

City Council Meeting Notice & Agenda



Tuesday, September 17, 2013
City Council Chamber
8401 West Monroe Street
Peoria, AZ 85345

Special Meeting & Study Session

5:00 P.M. Convene

Roll Call
Final Call To Submit Speaker Request Forms

Consent Agenda

CONSENT AGENDA: All items listed with a "C" are considered to be routine or have been previously reviewed by the City Council, and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

Consent

1C. **Authorization to Hold an Executive Session**

Discussion and possible action to authorize the holding of an Executive Session for the purpose of discussion and consultation with legal counsel and designated representatives of the public body pertaining to labor negotiations pursuant to A.R.S. § 38-431.03.A.5.

Study Session Agenda

Subject(s) for Discussion Only

2. P83 Entertainment District Streetscape Improvements Update

Call To The Public (Non-Agenda Items)

If you wish to address the City Council, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. The City Council is not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

Mayor
Bob Barrett

Acacia
District
Tony Rivero,
Vice Mayor

Ironwood
District
Bill Patena

Mesquite
District
Cathy Carlat

Palo Verde
District
Ron Aames

Pine
District
Carlo Leone

Willow
District
Jon Edwards

Adjournment

Executive Session

Convene immediately following Special City Council Meeting Executive Room, City Council Chamber

Under the provisions of A.R.S. § 38-431.02 there will be a **CLOSED EXECUTIVE SESSION**.

Executive Session Agenda

3. An Executive Session for the purpose of discussion and consultation with legal counsel and designated representatives of the public body pertaining to labor negotiations pursuant to A.R.S. § 38-431.03.A.5.

Adjournment

The above-named Public Body of the City of Peoria, Arizona will convene into Executive Session pursuant to A.R.S. § 38-431.03 for those items listed on the agenda. Only those persons who are:

- Members of the Public Body, or
- Officers of the City that are required to attend, or
- Those individuals whose presence is reasonably necessary for the Public Body to carry out its Executive Session responsibilities as determined by the City Attorney may be present during the Executive Session.

All persons who remain present during the Executive Session are reminded that the business conducted in Executive Session, including all discussion taking place herein, is confidential and may not be disclosed to any person, except as permitted by law.

Arizona Open Meeting Act:

Arizona law requires that persons who are present in an executive session receive instruction regarding the confidentiality requirements of the Arizona Open Meetings Act. Minutes and discussions made during executive sessions are confidential and may not be disclosed to any party, except:

- Members of the council,
- Appointees or employees who were subject of discussion under the personnel item subsection of the Open Meetings Act,
- County Attorney or Attorney General pursuant to an investigation of a violation of the Open Meetings Act, and
- Arizona Auditor General in connection with an audit authorized by law.

Any person who violates or who knowingly aids, agrees to aid, or attempts to aid another person in violating the Arizona Open Meetings Law may be punished by fine of up to \$500.00 per violation and/or by removal from public office.

Regular Meeting

7:00 P.M. Convene

Pledge of Allegiance

Roll Call

Final Call To Submit Speaker Request Forms

Presentation

4. Certificates of Appointment to the following Board and Commission members who were appointed by Resolution at the September 3, 2013 City Council meeting:
 - Eva Osuna to the Arts Commission,
 - Michael Meek to the Board of Adjustment,
 - Scott Hennecke to the Building Board of Appeals,
 - Brian Greathouse to the Industrial Development Authority,
 - Nelson Benton to the Library Board,
 - Michael Bailey to the Planning and Zoning Commission,
 - Annalee Boyle to the Youth Advisory Board,
 - Christopher Camacho to the Youth Advisory Board,
 - Michael Helt to the Youth Advisory Board,
 - Holden Jacobs to the Youth Advisory Board,
 - Matthew Marquez to the Youth Advisory Board,
 - Madison Mendoza to the Youth Advisory Board, and
 - Erin Madonia to the Youth Advisory Board.

Consent Agenda

CONSENT AGENDA: All items listed with a "C" are considered to be routine or have been previously reviewed by the City Council, and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

Consent

5C. Disposition of Absence

Discussion and possible action to approve the absence of Vice Mayor Tony Rivero from the Special City Council meeting held at 5:00 p.m. on September 3, 2013 and the City Council Workshop held at 8:30 a.m. on September 6, 2013.

6C. **Code Amendments, Chapters 14 and 17, Zoning**

Discussion and possible action to: a) adopt **ORD. 2013-16** amending the Peoria Zoning Ordinance (1977 edition) by amending Chapter 14 pertaining to definitions, walls, residential parking, signs, public notifications, and rezoning stipulations, and providing for severability and an effective date; and b) adopt **ORD. 2013-17** amending Chapter 17 of the Peoria City Code (1992 edition) by amending Chapter 17 pertaining to public nuisances, and providing for severability and an effective date.

7C. **Budget Amendment, Sports Complex, Fiscal Year 2013**

Discussion and possible action to: a) approve the use of Half-Cent Fund Reserves in the amount of \$87,000 to supplement the Sports Complex budget for Fiscal Year 2013 and use the Sports Complex Reserves of \$24,000; and b) approve a budget amendment in the amount of \$87,000 from the Half-Cent Fund Contingency account and \$24,000 from General Fund Contingency Account to the Sports Complex Electricity account.

8C. **Maintenance Improvement District No. 1138, Terramar 10B, Terramar Boulevard and Happy Valley Road**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2013-122** intention and ordering the formation of proposed Maintenance Improvement District No. 1138, Terramar Parcel 10B, located at Terramar Boulevard north of Happy Valley Road; and adopt **RES. 2013-123** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

9C. **Maintenance Improvement District No. 1136, Tierra Del Rio Parcel 10B, Tierra Del Rio Boulevard and Happy Valley Road**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2013-109** intention and ordering the formation of proposed Maintenance Improvement District No. 1136, Tierra Del Rio Parcel 10B, located at Tierra Del Rio Boulevard north of Happy Valley Road; and adopt **RES. 2013-110** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

10C. **Street Light Improvement District No. 1077, Terramar 10B, Terramar Boulevard and Happy Valley Road**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2013-120** intention and ordering the formation of proposed Street Light Improvement District No. 1077, Terramar Parcel 10B, located at Terramar Boulevard north of Happy Valley Road; and adopt **RES. 2013-121** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

11C. **Street Light Improvement District No. 1075, Tierra Del Rio Parcel 10B, Tierra Del Rio Boulevard and Happy Valley Road**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2013-111** intention and ordering the formation of proposed Street Light Improvement District No. 1075, Tierra Del Rio Parcel 10B, located at Tierra Del Rio Boulevard north of Happy Valley Road; and adopt **RES. 2013-112** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

Regular Agenda

New Business

12R. **Resolution Establishing Policies Governing Wages, Hours, and Working Conditions for American Federation of State, County and Municipal Employees**

Discussion and possible action to adopt **RES. 2013-131** establishing wages, hours and working conditions for American Federation of State, County and Municipal Employees and declaring an emergency or alternate effective date.

13R. **PUBLIC HEARING - Annexation, Pinnacle Peak Road and 75th Avenue Alignments**

PUBLIC HEARING: RE: Proposed annexation of approximately 1.17 acres of privately owned property located south of the Pinnacle Peak Road alignment at the 75th Avenue alignment (ANX13-0002).

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION: No Council action required.

14R. **PUBLIC HEARING - Annexation, Pinnacle Peak Road and 107th Avenue Alignments**

PUBLIC HEARING: RE: Proposed annexation of approximately 32.76 acres of privately owned property located north of Pinnacle Peak Road and east of 107th Avenue (ANX13-0001).

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION: No Council action required.

Call To The Public (Non-Agenda Items)

If you wish to address the City Council, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. The City Council is not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

Reports from City Manager

15. **Council Calendar**
16. **Reports with Presentation**
17. **Informational (The following items are included for informational purposes only. There will be no separate discussion of these items unless a Councilmember so requests.)**

Reports from City Council Reports from the Mayor

Adjournment

NOTE: Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Council Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

Accommodations for Individuals with Disabilities. Alternative format materials, sign language interpretation and assistive listening devices are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Peoria, Arizona 85345 – Phone: (623) 773-7340 or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request. The City has a TDD line where accommodations may be requested at: (623) 773-7221.

PUBLIC NOTICE:

In addition to the City Council members noted above, one or more members of the City of Peoria Boards and Commissions may be present to observe the City Council meeting as noticed on this agenda.

City Council Meetings can be viewed live on Channel 11 (Cox Cable) and are available for viewing on demand at <http://www.peoriaaz.gov/content2.aspx?id=2151>.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Date Prepared: August 23, 2013

Council Meeting Date: September 17, 2013

TO: Carl Swenson, City Manager

FROM: Andrew Granger, P. E., Engineering Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Update on the P83 Entertainment District Streetscape Improvements

Purpose:

To provide City Council an update of the Design Concept Report (DCR) for the P83 Entertainment District Streetscape Improvements; and to seek comment, input and direction as the project moves forward.

Background/Summary:

The City contracted with Aztec Engineering in August of 2012 to complete a DCR for the area along 83rd Avenue between Bell Road and Skunk Creek. Elements of the project included:

- District signage
- Pedestrian connectivity
- Aesthetic treatments
- Surveying
- Lighting study
- Right of way
- Cost estimating
- Concepts for roundabouts and changing the cross-section of 83rd Avenue

The City is currently focused on completing a phase one plan for district signage, median enhancements, and pedestrian upgrades for the existing area from Bell to Mariners Way along 83rd Avenue. Future phases may be included to address needs on Paradise Lane, Arrowhead Fountain Center Drive, or coordination with the Peoria Sports Park Project.

The project had been awaiting finalization of parking garage layouts and traffic analysis impacts from the Peoria Sports Park (PSP). The City desires to move forward with the identification for the district separately from the PSP project and is restarting the DCR process to put together accurate estimates and timelines for the updated look of the entertainment district.

A public meeting was held on September 4th to solicit input from citizens and the businesses in the area on the signage and landscaping alternatives.

The next step is to finalize the concept based on citizen input combined with City Council comments and recommendations. This will allow the project to move forward to finalize estimates and design plans in anticipation of construction next fiscal year.

Previous Actions:

- August 18, 2011 Study Session - Economic Development presented the original concepts from Gensler
- July 30, 2012 Study Session - Economic Development presented an update on the P83 DCR and the PSP project

Exhibits:

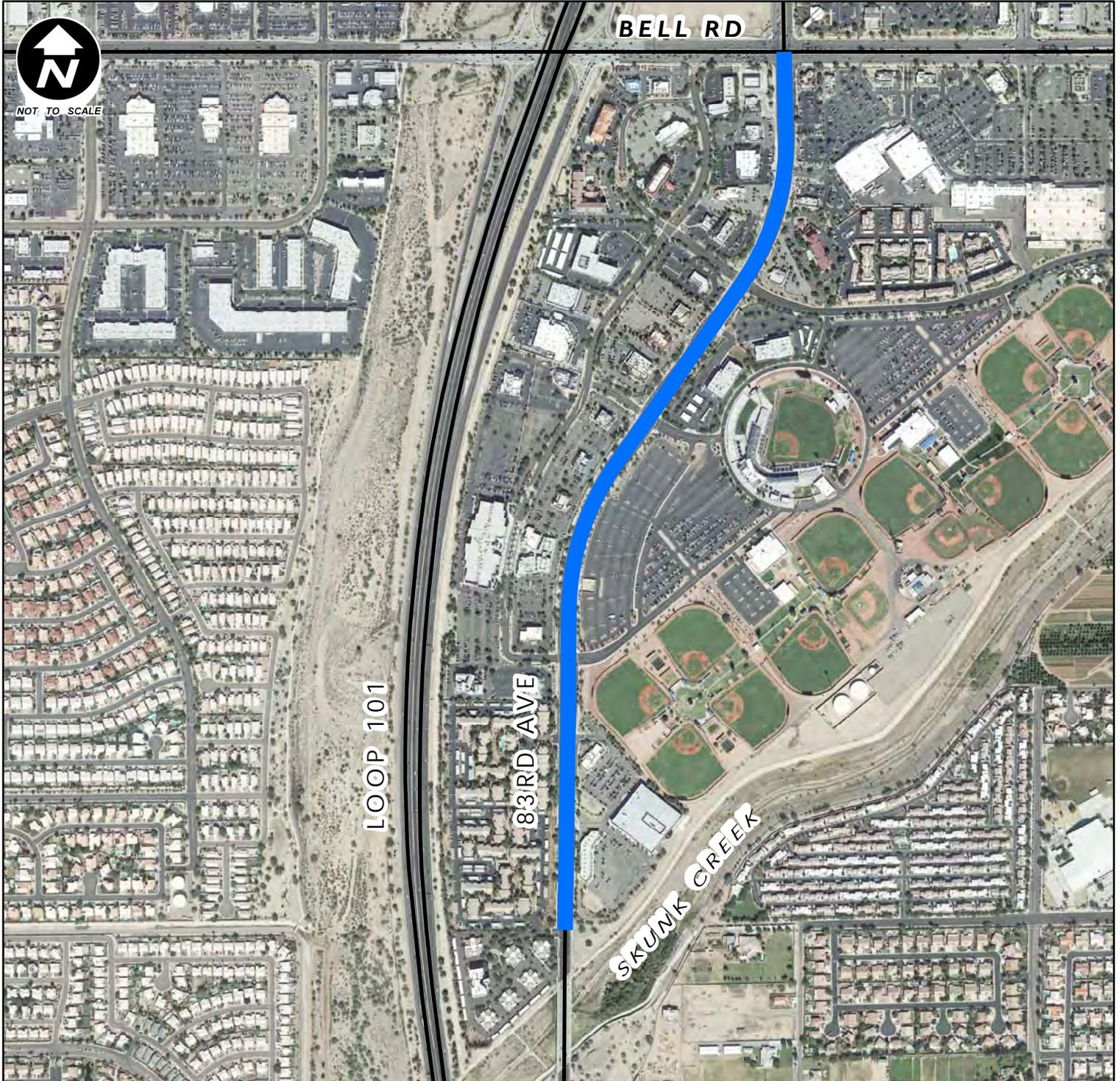
Exhibit 1: P83 Location Map

Exhibit 2: P83 Exhibit Map

Contact Name and Number: Adina Lund, P. E., Engineering Supervisor, X7249



NOT TO SCALE



LEGEND



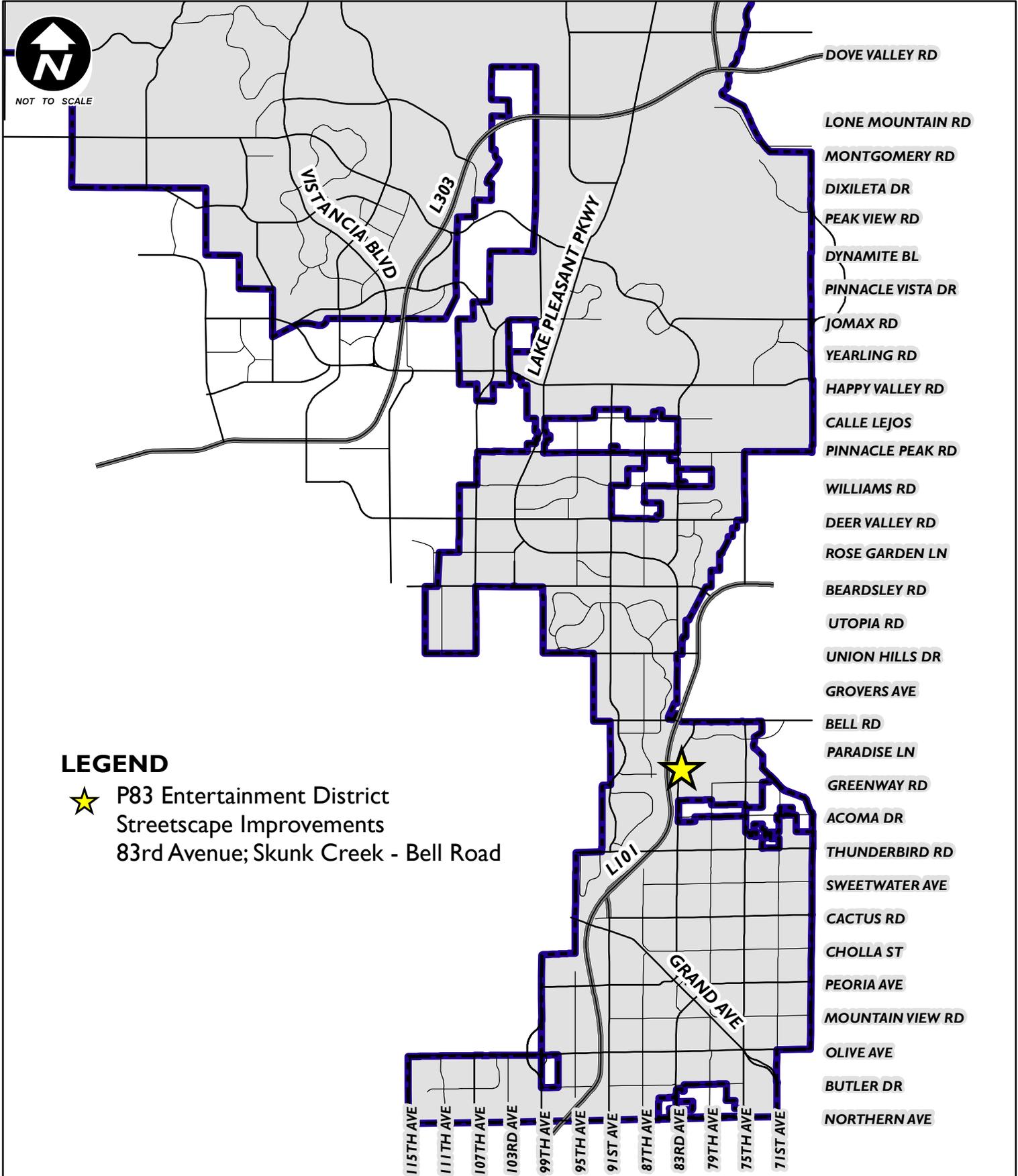
Streetscape Improvements



NOTE:
This Map is based on imprecise
source data, subject to change and
FOR GENERAL REFERENCE ONLY.



NOT TO SCALE



LEGEND

- ★ P83 Entertainment District
Streetscape Improvements
83rd Avenue; Skunk Creek - Bell Road

- DOVE VALLEY RD
- LONE MOUNTAIN RD
- MONTGOMERY RD
- DIXILETA DR
- PEAK VIEW RD
- DYNAMITE BL
- PINNACLE VISTA DR
- JOMAX RD
- YEARLING RD
- HAPPY VALLEY RD
- CALLE LEJOS
- PINNACLE PEAK RD
- WILLIAMS RD
- DEER VALLEY RD
- ROSE GARDEN LN
- BEARDSLEY RD
- UTOPIA RD
- UNION HILLS DR
- GROVERS AVE
- BELL RD
- PARADISE LN
- GREENWAY RD
- ACOMA DR
- THUNDERBIRD RD
- SWEETWATER AVE
- CACTUS RD
- CHOLLA ST
- PEORIA AVE
- MOUNTAIN VIEW RD
- OLIVE AVE
- BUTLER DR
- NORTHERN AVE

- 115TH AVE
- 111TH AVE
- 107TH AVE
- 103RD AVE
- 99TH AVE
- 95TH AVE
- 91ST AVE
- 87TH AVE
- 83RD AVE
- 79TH AVE
- 75TH AVE
- 71ST AVE

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Date Prepared: August 15, 2015

Council Meeting Date: September 17, 2013

TO: Carl Swenson, City Manager
FROM: Rhonda Geriminsky, CMC, City Clerk
THROUGH: Susan Daluddung, Deputy City Manager
SUBJECT: Board and Commission Appointments Presentation

Purpose:

This is a request for City Council to present *Certificates of Appointment* to the newly appointed Board/Commission members as follows:

Member Name	Board/Commission
Eva Osuna	Arts Commission
Michael Meek	Board of Adjustment
Scott Hennecke	Building Board of Appeals
Brian Greathouse	Industrial Development Authority
Nelson Benton	Library Board
Michael Bailey	Planning and Zoning Commission
Annalee Boyle	Youth Advisory Board
Holden Jacobs	Youth Advisory Board
Matthew Marquez	Youth Advisory Board
Madison Mendoza	Youth Advisory Board
Erin Madonia	Youth Advisory Board
Christopher Camacho	Youth Advisory Board
Michael Helt	Youth Advisory Board

Background/Summary:

Newly appointed Board and Commission members are invited to attend a Regular City Council meeting to personally accept *Certificates of Appointment* from the Mayor and City Council.

Previous Actions:

On August 13, 2013, the Council Subcommittee on Policy and Appointments recommended appointments and reappointments to various Boards and Commission.

On August 14, 2013, a memorandum was submitted to Mayor and Council, outlining the recommended appointments from the August 13, 2013 Subcommittee meeting, asking for concerns to be submitted in writing to the Mayor. No comments were received.

On September 3, 2013, City Council adopted Resolutions making the following new Board/Commission appointments:

Resolution Number	Member Name	Member Status	Term Expiration
2013-124	Eva Osuna	Regular	6/2016
2013-125	Michael Meek	Alternate	12/2015
2013-126	Scott Hennecke	Regular	12/2016
2013-127	Brian Greathouse	Regular	6/2017
2013-128	Nelson Benton	Regular	6/2017
2013-129	Michael Bailey	Regular	12/2014
2013-130	Annalee Boyle	Regular	6/2015
	Holden Jacobs	Regular	6/2015
	Matthew Marquez	Regular	6/2015
	Madison Mendoza	Regular	6/2015
	Erin Madonia	Regular	6/2014
	Christopher Camacho	Alternate	6/2015
	Michael Helt	Alternate	6/2015

Options:

This is a presentation item only.

Staff's Recommendation:

That the Mayor and City Council present *Certificates of Appointment* to newly appointed Board/Commission members who were appointed by Resolution at the September 3, 2013 City Council meeting.

Fiscal Analysis:

There is no fiscal impact regarding this item.

Narrative:

The newly appointed Board/Commission members have been invited to attend the September 17, 2013 City Council meeting to receive *Certificates of Appointment*.

Exhibit(s): There are no exhibits.

Contact Name and Number: Rhonda Geriminsky, City Clerk, 623-773-7340

Council Communication

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 6C

Date Prepared: July 16, 2013

Council Meeting Date: September 17, 2013

TO: Carl Swenson, City Manager

FROM: Chris Jacques, AICP, Planning and Community Development Director

THROUGH: Susan J. Daluddung, AICP, Deputy City Manager

SUBJECT: TA13-0010, Zoning Ordinance Text Amendments

Purpose:

This is a request for City Council to consider an application for 6 Text Amendments to the Zoning Ordinance and 1 amendment to the City Code. The Amendment includes Articles 14-2 "Definitions", 14-3 "General Provisions", 14-23 "Parking and Loading", 14-34 "Signs", 14-39-6 "Administrative Procedures" and 14-39-8 "Administrative Procedures" of the Zoning Ordinance. Also, Section 17-3 of the City Code must be modified to ensure each code relays the same information. In essence, the amendments are intended to modify and refine existing language in the Ordinance in order to address items of concern as well as clarify content.

Background/Summary:

This is a City-initiated request to amend various regulations in order to resolve items of concern regarding interpretation and implementation, as well as address general housekeeping measures so the document is easily understood by all users. The supporting analysis and details of the proposed amendments are fully described in the attached staff report to the Planning and Zoning Commission. *Exhibits A through E* were provided to the Commission that clearly annotated new and deleted Ordinance language. In summary, the proposed amendments constitute an improvement to the Zoning Ordinance by:

1. Specifying what constitutes a Non Chartered Financial Institution; and,
2. Aligning the wall provisions in the Zoning Ordinance with the International Residential Code; and,
3. Clarifying and coordinating residential driveway requirements; and,
4. Defining what constitutes a sign's message; and,
5. Refining and creating logical and necessary administrative procedures.

Planning staff solicited feedback from other departments who utilize the Zoning Ordinance on a regular basis. Departments included representatives from police, code enforcement, building development division, planning division, and the city attorneys office. Feedback was

incorporated into the proposed amendments as presented today. Also, as the amendments were evaluated, the codes governing residential parking were reviewed. It became apparent that a modification to Chapter 17-3 of the City Code was needed to eliminate conflicts between the Zoning Ordinance and City Code with respect to driveway development standards.

Public notice of the proposed amendments to the Zoning Ordinance was provided in the manner prescribed under Article 14-39. The time, date, and place of the hearing have been published at least once in a newspaper of general circulation in the City at least fifteen (15) days prior to the hearing.

Previous Actions:

On August 15, 2013, the Planning & Zoning Commission voted 4-0 in favor of recommending approval of the request to amend Sections 14-2, 14-3, 14-23, 14-34, and 14-39 of the Zoning Ordinance. No one spoke in support or opposition to the request.

Options:

- A- Approve as recommended by Staff and the Planning & Zoning Commission; or
- B- Approve with modifications; or
- C- Deny; or
- D- Continue action to a date certain or indefinitely; or
- E- Remand to the Planning & Zoning Commission for further consideration.

Staff's Recommendation:

The Mayor and City Council concur with the Planning and Zoning Commission's recommendation to adopt the attached Ordinances amending Sections 14-2, 14-3, 14-23, 14-34, and 14-39 respectively.

Fiscal Analysis:

This request is not expected to have budgetary impacts to the City.

Exhibit(s):

Exhibit 1- 8/15/13 Planning and Zoning Commission Staff Report and Exhibits

Exhibit 2- Proposed Ordinance 2013-16 (deletions/additions shown as ~~strike~~/underscore)

Exhibit 3- Proposed Ordinance 2013-17 (deletions/additions shown as ~~strike~~/underscore)

Contact Name and Number: Stacey Bridge-Denzak, Planner, x7645

EXHIBIT I

8/15/13 Planning and Zoning Commission Staff Report and Exhibits



ZONING ORDINANCE TEXT AMENDMENT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: TA 13-0002
DATE: August 15, 2013
AGENDA ITEM: 5R

Applicant: City of Peoria

Request: Amend Articles 14-02 "Definitions", 14-03 "General Provisions", 14-23 "Parking and Loading", 14-34 "Signs", and 14-39 "Administrative Procedures" of the Zoning Ordinance. The amendments are intended to modify and refine existing language in the Ordinance to improve its content.

Support / Opposition: As of the date of this printing, Staff has not received any written or verbal support or opposition to this request.

Recommendation: **Approve** as requested.

BACKGROUND

1. Over the last year, several items in the Zoning Ordinance have required staff interpretations that would be better addressed through text amendments. The proposed amendments are intended to be housekeeping items, supportive language, and code enhancements:
 - a) Defining "Deferred Presentment Services" and "Vehicle Title Loans" Definitions are an important part of zoning regulations. As development evolves, new or revised language must be addressed in order to clarify certain requirements and allow for logical application of the Zoning Ordinance. In this case, the vehicle title loan use was not specifically stated in the "Non Chartered Financial Institution" definition, and determining the correct application of this use in the Land Use Table (Section 14-9-3, Non-residential Districts) was not clear.
 - b) Walls and Fences
While zoning regulations typically involve meeting required design standards of development, other codes regulate safe implementation of those specific standards. In the case of walls and fences, the Zoning Ordinance regulates maximum site wall heights at side and rear yards at 6'-8". If walls are proposed at 6'-8" or less, a building permit is not required. If it is greater than

6'-8", a building permit is required. Subsequently, if a building permit for a wall is required, it must meet the 2012 International Residential Code. However, today the trigger for a building permit according to the International Residential Code (IRC) is 7'-0". In terms of consistency, these triggers should be the same.

c) Residential Parking Requirements

The Parking and Loading Section of the Zoning Ordinance provides standards regarding allotment of driveway area for residential development. However, these standards are not clearly defined and at times too restrictive in terms of total area. Furthermore, it is unclear what technically constitutes a legal driveway and where a property owner may park his/her car. Code Enforcement on a regular basis receives complaints that cars are not parked legally on a person's property; yet, the Zoning Ordinance is unclear where parking is technically allowed. This issue has aesthetic ramifications, which includes parking at an irregular orientation to the driveway and in locations that should be landscaping.

d) Signs

The Sign section is an important part of the Ordinance as it pertains to the visual aesthetics of the City. It needs to be clear and user-friendly. Language in this Section at times refers to a sign's message as advertising copy. However, it does not reference it consistently. Advertising copy is specific to one type of sign, and a more generic reference to cover all signs is needed. Also, certain temporary signs may need extensions of time for display, which should be a simple process.

e) Administrative Procedures

Administrative Relief allows for minor deviations from property development standards without requiring a public hearing. However, if an application is made and a neighboring property opposes the request, then the application would be sent to the Board of Adjustment for a decision via a public hearing. The issue is, however, that neighboring properties within a reasonable distance from the applicant under the current Ordinance are not notified of the Relief request. This, in essence, restricts the opportunity for public comment on the application.

Conditions of Approval, or stipulations, are often typical requirements at the time of a Rezoning approval. However, between the times a property is entitled until development occurs, unforeseen issues or changes in values may arise. To date, the Ordinance defines a process in the event Conditions of Approval are not met within the required timeframe. However, there is no process in place to allow for stipulations to be qualitatively modified. A qualitative modification would be one that changes the outcome of the

stipulation, for example, from building a park to building a community center.

DISCUSSION AND ANALYSIS

Proposed Changes

Section 14-02, Definitions

2. The term 'auto title loans' is added to the "Non Chartered Financial Institutions" definition. According to the Zoning Ordinance, the Non Chartered Financial Institution use is limited a specific zoning district (C-2) and subject to a separation requirement. Typically auto title loan services are considered non-chartered financial institutions since they provide a similar payday loan service. However, in order to remove any need for interpretation of the current description, 'auto title loans' has been added to the "Non Chartered Financial Institution" definition. Furthermore, "Deferred Presentment Services" has been added to the definition as a "catch all" for any use that offers payday loan related services.
3. Per above, the proposed amendment adds the new definition, "Deferred Presentment Services", which essentially refers to all payday lenders. It is necessary to make this distinction, particularly as it pertains to Non Chartered Financial Institutions. These financial-related services are not federally- or state-chartered banks or credit institutions, and typically offer check cashing services, and loans for payment of a percentage fee. Therefore, it is important to be clear about what these services are so the Zoning Land Use Table can categorize them accordingly.

Section 14-03, General Provisions

4. The maximum wall height where applicable is modified from 6'-8" to 7'-0". This aligns the Zoning Ordinance with the International Residential Code regarding when permits are applicable. Previously the Zoning Ordinance required a building permit for walls over 6'-8", while the International Residential Code required one over 7'-0". It is confusing to builders who must rely on both codes when developing a site.

Section 14-23, Parking and Loading

5. Residential parking standards are modified to address concerns regarding legal parking as well as provide latitude for unique housing products and their associated driveways. A definition for residential driveway was created in order to establish a baseline for understanding the area a driveway encompassed, particularly in the front yard. It prescribes the intent, location, and materials either impermeable or permeable, for a driveway. It further clarifies other requirements in the Parking and Loading Section by cross-referencing the new definition as needed.

6. A reference to the Design Review Manual for garage setbacks is removed in order to eliminate any confusion regarding the Manual and the Zoning Ordinance. The Parking and Loading Section designates the setback standards for garages and carports, allowing for flexibility yet establishing a minimum. The Design Review Manual offers design flexibility.
7. Parking orientation criteria is added to minimize the occurrence of cars parking within areas that are not considered driveway. However, the addition takes into account that home products may vary, such as side entry garage models. Further modifications to the Ordinance allow for greater variance with respect to driveway design, providing flexibility with respect to width. Engineering standards set minimum driveway widths, and now the Ordinance can compensate for variation depending on the design of a home.
8. Previously the Parking and Loading Section defined a maximum amount of driveway area in the front yard based on lot size. The proposed revision bases the maximum amount of driveway area based on lot width. What is important is the proportion of driveway area to the size of the lot and its width regardless of the Zoning category. Also, the minimum amount has been increased to allow for a greater area for parking.

However, a catch-all is built in to the new allowances for driveway area by allowing the Planning Manager to approve additional amounts of driveway based on unusual development circumstances.

9. Subsequently, the reference to driveway area in the City Code is removed so there are no conflicts between it and the Zoning Ordinance.
10. New language clarifies and strengthens what constitutes permissible parking, and more specifically, what is not. Basically, everything not utilized legally by the Ordinance as parking shall be considered landscaping. No parking may occur in landscaping.

Section 14-34, Signs

11. The definition "Sign Copy" is a new addition to the Sign Section. This definition is a semi-generic term referring to a sign's graphic content, whether it is text or logo. Throughout the Ordinance, this term is used for all signs and specifies what language is and is not included on the sign. This relieves any judgment on the part of staff regarding message. Sign copy content is, however, restricted based on sign-type in order to remove language that does not pertain to the name of the business or service. The term "advertising copy" has been removed since it refers to advertising messages, which differs from signage regulated under this Ordinance.

12. The time frame for On-Site Master Planned Development Directional Signs and On-Site Subdivision Advertising may be extended with Planning and Community Director or designee approval. Previously this extension request required Planning and Zoning Commission approval. With the recent downturn of the economy, and now current return, this request should be quickly and easily processed.
13. Minor housekeeping items are incorporated into the Sign Ordinance, also.

Section 14-39, Administrative Procedures

14. Subsection 6 adds a Notice of Application distance of 300 feet to alert residents that a request for Administrative Relief has been submitted. This in turn allows for potential public comment on the application, and whether or not it will be heard by the Board of Adjustment.
15. Subsection 8 provides a process to modify a Rezoning Condition of Approval. It is an intermediary step in the event a condition cannot be met prior to the required implementation or if the need for the condition has changed. This addition to the Ordinance does not guarantee approval of the request, but allows the City to reconsider if the condition is still relevant and necessary.

Administrative Procedure

Public Notice

16. Public notice of this proposed amendment to the Zoning Ordinance was provided in the manner prescribed under Article 14-39. The time, date, and place of the hearing have been published at least once in a newspaper of general circulation in the City at least fifteen (15) days prior to the hearing.

FINDINGS AND RECOMMENDATION

17. Based on the following findings:

- The proposed amendments constitute an improvement to the Zoning Ordinance by:
 - i. Specifying what constitutes a Non Chartered Financial Institution;
 - ii. Aligning the wall provisions in the Zoning Ordinance with the International Residential Code ;
 - iii. Clarifying and coordinating residential driveway requirements;
 - iv. Defining what constitutes a sign's message;
 - v. Refining and creating logical administrative procedures; and,

- Upon review of the application, the Planning Manager has determined that a Proposition 207 waiver is not required for this application.

It is recommended that the Planning and Zoning Commission take the following action:

Recommend to the Mayor and City Council approval of Case TA 13-0002, a request to amend the Peoria Zoning Ordinance as contained in Exhibit A.

ATTACHMENTS

- Exhibit A: Proposed changes to Article 14-02
(deletions/additions shown as ~~strike~~/underscore)
- Exhibit B: Proposed changes to Article 14-03
(deletions/additions shown as ~~strike~~/underscore)
- Exhibit C: Proposed changes to Article 14-23
(deletions/additions shown as ~~strike~~/underscore)
- Exhibit D: Proposed changes to Article 17-3 (Peoria City Code
(deletions/additions shown as ~~strike~~/underscore)
- Exhibit E: Proposed changes to Article 14-34
(deletions/additions shown as ~~strike~~/underscore)
- Exhibit F: Proposed changes to Article 14-39
(deletions/additions shown as ~~strike~~/underscore)
- Prepared by: Stacey Bridge-Denzak
Planner

EXHIBIT A

ARTICLE 14-2 DEFINITIONS

(Amended by Ord. No's. 2011-03 & 2011-05A)

14-2-2 DEFINITIONS

D. For the purpose of this Zoning Ordinance, certain words are hereby defined as follows (Ord. No. 02-68):

Deferred presentment services means a transaction pursuant to a written agreement involving the following combination of activities in exchange for a fee:

1. Accepting a check dated on the date it was written; and
2. Holding the check for a period of time prior to presentment for payment or deposit.

Non Chartered Financial Institution means a business, other than a state or federally chartered bank, credit union, mortgage lender or savings and loan association, that offers check cashing services, vehicle title loans, and loans for payment of a percentage fee. Specifically included are check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument and "payday" loan businesses which make loans upon assignments of wages received, or businesses that function as deferred presentment services. (Ord. No. 00-28)

EXHIBIT B

ARTICLE 14-3 GENERAL PROVISIONS

(Amended by Ord. No. 2011-02 & 2011-03)

14-3-5 WALLS AND FENCES

A. General Provisions (Ord. No. 95-15 & 2011-02)

1. *Permit Required.* No persons, firm or corporation, shall hereafter construct, or cause to be constructed or erected within the City of Peoria any fence or wall exceeding ~~six (6) feet, eight (8) inches~~ seven (7) feet in height without first making an application for and securing a permit from the City. In addition, no fence or walls shall be constructed within the street right-of-way without obtaining a permit from the Engineering Department. Wall height requests above eight (8) feet shall be reviewed for approval by the City Engineer.
2. *Locations.* All fences, walls, and gates shall be located entirely upon the private property of the persons, firms, or corporation constructing, or causing the construction of such fence unless the owner of the property adjoining agrees, in writing, that such fence or wall may be erected on the division line of the respective properties. This shall not apply to the initial wall construction by the homebuilder. Pedestrian gates may be installed by a private property owner to provide access to public open space with written approval from the Community Services Department.
3. *Maintenance.* Every fence or wall shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair, damage, or unsightliness, or constitute a nuisance, public or private. Any such fence or wall which is, or has become, dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect is a public nuisance and the Code Compliance Officer shall commence proper proceedings for the abatement thereof. Any wall, or a portion of any wall, which is removed for any purpose or by any means whatsoever, shall be restored to its original or upgraded condition relative to construction, material and finish whenever exposed to any street or any adjoining property.
4. *Measuring Fence and Wall Height.* The height of any fence or wall shall be calculated to the uppermost points as follows:
 - a. In required yards abutting a street, sidewalk, or trail, the height of the fence shall be measured from the required two (2) foot shelf at the base of the wall or from the top of curb or the top of sidewalk, path, or trail when such element is at a higher elevation than the shelf. (Figure A)

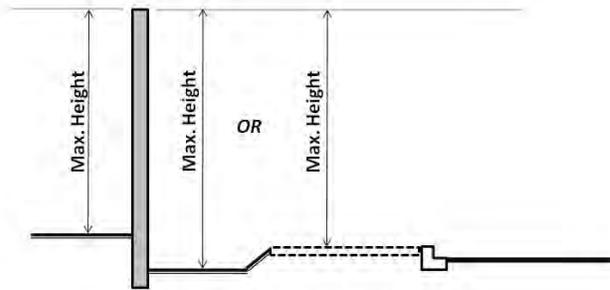


Figure A – Measuring Wall Height

5. *Undulating Wall Required.* All fences and walls along arterial and collector streets with a continuous length greater than two hundred (200) feet shall use an undulating pattern at minimum intervals of one hundred (100) feet or at every other side lot line, whichever is less, to provide variety and visual interest. The undulation depth from the street line shall be minimum of three (3) feet. (Figure B) Alternative options may be approved during the Preliminary Plat or Site Plan Review Process. (Ord. No. 04-186)

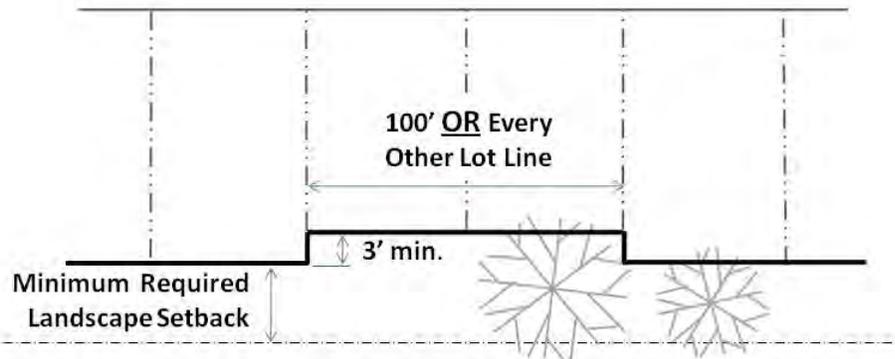


Figure B – Perimeter Wall Undulation

6. *Finished Elevations.* Any fence or wall that is constructed to have only one elevation “finished”, which shall be defined as not having its supporting members significantly visible, shall be erected such that the finished elevation of the fence is exposed to the adjacent street or public / semi-public area.
7. *Exemptions.* The following uses are exempt from the height restriction of three (3) feet within or bounding the front yard, as set forth in Section 14-3-5.B.1.
 - a. An agriculture activity
 - b. Residential and ranch uses in the Suburban Ranch Districts
 - c. Schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants.
 - d. Temporary construction sites which are enclosed for security purposes.

- e. Temporary construction yards for off-site construction.
 - f. Arched, masonry entry features in accordance with Section 14-3-2 c(6)(g) of this Article.
8. *Barbed Wire Fences*: Barbed wire shall be prohibited in the City of Peoria except for the following:
- a. Barbed wire shall be permitted in the General Agriculture and Suburban Ranch zoning districts.
 - b. Barbed wire shall be permitted for temporary construction sites or yards in all zoning districts provided that the barbed wire is located six (6) feet or more above grade.
 - c. Barbed wire shall be permitted for security purposes for commercial and industrial uses provided that the barbed wire is located six (6) feet or more above grade.

B. Residential Requirements

1. *Height of Fences and Walls*. In all Residential Districts, no fence or wall within or bounding the front yard shall exceed a height of three (3) feet, and no fence or wall within or bounding a side or rear yard shall exceed a height of ~~six (6) feet eight (8) inches~~ seven (7) feet, except as specified elsewhere within this Ordinance.
2. *Corner Lots and Key Lots*. (Figure C)
 - a. On a corner lot contiguous to a key lot a fence or wall over three (3) feet in height may be placed on the property line except within a triangle measured ten (10) feet from the street line along the common lot line, and twenty (20) feet along the property line extending from the common lot line towards the front of the corner lot. The location of this clear zone may shift in areas where landscape tracts exist.
 - b. On a key lot contiguous to a corner lot, a fence or wall not exceeding ~~six (6) feet eight (8) inches~~ seven (7) feet may be erected along that portion of a key lot contiguous with the rear yard of the corner lot, but such fence or wall shall not come closer to the front line of the key lot than ten (10) feet.

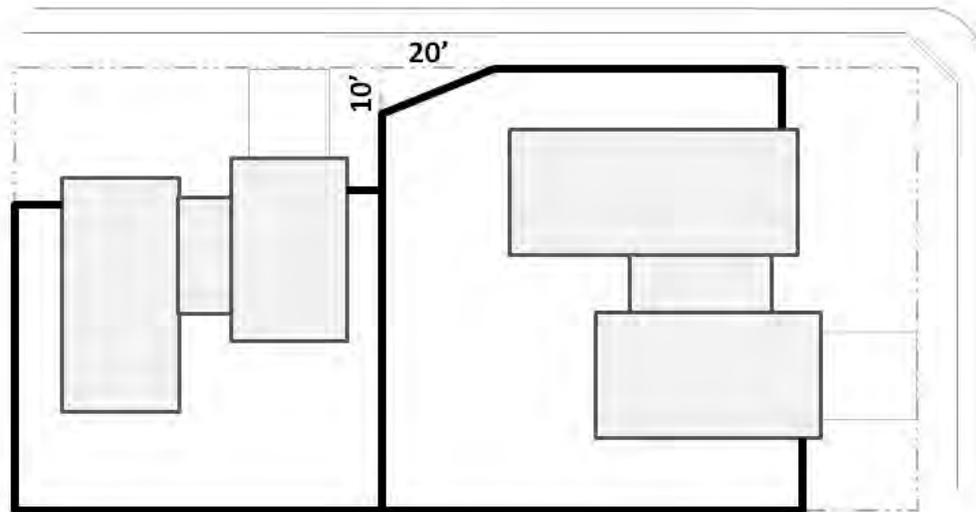


Figure C – Key Lots

- 3. *Adjacent Residential Lots.* Where two residential lots abut one another, but have differing finished grades, the wall heights shall be limited to ~~six (6) feet eight (8) inches~~ seven (7) feet in height on the high side and eight (8) feet in height on the low side. (Figure D)

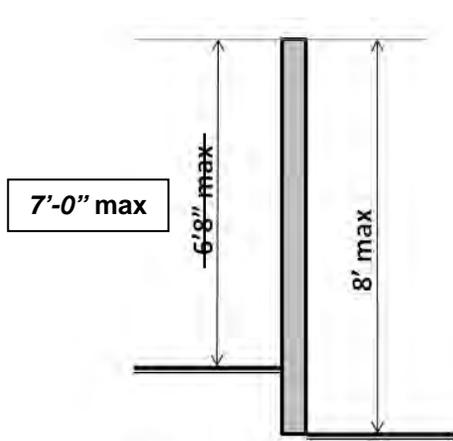


Figure D – Residential to Residential

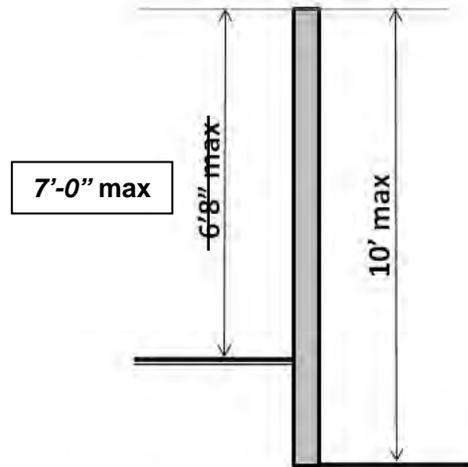


Figure E – Residential to Street

- 4. *Lots Adjacent to Streets.* The lot side of a wall shall not exceed ~~six (6) feet eight (8) inches in height~~ seven (7) feet. The Street side shall not exceed ten (10) feet in height (Figure E).
- 5. *Retaining Walls.* For the purpose of this ordinance, any wall retaining a minimum of twelve (12) inches of earth shall be considered a retaining wall. If retaining requirements exceed ten (10) feet in height, then terracing shall be required. When terracing walls, the first wall at grade level shall not exceed ~~six (6) feet~~

eight (8) inches seven (7) feet or be less than five (5) feet in height and each retaining wall above the first shall not retain more than four (4) feet of earth (Figure F). Terraced walls shall be offset a minimum of four (4) feet and each terrace shall be landscaped. Terraces and terraced walls shall be designed to include weep holes for drainage and sleeves for landscape irrigation. All terracing shall be subject to review by the City Engineer and / or the Building Official. Nothing herein is intended to relax the building code or other applicable city standards.

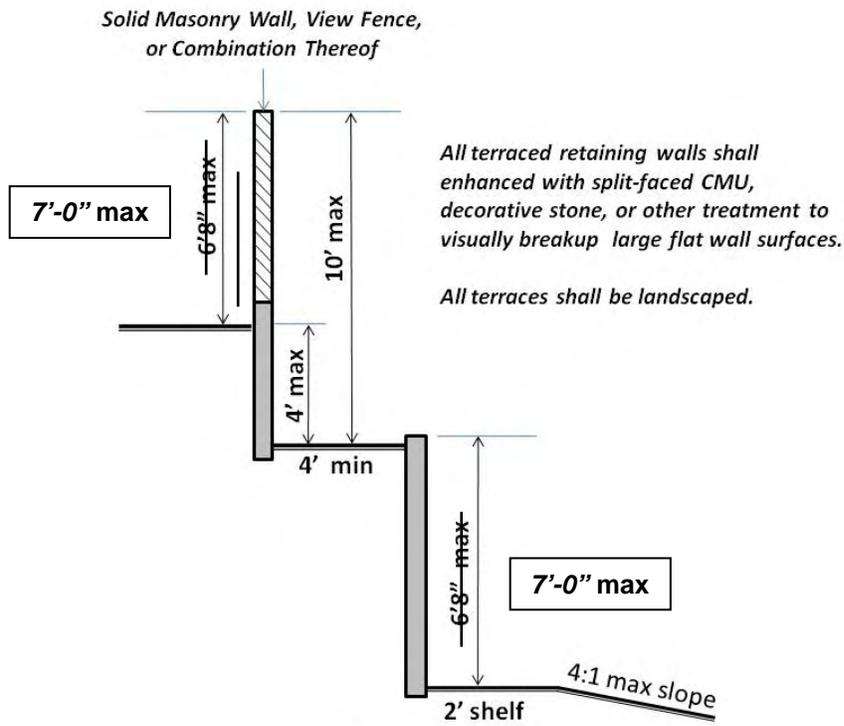


Figure F – Retaining Walls

6. *Lots Adjacent to Retention Areas.* Walls adjacent to planned or natural retention areas, waterways, or similar features shall not exceed six (6) feet eight (8) inches seven (7) feet in height on the lot side and shall not exceed eight (8) feet on the retention side as measured to the required two (2) foot shelf at the base of the wall. Maximum slope of the retention shall be no greater than 4:1. If additional retention depth is required, retaining walls may be added in the sloped banks of the retention area. Such walls shall not exceed two (2) feet in height and shall be offset by no less than four (4) feet. The maximum slope between walls shall not exceed 4:1 (see Figure G). All terraced walls shall be subject to review by the City Engineer and the Building Safety Division. All retaining walls are subject to review by the City Engineer or designee. Nothing herein is intended to relax the building code or other applicable City standards.

corridor shall be defined as all arterial streets, truck routes north of Union Hills Drive, Lake Pleasant Parkway, Loop 101, Loop 303, State Route 74, and the Burlington Northern Santa Fe Railroad. (Ord. No. 03-11)

C. Commercial and Industrial Requirements.

1. Fences and walls in all Commercial and Industrial Districts shall not exceed ten (10) feet in height except that boundary line fences abutting Residential Districts shall not be greater than ~~six (6) feet eight (8) inches~~ seven (7) feet in height, or except as specifically required as a condition of an approved Site Plan or Preliminary Plat or as otherwise specified in this Ordinance (Figure H).

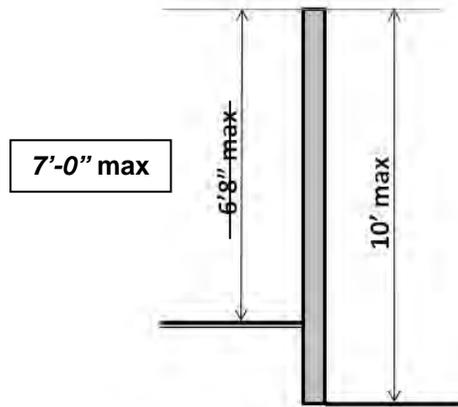


Figure H – Residential to Non-Residential

2. In Industrial zoning districts, walls and fences on local streets except when adjacent to a Residential District, may exceed three (3) feet in height in the front and corner side yard building setback when located no closer than ten (10) feet to the street line except as may be specified elsewhere in this Ordinance.

D. Hillside Development

1. Additional wall requirements for hillside areas are provided in Article 14-22A of the Zoning Ordinance.

EXHIBIT C

ARTICLE 14-23 PARKING & LOADING REQUIREMENTS (EXCERPTS) (Ord. No. 02-67, 2011-25)

14-23-3 PARKING REQUIREMENTS

B. Off-Street Parking Requirements

The following minimum number of off-street, paved parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth: Any proposed uses not listed herein will be determined through the site plan approval process.

1. Residential Uses

<u>Dwelling Types</u>	<u>Parking Spaces Required:</u>	
	<u>With On-Street Parking</u>	<u>Without On-Street Parking</u>
Single-family	2.0 Spaces/Unit	3.0 Spaces/Unit
Mobile Homes	2.0 Spaces/Unit	3.0 Spaces/Unit
Two-family	2.0 Spaces/Unit	2.0 Spaces/Unit ¹
Three-family	2.0 Spaces/Unit	2.0 Spaces/Unit ¹
Multi-family ²		
Efficiency/Studio	1.0 Spaces/Unit	1.0 Spaces/Unit
1 Bedroom	1.5 Spaces/Unit	1.5 Spaces/Unit
2+ Bedroom	2.0 Spaces/Unit	2.0 Spaces/Unit

¹ In addition to the required spaces, .25 guest spaces per unit shall be included.

² In addition to the required spaces, one (1) guest space for each ten (10) units shall be included.

³ Ord. No. 07-22 MF Standards

a. Additional Residential Parking Requirements

1) An improved residential driveway shall be provided between a public or private street or alley and a garage, carport or other parking space. The driveway shall consist of concrete, asphalt, sealed aggregate pavement, or masonry. Crushed rock or aggregate is an acceptable driveway surface as long as it is a minimum of three inches deep and contained by a permanent border.

4)2) The driveway within the front yard setback for single family, mobile homes, two family and three family residential occupancies, may be applied against the required off-street parking requirement provided the parking area occurs on an improved, dustproof parking surface as specified herein (minimum of three inches thick) and meets the minimum dimensional requirement for standard parking stalls. (Ord. No. 05-51)

ARTICLE 14-23

PARKING AND LOADING REQUIREMENTS

- ~~2)3)~~ All standard front-entry garage and carport entrances shall be setback a minimum of twenty (20) feet from the street right-of-way line ~~unless otherwise permitted by the Design Review Ordinance~~. In no case shall a standard front-entry garage or carport be located closer than eighteen (18) feet from the street right-of-way line, access easement or private roadway tract. (Ord. No. 05-51)
- ~~3)4)~~ It shall be unlawful to park or store any vehicle within the front or side yard of a single family residence use unless such parking or storage is on an improved, dustproof-parking surface such as concrete or asphalt, "chip seal", or crushed rock or aggregate that is a minimum of three inches thick. All crushed rock or aggregate shall be contained by a permanent border. Parking within the front yard of a single residence use shall be on or contiguous to a ~~legal driveway as specified herein~~. All parking and vehicle storage shall be parallel with the driveway's prime orientation, excluding side entry garage layouts. Such parking shall not exceed a maximum of thirty five percent (35%) of the front yard area, ~~except on lots less than seven thousand (7,000) square feet in which case the excess vehicle and visitor parking may be located on up to fifty percent (50%) of the front yard.~~
- 5) The maximum or total defined driveway width may be expanded to accommodate floor plans that offer a combination of both front and side loading garages.
- ~~4)6)~~ The total cumulative parking and/or maximum width of the driveway within the front yard for lots that are eighty five (85) feet wide or less shall be thirty (30) feet or fifty (50) percent of the lot width, whichever is less. For lots greater than seven thousands (7,000) square feet, the Planning Manager may approve additional paved areas, not to exceed fifty percent (50%), on irregularly shaped lots resulting from curvilinear streets, topography or other unique conditions so long as the intent and purposes of this Ordinance are preserved.
- 7) For lots that exceed eighty five (85) feet in width, the total cumulative parking and/or maximum width of the driveway within the front yard shall be forty (40) feet. In no case shall the front yard exceed a total of forty five (45) percent of driveway or parking area.
- 8) Lots that exceed eighty five (85) feet in width may incorporate a front yard circular drive provided the maximum total driveway width is forty (40) feet. The front yard should not exceed a total of forty five (45) percent of improved surface (concrete, asphalt or masonry).
- 9) The Planning Manager may approve additional paved areas, not to exceed fifty percent (50%), on irregularly shaped lots resulting from curvilinear streets, topography or other unique conditions so long as the intent and purposes of this Ordinance are preserved.

ARTICLE 14-23 PARKING AND LOADING REQUIREMENTS

- 10) All areas not utilized as the driveway, or designated as parking or vehicle storage shall be landscaped. In no instance shall parking or vehicle storage occur in any front yard on landscaped area.

