Article 510 Planned Area Development Procedure

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510.01 Purpose

In accordance with Article 207 of this Code, the Planned Area Development (PAD) District is intended to support the Subdivision Ordinance and accommodate both Planned Area Development and Master Planned Development subdivisions, which conform to the guiding principles, general provisions, and specific requirements for such development established in the Subdivision Ordinance. Where PAD zoning is deemed appropriate or necessary, traditional zoning regulations are modified, integrated with, or replaced by form-based or performance considerations to fulfill the objectives of the General Plan. Individual PAD Districts may be tailored to meet the specific development representations of an application. Hence, one PAD District may vary considerably from another District. This Article provides procedures for establishing a PAD District to facilitate orderly development of larger sites in the City consistent with the General Plan.

510.02 Applicability

PAD Districts may be applied to undeveloped or underdeveloped land in the City, including land proposed for redevelopment, and shall be processed as a Zoning Map amendment under the

provisions of Article 509. The procedures in this Article shall apply to all proposals to establish a new PAD District and to all proposals to ~~modify the~~amend specific provisions of pre-existing PAD Overlays approved under the prior Code, in which case the procedures in this Article shall apply to the specific provisions being modified. Properties covered by a recorded Development Agreement shall not require compliance with provisions of this Zoning code, if the provisions are superseded by the Development Agreement.~~.~~

510.03 Procedures

A. **Decision-Making Body.** A PAD District must be adopted by the City Council in accordance with the public notice and review procedures of Section 509.03 of this Code. A public hearing before the Planning & Zoning Commission and City Council is required, and the Planning & Zoning Commission shall make a recommendation to the City Council prior to City Council consideration.

B. **Review Procedures.**

1. ***Rezoning.*** An application for rezoning to a PAD District shall be processed as an amendment to the Zoning Map and shall include a PAD Plan.

2. ***PAD Plan.*** The PAD Plan shall be accepted and processed as a part of and in the same manner as an amendment to the Zoning Map, although additional information is required to be submitted in order to determine that the intent of this Code, the Subdivision Ordinance, and the General Plan will be fulfilled. A PAD Plan is defined as the documents accompanying a PAD rezoning application and may include, but not limited to land use plans and maps, development schedule and phasing plan, a landscape, opens space, and trails plan, engineering documentation and reports, a narrative explaining the proposal and expressing the design and character of the proposed development, development standards and uses, and any other documentation and imagery intended to support the proposed development being requested as identified in Section 510.03D. Once approved, the conditions of approval become a part of the PAD Plan, unless otherwise specified.

3. ***Preliminary Subdivision Plat.*** A PAD may be submitted, processed, and reviewed prior to or concurrently with the submission of a preliminary subdivision plat application pursuant to Chapter 14 of the City Code, but no permits may be issued unless and until a final plat has been approved and recorded with the Pinal County Recorder's Office.

C. **Initiation.** An amendment to reclassify property to a PAD District shall be initiated by a property owner or authorized agent or a motion of the Planning & Zoning Commission or the City Council. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership shall be submitted with the application.

D. **Application Content.** An application for a PAD, made on the prescribed form, shall be filed with the Development Services Department, accompanied by the required fee. Applications shall contain all of the following:

1. ***Legal Description.*** A legal description of the site and a statement of the number of acres, or square feet if less than one acre, contained therein.

2. ***Title Report.*** A title report not more than 60 days old verifying the description and the ownership of the property.

3. ***Project Narrative.*** A generalized narrative describing the location of the site, its total acreage, and the existing character and use of the site and adjoining properties; the concept of the proposed development, including proposed uses and activities, proposed residential densities if appropriate, and physical land alteration required by the development; and the relation of the proposed PAD to the General Plan.

4. ***Development Schedule.*** A development schedule, including anticipated timing for commencement and completion of each phase of development, tabulation of the total number of acres in each separate phase and percentage of such acreage to be devoted to particular uses, and an indication of the proposed number and type of dwelling units by phase of development, if applicable.

