LAKE PLEASANT HEIGHTS
Planned Community District
Peoria, Arizona

Master Plan and Development Regulations

An Application to Amend the Zoning Map and Text of the Peoria Zoning Ordinance

Original Submittal: April 23, 2003
1st Revision: September 9, 2003
2nd Revision: February 6, 2004
3rd Revision: December 29, 2004
4th Revision: May 13, 2005
5th Revision, June 27, 2005
6th Revision, July 19, 2005

Prepared by:

Omega Management Services, Inc
c/o Jonathan M. Bastianelli
16161 North 81st Street, Suite # 1
Scottsdale, Arizona 85260
(480) 850-5257

Prepared for:

Pleasant Views, L.L.C.
c/o Larry Miller
16009 N. 81st Street, Suite # 200
Scottsdale, Arizona 85260
(480) 945-9292

LAKE PLEASANT HEIGHTS
Planned Community District

TABLE OF CONTENTS

Project Team i

Executive Summary iii

1. **Project Introduction and Overview** 1
   a. Property Description and Location 1
   b. Statement of Purpose and Necessity for Planned Community District 1
   c. Organization of Report 4
   d. Definitions 5
   e. Legal description of the Planned Community district Area 7
   f. Ownership Verification and Authorization 7

2. **Regional Context** 9
   a. Property ownership – Vicinity 9
   b. Municipal Boundaries 9
   c. Relationship with Other Planning Efforts within Proximity to the Site 9
   d. Recreational Opportunities 9
   e. Transportation Network 13
   f. Local Airports 13

3. **Site Analysis** 15
   a. Existing Land Use 15
   b. Existing Zoning 15
   c. Existing Predevelopment Conditions 15
      1. Opportunities and Constraints 15
      2. topography and Physical Features 17
      3. Slope Analysis 17
      4. Visual Conditions 17
      5. Drainage 17
      6. Soils and Geology 18
      7. Groundwater 18
      8. Vegetation and Wildlife 18
      9. Cultural Resources 19
      10. Roads, Rights-of-Way and Utilities 19

4. **Slope Analysis and Parcel Density Calculations** 26
   a. Purpose and Intent 26
   b. Slope Categories 26
   c. Methodology for Hillside Slope Unit Computation and Slope Unit Allocation 26

5. **Master Plans** 29
   a. Project Overview 29
   b. Natural Planning Determinants 29
   c. Applicable Policy Plans 31
      1. Lake Pleasant Heights Specific Area Plan/Existing Peoria General Plan 31
      2. Peoria Desert Lands Conservation Master Plan (DLCMP) 31
   d. Land Use Plan 31
      1. Residential 33
      2. Commercial 37
      3. Schools 37
      4. Parks and Open Space 37

5. Community Facilities 42
e. Circulation 42
1. Vehicular 44
2. Bicycles 47
3. Pedestrian 47
f. Drainage 47
1. Drainage Concept 48
2. Drainage Plan 48
g. Community Design and Streetscape 49
1. Streetscape Concept 49
2. Plant Materials 49
h. Utilities and Services 50
1. Water 50
2. Wastewater 51
3. Electric 51
4. Telephone 51
5. Cable Television 51
6. Natural Gas 51
7. Refuse Collection Districts 51

6. **Regulatory Development Standards** 52
a. Purpose and Intent 52
b. Zoning Base Districts 52
1. Residential District Standards 53
2. Commercial District Standards 55
c. General Development Standards – All Uses 59
1. Landscape Standards 59
2. Parking Standards 59
3. Walls and Fences 59
4. Sign Standards 60
5. Design Review 61
d. Desert Lands Conservation 61
1. Desert Lands Conservation Overlay (Article 14-22B) 61
2. Hillside Development Overlay (HDO) District (Article 14-22A) 64

7. **Development Schedule** 67
a. Purpose and Intent 67
b. Project Timeline 67
c. Project Phasing 67
d. Off—Site Roadway Phasing 68

Appendices 71
Appendix A Property Ownership Verification
Appendix B Property Ownership Authorization
Appendix C Traffic Impact Study
Appendix D Biological Assessment
Appendix E Site Photographs
Appendix F Big Springs Legal Description
Appendix G Master Drainage and Hydrology Report
Appendix H Water and Wastewater Master Plan
Appendix I Public Notification
Appendix J City Council Stipulations of Planned Community District Approval
Appendix K Zoning Ordinance Excerpts
Appendix L Cost Impact Analysis
Appendix M Desert Lands Conservation Report
Appendix N Development Agreement
Appendix O Lake Pleasant Heights Design Guidelines
Appendix P Off-Site Master Planned Development Directional Sign Radius Exhibit

LIST OF FIGURES

Figure 1 - Regional Context Map 2
Figure 2 - Property Boundary/Legal Exhibit 8
Figure 3 – Property Ownership, Site and Vicinity 10
Figure 4 – Municipal Boundaries 11
Figure 5 – Northwest Planned Communities 12
Figure 6 – Regional Transportation Planning 14
Figure 7 – Existing Zoning 16
Figure 8 – Topography and Physical Features 20
Figure 9 – General Slope Characteristics 21
Figure 10 – View Shed Analysis 24
Figure 11 – Primary Drainageways 25
Figure 12 – Slope Analysis Methodology 28
Figure 13 – Lake Pleasant Heights Context Plan 30
Figure 14 – Current Lake Pleasant Heights Specific Area Plan/General Plan 32
Figure 15 – Lake Pleasant Heights General Development Plan 34
Figure 16a – Bicycle & Pedestrian Circulation Plan 39
Figure 16b – Bicycle & Pedestrian Circulation Plan Cross Sections 40
Figure 17 – Open Space Lands 41
Figure 18 – Emergency Response Plan 43
Figure 19a– Proposed Arterial Roadway Sections 45
Figure 19b– Proposed Arterial Roadway Sections 46
Figure 20 – Character / Conservation Plan 66
Figure 21 – Development Phasing Plan 69
Figure 22 – Water, Sewer and Paving Phasing Plan 70

LIST OF TABLES

Table 1– Hillside Density 22
Table 2 – Land Use Density and Intensity 35
Table 3 – Land Use Designations 37
Table 4 – Proposed Thematic Plant Palette 50
Table 5 – Residential Development Standards 54
Table 6 – Commercial District Permitted Uses 55

Project Team

Owner/Private Lands:	Mr. Gary Torhjelm Group Three and Noranda Properties 7201 East Camelback Road, Suite 305 Scottsdale, Arizona 85251 (480) 874-2389
Owner/Private Lands:	Mr. Larry Miller Pleasant Views, L.L.C. 16009 North 81st Street, Suite 200 Scottsdale, Arizona 85260 (480) 945-9292
Co-Applicant/ State Lands:	Mr. Greg Keller Arizona State Land Department 1616 West Adams Street Phoenix, Arizona 85007 (602) 542-2646
Owners Representative:	Mr. Jonathan M. Bastianelli Omega Management Services, Inc. 16161 North 81st Street, Suite 1 Scottsdale, Arizona 85260 (480) 850-5257
Legal Council:	Mrs. Lynne A. Lagarde Earl, Curley & Lagarde, P.C. 3101 North Central Avenue, Suite 1000 Phoenix, Arizona 85012 (602) 265-0094
Land Planning:	Ms. Christine E. Sheehy Arizona Land Planning & Development, LLC 314 East Wagon Wheel Drive Phoenix, Arizona 85020 (602) 944-0614
ALTA Survey:	Mr. John Snodgrass Gannett Fleming, Inc. 4722 North 24th Street, Suite 250 Phoenix, Arizona 85016 (602) 553-8817

Original Submittal April 23, 2003
1st Revision September 9, 2003
2nd Revision February 6, 2004
3rd Revision December 29, 2004
4th Revision May 13, 2005
5th Revision, June 27, 2005
6th Revision, July 19, 2005

Civil Engineering:	Mr. D. Matthew Goodwin, P.E. Goodwin and Marshall, Inc. 3131 East Camelback Road, Suite 200 Phoenix, Arizona 85016 (602) 606-5760
Traffic Engineering:	Mr. Ken Howell Task Engineering Company, Inc. 5125 North 16th Street, Suite A210 Phoenix, Arizona 85016 (602) 277-4224
Water/Wastewater Engineering:	Mr. Michael S. Wolf Landmark Engineering, Inc. 7310 North 16th Street, Suite 285 Phoenix, Arizona 85020 (602) 861-2005
Groundwater Engineering:	Mr. Michael J. Lacey Fluid Solutions 1121 East Missouri, Suite 100 Phoenix, Arizona 85014 (602) 274-6725
Archaeology/ Biology:	Ms. Lynn A. Neal, RPA EnviroSystems Management, Inc. 2101 North 4th Street, Suite 220 Flagstaff, Arizona 86004 (928) 226-0236
Golf Course Design:	Mr. Scott Miller Scott Miller Golf Design 12240 North Scottsdale Road Scottsdale, Arizona 85254 (480) 922-9652
Landscape Design:	Mr. Doug Riegels Omega Management Services, Inc. 16161 North 81st Street, Suite 1 Scottsdale, Arizona 85260 (480) 947-5100

Executive Summary

Lake Pleasant Heights is situated within the southern foothills of the Hieroglyphic Mountain Range and southwest of Lake Pleasant, within the City of Peoria. The property generally lies between the Joy Ranch Road alignment on the north, the Lone Mountain Road alignment on the south, the 123rd and 131st Avenue alignments on the west and the 115th Avenue alignment on the east. The total land area is approximately 3,268 acres or 5.1 square miles.

The Lake Pleasant Heights property is currently zoned SR-43 (Suburban Ranch), R1-35 (Single-Family Residential), and AG (General Agricultural) and is entitled with an overall density of approximately 1.0 dwelling unit per gross acre. The land use document guiding the future development of the Lake Pleasant Heights property is the Lake Pleasant Heights Specific Area Plan, adopted May 7, 2002 (Resolution No. 02-92) through a major General Plan Amendment (01-04). The land use map within the Lake Pleasant Heights Specific Area Plan is the General Plan land use recommendation for the property. A Minor Amendment to the Lake Pleasant Specific Area Plan is concurrently being processed with the Planned Community District Application. As a result of more detailed studies, minor changes to the current Lake Pleasant Heights Specific Area are being proposed. These changes do not increase the overall density or intensity of the approved Lake Pleasant Heights Specific Area Plan.

Lake Pleasant Heights is compatible with the other master planned communities in the area, which are:

- White Peak Ranch, currently being renamed Vistancia North - Approximately 2.27 maximum dwelling units per gross acre;
- Vistancia South, formerly known as Lakeland Village - Approximately 3.2 maximum dwelling units per gross acre; and
- Saddleback Heights – Approximately 1.02 dwelling units per gross acre.

The Lake Pleasant Heights project is designed to offer a broad range of housing types, as well as retail and commercial services. An eighteen-hole golf course is proposed, along with custom home sites. The projected population of approximately 15,264 residents will be served by one elementary school, two neighborhood parks, the Big Spring passive desert environmental park and one fire station, as well as a natural open space network

The primary ingress and egress to the Lake Pleasant Heights property will be via El Mirage Road from the south. El Mirage Road is planned to connect north to Highway 74 in a later phase of the Lake Pleasant Heights development. Westland Drive is planned to provide connections to the east to access Loop 303 and west to access White Peak Ranch (Vistancia North).

The following action is requested of the Peoria City Council in association with the Lake Pleasant Heights Planned Community District:

1. An ordinance approving the Planned Community District provisions of the Lake Pleasant Heights Planned Community District application.
2. An ordinance approving the Development Agreement addressing project infrastructure.
3. Minor Amendment to the Lake Pleasant Heights Specific Area Plan.

1. PROJECT INTRODUCTION AND OVERVIEW

a. Property Description and Location

Lake Pleasant Heights is a 3,268-acre property located in northwest Peoria designed as a master planned community. The property is legally defined in Section 1.e. below. The project is comprised of both public and private properties consisting of 1,396 and 1,872 acres, respectively. The property generally lies between the Joy Ranch Road alignment on the north, the Lone Mountain Road alignment on the south, the 123rd and 131st Avenue alignments on the west and the 115th Avenue alignment on the east. The Lake Pleasant Heights Planned Community is situated at the southeastern terminus of the Hieroglyphic Mountain Range, a range that lies immediately southwest of Lake Pleasant. **Figure 1,** *Regional Context Map*, demonstrates the location of the Lake Pleasant Heights site along with adjacent planned developments and landmarks.

b. Statement of Purpose and Necessity for the Planned Community District

The purpose for creating the Lake Pleasant Heights Planned Community District is to govern the development of the Lake Pleasant Heights property. The Lake Pleasant Heights Planned Community District (PCD) Plan will establish policies and regulatory standards for the property related to land use, density, intensity, public infrastructure, public facilities and desert preservation.

PCDs are designed to accommodate large developments through comprehensive planning that is consistent with the Peoria General Plan (in this case, the approved Lake Pleasant Heights Specific Area Plan). PCDs allow development standards to be tailored to the specific opportunities and constraints of a site that may not be possible utilizing conventional zoning districts. The customization of standards is of particular importance to Lake Pleasant Heights, given its terrain, washes and other Sonoran Desert features.

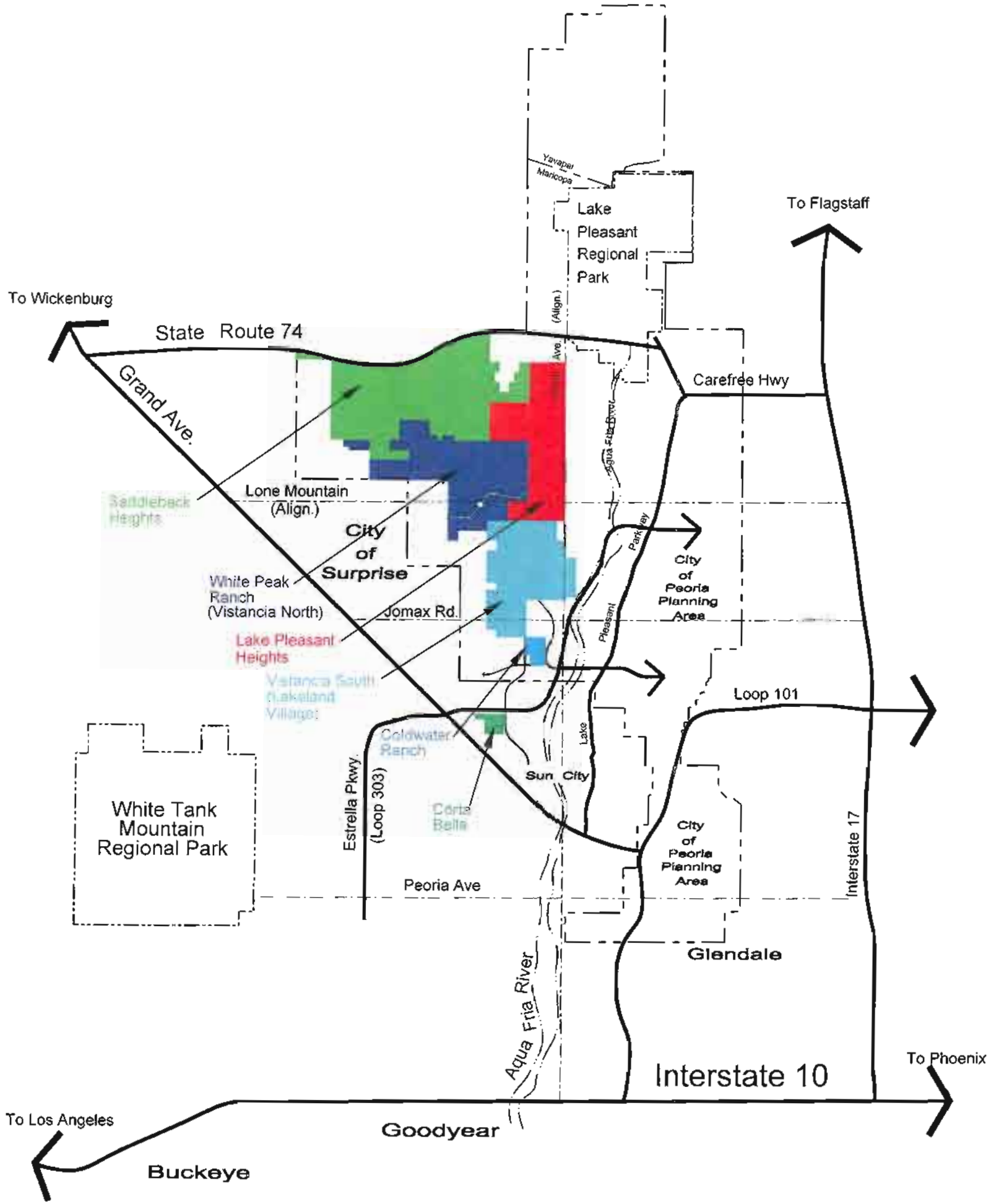
The Lake Pleasant Heights property is located in an area that provides an opportunity to create a master planned community that emphasizes the integration of the developed environment with the natural desert environment. The community will be designed around a network of natural open spaces that will include both active and passive recreation for local residents. Linkages are planned to White Peak Ranch (Vistancia North), Vistancia South (Lakeland Village) and Saddleback Heights. The proximity of the community to Lake Pleasant offers additional nearby recreational opportunities.

The Lake Pleasant Heights PCD will establish policies related to:

- land use types;
- transportation network alignments;
- planned community public facilities;
- land use intensity and density ranges;
- open space linkage concepts;
- hillside development ; and
- residential development concepts for custom, semi-custom and production home building.

Figure 1

Regional Context Map



Lake Pleasant Heights

Planned Community District

The Lake Pleasant Heights PCD will establish regulatory standards related to:

- base zoning districts and development standards;
- infrastructure design standards; and
- grading and retention standards.

The Lake Pleasant Heights PCD Plan is to be adopted by the Peoria City Council by Ordinance to formally establish the development policies, regulatory standards and zoning for the subject property. To approve the PCD, the Council must find that several site issues have been addressed, as per Article 14-36-6 of the Peoria Zoning Ordinance. Below is a brief discussion of how the Lake Pleasant Heights project accomplishes those findings. All of the findings are discussed in more detail in Section 5 of this report.

1) *The development proposed is in conformance with the General Plan.*

   The Lake Pleasant Heights PCD is based on the *Lake Pleasant Heights Specific Area Plan*, which was updated and approved in May 2002. The proposed density of the PCD and the distribution and mix of land uses are consistent with provisions of the Specific Area Plan. The PCD provides additional refinement of the land uses and specific densities, as well as establishes a more precise development program through its policies and regulations.

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

   The PCD is consistent with the transportation network outlined in the Specific Area Plan. The alignments shown in the PCD Plan have been modified to accommodate the hillside terrain, meet City standards and connect with transportation corridors in adjacent developments.

3) *In the case of proposed residential development, the development will promote compatible buildings and uses and it will be compatible with the character of the surrounding area.*

   The Lake Pleasant Heights PCD promotes development that is compatible with the character of the surrounding area. Specific densities and intensities have been situated to be compatible with the surrounding environment. Further, based on slope category, a percentage of natural open space will be preserved within the hillside areas and each development parcel will be analyzed to determine areas to be preserved.

4) *The conceptual site locations proposed for public facilities such as schools, fire protection, law enforcement, water, wastewater, streets, public services and parks, are adequate to serve the anticipated population within the PC district.*

   Public facilities are incorporated into the Lake Pleasant Heights plan. Two neighborhood parks are anticipated – one in the south/central area of the site, and one in the northwest area within one of the State Trust land parcels. The Big Spring area is proposed as a passive desert environmental park. The Applicant is working with the Peoria Parks department to determine size and location of these facilities. An elementary school is planned within the southern portion of the project. This school is

anticipated to serve the majority of students within Lake Pleasant Heights. Densities in the northern sections of the community do not warrant an additional school facility. A fire station is planned central to the community. Water, wastewater and street systems will all be designed to meet the needs of the development, as established through the appropriate studies. All of these facilities are described in greater detail in Section 5 of this report.

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

   The scale and location of non-residential services have been planned in direct response to support the projected residential population of the community. With regard to employment, Lake Pleasant Heights is within a short commuting distance to employment nodes identified within the Peoria General Plan.

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

   The Lake Pleasant Heights Development Agreement has been written to respond to fiscal issues affiliated with the PCD. A Cost Impact Analysis has been prepared and provided to City staff as a demonstration of fiscal responsiveness and a copy included in **Appendix L** of this document.

c. Organization of Report

There are three primary components required for inclusion within a PCD application (Article 14-36-3: Application Requirements): a Standards Report, a Development Plan, and a Development Schedule. Each of these components contains several sub-components listing information that must be contained within the documents. All required information in each of the three documents is contained within this report. However, it is organized into sections based on the logical development of the PCD, from the existing conditions to its ultimate regulatory standards.

Sections 1 through 3 contain the project introduction and overview, regional context and site analysis. These sections establish the basis for the Lake Pleasant Heights plan. Section 4 analyzes the topographic conditions of the property to establish the areas of the site proposed for preservation and development.

Section 5 equates most directly to the required Development Plan. This section details the project's conformance to the Lake Pleasant Heights Specific Area Plan, establishes land use density and intensity, describes and illustrates the transportation system, and details the project's utilities and infrastructure. This section also includes the required (per Standards Report) matrix indicating the site data in total and by development parcel. Section 6 provides the regulatory standards that correspond to each development parcel. This section includes the zoning districts created specifically for the Lake Pleasant Heights property and modifications to other applicable ordinances necessary to implement the Development Plan. Section 7 outlines development timing and phasing. The report appendices contain other required information, such as ownership verification, required studies, public notification information and ordinance excerpts.

Excerpts of the Peoria Zoning Ordinance and other regulatory documents referenced in this plan are attached in Appendices. The Lake Pleasant Heights PCD is governed by these documents.

d. Definitions

The terms used within this PCD are defined below. These definitions are intended to provide regulatory guidance in the implementation of the Lake Pleasant Heights Master Development Plan and other documents contained within this PCD. In the event a term is not specifically defined within this document, the definition contained within the Peoria Zoning Ordinance shall apply.

Density:	The number of residential dwelling units on a given piece of land divided by the total gross acreage of that piece of land.
Development Unit:	A sub-area defined by alphabetical reference on the PCD Development Plan and containing multiple development parcels.
Development Parcel:	A sub-area of each development unit referenced by letter (development unit) and number (development parcel). Each development parcel contains a singular land use and zoning classification.
Floor Area Ratio: (Intensity)	The first floor gross area of all buildings on a parcel divided by the gross area of the parcel.
Gross Area, Development Unit:	The area of a development unit, including all planned or dedicated streets, alleys, private access ways, roadways, open space, and/or alley easements. Parcel boundaries shall extend to the center of adjacent streets or rights-of-way or other public space.
Housing, Living Component:	All components of a house not affiliated with the storage of automobiles or non- air-conditioned enclosures.
Housing, Multifamily:	A building or group of buildings serving as attached living units typically for lease (apartments) but may be provided for sale (condominium or timeshare). This term is intended to apply to the combination of residential units.
Housing, Single Family Detached:	A building containing only one dwelling unit entirely separated from buildings on adjoining lots or building sites.
Housing, Single Family Attached:	A building containing multiple dwelling units, each of which has primary ground floor access to the outside, and which are attached to each other by party walls without openings in compliance with building codes. The term is intended to apply to town homes.
Housing, Turn-in	The component of a house affiliated with the storage of

Garage Component:	automobiles that are oriented parallel with, not perpendicular to, adjacent legal access.
Mini-Storage:	Buildings composed of contiguous individual rooms which are rented to the public for the storage of personal property and which have independent access and locks under control of the tenant.
Native Plant, Protected:	Protected cacti which are four (4) feet or greater in height and trees which are four (4) inches or greater in caliper as defined by the Arizona Department of Agriculture.
Natural Open Space:	Areas containing natural Sonoran Desert vegetation and conservation features that have not been altered except to allow trails (private or public), roadways and utility easements as necessary.
Net Area, Development Unit:	The area of a development unit, excluding all planned or dedicated streets, alleys, private access ways, roadway and/or alley easements and intended desert preserve areas generally above the 25% slope line.
Open Space:	Space which can be enjoyed by people. This could include landscaped plazas, golf courses, grass and trees, fountains, sitting areas, etc., and is meant to provide an open garden atmosphere. Open Space does not include parking areas, vacant or undeveloped lots or any other space which does not contribute to the quality of the environment.
Sensitive Lands Preservation:	See Natural Open Space definition above.
Slope:	The vertical rise in feet measured over a horizontal distance expressed as a percentage. Slope shall be calculated utilizing the methodology expressed in Section 4 and as otherwise established in accordance with the City of Peoria Zoning Ordinance Article 14-22A.
View Fence:	The provision of non-solid fencing (such as wrought iron or tubular steel fencing) for the purpose of allowing visual surveillance on public or semi-public space.
View Preservation:	Consideration given to the location of structures on the site to maximize the view for the surrounding property and existing or anticipated development.

e. Legal Description of the Planned Community District Area

The Lake Pleasant Heights Planned Community District boundaries are graphically depicted in **Figure 2**, *Property Boundary/Legal Exhibit*, and legally described as follows:

Private Lands

All of Section 1, Township 5 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

All of Section 12, Township 5 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

The Southeast quarter of Section 14, Township 5 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Lots 4 through 15, inclusive, the Southeast quarter of the Northwest quarter, and the North half of the Southwest quarter of Section 13, Township 5 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

State Lands

All of Section 36, Township 6 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

All of Section 2, Township 5 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

The South half of the Southwest quarter of Section 13, Township 5 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

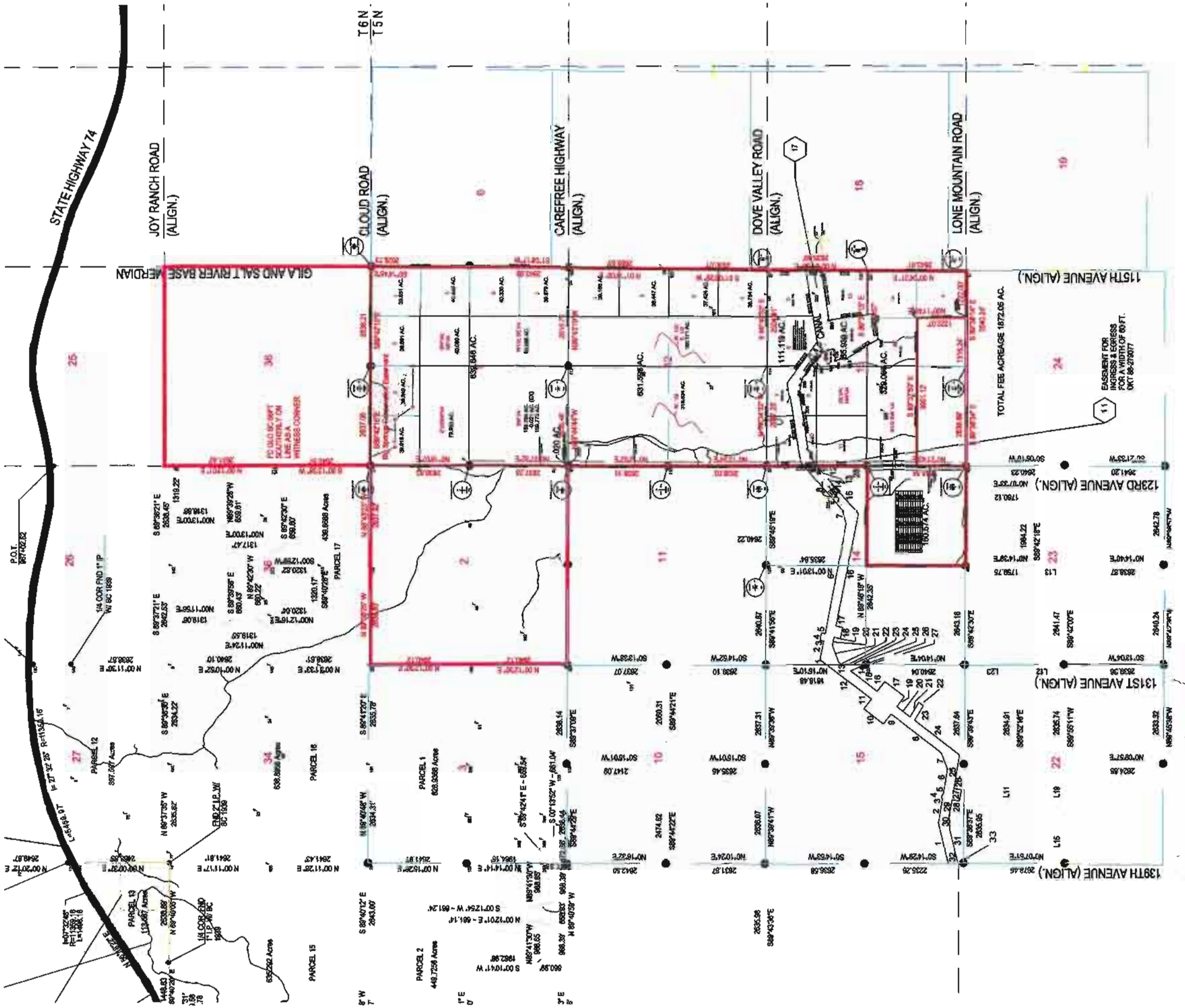
The Southwest quarter of the Southeast quarter of Section 13, Township 5 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

f. Ownership Verification and Authorization

The ownership for the Lake Pleasant Heights property is primarily held by the Group Three and Noranda Properties. Approximately 1,400 acres of the site are State Trust land managed by the Arizona State Land Department. Proof of ownership is provided for the privately owned land within **Appendix A,** *Property Ownership Verification*. Authorization for Omega Management Services, Inc. to proceed with the public review and adoption of a Planned Community District, a Minor Amendment to the Lake Pleasant Heights Specific Area Plan and an Amendment to the current Development Agreement is exhibited in **Appendix B**, *Property Ownership Authorization.*

Figure 2

Property Boundary/Legal Exhibit



Lake Pleasant Heights

Planned Community District

2. REGIONAL CONTEXT

A regional overview is provided below to give context to the Lake Pleasant Heights property in relationship to the closest community facilities and surrounding properties. Many of the existing community facilities are substantially south of the subject property. The Planned Community District proposes additional facilities to serve the future Lake Pleasant Heights resident population.

a. Property Ownership – Vicinity

The property ownership for the site and the surrounding area is provided on **Figure 3**, *Property Ownership, Site and Vicinity*. In general, the property to the northwest is owned and managed by Diamond Ventures, Inc., the developer of the Saddleback Heights community. To the east is State Trust land. To the south is Vistancia South (Lakeland Village) and to the west is White Peak Ranch (Vistancia North) owned by Shea / Sunbelt Pleasant Point L.L.C. Adjacent property owners within 300 feet of the perimeter to the Lake Pleasant Heights property will be notified of the proposed PCD process in accordance with provisions of the Peoria Zoning Ordinance and State Statutes.

b. Municipal Boundaries

Lake Pleasant Heights lies entirely within the Peoria city limits, with Maricopa County jurisdiction to the south and southwest of the property. The City of Surprise is located a few miles southwest of the site. See **Figure 4**, *Municipal Boundaries*.

c. Relationship with Other Planning Efforts within Proximity to the Site

This Planned Community District is intended to work in unison with future development activities planned to occur as part of the Saddleback Heights, White Peak Ranch (Vistancia North) and Vistancia South (Lakeland Village) Planned Community Districts. See **Figure 5**, *Northwest Planned Communities*.

d. Recreational Opportunities

The Lake Pleasant Heights site is located close to several regional recreational amenities. The most prominent area amenity is Lake Pleasant, approximately two miles to the northeast. Lake Pleasant provides opportunities for picnicking, boating and other water sports. A regional trail system is being proposed along the Central Arizona Project (CAP) canal, providing opportunities for community residents to walk or bike from Lake Pleasant Heights to other areas along the canal. Although there are topographic challenges, this trail is anticipated to connect to the Agua Fria River to the east. Some open spaces within Lake Pleasant Heights are planned to link with natural areas in adjacent communities, creating additional non-vehicular recreation and regional connections.

