
Exhibit D - City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

Section 1. Amend Chapter 21 - Zoning, Section 21-600 Special Districts, Uses, and Designation, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 21-600 SPECIAL USES, DISTRICTS AND OVERLAYS-DESIGNATIONS **PLANNED AREA DEVELOPMENT (PAD)**

Sec. 21-601. Planned Area Development (PAD) Intent.

A. Intent.

A. The Planned Area Development District (~~PAD P.A.D.~~) is intended to provide an alternative zoning district to the conventional zoning and development approaches and processes in the City of Peoria, Arizona in order that within this designated District the following goals may be achieved:

1. To enhance the City's development growth in order that the public health, safety, and general welfare be enhanced as Peoria increasingly urbanizes;
2. To encourage innovations in residential, commercial, and industrial development so that greater opportunities for better housing, recreation, shopping and employment, may extend to all citizens and residents of Peoria;
3. To reflect changes in the technology of land development;
4. To encourage a more creative approach in the utilization of land in order to accomplish a more efficient, aesthetic, and desirable development which may be characterized by special features of the geography, topography, size or shape of a particular property; and,
5. To provide a compatible and stable developed environment, in harmony with that of the surrounding area.

The ~~PAD P.A.D.~~ may include any development having one or more principal uses or structures on a single parcel of ground or contiguous parcels. The ~~PAD P.A.D.~~ shall consist of a compatible selection of uses and groupings of buildings, parking areas, circulation and open spaces, and shall be designed as an integrated unit, in such manner as to constitute a safe, efficient, and convenient urban area development.

B. Definitions. Terms in this Section shall have the following definitions:

A "Development Unit" means an approximate "subarea" within a specifically defined PAD boundary containing singular or multiple designated land use and zoning classifications. Multiple classifications or mixed-use classifications may be permitted in the PAD in conformance with the General Plan. A development unit in text or table format is the same area as referenced on a map, but describes the area in more specific detail. The City Council may approve a particular definition of "subarea" or "development unit" for any individual PAD.

The "Standards & Guidelines Report" consists of components such as, but not limited to, a land use matrix, identification of zoning districts, permitted density/intensity, and applicable development standards by parcel or development unit(s). The Standards and Guidelines Report may also background information describing the characteristics, components and timing of the proposed PAD.

Code Amendment: Administrative Refinements (TA24-01)

Sec. 21-602 and 21-603 are removed in its entirety and replaced with the following:

Sec. 21-602. Qualifying Standards.

An application for rezoning to a PAD district shall only be considered if the application meets the following criteria, as determined by the Development Services Director or designee:

A. Land Control. The land included in the proposed PAD shall be under single ownership or control. Single control of property under multiple ownership may be considered when the application includes enforceable agreements, covenants, or commitments that run to the benefit of the City and that the City may require to be recorded if the PAD is approved.

B. Minimum Acreage.

1. All Planned Area Developments shall be between ten (10) and six-hundred (600) acres in size. The minimum acreage shall be no less than ten (10) acres unless the applicant can show that the minimum PAD requirements should be waived because the waiver would be in the public interest and that one or more of the following conditions exist:
 - a. Unusual physical features of the property itself or of the surrounding area are such that development under the standard provisions of this Ordinance would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community.
 - b. The property is adjacent to or across the street or alley from property which has been developed under the provisions of this Section and will contribute to the amenities of the area.
 - c. The use of the PAD concept will encourage the use of otherwise undevelopable property, particularly in the case of small undeveloped parcels surrounded or partially surrounded by developed property.
 - d. The property is located within the Infill Incentive District.
2. Acceptance of the waiver for the minimum acreage may be recommended by the Planning and Zoning Commission, upon a finding that one or more of the above conditions enumerated in paragraph B.1 of this Section exist.

Sec. 21-603. Development Standards and Supplemental Regulations

All uses and development standards in a PAD District shall be established through the zoning approval process as further described herein.

A. Use Standards.

1. Any land use within the PAD District is allowed subject to consistency with the General Plan, applicable Specific Area Plan, and relevant use limitations or operational restrictions as noted below.
2. Specific “permitted uses”, “conditional uses”, “temporary uses” and/or “accessory uses” may be identified and established within the PAD Standards and Guidelines Report. Alternatively, these uses may be identified and established through reference to one or more Peoria Zoning Districts. In such cases, all uses must be specifically defined or references within the PAD Standards and Guidelines Report.

Code Amendment: Administrative Refinements (TA24-01)

3. Uses with limitations or operational restrictions shall specifically identify those limitations and/or restrictions within the PAD Standards and Guidelines Report, or alternatively provide a citation to applicable limitations and/or restrictions within the Zoning Ordinance.
4. In the event of a specific use not being identified within the PAD Standards and Guidelines Report, the Zoning Administrator or designee(s) shall determine the closest associated use based on the provisions of the PAD and/or the Zoning Ordinance as applicable.

B. Development Standards and Supplemental Regulations.

1. The PAD District may establish alternate development standards and supplemental regulations as approved by the City Council. Standards and supplemental regulations developed through the PAD process shall be appropriate to the location and context for the site for which the project is proposed. Standards and regulations created through the PAD Overlay should also assist in the fulfillment of the goals, objectives and policies in the General Plan.
2. Where no specific development standards are identified within the PAD, the development standards for the specified underlying zoning district within the Peoria Zoning Ordinance shall prevail. When no specific supplemental regulations are identified within the PAD, applicable regulations within the City Code, Zoning Ordinance, Peoria Engineering Standards Manual, and Council adopted implementation documents shall apply.
3. Once development standards are established through the PAD District, they may be amended only through the PAD Amendment process set forth herein, unless otherwise approved through the zoning process.

C. Processing, Modification and Approval Procedures. Procedures for specific process and approval regulations shall be in accordance with the Peoria Zoning Ordinance unless modified through the PAD District approval process.

Sec. 21-604. Application Requirements and Review Process.

A. Application Processing.

1. Requests for a new or major amendment to a Planned Area Development (PAD) district shall be processed in accordance with Section 21-153 of the Zoning Ordinance.
2. If the Zoning Administrator has determined the request to an adopted PAD District is a “minor amendment” in accordance with the criteria identified within Section 21-606, the request shall be processed in accordance with Section 21-606.

B. Submittal Requirements. Establishment of the application submittal requirements for a new or major amendment to a PAD shall be determined at the time of the preliminary application meeting as outlined in Section 21-143. At a minimum, the following shall be required:

1. PAD Standards and Guidelines Report.

- a. A Standards and Guidelines Report shall be submitted with the application, and shall meet the content requirements as specified by the Zoning Administrator.
- b. The Report shall function as the development standards framework and shall identify all deviations, standards, references and bulk requirements thereto; where the PAD is silent on a requirement, the applicable Zoning provision, as determined by the Zoning Administrator, shall control.

Code Amendment: Administrative Refinements (TA24-01)

c. No provision in the Standards and Guidelines Report shall be construed to negate any applicable provision in the Peoria Engineering Standards Manual or any building or fire code requirement.

2. **Project Narrative.** Within the Project Narrative, provide justification for the request as specified within the rezoning process guideline on file with the Planning Department.

C. **Noticing.** Major and minor PAD amendments shall be noticed in accordance with Section 21-146.A of the Zoning Ordinance.

Sec. 21-605. Establishment of a PAD District.

A. **Required Findings.** The applicant shall address each of the required findings, as set forth below, and shall demonstrate with sufficient, objective information, how the proposed PAD complies with each. The City Council, following a recommendation from the Planning and Zoning Commission, may approve an amendment of the Zoning Map of the City of Peoria to reflect establishment of the PAD on the subject property upon determining that all of the following findings have been met:

1. That the development proposed is in conformance with the General Plan and applicable Specific Area Plan.

2. That the streets and thoroughfares proposed are in conformance with the General Plan Circulation Map and will be adequate to serve the proposed uses.

3. The Planning and Zoning Commission and City Council shall further find:

a. In the case of proposed residential development, that the development will promote compatible buildings and uses and that it will be compatible with the character of the surrounding area;

b. That the conceptual site locations proposed for public facilities such as schools, fire protection, law enforcement, water, wastewater, streets, public services and parks, are adequate to serve the anticipated population within the PAD;

c. In the case of proposed commercial, industrial, institutional, recreational and other non-residential uses or mixed-uses, that such development will be appropriate in area, location and overall planning for the purpose intended; and,

d. That the development is fiscally sound, as demonstrated in the Cost Impact Analysis, and is consistent with adopted policies, infrastructure plans and applicable Capital Improvement Programs (CIP).

B. **Standards & Guidelines Report.** The Planned Area District shall be adopted in accordance with procedures set forth in Section 21-153. The Commission and Council shall consider the PAD "Standards & Guidelines Report" as part of the rezoning application and all provisions and protocols therein set forth in Section 21-153 shall apply to said "Standards & Guidelines Report".

C. **Waiver Claim for Diminution in Value.** The Zoning Administrator shall not approve or recommend approval of any establishment or modification of a PAD District unless the Zoning Administrator has received a Waiver of Claim for Diminution in Value from the Owner or Owners of the property that is the subject of the PAD request, or has determined that the absence of such a Waiver of Claim for Diminution in Value is consistent with the City's General Plan and zoning goals and regulations.

Code Amendment: Administrative Refinements (TA24-01)

Sec. 21-60**6**4. Amendments to an Approved Planned Area Development District.