EXHIBIT D

CHAPTER 17 – NUISANCES

Sec. 17-3. Public nuisances; prohibition.

The following acts, omissions, conditions, and things in or upon any land or structure in the City constitute public nuisances, the existence of which are hereby prohibited and declared to be unlawful:

(a) It shall be unlawful for any person to cause or allow any abandoned or inoperable vehicle to be stored or placed on, or allowed to remain on, any property except in complete conformance with the terms of this Subsection. All abandoned or inoperable vehicles or vehicles in residential areas being restored or repaired for longer than 48 consecutive hours within a fourteen (14) consecutive day period, starting the first day the vehicle is located unscreened shall be stored safely within a lawful, permitted enclosed building or structure having a perimeter composed of rigid walls and a roof or screened by a lawful six foot fence, or shall be stored on the premises of a business enterprise operated in a lawful place and manner in accordance with the provisions of the Peoria City Code where the storage of the vehicle is necessary to the operation of the business enterprise.

(b) It shall be unlawful to park or store any vehicle within the front, side or rear yard of a single or multi-family residence use unless such parking or storage is on an improved, dustproof-parking surface such as concrete asphalt, “chip seal”, or crushed rock or aggregate that is a minimum of three inches thick. All crushed rock or aggregate shall be contained by a permanent border and must be treated with a dust palliative in such a manner as to prevent the release of fugitive dust. The property owner and/or legal occupant of the property shall be under a continuous duty to maintain the parking surface in a manner to meet the minimum requirements of this subsection and to treat crushed rock or aggregate not less than two (2) times a year with a dust palliative. Parking within the front yard of a single residence use shall be on or contiguous to a legal driveway ~~provided such parking does not exceed a maximum of 35% of the front yard area, except on lots less than 7,000 square feet in which case the excess vehicle and visitor parking may be located on up to 50% of the front yard.~~ Parking within the side or rear yard of a single residence use shall have continuous access to a legal driveway meeting the dustproof requirements of this subsection.

(c) Any existing single or multi-family residence having unimproved parking shall by October 1, 2009 improve all existing parking areas with a dustproof-parking surface such as concrete asphalt, “chip seal”, or crushed rock or aggregate that is a minimum of three inches thick. All crushed rock or aggregate shall be contained by a permanent border and must be treated with a dust palliative in such a manner as to prevent the release of fugitive dust. The property owner and/or legal occupant of the property shall be under a continuous duty to maintain the parking surface in a manner to meet the minimum requirements of this subsection and to treat crushed rock or aggregate not less than two (2) times a year with a dust palliative.

EXHIBIT E

ARTICLE 14-34 SIGNS

(Amended by Ord. No. 2011-01, 2012-06, 2012-17)

CONTENTS

- 14-34-1 INDEX (deleted in Ord. No. 96-03)
- 14-34-2 INTENT
- 14-34-3 INTERPRETATION AND SCOPE
- 14-34-4 EXCEPTIONS
- 14-34-5 REQUIREMENT OF CONFORMITY
- 14-34-6 SIGNAGE APPROVAL AS PART OF SITE PLAN APPROVAL
- 14-34-7 DEFINITIONS
- 14-34-8 SIGN TYPES AND REQUIREMENT
- 14-34-9 SIGNS PERMITTED FOR NON-RESIDENTIAL USES IN THE C-O, C-1, C-2, C-3, I-1, I-2, P.A.D., P.C., O-1, PC-1, PC-2, C-4, C-5, PI-1, AND BPI ZONING DISTRICTS
- 14-34-10 SIGNS PERMITTED FOR NON-RESIDENTIAL USES IN THE AG, FP, SU, R1-6, R1-7, R1-8, R1-10, R1-12, R1-18, R1-35, 4M-1, RMH-1, RMH-2, RMH-3, P.A.D. AND P.C. ZONING DISTRICTS
- 14-34-11 SIGNS PERMITTED FOR RESIDENTIAL USES IN ALL DISTRICTS
- 14-34-12 NONCONFORMING SIGNS
- 14-34-13 ABANDONED SIGNS
- 14-34-14 LIABILITY OF DAMAGES
- 14-34-15 EFFECT OF AMENDMENT ON PENDING SUITS
- 14-34-16 PERMIT REQUIRED
- 14-34-17 PERMIT APPLICATION AND EXPIRATION
- 14-34-18 PERMIT FEES
- 14-34-19 REQUIREMENT OF PLANS
- 14-34-20 REVOCATION OF PERMITS
- 14-34-21 REMOVAL OF SIGNS
- 14-34-22 EMERGENCY REMOVAL OR REPAIR
- 14-34-23 ENFORCEMENT
- 14-34-24 INSPECTIONS
- 14-34-25 INSPECTION MARKINGS
- 14-34-26 SIGN MAINTENANCE
- 14-34-27 DESIGN AND CONSTRUCTION SPECIFICATIONS
- 14-34-28 PERMITTED LIGHTING AND MOVEMENTS
- 14-34-29 LOCATION REQUIREMENTS

14-34-1 INDEX (deleted in Ord. No. 96-03)

14-34-2 INTENT

The intent of this Article 14-34 is to regulate the type, placement, and physical dimensions of signs located in the City of Peoria. It is in the public interest and desired by the citizens of the City of Peoria, as stated in the Peoria Comprehensive Master Plan, to regulate signs for the following reasons:

- To promote the public health, safety and welfare within the City of Peoria by protecting the public from damage and injury which may be caused by the faulty and uncontrolled construction of signs.
- To promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the City of Peoria.
- To protect pedestrians, motorists, and property owners of the City of Peoria from damage or injury caused, or partially attributed to, the distractions and obstructions of signs, which are improperly situated, sized and designed.
- To promote the effectiveness of signs by preventing ~~they're~~ their over concentration, improper placement and excessive size.
- To protect and preserve property values in the City of Peoria by precluding the visual and physical intrusion of incompatible, unsafe and undesirable signs in industrial, commercial and residential areas throughout the City of Peoria.
- To promote, encourage and preserve the existing and developing natural and man-made beauty of the City of Peoria.
- To promote economic development by creating an aesthetically attractive, natural and man-made image that will induce industrial, commercial and residential users to locate in the City of Peoria.

14-34-3 INTERPRETATION AND SCOPE

- A. If there is a conflict between provisions of this section of this Article 14-34 and other provisions of this or other regulations/ordinances of the City of Peoria, the more restrictive provisions shall apply.
- B. The provisions of this section of Article 14-34 shall apply to the erection, design, construction, alteration, use, location and maintenance of all signs within the City of Peoria, except as specified in this Ordinance.

14-34-4 EXCEPTIONS

- A. The provisions of Article 14-34 shall not apply to:
 - 1. Tablets, grave markers, headstones, statuary or remembrances of persons or events noncommercial in nature.
 - 2. Works of fine arts when not displayed in conjunction with a commercial enterprise which may derive direct commercial gain from such display.

3. Signs not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way or thoroughfare, providing that such sign does not constitute a traffic hazard.
4. The erection, construction and maintenance of official traffic, fire and police signs, signals and devices that are markings of the State of Arizona and the City of Peoria or other authorized public agency, nor the posting of notices as required by law.
5. Advertising on bus passenger shelters located within the public right-of-way and on private property adjacent to the public -right-of-way as approved by City Council and Contract Number L.C.O.N.4989 on June 27, 1989 as amended and modified from time to time. (Ord. No. 89-21)
6. City of Peoria municipal uses. (Ord. No. 99-87)
7. Portable electronic signs used by the City of Peoria for special events. ~~Such signs shall be restricted to traffic control copy.~~ (Ord. No. 03-01)

14-34-5 REQUIREMENT OF CONFORMITY

It shall be illegal for a sign to be placed or maintained in the City of Peoria except as provided in this Article 14-34 after the effective date of adoption of Ordinance 89-07 of the City of Peoria, Arizona.

- A. All signs maintained contrary to the provisions of this Article 14-34 are declared to be nuisances, and such nuisances may be abated as provided by law.
- B. Any person, firm or corporation violating any provisions of this Article 14-34 or failing to comply with any order or regulations made hereunder shall be guilty of a Class 2 Misdemeanor as defined in Arizona Revised Statutes.
- C. Placement and/or the location of all signs shall be in accordance with the sight distance requirements for arterial and collector streets as described in the City of Peoria Infrastructure Guidelines. (Ord. No. 00-30)

14-34-6 SIGNAGE APPROVAL AS PART OF SITE PLAN APPROVAL

For all developments requiring Site Plan Approval and Design Review Approval, a sign package of the proposed design and location of all permanent and temporary signs for the life of the project, subject to the guidelines presented herein, shall be submitted for review and approval according to the site plan review procedures outlined in Article 14-39, Section 14-39-9 "Site Plan Review." A sign permit to erect, install, repair or move a sign, if such permit is required, shall not be issued unless sign approval has been given as part of the above site plan approval, for any development requiring such site plan approval. (Ord. No. 02-80)

14-34-7 DEFINITIONS

All words in this Article shall be first defined as provided herein and, if not defined herein, shall be defined as in the definition of terms of Chapter 14 of the Peoria City Code and, if not defined therein, shall be defined as in The Illustrated Book of Development Definitions by Harvey S. Moskowitz and Carl G. Lindbloom, 1981, and if not defined in The Illustrated Book of Development Definitions, shall have their customary dictionary definitions.

Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular. The word "shall" is always mandatory.

- A. *Sign.* Any device providing identifications, advertising or directional information for specific business, service, product, person, organization, place or building. Included in this definition of signs are graphic devices such as logos, attention attracting media such as logo-shaped sculpture, sculpture used to advertise products or businesses, fascia colored to advertise the logo or trademark of products or businesses, or architectural elements, banners, balloons, streamers, search lights, strobe lights, flags, inflatable structures, merchandise displays, accessory lights and other attention attracting media and devices.
- B. *Sign Copy.* The words, letters, symbols, illustrations, or graphic characters used to convey the message of a sign. ~~*Abandoned Sign.* A sign is presumed to have been abandoned when it is located on property which becomes vacant and unoccupied for a period of six (6) or more months.~~
- C. ~~*Abandoned Sign.* A sign is presumed to have been abandoned when it is located on property which becomes vacant and unoccupied for a period of six (6) or more months.~~ *Advertising Copy.* ~~Copy that includes, but is not limited to phone numbers, prices, announcements of sales, business hours, meeting times, individual or specific products, services, or merchandise, and directional information. A street address and business name are not considered advertising copy.~~
- D. *Advertising Sign.* A sign which includes sign advertising copy and/or graphics relating to any service, product, person, business, place, activity or organization in addition to simple identification.
- E. *Agricultural Product Sales Sign.* A sign which is erected or mounted on its own self-supporting permanent structure or base, advertising the sale of an agricultural product produced and sold on site. (Ord. No. 97-27)
- F. *Area of Sign.* (Ord. No. 96-88)
 - 1. Total sign area will include the area of all signs on the premises. Furthermore, computation of total sign area includes all existing signs on the premises, whether such signs be conforming or non-conforming under the terms of this Article 14-34. The only exceptions to the total sign area allowed are free standing monument signs, directional signs and street addresses, signs necessary for safety (e.g., stop engine, no smoking) that do not exceed two (2) square feet in

area, and Freestanding Municipal Recreation/Entertainment Facility Identification Signs.

2. For a sign having more than one component (e.g., a service station identification/price sign combination on a monument base, mounted on the same surface), the sign area shall be measured as the sum of the smallest rectangles that encompass the several components of the sign.
3. A sign mounted or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign, shall be measured as the area contained within the outside dimensions of the background panel or surface.
4. A sign mounted as individual letters and/or graphics against a wall or fascia of a building, wall fence or other structure that has not been painted, textured or otherwise altered to provide a distinctive background for the sign shall be measured as the sum of the smallest rectangles that will enclose the sign.



AREA OF SIGN

5. A sign mounted or painted on an illuminated surface, illuminated architectural element of a building, or if the sign is the actual illuminated surface itself, shall be measured as the entire surface or illuminated architectural element which contains the sign.
6. A sign integrated into, built, made or part of the actual structure of a wall, building fascia, wall, fence or other type of structure, regardless of whether the sign is of the same color, texture or material than the entire structure, shall be measured as the sum of the smallest rectangles that will enclose the sign.
7. Where there are one (1) or more sign faces, the area shall be defined as follows:

One (1) face - Area of the single face only, two (2) faces - If the interior angle between the two faces is 45 degrees or less, the area will be the area of one face only; if the interior angle between the two sign faces is greater than 45 degrees, the sign area will be the sum of the areas of the two faces.

Three (3) or more faces - The sign area will be the sum of the areas of each of the faces.

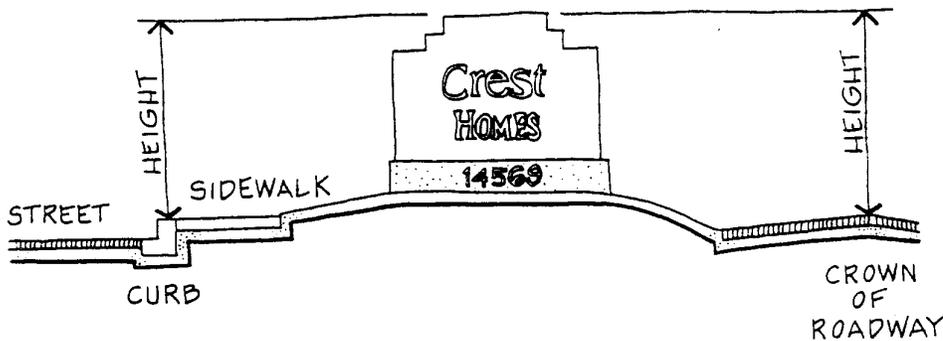
Spherical, free-form, sculptural, other non-planar signs - Signs area will be the sum of the area using only the four (4) vertical sides of the smallest cube that will encompass the sign.

Architectural embellishments shall not be considered as sign area, and may not constitute more than twenty percent (20%) of the total sign area.

- G. *Building Front Foot*. Means the maximum width of the building measured on a straight line parallel to the street. In the event that a building fronts on two (2) or more streets, the property owner shall be given the option of selecting one (1) street frontage for the purpose of computing allowable sign area. Where a building does not parallel a street, the front foot shall be measured along the exterior of the building space from points projected perpendicular to the street from the corners of the building face fronting the street.
- H. *Business Front Foot*. Means the lineal distance of the building space occupied by the particular business or use measured on a straight line parallel to the street. In the event that a business or use fronts on two (2) or more streets, the property owner shall be given the option of selecting one (1) street frontage for the purpose of computing allowable sign area. Where a business or use does not parallel a street, the front foot shall be measured along the exterior of the building space occupied by the particular business or use.
- I. *Building-Mounted Wall Signs*. A sign attached to, painted on, or erected against the wall or fascia of a building with the exposed face of the sign in a plane parallel to the face of the wall or fascia.
- J. *Complexes/Centers*. See "Multiple Tenant Commercial Building."
- K. *Comprehensive Sign Plan*. A plan for the utilization of signs intended to encourage flexible signage opportunities which are greater than that allowed under the existing requirements of the sign code. (Ord. No. 97-21)
- L. *Eave Line*. The point on a wall projected perpendicular to the wall from the bottom of an eave.
- M. *Emergency*. Immediate action necessary for purposes of protection of the public's health, safety and welfare.
- N. *Fascia*. The horizontal piece between the plate line or eave line and the spring point of a sloped roof or the top of a flat roof.
- O. *Fascia Sign*. A sign which is permanently affixed to the fascia of a building.
- P. *Flag*. A piece of fabric or other flexible material that contains the current or historical seal, insignia, symbol, logo, emblem or distinctive colors of this nation or any other nation, or the seal, insignia, symbol, logo or emblem of any political subdivision of this nation or any other nation, or the seal, insignia, symbol, logo or emblem of any religious, not for profit or corporate entity or expressing advocacy speech. References to the number of flags and flagpoles and flag dimensions refer to both vertical flagpoles and mast arm flagpoles. (Ord. No. 03-09)
- Q. *Flag-Mounted Sign*. A sign on a pole which projects from the roof or wall of a building.

- R. *Freestanding Monument Sign.* A sign which is erected, or mounted on its own self-supporting permanent structure or base, and is detached from any supporting elements of a building.
- S. *Freestanding Wall Sign.* Same as a freestanding monument sign except erected or mounted on a wall that is detached from, but architecturally integrated with a building.
- T. *Freeway Monument Sign.* A freestanding monument sign erected to identify a single or multiple on-site use(s), on property abutting, or part of a complex/center abutting the Agua Fria Freeway. (Ord. No. 97-16)
- U. *Grand Opening.* The introduction, promotion, announcement of a new business, store, shopping center, office or the announcement, introduction, promotion of an established business changing ownership.
- V. *Ground Level.* The finished grade of an existing sidewalk or, where there is no sidewalk, six (6) inches above street grade.
- W. *Height of Sign.*

1. Freestanding Monument Sign and Freestanding Wall Sign. Height shall be the distance from the top of the sign structure to the top of curb or crown of roadway where no curb exists. For freestanding monument signs, the height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height. Freestanding wall signs shall not exceed five (5) feet in height.



2. Building-Mounted Wall signs. Height shall be the distance from the top of the sign structure to the top of curb or crown of road where no curb exists.
- X. *Identification Sign.* A sign that includes as sign copy, only the name of the business, place, organization, building, or person it identifies.
 - Y. *Illuminated Sign.* A sign whose surface is lit, internally or externally, and which identifies, advertises or attracts attention to a use or activity on the premises.
 - Z. *Indirect Lighting - Externally Illuminated.* Means a source of external illumination located a distance away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign from any normal position of view.

- AA. *Indirect Lighting - Internally Illuminated.* Means a source of illumination entirely within the sign which makes the sign visible at night by means of lighting the background upon which the free standing character is mounted. The character itself typically is opaque, and thus is silhouetted against the background. The source of illumination shall not be visible.
- BB. *Internal Lighting.* Means of source of illumination entirely within the sign which makes the contents of the sign visible at night by means of the light being transmitted through a translucent material but wherein the source of the illumination is not visible.
- CC. *Landscape Area.* An area reserved for the addition or augmentation of lawns, trees, plants and other natural and decorative features to land.
- DD. *Maintenance.* Means the replacing or repairing of a part or portion of a sign made unusable by ordinary wear, tear or damage beyond the control of the owner or the reprinting of existing sign copy without changing the wording, composition or color of said copy.
- EE. *Multiple Tenant Commercial Building.* A commercial development in which there exists a number of separate commercial activities, in which there are appurtenant shared facilities (such as parking or pedestrian mall), and which is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a multiple tenant commercial building may, but need not, include common ownership of the real property upon which the center is located, common-wall construction, and multiple-occupant commercial use of a single structure.
- FF. *Multi-Tenant Sign.* A sign that includes as sign copy, only the names of two (2) or more businesses, places, organizations, buildings or persons it identifies.
- GG. *Non-Conforming Sign.* A sign erected which does not conform to all of the requirements of this Article 14-34, but which, when first constructed, was legally allowed by the City of Peoria or the political subdivision then having the control and regulation over construction of signs.
- HH. *Off-Premise Sign.* A structure which bears a sign which is not appurtenant to the use of the premises where the sign is located, or a structure which advertises a product or a service offered upon the premises other than where the sign is located.
- II. *Parapet Wall.* A wall extending above the plate line of a building.
- JJ. *Permanent Sign.* Any sign which is intended to be and is so constructed as to be lasting and enduring, remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall or building.
- KK. *Plate Line.* The point at which any part of the main roof structure first touches or bears upon external wall.

- LL. *Portable Sign.* Any sign which is not permanently affixed to any structure on a site or permanently ground-mounted. Includes A-frame / sandwich board signs.
- MM. *Premises* - A lot, parcel, tract or plot of land together with the buildings and structures thereon.
- NN. *Roof-Mounted Sign.* A sign which is secured, mounted or attached to a roof or which projects above the highest point of a parapet or fascia of a building.
- OO. *Roof Line.* Means the highest point of the main roof structure or highest point on a parapet but shall not include cupolas, pylons, projections or minor raised portions of the roof.
- PP. *Sign Package.* A detailed description, including, but not limited to, type, size, color and location of all signage.
- QQ. *Soffit Sign.* A sign which is suspended from the underside of a lintel, arch or other overhead spanning member and is hung perpendicular to a vertical wall surface.
- RR. *Spring Point.* The point at the edge of a roof where the slope of the roof is less than 90 degrees but more than 0 degrees.
- SS. *Street Grade.* The elevation of the top of the curb of a street, or the elevation of the crown of the roadway where no curb exists.
- TT. *Temporary Sign.* A sign established for a fixed period of time with the intent to discontinue the use of such sign upon the expiration of the time period.
- UU. *Master Planned Development.* A development which meets one or more of the following criteria: (Ord. No. 91-28)
1. Residential developments which exceed 300 acres in area.
 2. Four (4) or more residential subdivisions of a combined area which exceeds three hundred (300) acres.
 3. Mixed-use developments which exceed 150 acres in area.

14-34-8 SIGN TYPES AND REQUIREMENTS

- A. Permitted Signs. The following signs are permitted, subject to the criteria listed under each sign:
1. Address Sign. A sign consisting of numerals and/or letters identifying a property address.
 - a. Letter and numeral height shall not exceed twelve (12) inches;
 - b. No sign permit required.

2. Agricultural Product Sales Signs. Any temporary sign erected to advertise the seasonal sale of agricultural food products produces on-site. (Ord. No. 97-27)
 - a. Such signs may only be located on-site and shall be limited to the following information: the type of product for sale, directional information and pricing information;
 - b. Such signs shall be prohibited on lots less than 43,560 square feet;
 - c. Such signs shall not utilize illumination of any kind;
 - d. One (1) sign per parcel shall be allowed with an additional sign allowed for each one hundred (100) feet of linear street frontage up to a maximum of four (4) signs; a maximum of one (1) sign shall be allowed when the sales activity is located in or within one hundred (100) feet of a developed residential area;
 - e. Such signs, including their supporting structures, shall be no more than six (6) square feet in area within a developed residential area and no more than thirty-two (32) square feet in area as otherwise permitted and shall be no more than six (6) feet in height measured from grade level;
 - f. Such signs shall be displayed for a period not to exceed 90 days during any calendar year without a sign permit. Signs may be displayed for a period exceeding 90 days upon approval of a temporary sign permit by the City;
 - g. Such signs shall not be located in the public right-of-way and shall not be located so as to impair traffic visibility or traffic circulation;
 - h. Such signs shall be permitted to be displayed only during sales periods occurring during the active growing season;
 - i. Such signs shall be constructed and supported in such a manner so as not to pose a hazard to pedestrians or vehicles;
 - j. Agricultural product sales signs shall not include signs otherwise prohibited by this chapter;
 - k. No sign permit required unless otherwise specified.
3. Awning/Canopy Sign. A sign which is printed, painted, or affixed to an awning or canopy.
 - a. Sign copy, including logo, shall not exceed twelve (12) square feet or fifty percent (50%) of an awning face area, whichever is less;
 - b. Such sign shall only be displayed on the ground floor awnings;
 - c. Flashing or intermittent illumination of awnings is prohibited;

- d. Sign permit required.
4. Banner/Special Event Sign. A temporary sign which is used for the promotion of goods, services, or events for a specified period of time. (Ord. No. 2011-01)
 - a. Special Events. Sign used to promote a sale or special event.
 - 1) For the purpose of this regulation, special event signs shall include sign banners, balloons, flags, streamers, and pennants. Vehicle mounted signs, flashing lights, search lights and portable signs are prohibited, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)
 - 2) Banner signs shall be limited to a maximum total square footage of thirty-two (32) square feet.
 - 3) Signs shall be allowed four (4) times per year for a maximum period of fourteen (14) consecutive days. A minimum of thirty (30) days shall pass between each such sale.
 - 4) For a period extending no later than June 30th, 2014, the following allowances for special event signage shall apply:
 - a) Signs shall be allowed four (4) times per year for a maximum period of thirty (30) consecutive days for each occurrence.
 - b) Advertising Flags
In addition to allowable banner, streamer, and pennant signage, establishments may have two (2) pole-mounted advertising flag signs, such as the types of signs commonly referred to as a “swooper flag”, “feather flag”, or “teardrop flag”. Each sign shall not exceed a total of fifteen (15) feet in height including mounting hardware, three (3) feet in width, nor thirty-two (32) square feet in sign area. All such signs shall be securely fastened to resist displacement by wind or similar disturbances and shall only be displayed during the hours the business / establishment is open. For establishments located in multi-tenant buildings or complexes, such signs may be placed at the perimeter of the complex with the property owner’s consent.
 - c) Portable A-frame signs
Establishments may also have one (1) portable “A-frame” (or similar) sign, provided that the sign shall not exceed thirty-six (36) inches in height nor a total of six (6) square feet in area. Such signs shall be weighted to resist displacement by wind or similar disturbances and shall only be displayed during the hours the business / establishment is open. For establishments located in multi-tenant buildings or complexes, such signs may be placed at the perimeter of the complex with the property owner’s consent.
 - d) All such signs shall be placed on private property and shall not impede pedestrian or vehicular visibility or traffic.

- 5) All such signs shall include wind cuts as necessary to reduce sign billowing or sailing and shall be securely fastened to the building or other permanent structure attached to the building containing the subject establishment. Such signs and/or banners shall not be mounted to trees or other landscaping elements.
 - 6) Individual balloons and balloon arches/clusters shall be allowed provided they are securely fastened to permanent structures and setback from all streets and driveways a distance equal to the tether of the balloon. Individual balloons shall not exceed twenty-four (24) inches in diameter. Balloons and balloon arches / clusters shall be tethered at a height that does not exceed the height of the building containing the subject establishment. Balloons exceeding twenty-four (24) inches in diameter shall be considered inflatable structures and shall require a separate permit.
 - 7) Torn, faded, or soiled signs shall be prohibited.
 - 8) Sign permit required for each display period.
- b. Exterior Sales. A sign for the sale of merchandise where most of the business is conducted, or items are displayed, in an open exterior area in compliance with all City Codes. (Ord. No. 03-09)
- 1) Exterior sales promotions are allowed however shall be restricted to Friday, Saturday, and Sunday or Federally recognized holidays.
 - 2) For the purpose of this regulation, exterior sales signs shall include sign banners, balloons, flags, streamers, pennants or merchandise. Vehicle mounted signs, flashing lights, search lights, and portable signs are prohibited.
 - 3) Streamers, pennants and flags shall contain no written message ~~advertising copy~~, but may include a symbol, logo or replica of a flag on a pennant. (Ord. No. 03-09)
 - 4) Inflatable structures are allowed by separate permit. Such structures shall be permitted only twice per year at three-day intervals. Inflatable structures shall not be roof-mounted and shall be securely fastened to permanent structures and/or proper ground staking. Inflatable structures shall be placed on private property and shall not impede pedestrian or vehicular visibility or traffic.
 - 5) Individual balloons and balloon arches/clusters shall be allowed provided they are securely fastened to permanent structures and setback from all streets and driveways a distance equal to the tether of the balloon. Individual balloons shall not exceed twenty-four (24) inches in diameter. Balloons and balloon arches / clusters shall be tethered at a height that does not exceed the height of the building containing the subject establishment. Balloons exceeding twenty-four (24) inches in diameter

shall be considered inflatable structures and shall require a separate permit.

- 6) All banner signs shall include wind cuts as necessary to reduce sign billowing or sailing and shall be securely fastened to a building, private light standard or other permanent structure. Such banners shall not be mounted to trees or other landscaping elements. The total allowable square footage of all banner signs shall not exceed one hundred fifty (150) square feet.
 - 7) Uses eligible for exterior sales signs shall not be eligible for special event signs.
 - 8) Torn, faded or soiled exterior sales signs shall be prohibited.
 - 9) No permit required, except for inflatable structures.
- c. Civic Events. Signs used to advertise, promote public entertainment uses including carnivals, circuses, street fairs, concerts, cultural events, home and garden shows, parades, community events and similar uses.
- 1) For the purpose of this regulation, civic event signs shall include sign banners, balloons, flags, streamers, and pennants. Vehicle mounted signs, flashing lights, search lights and portable signs are prohibited, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)
 - 2) No off premise signs, strobe lights or search lights are permitted, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)
 - 3) All banner signs shall include wind cuts as necessary to reduce sign billowing or sailing and shall be securely fastened to a building, private light standard or other permanent structure. Such banners shall not be mounted to trees or other landscaping elements.
 - 4) Size and quantity of signs are not regulated, however signs shall not be displayed for more than seven (7) days prior to the event and shall be removed within forty-eight (48) hours after the event.
 - 5) Inflatable structures are allowed by separate permit. Inflatable structures shall not be roof-mounted and shall be securely fastened to permanent structures and/or proper ground staking. Inflatable structures shall be placed on private property and shall not impede pedestrian or vehicular traffic or visibility.
 - 6) Torn, faded, or soiled civic event signs shall be prohibited.
 - 7) Light standard banner advertisement is allowed within one mile of the event as approved by the Public Works Director.
 - 8) No permit required, except for inflatable structures.

5. Building-Mounted Wall Sign. A permanent sign attached to, painted on, or erected against the wall or fascia of a building with the exposed face of the sign in a plane parallel to the face of the wall or fascia.
 - a. Primary identification signs located on buildings over three (3) stories in height shall be placed only in the top twenty-five (25) percent of the wall to which it is attached, and shall not project above the roofline; (Ord. No. 00-30)
 - b. The area of such signs is dependent on the zoning district in which a use is permitted as specified in this Article 14-34. However, in no case shall the total area of one such sign exceed two hundred (200) square feet.
 - c. Such signs may identify the individual business, building, or building complex only by name, logo, or by name and principal service where the name does not identify the principle services offered; (Ord. No. 97-31)
 - d. Buildings in excess of three (3) stories shall only be identified by the building name, or the name or logo of the business or company occupying the building; (Ord. No. 97-31)
 - e. ~~Advertising Sign~~ Sign copy shall be permitted only to describe the general nature of the business. Sign copy shall not include phone numbers, web addresses, web symbols, or product information, such as price of merchandise. ~~In no case shall there be more than six (6) words, symbols or characters used as advertising copy as described in Section 14-34-7 Definitions;~~ (Ord. No. 00-30)
 - f. Such signs shall not project more than fourteen (14) inches from a wall or fascia;
 - g. Such signs may be erected on a parapet wall or fascia that is on three sides of a four or more sided building. Such signs may be erected on buildings with one parapet wall only if the building existed on the date of adoption of this Article 14-34. Such signs may not extend above the top of the parapet or fascia.
 - h. Such signs may be illuminated only by internal or externally indirect lighting;
 - i. The average height of all sign characters shall not exceed six (6) feet with no individual characters exceeding eight (8) feet in height; (Ord. No. 97-31)
 - j. For buildings constructed on the property line of a parcel which abuts a public right-of-way or easement (e.g. no building setback), building mounted wall signs maybe extend fourteen (14) inches in the public right-of-way or public easement provided such signs are located higher than eight (8) feet above ground level.
 - k. Sign permit required.
6. Changeable Sign Copy/Marquee Sign. A sign which utilizes changeable letters or sign copy and is intended to display factual information about activities on the premises (not including service station price component signs).

- a. Such signs shall be allowed only for government uses, institutional use, schools, churches and theaters;
 - b. There shall be only one such sign on each lot or parcel of land;
 - c. Such signs may be either building-mounted wall or freestanding monument types only. Freestanding and wall changeable sign copy/marquee signs are prohibited.
 - d. Freestanding monument changeable copy/marquee signs are subject to the same requirements as all freestanding signs. However, a maximum of two-thirds of the allowable area of such signs shall be utilized for changeable copy/marquee purposes.
 - 1) A public school marquee sign shall conform to all provisions of this section, except for the following: (Ord. No. 90-41)
 - a) The height of a freestanding monument/marquee sign for a public school shall be permitted to a height not to exceed fourteen (14) feet.
 - b) The masonry base for free standing monument/marquee signs over eight (8) feet in height, but less than fourteen (14) feet in height shall not be required.
 - c) All sign heights as referenced in (a) and (b) above are to be measured from the top of the sign structure to the top of the adjacent curb.
 - e. Building-mounted wall changeable copy/marquee signs shall be a maximum of sixty-four (64) square feet and are subject to the same height and landscaping requirements as all wall or fascia-mounted signs.
 - f. Such signs may be illuminated only by internal lighting or by externally indirect lighting.
 - g. Sign permit required.
7. Construction Sign. A sign which identifies the parties included in an "in-process" construction project.
- a. Such signs shall only be displayed on the actual construction site;
 - b. Such sign shall not exceed eight (8) feet in height nor thirty-two (32) square feet in area;
 - c. All such signs shall be removed prior to the issuance of a Certificate of Occupancy for the site;
 - d. All construction signs shall be constructed and installed to standards defined by the Department.

- e. No sign permit required, but such signs shall be constructed to standards required for a permanent sign as described by the Arizona Sign Association.
8. Directional Sign. A permanent, on-site sign which includes sign copy ~~offering restricted to pertinent~~ directional information for the purpose of assisting in the flow of vehicular or pedestrian traffic.
 - a. Such signs shall not exceed three (3) feet in height nor six (6) square feet in area;
 - b. Such signs may include a business logo but no other ~~advertising~~ sign copy;
 - c. Such signs may be free standing monument signs only;
 - d. Such signs are permitted in all zoning districts;
 - e. No sign permit required.
 9. Directory Sign. A sign listing name, use and/or location within a building, building complex, or multiple-tenant commercial building.
 - a. Such signs may be utilized in all Zoning Districts;
 - b. Such signs shall not exceed six (6) feet in height nor six (6) square feet in area;
 - c. ~~Such signs shall not include any advertising copy;~~ Such signs shall only identify the name of business or use and location within a building or complex for which the sign is intended;
 - d. No sign permit required unless such directory sign will be visible from off premises.
 10. Flags. (Ord. No. 03-09)
 - a. Flag poles shall not exceed thirty-five (35) feet in height, except for those displaying the flags of the United States of America or the State of Arizona which may be erected to a height not to exceed one hundred (100) feet; (Ord. No. 03-09)
 - b. Any flag flown in conjunction with the United States and/or State of Arizona Flag shall be flown beneath them and shall not exceed them in size;
 - c. No more than three (3) flagpoles shall be placed on any one (1) site, unless a request is approved in the same manner as a comprehensive sign plan pursuant to this Article. No more than (2) flags shall be flown on any one flagpole. (Ord. No. 03-09)
 - 1) On officially recognized United States and Arizona Holidays, there shall be no maximum flag size or number or other limitations on display,

however, flag displays on officially recognized United States and Arizona Holidays shall meet all other requirements of this Article. (Ord. No. 03-09)

- d. Flags of corporate entities shall only be permitted in the Commercial and Industrial Zoning Districts, unless a request is approved in the same manner as a comprehensive sign plan pursuant to this Article. The maximum size of any corporate entity flag shall not exceed fifteen (15) square feet, with no one dimension to exceed six (6) feet in any direction; (Ord. No. 03-09)
 - e. Residential developments may display a maximum of six (6) flags which do not include ~~sign copy or logos~~ along the street frontage containing the development's main entry. The maximum size of such flags shall not exceed fifteen (15) square feet, with no one dimension to exceed six (6) feet in any direction. For residential subdivisions, such signs may be maintained for a period of three (3) years, or until all the lots in the subdivision are sold, whichever occurs first. Extensions to the three (3) year time limit may be requested from the Planning Manager. (Ord. No. 2011-01)
 - f. All such flag poles shall be located a minimum of one (1) foot from the edge of street right-of-way.(Ord. No. 03-09)
 - g. Except as otherwise provided by this Article or the United States Flag Code, all flags shall be displayed on flagpoles. Display of the American Flag shall be in accordance with the United States Flag Code. (Ord. No. 03-09)
 - h. Torn, faded, or soiled flags shall be prohibited.
 - i. No sign permits required unless otherwise noted. (Ord. No. 03-09)
11. Freestanding Monument Signs. A sign which is erected, or mounted on its own self-supporting permanent structure or base detached from any supporting elements of a building or wall. (Ord. No. 97-39)
- a. Such signs, including their supporting structures, shall not exceed eight (8) feet in height except when abutting Grand Avenue or Bell Road. Single-user freestanding monument signs abutting Grand Avenue and Bell Road shall not exceed twelve (12) feet in height and Multi-tenant freestanding monument signs abutting Grand Avenue and Bell Road shall not exceed fourteen (14) feet in height.
 - b. Such signs, for individual businesses or noncommercial establishments not abutting Grand Avenue or Bell Road, whether part of a complex or center, shall not exceed thirty-two (32) square feet in area, unless otherwise provided herein. Signs for multiple tenant commercial buildings, complexes or centers, whether commercial or not and not abutting Grand Avenue or Bell Road, shall not exceed forty-eight (48) square feet in area, unless otherwise provided herein. For individual businesses or non-commercial establishments, abutting Grand Avenue or Bell Road, whether part of a complex or center, such signs shall not exceed forty-eight (48) square feet in area, unless otherwise provided herein. Signs for multiple tenant commercial buildings,

complexes or center, whether commercial or not, abutting Grand Avenue or Bell Road, shall not exceed seventy-two (72) square feet in area.

- c. All such signs shall have monument-type bases of masonry construction. A comparable alternate basic material may be used upon approval by the City;
 - d. All such signs shall require a landscape area equal to four (4) square feet for each square foot of sign area. This landscape area shall be located around the base of the sign.
 - e. All such signs shall be located a minimum of one (1) foot from the edge of street right-of-way;
 - f. Such signs shall only identify the name of the business, the center/complex, or place for which the sign is intended unless otherwise permitted in Section 14-34-9;
 - g. ~~Such signs shall not include any advertising copy;~~
 - h. Such signs may be illuminated only by externally illuminated indirect or internal lighting;
 - i. Address numerals shall be included on all freestanding sign structures. The numerals shall be no smaller than six (6) inches in height and no larger than twelve (12) inches in height;
 - j. Sign permit required.
12. Freestanding Municipal Recreation/Entertainment Facility Identification Sign. A sign which is erected, or mounted on its own self-supporting permanent structure or base which is utilized to identify and advertise municipal recreation/entertainment facilities and events. (Ord. No. 94-09)
- a. One such sign shall be allowed for a facility which is comprised of one hundred (100) gross acres or more;
 - b. Such signs, including their supporting structures, shall not exceed thirty-five (35) feet in height and two hundred square (200) feet in area. A minimum of fifty percent (50%) of the total sign area shall be limited to the facility name and/or logo. The sign area for such signs shall not be included in the total sign area allowed for the facility;
 - c. Such signs may contain advertising panels and/or electronic devices such as reader boards utilized for advertising on-site and off-site events, services and products, including but not limited to municipal events;
 - d. All such signs shall be located a minimum of five (5) feet from the street property line.
 - e. Such signs may be located on-site or off-site, however, off-site signs must be erected within one-half (1/2) mile of the recreation/entertainment facility and

off-site signs shall not be closer than fifty (50) feet to any neighboring building;

- f. Such signs may be illuminated; however, off-site signs shall not be illuminated if located within two hundred (200) feet of a residential use or residential zoning district;
 - g. Sign permit required.
13. Freestanding Wall Sign. A sign consisting of individual letters on a wall which is detached from, but architecturally integrated with the building.
- a. Such signs shall not exceed five feet (5') in height and must be a minimum of one foot (1') above ground level.
 - b. For individual businesses less than 50,000 square feet in area or non-commercial establishments, whether or not part of a complex or center, such signs shall not exceed thirty-two square feet (32') in area, unless otherwise provided herein and must not cover more than fifty percent (50%) of the wall surface. For individual businesses greater than 50,000 square feet, multiple tenant commercial buildings, complexes or centers, whether commercial or non-commercial, such signs must be no larger than ninety-six square feet (96'), unless otherwise provided here in, and must not cover more than fifty percent (50%) of the wall surface;
 - c. Such signs shall be located a minimum of five feet (5') from the street property line.
 - d. Such signs shall consist of only the name of the business building complex for which the sign is intended unless otherwise permitted in Section 14-34-9.
 - e. All such signs shall require a landscaped area equal to four (4) square feet for each square foot of sign area. This landscaped area shall be located around the base of the sign;
 - f. ~~Such signs shall not include any advertising copy;~~
 - g. Address numerals shall be included on all freestanding wall signs. The numerals shall be no smaller than four inches (4") in height and no larger than twelve inches (12") in height;
 - h. Such signs may be illuminated only by indirect or internal lighting;
 - i. Such signs shall be located only in a landscape area which extends the full distance of a property's street frontage on which a freestanding wall sign is located. The area shall be a minimum of twenty feet (20') in depth from the property line and may be penetrated by access drives.
 - j. Sign permit required.

14. Freeway Monument Sign. A freestanding single user or multi-tenant sign identifying an on-premise use, on property abutting or part of a complex/center abutting the Agua Fria Freeway right-of-way, oriented to and intended to be read from the freeway. For the purposes of this section a center/complex shall further be defined to include those projects under a common zoning case or development without regard to property ownership or individual parcel use. (Ord. No. 97-16)

a. General Requirements.

- 1) Freeway Monument Signs shall be allowed only on properties zoned for commercial or industrial uses;
- 2) For every 1,320 linear feet of freeway frontage, one (1) freeway monument sign shall be allowed per site, development, project, or center with a maximum of three (3) freeway monument signs per site, development, project or center. Such signs shall not be located off-premise, except that a multi-tenant complex/center sign may identify users within the complex/center located on separate parcels; (Ord. No. 00-30)
- 3) Buildings in excess of three (3) stories shall be identified only by a Freeway Monument Sign or a Building Mounted Wall Sign and shall not be eligible for the construction of or inclusion on both types of signs.
- 4) For the purposes of this section, the height of all Freeway Monument Signs shall be measured as the vertical distance from the finished grade of the site to the highest point of the sign structure;
- 5) Freeway monument signs shall not be counted as a portion of the total sign area of the user(s);
- 6) All such signs shall be required to provide an architecturally enhanced treatment for the sign base, pole cover and supports compatible with the individual business or the complex/center. Pole covers and sign base shall be a minimum of thirty five percent (35%) of the full sign width; (Ord. No. 00-30)
- 7) All such signs shall require a landscaped area equal to four (4) square feet of landscaping for each square foot of sign area and shall be located around the base of the sign;
- 8) For the purposes of this section, such signs shall only identify the name of the business, the center/complex, or the place for which the sign is intended. ~~Such signs shall not include any advertising copy;~~
- 9) Such signs may be illuminated by externally illuminated indirect or internal lighting;
- 10) Freeway Monument Signs shall not be allowed within a natural or manmade watercourse;

- 11) Freeway Monument Signs shall be subject to all applicable Arizona Department of Transportation sign regulation standards;
 - 12) Sign permits required.
- b. Single Tenant Signs: In addition to subsection a. General Requirements, the following additional requirements shall apply to single tenant freeway monument signs:
- 1) Such signs shall not exceed thirty-five (35) feet in height and one hundred and forty (140) square feet in sign area;
 - 2) All such signs shall maintain a minimum of two hundred (200) foot spacing from any other freeway monument sign;
 - 3) All such signs shall be located a minimum of fifty (50) feet from any non-freeway lot line and a minimum of one hundred (100) feet from any residentially zoned property;
 - 4) All such signs shall be allowed an extra three (3) feet in height for architectural embellishments where architectural embellishments are defined as elements of a sign incorporating architectural features of the associated building or development. Embellishments shall not include any feature, figure or emblem conveying a commercial message and may not constitute more than twenty percent (20%) of sign area.
- c. Multi-tenant Signs. In addition to subsection a. General Requirements, the following additional requirements shall apply to multi-tenant freeway monument signs:
- 1) Such signs shall not exceed forty-five (45) feet in height and two hundred (200) square feet in total sign area;
 - 2) For the purpose of this section, Multi-tenant freeway monument signs shall be allowed an extra twenty percent (20%) of sign area for identification of the center/complex;
 - 3) All such signs shall maintain a minimum of two hundred (200) foot spacing from any other freeway monument sign;
 - 4) All such signs shall be located a minimum of fifty (50) feet from any non-freeway lot line and a minimum of two hundred (200) feet from any residentially zoned property;
 - 5) All such signs shall be allowed an extra three (3) feet in height for architectural embellishments where architectural embellishments are defined as elements of a sign incorporating architectural features of the associated building or development. Embellishments shall not include any feature, figure or emblem conveying a commercial message and may not constitute more than twenty percent (20%) of the sign area.

15. Future Development Sign. A sign which announces the proposed development of property, prior to the issuance of building permit.
- a. Such signs shall include sign copy identifying the name(s) of the project architect, developer and contractor, and relevant project information;
 - b. Such signs shall not exceed thirty-two (32) square feet in area nor eight (8) feet in height;
 - c. Such signs may be maintained for a period not to exceed twelve (12) months prior to obtaining building permits for a development and shall be removed prior to issuance of a Certificate of Occupancy;
 - d. Such signs shall not be internally illuminated;
 - e. All such signs shall be located on the development site;
 - f. Only one (1) sign shall be displayed per street frontage;
 - g. Sign permit required.
16. Gasoline Service Station Signs.
- a. Service Station Identification/Price Sign. A permanently mounted, two component sign displaying business identification and the retail cost of a gallon of gas/diesel on the premises of the service station.
 - 1) One such sign per street frontage;
 - 2) Such sign shall not exceed thirty-two (32) square feet in area nor eight (8) feet in height;
 - 3) The price component of the sign shall not exceed four (4) feet in height, or sixteen (16) square feet in area;
 - 4) The sign shall have a landscape area at the base of each sign equal to at least four (4) square feet for each square foot of sign area;
 - 5) The sign shall have a monument base of masonry construction. A comparable alternate base material may be used, upon written approval of the Planning Director;
 - 6) Sign permit required.
 - b. Pump-Topper Sign. A sign which is affixed to the top or sides of an operable, fuel dispensing pump.
 - 1) Such signs shall not exceed three (3) square feet in area;

- 2) Such signs shall only display instructional information or price information and shall not include ~~advertising sign~~ copy pertaining to any product, sale or promotion;
 - 3) No sign permit required.
17. Grand Opening Signs. A sign used for the introduction or promotion of a new business, store, shopping center, office or the announcement of an established business changing ownership. (Ord. No. 08-07)
- a. All businesses shall be permitted to display Grand Opening Signs, on a one time basis, for a maximum of thirty (30) consecutive days;
 - 1) For a period extending no later than June 30th, 2014, the following regulations for grand opening signage shall apply:
 - a) All businesses shall be permitted to display Grand Opening Signs on a one time basis for a maximum of sixty (60) consecutive days within the first six (6) months upon receipt of a valid business license.
 - b) Portable A-frame (or similar design) signs shall be permitted, provided that each sign shall be placed on private property, shall not impede pedestrian or vehicular traffic, and shall not exceed thirty-six (36) inches in height or a total of six (6) square feet in area.
 - b. For the purposes of this regulation, Grand Opening Signs shall include sign banners, balloons, streamers, search lights, flags, pennants, inflatable structures, merchandise or other attention attracting media and devices. Vehicle mounted signs, flashing lights and portable signs are prohibited except as may otherwise be provided in this Ordinance.
 - c. No sign permit required.
18. Holiday Decorations. Items or objects used to embellish and ornament physical features in celebration of a particular holiday.
- a. Holiday decorations may be displayed for civic, patriotic or religious holidays;
 - b. Such decorations shall not be displayed in such a manner as to constitute a traffic hazard;
 - c. Such decorations shall not be displayed more than twenty-eight (28) days prior to the specified holiday and must be removed nineteen (19) days after the specified holiday;
 - d. No sign permit required.
19. Lead-In Signs. A temporary sign used to direct pedestrian or vehicular traffic to a new residential development or non-residential complex or development within the City of Peoria. (Ord. No. 98-06)

- a. Such signs shall not exceed three (3) feet in height nor four (4) square feet in area, including any additional ~~advertising~~ sign copy or sign additions;
- b. No more than fifteen (15) such signs shall be allowed for each approved residential subdivision. No more than four (4) such signs shall be displayed for all other residential and non-residential complexes or developments;
- c. Such signs advertising the sale of new units within an approved subdivision may not be installed before 5:00 p.m. on Friday and must be removed before 8:00 a.m. on the following Monday, except when a legal holiday occurs on a Monday, signs may be removed by 8:00 a.m. the following Tuesday;
- d. All such signs shall be located within 2 miles of the subject property and no illumination shall be permitted;
- e. The back of each individual sign shall contain the permit number and the name of the sign company or developer/builder responsible for the proper installation of the sign; (Ord. No. 00-30)
- f. No such sign, regardless of subdivision ownership, shall be located within twenty (20) feet of another subdivision lead-in sign;
- g. No more than two (2) such signs advertising the same development shall be located at any one street intersection;
- h. Such signs utilizing in-ground sleeves are prohibited;
- i. No sign shall be attached to any traffic control device, light pole, utility pole, traffic barrier, bridge, tree, landscaping, natural fixture, specifically placed in or touching any plant, shrub, ground cover or plant irrigation system, and such signs shall not be located within twenty (20) feet of an irrigation box, utility cabinet or fire hydrant; (Ord. No. 00-30)
- j. Such signs shall not be placed in any island median, within ten (10) feet of the edge of pavement where no curb exists, or between the sidewalk and the curb. Such signs may not be located such that the sign causes an obstruction to a public sidewalk, bicycle way or trail nor shall such signs be placed on private property without written permission of the property owner;
- k. Signs which are deemed to be unsafe, defective or which create an immediate hazard to persons or property or are not in compliance with the provisions of the sign code shall be declared to be a public nuisance and shall be subject to immediate abatement and disposal by the City. Additionally, signs advertising projects located outside of the City of Peoria shall be removed and disposed of by the City;
- l. The person, party or parties responsible for the erection or distribution of any such signs in violation of the City of Peoria Zoning Ordinance will be subject to issuance of a city code violation citation and shall be held jointly and severally liable for damages to property caused by such signs including

damage done to landscaping or landscape irrigation systems; (Ord. No. 00-30)

- m. A sign permit shall be required for each approved residential subdivision utilizing such signs. Applicants shall provide to the City a plan showing the locations of all such signs. Any changes to an approved sign plan shall be approved by the City.

20. Master Planned Development Marketing Sign. A temporary marketing identification sign listing participating developers/builders within a Master Planned Development. (Ord. No. 91-28)

- a. Such signs are only allowed for Master Planned Developments as defined herein;
- b. Such signs shall not exceed sixteen (16) feet in height nor ninety-six (96) square feet in area;
- c. Only one (1) such sign shall be displayed per street frontage (perimeter), with a maximum of four (4) such signs per Master Planned Development;
- d. Master Planned signs shall be required for Master Planned Developments in lieu of On-Site Subdivision Advertising Signs; (Ord. No. 00-30)
- e. Such signs shall be in accordance with the sight distance requirements for arterial and collector streets as described in the City of Peoria Infrastructure Guidelines.

21. Menu Board. A permanently mounted sign advertising the bill of fare for a restaurant, drive-in, or drive-through restaurant.

- a. Menu Boards shall not exceed six (6) feet in height nor thirty (30) square feet in area and shall not exceed a maximum of two (2) per restaurant; (Ord. No. 00-30)
- b. Freestanding menu Boards shall have a monument base of masonry construction and shall have a landscape area at the base of the sign equal to at-least two (2) square feet for each square foot of sign area. A comparable alternate base material may be used upon written approval of the Planning Director;
- c. All signs shall be located a minimum of forty-five (45) feet from the street property line; (Ord. No. 00-30)
- d. The sign area for a menu board shall not be counted in the total aggregate sign area for the business;
- e. Sign permit required.

22. Nameplate Signs. A sign to identify occupants of residences, offices, businesses, or other types of uses.

- a. Such signs shall include only the name of the resident, business, agency or other establishment occupying premises and times of occupancy.
 - b. Only one nameplate sign per parcel or lot is allowed.
 - c. Such signs shall be freestanding wall mounted or building mounted only and shall be placed no higher than five (5) feet above the ground.
 - d. Such sign shall not exceed two (2) square feet in area.
 - e. No sign permit required.
23. Off-Site Master Planned Development Directional Sign. A temporary sign to provide travel direction to a Master Planned Development. (Ord. No. 02-96)
- a. Such signs are only allowed for Master Planned Developments as defined herein;
 - b. Such signs may be used in lieu of Off-Site Subdivision Directional signs for all subdivisions within the Master Planned Development;
 - c. Such signs shall not exceed fourteen (14) feet in height;
 - d. A maximum of eight (8) such signs may be erected per Master Planned Development;
 - e. The total aggregate sign area of all such signs for a Master Planned development shall be two hundred fifty-six (256) square feet. The total aggregate area may be increased one (1) square foot for each one (1) acre the Master Planned Development exceeds two hundred fifty-six (256) acres, not to exceed a maximum of six hundred (600) square feet. The total area of one such sign shall not exceed two hundred (200) square feet;
 - f. Such signs shall be located only on major or minor arterial streets identified in the Peoria Comprehensive Master Plan;
 - g. Such signs must be located within a four (4) mile radius of the Master Planned Development;
 - h. Such signs shall maintain a minimum one-half (1/2) mile separation from any other sign on the same street frontage for the same development. Such signs shall maintain a minimum one-fourth (1/4) mile separation from any other such sign on a different street frontage which advertises the same development.
 - i. Such signs shall be placed only on undeveloped property not within a public right-of-way or easement. Placement on property not owned by the applicant requires written permission of the property owner of record;

- j. Advertising Sign copy shall be permitted to provide the name of the Master Planned Development, travel directions and describe the type of product offered (e.g. single-family townhome, etc.), and the home builder(s) or subdivision(s) name.
 - k. Such signs may not be illuminated;
 - l. Such signs may be maintained for a period of five (5) years, or until all the lots within the Master Planned Development are sold, whichever occurs first; extensions to the five (5) year time limit may be requested from the Planning and Zoning Commission;
 - m. Sign permit required.
24. Off-Site Subdivision Directional Sign. A temporary sign not located on the premises, used to advertise a recorded subdivision. (Ord. No. 98-06)
- a. Such signs may be maintained for a period of three (3) years, or until all the lots in the subdivision are sold, whichever occurs first; extensions to the three (3) year time limit may be requested from the Planning and Zoning Commission;
 - b. Such signs may not be illuminated;
 - c. A maximum of two (2) such signs may be erected per recorded subdivision;
 - d. Such signs must be erected within two (2) miles of the subdivision for which the sign is advertising;
 - e. Total signage area for each sign shall not exceed thirty-two (32) square feet including any snipe signs or sign additions. The maximum height of such signs shall not exceed eight (8) feet;
 - f. Such signs shall maintain a minimum seventy-five (75) foot visibility triangle at street intersections, a minimum thirty-three (33) foot visibility triangle at driveways, shall not be located less than ten (10) feet behind the edge of pavement and shall not be located so as to create a hazard to pedestrian or vehicular traffic as determined by City Staff;
 - g. The use of portable signs and in-ground sleeves for such signs is prohibited;
 - h. Such signs shall be placed only on undeveloped property not within a public right-of-way or public easement; placement on private property requires written permission of the property owner; such signs shall not be located within one hundred (100) feet of any existing structure;
 - i. Advertising Sign copy shall be permitted to provide travel directions and to describe the type of product offered (e.g. single-family, townhome, etc.);
 - j. Final design and location submitted as part of a signage package to be reviewed and approved by the City;

- k. Sign permit required.
25. On-Site Master Planned Development Directional Sign. A temporary or permanent sign used to provide directional information to residential, commercial, recreational and other amenities within the interior of the development. (Ord. No. 91-28)
- a. Such signs are only allowed for Master Planned Developments as defined herein;
 - b. Such signs shall not exceed six (6) feet in height nor thirty-two (32) square feet in area;
 - c. Four (4) such signs may be erected per Master Planned Development, however, the Planning Director may authorize permits for more than four (4) signs if the Director determines that all of the following exists:
 - 1) Existence of additional intersections consisting of arterial and major/primary collector roadways as defined in the Comprehensive Master Plan.
 - 2) Need for additional identification of amenities or subdivisions within the Master Planned Development.
 - 3) Will not negatively impact upon public health, safety and welfare.
 - d. Such signs must be located within the interior of the project, a minimum of two hundred (200) feet from any perimeter street of the development;
 - e. Such signs shall be placed on property not within a public right-of-way or easement. Placement on property not owned by the applicant requires written permission of the property owner of record;
 - f. Permanent signs shall only identify amenities within the Master Planned Development and may be illuminated;
 - g. Temporary signs may identify individual subdivisions and may be maintained for a period of three (3) years, or until all lots within the subdivision are sold, whichever occurs first. Extensions to the three (3) year time limit may be requested from the Planning and Community Development Director or designee~~Planning and Zoning Commission~~. Such signs shall not be illuminated;
 - h. Sign permit required.
26. On-Site Subdivision Advertising. A temporary sign used to advertise a recorded subdivision. The sign is located on premises.
- a. Such signs may be maintained for a period of three (3) years, or until all the lots in the subdivision are sold, whichever occurs first; extensions to the three

(3) year time limit may be requested from the Planning and Community Development Director or designee~~Planning and Zoning Commission~~.

