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21-601 Intent ^{*2}

A. The Planned Area Development District (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:
^{*11}

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 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 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. ^{*11}

21-602 General Requirements and Standards

A. Conformance with the Peoria General Plan

The land uses and design of the proposed P.A.D. shall be consistent with the Peoria General Plan.

^{*11} The Planning Manager shall not approve or recommend approval of any P.A.D. 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.A.D. 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. ^{*14}

B. P.A.D. Regulations

1. All Planned Area Developments shall be between ten (10) and six-hundred (600) acres in size. The minimum total P.A.D. shall be no less than ten (10) acres unless the applicant can show that the minimum P.A.D. requirements should be waived because the waiver would be in the public interest and that one or more of the following conditions exist: ^{*11}

- 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 P.A.D. 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. ^{*11}
2. Waivers of the ten (10) acre minimum requirement 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.
- C. Uses in a P.A.D.
Any use or combination of uses may be allowed in a P.A.D. provided it is consistent with the Peoria General Plan, provided such uses are identified as permitted uses upon approval of the P.A.D. ^{*11}
- D. Residential Density in P.A.D.s
1. Residential development in a P.A.D. may provide for a variety of housing types allowed in any one of the basic residential zoning districts. In addition, the number of dwelling units allowed may be flexible relative to the number of dwelling unit per acre that would be permitted by the zoning regulations otherwise applicable to the site. However, the total number of dwelling units and the resulting density allowed in a P.A.D. shall be consistent with the Land Use Plan of the City's General Plan and the target density framework described therein. ^{*11}
- E. More Than One Building Per Lot
More than one building may be placed on one platted or recorded lot in any P.A.D. Areas for single family detached dwellings or other housing types providing privately owned lots must comply with the City's Subdivision Ordinance in all respects not specifically noted in Section 21-602 as appropriate variances or waivers.
- F. One Housing Type Not Inconsistent With Intent
A P.A.D., which only incorporates one housing type such as all detached or all attached units shall not be considered inconsistent with the stated purposes and objectives of this Section and shall not be the sole basis for denial or approval. ^{*11}
- G. Architectural Style, Appearance
Architectural style of buildings shall not solely be a basis for denial or approval of a plan. However, the overall appearance and compatibility of individual buildings to other site elements or to surrounding development may be considered during P.A.D. review by the Planning and Zoning Commission and Council. ^{*11}
- H. Phasing of Development
1. Any P.A.D. plan proposed to be constructed in phases shall include full details relating thereto, and the City Council may approve or modify, where necessary, any such proposals.
 2. The phasing shall include the projected time for beginning and completion of each phase.

Such timing may be modified by the City on the showing of good cause by the developer. ^{*11}

3. The land owner or developer shall make such easements, covenants, and other arrangements and shall furnish such financial or other guarantees as may be determined by the City to be reasonably required to assure performance in accordance with the Plan and to protect the public.
- I. Street Utilities, Services and Public Facilities
The uniqueness of each proposal for a P.A.D. may allow specifications and standards for streets, utilities and services to be subject to minor modifications of the specifications and standards established in this and other City ordinances. The plans and profiles of all streets, utilities and services shall be reviewed by the City Engineer prior to the final approval of the P.A.D.
- J. Additional Standards
Development within a P.A.D. shall conform to all conditions and standards agreed upon by the applicant and the City at time of P.A.D. approval.
- K. Each P.A.D. standards and guidelines submittal consistent with the definitions and standards in this code shall address the placement of community residential setting facilities, group homes and group care facilities in a manner consistent with state law and the federal fair housing act amendments of 1988. ^{*3}

21-603 Application

- A. The applicant is encouraged to meet with appropriate City staff prior to making application for P.A.D. approval 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 Manager or designee. Application forms properly completed and accompanied by the required fee shall be submitted to the Planning Manager or designee. Conceptual Development Plan exhibits shall accompany the application. ^{*11}
- C. Conceptual Development Plan
A Conceptual Development Plan illustrating the general development framework shall be submitted with the P.A.D. application. At a minimum, the following items shall accompany the Conceptual Development Plan: ^{*11}
 1. Legal description of property (written and electronic form); and,
 2. A generalized location map showing surrounding land use, zoning and traffic circulation patterns.
 3. Site Condition. An analysis of the existing site conditions which indicates at a minimum:
 - a. Topographic contours with intervals of no more than two (2) feet, to a distance of one hundred (100) feet beyond the property boundary;
 - b. Location and extent of major vegetative cover (if any);
 - c. Location and extent of perennial or intermittent streams and water ponding areas;
 - d. Existing drainage and irrigation patterns; and,
 - e. Other information considered relevant by the applicant or City staff.