- A. **General.** Amendments ~~to an approved P.A.D.~~ may be requested by the applicant or its successors.
- B. **Applicability.** Amendments to the approved PAD P.A.D may be limited to one or more parcels or "development units", and any proposed change will not affect parcels or development units not included in the proposed amendment.
- C. **Major or Minor Amendments.**
- 1. Determination Authority.** Amendments to the approved PAD P.A.D. shall be determined to be either a delineated as major or minor amendments by the Zoning Administrator using the criteria noted below. ~~Upon receipt of an amendment application to the Planning Division, the Planning Manager shall determine if the proposed amendment constitutes a major or minor amendment.~~
 - D. 2. Major Amendments.** If the Zoning Administrator-Planning Manager determines the amendment to be a major amendment, the amendment request shall be processed in the manner set forth in Sections 21-6043 through 21-605. An amendment shall be deemed major if it involves any one of the following:
 - a1.** A change in the overall PAD P.A.D. District Boundary;
 - b2.** An increase in the total number of approved dwelling units or gross leasable area (GLA) by 10% or more for the overall PAD P.A.D. District;
 - c3.** A significant change to the approximate boundary of one or more "development unit(s)" from that approved in the PAD P.A.D. District, as determined by the Zoning Administrator-Planning Manager. A change to an individual development unit generally shall be deemed to be significant if it represents more than a 10% increase to the approximate gross area of the development unit as approved for the PAD without a corresponding reduction in one or more adjoining "development unit" P.A.D.;
 - d-4.** A reconfiguration in land use designation and/or parcel boundaries that increases or decreases the total of any land use type by more than 20% percent within the overall PAD District. ~~An increase of 10% or more of the approved number of projected dwelling units or gross leasable area (GLA) for an individual development unit;~~
 - e5.** A request for a new land use classification type or category that was not previously approved within the PAD District, as determined by the Zoning Administrator. ~~Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the City Engineer;~~
 - f-6.** Any other proposed change of use or increase in intensity/density that significantly impacts adjoining areas, including significant traffic impact (volume or level of service) or increase in utility infrastructure demand, as determined by the Zoning Administrator. ~~Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the P.A.D. or to the overall major street system as determined by the City Engineer; or,~~
 - g7.** Any other proposed change ~~to the Final Development Plan~~ that substantively alters one or more components of the P.A.D. as determined by the Zoning Administrator-Planning Manager.

Code Amendment: Administrative Refinements (TA24-01)

~~E~~ **3. Minor Amendments.**

- a. Amendments not meeting one or more of the criteria listed above in Subsection D. shall be considered minor. If the Zoning Administrator-Planning Manager determines the amendment to be minor, the decision is final unless appealed in a timely manner pursuant to Section 21-607.
- b. If no appeal is filed, or the appeal to be determined to be invalid pursuant to Section 21-607, then the Zoning Administrator-Planning Manager may administratively act on the amendment and attach stipulations or conditions of approval thereto, to protect the public health, safety and welfare.

D.1. Notice. Major and minor PAD amendments shall be noticed in accordance with Section 21.146 of the Zoning Ordinance.

~~a. — Map. If the amendment proposes a change to the map for the Final Development Plan, notice of the proposed minor amendment shall be mailed to each owner of property as last disclosed by County Assessor records, situated wholly or partly within three hundred (300) feet of the affected development unit(s) to which the amendment relates. For purposes of giving mailed notice, the Planning Manager shall require the applicant to furnish the names and addresses and stamped/addressed envelopes of all affected property owners as determined above.~~

~~b. — Other. If the amendment proposes any other change to the Final Development Plan, including but not limited to, text changes or changes to the development standards, notice of the minor amendment shall be published in a newspaper of general circulation.~~

~~2. — Protest.~~

~~a. — Protest Received. If written protest to any minor amendment is received from any notified property owner within ten (10) days of the notification mailing date in the case of mailed notice, or within ten (10) days of the final date of advertising in the case of published notification, and such protest cannot be resolved, then the Minor Amendment shall be reclassified as a Major Amendment. No additional application shall be required; however, all provisions governing Major Amendments shall then apply.~~

~~b. — Protest Not Received. If written protest is not received as described above, the Planning Manager shall render a decision on the minor amendment request. The Planning Division decision shall be final unless appealed under Subsection F, set forth below. The Planning Manager or assigned designee shall send copies of the decision to the applicant, interested parties of record, and members of the Planning and Zoning Commission.~~

Sec. 21-607. Appeals.

A. Appeal of an Amendment Classification.

1. Filing.

- a. For Map Changes: An appeal may be filed by the owner of the property that is the subject of the decision, or by any property owner(s) within 300 feet of the requested change.
- b. For All Other Changes: An appeal may be filed by the owner of the property that is the subject of the decision, or by any property owner(s) within 1,320 feet of the requested change.

Code Amendment: Administrative Refinements (TA24-01)

2. Form and Deadline.

- a. The appeal shall be submitted on a form provided by the Planning Department and must specify the grounds for the appeal.
- b. The appeal must be received within fifteen (15) days of publication of the Zoning Administrators decision.

3. Validity.

- a. Appeals filed with the intent to contest prior City Council adoption and authorization of a permitted or conditionally permitted use, or a zoning district, shall be determined by the Zoning Administrator to be invalid.
- b. Appeals determined to be valid shall be forwarded to the Board of Adjustment on the next available agenda and processed in accordance with Section 21-162.

B. Appeal of a Planning Department Decision.

1. **Appeal of Planning ~~Division-Department~~ decision to Planning and Zoning Commission.** An action or decision by the Planning ~~Division-Department~~ on minor amendments may be appealed by the applicant within ten (10) calendar days from the date of the Zoning Administrator-Planning Manager's decision.
 - a. Appeals shall be in writing on a form provided by the Planning ~~Division-Department~~ and shall include only the specific items being appealed.
 - b. The Planning ~~Division-Department~~ will submit a report and any background material regarding the appeal to the Planning and Zoning Commission for its next scheduled meeting. Any persons associated with the action being appealed shall be informed by the Planning ~~Division-Department~~ of the date, time, and location of the appeal hearing.
 - c. The Planning and Zoning Commission's decision on the appeal will be sent out (in writing) to the applicant. The decision of the Planning and Zoning Commission will be final, unless the applicant initiates an appeal to the City Council.

2.C. Appeal of Planning and Zoning Commission Decision to Council. An action or decision by the Planning and Zoning Commission ~~on Minor Amendments~~ may be appealed by the applicant within ten (10) calendar days after the date of the Commission decision.

- a. Appeals shall be in writing on a form provided by the Planning ~~Division-Department~~ and shall include the specific items being appealed and the nature upon which the decision was in error.
- b. The Planning ~~Division-Department~~ shall transmit to the City Council a transcript, with exhibits, of the Planning and Zoning Commission's hearing. The City Council shall review the transcript and exhibits and may, at their discretion, hear further oral or written comments.
- c. The City Council may affirm the decision of the Planning and Zoning Commission; or remand the matter for further proceedings before the Planning and Zoning Commission; or reverse or modify the Planning and Zoning Commission's decision.

Code Amendment: Administrative Refinements (TA24-01)

PLANNED COMMUNITY DISTRICT (PCD)

Sec. 21-6085. Planned Community District (PCD) Intent.

The Planned Community ~~(P.C.)~~ District (PCD) is intended to accommodate large-scaled, yet unified, comprehensively planned developments which conform with and enhance the policies and programs contained within the Peoria General Plan. In this regard, a Planned Community District is indistinguishable in terms of its intent, nature, functionality and processing compared to the Planned Area Development (PAD) District except for larger minimum acreage required. This district is intended to provide an alternative zoning district and development process to accommodate substantial developments for residential, commercial, professional, industrial or other activities, including combinations of uses appropriately requiring flexibility under controlled conditions, not otherwise attainable under conventional zoning districts so that the following goals may be achieved:

- A. To enhance the City's development and to promote the public health, safety, and general welfare.
- B. To provide within such areas a combination of land uses, which may include a variety of residential types, commercial, industrial, public and semi-public areas, arranged and designed in accordance with sound site planning principles and development techniques; and in such a manner as to be properly related to each other, the immediate surrounding area, the planned thoroughfare system, and other public facilities such as water and sewer systems, parks, schools and utilities.
- C. To encourage a more creative approach in the utilization of land in order to accomplish an efficient, aesthetic, and desirable development which may be characterized by special features of the geography, topography, size or shape of a particular property.
- D. To establish planning and development control parameters tailored to the opportunities and constraints of the property while allowing sufficient flexibility to permit final detailed planning and the precise distribution of the approved density and intensity of the project at the time of site plan or subdivision application submittal.
- E. To provide reasonable assurances to the City and land developer that the proposed development may be planned and carried out in one or more phases over an extended period of time, in accordance with an approved ~~P.C.~~ PCD "Development Plan" and "Standards & Guidelines Report".
- F. To assure that the ~~P.C. District~~ PCD is developed in accordance with a ~~P.C.~~ PCD "Development Plan" and "Standards & Guidelines Report". The ~~P.C.~~ PCD "Development Plan" and "Standards & Guidelines Report" shall be designed to fulfill the goals established by the General Plan, provide development standards promoting an appropriate balance of land uses, and promote the planning of public facilities designed to serve the projected population.

Sec. 21-60906. Qualifying Standards ~~General Provisions.~~

An application for rezoning to a PCD district shall only be considered if the application meets the following criteria, as determined by the Development Services Director or designee:

A. Land Control. The land included in the proposed PCD shall be under single ownership or control. Single control of property under multiple ownership may be considered when the application includes enforceable agreements, covenants, or commitments that run to the benefit of the City and that the City may require to be recorded if the PAD is approved.

B. Minimum Acreage.

All Planned Community District shall be six-hundred (600) or more acres in size.