- b. Such signs may be externally indirectly illuminated only, but shall not be located within one hundred (100) feet of any existing structure;
 - c. Only one such sign shall be displayed per street frontage (perimeter), with a maximum of two (2) such signs per recorded subdivision;
 - d. Total signage area for all subdivision advertising signs per recorded subdivision shall not exceed ninety-six (96) square feet; maximum height shall be sixteen (16) feet; (Ord. No. 97-31)
 - e. Final design and location submitted as part of a signage package to be reviewed and approved by the Plans Review Committee;
 - f. Such signs shall be in accordance with the sight distance requirements for arterial and collector streets as described in the City of Peoria Infrastructure Guidelines. (Ord. No. 00-30)
 - g. Sign permit required.
27. Permanent Master Planned Development Identification Sign. A permanent sign used to identify a Master Planned Development. (Ord. No. 91-28)
- a. Such signs are only allowed for Master Planned Developments as defined herein:
 - b. Such signs shall not exceed eight (8) feet in height nor eighty (80) square feet in area;
 - c. A maximum of eight (8) such signs may be erected per Master Planned Development;
 - d. Such signs shall only be located on major or minor arterial streets identified in the Comprehensive Master Plan;
 - e. Such signs shall be located on property which was included in the original rezoning area or subdivision for the development. The applicant shall be responsible for furnishing documentation of the original rezoning area or subdivision plat;
 - f. Such signs shall be placed on property not within a public right-of-way or easement. Placement on property not owned by the applicant requires written permission of the property owner of record;
 - g. Such signs shall consist of only the name and/or logo of the Master Planned Development. The name of the project may include such words as "A Master Planned Community". Such signs may not identify a specific development or use within the project;

- h. Such signs shall be wall mounted and shall include a landscape area equal to eight (8) square feet for each square foot of sign area;
 - i. Such signs may be illuminated;
 - j. Sign permit required.
28. Permanent Subdivision Identification Signs. A permanent sign used to identify a recorded subdivision. (Ord. No. 96-03)
- a. Such signs shall not exceed sixty-four (64) square feet in area. A sixty-four (64) square foot sign may be displayed on one or both sides of a street providing direct access to the subdivision and serving as a major entry;
 - b. Such signs shall be wall mounted and shall include a landscape area equal to at least four (4) square feet for each square foot of sign area;
 - c. Such signs shall not exceed six (6) feet in height if the sign is a freestanding monument sign; such signs may be located on perimeter walls higher than six (6) feet as provided by Section 14-3-14;
 - d. Such signs shall consist of only the name of the subdivision for which the sign is intended;
 - e. ~~Such signs shall not include any advertising copy;~~
 - f. Such signs may be only externally illuminated. No internal lighting allowed. (Ord. No. 96-03)
 - g. Sign permit required.
29. Political Signs. Except as otherwise provided by ARS §16-1019, a temporary sign used to support or oppose the candidacy of an individual or ballot proposition/issue, or to encourage citizens to vote. Such signs shall be permitted within all zoning districts. (Ord. No. 97-40, Ord. No. 2012-06)
- a. Such signs may be located within the City right-of-way provided they are not:
 - i. hazardous to public safety;
 - ii. within a required visibility triangle, or clear vision area;
 - iii. within a roadway median or traffic circle;
 - iv. affixed to any City-owned utility pole, traffic control device or safety barrier;
 - v. located in a manner that interferes with the requirements of the Americans with Disabilities Act;
 - vi. located in any designated commercial tourism, commercial resort, and hotel sign-free zones designated by the City Council pursuant to ARS §16-1019; and
 - vii. otherwise in violation of a requirement found in this Section. (Ord. No. 04-02, Ord. No. 2012-06)

- b. Except as provided herein, such signs shall not be located on City-owned property, buildings, or structures;
 - c. Such signs shall be located on property with the owner's permission. It shall be presumed the property owner has given permission unless the property owner notifies the city otherwise; (Ord. No. 04-02)
 - d. Such signs shall be installed no sooner than ninety (90) days prior to a primary election day. For candidates not advancing to the general election, such signs shall be removed within fifteen (15) days after the primary election day. For candidates advancing to the general election, such signs shall be removed within fifteen (15) days following the general election day;
 - e. Signs shall not exceed thirty-two (32) square feet in area or eight (8') feet in height, except for signs located in the right-of-way along Local or Rural classified roadways in residential zoning districts, which shall not exceed 16 square feet in area or eight (8) feet in height. When free-standing, political signs shall be constructed to Arizona Sign Association Sign Standards;
 - f. Such signs shall contain the name and telephone number of the candidate or campaign committee contact person. The person, party or parties responsible for the erection or distribution of any such signs shall be jointly and severally liable for the removal of such signs;
 - g. Such signs which are deemed to be unsafe, defective or which create an immediate hazard to persons or property or are not in compliance with the provisions of this section shall be declared to be a public nuisance and shall be subject to removal by the City in accordance with state statutes; (Ord. No. 04-02, Ord. No. 2012-06)
 - h. No sign permit required.
30. Sale, Lease, or Rent Sign. A temporary sign used to advertise the availability of real property. (Ord. No. 02-66)
- a. For properties 15 acres or less, such signs shall not exceed six (6) square feet in area and five (5) feet in height;
 - b. For properties greater than 15 acres:
 - 1) Signs fronting on a Freeway, Lake Pleasant Parkway, Bell Road and Grand Avenue shall not exceed sixty-four (64) total square feet and twelve (12) feet in height.
 - 2) Signs fronting on all other streets shall not exceed thirty-two (32) total square feet in area and ten (10) feet in height.
 - c. Such signs shall only be displayed on the property for which they pertain. Only one sign shall be displayed per street frontage;
 - d. Such signs shall not be illuminated;

e. Sign permit required for signs greater than six (6) square feet in area.

31. Sign Walkers. A person who wears, holds, or balances a sign that conveys a commercial message, including a costume sign. A “costume sign” is defined as clothing that is integral to the conveyance of a commercial message. Commercial logos and other commercial identification on shirts, hats and other aspects of personal appearance are not costume signs.

a. General Provisions:

- 1) Signs shall be held, worn, or balanced at all times.
- 2) The following elements shall be prohibited: Any form of animation or illumination, including flashing, blinking or rotating lights; mirrors or other reflective materials; and attachments, including but not limited to balloons, ribbons, or speakers.
- 3) Sign walkers may only operate during the hours the business, event, or sales office is open.
- 4) No sign displayed by a sign walker shall exceed six (6) feet in any one direction and twelve (12) square feet in area per sign face.
- 5) Sign permit required. Said permit shall be renewed no later than one (1) year upon receipt. A copy of the approved sign permit must be held on person during use.
- 6) Signage displayed for charitable events shall meet the general and locational requirements contained herein (Sections 14-34-8.31.a/b). No permit is required for charitable events.

b. Location:

- 1) Sign Walkers shall not operate within thirty (30) feet from any street intersection, and at least thirty (30) feet from any vehicular ingress or egress point into a complex/center, establishment, or residential development. No Sign Walker shall be permitted to display within a median or on a street. Sign Walkers may be located within the public right-of-way, but may not obstruct pedestrian/vehicular traffic.
- 2) Sign Walkers shall not locate or operate in drive aisles, parking stalls, driveways, or on sidewalks in a manner that provides less than a minimum of four (4) feet free and clear for pedestrian passage and/or cases a hazard to pedestrian traffic.
- 3) Sign Walkers and any accompanying display shall not be located on walls, boulders, planters, other signs, vehicles, utility facilities, or any structure.

c. Non-Residential Centers/Districts

- 1) Signage may be located on the frontage(s) upon which the business public entry is oriented to. In the event that a business is interior to a center/complex and does not front immediately on a street, that business may place a sign walker within the frontage for the complex/center.
- 2) A maximum of one (1) such sign shall be permitted per establishment. Such signage may be displayed for a period of one calendar year from the date of approval. A new permit may be obtained upon the expiration of the previous permit.

d. Residential Development

- 1) Sign Walkers shall be located on the nearest arterial roadway of the residential subdivision or multi-family development to which the sign pertains.
- 2) One (1) Sign Walker shall be permitted per subdivision or residential development. Such signage may be displayed for a period of one calendar year from the date of approval. A new permit may be obtained upon the expiration of the previous permit.

32. Temporary Event Sign. A sign not intended or designed for permanent display. Signs established for a fixed period of time with the intent to discontinue the use of such sign upon the expiration of the time period. Temporary Event Signs shall include but shall not be limited to Yard Sales, Garage Sales, Open House, Christmas Tree and Pumpkin Patch sales lots, and signs identifying the premises of, or announcing the activities conducted by a religious institution, school, civic organization, or similar institutional facilities. (Ord. No. 02-16)

- a. Such signs may be located in the public right-of-way but shall not be placed on a street, on a median dividing a street, or in a manner that obstructs pedestrian or vehicular traffic. Such signs, which may included "A-Frame" and other removable signs shall not be affixed to or otherwise obstruct the use and visual identity of any landscaping, natural features, telephone poles, utility poles, fire hydrant, traffic barrier, or traffic control devices. Such signs shall be secured or weighted so as to resist displacement by wind, inadvertent contact by passerby and similar disturbances;
- b. Such signs shall not exceed three (3) feet in height and six (6) square feet in area, except as may otherwise be provided in this Ordinance. However, one (1) banner sign not exceeding twenty-four (24) square feet in area and eight (8) feet in height may be permitted on the premises to which the event pertains. All such signs shall include wind cuts to reduce sign billowing or sailing and shall be securely fastened to a building, wall or fence on the premises; (Ord. No. 03-01)
- c. A maximum of four (4) signs shall be allowed per event;

- d. Temporary Event Signs may be installed no sooner than forty-eight (48) hours prior to the event and must be removed within twelve (12) hours upon the completion of the event;
 - e. Such signs shall not be illuminated, animated, or emit any artificial light, except as may otherwise be provided in this Ordinance; (Ord. No. 03-01)
 - f. Such signs shall only be located within a two-mile radius of the premises to which the event pertains;
 - g. No sign permit required.
33. Window Signs. A sign or signage placed in windows so as to attract the attention of persons outside of the building where the sign or signage is placed.
- a. Window signage shall be limited to twenty-five percent (25%) of the total window area in which it is placed;
 - b. Window signage shall not be placed above the ground floor of the building;
 - c. No sign permit required.
- B. Prohibited Signs. Signs that are not specifically authorized are expressly prohibited. Prohibited signs include, but are not limited to the following:
- 1. Any non-public signs in existing and future public right-of-way, as defined in the Peoria General Plan or the Peoria Street Classification Map, whichever is more restrictive, or on public property, except as may otherwise be provided in this Ordinance. The City may install signs on its own property to identify public buildings and uses, and to provide necessary traffic control;
 - 2. All roof-mounted signs;
 - 3. All off-premise signs not designated as temporary or otherwise allowed by this Ordinance. (Ord. No. 94-09)
 - 4. All portable signs, except as otherwise provided. Portable signs shall include, but are not limited to, signs which are mounted, attached, or painted on trailers, boats or vehicles when used as additional signage on or near the business premises. Business vehicles displaying signage or advertising shall be parked in an assigned parking space, a minimum of fifteen feet (15') from any street right of way line; (Ord. No. 00-30)
 - 5. Flag-mounted signs, except as otherwise provided;
 - 6. All signs having intermittent or flashing illuminations, signs having animated or moving parts, or that emit sound except as may otherwise be provided in this Ordinance; (Ord.No. 03-01)
 - 7. Freestanding wall changeable copy/marquee signs:

8. All banners, pennants, streamers, balloons, flags, search lights, strobe lights, beacons, inflatable signs, except as otherwise provided;
 9. Any sign imitating an official traffic control sign, device, or obscuring such signs or devices, except as may otherwise be provided in this Ordinance; (Ord. No. 03-01)
 10. All signs mounted on, or applied to trees, utility poles, rocks or City owned property, except as otherwise provided;
 11. Any sign placed on private property without the property owner's written approval;
 12. Temporary or permanent "A-frame" sandwich signs, except as otherwise permitted herein; (Ord. No. 98-07)
 13. Signs that are illegally displayed on City right-of-way or on City property; and,
 14. Any sign which interferes with or confuses traffic, or presents a traffic hazard. (Ord. No. 98-07)
- C. Comprehensive Sign Plan. The Comprehensive Sign Plan is intended to provide a flexible approach to allow signage not in strict compliance with the provisions of this article. The purpose of the Comprehensive Sign Plan is to provide for the establishment of sign criteria tailored to a specific development or location that promotes superior design through architectural integration of the buildings, site and signs. The Comprehensive Sign Plan will be appropriate for the development, provide adequate identification and information, encourage a good visual environment, promote traffic safety and regulate to the extent necessary to be consistent with the purpose and intent of the City of Peoria Sign Code. The provisions set forth in this Section shall apply to both existing and proposed developments. (Ord. No. 97-21)
1. The Comprehensive Sign Plan is intended to allow increased sign height and area as provided for in this section. The application of this plan shall be limited to the following conditions.
 - a. The Comprehensive Sign Plan may propose signage which in height and area is no more than twenty-five (25) percent greater than is permitted in the Zoning District in which the use is located;
 - b. The Comprehensive Sign Plan shall not propose signage of a type that is otherwise prohibited by this Article except off-site directional signs. All proposed off-site directional signs shall be reviewed against the criteria set forth herein with a maximum of two (2) off-site signs per plan each a maximum of twenty-four (24) square feet. No off-site signage shall exceed eight (8) feet in height;
 - c. The Comprehensive Sign Plan shall be limited to those projects which individually or collectively exceed twenty-five (25) gross acres in size and meet the locational criteria set forth in Section B.2 below;

- d. The additional height and area allowances of the Comprehensive Sign Plan shall not be applied to freeway monument signs;
2. The Comprehensive Sign Plan option shall be available only in the locations listed below.
 - a. Areas designated and developed as Community Commercial or Business Park Industrial on the Land Use Plan of the Comprehensive Master Plan;
 - b. Stadiums, race tracks and similar recreation and entertainment facilities;
 - c. Hospitals;
 - d. Regional Parks;
 - e. Designated Redevelopment Areas;
 - f. Resort Developments;
 - g. Centers for Higher Education.
3. The applicant shall submit all of the documents, information, data, and other requirements for Comprehensive Sign Plan approval to the City. The applicant shall be responsible for furnishing any additional information and materials relevant to the application that the City reasonably believes is necessary in order to understand the application and to ensure compliance with the requirements of City codes.
4. Application for the review and approval of a Comprehensive Sign Plan shall be submitted and reviewed concurrently with a site plan or preliminary subdivision plat.
 - a. Fees for the submittal and review of Comprehensive Sign Plans shall be as set forth by the City Council.
 - b. The construction and placement of individual signs contained in the approved Comprehensive Sign Plan shall be subject to the issuance of a sign permit in accordance with Sections 14-34-16 to 14-34-29.
5. Comprehensive Sign Plans shall be evaluated based upon the following criteria.
 - a. Size and Height: All proposed signage shall be no larger than necessary or allowed for sufficient visibility and legibility. Factors to be considered in determining appropriate size and height include topography, traffic volumes, traffic speeds, visibility ranges, impact on adjacent properties, and copy size.
 - b. Location and Orientation: All proposed signage shall respect both the developed and undeveloped surrounding environment. Signs should be located and oriented appropriately to allow sufficient visibility and legibility. Factors that may be considered in reviewing the appropriateness of the sign

location and orientation may include; location relative to the surrounding streets, traffic volumes and access points, visibility angles and topographic features.

- c. Colors, Materials and Types of Illumination: Signs proposed under the Comprehensive Sign Plan shall be compatible with the architecture and theme of the specific development in which the signs are located. Compatibility with the specific development shall include color, materials and architectural style. Signage should compliment and enhance the character of the project. Signage illumination and movement shall conform to Section 14-34-28 of this Ordinance.
6. All amendments to an approved Comprehensive Sign Plan shall be processed in accordance with the following procedures. Fees for the submittal and review of Comprehensive Sign Plan amendments shall be as set forth by the City Council.
- a. Minor Amendments: Minor Amendments shall include any change which does not increase the number of signs nor increase the size or height of any sign beyond what was approved under the original Comprehensive Sign Plan Approval. All changes processed under the Minor Amendment procedures shall comply with all provisions of this Section and shall not deviate from the information provided in the original approval. Minor amendments shall be approved administratively by staff.
 - b. Major Amendments: Major Amendments shall be defined as those amendments not meeting the criteria set forth above to qualify as a Minor Comprehensive Sign Plan Amendment. Major Amendments shall be processed and approved in the same manner as the initial Comprehensive Sign Plan submittal.

14-34-9 SIGNS PERMITTED FOR NON-RESIDENTIAL USES IN THE C-1, C-2, C-3, I-1, I-2, P.A.D., P.C., O-1, PC-1, PC-2, C-4, C-5, CCM, PI-1 AND BPI ZONING DISTRICTS. (Ord. No. 96-03/96-88)

- A. For uses not part of a complex/center or multiple tenant commercial/industrial building, signs shall be in accordance with the following regulations.
- 1. Sign area for permanent signs requiring permits shall be based on the floor area of the use occupying the premises as specified below:
 - a. For users occupying less than twenty thousand (20,000) square feet of floor area, the total sign area shall be the maximum of one and one-half (1.5) square feet for each one (1) linear foot of business front footage up to a maximum of one hundred twenty (120) square feet. (Ord. No. 96-88)
 - b. For users occupying more than twenty thousand (20,000) square feet of floor area and less than 50,000 square feet of floor area, the total sign area shall be the maximum of one and one-half (1.5) square feet for each one (1) linear foot of business front footage up to a maximum of two hundred fifty (250) square feet. (Ord. No. 96-88)

- c. For users exceeding fifty thousand (50,000) square feet of floor area, the total sign area shall be the maximum of one and one -half (1.5) square feet for each one (1) linear foot of business front footage up to a maximum of four hundred (400) square feet. (Ord. No. 96-88)
 2. In the event that a user fronts on two (2) or more streets, the user shall be given the option of selecting one (1) street frontage for the purpose of computing allowable sign area.
 3. Freestanding monument signs and freestanding wall signs shall not be counted as a portion of the total sign area of the user, but shall be restricted to the following. (Ord. No. 96-88)
 - a. One freestanding monument sign or one freestanding wall sign for each street upon which the lot has frontage, up to a maximum of four (4) signs;
 - b. Such signs shall not be closer than thirty (30) feet to any residential district;
 - c. Such signs shall be located a minimum of sixty (60) linear feet from any other freestanding sign.
 - d. Such signs shall conform to the provisions of Section 14-34-8. (Ord. No. 96-88)
- B. For users which are a part of a complex/center or multiple tenant commercial building, signs shall be in accordance with the following regulations.
 1. Sign permits required for signs as specified in Section 14-34-8;
 2. Sign area for permanent signs requiring permits shall be based on the floor area of the use occupying the premises as specified below:
 - a. For users occupying less than twenty thousand (20,000) square feet of floor area, the total sign area for one such business shall be the maximum of one and one-half (1.5) square feet for each one (1) linear foot of business front footage up to a maximum of one hundred twenty (120) square feet. (Ord. No. 96-88)
 - b. For users occupying more than twenty thousand (20,000) square feet of floor area and less than 50,000 square feet of floor area, the total sign area for one such business shall be the maximum of one and one-half (1.5) square feet for each one (1) linear foot of business front footage up to a maximum of two hundred fifty (250) square feet. (Ord. No. 96-88)
 - c. For users occupying more than fifty thousand (50,000) square feet of floor area, the total sign area for one such business shall be the maximum of one and one-half (1.5) square feet for each one (1) linear foot of business front footage up to a maximum of four hundred (400) square feet subject to the following requirements: (Ord. No. 96-88)

- 1) Building-mounted wall signs must be used, except as provided in Section 14-34-9.B.3;
3. When a site is developed as a complex/center or multiple tenant commercial building, one (1) freestanding monument sign or freestanding wall sign per street frontage of the entire site, up to a maximum of four (4) signs if the site is encircled by street frontage, is permitted in accordance with the following.
 - a. If a multiple tenant commercial building exceeds fifty thousand (50,000) square feet, each freestanding monument sign shall not exceed a total area of forty-eight (48) square feet nor eight (8) feet in height. Each permitted freestanding wall sign shall not exceed a total area of ninety (90) square feet nor exceed five (5) feet in height.
 - b. These signs for multiple tenant commercial buildings may identify the center and any number of tenants within the center. If the name/sign of the tenant is included on the center sign, the sign shall not be counted as part of the total sign area of the tenant.
 - c. A freestanding sign identifying only an individual business rather than the center shall be obtained only by the approval of the Peoria City Council. Such sign shall be counted as a portion of the total sign area allowed for the individual user and must be located a minimum of sixty (60) linear feet from any other freestanding sign.

14-34-10 SIGNS PERMITTED FOR NON-RESIDENTIAL USES IN THE AG, FP, SU, R1-6, R1-7, R1-8, R1-10, R1-12, R1-18, R1-35, SR-35, SR-43, RM-1, RMH-1, RMH-2, RMH-3, CRM, P.A.D. AND P.C. RESIDENTIAL ZONING DISTRICTS (Ord. No. 96-88)

- A. Sign permits required for signs specified in Section 14-34-8.
- B. An identification or multi-tenant sign may display only the name of the building or tenant business with a total maximum sign area not exceeding thirty-two (32) square feet. Such sign may be wall-mounted with a maximum height of ten (10) feet on facades abutting residential uses, or it may be freestanding according to the following requirements.
 1. One freestanding identification or multi-tenant sign shall be permitted with a maximum height of five (5) feet. A second such freestanding sign shall be permitted for a property having greater than eighty (80) linear feet of frontage. Where two (2) freestanding signs are permitted, they shall be located at least sixty (60) feet apart;
 2. A freestanding identification or multi-tenant sign shall be located at least five (5) feet from any property line;
 3. A landscaped area shall be provided on-site along the street frontage at the base of the freestanding sign, with said landscaped area to have a minimum area of four (4) square feet for each one (1) square foot of sign area;

- C. In addition to the above, each tenant may be allowed two (2) square feet of non-illuminated sign area, identifying his business, to be located on the wall immediately next to the entry of the tenant's business.
 - 1. No permit required.
- D. In addition to the above, directory with a maximum area of six (6) square feet and a maximum height of six (6) feet may be permitted behind the required front yard setback.
 - 1. No permit required unless such sign is visible from off-premises.
- E. All wall or fascia-mounted signs for individual businesses shall be uniform in terms of colors, shapes, and maximum vertical dimension with all other such signs in the center or as otherwise provided for in a sign package approved by the Plans Review Committee.

14-34-11 SIGNS PERMITTED FOR RESIDENTIAL USES IN ALL DISTRICTS

- A. One and Two Family Dwellings.
 - 1. One name plate sign per dwelling unit not exceeding two (2) square feet in area, giving the name only of the land or building on which displayed or of the owner or lessee thereof.
 - a. No permit required.
 - 2. Permanent Subdivision Advertising Signs for recorded subdivisions in accordance with the following:
 - a. Final location of such signs to be approved by the Plans Review Committee.
 - b. Sign permit required.
- B. Multi-Family Dwellings and Mobile Home Complexes.
 - 1. The total sign area for permanent signs requiring permits is one (1) square foot for each dwelling unit. However, in no instance may this total sign area exceed sixty-four (64) square feet with no more than thirty-two (32) square feet on any one street.
 - 2. Such signs shall be located at least five (5) feet from any property line;
 - 3. Sign permit required.
 - 4. Each individual multi-family dwelling unit and mobile home shall be allowed one nameplate sign; a sign permit shall not be required for such signs.
- C. Home Occupations.

1. Signs advertising home occupations shall not be permitted.

14-34-12 NONCONFORMING SIGNS

- A. Any nonconforming sign as defined in this Article 14-34 may be continued in use subject to the provisions included herein below.
- B. Reasonable repairs and alterations may be made to nonconforming signs. However, in the event any such sign is hereafter damaged exceeding fifty percent (50%) of the reproduction cost according to appraisal thereof by competent appraisers, or is removed by any means whatsoever, including an act of God, such sign may be restored, reconstructed, altered or repaired only to conform with the provisions of this Article 14-34.
- C. Whenever the business conducted on the premises changes, which requires issuance of a new Certificate of Occupancy and the sign is changed or modified to reflect that change, whether it be in sign copy, size or shape, the signs on the premises shall be modified to bring it into conformance with these regulations.
- D. Any nonconforming sign cannot be expanded or enlarged.

14-34-13 ABANDONED SIGNS

Any nonconforming sign which advertises a business that has not been conducted or a product that has not been offered for sale on or from the premises on which the sign is located, for over 180 days shall be modified to bring it into conformance with this Article 14-34 prior to the issuance of a new certificate.

14-34-14 LIABILITY OF DAMAGES

The provisions of this ordinance shall not be construed to relieve or to limit in any way the responsibility or liability of any person, firm, or corporation which erects or owns any sign, for personal injury or property damage caused by the sign; nor shall the provisions of this ordinance be construed to impose upon the City of Peoria, its officers, or its employees any responsibility or liability by reason of the approval of any sign under the provision of this Article 14-34.

14-34-15 EFFECT OF AMENDMENT ON PENDING SUITS

The amendment of this ordinance shall not (1) affect suits pending or rights existing immediately prior to the effective date of this Article 14-34, or (2) impair or avoid or affect any grant or conveyance made or right acquired or cause of action now existing under any such Peoria City Code or amendment thereto affected by this Article 14-34, or (3) affect or impair the validity of any bond or other obligation issued or sold in constituting a valid obligation of the issuing authority immediately prior to the effective date of this Article 14-34.

14-34-16 PERMIT REQUIRED

No sign shall be erected, installed, repaired or moved unless a permit for such has been obtained from the Building Department, except as specified in this Article 14-34. Where signs are illuminated electrically, a separate electrical permit shall be obtained as required by the Electrical Code of the City of Peoria.

A permit shall not be required for the following signs, provided, however, that such signs shall be subject to any and all applicable provisions of this Article 14-34.

- A. Nameplate signs two (2) square feet or less in area.
- B. Any sign four (4) square feet or less in area not otherwise prohibited by this ordinance.
- C. Repainting without changing wording, composition, or colors; or minor non-structural repairs, (except electrical repair).
- D. Relocation of sign as required by the City.
- E. Signs erected as identification of City-approved temporary sales areas. Such signs shall be erected only for the term of the approved sales period.
- F. Political signs, as permitted in Section 14-34-8 of this Article 14-34.
- G. Signs not visible from off property or business.
- H. Window signs.
- I. Address signs.
- J. Directional signs.
- K. Sales, Lease or Rent signs.
- L. Holiday Decorations.

Nothing contained herein shall prevent the erection, construction, and maintenance of official traffic, fire and police signs, signals, devices and markings of the State of Arizona and the City of Peoria, or other competent public authorities, or the posting of notices required by law.

14-34-17 PERMIT APPLICATION AND EXPIRATION

- A. To obtain a permit the applicant shall file an application with the Department on a form furnished by the City. The application shall contain the location by street and number and name of the proposed sign contractor, with address, state license, city tax number and phone number. All applications shall be accompanied by the written

consent of the owners, lessee, agent or trustee in charge of the property on which the sign is proposed.

- B. Every permit issued by the City under the provisions of this code shall expire by limitation and become null and void, if the work authorized by such permit is not completed within one hundred eighty (180) days from the date of issuance of such permit. Before such work can be allowed, a new permit shall be first obtained, and the fee therefore shall be one-half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work.
- C. The City may, in writing, suspend, or revoke a permit issued under provisions of this Section whenever the permit is issued on the basis of a material omission or misstatement of fact, or in violation of any ordinance or any provisions of this Article.
- D. No permit for a sign issued by the City shall be deemed to constitute permission or authorization to maintain a public or private nuisance nor shall any permit issued hereunder constitute a defense in an action to abate a nuisance.
- E. The City may issue use permits for the display of temporary on-site signs, upon a written form prescribing the terms and conditions of such display specified in this Code. Said form must be signed by the Planning and Zoning Director or designated agent.
- F. Sign permits for new or additional signs shall not be issued for a specified user if such user displays unlawful signs. Sign permits for new or additional signs shall not be issued for a specified user if such user displays nonconforming signs, provided the area of the nonconforming signs exceeds the total maximum allowable sign area for a particular user or center. If the nonconforming signs do not exceed the total maximum sign area for a particular user or center, then a sign permit may be issued for a new sign subject to the provisions of this Article 14-34. A sign permit may be issued to a specific user providing the terms thereof specify modification or removal of nonconforming signs, as provided above, resulting in conformity with the provisions of this Article 14-34.
- G. Signs for which a permit has been issued shall not be erected, installed, maintained, or displayed except in complete conformance with all terms, requirements, and stipulations specified by the approved plans and permit.

14-34-18 PERMIT FEES

- A. Before issuing any sign permit required by this Article, the Planning and Zoning Department shall collect an application fee in an amount as provided in this code, together with all fees required by the Uniform Building Code as adopted by the City of Peoria. (Ord. No. 91-12)
- B. In addition to the above fees, electrical wiring fees shall be required as specified by the City Code. (Ord. No. 91-12)

- C. An owner of a nonconforming sign which has been removed or brought into conformance shall not be required to pay a permit fee in order to obtain a permit for a replacement sign.
- D. Work for which a permit is required by this Article shall not be commenced before an application has been filed and a permit issued. Where work is commenced without an application being filed and a permit issued, the fees provided in this section shall be charged. However, the payment of such fees shall not relieve any person(s) from complying fully with the requirements of this Article in the execution of the work or from any penalties provided in this code. (Ord. No. 91-12)

14-34-19 REQUIREMENT OF PLANS

Copies of plans and specifications, shall be submitted with the application for each sign in excess of four (4) square feet in size that requires a permit. One copy shall be returned to the applicant at the time the permit is granted. Such plans shall show complete details about the size of the sign, the method of attachment or support, locations and materials to be used and the name, address, and profession of the person designing plans and specifications of such sign. Plans for supports for any sign subject to excessive stresses as determined by the City shall be accompanied by structural surfaces and other members of an existing building to which the sign is to be attached so that the City may certify that the supports or other surfaces are in good condition and are adequately strong to support the load, including the proposed sign.

14-34-20 REVOCATION OF PERMITS

The City shall have the authority to revoke any permit which has been granted when it is determined that the sign authorized by the permit has been constructed or is being maintained in violation of the permit.

- A. Notice of the City's decision to revoke a sign permit shall be served upon the holder of the permit (a) by delivering personally a copy of the notice to the holder of the permit, or to one of its officers, or (b) by leaving a copy of the notice with any person in charge of the premises, or (c) in the event that no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at an entrance to the premises and by the certified mailing of another copy of the notice to the last known post office address of the holder of the permit.
- B. The holder of the permit may appeal to the Board of Adjustment the decision to revoke the permit. This appeal must be made within twenty-one (21) days from the date when the notice was served.
- C. If no appeal has been made by the end of the twenty-one (21) day appeal period, then the permit is revoked and the sign is illegal. The City then shall initiate the procedure for the removal of the illegal sign.

14-34-21 REMOVAL OF SIGNS

Except as otherwise provided in this ordinance, the City is hereby authorized to require removal of any illegal sign as defined by this ordinance.

- A. Before bringing an action to require removal of any illegal sign, the owner of the sign or the owner of the premises on which sign is located shall be provided with written notice. The notice shall state the reasons and grounds for removal, specifying the deficiencies or defects in such sign with reasonable definiteness, and the violations charged; such notice shall specify what repairs, if any, will make such an installation conform to the requirements of this ordinance, and specify that the sign must be removed or made to conform with the provisions of this Article 14-34 within the notice period provided below. Service of notice shall be made as prescribed in Section 14-34-20A of this Article 14-34.
 1. Notice Period.
 - a. The notice period for permanent signs shall be ten (10) days.
 - b. The notice period for temporary signs shall be forty-eight (48) hours.
 2. Re-erection of any sign or substantially similar sign on the same premises after a non-compliance notice has been issued shall be deemed a continuance of the original violation.
- B. If the owner or lessee of the premises upon which the sign is located has not demonstrated to the satisfaction of the City that his sign has been removed or brought into compliance with the provisions of this Article 14-34 by the end of the notice period, then the City Building Official or designee shall certify the violations to the City Attorney for prosecution.
- C. Removal.
 1. The City is authorized to cause the removal of any sign adjudged to be illegal by a court of competent jurisdiction if the court so orders. All the actual cost and expense of any such removal by the City shall be borne by the owner of such sign installation and the owner of the premises on which located; each of them shall be jointly and severally liable therefore, and an action for recovery thereof may be brought by the City Attorney upon proper certification thereof to him by the City.
 2. The City may cause the removal of unauthorized advertising signs from the public right-of-way or public property. Such signs may be impounded as evidence, or disposed of as abandoned property unless claimed by the owner within thirty (30) days. Such signs shall be deemed a nuisance and subject to removal without notice.

14-34-22 EMERGENCY REMOVAL OR REPAIR

- A. The City Building Official is hereby authorized to cause the immediate removal or repair of any sign or signs found to be unsafe or defective to the extent that it creates an immediate and emergency hazard to persons or property.

- B. If the City Building Official has determined that an immediate emergency hazard to persons or property exists, then actual notice to the property owner or lessee shall not be required. However, the City Building Official shall be required to make a reasonable effort to notify the property owner or lessee that the unsafe or defective sign must be removed or repaired immediately.
- C. All the actual cost and expense of any such removal or repair by the City shall be borne by the owner of such sign or by the owner of the premises on which located; each of them shall be jointly and severally liable therefore, and an action for recovery thereof may be brought by the City Attorney upon proper certification thereof to him by the City Building Official or designee.

14-34-23 ENFORCEMENT

- A. It shall be the duty of the City Building Official to enforce all regulations covered by this Article 14-34.
- B. The City Building Official, or his/her authorized representative, shall have the authority to enter any building, structure, or premises or any part thereof, at any reasonable time for the purpose of performing his official duties under this Article 14-34. Refused entry, he shall enter only with a court order, except in emergency situations.
- C. It shall be and is hereby declared to be unlawful for any person to willfully interfere with, hinder, or obstruct the City Building Official, or his/her authorized representative, in the lawful enforcement of the provisions of this Article 14-34.
- D. It shall be the duty of the Police Department of the City to assist the Building Safety Director, or his/her authorized representative in the lawful enforcement of the provisions of this Article 14-34.

14-34-24 INSPECTIONS

Unless waived by the City Building Official all signs for which a permit is required shall be subject to the following inspections:

- A. Footing inspection on all free standing signs.
- B. Electrical inspection on all illuminated signs.
- C. An inspection of braces, anchors, supports and connections and wall signs.
- D. Site inspection to insure the sign has been constructed according to approved application and valid sign permit.

14-34-25 INSPECTION MARKINGS

Reserved

14-34-26 SIGN MAINTENANCE

- A. Any signage that has been approved or that has been issued a permit shall be maintained by the owner or person in possession of the property on which the sign is located. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit.
- B. Any damaged sign or sign base shall be repaired within sixty (60) days of notice to repair, issued by the City.
- C. Any metal pole covers and sign cabinets shall be kept free of rust and rust stains.
- D. Any internally-illuminated sign cabinets or sign panels which have been damaged shall remain un-illuminated until repaired.
- E. Any signage which has been damaged to such extent that they may pose a hazard to passersby, as determined by the City, shall be repaired or removed as directed.
- F. Failure to comply with these sign maintenance requirements shall constitute a violation of the Peoria Zoning Code.

14-34-27 DESIGN AND CONSTRUCTION SPECIFICATIONS

All signs shall be designed and constructed according to the specifications of the City's adopted Uniform Building Code and Electrical Code and equivalent to the standards of the Arizona Sign Association.

14-34-28 PERMITTED LIGHTING AND MOVEMENTS

- A. Lighting.

Signs may be illuminated as provided by this Article 14-34 and specified by approved sign criteria, if applicable, in accordance with the following regulations:

1. Externally illuminated, building-mounted signage may be illuminated by either ground-mounted lights or building-mounted light bars. In either situation, the light source shall be totally screened from view.
2. Internally illuminated, building-mounted signage is permitted.
3. Externally illuminated, freestanding and freestanding detached wall signage shall be illuminated by ground-mounted lights, with the light source being totally screened from view.
4. Internally illuminated, freestanding and freestanding detached wall signage is permitted.

5. Open light bulbs shall be prohibited. Further, no flashing, blinking, or rotating lights shall be permitted for either permanent or temporary signs, except as otherwise may be provided in this Ordinance. (Ord. No. 03-01)
 - a. All requests for the use of neon or other similar tube type of illumination shall be submitted as part of the Design Review Submittal package for all Commercial and Industrial projects; (Ord. 00-30)
 - b. A sign permit is required for all neon or other similar tube type of illumination and shall count towards the total allowable sign area;
 - c. All neon or other similar tube type of illumination shall be calculated at a rate of the width of the tube, no less than 6", multiplied by the overall length.
 - d. All sign lighting shall be in accordance with the City of Peoria Dark Sky Ordinance No. 98-114.
- B. No sign shall be permitted which moves by any means except flags which are permitted in Section 14-34-8 and except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)

14-34-29 LOCATION REQUIREMENTS

- A. Obstruction of Exits. No sign shall obstruct any door, window or fire escape of any building.
- B. Traffic Hazards. No sign shall be erected in such a way to interfere with or to confuse traffic, to present any traffic hazard, or to obstruct the vision of motorists.
- C. Construction over Public Property. No person, firm, or corporation shall erect or cause to be erected any sign which projects over any public sidewalk, street, alley or public place, except as specified in Section 14-34-8 A.25.j. of this Article 14-34 or as may otherwise be provided in this Ordinance. (Ord. No. 03-01)

EXHIBIT F

ARTICLE 14-39 ADMINISTRATIVE PROCEDURES (Ord. No. 2011-03, 2012-05, 2012-16)

14-39-6 NOTICES (Ord. No. 2010-24)

Table 14-39-6 Notices

	Notice of Application [Postcard] Property Owner Notification Distance Radius	Notice of Hearing [Postcard] Property Owner Notification Distance Radius	Newspaper Ad	Site Posting (Responsible Party) *	Notice of Decision [Postcard] Property Owner Notification Distance	Notice of Neighborhood Meeting [Letter] <i>Applicant's responsibility</i> Notification Distance Radius
Administrative Relief	No <u>300 ft</u>	N/A	No	No	No	N/A
Conditional Use Permits	600 ft	600 ft	Yes	Yes (Applicant)	No	If meeting is required, 600 ft
Hillside Appeals	No	300 ft	Yes	Yes (City)	No	N/A
PAD/PCD Major Amendment	**	**	Yes	Yes (Applicant)	No	**
PAD/PCD Minor Amendment	Map Amendments only (300 ft)	No	Text Amendments only	No	No	N/A
Rezoning	**	**	Yes	Yes (Applicant)	No	**
Site Plans	300 ft	If appealed. 300 ft	If appealed	No	300 ft	N/A
Site Plan Major Amendment	300 ft	If appealed. 300 ft	No	No	300 ft	N/A
Temporary Use Permits	No	If BOA hearing is required, 300 ft	If BOA hearing is required	◆	No	N/A
Zoning Ordinance Text Amendment	No	No	Yes	No	No	N/A
Variance	No	300 ft	Yes	Yes (Applicant)	No	N/A
Zoning, Initial	No	**	Yes	Yes (City)	No	N/A

* Specific site posting sign requirements are located in the Site Posting Requirements guide available from the Planning Division.

** If the property to be rezoned is less than 40 acres, the notification distance shall be six hundred (600) feet. In cases where the property to be rezoned is forty (40) acres or larger, the notification distance shall be 1320 feet.

◆ Site posting may be required per 14-39-13.E. If required, the City shall be responsible for posting signage on the subject property.

ARTICLE 14-39
ADMINISTRATIVE PROCEDURES

(Ord. No. 2011-03, 2012-05, 2012-16)

14-39-8 REZONINGS

J. *Conditions of Approval.* As part of any rezoning approval, the Planning and Zoning Commission may recommend and the City Council may adopt conditions and/or schedules for the development of the property.

1. Conditions. The City Council may condition approval of a rezoning upon the occurrence of one or more of the following:
 - a. Development in accordance with a specific Site Plan and/or obtaining Site Plan approval in accordance with Section 14-39-9, "Site Plan Review," of this Article.
 - b. Reduction in the otherwise applicable floor area ratio, lot coverage, building height, or density requirements.
 - c. Increases in the otherwise applicable building setback, lot area, parking space, landscaping, or open space requirements.
 - d. Public dedication of rights-of-way as streets, alleys, public ways, drainage, utility, and/or other public improvements, and/or the installation of off-site improvements as are reasonably required by or related to the effect of rezoning.
 - e. Such other conditions as may be allowed by law.
 - f. Completion of a re-use plan as determined by the Department.
2. Schedules. The City Council may require as part of a rezoning approval specific time schedules for any or all of the following:
 - a. Approval of a final site plan
 - b. Submission and approval of a preliminary plat for the subdivision of the subject property
 - c. Submission and approval of the final plat for the subdivision of the subject property
 - d. Application for and issuance of a building permit to commence construction of one or more buildings upon the subject property.
 - e. Commencement of on-site construction on the subject property in accordance with the final site plan as approved

- f. Completion of a specified percentage of construction on the subject property in accordance with the final site development plan
3. Adoption of Ordinance. The City Council shall set forth in the rezoning Ordinance any condition(s) or schedule(s) imposed pursuant to this Section.
4. Modification of Adopted Conditions and Schedules. If an applicant would like to request a modification to the condition(s) or schedule(s) of approval adopted by Council upon the rezoning of the property, the applicant shall be subject to the following:
 - a. The applicant may file a request with the Planning and Zoning Commission for a modification to the adopted requirements. The Commission shall consider the request and submit a recommendation to the Council. The Council shall thereupon determine whether or not the modifications will be approved.
- 4 5. Failure to Comply with Adopted Conditions and Schedules. If an applicant fails to comply with any condition(s) or schedule(s) adopted by Council upon the rezoning of the property, the applicant shall be subject to the following:
 - a. The applicant may file a request with the Planning and Zoning Commission for an extension of the time schedule for meeting the adopted requirements. The Commission shall consider the request and submit a recommendation to the Council. The Council shall thereupon determine whether or not the extension will be approved.
 - b. The Department Director, or designee thereof, may file an application with the Planning and Zoning Commission requesting reversion of the zoning, based upon the applicant's failure to comply with the adopted conditions for the rezoning. The Commission shall consider the Director's application and may accept, modify, or reject and shall thereupon recommend acceptance, modification, or rejection of the application to the City Council.
 - c. Upon action by the Commission, the Director's application together with the Commission's recommendation shall be submitted to the City Council for final action. The Council may accept, reject, or modify the recommendations of the Commission in accordance with the foregoing, outlined above in Sub-section J, "City Council Hearing and Action."

ORDINANCE NO. 2013-16

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1977 EDITION), BY AMENDING ARTICLE 14-2-2 "DEFINITIONS", ARTICLE 14-3-5 "GENERAL PROVISIONS", ARTICLE 14-23-3 "PARKING AND LOADING", ARTICLE 14-34 "SIGNS", ARTICLE 14-39-6 "ADMINISTRATIVE PROCEDURES", AND 14-39-8 "ADMINISTRATIVE PROCEDURES" OF THE PEORIA ZONING ORDINANCE; PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Maricopa County, Arizona, held a public hearing on August 15, 2013 to consider a proposed amendment to the Peoria City Code, after notice in the manner provided by law; and

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance, and manner provided by law including publication of such in the Peoria Times on July 26, 2013; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of August 15, 2013 voted to recommend to the Mayor and Council of the City of Peoria, Arizona, that amendments be made to the Peoria City Code (1977 edition) and Chapter 14 of the Peoria City Code; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, have considered the recommendation of the Planning and Zoning Commission of the City of Peoria, Arizona, and deem it to be in the best interest of the public health, safety and welfare of the residents of the City of Peoria, Arizona to amend Articles 14-2-2 "Definitions", 14-3 "General Provisions", 14-23 "Parking and Loading", 14-34 "Signs", 14-39-6 "Administrative Procedures" and 14-39-8 "Administrative Procedures" of Chapter 14 of the Peoria City Code (1977 edition):

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona as follows:

SECTION 1. of Chapter 14 of the Peoria City Code (1977 edition) shall be amended to read as indicated on Exhibit A.

Ordinance No. 2013-16
September 17, 2013

SECTION 2. Effective Date. This Ordinance shall become effective on the date provided by law.

SECTION 3. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 17th day of September, 2013.

Bob Barrett, Mayor

Date Signed

ATTEST:

City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: Peoria Times
Pub. Dates: September 27 and October 4, 2013
Effective Date:

EXHIBIT A

ARTICLE 14-2 DEFINITIONS

(Amended by Ord. No.s 2011-03 & 2011-05A)

14-2-2 DEFINITIONS

D. For the purpose of this Zoning Ordinance, certain words are hereby defined as follows (Ord. No. 02-68):

Deferred presentment services means a transaction pursuant to a written agreement involving the following combination of activities in exchange for a fee:

1. Accepting a check dated on the date it was written; and
2. Holding the check for a period of time prior to presentment for payment or deposit.

Non Chartered Financial Institution means a business, other than a state or federally chartered bank, credit union, mortgage lender or savings and loan association, that offers check cashing services, vehicle title loans, and loans for payment of a percentage fee. Specifically included are check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument and "payday" loan businesses which make loans upon assignments of wages received, or businesses that function as deferred presentment services. (Ord. No. 00-28)

ARTICLE 14-3 GENERAL PROVISIONS

(Amended by Ord. No.s 2011-02 & 2011-03)

14-3-5 WALLS AND FENCES

A. General Provisions (Ord. No. 95-15 & 2011-02)

- Permit Required.* No persons, firm or corporation, shall hereafter construct, or cause to be constructed or erected within the City of Peoria any fence or wall exceeding ~~six (6) feet, eight (8) inches~~ seven (7) feet in height without first making an application for and securing a permit from the City. In addition, no fence or walls shall be constructed within the street right-of-way without obtaining a permit from the Engineering Department. Wall height requests above eight (8) feet shall be reviewed for approval by the City Engineer.

2. *Locations.* All fences, walls, and gates shall be located entirely upon the private property of the persons, firms, or corporation constructing, or causing the construction of such fence unless the owner of the property adjoining agrees, in writing, that such fence or wall may be erected on the division line of the respective properties. This shall not apply to the initial wall construction by the homebuilder. Pedestrian gates may be installed by a private property owner to provide access to public open space with written approval from the Community Services Department.
3. *Maintenance.* Every fence or wall shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair, damage, or unsightliness, or constitute a nuisance, public or private. Any such fence or wall which is, or has become, dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect is a public nuisance and the Code Compliance Officer shall commence proper proceedings for the abatement thereof. Any wall, or a portion of any wall, which is removed for any purpose or by any means whatsoever, shall be restored to its original or upgraded condition relative to construction, material and finish whenever exposed to any street or any adjoining property.
4. *Measuring Fence and Wall Height.* The height of any fence or wall shall be calculated to the uppermost points as follows:
 - a. In required yards abutting a street, sidewalk, or trail, the height of the fence shall be measured from the required two (2) foot shelf at the base of the wall or from the top of curb or the top of sidewalk, path, or trail when such element is at a higher elevation than the shelf. (Figure A)

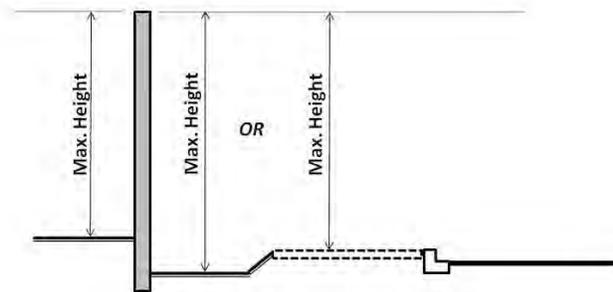


Figure A – Measuring Wall Height

5. *Undulating Wall Required.* All fences and walls along arterial and collector streets with a continuous length greater than two hundred (200) feet shall use an undulating pattern at minimum intervals of one hundred (100) feet or at every other side lot line, whichever is less, to provide variety and visual interest. The undulation depth from the street line shall be minimum of three (3) feet. (Figure B) Alternative options may be approved during the Preliminary Plat or Site Plan Review Process. (Ord. No. 04-186)

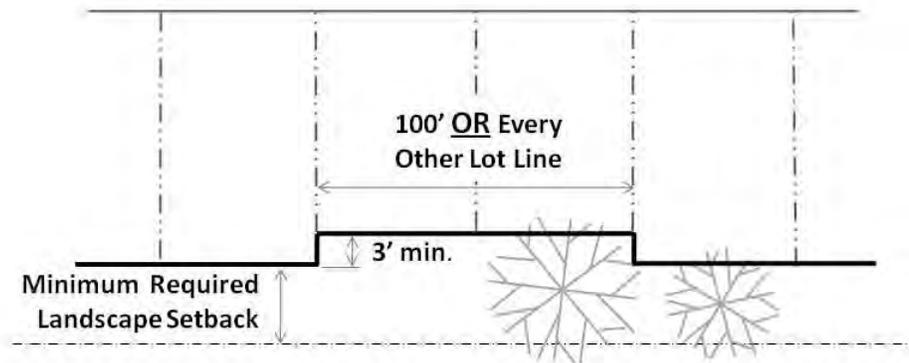


Figure B – Perimeter Wall Undulation

6. *Finished Elevations.* Any fence or wall that is constructed to have only one elevation “finished”, which shall be defined as not having its supporting members significantly visible, shall be erected such that the finished elevation of the fence is exposed to the adjacent street or public / semi-public area.
7. *Exemptions.* The following uses are exempt from the height restriction of three (3) feet within or bounding the front yard, as set forth in Section 14-3-5.B.1.
 - a. An agriculture activity
 - b. Residential and ranch uses in the Suburban Ranch Districts
 - c. Schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants.
 - d. Temporary construction sites which are enclosed for security purposes.
 - e. Temporary construction yards for off-site construction.
 - f. Arched, masonry entry features in accordance with Section 14-3-2 c(6)(g) of this Article.
8. *Barbed Wire Fences:* Barbed wire shall be prohibited in the City of Peoria except for the following:
 - a. Barbed wire shall be permitted in the General Agriculture and Suburban Ranch zoning districts.
 - b. Barbed wire shall be permitted for temporary construction sites or yards in all zoning districts provided that the barbed wire is located six (6) feet or more above grade.
 - c. Barbed wire shall be permitted for security purposes for commercial and industrial uses provided that the barbed wire is located six (6) feet or more above grade.

B. Residential Requirements

1. *Height of Fences and Walls.* In all Residential Districts, no fence or wall within or bounding the front yard shall exceed a height of three (3) feet, and no fence or wall within or bounding a side or rear yard shall exceed a height of ~~six (6) feet eight (8) inches~~ seven (7) feet, except as specified elsewhere within this Ordinance.
2. *Corner Lots and Key Lots.* (Figure C)
 - a. On a corner lot contiguous to a key lot a fence or wall over three (3) feet in height may be placed on the property line except within a triangle measured ten (10) feet from the street line along the common lot line, and twenty (20) feet along the property line extending from the common lot line towards the front of the corner lot. The location of this clear zone may shift in areas where landscape tracts exist.
 - b. On a key lot contiguous to a corner lot, a fence or wall not exceeding ~~six (6) feet eight (8) inches~~ seven (7) feet may be erected along that portion of a key lot contiguous with the rear yard of the corner lot, but such fence or wall shall not come closer to the front line of the key lot than ten (10) feet.

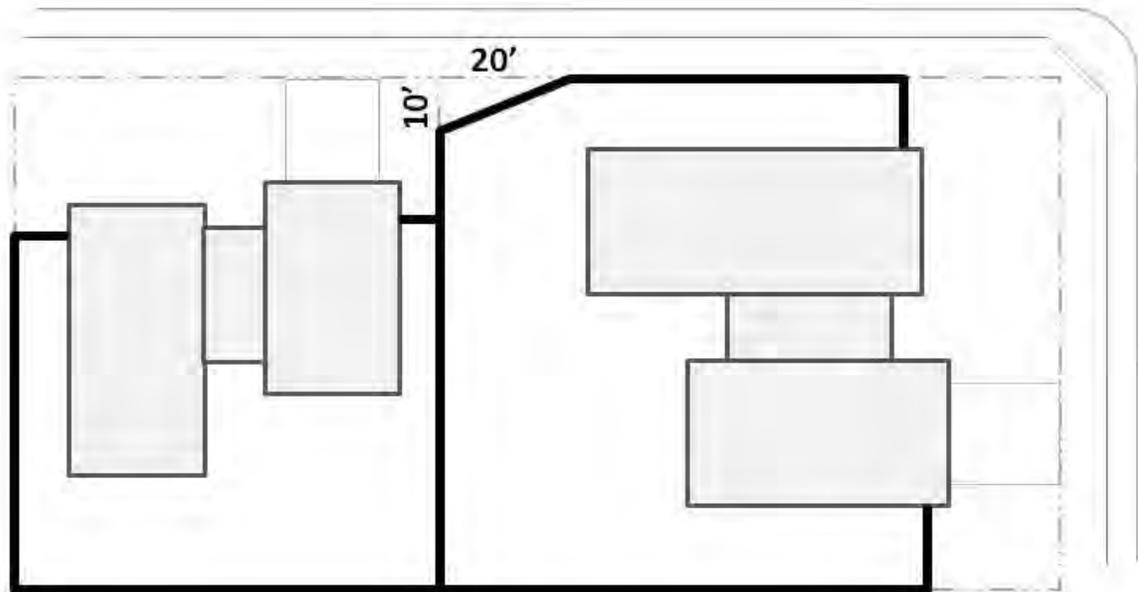


Figure C – Key Lots

3. *Adjacent Residential Lots.* Where two residential lots abut one another, but have differing finished grades, the wall heights shall be limited to ~~six (6) feet eight (8) inches~~ seven (7) feet in height on the high side and eight (8) feet in height on the low side. (Figure D)

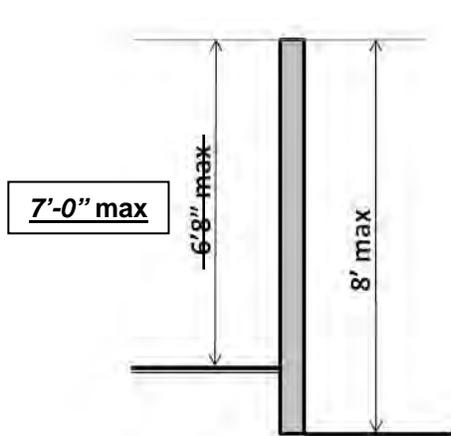


Figure D – Residential to Residential

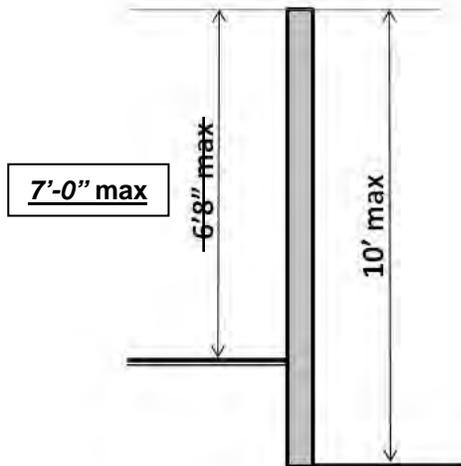


Figure E – Residential to Street

4. *Lots Adjacent to Streets.* The lot side of a wall shall not exceed ~~six (6) feet eight (8) inches in height~~ seven (7) feet. The Street side shall not exceed ten (10) feet in height (Figure E).
5. *Retaining Walls.* For the purpose of this ordinance, any wall retaining a minimum of twelve (12) inches of earth shall be considered a retaining wall. If retaining requirements exceed ten (10) feet in height, then terracing shall be required. When terracing walls, the first wall at grade level shall not exceed ~~six (6) feet eight (8) inches~~ seven (7) feet or be less than five (5) feet in height and each retaining wall above the first shall not retain more than four (4) feet of earth (Figure F). Terraced walls shall be offset a minimum of four (4) feet and each terrace shall be landscaped. Terraces and terraced walls shall be designed to include weep holes for drainage and sleeves for landscape irrigation. All terracing shall be subject to review by the City Engineer and / or the Building Official. Nothing herein is intended to relax the building code or other applicable city standards.