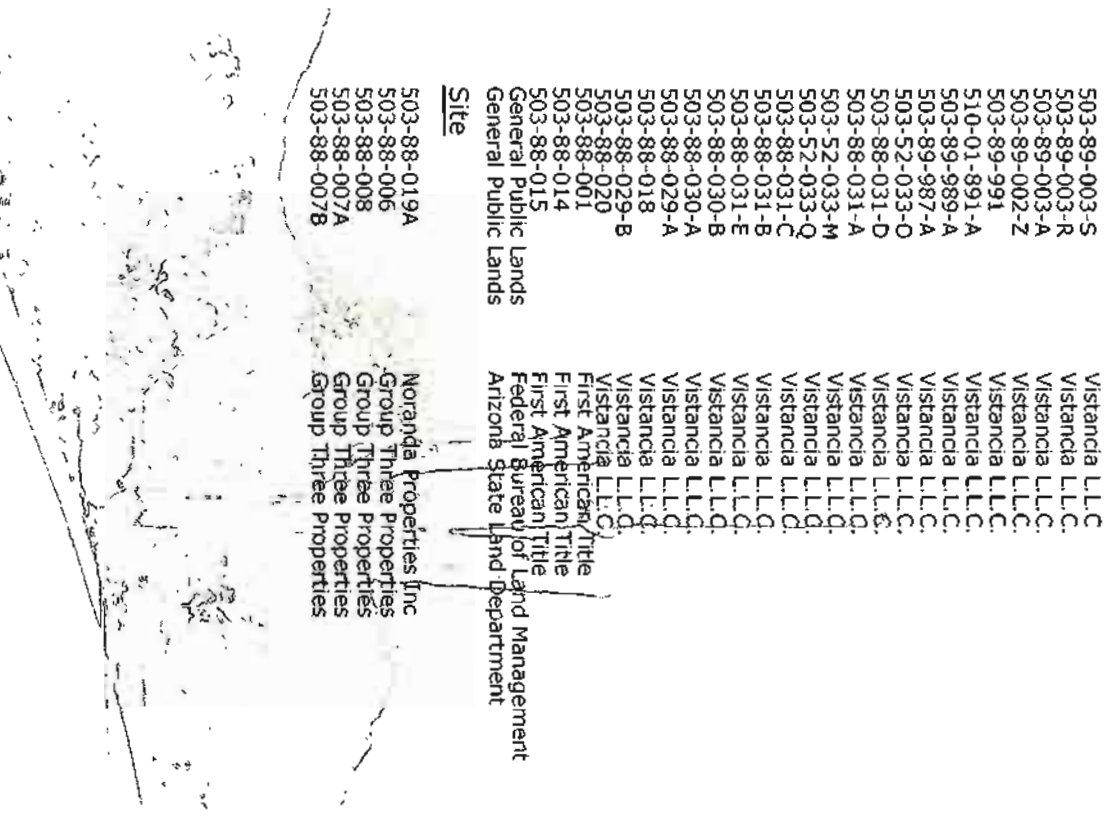
An eighteen-hole golf course is planned in the northern portion of the Lake Pleasant Heights PCD. The course will be integrated with the topography and desert vegetation to create a challenging golf experience.

Figure 3

Property Ownership, Site and Vincinity

Legend

Tax Parcel Number	Property Owner
Vicinity	
503-89-011	Vistancia L.L.C.
503-89-004-Q	Vistancia L.L.C.
503-89-004-E	Vistancia L.L.C.
503-89-004-R	Vistancia L.L.C.
503-89-004-C	Vistancia L.L.C.
503-89-004-A	Vistancia L.L.C.
503-89-003-S	Vistancia L.L.C.
503-89-003-R	Vistancia L.L.C.
503-89-003-A	Vistancia L.L.C.
503-89-002-Z	Vistancia L.L.C.
503-89-991	Vistancia L.L.C.
510-01-891-A	Vistancia L.L.C.
503-89-989-A	Vistancia L.L.C.
503-89-987-A	Vistancia L.L.C.
503-52-033-O	Vistancia L.L.C.
503-88-031-D	Vistancia L.L.C.
503-88-031-A	Vistancia L.L.C.
503-52-033-M	Vistancia L.L.C.
503-52-033-Q	Vistancia L.L.C.
503-88-031-C	Vistancia L.L.C.
503-88-031-B	Vistancia L.L.C.
503-88-031-E	Vistancia L.L.C.
503-88-030-B	Vistancia L.L.C.
503-88-030-A	Vistancia L.L.C.
503-88-029-A	Vistancia L.L.C.
503-88-018	Vistancia L.L.C.
503-88-029-B	Vistancia L.L.C.
503-88-020	First American Title
503-88-001	First American Title
503-88-014	First American Title
503-88-015	First American Title
General Public Lands	Federal Bureau of Land Management
General Public Lands	Arizona State Land Department
Site	
503-88-019A	Noranda Properties Inc
503-88-006	Group Three Properties
503-88-008	Group Three Properties
503-88-007A	Group Three Properties
503-88-007B	Group Three Properties



NORTH

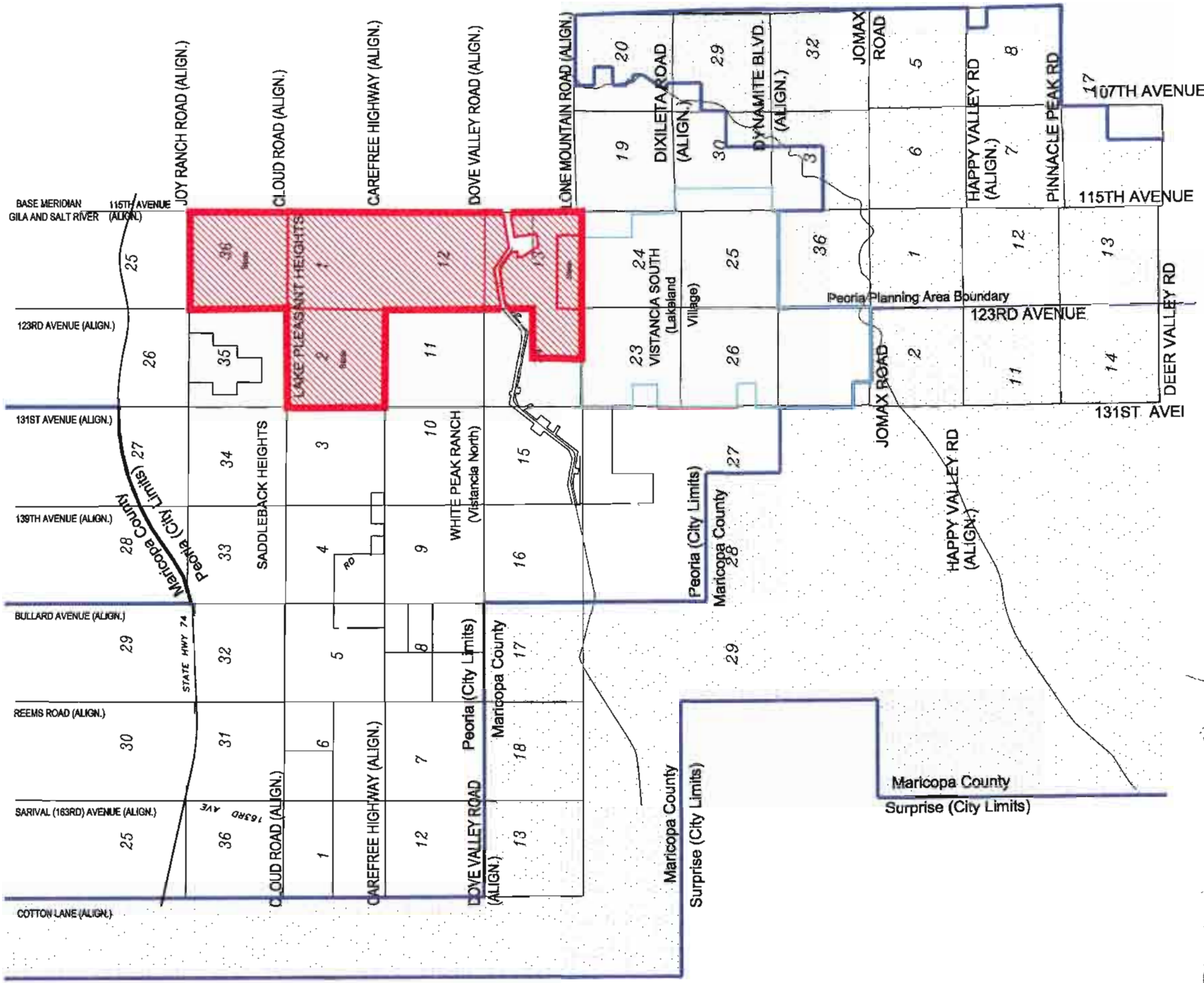
5.6.2006

Lake Pleasant Heights

Planned Community District

Figure 4

Municipal Boundaries



Legend

- Lake Pleasant Heights Property
- Maricopa County

NORTH

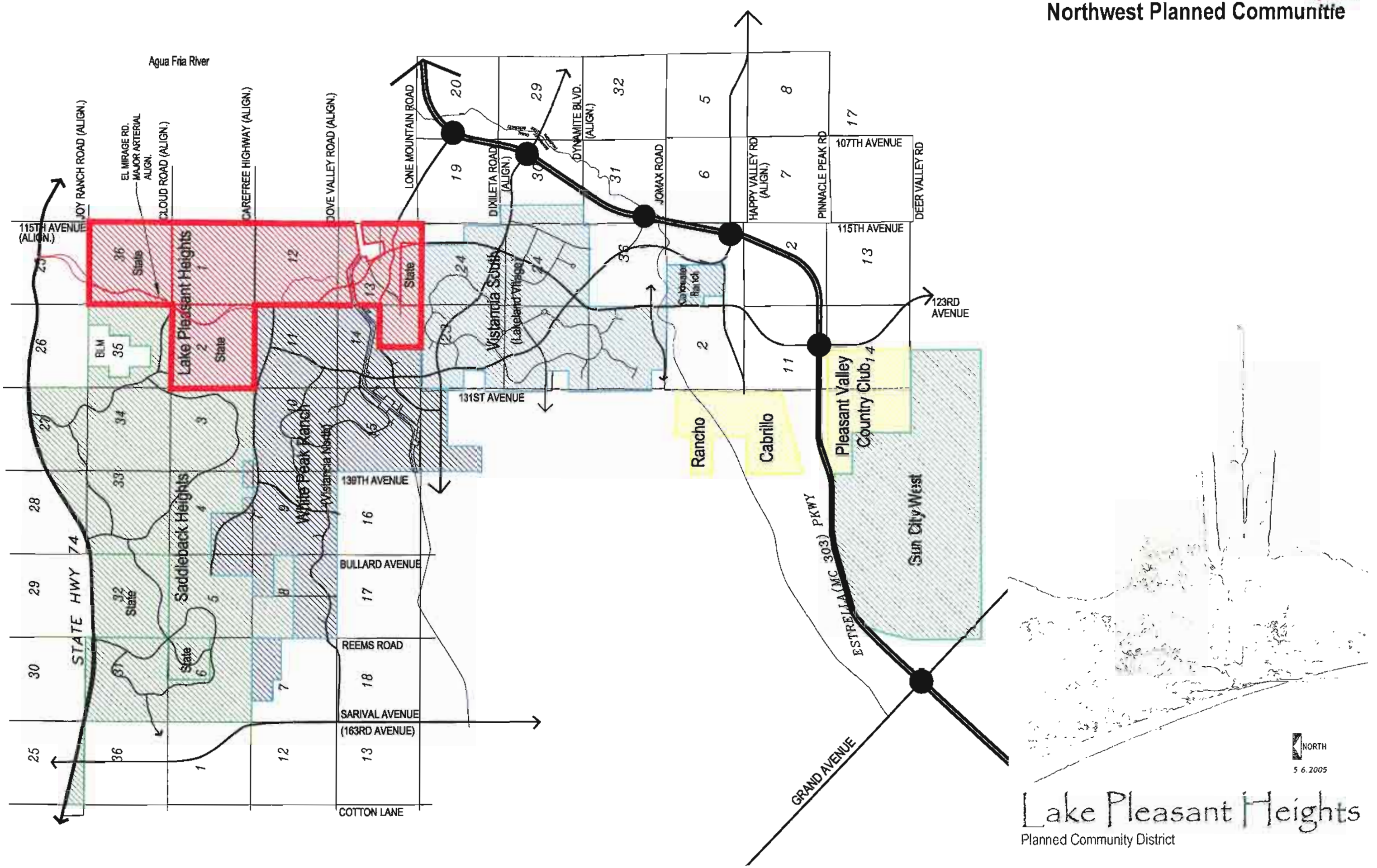
5 6 2005

Lake Pleasant Heights

Planned Community District

Figure5

Northwest Planned Communitie



e. Transportation Network

Transportation planning within the Northwest Valley has centered on the alignment and construction of Loop 303. Loop 303 will ultimately connect to I-17; the alignment, however, has not been determined. The Arizona Department of Transportation is currently studying an alignment heading north from the intersection of 115th Avenue and Happy Valley Road, then continuing east along the Lone Mountain alignment to an ultimate connection with Interstate 17.

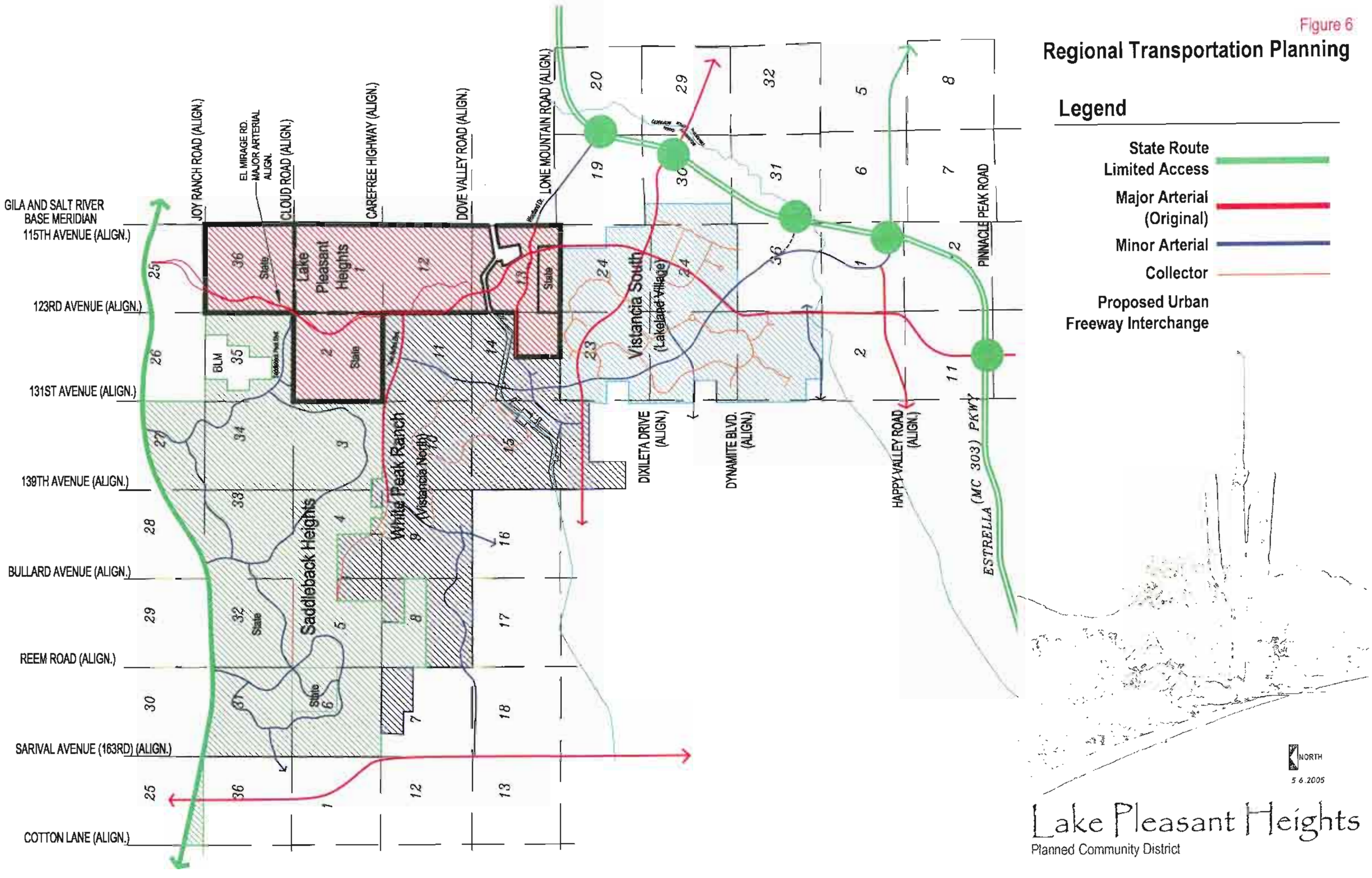
The primary north/south arterial roadway affecting Lake Pleasant Heights, El Mirage Road, will connect to Highway 74 north of the project and have an interchange connection with Loop 303 south of the Vistancia project. Westland Drive, a planned arterial roadway traveling west-east through Lake Pleasant Heights, will connect to Loop 303. See **Figure 6**, *Regional Transportation Planning*. This routing is analyzed in **Appendix C**, *Traffic Impact Study*.

f. Local Airports

The Lake Pleasant Heights property is not within a zone of influence from any of the major Phoenix Metropolitan airports. The Pleasant Valley Airport provides propeller aircraft service for the Lake Pleasant region and is located at the intersection of State Route 74, Carefree Highway and Lake Pleasant Parkway. The Peoria General Plan calls for an Aviation Study Area in the northeast area of the City's planning area to determine whether development of a general aviation facility is needed.

Figure 6

Regional Transportation Planning



Legend

- State Route Limited Access
- Major Arterial (Original)
- Minor Arterial
- Collector
- Proposed Urban Freeway Interchange

Lake Pleasant Heights

Planned Community District

3. SITE ANALYSIS

a. Existing Land Use

The Lake Pleasant Heights property and the surrounding area display extensive tracts of vacant desert lands. Portions of the property have historically been used for cattle grazing and small mining operations. The Central Arizona Project canal bisects the site in an east-west direction. A natural spring, known as "Big Spring" is located in the northern portion of Lake Pleasant Heights.

b. Existing Zoning

The Lake Pleasant Heights property, when annexed into the City of Peoria in 1993, was assigned a zoning district of R1-35 (minimum lot size of 35,000 square feet) on the southern sections (south of the Carefree Highway alignment) with 120 acres zoned as SR-43. The two sections between the Carefree Highway and Cloud Road alignments are designated SR-43. The northernmost section is zoned AG. See **Figure 7,** *Existing Zoning.*

c. Existing Predevelopment Conditions

1. Opportunities and Constraints

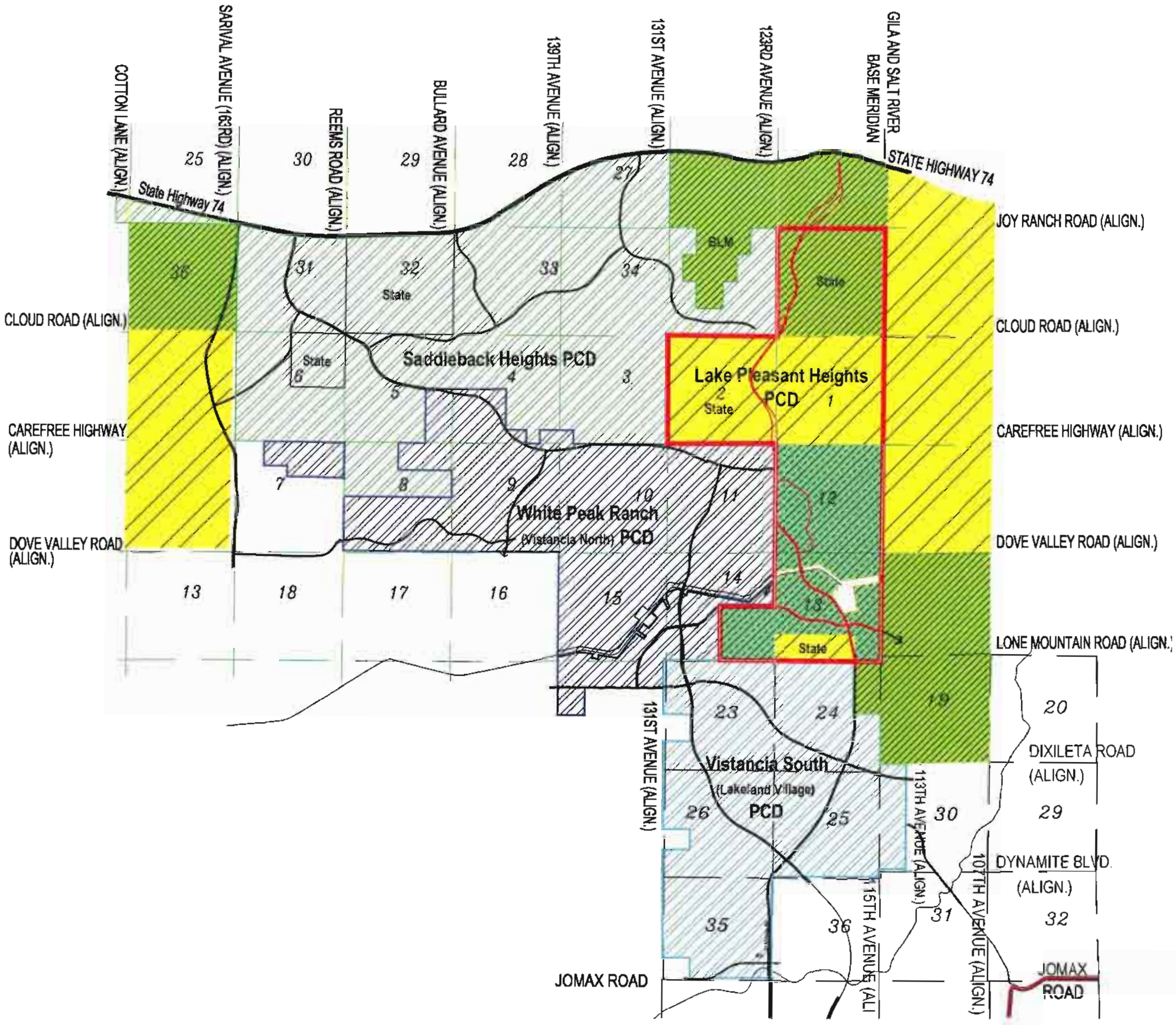
The Lake Pleasant Heights project is proposed on a 3,268-acre site south of the Joy Ranch Road alignment, generally between 115th Avenue on the east and 123rd Avenue and 131st Avenue on the west. The Lake Pleasant Heights site offers an opportunity to continue the planned development pattern established by White Peak Ranch (Vistancia North), Vistancia South (Lakeland Village), Sun City, Sun City West and Pleasant Valley Country Club to the south and southwest, and Saddleback Heights to the northwest. The proximity of the site to Lake Pleasant offers recreational opportunities and will contribute to the lifestyle and quality of life for Lake Pleasant Heights residents.

The master planning of large tracts of land offers an opportunity to install infrastructure to support a more efficient development pattern. Another opportunity is the rich employment base in the area. There are several planned employment nodes in close proximity to the planned Lake Pleasant Heights community. These include the proposed Municipal Lake Pleasant Air Park and the planned business centers proposed with the revised Vistancia South (Lakeland Village) Plan located at the northeast corner of El Mirage Road and Vistancia Boulevard. Additionally, current employment centers exist within the Phoenix Deer Valley Village Core (Best Western, Discover Card, American Express, Honeywell, and PetsMart), as well as the inevitable placement of new employment centers in the North Black Canyon Corridor. These centers offer office, manufacturing and service sector jobs to future residents. Retail, some service, and government sector job opportunities can be sought within the adjacent communities.

Possibly the most significant constraint to the development of Lake Pleasant Heights will be the physical extension and phasing of the water and wastewater services. To address these issues, the Applicant has proposed a comprehensive plan for the start up, growth and long term provision of these services. These services are discussed further within the Lake Pleasant Heights Development Agreement and the Lake Pleasant Heights Water and Wastewater Master Plans.

Figure 7

Existing Zoning



Legend

- SR-43
- R1-35
- AG
- Vistancia South (Lakeland Village) PCD
- Saddleback Heights PCD
- White Peak Ranch (Vistancia North) PCD

NORTH

5 6 2005

Lake Pleasant Heights

Planned Community District

2. Topography and Physical Features

Lake Pleasant Heights is located at the southeastern edge of the Hieroglyphic Mountain Range and southwest of Lake Pleasant. **Figure 8**, *Topography and Physical Features,* depicts the elevation differentials for the Lake Pleasant Heights site. This map reports elevation differences based on elevation intervals of 2 feet in most areas under 25% slope, and 10 feet for areas with greater than 25% slope, as well as the northernmost section of State Trust land. Physical features affiliated with the site can be characterized as ranging from gently sloped to steep terrain. The property has numerous secondary washes and several primary washes, some of which are artificially terminated by the presence of the CAP. Lower elevations within the subject property are at approximately 1,460 feet above sea level with upper elevations rising to 2,120 feet. This represents a topographic differential of approximately 660 feet.

3. Slope Analysis

Slope affiliated with the private land in the Lake Pleasant Heights property is depicted on **Figure 9**, *Generalized Slope Characteristics*. Typically, the slope over the entire property varies between slope categories ranging from 0-10% to slopes greater than 40%. **Figure 9** illustrates a representation of site characteristics, based on surveyed and topographic information. **Table 1** summarizes the finding as shown in **Figure 9**. The slope information for the State Trust land parcels in **Figure 9** was based on the information provided in the Lake Pleasant Heights Specific Area Plan (May 7, 2002).

Fully rectified aerial photography and topography is being prepared for the private land. A detailed slope analysis for the private land will be prepared as per Section 14-22 A-3 of the City of Peoria Zoning Ordinance and submitted to the City for review at the time preliminary Plats. The allowed density within the hillside areas greater than 10 percent (>10%) will be based on the approval of slope determination by the City.

4. Visual Conditions

The Lake Pleasant Heights property is located within the southern foothills of the Hieroglyphic Mountains southwest of Lake Pleasant. Higher elevations within the site allow for spectacular views of the terrain in nearly all directions. View sheds from several of the higher elevations include vistas of Downtown Phoenix to the southeast and vistas of Lake Pleasant to the northeast. See **Figure 10**, *View Shed Analysis.*

5. Drainage

Figure 11, *Primary Drainageways*, provides an overview of the alignments of Jurisdictional (Section 404) drainageways within the Lake Pleasant Heights property. Natural on-site drainage across the Lake Pleasant Heights site is generally from the north to the south on the south half of the site and from northwest to the southeast on the north half of the site, converging offsite at the Agua Fria River to the east. The Agua Fria River, and its associated floodplain, are located less than two miles east of the site and serve as a major drainage conduit for the northwest Phoenix Metropolitan Area.