4. Proposed allocations of land use expressed as a percentage of the total area, as well as in acres. Uses to be indicated include:
 - a. Arterial Streets;
 - b. Open Space (public);
 - c. Open Space (private);
 - d. Residential (if appropriate);
 - e. A stratification of residential uses in terms of single family detached units, patio homes, townhouses, garden apartments, etc.;
 - f. Commercial (if appropriate); and,
 - g. Industrial (if appropriate).
 5. A land use plan at a scale not smaller than one (1) inch equals one hundred (100) feet, indicating land uses, acres and development densities of each land use and the most nearly equivalent zoning categories; all arterial and collector street circulation elements, pedestrian and/or bicycle circulation elements, exact perimeter locations of any/all arterial streets and major collector streets; open spaces; and recreational areas.
 6. Plans indicating the approximate alignment and sizing of waterlines, sanitary sewers, and storm sewers (if any), as well as easements for all utilities, if necessary. Also indicated should be proposed surface drainage patterns.
 7. Conceptual architectural renderings indicating the elevations and exterior wall finishes of proposed buildings types.
 8. A Traffic Impact Analysis or Statement, if deemed necessary by the City.
 9. Phasing Plan, if development is to take more than two (2) years.
- D. P.A.D. Standards and Guidelines Report
A Standards and Guidelines Report meeting the content requirements as specified by the Planning Manager shall be submitted with the application. The Report shall function as the development standards framework and shall identify all deviations, standards, references and bulk requirements thereto; where the P.A.D. is silent on a requirement, the applicable Zoning provision, as determined by the Planning Manager, shall control. No provision in the Standards and Guidelines Report shall be construed to negate any applicable provision in the Infrastructure Guidelines or any life safety code requirements as mandated by the Building Safety Manager and Fire Marshal. ^{*11}

21-604 Amendments to an Approved Planned Area Development ^{*11}

- A. General
Amendments to an approved P.A.D. may be requested by the applicant or its successors.
- B. Applicability
Amendments to the approved P.A.D. may be limited to one or more "development units" and any proposed change will not affect development units not included in the proposed amendment.

C. Major or Minor Amendments

Amendments to the approved P.A.D. shall be delineated as major or minor amendments. 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. Major Amendments

If the Planning Manager determines the amendment to be a *major amendment*, the amendment request shall be processed in the manner set forth in Section 21-603. An amendment shall be deemed *major* if it involves any *one* of the following:

1. A change in the overall P.A.D. District Boundary;
2. An increase in the total number of approved dwelling units or gross leasable area (GLA) for the overall P.A.D. District;
3. A significant change to the approximate boundary of one or more "development unit(s)" from that approved in the P.A.D. District, as determined by the Planning Manager. A change to an individual development unit generally shall be deemed to be significant if it represents a 10% increase to the approximate gross area of the development unit as approved for the P.A.D.;
4. An increase of 10% or more of the approved number of projected dwelling units or gross leasable area (GLA) for an individual development unit;
5. 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. 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,
7. 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 Planning Manager.

E. Minor Amendments

Amendments not meeting one or more of the criteria listed above in Subsection D shall be considered *minor*. If the Planning Manager determines the amendment to be *minor*, the 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. Notice

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.

F. Appeals

1. Appeal of Planning Division decision to Planning and Zoning Commission

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

- a. Appeals shall be in writing on a form provided by the Planning Division and shall include only the specific items being appealed.
- b. The Planning Division 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 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. 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 and shall include the specific items being appealed and the nature upon which the decision was in error.
- b. The Planning Division 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.

Planned Community District (PCD)

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21-605 Intent ^{*4}

The Planned Community (P.C.) District 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. 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. "Development Plan" and "Standards Report".
- F. To assure that the P.C. District is developed in accordance with a P.C. "Development Plan" and "Standards Report". The P.C. "Development Plan" and "Standards 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.

21-606 General Provisions

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. *¹⁴

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 P.C. 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.

21-607 Application Requirements

In addition to complying with the provisions of Section 21-316 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. *6

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;
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 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.