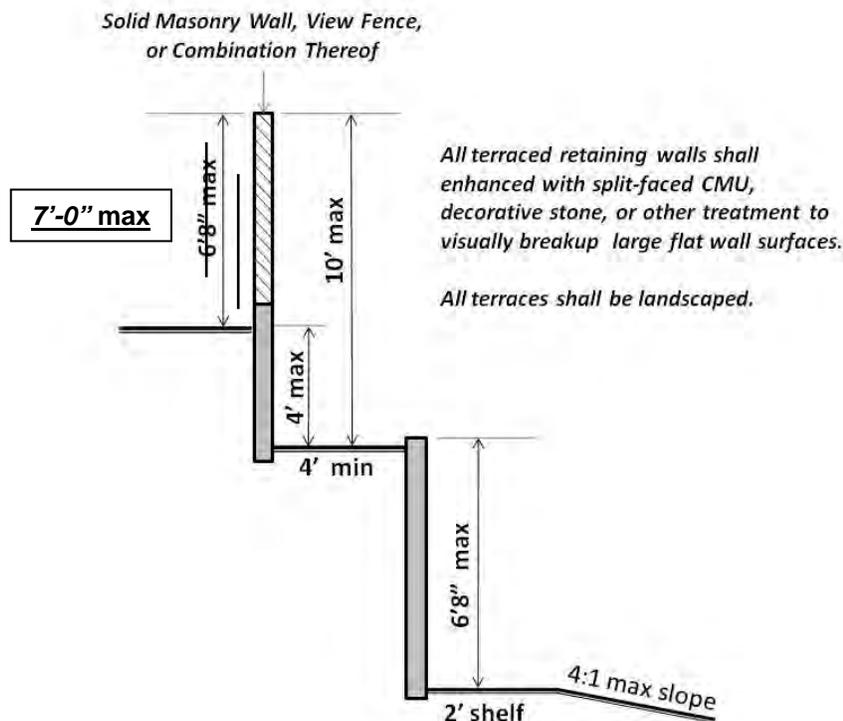


Figure F – Retaining Walls

- Lots Adjacent to Retention Areas.* Walls adjacent to planned or natural retention areas, waterways, or similar features shall not exceed ~~six (6) feet eight (8) inches~~ seven (7) feet in height on the lot side and shall not exceed eight (8) feet on the retention side as measured to the required two (2) foot shelf at the base of the wall. Maximum slope of the retention shall be no greater than 4:1. If additional retention depth is required, retaining walls may be added in the sloped banks of the retention area. Such walls shall not exceed two (2) feet in height and shall be offset by no less than four (4) feet. The maximum slope between walls shall not exceed 4:1 (see Figure G). All terraced walls shall be subject to review by the City Engineer and the Building Safety Division. All retaining walls are subject to review by the City Engineer or designee. Nothing herein is intended to relax the building code or other applicable City standards.

truck routes north of Union Hills Drive, Lake Pleasant Parkway, Loop 101, Loop 303, State Route 74, and the Burlington Northern Santa Fe Railroad. (Ord. No. 03-11)

C. Commercial and Industrial Requirements.

1. Fences and walls in all Commercial and Industrial Districts shall not exceed ten (10) feet in height except that boundary line fences abutting Residential Districts shall not be greater than ~~six (6) feet eight (8) inches~~ seven (7) feet in height, or except as specifically required as a condition of an approved Site Plan or Preliminary Plat or as otherwise specified in this Ordinance (Figure H).

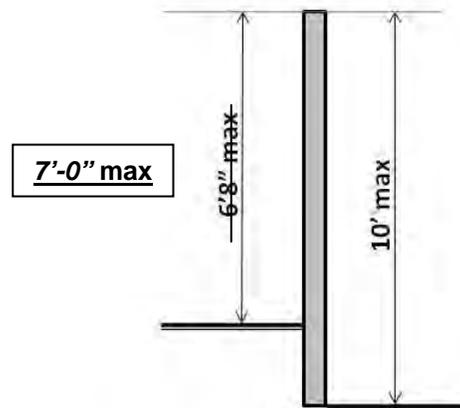


Figure H – Residential to Non-Residential

2. In Industrial zoning districts, walls and fences on local streets except when adjacent to a Residential District, may exceed three (3) feet in height in the front and corner side yard building setback when located no closer than ten (10) feet to the street line except as may be specified elsewhere in this Ordinance.

D. Hillside Development

1. Additional wall requirements for hillside areas are provided in Article 14-22A of the Zoning Ordinance.

ARTICLE 14-23

PARKING AND LOADING

(Ord. No. 02-67)

14-23-3 PARKING REQUIREMENTS

B. Off-Street Parking Requirements

The following minimum number of off-street, paved parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth: Any proposed uses not listed herein will be determined through the site plan approval process.

1. *Residential Uses*

<u>Dwelling Types</u>	<u>Parking Spaces Required:</u>	
	<u>With On-Street Parking</u>	<u>Without On-Street Parking</u>
Single-family	2.0 Spaces/Unit	3.0 Spaces/Unit
Mobile Homes	2.0 Spaces/Unit	3.0 Spaces/Unit
Two-family	2.0 Spaces/Unit	2.0 Spaces/Unit ¹
Three-family	2.0 Spaces/Unit	2.0 Spaces/Unit ¹
Multi-family ²		
Efficiency/Studio	1.0 Spaces/Unit	1.0 Spaces/Unit
1 Bedroom	1.5 Spaces/Unit	1.5 Spaces/Unit
2+ Bedroom	2.0 Spaces/Unit	2.0 Spaces/Unit

¹ In addition to the required spaces, .25 guest spaces per unit shall be included.

² In addition to the required spaces, one (1) guest space for each ten (10) units shall be included.

³ Ord. No. 07-22 MF Standards

a. Additional Residential Parking Requirements

1) An improved residential driveway shall be provided between a public or private street or alley and a garage, carport or other parking space. The driveway shall consist of concrete, asphalt, sealed aggregate pavement, or masonry. Crushed rock or aggregate is an acceptable driveway surface as long as it is a minimum of three inches deep and contained by a permanent border.

~~1)2)~~ The driveway within the front yard setback for single family, mobile homes, two family and three family residential occupancies, may be applied against the required off-street parking requirement provided the parking area occurs on an improved, dustproof parking surface as specified herein (~~minimum of three inches thick~~) and meets the minimum dimensional requirement for standard parking stalls. (Ord. No. 05-51)

~~2)3)~~ All standard front-entry garage and carport entrances shall be setback a minimum of twenty (20) feet from the street right-of-way line ~~unless otherwise permitted by the Design Review Ordinance~~. In no case shall a standard front-entry garage or carport be located closer than eighteen (18) feet from the street right-of-way line, access easement or private roadway tract. (Ord. No. 05-51)

~~3)4)~~ It shall be unlawful to park or store any vehicle within the front or side yard of a single family residence use unless such parking or storage is on an improved, dustproof-parking surface such as concrete or asphalt, "chip seal", or crushed rock or aggregate that is a minimum of three inches thick. All crushed rock or aggregate shall be contained by a permanent border. Parking within the front yard of a single residence use shall be on or contiguous to a ~~legal~~ driveway as

specified herein. All parking and vehicle storage shall be parallel with the driveway's prime orientation, excluding side entry garage layouts. Such parking shall not exceed a maximum of thirty five percent (35%) of the front yard area, except on lots less than seven thousand (7,000) square feet in which case the excess vehicle and visitor parking may be located on up to fifty percent (50%) of the front yard.

- 5) The maximum or total defined driveway width may be expanded to accommodate floor plans that offer a combination of both front and side loading garages.
- 4)6)The total cumulative parking and/or maximum width of the driveway within the front yard for lots that are eighty five (85) feet wide or less shall be thirty (30) feet or fifty (50) percent of the lot width, whichever is less. For lots greater than seven thousands (7,000) square feet, the Planning Manager may approve additional paved areas, not to exceed fifty percent (50%), on irregularly shaped lots resulting from curvilinear streets, topography or other unique conditions so long as the intent and purposes of this Ordinance are preserved.
- 7) For lots that exceed eighty five (85) feet in width, the total cumulative parking and/or maximum width of the driveway within the front yard shall be forty (40) feet. In no case shall the front yard exceed a total of forty five (45) percent of driveway or parking area. Lots that exceed eighty five (85) feet in width may incorporate a front yard circular drive provided the maximum total driveway width is forty (40) feet. The front yard should not exceed a total of forty five (45) percent of improved surface (concrete, asphalt or masonry).
- 8) The Planning Manager may approve additional paved areas, not to exceed fifty percent (50%), on irregularly shaped lots resulting from curvilinear streets, topography or other unique conditions so long as the intent and purposes of this Ordinance are preserved.
- 9) All areas not utilized as the driveway, or designated as parking or vehicle storage shall be landscaped. In no instance shall parking or vehicle storage occur in any front yard on landscaped area.

ARTICLE 14-34

SIGNS

(Amended by Ord. No. 2011-01, 2012-06, 2012-17)

CONTENTS

14-34-1	INDEX (deleted in Ord. No. 96-03)
14-34-2	INTENT
14-34-3	INTERPRETATION AND SCOPE
14-34-4	EXCEPTIONS
14-34-5	REQUIREMENT OF CONFORMITY

Ordinance No. 2013-16
September 17, 2013

- 14-34-6 SIGNAGE APPROVAL AS PART OF SITE PLAN APPROVAL
- 14-34-7 DEFINITIONS
- 14-34-8 SIGN TYPES AND REQUIREMENT
- 14-34-9 SIGNS PERMITTED FOR NON-RESIDENTIAL USES IN THE C-O, C-1, C-2, C-3, I-1, I-2, P.A.D., P.C., O-1, PC-1, PC-2, C-4, C-5, PI-1, AND BPI ZONING DISTRICTS
- 14-34-10 SIGNS PERMITTED FOR NON-RESIDENTIAL USES IN THE AG, FP, SU, R1-6, R1-7, R1-8, R1-10, R1-12, R1-18, R1-35, 4M-1, RMH-1, RMH-2, RMH-3, P.A.D. AND P.C. ZONING DISTRICTS
- 14-34-11 SIGNS PERMITTED FOR RESIDENTIAL USES IN ALL DISTRICTS
- 14-34-12 NONCONFORMING SIGNS
- 14-34-13 ABANDONED SIGNS
- 14-34-14 LIABILITY OF DAMAGES
- 14-34-15 EFFECT OF AMENDMENT ON PENDING SUITS
- 14-34-16 PERMIT REQUIRED
- 14-34-17 PERMIT APPLICATION AND EXPIRATION
- 14-34-18 PERMIT FEES
- 14-34-19 REQUIREMENT OF PLANS
- 14-34-20 REVOCATION OF PERMITS
- 14-34-21 REMOVAL OF SIGNS
- 14-34-22 EMERGENCY REMOVAL OR REPAIR
- 14-34-23 ENFORCEMENT
- 14-34-24 INSPECTIONS
- 14-34-25 INSPECTION MARKINGS
- 14-34-26 SIGN MAINTENANCE
- 14-34-27 DESIGN AND CONSTRUCTION SPECIFICATIONS
- 14-34-28 PERMITTED LIGHTING AND MOVEMENTS
- 14-34-29 LOCATION REQUIREMENTS

14-34-1 INDEX (deleted in Ord. No. 96-03)

14-34-2 INTENT

The intent of this Article 14-34 is to regulate the type, placement, and physical dimensions of signs located in the City of Peoria. It is in the public interest and desired by the citizens of the City of Peoria, as stated in the Peoria Comprehensive Master Plan, to regulate signs for the following reasons:

- To promote the public health, safety and welfare within the City of Peoria by protecting the public from damage and injury which may be caused by the faulty and uncontrolled construction of signs.
- To promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the City of Peoria.
- To protect pedestrians, motorists, and property owners of the City of Peoria from damage or injury caused, or partially attributed to, the distractions and obstructions of signs, which are improperly situated, sized and designed.
- To promote the effectiveness of signs by preventing ~~they're~~ their over concentration, improper placement and excessive size.

- To protect and preserve property values in the City of Peoria by precluding the visual and physical intrusion of incompatible, unsafe and undesirable signs in industrial, commercial and residential areas throughout the City of Peoria.
- To promote, encourage and preserve the existing and developing natural and man-made beauty of the City of Peoria.
- To promote economic development by creating an aesthetically attractive, natural and man-made image that will induce industrial, commercial and residential users to locate in the City of Peoria.

14-34-3 INTERPRETATION AND SCOPE

- A. If there is a conflict between provisions of this section of this Article 14-34 and other provisions of this or other regulations/ordinances of the City of Peoria, the more restrictive provisions shall apply.
- B. The provisions of this section of Article 14-34 shall apply to the erection, design, construction, alteration, use, location and maintenance of all signs within the City of Peoria, except as specified in this Ordinance.

14-34-4 EXCEPTIONS

- A. The provisions of Article 14-34 shall not apply to:
 1. Tablets, grave markers, headstones, statuary or remembrances of persons or events noncommercial in nature.
 2. Works of fine arts when not displayed in conjunction with a commercial enterprise which may derive direct commercial gain from such display.
 3. Signs not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way or thoroughfare, providing that such sign does not constitute a traffic hazard.
 4. The erection, construction and maintenance of official traffic, fire and police signs, signals and devices that are markings of the State of Arizona and the City of Peoria or other authorized public agency, nor the posting of notices as required by law.
 5. Advertising on bus passenger shelters located within the public right-of-way and on private property adjacent to the public -right-of-way as approved by City Council and Contract Number L.C.O.N.4989 on June 27, 1989 as amended and modified from time to time. (Ord. No. 89-21)
 6. City of Peoria municipal uses. (Ord. No. 99-87)
 7. Portable electronic signs used by the City of Peoria for special events. ~~Such signs shall be restricted to traffic control copy.~~ (Ord. No. 03-01)

14-34-5 REQUIREMENT OF CONFORMITY

It shall be illegal for a sign to be placed or maintained in the City of Peoria except as provided in this Article 14-34 after the effective date of adoption of Ordinance 89-07 of the City of Peoria, Arizona.

- A. All signs maintained contrary to the provisions of this Article 14-34 are declared to be nuisances, and such nuisances may be abated as provided by law.
- B. Any person, firm or corporation violating any provisions of this Article 14-34 or failing to comply with any order or regulations made hereunder shall be guilty of a Class 2 Misdemeanor as defined in Arizona Revised Statutes.
- C. Placement and/or the location of all signs shall be in accordance with the sight distance requirements for arterial and collector streets as described in the City of Peoria Infrastructure Guidelines. (Ord. No. 00-30)

14-34-6 SIGNAGE APPROVAL AS PART OF SITE PLAN APPROVAL

For all developments requiring Site Plan Approval and Design Review Approval, a sign package of the proposed design and location of all permanent and temporary signs for the life of the project, subject to the guidelines presented herein, shall be submitted for review and approval according to the site plan review procedures outlined in Article 14-39, Section 14-39-9 "Site Plan Review." A sign permit to erect, install, repair or move a sign, if such permit is required, shall not be issued unless sign approval has been given as part of the above site plan approval, for any development requiring such site plan approval. (Ord. No. 02-80)

14-34-7 DEFINITIONS

All words in this Article shall be first defined as provided herein and, if not defined herein, shall be defined as in the definition of terms of Chapter 14 of the Peoria City Code and, if not defined therein, shall be defined as in The Illustrated Book of Development Definitions by Harvey S. Moskowitz and Carl G. Lindbloom, 1981, and if not defined in The Illustrated Book of Development Definitions, shall have their customary dictionary definitions.

Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular. The word "shall" is always mandatory.

- A. *Sign*. Any device providing identifications, advertising or directional information for specific business, service, product, person, organization, place or building. Included in this definition of signs are graphic devices such as logos, attention attracting media such as logo-shaped sculpture, sculpture used to advertise products or businesses, fascia colored to advertise the logo or trademark of products or businesses, or architectural elements, banners, balloons, streamers, search lights, strobe lights, flags, inflatable structures, merchandise displays, accessory lights and other attention attracting media and devices.
- B. Sign Copy. The words, letters, symbols, illustrations, or graphic characters used to convey the message of a sign. ~~*Abandoned Sign*. A sign is presumed to have been abandoned~~

~~when it is located on property which becomes vacant and unoccupied for a period of six (6) or more months.~~

- C. *Abandoned Sign.* A sign is presumed to have been abandoned when it is located on property which becomes vacant and unoccupied for a period of six (6) or more months. ~~Advertising Copy.~~ Copy that includes, but is not limited to phone numbers, prices, announcements of sales, business hours, meeting times, individual or specific products, services, or merchandise, and directional information. A street address and business name are not considered advertising copy.
- D. *Advertising Sign.* A sign which includes ~~sign~~ advertising copy and/or graphics relating to any service, product, person, business, place, activity or organization in addition to simple identification.
- E. *Agricultural Product Sales Sign.* A sign which is erected or mounted on its own self-supporting permanent structure or base, advertising the sale of an agricultural product produced and sold on site. (Ord. No. 97-27)
- F. *Area of Sign.* (Ord. No. 96-88)
1. Total sign area will include the area of all signs on the premises. Furthermore, computation of total sign area includes all existing signs on the premises, whether such signs be conforming or non-conforming under the terms of this Article 14-34. The only exceptions to the total sign area allowed are free standing monument signs, directional signs and street addresses, signs necessary for safety (e.g., stop engine, no smoking) that do not exceed two (2) square feet in area, and Freestanding Municipal Recreation/Entertainment Facility Identification Signs.
 2. For a sign having more than one component (e.g., a service station identification/price sign combination on a monument base, mounted on the same surface), the sign area shall be measured as the sum of the smallest rectangles that encompass the several components of the sign.
 3. A sign mounted or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign, shall be measured as the area contained within the outside dimensions of the background panel or surface.
 4. A sign mounted as individual letters and/or graphics against a wall or fascia of a building, wall fence or other structure that has not been painted, textured or otherwise altered to provide a distinctive background for the sign shall be measured as the sum of the smallest rectangles that will enclose the sign.

The logo for Western Shoes features the words "Western" and "Shoes" in a bold, serif font. Each letter is contained within a thick, black rectangular border, creating a grid-like appearance for the text.

AREA OF SIGN

5. A sign mounted or painted on an illuminated surface, illuminated architectural element of a building, or if the sign is the actual illuminated surface itself, shall be measured as the entire surface or illuminated architectural element which contains the sign.
6. A sign integrated into, built, made or part of the actual structure of a wall, building fascia, wall, fence or other type of structure, regardless of whether the sign is of the same color, texture or material than the entire structure, shall be measured as the sum of the smallest rectangles that will enclose the sign.
7. Where there are one (1) or more sign faces, the area shall be defined as follows:

One (1) face - Area of the single face only, two (2) faces - If the interior angle between the two faces is 45 degrees or less, the area will be the area of one face only; if the interior angle between the two sign faces is greater than 45 degrees, the sign area will be the sum of the areas of the two faces.

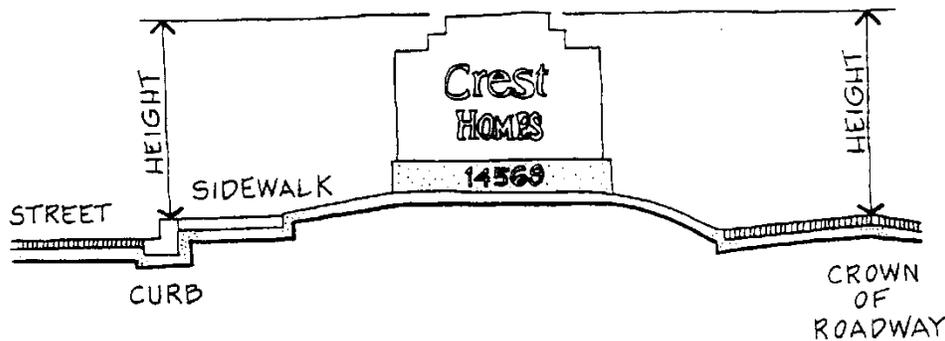
Three (3) or more faces - The sign area will be the sum of the areas of each of the faces.

Spherical, free-form, sculptural, other non-planar signs - Signs area will be the sum of the area using only the four (4) vertical sides of the smallest cube that will encompass the sign.

Architectural embellishments shall not be considered as sign area, and may not constitute more than twenty percent (20%) of the total sign area.

- G. *Building Front Foot.* Means the maximum width of the building measured on a straight line parallel to the street. In the event that a building fronts on two (2) or more streets, the property owner shall be given the option of selecting one (1) street frontage for the purpose of computing allowable sign area. Where a building does not parallel a street, the front foot shall be measured along the exterior of the building space from points projected perpendicular to the street from the corners of the building face fronting the street.
- H. *Business Front Foot.* Means the lineal distance of the building space occupied by the particular business or use measured on a straight line parallel to the street. In the event that a business or use fronts on two (2) or more streets, the property owner shall be given the option of selecting one (1) street frontage for the purpose of computing allowable sign area. Where a business or use does not parallel a street, the front foot shall be measured along the exterior of the building space occupied by the particular business or use.
- I. *Building-Mounted Wall Signs.* A sign attached to, painted on, or erected against the wall or fascia of a building with the exposed face of the sign in a plane parallel to the face of the wall or fascia.
- J. *Complexes/Centers.* See "Multiple Tenant Commercial Building."
- K. *Comprehensive Sign Plan.* A plan for the utilization of signs intended to encourage flexible signage opportunities which are greater than that allowed under the existing requirements of the sign code. (Ord. No. 97-21)
- L. *Eave Line.* The point on a wall projected perpendicular to the wall from the bottom of an eave.

- M. *Emergency*. Immediate action necessary for purposes of protection of the public's health, safety and welfare.
- N. *Fascia*. The horizontal piece between the plate line or eave line and the spring point of a sloped roof or the top of a flat roof.
- O. *Fascia Sign*. A sign which is permanently affixed to the fascia of a building.
- P. *Flag*. A piece of fabric or other flexible material that contains the current or historical seal, insignia, symbol, logo, emblem or distinctive colors of this nation or any other nation, or the seal, insignia, symbol, logo or emblem of any political subdivision of this nation or any other nation, or the seal, insignia, symbol, logo or emblem of any religious, not for profit or corporate entity or expressing advocacy speech. References to the number of flags and flagpoles and flag dimensions refer to both vertical flagpoles and mast arm flagpoles. (Ord. No. 03-09)
- Q. *Flag-Mounted Sign*. A sign on a pole which projects from the roof or wall of a building.
- R. *Freestanding Monument Sign*. A sign which is erected, or mounted on its own self-supporting permanent structure or base, and is detached from any supporting elements of a building.
- S. *Freestanding Wall Sign*. Same as a freestanding monument sign except erected or mounted on a wall that is detached from, but architecturally integrated with a building.
- T. *Freeway Monument Sign*. A freestanding monument sign erected to identify a single or multiple on-site use(s), on property abutting, or part of a complex/center abutting the Agua Fria Freeway. (Ord. No. 97-16)
- U. *Grand Opening*. The introduction, promotion, announcement of a new business, store, shopping center, office or the announcement, introduction, promotion of an established business changing ownership.
- V. *Ground Level*. The finished grade of an existing sidewalk or, where there is no sidewalk, six (6) inches above street grade.
- W. *Height of Sign*.
 - 1. Freestanding Monument Sign and Freestanding Wall Sign. Height shall be the distance from the top of the sign structure to the top of curb or crown of roadway where no curb exists. For freestanding monument signs, the height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height. Freestanding wall signs shall not exceed five (5) feet in height.



2. Building-Mounted Wall signs. Height shall be the distance from the top of the sign structure to the top of the curb or crown of road where no curb exists.
- X. *Identification Sign.* A sign that includes as sign copy, only the name of the business, place, organization, building, or person it identifies.
- Y. *Illuminated Sign.* A sign whose surface is lit, internally or externally, and which identifies, advertises or attracts attention to a use or activity on the premises.
- Z. *Indirect Lighting - Externally Illuminated.* Means a source of external illumination located a distance away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign from any normal position of view.
- AA. *Indirect Lighting - Internally Illuminated.* Means a source of illumination entirely within the sign which makes the sign visible at night by means of lighting the background upon which the free standing character is mounted. The character itself typically is opaque, and thus is silhouetted against the background. The source of illumination shall not be visible.
- BB. *Internal Lighting.* Means of source of illumination entirely within the sign which makes the contents of the sign visible at night by means of the light being transmitted through a translucent material but wherein the source of the illumination is not visible.
- CC. *Landscape Area.* An area reserved for the addition or augmentation of lawns, trees, plants and other natural and decorative features to land.
- DD. *Maintenance.* Means the replacing or repairing of a part or portion of a sign made unusable by ordinary wear, tear or damage beyond the control of the owner or the reprinting of existing sign copy without changing the wording, composition or color of said copy.
- EE. *Multiple Tenant Commercial Building.* A commercial development in which there exists a number of separate commercial activities, in which there are appurtenant shared facilities (such as parking or pedestrian mall), and which is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a multiple tenant commercial building may, but need not, include common ownership of the real property upon which the center is located, common-wall construction, and multiple-occupant commercial use of a single structure.

Ordinance No. 2013-16
September 17, 2013

- FF. *Multi-Tenant Sign.* A sign that includes as sign copy, only the names of two (2) or more businesses, places, organizations, buildings or persons it identifies.
- GG. *Non-Conforming Sign.* A sign erected which does not conform to all of the requirements of this Article 14-34, but which, when first constructed, was legally allowed by the City of Peoria or the political subdivision then having the control and regulation over construction of signs.
- HH. *Off-Premise Sign.* A structure which bears a sign which is not appurtenant to the use of the premises where the sign is located, or a structure which advertises a product or a service offered upon the premises other than where the sign is located.
- II. *Parapet Wall.* A wall extending above the plate line of a building.
- JJ. *Permanent Sign.* Any sign which is intended to be and is so constructed as to be lasting and enduring, remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall or building.
- KK. *Plate Line.* The point at which any part of the main roof structure first touches or bears upon external wall.
- LL. *Portable Sign.* Any sign which is not permanently affixed to any structure on a site or permanently ground-mounted. Includes A-frame / sandwich board signs.
- MM. *Premises* - A lot, parcel, tract or plot of land together with the buildings and structures thereon.
- NN. *Roof-Mounted Sign.* A sign which is secured, mounted or attached to a roof or which projects above the highest point of a parapet or fascia of a building.
- OO. *Roof Line.* Means the highest point of the main roof structure or highest point on a parapet but shall not include cupolas, pylons, projections or minor raised portions of the roof.
- PP. *Sign Package.* A detailed description, including, but not limited to, type, size, color and location of all signage.
- QQ. *Soffit Sign.* A sign which is suspended from the underside of a lintel, arch or other overhead spanning member and is hung perpendicular to a vertical wall surface.
- RR. *Spring Point.* The point at the edge of a roof where the slope of the roof is less than 90 degrees but more than 0 degrees.
- SS. *Street Grade.* The elevation of the top of the curb of a street, or the elevation of the crown of the roadway where no curb exists.
- TT. *Temporary Sign.* A sign established for a fixed period of time with the intent to discontinue the use of such sign upon the expiration of the time period.
- UU. *Master Planned Development.* A development which meets one or more of the following criteria: (Ord. No. 91-28)

1. Residential developments which exceed 300 acres in area.
2. Four (4) or more residential subdivisions of a combined area which exceeds three hundred (300) acres.
3. Mixed-use developments which exceed 150 acres in area.

14-34-8 SIGN TYPES AND REQUIREMENTS

A. Permitted Signs. The following signs are permitted, subject to the criteria listed under each sign:

1. Address Sign. A sign consisting of numerals and/or letters identifying a property address.
 - a. Letter and numeral height shall not exceed twelve (12) inches;
 - b. No sign permit required.
2. Agricultural Product Sales Signs. Any temporary sign erected to advertise the seasonal sale of agricultural food products produces on-site. (Ord. No. 97-27)
 - a. Such signs may only be located on-site and shall be limited to the following information: the type of product for sale, directional information and pricing information;
 - b. Such signs shall be prohibited on lots less than 43,560 square feet;
 - c. Such signs shall not utilize illumination of any kind;
 - d. One (1) sign per parcel shall be allowed with an additional sign allowed for each one hundred (100) feet of linear street frontage up to a maximum of four (4) signs; a maximum of one (1) sign shall be allowed when the sales activity is located in or within one hundred (100) feet of a developed residential area;
 - e. Such signs, including their supporting structures, shall be no more than six (6) square feet in area within a developed residential area and no more than thirty-two (32) square feet in area as otherwise permitted and shall be no more than six (6) feet in height measured from grade level;
 - f. Such signs shall be displayed for a period not to exceed 90 days during any calendar year without a sign permit. Signs may be displayed for a period exceeding 90 days upon approval of a temporary sign permit by the City;
 - g. Such signs shall not be located in the public right-of-way and shall not be located so as to impair traffic visibility or traffic circulation;

Ordinance No. 2013-16
September 17, 2013

- h. Such signs shall be permitted to be displayed only during sales periods occurring during the active growing season;
 - i. Such signs shall be constructed and supported in such a manner so as not to pose a hazard to pedestrians or vehicles;
 - j. Agricultural product sales signs shall not include signs otherwise prohibited by this chapter;
 - k. No sign permit required unless otherwise specified.
3. Awning/Canopy Sign. A sign which is printed, painted, or affixed to an awning or canopy.
- a. Sign copy, including logo, shall not exceed twelve (12) square feet or fifty percent (50%) of an awning face area, whichever is less;
 - b. Such sign shall only be displayed on the ground floor awnings;
 - c. Flashing or intermittent illumination of awnings is prohibited;
 - d. Sign permit required.
4. Banner/Special Event Sign. A temporary sign which is used for the promotion of goods, services, or events for a specified period of time. (Ord. No. 2011-01)
- a. Special Events. Sign used to promote a sale or special event.
 - 1) For the purpose of this regulation, special event signs shall include sign banners, balloons, flags, streamers, and pennants. Vehicle mounted signs, flashing lights, search lights and portable signs are prohibited, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)
 - 2) Banner signs shall be limited to a maximum total square footage of thirty-two (32) square feet.
 - 3) Signs shall be allowed four (4) times per year for a maximum period of fourteen (14) consecutive days. A minimum of thirty (30) days shall pass between each such sale.
 - 4) For a period extending no later than June 30th, 2014, the following allowances for special event signage shall apply:
 - a) Signs shall be allowed four (4) times per year for a maximum period of thirty (30) consecutive days for each occurrence.
 - b) Advertising Flags. In addition to allowable banner, streamer, and pennant signage, establishments may have two (2) pole-mounted advertising flag signs, such as the types of signs commonly referred to as a "swooper flag", "feather flag", or "teardrop flag". Each sign shall not exceed a total of fifteen (15) feet in height including mounting hardware, three (3) feet in width, nor

thirty-two (32) square feet in sign area. All such signs shall be securely fastened to resist displacement by wind or similar disturbances and shall only be displayed during the hours the business / establishment is open. For establishments located in multi-tenant buildings or complexes, such signs may be placed at the perimeter of the complex with the property owner's consent.

- c) Portable A-frame signs. Establishments may also have one (1) portable "A-frame" (or similar) sign, provided that the sign shall not exceed thirty-six (36) inches in height nor a total of six (6) square feet in area. Such signs shall be weighted to resist displacement by wind or similar disturbances and shall only be displayed during the hours the business / establishment is open. For establishments located in multi-tenant buildings or complexes, such signs may be placed at the perimeter of the complex with the property owner's consent.
- d) All such signs shall be placed on private property and shall not impede pedestrian or vehicular visibility or traffic.
- 5) All such signs shall include wind cuts as necessary to reduce sign billowing or sailing and shall be securely fastened to the building or other permanent structure attached to the building containing the subject establishment. Such signs and/or banners shall not be mounted to trees or other landscaping elements.
- 6) Individual balloons and balloon arches/clusters shall be allowed provided they are securely fastened to permanent structures and setback from all streets and driveways a distance equal to the tether of the balloon. Individual balloons shall not exceed twenty-four (24) inches in diameter. Balloons and balloon arches / clusters shall be tethered at a height that does not exceed the height of the building containing the subject establishment. Balloons exceeding twenty-four (24) inches in diameter shall be considered inflatable structures and shall require a separate permit.
- 7) Torn, faded, or soiled signs shall be prohibited.
- 8) Sign permit required for each display period.
- b. Exterior Sales. A sign for the sale of merchandise where most of the business is conducted, or items are displayed, in an open exterior area in compliance with all City Codes. (Ord. No. 03-09)
 - 1) Exterior sales promotions are allowed however shall be restricted to Friday, Saturday, and Sunday or Federally recognized holidays.
 - 2) For the purpose of this regulation, exterior sales signs shall include sign banners, balloons, flags, streamers, pennants or merchandise. Vehicle mounted signs, flashing lights, search lights, and portable signs are prohibited.

Ordinance No. 2013-16
September 17, 2013

- 3) Streamers, pennants and flags shall contain no written message advertising copy, but may include a symbol, logo or replica of a flag on a pennant. (Ord. No. 03-09)
 - 4) Inflatable structures are allowed by separate permit. Such structures shall be permitted only twice per year at three-day intervals. Inflatable structures shall not be roof-mounted and shall be securely fastened to permanent structures and/or proper ground staking. Inflatable structures shall be placed on private property and shall not impede pedestrian or vehicular visibility or traffic.
 - 5) Individual balloons and balloon arches/clusters shall be allowed provided they are securely fastened to permanent structures and setback from all streets and driveways a distance equal to the tether of the balloon. Individual balloons shall not exceed twenty-four (24) inches in diameter. Balloons and balloon arches / clusters shall be tethered at a height that does not exceed the height of the building containing the subject establishment. Balloons exceeding twenty-four (24) inches in diameter shall be considered inflatable structures and shall require a separate permit.
 - 6) All banner signs shall include wind cuts as necessary to reduce sign billowing or sailing and shall be securely fastened to a building, private light standard or other permanent structure. Such banners shall not be mounted to trees or other landscaping elements. The total allowable square footage of all banner signs shall not exceed one hundred fifty (150) square feet.
 - 7) Uses eligible for exterior sales signs shall not be eligible for special event signs.
 - 8) Torn, faded or soiled exterior sales signs shall be prohibited.
 - 9) No permit required, except for inflatable structures.
- c. Civic Events. Signs used to advertise, promote public entertainment uses including carnivals, circuses, street fairs, concerts, cultural events, home and garden shows, parades, community events and similar uses.
- 1) For the purpose of this regulation, civic event signs shall include sign banners, balloons, flags, streamers, and pennants. Vehicle mounted signs, flashing lights, search lights and portable signs are prohibited, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)
 - 2) No off premise signs, strobe lights or search lights are permitted, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)
 - 3) All banner signs shall include wind cuts as necessary to reduce sign billowing or sailing and shall be securely fastened to a building, private light standard or other permanent structure. Such banners shall not be mounted to trees or other landscaping elements.
 - 4) Size and quantity of signs are not regulated, however signs shall not be displayed for more than seven (7) days prior to the event and shall be removed within forty-eight (48) hours after the event.

- 5) Inflatable structures are allowed by separate permit. Inflatable structures shall not be roof-mounted and shall be securely fastened to permanent structures and/or proper ground staking. Inflatable structures shall be placed on private property and shall not impede pedestrian or vehicular traffic or visibility.
 - 6) Torn, faded, or soiled civic event signs shall be prohibited.
 - 7) Light standard banner advertisement is allowed within one mile of the event as approved by the Public Works Director.
 - 8) No permit required, except for inflatable structures.
5. Building-Mounted Wall Sign. A permanent sign attached to, painted on, or erected against the wall or fascia of a building with the exposed face of the sign in a plane parallel to the face of the wall or fascia.
- a. Primary identification signs located on buildings over three (3) stories in height shall be placed only in the top twenty-five (25) percent of the wall to which it is attached, and shall not project above the roofline; (Ord. No. 00-30)
 - b. The area of such signs is dependent on the zoning district in which a use is permitted as specified in this Article 14-34. However, in no case shall the total area of one such sign exceed two hundred (200) square feet.
 - c. Such signs may identify the individual business, building, or building complex only by name, logo, or by name and principal service where the name does not identify the principle services offered; (Ord. No. 97-31)
 - d. Buildings in excess of three (3) stories shall only be identified by the building name, or the name or logo of the business or company occupying the building; (Ord. No. 97-31)
 - e. ~~Advertising~~ Sign copy shall be permitted only to describe the general nature of the business. Sign copy shall not include phone numbers, web addresses, web symbols, or product information, such as price of merchandise. ~~In no case shall there be more than six (6) words, symbols or characters used as advertising copy as described in Section 14-34-7 Definitions;~~ (Ord. No. 00-30)
 - f. Such signs shall not project more than fourteen (14) inches from a wall or fascia;
 - g. Such signs may be erected on a parapet wall or fascia that is on three sides of a four or more sided building. Such signs may be erected on buildings with one parapet wall only if the building existed on the date of adoption of this Article 14-34. Such signs may not extend above the top of the parapet or fascia.
 - h. Such signs may be illuminated only by internal or externally indirect lighting;
 - i. The average height of all sign characters shall not exceed six (6) feet with no individual characters exceeding eight (8) feet in height; (Ord. No. 97-31)

- j. For buildings constructed on the property line of a parcel which abuts a public right-of-way or easement (e.g. no building setback), building mounted wall signs may extend fourteen (14) inches in the public right-of-way or public easement provided such signs are located higher than eight (8) feet above ground level.
 - k. Sign permit required.
6. Changeable Sign Copy/Marquee Sign. A sign which utilizes changeable letters or sign copy and is intended to display factual information about activities on the premises (not including service station price component signs).
- a. Such signs shall be allowed only for government uses, institutional use, schools, churches and theaters;
 - b. There shall be only one such sign on each lot or parcel of land;
 - c. Such signs may be either building-mounted wall or freestanding monument types only. Freestanding and wall changeable sign copy/marquee signs are prohibited.
 - d. Freestanding monument changeable copy/marquee signs are subject to the same requirements as all freestanding signs. However, a maximum of two-thirds of the allowable area of such signs shall be utilized for changeable copy/marquee purposes.
 - 1) A public school marquee sign shall conform to all provisions of this section, except for the following: (Ord. No. 90-41)
 - a) The height of a freestanding monument/marquee sign for a public school shall be permitted to a height not to exceed fourteen (14) feet.
 - b) The masonry base for free standing monument/marquee signs over eight (8) feet in height, but less than fourteen (14) feet in height shall not be required.
 - c) All sign heights as referenced in (a) and (b) above are to be measured from the top of the sign structure to the top of the adjacent curb.
 - e. Building-mounted wall changeable copy/marquee signs shall be a maximum of sixty-four (64) square feet and are subject to the same height and landscaping requirements as all wall or fascia-mounted signs.
 - f. Such signs may be illuminated only by internal lighting or by externally indirect lighting.
 - g. Sign permit required.
7. Construction Sign. A sign which identifies the parties included in an "in-process" construction project.
- a. Such signs shall only be displayed on the actual construction site;

Ordinance No. 2013-16
September 17, 2013

- b. Such sign shall not exceed eight (8) feet in height nor thirty-two (32) square feet in area;
 - c. All such signs shall be removed prior to the issuance of a Certificate of Occupancy for the site;
 - d. All construction signs shall be constructed and installed to standards defined by the Department.
 - e. No sign permit required, but such signs shall be constructed to standards required for a permanent sign as described by the Arizona Sign Association.
8. Directional Sign. A permanent, on-site sign which includes sign copy ~~offering restricted to pertinent~~ directional information for the purpose of assisting in the flow of vehicular or pedestrian traffic.
- a. Such signs shall not exceed three (3) feet in height nor six (6) square feet in area;
 - b. Such signs may include a business logo but no other ~~advertising~~ sign copy;
 - c. Such signs may be free standing monument signs only;
 - d. Such signs are permitted in all zoning districts;
 - e. No sign permit required.
9. Directory Sign. A sign listing name, use and/or location within a building, building complex, or multiple-tenant commercial building.
- a. Such signs may be utilized in all Zoning Districts;
 - b. Such signs shall not exceed six (6) feet in height nor six (6) square feet in area;
 - c. ~~Such signs shall not include any advertising copy;~~ Such signs shall only identify the name of business or use and location within a building or complex for which the sign is intended;
 - d. No sign permit required unless such directory sign will be visible from off premises.
10. Flags. (Ord. No. 03-09)
- a. Flag poles shall not exceed thirty-five (35) feet in height, except for those displaying the flags of the United States of America or the State of Arizona which may be erected to a height not to exceed one hundred (100) feet; (Ord. No. 03-09)
 - b. Any flag flown in conjunction with the United States and/or State of Arizona Flag shall be flown beneath them and shall not exceed them in size;
 - c. No more than three (3) flagpoles shall be placed on any one (1) site, unless a request is approved in the same manner as a comprehensive sign plan pursuant to

- this Article. No more than (2) flags shall be flown on any one flagpole. (Ord. No. 03-09)
- 1) On officially recognized United States and Arizona Holidays, there shall be no maximum flag size or number or other limitations on display, however, flag displays on officially recognized United States and Arizona Holidays shall meet all other requirements of this Article. (Ord. No. 03-09)
- d. Flags of corporate entities shall only be permitted in the Commercial and Industrial Zoning Districts, unless a request is approved in the same manner as a comprehensive sign plan pursuant to this Article. The maximum size of any corporate entity flag shall not exceed fifteen (15) square feet, with no one dimension to exceed six (6) feet in any direction; (Ord. No. 03-09)
 - e. Residential developments may display a maximum of six (6) flags which do not include sign copy or logos along the street frontage containing the development's main entry. The maximum size of such flags shall not exceed fifteen (15) square feet, with no one dimension to exceed six (6) feet in any direction. For residential subdivisions, such signs may be maintained for a period of three (3) years, or until all the lots in the subdivision are sold, whichever occurs first. Extensions to the three (3) year time limit may be requested from the Planning Manager. (Ord. No. 2011-01)
 - f. All such flag poles shall be located a minimum of one (1) foot from the edge of street right-of-way.(Ord. No. 03-09)
 - g. Except as otherwise provided by this Article or the United States Flag Code, all flags shall be displayed on flagpoles. Display of the American Flag shall be in accordance with the United States Flag Code. (Ord. No. 03-09)
 - h. Torn, faded, or soiled flags shall be prohibited.
 - i. No sign permits required unless otherwise noted. (Ord. No. 03-09)
11. Freestanding Monument Signs. A sign which is erected, or mounted on its own self-supporting permanent structure or base detached from any supporting elements of a building or wall. (Ord. No. 97-39)
- a. Such signs, including their supporting structures, shall not exceed eight (8) feet in height except when abutting Grand Avenue or Bell Road. Single-user freestanding monument signs abutting Grand Avenue and Bell Road shall not exceed twelve (12) feet in height and Multi-tenant freestanding monument signs abutting Grand Avenue and Bell Road shall not exceed fourteen (14) feet in height.
 - b. Such signs, for individual businesses or noncommercial establishments not abutting Grand Avenue or Bell Road, whether part of a complex or center, shall not exceed thirty-two (32) square feet in area, unless otherwise provided herein. Signs for multiple tenant commercial buildings, complexes or centers, whether commercial or not and not abutting Grand Avenue or Bell Road, shall not exceed forty-eight (48) square feet in area, unless otherwise provided herein. For individual businesses or non-commercial establishments, abutting Grand Avenue or Bell Road, whether part of a complex or center, such signs shall not exceed forty-eight (48) square feet in

area, unless otherwise provided herein. Signs for multiple tenant commercial buildings, complexes or center, whether commercial or not, abutting Grand Avenue or Bell Road, shall not exceed seventy-two (72) square feet in area.

- c. All such signs shall have monument-type bases of masonry construction. A comparable alternate basic material may be used upon approval by the City;
- d. All such signs shall require a landscape area equal to four (4) square feet for each square foot of sign area. This landscape area shall be located around the base of the sign.
- e. All such signs shall be located a minimum of one (1) foot from the edge of street right-of-way;
- f. Such signs shall only identify the name of the business, the center/complex, or place for which the sign is intended unless otherwise permitted in Section 14-34-9;
- ~~g. Such signs shall not include any advertising copy;~~
- ~~g.h.~~ Such signs may be illuminated only by externally illuminated indirect or internal lighting;
- ~~h.i.~~ Address numerals shall be included on all freestanding sign structures. The numerals shall be no smaller than six (6) inches in height and no larger than twelve (12) inches in height;
- ~~i.j.~~ Sign permit required.

12. Freestanding Municipal Recreation/Entertainment Facility Identification Sign. A sign which is erected, or mounted on its own self-supporting permanent structure or base which is utilized to identify and advertise municipal recreation/ entertainment facilities and events. (Ord. No. 94-09)

- a. One such sign shall be allowed for a facility which is comprised of one hundred (100) gross acres or more;
- b. Such signs, including their supporting structures, shall not exceed thirty-five (35) feet in height and two hundred square (200) feet in area. A minimum of fifty percent (50%) of the total sign area shall be limited to the facility name and/or logo. The sign area for such signs shall not be included in the total sign area allowed for the facility;
- c. Such signs may contain advertising panels and/or electronic devices such as reader boards utilized for advertising on-site and off-site events, services and products, including but not limited to municipal events;
- d. All such signs shall be located a minimum of five (5) feet from the street property line.
- e. Such signs may be located on-site or off-site, however, off-site signs must be erected within one-half (1/2) mile of the recreation/entertainment facility and off-site signs shall not be closer than fifty (50) feet to any neighboring building;

- f. Such signs may be illuminated; however, off-site signs shall not be illuminated if located within two hundred (200) feet of a residential use or residential zoning district;
 - g. Sign permit required.
13. Freestanding Wall Sign. A sign consisting of individual letters on a wall which is detached from, but architecturally integrated with the building.
- a. Such signs shall not exceed five feet (5') in height and must be a minimum of one foot (1') above ground level.
 - b. For individual businesses less than 50,000 square feet in area or non-commercial establishments, whether or not part of a complex or center, such signs shall not exceed thirty-two square feet (32') in area, unless otherwise provided herein and must not cover more than fifty percent (50%) of the wall surface. For individual businesses greater than 50,000 square feet, multiple tenant commercial buildings, complexes or centers, whether commercial or non-commercial, such signs must be no larger than ninety-six square feet (96'), unless otherwise provided here in, and must not cover more than fifty percent (50%) of the wall surface;
 - c. Such signs shall be located a minimum of five feet (5') from the street property line.
 - d. Such signs shall consist of only the name of the business building complex for which the sign is intended unless otherwise permitted in Section 14-34-9.
 - e. All such signs shall require a landscaped area equal to four (4) square feet for each square foot of sign area. This landscaped area shall be located around the base of the sign;
 - ~~f. Such signs shall not include any advertising copy;~~
 - ~~f.g.~~ Address numerals shall be included on all freestanding wall signs. The numerals shall be no smaller than four inches (4") in height and no larger than twelve inches (12") in height;
 - ~~g.h.~~ Such signs may be illuminated only by indirect or internal lighting;
 - ~~h.i.~~ Such signs shall be located only in a landscape area which extends the full distance of a property's street frontage on which a freestanding wall sign is located. The area shall be a minimum of twenty feet (20') in depth from the property line and may be penetrated by access drives.
 - ~~i.j.~~ Sign permit required.
14. Freeway Monument Sign. A freestanding single user or multi-tenant sign identifying an on-premise use, on property abutting or part of a complex/center abutting the Agua Fria Freeway right-of-way, oriented to and intended to be read from the freeway. For the purposes of this section a center/complex shall further be defined to include those

projects under a common zoning case or development without regard to property ownership or individual parcel use. (Ord. No. 97-16)

a. General Requirements.

- 1) Freeway Monument Signs shall be allowed only on properties zoned for commercial or industrial uses;
- 2) For every 1,320 linear feet of freeway frontage, one (1) freeway monument sign shall be allowed per site, development, project, or center with a maximum of three (3) freeway monument signs per site, development, project or center. Such signs shall not be located off-premise, except that a multi-tenant complex/center sign may identify users within the complex/center located on separate parcels; (Ord. No. 00-30)
- 3) Buildings in excess of three (3) stories shall be identified only by a Freeway Monument Sign or a Building Mounted Wall Sign and shall not be eligible for the construction of or inclusion on both types of signs.
- 4) For the purposes of this section, the height of all Freeway Monument Signs shall be measured as the vertical distance from the finished grade of the site to the highest point of the sign structure;
- 5) Freeway monument signs shall not be counted as a portion of the total sign area of the user(s);
- 6) All such signs shall be required to provide an architecturally enhanced treatment for the sign base, pole cover and supports compatible with the individual business or the complex/center. Pole covers and sign base shall be a minimum of thirty five percent (35%) of the full sign width; (Ord. No. 00-30)
- 7) All such signs shall require a landscaped area equal to four (4) square feet of landscaping for each square foot of sign area and shall be located around the base of the sign;
- 8) For the purposes of this section, such signs shall only identify the name of the business, the center/complex, or the place for which the sign is intended. ~~Such signs shall not include any advertising copy;~~
- 9) Such signs may be illuminated by externally illuminated indirect or internal lighting;
- 10) Freeway Monument Signs shall not be allowed within a natural or manmade watercourse;
- 11) Freeway Monument Signs shall be subject to all applicable Arizona Department of Transportation sign regulation standards;
- 12) Sign permits required.

- b. Single Tenant Signs: In addition to subsection a. General Requirements, the following additional requirements shall apply to single tenant freeway monument signs:
 - 1) Such signs shall not exceed thirty-five (35) feet in height and one hundred and forty (140) square feet in sign area;
 - 2) All such signs shall maintain a minimum of two hundred (200) foot spacing from any other freeway monument sign;
 - 3) All such signs shall be located a minimum of fifty (50) feet from any non-freeway lot line and a minimum of one hundred (100) feet from any residentially zoned property;
 - 4) All such signs shall be allowed an extra three (3) feet in height for architectural embellishments where architectural embellishments are defined as elements of a sign incorporating architectural features of the associated building or development. Embellishments shall not include any feature, figure or emblem conveying a commercial message and may not constitute more than twenty percent (20%) of sign area.
 - c. Multi-tenant Signs. In addition to subsection a. General Requirements, the following additional requirements shall apply to multi-tenant freeway monument signs:
 - 1) Such signs shall not exceed forty-five (45) feet in height and two hundred (200) square feet in total sign area;
 - 2) For the purpose of this section, Multi-tenant freeway monument signs shall be allowed an extra twenty percent (20%) of sign area for identification of the center/complex;
 - 3) All such signs shall maintain a minimum of two hundred (200) foot spacing from any other freeway monument sign;
 - 4) All such signs shall be located a minimum of fifty (50) feet from any non-freeway lot line and a minimum of two hundred (200) feet from any residentially zoned property;
 - 5) All such signs shall be allowed an extra three (3) feet in height for architectural embellishments where architectural embellishments are defined as elements of a sign incorporating architectural features of the associated building or development. Embellishments shall not include any feature, figure or emblem conveying a commercial message and may not constitute more than twenty percent (20%) of the sign area.
15. Future Development Sign. A sign which announces the proposed development of property, prior to the issuance of building permit.
- a. Such signs shall include sign copy identifying the name(s) of the project architect, developer and contractor, and relevant project information;

Ordinance No. 2013-16
September 17, 2013

- b. Such signs shall not exceed thirty-two (32) square feet in area nor eight (8) feet in height;
- c. Such signs may be maintained for a period not to exceed twelve (12) months prior to obtaining building permits for a development and shall be removed prior to issuance of a Certificate of Occupancy;
- d. Such signs shall not be internally illuminated;
- e. All such signs shall be located on the development site;
- f. Only one (1) sign shall be displayed per street frontage;
- g. Sign permit required.

16. Gasoline Service Station Signs.

- a. Service Station Identification/Price Sign. A permanently mounted, two component sign displaying business identification and the retail cost of a gallon of gas/diesel on the premises of the service station.
 - 1) One such sign per street frontage;
 - 2) Such sign shall not exceed thirty-two (32) square feet in area nor eight (8) feet in height;
 - 3) The price component of the sign shall not exceed four (4) feet in height, or sixteen (16) square feet in area;
 - 4) The sign shall have a landscape area at the base of each sign equal to at least four (4) square feet for each square foot of sign area;
 - 5) The sign shall have a monument base of masonry construction. A comparable alternate base material may be used, upon written approval of the Planning Director;
 - 6) Sign permit required.
- b. Pump-Topper Sign. A sign which is affixed to the top or sides of an operable, fuel dispensing pump.
 - 1) Such signs shall not exceed three (3) square feet in area;
 - 2) Such signs shall only display instructional information or price information and shall not include ~~advertising~~ sign copy pertaining to any product, sale or promotion;
 - 3) No sign permit required.