Code Amendment: Administrative Refinements (TA24-01)

- ~~A. Conformance with the General Plan. The proposed P.C. District shall be in general conformance with the Peoria General Plan. The Planning Manager shall not approve or recommend approval of any P.C. District unless the Planning Manager has received a Waiver of Proposition 207 from the Owner or Owners of the property that is the subject of the P.C. District or has determined that the absence of such a Waiver of Proposition 207 is consistent with the City's General Plan and zoning goals and regulations.~~
- ~~B. Location of P.C. District. P.C. Districts may be established on large parcels of land which, because of their ownership, size, topography, or exceptional or unusual locational characteristics, are suitable for planned development in a manner consistent with the purposes of this Section.~~
- ~~C. Minimum P.C. District Area.~~
- ~~1. The minimum area required for a planned community district is six hundred (600) contiguous acres held under single ownership at the time of application submittal or under multiple ownership within a partnership as expressed through written correspondence and signatures provided with the application.~~
 - ~~2. Areas within rights-of-way may be included in the computation of the minimum six hundred (600) acres.~~
- ~~D. Property Development Standards. All land uses in a P.C. District shall be established within planned "development units". The P.C. District is intended to be combined with the general property development standards of various zoning districts in the Peoria Zoning Ordinance or as modified in the approved P.C. "Development Plan" and "Standards Report".~~
- ~~1. The proposed P.C. District shall comply with overlay districts of general applicability including, but not limited to, the Hillside Development Overlay and Floodplain Districts, except where modifications are expressly authorized through an approved Standards Report and Development Plan;~~
 - ~~2. The proposed P.C. District shall comply with the Subdivision Regulations and other adopted policies, codes and ordinances of general applicability;~~
 - ~~3. The proposed P.C. District may include modified property development standards (contained within the Zoning Ordinance) to address defined opportunities and constraints related to the property, including, but not limited to, building placement and height, minimum lot size and parking area landscaping.~~
- ~~E. Permitted Uses. Any use may be permitted in any specific "development unit" within a proposed P.C. District provided such use shall be specifically listed as a permitted use and shall be located and conducted in accordance with the approved "Development Plan" and "Standards Report" and other applicable regulations.~~
- ~~F. Conditional Uses. Any use may be established as a conditional use in any specific development unit within a proposed P.C. District provided such use shall be specifically listed as a conditional use subject to the provisions of Section 21-321 and shall be located and conducted in accordance with the approved "Development Plan" and "Standards Report" and other applicable regulations.~~

[Sec. 21-610. Development Standards and Supplemental Regulations](#)

[All uses and development standards in a PCD District shall be established through the zoning approval process as further described herein.](#)

Code Amendment: Administrative Refinements (TA24-01)

A. Use Standards.

1. Any land use within the PCD District is allowed subject to consistency with the General Plan, applicable Specific Area Plan, and relevant use limitations or operational restrictions as noted below.
2. Specific “permitted uses”, “conditional uses”, “temporary uses” and/or “accessory uses” may be identified and established within the PCD Standards and Guidelines Report. Alternatively, these uses may be identified and established through reference to one or more Peoria Zoning Districts. In such cases, all uses must be specifically defined or references within the PCD Standards and Guidelines Report.
3. Uses with limitations or operational restrictions shall specifically identify those limitations and/or restrictions within the PCD Standards and Guidelines Report, or alternatively provide a citation to applicable limitations and/or restrictions within the Zoning Ordinance.
4. In the event of a specific use not being identified within the PCD Standards and Guidelines Report, the Zoning Administrator or designee(s) shall determine the closest associated use based on the provisions of the PAD and/or the Zoning Ordinance as applicable.

B. Development Standards and Supplemental Regulations.

1. The PCD District may establish alternate development standards and supplemental regulations as approved by the City Council. Standards and supplemental regulations developed through the PCD process shall be appropriate to the location and context for the site for which the project is proposed. Standards and regulations created through the PCD Overlay should also assist in the fulfillment of the goals, objectives and policies in the General Plan.
2. Where no specific development standards are identified within the PCD, the development standards for the specified underlying zoning district within the Peoria Zoning Ordinance shall prevail. When no specific supplemental regulations are identified within the PCD, applicable regulations within the City Code, Zoning Ordinance, Peoria Engineering Standards Manual, and Council adopted implementation documents shall apply.
3. Once development standards are established through the PCD District, they may be amended only through the PCD Amendment process set forth herein, unless otherwise approved through the zoning process.

C. Processing, Modification and Approval Procedures. Procedures for specific process and approval regulations shall be in accordance with the Peoria Zoning Ordinance unless modified through the PCD District approval process.

Sec. 21-61107. Application Requirements and Review Process.

A. Application Processing.

1. Requests for a new or major amendment to a Planned Community District (PCD) shall be processed in accordance with Section 21-153 of the Zoning Ordinance.
2. If the Zoning Administrator has determined the request to an adopted PCD is a “minor amendment” in accordance with the criteria identified within Section 21-613, the request shall be processed in accordance with Section 21-613.

Code Amendment: Administrative Refinements (TA24-01)

B. Submittal Requirements. Establishment of the application submittal requirements for a new or major amendment to a PCD shall be determined at the time of the preliminary application meeting as outlined in Section 21-143. At a minimum, the following shall be required:

1. PCD Standards and Guidelines Report.

- a. A Standards and Guidelines Report shall be submitted with the application, and shall meet the content requirements as specified by the Zoning Administrator.
- b. The Report shall function as the development standards framework and shall identify all deviations, standards, references and bulk requirements thereto; where the PCD is silent on a requirement, the applicable Zoning provision, as determined by the Zoning Administrator, shall control.
- c. No provision in the Standards and Guidelines Report shall be construed to negate any applicable provision in the Peoria Engineering Standards Manual or any building or fire code requirement.

2. Project Narrative. Within the Project Narrative, provide justification for the request as specified within the rezoning process guideline on file with the Planning Department.

C. Noticing. Major and minor PCD amendments shall be noticed in accordance with Section 21-146.A of the Zoning Ordinance.

~~In addition to complying with the provisions of Section 21-317 each application for a P.C. District shall be accompanied by a "Standards Report," "Development Plan" and "Development Schedule". The "Standards Report" and "Development Plan" shall, as approved by the City Council, become a part of the applicable zoning regulations within the respective P.C. District. Subsequent changes to the "Development Plan" shall be made in accordance with Section 21-612.~~

~~A. Standards Report. The "Standards Report" shall describe the purpose, nature and characteristics of the proposed P.C. District including, but not limited to, the proposed development unit use or uses to be conducted in the district in a manner sufficient to enable preparation and consideration of regulations governing permitted and conditional uses, site use and other development regulations which may be appropriate to govern development, use, and maintenance of the sites included within the P.C. District. The "Standards Report" shall include the following:~~

- ~~1. Contact listing of key project team representatives including the contact, owner, and developer;~~
- ~~2. Vicinity Map;~~
- ~~3. Legal description of the district boundary;~~
- ~~4. A statement by the applicant demonstrating the necessity of the application for the P.C. district, including information demonstrating compliance with the findings contained within Section 21-612;~~
- ~~5. Existing conditions map drawn to a suitable scale showing the use and general condition of the land within the proposed P.C. district boundary and adjacent lands for one mile. The map will provide the total gross acreage, overall density proposed and a delineation of major physical constraints or opportunities, major environmental features, topography, existing roads, trails, utilities, generalized location of any hundred (100) year floodway and mapped stormwater drainage conditions;~~

Code Amendment: Administrative Refinements (TA24-01)

- ~~6. The delineation of development units including a parcel matrix inclusive of each proposed development unit indicating as appropriate: the approximate unit size in acres, proposed allocation of land uses, the proposed zoning district(s) (either an existing zoning district or a modified proposed district as further defined within the Standards Report), the projected number of employees, the maximum number of potential dwelling units, and intended floor area ratios (FAR) for the project;~~
 - ~~7. The parcel matrix shall also indicate the projected number of residential units or non-residential square footage for each development unit to guide the preparation of supporting infrastructure studies outlined herein; and,~~
 - ~~8. Such additional information as the Planning Manager may prescribe as necessary, to facilitate review and action on the application by the Planning and Zoning Commission and the City Council.~~
- ~~B. Development Plan. The "Development Plan" must include a land use and circulation system concept that is consistent with the goals and policies of the General Plan, compatible with the environment, and capable of being served by existing and planned public facilities and utilities. The "Development Plan" submitted with the application for the P.C. District shall include the following, unless waived by the Planning Manager:~~
- ~~1. Submittal of a Development Plan Map divided into approximate development sub-areas or development units. The proposed Development Plan Map(s) shall be drawn to a suitable scale and include at least the following:
 - ~~a. The boundary of the proposed P.C. District;~~
 - ~~b. The existing and proposed topographic character of the land;~~
 - ~~c. The approximate location of each proposed land use development unit;~~
 - ~~d. The general location of all proposed major and minor arterial streets, including their proposed connections to major streets identified on the Circulation Map in the Peoria General Plan;~~
 - ~~e. Major drainage elements;~~
 - ~~f. All proposed public schools, parks and open space areas;~~
 - ~~g. Any trails and/or bikeways, including their proposed connections to conceptual trail locations identified in the Peoria Trails Master Plan and other relevant documents; and,~~
 - ~~h. Conceptual location of any significant historical, cultural and archaeological features of the site, including proposed methods to incorporate and preserve such features into the proposed project.~~~~
 - ~~2. Master Drainage and Hydrology Report, prepared by an Arizona registered engineer.~~
 - ~~3. Master Water and Sewer System Report, prepared by an Arizona registered engineer.~~
 - ~~4. Traffic Impact Analysis Engineering Report, prepared by an Arizona registered engineer.~~
 - ~~5. A Cost Impact Analysis of the proposed public facilities and infrastructure, prepared by a competent person or firm with experience in the preparation of such studies. The study shall provide the specific detailed accounting of the financing structure for the development of required facilities for parks, law enforcement, fire protection, public~~

Code Amendment: Administrative Refinements (TA24-01)

~~services, municipal government, and other necessary governmental services.~~

- ~~6. Such additional information as the Planning Manager may prescribe as necessary, to facilitate review and action on the application by the Planning and Zoning Commission and the City Council.~~
- ~~C. Development Schedule. The following schedule submitted with the application for a P.C. District shall include the following:
 - ~~1. A schedule, indicating to the best of the applicant's knowledge, the approximate timeframe in which construction or development is expected to begin, the duration of time required for completion of the development; and,~~
 - ~~2. Proposed phasing if the project will not be developed as one (1) unit, including a plan for the interim use and management of the undeveloped phase or phases.~~~~