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 Planning Manager or assigned designee shall compile all of the comments and 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.

21-609 Adoption of a Planned Community District

- A. The Planned Community District shall be adopted in accordance with procedures set forth in Section 21-318. 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 21-318 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. 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".

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:

- A. That the development proposed is in conformance with the General Plan.

- 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.
- 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 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).

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. *7

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.

21-612 Amendments to an Approved P.C. District

- A. 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 P.C. "Development Plan" and "Standards Report" may be limited to one or more "development units" and any proposed change will not affect development units not included in the proposed amendment.
- B. 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.
- C. Major Amendments

If the Planning Manager determines the amendment to be a *major*, the amendment request shall be processed in the manner set forth in Sections 21-608 and 21-609.
- D. An amendment will be deemed *Major* if it involves any *one* of the following:
 - 1. A change in the overall P.C. District Boundary;
 - 2. An increase in the total number of approved dwelling units or gross leasable area (GLA) for the overall P.C. District;

3. A significant change to the approximate boundary of one or more "development unit(s)" from that approved in the P.C. District, as determined by the Planning Manager. A change to an individual development unit generally shall be deemed to be significant if it represents a ten percent (10%) increase to the approximate gross area of the development unit as approved in the P.C. District;
 4. 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. 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. 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. Any other proposed change to the "Development Plan" and/or "Standards Report" which substantively alters one or more components of the P.C. District as determined by the Planning Manager.
- E. Minor Amendments
- Amendments not meeting one or more of the criteria listed in Subsection (D) shall be considered minor. If the Planning Manager determines the amendment to be minor, the 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.

21-613 Administrative Decision Appeals

- A. An action or decision by the Planning Division on *minor* amendments may be appealed by the applicant within ten (10) calendar days from the date of the Planning Manager's decision.
1. Appeals shall be in writing on a form provided by the Planning Division and shall include only the specific items being appealed.
 2. The Planning Division 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 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. Appeal 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 and shall include the specific items being appealed and the nature upon which the decision was in error.
2. The Planning Division 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.

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 21-318.J.5. of the Peoria Zoning Ordinance.

21-615 Definitions

Development Unit: An approximate "subarea" within a specifically defined PC boundary containing singular or multiple designated land use and zoning classifications. Multiple

classifications or mixed-use classifications may be permitted in the PC 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 PC District.

Standards Report: Consists of a narrative report, existing conditions map and background information describing the characteristics, components and timing of the proposed PC 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.

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.

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Planned Unit Development (PUD)

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21-616 Intent ^{*1}

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, the maximum gross population density and building intensity of the overall development shall not exceed that permitted under conventional single-family standards. ^{*1}

21-217 Permitted Minimum Property Development Standards

District ^{a, b}	Maximum Permissible Dwelling Units Per Gross Acre	Maximum % Lot Coverage by All Buildings	Minimum Setbacks for Principal Buildings
RI-35	1.00	15%	•
RI-12	2.90	30%	•
RI-8	4.09	30%	•

- ^a Where a development proposal is not submitted as a proposed subdivision, and therefore not subject to subdivision regulation procedures, the site plan approval requirements of Section 21-428 applicable to multi-family developments shall apply.
- ^b Lands in one FP flood plain district which are included as a part of that proposed to be provided as permanent recreation open space may be so credited at the discretion of the Commission and Council, provided that all requirements of this section are met.
 - The minimum development standards applicable to multi-family residential development in Section 21-429 shall apply.

21-618 Required Conditions

- A. For each square foot of land gained for permanent open space through reduction of lot sized below minimum requirements established in Section 21-415, an equal amount of land shall be either dedicated to the common use of the residents in the development in a manner to be approved by the Council or, subject to the approval of the Council, dedicated to the City for public park purposes.
- B. Sites to be dedicated for either public park or resident recreation purposes shall be so located and dimensioned as to be usable and developable for such purposes and shall be subject to approval by the City as part of either the subdivision plat or site plan approval process. The sponsor shall dedicate the total proposed park area at the same time a final plat is filed for all or any portion of the subdivision or upon application for a building permit for an approved site plan.