17. Grand Opening Signs. A sign used for the introduction or promotion of a new business, store, shopping center, office or the announcement of an established business changing ownership. (Ord. No. 08-07)
- a. All businesses shall be permitted to display Grand Opening Signs, on a one time basis, for a maximum of thirty (30) consecutive days;
 - 1) For a period extending no later than June 30th, 2014, the following regulations for grand opening signage shall apply:
 - a) All businesses shall be permitted to display Grand Opening Signs on a one time basis for a maximum of sixty (60) consecutive days within the first six (6) months upon receipt of a valid business license.
 - b) Portable A-frame (or similar design) signs shall be permitted, provided that each sign shall be placed on private property, shall not impede pedestrian or vehicular traffic, and shall not exceed thirty-six (36) inches in height or a total of six (6) square feet in area.
 - b. For the purposes of this regulation, Grand Opening Signs shall include sign banners, balloons, streamers, search lights, flags, pennants, inflatable structures, merchandise or other attention attracting media and devices. Vehicle mounted signs, flashing lights and portable signs are prohibited except as may otherwise be provided in this Ordinance.
 - c. No sign permit required.
18. Holiday Decorations. Items or objects used to embellish and ornament physical features in celebration of a particular holiday.
- a. Holiday decorations may be displayed for civic, patriotic or religious holidays;
 - b. Such decorations shall not be displayed in such a manner as to constitute a traffic hazard;
 - c. Such decorations shall not be displayed more than twenty-eight (28) days prior to the specified holiday and must be removed nineteen (19) days after the specified holiday;
 - d. No sign permit required.
19. Lead-In Signs. A temporary sign used to direct pedestrian or vehicular traffic to a new residential development or non-residential complex or development within the City of Peoria. (Ord. No. 98-06)
- a. Such signs shall not exceed three (3) feet in height nor four (4) square feet in area, including any additional ~~advertising~~ sign copy or sign additions;
 - b. No more than fifteen (15) such signs shall be allowed for each approved residential subdivision. No more than four (4) such signs shall be displayed for all other residential and non-residential complexes or developments;

Ordinance No. 2013-16
September 17, 2013

- c. Such signs advertising the sale of new units within an approved subdivision may not be installed before 5:00 p.m. on Friday and must be removed before 8:00 a.m. on the following Monday, except when a legal holiday occurs on a Monday, signs may be removed by 8:00 a.m. the following Tuesday;
- d. All such signs shall be located within 2 miles of the subject property and no illumination shall be permitted;
- e. The back of each individual sign shall contain the permit number and the name of the sign company or developer/builder responsible for the proper installation of the sign; (Ord. No. 00-30)
- f. No such sign, regardless of subdivision ownership, shall be located within twenty (20) feet of another subdivision lead-in sign;
- g. No more than two (2) such signs advertising the same development shall be located at any one street intersection;
- h. Such signs utilizing in-ground sleeves are prohibited;
- i. No sign shall be attached to any traffic control device, light pole, utility pole, traffic barrier, bridge, tree, landscaping, natural fixture, specifically placed in or touching any plant, shrub, ground cover or plant irrigation system, and such signs shall not be located within twenty (20) feet of an irrigation box, utility cabinet or fire hydrant; (Ord. No. 00-30)
- j. Such signs shall not be placed in any island median, within ten (10) feet of the edge of pavement where no curb exists, or between the sidewalk and the curb. Such signs may not be located such that the sign causes an obstruction to a public sidewalk, bicycle way or trail nor shall such signs be placed on private property without written permission of the property owner;
- k. Signs which are deemed to be unsafe, defective or which create an immediate hazard to persons or property or are not in compliance with the provisions of the sign code shall be declared to be a public nuisance and shall be subject to immediate abatement and disposal by the City. Additionally, signs advertising projects located outside of the City of Peoria shall be removed and disposed of by the City;
- l. The person, party or parties responsible for the erection or distribution of any such signs in violation of the City of Peoria Zoning Ordinance will be subject to issuance of a city code violation citation and shall be held jointly and severally liable for damages to property caused by such signs including damage done to landscaping or landscape irrigation systems; (Ord. No. 00-30)
- m. A sign permit shall be required for each approved residential subdivision utilizing such signs. Applicants shall provide to the City a plan showing the locations of all such signs. Any changes to an approved sign plan shall be approved by the City.

20. Master Planned Development Marketing Sign. A temporary marketing identification sign listing participating developers/builders within a Master Planned Development. (Ord. No. 91-28)
 - a. Such signs are only allowed for Master Planned Developments as defined herein;
 - b. Such signs shall not exceed sixteen (16) feet in height nor ninety-six (96) square feet in area;
 - c. Only one (1) such sign shall be displayed per street frontage (perimeter), with a maximum of four (4) such signs per Master Planned Development;
 - d. Master Planned signs shall be required for Master Planned Developments in lieu of On-Site Subdivision Advertising Signs; (Ord. No. 00-30)
 - e. Such signs shall be in accordance with the sight distance requirements for arterial and collector streets as described in the City of Peoria Infrastructure Guidelines.
21. Menu Board. A permanently mounted sign advertising the bill of fare for a restaurant, drive-in, or drive-through restaurant.
 - a. Menu Boards shall not exceed six (6) feet in height nor thirty (30) square feet in area and shall not exceed a maximum of two (2) per restaurant; (Ord. No. 00-30)
 - b. Freestanding menu Boards shall have a monument base of masonry construction and shall have a landscape area at the base of the sign equal to at-least two (2) square feet for each square foot of sign area. A comparable alternate base material may be used upon written approval of the Planning Director;
 - c. All signs shall be located a minimum of forty-five (45) feet from the street property line; (Ord. No. 00-30)
 - d. The sign area for a menu board shall not be counted in the total aggregate sign area for the business;
 - e. Sign permit required.
22. Nameplate Signs. A sign to identify occupants of residences, offices, businesses, or other types of uses.
 - a. Such signs shall include only the name of the resident, business, agency or other establishment occupying premises and times of occupancy.
 - b. Only one nameplate sign per parcel or lot is allowed.
 - c. Such signs shall be freestanding wall mounted or building mounted only and shall be placed no higher than five (5) feet above the ground.
 - d. Such sign shall not exceed two (2) square feet in area.
 - e. No sign permit required.

23. Off-Site Master Planned Development Directional Sign. A temporary sign to provide travel direction to a Master Planned Development. (Ord. No. 02-96)
- a. Such signs are only allowed for Master Planned Developments as defined herein;
 - b. Such signs may be used in lieu of Off-Site Subdivision Directional signs for all subdivisions within the Master Planned Development;
 - c. Such signs shall not exceed fourteen (14) feet in height;
 - d. A maximum of eight (8) such signs may be erected per Master Planned Development;
 - e. The total aggregate sign area of all such signs for a Master Planned development shall be two hundred fifty-six (256) square feet. The total aggregate area may be increased one (1) square foot for each one (1) acre the Master Planned Development exceeds two hundred fifty-six (256) acres, not to exceed a maximum of six hundred (600) square feet. The total area of one such sign shall not exceed two hundred (200) square feet;
 - f. Such signs shall be located only on major or minor arterial streets identified in the Peoria Comprehensive Master Plan;
 - g. Such signs must be located within a four (4) mile radius of the Master Planned Development;
 - h. Such signs shall maintain a minimum one-half (1/2) mile separation from any other sign on the same street frontage for the same development. Such signs shall maintain a minimum one-fourth (1/4) mile separation from any other such sign on a different street frontage which advertises the same development.
 - i. Such signs shall be placed only on undeveloped property not within a public right-of-way or easement. Placement on property not owned by the applicant requires written permission of the property owner of record;
 - j. Advertising Sign copy shall be permitted to provide the name of the Master Planned Development, travel directions and describe the type of product offered (e.g. single-family townhome, etc.), and the home builder(s) or subdivision(s) name.
 - k. Such signs may not be illuminated;
 - l. Such signs may be maintained for a period of five (5) years, or until all the lots within the Master Planned Development are sold, whichever occurs first; extensions to the five (5) year time limit may be requested from the Planning and Zoning Commission;
 - m. Sign permit required.
24. Off-Site Subdivision Directional Sign. A temporary sign not located on the premises, used to advertise a recorded subdivision. (Ord. No. 98-06)

Ordinance No. 2013-16
September 17, 2013

- a. Such signs may be maintained for a period of three (3) years, or until all the lots in the subdivision are sold, whichever occurs first; extensions to the three (3) year time limit may be requested from the Planning and Zoning Commission;
 - b. Such signs may not be illuminated;
 - c. A maximum of two (2) such signs may be erected per recorded subdivision;
 - d. Such signs must be erected within two (2) miles of the subdivision for which the sign is advertising;
 - e. Total signage area for each sign shall not exceed thirty-two (32) square feet including any snipe signs or sign additions. The maximum height of such signs shall not exceed eight (8) feet;
 - f. Such signs shall maintain a minimum seventy-five (75) foot visibility triangle at street intersections, a minimum thirty-three (33) foot visibility triangle at driveways, shall not be located less than ten (10) feet behind the edge of pavement and shall not be located so as to create a hazard to pedestrian or vehicular traffic as determined by City Staff;
 - g. The use of portable signs and in-ground sleeves for such signs is prohibited;
 - h. Such signs shall be placed only on undeveloped property not within a public right-of-way or public easement; placement on private property requires written permission of the property owner; such signs shall not be located within one hundred (100) feet of any existing structure;
 - i. Advertising Sign copy shall be permitted to provide travel directions and to describe the type of product offered (e.g. single-family, townhome, etc.);
 - j. Final design and location submitted as part of a signage package to be reviewed and approved by the City;
 - k. Sign permit required.
25. On-Site Master Planned Development Directional Sign. A temporary or permanent sign used to provide directional information to residential, commercial, recreational and other amenities within the interior of the development. (Ord. No. 91-28)
- a. Such signs are only allowed for Master Planned Developments as defined herein;
 - b. Such signs shall not exceed six (6) feet in height nor thirty-two (32) square feet in area;
 - c. Four (4) such signs may be erected per Master Planned Development, however, the Planning Director may authorize permits for more than four (4) signs if the Director determines that all of the following exists:
 - 1) Existence of additional intersections consisting of arterial and major/primary collector roadways as defined in the Comprehensive Master Plan.

- 2) Need for additional identification of amenities or subdivisions within the Master Planned Development.
 - 3) Will not negatively impact upon public health, safety and welfare.
 - d. Such signs must be located within the interior of the project, a minimum of two hundred (200) feet from any perimeter street of the development;
 - e. Such signs shall be placed on property not within a public right-of-way or easement. Placement on property not owned by the applicant requires written permission of the property owner of record:
 - f. Permanent signs shall only identify amenities within the Master Planned Development and may be illuminated:
 - g. Temporary signs may identify individual subdivisions and may be maintained for a period of three (3) years, or until all lots within the subdivision are sold, whichever occurs first. Extensions to the three (3) year time limit may be requested from the Planning and Community Development Director or designee~~Planning and Zoning Commission~~. Such signs shall not be illuminated;
 - h. Sign permit required.
26. On-Site Subdivision Advertising. A temporary sign used to advertise a recorded subdivision. The sign is located on premises.
- a. Such signs may be maintained for a period of three (3) years, or until all the lots in the subdivision are sold, whichever occurs first; extensions to the three (3) year time limit may be requested from the Planning and Community Development Director or designee~~Planning and Zoning Commission~~.
 - b. Such signs may be externally indirectly illuminated only, but shall not be located within one hundred (100) feet of any existing structure;
 - c. Only one such sign shall be displayed per street frontage (perimeter), with a maximum of two (2) such signs per recorded subdivision;
 - d. Total signage area for all subdivision advertising signs per recorded subdivision shall not exceed ninety-six (96) square feet; maximum height shall be sixteen (16) feet; (Ord. No. 97-31)
 - e. Final design and location submitted as part of a signage package to be reviewed and approved by the Plans Review Committee;
 - f. Such signs shall be in accordance with the sight distance requirements for arterial and collector streets as described in the City of Peoria Infrastructure Guidelines. (Ord. No. 00-30)
 - g. Sign permit required.

27. Permanent Master Planned Development Identification Sign. A permanent sign used to identify a Master Planned Development. (Ord. No. 91-28)
- a. Such signs are only allowed for Master Planned Developments as defined herein;
 - b. Such signs shall not exceed eight (8) feet in height nor eighty (80) square feet in area;
 - c. A maximum of eight (8) such signs may be erected per Master Planned Development;
 - d. Such signs shall only be located on major or minor arterial streets identified in the Comprehensive Master Plan;
 - e. Such signs shall be located on property which was included in the original rezoning area or subdivision for the development. The applicant shall be responsible for furnishing documentation of the original rezoning area or subdivision plat;
 - f. Such signs shall be placed on property not within a public right-of-way or easement. Placement on property not owned by the applicant requires written permission of the property owner of record;
 - g. Such signs shall consist of only the name and/or logo of the Master Planned Development. The name of the project may include such words as "A Master Planned Community". Such signs may not identify a specific development or use within the project;
 - h. Such signs shall be wall mounted and shall include a landscape area equal to eight (8) square feet for each square foot of sign area;
 - i. Such signs may be illuminated;
 - j. Sign permit required.
28. Permanent Subdivision Identification Signs. A permanent sign used to identify a recorded subdivision. (Ord. No. 96-03)
- a. Such signs shall not exceed sixty-four (64) square feet in area. A sixty-four (64) square foot sign may be displayed on one or both sides of a street providing direct access to the subdivision and serving as a major entry;
 - b. Such signs shall be wall mounted and shall include a landscape area equal to at least four (4) square feet for each square foot of sign area;
 - c. Such signs shall not exceed six (6) feet in height if the sign is a freestanding monument sign; such signs may be located on perimeter walls higher than six (6) feet as provided by Section 14-3-14;
 - d. Such signs shall consist of only the name of the subdivision for which the sign is intended;

Ordinance No. 2013-16
September 17, 2013

- e. ~~Such signs shall not include any advertising copy;~~
 - f. Such signs may be only externally illuminated. No internal lighting allowed. (Ord. No. 96-03)
 - g. Sign permit required.
29. Political Signs. Except as otherwise provided by ARS §16-1019, a temporary sign used to support or oppose the candidacy of an individual or ballot proposition/issue, or to encourage citizens to vote. Such signs shall be permitted within all zoning districts. (Ord. No. 97-40, Ord. No. 2012-06)
- a. Such signs may be located within the City right-of-way provided they are not:
 - i. hazardous to public safety;
 - ii. within a required visibility triangle, or clear vision area;
 - iii. within a roadway median or traffic circle;
 - iv. affixed to any City-owned utility pole, traffic control device or safety barrier;
 - v. located in a manner that interferes with the requirements of the Americans with Disabilities Act;
 - vi. located in any designated commercial tourism, commercial resort, and hotel sign-free zones designated by the City Council pursuant to ARS §16-1019; and
 - vii. otherwise in violation of a requirement found in this Section. (Ord. No. 04-02, Ord. No. 2012-06)
 - b. Except as provided herein, such signs shall not be located on City-owned property, buildings, or structures;
 - c. Such signs shall be located on property with the owner's permission. It shall be presumed the property owner has given permission unless the property owner notifies the city otherwise; (Ord. No. 04-02)
 - d. Such signs shall be installed no sooner than ninety (90) days prior to a primary election day. For candidates not advancing to the general election, such signs shall be removed within fifteen (15) days after the primary election day. For candidates advancing to the general election, such signs shall be removed within fifteen (15) days following the general election day;
 - e. Signs shall not exceed thirty-two (32) square feet in area or eight (8') feet in height, except for signs located in the right-of-way along Local or Rural classified roadways in residential zoning districts, which shall not exceed 16 square feet in area or eight (8) feet in height. When free-standing, political signs shall be constructed to Arizona Sign Association Sign Standards;
 - f. Such signs shall contain the name and telephone number of the candidate or campaign committee contact person. The person, party or parties responsible for the erection or distribution of any such signs shall be jointly and severally liable for the removal of such signs;
 - g. Such signs which are deemed to be unsafe, defective or which create an immediate hazard to persons or property or are not in compliance with the provisions of this

section shall be declared to be a public nuisance and shall be subject to removal by the City in accordance with state statutes; (Ord. No. 04-02, Ord. No. 2012-06)

h. No sign permit required.

30. Sale, Lease, or Rent Sign. A temporary sign used to advertise the availability of real property. (Ord. No. 02-66)

a. For properties 15 acres or less, such signs shall not exceed six (6) square feet in area and five (5) feet in height;

b. For properties greater than 15 acres:

1) Signs fronting on a Freeway, Lake Pleasant Parkway, Bell Road and Grand Avenue shall not exceed sixty-four (64) total square feet and twelve (12) feet in height.

2) Signs fronting on all other streets shall not exceed thirty-two (32) total square feet in area and ten (10) feet in height.

c. Such signs shall only be displayed on the property for which they pertain. Only one sign shall be displayed per street frontage;

d. Such signs shall not be illuminated;

e. Sign permit required for signs greater than six (6) square feet in area.

31. Sign Walkers. A person who wears, holds, or balances a sign that conveys a commercial message, including a costume sign. A "costume sign" is defined as clothing that is integral to the conveyance of a commercial message. Commercial logos and other commercial identification on shirts, hats and other aspects of personal appearance are not costume signs.

a. General Provisions:

1) Signs shall be held, worn, or balanced at all times.

2) The following elements shall be prohibited: Any form of animation or illumination, including flashing, blinking or rotating lights; mirrors or other reflective materials; and attachments, including but not limited to balloons, ribbons, or speakers.

3) Sign walkers may only operate during the hours the business, event, or sales office is open.

4) No sign displayed by a sign walker shall exceed six (6) feet in any one direction and twelve (12) square feet in area per sign face.

5) Sign permit required. Said permit shall be renewed no later than one (1) year upon receipt. A copy of the approved sign permit must be held on person during use.

- 6) Signage displayed for charitable events shall meet the general and locational requirements contained herein (Sections 14-34-8.31.a/b). No permit is required for charitable events.

b. Location:

- 1) Sign Walkers shall not operate within thirty (30) feet from any street intersection, and at least thirty (30) feet from any vehicular ingress or egress point into a complex/center, establishment, or residential development. No Sign Walker shall be permitted to display within a median or on a street. Sign Walkers may be located within the public right-of-way, but may not obstruct pedestrian/vehicular traffic.
- 2) Sign Walkers shall not locate or operate in drive aisles, parking stalls, driveways, or on sidewalks in a manner that provides less than a minimum of four (4) feet free and clear for pedestrian passage and/or causes a hazard to pedestrian traffic.
- 3) Sign Walkers and any accompanying display shall not be located on walls, boulders, planters, other signs, vehicles, utility facilities, or any structure.

c. Non-Residential Centers/Districts

- 1) Signage may be located on the frontage(s) upon which the business public entry is oriented to. In the event that a business is interior to a center/complex and does not front immediately on a street, that business may place a sign walker within the frontage for the complex/center.
- 2) A maximum of one (1) such sign shall be permitted per establishment. Such signage may be displayed for a period of one calendar year from the date of approval. A new permit may be obtained upon the expiration of the previous permit.

d. Residential Development

- 1) Sign Walkers shall be located on the nearest arterial roadway of the residential subdivision or multi-family development to which the sign pertains.
- 2) One (1) Sign Walker shall be permitted per subdivision or residential development. Such signage may be displayed for a period of one calendar year from the date of approval. A new permit may be obtained upon the expiration of the previous permit.

32. Temporary Event Sign. A sign not intended or designed for permanent display. Signs established for a fixed period of time with the intent to discontinue the use of such sign upon the expiration of the time period. Temporary Event Signs shall include but shall not be limited to Yard Sales, Garage Sales, Open House, Christmas Tree and Pumpkin Patch sales lots, and signs identifying the premises of, or announcing the activities conducted by a religious institution, school, civic organization, or similar institutional facilities. (Ord. No. 02-16)

Ordinance No. 2013-16
September 17, 2013

- a. Such signs may be located in the public right-of-way but shall not be placed on a street, on a median dividing a street, or in a manner that obstructs pedestrian or vehicular traffic. Such signs, which may include "A-Frame" and other removable signs shall not be affixed to or otherwise obstruct the use and visual identity of any landscaping, natural features, telephone poles, utility poles, fire hydrant, traffic barrier, or traffic control devices. Such signs shall be secured or weighted so as to resist displacement by wind, inadvertent contact by passerby and similar disturbances;
 - b. Such signs shall not exceed three (3) feet in height and six (6) square feet in area, except as may otherwise be provided in this Ordinance. However, one (1) banner sign not exceeding twenty-four (24) square feet in area and eight (8) feet in height may be permitted on the premises to which the event pertains. All such signs shall include wind cuts to reduce sign billowing or sailing and shall be securely fastened to a building, wall or fence on the premises; (Ord. No. 03-01)
 - c. A maximum of four (4) signs shall be allowed per event;
 - d. Temporary Event Signs may be installed no sooner than forty-eight (48) hours prior to the event and must be removed within twelve (12) hours upon the completion of the event;
 - e. Such signs shall not be illuminated, animated, or emit any artificial light, except as may otherwise be provided in this Ordinance; (Ord. No. 03-01)
 - f. Such signs shall only be located within a two-mile radius of the premises to which the event pertains;
 - g. No sign permit required.
33. Window Signs. A sign or signage placed in windows so as to attract the attention of persons outside of the building where the sign or signage is placed.
- a. Window signage shall be limited to twenty-five percent (25%) of the total window area in which it is placed;
 - b. Window signage shall not be placed above the ground floor of the building;
 - c. No sign permit required.
- B. Prohibited Signs. Signs that are not specifically authorized are expressly prohibited. Prohibited signs include, but are not limited to the following:
1. Any non-public signs in existing and future public right-of-way, as defined in the Peoria General Plan or the Peoria Street Classification Map, whichever is more restrictive, or on public property, except as may otherwise be provided in this Ordinance. The City may install signs on its own property to identify public buildings and uses, and to provide necessary traffic control;
 2. All roof-mounted signs;

Ordinance No. 2013-16
September 17, 2013

3. All off-premise signs not designated as temporary or otherwise allowed by this Ordinance. (Ord. No. 94-09)
 4. All portable signs, except as otherwise provided. Portable signs shall include, but are not limited to, signs which are mounted, attached, or painted on trailers, boats or vehicles when used as additional signage on or near the business premises. Business vehicles displaying signage or advertising shall be parked in an assigned parking space, a minimum of fifteen feet (15') from any street right of way line; (Ord. No. 00-30)
 5. Flag-mounted signs, except as otherwise provided;
 6. All signs having intermittent or flashing illuminations, signs having animated or moving parts, or that emit sound except as may otherwise be provided in this Ordinance; (Ord.No. 03-01)
 7. Freestanding wall changeable copy/marquee signs:
 8. All banners, pennants, streamers, balloons, flags, search lights, strobe lights, beacons, inflatable signs, except as otherwise provided;
 9. Any sign imitating an official traffic control sign, device, or obscuring such signs or devices, except as may otherwise be provided in this Ordinance; (Ord. No. 03-01)
 10. All signs mounted on, or applied to trees, utility poles, rocks or City owned property, except as otherwise provided;
 11. Any sign placed on private property without the property owner's written approval;
 12. Temporary or permanent "A-frame" sandwich signs, except as otherwise permitted herein; (Ord. No. 98-07)
 13. Signs that are illegally displayed on City right-of-way or on City property; and,
 14. Any sign which interferes with or confuses traffic, or presents a traffic hazard. (Ord. No. 98-07)
- C. Comprehensive Sign Plan. The Comprehensive Sign Plan is intended to provide a flexible approach to allow signage not in strict compliance with the provisions of this article. The purpose of the Comprehensive Sign Plan is to provide for the establishment of sign criteria tailored to a specific development or location that promotes superior design through architectural integration of the buildings, site and signs. The Comprehensive Sign Plan will be appropriate for the development, provide adequate identification and information, encourage a good visual environment, promote traffic safety and regulate to the extent necessary to be consistent with the purpose and intent of the City of Peoria Sign Code. The provisions set forth in this Section shall apply to both existing and proposed developments. (Ord. No. 97-21)
1. The Comprehensive Sign Plan is intended to allow increased sign height and area as provided for in this section. The application of this plan shall be limited to the following conditions.

Ordinance No. 2013-16
September 17, 2013

- a. The Comprehensive Sign Plan may propose signage which in height and area is no more than twenty-five (25) percent greater than is permitted in the Zoning District in which the use is located;
 - b. The Comprehensive Sign Plan shall not propose signage of a type that is otherwise prohibited by this Article except off-site directional signs. All proposed off-site directional signs shall be reviewed against the criteria set forth herein with a maximum of two (2) off-site signs per plan each a maximum of twenty-four (24) square feet. No off-site signage shall exceed eight (8) feet in height;
 - c. The Comprehensive Sign Plan shall be limited to those projects which individually or collectively exceed twenty-five (25) gross acres in size and meet the locational criteria set forth in Section B.2 below;
 - d. The additional height and area allowances of the Comprehensive Sign Plan shall not be applied to freeway monument signs;
2. The Comprehensive Sign Plan option shall be available only in the locations listed below.
- a. Areas designated and developed as Community Commercial or Business Park Industrial on the Land Use Plan of the Comprehensive Master Plan;
 - b. Stadiums, race tracks and similar recreation and entertainment facilities;
 - c. Hospitals;
 - d. Regional Parks;
 - e. Designated Redevelopment Areas;
 - f. Resort Developments;
 - g. Centers for Higher Education.
3. The applicant shall submit all of the documents, information, data, and other requirements for Comprehensive Sign Plan approval to the City. The applicant shall be responsible for furnishing any additional information and materials relevant to the application that the City reasonably believes is necessary in order to understand the application and to ensure compliance with the requirements of City codes.
4. Application for the review and approval of a Comprehensive Sign Plan shall be submitted and reviewed concurrently with a site plan or preliminary subdivision plat.
- a. Fees for the submittal and review of Comprehensive Sign Plans shall be as set forth by the City Council.
 - b. The construction and placement of individual signs contained in the approved Comprehensive Sign Plan shall be subject to the issuance of a sign permit in accordance with Sections 14-34-16 to 14-34-29.

5. Comprehensive Sign Plans shall be evaluated based upon the following criteria.
 - a. Size and Height: All proposed signage shall be no larger than necessary or allowed for sufficient visibility and legibility. Factors to be considered in determining appropriate size and height include topography, traffic volumes, traffic speeds, visibility ranges, impact on adjacent properties, and copy size.
 - b. Location and Orientation: All proposed signage shall respect both the developed and undeveloped surrounding environment. Signs should be located and oriented appropriately to allow sufficient visibility and legibility. Factors that may be considered in reviewing the appropriateness of the sign location and orientation may include; location relative to the surrounding streets, traffic volumes and access points, visibility angles and topographic features.
 - c. Colors, Materials and Types of Illumination: Signs proposed under the Comprehensive Sign Plan shall be compatible with the architecture and theme of the specific development in which the signs are located. Compatibility with the specific development shall include color, materials and architectural style. Signage should compliment and enhance the character of the project. Signage illumination and movement shall conform to Section 14-34-28 of this Ordinance.
6. All amendments to an approved Comprehensive Sign Plan shall be processed in accordance with the following procedures. Fees for the submittal and review of Comprehensive Sign Plan amendments shall be as set forth by the City Council.
 - a. Minor Amendments: Minor Amendments shall include any change which does not increase the number of signs nor increase the size or height of any sign beyond what was approved under the original Comprehensive Sign Plan Approval. All changes processed under the Minor Amendment procedures shall comply with all provisions of this Section and shall not deviate from the information provided in the original approval. Minor amendments shall be approved administratively by staff.
 - b. Major Amendments: Major Amendments shall be defined as those amendments not meeting the criteria set forth above to qualify as a Minor Comprehensive Sign Plan Amendment. Major Amendments shall be processed and approved in the same manner as the initial Comprehensive Sign Plan submittal.

14-34-9 SIGNS PERMITTED FOR NON-RESIDENTIAL USES IN THE C-1, C-2, C-3, I-1, I-2, P.A.D., P.C., O-1, PC-1, PC-2, C-4, C-5, CCM, PI-1 AND BPI ZONING DISTRICTS. (Ord. No. 96-03/96-88)

- A. For uses not part of a complex/center or multiple tenant commercial/industrial building, signs shall be in accordance with the following regulations.
 1. Sign area for permanent signs requiring permits shall be based on the floor area of the use occupying the premises as specified below:
 - a. For users occupying less than twenty thousand (20,000) square feet of floor area, the total sign area shall be the maximum of one and one-half (1.5) square feet for

- each one (1) linear foot of business front footage up to a maximum of one hundred twenty (120) square feet. (Ord. No. 96-88)
- b. For users occupying more than twenty thousand (20,000) square feet of floor area and less than 50,000 square feet of floor area, the total sign area shall be the maximum of one and one-half (1.5) square feet for each one (1) linear foot of business front footage up to a maximum of two hundred fifty (250) square feet. (Ord. No. 96-88)
 - c. For users exceeding fifty thousand (50,000) square feet of floor area, the total sign area shall be the maximum of one and one-half (1.5) square feet for each one (1) linear foot of business front footage up to a maximum of four hundred (400) square feet. (Ord. No. 96-88)
2. In the event that a user fronts on two (2) or more streets, the user shall be given the option of selecting one (1) street frontage for the purpose of computing allowable sign area.
 3. Freestanding monument signs and freestanding wall signs shall not be counted as a portion of the total sign area of the user, but shall be restricted to the following. (Ord. No. 96-88)
 - a. One freestanding monument sign or one freestanding wall sign for each street upon which the lot has frontage, up to a maximum of four (4) signs;
 - b. Such signs shall not be closer than thirty (30) feet to any residential district;
 - c. Such signs shall be located a minimum of sixty (60) linear feet from any other freestanding sign.
 - d. Such signs shall conform to the provisions of Section 14-34-8. (Ord. No. 96-88)
- B. For users which are a part of a complex/center or multiple tenant commercial building, signs shall be in accordance with the following regulations.
1. Sign permits required for signs as specified in Section 14-34-8;
 2. Sign area for permanent signs requiring permits shall be based on the floor area of the use occupying the premises as specified below:
 - a. For users occupying less than twenty thousand (20,000) square feet of floor area, the total sign area for one such business shall be the maximum of one and one-half (1.5) square feet for each one (1) linear foot of business front footage up to a maximum of one hundred twenty (120) square feet. (Ord. No. 96-88)
 - b. For users occupying more than twenty thousand (20,000) square feet of floor area and less than 50,000 square feet of floor area, the total sign area for one such business shall be the maximum of one and one-half (1.5) square feet for each one (1) linear foot of business front footage up to a maximum of two hundred fifty (250) square feet. (Ord. No. 96-88)

- c. For users occupying more than fifty thousand (50,000) square feet of floor area, the total sign area for one such business shall be the maximum of one and one-half (1.5) square feet for each one (1) linear foot of business front footage up to a maximum of four hundred (400) square feet subject to the following requirements: (Ord. No. 96-88)
 - 1) Building-mounted wall signs must be used, except as provided in Section 14-34-9.B.3;
3. When a site is developed as a complex/center or multiple tenant commercial building, one (1) freestanding monument sign or freestanding wall sign per street frontage of the entire site, up to a maximum of four (4) signs if the site is encircled by street frontage, is permitted in accordance with the following.
 - a. If a multiple tenant commercial building exceeds fifty thousand (50,000) square feet, each freestanding monument sign shall not exceed a total area of forty-eight (48) square feet nor eight (8) feet in height. Each permitted freestanding wall sign shall not exceed a total area of ninety (90) square feet nor exceed five (5) feet in height.
 - b. These signs for multiple tenant commercial buildings may identify the center and any number of tenants within the center. If the name/sign of the tenant is included on the center sign, the sign shall not be counted as part of the total sign area of the tenant.
 - c. A freestanding sign identifying only an individual business rather than the center shall be obtained only by the approval of the Peoria City Council. Such sign shall be counted as a portion of the total sign area allowed for the individual user and must be located a minimum of sixty (60) linear feet from any other freestanding sign.

14-34-10 SIGNS PERMITTED FOR NON-RESIDENTIAL USES IN THE AG, FP, SU, R1-6, R1-7, R1-8, R1-10, R1-12, R1-18, R1-35, SR-35, SR-43, RM-1, RMH-1, RMH-2, RMH-3, CRM, P.A.D. AND P.C. RESIDENTIAL ZONING DISTRICTS (Ord. No. 96-88)

- A. Sign permits required for signs specified in Section 14-34-8.
- B. An identification or multi-tenant sign may display only the name of the building or tenant business with a total maximum sign area not exceeding thirty-two (32) square feet. Such sign may be wall-mounted with a maximum height of ten (10) feet on facades abutting residential uses, or it may be freestanding according to the following requirements.
 1. One freestanding identification or multi-tenant sign shall be permitted with a maximum height of five (5) feet. A second such freestanding sign shall be permitted for a property having greater than eighty (80) linear feet of frontage. Where two (2) freestanding signs are permitted, they shall be located at least sixty (60) feet apart;
 2. A freestanding identification or multi-tenant sign shall be located at least five (5) feet from any property line;

Ordinance No. 2013-16
September 17, 2013

3. A landscaped area shall be provided on-site along the street frontage at the base of the freestanding sign, with said landscaped area to have a minimum area of four (4) square feet for each one (1) square foot of sign area;
- C. In addition to the above, each tenant may be allowed two (2) square feet of non-illuminated sign area, identifying his business, to be located on the wall immediately next to the entry of the tenant's business.
1. No permit required.
- D. In addition to the above, directory with a maximum area of six (6) square feet and a maximum height of six (6) feet may be permitted behind the required front yard setback.
1. No permit required unless such sign is visible from off-premises.
- E. All wall or fascia-mounted signs for individual businesses shall be uniform in terms of colors, shapes, and maximum vertical dimension with all other such signs in the center or as otherwise provided for in a sign package approved by the Plans Review Committee.

14-34-11 SIGNS PERMITTED FOR RESIDENTIAL USES IN ALL DISTRICTS

- A. One and Two Family Dwellings.
1. One name plate sign per dwelling unit not exceeding two (2) square feet in area, giving the name only of the land or building on which displayed or of the owner or lessee thereof.
 - a. No permit required.
 2. Permanent Subdivision Advertising Signs for recorded subdivisions in accordance with the following:
 - a. Final location of such signs to be approved by the Plans Review Committee.
 - b. Sign permit required.
- B. Multi-Family Dwellings and Mobile Home Complexes.
1. The total sign area for permanent signs requiring permits is one (1) square foot for each dwelling unit. However, in no instance may this total sign area exceed sixty-four (64) square feet with no more than thirty-two (32) square feet on any one street.
 2. Such signs shall be located at least five (5) feet from any property line;
 3. Sign permit required.
 4. Each individual multi-family dwelling unit and mobile home shall be allowed one nameplate sign; a sign permit shall not be required for such signs.
- C. Home Occupations.

1. Signs advertising home occupations shall not be permitted.

14-34-12 NONCONFORMING SIGNS

- A. Any nonconforming sign as defined in this Article 14-34 may be continued in use subject to the provisions included herein below.
- B. Reasonable repairs and alterations may be made to nonconforming signs. However, in the event any such sign is hereafter damaged exceeding fifty percent (50%) of the reproduction cost according to appraisal thereof by competent appraisers, or is removed by any means whatsoever, including an act of God, such sign may be restored, reconstructed, altered or repaired only to conform with the provisions of this Article 14-34.
- C. Whenever the business conducted on the premises changes, which requires issuance of a new Certificate of Occupancy and the sign is changed or modified to reflect that change, whether it be in sign copy, size or shape, the signs on the premises shall be modified to bring it into conformance with these regulations.
- D. Any nonconforming sign cannot be expanded or enlarged.

ARTICLE 14-39 ADMINISTRATIVE PROCEDURES

(Ord. No. 2011-03, 2012-05, 2012-16)

14-39-6 NOTICES (Ord. No. 2010-24)

Table 14-39-6 Notices

	Notice of Application [Postcard] Property Owner Notification Distance Radius	Notice of Hearing [Postcard] Property Owner Notification Distance Radius	Newspaper Ad	Site Posting (Responsible Party) *	Notice of Decision [Postcard] Property Owner Notification Distance	Notice of Neighborhood Meeting [Letter] <i>Applicant's responsibility</i> Notification Distance Radius
Administrative Relief	No 300 ft	N/A	No	No	No	N/A
Conditional Use Permits	600 ft	600 ft	Yes	Yes (Applicant)	No	If meeting is required, 600 ft
Hillside Appeals	No	300 ft	Yes	Yes (City)	No	N/A
PAD/PCD Major Amendment	**	**	Yes	Yes (Applicant)	No	**
PAD/PCD Minor Amendment	Map Amendments only (300 ft)	No	Text Amendments only	No	No	N/A

Rezoning	**	**	Yes	Yes (Applicant)	No	**
Site Plans	300 ft	If appealed. 300 ft	If appealed	No	300 ft	N/A
Site Plan Major Amendment	300 ft	If appealed. 300 ft	No	No	300 ft	N/A
Temporary Use Permits	No	If BOA hearing is required, 300 ft	If BOA hearing is required	◆	No	N/A
Zoning Ordinance Text Amendment	No	No	Yes	No	No	N/A
Variance	No	300 ft	Yes	Yes (Applicant)	No	N/A
Zoning, Initial	No	**	Yes	Yes (City)	No	N/A

- * Specific site posting sign requirements are located in the Site Posting Requirements guide available from the Planning Division.
- ** If the property to be rezoned is less than 40 acres, the notification distance shall be six hundred (600) feet. In cases where the property to be rezoned is forty (40) acres or larger, the notification distance shall be 1320 feet.
- ◆ Site posting may be required per 14-39-13.E. If required, the City shall be responsible for posting signage on the subject property.

ARTICLE 14-39 ADMINISTRATIVE PROCEDURES

(Ord. No. 2011-03, 2012-05, 2012-16)

14-39-8 REZONINGS

- J. *Conditions of Approval.* As part of any rezoning approval, the Planning and Zoning Commission may recommend and the City Council may adopt conditions and/or schedules for the development of the property.
1. Conditions. The City Council may condition approval of a rezoning upon the occurrence of one or more of the following:
 - a. Development in accordance with a specific Site Plan and/or obtaining Site Plan approval in accordance with Section 14-39-9, "Site Plan Review," of this Article.
 - b. Reduction in the otherwise applicable floor area ratio, lot coverage, building height, or density requirements.
 - c. Increases in the otherwise applicable building setback, lot area, parking space, landscaping, or open space requirements.

- d. Public dedication of rights-of-way as streets, alleys, public ways, drainage, utility, and/or other public improvements, and/or the installation of off-site improvements as are reasonably required by or related to the effect of rezoning.
 - e. Such other conditions as may be allowed by law.
 - f. Completion of a re-use plan as determined by the Department.
2. Schedules. The City Council may require as part of a rezoning approval specific time schedules for any or all of the following:
- a. Approval of a final site plan
 - b. Submission and approval of a preliminary plat for the subdivision of the subject property
 - c. Submission and approval of the final plat for the subdivision of the subject property
 - d. Application for and issuance of a building permit to commence construction of one or more buildings upon the subject property.
 - e. Commencement of on-site construction on the subject property in accordance with the final site plan as approved
 - f. Completion of a specified percentage of construction on the subject property in accordance with the final site development plan
3. Adoption of Ordinance. The City Council shall set forth in the rezoning Ordinance any condition(s) or schedule(s) imposed pursuant to this Section.
4. Modification of Adopted Conditions and Schedules. If an applicant would like to request a modification to the condition(s) or schedule(s) of approval adopted by Council upon the rezoning of the property, the applicant shall be subject to the following:
- a. The applicant may file a request with the Planning and Zoning Commission for a modification to the adopted requirements. The Commission shall consider the request and submit a recommendation to the Council. The Council shall thereupon determine whether or not the modifications will be approved.
- 4 5. Failure to Comply with Adopted Conditions and Schedules. If an applicant fails to comply with any condition(s) or schedule(s) adopted by Council upon the rezoning of the property, the applicant shall be subject to the following:
- a. The applicant may file a request with the Planning and Zoning Commission for an extension of the time schedule for meeting the adopted requirements. The Commission shall consider the request and submit a recommendation to the Council. The Council shall thereupon determine whether or not the extension will be approved.
 - b. The Department Director, or designee thereof, may file an application with the Planning and Zoning Commission requesting reversion of the zoning, based upon

Ordinance No. 2013-16
September 17, 2013

the applicant's failure to comply with the adopted conditions for the rezoning. The Commission shall consider the Director's application and may accept, modify, or reject and shall thereupon recommend acceptance, modification, or rejection of the application to the City Council.

- c. Upon action by the Commission, the Director's application together with the Commission's recommendation shall be submitted to the City Council for final action. The Council may accept, reject, or modify the recommendations of the Commission in accordance with the foregoing, outlined above in Sub-section J, "City Council Hearing and Action."

ORDINANCE NO. 2013-17

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 17 "NUISANCES" OF THE PEORIA CITY CODE (1992), BY AMENDING SECTION 17-3 "PUBLIC NUISANCES; PROHIBITION" OF THE PEORIA CITY CODE; PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona as follows:

SECTION 1. Chapter 17 of the Peoria City Code (1992) shall be amended to read as indicated on Exhibit A.

SECTION 2. Effective Date. This Ordinance shall become effective on the date provided by law.

SECTION 3. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 17th day of September, 2013.

Bob Barrett, Mayor

Date Signed

Ordinance No. 2013-17
September 17, 2013

ATTEST:

City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: Peoria Times
Pub. Dates: September 27 and October 4, 2013
Effective Date:

EXHIBIT A

CHAPTER 17 – NUISANCES

Sec. 17-3. Public nuisances; prohibition.

The following acts, omissions, conditions, and things in or upon any land or structure in the City constitute public nuisances, the existence of which are hereby prohibited and declared to be unlawful:

(a) It shall be unlawful for any person to cause or allow any abandoned or inoperable vehicle to be stored or placed on, or allowed to remain on, any property except in complete conformance with the terms of this Subsection. All abandoned or inoperable vehicles or vehicles in residential areas being restored or repaired for longer than 48 consecutive hours within a fourteen (14) consecutive day period, starting the first day the vehicle is located unscreened shall be stored safely within a lawful, permitted enclosed building or structure having a perimeter composed of rigid walls and a roof or screened by a lawful six foot fence, or shall be stored on the premises of a business enterprise operated in a lawful place and manner in accordance with the provisions of the Peoria City Code where the storage of the vehicle is necessary to the operation of the business enterprise.

(b) It shall be unlawful to park or store any vehicle within the front, side or rear yard of a single or multi-family residence use unless such parking or storage is on an improved, dustproof-parking surface such as concrete asphalt, “chip seal”, or crushed rock or aggregate that is a minimum of three inches thick. All crushed rock or aggregate shall be contained by a permanent border and must be treated with a dust palliative in such a manner as to prevent the release of fugitive dust. The property owner and/or legal occupant of the property shall be under a continuous duty to maintain the parking surface in a manner to meet the minimum requirements of this subsection and to treat crushed rock or aggregate not less than two (2) times a year with a dust palliative. Parking within the front yard of a single residence use shall be on or contiguous to a legal driveway ~~provided such parking does not exceed a maximum of 35% of the front yard area, except on lots less than 7,000 square feet in which case the excess vehicle and visitor parking may be located on up to 50% of the front yard.~~ Parking within the side or rear yard of a single residence use shall have continuous access to a legal driveway meeting the dustproof requirements of this subsection.

(c) Any existing single or multi-family residence having unimproved parking shall by October 1, 2009 improve all existing parking areas with a dustproof-parking surface such as concrete asphalt, “chip seal”, or crushed rock or aggregate that is a minimum of three inches thick. All crushed rock or aggregate shall be contained by a permanent border and must be treated with a dust palliative in such a manner as to prevent the release of fugitive dust. The property owner and/or legal occupant of the property shall be under a continuous duty to maintain the parking surface in a manner to meet the minimum requirements of this subsection and to treat crushed rock or aggregate not less than two (2) times a year with a dust palliative.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION****Date Prepared:** August 28, 2013**Council Meeting Date:** September 17, 2013

TO: Carl Swenson, City Manager

FROM: John Sefton, Community Services Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Budget Amendment – Sports Complex Operations/Maintenance

Purpose:

This is a request for City Council to: a) Approve the use of Half-Cent Fund Reserves in the amount of \$87,000 to supplement the Sports Complex budget overage for FY2013 and use Sports Complex Reserves of \$24,000 and, b) Approve a budget transfer in the amount of \$87,000 from the Half-Cent Fund Contingency Account (1210-0350-570000) and \$24,000 from General Fund Contingency Account (1000-0300-570000) to the Sports Complex Electricity Account (2000-2000-523504).

Background/Summary:

Last fiscal year, increased electricity costs for field lighting led to an overage of \$185,000 in the electricity budget for the Sports Complex Operations and Maintenance Division. Savings in assorted other line items (such as Office Equipment/Furniture Repair and Maintenance, Chemical Supplies, Operational Supplies/Equipment and Recreation Supplies), decreased the bottom line overage to \$111,000 for the division. In addition, the City received \$24,000 in revenue to cover electricity costs from FY2013 for the concessionaire and one of the team's utilizing facility space during our clubhouse renovation projects. This revenue helps to reduce the overall cash needed by \$24,000.

The increasing costs for electricity at the Sports Complex was due in large part to a change made by APS in July of 2012. With the elimination of the E-53 Sports Field Rider, field lighting at the Peoria Sports Complex was no longer charged at the lower, previously budgeted rate. This change made quite an impact on electricity costs for field lighting; for example, one field lighting meter saw a change of 192% from FY2012 to FY2013, an increase of \$79,000 in electricity costs.

To help offset these cost increases, savings from electricity were anticipated during the clubhouse renovation projects as the facilities were not being used in the normal capacity during the last quarter of FY2013. However, the forecasted usage of electricity was higher than expected. And, in the end, assorted line item savings in the Sports Complex Operations and Maintenance expenditure budget for FY2013 could not fully cover the increased costs for

electricity. Thus, this request is being made to use Half-Cent Fund Reserves in the amount of \$87,000 and Sports Complex Reserves of \$24,000 to prevent the division from being over-budget for last fiscal year.

Going forward, the renovation of field lighting systems in the current fiscal year will reduce the amount of fixtures and electrical usage and therefore, lower on-going electricity costs for the Sports Complex.

Previous Actions:

None

Options:

The following options are possible for the City Council to recommend:

- A. Approve the use of Half-Cent Fund Reserves in the amount of \$87,000 and Sports Complex Reserves of \$24,000 and the budget transfer to the Sports Complex Fund Electricity Account, to supplement the Sports Complex budget overage for FY2013.
- B. Deny the use of Half-Cent Fund Reserves and Sports Complex Reserves and the budget transfer to the Sports Complex Fund Electricity Account.

Staff's Recommendation:

Staff recommends that City Council approve the use of Half Cent Fund Reserves in the amount of \$87,000 and Sports Complex Reserves of \$24,000 to supplement the Sports Complex budget overage for FY2013, and approve a one-time budget transfer to the Sports Complex Fund.

Fiscal Analysis:

Request the approval for a one-time budget transfer in the amount of \$87,000 from the Half-Cent Fund Contingency Account (1210-0350-570000) and \$24,000 from General Fund Contingency (1000-0300-570000) to the Sports Complex Electricity Account (2000-2000-523504).

Exhibit(s): None

Contact Name and Number: Chris Calcaterra, Sports Facilities Manager, 623-773-8703

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 8C

Date Prepared: September 3, 2013

Council Meeting Date: September 17, 2013

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Maintenance Improvement District No. 1138, Terramar Parcel 10B, Terramar Boulevard north of Happy Valley Road

Purpose:

This is a request for City Council to approve a Petition for Formation, adopt the Resolution of Intention, and Resolution Ordering the Improvements for a proposed Maintenance Improvement District No. 1138, Terramar Parcel 10B, located at Terramar Boulevard north of Happy Valley Road, as well as authorize the City Clerk to record the Maintenance Improvement District with the Maricopa County Recorder's Office subject to the following stipulations:

1. All civil and landscape/irrigation plans must be approved by the City of Peoria (City) prior to recordation of the Maintenance Improvement District;
2. The final plat for the subdivision must be approved by City Council and recorded with the Maricopa County Recorder's Office prior to recordation of the Maintenance Improvement District; and
3. The developer must provide a fully executed Petition, Waiver and Consent to Formation of a Municipal Improvement District.

Background/Summary:

The purpose of the Maintenance Improvement District is for the operation, maintenance, repair and improvements to landscaping adjacent to designated public roadways and parkways within the proposed district, as well as drainage and retention within each proposed district. Until such time as the Homeowner's Association fails, and the Council directs City staff to assume maintenance responsibility, the additional charge to the residents will show as \$0.00 on their property tax bills.

Pursuant to the provision of A.R.S. 48-574, et. seq., the Mayor and Council are empowered to adopt a Resolution ordering the formation of a Maintenance Improvement District. A Petition

and Resolution of Intention are attached for formation of City of Peoria Maintenance Improvement District No. 1138, Terramar Parcel 10B, located at Terramar Boulevard north of Happy Valley Road. In this special situation, in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not required by law, and the Council may then adopt a Resolution ordering the improvements when necessary once the Resolution of Intention is first adopted. The Resolution Ordering the improvements finalizes the formation of the Maintenance Improvement District process.

Under Arizona State law, commencing in October 2014, the residents will receive an additional charge on their property tax bill for maintenance of the landscape, irrigation and drainage improvements, located adjacent to and within the public rights-of-way and tracts. However, until such time as the Homeowner's Association fails, and the Council directs City staff to assume maintenance responsibility, the additional charge to the residents will be \$0.00. In accordance with State statute, an assessment diagram and map, listing each parcel of property within the district has been prepared.

Previous Actions:

The final plat for Terramar Parcel 10B was approved by the City on August 20, 2013 and recorded with the County.

Options:

A: The Maintenance Improvement District has been approved through the Economic Development Services Department. An option would be to not accept the proposed Maintenance Improvement District; although it should be noted that not approving the Maintenance Improvement District will prevent any additional charges from being assessed on the property tax bills for those properties located within the District, and any and all fees incurred by the City of Peoria as a result of assuming the maintenance responsibility would be paid using City of Peoria funds.

B: The other option would be to formally approve the Maintenance Improvement District to allow for the taxing district to be recorded and in place in the event the Homeowner's Association fails.

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Petition for Formation, Resolution of Intention to Create, and Resolution Declaring Intention to Order.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Maintenance Improvement District. However, the City would incur the additional charges associated with the maintenance responsibilities should the taxing district not be approved and recorded, and the Homeowner's Association fail.

Narrative:

The acceptance of this Maintenance Improvement District will allow any additional charges associated with the maintenance responsibilities should the Homeowner's Association fail, to be assessed on the property tax bill for the properties located within the District.

Exhibit(s):

Exhibit 1: Petition for Formation

Exhibit 2: Proposed Resolution of Intention to Create

Exhibit 3: Proposed Resolution Declaring Intention to Order

Contact Name and Number:

Traci Varland, Associate Engineer, x7612

**PETITION, WAIVER AND CONSENT TO FORMATION
OF A MUNICIPAL IMPROVEMENT DISTRICT
BY THE CITY OF PEORIA**

[1138]

MID#

[Terramar Pcl 10B]

Subdivision Name

To: Honorable Mayor and Council
City of Peoria, Arizona

Pursuant to Arizona Revised Statutes, Sections 48-574 and 48-575, the undersigned property owner respectfully petitions the City Council of the City of Peoria, Arizona (City Council) to order the formation of a Municipal Improvement District under Arizona Revised Statutes, Title 48, Chapter 4, Article 2. In support of this petition, the undersigned agrees to waive certain rights under the Arizona Improvement District Law and to consent to the formation and completion of the District.

1. Area of District. The proposed district is described by a map and by a legal description on Exhibit "A" that is attached hereto and incorporated herein by reference. The proposed district consists of 23.458 acres and is entirely within the corporate boundaries of the City of Peoria.
2. Ownership. The undersigned (is) (are) the sole owner(s) of the real property within the proposed district.
3. Purpose. The district is proposed to be formed for the purpose of the operation, maintenance, repair and improvements for landscape maintenance adjacent to designated public roadways and parkways within the proposed district and drainage and retention within each proposed district.
4. Public Convenience and Necessity. The necessity for the proposed district is for the operation, maintenance, repair and improvements for landscape maintenance adjacent to designated streets and parkways within the proposed district by the levying of special assessments in the proposed district.
5. Waiver and Consent. The petitioners with full knowledge of their rights being waived hereunder, hereby expressly waive:
 - (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work;
 - (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements pursuant to A.R.S. §48-578;
 - (c) All protest rights whatsoever under A.R.S. §48-579(A) and (B), which provide for protests against the work; and
 - (d) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

Further, the improvements described above are of more than local or ordinary public benefit.

In Witness whereof the parties have executed this Petition and Waiver Agreement as of the _____ day of _____ 20____.

<p><u>Taylor Morrison's / Arizona, Inc.</u> Print Property Owner Name <u>Phillip R. Cross</u> Print Name <u>7000 E Pima Center Parkway Ste 350</u> Address <u>Scottsdale AZ 85258</u> Signature</p>	<p>Date: <u>6/12/13</u></p>	<p>Property (Tax Parcel Numbers) <u>201-09-0368</u> <u>201-09-040</u> <u>201-09-043</u></p>
<p>_____ Print Property Owner Name _____ Print Name _____ Address _____ Signature</p>	<p>Date: _____</p>	<p>Property (Tax Parcel Numbers) _____</p>

Accepted and approved by:

CITY OF PEORIA, ARIZONA, an
ARIZONA MUNICIPAL CORPORATION

ATTEST:

By _____
Mayor

City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

RESOLUTION NO. 2013-122

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1138, TERRAMAR PARCEL 10B, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, declare that the Maintenance of the landscaping included within, near and adjacent to a parkway and related facilities in the District to be of more than local or ordinary public benefit, and further that the cost of said maintenance shall be assessed on a certain District; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, declare that the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities in the District is incidental to the maintenance and preservation of the parkway and related facilities, has aesthetic value, and maintains and increases the value of property within the District; and

WHEREAS, the City Council declares that the maintenance of landscaping included within and adjacent to a parkway and related facilities preserves and promotes the health, safety, and welfare of those citizens of the City of Peoria living within the District as well as preservation of the streets and parkways which may be adversely impacted by drainage and other water formations; and

WHEREAS, the City of Peoria declares that the maintenance of a landscaped buffer between a parkway and the adjacent developments reduces the visual and other impact of light, air and noise pollution and tends to increase personal and vehicular safety on the parkway and decreases the likelihood vehicular accidents will harm adjacent developments in furtherance of the health, safety and welfare of those citizens of the City living within the District; and

WHEREAS, the City Council declares that maintenance of landscaped drainage and other water control facilities and features within, near or adjacent to a parkway and related facilities tends to preserve the structural integrity of the parkway and mitigates flooding of adjacent areas and the structural integrity of the parkway and mitigates flooding of adjacent areas and the parkway by draining water to and from the parkway in furtherance of the health, safety and welfare of those citizens of the City of Peoria living within the District:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA AS FOLLOWS:

Section 1. Definitions.

In this Resolution, the following terms shall have the following meanings:

"Assessment Diagrams" shall mean those duplicate diagrams of the property contained in the Assessment District is to be filed with the Clerk and approved by the Mayor and Council.

"Assessment District" shall mean the lots, pieces or parcels of land lying within the boundaries described on Exhibit B attached hereto and as shown on the map on file with the City Engineer.

"City" shall mean the City of Peoria, Arizona.

"City Council" or "Council" shall mean the Mayor and Council of the City.

"Clerk" shall mean the City Clerk.

"Engineer" shall mean City Engineer.

"Lots" shall mean all lots, pieces or parcels of land lying within the Assessment District.

"Parkways" shall mean those streets and rights-of-way which are designated in Exhibit B as "Parkways," and specifically those portions of Pedestrian Facilities, Parks, Retention, Detention and Storm Water Management Facilities included within or adjacent to the Assessment District.

"Plans and Specifications" shall mean the engineer's estimate for the Maintenance Improvement District No. 1138 filed with the Clerk prior to the adoption of this Resolution.

"Superintendent of Streets" shall mean the City Engineer.

Section 2. Declaration of Intention to Order an Improvement.

