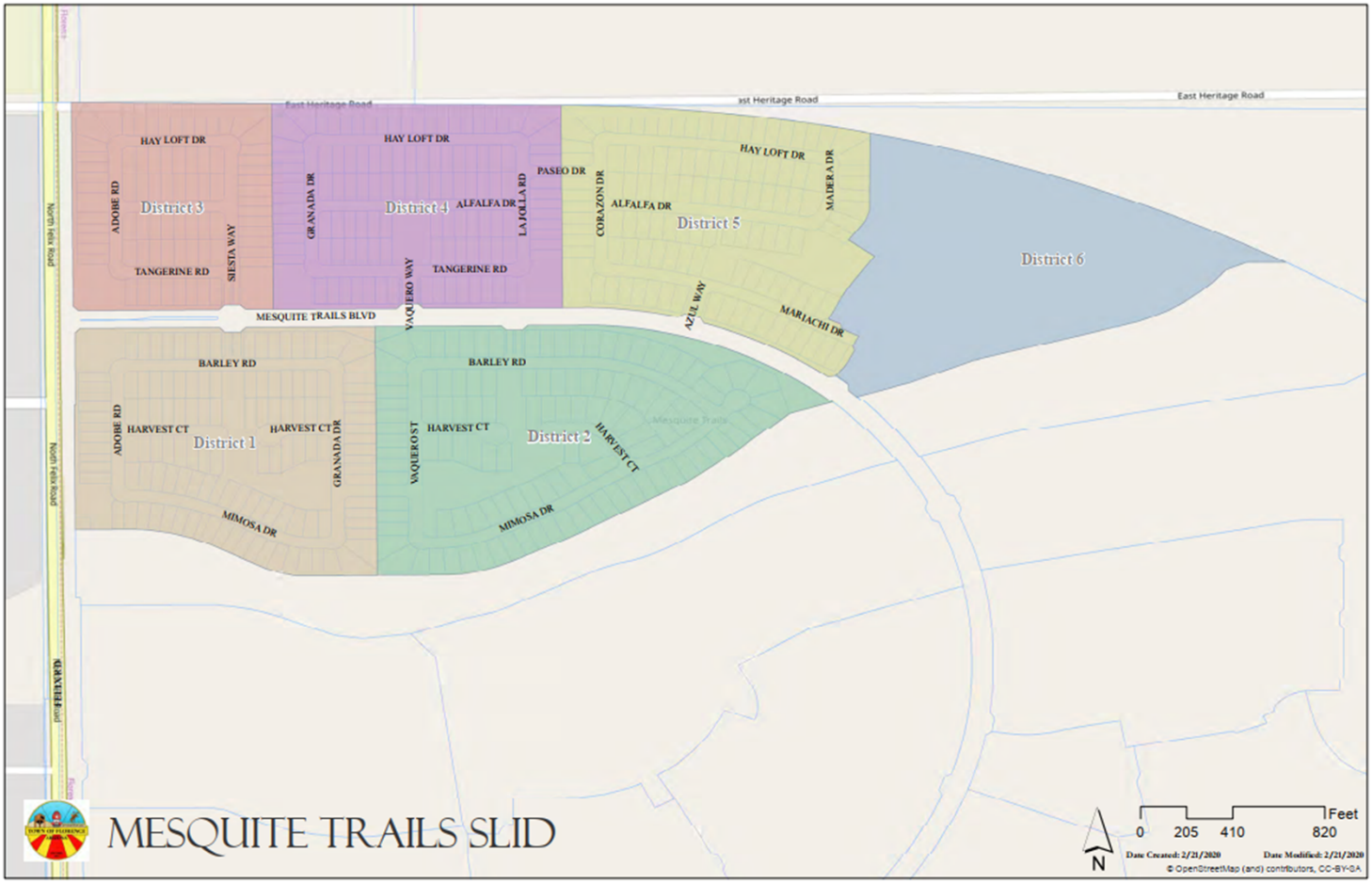
OTHER COMMUNITIES THAT HAVE SLID'S

- Buckeye - All new development is subject to the implementation of a Streetlight Improvement District (SLID) in accordance with Town of Buckeye Ordinance 43-05 as found in Chapter 20, Article 20-15-1 of Town Code and in Resolution No. 109-12.
- Queen Creek - The Town is the administrator of over 100 Street Light Improvement Districts (SLIDs) at the time of budget development. The fund receives revenues through an assessment on secondary property tax that pays for the electricity consumption in the districts.
- Showlow
- Litchfield Park
- Gilbert
- Peoria

NEW SLID'S FORTHCOMING

- Each new sub-division is required to form a SLID before the Final Plat is recorded.
- Mesquite Trails has already submitted their application
- Many, many more to come

FUTURE SLID'S



USE OF HURF FOR STREETLIGHTS

- Previously asked, 'Is still an opportunity to determine how many streetlights could be paid by the HURF fund in the Anthem area so that the residents will not have to pay for those streetlights. The lights would be the ones in the arterial roadways as well as density lights.'

USE OF HURF FOR STREETLIGHTS

- Response – The State law covering the use of HURF doesn't delineate to this level. Several communities pay both the lights on the arterial streets as well as the lights interior to the sub-division.

HURF REVENUES – GAS TAX

- Arizona gas taxes were last increased in 1991
- Cars are more fuel-efficient reducing total revenue per mile driven
- Tires pressures have increased, causing the roads to see more of the loads and increase wear to the roads
- Electric and hybrid vehicles cause similar wear to the roads but don't contribute as much to the revenue stream to repair the roads
- Public Works Street Departments across the nation, including at the State and Federal level, have been asked to do the same with less for a long time

HURF REVENUES – GAS TAX

- House Bill 2899 aims to increase gas 6 cents per year over the next 3 years
- House Bill 2899 aims to increase registration fees for electric vehicles

HURF REVENUES – PRISON CLOSING

- Highway Users Revenue Fund (***HURF***) – Decreases from $2,028,423 in FY20 to $1,752,019. This is an annual loss of ***$276,404*** to the HURF/Street Maintenance Fund
- Loss of Pinal County Transportation Excise Tax (***TET***) Revenues – Decreases from $1,274,910 in
  FY20 to $1,110,121. This is an annual loss of ***$164,789*** to the HURF/Street Maintenance Fund
- Total revenue reduction of **$441,193**

CONCLUSION

- Revenue streams continue to decrease
- The streets CIP is not fully funded based on the improvements needed for Hunt Highway both in terms of maintenance and widening
- Paying for streetlights out of HURF will mean less money available for maintaining the streets, the primary purpose of HURF

CONTACT US

- Town of Florence:
  - Christopher Salas, City Engineer
  - Brent Billingsley, City Manager

QUESTIONS

MINUTES OF THE TOWN OF FLORENCE COUNCIL REGULAR MEETING HELD ON MONDAY, NOVEMBER 18, 2019, AT 5:30 P.M., IN THE FLORENCE TOWN COUNCIL CHAMBERS, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.

CALL TO ORDER

Mayor Walter called the meeting to order at 5:30 pm.

ROLL CALL:

Present: Tara Walter, John Anderson, Bill Hawkins, Karen Wall, Kristen Larsen, Michelle Cordes, Judy Hughes

WORK SESSION ON CERTIFICATE OF NEED FOR AMBULANCE SERVICE

Mr. David Strayer, Fire Chief, stated that the citizen survey results were released during the October 28, 2019 work session. One of the questions posed was if the residents were in favor of fire/ambulance transport and 60% voted in favor of it.

Chief Strayer stated that there are several communities that are obtaining their Certificates of Need (CON). The CON is issued through the Arizona Department of Health Services. Mr. Riles has navigated the process for several communities.