- C. Sites dedicated for public park purposes shall abut a public street on at least one side and shall be at least four (4) acres in net area and not divided by a street, alley, canal or other physical barrier.
- D. When the open space is dedicated to a property owner's association, such park area shall be held, improved and maintained in accordance with a homeowners' agreement satisfactory to the Council, and such agreement shall be recorded as a part of the initial plat or approved site plan. In the event of any default in terms of such agreement, the open space shall, at the discretion of the City, either be conveyed to the City or the property owners who are party to the agreement shall be assessed equally as a tax lien to correct the deficiency.

Old Town Mixed-Use District (OTMU)

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21-619 Intent ^{*8}

- A. The Old Town Mixed-Use Districts are intended to facilitate the revitalization of Old Town Peoria by encouraging a mixture of appropriate uses to be established within the same development or on the same lot. The design for the mixtures of uses intends to promote pedestrian activities and to create economic niches in the Old Town area. The Old Town Mixed-Use Districts implement the goals and policies set forth in the Central Peoria Revitalization Plan and the Peoria General Plan. The design of the Old Town Mixed-Use Districts aims to promote the following land uses:
1. High-quality office, storefront retail, restaurant and entertainment to integrate with various residential components in order to create an urban center where people live, work, and entertain.
 2. Developments that create a compacted pedestrian environment and promote pedestrian activities that would balance day and night uses.
 3. Innovative integration of compatible uses through the conversion of existing buildings and the development of new buildings in a manner that fosters sensitive and sustainable site design and architectural style.

21-620 General Provisions

- A. The Old Town Mixed-Use Districts are designed to direct development in the Peoria central core area by allowing complimentary mixtures of commercial, specialized retail, office, and various types of residential developments. Development standards are modified to enhance the urban setting and to encourage private investment. All uses shall be subject to the applicable provisions of the Zoning Ordinance. However, where the regulations and standards established by the Old Town Mixed-Use Districts conflict with other provisions of the ordinance, the regulations and standards set forth in the Old Town Mixed-Use Districts shall govern.

21-621 Zoning Districts

- A. The Old Town Mixed-Use Districts encompass an area within the original town plat of Peoria with Grand Ave to the east, Monroe Street to the south, 85th Ave to the west and Peoria Ave to the north. The Old Town Mixed-Use Districts compose of three zoning districts: Core Commercial Mixed-Use (CCM), Core Residential Mixed-Use (CRM), and Park/Open Space (PO).

1. Core Commercial Mixed-Use (CCM)
The Commercial Mixed-Use designation allows for retail and service businesses mixed with residential, cultural, educational, community, recreational, entertainment uses. Architecturally enhanced parking structure, street level office, business, or community uses that create a pedestrian friendly environment are strongly encouraged.
2. Core Residential Mixed-Use (CRM)
The Residential Mixed-Use designation allows for primarily single-family residential uses. Limited types of non-residential uses adapted to the residential structures are permitted in the Residential Mixed-Use area. Non-residential uses may include small-scale entrepreneurial, pedestrian-oriented goods and services, family-owned business, bed and breakfast establishments, and small professional or home business whose business is primarily oriented to users in the Old Town area.
3. Park/Open Space (PO)
The Park/Open Space designation is reserved for open space, passive recreational activities and support facilities. The Park and Open Space designation also provides venues for seasonal activities and short-term events such as arts and crafts sales, farmers’ markets, out-door performances and similar uses in an urban park-like setting.

21-622 Land Use Matrix ^{*17}

- A. Uses permitted in specific zoning districts within the Old Town Mixed-Use Districts as permitted by right, permitted subject to a Conditional Use Permit, and permitted as an accessory to a principal use on the same lot are established in the Mixed Use Land Use Matrix (Table 21-622). In the event of a specific use not being identified on the matrix, the Community Development Director or designee(s) shall determine the closest associated use based on the provisions of this ordinance. The City will permit any accessory use customarily incidental to a permitted principal use on the same lot.

Table 21-622			
LAND USE TYPES	CCM	CRM	PO
Multi-Family Residential	P	P	-
Single-Family Residential	-	P	-
ADMINISTRATIVE & FINANCIAL			
Automatic Teller Machine (ATM)	A	-	-
Medical, Dental or Health Offices	P	-	-
Professional, Administrative, or Business Offices	P	P	-
AUTOMOTIVE USES ^{*9}			
Automobile Diagnostic and/or Service Establishment, including engine and transmission overhaul, repair facilities and similar services #	C		

- P** = Permitted Use
- C** = Conditional Use Permit required.
- A** = Accessory use
- = Due to potential traffic impacts, residential use shall be the primary use in these categories
- # = Subject to special limitations as set forth in Section 21-505.