~~Sec. 21-608. Application Procedures.~~

- ~~A. The applicant is encouraged to meet with the Planning Manager prior to making an application for a P.C. District to discuss the development concept, the review and approval process, and the submittal requirements.~~
- ~~B. The applicant shall obtain the necessary application forms from the Planning Division. Application forms when properly completed and accompanied by the required fee and required material shall be submitted to the Planning Division.~~
- ~~C. If the application request requires an amendment of the City's adopted General Plan and/or an adopted Specific Plan, the applicant shall submit an application to amend the General Plan or adopted Specific Plan prior to or simultaneously with the application for a P.C. District.~~
- ~~D. The Planning Division shall distribute the P.C. application and supporting materials pursuant to Section 21-607, and other relevant documentation to each responsible department for review and comment.~~
- ~~E. Written responses shall be obtained by the applicant from public or quasi-public agencies identified by the Planning Manager as being stakeholders in the outcome of the development proposal within the timeframe defined above. The recommendations and submit a written report to the applicant.~~
- ~~F. The revised P.C. "Development Plan" and "Standards Report" shall be resubmitted to the Planning Division for further evaluation by the Planning Manager and the reviewing agencies.~~
- ~~G. A development agreement between the applicant and the City may be prepared and reviewed concurrently to afford resolution to issues and concerns identified through agency review.~~

~~Sec. 21-609. Adoption of a Planned Community District.~~

- ~~A. The Planned Community District shall be adopted in accordance with procedures set forth in Section 21-317. The Commission and Council shall consider the P.C. "Development Plan" and "Standards Report" as part of the rezoning application and all provisions and protocols therein set forth in Section 21-317 shall apply to said "Development Plan" and "Standards Report".~~
- ~~B. At the time a P.C. District is approved by the City Council, the associated "Development Plan" and "Standards Report" shall become an integral part of the Peoria zoning regulations for the P.C.~~

Code Amendment: Administrative Refinements (TA24-01)

~~District established by the City on the property. All future development within the adopted P.C. District shall thereafter be in conformity with the "Development Plan" and "Standards Report".~~

~~Sec. 21-610. Findings.~~

~~Before approval or adoption of an application for a P.C. District, the Planning and Zoning Commission and the City Council shall find:~~

Sec. 21-612. Establishment of a Planned Community District.

A. Required Findings. The applicant shall address each of the required findings, as set forth below, and shall demonstrate with sufficient, objective information, how the proposed PCD complies with each. The City Council, following a recommendation from the Planning and Zoning Commission, may approve an amendment of the Zoning Map of the City of Peoria to reflect establishment of the PCD on the subject property upon determining that all of the following findings have been met:

- ~~1.A.~~ That the development proposed is in conformance with the General Plan.
- ~~2.B.~~ That the streets and thoroughfares proposed are in conformance with the General Plan Circulation Map and will be adequate to serve the proposed uses.
- ~~3.C.~~ The Planning and Zoning Commission and City Council shall further find:
 1. In the case of proposed residential development, that the development will promote compatible buildings and uses and that it will be compatible with the character of the surrounding area;
 2. That the conceptual site locations proposed for public facilities such as schools, fire protection, law enforcement, water, wastewater, streets, public services and parks, are adequate to serve the anticipated population within the PCD-P.C. District;
 3. In the case of proposed commercial, industrial, institutional, recreational and other non-residential uses or mixed-uses, that such development will be appropriate in area, location and overall planning for the purpose intended; and,
 4. That the development is fiscally sound, as demonstrated in the Cost Impact Analysis, and is consistent with adopted policies, infrastructure plans and applicable Capital Improvement Programs (CIP).

B. Standards & Guidelines Report.

~~A.~~ 1. The Planned Community District shall be adopted in accordance with procedures set forth in Section 21-~~153~~317. The Commission and Council shall consider the PCD-P.C. "Development Plan" and "Standards & Guidelines Report" as part of the rezoning application and all provisions and protocols therein set forth in Section 21-~~153~~317 shall apply to said "Development Plan" and "Standards & Guidelines Report".

~~B.~~ 2. At the time a PCD-P.C. District is approved by the City Council, the associated "Development Plan" and "Standards & Guidelines Report" shall become an integral part of the Peoria zoning regulations for the PCD-P.C. District established by the City on the property. All future development within the adopted PCD-P.C. District shall thereafter be in conformity with the "Development Plan" and "Standards & Guidelines Report".

Code Amendment: Administrative Refinements (TA24-01)

C. **Waiver Claim for Diminution in Value.** The Zoning Administrator shall not approve or recommend approval of any establishment or modification of a PCD District unless the Zoning Administrator has received a Waiver of Claim for Diminution in Value from the Owner or Owners of the property that is the subject of the PCD request, or has determined that the absence of such a Waiver of Claim for Diminution in Value is consistent with the City's General Plan and zoning goals and regulations.

Sec. 21-611. Future Development.

~~Upon adoption of the P.C. District, the applicant may then proceed with the development of the property in accordance with the "Standards Report" and "Development Plan" by filing subdivision plats for any portion of the P.C. District in accordance with Chapter 24 of the Peoria City Code (1977), which constitutes the City's Subdivision Regulations; or a site plan, pursuant to Section 21-320 of the Peoria Zoning Ordinance. Legal descriptions for each affected development unit must be provided with subdivision plats or site plan applications.~~

~~The Planning and Zoning Commission will not take any subsequent approval action on a project within thirty (30) days of the City Council's adoption of the P.C. District.~~

Sec. 21-613~~2~~. Amendments to an Approved Planned Community P.C. District.

A. **General.** Amendments may be requested by the applicant or its successors.

B. **Applicability.** ~~Amendments to the P.C. District "Development Plan" or "Standards Report" may be requested by the applicant or its successors. Amendments to the approved P.C. District shall be delineated as major or minor amendments.~~ Amendments to the approved PCD P.C. "Development Plan" and "Standards Report" may be limited to one or more parcels or "development units" and any proposed change will not affect parcels or development units not included in the proposed amendment.

C. **Major or Minor Amendments.**

1. **Determination Authority.** Upon receipt of an amendment application to the Planning ~~Division Department~~, the Zoning Administrator ~~Planning Manager~~ shall determine if the proposed amendment constitutes a major or minor amendment using the criteria noted below.

~~C.~~ 2. **Major Amendments.** If the Zoning Administrator ~~Planning Manager~~ determines the amendment to be a major, the amendment request shall be processed in the manner set forth in Sections 21- ~~611-608~~ and 21-612609. ~~D.~~ An amendment will be deemed Major if it involves any one of the following:

1. ~~a.~~ **a.** A change in the overall PCD P.C. District Boundary;

2. ~~b.~~ **b.** An increase in the total number of approved dwelling units or gross leasable area (GLA) by 10% or more for the overall PCD P.C. District;

3. ~~c.~~ **c.** A significant change to the approximate boundary of one or more "development unit(s)" from that approved in the P.C.D. District, as determined by the Zoning Administrator ~~Planning Manager~~. A change to an individual development unit generally shall be deemed to be significant if it represents more than a ten percent (10%) increase to the approximate gross area of the development unit as approved for the PCD without a corresponding reduction in one or more adjoining "development unit" in the P.C. District;

4. ~~d.~~ **d.** A reconfiguration in land use designation and/or parcel boundaries that increases or decreases the total of any land use type by more than 20% within the overall PCD District.

Code Amendment: Administrative Refinements (TA24-01)

~~An increase of ten percent (10%) or more of the approved number of projected dwelling units or gross leasable area (GLA) for an individual development unit;~~

- ~~5.—e. A request for a new land use classification type or category that was not previously approved within the PCD District, as determined by the Zoning Administrator. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the City Engineer;~~
- ~~6.—f. Any other proposed change of use or increase in intensity/density that significantly impacts adjoining areas, including significant traffic impact (volume or level of service) or increase in utility infrastructure demand, as determined by the Zoning Administrator. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the P.C. District or to the overall major street system as determined by the City Engineer; or,~~
- ~~7.—g. Any other proposed change to the "Development Plan" and/or "Standards & Guidelines Report" which substantively alters one or more components of the PCD P.C. District as determined by the Zoning Administrator-Planning Manager.~~

E.3 Minor Amendments.

- a. Amendments not meeting one or more of the criteria listed in Subsection (D) shall be considered minor. If the ~~Zoning Administrator-Planning Manager~~ determines the amendment to be minor, ~~the decision is final unless appealed in a timely manner pursuant to Section 21-614.~~
 - b. ~~If no appeal is filed, or the appeal to be determined to be invalid pursuant to Section 21-614, then the Zoning Administrator-Planning Manager may administratively act on the amendment and attach stipulations or conditions of approval thereto, to protect the public health, safety and welfare.~~
- ~~1.—If the amendment proposes a change to the Development Plan Map, notice of the proposed minor amendment shall be mailed to each owner of property as last disclosed by County Assessor records, situated wholly or partly within three hundred (300) feet of the affected development unit(s) to which the amendment relates. For purposes of giving mailed notice, the Planning Manager shall require the applicant to furnish the names and addresses and stamped/addressed envelopes of all affected property owners as determined above. If the amendment proposes any other change to the "Development Plan" or "Standards Report", including but not limited to, text changes or changes to the development standards of the "Standards Report", notice of the minor amendment shall be published within a newspaper of general circulation.~~
 - ~~2.—If written protest to any minor amendment is received from any notified property owner within ten (10) days of the notification mailing date in the case of mailed notice, or within ten (10) days of the final date of advertising in the case of published notification, and such protest cannot be resolved, then the Minor Amendment shall be reclassified as a Major Amendment. No additional application shall be required; however, all provisions governing Major Amendments shall then apply.~~
 - ~~3.—If written protest is not received as described above, the Planning Manager shall render a decision on the minor amendment request. The Planning Division decision shall be final unless appealed under Section 21-613. The Planning Manager or assigned designee shall send copies of the decision to the applicant, interested parties of record and members of the Planning and Zoning Commission.~~

Code Amendment: Administrative Refinements (TA24-01)

D. Notice. Major and minor PCD amendments shall be noticed in accordance with Section 21.146 of the Zoning Ordinance.

Sec. 21-61413. ~~Administrative Decision~~ Appeals.

A. Appeal of an Amendment Classification.

1. Filing.

- a. For Map Changes: An appeal may be filed by the owner of the property that is the subject of the decision, or by any property owner(s) within 300 feet of the requested change.
- b. For All Other Changes: An appeal may be filed by the owner of the property that is the subject of the decision, or by any property owner(s) within 1,320 feet of the requested change.