On-site washes, as delineated by Erie & Associates, approved as Jurisdictional washes by the U.S. Army Corp of Engineers include: the Caterpillar Tank Wash, the

East and West Garambullo Washes, and three unnamed washes on the north. On-site wash characteristics are generally deeply incised and constricted wash corridors.

Existing 100-year floodplains mapped within the Lake Pleasant Heights property include areas north and adjacent to the Central Arizona Project Canal where the canal structure creates a ponding condition, as shown on **Figure 11**. The canal construction included culverts for storm water flows under the canal. An existing 70" culvert is located at the Caterpillar Tank Wash CAP crossing, and two 36" culverts are located at both the East and West Garambullo Wash CAP crossings. Portions of the East Garambullo and Caterpillar Tank Washes, immediately upstream of the CAP, have been identified as being Zone AH, which is an area of flood depths varying from one to three feet (usually areas of ponding). All other FEMA floodplains are classified as AE zones (base flood elevations determined).

6. Soils and Geology

The Lake Pleasant Heights site is located within the Lower Agua Fria watershed that drains to the Agua Fria River, located less than two miles east of the site. Located within the southern foothills of the Hieroglyphic Mountains, the site fluctuates topographically with variable grades throughout the property. The site generally slopes to the south and southwest with some drainage to the west.

Soils within the subject site were identified from the Soils Survey of Aguila-Carefree Area, parts of Maricopa and Pinal Counties, published by the United States Soil Conservation Service. The soils classified for the site are dominantly hydrologic groups A and B. Soil group A is defined as soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well-drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission. Soil Group B is defined as soils having moderate infiltration rates when thoroughly wet, consisting chiefly of moderately deep to deep, moderately well to well-drained soils, with moderately fine to moderately coarse textures. These soils have a moderate rate of water transmission.

7. Groundwater

The Lake Pleasant Heights property falls within the Lake Pleasant sub-basin area, as defined by the Phoenix Active Management Area (AMA), created by the Groundwater Management Act of 1980. The Lake Pleasant sub-basin covers 246 square miles and includes a short reach of the Agua Fria River, and drains from the Hieroglyphic Mountains. Groundwater in the area ranges from 75 to more than 550 feet below the ground surface.

8. Vegetation and Wildlife

The Lake Pleasant Heights property is within the Basin and Range physiographic province of the Southwest. Vegetation on the property is typical of the Lower Sonoran Desert. Common plants found on site include: Palo Verde, Bursage, Barrel, Cholla and Saguaro cactus.

A biological assessment was prepared in accordance with legal requirements set forth under Section 7 of the Endangered Species Act. Information was obtained from the U.S. Fish and Wildlife Service and Arizona Game and Fish Department regarding federally listed threatened or endangered species and species of special concern. No Critical Habitat for any federally listed species occurs within Lake Pleasant Heights. See **Appendix D**, Biological Assessment, prepared by EnviroSystems Management, Inc., October 26, 2004.

9. Cultural Resources

An archaeological study was prepared for an area of northwest Peoria inclusive of portions of the Lake Pleasant Heights property in the spring of 1998. Only one site was identified as being within the Lake Pleasant Heights boundary. This site has been characterized as being historic mining of Anglo affiliation. The site was determined to be insignificant (primarily abandoned mining operations), but was documented as evidence of human occupation within the property.

EnviroSystems Management, Inc. has prepared a cultural resources survey for Lake Pleasant Heights, which includes both the portions previously surveyed and those not previously surveyed. The final report will be made available to the City of Peoria upon request to protect from vandals the identification of the sites recommended as eligible to the National Register of Historic Places.

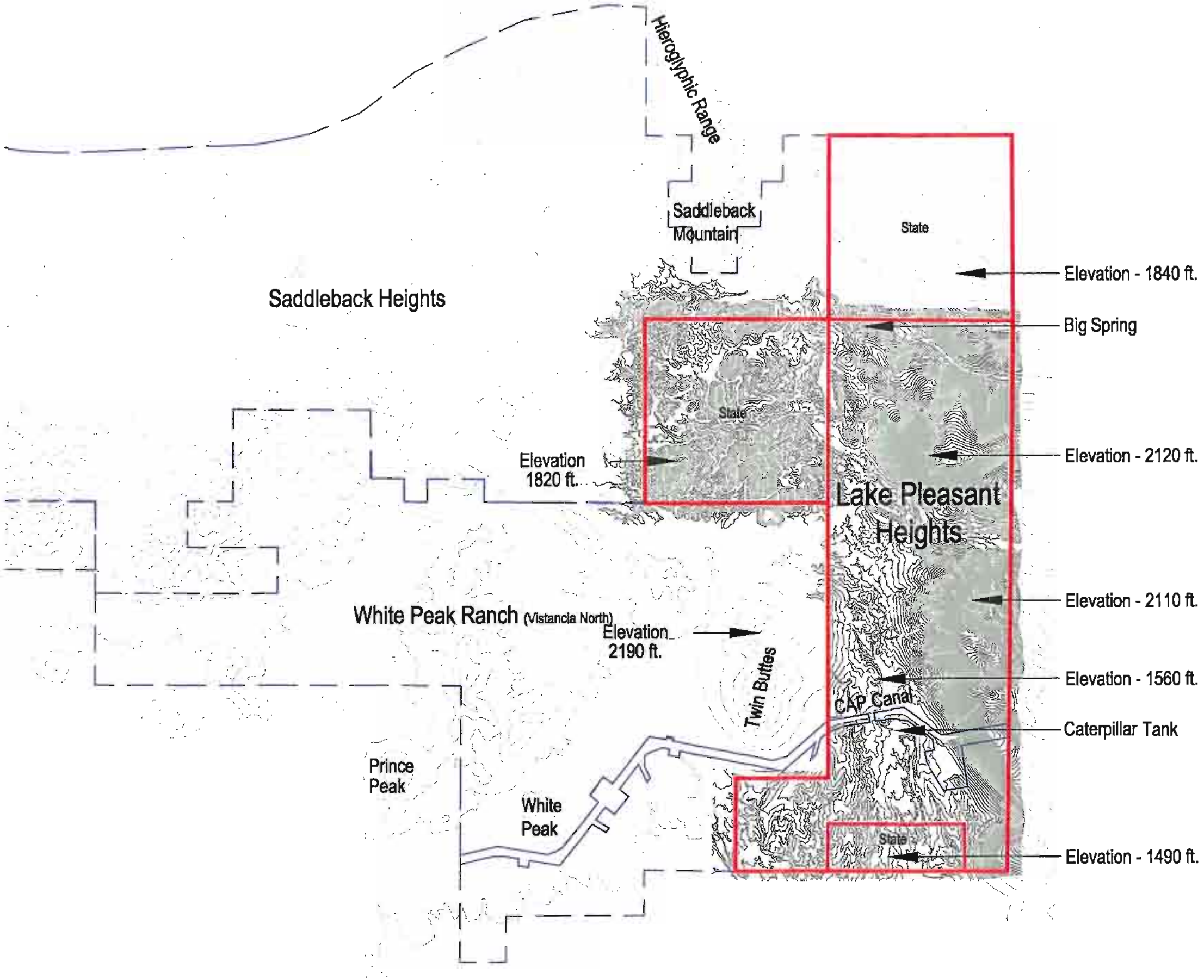
10. Roads, Rights-of-Way and Utilities

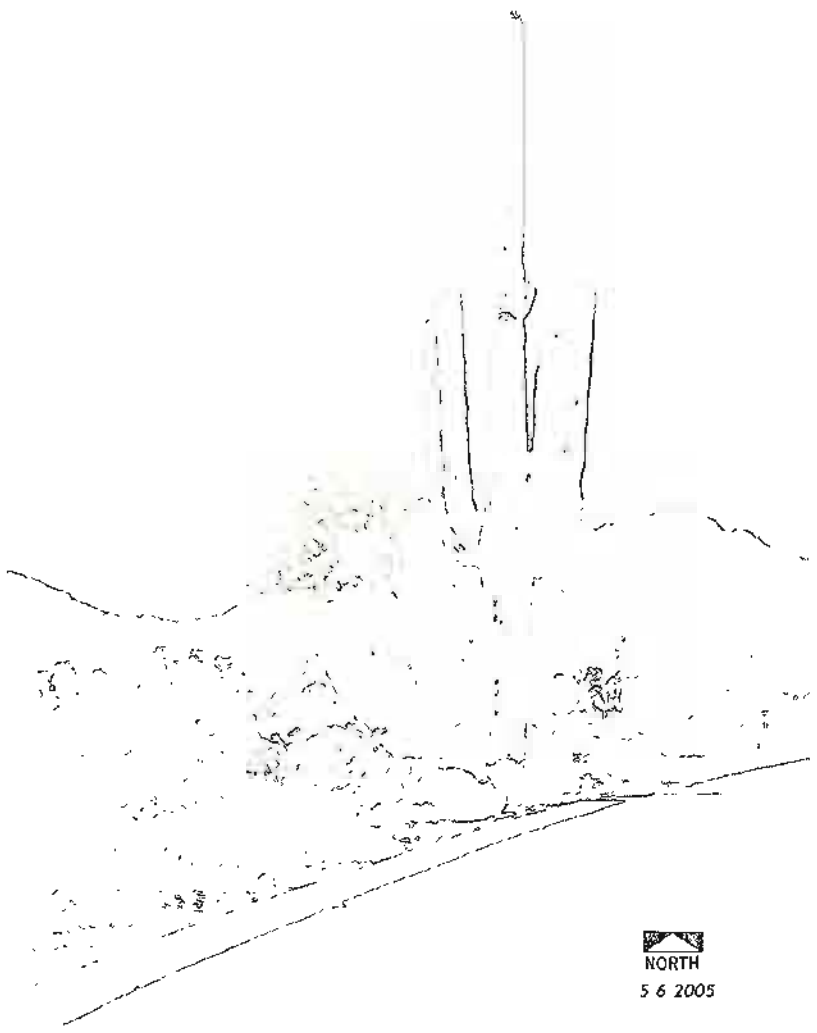
Access to the Lake Pleasant Heights property is currently limited to a number of unimproved roads, which provide access for four-wheel drive utility vehicles. The property has no identified delineated public utility easements or dedicated rights-of-way. Regional roadway and utility planning has occurred within the Lake Pleasant Heights area. Transportation modeling and traffic analysis related to arterial roadway networks established the proposed transportation routes to and within the Lake Pleasant Heights property. These identified alignments are intended to provide the general location for future right-of-way dedications and transportation improvements. The Maricopa County Department of Transportation and the Maricopa Association of Governments recently completed the Northwest Valley Study. The study incorporated land use data provided by Task Engineering for the Planned Communities of White Peak Ranch (Vistancia North), Lake Pleasant Heights, Saddleback Heights and Vistancia South (Lakeland Village).

The Arizona Public Service Company recently completed an Energy Enhancement Siting Project, conducted by Dames and Moore, to promote the extension of the power grid to portions of the Northwest Valley including the Lake Pleasant Heights property. This study delineates the overhead transmission line alignments (69 kV and larger) and provides site locations for future power transformer substations. Property owners within the study area were invited to participate in the process to select acceptable power corridors and substation locations. Electric routing is discussed further within Section 5.h.3.

Figure 8

Topography and Physical Feature





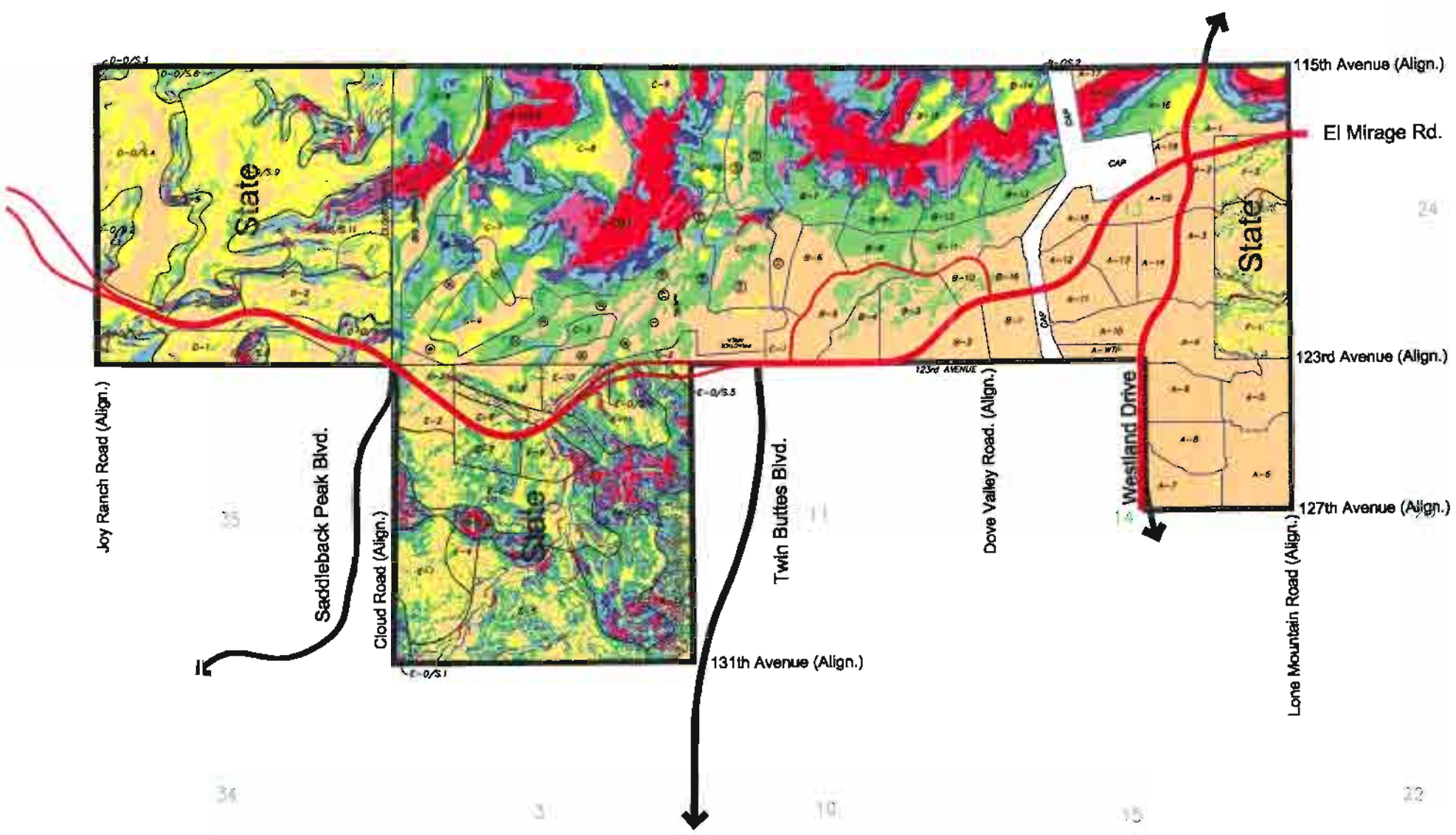
Lake Pleasant Heights

Planned Community District

Figure 9

Generalized Slope Characteristics

SLOPE ANALYSIS TABLE				
Slope Category	Gross Area Ac		Slope Units	
	Private	State	Private	State
0 - 10%	626 7	279.3	N/A	N/A
10-15%	331 3	231.0	497	347
15 - 20%	247.2	242.7	247	243
20 - 25%	185 7	216.8	130	152
25 - 30%	136.4	158.9	68	79
30 - 35%	117.1	96.9	35	29
35 - 40%	83.7	61.5	17	12
40%+	143.9	108.9	14	11
	1,872 0	1,396.0	1,008	873



Lake Pleasant Heights

Planned Community District

TABLE 1
SLOPE ANALYSIS SUMMARY

Parcel	Gross Acreage	Proposed Density	Acreage in 0%-10% Slope	Number of Lots @ Proposed Density	Acreage in 10%-15% Slope	Number of Lots @ 1 5/acre	Acreage in 15%-20% Slope	Number of Lots @ 1 0/acre	Acreage in 20%-25% Slope	Number of Lots @ 0 7/acre	Acreage in 25%-30% Slope	Number of Lots @ 0.5/acre	Acreage in 30%-35% Slope	Number of Lots @ 0 3/acre	Acreage in 35%-40% Slope	Number of Lots @ 0.2/acre	Acreage in 40+% Slope	Number of Lots @ 0.1/acre	Total Number of Lots
A-1	28.4	6.0	11.9	71.4	10.5	15.8	4.7	4.7	0.8	0.6	0.4	0.2	0.1	0.0	0.0	0.0	0.0	0.0	92.6
A-2	8.5	----------	8.5	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	
A-3	30.2	3.0	32.1	96.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0 0	96.3
A-4	38.7	3.0	38.7	116.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	116.1
A-5	27.3	3.0	27.3	81.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	81.9
A-6	38.1	3.0	38.1	114.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	114.3
A-7	28.0	3.0	28.0	84.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0 0	0.0	0.0	0.0	0.0	84.0
A-8	26.7	3.0	26.7	80.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	80.1
A-9	29.3	3.0	29.3	87.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	87.9
A-10	22.7	3.0	22.7	68.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	68.1
A-11	19.5	6.0	19.5	117.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	117.0
A-12	14.4	12.0	14.4	172.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	172.8
A-13	20.7	6.0	20.7	124.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	124.2
A-14	21.4	6.0	21.4	128.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	128.4
A-15	24.5	3.0	24.5	73.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	73.5
A-16	28.8	6.0	6.9	41.4	9.9	14.9	12.8	12.8	4.1	2.9	0.1	0.1	0.0	0.0	0.0	0.0	0.0	0.0	72.0
A-17	4.1	1.0	4.1	4.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.1
A-18	15.8	12.0	15.8	189.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0 0	189.6
A-19	5.0	----------	5.0	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	
A-WTP	9.0	3.0	9.0	27.0	0.0	0 0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	27.0
A-OS.1	22.9	----------	0.0	0.0	0.0	0 0	0.0	0.0	0.0	0.0	4.6	2.3	5.3	1.6	2.7	0.5	10.3	2.1	6.5
A-OS.2	25.8	----------	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.6	1.8	4.6	1.4	3.1	0.6	14.5	2.9	6.7

Parcel	Gross Acreage	Proposed Density	0%-10%	Maximum Number of Lots @ Proposed Density	10%-15%	Maximum Number of Lots @ 1 5/acre	15%-20%	Maximum Number of Lots @ 1 0/acre	20%-25%	Maximum Number of Lots @ 0 7/acre	25%-30%	Maximum Number of Lots @ 0.5/acre	30%-35%	Maximum Number of Lots @ 0.3/acre	35%-40%	Maximum Number of Lots @ 0 2/acre	40+%	Maximum Number of Lots @ 0.1/acre	Total Number of allowable Lots
B-1	24.7	3.0	24.7	74.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	74.1
B-2	25.4	3.0	25.4	76.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	76.2
B-3	32.9	3.0	22.5	67.5	7.9	11.9	2.0	2.0	0.5	0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	81.7
B-4	19.9	3.0	10.6	31.8	6.4	9.6	1.8	1.8	0.3	0.2	0.2	0.1	0.6	0.2	0.0	0.0	0.0	0.0	43.7
B-5	31.4	3.0	23.6	70.8	6.3	9 5	1.5	1.5	0.0	0 0	0.0	0.0	0.0	0 0	0.0	0.0	0.0	0.0	81.8
B-6	28.9	6.0	27.0	162.0	1.9	2.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	164.9
B-7	44.3	1.0	0.0	0.0	10.6	15.9	9.3	9.3	16.4	11.5	3.1	1.6	4.9	1.5	0.0	0.0	0.0	0.0	39.7
B-8	19.0	3.0	4.6	13.8	11.7	17.6	2.7	2.7	0.0	0.0	0.0	0.0	0 0	0.0	0.0	0.0	0.0	0.0	34.1
B-9	19.4	2.0	0.0	0.0	2.9	4.4	9.5	9.5	7.0	4.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	18.8
B-10	11.8	3.0	11.2	33.6	0.6	0.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	34.5
B-11	34.4	3.0	19 0	57.0	8.9	13.4	6.5	6.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	76.9
B-12	17.8	2.0	0.0	0.0	2.5	3.8	12.1	12 1	3.2	2.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	18.1
B-13	17.3	2.0	0.0	0.0	8.3	12.5	6.2	6.2	2.8	2.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	20.6
B-14	17.0	1.0	0.0	0.0	7.7	11.6	4.1	4.1	5.2	3.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	19.3
B-15	19.4	1.0	2.3	2.3	7.0	10.5	10.1	10.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	22.9
B-16	15.6	3.0	14.5	43.5	1.1	1.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	45.2
B-OS.1	179.3	----------	0.0	0.0	18.7	28.1	15.1	15.1	10.7	7.5	26.8	13.4	35.2	10.6	33.5	6.7	39.3	7.9	89.2
B-OS.2	1.2	----------	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.9	0.5	0.3	0.1	0.0	0.0	0.0	0.0	0.5

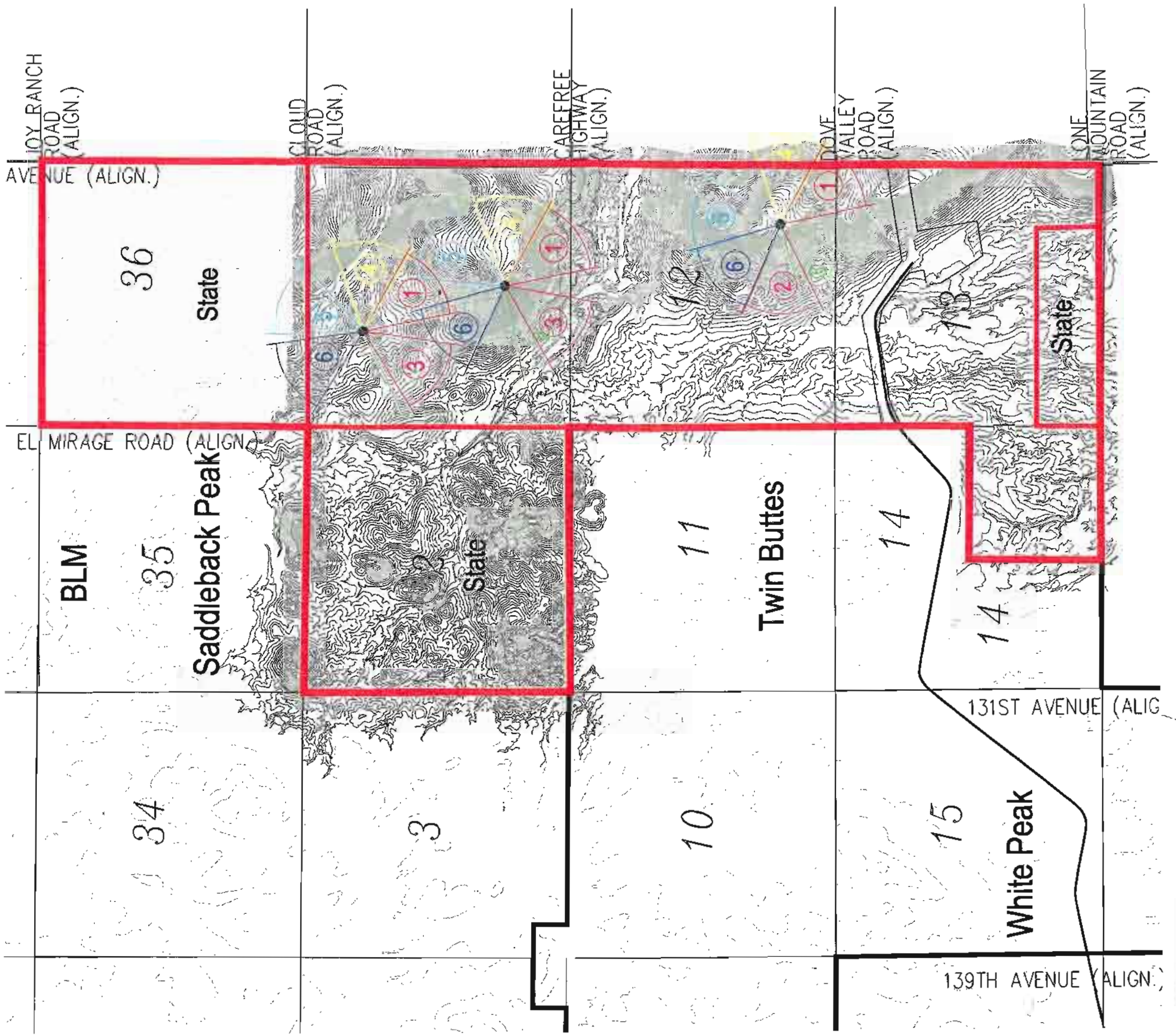
TABLE 1
SLOPE ANALYSIS SUMMARY

Parcel	Gross Acreage	Proposed Density	0%-10%	Maximum Number of Lots @ Proposed Density	10%-15%	Maximum Number of Lots @ 1 5/acre	15%-20%	Maximum Number of Lots @ 1.0/acre	20%-25%	Maximum Number of Lots @ 0 7/acre	25%-30%	Maximum Number of Lots @ 0.5/acre	30%-35%	Maximum Number of Lots @ 0.3/acre	35%-40%	Maximum Number of Lots @ 0.2/acre	40+%	Maximum Number of Lots @ 0.1/acre	Total Number of allowable Lots
C-1	16.7	6.0	16.7	100.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.2
C-2	5.8	6.0	2.4	14.4	1.3	2.0	2.1	2.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	18.5
C-3	15.2	6.0	4.7	28.2	3.2	4.8	5.0	5.0	2.3	1.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	39.6
C-4	32.3	6.0	12.7	76.2	9.8	14.7	4.7	4.7	5.1	3.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	99.2
C-5	25.3	1.0	0.0	0.0	1.8	2.7	3.8	3.8	9.6	6.7	10.1	5.1	0.0	0.0	0.0	0.0	0.0	0.0	18.3
C-6	51.6	1.0	6.2	6.2	7.2	10.8	14.4	14.4	9.9	6.9	13.9	7.0	0.0	0.0	0.0	0.0	0.0	0.0	45.3
C-7	61.4	1.0	6.2	6.2	14.7	22.1	22.1	22.1	18.4	12.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	63.2
C-8	51.8	1.0	10.4	10.4	20.7	31.1	7.8	7.8	12.9	9.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	58.3
C-9	19.0	1.0	5.3	5.3	5.1	7.7	4.8	4.8	3.8	2.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	20.4
C-10	27.2	1.0	2.8	2.8	6.8	10.2	8.7	8.7	6.5	4.6	2.4	1.2	0.0	0.0	0.0	0.0	0.0	0.0	27.5
C-11	28.6	6.0	16.3	97.8	3.6	5.4	1.4	1.4	2.9	2.0	1.8	0.9	1.7	0.5	0.9	0.2	0.0	0.0	108.2
C-OS.1	147.1	----------	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	45.8	22.9	35.5	10.7	22.1	4.4	43.7	8.7	46.7
C-OS.2	126.5	----------	6.8	0.0	7.9	11.9	12.2	12.2	11.2	7.8	30.3	15.2	21.6	6.5	10.7	2.1	25.8	5.2	60.8
C-Golf	214.4	1.0	29.5	29.5	41.5	62.3	45.0	45.0	44.6	31.2	18.6	9.3	11.4	3.4	10.1	2.0	13.7	2.7	185.5

3,109
256
3,364

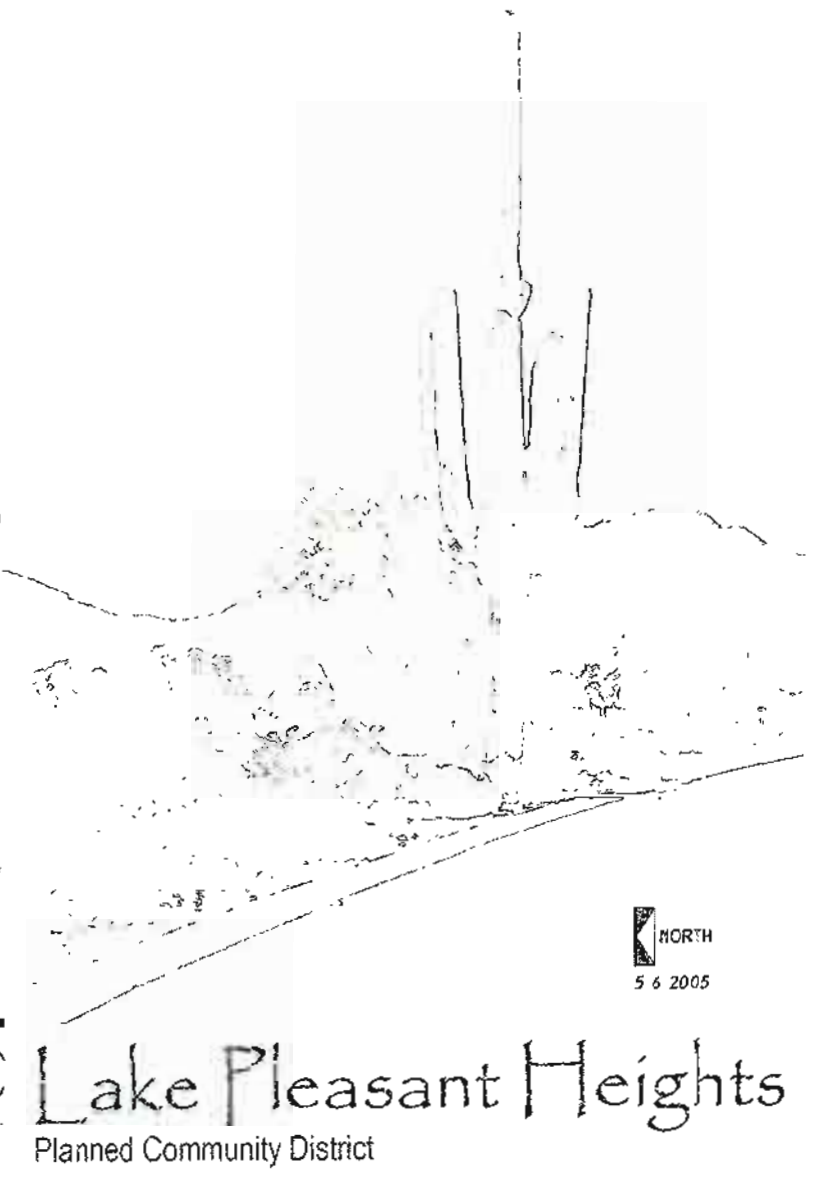
Figure 10

Viewshed Analysis



Legend

1. Downtown Phoenix Skyline
2. White Peak
3. Twin Buttes
4. Four Peaks
5. Lake Pleasant
6. Saddleback Peak



Lake Pleasant Heights

Planned Community District

Figure 11

Primary Drainageways

Joy Ranch Rd. (Align.)