Mr. Roy Ryals, James Vincent Group, provide a presentation on the Certificate of Necessity Process, in which he outlined the following:

- Certificate of Necessity
  - Arizona Department of Health Services regulates ambulance services
    - What territory you may provide the service in
    - Rates
    - Response time
    - Qualifications of personnel
    - Equipment
- Elements
  - Feasibility Study (optional)
  - Application (Required)
  - Waiver of Hearing Process (only if no objection)
  - Full Hearing (If objections are received)
  - Needs Assessment (optional)
- Feasibility Study: (Optional)
  - Five -year proforma of financial implications to City (P&L)
    - Incremental costs and revenue
    - Allocated costs
  - Operational Analysis
    - Response time performance
    - Geographic analysis
    - Utilization of Ambulance Analysis (Unit Hour Utilization)
  - Multiple Models (2) are included, if desired

- Application: (required)
  - Extensive Information needed to meet Statute and Rules requirements
  - Must be filed on appropriate forms
  - Includes Financial Proforma for one year (GAP)
  - Includes response times, rates, personnel, territory and other operational information
- Application Review by ADHS:
  - Administrative Review (30 days)
    - Additional information requests (suspends the 30-day requirement until answered)
  - Substantive Review (Usually 30-60 days)
    - Concentrates on Financials and any other questions
    - ADHS has about the application
  - Once complete it is transferred to the Office of Administrative Hearings
- Waiver of the hearing process
  - Only applies if there is no objection of other CON Holders (AMR)
  - 30-day Notice given to any interested parties, and published in a newspaper of general circulation in the area
  - If no request for Hearing is received, the Director may issue the CON without a hearing
- Hearing Process:
  - Conducted by an Administrative Law Judge (ALJ)
  - Limited to 10 business days (unless unusual circumstances).
    - Evidence is put on by both sides
  - The Judge makes a Findings of Fact and Conclusions of Law & Recommended Decision
  - The Director of ADHS makes the final decision (appealable to Superior Court)
  - Overall time frame, from time of application, not to exceed 450 days
- Needs Assessment (optional)
  - May be helpful if there is opposition to the application
  - Assesses community perceptions of the current model, needs and community desires for Florence to get a CON
  - The Director is required to take a Needs Assessment adopted by the Town Council into consideration when making her decision
- Considerations for Council:
  - A Feasibility Study gives the Council independent information on the financial and operational implications of operating the ambulance service, looking at various models, for the next five years.
    - At that point, a fully informed decision can be made.
  - A full and complete application that meets Statute and Rules is required regardless if it is going by waiver or a full hearing.
  - If a hearing is required, it is highly recommended that the town be represented by outside counsel experienced in CON Hearings
  - The ultimate decision in a contested case is "What is in the best interest of the citizens", and, is there a need for an additional CON provider to meet those needs?

Councilmember Hawkins inquired how many towns in Arizona, that are the size of Florence, operate their own ambulance service.

Mr. Ryals stated that the following cities have a CON: Goodyear, Sun City, Casa Grande is applying for their CON, Timber Mesa (near Show Low), Northwest Fire District (in Tucson), and several more.

Councilmember Hawkins stated he would like to know what the private companies pay in wages, benefits, leave time, retirement, etc. so they can do a fair comparison to what municipalities offer. He would like AMR's information on what they pay and how much it costs them to run their ambulance service.

Mr. Ryals stated they review everything including uniform allocations, gas, tires, maintenance of the ambulances, etc. He stated that AMRs information is proprietary in nature and the Town may request that information from them directly; however, they can review their structure. Each ambulatory service is required to file an annual ambulance revenue and cost report.

Mr. Ryals stated that AMR is Pinal County wide and their report will reflect the entire county.

Councilmember Cordes inquired how much the feasibility study will cost.

Mr. Ryals stated that the fee would cost the Town $30,000. He explained that the application will cost $30,000 if the feasibility report is done; otherwise, the application fee will be $40,000.

Discussion occurred on the process of obtaining a CON.

Councilmember Hughes inquired if the rate is regulated and asked if it can be amended more than once per year.

Mr. Ryals stated that the rate is regulated there is a price deflator increase that one can apply for annually that is based on the medical practice index and the transportation index. The average percentage is given to each of the CON holders who have applied. You can also apply for a general rate increase if you have not applied for any increases in the previous six months. There are steps that must be taken in order to apply for the increase.

Councilmember Hughes inquired about the collectability rate.

Mr. Ryals stated that he did not have those rates readily available as there are several factors that are considered. He explained several of the factors.

Councilmember Wall inquired why the needs assessment is not done prior to the feasibility study and how the municipalities handled billings.

Mr. Ryals explained that some municipalities did the needs assessment first to determine the needs of the respective communities; however, the various steps have been done a variety of ways. Most entities hire outside billing entities or collection entities for the billings. The process is complex, and it takes expertise to understand the complex billing regulations.

Councilmember Hawkins inquired if the Town is locked in to providing service if it is not cost effective for the Town.

Mr. Ryals stated that the CON is valid for three years and the Town would be obliged to offer services during that time frame. AMR will still have a valid CON so both can service the respective areas.

Councilmember Hawkins is concerned about the Town starting an ambulatory service and then having to close it because it is not cost effective and having to lay off employees.

Mr. Brent Billingsley, Town Manager, stated that Council would make the determination to cease service and lay off employees. There would be several factors that would need to be considered.

Mr. Ryals stated that he has never seen an entity choose to allow their certificate to expire.

Councilmember Hawkins inquired if the Town had received complaints regarding the current ambulatory service and if this is why approximately 60% of the citizen survey responders preferred that the Town have their own ambulatory service.

Mr. Ben Bitter, Assistant to the Town Manager, stated that the question read: "A private company currently provides ambulance service to residents in Florence. Would you support the Florence Fire Department providing this service and collecting the user fee which may be paid by insurance?" He stated that responses received were:

- Support 59.8%
- Oppose 19.8%
- Did not know 20.0%

Councilmember Hawkins stated that the question doesn't specify why they would want the Town to have ambulance service. Many in the Town either have AHCCCS, Medicare, or no insurance.

Councilmember Cordes inquired if the fees increase when the service switches to the municipality.

Mr. Ryals stated that the fees are traditionally the same. The competition is not on the rate, but rather on service. He stated the applicant normally proposes the same rate as the current provider; however, you can propose higher or lower rates. He stated that DHS will evaluate the rates and make a recommendation on what the rates should be, which is close to what was originally proposed by the applicant.

Councilmember Cordes stated that AMRs rate may be lower because of their overhead and Florence may need to increase the rates in order to remain at the same profit level.

Mr. Ryals stated that it can vary depending on several factors; which is why a feasibility study is done. The Town would need to look at their true revenue and expenses in order to make the decision.

Vice-Mayor Anderson stated that his concern is if there are two CONs, who would answer the call.

Mr. Ryals stated that dispatch would normally dispatch the closest vehicle regardless if it is operated by the entity or AMR. The vehicles have automatic vehicle locator installed which helps

determine which ambulance is closest. There are other models; however, that he does not agree with it. It would also depend on how many vehicles are provided.

Councilmember Larsen stated that AMR is a great partner with the responders. The public has confidence in the Fire and Police personnel which may be a reason as to why they want the Town to expand on ambulance services. She thinks that a feasibility study needs to be done if the Town wishes to pursue this further.

Mayor Walter stated that there is no cost loss specifically with use of building, utilities, etc. She stated that the Town received a grant for one ambulance and there are other grants available as well. The SAFER grant will assist with paying for staff for three years. She inquired if the report goes into the source of funding as well.

Mr. Ryals stated that they do not investigate the source of funding.

Mayor Walter sees the benefit of providing multiple services between AMR and the Town. She agrees that having the feasibility study would be the first step.

Mr. Billingsley stated that staff will need to forward the request t o approve moving forward on the feasibility study to Council at a future meeting. They will need to work with the Finance Department to determine where the funds would come from as this is not a budgeted item.