2. Form and Deadline.

- a. The appeal shall be submitted on a form provided by the Planning Department and must specify the grounds for the appeal.
- b. The appeal must be received within fifteen (15) days of publication of the Zoning Administrators decision.

3. Validity.

- a. Appeals filed with the intent to contest prior City Council adoption and authorization of a permitted or conditionally permitted use, or a zoning district, shall be determined by the Zoning Administrator to be invalid.
- b. Appeals determined to be valid shall be forwarded to the Board of Adjustment on the next available agenda and processed in accordance with Section 21-162.

~~A.B.~~ Appeal of a Planning Department Decision.

An action or decision by the Planning ~~Division~~ Department on minor amendments may be appealed by the applicant within ten (10) calendar days from the date of the ~~Zoning Administrator~~ Planning Manager's decision.

1. Appeals shall be in writing on a form provided by the Planning ~~Division~~ Department and shall include only the specific items being appealed.
2. The Planning ~~Division~~ Department will submit a report and any background material regarding the appeal to the Planning and Zoning Commission for its next scheduled meeting. Any persons associated with the action being appealed shall be informed by the Planning ~~Division~~ Department of the date, time, and location of the appeal hearing.
3. The Planning and Zoning Commission's decision on the appeal will be sent out (in writing) to the applicant. The decision of the Planning and Zoning Commission will be final, unless the applicant initiates an appeal to the City Council.

~~B.C.~~ Appeal of Planning and Zoning Commission Decision to Council. An action or decision by the Planning and Zoning Commission ~~on minor amendments~~ may be appealed by the applicant within ten (10) calendar days after the date of the Commission decision.

1. Appeals shall be in writing on a form provided by the Planning ~~Division~~ Department and shall include the specific items being appealed and the nature upon which the decision was in error.

Code Amendment: Administrative Refinements (TA24-01)

2. The Planning ~~Division~~ Department shall transmit to the City Council a transcript, with exhibits, of the Planning and Zoning Commission's hearing. The City Council shall review the transcript and exhibits and may, at their discretion, hear further oral or written comments.
3. The City Council may affirm the decision of the Planning and Zoning Commission; or remand the matter for further proceedings before the Planning and Zoning Commission; or reverse or modify the Planning and Zoning Commission's decision.

~~Sec. 21-614. Administration and Enforcement.~~

~~A. While ownership of a project may subsequently be transferred (in whole or in part), P.C. District zoning will continue to be implemented and maintained on the total acreage of the P.C. District zoned project. It is the responsibility of the owner to notify all prospective purchasers of the existence of the P.C. District and the P.C. "Development Plan" and "Standards Report". It is also the responsibility of the owner to initiate a dialogue with the Planning Manager to ensure the program of development can be administered to comply with all of the processing time frames and hearing schedules required.~~

~~B. In the event that the applicant has failed to comply with the conditions adopted by the City Council in conjunction with the approved P.C. District and the P.C. "Development Plan" and "Standards Report", the City may proceed in accordance with Section 21-317 of the Peoria Zoning Ordinance.~~

Sec. 21-615. Definitions.

Development Plan: Is a multi-faceted development plan, organized by development unit, demonstrating how the Standards Report will be implemented. The Development Plan will illustrate the proposal's relationship and conformity with adjacent land uses, circulation systems and the provision of utilities and other public services.

Development Unit: An approximate "subarea" within a specifically defined ~~PCD-P.C.~~ boundary containing singular or multiple designated land use and zoning classifications. Multiple classifications or mixed-use classifications may be permitted in the ~~PCD-P.C. District~~ in conformance with the General Plan. A development unit in text or table format is the same area as referenced on a map but describes the area in more specific detail. The City Council may approve a particular definition of "subarea" or "development unit" for any individual ~~PCD-P.C. District~~.

Standards & Guidelines Report: Consists of a narrative report, existing conditions map and background information describing the characteristics, components and timing of the proposed ~~PCD P.C. District~~ by development unit(s). The Standards Report includes a development unit matrix describing density, projected employment, intended FAR's, zoning districts and applicable development standards.

~~PLANNED UNIT DEVELOPMENT (PUD)~~

Sec. 21-616. Planned Unit Development (PUD) Intent.

It is the intent of this Section to assist the City in planning large tract areas to insure proper design of water, sewer and utility services. This option can be filed with the City to determine basic land use needs and density requirements, for the purpose of achieving a Master Plan Concept, and to assist a developer in density requirements when the developer elects to leave large, open space areas for recreational use. The final zoning shall not be reflected on the zoning map until the developer has submitted individual plot plans of each phase before the Council, with exact metes and bounds descriptions. Upon Council approval, the City Zoning Map shall be assigned permanent zoning as approved. Under this portion of the option,

Code Amendment: Administrative Refinements (TA24-01)

the maximum gross population density and building intensity of the overall development shall not exceed that permitted under conventional single-family standards.

HISTORIC PRESERVATION (HP)

Sec. 21-625. Historic Preservation (HP) Intent.

Sec. 21-627. Designation of Landmarks or Historic Districts.

- C. Notice of a proposed designation and all associated hearings shall be provided in the manner required for Rezoning applications as described in Section 21-146 ~~21-311 through Section 21-326~~.

Sec. 21-629. Application for Certificate of Appropriateness.

- A. Prior to the commencement of any work requiring a Certificate of Appropriateness the property owner shall file an application for such a certificate on the official form provided by with the Planning ~~and Community Development~~ Department.
- B. No building permit shall be issued for such a proposed work until the Historic Preservation Commission has first issued a Certificate of Appropriateness. The Certificate of Appropriateness required by this act shall be in addition to and not in lieu of any building permit that may be required by any other ordinance or the City of Peoria.

Sec. 21-630. Hearing of Application for Certificate of Appropriateness.

- A. The Historic Preservation Commission shall hold a public hearing for each application for a Certificate of Appropriateness. The hearing shall be posted and noticed in accordance with A.R.S. § 9-462.04.
- B. The Commission shall approve, deny, or approve the permit with modifications.
- C. In its review and consideration of an application for a Certificate of Appropriateness, the Historic Preservation Commission shall not consider changes to interior spaces, unless they are open to the public, or to architectural features that are not visible from a public street or alley.
- D. The Commission's decision shall be based upon the following principles:
1. Properties which contribute to the character of the historic district shall be retained, with their historic features altered as little as possible;
 2. Any alteration of existing historic landmark properties shall be compatible with their historic character. Any alteration of existing properties within a historic district shall be compatible with their historic character as well as with the surrounding district; and,
 3. New construction shall be compatible with the district in which it is located.
- E. In applying the principle of compatibility, the Commission shall consider the following factors:
1. The general design character and appropriateness to the property of the proposed alteration or new construction;
 2. The scale of proposed alteration or new construction in relation to the property itself, surrounding properties and the neighborhood;
 3. Texture, materials, and color and their relation to similar features of other properties in the neighborhood;

Code Amendment: Administrative Refinements (TA24-01)

4. Visual compatibility with surrounding properties, including proportion of the property's front facade, proportion and arrangement of windows and other openings with the facade, roof shape, and the rhythm of spacing of properties on streets, including setback; and,
 5. The importance of historic, architectural or other features to the significance of the property.
- F. The Commission shall utilize the Secretary of the Interior's Standards for Rehabilitation (1990 edition) as a guide for its decisions with respect to review of applications for Certificate of Appropriateness.
- G. All decisions of the Commission shall be in writing. A copy shall be sent to the applicant within ten (10) days after the Commission's decision by mail. A copy shall be made available for public inspection at the Planning ~~and Community Development~~ Department. The Commission's decision shall state findings and reasons for denying or modifying any application.

Sec. 21-632. Application for Finding of Hardship.

- A. An applicant shall submit an application for Finding of Hardship within thirty (30) days after the Commission's decision to deny the Certificate of Appropriateness. No building permit or demolition permit shall be issued unless the Commission makes a finding that a hardship exists.
- B. The Commission shall hold a public hearing on the hardship application in accordance with the procedures specified in Chapter 3, Section 3-20.
- C. The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.
- D. All decisions of the Commission shall be in writing. A copy of the decision shall be sent to the applicant by mail. A copy shall be made available for public inspection at the Planning ~~and Community Development~~ Department. The Commission's decision shall state findings and reasons for granting or denying the hardship application.

[Sections 21-643 through 24-649 Reserved](#)

~~HILLSIDE DEVELOPMENT OVERLAY DISTRICT (HDOD)~~

Sec. 21-~~650-710~~. [Hillside Development Overlay District \(HDOD\)](#) ~~Intent~~.

- A. It is the purpose of this Section to establish regulations which recognize that development of hillside areas involves special considerations which result from the slope of the land. These considerations include but are not limited to increased hazards to development from rock falls, storm water runoff, geologic hazards, increased limitations on vehicular travel, and increased difficulties in providing public services. In addition, steeply sloped lands introduce design limitations to roadways, cuts and fills, and building sites.
- B. The Hillside Development Overlay District is an overlay district that applies to all land wherever the natural terrain of any lot or parcel or any portion thereof has a slope of ten percent (10%) or greater. The application of the Hillside Development Overlay district shall be as depicted below in Table 1, Hillside Determination.

Code Amendment: Administrative Refinements (TA24-01)

Table 21-650 4 Hillside Determination	
< 10% slope	Non-Hillside Regulations Apply
≥ 10% slope	Hillside Regulations Apply
<u>≤ 5 acres with < 50% of site with slopes ≥10%</u>	Non-Hillside Regulations Apply
≤ 5 acres with <u>≥50% of site with slopes ≥10%</u> or more of the site in Hillside	Hillside Regulations Apply
≥ 5 acres with <u>< 50% of site with slopes ≥10%</u> less than 50% of the site in Hillside	Hillside Regulations Apply Only only to those areas with slopes greater than 10% considered Hillside

- C. All rezoning applications to Planned Community District (PCD) and Planned Area Developments (PAD) shall conform with the provisions of this Section unless expressly modified through an approved [PCD](#) or [PAD](#) ~~District~~ Standards ~~/ &~~ [Guidelines](#) Report and Development Plan.
- D. Conservation features identified in Section 21-~~671~~~~726~~ shall be preserved in accordance with that Section.