Cloud Rd. (Align.)

Unnamed Wash 1
Flow Entering = 1255 cfs
Flow Exiting = 1263 cfs

State

State

Unnamed Wash 2
Flow Entering = 4023 cfs
Flow Exiting = 4280 cfs

Unnamed Wash 3
Flow Entering = 381 cfs
Flow Exiting = 2100 cfs

Flow Exiting = 77 cfs

Middle Fork Twin Buttes
Flow Entering = 1353 cfs
Flow Exiting = 1356 cfs

Caterpillar Tank Wash
Flow Entering = 575 cfs
Flow Exiting = 645 cfs

E. Garambullo Wash
Flow Entering = 202 cfs
Flow Exiting = 22 cfs

W. Garambullo Wash
Flow Entering = 310 cfs
Flow Exiting = 642 cfs

Dove Valley Rd. (Align.)

Ponding Limits

Lone Mtn. Rd. (Align.)

State

115th Ave. (Align.)

123rd Ave. (Align.)

127th Ave. (Align.)

Flow Exiting = 112 cfs

Flow Exiting = 347 cfs

Legend

404 Jurisdictional Wash

Ponding Limits

Flow Entering = 1353 cfs
Flow Exiting = 1356 cfs

Existing Flows

NORTH

5.6.2005

Lake Pleasant Heights

Planned Community District

4. SLOPE ANALYSIS and PARCEL DENSITY CALCULATIONS

a. Purpose and Intent

The Hillside Development Overlay (HDO) District requires a Slope Category Determination Study to be completed concurrent with an application for rezoning. It is the intent of this section to specify the method of conducting this slope study/analysis for the Lake Pleasant Heights property for the purpose of defining appropriate site and parcel density and slope category areas within hillside areas (slopes exceeding 10%).

Due to the extensive topographic relief within the Lake Pleasant Heights Planned Community District a computer method of slope analysis for the private land is being conducted concurrently with the processing of the PCD application. This slope analysis will comply with Section 14-22A-3.E.2 of the Peoria Zoning Ordinance that permits a computer-generated slope determination method. Section 3.c.3 of this report provides a general overview of the diverse topographic conditions of the site. The discussion below will detail the slope analysis methodology being used to determine density for each slope category within Lake Pleasant Heights.

b. Slope Categories

The Peoria HDO district is generally applicable to any land with a slope greater than 10 percent (>10%). The HDO defines slope categories in five percent increments, from ten to forty percent slope range. The Lake Pleasant Heights Planned Community District defines hillside conditions as areas with a slope greater than ten percent (>10%) consistent with the HDO. For the purposes of implementing the Lake Pleasant Heights Planned Community District, the HDO slope categories were revised to eliminate overlapping slope categories. The following slope categories will be used for Lake Pleasant Heights:

- 10 – 14.99% slope
- 15 – 19.99% slope
- 20 – 24.99% slope
- 25 – 29.99% slope
- 30 – 34.99% slope
- 35 – 39.99% slope
- = or > 40% slope

c. Methodology for Hillside Slope Unit Computation and Slope Unit Allocation

The Applicant has chosen the use of the computer method (AutoCAD Land Development Desktop), which utilizes a 25-foot grid structure. The 25-foot grid method uses a surface model created by elevations established every 25 feet from an aerial topographic survey. For areas with less than 25% slope, 2-foot contours were used, and for areas with greater than 25% slope, 10-foot contours were used.

Compliance with Peoria's Hill Side Development Overlay District – The slope analysis provided in this Lake Pleasant Heights Planned Community District Report indicates a preliminary study only, a detailed Hill Side Development Table along with information on Transfer Development Bank shall be provided in the Preliminary Plats and Final Plats submittals

A detailed slope analysis of the State Trust land will not be provided concurrently with this PCD application. The Arizona State Land Department or the successful purchaser of the State Trust land will provide a detailed slope analysis prior to preliminary plat approval.

Figure 12, *Slope Analysis Methodology*, graphically represents the 25-foot grid method as applied to one of the Lake Pleasant Heights development parcels. The computer model measures the slope between each elevation point on the grid, and assigns a slope for that section of the grid. This method was selected because it provides enough detail to accurately depict the various slope categories without picking up anomalies of steep slopes that occur over very short distances, such as in washes, and boulder and rock outcroppings. The manual cord method of slope analysis is based on the average of 100-foot long cords (midpoint of 50-foot segments). Use of the 25-foot grid method exceeds the accuracy standards of the cord method due to its shorter span of measurement.

Hillside Slope Unit Computation

The computer modeling based on the 25-foot grid will provide a total area for each of the defined slope categories within the project The results will include mapping of the area within each slope category for the Lake Pleasant Heights Planned Community District. The computer model determined the total land area (in acres, to four decimal-place accuracy) within each slope category for the project, and applied the maximum permitted dwelling units per acre as provided by the HDO. The formula for the determination of slope units within each development parcel is as follows:

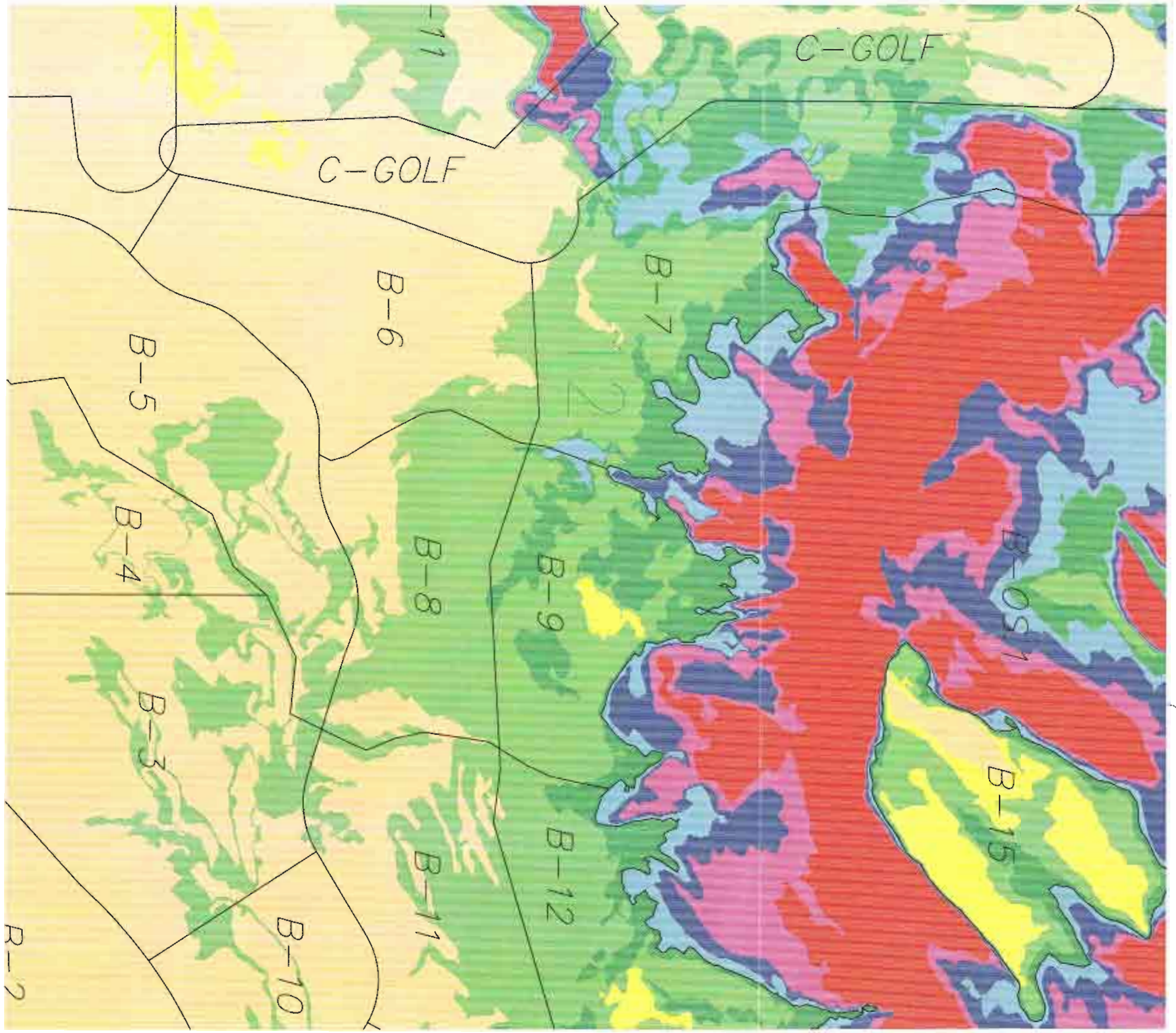
Slope Units = Area (10%-15%) x 1.5 + Area (15%-20%) x 1.0 + Area (20% - 25%) x 0.7 + Area (25% - 30%) x 0.5 + Area (30% - 35%) x 0.3 + Area (35% - 40%) x 0.2 + area (40%+) x 0.1

Slope Unit Allocation Methodology

The Hillside Density Computation described above identifies the maximum number of Slope Units permitted within Lake Pleasant Heights. At the time of Preliminary Plat or Site Plan review, the Applicant will identify the Slope Units applied to that development parcel using the approved Slope Analysis for the entire project. In no case shall the sum of the Slope Units identified within all Preliminary Plats, Site Plans or Final Plats for the entire Lake Pleasant Heights project exceed the total number of Slope Units identified in the approved Slope Analysis. Slope Units shall be allowed to be transferred to any Development Unit and/or Development Parcel without restriction, provided the maximum number of Slope Units identified in the approved Slope Analysis is not exceeded. The mapped categories will be utilized in the implementation of the provisions of the HDO, related to the evaluation of lot coverage, conservation features, disturbed area and density transfer within the project.

Figure 12

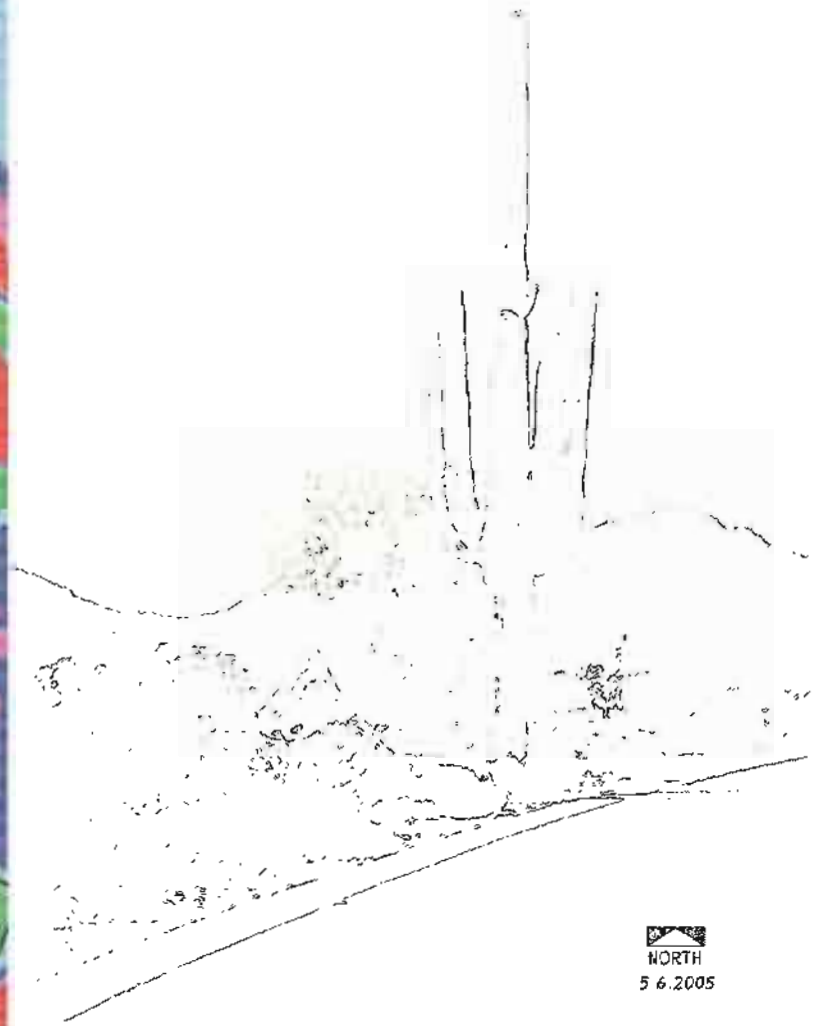
Slope Analysis Methodology



Development Parcel C4

Legend

Color	Range Beg.	Range End
	0.00	10.00
	10.00	15.00
	15.00	20.00
	20.00	25.00
	25.00	30.00
	30.00	35.00
	35.00	40.00
	40.00	90.00



Lake Pleasant Heights

Planned Community District

5. Master Plans

a. Project Overview

Lake Pleasant Heights is a proposed 3,268-acre master planned community in northwest Peoria. The community will offer a variety of amenities, in addition to a wide mix of housing types, retail/employment nodes, developed parks, municipal services sites, a school and tracts of natural open space. The proposed land use plan recognizes the existing topography, washes and features of the site. Significant natural features within the Lake Pleasant Heights property include Big Spring, foothills of the Hieroglyphic Mountains and several jurisdictional washes that will be preserved.

Access to the property will initially be oriented to capitalize on roadway extensions from the south in cooperation with the Vistancia South (Lakeland Village) Planned Community Development. Over time, the infrastructure/circulation network will continue to develop to the north and west with the extension of El Mirage Road and connections to White Peak Ranch (Vistancia North). El Mirage Road, connecting to the south into Vistancia South (Lakeland Village), will be designed as a major arterial roadway with six lanes of traffic and a 109-foot right-of-way with a 20.5-foot landscape and public access easement on each side totaling a 150-foot section. The section of El Mirage Road north of the Cloud Road alignment will be a major arterial roadway with four lanes of traffic that may be a bifurcated section, depending on topography. The right-of-way for the ultimate section of a major arterial roadway containing three lanes in each direction will be dedicated so that the City can expand the roadway to it's ultimate cross section at a later date. El Mirage Road will service a majority of the regional traffic through the property and will serve as a link to external roadways. As indicated on **Figure 6**, *Regional Transportation Planning*, Twin Buttes Boulevard to the west and Westland Drive are designated as arterial roadways and will provide circulation within the community as four-lane roadway facilities with center landscaped medians. Arterial roadways will be constructed within a 109-foot right-of-way with a 20.5-foot landscape and public access easement on each side totaling a 150-foot section, per the arterial street standards provided within Section 5.e.

The Lake Pleasant Heights community will be developed with an environmentally sensitive site design. The result will be a series of natural open space areas weaving through the community, creating residential enclaves and curvilinear street patterns. Many homes will be oriented to abut natural open space or drainage corridors. A comprehensive set of Codes, Covenants and Restrictions, to include detailed privately administered design guidelines, will be prepared and executed to ensure a consistent level of quality throughout the community.

b. Natural Planning Determinants

Planning of the Lake Pleasant Heights Master Planned Community recognizes that the subject property has three distinct natural biotic zones: Upper Sonoran, Lower Sonoran and Riparian Corridors. Photographs of these zones are exhibited in **Appendix E**, *Site Photographs* and **Figure 13**, *Lake Pleasant Heights Context Plan.* General characteristics of each biotic zone are as follows:

Upper Sonoran: Generally steep terrain and mountain peaks, characterized by a diversity of major plants including Foothills Palo Verde, Ironwood, Saguaro, Teddy Bear Cholla, Staghorn Cholla, Barrel Cacti, Hedgehog Cacti and Bursage.

Figure 13

Photo Context Plan

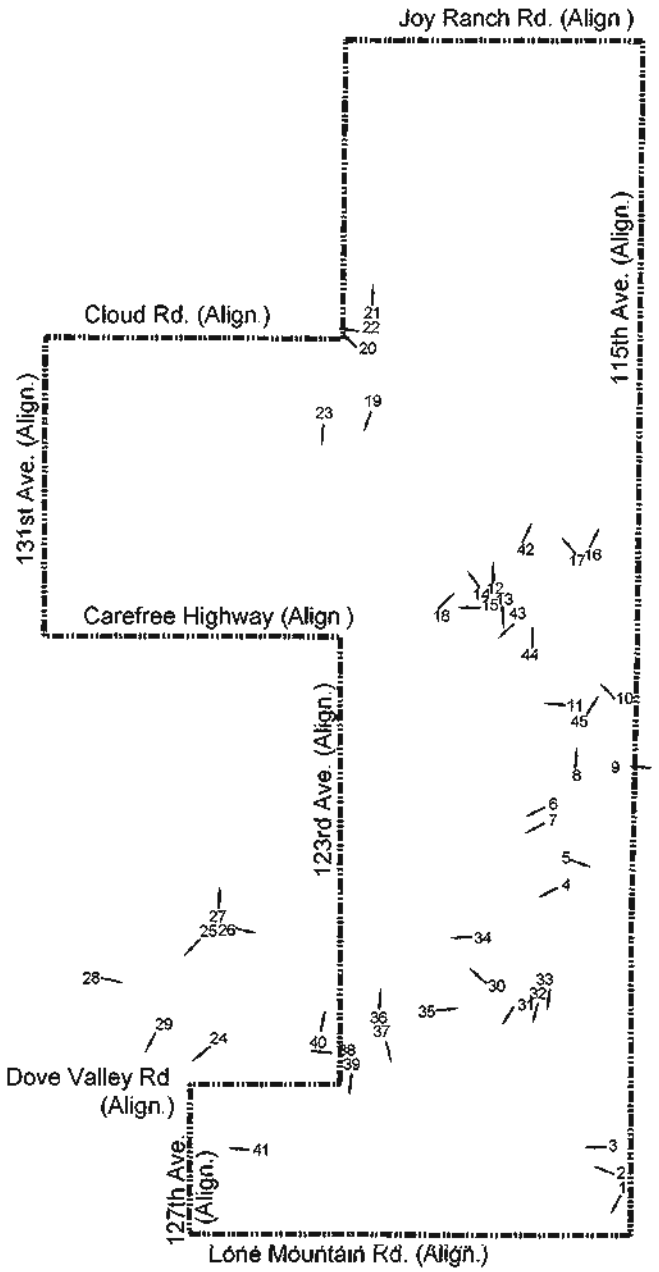


Photo #1

Photo #2

Photo #3

Photo #4

Photo #5

Photo #6

Photo #7

Photo #8

Photo #9

Photo #10

Photo #11

Photo #12

Photo #13

Photo #14

Photo #15

Photo #16

Photo #17

Photo #18

Photo #19

Photo #20

Photo #21

Photo #22

Photo #23

Photo #24

Photo #25

Photo #28

Photo #29

Photo #30

Photo #31

Photo #32

Photo #26

Photo #27

Photo #33

Photo #34

Photo #35

Photo #36

Photo #37

Photo #38

Photo #39

Photo #40

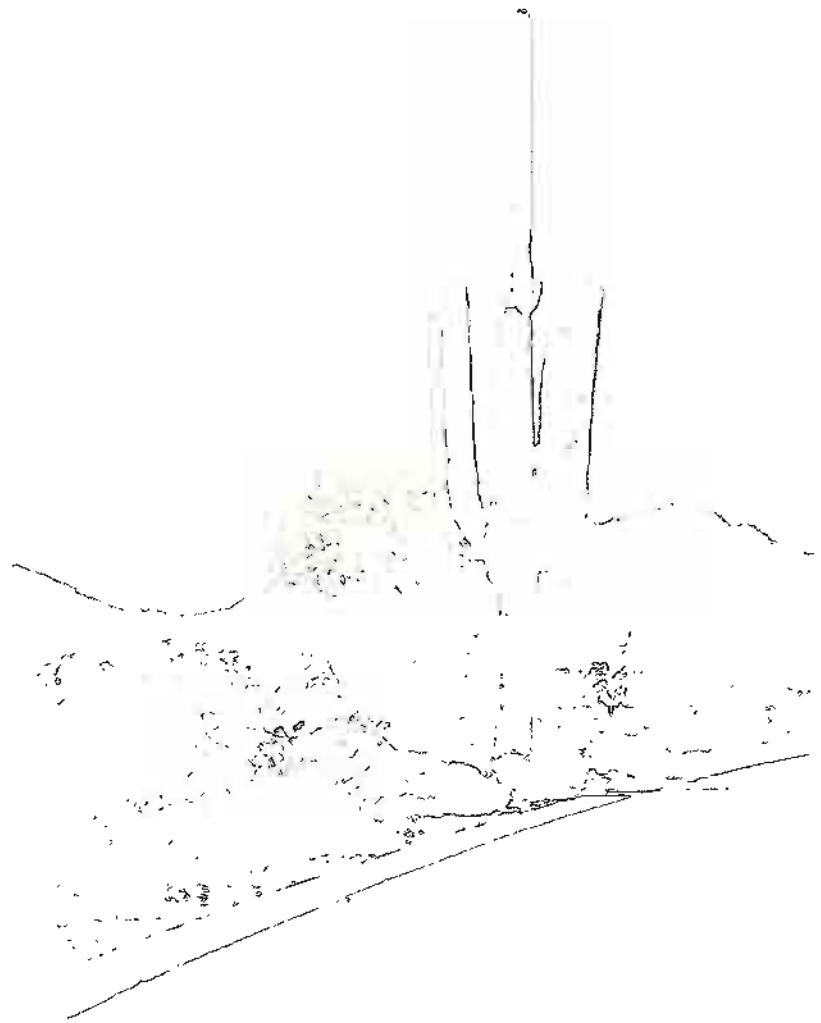
Photo #41

Photo #42

Photo #43

Photo #44

Photo #45



Lake Pleasant Heights

Planned Community District

Lower Sonoran: Generally flat terrain, characterized by sparse vegetation consisting of predominately Creosote, Jumping Cholla and Bursage, dispersed generally 50 feet apart within a ground cover base of medium-sized cobbles generally 2 inches in diameter. This unit is also characterized by a sparse distribution of mature Saguaro cacti.

Riparian Corridors: Vegetated corridors along the Middle Fork Twin Buttes, Caterpillar Tank, East Garambullo, West Garambullo, and several other unnamed washes. These washes are characterized by sand, silt and cobble wash bottoms with Palo Verde, Bursage and Chuparosa plant materials. In addition, the Lake Pleasant Heights property has variable slopes with dramatic vertical relief generally toward the eastern portion of the property. Thoughtful planning will provide opportunities to:

- Preserve natural conditions of primary washes;
- Promote opportunities for mobility through a community trails system; and
- Preserve slopes above 25%.

The presence of the Central Arizona Project canal in the southern section of the property presents some constraints to access and relationships between development units. With careful planning, development near the canal, particularly along the drainageways and upper slopes, will benefit the residents of the community.

c. Applicable Policy Plans

1. Lake Pleasant Heights Specific Area Plan / Existing Peoria General Plan

   The Lake Pleasant Heights Specific Area Plan was amended through a major General Plan Amendment approved by the Peoria City Council on May 7, 2002. See **Figure 14**, *Current Lake Pleasant Heights Specific Area Plan/General Plan*.

2. Peoria Desert Lands Conservation Master Plan (DLCMP)

   The Lake Pleasant Heights Planned Community is designed with consideration of the DLCMP recommendations regarding conservation of sensitive lands. As shown in the proposed *General Development Plan*, **Figure 15**, significant open space is planned. Where possible, open space will be preserved in the areas identified by the DLCMP, including washes and hillside areas (per the HDO, as modified in Section 6.c. of this report). Additional detail regarding planned conservation efforts consistent with the DLCMP is located within Section 6.c.

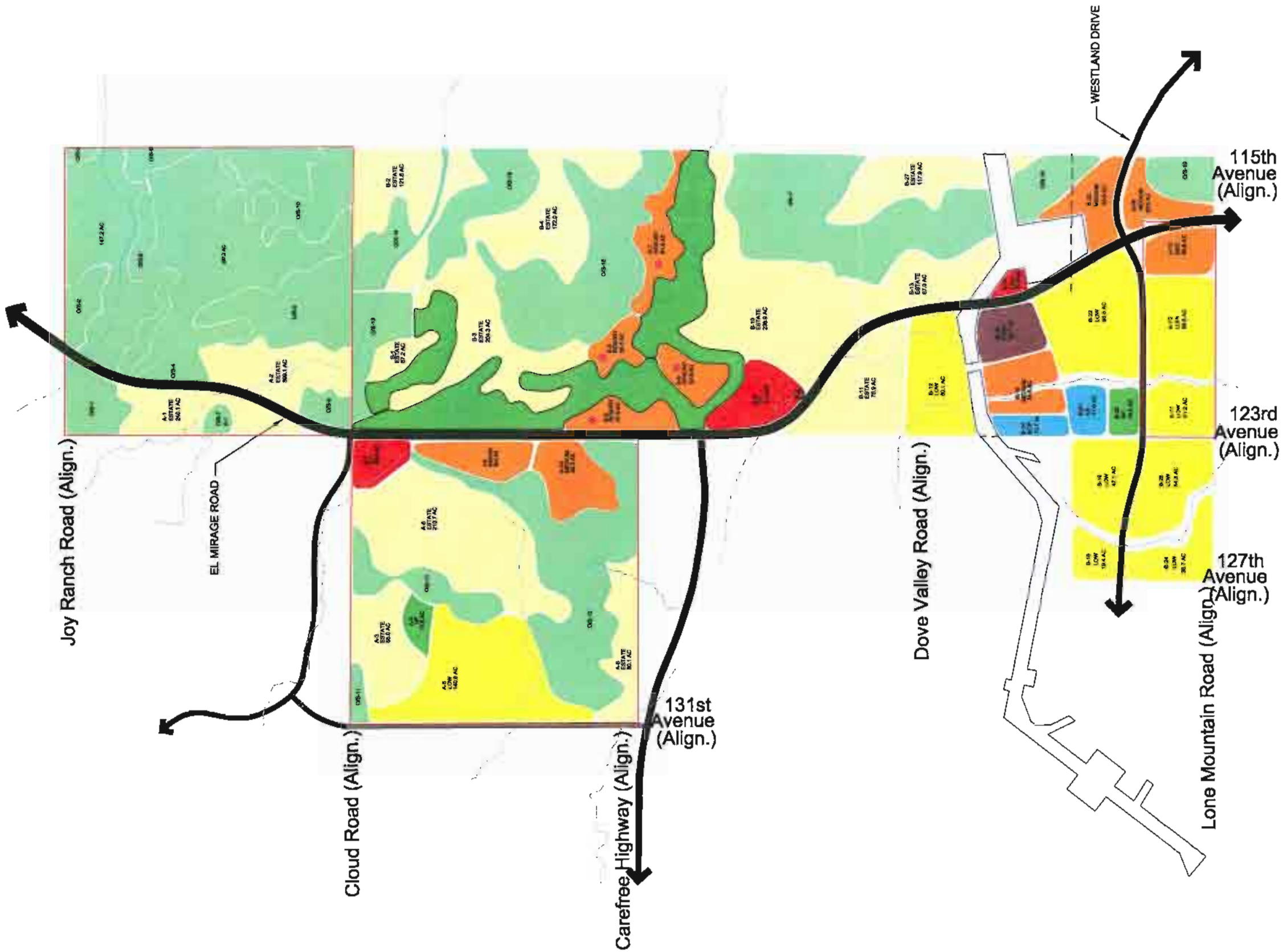
d. Land Use Plan

The Land Use Plan for the Lake Pleasant Heights property includes the following:

- Conservation of hillside areas above 25%, the Big Spring and primary washes;
- Compatibility with the character of the land;
- Location of residential uses in close proximity to community open spaces;
- Placement of arterial street alignments in response to topography, drainage constraints and transportation impact modeling;
- Location of park and school facilities, commercial services and employment uses to serve residents.

Figure 14

Current Lake Pleasant Heights Specific Area Plan/General Plan



LAND USE CATEGORY

- ESTATE (0-2 DU/AC, T=1 DU/AC))
- LOW (2-5 DU/AC; T=3 DU/AC)
- MEDIUM (5-8 DU/AC, T=6 DU/AC)
- HIGH (15+ DU/AC; T=18 DU/AC)
- PARK/OPEN SPACE
- COMMUNITY COMMERCIAL
- PUBLIC/QUASI-PUBLIC
- RESORT

NORTH

5.6 2005

Lake Pleasant Heights

Planned Community District

The proposed *General Development Plan*, **Figure 15**, is consistent with the land uses within the Lake Pleasant Heights Specific Area Plan approved in May of 2002. The proposed General Development Plan refines the planned land uses and residential densities to respond to topographic conditions and to the planned roadway network. The overall residential density for Lake Pleasant Heights is planned at 1.98 dwelling units per acre for the private land and 1.62 dwelling units per acre for the State Trust land, which is consistent with the previously approved Lake Pleasant Heights Specific Area Plan.