Councilmember Hawkins would like the Town to survey the citizens about the ambulance service with AMR. He is not sure why the Town would want to move forward if there are no issues.

Mayor Walter stated that there will be less of an impact to the General Fund if services were provided.

Mr. Ryals suggested that the Town work with AMR to work on a joint work model. He stated that as part of the Needs Assessment, it engages the citizens about the existing provider. This gives the Town a general feel of how people perceive the ambulance service and Fire Department overall as well as the perceptions of services rendered if they used the service in the past. It also outlines what the Town is proposing and their perceptions about the proposal. He works with the developer to pose neutral questions.

Chief Strayer stated there is a reason as to why many communities are pursuing their own CON and there is value in controlling one's own destiny. The main issues are service delivery and adding capacity into the system. No one is being displaced and having the added capacity can save lives.

MOMENT OF SILENCE

Mayor Walter called for a moment of silence.

PLEDGE OF ALLEGIANCE

Mayor Walter led the Pledge of Allegiance.

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.

There were no public comments.

PUBLIC HEARING

Public hearing and possible adoption of a text amendment to the Sign Regulations of the Development Code, with the amendment to include language as recommended by the Ad. Hoc Sign Committee.

Ordinance No. 667-19:

Mayor Walter read Ordinance No. 667-19 by title only.

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, SECTION 150.031 "DEFINITIONS" AND REPEALING AND REPLACING "PART 3 SIGN REGULATIONS," SECTIONS 150.092 TO 150.130 (CASE PZ 18-33 ORD (Second Reading).

Mr. Larry Harmer, Community Development Director, stated that the Ad Hoc Committee met from July through September 2019, examined off premise signs and had comprehensive discussion regarding signage. The Ad Hoc Committee decided the murals, kiosks, and wayfinding signage would be handled as separate items.

Mr. Harmer stated that the Community Development Department is working with the Community Services Department on murals. They are also working with Pinal County on wayfinding signage and kiosks.

Councilmember Larsen inquired about bandit signs.

Mr. Harmer stated that the bandit signs are defined, and bandit signs or A-frame signs can be used for off premise signs.

Councilmember Wall inquired if the Ad Hoc Committee submittals were incorporated into the document that Council received.

Mr. Harmer stated that draft has been left as is and their comments will be added if Council so chooses.

Mayor Walter opened the public hearing. There being no public comments, Mayor Walter closed the public hearing.

On motion of Councilmember Hawkins, seconded by Vice-Mayor Anderson, and carried (7-0) to adopt Ordinance No. 667-19: 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, SECTION 150.031 "DEFINITIONS" AND REPEALING AND REPLACING "PART 3 SIGN REGULATIONS," SECTIONS 150.092 TO 150.130 (CASE PZ 18-33 ORD.) including of the language recommended by the Sign AD Hoc Committee.

CONSENT: All items on the consent agenda 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. **Approval of Services Agreement with Florence Music Festival, LLC, for 2020 Florence Music Festival, in an amount not to exceed $24,500.**

b. **Approval of Services Agreement with Greater Florence Chamber of Commerce, for 2020 Historic Florence Art Festival, in an amount not to exceed $24,500.**

c. **Approval of the purchase of eight Panasonic Mobile Data Computers with keyboards and eight docking stations from Code 3 Technologies, in an amount not to exceed $38,635.91.**

d. **Authorization to dispose of vehicles and equipment that are no longer needed and have outlived their useful life.**

e. **Award a contract to Franklin Striping, Inc., to update existing roadway striping for CIP T-69 Pavement Preservation, in an amount not-to-exceed amount of $87,408.74.**

f. **Approval of the October 7 and October 21, 2019 Town Council Meeting minutes.**

g. **Receive and file the following board and commission minutes:**

   1. **September 25, 2019 Historic District Advisory Commission Meeting minutes.**
   2. **October 3 and October 17, 2019 Planning and Zoning Meeting minutes.**

On motion of Vice-Mayor Anderson, seconded by Councilmember Wall, and carried (7-0) to approve the Consent Agenda, as written, with the exception of Item a and Item b.

a. **Approval of Services Agreement with Florence Music Festival, LLC, for 2020 Florence Music Festival, in an amount not to exceed $24,500.**

Mr. Bryan Hughes, Community Services Director, stated that the Town issued two Request for Proposals (RFPs) for this project. They did not receive a response for the Florence Music Festival or the 2020 Historic Florence Art Festival; however, they did receive feedback and modified the RFPs and reissued the RFPs. The Town received on response for each festival and both responses were from local entities. Florence Music Festival, LLC submitted a thorough scope of

work and are seeking guidance and financial support. He stated that this would be a good partnership.

Mr. Hughes stated that the Greater Florence Chamber of Commerce responded to the RFP for the 2020 Historic Florence Art Festival and it is also a good partnership. He stated that he visited the Fountain Hills Art Festival and it has grown significantly since they started 30 years ago. He stated that he could foresee that happening in Florence as well.

Mr. Hughes stated that hopefully these two new events will help bring people to Florence and boost the Town's economy system.

Mr. Hughes stated that the agreement amounts are within the budget.

Mr. Keith Rea, Florence Music Festival, LLC, stated that they started working on the project prior to even knowing about the RFP, and now partnering with the Town of Florence, will ensure its success. He hopes to make this an annual event.

Mr. Bill Foster, Florence Music Festival, LLC, stated that they are excited to be part of this event and hope to bring a great event to Florence now, and in the future.

Mayor Walter stated that they offer great music, and everyone is looking forward to a great event.

Councilmember Cordes asked if they communicate with the business owners. She asked that the organizer of the event be mindful of putting food trucks next to restaurants.

Mr. Rea stated that vendor fees are only $50 for both days, provided that they are a Greater Florence Chamber of Commerce member. He stated that outside vendors have taken advantage of this offer; however, local businesses have not.

Vice-Mayor Anderson inquired what the dates are for both events.

Mr. Hughes stated that the music festival will take place on March 14 – 15, 2020. The date has not been determined for the arts festival.

Councilmember Hughes inquired how much of the area will be within fencing.

Mr. Rea stated that the festival will take place on the Town's soccer field and will be enclosed.

On motion of Councilmember Cordes, seconded by Councilmember Larsen, and carried (7-0) to approve a Services Agreement with Florence Music Festival, LLC, for 2020 Florence Music Festival, in an amount not to exceed $24,500.

b. Approval of Services Agreement with Greater Florence Chamber of Commerce, for 2020 Historic Florence Art Festival, in an amount not to exceed $24,500. (Bryan Hughes)

Mr. Roger Biede, Greater Florence Chamber of Commerce, responded to the RFP as it fits with their Strategic Plan. They look forward to bringing a good festival that will hopefully continue for many years. They have talked with local businesses about participating in the event. They anticipate closing Main Street up to 11th Street; however, it will be dependent on how many vendors participate.

Councilmember Larsen stated that she is excited to see this event come to fruition as they have discussed it for many years.

Councilmember Hughes inquired if there have been discussions with joining this event with car show. He stated that it may give people more options. He also inquired the event will be a juried art festival or non-juried art festival.

Mr. Biede stated that the car show is very busy. They will bring vendors to the car show. He stated that it will be a juried art festival. The date has not been confirmed because they are trying to ensure that the event does not happen on the same dates as other events.

Vice-Mayor Anderson inquired how they solicit vendors and if there are any restrictions.

Mr. Biede stated that they are using the ZAP website which solicits artists looking for events. The artists submit their work and it is judged and provides recommendations as to whom to invite. He has been provided him with the vendor list for the 4th Avenue Street Fair and Fountain Hills Art Show and will be inviting the vendors on those lists.

Mr. Biede stated that they are handling the vendors for the music festival and they have received questions about local vendors participating.