5. ***Maps and Diagrams.*** Maps, diagrams, and other graphics necessary to establish the physical scale and character of the development and demonstrate the relationship among its constituent land uses, buildings and structures, public facilities, and open space. These graphics shall at a minimum indicate:

   a. A map showing the perimeter boundaries of the project site, the perimeter of the ownership, the location and dimensions of any existing property lines and easements within the site, and all uses and structures within a 300-foot radius of the project area boundaries;

   b. Demonstration that development is in conformity with the Parks, Trails and Open Space Master Plan, the City's most current adopted transportation plans, and the General Plan, including but not limited to circulation of proposed movement of vehicles, goods, and pedestrians within the district and to and from adjacent areas, streets and driveways, sidewalks and pedestrian ways, transit stops, and off-street parking and loading areas;

   c. A site plan indicating existing and proposed uses, location and dimension of buildings and structures, gross floor area of existing and proposed structures, identification of structures to be demolished or removed;

d. A detailed tabulation of the proposed lot dimensions, number of dwelling units, building coverage including height(s), setbacks, paving coverage, landscaped areas, and parking dedication;

e. A "Master Outdoor Lighting Plan" for all areas of the proposed development, including but not limited to pedestrian travel areas; and

f. A "Master Signage Plan", including the size and location of all proposed signs.

6. ***Open Space and Landscaping Plan.*** An existing and proposed open space and landscaping plan including landscape concept and type of plant materials, recreation area, parking, service and other public areas used in common on the property and a description of intended improvements to and maintenance of the open area of the property.

7. ***Other Information.*** All materials required by Article 14-5 of the Subdivision Ordinance and any other information deemed necessary by the Zoning Administrator to ascertain if the project meets the required findings for a PAD Plan and re-zoning.

510.04 Required Findings

A PAD Plan and re-zoning PAD District shall only be approved if all of the following findings are made:

A. The proposed development is consistent with the General Plan, the Subdivision Ordinance, and any applicable specific plan or master plan, including the density and intensity limitations that apply;

B. The subject site is physically suitable for the type and intensity of the land use being proposed;

C. Adequate transportation facilities and public services exist or will be provided in accordance with the conditions of PAD plan approval, to serve the proposed development and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;

D. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;

E. The development complies with applicable adopted design guidelines; and

F. The proposed development carries out the intent of the Planned Area Development provisions by providing a more efficient use of the land and an excellence of architecture

and site design greater than that which could be achieved through the application of the base district regulations.

510.05 Conditions

In approving a PAD Plan and re-zoning, the City Council may impose reasonable conditions deemed necessary to:

A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted;

B. Achieve the general purposes of this Code or the specific purpose of zoning regulations for specific uses proposed;

C. Achieve the findings listed in Section 510.04;

D. Mitigate any potentially significant impacts identified as a result of review of the proposed PAD Plan; or

E. Any other conditions that are found to be necessary to ensure that the provisions of the General Plan and this Code are met.

The City Council may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

510.06 Expiration and ~~Renewal~~Extension

A. **Expiration**. A PAD Plan adopted under this Code shall be effective on the same date as the Ordinance creating the PAD District for which it was approved. The City Council may rescind or amend the PAD Plan ~~shall expire~~ two years after the effective date in accordance with ARS 9-462.01E unless actions or development milestones specified in the conditions of approval have been taken, an extension is requested, or a building permit has been issued and construction diligently pursued. An approved PAD Plan may specify a development phasing program exceeding two years.

B. ~~Renewal~~**Extension**. If the City Council determines that the actions or development milestones specified in the conditions of approval of a~~A~~ PAD Plan adopted under this Code ~~that has~~have not been ~~exercised~~ met, the PAD Plan may be extended ~~renewed~~ for a ~~two-year~~ period o~~i~~f time commensurate with the size of the project. Such extension shall be approved by the City Council after a duly-noticed public hearing. Application for ~~renewal~~ extension shall be made in writing between 30 and 120 days prior to expiration of the original approval. The City Council may ~~renew~~ extend a PAD Plan if it finds the ~~renewal~~ extension consistent with the purposes of this Article.