Table 2, *Lake Pleasant Heights Land Use Density and Intensity Table*, provides proposed land uses, gross parcel acreage, density ranges, target densities and base projected units for individual development parcels. **Table 2** is intended to work in conjunction with **Figure 15**.

Upon City approval of the slope analysis for the entire property, the Applicant will submit a slope analysis on a parcel by parcel basis with Preliminary Plat. The analysis will include a calculation of the total area in each slope category between the 10% and 25% slope lines. The hillside density for each parcel will be calculated using Section 14-22A-2.A Table 1 of the HDO. The unit counts for the slopes above the 25% slope line will be calculated using Section 14-22A-2.A Table 1 of the HDO. The unit count for the area above the 25% slope line will be placed in a hillside density transfer bank (HDTB). Units from the HDTB will be used for transfer to areas below the 25% slope line throughout the project. These units will be exempt from all restrictions of transfer between development units and/or development parcels. At no time will the overall density of 1.98 du/ac for private lands and 1.62 du/ac for State Trust Lands be exceeded.

1. Residential

   A variety of housing types are proposed for the Lake Pleasant Heights community. Homes will vary in character and size to meet the diverse needs of the projected population. Target densities for single family residential development parcels range from 1.0 to 18.0 units per acre, as per the Lake Pleasant Heights Specific Area Plan (May 2002). These densities are accommodated by the proposed zoning districts in Section 6.b.1. Single family residential development will conform to City of Peoria residential design guidelines and privately enforced design guidelines.

   Table 4, *Residential Development Standards*, located within Section 6.b.1, provides development standards for the residential zoning districts in the Lake Pleasant Heights Planned Community District application. These standards are intended to provide design flexibility, given the characteristics of the site.

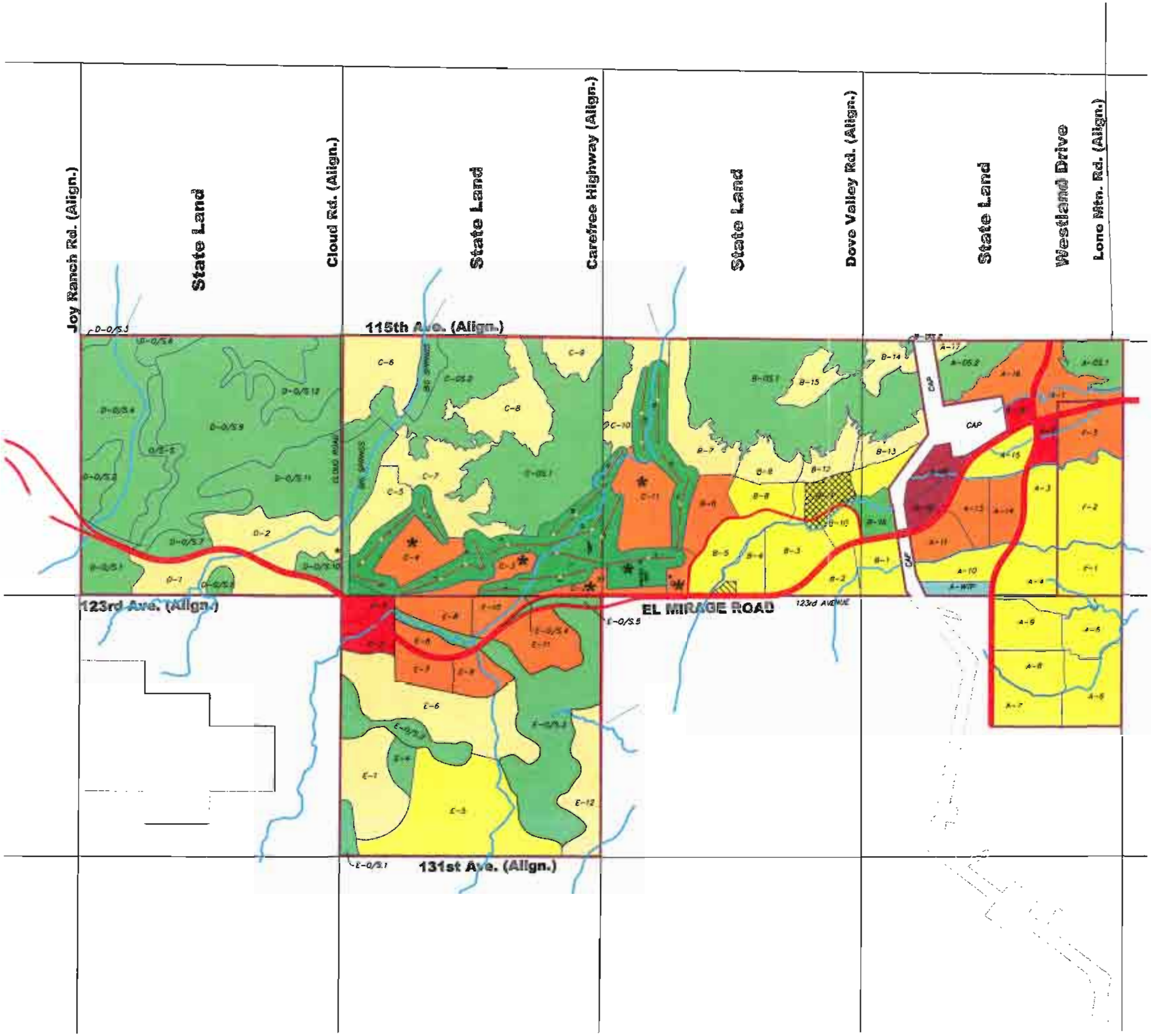
   In each of the land use categories, RE, LD, MD, MH and HD, any of the flexible zoning districts as listed on **Table 2**, *Land Use Density and Intensity,* may be utilized for the preliminary or final plat process. The flexible zoning districts encourage the preservation of environmentally sensitive land. Units may be transferred between any Development Parcel(s) within the same Development Unit. For example, if parcel A1 is defined within the Land Use Density and Intensity **Table 2** as having a target density of 170 units and is actually platted for 165 units, the remaining 5 units may be transferred to any other parcel within Development Unit A. To that end, the following land use and zoning relationships are established:

Figure 15

Proposed General Development Plan

LAND USE CATEGORY

- ESTATE (0-2 DU/AC; T=1 DU/AC))
- LOW (2-5 DU/AC; T=3 DU/AC)
- FIRE STATION LOCATION
- SCHOOL SITE LOCATION
- MEDIUM (5-8 DU/AC; T=6 DU/AC)
- HIGH (15+ DU/AC; T=18 DU/AC)
- COMMUNITY COMMERCIAL
- PARK/OPEN SPACE
- Golf Course
- PUBLIC/QUASI-PUBLIC
- WASH CORRIDOR
- * RESORT



Lake Pleasant Heights

Planned Community District

TABLE 2
Lake Pleasant Heights
Land Use
Density and Intensity Table

Parcel Number	Land Use Category	Approx. Gross Acres	Specific Plan Land Use Density (du/ac) Range	Unit Range		Proposed Zoning
Area A				Low	High	
A-1	MD	28.4	5.0-8.0	142	227	LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
A-2	NC	8.5	---	---	---	
A-3	LD	30.2	2.0-5.0	60	151	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
A-4	LD	38.7	2.0-5.0	77	194	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
A-5	LD	27.3	2.0-5.0	55	137	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
A-6	LD	38.1	2.0-5.0	76	191	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
A-7	LD	28.0	2.0-5.0	56	140	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
A-8	LD	26.7	2.0-5.0	53	134	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
A-9	LD	29.3	2.0-5.0	59	147	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
A-10	LD	22.7	2.0-5.0	45	114	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
A-11	MD	19.5	5.0-8.0	98	156	LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
A-12	HD	14.4	15+	216	259	LPHD-5, LPHD-4, LPHA-4, LPHA-3, LPHA-2
A-13	MD	20.7	5.0-8.0	104	166	LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
A-14	MD	21.4	5.0-8.0	107	171	LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
A-15	LD	24.5	2.0-5.0	49	123	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
A-16	MD	28.8	5.0-8.0	144	230	LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
A-17	RE	4.1	0.0-2.0	0	8	LPHD-35, LPHD-30, LPHD-24, LPHD-18
A-18	HD	15.8	15+	237	284	LPHD-5, LPHD-4, LPHA-4, LPHA-3, LPHA-2
A-19	NC	5.0	---	---	---	
A-WTP	WTP	9.0	2.0-5.0	18	45	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7
A-OS.1	O/S	22.9	---	---	---	
A-OS.2	O/S	25.8	---	---	---	
Area A Total		489.8		1,596	2,875	
						* (Maximum Units shall not exceed 1,912 within Area "A")
Area B						
B-1	LD	24.7	2.0-5.0	49	124	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
B-2	LD	25.4	2.0-5.0	51	127	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
B-3	LD	32.9	2.0-5.0	66	165	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
B-4	LD	19.9	2.0-5.0	40	100	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
B-5	LD	31.4	2.0-5.0	63	157	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
B-6	MD	28.9	5.0-8.0	145	231	LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
B-7	RE	44.3	0.0-2.0	0	89	LPHD-35, LPHD-30, LPHD-24, LPHD-18
B-8	LD	19.0	2.0-5.0	38	95	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
B-9	RE	19.4	0.0-2.0	0	39	LPHD-35, LPHD-30, LPHD-24, LPHD-18
B-10	LD	11.8	2.0-5.0	24	59	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
B-11	LD	34.4	2.0-5.0	69	172	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
B-12	RE	17.8	0.0-2.0	0	36	LPHD-35, LPHD-30, LPHD-24, LPHD-18
B-13	RE	17.3	0.0-2.0	0	35	LPHD-35, LPHD-30, LPHD-24, LPHD-18
B-14	RE	17.0	0.0-2.0	0	34	LPHD-35, LPHD-30, LPHD-24, LPHD-18
B-15	RE	19.4	0.0-2.0	0	39	LPHD-35, LPHD-30, LPHD-24, LPHD-18
B-16	NP	15.6	2.0-5.0	31	78	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4
B-OS.1	O/S	179.3	---	---	---	
B-OS.2	O/S	1.2	---	---	---	
Area B Total		559.7		575	1,577	
						* (Maximum Units shall not exceed 962 within Area "B")
Area C						
C-1	MD	16.7	5.0-8.0	84	134	LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
C-2	MD	5.8	5.0-8.0	29	46	LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
C-3	MD	15.2	5.0-8.0	76	122	LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
C-4	MD	32.3	5.0-8.0	162	258	LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
C-5	RE	25.3	0.0-2.0	0	51	LPHD-35, LPHD-30, LPHD-24, LPHD-18
C-6	RE	51.6	0.0-2.0	0	103	LPHD-35, LPHD-30, LPHD-24, LPHD-18
C-7	RE	61.4	0.0-2.0	0	123	LPHD-35, LPHD-30, LPHD-24, LPHD-18
C-8	RE	51.8	0.0-2.0	0	104	LPHD-35, LPHD-30, LPHD-24, LPHD-18
C-9	RE	19.0	0.0-2.0	0	38	LPHD-35, LPHD-30, LPHD-24, LPHD-18
C-10	RE	27.2	0.0-2.0	0	54	LPHD-35, LPHD-30, LPHD-24, LPHD-18
C-11	MD	28.6	5.0-8.0	143	229	LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
C-OS.1	O/S	147.1	---	---	---	
C-OS.2	O/S	126.5	---	---	---	
C-GOLF	RE	214.4	0.0-2.0	0	429	LPHD-35, LPHD-30, LPHD-24, LPHD-18
Area C Total		822.9		493	1,690	
						* (Maximum Units shall not exceed 828 within Area "C")
Private Land Totals:		1,872		2,664	6,142	

Private Lands Project Projections			
Gross Land Area:	1,872	Commercial Areas:	15.3
Project Density:	1.98	Projected # of SF Units:	3,338
Projected Population:	9,369	Projected # of MF Units:	363
Projected Households:	3,701	Proposed Elementary Schools	1
Elementary School Children:	1,449	Projected High Schools Demand	0
High School Children:	565	Total Proposed Private NOS	502.8

Legend	
RE	Residential Estate
LD	Low Density Residential
MD	Medium Density Residential
HD	High Density Residential
NC	Neighborhood Commercial
CC	Community Commercial
NP	Neighborhood Park
O/S	Open Space
WTP	Water Treatment Plant

TABLE 2
Lake Pleasant Heights
Land Use
Density and Intensity Table

Parcel Number	Land Use Category	Approx. Gross Acres	Specific Plan Land Use Density (du/ac) Range	Unit Range		Proposed Zoning
Area D						
D-1 (State)	RE	54.9	0.0 - 2.0	0	110	LPHD-35, LPHD-30, LPHD-24, LPHD-18
D-2 (State)	RE	55.0	0.0 - 2.0	0	110	LPHD-35, LPHD-30, LPHD-24, LPHD-18
D-O/S.1 (State)	O/S	31.9	---	---	---	---
D-O/S.2 (State)	O/S	18.7	---	---	---	---
D-O/S.3 (State)	O/S	3.3	---	---	---	---
D-O/S.4 (State)	O/S	101.5	---	---	---	---
D-O/S.5 (State)	O/S	26.1	---	---	---	---
D-O/S.6 (State)	O/S	12.0	---	---	---	---
D-O/S.7 (State)	O/S	16.3	---	---	---	---
D-O/S.8 (State)	O/S	6.2	---	---	---	---
D-O/S.9 (State)	O/S	189.4	---	---	---	---
D-O/S.10 (State)	O/S	11.4	---	---	---	---
D-O/S.11 (State)	O/S	68.5	---	---	---	---
D-O/S.12 (State)	O/S	44.1	---	---	---	---
Area D Total		639.2		0	220	
				* (Maximum Units shall not exceed 171 within Area "D")		
Area E						
E-1 (State)	RE	50.7	0.0 - 2.0	0	101	LPHD-35, LPHD-30, LPHD-24, LPHD-18
E-2 (State)	CC	18.5	---	---	---	---
E-3 (State)	CC	10.2	---	---	---	---
E-4 (State)	NP	10.5	2.0 - 5.0	21	52	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
E-5 (State)	LD	115.8	2.0 - 5.0	232	579	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
E-6 (State)	RE	91.9	0.0 - 2.0	0	184	LPHD-35, LPHD-30, LPHD-24, LPHD-18
E-7 (State)	MD	19.4	5.0 - 8.0	97	155	LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
E-8 (State)	MD	33.4	5.0 - 8.0	167	267	LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
E-9 (State)	MD	19.7	5.0 - 8.0	98	157	LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
E-10 (State)	MD	15.8	5.0 - 8.0	79	126	LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
E-11 (State)	MD	36.7	5.0 - 8.0	184	294	LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
E-12 (State)	RE	39.6	0.0 - 2.0	0	79	LPHD-35, LPHD-30, LPHD-24, LPHD-18
E-O/S.1 (State)	O/S	7.6	---	---	---	---
E-O/S.2 (State)	O/S	28.8	---	---	---	---
E-O/S.3 (State)	O/S	131.2	---	---	---	---
E-O/S.4 (State)	O/S	1.0	---	---	---	---
E-O/S.5 (State)	O/S	6.6	---	---	---	---
Area E Total		637.4		877	1,995	
				* (Maximum Units shall not exceed 1,601 within Area "E")		
Area F						
F-1 (State)	LD	30.0	2.0 - 5.0	60	150	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
F-2 (State)	LD	53.1	2.0 - 5.0	106	266	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
F-3 (State)	MD	36.3	5.0 - 8.0	182	290	LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4, LPHD-3
Area F Total		119.4		348	706	
				* (Maximum Units shall not exceed 496 within Area "F")		

			Low	High
State Land Totals:	1,396		1,225	2,921

State Trust Lands Project Projections			
Gross Land Area:	1,396	Commercial Areas:	28.7
Project Density:	1.62	Projected # of SF Units:	2,268
Projected Population:	5,895	Projected # of MF Units:	0
Projected Households:	2,268	Proposed Elementary Schools	0
Elementary School Children:	692	Projected High Schools Demand	0
High School Children:	253	Total Proposed Private NOS	704.7

Legend	
RE	Residential Estate
LD	Low Density Residential
MD	Medium Density Residential
HD	High Density Residential
NC	Neighborhood Commercial
CC	Community Commercial
NP	Neighborhood Park
O/S	Open Space
WTP	Water Treatment Plant

Table 3 Land Use Designations

Land Use	Flexible Zoning Districts
RE – Residential Estate (0-2 du/ac)	LPHD-35, LPHD-30, LPHD-24
LD – Low Density (2-5 du/ac)	LPHD-24, LPHD-18, LPHD-12, LPHD-10, LPHD-8, LPHD-7, LPHD-6, LPHD-5, LPHD-4
MD – Medium Density (5-8 du/ac)	LPHD-4, LPHD-3, LPHA-4, LPHA-3
HD – High Density (15+ du/ac)	LPHA-3, LPHA-2
CC – Community Commercial	LPH-CC
NC – Neighborhood Commercial	LPH-NC

The actual zoning district will be determined and vested with approval of each preliminary plat as approved by staff.

2. Commercial

Approximately 44.1 acres of commercial land use have been proposed within community commercial centers and one neighborhood retail center. The total acreage and the number of these commercial centers are consistent with those proposed in the Lake Pleasant Heights Specific Area Plan (May 2002). The individual sizes and locations of these commercial centers, however, have been moved in response to realignment of El Mirage Road. If constructed, these commercial centers would be located along El Mirage Road to heighten retail exposure to the public and minimize traffic impact on adjacent neighborhoods. The focus of the neighborhood centers are to provide residents with day to day services including, but not limited to, grocery markets, drug stores, dry cleaning, banking and video rental establishments.

3. Schools

Lake Pleasant Heights is located entirely within the Peoria Unified School District. A minimum of 15 gross acres is needed for a future elementary school site in the Lake Pleasant Heights project. A potential location for this site has been identified on the Lake Pleasant Heights General Development Plan consistent with the Lake Pleasant Heights Specific Area Plan (May 2002). This parcel is currently located south of the CAP canal and east of El Mirage Road. Based on meetings with Peoria Unified School District, an alternative site could be chosen in the area. The Applicant will develop an agreement with the school district regarding the donation of a school site. Vistancia (Lakeland Village) is proposing a 40-acre high school site within their development, which should serve the high school students in Lake Pleasant Heights.

Projections for numbers of school children at both the elementary and high school levels have been provided by the Peoria Unified School District (PUSD) which supports the need for one 15-acre elementary school site within Lake Pleasant Heights.

4. Parks and Open Space

Given the amount of natural open space and drainage corridors, there will be opportunities for active and passive recreation including walking, jogging, hiking, bicycling and wildlife viewing. **Figure 16a**, *Bicycle & Pedestrian Circulation Plan*, proposes a network of community multi-use trails to enhance recreational opportunities and promote alternative means of mobility. These trails will be designed

to facilitate pedestrian and bicycle access between residential neighborhoods and commercial, school, open space and park uses. Cross sections for these trails are provided in **Figure 16b** *Bicycle & Pedestrian Cross Sections*.

The planned trails system recommends separating pedestrian and bicycle facilities where feasible and practical. An equestrian staging area may be incorporated with the conceptual design of the Big Spring Trailhead. If the City of Peoria adopts a Northwest Peoria Trails Master Plan inclusive of equestrian use, an equestrian trail could be accommodated in the Big Spring easement.

Approximately 26.1 acres are intended for dedication as neighborhood park space; 15.6 acres on private land and 10.5 acres on State land, consistent with the Lake Pleasant Heights Specific Area Plan (May 2002). These areas are intended to accommodate the recreational needs of the projected resident population of approximately 15,264. A minimum of 8 net acres will be necessary within each of these neighborhood park parcels for park improvements. The net 8 acres shall be sufficient for typical park amenities (play fields (soccer, softball, etc) hard surface courts (basketball, tennis, etc) playground structures (0-5 year-olds, 5-12 year olds, 12+) restrooms, parking (for at least 20 vehicles) and other possible amenities (such as walking paths, volleyball, picnic armadas, etc) The neighborhood park may contain basic improvements such as tennis courts, basketball courts, playground equipment, restrooms, ramadas, picnic facilities and multi-use fields, as determined by the City.

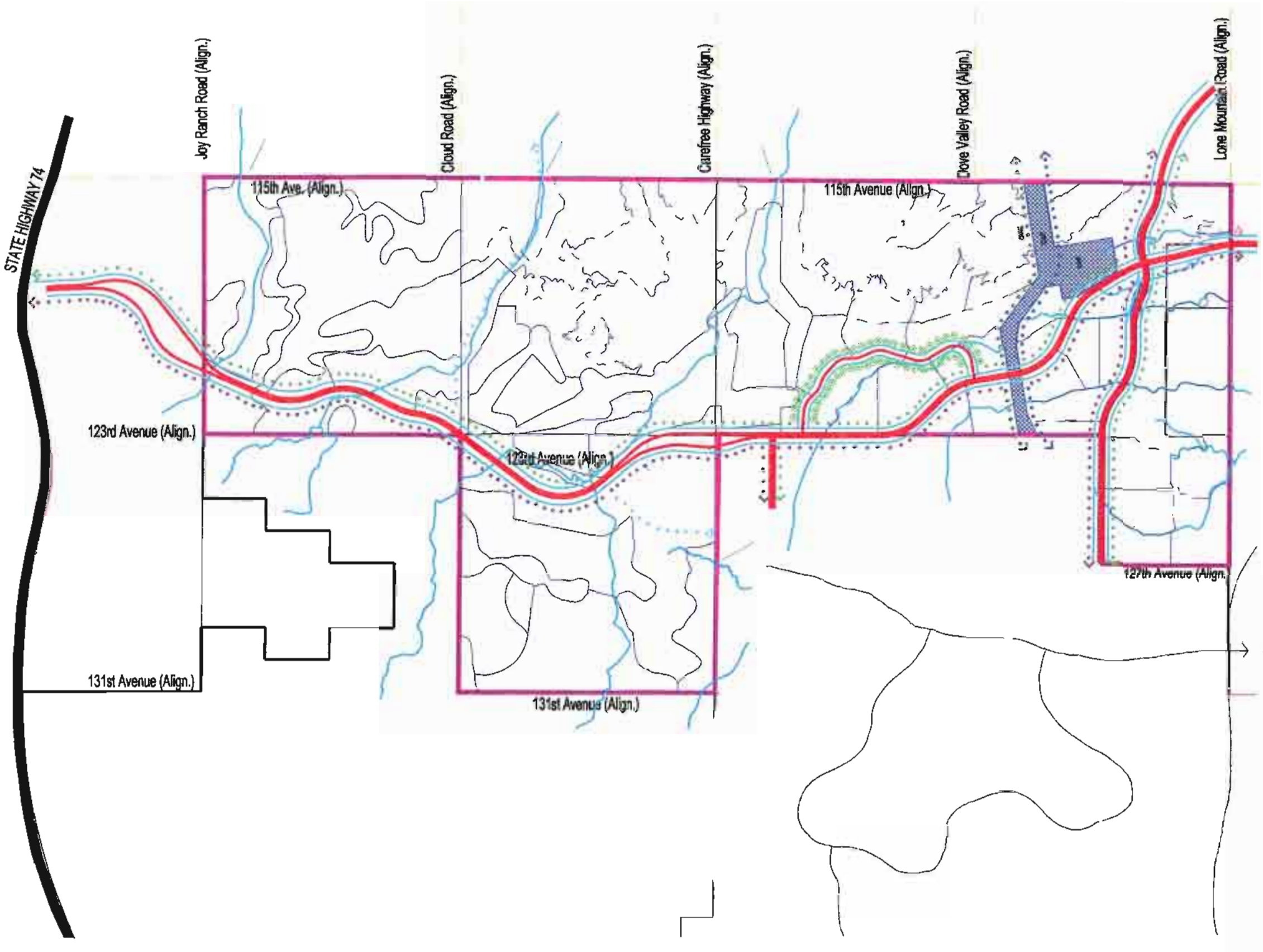
The Lake Pleasant Heights community intends to preserve a significant amount of open space within the community; however, the specific amount and location of this open space will be determined as each parcel is platted. The required total open space as per the *2002 Peoria Parks, Recreation and Open Space Master Plan* requires 10 acres per 1000 population. Based on this standard, the Lake Pleasant Heights Planned Community Development would require a minimum of 58.6 acres of open space on State Trust land and 93.7 acres of open space on private land, totaling 152.3 acres. As shown on **Figure 15,** *General Development Plan* and in **Table 2** *Land Use Density and Intensity*, a greater amount of open space has been proposed.

Figure 17, *Open Space Lands*, graphically indicates the anticipated areas to be preserved, publicly or privately. Additional open space is located along the eastern and northern boundaries of the site, which includes unplanned Federal land to the north and State Trust lands to the east. Where possible, open spaces have been planned to link to open areas planned within White Peak Ranch (Vistancia North) and Saddleback Heights.

A portion of natural open space has already been reserved on the site. The existing Big Spring Conservation Easement, consisting of 48 acres, is located along the northern boundary of Section 1 (see **Figure 2**). The existing easement is proposed to be redefined as a part of this application. To create open space linkages for wildlife and area recreational users, this application proposes to redefine the easement to include a corridor encompassing the adjacent unnamed wash. Legal descriptions of the current and proposed easements are described within **Appendix F**.