The public interest or convenience requires, and it is the intention of the Mayor and Council of the City of Peoria, Arizona, to order the following work, hereinafter "Work," to be performed, to wit:

The maintenance of all landscaping, including replacement of landscape materials, in the area generally described as follows:

SEE EXHIBIT "A", LEGAL DESCRIPTION OF CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1138

The Mayor and Council of the City of Peoria, Arizona designate as parkways, those areas set forth on Exhibit "B" Assessment Diagram in accordance with Title 48, Chapter 4, Article 2, Arizona Revised Statutes. The public interest and convenience require, and it is the intention of the City Council to order the Work adjacent to the designated parkways to be performed as stated herein. All items of the Work shall be performed as prescribed by the Plans and Specifications hereby

approved and adopted by the Council and on file in the Office of the City Engineer and no assessment for any lot shall exceed its proportion of the Estimate. The estimate of the cost and expenses of the work or improvements on file in the offices of the Superintendent of Streets and the Clerk of the City are hereby approved and adopted by the Mayor and Council of the City. In addition to the requirements of law, the procedures set forth in the City Code will be followed regarding acceptance of bids and setting tax levies. For purposes of this Resolution and of all resolutions, ordinances and notices pertaining to this Resolution, the improvement as herein described is hereby designated City of Peoria Maintenance Improvement District No. 1138.

Section 3. Determination of Need.

In the opinion of the City Council, the Work is of more than local or ordinary public benefit. The City Council hereby orders that all amounts due or to become due with respect to the Work shall be chargeable upon the respective lots, pieces and parcels of land within the Assessment District.

Section 4. Preparation of Assessment Diagrams.

The City Engineer is hereby authorized and directed to prepare duplicate diagrams (Assessment Diagrams) of the property contained within the Assessment District. The diagrams shall show each separate lot, numbered consecutively, the approximate area in square feet of each lot, and the location of the lot in relation to the work proposed to be done.

Section 5. Exclusion of Certain Property.

Any public street or alley within the boundaries of the Assessment District is hereby omitted from the assessment hereafter to be made. Any lot belonging to the United States, the State, a county, city, school district or any political subdivision or institution of the State or county, which is included within the Assessment District shall be omitted from the assessment hereafter made.

Section 6. Officers Not Liable.

In no event will the City of Peoria or any officer thereof be liable for any portion of the cost of said Improvement District nor for any delinquency of persons or property assessed.

Section 7. Annual Statement.

The City Council shall make annual statements and estimates of the expenses of the District which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all real and personal property in the District as provided in A.R.S. § 48-574 and amendments thereto.

Section 8. Statutory Authority.

The Work and all proceedings pertaining thereto shall be performed under the provisions of Title 48, Article 2, specifically Section 48-574, and all amendments thereto and pursuant to Article I, Section 3, (8) of the Peoria City Charter.

Section 9. Delegation of Authority.

The City Engineer is hereby authorized to fill in any blanks and to make any minor corrections necessary to complete the Plans and Specifications and the Contract Documents.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this _____ day of _____, 2013.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Resolution No. 2013-122
MID 1138 – Terramar Parcel 10B
September 17, 2013
Page 6 of 10 Pages

CERTIFICATION OF CITY ENGINEER

I hereby certify that I have read the description set out under the definition "Assessment District" and approve the same. I further certify that I have read the description set out under the definition "Work" and approve the same.

Andrew Granger, Engineering Director

CERTIFICATION OF CITY CLERK

I hereby certify that the above and foregoing Resolution No. 2013-122 duly passed by the Mayor and Council of the City of Peoria, Arizona at a regular meeting held on _____, 2013 and that a quorum was present there and that the vote thereon was _____ ayes and _____ nays. _____ were no vote or absent.

City Clerk, City of Peoria

LEGAL DESCRIPTION FOR
TERRAMAR PARCEL 10B
MAINTENANCE IMPROVEMENT DISTRICT

That part of the West Half of Section 1, Township 4 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the City of Peoria Brass Cap marking the Southwest Corner of said Section 1, from which the Maricopa County Aluminum Cap marking the West Quarter Corner of said Section 1 bears North $00^{\circ}05'53''$ East, a distance of 2,636.64 feet;

Thence North $00^{\circ}05'53''$ East, along the West line of the Southwest Quarter of said Section 1, a distance of 1,441.84 feet to the Southwest Corner of Parcel K, Final Plat for Terramar, recorded in Book 455 of Maps, Page 41, Records of Maricopa County, Arizona, being the True Point of Beginning;

Thence continuing North $00^{\circ}05'53''$ East, along said West line, a distance of 660.49 feet to the Northwest Corner of said Parcel K;

Thence along the Northwesterly line of Parcel K and Parcel G of said Final Plat for Terramar the following courses:

Thence North $30^{\circ}46'02''$ East, a distance of 416.14 feet;
Thence North $38^{\circ}00'35''$ East, a distance of 223.23 feet;

Thence North $42^{\circ}10'53''$ East, a distance of 246.25 feet to a point on the Southerly boundary of Terramar Parcel 11, recorded in Book 508 of Maps, Page 7, Records of Maricopa County, Arizona;

Thence along the Southerly boundary of said Terramar Parcel 11 the following courses:

Thence South $55^{\circ}23'12''$ East, departing said Northwesterly line, a distance of 463.47 feet;

Thence South $47^{\circ}42'30''$ East, a distance of 66.44 feet;

Thence South $37^{\circ}41'44''$ East, a distance of 96.70 feet to a point on the monument line of Remuda Drive, as depicted on the plat of said Terramar Parcel 11, said point being on a 1,408.00 foot radius non-tangent curve, whose center bears South $37^{\circ}15'56''$ East;

Thence along the monument line of said Remuda Drive the following courses:

Legal Description for
Terramar Parcel 10B
Maintenance Improvement District
December 4, 2012

Resolution No. 2013-122
MID 1138 – Terramar Parcel 10B
September 17, 2013
Page 8 of 10

Thence Northeasterly, departing said Southerly boundary along said curve, through a central angle of $02^{\circ}16'18''$, a distance of 55.82 feet;

Thence North $55^{\circ}00'22''$ East, a distance of 85.43 feet to a point on the monument line of 74th Avenue, as depicted on the plat of said Terramar Parcel 11;

Thence South $34^{\circ}59'38''$ East, departing said monument line of Remuda Drive along said monument line of 74th Avenue, a distance of 208.00 feet to a point on the monument line of Terramar Boulevard as depicted on said Final Plat for Terramar;

Thence along the monument line of said Terramar Boulevard the following courses:

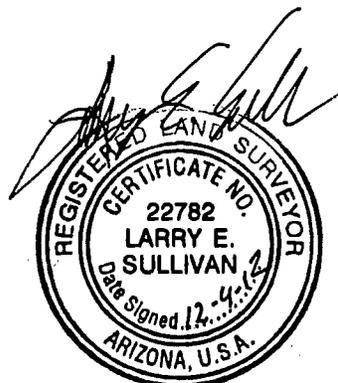
Thence South $55^{\circ}00'22''$ West, a distance of 85.43 feet to the beginning of a tangent curve of 1,200.00 foot radius, concave Southeasterly;

Thence Southwesterly, along said curve, through a central angle of $49^{\circ}10'32''$, a distance of 1,029.93 feet;

Thence North $84^{\circ}10'10''$ West, departing the monument line of said Terramar Boulevard, a distance of 40.00 feet to the Southeast Corner of said Parcel G;

Thence North $89^{\circ}45'28''$ West, along the South line of said Parcel G and said Parcel K, a distance of 625.52 feet to the True Point of Beginning.

Containing 23.458 Acres, more or less.



Expires: 6/30/2013

Resolution No. 2013-122

EXHIBIT "B"

IS ON FILE IN THE

**CITY OF PEORIA
CITY CLERK'S OFFICE
8401 W. Monroe Street
Peoria, AZ 85345**

Resolution No. 2013-122
MID 1138 – Terramar Parcel 10B
September 17, 2013
Page 9 of 10 Pages

CITY OF PEORIA, ARIZONA

NOTICE

OF THE PASSAGE OF A RESOLUTION ORDERING THE IMPROVEMENT CONSISTING OF AUTHORIZING THE MAINTENANCE OF LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITHIN APPURTENANT STRUCTURES AS SHOWN ON THE PLANS FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1138, TERRAMAR PARCEL 10B.

This notice is given pursuant to the provisions of Title 48, Chapter 4, Article 2, Sections 48-571 to 48-619, both inclusive, Arizona Revised Statutes, as amended.

On the 17th day of September, 2013 the Mayor and Council of the City of Peoria adopted Resolution No. 2013-122; ordering the improvements of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together within appurtenant structures shown on the plans, within the corporate limits of the City and creating an Improvement District known as the City of Peoria Maintenance Improvement District No. 1138, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together within appurtenant structures, which includes a charge for the maintenance of landscaping and other related items, together with all appurtenant structures as shown on the plans; and directing that this notice been given.

Any owner, or any other person having an interest in any lot, piece or parcel of land situated within the above-described assessment district, who claims that any of the provisions, acts or proceedings relative to the above described improvements are irregular, defective, illegal, erroneous or faulty, may file with the City Clerk, Room 150, 8401 West Monroe Street, Peoria, Arizona 85345, within 15 days from the date of the first publication of this notice, a written notice specifying in what way said acts or proceedings are irregular, defective, illegal, erroneous or faulty.

Further information concerning City of Peoria Maintenance Improvement District No. 1138 may be obtained by contacting Mr. Andrew Granger, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7367.

Resolution No. 2013-122
MID 1138 – Terramar Parcel 10B
September 17, 2013
Page 10 of 10 Pages

DATED AND SIGNED this _____ day of _____, 2013.

Andrew Granger
Acting Superintendent of Streets
City of Peoria, Arizona

RESOLUTION NO. 2013-123

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE IMPROVEMENTS OF A CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE CITY AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1138, TERRAMAR PARCEL 10B; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, THAT:

SECTION 1. The public interest or convenience require and it is the intention of the Mayor and Council of the City of Peoria, Arizona to order the maintenance of landscaping within the proposed district and that the cost of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures be assessed upon a certain improvement district to be known as Peoria Maintenance Improvement District No. 1138.

The estimate of the cost and expenses for the maintenance of the landscaping on file with the Superintendent of Streets and the City Clerk is approved and adopted by the Mayor and Council of the City.

SECTION 2. The maintenance of the landscaping, therefore, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit, and are of special benefit to the respective lots, pieces and parcels of land within the real property described herein. The Mayor and Council of the City make and order that the cost and expense for the maintenance of the landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures be chargeable upon a district to be known and designated as the City of

Resolution No. 2013- 123
MID 1138 – Terramar Parcel 10B
September 17, 2013
Page 2 of 5 Pages

Peoria Maintenance Improvement District No. 1138 and as described and bounded as set forth on Exhibits A and B attached, and declare that the district in the City benefited by the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures to be assessed, to pay the costs and expenses thereof in proportion to the benefits derived therefrom.

The City shall not assess the costs and expenses for the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures, which are for the general public benefit against the respective lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1138 and if a portion of the costs and expenses for the maintenance of landscaping is for the general public benefit, the City shall assess the boundaries of the City of Peoria Maintenance Improvement District No. 1138 only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1138.

SECTION 3. The costs and expense for the maintenance of landscaping shall be made and all proceedings therein taken; that the Superintendent of Streets of the City shall post or cause to be posted notices thereof; that the City Clerk shall certify to the passage of this Resolution of Intention; that the Engineer shall prepare duplicate diagrams of the City of Peoria Maintenance Improvement District No. 1138 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

SECTION 4. The majority of owners of all of the real property within the proposed district have executed a Petition for formation of a Maintenance Improvement District and the City Council has verified the ownership of the property. Publication and posting of the notice of the passage of the Resolution of Intention will be completed as prescribed by the State Statues.

SECTION 5. Any Resolutions or parts of Resolutions in conflict with the provisions of this Resolution are hereby repealed.

SECTION 6. The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety and an emergency is declared to exist, and this Resolution will be in full force and effect from and after its passage and approval by the Mayor and Council of the City of Peoria, Arizona as required by law and is exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

Resolution No. 2013- 123
MID 1138 – Terramar Parcel 10B
September 17, 2013
Page 3 of 5 Pages

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the
City of Peoria, Arizona, this 17th day of September, 2013.

Bob Barrett, Mayor

Date Signed: _____

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

LEGAL DESCRIPTION FOR
TERRAMAR PARCEL 10B
MAINTENANCE IMPROVEMENT DISTRICT

That part of the West Half of Section 1, Township 4 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the City of Peoria Brass Cap marking the Southwest Corner of said Section 1, from which the Maricopa County Aluminum Cap marking the West Quarter Corner of said Section 1 bears North 00°05'53" East, a distance of 2,636.64 feet;

Thence North 00°05'53" East, along the West line of the Southwest Quarter of said Section 1, a distance of 1,441.84 feet to the Southwest Corner of Parcel K, Final Plat for Terramar, recorded in Book 455 of Maps, Page 41, Records of Maricopa County, Arizona, being the True Point of Beginning;

Thence continuing North 00°05'53" East, along said West line, a distance of 660.49 feet to the Northwest Corner of said Parcel K;

Thence along the Northwesterly line of Parcel K and Parcel G of said Final Plat for Terramar the following courses:

Thence North 30°46'02" East, a distance of 416.14 feet;

Thence North 38°00'35" East, a distance of 223.23 feet;

Thence North 42°10'53" East, a distance of 246.25 feet to a point on the Southerly boundary of Terramar Parcel 11, recorded in Book 508 of Maps, Page 7, Records of Maricopa County, Arizona;

Thence along the Southerly boundary of said Terramar Parcel 11 the following courses:

Thence South 55°23'12" East, departing said Northwesterly line, a distance of 463.47 feet;

Thence South 47°42'30" East, a distance of 66.44 feet;

Thence South 37°41'44" East, a distance of 96.70 feet to a point on the monument line of Remuda Drive, as depicted on the plat of said Terramar Parcel 11, said point being on a 1,408.00 foot radius non-tangent curve, whose center bears South 37°15'56" East;

Thence along the monument line of said Remuda Drive the following courses:

Legal Description for
Terramar Parcel 10B
Maintenance Improvement District
December 4, 2012

Resolution No. 2013-123
MID 1138 – Terramar Parcel 10B
September 17, 2013
Page 5 of 5

Thence Northeasterly, departing said Southerly boundary along said curve, through a central angle of $02^{\circ}16'18''$, a distance of 55.82 feet;

Thence North $55^{\circ}00'22''$ East, a distance of 85.43 feet to a point on the monument line of 74th Avenue, as depicted on the plat of said Terramar Parcel 11;

Thence South $34^{\circ}59'38''$ East, departing said monument line of Remuda Drive along said monument line of 74th Avenue, a distance of 208.00 feet to a point on the monument line of Terramar Boulevard as depicted on said Final Plat for Terramar;

Thence along the monument line of said Terramar Boulevard the following courses:

Thence South $55^{\circ}00'22''$ West, a distance of 85.43 feet to the beginning of a tangent curve of 1,200.00 foot radius, concave Southeasterly;

Thence Southwesterly, along said curve, through a central angle of $49^{\circ}10'32''$, a distance of 1,029.93 feet;

Thence North $84^{\circ}10'10''$ West, departing the monument line of said Terramar Boulevard, a distance of 40.00 feet to the Southeast Corner of said Parcel G;

Thence North $89^{\circ}45'28''$ West, along the South line of said Parcel G and said Parcel K, a distance of 625.52 feet to the True Point of Beginning.

Containing 23.458 Acres, more or less.



Expires: 6/30/2013

Resolution No. 2013-123

EXHIBIT "B"

IS ON FILE IN THE

**CITY OF PEORIA
CITY CLERK'S OFFICE
8401 W. Monroe Street
Peoria, AZ 85345**

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 9C

Date Prepared: September 3, 2013

Council Meeting Date: September 17, 2013

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Maintenance Improvement District No. 1136, Tierra Del Rio 10B, Tierra Del Rio Boulevard north of Happy Valley Road

Purpose:

This is a request for City Council to approve a Petition for Formation, adopt the Resolution of Intention, and Resolution Ordering the Improvements for a proposed Maintenance Improvement District No. 1136, Tierra Del Rio 10B, located at Tierra Del Rio Boulevard north of Happy Valley Road, as well as authorize the City Clerk to record the Maintenance Improvement District with the Maricopa County Recorder's Office subject to the following stipulations:

1. All civil and landscape/irrigation plans must be approved by the City of Peoria (City) prior to recordation of the Maintenance Improvement District;
2. The final plat for the subdivision must be approved by City Council and recorded with the Maricopa County Recorder's Office prior to recordation of the Maintenance Improvement District; and
3. The developer must provide a fully executed Petition, Waiver and Consent to Formation of a Municipal Improvement District.

Background/Summary:

The purpose of the Maintenance Improvement District is for the operations, maintenance, repair and improvements to landscaping adjacent to designated public roadways and parkways within the proposed district, as well as drainage and retention within each proposed district. Until such time as the Homeowner's Association fails, and the Council directs City staff to assume maintenance responsibility, the additional charge to the residents will show as \$0.00 on their property tax bills.

Pursuant to the provision of A.R.S. 48-574, et. seq., the Mayor and Council are empowered to adopt a Resolution ordering the formation of a Maintenance Improvement District. A Petition

and Resolution of Intention are attached for formation of City of Peoria Maintenance Improvement District No. 1136, Tierra Del Rio 10B, located at Tierra Del Rio Boulevard north of Happy Valley Road. In this special situation, in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not required by law, and the Council may then adopt a Resolution ordering the improvements when necessary once the Resolution of Intention is first adopted. The Resolution Ordering the improvements finalizes the formation of the Maintenance Improvement District process.

Under Arizona State law, commencing in October 2014, the residents will receive an additional charge on their property tax bill for maintenance of the landscape, irrigation and drainage improvements, located adjacent to and within the public rights-of-way and tracts. However, until such time as the Homeowner's Association fails, and the Council directs City staff to assume maintenance responsibility, the additional charge to the residents will be \$0.00. In accordance with State statute, an assessment diagram and map, listing each parcel of property within the district has been prepared.

Previous Actions:

The final plat for Tierra Del Rio 10B was approved by the City on August 20, 2013 and recorded with the County.

Options:

A: The Maintenance Improvement District has been approved through the Economic Development Services Department. An option would be to not accept the proposed Maintenance Improvement District; although it should be noted that not approving the Maintenance Improvement District will prevent any additional charges from being assessed on the property tax bills for those properties located within the District, and any and all fees incurred by the City of Peoria as a result of assuming the maintenance responsibility would be paid using City of Peoria funds.

B: The other option would be to formally approve the Maintenance Improvement District to allow for the taxing district to be recorded and in place in the event the Homeowner's Association fails.

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Petition for Formation, Resolution of Intention to Create, and Resolution Declaring Intention to Order.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Maintenance Improvement District. However, the City would incur the additional charges associated with the maintenance responsibilities should the taxing district not be approved and recorded, and the Homeowner's Association fail.

Narrative:

The acceptance of this Maintenance Improvement District will allow any additional charges associated with the maintenance responsibilities should the Homeowner's Association fail, to be assessed on the property tax bill for the properties located within the District.

Exhibit(s):

Exhibit 1: Petition for Formation

Exhibit 2: Proposed Resolution of Intention to Create

Exhibit 3: Proposed Resolution Declaring Intention to Order

Contact Name and Number: Traci Varland, Associate Engineer, x7612

**PETITION, WAIVER AND CONSENT TO FORMATION
OF A MUNICIPAL IMPROVEMENT DISTRICT
BY THE CITY OF PEORIA**

[1136]

MID#

[Tierra Del Rio Parcel 10b]

Subdivision Name

To: Honorable Mayor and Council
City of Peoria, Arizona

Pursuant to Arizona Revised Statutes, Section 48-574, the undersigned property owner respectfully petitions the City Council of the City of Peoria, Arizona (City Council) to order the formation of a Municipal Parkway Improvement District under Arizona Revised Statutes, Title 48, Chapter 4, Article 2. In support of this petition, the undersigned agrees to waive certain rights under the Arizona Improvement District Law and to consent to the formation and completion of the District.

1. Area of District. The proposed district is described by a map and by a legal description on Exhibit "A" that is attached hereto and incorporated herein by reference. The proposed district consists of 9.32 acres and is entirely within the corporate boundaries of the City of Peoria.
2. Ownership. The undersigned (is) (are) the sole owner(s) of the real property within the proposed district.
3. Purpose. The district is proposed to be formed for the purpose of the operation, maintenance, repair and improvements for landscape maintenance adjacent to designated public roadways and parkways within the proposed district and drainage and retention within each proposed district.
4. Public Convenience and Necessity. The necessity for the proposed district is for the operation, maintenance, repair and improvements for landscape maintenance adjacent to designated streets and parkways within the proposed district by the levying of special assessments in the proposed district.
5. Waiver and Consent. The petitioners with full knowledge of their rights being waived hereunder, hereby expressly waive:
 - (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work;
 - (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements pursuant to A.R.S. §48-578;
 - (c) All protest rights whatsoever under A.R.S. §48-579(A) and (B), which provide for protests against the work; and
 - (d) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

Further, the improvements described above are of more than local or ordinary public benefit.

In Witness whereof the parties have executed this Petition and Waiver Agreement as of the
12th day of February 2013.

<p>Pulte Homes Corporation _____ Print Property Owner Name Mike Brilz _____ Print Name 16767 N. Perimeter Drive, Suite 100 _____ Address _____ Signature</p>	<p>Date: <u>2-12-13</u></p>	<p>Property (Tax Parcel Numbers) <u>201-17-062</u></p>
<p>_____ Print Property Owner Name _____ Print Name _____ Address _____ Signature</p>	<p>Date: _____</p>	<p>Property (Tax Parcel Numbers) _____</p>

Accepted and approved by:

CITY OF PEORIA, ARIZONA, an
ARIZONA MUNICIPAL CORPORATION

ATTEST:

By _____
Mayor

City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

RESOLUTION NO. 2013-109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1136, TIERRA DEL RIO 10B, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, declare that the Maintenance of the landscaping included within, near and adjacent to a parkway and related facilities in the District to be of more than local or ordinary public benefit, and further that the cost of said maintenance shall be assessed on a certain District; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, declare that the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities in the District is incidental to the maintenance and preservation of the parkway and related facilities, has aesthetic value, and maintains and increases the value of property within the District; and

WHEREAS, the City Council declares that the maintenance of landscaping included within and adjacent to a parkway and related facilities preserves and promotes the health, safety, and welfare of those citizens of the City of Peoria living within the District as well as preservation of the streets and parkways which may be adversely impacted by drainage and other water formations; and

WHEREAS, the City of Peoria declares that the maintenance of a landscaped buffer between a parkway and the adjacent developments reduces the visual and other impact of light, air and noise pollution and tends to increase personal and vehicular safety on the parkway and decreases the likelihood vehicular accidents will harm adjacent developments in furtherance of the health, safety and welfare of those citizens of the City living within the District; and

WHEREAS, the City Council declares that maintenance of landscaped drainage and other water control facilities and features within, near or adjacent to a parkway and related facilities tends to preserve the structural integrity of the parkway and mitigates flooding of adjacent areas and the structural integrity of the parkway and mitigates flooding of adjacent areas and the parkway by draining water to and from the parkway in furtherance of the health, safety and welfare of those citizens of the City of Peoria living within the District:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA AS FOLLOWS:

Section 1. Definitions.

In this Resolution, the following terms shall have the following meanings:

"Assessment Diagrams" shall mean those duplicate diagrams of the property contained in the Assessment District is to be filed with the Clerk and approved by the Mayor and Council.

"Assessment District" shall mean the lots, pieces or parcels of land lying within the boundaries described on Exhibit B attached hereto and as shown on the map on file with the City Engineer.

"City" shall mean the City of Peoria, Arizona.

"City Council" or "Council" shall mean the Mayor and Council of the City.

"Clerk" shall mean the City Clerk.

"Engineer" shall mean City Engineer.

"Lots" shall mean all lots, pieces or parcels of land lying within the Assessment District.

"Parkways" shall mean those streets and rights-of-way which are designated in Exhibit B as "Parkways," and specifically those portions of Pedestrian Facilities, Parks, Retention, Detention and Storm Water Management Facilities included within or adjacent to the Assessment District.

"Plans and Specifications" shall mean the engineer's estimate for the Maintenance Improvement District No. 1136 filed with the Clerk prior to the adoption of this Resolution.

"Superintendent of Streets" shall mean the City Engineer.

Section 2. Declaration of Intention to Order an Improvement.

The public interest or convenience requires, and it is the intention of the Mayor and Council of the City of Peoria, Arizona, to order the following work, hereinafter "Work," to be performed, to wit:

The maintenance of all landscaping, including replacement of landscape materials, in the area generally described as follows:

SEE EXHIBIT "A", LEGAL DESCRIPTION OF CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1136

The Mayor and Council of the City of Peoria, Arizona designate as parkways, those areas set forth on Exhibit "B" Assessment Diagram in accordance with Title 48, Chapter 4, Article 2, Arizona Revised Statutes. The public interest and convenience require, and it is the intention of the City Council to order the Work adjacent to the designated parkways to be performed as stated herein. All items of the Work shall be performed as prescribed by the Plans and Specifications hereby

approved and adopted by the Council and on file in the Office of the City Engineer and no assessment for any lot shall exceed its proportion of the Estimate. The estimate of the cost and expenses of the work or improvements on file in the offices of the Superintendent of Streets and the Clerk of the City are hereby approved and adopted by the Mayor and Council of the City. In addition to the requirements of law, the procedures set forth in the City Code will be followed regarding acceptance of bids and setting tax levies. For purposes of this Resolution and of all resolutions, ordinances and notices pertaining to this Resolution, the improvement as herein described is hereby designated City of Peoria Maintenance Improvement District No. 1136.

Section 3. Determination of Need.

In the opinion of the City Council, the Work is of more than local or

ordinary public benefit. The City Council hereby orders that all amounts due or to become due with respect to the Work shall be chargeable upon the respective lots, pieces and parcels of land within the Assessment District.

Section 4. Preparation of Assessment Diagrams.

The City Engineer is hereby authorized and directed to prepare duplicate diagrams (Assessment Diagrams) of the property contained within the Assessment District. The diagrams shall show each separate lot, numbered consecutively, the approximate area in square feet of each lot, and the location of the lot in relation to the work proposed to be done.

Section 5. Exclusion of Certain Property.

Any public street or alley within the boundaries of the Assessment District is hereby omitted from the assessment hereafter to be made. Any lot belonging to the United States, the State, a county, city, school district or any political subdivision or institution of the State or county, which is included within the Assessment District shall be omitted from the assessment hereafter made.

Section 6. Existing Maintenance Improvement District.

This proposed Maintenance Improvement District for Tierra Del Rio Parcel 10B is subject to the existing Tierra Del Rio Development Master Maintenance Improvement District #1062.

Section 7. Officers Not Liable.

In no event will the City of Peoria or any officer thereof be liable for any portion of the cost of said Improvement District nor for any delinquency of persons or property assessed.

Section 8. Annual Statement.

The City Council shall make annual statements and estimates of the expenses of the District which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all real and personal property in the District as provided in A.R.S. § 48-574 and amendments thereto.

Section 9. Statutory Authority.

The Work and all proceedings pertaining thereto shall be performed under

Resolution No. 2013-109
MID 1136 – Tierra Del Rio 10B
September 17, 2013
Page 5 of 10 Pages

the provisions of Title 48, Article 2, specifically Section 48-574, and all amendments thereto and pursuant to Article I, Section 3, (8) of the Peoria City Charter.

Section 10. Delegation of Authority.

The City Engineer is hereby authorized to fill in any blanks and to make any minor corrections necessary to complete the Plans and Specifications and the Contract Documents.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 17th day of September, 2013.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

CERTIFICATION OF CITY ENGINEER

I hereby certify that I have read the description set out under the definition "Assessment District" and approve the same. I further certify that I have read the description set out under the definition "Work" and approve the same.

Andrew Granger, Engineering Director

CERTIFICATION OF CITY CLERK

I hereby certify that the above and foregoing Resolution No. 2013-109 duly passed by the Mayor and Council of the City of Peoria, Arizona at a regular meeting held on September 17, 2013 and that a quorum was present there and that the vote thereon was _____ ayes and _____ nays. _____ were no vote or absent.

City Clerk, City of Peoria

EXHIBIT
"A"
TIERRA DEL RIO PARCEL 10B
Maintenance ID # 1136 LEGAL DESCRIPTION

THAT PORTION OF THE WEST HALF OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 2 %" BRASS CAP, UP 8", MARKED: T5N, R1E, S32, % COR. S5, T4N, RLS #6177 ACCEPTED AS THE NORTH QUARTER CORNER OF SAID SECTION 5 FROM WHICH A FOUND 2 %" O.D. IRON PIPE, 1.4' UP IN 2' SQUARE CONCRETE SLAB WITH 5/8" BOLT ON TOP WITH TAG RLS #6177 ACCEPTED AS THE CENTER OF SAID SECTION 5 LIES SOUTH 00 DEGREES 01 MINUTES 17 SECONDS EAST A DISTANCE OF 2570.76 FEET;

THENCE SOUTH 00 DEGREES 01 MINUTES 17 SECONDS EAST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5 A DISTANCE OF 1645.99 FEET;

THENCE LEAVING SAID EAST LINE, SOUTH 89 DEGREES 58 MINUTES 43 SECONDS WEST, A DISTANCE OF 692.67 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 02 DEGREES 03 MINUTES 39 SECONDS WEST, A DISTANCE OF 631.79 FEET;

THENCE SOUTH 05 DEGREES 22 MINUTES 07 SECONDS EAST, A DISTANCE OF 516.08 FEET;

THENCE SOUTH 23 DEGREES 26 MINUTES 27 SECONDS WEST, A DISTANCE OF 86.57 FEET;

THENCE NORTH 66 DEGREES 33 MINUTES 33 SECONDS WEST, A DISTANCE OF 190.30 FEET;

THENCE NORTH 88 DEGREES 43 MINUTES 04 SECONDS WEST, A DISTANCE OF 203.93 FEET TO THE EASTERLY RIGHT OF WAY LINE OF TIERRA DEL RIO BOULEVARD;

THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING SIX (7) COURSES:

(1) NORTH 01 DEGREES 17 MINUTES 17 SECONDS EAST, A DISTANCE OF 493.81 FEET;

(2) NORTH 47 DEGREES 40 MINUTES 28 SECONDS EAST, A DISTANCE OF 41.39 FEET;

(3) NORTH 04 DEGREES 03 MINUTES 28 SECONDS EAST, A DISTANCE OF 50.00 FEET;

(4) NORTH 39 DEGREES 31 MINUTES 50 SECONDS WEST, A DISTANCE OF 41.40 FEET TO A NON- TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 1135.00 FEET THE CENTER OF WHICH LIES SOUTH 83 DEGREES 09 MINUTES 39 SECONDS EAST;

(5) NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 00 DEGREES 07 MINUTES 03 SECONDS, AN ARC LENGTH OF 2.33 FEET;

(6) NORTH 06 DEGREES 57 MINUTES 24 SECONDS EAST, A DISTANCE OF 400.28 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1065.00 FEET;

(7) NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 06 DEGREES 30 MINUTES 12 SECONDS, AN ARC LENGTH OF 120.88 FEET;

THENCE LEAVING SAID RIGHT OF WAY LINE, SOUTH 89 DEGREES 32 MINUTES 49 SECONDS EAST A DISTANCE OF 219.44 FEET;

THENCE NORTH 76 DEGREES 18 MINUTES 05 SECONDS EAST A DISTANCE OF 95.16 FEET TO THE **POINT OF BEGINNING**.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any other land division restrictions.

The above described parcel contains 405,967 square feet (9.3197 acres) more or less.

Prepared by: HilgartWilson
1661 East Camelback Road
Suite 275
Phoenix, AZ Job no. 1244
February 2013



EXHIBIT “B”

IS ON FILE IN THE

CITY OF PEORIA
CITY CLERK’S OFFICE
8401 W. MONROE STREET
PEORIA, AZ 85345

**CITY OF PEORIA, ARIZONA
NOTICE**

OF THE PASSAGE OF A RESOLUTION ORDERING THE IMPROVEMENT CONSISTING OF AUTHORIZING THE MAINTENANCE OF LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITHIN APPURTENANT STRUCTURES AS SHOWN ON THE PLANS FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1136, TIERRA DEL RIO 10B.

This notice is given pursuant to the provisions of Title 48, Chapter 4, Article 2, Sections 48-571 to 48-619, both inclusive, Arizona Revised Statutes, as amended.

On the 17th day of September, 2013 the Mayor and Council of the City of Peoria adopted Resolution No. 2013-109; ordering the improvements of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together within appurtenant structures shown on the plans, within the corporate limits of the City and creating an Improvement District known as the City of Peoria Maintenance Improvement District No. 1136, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together within appurtenant structures, which includes a charge for the maintenance of landscaping and other related items, together with all appurtenant structures as shown on the plans; and directing that this notice been given.

Any owner, or any other person having an interest in any lot, piece or parcel of land situated within the above-described assessment district, who claims that any of the provisions, acts or proceedings relative to the above described improvements are irregular, defective, illegal, erroneous or faulty, may file with the City Clerk, Room 150, 8401 West Monroe Street, Peoria, Arizona 85345, within 15 days from the date of the first publication of this notice, a written notice specifying in what way said acts or proceedings are irregular, defective, illegal, erroneous or faulty.

Further information concerning City of Peoria Maintenance Improvement District No. 1136 may be obtained by contacting Mr. Andrew Granger, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7367.

DATED AND SIGNED this _____ day of _____, 2013.

Andrew Granger, P.E.
Superintendent of Streets
City of Peoria, Arizona

RESOLUTION NO. 2013-110

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE IMPROVEMENTS OF A CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE CITY AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1136, TIERRA DEL RIO 10B; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, THAT:

SECTION 1. The public interest or convenience require and it is the intention of the Mayor and Council of the City of Peoria, Arizona to order the maintenance of landscaping within the proposed district and that the cost of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures be assessed upon a certain improvement district to be known as Peoria Maintenance Improvement District No. 1136.

The estimate of the cost and expenses for the maintenance of the landscaping on file with the Superintendent of Streets and the City Clerk is approved and adopted by the Mayor and Council of the City.

SECTION 2. The maintenance of the landscaping, therefore, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit, and are of special benefit to the respective lots, pieces and parcels

of land within the real property described herein. The Mayor and Council of the City make and order that the cost and expense for the maintenance of the landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures be chargeable upon a district to be known and designated as the City of Peoria Maintenance Improvement District No. 1136 and as described and bounded as set forth on Exhibits A and B attached, and declare that the district in the City benefited by the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures to be assessed, to pay the costs and expenses thereof in proportion to the benefits derived therefrom.

The City shall not assess the costs and expenses for the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures, which are for the general public benefit against the respective lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1136 and if a portion of the costs and expenses for the maintenance of landscaping is for the general public benefit, the City shall assess the boundaries of the City of Peoria Maintenance Improvement District No. 1136 only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1136.

SECTION 3. The costs and expense for the maintenance of landscaping shall be made and all proceedings therein taken; that the Superintendent of Streets of the City shall post or cause to be posted notices thereof; that the City Clerk shall certify to the passage of this Resolution of Intention; that the Engineer shall prepare duplicate diagrams of the City of Peoria Maintenance Improvement District No. 1136 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

SECTION 4. The majority of owners of all of the real property within the proposed district have executed a Petition for formation of a Maintenance Improvement District and the City Council has verified the ownership of the property. Publication and posting of the notice of the passage of the Resolution of Intention will be completed as prescribed by the State Statues.

SECTION 5. Any Resolutions or parts of Resolutions in conflict with the provisions of this Resolution are hereby repealed.

SECTION 6. The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety and an emergency is declared to exist, and this Resolution will be in full force and effect from and after its passage and approval by the Mayor and Council of the

Resolution No. 2013-110
MID 1136 – Tierra Del Rio 10B
September 17, 2013
Page 3 of 6 Pages

City of Peoria, Arizona as required by law and is exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 17th day of September, 2013.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT
"A"
TIERRA DEL RIO PARCEL 10B
Maintenance ID # 1136 LEGAL DESCRIPTION

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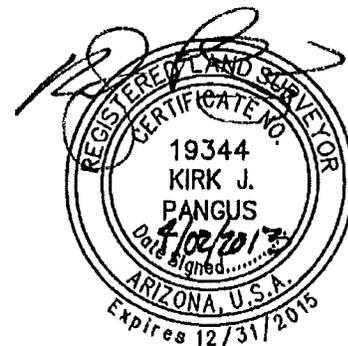
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The above described parcel contains 405,967 square feet (9.3197 acres) more or

less. Prepared by: HilgartWilson
1661 East Camelback Road
Suite 275
Phoenix, AZ Job no. 1244
February 2013



Resolution No. 2013-110

EXHIBIT "B"

IS ON FILE IN THE

**CITY OF PEORIA
CITY CLERK'S OFFICE
8401 W. Monroe Street
Peoria, AZ 85345**

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 10C

Date Prepared: September 3, 2013

Council Meeting Date: September 17, 2013

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Street Light Improvement District No. 1077, Terramar Parcel 10B, Terramar Boulevard north of Happy Valley Road

Purpose:

This is a request for City Council to approve the Petition for Formation and adopt the Resolution of Intention and Resolution Ordering the Improvements for the proposed Street Light Improvement District No. 1077, Terramar Parcel 10B, Terramar Boulevard north of Happy Valley Road, and authorize the City Clerk to record the Street Light Improvement District with the Maricopa County Recorder's Office subject to the following stipulations:

1. All civil and street light plans must be approved by the City of Peoria (City) prior to recordation of the Street Light Improvement District.
2. The final plat for the subdivision must be approved by City Council and recorded with the Maricopa County Recorder's Office prior to recordation of the Street Light Improvement District.
3. The developer must provide a fully executed Petition, Waiver and Consent to Formation of a Municipal Improvement District.

Background/Summary:

The purpose of the Streetlight Improvement District is for the purchase of electricity for lighting the streets and public parks within the proposed district.

Pursuant to the provisions of A.R.S. §48-616, et seq., Mayor and Council are empowered to adopt a resolution ordering the formation of a Street Light Improvement District. A Petition, Resolution of Intention and Resolution Ordering the Improvements are attached for formation of City of Peoria Street Light Improvement District No. 1077, Terramar 10B, located at Terramar Boulevard north of Happy Valley Road. In this special situation, in which all of the property owners have presented a petition for formation, the ordinary publication and protest period

are not required by law, and the Council may then immediately adopt a Resolution Ordering the improvements once the Resolution of Intention is first adopted. The Resolution ordering the improvements finalizes the formation of the Street Light Improvement District process.

Under Arizona State law, commencing in October 2014, the residents will receive, on their property tax bill, an additional charge for operation of the street light system. In accordance with state statute, an assessment diagram and map listing each parcel of property within the district has been prepared.

Previous Actions:

The final replat for Terramar Parcel 10B was approved by the Council on August 20, 2013.

Options:

A: The Street Light Improvement District has been approved through the Economic Development Services Department. An option would be to not accept the proposed Street Light Improvement District; although it should be noted that not approving the Street Light Improvement District will prevent the purchase of electricity for lighting the streets and public parks within the proposed district from being assessed on the property tax bill.

B: The other option would be to formally approve the Street Light Improvement District to allow for the taxing district to be recorded and fees assessed to the property tax bills.

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Petition for Formation, Resolution of Intention, and Resolution Ordering the Improvements.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Street Light Improvement District. However, the City would incur the cost associated with the purchase of electricity for lighting the streets and public parks within the proposed district should the taxing district not be approved and recorded.

Narrative:

The acceptance of this Street Light Improvement District will allow the purchase of electricity for lighting the streets and public parks within the proposed district to be assessed on the property tax bill for the properties located within the District.

Exhibit(s):

Exhibit 1: Petition for Formation

Exhibit 2: Proposed Resolution of Intention

Exhibit 3: Proposed Resolution Ordering the Improvements

Contact Name and Number: Traci Varland, Associate Engineer, x7612

PETITION, WAIVER AND CONSENT TO FORMATION
OF A MUNICIPAL IMPROVEMENT DISTRICT
BY THE CITY OF PEORIA

[1077]

SLID#

[Terramac Pcl 108]

Subdivision Name

To: Honorable Mayor and Council
City of Peoria, Arizona

Pursuant to Arizona Revised Statutes, Section 48-617, the undersigned property owner respectfully petitions the City Council of the City of Peoria, Arizona (City Council) to order the formation of a Municipal Street Light Improvement District under Arizona Revised Statutes, Title 48, Chapter 4, Article 2. In support of this petition, the undersigned states agrees to waive certain rights under the Arizona Improvement District Law and to consent to the formation and completion of the District.

1. Area of District. The proposed district is described by a map and by a legal description on Exhibit "A", which is attached hereto and incorporated herein by reference. The proposed district consists of 23.458 acres and is entirely within the corporate boundaries of the City of Peoria.
2. Ownership. The undersigned (is) (are) the sole owner(s) of the real property within the proposed district.
3. Purpose. The district is proposed to be formed for the purpose of the purchase of electricity for lighting the streets and public parks within the proposed district.
4. Public Convenience and Necessity. The necessity for the proposed district is the purchase of electricity for lighting the streets and public parks within the proposed district by the levying of special assessments in the proposed district.
5. Waiver and Consent. The petitioners with full knowledge of their rights being waived hereunder, hereby expressly waive:
 - (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work;
 - (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements pursuant to A.R.S. §48-578;
 - (c) All protest rights whatsoever under A.R.S. §48-579(A) and (B), which provide for protests against the work;
 - (d) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

Further, the improvements described above are of more than local or ordinary public benefit.

In Witness whereof the parties have executed this Petition and Waiver Agreement as of the _____
day of _____ 20____.

RESOLUTION NO. 2013-120

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS WITHIN THE PROPOSED DISTRICT AND THAT THE COST OF THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS, BE ASSESSED UPON A CERTAIN IMPROVEMENT DISTRICT TO BE KNOWN AS CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1077, TERRAMAR PARCEL 10B; PROVIDING THAT THE COST OF THE ELECTRICITY REQUIRED TO OPERATE THE SYSTEM BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, THAT:

SECTION 1. The public interest or convenience require and it is the intention of the Mayor and Council of the City of Peoria, Arizona to order the purchase of electricity for lighting the streets and public parks within the proposed district.

The estimate of the cost and expenses for the purchase of electricity for the operation of the streetlights on file with the Superintendent of Streets and the City Clerk is approved and adopted by the Mayor and Council of the City.

SECTION 2. The streetlights and the electricity, therefore, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit, and are of special benefit to the respective lots, pieces and parcels of land within the real property described herein. The Mayor and Council of the City make and order that the cost and expense for the purchase of electricity be chargeable upon a district to be known and designated as the City of Peoria Streetlight Improvement District No. 1077 and as described and bounded as set forth on Exhibits A and B attached, and declare that the district in the City benefited by the purchase of electricity for streetlights to be assessed, to pay the costs and expenses thereof in proportion to the benefits derived therefrom.

Resolution No. 2013-120
SLID 1077, Terramar Parcel 10B
September 17, 2013
Page 2 of 5 Pages

The City shall not assess the costs and expenses for the purchase of electricity for streetlights which are for the general public benefit against the respective lots, pieces and parcels of land located within the boundaries of the City of Peoria Streetlight Improvement District No. 1077 and if a portion of the costs and expenses for the purchase of electricity for streetlights is for the general public benefit, the City shall assess the boundaries of the City of Peoria Streetlight Improvement District No. 1077 only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the City of Peoria Streetlight Improvement District No. 1077.

SECTION 3. The costs and expense for the purchase of electricity for streetlights shall be made and all proceedings therein taken; that the Superintendent of Streets of the City shall post or cause to be posted notices thereof; that the City Clerk shall certify to the passage of this Resolution of Intention; that the Engineer shall prepare duplicate diagrams of the City of Peoria Streetlight Improvement District No. 1077 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

SECTION 4. The majority of owners of all of the real property within the proposed district have executed a Petition for formation of a Streetlight Improvement District and the City Council has verified the ownership of the property. Publication and posting of the notice of the passage of the Resolution of Intention will be completed as prescribed by the State Statutes.

SECTION 5. Any Resolutions or parts of Resolutions in conflict with the provisions of this Resolution are hereby repealed.

SECTION 6. The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety and an emergency is declared to exist, and this Resolution will be in full force and effect from and after its passage and approval by the Mayor and Council of the City of Peoria, Arizona as required by law and is exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

Resolution No. 2013-120
SLID 1077, Terramar Parcel 10B
September 17, 2013
Page 3 of 5 Pages

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City
of Peoria, Arizona, this 17th day of September, 2013.

Bob Barrett, Mayor

Date Signed : _____

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

LEGAL DESCRIPTION FOR
TERRAMAR PARCEL 10B
STREET LIGHT IMPROVEMENT DISTRICT

That part of the West Half of Section 1, Township 4 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the City of Peoria Brass Cap marking the Southwest Corner of said Section 1, from which the Maricopa County Aluminum Cap marking the West Quarter Corner of said Section 1 bears North 00°05'53" East, a distance of 2,636.64 feet;

Thence North 00°05'53" East, along the West line of the Southwest Quarter of said Section 1, a distance of 1,441.84 feet to the Southwest Corner of Parcel K, Final Plat for Terramar, recorded in Book 455 of Maps, Page 41, Records of Maricopa County, Arizona, being the True Point of Beginning;

Thence continuing North 00°05'53" East, along said West line, a distance of 660.49 feet to the Northwest Corner of said Parcel K;

Thence along the Northwesterly line of Parcel K and Parcel G of said Final Plat for Terramar the following courses:

Thence North 30°46'02" East, a distance of 416.14 feet;

Thence North 38°00'35" East, a distance of 223.23 feet;

Thence North 42°10'53" East, a distance of 246.25 feet to a point on the Southerly boundary of Terramar Parcel 11, recorded in Book 508 of Maps, Page 7, Records of Maricopa County, Arizona;

Thence along the Southerly boundary of said Terramar Parcel 11 the following courses:

Thence South 55°23'12" East, departing said Northwesterly line, a distance of 463.47 feet;

Thence South 47°42'30" East, a distance of 66.44 feet;

Thence South 37°41'44" East, a distance of 96.70 feet to a point on the monument line of Remuda Drive, as depicted on the plat of said Terramar Parcel 11, said point being on a 1,408.00 foot radius non-tangent curve, whose center bears South 37°15'56" East;

Thence along the monument line of said Remuda Drive the following courses:

Legal Description for
Terramar Parcel 10B
Street Light Improvement District
December 4, 2012

Resolution No. 2013-120
SLID 1077 – Terramar Parcel 10B
September 17, 2013
Page 5 of 5

Thence Northeasterly, departing said Southerly boundary along said curve, through a central angle of $02^{\circ}16'18''$, a distance of 55.82 feet;

Thence North $55^{\circ}00'22''$ East, a distance of 85.43 feet to a point on the monument line of 74th Avenue, as depicted on the plat of said Terramar Parcel 11;

Thence South $34^{\circ}59'38''$ East, departing said monument line of Remuda Drive along said monument line of 74th Avenue, a distance of 208.00 feet to a point on the monument line of Terramar Boulevard as depicted on said Final Plat for Terramar;

Thence along the monument line of said Terramar Boulevard the following courses:

Thence South $55^{\circ}00'22''$ West, a distance of 85.43 feet to the beginning of a tangent curve of 1,200.00 foot radius, concave Southeasterly;

Thence Southwesterly, along said curve, through a central angle of $49^{\circ}10'32''$, a distance of 1,029.93 feet;

Thence North $84^{\circ}10'10''$ West, departing the monument line of said Terramar Boulevard, a distance of 40.00 feet to the Southeast Corner of said Parcel G;

Thence North $89^{\circ}45'28''$ West, along the South line of said Parcel G and said Parcel K, a distance of 625.52 feet to the True Point of Beginning.

Containing 23.458 Acres, more or less.



Expires: 6/30/2013

Resolution No. 2013-120

EXHIBIT "B"

IS ON FILE IN THE

**CITY OF PEORIA
CITY CLERK'S OFFICE
8401 W. Monroe Street
Peoria, AZ 85345**

RESOLUTION NO. 2013-121

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA ORDERING THE IMPROVEMENTS OF CERTAIN STREETS AND RIGHTS-OF-WAY WITHIN THE CORPORATE LIMITS OF THE TOWN AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1077, TERRAMAR PARCEL 10B PURSUANT TO TITLE 48, CHAPTER 4, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO FOR THE PURPOSE OF PURCHASING ELECTRICITY, WHICH INCLUDES A CHARGE FOR THE USE OF LIGHTING FACILITIES AND OTHER RELATED ITEMS TOGETHER WITH ALL APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, AND DECLARING AN EMERGENCY.

WHEREAS on the 17th day of September 2013, the Mayor and Council of the City of Peoria, Arizona, passed and adopted Resolution No. 2013-120, declaring its intention to order the purchase of electricity for lighting the streets and public parks within the proposed district and that the cost of the purchase of electricity for lighting the streets and public parks be assessed upon a certain improvement district, to be known as City of Peoria Streetlight Improvement District No. 1077; providing that the cost of the electricity required to operate the system be assessed under the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended; and declaring an emergency; and

WHEREAS, a copy of Resolution No. 2013-120 has been published in the Peoria Times, a newspaper published and generally circulated in the City, as required by law or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, the Superintendent of Streets of the City caused to be posted along the streets of the District, no more than three hundred (300) feet apart, notices of the passage of Resolution No. 2013-120, said notices being headed "Notice of Proposed Improvement", each heading in letters at least one (1) inch in height. Said notices stated the fact of the passage of said Resolution of Intention No. 2013-120 or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

Resolution No. 2013-121
SLID 1077 – Terramar Parcel 10B
September 17, 2013
Page 2 of 6 Pages

WHEREAS, more than fifteen (15) days have elapsed since the date of the last publication of said Resolution of Intention No. 2013-120 and since the completion of the posting of said notices or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, no protests against the proposed improvement and no objections to the extent of the District were filed with the Clerk of the City during the time prescribed by law; and

WHEREAS, the Mayor and Council of the City having acquired jurisdiction to order the improvements as described in Resolution No. 2013-120; and

WHEREAS, the City Engineer acting as District Engineer has prepared and presented to the Mayor and Council of the City duplicate diagrams of the property contained within the District ("the Diagram") and legal description copies of which are attached and incorporated as Exhibits A and B.

NOW THEREFORE IT IS RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, as follows:

Section 1. By virtue of the authority vested in the Mayor and Council of the City by Title 48, Chapter 4, Article 2, Arizona Revised Statutes and all amendments thereto, the Mayor and Council of the City orders the work or improvement done as described in Resolution No. 2013-120 and in accordance with the Plans and Specifications approved and adopted by the Mayor and Council of the City of Peoria, Arizona.

Section 2. The Superintendent of Streets of the City is authorized and directed to prepare and execute the notice of the passage of this Resolution, which is attached as Exhibit B. Such notice shall be posted and published as provided by law.

Section 3. That the Diagram, as prepared and presented to the Mayor and Council of the City is approved by the Mayor and Council of the City.

Section 4. That the Clerk of the City is authorized and directed to certify that the Diagram was approved by the Mayor and Council of the City on the 17th day of September 2013, and after such certification, the Clerk of the City is authorized and directed to deliver the Diagram to the Superintendent of Streets of the City.

Resolution No. 2013-121
SLID 1077 – Terramar Parcel 10B
September 17, 2013
Page 3 of 6 Pages

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City
of Peoria, Arizona on the 17th day of September, 2013.

Bob Barrett, Mayor

Date Signed: _____

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

LEGAL DESCRIPTION FOR
TERRAMAR PARCEL 10B
STREET LIGHT IMPROVEMENT DISTRICT

That part of the West Half of Section 1, Township 4 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the City of Peoria Brass Cap marking the Southwest Corner of said Section 1, from which the Maricopa County Aluminum Cap marking the West Quarter Corner of said Section 1 bears North 00°05'53" East, a distance of 2,636.64 feet;

Thence North 00°05'53" East, along the West line of the Southwest Quarter of said Section 1, a distance of 1,441.84 feet to the Southwest Corner of Parcel K, Final Plat for Terramar, recorded in Book 455 of Maps, Page 41, Records of Maricopa County, Arizona, being the True Point of Beginning;

Thence continuing North 00°05'53" East, along said West line, a distance of 660.49 feet to the Northwest Corner of said Parcel K;

Thence along the Northwesterly line of Parcel K and Parcel G of said Final Plat for Terramar the following courses:

Thence North 30°46'02" East, a distance of 416.14 feet;
Thence North 38°00'35" East, a distance of 223.23 feet;

Thence North 42°10'53" East, a distance of 246.25 feet to a point on the Southerly boundary of Terramar Parcel 11, recorded in Book 508 of Maps, Page 7, Records of Maricopa County, Arizona;

Thence along the Southerly boundary of said Terramar Parcel 11 the following courses:

Thence South 55°23'12" East, departing said Northwesterly line, a distance of 463.47 feet;

Thence South 47°42'30" East, a distance of 66.44 feet;

Thence South 37°41'44" East, a distance of 96.70 feet to a point on the monument line of Remuda Drive, as depicted on the plat of said Terramar Parcel 11, said point being on a 1,408.00 foot radius non-tangent curve, whose center bears South 37°15'56" East;

Thence along the monument line of said Remuda Drive the following courses:

Legal Description for
Terramar Parcel 10B
Street Light Improvement District
December 4, 2012

Resolution No. 2013-121
SLID 1077 – Terramar Parcel 10B
September 17, 2013
Page 5 of 6

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Thence South $34^{\circ}59'38''$ East, departing said monument line of Remuda Drive along said monument line of 74th Avenue, a distance of 208.00 feet to a point on the monument line of Terramar Boulevard as depicted on said Final Plat for Terramar;

Thence along the monument line of said Terramar Boulevard the following courses:

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Thence Southwesterly, along said curve, through a central angle of $49^{\circ}10'32''$, a distance of 1,029.93 feet;

Thence North $84^{\circ}10'10''$ West, departing the monument line of said Terramar Boulevard, a distance of 40.00 feet to the Southeast Corner of said Parcel G;

Thence North $89^{\circ}45'28''$ West, along the South line of said Parcel G and said Parcel K, a distance of 625.52 feet to the True Point of Beginning.

Containing 23.458 Acres, more or less.



Expires: 6/30/2013

Resolution No. 2013-121

EXHIBIT "B"

IS ON FILE IN THE

**CITY OF PEORIA
CITY CLERK'S OFFICE
8401 W. Monroe Street
Peoria, AZ 85345**

Resolution No. 2013-121
SLID 1077, Terramar Parcel 10B
September 17, 2013
Page 6 of 6 Pages

CITY OF PEORIA, ARIZONA

NOTICE

OF THE PASSAGE OF A RESOLUTION ORDERING THE IMPROVEMENT CONSISTING OF AUTHORIZING THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1077, TERRAMAR PARCEL 10B.

This notice is given pursuant to the provisions of Title 48, Chapter 4, Article 2, Sections 48-571 to 48-619, both inclusive, Arizona Revised Statutes, as amended.

On the 17th day of September 2013, the Mayor and Council of the City of Peoria adopted Resolution No. 2013-121; ordering the improvements of certain streets and rights-of-way within the corporate limits of the town and creating an Improvement District known as the City of Peoria Streetlight Improvement District No. 1077, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of purchasing electricity, which includes a charge for the use of lighting facilities and other related items, together with all appurtenant structures as shown on the plans; and directing that this notice be given.