On motion of Councilmember Cordes, seconded by Councilmember Larsen, and carried (7-0) to approve a Services Agreement with the Greater Florence Chamber of Commerce, for 2020 Art Festival, in an amount not to exceed $24,500.

UNFINISHED BUSINESS

Ordinance No. 684-19:

Mayor Walter read Ordinance No. 684-19 by title only.

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, BY INSERTING §73.12 ABANDONED OR JUNK VEHICLES PARKED IN VISIBLE AREAS; RENUMBER UNARMED POLICE AIDES §73.13; AND INSERTING A NEW PENALTY §73.99 (Y). (First Reading November 4, 2019)

Mr. Daniel Hughes, Police Chief, stated that at the first reading Council posed questions with regards to the language. Staff has changed the time frame to state five business days, as requested by Councilmember Larsen. Council also inquired if the vehicles could be gifted and picked up. He was able to find a variety of agencies that would accept the donations and has the list available.

Councilmember Hawkins asked that the list be provided along with the citation.

Chief Hughes stated that they will provide the list. The goal is to educate the residents and to clean up Florence. He stated that issuing a citation would be the last resort.

Mayor Walter stated that education is important as many residents thought this item was a new item and not something already within the Town Code.

Discussion occurred on various scenarios of disabled vehicles and which would fall under this ordinance.

Chief Hughes stated that they are looking for unsightly conditions and health hazards.

Councilmember Larsen read the definition and stated that it pertains to vehicles in view.

Chief Hughes stated that the language was left status quo with regards to visibility; however, vehicles behind fences in backyards would not fall under this ordinance.

Mr. Jarret Erickson, Florence resident, asked for the definition of a junk vehicle. He has vehicles that he restores, and some people consider them junk.

Chief Hughes stated that junk vehicles are those that are unlicensed, doesn't run and are in disrepair that need major components. He stated that the public is not being asked to get rid of anything but rather to move it from the front into a fenced in area or garage.

Councilmember Larsen read the full definition of "junk vehicles" as described in the ordinance.

On motion of Councilmember Wall, seconded by Councilmember Larsen, and carried (7-0) to adopt Ordinance No. 684-19.

NEW BUSINESS

Discussion and possible action on the creation of an Economic Development Department and/or Commission.

Vice-Mayor Anderson stated that his intent is to get something on future agenda to allow Council to adopt a salary schedule and job description for an Economic Development Director. Council was provided a variety of job descriptions and his preference would be Pinal County's job description. He would also like the Town to work with Pinal County with regards to economic development.

Councilmember Larsen inquired why this position was eliminated from the Town's schedule.

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, stated that in the past there was an Economic Development Coordinator and his focus was on the Tequila Sunrise Express, which

was a passenger rail between the Town of Florence and Kearny. This did not go well, and the Town moved away from having an Economic Development Director.

Ms. Garcia stated that approximately four years later, they downgraded the position to an Economic Development Coordinator, and it was filled for several years until past Town Manager Charles Montoya worked for the Town and dissolved that position.

Councilmember Hawkins stated that they would be starting an entire new department and it will require more than one personnel position. He is concerned about bringing in industry when the Town is too far away from a major freeway, major rail nor an airport. He does not think any industry will look to Florence when they have more options elsewhere. He would like Florene to sell what they have such as tourism and quality of life. He would prefer to use the funding to promote Florence.

Councilmember Wall stated that everyone has a different idea of what economic development means. She would prefer to see a specific plan and the associated costs. She believes that this needs to compliment the revisions to the Strategic Plan. She does not think that this should move forward until the Strategic Plan update is completed. Her concern is if the costs are significant and not included in the current budget.

Councilmember Hughes stated that she thinks Florence needs an Economic Development Director. She stated it is not efficient for the Town Manager to have dual roles and the Town Manager needs to run the Town and the Economic Development Director needs to be dedicated to economic development in Town and within the region.

Councilmember Cordes stated that the Town needs a dedicated economic development position. She stated that there is money in the budget for economic development. She stated that there are staff members who work on economic development and they need a director for direction. She stated that economic development does not happen overnight, and it may take years before they see results. There needs to be realistic expectations.

Councilmember Larsen stated that Florence is behind the curve ball. She wants to see businesses thrive. She stated that the Town could host events and bring people to Florence with the amount of money for the salary of an Economic Development Director. They could also use that money to support existing businesses. She stated that staff is doing an excellent job with regards to economic development.

Councilmember Hawkins stated that he agrees with Councilmember Larsen and that Florence needs to use the money to sell itself. Florence needs to improve itself and then sell what Florence has to offer.

Councilmember Cordes stated Florence either needs to invest in itself or give the money to someone who knows how to do it; some type of action needs to be done. She if fine with going either way but wants to see action.

Mayor Walter inquired of Mr. Billingsley where the money would be best served for the community.

Mr. Billingsley stated that there have been discussions with Pinal County regarding Florence, its businesses on Main Street and what Florence is doing. He agrees with all of Council's comments. Florence does need some assistance and it would be great to have a dedicated person.

Mr. Billingsley stated that the position may have been eliminated due to fiscal reasons. He stated that four years ago the Town was in the red and has since been able to save funding each year thereafter. There has been a request for an Economic Development Director position for the last two years, and that recommendation has not moved forward from the Budget Committee due to budget reasons. They need to cut from somewhere to add this position and it is difficult to do.

Mr. Billingsley stated that he agrees with Councilmember Wall. The Town needs to finish the strategic planning update and to see what the priorities of the Council are. They can then see where economic development fits into the Strategic Plan. The General Plan and ordinances need to be updated if they want to go after industry.

Mr. Billingsley stated that his recommendation would be to see how Council envisions economic development moving forward and hire a professional consultant to develop a plan based on the existing matrix which is based on the Town's socio-economic factors. He has reached out to consultants and has been provided a scope and cost. A consultant has been chosen and could provide a basic report, under his authority should Council wish to proceed. On a different level, a consultant could provide a full economic development report on the community costing between $150,000 - $250,000. This process takes approximately six to nine months to complete.

Mr. Billingsley stated that the Town has an economic budget; however, it is very small and includes a marketing component, mailing component, and a portion of the Assistant to the Town Manager's salary. There is no funding available for an additional salary unless Council elects to find funds in the budget and transfer the money in for that salary. This would be a topic to discussed in the next budget cycle.

Mr. Tim Kavanagh, Pinal County, stated that economic development is different for everyone. He stated that if you do nothing, nothing will happen. He explained how Pinal County turned economic development around. His job is to bring in big businesses which are head of household jobs. This creates the needs for homes and retail. Other departments work on other components of economic development. They have been successful, and it shows because they have added two supervisors and have brought in $8 billion worth of companies into Pinal County, which equates to approximately 9,500 new jobs.

Mr. Kavanagh stated that Florence needs more things than industry. Florence does not have in place what is needed to bring in industry. He stated that Florence needs to devise a Strategic Plan that outlines its goals and objects and then hire the person who fits the Plan.

Councilmember Larsen stated that the Town should start moving forward on things that has been discussed for years rather than wait until the Strategic Plan update is complete.

Mr. Billingsley stated that they will start the last phase of the General Plan Update and the Redevelopment Plan in 2020. The changes are made through these plans. Discussions will start in the Spring 2020.

Vice-Mayor Anderson thanked Mr. Kavanagh for speaking to the Council. He stated that staff is doing an excellent job; however, they need someone to devote time to economic development. Florence needs to have an economic development department as does all other communities.

Mayor Walter inquired if the Town moves forward with the creation of an economic development department or commission, does this commit financial dollars at this time. She also inquired if the fast track feasibility study will determine what is best for Florence, and how long would that timeline take.