Figure 16a

Bicycle & Pedestrian Circulation Plan



Legend

- Major Arterial
- Central Arizona Project Canal Trail
- 8-foot Natural Surface Multi-use Trail
- Bicycle Lanes (On Street)
- 8-foot Concrete Sidewalk Meandering
- 5' Concrete S/W and 6' DG Path
- 5-foot Concrete Sidewalk Meandering
- 6' Concrete Sidewalk
- Equestrian Trail (Natural)
- Wash Corridor

NORTH

5 6 2005

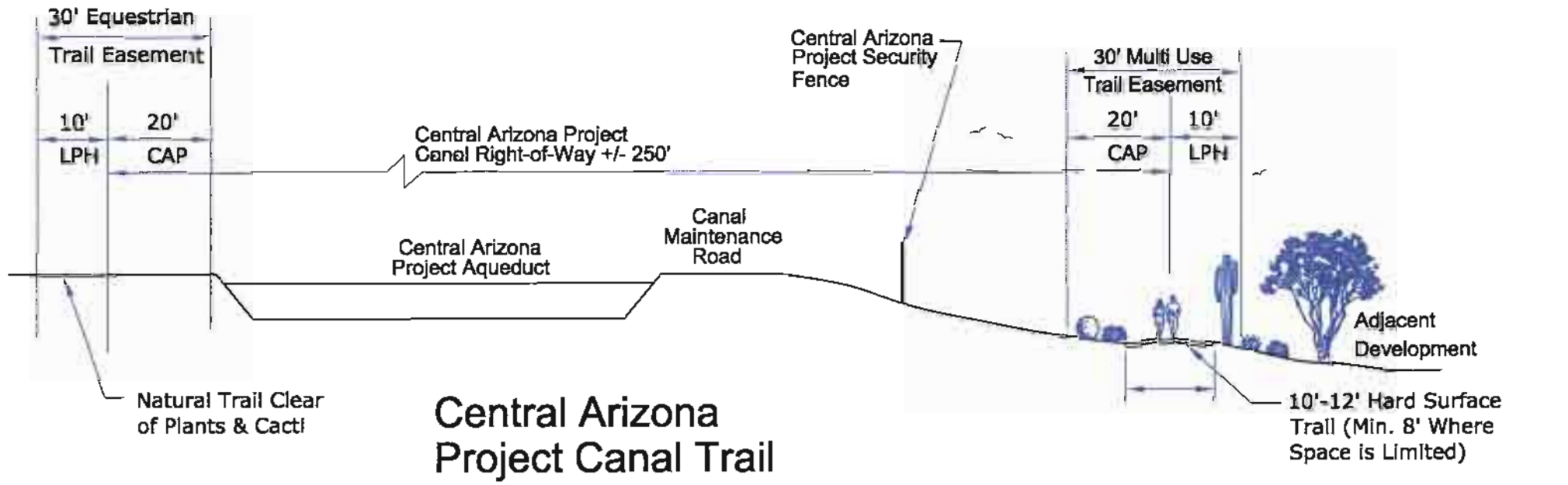
Lake Pleasant Heights

Planned Community District

Figure 16b

Bicycle & Pedestrian Circulation Plan

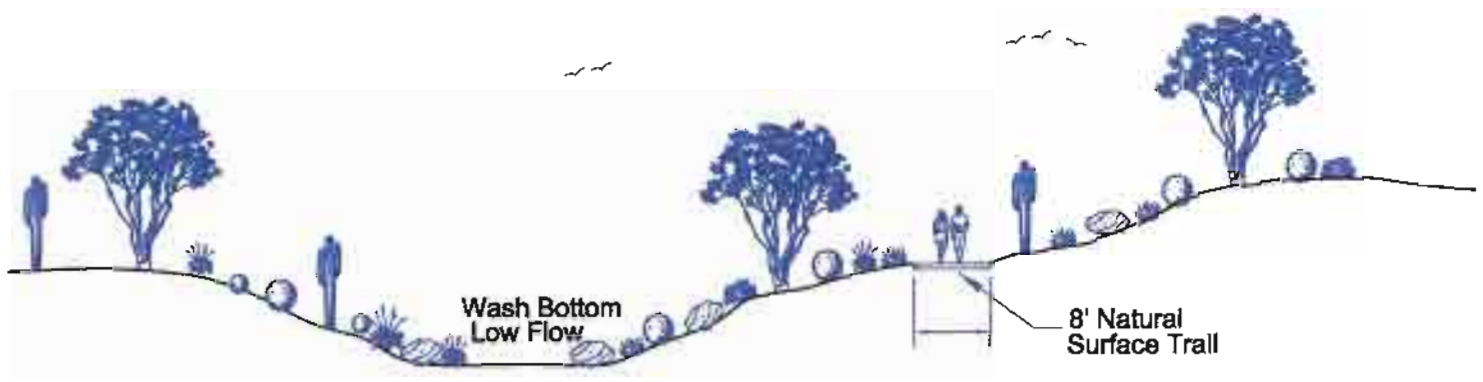
Cross Sections



Central Arizona Project Canal Trail

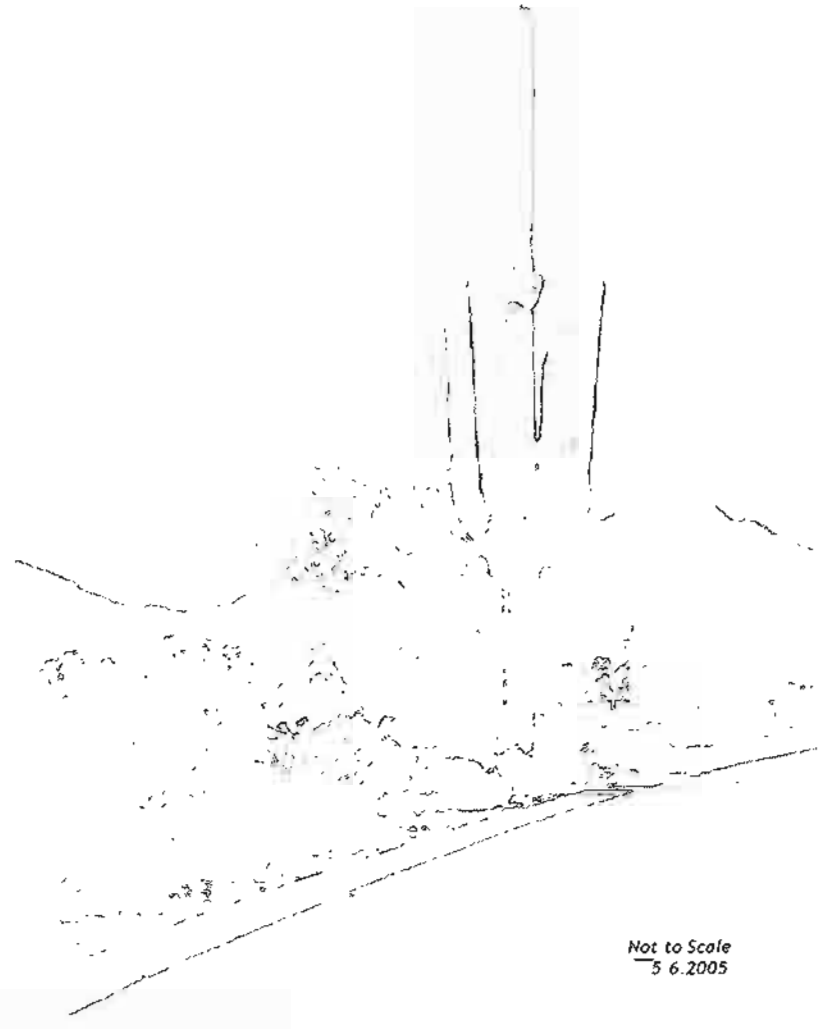
Not to Scale

NORTH



Community Wash Corridor Trails

Not to Scale

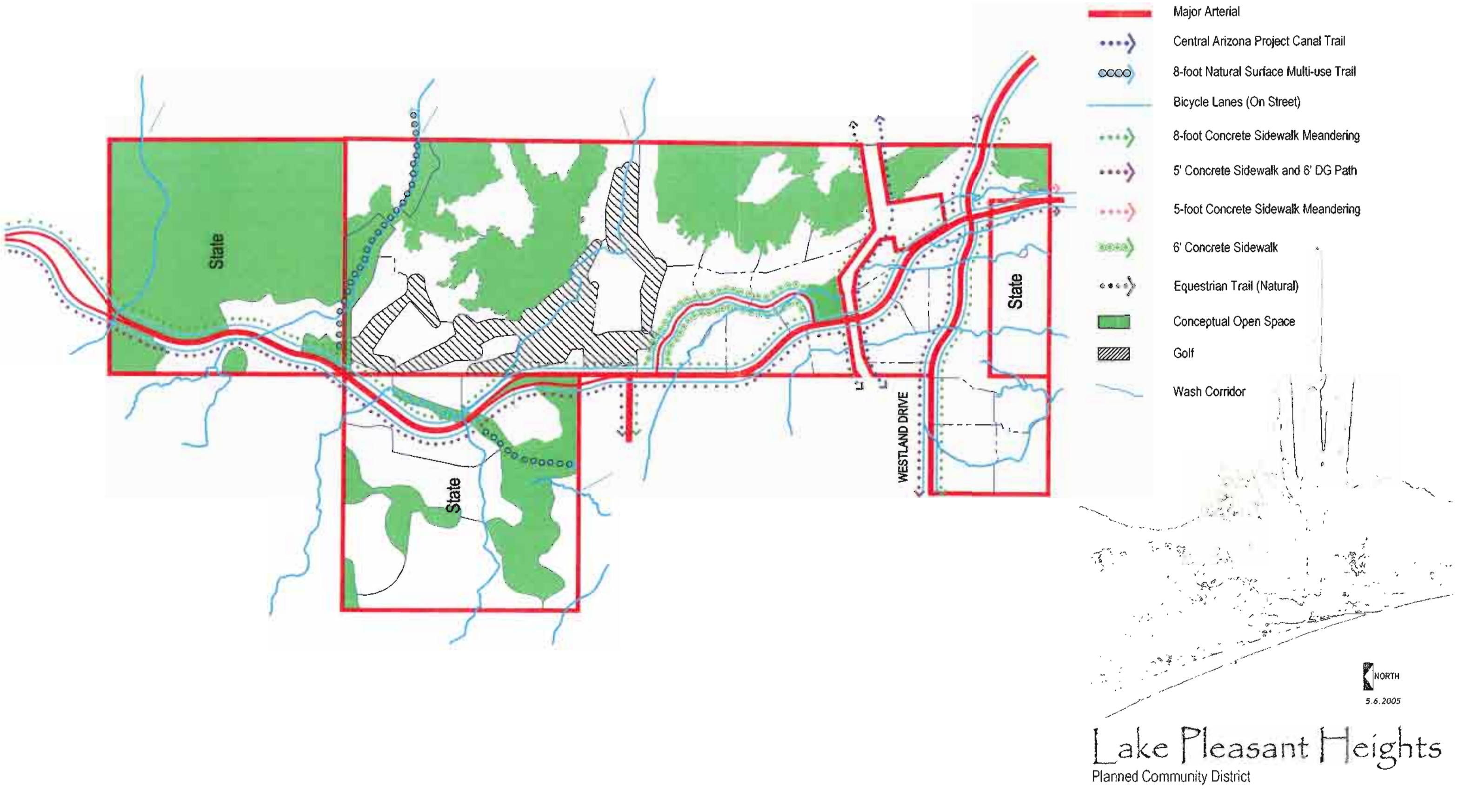


Lake Pleasant Heights

Planned Community District

Figure 17

Open Space Lands



Lake Pleasant Heights

Planned Community District

5. Community Facilities

Fire

The Lake Pleasant Heights community, located within the jurisdiction of the City of Peoria, will seek fire services from the City of Peoria. The Lake Pleasant Heights property lies within the City's northwestern Fire Management Area. A fire station site will be made available to the City of Peoria and is tentatively identified in **Figure 15**, *General Development Plan.*

A future fire station site is proposed within a half mile of the intersection of Twin Buttes Boulevard and El Mirage Road. **Figure 18**, *Emergency Response Plan*, provides an overview of the four-minute response area of this planned station, as well as that of other proposed fire station facilities within neighboring communities that will serve the Lake Pleasant Heights site. The Lake Pleasant Heights proposed fire station site may be moved to another location if agreed to by the Fire Department and the Developer. The construction schedule for this facility will depend on population growth and service criteria provided by the Peoria Fire Department.

Police

Lake Pleasant Heights will seek law enforcement services from the City of Peoria. Until such time as a permanent Law Enforcement service site can be developed within Northwest Peoria, an interim Law Enforcement site will be made available to the City within the Lake Pleasant Heights site, if requested by the Police Chief. The location of the proposed interim Law Enforcement site shall be as determined by the Police Chief and the Developer. The interim site will be made available at such time as is determined necessary by the Police Chief, following construction of residences within Phase 1.

Community Center

Although not required as part of the PCD the developer of the Private Land is currently exploring the development of a Community Center. The facility is proposed to complement the uses in Vistancia South (Lakeland Village) and the neighborhood park uses in the area. It is anticipated that the Community Center would be owned and maintained by the Lake Pleasant Heights Home Owners Association.

Library

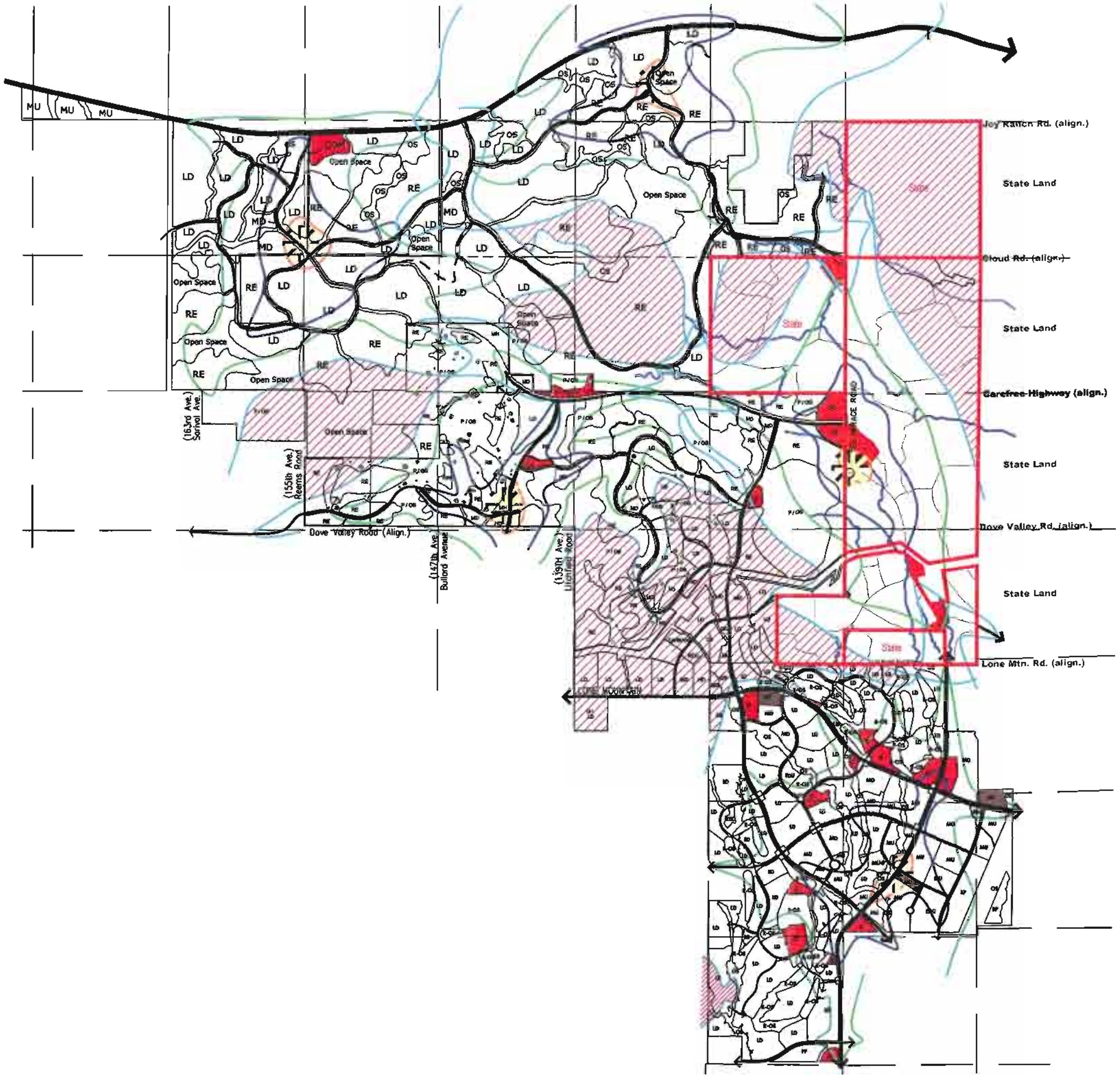
A library is not currently anticipated within the Lake Pleasant Heights Planned Community. However, discussions have started with the Parks Department and the Developer to possibly incorporate a library within the Community Center.

e. Circulation

The proposed circulation system for Lake Pleasant Heights is designed to offer several choices for mobility, such as vehicular, bicycle, and pedestrian facilities. These facilities are discussed below.

Figure 18

Emergency Response Plan



Legend

- Emergency Response Site
- 1 Minute Response
- 2 Minute Response
- 3 Minute Response
- 4 Minute Response
- 4+ Minute Response

NORTH

5.6.2005

Lake Pleasant Heights

Planned Community District

1. Vehicular

A Category III Traffic Impact Analysis for Lake Pleasant Heights has been prepared by Task Engineering and is attached as **Appendix C**. The report analyzes the impacts of the proposed land use plan on the vehicular circulation system and provides recommendations related to street cross sections. A Traffic Impact Analysis will be submitted with each Phase Preliminary Plat to address intersection turning/thru-movements and signalization based on a more accurate population count.

The existing site currently has no developed roadways or formal trail systems. There are several off-road vehicle trails and abandoned mining roads. The proposed roadway network for Lake Pleasant Heights includes a series of major arterial, minor arterial, and collector roadways that will facilitate traffic throughout the community and neighboring areas. Planned major arterial roadways within and adjacent to the Lake Pleasant Heights property include the proposed El Mirage Road alignment and the Twin Buttes Boulevard alignment.

The proposed section for El Mirage Road varies based on its location within the site. From the southern boundary of the property to the Cloud Road alignment, the cross section includes six through lanes, a raised median, bike lanes and detached public sidewalks, in a 109-foot right-of-way and with a 20.5-foot landscape and public access easement on each side North of the Cloud Road alignment, El Mirage Road splits into bifurcated north and southbound sections. This bifurcated cross section was created to lessen the impact of a roadway in an area of steep and rugged terrain. The Lake Pleasant Heights Private Lands developer is responsible for constructing two outside through lanes (one in each direction), bike lanes, 8' sidewalk on one side and 5' sidewalk with 6'D.G. path on the opposite side. Future developers will be responsible for construction to the ultimate cross section as per **Figure 19a,** *Proposed Arterial Roadway Sections, El Mirage Road (North of Cloud Road).*

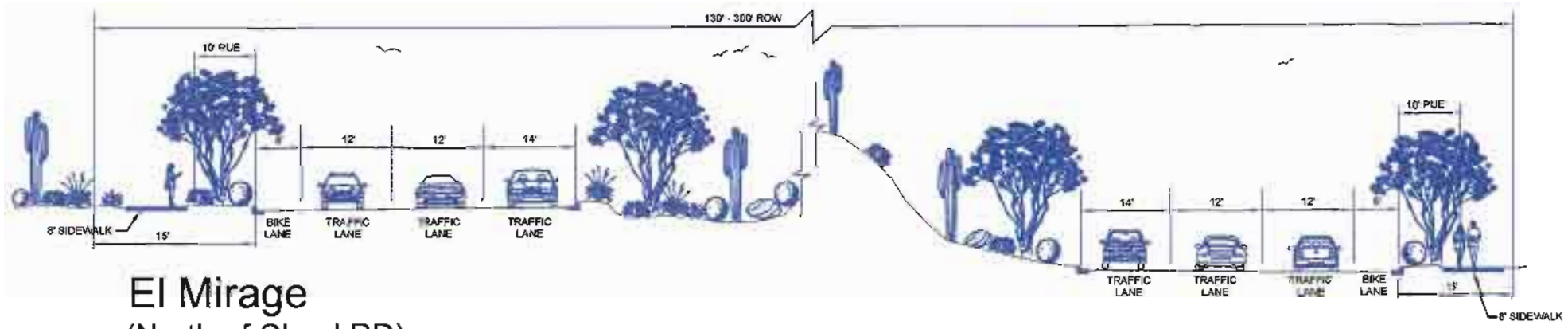
The preferred alignment for El Mirage Road is off the section line from approximately the Carefree Highway alignment north to Highway 74. This alignment requires the cooperation of Arizona State Land Department and the Bureau of Land Management to secure the right-of-way. The Applicant will endeavor to work with the City to obtain the preferred alignment for El Mirage Road.

Arterial roadways within and adjacent to the Lake Pleasant Heights community will include Saddleback Peak Boulevard and Westland Drive. The proposed section for arterial streets within the community includes four through lanes, a raised median, bike lanes, and a detached public sidewalk within a 109-foot right-of-way with a 20.5-foot landscape and public access easement on each side totaling 150-foot section. In some cases, where trails have been planned or are provided within the immediate proximity to a typical sidewalk location, the trail may replace the sidewalk for pedestrian circulation within the area. **Figure 19**, *Proposed Arterial Roadway Sections*, provides the conceptual intent of the arterial roadway design within the Lake Pleasant Heights Planned Community. The arterial and collector streets are discussed further within the Traffic Impact Study, **Appendix C**.

Figure 19a

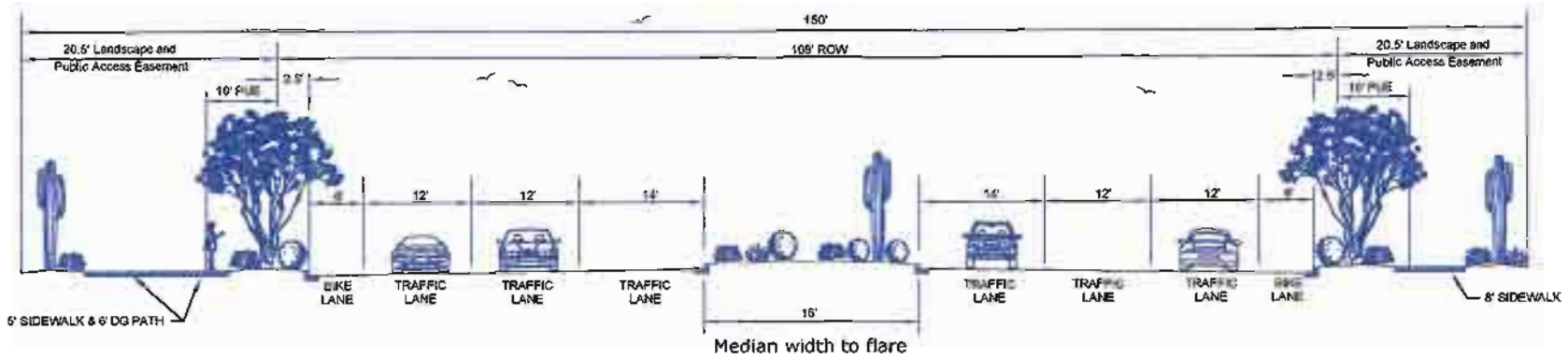
Proposed Arterial Roadway Sections

MAJOR ARTERIAL
130' + ROW SPLIT



El Mirage
(North of Cloud RD)

MAJOR ARTERIAL
109' ROW



El Mirage
(Between Cloud RD & Westland DR)

Median width to flare to 28' at arterial street intersections where dual left lanes are recommended.

NOTE: Right of the way width will be widened where additional lanes are required for left turns, right turns and deceleration & acceleration as per the approved traffic impact analysis or required by the city engineer

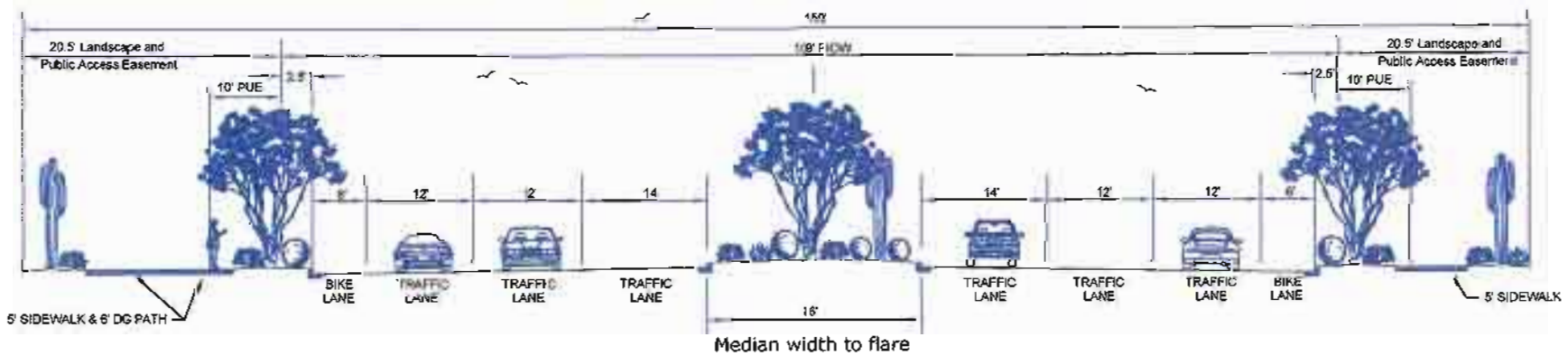
12 23.2004

Lake Pleasant Heights
Planned Community District

Figure 19b

Proposed Arterial Roadway Sections

MAJOR ARTERIAL
109' ROW

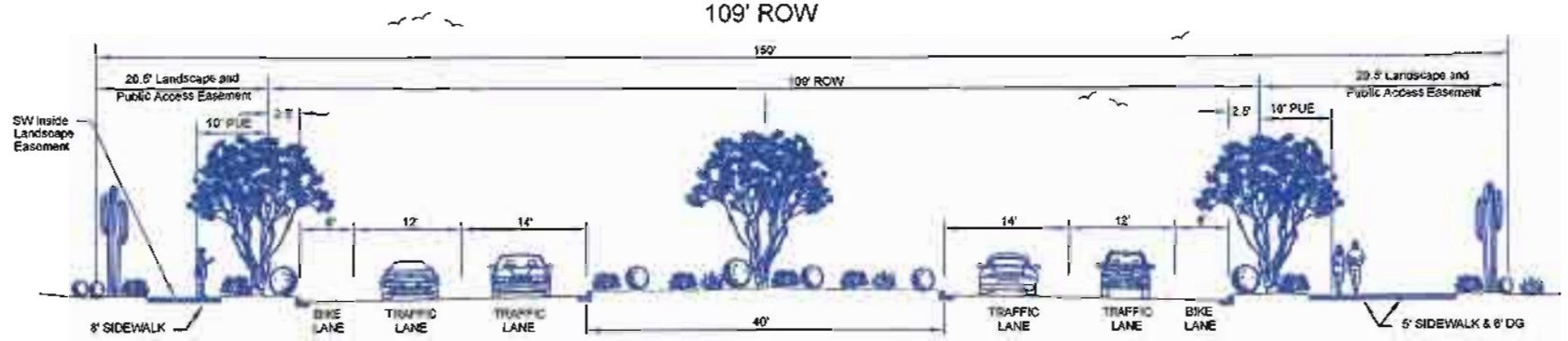


El Mirage
(South of Westland DR)

Median width to flare to 28' at arterial street intersections where dual left lanes are recommended.

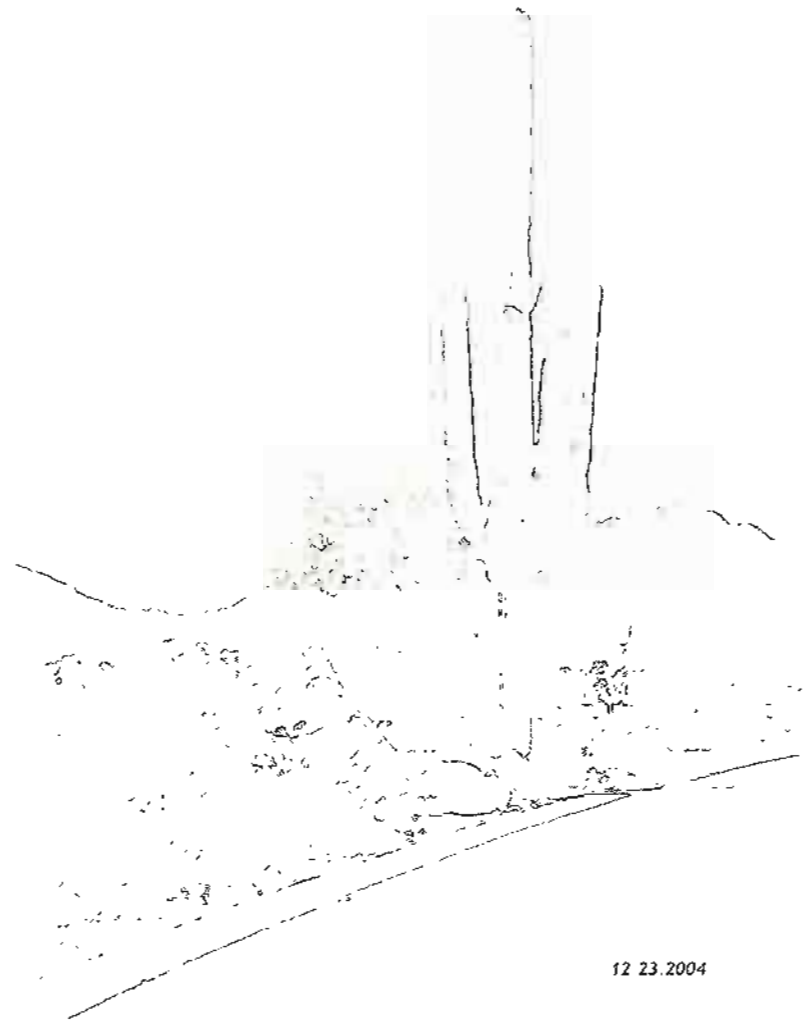
NOTE: Right of the way width will be widened where additional lanes are required for left turns, right turns and deceleration & acceleration as per the approved traffic impact analysis or required by the city engineer

MINOR ARTERIAL
109' ROW



Westland Drive

NOTE: Right of the way width will be widened where additional lanes are required for left turns, right turns and deceleration & acceleration as per the approved traffic impact analysis or required by the city engineer.



12 23.2004

Lake Pleasant Heights
Planned Community District

2. Bicycle

Because of the recreational and multi-modal transportation opportunities that exist within the Lake Pleasant Heights community, attention was given to establishing a bicycle trail network. **Figure 16a**, *Bicycle and Pedestrian Circulation Plan*, identifies the location of proposed trails and bicycle routes that will allow residents to travel throughout the Lake Pleasant Heights community.

As indicated on **Figure 19**, *Proposed Arterial Roadway Sections*, bike lanes are designed as six-foot wide lanes primarily for street bikes along major and minor arterial streets. The multi-use trail system will integrate bicycle users with pedestrian and other users within the proposed concrete surface trail system. Trail development will emphasize multiple uses.

3. Pedestrian

The Master Bicycle and Pedestrian Circulation Plan was designed with a strong emphasis on pedestrian circulation and access to open space. The proposed network identified in **Figure 16b**, *Bicycle and Pedestrian Circulation Plan Cross Sections*, illustrates a trail network designed to accommodate a combination of pedestrian and bicycle users.

Pedestrians will have access to a combination of six-foot wide decomposed granite paths and eight-foot wide sidewalks on the arterial streets. A combination of six-foot wide decomposed granite paths and six-foot wide sidewalks are proposed on the collector streets. The sidewalk alignment is planned to maintain a minimum separation of four feet from the back of street curb with meandering alignments.

Both bicyclists and pedestrians will have access to off-street trails located within the regional open space network. Trail location within the open space network will promote the preservation of existing vegetation and adhere to low and moderately sloped areas, to enhance accessibility to a variety of users. Two trailheads are planned – one at the Big Spring Conservation Easement and one within Parcel B-CC/P that will provide access to the CAP canal. The trailhead within the Big Spring Conservation Easement will include parking spaces for trailhead use. Both trailheads are anticipated to be public facilities.

A hard surface trail is planned along the Central Arizona Project Canal up to the CAP siphon where it will transition to a narrow, natural surface trail with switchbacks to respond to the terrain for the eastern segment. The use of pavement for these trails would have too great of an impact on the sensitive riparian corridors and are very difficult to maintain.

f. Drainage

A preliminary Master Drainage and Hydrology Report is provided as **Appendix G.** A summary of existing conditions has been provided in Section 3.c.5. The conceptual drainage plan was designed in accordance with the City of Peoria and the Flood Control District of Maricopa County requirements. The conceptual drainage plan is based on the following drainage concepts:

1. Drainage Concept

The Lake Pleasant Heights project is planned as an environmentally sensitive project. The project will integrate ecological resources with transportation and open space amenities. The following concepts will be applied:

- Off-site flows will enter and depart in the same manner as pre-development conditions.

- Onsite Detention Facilities will be designed to reduce the post-development peak flows to equal to or less than the existing peak flows.

- The 100-year 2-hour storm volume will not be used as the detention standard. Volumes may exceed or may be lower than the 100-year 2-hour storm. Off-site flows will not exceed pre-development flow rates at the project outfall.

- Detention basins will be designed as a flow through system to sustain downstream habitat areas, and maintain existing sediment discharge characteristics. Exceptions to this policy are in commercial basins, where first flush flows will be retained, filtered and constructed to remove potential contaminants prior to release to the channel systems.