510.07 Amendments of Approved Plans

A. **Changed Plans.** Amendments to a PAD District or PAD Plan may be requested by the applicant or its successors. Amendments to the approved Phasing or PAD Plan shall be classified as major or minor amendments. Upon receipt of an amendment application, the Zoning Administrator shall determine if the proposed amendment constitutes a major or minor amendment.

B. **Major Amendments.** Any major amendment to the PAD shall be reviewed by the Zoning Administrator to determine if the proposed changes will be processed as a new application, or an amendment to the existing plan requiring modifications to only portions of the PAD Plan. An amendment will be deemed major if it involves one or more of the following changes:

1. A change in the exterior boundary of the PAD District;

2. An increase or decrease in the number of dwelling units for the PAD District that is no more than 10 percent greater than the maximum or 10 percent less than the minimum stated in the PAD Plan;

3. An increase or decrease in the floor area for any non-residential land use that results in the floor area exceeding the minimum or maximum stated in the PAD Plan by 10 percent or more;

4. Any change in parks, public recreation areas, or school sites that is likely to negatively impact or burden the City's ability to provide parks and recreational facilities or the school district's ability to serve the future school-age population;

5. Any change in phasing or timing that would have a significant impact on the completion of infrastructure improvements, parks, public recreation areas or school districts;

6. Any change in land use or density that is likely to have a negative impact or create a burden on public facilities and utilities infrastructure;

7. Any change resulting in a 10 percent or more increase in the allowable height of buildings, or increase to the number of stories allowed;

8. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PAD District or the overall major street system, as determined by the City Engineer; or

9. Any other proposed change to the PAD Plan or the conditions of approval that substantively alters one or more of its components with potentially significant adverse consequences, as determined by the Zoning Administrator.

C. **Minor Amendments.** Amendments not meeting one or more of the criteria listed in Subsection (B) above shall be considered minor if they are consistent with the original

findings and conditions of approval. Minor Amendments may be approved by the Zoning Administrator. The Zoning Administrator may, at his/her discretion, refer any request for an amendment to a PAD Plan that may generate substantial public interest to the Planning & Zoning Commission for a decision. The following modifications to an approved PAD are considered minor and may be approved by the Zoning Administrator:

1. Changes in phasing, including the size and number of housing units in individual development units provided there is not a significant change in the overall development program that results in an increase in the number of units and/or non-residential floor area.

2. Changes in the location of a school site provided the appropriate school district approves such a change in location.

3. Changes in the location and size of individual park sites provided the total park acres is not reduced and City standards for park service areas continue to be met with such changes.

4. Changes in the location or alignment of proposed roadways and other plan modifications to comply with adopted City policies. Should the proposed changes potentially impact surrounding uses, the Zoning Administrator shall determine if the request is processed as a Major or Minor Amendment.

510.08 Planned Area Development Plan Review

Plans for a project in a PAD District shall be accepted for planning and building permits or subdivisions only if they are consistent with an approved PAD Plan and any conditions of approval. No project may be approved and no building permit issued unless the project, alteration or use is consistent with an approved PAD Plan.

510.09 Failure to Comply with Conditions

Failure to comply with any PAD permit condition or development schedule is a violation of this Article and subject to Article 512, Enforcement. The Planning & Zoning Commission or City Council may initiate revocation proceedings under this Code, or suspend the applicant's permit until such time as the applicant conforms to the conditions thereof.

510.10 Revocation or Modification of Planned Area Development Zoning Approval

An approved PAD District zoning approval may be rescinded or modified as provided by Section 502.12, Modifications, or 502.13, Revocation of Permits and Approvals and in accordance with ARS 9-462.01E.