Sec. 21-~~651~~~~711~~. Definitions.

Sec. 21-~~652~~~~712~~. Slope Determination.

- A. A Slope Category Determination Study shall be required prior to the initiation of any Site Disturbance Activities for all land with slopes of 10% or greater.
- B. A property owner subject to Subsection A above shall prepare a Slope Category Determination Study utilizing one of the two methodologies outlined in this Section. A property owner or authorized agent shall submit to the Department a Slope Category Determination Study pursuant to this Section, as follows:
 1. Simultaneously with a rezoning application;
 2. If a rezoning action is not required, simultaneously with a preliminary plat or site plan; or,
 3. If a rezoning, plat, site plan, or minor land division is not required, prior to the issuance of any building permit or site grading permit.
- C. Applicants seeking a waiver from the provisions of this Section may request a waiver of the requirements for a Slope Category Determination Study to the [Zoning Administrator](#) ~~Planning Manager~~. A written waiver request shall be submitted to the [Zoning Administrator](#) ~~Planning Manager~~ with an explanation of why a waiver is warranted and shall include such supporting materials as follows:
 1. Site photographs;
 2. Site specific topography information;
 3. All other such information which may provide information on the request.

The [Zoning Administrator](#) ~~Planning Manager~~ may approve or deny an application as submitted or may request additional information if necessary. In addition to any other grounds the City may have, the City expressly reserves the right to reject the waiver request in the event the Owner is unwilling to enter into a Waiver of [Claim for Diminution in Value](#) ~~Proposition 207~~ regarding the property that

Code Amendment: Administrative Refinements (TA24-01)

is the subject of the waiver request. It shall be the sole burden of the applicant requesting such a waiver to show that the subject property does not qualify as a Hillside Development Area under this Section. The ~~Zoning Administrator~~ ~~Planning Manager~~ may grant the requested waiver upon a finding that reasonable evidence exists that the subject site does not contain potential slope area that would qualify as a Hillside Development Area.

- D. Applicants may prepare a Slope Category Determination Study utilizing a methodology differing from those outlined in this Section, if acceptable to the ~~Zoning Administrator~~ ~~Planning Manager~~. Applicants seeking to utilize an alternative methodology shall provide both a written explanation of the proposed alternative methodology and a graphical example of its use. If, upon review of the proposed alternative Slope Category Determination Study by the ~~Zoning Administrator~~ ~~Planning Manager~~, the slope analysis is not acceptable, the applicant shall utilize one of the adopted methodologies contained herein. Appeals of the ~~Zoning Administrator~~ ~~Planning Manager~~ decision pursuant to this paragraph may be heard by the Administrative Hillside Hearing Officer subject to the provisions of Section 21-~~132~~~~311~~ of this Ordinance.

Sec. 21-~~653~~~~713~~. Density.

- D. The transfer of density within a Hillside Development Area shall not be an assumed right and in no case shall a transfer of density occur without the approval of the ~~Zoning Administrator~~ ~~Planning Manager~~. Approvals of a density transfer shall be made only upon a finding that the proposed transfer will not be detrimental to the intent of the Hillside Development Overlay District and upon a finding that the transfer will advance the City's interests in protecting a Hillside Development Area.

Sec. 21-~~654~~~~714~~. General Provisions for Hillside Lots.

Sec. 21-~~655~~~~715~~. Height and Appearances.

Sec. 21-~~656~~~~716~~. Disturbed Area Calculations for Individual Hillside Lots.

- K. Transfer of Disturbed Area and dwelling units/development rights to a lower slope category shall be subject to the following conditions:
1. Permitted Lot Coverage and Disturbed Area from a higher slope category may be transferred to the next lower slope category within the site/parcel provided the transferred-to category does not exceed its allowable disturbed area. In the event that the transfer would cause the lower category to exceed its allowable disturbed area, the remaining portion of the transferred square footage may be transferred to the next lower category. This pattern may be repeated until all hillside categories have attained their respective allowable disturbed area. Transfers below the 10% slope line are not permitted.
 2. Permitted Disturbed Areas shall not be transferred from the 0-10% slope category to any other category.
 3. After any applicable transfers of Disturbed Areas have been calculated, the Total disturbed Area, which includes Lot Coverage, within the 10% - 25% slope categories as indicated in Table 4, may be combined to produce a "bucket" of disturbable square footage. This "bucket" may be distributed throughout the 10% - 25% slope categories at the applicant's discretion (Figure 1).
 4. Approvals of a disturbed area transfer shall be made only upon a finding that the proposed transfer will not be detrimental to the intent of the Hillside Development Overlay District and

Code Amendment: Administrative Refinements (TA24-01)

upon a finding that the transfer will advance the City's interests in protecting a Hillside Development Area.

5. The location of the Disturbed Area and the allocation of Disturbed Area among parcels or lots shall require approval of the [Zoning Administrator](#) ~~Planning Manager~~ or designee; such approval shall be made upon a finding that:
 - a. The proposed location will not be detrimental to the intent of the Hillside Development Overlay District and, to the maximum extent feasible, is located in the lowest slope categories;
 - b. The difference of allocated Disturbed Area does not vary by more than twenty percent (20%) among lots of comparable size and location;
 - c. The resulting change in Disturbed Area on an individual lot does not interfere with the preservation of Natural Open Space;
 - d. The resulting change in Disturbed Area does not result in more cuts into hillside slopes above the twenty percent (20%) slope line or changes in contours that will remain unrestored;
 - e. The location will advance the City's interest in protecting a Hillside Development Area; and
 - f. The development or development parcel is otherwise in compliance with this Section.
- M. A Disturbed Area (up to 50% over Table 3, for slope areas over 10%) may be excluded from Disturbed Area calculations when the applicant has committed to comply with the following restoration conditions:
 1. The restored area shall be re-contoured to match pre-existing contours.
 2. The restored area shall be re-vegetated to its pre-development condition utilizing native plant types arranged and placed at a density matching the surrounding native desert.
 3. The restoration area shall be treated with an aging agent approved by the [Zoning Administrator](#) ~~Planning Manager~~ and restored with indigenous desert material.
 4. The restoration plan and process shall be prepared by a registered engineer or landscape architect and shall be approved prior to issuance of a building permit.

Sec. 21-~~657~~~~717~~. Grading and Drainage.

Sec. 21-~~658~~~~718~~. Driveways.

Sec. 21-~~659~~~~719~~. Perimeter Walls, Privacy Walls, Retaining Walls, and Edge Treatments.

Retaining Walls

- G. View fences not exceeding six (6) feet in height above the highest part of adjacent natural grade may be added to a retaining wall. Increases in the height of view fences may be granted by the [Zoning Administrator](#) ~~Planning Manager~~ provided that the retaining wall contains unique design and materials or other amenity features that, in the determination of the [Zoning Administrator](#) ~~Planning Manager~~, mitigate the impact of the additional height.

Code Amendment: Administrative Refinements (TA24-01)

Edge Treatment

- L. Within the ten to fifteen percent (10-15%) slope category only, exceptions to the limitations on fences or walls may be permitted. In those instances where an exception is desired, applicants shall submit a detailed Wall Plan to the [Zoning Administrator](#) ~~Planning Manager~~ for review and action. In conjunction with the submittal of the Wall Plan to the [Zoning Administrator](#) ~~Planning Manager~~, the applicant shall submit a copy of the Wall Plan to the appropriate City department(s) for review and approval for conformance with all City Grading and Drainage requirements. Wall Plans shall indicate the proposed locations of walls or fences, the proposed materials, colors and design of any wall or fence, and fence construction and disturbance mitigation measures. Such plans shall be accompanied by a narrative explaining the reasons why such an exception should be made. Upon completion of the review of the Wall Plan by the [Zoning Administrator](#) ~~Planning Manager~~, and following the review and approval of the Wall Plan by the Engineering [Department](#) ~~Division/Site Planning~~ [Division](#) ~~Department~~, the [Zoning Administrator](#) ~~Planning Manager~~ may approve the Wall Plan. Wall Plans may be approved by the [Zoning Administrator](#) ~~Planning Manager~~ upon a finding that the proposed location and design of the wall(s) is in accordance with this Section and further that the proposed wall will not be contrary to the intent and purpose of this Section.
- M. Perimeter walls or fences approved by the [Zoning Administrator](#) ~~Planning Manager~~ within the ten to fifteen percent (10-15%) slope category and abutting an open space area or tract, shall be a maximum of six feet eight inches (6'-8") in height with no more than three (3) feet being constructed of a solid or opaque material. That portion of the wall or fence not constructed of a solid or opaque material shall be open in design and may not include chain-link or wood materials. Notwithstanding the foregoing, walls exceeding six (6) feet eight inches in height and constructed of solid or opaque material may be approved by the [Zoning Administrator](#) ~~Planning Manager~~ if the wall is for the purpose of screening non-residential uses.

Sec. 21-~~660~~720. Lighting, Sewers, and Utilities.

Sec. 21-~~661~~721. Mountain Ridge Profile.

- A. Within areas above the twenty percent (20%) slope line, no construction shall occur which will alter the mountain top profile and no building or structure shall be constructed which will project above a ridge line of significance when viewed from adjacent properties. Ridge lines of significance shall be identified in the hillside analysis accompanying the project submittal for a subdivision or shall be shown on the individual site analysis plan for individual lots. Upon review of the project submittal, the [Zoning Administrator](#) ~~Planning Manager~~ or designee shall determine the ridges of significance for the site. Ridge lines of significance shall include, but not be limited to the following, and may include ridge lines or ridge line complexes which meet the criteria listed below:
1. Ridge lines and ridge line complexes which are visible from existing and/or planned collector and arterial roadways,
 2. Ridge lines and ridge line complexes which are visible from surrounding vantage points when viewed from a location with an elevation difference of a maximum of three hundred (300) vertical feet from the property line of the subject parcel/structure,
 3. Ridge lines and ridge line complexes which have a vertical height increase of more than three hundred (300) feet as measured from the point of the ten percent (10%) slope line of the ridge or ridge complex, and

Code Amendment: Administrative Refinements (TA24-01)

4. Other significant ridge lines or ridge line complexes as determined during the site analysis process.
- B. Prior to the issuance of any building permits, cross-sections shall be submitted showing the relationship of the proposed development with established mountain top ridge lines and ridge lines of significance when applicable.