Table 21-622			
EATING & DRINKING ESTABLISHMENTS	CCM	CRM	PO
Catering Establishment	P	-	-
Microbrewery or Distillery	P	-	-
Outdoor Dining and Seating Areas ^{*15}	P	-	-
Restaurants, without drive-thru	P	-	-
Restaurants less than 2,000 square feet, without drive-thru	P	P	-
Tavern, Bar, Lounge or establishment that sells alcoholic beverages for consumption on premise, excluding restaurants #	C	-	-
ENTERTAINMENT AND RECREATION			
Dance, Theatrical, Arts, Music Studio and similar uses ^{*10}	P	P	-
Health and Exercise Center	P	-	-
Indoor Recreation or Entertainment and similar uses	P	-	-
Recreation and Social Clubs	P	-	-
Theater, Indoor	P	-	-
Wedding and Reception Center #	C	C	C
GENERAL RETAIL			
Antiques, Crafts, and Collectibles Sales	P	P•	-
Book, Stationery and Greeting Card Store	P	P•	-
Candy and Ice Cream Store	P	P•	-
Florist	P	P•	-
Gift, Novelty and Souvenir Shop	P	P•	-
Hobby, Stamp and Coin Shop	P	P•	-
Newsstand	P	P•	-
Retail Sales of New and Used Merchandise, Indoor	P	P•	-
Water and Ice Store	P	P•	-
INSTITUTIONAL			
Art Gallery	P	P	-
Day Care Centers or Pre-School Centers #	C	C	-
Group Care Facility or Community Residential Facility #	C	C	-
Group Homes, less than 10 residents	P	P	-
Nursing or Convalescent Home, Long Term Care Facility #	C	C	-
Public Facilities	P	P	P
Religious Institutions and similar places of worship #	P	P	-
LODGING			
Bed and Breakfast Inn #	P	C	-
Hotel or Motel #	P	-	-
Living quarter for night guards	A	A	A
TRANSPORTATION			
Parking lots or structures	A	-	-

- P = Permitted Use
- C = Conditional Use Permit required.
- A = Accessory use
- = Due to potential traffic impacts, residential use shall be the primary use in these categories
- # = Subject to special limitations as set forth in Section 21-505.

Table 21-622			
INTENSE RETAIL			
Appliance, Furniture, and Household Equipment Sales, Rentals , and Repair	P	-	-
Commercial Service Establishments combining retail, showroom with workshop #	P	-	-
Farmer’s and Crafts Markets	P	-	P
Outdoor Sales and Display Area #	P	-	-
PERSONAL SERVICES			
Dry Cleaning, Laundry Establishment, Laundromat, self-service	P	-	-
Locksmith	P	-	-
Massage Establishment #	P	-	-
Palm Readers, Phrenologists, Fortune Tellers and Astrologers	P	P•	-
Photographic Studio	P	P•	-
Shoe Sales and Service, Clothing Alteration	P	P•	-
Tanning Salon, Nail Salon, Barber Shop, Beauty Parlor, and similar uses	P	-	-
Tattoo & Body Piercing Studio	C	-	-
Ticket and Travel Agency	P	-	-

- P = Permitted Use
- C = Conditional Use Permit required.
- A = Accessory use
- = Due to potential traffic impacts, residential use shall be the primary use in these categories
- # = Subject to special limitations as set forth in Section 21-505.

21-623 General Regulations for Non-Residential Uses

- A. All activities, except as otherwise permitted herein, shall be conducted entirely within enclosed buildings.
- B. Outdoor storage of goods and materials shall be prohibited.
- C. Warehousing or indoor storage of goods and material beyond that normally incidental to permitted uses shall be prohibited.
- D. Automotive Uses shall be limited to developments with arterial street frontages and to properties having a Certificate of Occupancy as of July 1, 2005. *9

21-624 Property Development Standards *13

- A. All mixed-use developments integrating a residential component in the CCM District shall be consistent with the *Non-Residential Design Standards* (Design Review).
- B. All mixed-use developments integrating a non-residential component in the CRM District shall be consistent with the *Residential Design Standards* (Design Review).
- C. Parking Facilities *9
 - 1. There is no minimum requirement for parking spaces in the Old Town Mixed-Used Districts. To promote the urban form outlined in Section 21-619, developments are encouraged to locate parking facilities behind buildings and structures, and/or offer shared or joint parking arrangements.