Mr. Billingsley stated that the scope of work that he was provided would use the available data and it will take approximately three to four months and will cost less than $24,999. He would bring this back at a future meeting so Council could review the scope of work to ensure that Council found it to be viable and useful. This could be utilized to make the visioning sessions with the Strategic Plan worksessions more useful in identifying the goals.

Mr. Billingsley stated that the Town does not have the staff time to devote to put something together. It would be useful to have an outside entity provide this service. Funding a position should be done during the budget process because he does not know where they can cut from in order to fund this position.

Vice-Mayor Anderson stated that the Town needs to move forward and get this item on a future agenda so they can discuss this during the budget process.

Mr. Billingsley stated that the Town works with Pinal County and has had success. If Florence goes through this process, it will help Florence know what type of person to hire.

Mr. Kavanagh stated that he is willing to assist Florence. He stated that they work hard to show that Florence is the Pinal County seat.

Councilmember Hughes inquired how long it will take to recruit for this position.

Mr. Billingsley stated that it will take approximately two and a half months.

On motion of Vice-Mayor Anderson, seconded by Councilmember Hawkins, and carried (7-0) to table the possible action on the creation of an Economic Development Department and/or Commission.

Resolution No. 1722-19:

Mayor Walter read Resolution No. 1722-19 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE FLORENCE TOWN COUNCIL RULES OF PROCEDURE, EFFECTIVE DECEMBER 18, 2019.

Ms. Garcia stated that Mayor Walter requested the following changes be made to the Council Rules of Procedure:

The Consent Agenda includes items that (i) are of such a nature that discussion may not be required, (ii) are included in the annual budget, (iii) are under $100,000 expensed to the General Fund, (iv) item that are HURF or Enterprise fund expenditures included in the CIP, (v) or have been previously studied by the Town Council. These items are adopted by a single motion and affirmative vote of a majority of the Town Council.

Ms. Garcia stated that staff has completed the changes and are submitting Resolution No. 1722-19 for Council consideration. If members of the Town Council would like to suggest additional changes, staff would be happy to bring the proposed changes for action at a future meeting.

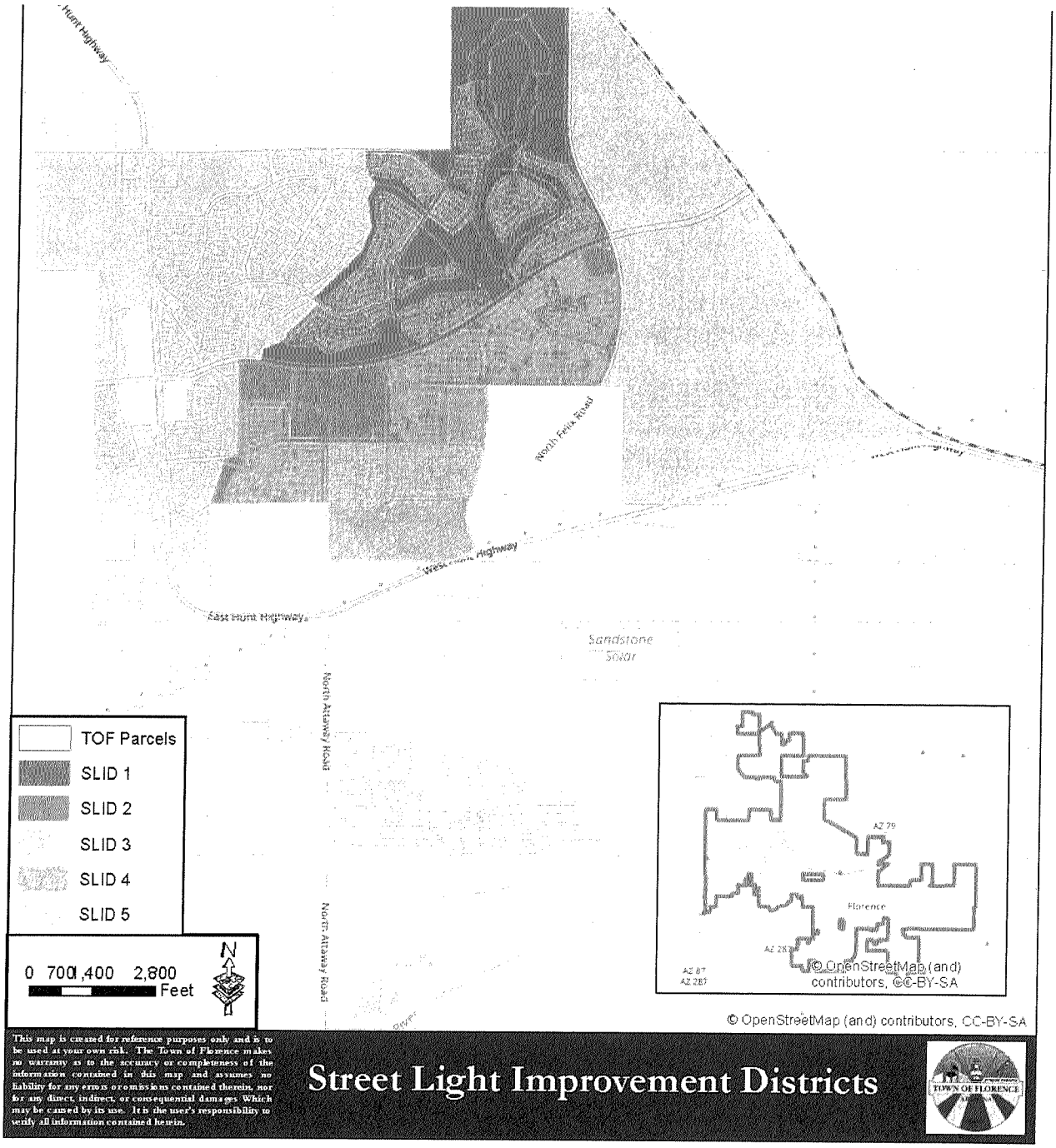
Mayor Walter stated that this will help streamline the Council meetings as the items have already been explained during the budget process and there is no need to discuss the item again. The Request for Council Action form will still provide detailed information.

On motion of Councilmember Larsen, seconded by Councilmember Hawkins, and carried (7-0) to adopt Resolution No. 1722-19.

WORK SESSION ON STREET LIGHT IMPROVEMENT ORDINANCE AND POLICY

Ms. Garcia provided a presentation on the Street Light Improvement District in which he outlined the following:

- New construction pays for itself
  - November 7, 2005 Council adopted an Ordinance Establishing
    - Commercial and residential developers responsible for
      - Design
      - Install
      - Energizing costs of streetlights on public streets, including adjacent minor and major arterial.
    - Street Light Improvement Districts will pay for the following costs:
      - Electricity
      - Operations
      - Maintenance
  - This Ordinance is for all areas within the Town Limits developed after November 7, 2005.
- Maximum charge
  - Arizona Revises Statutes
    - $1.20 per $100 of assessed valuation
  - Maximum Example:
    - $200,000 home
    - $20,000 assessed valuation
    - $240 SLID collection
  - 2012 Town stopped collecting SLID tax



SLID Creation

SLID 1	SLID 2	SLID 3	SLID 4	SLID 5
2005	2006	2007	2019	2019

SLID Account Balance

SLID 1	SLID 2	SLID 3	SLID 4	SLID 5
$107,312	$186,319	$15,457	$0	$0

Fiscal Year Collection to begin

SLID 1	SLID 2	SLID 3	SLID 4	SLID 5
22-23	24-25	19-20	20-21	20-21

FY 2019-2020 SLID 3 $0.1207 per $100 Net Assessed Valuation (NAV)
$200,000 Home = $20,000 NAV = $24 SLID Tax