Any owner, or any other person having an interest in any lot, piece or parcel of land situated within the above-described assessment district, who claims that any of the provisions, acts or proceedings relative to the above described improvements are irregular, defective, illegal, erroneous or faulty, may file with the City Clerk, Room 150, 8401 West Monroe Street, Peoria, Arizona 85345, within 15 days from the date of the first publication of this notice, a written notice specifying in what way said acts or proceedings are irregular, defective, illegal, erroneous or faulty.

Further information concerning City of Peoria Streetlight Improvement District No. 1077 may be obtained by contacting Mr. Andrew Granger, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7367.

DATED AND SIGNED this _____ day of _____, 2013.

Andrew Granger, P.E.
Superintendent of Streets
City of Peoria, Arizona

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 11C

Date Prepared: September 3, 2013

Council Meeting Date: September 17, 2013

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Street Light Improvement District No. 1075, Tierra Del Rio 10B, Tierra Del Rio north of Happy Valley Road

Purpose:

This is a request for City Council to approve the Petition for Formation and adopt the Resolution of Intention and Resolution Ordering the Improvements for the proposed Street Light Improvement District No. 1075, Tierra Del Rio 10B, located on Tierra Del Rio north of Happy Valley Road, and authorize the City Clerk to record the Street Light Improvement District with the Maricopa County Recorder's Office subject to the following stipulations:

1. All civil and street light plans must be approved by the City of Peoria (City) prior to recordation of the Street Light Improvement District.
2. The final plat for the subdivision must be approved by City Council and recorded with the Maricopa County Recorder's Office prior to recordation of the Street Light Improvement District.
3. The developer must provide a fully executed Petition, Waiver and Consent to Formation of a Municipal Improvement District.

Background/Summary:

The purpose of the Streetlight Improvement District is for the purchase of electricity for lighting the streets and public parks within the proposed district.

Pursuant to the provisions of A.R.S. §48-616, et seq., Mayor and Council are empowered to adopt a resolution ordering the formation of a Street Light Improvement District. A Petition, Resolution of Intention and Resolution Ordering the Improvements are attached for formation of City of Peoria Street Light Improvement District No. 1075, Tierra Del Rio 10B, located on Tierra Del Rio north of Happy Valley Road. In this special situation, in which all of the property owners have presented a petition for formation, the ordinary publication and protest period

are not required by law, and the Council may then immediately adopt a Resolution Ordering the improvements once the Resolution of Intention is first adopted. The Resolution ordering the improvements finalizes the formation of the Street Light Improvement District process.

Under Arizona State law, commencing in October 2014, the residents will receive, on their property tax bill, an additional charge for operation of the street light system. In accordance with state statute, an assessment diagram and map listing each parcel of property within the district has been prepared.

Previous Actions:

The final plat for Tierra Del Rio 10B was approved by the Council on August 20, 2013.

Options:

A: The Street Light Improvement District has been approved through the Economic Development Services Department. An option would be to not accept the proposed Street Light Improvement District; although it should be noted that not approving the Street Light Improvement District will prevent the purchase of electricity for lighting the streets and public parks within the proposed district from being assessed on the property tax bill.

B: The other option would be to formally approve the Street Light Improvement District to allow for the taxing district to be recorded and fees assessed to the property tax bills.

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Petition for Formation, Resolution of Intention, and Resolution Ordering the Improvements.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Street Light Improvement District. However, the City would incur the cost associated with the purchase of electricity for lighting the streets and public parks within the proposed district should the taxing district not be approved and recorded.

Narrative:

The acceptance of this Street Light Improvement District will allow the purchase of electricity for lighting the streets and public parks within the proposed district to be assessed on the property tax bill for the properties located within the District.

Exhibit(s):

Exhibit 1: Petition for Formation

Exhibit 2: Proposed Resolution of Intention

Exhibit 3: Proposed Resolution Ordering the Improvements

Contact Name and Number: Traci Varland, Associate Engineer, x7612

**PETITION, WAIVER AND CONSENT TO FORMATION
OF A MUNICIPAL IMPROVEMENT DISTRICT
BY THE CITY OF PEORIA**

[1075]

SLID#

[Tierra Del Rio Parcel 10b]

Subdivision Name

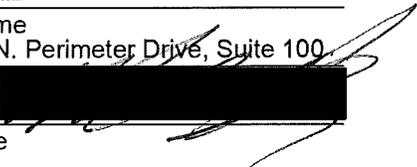
To: Honorable Mayor and Council
City of Peoria, Arizona

Pursuant to Arizona Revised Statutes, Section 48-617, the undersigned property owner respectfully petitions the City Council of the City of Peoria, Arizona (City Council) to order the formation of a Municipal Street Light Improvement District under Arizona Revised Statutes, Title 48, Chapter 4, Article 2. In support of this petition, the undersigned states agrees to waive certain rights under the Arizona Improvement District Law and to consent to the formation and completion of the District.

1. Area of District. The proposed district is described by a map and by a legal description on Exhibit "A", which is attached hereto and incorporated herein by reference. The proposed district consists of 11.0588 acres and is entirely within the corporate boundaries of the City of Peoria.
2. Ownership. The undersigned (is) (are) the sole owner(s) of the real property within the proposed district.
3. Purpose. The district is proposed to be formed for the purpose of the purchase of electricity for lighting the streets and public parks within the proposed district.
4. Public Convenience and Necessity. The necessity for the proposed district is the purchase of electricity for lighting the streets and public parks within the proposed district by the levying of special assessments in the proposed district.
5. Waiver and Consent. The petitioners with full knowledge of their rights being waived hereunder, hereby expressly waive:
 - (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work;
 - (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements pursuant to A.R.S. §48-578;
 - (c) All protest rights whatsoever under A.R.S. §48-579(A) and (B), which provide for protests against the work;
 - (d) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

Further, the improvements described above are of more than local or ordinary public benefit.

In Witness whereof the parties have executed this Petition and Waiver Agreement as of the 12th
day of February 2013.

<p>Pulte Homes Corporation</p> <hr/> <p>Print Property Owner Name Mike Brilz</p> <hr/> <p>Print Name 16767 N. Perimeter Drive, Suite 100</p> <hr/> <p>Address </p> <hr/> <p>Signature </p>	<p>Date:</p> <p><u>2-12-13</u></p>	<p>Property (Tax Parcel Numbers)</p> <p><u>201-17-062</u></p>
<hr/> <p>Print Property Owner Name</p> <hr/> <p>Print Name</p> <hr/> <p>Address</p> <hr/> <p>Signature</p>	<p>Date:</p> <hr/>	<p>Property (Tax Parcel Numbers)</p> <hr/>

Accepted and approved by:

CITY OF PEORIA, ARIZONA, an
ARIZONA MUNICIPAL CORPORATION

ATTEST:

By _____
Mayor

City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

RESOLUTION NO. 2013-111

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS WITHIN THE PROPOSED DISTRICT AND THAT THE COST OF THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS, BE ASSESSED UPON A CERTAIN IMPROVEMENT DISTRICT TO BE KNOWN AS CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1075, TIERRA DEL RIO PARCEL 10B; PROVIDING THAT THE COST OF THE ELECTRICITY REQUIRED TO OPERATE THE SYSTEM BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, THAT:

SECTION 1. The public interest or convenience require and it is the intention of the Mayor and Council of the City of Peoria, Arizona to order the purchase of electricity for lighting the streets and public parks within the proposed district.

The estimate of the cost and expenses for the purchase of electricity for the operation of the streetlights on file with the Superintendent of Streets and the City Clerk is approved and adopted by the Mayor and Council of the City.

SECTION 2. The streetlights and the electricity, therefore, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit, and are of special benefit to the respective lots, pieces and parcels of land within the real property described herein. The Mayor and Council of the City make and order that the cost and expense for the purchase of electricity be chargeable upon a district to be known and designated as the City of Peoria Streetlight Improvement District No. 1075 and as described and bounded as set forth on Exhibits A and B attached, and declare that the

Resolution No. 2013-111
SLID 1075, Tierra Del Rio Parcel 10B
September 17, 2013
Page 2 of 5 Pages

district in the City benefited by the purchase of electricity for streetlights to be assessed, to pay the costs and expenses thereof in proportion to the benefits derived therefrom.

The City shall not assess the costs and expenses for the purchase of electricity for streetlights which are for the general public benefit against the respective lots, pieces and parcels of land located within the boundaries of the City of Peoria Streetlight Improvement District No. 1075 and if a portion of the costs and expenses for the purchase of electricity for streetlights is for the general public benefit, the City shall assess the boundaries of the City of Peoria Streetlight Improvement District No. 1075 only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the City of Peoria Streetlight Improvement District No. 1075.

SECTION 3. The costs and expense for the purchase of electricity for streetlights shall be made and all proceedings therein taken; that the Superintendent of Streets of the City shall post or cause to be posted notices thereof; that the City Clerk shall certify to the passage of this Resolution of Intention; that the Engineer shall prepare duplicate diagrams of the City of Peoria Streetlight Improvement District No. 1075 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

SECTION 4. The majority of owners of all of the real property within the proposed district have executed a Petition for formation of a Streetlight Improvement District and the City Council has verified the ownership of the property. Publication and posting of the notice of the passage of the Resolution of Intention will be completed as prescribed by the State Statutes.

SECTION 5. Any Resolutions or parts of Resolutions in conflict with the provisions of this Resolution are hereby repealed.

SECTION 6. The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety and an emergency is declared to exist, and this Resolution will be in full force and effect from and after its passage and approval by the Mayor and Council of the City of Peoria, Arizona as required by law and is exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

Resolution No. 2013-111
SLID 1075, Tierra Del Rio Parcel 10B
September 17, 2013
Page 3 of 5 Pages

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City
of Peoria, Arizona, this 17th day of September, 2013.

Bob Barrett, Mayor

Date Signed : _____

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT "A"
TIERRA DEL RIO PARCEL 10B
Street Light ID # 1075 LEGAL DESCRIPTION

THAT PORTION OF THE WEST HALF OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 2 ½" BRASS CAP, UP 8", MARKED: T5N, R1E, S32, ¼ COR. S5, T4N, RLS #6177 ACCEPTED AS THE NORTH QUARTER CORNER OF SAID SECTION 5 FROM WHICH A FOUND 2 ½" O.D. IRON PIPE, 1.4' UP IN 2' SQUARE CONCRETE SLAB WITH 5/8" BOLT ON TOP WITH TAG RLS #6177 ACCEPTED AS THE CENTER OF SAID SECTION 5 LIES SOUTH 00 DEGREES 01 MINUTES 17 SECONDS EAST A DISTANCE OF 2570.76 FEET;

THENCE SOUTH 00 DEGREES 01 MINUTES 17 SECONDS EAST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5 A DISTANCE OF 1645.99 FEET;

THENCE LEAVING SAID EAST LINE, SOUTH 89 DEGREES 58 MINUTES 43 SECONDS WEST, A DISTANCE OF 692.67 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 02 DEGREES 03 MINUTES 39 SECONDS WEST, A DISTANCE OF 631.79 FEET;

THENCE SOUTH 05 DEGREES 22 MINUTES 07 SECONDS EAST, A DISTANCE OF 516.08 FEET;

THENCE SOUTH 23 DEGREES 26 MINUTES 27 SECONDS WEST, A DISTANCE OF 86.57 FEET;

THENCE NORTH 66 DEGREES 33 MINUTES 33 SECONDS WEST, A DISTANCE OF 190.30 FEET;

THENCE NORTH 88 DEGREES 43 MINUTES 04 SECONDS WEST, A DISTANCE OF 203.93 FEET TO THE EASTERLY RIGHT OF WAY LINE OF TIERRA DEL RIO BOULEVARD;

THENCE LEAVING SAID RIGHT OF WAY LINE NORTH 88 DEGREES 42 MINUTES 43 SECONDS WEST, A DISTANCE OF 65.00 FEET TO THE CENTER LINE OF TIERRA DEL RIO BOULEVARD;

THENCE ALONG SAID CENTER LINE THE FOLLOWING FOUR (4) COURSES:

(1) NORTH 01 DEGREES 17 MINUTES 17 SECONDS EAST, A DISTANCE OF 493.84 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 1200.00 FEET;

(2) NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 05 DEGREES 40 MINUTES 07 SECONDS, AN ARC LENGTH OF 118.72 FEET;

(3) NORTH 06 DEGREES 57 MINUTES 24 SECONDS EAST, A DISTANCE OF 400.28 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1000.00 FEET;

(4) NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 06 DEGREES 30 MINUTES 12 SECONDS, AN ARC LENGTH OF 113.51 FEET;

THENCE LEAVING SAID CENTER LINE SOUTH 89 DEGREES 32 MINUTES 49 SECONDS EAST, A DISTANCE OF 65.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF TIERRA DEL RIO BOULEVARD;

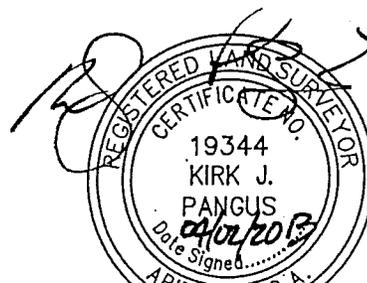
THENCE LEAVING SAID RIGHT OF WAY LINE, SOUTH 89 DEGREES 32 MINUTES 49 SECONDS EAST A DISTANCE OF 219.44 FEET;

THENCE NORTH 76 DEGREES 18 MINUTES 05 SECONDS EAST A DISTANCE OF 95.16 FEET TO THE POINT OF BEGINNING.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any other land division restrictions.

The above described parcel contains 481,591 square feet (11.0558 acres) more or less.

Prepared by: HilgartWilson
1661 East Camelback Road
Suite 275
Phoenix, AZ
Job no. 1244
February 2013



Resolution No. 2013-111

EXHIBIT "B"

IS ON FILE IN THE

**CITY OF PEORIA
CITY CLERK'S OFFICE
8401 W. Monroe Street
Peoria, AZ 85345**

RESOLUTION NO. 2013-112

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA ORDERING THE IMPROVEMENTS OF CERTAIN STREETS AND RIGHTS-OF-WAY WITHIN THE CORPORATE LIMITS OF THE TOWN AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1075, TIERRA DEL RIO PARCEL 10B PURSUANT TO TITLE 48, CHAPTER 4, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO FOR THE PURPOSE OF PURCHASING ELECTRICITY, WHICH INCLUDES A CHARGE FOR THE USE OF LIGHTING FACILITIES AND OTHER RELATED ITEMS TOGETHER WITH ALL APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, AND DECLARING AN EMERGENCY.

WHEREAS on the 17th day of September 2013, the Mayor and Council of the City of Peoria, Arizona, passed and adopted Resolution No. 2013-112, declaring its intention to order the purchase of electricity for lighting the streets and public parks within the proposed district and that the cost of the purchase of electricity for lighting the streets and public parks be assessed upon a certain improvement district, to be known as City of Peoria Streetlight Improvement District No. 1075; providing that the cost of the electricity required to operate the system be assessed under the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended; and declaring an emergency; and

WHEREAS, a copy of Resolution No. 2013-112 has been published in the Peoria Times, a newspaper published and generally circulated in the City, as required by law or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, the Superintendent of Streets of the City caused to be posted along the streets of the District, no more than three hundred (300) feet apart, notices of the passage of Resolution No. 2013-112, said notices being headed "Notice of Proposed Improvement", each heading in letters at least one (1) inch in height. Said notices stated the fact of the passage of said Resolution of Intention No. 2013-112 or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real

property; and

WHEREAS, more than fifteen (15) days have elapsed since the date of the last publication of said Resolution of Intention No. 2013-112 and since the completion of the posting of said notices or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, no protests against the proposed improvement and no objections to the extent of the District were filed with the Clerk of the City during the time prescribed by law; and

WHEREAS, the Mayor and Council of the City having acquired jurisdiction to order the improvements as described in Resolution No. 2013-112; and

WHEREAS, the City Engineer acting as District Engineer has prepared and presented to the Mayor and Council of the City duplicate diagrams of the property contained within the District ("the Diagram") and legal description copies of which are attached and incorporated as Exhibits A and B.

NOW THEREFORE IT IS RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, as follows:

Section 1. By virtue of the authority vested in the Mayor and Council of the City by Title 48, Chapter 4, Article 2, Arizona Revised Statutes and all amendments thereto, the Mayor and Council of the City orders the work or improvement done as described in Resolution No. 2013-112 and in accordance with the Plans and Specifications approved and adopted by the Mayor and Council of the City of Peoria, Arizona.

Section 2. The Superintendent of Streets of the City is authorized and directed to prepare and execute the notice of the passage of this Resolution, which is attached as Exhibit B. Such notice shall be posted and published as provided by law.

Section 3. That the Diagram, as prepared and presented to the Mayor and Council of the City is approved by the Mayor and Council of the City.

Section 4. That the Clerk of the City is authorized and directed to certify that the Diagram was approved by the Mayor and Council of the City on the 20th day of August 2013, and after such certification, the Clerk of the City is authorized and directed to deliver the Diagram to the Superintendent of Streets of the City.

Resolution No. 2013-112
SLID 1075 – Tierra Del Rio 10B
September 17, 2013
Page 3 of 6 Pages

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Peoria, Arizona on the 17th day of September, 2013.

Bob Barrett, Mayor

Date Signed: _____

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT "A"
TIERRA DEL RIO PARCEL 10B
Street Light ID # 1075 LEGAL DESCRIPTION

THAT PORTION OF THE WEST HALF OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 2 ½" BRASS CAP, UP 8", MARKED: T5N, R1E, S32, ¼ COR. S5, T4N, RLS #6177 ACCEPTED AS THE NORTH QUARTER CORNER OF SAID SECTION 5 FROM WHICH A FOUND 2 ½" O.D. IRON PIPE, 1.4' UP IN 2' SQUARE CONCRETE SLAB WITH 5/8" BOLT ON TOP WITH TAG RLS #6177 ACCEPTED AS THE CENTER OF SAID SECTION 5 LIES SOUTH 00 DEGREES 01 MINUTES 17 SECONDS EAST A DISTANCE OF 2570.76 FEET;

THENCE SOUTH 00 DEGREES 01 MINUTES 17 SECONDS EAST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 5 A DISTANCE OF 1645.99 FEET;

THENCE LEAVING SAID EAST LINE, SOUTH 89 DEGREES 58 MINUTES 43 SECONDS WEST, A DISTANCE OF 692.67 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 02 DEGREES 03 MINUTES 39 SECONDS WEST, A DISTANCE OF 631.79 FEET;

THENCE SOUTH 05 DEGREES 22 MINUTES 07 SECONDS EAST, A DISTANCE OF 516.08 FEET;

THENCE SOUTH 23 DEGREES 26 MINUTES 27 SECONDS WEST, A DISTANCE OF 86.57 FEET;

THENCE NORTH 66 DEGREES 33 MINUTES 33 SECONDS WEST, A DISTANCE OF 190.30 FEET;

THENCE NORTH 88 DEGREES 43 MINUTES 04 SECONDS WEST, A DISTANCE OF 203.93 FEET TO THE EASTERLY RIGHT OF WAY LINE OF TIERRA DEL RIO BOULEVARD;

THENCE LEAVING SAID RIGHT OF WAY LINE NORTH 88 DEGREES 42 MINUTES 43 SECONDS WEST, A DISTANCE OF 65.00 FEET TO THE CENTER LINE OF TIERRA DEL RIO BOULEVARD;

THENCE ALONG SAID CENTER LINE THE FOLLOWING FOUR (4) COURSES:

(1) NORTH 01 DEGREES 17 MINUTES 17 SECONDS EAST, A DISTANCE OF 493.84 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 1200.00 FEET;

(2) NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 05 DEGREES 40 MINUTES 07 SECONDS, AN ARC LENGTH OF 118.72 FEET;

(3) NORTH 06 DEGREES 57 MINUTES 24 SECONDS EAST, A DISTANCE OF 400.28 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1000.00 FEET;

(4) NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 06 DEGREES 30 MINUTES 12 SECONDS, AN ARC LENGTH OF 113.51 FEET;

THENCE LEAVING SAID CENTER LINE SOUTH 89 DEGREES 32 MINUTES 49 SECONDS EAST, A DISTANCE OF 65.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF TIERRA DEL RIO BOULEVARD;

THENCE LEAVING SAID RIGHT OF WAY LINE, SOUTH 89 DEGREES 32 MINUTES 49 SECONDS EAST A DISTANCE OF 219.44 FEET;

THENCE NORTH 76 DEGREES 18 MINUTES 05 SECONDS EAST A DISTANCE OF 95.16 FEET TO THE **POINT OF BEGINNING**.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any other land division restrictions.

The above described parcel contains 481,591 square feet (11.0558 acres) more or less.

Prepared by: HilgartWilson
1661 East Camelback Road
Suite 275
Phoenix, AZ
Job no. 1244
February 2013



Resolution No. 2013-112

EXHIBIT "B"

IS ON FILE IN THE

**CITY OF PEORIA
CITY CLERK'S OFFICE
8401 W. Monroe Street
Peoria, AZ 85345**

ASSESSMENT DIAGRAM STREET LIGHT IMPROVEMENT DISTRICT #1075 TIERRA DEL RIO, PARCEL 10B

A SUBDIVISION OF A PORTION OF THE WEST HALF OF SECTION 5, TOWNSHIP 4 NORTH,
RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

LEGAL DESCRIPTION

PORTION OF THE WEST HALF OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE
AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 2' X 8" BRASS CAP, UP 8" MARKED: T&N, R1E, S32.1' COR. S5.
AND 7' X 6" IRON PIPE 1.24' UP IN 2" SQUARE CONCRETE SLAB WITH 5/8" BOLT ON
EASTERN 5 LINES SOUTH 01
MINUTES 01 SECONDS EAST, A DISTANCE OF 270.76 FEET,

TO SOUTH 00 DEGREES 01 MINUTES 17 SECONDS EAST, ALONG THE EAST LINE OF THE
WEST QUARTER OF SAID SECTION 5 A DISTANCE OF 1164.99 FEET;

TO LEAVING SAID EAST LINE, SOUTH 89 DEGREES 58 MINUTES 43 SECONDS WEST, A
DISTANCE OF 692.67 FEET TO THE POINT OF BEGINNING;

TO SOUTH 02 DEGREES 03 MINUTES 39 SECONDS WEST, A DISTANCE OF 631.79 FEET;

TO SOUTH 05 DEGREES 22 MINUTES 07 SECONDS EAST, A DISTANCE OF 516.08 FEET;

TO SOUTH 23 DEGREES 26 MINUTES 27 SECONDS WEST, A DISTANCE OF 86.57 FEET;

TO NORTH 66 DEGREES 33 MINUTES 33 SECONDS WEST, A DISTANCE OF 190.30 FEET;

TO NORTH 88 DEGREES 43 MINUTES 04 SECONDS WEST, A DISTANCE OF 203.83 FEET TO
EASTERLY RIGHT OF WAY LINE OF TIERRA DEL RIO BOULEVARD;

TO LEAVING SAID RIGHT OF WAY LINE NORTH 89 DEGREES 42 MINUTES 43 SECONDS
WEST, A DISTANCE OF 60.00 FEET TO THE CENTER LINE OF TIERRA DEL RIO BOULEVARD;

TO ALONG SAID CENTER LINE THE FOLLOWING FOUR (4) COURSES:

(1) NORTH 01 DEGREES 17 MINUTES 17 SECONDS EAST, A DISTANCE OF 483.94 FEET TO
THE BEGINNING OF A CURVE CONCAVE EASTWARD, HAVING A RADIUS OF 1200.00 FEET;

(2) NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 05 DEGREES 40
MINUTES 07 SECONDS, AN ARC LENGTH OF 118.72 FEET;

(3) NORTH 06 DEGREES 57 MINUTES 24 SECONDS EAST, A DISTANCE OF 400.26 FEET TO
THE BEGINNING OF A CURVE, CONCAVE WESTWARD, HAVING A RADIUS OF 1000.00 FEET;

(4) NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 06 DEGREES 30
MINUTES 12 SECONDS, AN ARC LENGTH OF 113.51 FEET;

TO LEAVING SAID CENTER LINE SOUTH 89 DEGREES 32 MINUTES 49 SECONDS EAST, A
DISTANCE OF 100.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF TIERRA DEL RIO
BOULEVARD;

TO LEAVING SAID RIGHT OF WAY LINE, SOUTH 89 DEGREES 32 MINUTES 49 SECONDS
EAST, A DISTANCE OF 218.44 FEET;

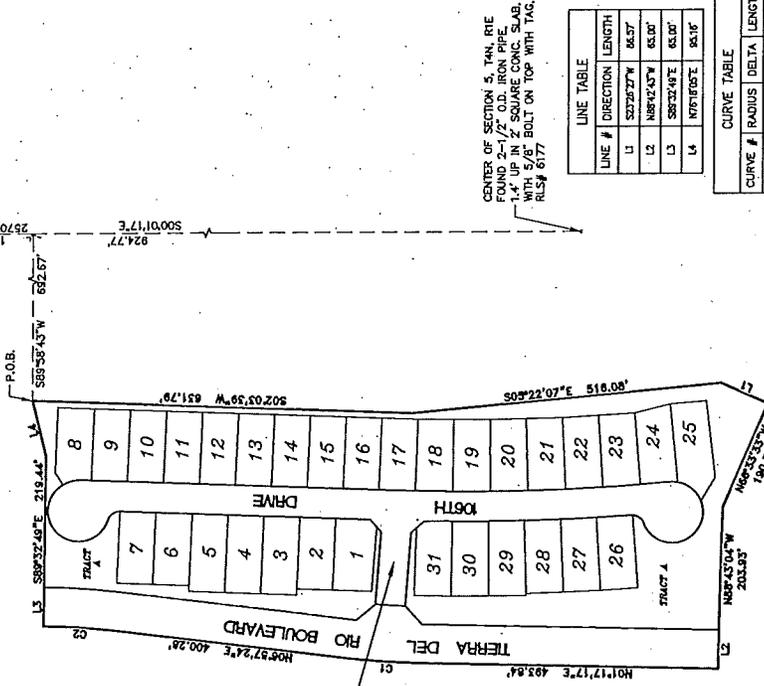
TO NORTH 76 DEGREES 18 MINUTES 05 SECONDS EAST, A DISTANCE OF 95.16 FEET TO
POINT OF BEGINNING.

ABOVE DESCRIBED PARCEL CONTAINS A COMPUTED AREA OF 491,591 SQ. FT. (11.06
ACRES) OR LESS.

DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE ANY SUBDIVISION
LAW OF THE STATE, COUNTY AND/OR MUNICIPALITY OR ANY OTHER LAND DIVISION
AGENCY.



P.O.C.
NORTH QUARTER CORNER
SECTION 5, T4N, R1E
TERRA DEL RIO BOULEVARD
UP 8" MARKED: T&N, R1E, S32.1'
1/4 COR. S5, T4N, R1E, S32.1'



CENTER OF SECTION 5, T4N, R1E
FOR THE POINT OF BEGINNING
WITH 5/8" BOLT ON TOP WITH TAG,
R1E, S32.1'

LINE #	DIRECTION	LENGTH
L1	S32°22'27"W	86.57'
L2	N88°42'52"W	65.00'
L3	S89°32'40"E	65.00'
L4	N76°18'05"E	95.16'

CURVE #	RADIUS	DELTA	LENGTH
C1	1200.00'	5°40'07"	118.72'
C2	1000.00'	6°30'12"	113.51'

LEGEND

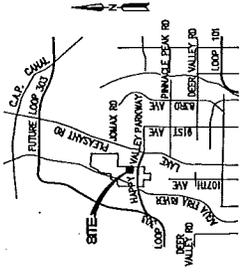
— DISTRICT BOUNDARY LINES
44 LOT NUMBERS



R070039

STREET LIGHT ID #1075

CITY OF PEORIA, ENGINEERING DEPT., 9875 N. 85TH AVE., PEORIA, AZ 85345 719-2210
Drawn: AILCAP741ZL30V Date: 1-10-2013 Scale: 1" = 100' SHEET 1 OF 1



VICINITY MAP
N.T.S.

NOTES

THIS IMPROVEMENT DISTRICT IS FOR THE EXPRESS PURPOSE OF PURCHASING
ELECTRICAL POWER AND ENERGY, AND FOR THE USE OF LIGHTING FACILITIES.
SPECIFIC AUTHORIZATION IS INCLUDED IN THE ARIZONA REVISED STATUTES,
TITLE 44, CHAPTER 4, ARTICLE 2, SECTION 40-501 TO 40-516, AS AMENDED.

CERTIFICATION

I, ANDREW GRANGER, ENGINEERING DEPARTMENT DIRECTOR OF THE CITY OF
PEORIA, ARIZONA HEREBY CERTIFY THAT THIS IS THE ASSESSMENT DIAGRAM
FOR THE STREET LIGHT IMPROVEMENT DISTRICT #1075, AND THAT THE CITY
FOR TIERRA DEL RIO, PARCEL 10B, WAS APPROVED BY THE WATER AND UTILITY
COUNCIL OF THE CITY OF PEORIA, AND THAT A QUORUM WAS PRESENT.

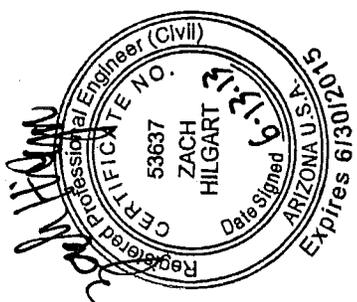
ASSESSMENT DIAGRAM SUBMITTED THIS _____ DAY OF _____, 2013
BY _____ DISTRICT ENGINEER

OWNER:

PEORIA WATER UTILIZATION
15111 NORTH PINA ROAD
SUITE 100, LEVEL A2 85260
PH: (602) 480-0555
PHONE: (480) 860-2786
CONTACT: PATRICK BROWN

ENGINEER:

REGISTERED PROFESSIONAL ENGINEER (Civil)
1801 EAST CAMELBACK RD SUITE #275
PHOENIX, ARIZONA 85016
PH: (602) 480-0555
CONTACT: ZACH HILGART



Resolution No. 2013-112
SLID 1075, Tierra Del Rio 10B
September 17, 2013
Page 6 of 6 Pages

CITY OF PEORIA, ARIZONA

NOTICE

OF THE PASSAGE OF A RESOLUTION ORDERING THE IMPROVEMENT CONSISTING OF AUTHORIZING THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1075, TIERRA DEL RIO PARCEL 10B

This notice is given pursuant to the provisions of Title 48, Chapter 4, Article 2, Sections 48-571 to 48-619, both inclusive, Arizona Revised Statutes, as amended.

On the 3rd day of September 2013, the Mayor and Council of the City of Peoria adopted Resolution No. 2013-112; ordering the improvements of certain streets and rights-of-way within the corporate limits of the town and creating an Improvement District known as the City of Peoria Streetlight Improvement District No. 1075, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of purchasing electricity, which includes a charge for the use of lighting facilities and other related items, together with all appurtenant structures as shown on the plans; and directing that this notice been given.

Any owner, or any other person having an interest in any lot, piece or parcel of land situated within the above-described assessment district, who claims that any of the provisions, acts or proceedings relative to the above described improvements are irregular, defective, illegal, erroneous or faulty, may file with the City Clerk, Room 150, 8401 West Monroe Street, Peoria, Arizona 85345, within 15 days from the date of the first publication of this notice, a written notice specifying in what way said acts or proceedings are irregular, defective, illegal, erroneous or faulty.

Further information concerning City of Peoria Streetlight Improvement District No. 1075 may be obtained by contacting Mr. Andrew Granger, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7367.

DATED AND SIGNED this _____ day of _____, 2013.

Andrew Granger, P.E.
Superintendent of Streets
City of Peoria, Arizona

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 12R

Date Prepared: September 5, 2013

Council Meeting Date: September 17, 2013

TO: Carl Swenson, City Manager

FROM: Julie Ayers, Human Resources Director

SUBJECT: American Federation of State, County and Municipal Employees Local 3282 (AFSCME)

Purpose:

This is a request for City Council to consider adopting a Resolution in accordance with the public interest that resolves the impasse with AFSCME as follows:

*Establishing (1) 3.5% pay increases each year in FY 14 and FY 15 for all eligible AFSCME bargaining unit members (effective on their anniversary dates each year) and (2) for those employees who have reached the top of their salary range, a one-time payment of \$850 each year for two years (also on their anniversary date). If a bargaining unit member already experienced an anniversary date for FY 14 the effective date would be upon City Council approval. Pay steps will be removed in the pay plan in order to accommodate such pay increases although the range minimum and maximum will remain intact. All pay increases would be subject to an overall satisfactory performance rating or higher.

*Adopting the Work Rules implemented by the City Manager on July 1, 2013 to be effective through June 30, 2015.

Background/Summary:

Pursuant to City Code Chapter 19, the meet and confer process between the City of Peoria and AFSCME began on February 25, 2013. Despite holding twenty (20) joint negotiating sessions, negotiations were not successful and AFSCME declared impasse on August 11, 2013. Once impasse is reached, City Code allows for mediation as a voluntary and non-binding dispute resolution tool. Mediation was offered to AFSCME but they declined to participate.

City Code 19-24(a) states that, "If either party refuses to participate or withdraws from the mediation process, the matter shall be addressed in accordance with paragraph (f)." Paragraph (f) states that, "The City Council shall take such action as it deems in the public interest, including the interest of the employees involved."

Options:

A: Approve the proposed Resolution as submitted.

B: Modify the Resolution.

C: Reject the Resolution.

Staff's Recommendation:

It is recommended that the Mayor and Council approve the proposed Resolution.

Fiscal Analysis:

The cost of the Resolution is \$904,678 in on-going dollars and \$181,636 one-time dollars.

Exhibit(s): Resolution including AFSCME Work Rules July 1, 2013 – June 30, 1015

Contact Name and Number: Julie Ayers, Human Resources Director, x7580

RESOLUTION NO. 2013-131

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ESTABLISHING POLICIES AND PROCEDURES GOVERNING WAGES, HOURS AND CONDITIONS OF WORK FOR AFSCME-COVERED POSITIONS BASED ON A DETERMINATION OF THE APPROPRIATE ACTION IN THE PUBLIC INTEREST INCLUDING THAT OF THE EMPLOYEES AND DECLARING AN EMERGENCY OR ALTERNATE EFFECTIVE DATE.

WHEREAS, on December 22, 1987, the Peoria City Council adopted Ordinance No. 87-57 formally recognizing the American Federation of State, County and Municipal Employees Local 3282 (“AFSCME”) as the designated representative for certain positions and establishing a formalized framework for employer-employee relations between the City and AFSCME; and

WHEREAS, the City and AFSCME have entered into successive Memoranda of Understanding (“MOU”) governing the wages, hours, and working conditions for AFSCME-covered positions; and

WHEREAS, on June 2, 2011 and July 19, 2012, the City and AFSCME entered into the latest amended MOU governing the time period of July 1, 2010 – June 30, 2013 (“2010-2013 MOU”); and

WHEREAS, pursuant to the City Code and consistent with long-standing practice, on February 25, 2013 the City and AFSCME began negotiations for a new MOU for the time period of July 1, 2013 forward; and

WHEREAS, it is expected that both parties in good faith and fair dealing are authorized by their respective principals to negotiate and agree and will in good faith recommend to their respective principals the agreement that they have executed; and

WHEREAS, the City and AFSCME were unable to reach an agreement on a new MOU after twenty (20) negotiating sessions; and

WHEREAS, the City Council adopted a Tentative Budget for the City of Peoria for the Fiscal Year beginning July 1, 2013 on May 21, 2013; and

WHEREAS, pursuant to Sections 19-16 and 19-19 of the Peoria City Code, the Public Employer is required to negotiate with the Employee Organization regarding

financial terms of the MOU, provided that the Public Employer may refuse to meet and confer about economic items after the date set by law for tentative adoption of the annual budget, which occurred in conformance with the provisions of Arizona Revised Statutes Sections 42-17101 – 42-17103; and

WHEREAS, on July 1, 2013, the 2010-2013 MOU expired with the result that AFSCME-covered positions began to operate without a Memorandum of Understanding with the City; and

WHEREAS, the City Manager implemented AFSCME Work Rules effective July 1, 2013, and

WHEREAS, AFSCME declared impasse on August 11, 2013;

WHEREAS, the City offered voluntary and non-binding mediation pursuant to City Code;

WEREAS, AFSCME declined mediation;

WHEREAS, the City Council is vested with the legislative authority to establish budgets, terms and conditions of employment in order to provide for the carrying out of the City's objectives and functions; and

WHEREAS, the City Council has determined that it is in the public interest of citizens, residents, taxpayers and , including but not limited to the interest of the employees that are represented by AFSCME to ensure the continued successful operation of the City by enacting specific provisions governing the terms and conditions pertaining to wage adjustments to AFSCME-covered positions and to provide certainty on the rules governing hours and working conditions in the City as it pertains to AFCME-covered positions until such time as the parties again Meet and Confer in accordance with the provisions of Chapter 19 of the Peoria City Code (1992).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Peoria as follows:

1. Establish wages as follows: (1) 3.5% pay increases each year in FY 14 and FY 15 for all eligible AFSCME bargaining unit members (effective on their anniversary dates each year) and (2) for those employees who have reached the top of their salary range, a one-time payment of \$850 each year for two years (also on their anniversary date). If a bargaining unit member already experienced an anniversary date for FY 14 the effective date would be upon City Council approval. Pay steps will be removed in the pay plan in order to accommodate such pay increases although the

range minimum and maximum will remain intact. All pay increases would be subject to an overall satisfactory performance rating or higher.

2. Establish hours and working conditions for AFSCME-covered positions as prescribed in Attachment A.

3. This Resolution shall become effective on one of the following two dates:

A. If a sufficient number of the Mayor and Council members present vote that an EMERGENCY exists because the immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety of the City of Peoria, then this Resolution shall be in full force and effect beginning in the pay period which includes September 17, 2013, which starts on September 14, 2013, and the Resolution is hereby exempt from the referendum provision of the Constitution and laws of the State of Arizona.

B. If a sufficient number of the Mayor and Council members present do not vote to declare that an emergency exists, then this Resolution shall become effective in the manner provided by law and such pay adjustments as provided for herein shall become effective on October 17, 2013.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, with a vote of _____ Ayes and _____ Nays, this _____ day of _____, 2013.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

WORK RULES

Effective July 1, 2013

CITY OF PEORIA

FOR

AMERICAN FEDERATION OF STATE, COUNTY

AND

MUNICIPAL EMPLOYEES

LOCAL 3282

TABLE OF CONTENTS

<u>PREAMBLE</u>		3
<u>Article 1:</u>	Recognition.....	3
<u>Article 2:</u>	Gender.....	3
<u>Article 3:</u>	Employee Rights and Responsibilities.....	3
<u>Article 4:</u>	Union Rights.....	4
<u>Article 5:</u>	Management Rights.....	7
<u>Article 6:</u>	Grievance Procedure.....	7
<u>Article 7:</u>	Leave.....	10
	<u>Sick Leave</u>	10
	<u>Emergency Clause</u>	11
	<u>Leave without Pay</u>	11
	<u>Industrial Leave</u>	11
	<u>Bereavement Leave</u>	12
	<u>Personal Leave</u>	12
<u>Article 8:</u>	Vacation.....	13
<u>Article 9:</u>	Holidays/Holiday Pay.....	13
<u>Article 10:</u>	Hours of Work.....	15
<u>Article 11:</u>	Rest and Lunch Periods.....	15
<u>Article 12:</u>	Educational Assistance Policy.....	15
<u>Article 13:</u>	Wages.....	15
<u>Article 14:</u>	Standby Pay.....	16
<u>Article 15:</u>	Out of Class Pay.....	16
<u>Article 16:</u>	Longevity Pay.....	17
<u>Article 17:</u>	Sick Leave Conversion at Retirement.....	17
<u>Article 18:</u>	Overtime.....	17
<u>Article 19:</u>	Compensatory Time.....	18
<u>Article 20:</u>	Uniform Allowance.....	18
<u>Article 21:</u>	Required Licenses.....	19
<u>Article 22:</u>	Health and Dental Insurance.....	19
<u>Article 23:</u>	Life Insurance.....	19
<u>Article 24:</u>	Seniority.....	19
<u>Article 25:</u>	Safety Committee.....	20
<u>Article 26:</u>	Labor/Management Committee.....	20
<u>Article 27:</u>	Layoff and Recall Procedures.....	21
<u>Article 28:</u>	Prohibition of Strikes and Lockouts.....	22
<u>Article 29:</u>	Savings Clause.....	22
<u>Article 30:</u>	Term and Effect.....	22

PREAMBLE

The Amended Memorandum of Understanding between the City of Peoria and the American Federation of State, County and Municipal Employees expired on June 30, 2013 and a new contract has not been approved. I am issuing these work rules pursuant to the authority granted to the City Manager by Article III, Section 3 of the City of Peoria Charter to provide for business continuity while the negotiations process continues.

Article 1: Recognition

1. The City recognizes the Association as the sole and exclusive Meet and Confer agent, pursuant to Ordinance #87-57, for the purpose of representation regarding wages, hours, and working conditions of employment for all Unit Employees.
2. The City and the Association agree that the primary objective of the City is to provide good faith, fair treatment, and quality service to the citizens of Peoria in the most efficient manner. To achieve this objective requires the united efforts and teamwork of the City, its employees, and AFSCME.

Article 2: Gender

Whenever any words used herein are in the masculine, feminine or neuter, they will be construed as though they were also used in another gender in all cases they would so apply.

Article 3: Employee Rights and Responsibilities

1. All Unit employees will have the right to have the Association serve as their "Meet and Confer" representatives as set forth in Ordinance #87-57, without discrimination based on membership or non-membership in the Association.
2. Management and AFSCME agree not to interfere with the right of employees to become or not become members of AFSCME and further, that there will be no discrimination or coercion against any employee because of AFSCME membership or non-membership.
3. Management will not take disciplinary action or punitive action against an employee that impedes or interferes with that employee's exercise of any right granted under the law or under these Work Rules.
4. All AFSCME eligible employees will have the right to be represented by the Association in grievances (as defined in Article 6) alleging violation of the specific terms of these Work Rules. AFSCME representation for the purpose of discipline and grievances meetings may include up to three (3) City employees and one (1) non-City AFSCME representative. If AFSCME leadership believes there are circumstances with a discipline or grievance meeting that necessitate more representatives being present, they may request an exception to increase the total number of representatives. For other meetings, representatives will be determined mutually on a case-by-case basis.
5. All employees have the right to present their own grievances in person alleging violation of the specific terms of these Work Rules with or without representation, provided the Association is

notified of the pending grievance. No resolution will be reached with any Unit employee which conflicts with the purpose and intent of the negotiated terms of these Work Rules.

6. Any employee covered hereunder or his representative designated in written form signed by the employee and witnessed, will on request and by appointment, be permitted to examine his/her Personnel Files.
7. No employee will have any adverse comments entered into his/her Personnel Files without receiving a copy of the adverse comment. Employees must acknowledge receipt by signing the document presented.
8. Employees may, at their discretion, attach a statement of rebuttal of specific reference to any material, past or present, contained in their Personnel File which may be adverse in nature.
9. A letter of reprimand, or documented reprimand which does not contain a notice of suspension or demotion, will be active in an employee's personnel file for not longer than one (1) year provided there are no subsequent disciplinary actions of any kind.

A notice of suspension or demotion will be active in an employee's personnel file for a period of not longer than three (3) years provided there are no subsequent disciplinary actions of any kind.

A change in status of said letter(s) or notices from an employee's personnel file after the prescribed time frame would require the employee to submit a written request through their appropriate chain of command to the Human Resources Department, which will make the final determination as to whether the above criteria has been met in order to change the status of the letter or notice. If it has been determined that the criteria has been met, the letter will be removed from the personnel file and will not be used for any subsequent disciplinary actions. If required by law, the City may retain the letter outside of the personnel file or remove it according to the law.

10. Employees are expected to adhere to the following standards:
 - a. Employees will follow City departmental rules and procedures.
 - b. Employees will demonstrate an attitude and willingness to accomplish all of their assigned duties to the best of their abilities.
 - c. Employees will conduct themselves on the job and off the job with the goal of bringing honor to the City and public service.

Article 4: Union Rights

1. The Association, as the authorized representative, has the exclusive right to serve as the Meet and Confer representative of all employees in the Unit as determined by the Peoria City Council in Ordinance #87-57.
2. The City agrees that when orientation sessions are conducted by the Human Resources Department with new Unit employees, the Association will be invited to participate in the process. The purpose of this Association participation is to share information with new employees regarding AFSCME membership and benefits and to distribute enrollment forms. To facilitate these meetings AFSCME membership will receive a list of new employees prior to the meeting date.
3. Certain specified shift representatives of the Association have the right to paid release time under the Grievance Procedure herein as follows:

- a. A shift representative may, when the Association is designated in writing by a grievant as his/her representative, attend mutually scheduled grievance meetings and hearings with department representatives without loss of pay or benefits.
- b. The employee and the employee's designated representative will be afforded the opportunity to use a reasonable amount of work time in conferring and preparing or presenting the grievance. Department managers will determine what is a reasonable amount of work time to be granted to the grieving employee and employee representative.
- c. The Association representative is required to request and obtain permission of his/her immediate supervisor to absent himself from his/her duties to attend scheduled grievance meetings. A representative wishing to enter a work area for the purpose of investigating a formal grievance must first request and obtain the permission of the work area supervisor. Permission will not be unreasonably withheld, giving proper consideration to essential work of the department and the occupational safety of the shift representative.

4. Union Representatives

- a. The Association may designate representatives as follows:
 - Seven (7) Executive Board Members
 - Eleven (11) Stewards
 - One (1) Chief Steward
 - b. All Stewards will be appointed by the President or his/her designee. No more than three (3) of the twelve (12) total designated Stewards will be employed in any single department. Probationary employees will not be eligible for designation as a representative. The Association will use its best efforts to have a designated Steward from among employees regularly at a service area.
 - c. The Association will appoint one (1) of the twelve (12) Stewards as Chief Steward. No Steward will be recognized as Chief Steward until 48 hours after written notice to the City's Human Resources Director of his/her appointment. The Chief Steward or his/her designee is responsible for assigning Stewards as needed to meet representational needs.
 - d. If the Chief Steward needs to leave his/her area of service for a reasonable period of time to assist another Steward for the purpose of working on an unresolved grievance appeal/hearing of a grievance, or a matter of discipline, he/she will request and obtain permission from his/her immediate supervisor. If leave cannot be granted, due consideration will be given to a request that an alternate Steward be permitted such leave as "acting Chief Steward".
 - e. It is agreed that a Steward will not log compensatory time, overtime, or any other premium pay for the time spent performing any function of a Steward.
5. In July and January of each year, the Association will provide the City with a complete list of current Association Representatives (Executive Board Members and Stewards). The Association will provide names of newly appointed Association Representatives (Executive Board Members and Stewards) and the name of any employee no longer serving as a representative within five (5) days of such change in designation.

6. Paid Release Time for Union Business

For each individual fiscal year (July 1 through June 30), the Association will, subject to operational and scheduling requirements, be allowed release time with pay up to a maximum of one thousand (1000) hours for elected officers, trustees, executive board members, representatives, and members appointed by the President to attend Association business and Executive Board meetings or to attend Association seminars and conventions.

Notice of events and names of employees and their alternates attending should be submitted as soon as such information is available and must be submitted to the Department Director or designee by the Association not later than forty-eight (48) hours in advance of the release time. An alternate may be substituted for the original selection with notification twelve (12) hours in advance.

7. Upon request, in July and January of each year, the City will provide the Association a list of Unit personnel on City payroll deduction in July and January indicating name, and job assignment. The Association agrees to use this list solely for purposes of communicating with Unit personnel and will not share this information with other individuals or organizations.
8. The City agrees to deduct bi-weekly membership dues levied by the Association from the pay of each employee who completes an AFSCME dues authorization form. The City assumes no liability on account of any action taken pursuant to this paragraph.
9. The employer agrees that non-employee officers and representatives of the Association will have reasonable access to the premises of the Employer during working hours with advance notice to the appropriate employer representative. Such visitations will be for the reasons of the administration of these Work Rules. The Unit agrees that such activities will not interfere with the normal work duties of employees. The City will provide the Association, upon request, non-confidential and readily available information concerning the Unit that is necessary to Association representatives for negotiation, and is not otherwise available to the Association, such as personnel census, employee benefit data, and survey information. Such requests will be made through the City Manager or his designee.

10. Facilities and Services

The Association, through its designated representatives, may distribute materials on the City premises (buildings and grounds) before and after scheduled working hours or in non-work areas during scheduled work hours provided that both the employee distributing and the employee receiving such materials are on non-work periods.

- a. The City will provide the Association with up to nine (9) accessible bulletin boards for its use in communicating with its members, in worker assembly areas or other non-work locations. The City will grant sole and exclusive use of such bulletin boards to the Association.
- b. The Union may grieve arbitrary obstruction by the City to Association posting or distributing of official Association literature.
- c. The parties agree that this Article does not authorize or approve the posting or authorization for distribution of material that is political in nature, abusive of any person or organization, or disruptive of City department operations.

11. The City agrees that AFSCME will have the opportunity to hold luncheon/orientation meetings on City property. These meetings will be used for the purpose of member benefits orientation. The meetings will be arranged in advance between the Association and the City.
12. When possible, the City will provide forty-eight (48) hours notice for meetings in which Association representative is party to the meeting.

Article 5: Management Rights

1. The Association recognizes that the City has and will continue to retain, whether exercised or not, the unilateral and exclusive right to operate, administer and manage its municipal services and work force performing those services.
2. The City Manager and the respective Department Director or designee have exclusive decision-making authority on matters not expressly modified by specific provisions of these Work Rules. Such decision-making will not in any way, directly or indirectly, be subject to the grievance procedure contained herein.
3. The exclusive rights of the City will include the right to determine the organization of City government and the purpose and mission of its constituent agencies, to set standards of service to be offered to the public, and through its management officials to exercise controls and discretion over its organization and operations, to establish and effect administrative regulations and employment rules consistent with law and the specific provisions of these Work Rules, to direct its employees, to take disciplinary action for proper cause, to relieve its employees from duty because of lack of work or other legitimate reasons, to determine the methods, means and personnel by which the City's services are to be provided, including the right to schedule and assign work and overtime, and to otherwise act in the interests of efficient service to the community. Nothing herein will be construed to diminish the right of the City under Ordinance #87-57.
4. To adopt and to manage its budget, provide for the funding of certain levels of service, to add, delete, modify, or suspend certain programs, functions, divisions, and departments as the City Council determines in the exercise of its legislative authority to create and manage the City's budget as necessary and appropriate.
5. The Association will provide the City with the names of new Stewards, department employed and names of previous Stewards within five (5) days of appointment.
6. The enumeration of the above rights is illustrative only and is not to be construed as being all inclusive.

Article 6: Grievance Procedure

1. Definition of Grievance

A "grievance" is a written allegation by an employee, submitted as herein specified, claiming violation(s) of the specified express terms of these Work Rules.

A grievance is defined as a dispute or difference of opinion between an employee covered by these Work Rules and the City, involving the meaning, or application of the expressed provision of these Work Rules. In the event of such dispute, the matter will be treated as a grievance and be settled by the grievant and the City in accordance with the procedures defined in this Article.

- a. Grievant, as used in this Procedure, will mean an individual employee, a group of employees, or AFSCME.
- b. Employees filing a grievance may request AFSCME representation throughout all steps of the grievance procedure.

2. Informal Resolution

Employees who believe that they have a complaint concerning a violation of the Work Rules should promptly inform and discuss it with their immediate supervisor. The purpose of this discussion is to clarify the matter and attempt to resolve the problem at the employee-immediate supervisor level. An employee may request the assistance of another person, of the employee's own choosing, in preparing and presenting a grievance through all grievance steps. The employee must bring the matter to the supervisor's attention within ten (10) working days (excluding City holidays) of the event that led to the complaint.

If such informal discussion does not resolve the problem to the Unit employee's satisfaction, and if the complaint constitutes a grievance as defined in Section 1, above, the Unit employee may file a formal grievance in accordance with the following procedure. Failure to complete and file a grievance form will automatically terminate the complaint.

3. Time Limits

- a. Failure of the grievant to comply with the time limits in this Article will constitute abandonment of the grievance.
- b. Failure of departmental representatives to comply with time limits specified in Step 1, Step 2, and Step 3 will entitle the grievant to appeal to the next level of review. Any failure to meet time limits by departmental representatives will be considered as a factor in the review at the next level of the process.
- c. Department Director or designee may extend time limits by notifying the grievant and the Unit in advance and designating an alternate time limit. An extension will be granted to accommodate absences or other lack of availability.

4. Formal Grievance Procedure

In processing a formal grievance, the following procedure will apply:

Step 1: Written Grievance

The Unit employee will reduce his grievance to writing by signing and completing all parts of the grievance form provided by the City, and submit it to his/her immediate supervisor as designated by the City, within ten (10) working days (excluding City holidays) of the informal resolution meeting with the supervisor. The grievance must specify the express terms (including Article number) of the Work Rules which has been violated. A copy of all grievances will be sent by the Association President to the Human Resources Director. Once the grievance is submitted in writing, it will not be materially changed throughout the grievance procedure.

Either party will then request that a meeting be held concerning the grievance, or they may mutually agree that no meeting be held. Either party may involve the unit manager (where such position exists) in the meeting. Such meeting will be scheduled to occur within ten (10) working days

(excluding City holidays) from the date of the written grievance. Such timeline will be extended to accommodate scheduled absences of the parties.

Following the meeting, if the matter is not resolved, the supervisor will submit a written response to the grievant and the grievant's representative, if any, within ten (10) working days (excluding City holidays) of the meeting.

Step 2: Appeal to the Department Director and Subsequent Review and Response

If the response of the first level of review does not result in resolution of the grievance, the grievant may appeal the grievance by signing and completing the form and presenting it to the Department Director or designee within ten (10) working days (excluding City holidays) of the grievant's, or his/her representative's receipt of the level one response.

Either party will request that a meeting be held concerning the grievance or may mutually agree that no meeting be held. Such meeting will be scheduled to occur within ten (10) working days (excluding City holidays) from the date of the written appeal. Such timeline will be extended to accommodate scheduled absences of the parties.

Following the meeting, if the matter is not resolved, or upon the receipt of the appeal, the Department Director or designee will submit a written response to the grievant and the grievant's representative, if any, within ten (10) working days (excluding City holidays) of the meeting.

Step 3: Appeal to the Grievance Committee and Subsequent Review and Response or Recommendation

If the response of the Department Director or designee does not result in resolution of the grievance, the grievant and the Association may submit the grievance to the Grievance Committee for review and recommendation within ten (10) working days (excluding City holidays) of the receipt by the grievant or his/her representative of the Step 2 response. The Grievance Committee will consist of two (2) representatives of Local 3282 who were on the negotiating committee and two (2) representatives of the City Manager who were on the negotiating committee.

These four (4) individuals will review the grievance and submit a recommended disposition of the matter within ten (10) working days (excluding City holidays) from the date of the Committee meeting to the City Manager. The recommendation must not alter, modify or otherwise be contrary to the language of the Work Rules.

Step 4: Arbitration

If the Grievance Committee recommendation does not result in the resolution of the grievance, the grievant and the Association may jointly invoke the Step 4 procedure by submitting an appeal within ten (10) working days (excluding City holidays) of the receipt of the recommendation. City management and the grievant, or their designated representatives, will then agree on an arbitrator. If the parties are unable to agree informally within a reasonable time, the parties will jointly request a list of five (5) arbitrators who have had experience in the public sector. The parties will, within ten (10) working days of the receipt of the list, select the arbitrator by alternately striking names from the list until one name remains, with the Unit striking first. Such person will be deemed to have been selected by mutual Association of the parties.