D. Landscape Requirements

1. There are no minimum on-site landscape requirements. However, all portions of the development not occupied by buildings, structures, vehicular access and parking shall be landscaped or finished with a natural topping material which may include, but is not limited to, turf (subject to Section 21-818.B.2., ground cover, decomposed granite (at a minimum size of ¾” minus and at a depth of 2”), river run rock, expanded shale or bark. A pre-emergent herbicide shall be applied to the ground prior to and after the initial installation of natural surface materials in any landscaped area to prevent weed growth.

E. CCM and PO District Standards:

DEVELOPMENT STANDARDS	CCM	PO
SETBACKS ^a (FT)		
Front Minimum ^b	0	0
Front Maximum ^c	10	0
Rear	0	0
Side	0	0
Interior	0	0
MAXIMUM BUILDING HEIGHT	60	30
LANDSCAPE BUFFER ABUTTING RESIDENTIAL ZONES	10	N/R
ACCESSORY BUILDING	●	●

N/R No minimum requirement

- ^a The Planning Commission and City Council may require additional setback requirements to mitigate potential adverse impacts of proposed uses on adjoining developments.
- ^b A street frontage landscape buffer with a minimum width of 15 feet is required for any parking structure developed within the Old Town Mixed-Use District. ^{*9}
- ^c Activities within the front setback areas shall be associated with the primary use of the building. Parking spaces within the front setback areas are discouraged. ^{*9}
- All regulations and development standards applicable to the principal building shall apply.

F. CRM District Standards:

DEVELOPMENT STANDARDS	Single-Family Residence as the Primary Use	Multi-Family Residence as the Primary Use
MINIMUM SETBACKS ^a (FT) ^{*4}		
Front	10	10
Rear	5	5
Side ^{*9}	5	5 ^b
Corner Side ^{*12}	8	8
MAXIMUM LOT COVERAGE (%)	45	N/R
MAXIMUM BUILDING HEIGHT (FT)	25	30
ACCESSORY BUILDING	●	●

N/R No minimum requirement

- ^a The Planning Commission and City Council may require additional setback requirements to mitigate potential adverse impacts of proposed uses on adjoining developments.
- ^b No minimum building separation along common wall. ^{*9}
- Accessory buildings shall be subject to the limitations contained in Section 21-422 of this Ordinance.

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Historic Preservation (HP)

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21-625 Intent ^{*5 *16}

- A. The protection, enhancement and perpetuation of landmarks and historic districts are necessary to promote the economic, cultural, educational, and general welfare of the citizens of the City of Peoria. The identity of a people is founded in its past, and inasmuch as the City of Peoria has significant historic, cultural, and architectural resources which constitute its heritage, this Section is intended to:
1. Protect and enhance the historic resources, landmarks, and historic districts which represent distinctive elements of Peoria’s historic, architectural, and cultural heritage;
 2. Foster civic pride in accomplishments of the past;
 3. Protect and enhance Peoria’s attractiveness to visitors and the support and stimulus to the economy thereby provided; and,
 4. Enhance and implement the General Plan for the City of Peoria.

21-626 Definitions

The following definitions shall apply to the provisions of this Section.

Alteration. Any construction or change of the exterior of a building, object, site, or structure or of an interior space designated a landmark. For buildings, objects or structures, alteration shall include, but is not limited to, changing paint color, changing of roofing or siding materials and changing, eliminating, or adding doors, door frames, windows, window frames, shutters, fences, railings, porches, balconies, swings, or other ornamentation. Alteration shall not include ordinary repair and maintenance as defined herein.

Archaeologist. A person engaged in the study of human activity, primarily through the study of its material remains, which includes structures still standing, and who meets the requirements of the Secretary of the Interior’s guidelines for professional archaeologists.

Archaeological Resource. Material remains of past human activity and life which are at least fifty (50) years old and are of archaeological interest including, but not limited to, pottery, basketry,

bottles, weapon projectiles, tools, structures, pit houses, rock paintings and carvings, graves, human skeletal materials, or any portion thereof.

Archaeological Site. A geographic location that contains an archaeological resource.

Building. A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex, such as a courthouse and jail or a house and barn.

Cemetery. Any site that contains at least one burial, marked or previously marked, and considered a dedicated cemetery under Arizona State Statutes, even though the site has not been maintained and exhibits evidence of neglect and disrepair.

