

**CITY OF LITCHFIELD PARK
ORDINANCE NO. 16-__**

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LITCHFIELD PARK, ARIZONA, AMENDING THE ZONING CODE OF THE CITY OF LITCHFIELD PARK BY ADDING NEW SECTION 27B COMMERCIAL-FLEX DISTRICTS RELATED TO A COMMERCIAL DISTRICT WHICH PERMITS A RESIDENTIAL USE IN COMPLIANCE WITH CERTAIN CONDITIONS; AND AMENDING SECTION 28 ZONING MATRIX/DISTRICT REQUIREMENTS SUMMARY TO ADD REQUIREMENTS FOR COMMERCIAL-FLEX DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES

WHEREAS, the City Council believes that a residential use may be a beneficial use in the City in a commercial district if certain conditions are met.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Litchfield Park, Arizona, as follows:

Section I. In General.

The Zoning Code of the City of Litchfield Park is hereby amended by adding new Section 27B Commercial-Flex Districts to read as follows (additions shown in ALL CAPS, deletions shown in *italics*):

**SECTION 27B
COMMERCIAL-FLEX DISTRICTS**

27B.01 Land Use Definition

Commercial-Flex: this category provides areas for commercial centers which provide everyday goods and services for a number of neighborhoods, but also provides for residential uses if certain conditions are met. The community commercial area should be located convenient to several neighborhoods and be accessed by major arterial streets.

All uses permitted in the community commercial district are permitted in compliance with the property development standards set forth in Section 22.

Accessory uses and temporary uses require use permit approval.

27B.02 Use Regulations

A building or premises shall be used only for the purposes as set forth in the city of Litchfield Park zoning matrix (Section 28).

27B.03 Property Development Standards

The requirements of Section 22 Community Commercial (CS) shall apply to this district, except as modified below.

a. Area

The property shall have a minimum area of twelve acres.

b. Residential Uses

Single-family residential uses are permitted in compliance with the requirements of Subsections c and d below.

c. Development Agreement

A development agreement shall be entered into with the City governing the development of the property. The development agreement shall set forth the circumstances under which the property may be used for residential uses. If the circumstances permitting a residential use exist, the property owner shall notify the City and thereafter the use of the property shall be residential in compliance with Subsection d and no commercial use shall thereafter be commenced without approval of a rezoning ordinance.

d. Property Development Standards for Residential Uses

1. Density. Density shall not exceed 5.5 dwelling units per acre.
2. Lot Area Per Dwelling Unit. The minimum lot area per dwelling unit shall be six thousand square feet.
3. Floor Area. Residences shall have a livable floor area of at least one thousand two hundred square feet.
4. Coverage. The maximum coverage shall be fifty percent of the lot area.

5. Distance Between Buildings. The minimum distance between buildings on the same lot shall be ten feet.
6. Buffers. Buffer yards, consisting at a minimum of landscaping for the required setback distance, including pathways as appropriate, as approved by the design review board, shall be provided between dissimilar uses or other districts.
7. Open Space Density Bonus. At least twenty percent of the net site area shall be open space.
8. Height. The height of all structures shall not exceed the lower of: (a) two stories; (b) thirty-five feet from natural grade through any structure cross-section.
9. Front Yard. There shall be a front yard having a depth of not less than twenty feet. Where a lot is located at the intersection of two or more streets, there shall be a yard conforming to the front yard requirements on each street side of a corner lot.
10. Side Yard. There shall be a side yard of at least ten feet, except that on the street side the side yard setback shall be twenty feet unless adjacent to a ten foot landscape tract, in which case the side yard setback shall be at least ten feet.
11. Rear Yard. There shall be a rear yard having a depth of not less than twenty feet.
12. Private Streets. All streets within the project shall be private.
13. Any exterior lighting shall be directed downward and away from adjacent property in accordance with the city code and this zoning code. See Section 31.15.
14. Provisions for on-site stormwater retention/drainage and off-site stormwater drainage both entering and leaving the property shall be as required by the city of Litchfield Park and the Maricopa County Flood Control District, the procedures for which shall be approved by the council.
15. Parking requirements set forth in Section 29 applicable to High Medium Density Residential (R1-6) shall apply.

16. Requirements for walls, landscaping and fences set forth in Section 30 shall apply.
17. Signage requirements set forth in Section 35 applicable to applicable to High Medium Density Residential (R1-6) shall apply.