- The major channel floodplain systems will be retained. There are several proposed 404 Jurisdictional wash crossings that will require the processing of an Individual 404 Permit.

- Basins and road/wash crossings will be designed as multipurpose facilities where possible. Basins will be deeper than the normal three-foot standard and may be used as open space and recreational amenities. Special safety considerations will be evaluated where basin depths exceed three feet. It is recommended that the side slopes not exceed 4 horizontal to 1 vertical (4:1) on man-made slopes.

- Channel hydraulic analysis will account for maintenance of existing wildlife communities in channels, as opposed to providing for considerable trimming and clearing.

2. Drainage Plan

- Basins in the upper reaches of the project may be oversized to reduce flows and allow parcels in the lower (southern) areas to drain without detention entirely. The preliminary detention volumes associated with each phase are tabulated in the master drainage study.

- Channel cross sections are sized for the 100-year peak runoff.

- Basins upstream and site facilities are phased to coincide with development benefiting adjacent areas. The existing drainage systems in undeveloped areas will remain as is until development. Mass grading generally will not take place on the whole site.

- Wash/Street crossings for 100-year all-weather access crossings will be designed to pass the 100-year storm and where possible will be used as pedestrian/trail underpasses. The underpasses will have low flow separations from the pathways for nuisance water flows. All building sites will have 100-year all-weather access.

- The streets will be designed to carry runoff from the 10-year storm between curbs. Additionally, the 100-year flow will be carried within the right-of-way and the finished floor elevations will be above the 100-year storm, in accordance with the Uniform Drainage Policies and Standards for Peoria, Arizona. When street capacities are exceeded, excess flow will be removed from the road and directed to an open channel.

- Crossings may be designed for less than the 100-year storm capacity. These crossings will be designed with low flow culverts to be stable for overtopping by the 100-year storm. Street design will avoid wet sections on arterial streets.

- Preliminary arterial street culverts will be shown on the preliminary Master Drainage and Hydrology Report. These culverts are subject to revision with final road design plans. It is proposed that local flows will be accommodated in a local system and will be addressed at the detailed design phase of the project subdivision plans.

- A detailed, fully developed hydrologic analysis of channels, road crossings, street flows, detention facilities and the final design of improvements around them are beyond the scope of the preliminary Master Drainage and Hydrology Report. When evaluated for the final design, minor adjustments will be made. These adjustments will be based on generally accepted engineering practices and in accordance with current federal, state and City of Peoria drainage floodplain regulations.

- AZPDES standards will be adhered to for all construction activities.

The preliminary Master Drainage and Hydrology Report will establish drainage parameters for site planning of the Lake Pleasant Heights community. The report includes a preliminary plan showing general direction of storm water runoff and how the onsite and off-site drainage will be handled.

g. Community Design and Streetscape

1. Streetscape Concepts

The Lake Pleasant Heights Planned Community will be designed and developed with a consistent streetscape theme within the public right-of-way. Private design guidelines for Lake Pleasant Heights will incorporate provisions for landscape treatment on private property, as well as within the public right-of-way.

2. Plant Materials

The street environment will reflect the character of the Sonoran Desert. **Table 3**, *Proposed Thematic Plant Palette*, reflects plant material intended to establish the Lake Pleasant Heights streetscape. The plant palette will be refined with the

submittal of landscape plans during the preliminary plat process. **Appendix E,** *Photo Context Plan*, provides enlargements of the photographs contained within **Figure 13**, *Photo Context Plan.*

Table 4
Proposed Thematic Plant Palette

Native Plants		Flowering Accents/ Highlight Plants	
Native Trees:	Foothills Palo Verde	**Trees:**	Acacias
	Blue Palo Verde		Texas Ebony
	Native Mesquite		Lysiloma (Desert Fern)
	Ironwood		Jacaranda
			Desert Willow
Native Shrubs/Cacti:	Barrel Cactus	**Shrubs:**	Agave
	Brittle Bush		Baja Fairy Duster
	Bursage		Red Bird of Paradise
	Chuparosa		Dalea
	Creosote		Desert Ruellia
	Jojoba		Desert Spoon
	Native Prickly Pear		Hesperaloe
	Native Yuccas		Lantanas
	Ocotillo		Little Leaf Cordia
	Saguaro Cactus		Leucophyllum
			Penstemon
Ground Cover:	Turf (not in right-of-way)		Sage/Salvia
			Yellow Bells
Inerts:	Decomposed Granite		Deer Grass
	Desert Pavement (native rock)		

h. Utilities and Services

1. Water

The Lake Pleasant Heights property is currently not served by a private water company or the City of Peoria water services. As an incorporated area within the City of Peoria, the site will utilize municipal potable water services. The Applicant is expecting to fund the initial infrastructure related to the distribution and treatment of potable water facilities. The infrastructure necessary to serve the Lake Pleasant Heights site is proposed in the Water and Wastewater Master Plan prepared by Black and Veatch. See **Appendix H**.

The proposed Twin Buttes Water Treatment Plant and associated reservoirs are anticipated to produce 25 MGD of output, enough to serve Lake Pleasant Heights and surrounding communities as part of a regional system. Both Lake Pleasant Heights and Vistancia South (Lakeland Village) will provide approximately 15 net acres for this facility.

Groundwater from off-site wells will be necessary to initiate the development of Lake Pleasant Heights. This groundwater will be utilized on a "no net reduction" of groundwater basis to comply with "safe-yield" criteria as established by the Arizona

Department of Water Resources (ADWR) for groundwater within the Phoenix Active Management Area and the Central Arizona Groundwater Recharge District (CAGRD).

2. Wastewater

There are currently no existing wastewater facilities on the project site. Lake Pleasant Heights is proposed to be served by the regional Jomax Wastewater Reclamation Plant. This reclamation plant has been planned within parcel C26 of the Vistancia South (Lakeland Village) Master Planned Community.

Upon completion of development in the region, the Jomax Wastewater Reclamation Plant is anticipated to reach a capacity of approximately 6.7 MGD. Lake Pleasant Heights will purchase or construct capacity within this plant, consistent with the wastewater generated by the project. Five hundred acre feet (500 ac-ft) per year of effluent from this reclamation plant is planned to be delivered to the proposed golf course within Lake Pleasant Heights.

3. Electric

There are currently no existing electric power facilities on the project. Lake Pleasant Heights is located within the Arizona Public Service (APS) service area and plan to be served by them. The applicant has contacted APS regarding providing a will server letter, which has been issued. The applicant has not met with APS to discuss specific electrical requirements for the project.

4. Telephone

Lake Pleasant Heights is located within the Accipiter Communications service territory. However, deregulation requirements will enable any telecommunications provider to service the site. Service providers would need to expand their facilities to accommodate the project. All telephone providers have the legal rights to service the site. However, the developer will likely work closely with one company to ensure that their infrastructure is constructed at the onset of the project.

5. Cable Television

The Applicant has not directly discussed service with any of the service providers. Providers would need to expand their facilities to accommodate the project. The developer will likely work closely with one company to ensure that the infrastructure is constructed at the onset of the project.

6. Natural Gas

There are no existing natural gas facilities in the area. The Applicant has provided the intended General Development Plan to Southwest Gas and is currently waiting for a "will serve" letter from them. Southwest Gas will need to expand their existing facilities in order to service the Lake Pleasant Heights Planned Community.

7. Refuse Collection Districts

A refuse collection district does not currently serve the Lake Pleasant Heights property. It is anticipated that the City of Peoria will provide refuse collection services.

6. Regulatory Development Standards

a. Purpose and Intent

This section contains the land use and regulatory development provisions to implement the Lake Pleasant Heights Planned Community District and to comply with provisions of the Planned Community District, Section 14-36 of the Peoria Zoning Ordinance. These provisions constitute the primary tool for use by the City of Peoria and the Developer to ensure that Lake Pleasant Heights develops in conformance with this document and the Lake Pleasant Heights Specific Area Plan.

The development regulations govern land use densities, intensities and locational criteria within Lake Pleasant Heights. Furthermore, this section includes development standards related to base zoning, use, setbacks, heights, coverage, infrastructure design standards and drainage design standards. Unless otherwise noted herein, all development within Lake Pleasant Heights project shall conform to all City of Peoria Ordinances, Codes, Policies and Regulations in effect upon the date the Lake Pleasant Heights PCD is adopted.

b. Zoning Base Districts

The base zoning districts requested under this application include districts specifically drafted for the Lake Pleasant Heights Planned Community District, which, under the PC District (Section 14-36-2D), supplements and supersedes base zoning as described in the Peoria Zoning Ordinance. These districts are defined as follows:

District	District Description	Minimum Lot Size (Sq. Ft.)
LPHD-43	Lake Pleasant Heights Detached Housing	43,000
LPHD-35	Lake Pleasant Heights Detached Housing	35,000
LPHD-30	Lake Pleasant Heights Detached Housing	30,000
LPHD-24	Lake Pleasant Heights Detached Housing	24,000
LPHD-18	Lake Pleasant Heights Detached Housing	18,000
LPHD-12	Lake Pleasant Heights Detached Housing	12,000
LPHD-10	Lake Pleasant Heights Detached Housing	10,000
LPHD-8	Lake Pleasant Heights Detached Housing	8,000
LPHD-7	Lake Pleasant Heights Detached Housing	7,000
LPHD-6	Lake Pleasant Heights Detached Housing	6,000
LPHD-5	Lake Pleasant Heights Detached Housing	5,000
LPHD-4	Lake Pleasant Heights Detached Housing	4,000
LPHD-3	Lake Pleasant Heights Detached Housing	3,000
LPHA-4	Lake Pleasant Heights Attached Town homes	4,000
LPHA-3	Lake Pleasant Heights Attached Multifamily	3,000
LPHA-2	Lake Pleasant Heights Attached Multifamily	2,000
LPH-NC	Lake Pleasant Heights Neighborhood Commercial	
LPH-CC	Lake Pleasant Heights Community Commercial	

1. Residential District Standards

Intent

The residential districts previously listed in **Section 6.b** are designed to respond to opportunities and constraints discussed within the Site Analysis Section (Section 3) related to the Lake Pleasant Heights property. The wide range of single family residential districts, ranging from 43,000+ square foot lots to multifamily housing, is intended to support a variety of resident life styles and housing choices. District standards are intended to promote stable, functional and diverse neighborhoods that meet the housing needs of each resident and fit the physical characteristics of the property.

Permitted Principal Uses

The Lake Pleasant Heights Planned Community amends Section 14-5-2 to allow the following principal uses within residential districts:

- Single Family Detached Housing;
- Single Family Attached Housing;
- Multifamily Housing;
- Churches, synagogues, temples, chapels, or similar places of worship and related facilities, if access is provided directly to an arterial or collector street, subject to review of vehicular access by the City Engineer;
- Private educational institutions if access is provided directly to an arterial or collector street. Public institutions if access is provided directly to an arterial or collector street. Parochial, if access is provided directly to an arterial street.
- Public utility and municipal facility buildings and related facilities, provided the facilities are adequately screened from public view;
- Seasonal rental or time-share units in the LPHA-4, LPHA-3 and LPHA-2 districts;
- Golf courses including clubhouses as per Section 14-5-3 E;
- Parks, public and private; and
- Temporary residential start-up uses, including sales/marketing facilities, model home complexes and related accessory uses.

Conditional Uses

The Lake Pleasant Heights Planned Community shall conform to the standards provided by Section 14-5-3 of the Peoria Zoning Code, except as provided for under Permitted Principal Uses as listed above.

Permitted Accessory Uses

The Lake Pleasant Heights Planned Community shall conform to the standards provided by Section 14-5-4 and 14-5-8 of the Peoria Zoning Code.

Development Standards

The Lake Pleasant Heights Planned Community shall recognize the development standards provided within **Table 4**, *Residential Development Standards*. These standards are intended to supersede the standards provided by Section 14-5-6, as

authorized by Section 14-36-2D of the Peoria Zoning Code. The Lake Pleasant Heights residential district standards are intended to provide standards for minimum lot area, minimum lot width, building height, minimum yard setbacks, distance between multi-family buildings and maximum lot coverage for each residential lot.

Table 5
Residential Development Standards

District	Minimum Lot Size		Building Height	Minimum Yard Setbacks					Distance Between Buildings	Maximum Lot Coverage
	Area	Width	Stories	Front	Side		Street	Rear		
(5)	(1)	(2)	/ Feet	(3)	Min.	Total	Side (7)	(7)	(4)	
LPHD-35										
	35,000	120	2 / 30	25	10	20	10	20	—	35%
LPHD-20										
	30,000	100	2 / 30	25	8	20	10	20	—	35%
LPHD-M										
	24,000	80	2 / 30	25	8	20	10	20	—	35%
LPHD-L										
	18,000	75	2 / 30	20	5	15	10	15	—	40%
LPHD-M										
	12,000	70	2 / 30	20	5	15	10	15	—	40%
LPHD-H										
	10,000	65	2 / 30	20	5	15	10	15	—	40%
LPHD-5										
	8,000	60	2 / 30	20	5	15	10	15	—	45%
LPHD										
	7,000	55	2 / 30	20	5	13	10	15	—	45%
LPHD-5										
	6,000	50	2 / 30	20	5	13	10	15	—	45%
LPHD-5										
	5,000	45	2 / 30	20	3	6	10	10	—	50%
LPHD-4										
	4,000	40	2 / 30	20	3	6	10	10	—	60%
LPHD-3										
	3,000	35	2 / 30	20	3	6	10	10	—	65%
LPHA-2										
	4,000	30	2 / 30	20	0	10	8	5	10	60%
LPHA-3										
	3,000	na	2 / 30	20	0	10	8	5	10	60%
LPHA-4										
	2,000	na	3 / 36	20	0	10	8	5	10	60%

(1) Minimum lot area permitted within district. Minimum area presumes area transfer from sensitive lands preservation. Minimum area may be superseded by Hillside Development Overlay as it relates to maximum number of units per gross acre (density) by slope category.
(2) Minimum lot width permitted within district.
(3) To allow for a diverse streetscape, the front setback for the living component of the home and side entry garage component of the home may be set back 10 feet from the front property line.
(4) Minimum distance permitted between buildings on the same lot or as required by the IBC.
(5) Districts are cumulative.
(6) Parcel density may be transferred from open space areas to preserve the defined Slope Units within those development parcels with slopes greater than 10%. To preserve and transfer the Slope Units, minimum lot size and minimum property dimensions for all lots within the receiving development parcel may be reduced below the 10% slope line by 20% of the district standard.
(7) Within the LPHA-4, LPHA-3 and LPHA-2 districts, the setback is required if subdividing property into fee simple lots.

2. Commercial Districts Standards

Intent

The commercial districts listed below are designed to respond to opportunities and constraints of the site, as well as respond to demographic projections for the planned community at build-out. The commercial districts within the Lake Pleasant Heights Planned Community are defined as follows:

- The LPH-NC (Neighborhood Commercial) District is intended to provide opportunities for the development of basic neighborhood related goods and services, generally scaled to a market area within a two-mile radius of the proposed center.
- The LPH-CC (Community Commercial) District is intended to provide opportunities for the development of community related goods and services, generally scaled to support an intended market area within a five-mile radius of the proposed center.

Permitted Principal, Conditional and Accessory Uses for LPH-NC and LPH-CC

Table 5, *Commercial Districts Permitted Uses*, provides the Principal (P), Conditional (C) and Accessory (A) uses permitted within the commercial and employment districts for Lake Pleasant Heights. The uses listed below are intended to reflect a general list of the most prominent commercial and employment uses. The uses noted below shall be further regulated by Section 14-9-5 of the Peoria Zoning Ordinance – Limitations on Uses.

Table 6
Commercial Districts Permitted Uses

LAND USE	LPH-NC	LPH-CC
Administrative & Financial		
Automatic Teller Machine (ATM)	P	P
Banks and Financial Institutions	P	P
Bonding Companies & Non-chartered Financial# (see Section 14-9-5.I)	-	-
Medical, Dental or Health Offices	P	P
Professional, Administrative or Business Offices	P	P
Automobile Related		
Auto Auction	-	-
Auto dismantling, Scrap Dealers, Recycling Centers	-	-
Auto Parts and Accessory Store	P	P
Auto Sound System Installation, Auto Glass Tinting &Repair, & similar uses#	-	C
Auto body Repair and Painting Facilities#	-	-
Automobile, Boat, RV, or Motorcycle, Outdoor Sales and Rental	-	-
Automobile Diagnostic and/or Service Establishment#	-	C
Auto Parking Lot or Garage as Principal Use	-	C
Automobile Rental Facility, limit to six (6) vehicles#	-	C
Automobile, RV, & Boat Storage Facility	-	-
Automobile Towing & Impound Facilities	-	-
Automotive Repair Facilities	-	-
Boat & RV Repair	-	-
Car Wash, Automated	C	C

LAND USE	LPH-NC	LPH-CC
(Automobile Related, continued)		
Car Wash, Self Service	C	C
Emissions Testing Facility	-	-
Gas Service Station#	P	P
Tire Sales, Repair and Mounting#	-	P
Truck Stop, including wash	-	-
Eating & Drinking Establishments		
Coffee Shop	P	P
Delicatessen and Catering Establishment	P	P
Food & Beverage Vendor Cart#	A	A
Restaurant, fast-food (drive-thru)	P	P
Restaurant, fast-food (w/o drive thru)	P	P
Restaurants and Cafeterias	P	P
Tavern, Bar, Lounge or Establishment that sells alcoholic beverages for consumption on premise, excluding restaurants#	-	C
Entertainment and Recreation		
Adult Uses#	-	-
Convention Centers and Exhibition Halls	-	-
Dancing, Theatrical or Music Studio	-	P
Golf Courses	-	-
Health and Exercise Center	-	P
Indoor Recreation/Entertainment including Bowling Alleys, Game Rooms, Video Arcades, Ice & Roller Skating Rinks, Shooting Ranges, Pool & Dance Halls, Bingo Halls, & similar uses, excluding Adult Uses & Taverns Bars & Lounges	-	P
Recreation and Social Clubs#	-	P
Resorts	-	P
Tennis, Racquet Clubs, Miniature Golf & similar uses	-	C
Theater, indoor	-	P
Wedding and Reception Center (Ord. 02-21)#	C	C
General Industrial & Manufacturing*		
Essential Public Service or Utility Installation	P	P
Mini-storage warehouses, excluding RV, Boat and Trailer Storage (Ord. 02-21)#	-	C
Recycling Collection Point	A	A
Remote Mail Service	P	P
General Retail		
Antiques, Crafts, and Collectibles Sales	P	P
Bait and Tackle Shops	P	P
Book, Stationery & Greeting Card Store	P	P
Candy and Ice Cream Store	P	P
Carpet and Floor Covering Store	-	P
Copy Center	P	P
Drug Store (liquor sales, 24-hour, pharmacy, general retail)	P	P
Florist	P	P
Gift, Novelty and Souvenir Shop	P	P
Hobby, Stamp and Coin Shop	P	P
Newsstand	P	P
Pawn Shop# (see Section 14-9-5.I)	-	-
Pet Shop	P	P

LAND USE	LPH-NC	LPH-CC
(General Retail continued)		
Plumbing, Heating & Air-conditioning Sales and Service	-	-
Retail Decorative Rock Sales	-	C
Retail Sales of Merchandise, Indoor	P	P
Retail Liquor Store# (see Section 14-9-5.J)	-	C
Surplus Store	-	-
Thrift Store	-	-
Video Rental Store	P	P
Water and Ice Store	P	P
Institutional		
Art Gallery	P	P
College or University#	-	-
Cultural Institutions	P	P
Day Care Centers or Pre-school Centers#	P	P
Group Care Facility or Community Residential Facility#	-	-
Homeless Shelter & similar uses	-	-
Libraries and Museums	P	P
Non-profit Social services#	P	P
Nursing or Convalescent Home, Long term Care Facility#	-	C
Public Buildings#	P	P
Public Utility Buildings, Structures, Uses, Facilities and Equipment#***	P	P
Religious Institutions & similar places of worship#	P	P
Public/Private Schools, Educational Institutions, Business, Technical or Vocational excluding Colleges Universities#	-	P
Substance Abuse Detoxification & Treatment Centers	-	-
Wireless Communication Facilities (regulated per Section 14-3-13 of the Peoria Zoning Ordinance)	C	C
Intense Retail		
Appliance, Furniture, & Household Equipment Sales and Rentals	P	P
Office Supply & Machine Sales & Service	P	P
Department Store	P	P
Equipment Sales, Rental and Storage Yard	-	-
Farmers Markets	-	C
Hardware Store with outdoor storage	C	C
Large Scale Retail (Big Box Retail)	-	C
Home Improvement Store	P	P
Mobile Home Sales	-	-
Monument Sales and Engraving Shop	-	P
Outdoor Sales and Display Area (Ord. 02-21) #	-	-
Plant Nursery, Retail**	-	C
Plant Nursery, Wholesale	-	-
Retail Sales of Lumber & Building Materials#	-	C
Sales & Storage of grain, feed, seed, fertilizer, farm & garden supplies	-	C
Swap Meet, indoor	-	-
Swap Meet, outdoor & similar outdoor sales	-	-
Upholstery Shop	-	-
Wholesale Produce Storage or Market	-	-
Wholesale sales of finished goods	-	P

LAND USE	LPH-NC	LPH-CC
Lodging		
Bed and Breakfast Inn#	-	-
Hotel or Motel#	-	P
Living quarter for night guards	-	C
Medical		
Ambulance Service Facility	-	C
Emergency Medical Care Facility#	-	C
Hospitals	-	-
Medical, Dental, Optician or Health, Clinics and Laboratories	P	P
Veterinary Hospital#	-	C
Veterinary Offices and Clinics, excluding animal boarding#	P	P
Personal Services		
Animal Shelter	-	-
Appliance Repair	-	-
Auction Houses and Estate Sales	-	-
Boarding Kennels	-	-
Blueprint Shop	-	-
Cabinet and Carpentry Shop	-	-
Custom Dressmaking, Furrier, Millinery or Tailor Shop#	-	-
Dry Cleaning and Laundry Establishment	P	P
Employment Agencies, not including Day Labor Hiring Centers	-	P
Laundromat, self-service	P	P
Locksmith	P	P
Messenger Delivery Service	P	P
Plasma Center, Massage Establishment, Tattoo & Body Piercing Studio#	-	C
Palm Readers, Phrenologists, Fortune Tellers and Astrologers	-	-
Tanning salon, Nail Salon, Barber Shop, Beauty parlor & similar uses	P	P
Pest Control Service	-	-
Pet Grooming Shop	P	P
Photographic Developing and Printing	P	P
Photographic Studio	P	P
Radio and Television Sales and Service	P	P
Recording Studio	-	P
Shoe Sales and Service, Clothing Alteration	P	P
Sightseeing Tour Companies	P	P
Ticket and Travel Agency	P	P
Watch and Clock Repair Shop	P	P
Transportation		
Aviation uses such as Aircraft Repair, Aircraft Sales & Air Charter Services	-	-
Bus Terminals	-	C
Marine Fuel Facility	-	-
Rail and Motor Freight Terminals & Facilities	-	-
School Bus Parking and Maintenance	-	-

P = Permitted Use
C = Permitted Conditional Use. Conditional Use Permit required. See Peoria Zoning Ordinance Article 14-39-10.
A = Permitted Accessory Use
- = Not Permitted.
= Subject to special limitations per Section 14-9-5 of the Peoria Zoning Ordinance, if permitted or

conditional use. However, Lake Pleasant Heights shall be exempt from provision contained Article 14-9-5.F.6.

* = No industrial or manufacturing uses will be allowed within Lake Pleasant Heights, except as indicated in the above table.

** = Outdoor sales of nursery stock, lawn furniture and home garden supplies when developed as an integral part of the planned complex and screened from view from any street.

*** = Water treatment facilities are included.

Commercial Development Standards

City of Peoria Article 14-9 Non-Residential Standards for Intermediate Commercial District (C-2) shall apply to both the LPH-NC - Neighborhood Commercial District and the LPH-CC - Community Commercial District. Outdoor storage of goods and materials shall be prohibited unless fully screened.

Commercial Development shall be subject to the City of Peoria Zoning Ordinance and Design Review contained in Appendix K, unless modified in this document.

c. General Development Standards – All Uses

1. Landscape Standards

The landscape standards for the Lake Pleasant Heights Planned Community District shall be as established in Article 14-35 – Landscape Requirements of the Peoria Zoning Ordinance unless otherwise noted herein.

2. Parking Standards

The parking standards for the Lake Pleasant Heights Planned Community District shall be as established in Article 14-23 of the Peoria Zoning Ordinance.

3. Walls and Fences

The wall and fence standards for the Lake Pleasant Heights Planned Community District shall be as established in Section 14-3-5 of the Peoria Zoning Ordinance, except as modified below.

Provision A.5, regarding wall undulation, shall be modified to read as follows: *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 every other side lot line for lots 65 feet or greater in width, and every third side lot line for lots less than 65 feet in width, to provide variety and visual interest. The undulation (wall offset) depth from the primary wall alignment shall be a minimum of three (3) feet. Alternate patterns to the above requirements may be approved during the Preliminary Plat or Site Plan Review Process. A wall easement one and one-half (1.5) feet in width on both sides of the property/lot line, totaling three (3) feet in width will be dedicated where the wall is required to undulate.* This provision is modified to be consistent with the modification to a similar standard within the Design Review Manual.

Provision B.7, regarding noise attenuation walls in residential areas, shall be modified to read as follows: *Where adjacent to a transportation corridor, a masonry noise attenuation wall constructed of a minimum of six (6) inch thick concrete block, or as otherwise approved by the City Engineer, upon finding that projected noise levels*

affiliated with the transportation corridor will exceed 65 LDN, shall be placed adjacent to the transportation corridor for any residential subdivision. The proposed wall height will be designed to mitigate the noise level below 65 LDN from the initial projection through the consideration of height, proposed materials, distance and the review of traffic projections under a twenty year projection. The wall shall be placed adjacent to the transportation corridor for any residential subdivision recorded after the effective date of this Ordinance. A transportation corridor shall be defined as El Mirage Road or Westland Drive. Along all other arterials, an eight-foot wall, measured from the roadway, shall be installed.

SECTION 14-22A-9 PERIMETER WALLS, PRIVACY WALLS, RETAINING WALLS AND SPILL SLOPES

D. *Residential retaining walls that can be viewed from off the lot, shall not exceed six (6) feet in height; non-residential retaining walls shall not exceed eight (8) feet in height; if additional height is needed, the wall shall be offset at a minimum of four (4) feet or one (1) foot per one (1) foot of height, whichever is greater.*

G. *Perimeter walls or fences approved by the Planning Manager within the ten to fifteen percent (10-15%) slope category and abutting an open space area or tract, shall be a maximum of six feet eight inches (6'8") in height. That portion of the wall or fence not constructed of a solid or opaque material shall be open in design and may not include chain-link or wood materials. Notwithstanding the foregoing, walls exceeding six feet eight inches (6' 8") in height and constructed of solid or opaque material may be approved by the Planning Manager if the wall is for the purpose of screening non-residential uses.*

Perimeter walls adjacent to minor arterial or higher street classifications shall be eight (8) feet in height (unless the City Engineer requires a noise study to address noise projections in excess of 65 LDN; then the noise study shall determine wall height) with a horizontal and vertical undulating pattern as per the revised Provision 14-3-5 A.5 above.

Perimeter walls adjacent to collectors, retention areas or open space shall be six (6) feet in height with a horizontal and vertical undulating pattern as per the revised Provision 14-3-5 A.5 above

4. Sign Standards

The sign standards for the Lake Pleasant Heights Planned Community District shall be as established in Article 14-34 of the Peoria Zoning Ordinance, except as modified below.

Section 14-34-8 - A.20.c Eight (8) total Master Development Marketing signs shall be allowed for the Lake Pleasant Heights community district.

Section 14-34-8 – A.23.g, Off-Site Master Planned Development Directional Signs must be located within a Six (6) mile radius of the Lake Pleasant Heights Planned Community District. A maximum of eight Off-Site Master Planned Development Directional Signs are allowed; four (4) signs shall be within a four (4) mile-radius, and

four (4) signs shall be within a six (6) mile-radius of the Lake Pleasant Heights Planned Community Development. See Appendix P for a graphical representation of the one (1) through six (6) miles radiuses.

5. Design Review

All development within the Lake Pleasant Heights Planned Community District shall conform to the requirements of the City of Peoria Design Review Manual in effect as of the Lake Pleasant Heights PCD approval, except as modified below.