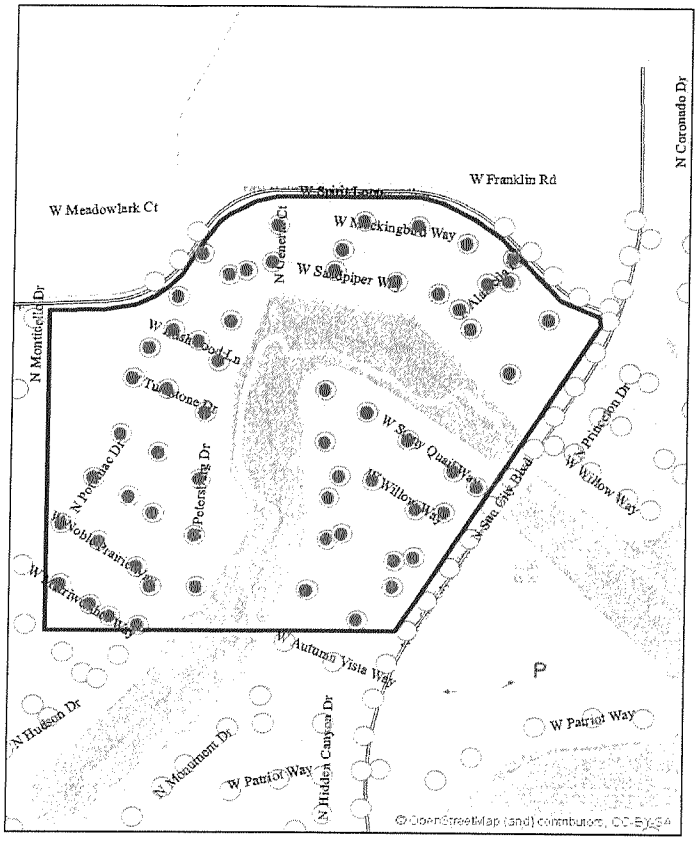
- This is far less than what could be assessed.

- Electricity Costs as of June 30, 2019

Type of Account	Cost
APS – Non-SLID	$38,696
BIA – Non-SLID	$4,564
Total Non-SLID	**$43,260**
SLID 1	$30,037
SLID 2	$29,734
SLID 3	$28,070
Total	**$87,841**

- Town has 14 active development agreements for future residential areas.
  - Have already been platted and have a Development Agreement
- Approximately 35% of Merrill Ranch has been developed.

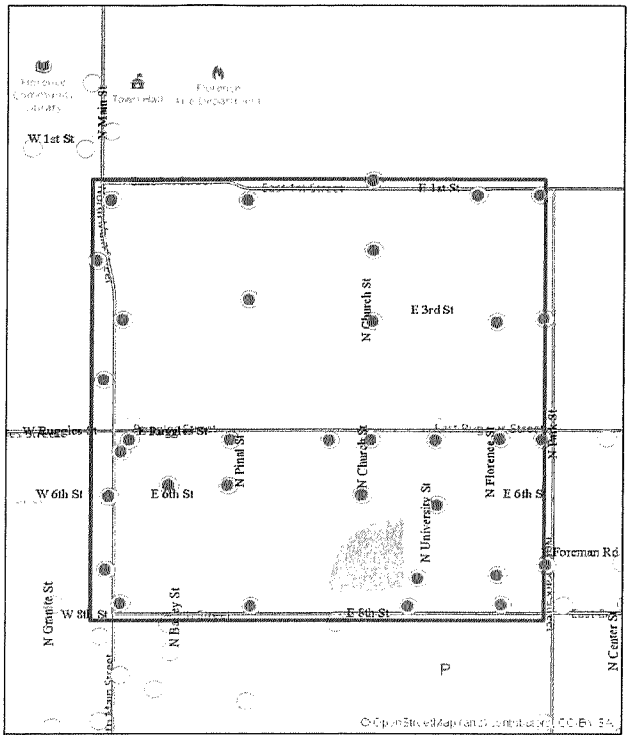
Mr. Chris Salas, Public Work Director, provided graphics that depicted the density of some of the subdivisions.



Anthem at Merrill Ranch

22.2 Street Lights
Lane Mile

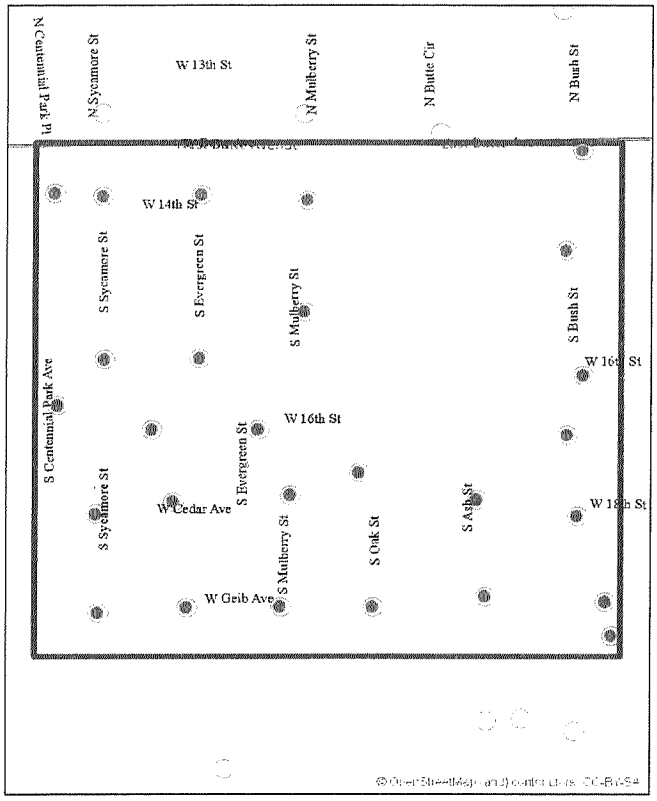
237.83 ft. avg
between Street Lights



Downtown Florence

16.8 Street Lights
Lane Mile

314.29 ft. avg
between Street Lights

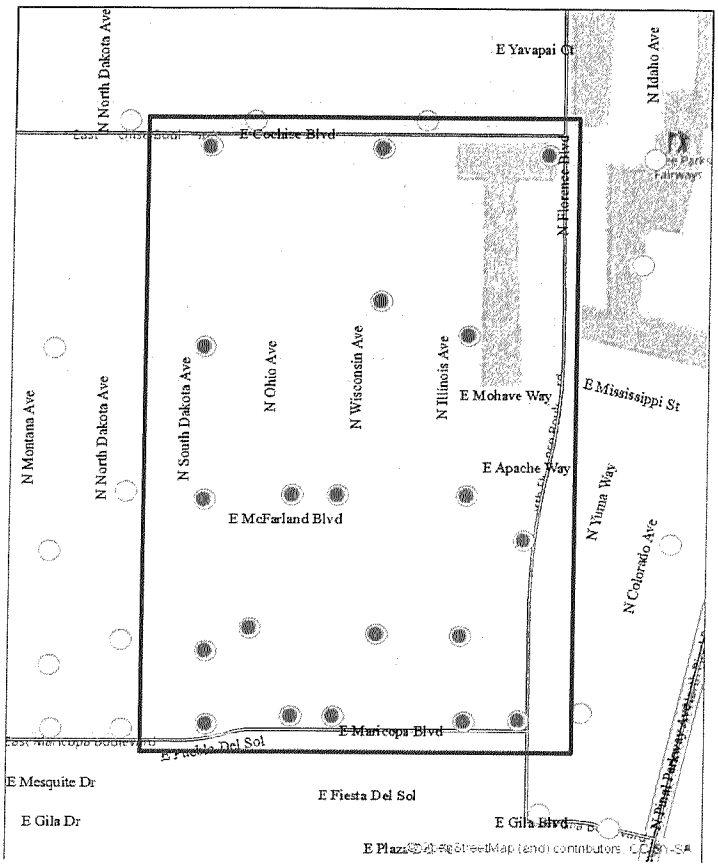


Sunrise Estates Area

15.25 Street Lights
Lane Mile

346.23 ft. avg
between Street Lights

Ms. Salas stated that this is the newest subdivision in the downtown area. There is a streetlight at the end of every street or in the cul-de-sac. This is typical. It is 75% less than Anthem at Merrill Ranch.