The arbitrator so selected will hold a hearing as expeditiously as possible at a time and place convenient to the parties, and will be bound by the following:

- a. The arbitrator will have no authority to add to, subtract from, or modify any of the terms of these Work Rules or of Department rules and regulations in considering any issue properly before him/her.
- b. The arbitrator will expressly confine his/her recommendation to the precise issues submitted in the written grievance and will have no authority to consider any other issue not so submitted.
- c. The arbitrator will be bound by applicable State, City and Federal law.
- d. The arbitrator will, within thirty (30) days from the close of the arbitration hearing, submit a recommendation to both parties.
- e. All costs of the arbitration will be equally shared by the parties except:
 - I. Each party will be individually responsible for all costs associated with the presentation of their case.
 - II. Costs of a court stenographer or other transcription fees will be paid by the party requesting the service.

Step 5: Appeal to the City Manager

If the arbitrator's recommendation does not result in the resolution of the grievance, either party may submit the grievance to the City Manager within ten (10) working days (excluding City holidays) of receipt of the arbitrator's recommendation.

The City Manager may accept, modify, or reject the arbitrator's recommendation. The City Manager will submit his/her decision in writing to the grievant and designated representative within fifteen (15) working days of receipt of the appeal. The City Manager's decision is the final step of the appeal process.

5. Final Resolution

The City will notify the Association of final resolutions of grievances and disciplinary actions where the Association has not been designated as the grievant's representative for the purpose of allowing the Association to ascertain that a final resolution will not be contrary to the terms of the Work Rules.

Article 7: Leave

1. Sick Leave

All full-time employees will be entitled to paid sick leave. Employees will receive paid sick leave at the rate of eight (8) hours each complete calendar month of work.

Employees will carry over unused sick leave from previous years to a total of one thousand, forty (1,040) hours. Any balance above 1,040 at the end of April will be paid at 50% during the month of May.

2. Emergency Clause

It will be the policy of the City of Peoria to allow emergency donations of vacation leave by any City employee to another City employee to cover catastrophic illness or injury to the employee or 1st degree relative as defined in Section 5 (Bereavement Leave) of this Article. Catastrophic is defined as a serious health condition which involves incapacity or treatment requiring inpatient or outpatient care or any subsequent treatment in connection with such inpatient or outpatient care, or continuing treatment by a health care provider from said inpatient or outpatient care.

- a. This donation of vacation will be limited to the amount needed by the employee to cover an absence of no more than thirty (30) calendar days. Employees must exhaust their own leave balances prior to being allowed to receive donated vacation leave time.
- b. Donations must be transferred and credited in one (1) hour increments.
- c. Donations must be submitted on the City-approved form.

3. Leave without Pay

Leave of absence without pay may be granted to a regular employee, upon written request, for a period not to exceed ninety (90) calendar days by the City Manager. Upon expiration of leave of absence without pay, the employees will return to work in the position held at the time that leave was granted. Failure, without good cause of the employee on leave, to report promptly when leave has expired will be considered as a resignation, except that an additional leave of absence without pay not to exceed ninety (90) calendar days may be granted, upon subsequent written request, by the City Manager for good cause (i.e. covered injury, sickness, or pregnancy). The additional leave in combination with the original leave will not exceed one hundred eighty (180) calendar days of both paid and unpaid absence. Employees may only accrue sick leave and vacation leave during the first thirty (30) days of a leave of absence without pay.

4. Industrial Leave

Industrial leave is defined as leave necessitated by an injury or condition sustained through employment with the City, one which requires leave for treatment and/or recuperation as determined by a licensed physician.

Industrial leave is not accrued, but is available through the State Industrial Commission or the City's Employee Benefit Trust in conjunction with state law and City policy.

a. Job Related Injury

All job related personal injuries to employees must be reported to their immediate supervisor, absent extenuating circumstances, within twenty four (24) hours of the time the accident occurred. The City has the right to request that an employee injured on the job seek medical assistance from a doctor of the City's choice.

- I. Industrial leave is authorized through the State Industrial Commission or the Employee Benefit Trust.
- II. While on industrial leave, sick leave, vacation leave, compensatory leave, or any other paid leave will not be charged to the employee.
- III. While on industrial leave, the employee will remain in full pay status accumulating all benefits due to him/her.

b. Industrial Leave - Benefits

- I. The employee will remain in a full paid status regardless of when the injury occurred. Subsequent adjustments to the employee's earnings will be made to account for the non-taxable income attributable to the statutory amount as determined by the Arizona State Worker's Compensation Fund.
- II. If a compensable claim is processed through the Arizona State Compensation Fund, a check is issued to the employee and must be endorsed back to the City.
- III. If the claim is determined not to be compensable the employee may appeal the decision to the Industrial Commission of the State of Arizona for final disposition.

5. Bereavement Leave

- a. Full-time and regular part-time employees will be entitled to bereavement leave in the following manner:
 1. Three days-In-state
 2. Five days-Out-of-state
- b. Calculation of bereavement leave shall be based on the number of hours in the employee's regularly scheduled workday.
- c. Bereavement leave shall be allowed in the case of death of a relative. There shall be no accrual of bereavement leave and any unused amounts shall automatically be forfeited when the employee returns to work. Upon retirement or termination of employment, compensation shall not be paid for unused bereavement leave.
- d. Relative shall mean any individual related to an employee by blood or marriage within the third degree, including step relationships. Relative shall also mean any individual named in an affidavit of domestic relationship filed with the Human Resources Department by an employee or any minor for whom the employee serves as the guardian or conservator.

First Degree Relative: spouse or domestic partner, mother, father, daughter, son, full sister, full brother.

Second Degree Relative: grandmother, grandfather, granddaughter, grandson, aunt, uncle, niece, nephew, half sister, half brother.

Third Degree Relative: great grandmother, great grandfather, great granddaughter, great grandson, great aunt, great uncle, first female cousin, first male cousin, grand niece, grand nephew.

- e. For the purposes of the Bereavement Leave Article, the definition of relative is established through marriage or by affidavit of domestic relationship and shall terminate upon death, divorce or termination of the marriage and/or the domestic partner affidavit filed with the Human Resources Department.

6. Personal Leave

Each full time employee will receive sixteen (16) hours of personal leave annually, granted in the first pay period of the calendar year. Such leave may be used in quarter (.25) hour increments. Employees must give reasonable notice to the supervisor to use personal leave, however, ten (10) day notice is not required. Advance approval is required for use of four (4) or more hours of personal leave, or for use of personal leave when an employee requests to leave the job site after reporting to

duty. Such leave will have cash value at termination or retirement and will not carry over from year to year.

Article 8: Vacation

1. Use of Vacation

- a. Vacation leave will be taken with the approval of the unit manager concerned, with preference based on seniority.
- b. Vacation will only be taken during such time which will not disrupt the work schedule of the department.
- c. Each eligible employee will be entitled to take accrued vacation leave upon completion of six (6) months of full-time or part-time benefited employment.
- d. Eligible employees will submit a Request for Absence form not less than ten (10) working days prior to the first day of the requested vacation leave. Department Directors may waive the ten (10) day advance notice at their discretion.
- e. In the event that vacation leave is denied, the employee will be given notice in writing no less than one (1) week prior to the start of said vacation.
- f. Employees will be allowed to deduct vacation time in quarter (.25) hour increments.
- g. Vacation cash-out shall be as follows:
 - 1) Following completion of 10 years of full-time or regular part-time service, AFSCME represented employees may request payment for vacation hours in excess of 120 hours. A maximum of 40 hours will be paid in any fiscal year. Requests for payment shall not reduce the balance of hours below 120 hours.
 - 2) Requested payments will be made in June and December based on balances at the end of May and November.

2. Vacation Schedule

Years of Service	Hours Accrued Per Year	# of Days
0-2.99 Years	96	12
3-4.99 Years	104	13
5-9.99 Years	128	16
10-13.99 Years	144	18
14-19.99 Years	168	21
20+ Years	176	22

Article 9: Holidays/Holiday Pay

1. The following holidays will be official holidays for all employees:

New Year's Day	January 1
Martin Luther King Jr. Birthday	Third Monday in January
President's Day	Third Monday in February

Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving	4 th Thursday in November
Thanksgiving	Day after Thanksgiving
Christmas Day	December 25
Cesar Chavez Floating Holiday	

Whenever a holiday falls on a Saturday, it will be observed on the preceding Friday. Whenever a holiday falls on a Sunday, it will be observed the following Monday. For the purposes of determining premium pay as described in Section 4 below, New Year's Day, Independence Day, Veteran's Day and Christmas will always be paid premium pay for the dates January 1, July 4, November 11, and December 25 respectively regardless of the official day of City observance (the day on which holiday pay is paid).

2. Cesar Chavez Floating Holiday: To support the diversity of our workforce, employees will receive one Floating Holiday per calendar year, which shall be in honor of Cesar Chavez. Employees must give reasonable notice to the supervisor to use the Floating Holiday time, and use of Floating Holiday time is subject to management approval. Management, when possible, will refrain from scheduling work that when used in conjunction with the floating holiday results in over 40 hours for that workweek.
 - a. The Floating Holiday will be granted to those employed with the City as an AFSCME employee as of January 1 of that year, and will appear on the first pay period of the calendar year. This holiday will be referenced as "Cesar Chavez Floating Holiday" in all official City communication.
 - b. Floating Holiday time has no cash value at termination or retirement and will not carry over from year to year.
 - c. Employees that work a regular 5/8 schedule will receive eight (8) hours Floating Holiday Leave and employees that work a regular 4/10 schedule will receive ten (10) hours Floating Holiday Leave at his/her regular rate of pay. Changes to an employee's regular workweek schedule must be approved by the supervisor and manager.
 - d. The use of a Floating Holiday does not count as hours worked for the purpose of weekly overtime calculation.
3. Additional Floating Holidays: - No longer applicable.
4. Holiday Pay on Scheduled Day Off: If a holiday falls on a ten (10) hour employee's regularly scheduled day off, the employee will receive eight (8) hours holiday pay at straight time or eight (8) hours compensatory time, depending on the department procedure; if a holiday falls on an eight (8) hour employee's regularly scheduled day off, the employee will receive eight (8) hours holiday pay or eight (8) hours compensatory time, depending on the department procedure.
5. Holiday Pay on Regularly Scheduled Work Day When Employee Does Not Work: If a holiday falls on a ten (10) hour employee's regularly scheduled work day, but the employee takes the holiday off, the employee will be paid ten (10) hours holiday pay at straight time; if a holiday falls on an eight (8) hour employee's regularly scheduled work day, but the employee takes the holiday off, the employee will be paid eight (8) hours holiday pay at straight time.
 - a. Holiday Pay on Scheduled Workday When Employee Works: If a holiday falls on an employee's regularly scheduled workday and the employee is required to work on the holiday, the employee

will be paid (8) hours holiday pay for those working 5/8's and ten (10) hours holiday pay for those working 4/10's at his/her regular hourly rate of pay.

- b. Premium Pay for Hours Worked: In addition to holiday pay described in Sections 1, 2, and 3, all hours actually worked on the holiday (midnight to midnight) will be paid premium pay at time and one-half of the employee's regular rate of pay. Such premium pay will be for the day of City observance for all holidays, except that New Year's Day, Independence Day, Veteran's Day and Christmas will always be paid for the dates of January 1, July 4, November 11, and December 25 respectively regardless of the official day of City observance.

Article 10: Hours of Work

1. Eight (8) hours or ten (10) hours, excluding unpaid breaks, will constitute a day's work. Five (5) days of eight (8) work hours, or four (4) days of ten (10) work hours in the seven (7) day's work period will constitute a workweek. The work schedule of all employees will be established by each Department Director or designee.
2. The established work schedule will not be arbitrarily changed without just cause or reason. Except in the event of a justifiable emergency, a written notice will be submitted to all effected employees no later than two (2) weeks prior to said changes in established schedules.
3. Employees who are required to maintain a Commercial Driver's License (C.D.L.), in accordance with their assigned position, will receive a maximum of two (2) continuous hours, paid at the straight time rate, to renew the required C.D.L. only during their regularly scheduled work day, when necessary, provided a 10-day advance notice has been requested and approved by the department.

Article 11: Rest and Lunch Periods

1. All employees will be allowed two (2) paid non-work periods of fifteen (15) minutes during each work shift. One such period will be observed during each one-half day of work.
2. All employees will be allowed an unpaid lunch period in conformance with the work schedule within each department.

Article 12: Educational Assistance Policy

Employees wishing to continue advanced education are eligible for the tuition assistance program as offered City-wide.

Article 13: Wages

1. Attachment A – Not applicable.
2. Not applicable.
3. Not applicable.
4. Not applicable.
5. Not applicable.
6. The City will match each employee's voluntary contribution of \$15.00 per pay period to the deferred compensation plan for twenty-six (26) pay periods per year.

7. Employees who are regularly assigned to swing/2nd shift will receive thirty-five cents (\$0.35) per hour and employees regularly assigned to graveyard/ 3rd shift will receive forty-five cents (\$0.45) per hour. Shift hours will be determined by management.
8. Employees designated and assigned by management, whose regular duties routinely require the frequent verbal translation from English to Spanish and Spanish to English will be paid fifteen dollars (\$15.00) per pay period.

Employees who have been designated and assigned by management and successfully completed the City testing for reading, writing and speaking in Spanish will receive thirty dollars (\$30.00) per pay period.

Employees must pass an initial proficiency test to receive bilingual pay. Thereafter, employees may be tested periodically to ensure proficiency. The bilingual pay program and applicants will be reviewed, with input from AFSCME President or his/her designee, to determine the necessity of assignments throughout the City.

9. Fiscal Crisis – Not applicable.
10. Fiscal Crisis – Not applicable.
11. Not applicable.
12. Not applicable.

Article 14: Standby Pay

When an employee is required to be available for emergency call back at times that the employee is not otherwise on duty, the employee will be compensated for such standby hours at two dollars and fifty cents (\$2.50) per hour for hours on standby.

Employees will receive a minimum of two (2) hours pay at overtime rates when called out or called back to work.

Article 15: Out Of Class Pay

1. Unit personnel who are temporarily upgraded by management to perform substantially the full range of duties and responsibilities of a higher classification will receive the minimum rate for the higher classification or a five percent (5%) differential in the event of overlapping ranges for all time actually worked in the higher classification in excess of eighty (80) full-time qualifying hours.
2. The higher rate of pay will be used in computing overtime when overtime is performed in the higher classification. The overtime rate will be the rate established by the overtime regulations that apply to the higher classification.
3. The time worked in a higher classification will not be credited toward the completion of probationary requirements in the higher classification.
4. Out of class pay is not authorized if the organization of a work unit is such that each unit member carries on his normal duties during the temporary absence of a supervisor. Temporary absence will mean four (4) hours or less.

5. No credit or compensation will be allowed unless verified by the appropriate supervisory report (authorization form and payroll sheet). Upgraded by management will mean directed or requested by an authorized management representative to perform substantially the full range of duties and responsibilities of a higher classification.

Article 16: Longevity Pay

1. All full-time employees of the City will be entitled to longevity pay in addition to their regular monthly pay, as follows:
 - a. Upon completion of five (5) years continuous full-time service, ten dollars (\$10.00) per month.
 - b. Upon completion of ten (10) years of continuous full-time service, fifteen dollars (\$15.00) per month.
 - c. Upon completion of fifteen (15) years continuous full-time service, twenty-five dollars (\$25.00) per month.
 - d. Upon completion of twenty (20) years continuous full-time service, thirty-five dollars (\$35.00) per month.
2. Longevity is awarded on the last paycheck before Christmas.
3. Employees hired after July 1, 1989, will not be entitled to longevity pay in addition to regular monthly pay.

Article 17: Sick Leave Conversion at Retirement

Employees who have accumulated a minimum of two hundred (200) qualifying hours or more of unused sick leave at the time of retirement will be eligible for payment of an amount of compensation equal to fifty percent (50%) of the employee's base hourly rate for all accumulated hours.

In the event of an employee's death while employed by the City, 100% of the employee's accumulated sick leave will be paid to his/her designated beneficiary.

Article 18: Overtime

1. All overtime must be authorized and assigned by a supervisor. Employees are required to work overtime and standby when assigned. However, when making such assignments supervisors will consider circumstances that cause an unusual burden on an employee and, when possible, make alternative arrangements.
2. Overtime will be calculated and paid at one and one-half (1.5) times the amount of the employee's hourly rate for hours in excess of forty (40) hours per week, defined as Saturday through Friday.
3. Authorized vacation, compensation, and personal leave time will be considered as time worked for the purposes of weekly overtime calculation.
4. Scheduled Overtime: The City will consider City-wide seniority within a work group as a factor in assigning scheduled overtime. Scheduled overtime will be defined as overtime that covers scheduled vacation, training, or other pre-approved absence from the work group, or planned work outside of the normal work schedule. The most senior employee in a specific job classification within a work

group will be offered all scheduled overtime. Upon refusal of overtime, the next most senior employee will be offered the scheduled overtime. In the event an insufficient number of employees accept the overtime offer, the supervisor will use the seniority list in reverse order (least to most senior) to require the employee(s) to work the overtime.

5. Non-Scheduled Overtime: Overtime resulting from employees calling in sick or other unplanned absence, unexpected activity, or equipment failure, will be assigned by the supervisor to optimize the completion of the work. When practical, existing seniority lists will be used to assign the work.
6. Employees who are required to perform emergency work or unscheduled overtime of four (4) or more hours duration during the period beginning ten (10) hours prior to the start of their regularly scheduled shift and ending two (2) hours prior to the start of their regularly scheduled shift will be allowed a minimum of six (6) rest hours prior to reporting for duty for the next scheduled shift. Employees will be allowed paid time off during the regular shift at straight time pay for any regularly scheduled hours that coincide with the six (6) hours rest period. Such rest time that coincides with the regularly scheduled shift will be considered hours worked for the purpose of computing weekly overtime.

Article 19: Compensatory Time

All unit-covered employees may request compensatory time in lieu of overtime pay, for hours worked beyond forty (40) hours in a work week. The maximum allowable accrued hours of compensatory time will be one-hundred (100) hours at any time. Any overtime earned beyond the one-hundred (100) hours will be paid as overtime. Compensatory time may be carried beyond the end of the calendar year.

Compensatory leave time will be considered time worked.

Approval of compensatory time off will be based on staffing and customer service needs. Request for compensatory time will be submitted ten (10) days in advance, except in the case of an emergency.

An employee may request a payout for up to forty (40) hours of accumulated compensatory time twice per calendar year. Request for payment may occur during any pay period. The employee will request payout of compensatory time on a form provided by the City. It is the responsibility of the employee making the request to submit the form to the department timekeeper no later than the last day of the pay period for which the payout is requested.

Article 20: Uniform Allowance

1. Effective July 2010, Unit personnel who are required to purchase, wear and maintain uniforms pursuant to departmental rules and regulations will receive one annual payment between July and the following June to be used only to cover the cost, cleaning and maintenance of such uniforms in the amounts listed for the appropriate classification:

Animal Control Officer	\$900.00
Code Compliance Officer	\$900.00
Code Technician	\$900.00
Crime Scene Technician	\$900.00
Police Services Officer/Park Rangers	\$900.00
Police Property and Evidence Technician	\$900.00
Automotive Technicians (I, II, Lead-Fire)	\$550.00
Pawn Specialist	\$550.00
Police Equipment Coordinator	\$550.00

Police Public Education Specialist

\$550.00

2. Employees who are required as a condition of employment to purchase City approved safety footwear will receive a taxable check issued in the first pay period of August of every year in the following amounts:

Year 1 (FY2011)	\$200.00
Year 2 (FY2012)	\$225.00
Year 3 (FY2013)	\$250.00

3. The City will provide field employees with five (5) T-shirts for optional wear as designated by department management. Employees will be responsible for laundering these shirts. These shirts are not intended to be the standard regulation uniform, but are acceptable apparel during normal working hours only.
4. T-shirts supplied by the City may be worn year round but will not replace any item of a required uniform.

Article 21: Required Licenses

Unit personnel designated by the City may be required as a condition of employment to obtain and maintain specific licenses. The City agrees to pay for annual renewal of licenses, other than Class D drivers' licenses, identified in the class specifications under "License or Certificate."

Article 22: Health and Dental Insurance

1. The City will continue to offer health insurance under City approved plan(s) for employees and their qualified dependents.
2. The City will continue to offer a City approved dental plan for employees and their qualified dependents.
3. The City will pay up to one hundred percent (100%) of the employee only combined monthly health and dental premiums but not more than the actual cost of the lowest combined health and dental premium, whichever is less.

The City agrees to pay a percentage of the cost for dependent health and dental premiums as established annually by City Council or their designee.

Article 23: Life Insurance

The City will provide life and dismemberment insurance in the amount of two thousand dollars (\$2,000) for each one thousand dollars (\$1,000) of an employee's current annual salary, rounded up to the nearest thousand dollars of the employee's pay range step.

Article 24: Seniority

Seniority will, for the purpose of these Work Rules, be defined as an employee's length of continuous active full-time service.

1. Definition

City-wide seniority: Each employee will have a seniority date established as of his/her date of hire in to the City, accumulating from that date forward as long as it is not lost through any other provision of these Work Rules.

2. Application

- a. The City will consider City-wide seniority as a factor in establishing or changing shift schedules or shift assignments when employee skill level is equal and/or interchangeable. Such schedules or assignments will be for a designated time period and will not be changed during the interim unless staffing changes require the need for an earlier change.
 - b. The City will consider City-wide seniority when it is necessary to set times or schedules where earned vacation may be taken.
 - c. The City will consider City-wide seniority as a factor in assigning scheduled overtime. Scheduled overtime will be defined as overtime that covers scheduled vacation, training, or other pre-approved absence from the work group, or planned work outside of the normal work schedule.
 - d. The City will consider City-wide seniority as a factor in a promotional selection process. All other factors in the selection process being equal, the most senior candidate will prevail.
3. Employees on approved Leave of Absence without pay up to a maximum of one hundred and eighty (180) calendar days will not be considered to have had a break in service for the purpose of this Article.
4. Upon request of the Association, the City will furnish a list of employees by City-wide seniority ranking.

Article 25: Safety Committee

1. The City will continue to undertake all reasonable efforts to provide for employee health and safety in accordance with the State's Occupational Safety and Health Law.
2. The AFSCME President or designee will be a standing member of the City's Safety Committee.
3. Employee member of the committee will not lose pay or benefits for meetings mutually scheduled during their duty time.
4. Parties mutually agree that subjects and issues that are submitted to and accepted for review by the Committee will in no way be subject to the Work Rules Grievance Procedure.

Article 26: Labor/Management Committee

1. There will be a Labor-Management Committee consisting of representatives of the Association and representatives of the City. The purpose of the Committee is to facilitate improved labor-management relations by providing a forum for the free discussion of mutual concerns and to attempt to resolve problems brought to its attention.
2. The Committee will meet monthly or at other mutually scheduled times.

3. The chairmanship of the Committee will be rotated amongst the parties. The members will, in advance of a meeting, provide the meeting chairman with proposed agenda items, and the chairman will provide the members with the meeting agenda in advance of the meeting.
4. Representatives of the Association on the Committee who are employees will not lose pay or benefits for meetings mutually scheduled during their duty time.
5. Parties mutually agree that subjects and issues that are submitted to and accepted for review by the Committee will in no way be subject to the Work Rules Grievance Procedure.

Article 27: Layoff and Recall Procedures

1. The City Manager may separate any employee because of lack of funds or work, abolishment of a position, or changes in the organization. Employees so laid off will have the following rights:
 - a. Notice of layoff shall be given in writing no less than ten (10) work days of the effective date of the layoff.
 - b. No full-time or regular part-time employee shall be laid off while there are temporary part-time, temporary, or probationary employees serving in the same classification.
 - c. Layoff shall be determined in order of City seniority.
 - d. An affected employee who has held a position in another classification with the City may return to ("bump back") the most recent previous AFSCME covered classification held by the employee, if the employee performed satisfactorily in the previous classification, the previous classification has not been eliminated and the employee meets the current minimum job requirements for the position. The employee must file a request to "bump back" with the Human Resources Director within five (5) work days after receipt of the written notice of layoff.
2. The employee seeking to exercise bumping rights will have the sole responsibility to:
 - a. Inform Human Resources of the election to bump;
 - b. Document the right to bump;
 - c. Complete steps (a) and (b) above by the close of business (Human Resources hours) of the fifth (5th) work day after the notice of layoff. The day of the notice will be counted for the purpose of computing this time.
3. Recall Eligibility
 - a. Any employee who has been laid off, or reduced in lieu of layoff, will have his/her name placed on the recall list of laid off employees. Within one year of the effective layoff date, upon the request of the effected employee, he/she shall also be placed on a recall list of any lower classification.
 - b. The City will consider City-wide seniority as a factor in the recall and rehiring process. The City will establish written criteria and requirements for eligibility for any positions to be recalled. All other factors in the selection process being equal, the most senior candidate will prevail. If the employee(s) with the highest seniority on the list is not selected, such employee shall retain his/her position on the recall list and will remain eligible for future rehiring.
 - c. When an employee whose name is on a recall list is re-employed as described above, that employee shall be restored with the seniority held prior to layoff in the class to which he/she is re-employed, and seniority shall resume on date of re-employment.
 - d. The name of any employee who is placed on a recall list pursuant to this Article shall be maintained on such list for a period not to exceed two (2) years from the date that the employee was laid off. At any time a laid off employee may request to be placed on the City's distribution

list for e-mail notification of job openings. It is the employee's responsibility to ensure that the City has a current e-mail address.

- e. If an employee on a recall list is offered a position he/she will have ten (10) business days to accept the position before it will be offered to the next qualified employee on the recall list. A recalled employee will have twenty (20) business days from the time he/she is offered the position to begin work. If an employee on a recall list for a particular class declines an offer of a position, the employee's name shall be removed from the recall list for that class only.

Article 28: Prohibition of Strikes and Lockouts

1. The Association pledges to maintain unimpaired service delivery and related support services as directed by the Department Director or designee. It will not cause, condone, counsel, or direct its members, or employees, or any of them, to strike, fail to fully and faithfully perform duties, slow down, disrupt, impede, picket, or otherwise impair the normal function and procedures of the Department.
2. There will be no lockout by the City unless required to protect and preserve the public peace, health, or safety of the City and its residents or required by the City to enforce any violation of this Ordinance, any Work Rules, or any applicable laws.

Article 29: Saving Clause

1. If any Article or section of these Work Rules should be held invalid by operation of law or by a final judgment of any tribunal of competent jurisdiction, or if compliance with or enforcement of any Article or section should be restrained by such tribunal, the remainder of these Work Rules will not be affected thereby; and upon issuance of such final decree, the parties, upon request of either of them, will Meet and Confer to endeavor to agree on a substitute provision or that such a substitute provision is not indicated.
2. It is recognized by the parties that the provisions of the Fair Labor Standards Act are currently applicable to certain of the wage and premium pay provisions of the Work Rules, and that these Work Rules will be administered in compliance with FLSA for so long as the Act is applicable.

It is understood by the parties that the benefits provided by these Work Rules in Articles pertaining to Union Rights, Employee Rights, Grievance Procedure and Articles constituting labor management joint endeavors conducted under these Work Rules shall not be interpreted as requiring the employer to count as time worked any hours or fractions thereof spent outside the employee's work shift in pursuit of such benefits. The employer shall count as time worked any hours or fractions thereof spent within the employee's regular work shift in pursuit of such benefits.

Article 30: Term and Effect

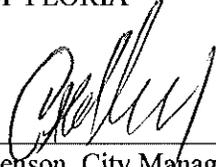
1. Not applicable.
2. Not applicable.
3. Not applicable.
4. Non-Discrimination

The City will continue to keep in effect for the term of these Work Rules its current Affirmative Action and Equal Employment Opportunity policies and will be committed to non-discrimination with respect to race, creed, color, age, handicap and sex, under Federal and State laws.

Disputes regarding this provision would first be heard at the supervisory level. If no resolution is reached at this step then an informal meeting including the Chief Steward and the Human Resources Director or designee will be held to seek resolution. Recourse at this point would be then provided through City Personnel Rules or State and Federal statutes.

CITY OF PEORIA

By:



Carl Swenson, City Manager

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 13R

Date Prepared: July 1, 2013

Council Meeting Date: September 17, 2013

TO: Carl Swenson, City Manager
FROM: Chris Jacques, AICP, Planning & Community Development Director
THROUGH: Susan J. Daluddung, AICP, Deputy City Manager
SUBJECT: ANX 13-0002 – Riverwalk Remnant Annexation

Purpose:

This is a request for City Council to hold a Public Hearing to hear any testimony deemed appropriate on the proposed annexation. No Council action can be taken at this time.

Background/Summary:

The City of Peoria is initiating a request on behalf of the property owner, Melcor Developments Arizona Inc., for annexation of one parcel of privately owned property, totaling approximately 1.17 acres, located south of the Pinnacle Peak Road alignment at the 75th Avenue alignment. The subject property is more specifically depicted in the legal description and map attached to this report (Exhibit 1). The property is contiguous to the City's jurisdictional boundaries, lies within the City's Planning Area (General Plan) and is in conformance with the adopted annexation policy.

The annexation process pursuant to A.R.S. §9-471 is briefly described below:

- (a) Filing of blank petition with County Recorder by the City opens up a thirty (30) day waiting period to discuss the proposal – **COMPLETED**
- (b) The City must then hold a public hearing (no action) to discuss the proposal within the waiting period – **CITY COUNCIL (9/17/13)**
- (c) At the conclusion of the 30-day waiting period, the municipality has up to 1-year to collect signatures satisfying the annexation "test." – **NOT COMPLETED**
- (d) The City holds a final public hearing to consider and take action on the annexation request – **TBD**
- (e) The annexation is effective 30 days upon adoption of the ordinance.

Under State Statute, a successful annexation requires the completion of a petition with (a) signatures of owners of one-half or more in value of the real and personal property; and (b) more than one-half of the persons owning real and personal property that would be subject to taxation by the City in the event of annexation.

Previous Actions:

No previous actions have been taken on this item.

Options:

- A:** Hold the first of two public hearings (no action) as required for annexation under A.R.S. §9-471.
- B:** Do not open the public hearing for the annexation request; proceedings to annex the subject property into the City would be abandoned at this time.

Staff's Recommendation:

Hold the first of two public hearings required under A.R.S. §9-471 to begin proceedings to annex the subject property into the City.

Fiscal Analysis:

This request will not generate any direct budgetary impacts. However, should the Council elect to annex the property, the City would assume operational costs associated with the provision and maintenance of services for public safety, wastewater, transportation, recreation and general governance and would be the beneficiary of new property tax revenues. The parcel is located in the Sunrise Water Company service area, and therefore would not be served by the City's water distribution system.

Narrative:

The property is vacant and undeveloped. It is currently zoned Rural-43 in the County, which retains a suburban/rural, one-acre lot minimum character. The Peoria General Plan Land Use designation is Residential Estate (0-2 du/ac, target of 1 du/ac). It is anticipated that should the property be annexed into the City, the comparable City zoning designation of SR-43 (Suburban Ranch) would be applied to the property at the time of initial zoning.

In addition to this annexation request, applications requesting a change to the General Plan designation and zoning for a larger area that includes this parcel have been submitted to the Planning Division. These applications are currently under staff review and may come before the City Council for action in the future. Pending development applications propose the use of the parcel as landscaped open space and continuation of a planned regional trail.

Exhibit(s):

- Exhibit 1:** Legal Description (Written & Map)
- Exhibit 2:** Aerial/Location Map

Contact Name and Number: Melissa Sigmund, Planner, x 7603

ANNEXATION PARCEL RIVERWALK

A strip of land 40 feet in width situated in the Northeast quarter of the Northeast quarter of Section 14, Township 4 North, Range 1 East of the Gila and Salt River Meridian, being more particularly described as follows;

COMMENCING at a found Aluminum Cap marking the Northeast corner of the Northeast quarter of Section 14, from which the Southeast corner being a found Brass Cap, bears South 00 degrees 02 minutes 08 seconds West, 2654.62 feet;
THENCE South 00 degrees 02 minutes 08 seconds West, along the East line of said Northeast quarter, 55.00 feet to the POINT OF BEGINNING;
THENCE continuing South 00 degrees 02 minutes 08 Seconds West, along said East line of the Northeast quarter, 1272.31 feet to a point marking the Southeast corner of the Northeast quarter of the Northeast quarter of Section 14;
THENCE South 89 degrees 53 minutes 25 seconds West, along the South line of said Northeast quarter of the Northeast quarter, a distance of 40.00 feet;
THENCE North 00 degrees 02 minutes 08 seconds East parallel with and 40.00 feet West of the East line of said Northeast quarter, a distance of 1272.31 feet to a point lying 55.00 feet south of the North line of said Northeast quarter of Section 14;
THENCE North 89 degrees 55 minutes 28 seconds East parallel with and 55.00 feet south of the North line of said Northeast quarter of Section 14, a distance of 40.00 feet to the POINT OF BEGINNING, as shown on Exhibit "A" attached herewith as page 2 of 2. Subject parcel comprising 1.16 Acres, more or less, and subject to all easements of record.





SCALE 1" = 200'

P.O.B.

S00°02'08"W 55.00'
N.E. COR., SEC. 14,
T-4-N, R-1-E
FD. ALUMN. CAP

PINNACLE PEAK ROAD (ALIGNMENT)

55' DEDICATION OF PUBLIC ROADWAY
PER DOC. NO. 2008-0393102, M.C.R.

N89°55'28"E 40.00'

NE. 1/4, NE. 1/4

N00°02'08"E 1272.34'

S00°02'08"W 1272.31'

AVENUE (ALIGNMENT)

75TH

S89°53'25"W 40.00'

S00°02'08"W 2654.62'

EXHIBIT "A"

PAGE 2 OF 2

FD. M.C. B.C.
E.1/4 COR., SEC. 14,
T-4-N, R-1-E

Aerial/Location Map



ANX13-0001
Riverwalk Remnant Annexation
APN 200-07-008N

- Existing Peoria Corporate Limits
- City of Glendale Corporate Limits
- Unincorporated Maricopa County Island

Exhibit 2



**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 14R

Date Prepared: August 13, 2013

Council Meeting Date: September 17, 2013

TO: Carl Swenson, City Manager
FROM: Chris Jacques, AICP, Planning & Community Development Director
THROUGH: Susan J. Daluddung, AICP, Deputy City Manager
SUBJECT: ANX 13-0001 – Sierra Ridge Annexation

Purpose:

This is a request for City Council to hold a Public Hearing to hear any testimony deemed appropriate on the proposed annexation. No Council action can be taken at this time.

Background/Summary:

The City of Peoria is initiating a request on behalf of the property owner, D.R. Horton Homes Inc, the City of Peoria, and Maricopa County residents, for annexation of eleven parcels of privately owned property and portions of 107th Avenue totaling approximately 32.76 acres located at the northeast corner of 107th Avenue and Pinnacle Peak. The subject property is more specifically depicted in the legal description and map attached to this report (Exhibit A). The property is contiguous to the City's jurisdictional boundaries, lies within the City's Planning Area (General Plan) and is in conformance with the adopted annexation policy.

The annexation process pursuant to A.R.S. §9-471 is briefly described below:

- (a) Filing of blank petition with County Recorder by the City opens up a thirty (30) day waiting period to discuss the proposal – **COMPLETED**
- (b) The City must then hold a public hearing (no action) to discuss the proposal within the waiting period – **CITY COUNCIL (9/17/13)**
- (c) At the conclusion of the 30-day waiting period, the municipality has up to 1-year to collect signatures satisfying the annexation "test." – **NOT COMPLETED**
- (d) The City holds a final public hearing to consider and take action on the annexation request – **TBD**
- (e) The annexation is effective 30 days upon adoption of the ordinance.

Under State Statute, a successful annexation requires the completion of a petition with (a) signatures of owners of one-half or more in value of the real and personal property; and (b) more than one-half of the persons owning real and personal property that would be subject to taxation by the City in the event of annexation.

Previous Actions:

No previous actions have been taken on this item.

Options:

- A:** Hold the first of two public hearings (no action) as required for annexation under A.R.S. §9-471.
- B:** Do not open the public hearing for the annexation request; proceedings to annex the subject property into the City would be abandoned at this time.

Staff's Recommendation:

Hold the first of two public hearings required under A.R.S. §9-471 to begin proceedings to annex the subject property into the City.

Fiscal Analysis:

This request will not generate any direct budgetary impacts. However, should the Council elect to annex the property, the City would assume operational costs associated with the provision and maintenance of services for public safety, wastewater, transportation, recreation and general governance and would be the beneficiary of new property tax revenues. The parcels are currently located in a non water service area and will be served by the City's water distribution system via a water line connection located at 107th Avenue and Pinnacle Peak Road.

Narrative:

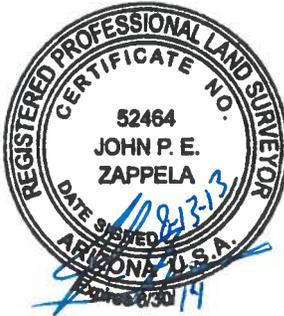
The request to annex is composed of a total of eleven parcels, four D. R. Horton parcels that are vacant undeveloped land, two Arizona Public Service parcels, five single-family residential parcels, and portions of a 107th Avenue. All parcels are currently zoned Rural-43 in the County, which retains a suburban/rural, one-acre lot minimum character. The Peoria General Plan Land Use designation is Residential Estate (0-2 du/ac, target of 1 du/ac). It is anticipated that should the properties be annexed into the City, the comparable City zoning designation of SR-43 (Suburban Ranch) would be applied to the parcels. Subsequently, the four (4) D.R. Horton parcels will be considered in conjunction with a current proposal (Case No. Z13-0001) seeking a rezone to R1-18 (single-family residential).

Exhibit(s):

- Exhibit A:** Legal Description (Written & Map)
- Exhibit B:** Vicinity Map

Contact Name and Number: Rick Williams, Planner, x 7565

EXHIBIT A



AUGUST 13, 2013
PROJECT # 9684-01-001

**LEGAL DESCRIPTION
SIERRA RIDGES
ANNEXATION BOUNDARY**

A PARCEL OF LAND LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 7, THE SOUTHWEST QUARTER OF SECTION 8, THE NORTHWEST QUARTER OF SECTION 17 AND THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 8, BEING A BRASS CAP IN HANDHOLE, FROM WHICH THE WEST QUARTER CORNER THEREOF, BEING A BRASS CAP IN HANDHOLE, BEARS NORTH 00°25'08" WEST, A DISTANCE OF 2,641.59 FEET;

THENCE SOUTH 89°34'52" WEST, A DISTANCE OF 55.00 FEET **(L1)** TO A POINT ON A LINE PARALLEL WITH AND 55.00 FEET, WESTERLY, AS MEASURED AT RIGHT ANGLES, FROM THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 8, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE NORTH 00°25'08" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 1,200.04 FEET **(L2)**;

THENCE, DEPARTING SAID PARALLEL LINE, NORTH 89°34'52" EAST, A DISTANCE OF 88.00 FEET **(L3)** TO A POINT ON A LINE PARALLEL WITH AND 33.00 FEET, EASTERLY, AS MEASURED AT RIGHT ANGLES, FROM SAID WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 8;

THENCE SOUTH 00°25'08" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 540.29 FEET **(L4)** TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 8;

THENCE SOUTH 89°17'25" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 287.54 FEET **(5)**;

THENCE, DEPARTING SAID SOUTH LINE, NORTH 26°38'37" EAST, ALONG THE WESTERLY LINE OF THE PARCEL DESCRIBED IN INSTRUMENT NO. 2005-0443087, OFFICIAL RECORDS OF MARICOPA COUNTY, A DISTANCE OF 405.76 FEET **(L6)** TO THE NORTHWEST CORNER THEREOF;

THENCE SOUTH 89°17'25" EAST, ALONG THE NORTH LINE THEREOF, BEING PARALLEL WITH AND 364.90 FEET NORTH OF SAID SOUTH LINE, A DISTANCE OF 271.62 FEET **(L7)** TO THE NORTHEAST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT 2005-0335335, OFFICIAL RECORDS OF

MARICOPA COUNTY;

THENCE SOUTH 00°36'19" EAST, ALONG THE EAST LINE THEREOF, A DISTANCE OF 182.50 FEET **(L8)** TO THE NORTHEAST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT NO. 2012-1091977, OFFICIAL RECORDS OF MARICOPA COUNTY;

THENCE SOUTH 89°17'25" EAST, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 238.75 FEET **(L9)** TO THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT NO. 2006-1142194, OFFICIAL RECORDS OF MARICOPA COUNTY;

THENCE NORTH 00°36'19" WEST, ALONG THE WEST LINE THEREOF, A DISTANCE OF 182.50 FEET **(L10)** TO THE NORTHWEST CORNER THEREOF;

THENCE SOUTH 89°17'25" EAST, ALONG THE NORTH LINE THEREOF, BEING PARALLEL WITH AND 364.90 FEET NORTH OF THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 8, A DISTANCE OF 310.30 FEET **(L11)** TO THE NORTHEAST CORNER OF THE PARCEL DESCRIBED IN SAID INSTRUMENT NO. 2006-1142194, BEING A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 8;

THENCE SOUTH 00°36'19" EAST, ALONG THE EAST LINE THEREOF, A DISTANCE OF 1,025.35 FEET **(L12)** TO A POINT ON THE SOUTH LINE THEREOF AND THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17;

THENCE CONTINUING SOUTH 00°36'19" EAST, A DISTANCE OF 52.35 FEET TO A POINT ON A LINE PARALLEL WITH AND 52.34 FEET **(L13)**, SOUTHERLY, AS MEASURED AT RIGHT ANGLES, FROM SAID NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 17;

THENCE NORTH 89°17'38" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 1,275.03 FEET **(L14)** TO A POINT ON A LINE PARALLEL WITH AND 55.00 FEET, EASTERLY, AS MEASURED AT RIGHT ANGLES, FROM THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 17;

THENCE SOUTH 00°18'27" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 947.23 FEET **(L15)**;

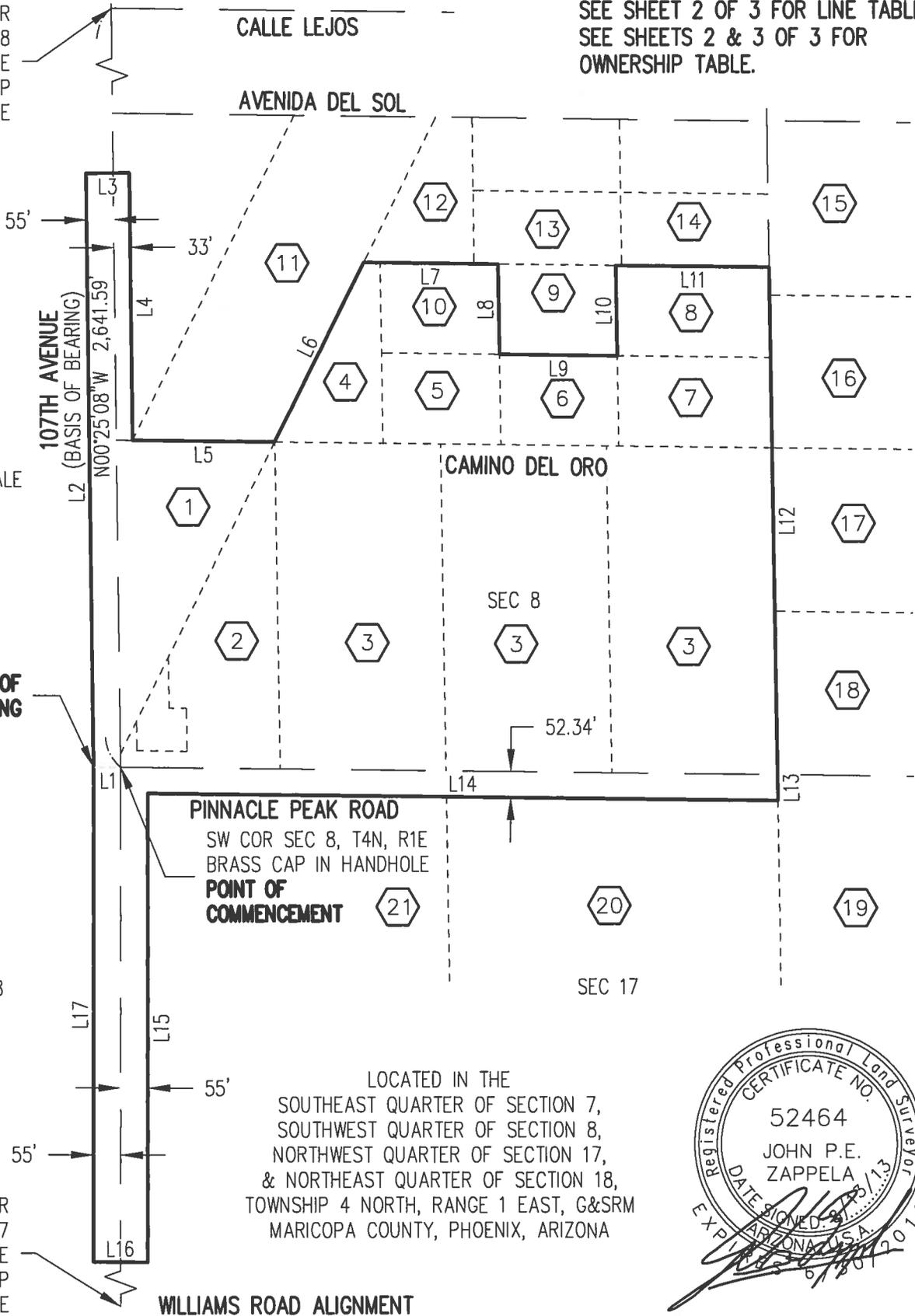
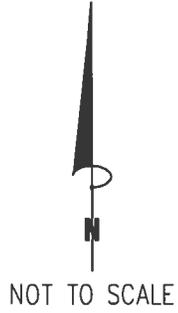
THENCE NORTH 89°41'33" WEST, DEPARTING SAID PARALLEL LINE, A DISTANCE OF 110.00 FEET **(L16)** TO A POINT ON A LINE PARALLEL WITH AND 55.00 FEET, WESTERLY, AS MEASURED AT RIGHT ANGLES, FROM SAID WEST LINE OF THE NORTHWEST QUARTER OF SECTION 17;

THENCE NORTH 00°118'27" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 999.26 FEET **(L17)** TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1,427,174 SQUARE FEET OR 32.7634 ACRES, MORE OR LESS.

SEE SHEET 2 OF 3 FOR LINE TABLE.
SEE SHEETS 2 & 3 OF 3 FOR OWNERSHIP TABLE.

W 1/4 COR
SEC 8
T4N, R1E
BRASS CAP
IN HANDHOLE



SEC 7

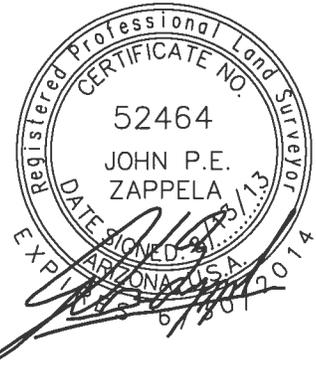
POINT OF BEGINNING

SEC 18

W 1/4 COR
SEC 17
T4N, R1E
BRASS CAP
IN HANDHOLE

PINNACLE PEAK ROAD
SW COR SEC 8, T4N, R1E
BRASS CAP IN HANDHOLE
POINT OF COMMENCEMENT

LOCATED IN THE
SOUTHEAST QUARTER OF SECTION 7,
SOUTHWEST QUARTER OF SECTION 8,
NORTHWEST QUARTER OF SECTION 17,
& NORTHEAST QUARTER OF SECTION 18,
TOWNSHIP 4 NORTH, RANGE 1 EAST, G&SRM
MARICOPA COUNTY, PHOENIX, ARIZONA



SHEET 1 OF 3
DATE: 8/13/2013

SIERRA RIDGES ANNEXATION EXHIBIT "A"		
BY: JZ	CHK: JZ	QC: JD
BCG PROJECT NO: 9684-01		TASK: 001
CLIENT REF NO:		

Bowman
CONSULTING

3010 S Priest Dr, #103
Tempe, Az 85282
Phone: (480) 629-8830
Fax: (480) 629-8841
www.bowmanconsulting.com

LINE TABLE		
LINE #	BEARING	LENGTH
L1	S89°34'52"W	55.00'
L2	N00°25'08"W	1,200.04'
L3	N89°34'52"E	88.00'
L4	S00°25'08"E	540.29'
L5	S89°17'25"E	287.54'
L6	N26°38'37"E	405.76'
L7	S89°17'25"E	271.62'
L8	S00°36'19"E	182.50'
L9	S89°17'25"E	238.75'

LINE TABLE		
LINE #	BEARING	LENGTH
L10	N00°36'19"W	182.50'
L11	S89°17'25"E	310.30'
L12	S00°36'19"E	1,025.35'
L13	S00°36'19"E	52.35'
L14	N89°17'38"W	1,275.03'
L15	S00°18'27"W	947.23'
L16	N89°41'33"W	110.00'
L17	N00°18'27"E	999.26'

OWNERSHIP TABLE		
TAG #	OWNER	PARCEL #
①	SRPAI & PD	201-08-020B
②	DR HORTON INC.	201-08-020C
③	DR HORTON INC.	201-08-021
③	DR HORTON INC.	201-08-022
③	DR HORTON INC.	201-08-023
④	JEREMIAH & SARAH METZGER	201-08-019H
⑤	EZEQUIEL & JEANNIE RIOS	201-08-019J

CONTINUED ON PAGE 3

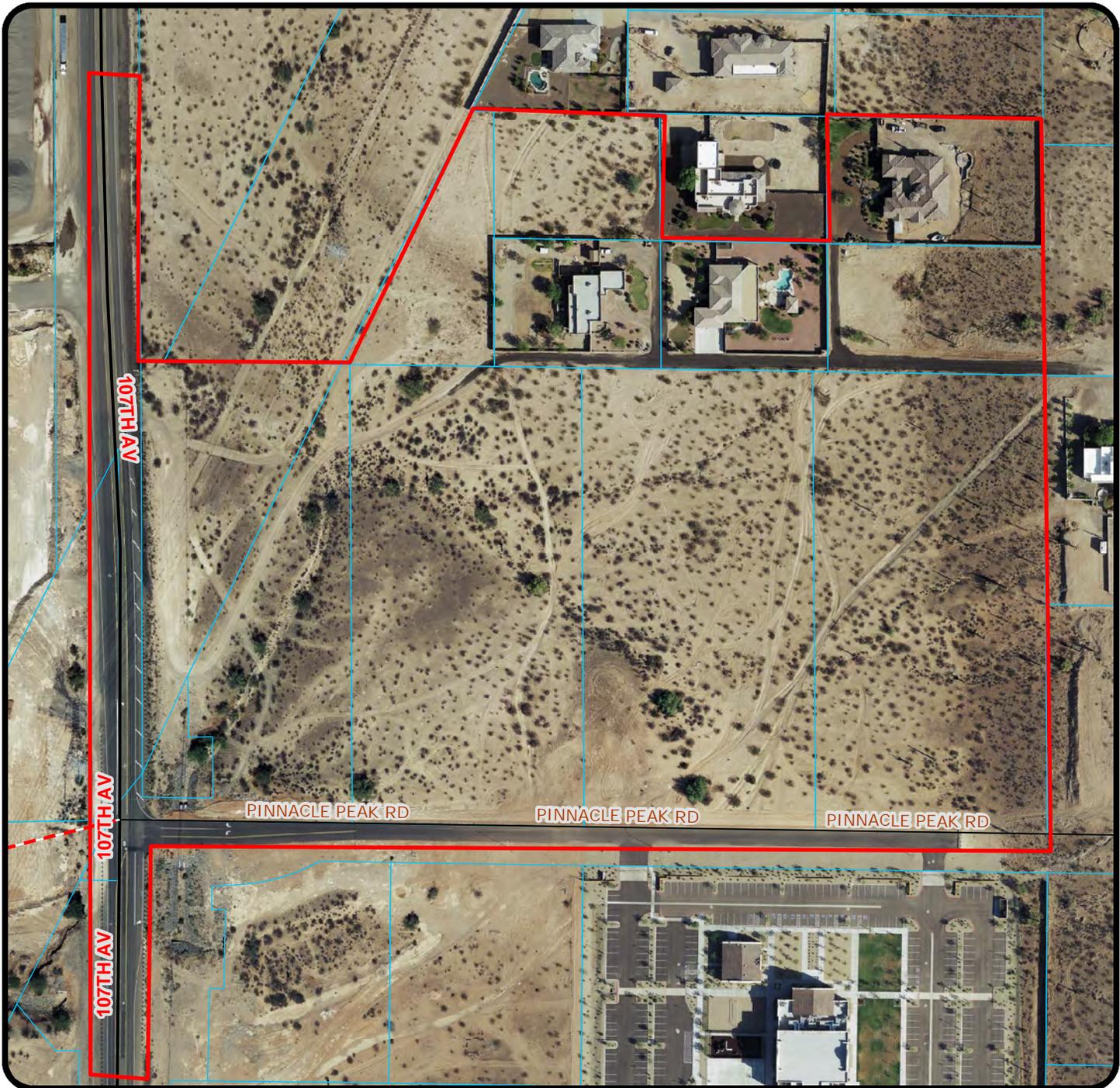


CONTINUED FROM PAGE 2

OWNERSHIP TABLE		
TAG #	OWNER	PARCEL #
6	DAN E & CHERYL R COCCIMIGLIO	201-08-019K
7	CORNELIU & MONICA RUS-PAUL	201-08-019F
8	CORNELIU & MONICA RUS-PAUL	201-08-019E
9	MICKEY & TABATHA MARDEN	201-08-019L
10	CHRIS & JEANNIE SINGLETON	201-08-019M
11	SRPAI & PAD	201-08-019B
12	MICHAEL T & KRISTA A WADSWORTH	201-08-019P
13	JOYCE LENTZ	201-08-019U
14	GARY, CATHERINE, WADE & STEPHANIE MORLOCK	201-08-019S
15	MARK C & DEBORAH L PYLE	201-08-031A
16	DAVID & QUIN PUCCIO	201-08-033F
17	STEPHAN LIVIA	201-08-034A
18	TODD MAYS	201-08-055B
19	DONALD B & SYBILL BREEDING	200-10-029F
20	COMMUNITY OF GRACE LUTHERAN CHURCH	200-10-001J
21	REVELL SPATA RAILROAD AVENUE LLC	200-10-801B & 799C



Location Map



ANX13-0001 Sierra Ridge

Applicant: City of Peoria

Request: To annex approximately 32.76 acres of land located north and east of 107th Avenue and Pinnacle Peak Road as identified in Exhibit "A"

Exhibit B



Not to Scale



City Council Calendar

Color Key:
City Council

< August	September 2013					October >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 <u>Regular City Council Meeting</u> <u>Special Meeting & Study Session</u>	4	5	6 <u>City Council Workshop</u>	7
8	9	10 <u>Council Subcommittee on Policy and Appointments Meeting</u>	11	12	13	14
15	16	17 <u>Regular City Council Meeting</u> <u>Special Meeting & Study Session</u>	18 <u>City Council Subcommittee on General Government</u>	19	20	21
22	23 <u>** Canceled**City Council Subcommittee on Community Culture & Public Safety</u>	24	25	26	27	28
29	30					



City Council Calendar

Color Key:
City Council

< September	October 2013					November >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 Regular City Council Meeting Special Meeting & Study Session	2	3	4	5
6	7	8 Council Subcommittee on Policy and Appointments Meeting	9	10	11	12
13	14	15 Regular City Council Meeting Special Meeting & Study Session	16	17	18	19
20	21	22	23	24	25	26
27	28 City Council Subcommittee on Community Culture & Public Safety	29	30	31		