Sec. 21-~~662~~~~722~~. Submittal Requirements for Construction on a Hillside Lot.

- A. In addition to drawings, plans, specifications and details necessary to obtain a building permit, the following shall be provided for staff review:
1. A topographic map at an appropriate scale on a 24" × 36" sheet presenting the total lot and a twenty (20) foot area beyond the property line shall be submitted with the application. This map shall show existing and proposed finished contours at two (2) foot intervals within a twenty (20) foot perimeter from any proposed building, five (5) foot intervals elsewhere. Existing contours shall be shown with dashed lines. This map shall show limits of excavation and fill, slope of cut and fill, total cubic yards of excavation and fill. The location and area of the sewage disposal systems, if public sewers are not provided.
 2. Detailed site plans and landscape plans at an appropriate scale, shall be submitted with each application and shall include, but not be limited to, the following: grade and slope in percent at all disturbed areas. Dimensions and calculations of all cut and fill for the building site, roads, drives, swimming pools, septic systems and the method of concealment for each fill or exposed cut. Dimensions of length and height of retaining walls, fences and other attachments; the location and grade of all drainage channels, swales, drain pipes, etc. The amount and degree of surface disturbance, destruction or removal of natural vegetation. Protected desert vegetation shall be preserved in an appropriate manner in accordance with the Desert Lands Conservation Overlay district.
 3. Cross sections at 1:1 scale, at two (2) or more locations perpendicular to the contours through the building site. Location of the cross-sections shall be clearly shown on the topographic map. Properties impacting ridge lines shall provide additional cross-sections indicating their relation and impact on such ridge lines as established in Section 21-~~661~~~~721~~.
 4. An overall excavation, grading and drainage plan shall be prepared in accordance with sound professional engineering practices and to address minimum standards adopted by the City. Said plans shall be prepared and certified by a professional engineer registered in the State of Arizona. If any drainage structures or culverts are involved, it will be necessary to include calculations for peak flows for a 100 year storm to establish appropriate drainage facilities, cross-sections and details. Storm water diverted from its original drainage pattern shall be returned to its natural course before leaving the property.
 5. Where possible and appropriate on less complex lots and lots with acceptable site conditions, the combining of the above maps into one drawing may be acceptable.
 6. The Zoning Administrator ~~Planning Manager~~, or their designee, may require an accurate oblique view architectural rendering in color; showing the appearance of the building, lot, landscaping, and skyline. The Zoning Administrator ~~Planning Manager~~ may also require a model if determined necessary to evaluate the project. The model may be a three dimensional physical model or it may be a computer generated model in a three dimensional format and presented by a series of prints or by a disc that can be viewed on a monitor. The rendering and

Code Amendment: Administrative Refinements (TA24-01)

the model will remain in the custody of the [Zoning Administrator](#) ~~Planning Manager~~ until a Certificate of Occupancy is issued. On the rendering or attached thereto, the applicant shall list all colors depicted on the exterior of all structures according to Section 21-~~653~~~~713.B~~.

7. Plans for any structure to be constructed on any land governed by these Hillside Regulations shall be sealed by a registered engineer or architect.
8. The plans for any hillside development of any kind or nature whatsoever, must be approved by the staff and appropriate permit(s) issued, before any grading, bulldozing, blasting, or movement of earth is commenced.

Sec. 21-~~663~~~~723~~. Inspections.

Sec. 21-~~664~~~~724~~. Enforcement/Compliance.

- A. Violations should be reported by the City to the property owner, together with a Compliance Order describing the measures required to correct the violation(s). Failure to comply with the terms of a Compliance Order shall constitute a violation of this Section.
- B. In those instances where a Site Disturbance Activity has commenced within a Hillside Development Area without an approved Slope Category Determination Study or where another violation of this Section has occurred, the City may issue a Stop Work Order to terminate immediately all development or construction related Site Disturbance Activity on the site, parcel or property. In addition, the City may revoke any or all of the permits issued by the City for the site, parcel or property. Upon the issuance of a Stop Work Order, the responsible party shall immediately terminate all activities on the site and then contact the City of Peoria Planning [Department](#) regarding what measures should be taken to eliminate any problems resulting from the development activity. Failure to comply with the terms of a Stop Work Order shall be a violation of this Section.
- C. Violations of this Section are subject to prosecution by the City of Peoria under the City Code and shall be punishable as provided by law.

[Sections 21-666 through 24-669 Reserved](#)

~~DESERT LANDS CONSERVATION OVERLAY (DLCO)~~

Sec. 21-~~670~~~~725~~. [Desert Lands Conversation Overlay \(DLCO\)](#) ~~Intent~~.

Sec. 21-~~671~~~~726~~. Applicability.

Sec. 21-~~672~~~~727~~. Definitions.

Sec. 21-~~673~~~~728~~. Review and Approval Process.

- D. Desert Lands Conservation Report. A comprehensive report shall be submitted as part of a rezoning, platting site plan or building permit request that reviews existing conditions and site and project characteristics. For projects larger than 10 acres, this shall be the Desert Lands Conservation Report (DLCR). Projects of 10 acres or less may submit a Master Conservation Plan (MCP), as specified in this Section in order to meet this requirement. If a development request is being proposed on a property for which an existing DLCR is on file with the City, the [Zoning Administrator](#) ~~Planning Manager~~ shall determine what information, if any, needs to be updated.

A request to modify some or all of the submittal requirements listed in this Section may be submitted

Code Amendment: Administrative Refinements (TA24-01)

to and approved by the [Zoning Administrator](#)~~-Planning Manager~~ based upon a finding that sufficient information will be provided to make a determination as to compliance with the provisions of the DLCO.

A narrative description of the proposed development and information included on exhibits shall be submitted as the essential document of the report. The DLCR shall contain information specified in the Desert Lands Conservation Guide.

- G. Approval Process. The Planning and Zoning Commission or the City Council shall review and either approve or disapprove any DLCR and/or MCP that is submitted as part of a development request requiring approval by the Planning and Zoning Commission or the City Council. The [Zoning Administrator](#)~~-Planning Manager~~ or his/her designee shall review and either approve or disapprove a DLCR and/or MCP for development request requiring building permit, site plan or subdivision plat approval. Appeals of the decision(s) regarding a DLCR and/or MCP will be addressed in the same manner as the development request which it accompanies. Approvals of the DLCR shall be valid for the same period of time accorded to the accompanying development request. After a period of one year from the submittal date of the MCP the [Zoning Administrator](#)~~-Planning Manager~~ shall determine the continued sufficiency of the MCP for future development planning applications. The [Zoning Administrator](#)~~-Planning Manager~~ shall not approve or recommend approval of any DLCR and/or MCP unless the [Zoning Administrator](#)~~-Planning Manager~~ has received a Waiver of [Claim for Diminution in Value Proposition 207](#) from the Owner or Owners of the property that is the subject of the DLCR and/or MCP or has determined that the absence of such a Waiver of [Claim for Diminution in Value Proposition 207](#) is consistent with the City's General Plan and zoning goals and regulations.
- F. Native Plants.
6. The prohibited plant species list shall be provided by the Developer to all purchasers of property within the development. Exceptions to the Prohibited Plant Species List may be approved by the [Zoning Administrator](#)~~-Planning Manager~~ or designee subject to a report from a registered landscape architect and a satisfactory recommendation from the Community Services Department.

Sec. 21-~~674~~729. Conservation Standards.

Sec. 21-~~675~~730. Native Plant Permit.

- C. Submittal Requirements. Any submittals made for a Native Plant Permit shall comply with the requirements contained in this Section. The developer of a single family custom home shall not require a Native Plant Permit. Submittals must be complete and submitted to the [Planning Community Development](#) Department with the appropriate fee.
1. Native Plant Preservation Plan containing:
 - a. Project name and address;
 - b. Owner name, address, and phone number;
 - c. Proposed salvage contractor, cacti salvage contractor, and tax license number;
 - d. Quarter Section Number;
 - e. Prior Peoria case numbers;
 - f. Number of protected plants to be relocated;

Code Amendment: Administrative Refinements (TA24-01)

- g. Number of protected plants to be destroyed;
 - h. Total number of protected plants disturbed;
 - i. Brief description of your project including estimated timing of salvaging and relocation of plants, plant nursery location, transplanting activities and any other relevant information.
 2. Three (3) copies of the site plan aerial with plat overlay indicating the location by tag number each plant which is required to be protected per the Protected Native Plant List (from the NPPP).
 3. Three (3) copies of the plant inventory performed by a City of Peoria Approved Salvage Contractor (which corresponds to the tag number on the site plan) indicating the following (from the NPPP):
 - a. Plant type;
 - b. Plant size in caliper inches;
 - c. Plant salvageability (Any plant that is determined to be unsalvageable must have an explanation of the present status of the plant material.);
 - d. Whether the plant will remain in place, be moved to another location or be destroyed. (Any plant that is destroyed must have an explanation detailing why the plant cannot remain in place or be moved.)
 - e. Current market value by species and size for all plants identified for salvage.
 4. Temporary project nursery location shown on a map, in a written description or as an address (from the NPPP). Notice of when plant materials have been tagged in the field for City Staff review.
 5. Letter of Authorization from the property owner identifying the city-approved salvage contractor for the project and verifying that all plants are to be replanted on site (from the NPPP).
 6. A copy of the form notifying the Arizona Department of Agriculture, Native Plant Section, of the intent to destroy plant materials protected by state statutes (from the NPPP).
- E. Action on applications. Applications may be approved, approved conditionally, or denied. Where the Zoning Administrator ~~Planning Manager~~ or designee determines that the application is in conformance with the provisions of this Section, a permit shall be issued, with such conditions attached as necessary to insure that the Native Plant Preservation Plan is successfully accomplished. Where it is determined that the application is not in conformance with the provisions of this Section, the application shall be denied. Action taken on applications may be appealed to the hearing officer appointed by the City Manager according to the procedures specified in this Section.
- H. Expiration.
 1. Every permit issued by the City under the provisions of this Section shall expire and become null and void if the work authorized under the provisions of this Section is not commenced within ninety (180) days from the date of issuance, unless otherwise specified as a condition of the permit approval or if the work authorized under the provisions of this Section is suspended or abandoned for a period of ninety (90) days.