The Zoning Code of the City of Litchfield Park, Section 28 Zoning Matrix/District Requirements Summary shall be amended as follows (additions shown in ALL CAPS, deletions shown in *italics*):

ZONING MATRIX

Land Uses	
	COMMERCIAL FLEX
	CF
Agritainment	
Arcades, games and centers	P**
Auto fueling and service stations	P**
Bar, tavern, cocktail lounge	P**
Barber	P**
Beauty shops	P**
Billiard/pool hall*	P**
Building contractors (storage of goods, materials, and equipment)*	
Building materials/home improvement	U**
Car rentals	P**
Car wash	P**
Cemeteries/mausoleums	
Chemical storage requiring a material safety data sheet*	U**
Child care centers	P** L+
Churches	P U+
Cleaners, dry*	P**
Clinics (health, medical)	P**

Commercial recreation	P**
Community facilities	P** L+
Continuum of care facility	
Convention services	P**
Convalescent home	U+
Convenience stores	P**
Crematorium	
Department stores	P**
Designated caregiver cultivation location	
Equipment rental	U**
Farmers' market, outdoor	U**
Financial institutions (chartered banks, brokers, investment, loans)	P**
Fraternal and civic clubs	P**
Funeral parlors, mortuaries	U**
Gasoline or propane dispensing, wholesale (other than service station)	
Golf courses	
Government facilities	P** L+
Group homes for the handicapped	H+
Hardware store	P**
Health clubs	P**
Heliports	
Home business	L+
Home improvement store	
Hookah bar	U**
Hospitals	
Hotel/motel	P**
Industries, construction	
Industries, manufacturing	
Industries, service	U**
Information center	P** L+
Kennels	
Manufactured structures	U** L+
Medical marijuana dispensary	
Medical marijuana dispensary cultivation location	

Miniwarehouse	U**
Model home sales complex	L+
Nonchartered financial institutions*	U**
Nurseries (day) and kindergarten (licensed)	P**
Offices, medical, dentist	P**
Offices, professional/business	P**
Off-track betting establishments*	U**
Palmistry, palm reading, fortune telling*	U**
Pawn shops/brokers*	U**
Pest control services*	
Plant nurseries, greenhouse commercial*	
Research and development	U**
Residential, cluster	
Residential condominium projects	
Restaurants	P**
Restaurants, take-out	P**
Retail (e.g., hardware, paint, wallpaper, fabrics, supplies, curtains, linens, knitting supplies, china, glass, pottery)	P**
Retail and services, general	P**
Schools	U**
Solid waste stations	
Stables	
Supermarkets	P**
Tattoo/body piercing shops or establishments*	U**
Timeshare developments	
Temporary uses	U
Truck terminals	
Variety store	P**
Vehicle repair, business	U**
Vehicle sales, business	P**
Vehicle storage, home	U+
Vehicle storage, business	U**
Veterinary services, domestic (hospital or clinic)	P**
Winery/distillery	
Wireless communications facilities	W**

'C' - Permitted pursuant to a development agreement.

'P' - Permitted without special conditions.

'O' - Conceptual overlay approval only - further district classification required.

'U' - Permitted with a use permit

'L' - Permitted when compatible with surrounding uses.

- ‘M’ - Permitted when in compliance with Section 31.21.
 - ‘H’ - Permitted subject to the conditions of Section 31.17.
 - ‘W’ - Permitted under limited circumstances in compliance with Section 36 and upon obtaining a use permit.
 - ‘**’ - WHEN DEVELOPED AS COMMERCIAL; PROHIBITED WHEN DEVELOPED AS RESIDENTIAL AS PER SECTION 27B UNLESS OTHERWISE NOTED
 - ‘+’ - APPLIES TO RESIDENTIAL PORTION WHEN DEVELOPED AS PER SECTION 27B.
 - ‘*’ - Uses which shall be required to maintain a separation from other like uses and other types of uses as defined in Section 33.02(c)(6).
- Zoning Code Sections 10 through 27 prevail.

DISTRICT REQUIREMENTS SUMMARY

ZONING DESIGNATION SECTION NUMBER	CF RESIDENTIAL 27B	CF COMMERCIAL 27B
MAXIMUM BUILDING HEIGHT		
STORIES	1-2*	2
FEET	35* Max	40
BUILDING SIZE • PRINCIPAL BUILDINGS		
MINIMUM SQUARE FOOTAGE	1,200	N/A
MINIMUM YARD DATA		
FRONT	20*	50*
REAR	20*	50*
INTERIOR SIDE	10*	50*
STREET SIDE	20*	*
USE INTENSITY DATA		
UNITS PER ACRE	5.5 or less	N/A
MINIMUM DEVELOPMENT ACRES	2	12
MINIMUM LOT AREA - SQUARE FEET	6,000	15,000
MINIMUM WIDTH	40	150
MAXIMUM COVERAGE	50%	60%
BUILDING DISTANCE	N/A	20*
*REVIEW PERTINENT SECTION FOR LIMITATIONS		
NOTE: ZONING CODE SECTIONS 10 THROUGH 27 PREVAIL		

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. 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.

Section IV. Providing for Penalties.

Any person found in violation of any provision of this Ordinance shall be responsible for a civil violation, punishable by a fine as set forth in Article 1-8 of the City Code. Each day that a violation continues shall be a separate offense punishable as herein described.

PASSED AND ADOPTED by the Common Council of the City of Litchfield Park, Arizona, this ____ day of _____, 2016.

Thomas L. Schoaf, Mayor

ATTEST:

Carla Reece, City Clerk

APPROVED AS TO FORM:

Gust Rosenfeld, PLC
City Attorneys
By Susan D. Goodwin