Certified Local Government (CLG). A local government that has been certified or approved by the State Historic Preservation Office (SHPO), and given the authority and responsibility to oversee various aspects of historic preservation within the municipality.

Construction. The act of adding an addition to a structure or the erection of a new principal or accessory structure on a lot or property, which requires a building permit.

Contributing Significance. A classification applied to a building site, structure or object within a historic district, but without having exceptional significance as defined below.

Cultural Resources. A broad assortment of assets, which includes buildings, sites, structures, objects, and districts that are of historic, cultural, architectural, or archaeological significance. Examples of such resources include petroglyphs, jewelry, textiles, pottery, projectiles, tools, irrigation canals, and pit houses. This includes artifacts, records, and material remains related to such resources. These assets may be included in or eligible for inclusion in the National Register.

Demolition. Any act or process that partially or totally disassembles or remakes a landmark or a structure within a historic district.

Design Guideline. A specific type of design criteria approved by the Commission that may be used in conjunction with other approved design criteria in reviewing alteration, construction, removal, or demolition activities in relation to landmarks and historic districts.

Exceptional Significance. A classification applied to a building, site, structure, or object signifying the individual contribution that the resource brings to the community in representation of the qualities that give the community cultural, historic, architectural, or archeological distinction. Exceptional significance can be applied to either a landmark or to those resources within a historic district that are of individual importance.

Exterior Architectural Appearance. The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design and character of all architectural details and elements, including, but not limited to, windows, doors, walls, roofs, overhangs, signs and yards and/or open spaces.

Historic District. An area with definable boundaries designated by the City Council and in which a substantial number of the properties, sites, structures, or objects have a high degree of cultural, historic, architectural, or archaeological significance and integrity, many of which may qualify as landmarks. The historic district may also have within its boundaries other properties, sites, structures or objects which, while not of such cultural, historic, architectural or archaeological significance to qualify as landmarks, nevertheless contribute to the overall visual characteristics of the significant properties, sites, structures or objects located within it.

Historic Landmark. See “Landmark”

Historic Preservation Zoning Overlay. Also termed “Historic Preservation Overlay Zoning,” a type of zoning regulation placed on a property in addition to the underlying land use regulations. The overlay is designed to protect historic resources from harm or neglect.

Historic Property or Historic Resource. A property, building, site, structure, object, or district that is generally at least fifty (50) years old; and which has significant historic, architectural, cultural, or archaeological value as part of the heritage or history of Peoria, the State of Arizona, or the nation.

Interior Architectural Design. The architectural character and general composition of the interior of a structure, including but not limited to, room design and configuration, materials. The design also includes the type, pattern and character of all architectural details and elements, including, but not limited to staircases, doors, hardware, moldings, trim, plaster work, light fixtures and wall coverings.

Landmark. A property, site, structure, or object that is individually designated by the City Council that is worthy of rehabilitation, restoration, and preservation because of its exceptional historic, cultural, architectural, or archaeological significance to the City of Peoria.

National Register of Historic Places. The National Register is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Register is managed by the National Park Service.

Non-contributing. A designation applied to a site, structure or object within a historic district indicating that it is not a representation of the qualities that give the historic district cultural, historic, architectural, or archaeological significance as embodied in the criteria for designating a historic district.

Ordinary Maintenance and Repair. Regular, customary or usual care, reconstruction or renewal of any part of an existing building, structure or object, for the purposes of preserving said property and maintaining it in a safe and sanitary condition.

Property. Land and improvements identified as a separate lot for purposes of the City of Peoria subdivision and zoning regulations.

Repair. Any change that is not an alteration, construction, removal or demolition.

Structure. Anything constructed or erected the use of which requires a permanent or semi-permanent location on or in the ground, including without limitation, buildings, garages, fences, gazebos, advertising signs, billboards, antennas, satellite sending or receiving dishes, and swimming pools.

21-627 Designation of Landmarks or Historic Districts

- A. The Historic Preservation Commission may recommend to the City Council that an individual property be designated as a landmark if it:
1. Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation;
 2. Is identified with historic personages;

3. Embodies the distinguishing characteristics of an architectural style;
 4. Is the work of a designer whose work has significantly influenced an age, or,
 5. Because of a unique location or singular physical characteristic, represents and established and familiar visual feature of the neighborhood.
- B. The Historic Preservation Commission may recommend to the City Council that a group of properties in an identifiable area be designated as an historic district if:
1. The area contains several properties that meet one or more of the criteria for designation of a landmark;
 2. By reason of possessing such qualities, the area constitutes a historic district of the City; or,
 3. A majority owner(s) of the properties concur with the designation.