Code Amendment: Administrative Refinements (TA24-01)

Before such work can be recommenced, a new permit shall be obtained to do so pursuant to the provisions of this Section.

2. Work shall be completed within the time period specified on the Native Plant Permit. The Zoning Administrator ~~Planning Manager~~ or designee shall have the authority to grant a ninety (90) day extension of the time limit for completion of the work upon written request of the applicant. Failure to comply with the time limitation without an extension authorized by the city shall require application for a new permit pursuant to the provisions of this Section.
- K. Timing of work authorized by this Section. Time periods shall commence on the date of permit issuance. This requirement shall not apply to those native plants deemed to be unsalvageable by the City and noted as such on the permit.
1. Plants with Protected Plant Status authorized for destruction under the provisions of this Section shall not be destroyed within a time period specified as follows:
 - a. One (1) to five (5) plants with Protected Plant Status to be destroyed, fifteen (15) days;
 - b. Six (6) to fifteen (15) plants with Protected Plant Status to be destroyed, thirty (30) days;
 - c. Sixteen (16) or more plants with Protected Plant Status to be destroyed, sixty (60) days.
 2. In no instance shall destruction of plants with Protected Plant Status occur prior to issuance of a Native Plant Permit by the City unless the Zoning Administrator ~~Planning Manager~~ or ~~his/her~~ designee agrees to allow preliminary at-risk grading. Such decision will be based on a report by a registered landscape architect providing an assessment of the salvageability given the time of year, and concurrence from the Community Services Department.
- N. Penalties.
1. Generally. Any violation of this Section is a Class 1 misdemeanor which, upon conviction, may be punishable by a fine not exceeding two thousand five hundred dollars (\$2,500.00), or by imprisonment for a term not to exceed six (6) months, or by both such fine and imprisonment, at the discretion of the city magistrate. Each day this violation continues shall constitute a separate offense.
 2. A Native Plant Permit shall not be issued after a violation resulting in destruction, removal, or relocation of plants with Protected Plant Status has been discovered until such time as a restoration program has been approved and the property has been restored with plants included on the Protected Native Plant List of equivalent type, size, density, distribution, and condition as existed on the property prior to the violation. A program for restoration of the site shall be approved by the Zoning Administrator ~~Planning Manager~~ or designee and shall be based on the expected type, size, density, distribution, and condition of plants with Protected Plant Status within the vegetation communities in which the violation occurred. Appeal of a decision made by the Zoning Administrator ~~Planning Manager~~ or designee regarding a restoration program shall be heard by the Hearing Officer appointed by the City Manager. Appeal of a decision made by the Hearing Officer regarding a restoration program may be made to the City Council in accordance with the rules and

Code Amendment: Administrative Refinements (TA24-01)

procedures established in this Section.

3. Waiver of restoration requirement generally. The City Manager or designee may waive the restoration requirement in this Section when it will further the purpose of this Section and be in the best interest of the community, and when it is demonstrated that development of the property is imminent as determined by the following criteria:
 - a. A development proposal is submitted for approval by a development review board within ten (10) days of the notice of violation.
 - b. The general plan designation of the property is consistent with the proposed development.
 - c. The zoning of the property is consistent with the proposed development.
 - d. Infrastructure improvements are in place, which can support the proposed development.
4. Granting of waiver; cost of replacing and maintaining native plant materials.
 - a. If a waiver is granted, a sum of money shall be paid to the City for the purpose of replacing and maintaining native plant materials. The development review board shall determine the sum of money to be paid to the city from the following schedule:
 - 1) Protected native trees. Three hundred dollars (\$300.00) per caliper inch (measured one (1) foot above ground level).
 - 2) Protected native cacti. Two hundred dollars (\$200.00) per foot.
 - 3) Maximum per plant. Ten thousand dollars (\$10,000.00).
 - b. Determination of the sum of money to be paid to the City pursuant to this Section shall be based upon the type, size, density, distribution, and condition of plant materials that existed on the property prior to the violation, or upon inspection of the remains of plant materials or other physical evidence as may be available. Appeal of a decision of the Hearing Officer regarding this determination may be made to City Council in accordance with the rules and procedures established in this Section.
 - c. The sum of money required by this Subsection shall be used to replace removed or damaged plant materials whose retention is required by a Native Plant Preservation Plan approved in conjunction with the development proposal specified in this Section and to maintain replacement plant materials for a period of three (3) years. Additionally, fifteen (15) percent of the total amount payable shall be kept by the City as payment for the enforcement of these regulations and administration of the agreement specified in this Section.
 - d. Prior to issuance of any permits for construction on or development of the property, the property owner shall provide a mechanism acceptable to the City for replacement of plant materials for a period of three (3) years.

Sec. 21-~~676~~~~731~~. Inspections.

- A. In order to ensure compliance with this Section, inspections may be made by the [Zoning Administrator](#) ~~Planning Manager~~ or [designee](#) ~~his or her duly authorized representative~~ consistent with law.

Code Amendment: Administrative Refinements (TA24-01)

- B. If such inspection reveals that any property or portion of a project is not in compliance with the requirements of this Section, the Zoning Administrator ~~Planning Manager~~ or his or her duly authorized representative shall report the discrepancy to the property owner, developer or their representative and shall order work on the project stopped or corrective action taken as appropriate.

Sec. 21-~~677~~732. Desert Lands Conservation Guide.

Sec. 21-~~678~~733. Enforcement.

- A. *Enforcement Authority.* The DLCO shall be enforced by the Zoning Administrator Community Development Director of the City of Peoria, or designee ~~his or her duly authorized representative~~.
- B. *Interference with Enforcement Personnel.* It shall be unlawful for any person to willfully interfere with, hinder or obstruct enforcement personnel in the discharge of their duties pursuant to this Section.
- C. *Penalties.* A violation of any provision of this Section shall be subject to the violation and penalty provisions of the Zoning Ordinance.
- D. *Notices.* Notices to adjacent property owners shall be sent prior to a hearing or determination on an application for a waiver. Notices shall be mailed to property owners within 300 feet of the subject property of the waiver request no less than ten (10) days prior to the day scheduled for the waiver decision. The Planning Department shall be responsible for mailing such notices. ~~Letters containing information regarding the waiver application shall be mailed to property owners within 300 feet of the property that is subject to the waiver request not less than ten (10) days prior to the day scheduled for the waiver decision. The applicant for the waiver shall supply the City a list of all property owners within 300 feet of the property and stamped addressed envelopes for each address.~~

Sec. 21-~~679~~734. Appeals.

- A. Appeals to the Hearing Officer.
1. Decisions of the Planning ~~Community Development~~ Department ~~Staff~~ arising from the administration of the requirements contained in this Section may be appealed to the hearing officer or "Hearing Officer", which shall be appointed by the City Manager to hear such appeals. The appeals shall be in writing and set forth the specific decision, or portions thereof, of the Planning ~~Community Development~~ Department ~~staff~~ that is being appealed. The appeal shall be filed with the Planning Department. ~~Community Development Director.~~
 2. A copy of the appeal and complete file shall be transmitted to the Hearing Officer ~~hearing officer~~. The Hearing Officer ~~hearing officer~~ shall hold a hearing and provide the applicant and Planning Department ~~Community Development~~ staff an opportunity to present their position. Such hearings shall be informal and the rules of evidence and civil procedure shall not apply. Such hearings shall be noticed in accordance with the following provisions.
 3. The Hearing Officer ~~hearing officer~~ shall act upon an appeal within ten (10) days after filing and shall submit their ~~his or her~~ decision in writing to the applicant and the Planning Department ~~Community Development Director~~.
- B. Appeals to the City Council.

Code Amendment: Administrative Refinements (TA24-01)

1. An applicant or the City may appeal the decision of the [Hearing Officer](#) ~~hearing officer~~ to the City Council. The appeal shall be in writing and shall specifically set forth the decision of the [Hearing Officer](#) ~~hearing officer~~ which is being appealed. The appeal shall be filed with the [Planning Department](#) ~~Community Development Director~~.
2. A notice of the appeal shall be mailed at least ten (10) days prior to the council meeting in which the appeal is heard to each property owner situated wholly or partially within three hundred (300) feet of the property to which the plan relates. ~~The applicant shall provide the Planning Community Development staff with the names and addresses and addressed and stamped envelopes for all property owners within three hundred (300) feet of the property.~~ The [Planning Department](#) ~~Community Development staff~~ shall be responsible for mailing such notices.
3. A copy of the appeal letter, decision of the [Hearing Officer](#) ~~hearing officer~~ and supporting material shall be transmitted to the City Council. ~~At a regularly scheduled~~ [During the City Council meeting in which the appeal is heard](#), the applicant and the [Hearing Officer](#) ~~hearing officer~~ shall present their positions.
4. The City Council shall act upon the appeal within thirty (30) days after the appeal is filed with the [Planning Department](#) ~~Community Development Director~~, or at the next regularly scheduled City Council meeting, whichever date is later.

Sec. 21-680. [Special Use Permit.](#)

[The Special Use Permits allow for uses, which would otherwise be prohibited in the conventional zoning districts. These special uses usually do not conform to traditional use groupings, and because of their unique characteristics, and nature of operation, require specific safeguards or design constraint to be in place prior to their development. In addition, a special use shall be permitted only when adequate mitigation measures have been provided to eliminate or reduce any potential negative impacts the use may have on surrounding properties.](#)

Sec. 21-~~681~~857- Uses Subject to a Special Use Permit.

[Sec. 21-682. Process.](#)

[Refer to Section 21-157 for the process associated with Special Use Permits.](#)

[Sections 21-683 through 24-689 Reserved](#)