Florence Gardens Area

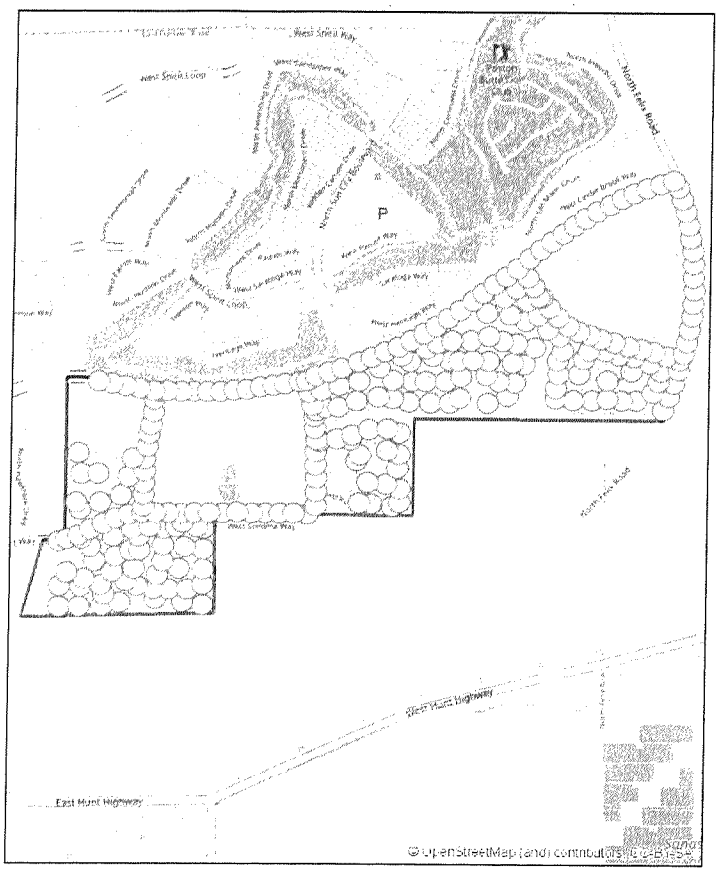
11.83 Street Lights
Lane Mile

446.32 ft. avg
between Street Lights

Mr. Salas stated that there is greater distance between the streetlights.

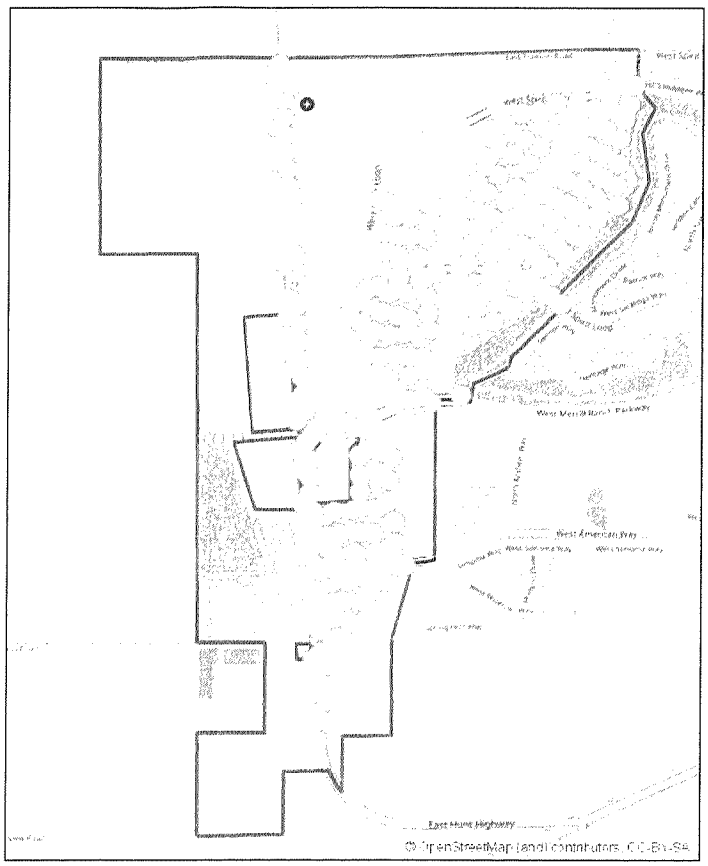
Street Light Improvement District 1

238 Street Lights



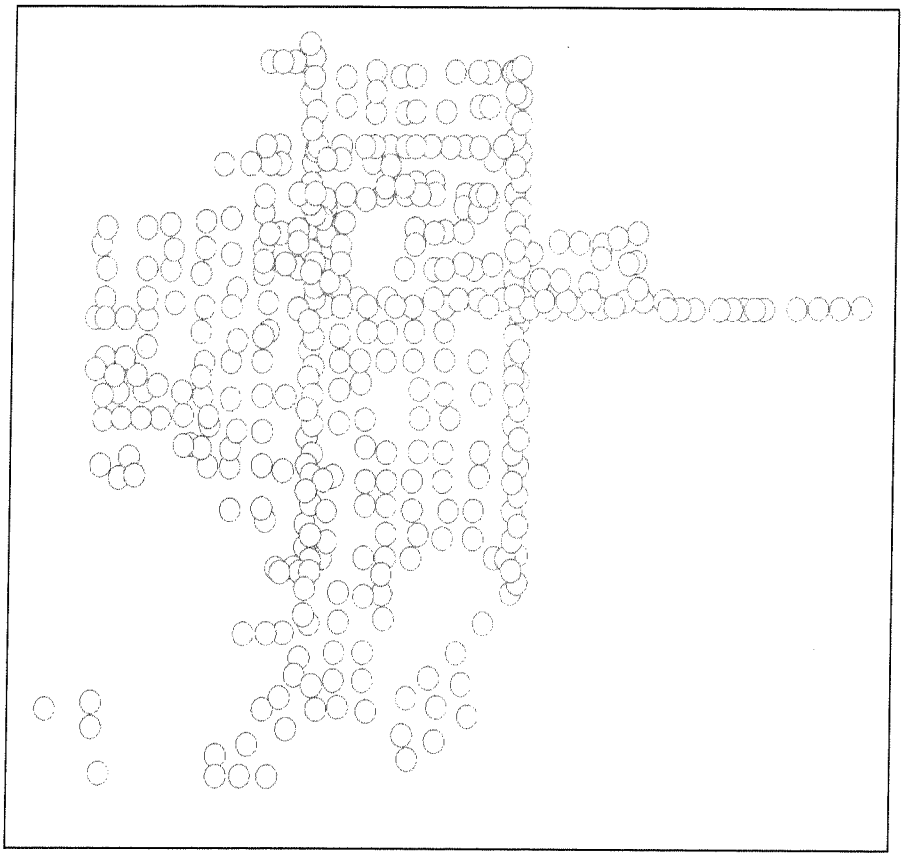
Street Light Improvement District 2

265 Street Lights



Street Light Improvement District 3

283 Street Lights



Florence

389 Street Lights
Total

Ms. Garcia continued with the presentation in which she outlined the following:

- Ordinance No. 686
  - Removes Section 4.
  - Inserts wording from ARS § 48-576
  - Provides the Town may initiate the formation of a SLID
    - Areas prior to 2005
    - Future annexation of developed property
- Updated Policy
  - Sets the adoption process
    - Unanimous
      - Happen when a single developer signs off prior to developing the land
    - Majority
      - Must get 51% of the property owners to sign off
      - Must have assessed valuation
      - Have the right to be heard if they are not in favor of the SLID formation
  - Sets process for notification for collection of SLIDS
    - APS
    - Assessor
    - Arizona Department of Revenue
  - Uniform SLID Petition
- Dissolving SLID Districts

- Requires Resolution
  - States who will absorb costs
- Town Absorbs
  - Assets
  - Liabilities
  - Existing reserves
- Abolishes or changes the original intent of 2005 Ordinance, new growth pays for itself, a growing smarter concept.