The boundaries of each historic district shall be specified by legal description and map and shall be filed in the City Clerk's Office for public inspection. Properties designated as landmarks or as a part of a historic district shall receive Historic Preservation Overlay Zoning.

- C. Notice of a proposed designation and all associated hearings shall be provided in the manner required for Rezoning applications as described in Section 21-311 through Section 21-326.
- D. The Historic Preservation Commission shall hold a public hearing prior to designation of any landmark or historic district. The testimony or documentary evidence at the hearing will become part of a record regarding the historic, architectural, or cultural importance of the proposed landmark or historic district. The record may also contain staff reports, public comments, or other evidence offered outside of the hearing. The report and recommendation of the Historic Preservation Commission shall then be forwarded to the Planning and Zoning Commission for review and public hearing. Any recommendation of approval may be subject to such conditions as the commission deems applicable in order to fully carry out the provisions and intent of this Section.
- E. After receiving the reports and recommendations of the Historic Preservation Commission and the Planning and Zoning Commission, the City Council shall make a final determination in the designation of any landmark or historic district. The City Council may take action as follows:
1. Approve the request;
 2. Deny the request;
 3. Modify the recommendations of the Historic Preservation Commission and/or the Planning and Zoning Commission and adopt the request as modified; or,
 4. Remand the matter back to the Planning and Zoning Commission or the Historic Preservation Commission for further consideration.

21-628 Certificate of Appropriateness

- A. No person shall perform any work that alters the exterior of any landmark or changes the appearance of any property within an historic district, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley without first obtaining a Certificate of Appropriateness or a Finding of Hardship from the Peoria Historic Preservation

Commission. This includes, but is not limited to, exterior alteration, restoration, reconstruction, demolition, new construction, or relocation of such buildings, structures, and elements.

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.

21-630 Hearing of Application for Certificate of Appropriateness

- A. The 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 of the Arizona Revised Statutes.
- 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;
 - 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.

21-631 Relief from Commission Decision

- A. An applicant that has an application for Certificate of Appropriateness denied for a proposed demolition may apply for relief on the grounds of hardship. In order to prove the existence of hardship, the applicant shall establish that:
 - 1. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and,
 - 2. The property cannot be adapted for any other use, whether by the current owner or by a purchaser interested in acquiring the property and preserving it have failed.

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 Section 21-307 above.
- 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.

21-633 Maintenance of Properties and Landmarks

- A. Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district that does not involve a change in design, material, color or outward appearance.
- B. No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into a serious state of disrepair. A serious state of disrepair is evidenced by the deterioration of any exterior architectural feature which would, in the judgment of the Historic Preservation Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. A serious state of disrepair includes, but is not limited to, the following conditions:

1. Deterioration of exterior walls or other vertical supports;
2. Deterioration of roofs or other horizontal members;
3. Deterioration of exterior chimneys;
4. Deterioration or crumbling of exterior stucco or mortar;
5. Ineffective waterproofing of exterior walls, roofs, or foundations,
6. Including broken windows or doors; or,
7. Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

21-634 Penalties

- A. Any person found guilty of violating any provision of this ordinance shall be guilty of a class one (1) misdemeanor.
- B. Any person who demolishes, alters, constructs or permits a designated property to fall into a serious state of disrepair in violation of this ordinance shall be required to restore the property and its site to its appearance prior to the violation. Any action to enforce this Subsection may be brought by the City Attorney or any individual. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

21-635 Appeals

Any person aggrieved by a decision of the Historic Preservation Commission relating to a Finding of Hardship or Certificate of Appropriateness may, within fifteen (15) days of the decision, file a written application with the City Council for review of the decision.

References

Adopted by Ord. No.: 2019-04

Previous Ordinances:

- *1 79-49
- *2 88-29
- *3 97-41
- *4 01-146
- *5 02-59
- *6 02-80
- *7 03-06
- *8 04-19
- *9 05-36
- *10 05-58A
- *11 05-64
- *12 06-06
- *13 06-16
- *14 07-14
- *15 07-22
- *16 2011-12
- *17 2019-04