Vice-Mayor inquired if the downtown makes any modifications for lighting will a SLID need to be created. He inquired what would happen if the downtown area wanted to modify the lights to LED lighting.

Ms. Garcia stated that if any area wanted to increase the level of service, they can be asked to create a SLID.

Mr. Salas stated that modifications are outlined in the ordinance and is subject to the Council's request.

Ms. Garcia explained that the Council could elect to initiate a petition and the new policy allows for that. The previous ordinance only allowed for unanimous petition, but Mr. Billingsley did a land use clarification agreement to allow for majority petition to occur within SLID 4 and all petitions moving forward.

Councilmember Larsen inquired if residents can approach Council to form a SLID if they would like more streetlights.

Ms. Garcia stated that the residents could; however, the costs to form the SLID would be paid for by the Town as there is no developer.

Councilmember Larsen inquired if there is still an opportunity to determine how many streetlights could be paid by the HURF fund in the Anthem area so that the residents will not have to pay for those streetlights. The lights would be the ones in the arterial roadways as well as density lights. She is concerned about taxpayers having to pay for streetlights that can be paid for by HURF funds.

Mr. Salas stated that a comprehensive study will need to be done. He stated that he has spoken with other Public Works Directors and it varies greatly.

Ms. Garcia stated that an analysis will need to be done and the resolution has been modified to include this.

Councilmember Wall inquired how the density of the streetlights determined and how is the cost passed on to the taxpayers.

Mr. Salas explained that there are federal guidelines, State Codes, standards and best practices that are adhered to. He stated that the developer will determine the cost to the taxpayer as their requirements are greater than the standard requirements.

Ms. Garcia stated that in 2005, Merrill Ranch approached the Town with the standards and that growth would pay for itself. The Code was then developed for SLIDS to be created for the Anthem area. They also submitted standards to the Public Works Department, which were approved by the Public Works Director.

Vice-Mayor Anderson stated that he is concerned that the Anthem residents pay for their streetlights. He would like HURF to absorb some of the cost.

Ms. Garcia stated that there will be two SLIDS that will come before Council in the near future. They are not within the Anthem area.

Councilmember Larsen inquired when they expect to receive the analysis.

Mr. Salas stated that this is a complex study and it will take time. He anticipates that they will have a response to Council in February 2020.

MANAGER'S REPORT

Mr. Billingsley stated that there was a volunteer recruitment meeting for the POWWOW event. More volunteers are needed. He stated that they have 48 volunteers. The first POWWOW will be held on November 23, 2019.

Mr. Billingsley stated that a new Cert Course is starting. It is for five weeks and the first course is on January 26, 2020. They currently have 12 people interested and would like to have more.

Mr. Billingsley stated that the 2019 CDBG Grant application for the barrier removal project has been approved.

CALL TO THE PUBLIC

Mr. Biede thanked Council for moving forward with economic development.

CALL TO THE COUNCIL – CURRENT EVENTS ONLY

Councilmember Hawkins stated that there are false statements being made. He asked that the public attend the meetings to inform themselves about what the Council is doing. He stated that the local newspaper also has an article regarding the Council meeting. Council is trying move the Town forward by working on the Strategic Plan as well as support the local businesses. He stated that the negativity posted in social media hurts the Town.

Councilmember Hawkins invited the public to the Jr. Parada, the Jr. Parada Parade and the 3rd Friday events in the downtown area.

Councilmember Wall thanked the Greater Florence Chamber of Commerce and the Florence Music Festival, LLC for partnering with the Town to put on two great events.

Councilmember Larsen invited the public to the various events in Florence. She stated that it is difficult to move forward on some of the projects as the budget is so lean. She stated that they need to have discussions on future projects while they are working on the budget rather than after the fact.

Councilmember Cordes stated that she has attended both 3rd Friday events and invited the Council to attend the events on Main Street. She also attended the Sip N' Shop event at the Windmill Winery. She invited everyone to shop local.

Vice-Mayor Anderson stated that he attended the Joint Operations Center event. He stated that it was a simulation of the previous training that was done and covered a variety of topics such as how bills get paid, how to replace damaged infrastructure, fatalities, etc. He would like Chief Strayer to brief the Council and public about the plans in place in case of an emergency and how the public can assist in emergencies.

Vice-Mayor Anderson is concerned about the maintenance and rights-of-way in Merrill Ranch. There are several missing or dead plants on American Way. Pulte's response was that they will close the emitters so you cannot see where there are missing plants. He asked what can be done about maintaining the rights-of-way___0.

Mr. Billingsley stated that there is an IGA that requires that the rights-of-way___0 and open areas to be fully funded and maintained by the HOA. Their response was that they have an approved budget that is approved by the HOA with regards to the maintenance dollars every year. They decide which streets they will focus on, planting new trees, plants, etc. This year's approved corridor is Merrill Ranch Parkway. Residents need to work with the HOA to determine how their dollars are spent.

Vice-Mayor Anderson stated that the residents do not have a voice. He stated that the pressure needs to be put on Pulte.

Vice-Mayor Anderson thanked everyone for the Veteran's Memorial. He was very pleased with everything about the event and hopes it is annual event. They would like to have contests in the future pertaining to this event.

Mayor Walter stated that Vice-Mayor Anderson made the comment "Feed the Eagle" and she thinks that it is a great way to keep the momentum going. She asked Councilmember Larsen to bring this idea forward to the Florence Youth Commission.

Mayor Walter stated that the annual Relay for Life was held in Florence and a person came to the event and commented on how alive Main Street was for the 3rd Friday event. The business owners are making a positive impact to the community and are doing a great job.

Mayor Walter invited businesses to join the Greater Florence Chamber of Commerce. She stated that Florence has several events and invited the public to attend. She invited everyone to the POWWOW event as well.

Mayor Walter stated that a resident reached out and asked if the Town could do something for the elderly for the holiday season. She will reach out to Mr. Hughes to see if they can do something with the Senior Center.

ADJOURNMENT TO EXECUTIVE SESSION

For the purposes of discussions or consultations with designated representatives of the public body and/or legal counsel pursuant to A.R.S. Sections 38-431.03 (A)(3), (A)(4) and (A)(7) to consider its position and instruct its representatives and/or attorneys regarding:

- **Town's position and instruct its attorneys regarding pending litigation in Maricopa County Superior Court: Town of Florence v. Florence Copper, Inc. CV2015-000325, including counterclaims.**
- **Town's position and instruct its attorneys regarding Arizona Department of Environmental Quality proceedings, related to Water Quality Appeals Board Case No. 16-002, including appellate proceedings to reviewing courts.**
- **Request for Proposal for the area of land west of Heritage Park for work force housing.**
- **Special Event Permit Conditions.**

On motion of Councilmember Larsen, seconded by Councilmember Hawkins, and carried (7-0) to adjourn to Executive Session.

ADJOURNMENT FROM EXECUTIVE SESSION

On motion of Councilmember Hughes, seconded by Mayor Walter, and carried (7-0) to adjourn from Executive Session.

ADJOURNMENT

On motion of Vice-Mayor Anderson, seconded by Councilmember Hughes, and carried (7-0) to adjourn the meeting at 9:49 p.m.

Tara Walter

Tara Walter, Mayor

ATTEST:

Lisa Garcia, Town Clerk

I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on November 18, 2019, and that the meeting was duly called to order and that a quorum was present.

Lisa Garcia, Town Clerk