Modifications to the current Design Review Manual for Residential are as follows:

Localized recreational amenities, active and/or passive, will be provided within a distance of one-half (1/4) mile (1320 feet) from each subdivided residential lot. Local amenities may include a ramada, trailhead, environment view node, tot lot, basketball court, volleyball court, tennis court, or other amenities. Local useable open space areas shall be provided for parcels with lots 4,000 s.f and less as per Table 12.2 in the City of Peoria Residential Design Section 20-70-12.C.1.a in Appendix K of this document.

d. Desert Lands Conservation

1. Desert Lands Conservation Overlay (Article 14-22B)

The Lake Pleasant Heights Planned Community District Overlay will adhere to the Desert Lands Conservation Overlay except as follows:

SECTION 14-22B-2 APPLICABILITY

B. Conservation Features

16. *Wash, Primary: Wide, sand bottom washes that carry drainage from a relatively broad watershed and are fed by a number of smaller tributary washes. These washes generally have dense thickets of tree and shrub vegetation along their edges and are easily identified from aerial photographs. Maximum flow capacities are between 50 and 500 cubic feet per second.*

17. *Wash, Secondary: Tributaries to the significant washes and the rivers. The majority of these washes are the finger washes, which occur between slopes in the rugged areas. They have narrow sand bottoms or are V-shaped. There is increased vegetation density along these washes but the vegetation consists mainly of large shrub category. Maximum flow capacities are up to 50 cubic feet per second.*

SECTION 14-22B-3 DEFINITIONS

S. *Master Conservation Plan (MCP): A submittal required with any site plan or subdivision plat application to the City for property within the Desert Lands Conservation Overlay, and which contains the identification of conservation features, native plants to be relocated and/or destroyed, development areas and conservation areas.*

SECTION 14-22B-4 REVIEW AND APPROVAL PROCESS

D. Master Conservation Plan

4. Identification of Conservation and Development Areas, including:

d. *Native plants to be relocated and/or destroyed.*

SECTION 14-22B-5 CONSERVATION STANDARDS

A. Natural Open Space (NOS)

5. *The minimum horizontal dimension for NOS is fifty (50) feet, unless adjacent to other NOS and the overall horizontal dimension is a minimum of fifty (50) feet The minimum dimension for NOS shall remain 75 feet for all NOS that acts as a connection to other NOS.*

6. *Where the minimum finished lot size is Twenty-Four thousand (24,000) square feet or less, NOS shall not be allowed on individual lots and must be placed in common tracts, unless it is contiguous to a NOS tract/easement.*

11. *Identification of NOS shall be coordinated with the Peoria Hillside Overlay District, Article 14-22A of this code, and the planning of NOS shall specifically consider transfer of density and disturbed area. For Hillside Areas, NOS shall be located in areas planned to be undisturbed or restored.*

15. *Deleted in its entirety.*

B. Rivers and Washes

1. *All Primary Washes shall be preserved in an undisturbed condition and the habitat value preserved in its original condition with the exception of roadway, utility and golf cart crossings. Secondary Washes may be altered or eliminated.*

2. *An undisturbed area of twenty-five (25) feet measured from the edge of riparian vegetation or the floodplain, whichever is greater, shall be preserved on both sides of a Wash that has a 100-year peak flow greater than seven hundred (700) cfs with the exception of wash areas adjacent to golf courses.*

3. *If a Wash has a one hundred-year peak flow of less than seven hundred (700) cfs, the area to remain undisturbed should be determined by a width sufficient to allow for wildlife passage outside of the incised wash. Golf courses are considered open space and are exempt from this requirement.*

4. *Golf course development using wash corridors shall maintain or create native plant materials similar in density and animal passage corridors similar in dimension to the natural feature that was disturbed.*

C. Wildlife Habitat

1. *Corridors shall be established along both sides of washes identified for conservation which include the estimated 100-year floodplain and an additional upland buffer of twenty-five (25) feet or the outer edge of the erosion hazard zone, if identified in a map as part of a drainage system improvement plan resulting from a drainage study performed by an engineer registered in the state of Arizona, whichever is greater. Golf courses are permitted adjacent to and within the 100-year floodplain. Non-motorized trails shall be permitted within the upland buffer.*

F. Native Plants

2. *Minimum size requirements necessary to establish Protected Plant Status Include four (4) inch caliper or greater for trees and three (3) feet tall or greater for cacti.*

3. Protected Native Plant List

Protected Native Plant List

Botanical Name	**Common Name**
TREES	
Cercidium floridum	Blue Palo Verde
Cercidium microphyllum	Foothills Palo Verde
Chilopsis linearis	Desert Willow
Juniperus mono sperma	One-Seeded Juniper
Olneya tesota	Ironwood
Populus fremontii	Fremont Cottonwood
Prosopis velutina	Velvet Mesquite
CACTI/SUCCULENTS/ACCENTS	
Carnegiea gigantean	Saguaro
Ferocactus species	Barrel Cactus
Fouquieria splendens	Ocotillo
Peniocereus greggii	Desert Night-Blooming Cereus
Yucca baccata	Banana Yucca/Blue Yucca/Datil Yucca
Yucca elata	Soaptree Yucca

The Prohibited Plant Species list is accepted in its entirety except as modified below:

PROHIBITED PLANT SPECIES LIST	
TREES	
Cenchrus ciliaris or Pennisetum cileare	*Buffalo Grass*
Cynodon dactylon (except in golf courses, private backyards, enclosed courtyards, and public use areas buffered from Native Sonoran Zones by Sonoran Character Zones - see Desert Lands Conservation Guide)	*Common Bermuda Grass*

2. Hillside Development Overlay (HDO) District (Article 14-22A)

The Lake Pleasant Heights Planned Community District Overlay will be consistent with the Hillside Development Overlay except as follows:

SECTION 14-22A-3 SLOPE DETERMINATION

E. To determine parcel density and the location and extent of slope categories, carry out one of the following procedures:

2. Computer Generated Slope Determination Method:

c. Computer generated slope analyses shall be prepared utilizing the following modeling parameters:

1) *Maximum two (2) foot slope contour intervals for slopes less than twenty- five (25) percent;*

2) *Maximum five (5) foot slope contour intervals for slopes more than twenty-five (25) percent;*

SECTION 14-22A-4 GENERAL PROVISIONS FOR CONSTRUCTION ON A HILLSIDE LOT

B. *In those situations where density has been transferred from a higher slope category to a lower slope category minimum lot sizes shall be limited as shown in Table 2. Minimum lot sizes are allowed to be reduced by twenty percent (20%) provided that all dwelling units/development rights have been transferred off of slope categories greater than twenty-five percent (25%).*

Table 2	
Slope Category	**Minimum Lot Size**
10% to 15%	10,000 square feet
15% to 20%	26,000 square feet
20% to 25%	30,000 square feet
25% to 30%	75,000 square feet
Over 30%	Same as Table 1

Minimum lot size may be reduced if a clustered development plan is utilized.

E. *Maximum lot coverage by the main building and all accessory buildings, excluding garage and covered patio, shall not occupy more than that permitted by the zoning district or Table 3, whichever is the lesser area.*

SECTION 14-22A-6 DISTURBED AREA

Table 3				
Building Site Slope Category	**Disturbed Area**	**Maximum Coverage**	**Total Disturbed Area**	**Maximum Lot Coverage After Transfer**
10% to 15%	25%	30%	55%	40%
15% to 20%	20%	25%	45%	30%
20% to 25%	20%	20%	40%	25%
25% to 30%	15%	15%	30%	15%
30% to 35%	12%	10%	22%	10%
35% to Over	10%	7.5%	17.5%	7.5%

H.7.d. *The resulting change in Disturbed Area does not result in more cuts into hillside slopes above the 25% slope line or changes in contours that will remain unrestored;*

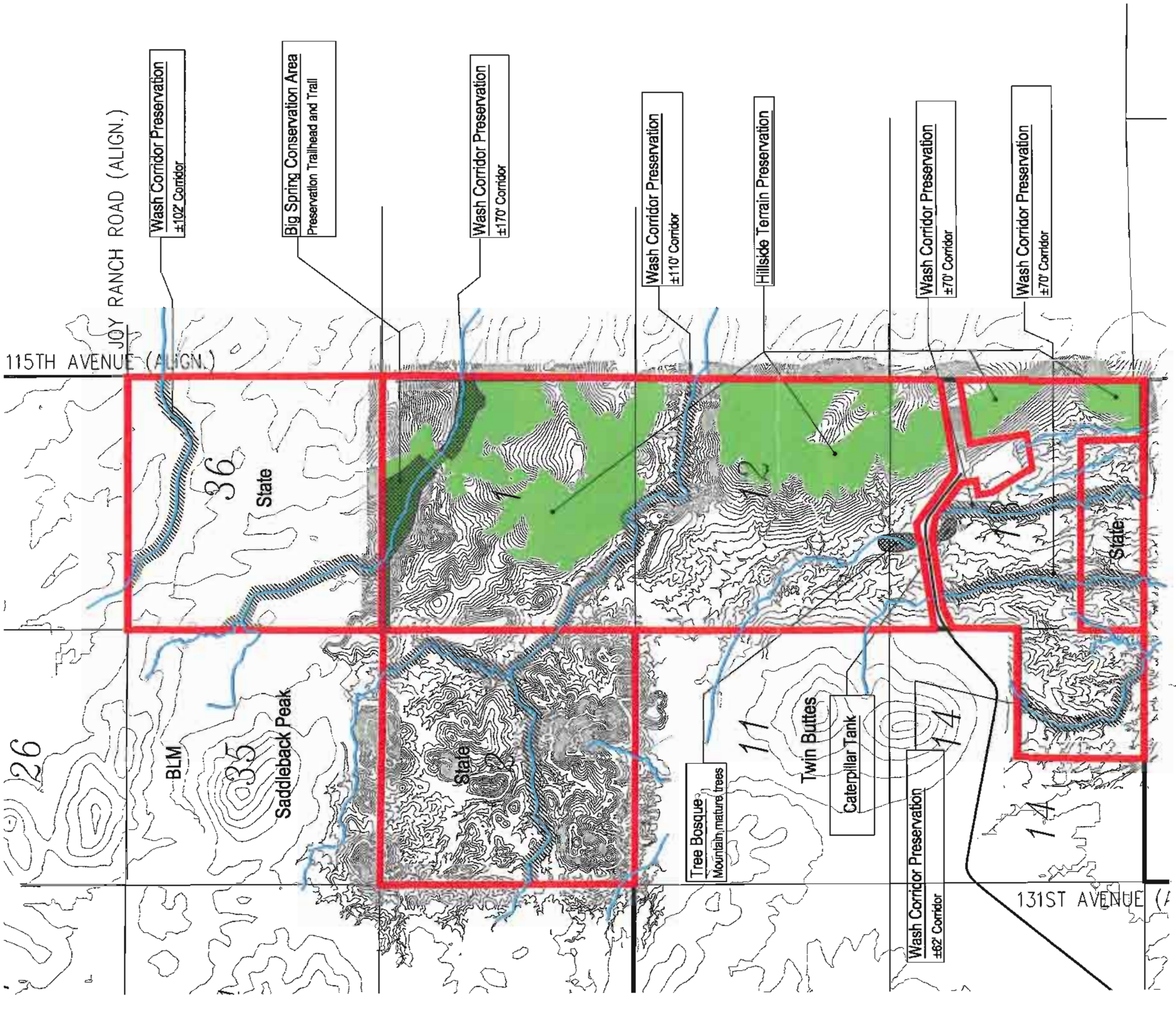
Refer to the *Character / Conservation Plan*, **Figure 21**, which is a general characterization of some features associated with the Desert Lands Conservation Report.

Figure 20

Character/Conservation Plan

Legend

- Preservation Feature
- Wash Corridor Preservation
- Hillside Terrain Preservation
- Wash Corridor



NORTH

5.6 2005

Lake Pleasant Heights

Planned Community District

7. Development Schedule

a. Purpose and Intent

This section contains the development schedule necessary to implement the private lands within Lake Pleasant Heights Planned Community District and to comply with provisions of the Planned Community District as provided by Section 14-36-3C of the Peoria Zoning Ordinance. The development schedule for the State Trust Lands will be determined at a later date by the State Land Department or the purchaser of the State Trust Land.

b. Project Timeline

It is anticipated that Lake Pleasant Heights will have an approximate build out of seven (7) years, depending on market conditions. Due to the timeframe for the build out of the community, all development and related infrastructure will be built in phases. Development is expected to begin in the southern portion of the site on private land and move north, ending with the state land (Sections 2 and 36).

c. Project Phasing

Lake Pleasant Heights is anticipated to be developed in five phases as dictated by demand. These phases will include residential, commercial and community facilities. The development schedules for each of the five phases are exhibited in **Figure 22**, *Development Phasing Plan.* The extension of infrastructure will occur in tandem with the phasing of development in accordance with descriptions as shown in **Figure 23,** *Water, Sewer and Paving Phasing Plan.* Current development schedules are anticipated as follows:

- *Phase 1 – 2005 through 2006 ≈ 1,535 Units*
- *Phase 2 – 2006 ≈ 517 Units*
- *Phase 3 – 2007 ≈ 708 Units*
- *Phase 4 – 2007 ≈ 529 Units*
- *Phase 5 – 2008 through 2010 ≈ 413 Units*

Adherence to the proposed development schedule is reliant on future market conditions.

The proposed schedule demonstrates general development phasing intent and is not intended to specifically bind the Developer. The Developer may develop in an area outside of the boundaries of a phase shown on the phasing plan, so long as the completion of the appropriate infrastructure is developed concurrently. Such development shall commence in accordance with applicable code and ordinances. Infrastructure plans will be updated subsequent to changes in the phasing plan. Such revisions may be approved administratively and do not constitute a Minor Amendment to the PCD.

d. Off-Site Roadway Phasing

The following offsite roadways will be constructed based on approved Final Plat lot counts within Lake Pleasant Heights:

- By the first 1,500th * unit half-street of lone mountain (130' right-of-way containing three-median-three with bike lanes is the full street section) shall be constructed from El Mirage Road to Lake Pleasant Parkway. Additionally El Mirage Road (130' right-of-way two-median-two with bike lanes outside to outside) shall be constructed from Lone Mountain Road to the southern section line of Section 13, T5N, R1W (southern property line of Lake Pleasant Heights PCD).

- By the 3,700th unit half-street of El Mirage Road, along the El Mirage Road alignment shown in this document, (130' right-of-way containing three-median-three with bike lanes is the full street section) shall be constructed from Cloud Road alignment to SR 74. Sections of the El Mirage Road alignment are bifurcated and will require a larger right-of-way section, in theses sections the median width will vary and the roadway section of three lanes with bike lane shall remain constant.

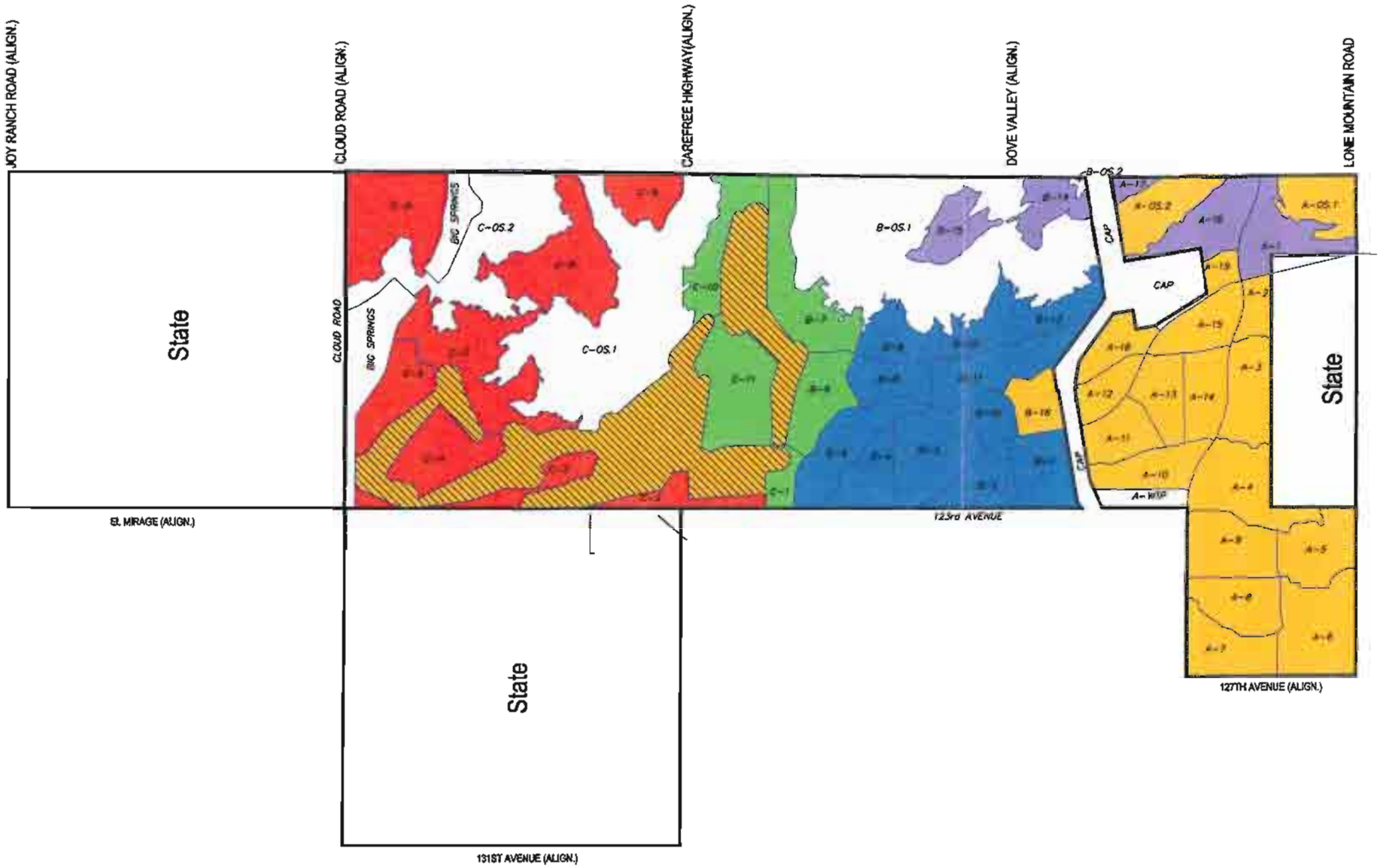
- By the 5,200 unit the half-street of Westland Road (130' right-of-way containing two-median-two with bike lanes outside to outside is the full street section) shall be constructed from 115th Avenue to Loop 303.

- BY the 6,700 unit the remaining half-street of Westland Road 130' right-of-way containing two-median-two with bike lanes outside to outside is the full street section) shall be constructed from 115th Avenue to Loop 303.

* Construction shall commence by the 750th unit

Figure 21

Development Phasing Plan

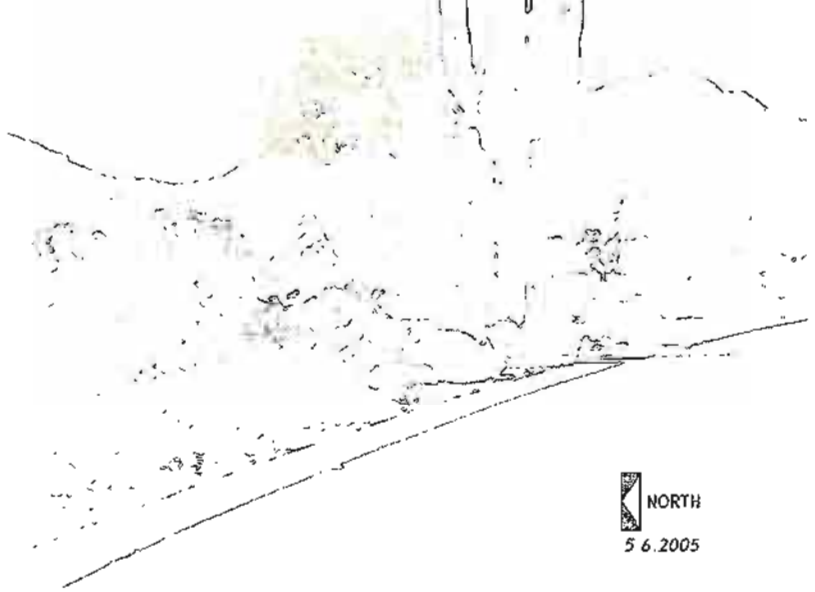


Legend

- Phase 1
- Phase 1 (Golf Course)
- Phase 2
- Phase 3
- Phase 4
- Phase 5

* School Site will be developed by the school district schedule.

** Golf Course is anticipated to start devegetation with Phase 1.

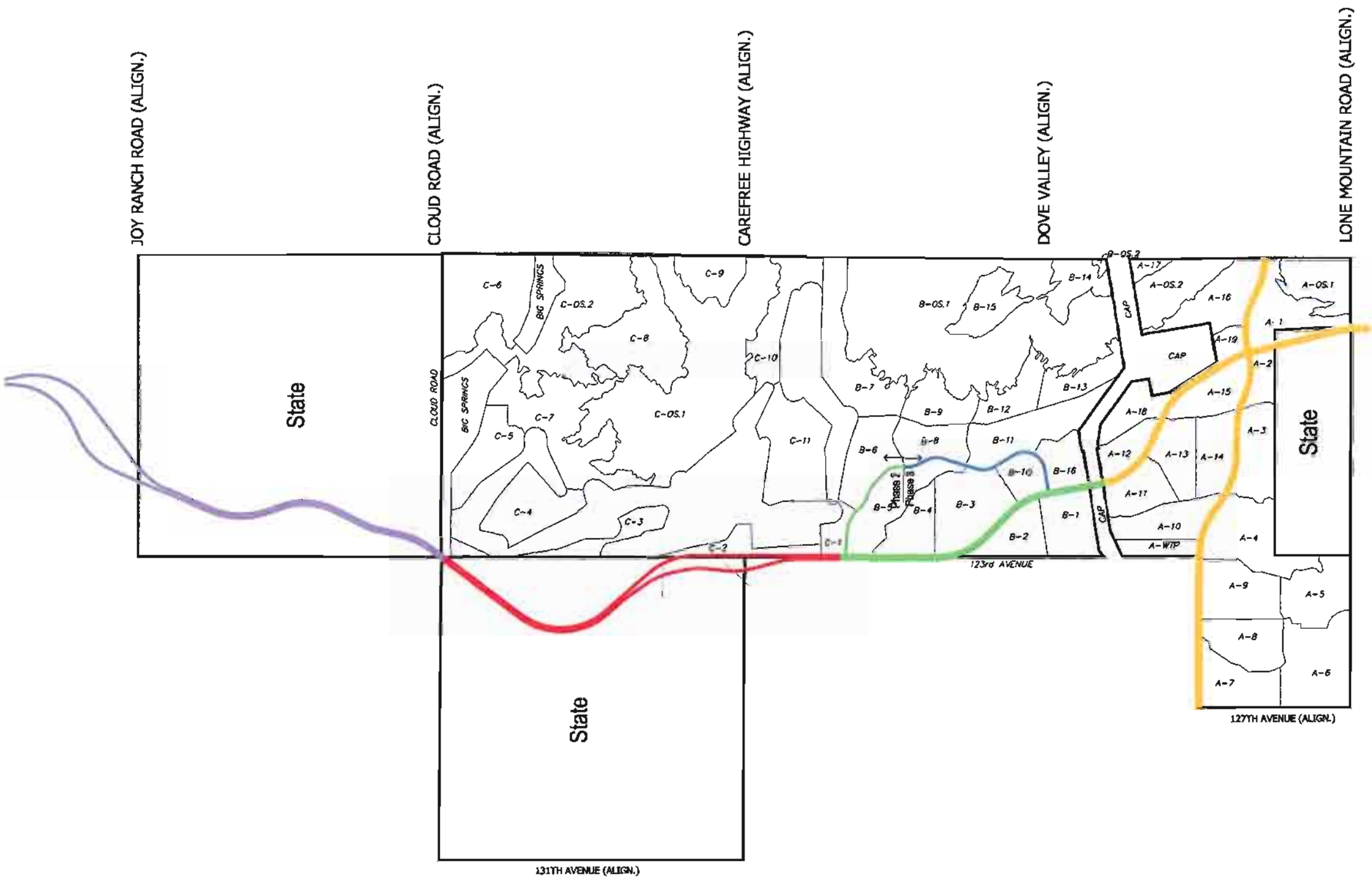


Lake Pleasant Heights

Planned Community District

Figure 22

Lake Pleasant Heights Wastewater, Water & Roadway Infrastructure (By Phase)



Legend

- Phase 1
- Phase 2
- Phase 3
- Phase 4
- Phase 5

NORTH

5 6.2005

Lake Pleasant Heights

Planned Community District

Appendices

A. Property Ownership Verification

B. Property Ownership Authorization

C. Traffic Impact Study

D. Biological Assessment

E. Site Photographs

F. Big Spring Legal Description

G. Master Drainage and Hydrology Report

H. Water and Wastewater Master Plan

I. Public Notification

J. City Council Stipulations of Planned Community District Approval

K. Zoning Ordinance Excerpts

L. Cost Impact Analysis

M. Desert Land Conservation Report

N. Development Agreement

O. Lake Pleasant Heights Design Guidelines

P. Off-Site Master Planned Development Directional Sign Radius Exhibit

Appendix A

Property Ownership Verification

OWNERSHIP VERIFICATION

It is requested that a rezoning application be accepted by the Current Planning for property generally located: North of the Lone Mountain Road alignment, West of the 115th Avenue alignment, South of the Joy Ranch Road alignment, and East of the 123rd and 131st Avenue alignments.

Said property is owned by following:

Group Three and Noranda Properties
7201 East Camelback Road, Suite # 305
Scottsdale Arizona 85251
Telephone Number: (480) 874-2389

Arizona State Land Department
1616 West Adams Street
Phoenix, Arizona
Telephone Number: (602) 542-2646

Pleasant Views, L.L.C.
16009 North 81st Street, Suite # 200
Scottsdale, Arizona 85260
Telephone Number: (480) 945-9292

Telephone Number:

The subject property is legally described as: Please see attached legal description and exhibit (or see attached).

The subject property contains 3,268 gross acres (includes right-of-way to the centerline of adjacent street or alley) AND 0 net acres (excludes adjacent perimeter right-of-way).

Tax Parcel Number(s): 503-88-019A, 503-88-006, 503-88-007B, 503-88-007A & 503-88-008

Attached is a map/survey, which accurately portrays the parcel configuration and property dimensions, as reflected in the legal description.

I hereby certify that the above information and information submitted as part of the requested application is correct, and that I am authorized to file an application on said property, being either the owner of record or authorized to file on behalf of the owner. (If not the owner of record, attach written authorization from owner.)

Applicant's Signature

10/5/05
Date

LEGAL DESCRIPTION
FOR
GROUP THREE AND NORANDA PROPERTIES
AT
LAKE PLEASANT HEIGHTS

Lots 1 through 7 inclusive; The southwest quarter of the northeast quarter; the south half of the northwest quarter; the southwest quarter and the west half of the southeast quarter of Section 1, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Lots 1 through 4 inclusive; the West half of the East half; and the West half of Section 12, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Lots 5, 6, 7 and 9 of Section 13, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Together with the following described parcel of land:

That certain part of the southeast quarter of Section 13, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the southeast corner of said Section 13:

Thence along the East line of said southeast quarter, North 00 degrees, 04 minutes, 37 seconds East a distance of 1927.03 feet to a point from which the East quarter corner of said Section 13 bears North 00 degrees 04 minutes 37 seconds East at a distance of 717.24 feet;

Thence leaving said East line, North 89 degrees 55 minutes 23 seconds West a distance of 1154.21 feet to the Point of Beginning, said point lying on a non-tangent curve, concave southeasterly, the radius point of which bears South 04 degrees 52 minutes 15 seconds West a distance of 1275.00 feet;

thence southwesterly along the arc of said curve, through a central angle of 18 degrees 00 minutes 37 seconds a distance of 400.78 feet to the beginning of a non-tangent line;

thence along the said non-tangent line North 60 degrees 25 minutes 59 seconds West a distance of 32.89 feet to the beginning of a non-tangent curve, concave southwesterly, the radius point of which bears South 72 degrees 07 minutes 40 seconds West at a distance of 1425.00 feet;

FOR
GROUP THREE AND NORANDA LEGAL DESCRIPTION
PROPERTIES
AT
LAKE PLEASANT HEIGHTS (CONT.)

thence northwesterly along the arc of said curve, through a central angle of 13 degrees 53 minutes 40 seconds, a distance of 345.57 feet to the beginning of a tangent line;

thence along said tangent line, North 31 degrees 46 minutes 00 seconds West a distance of 147.11 feet to a point of intersection with Government Lot 16 of said Section 13;

thence along the southerly boundary of said Lot 16, North 80 degrees 47 minutes 52 seconds East a distance of 447.08 feet to a point;

thence leaving said southerly boundary and traversing the following courses and distances:

South 31 degrees 05 minutes 42 seconds East, 145.34 feet;

South 28 degrees 29 minutes 43 seconds East, 100.28 feet;

South 21 degrees 59 minutes 19 seconds East, 223.83 feet;

South 00 degrees 36 minutes 15 seconds East, 76.78 feet to the Point of Beginning.

LEGAL DESCRIPTION
FOR
PLEASANT VIEWS, L.L.C.
AT
LAKE PLEASANT HEIGHTS

Lots 4, 8, 10, 11, 12, 13, 14, 15 inclusive; the southeast quarter of the northwest quarter; the north half of the southwest quarter of Section 13, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Except there from the following described parcel of land:

That certain part of the southeast quarter of Section 13, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the southeast corner of said Section 13:

Thence along the East line of said southeast quarter, North 00 degrees, 04 minutes, 37 seconds East a distance of 1927.03 feet to a point from which the East quarter corner of said Section 13 bears North 00 degrees 04 minutes 37 seconds East at a distance of 717.24 feet;

Thence leaving said East line, North 89 degrees 55 minutes 23 seconds West a distance of 1154.21 feet to the Point of Beginning, said point lying on a non-tangent curve, concave southeasterly, the radius point of which bears South 04 degrees 52 minutes 15 seconds West a distance of 1275.00 feet;

thence southwesterly along the arc of said curve, through a central angle of 18 degrees 00 minutes 37 seconds a distance of 400.78 feet to the beginning of a non-tangent line;

thence along the said non-tangent line North 60 degrees 25 minutes 59 seconds West a distance of 32.89 feet to the beginning of a non-tangent curve, concave southwesterly, the radius point of which bears South 72 degrees 07 minutes 40 seconds West at a distance of 1425.00 feet;

thence northwesterly along the arc of said curve, through a central angle of 13 degrees 53 minutes 40 seconds, a distance of 345.57 feet to the beginning of a tangent line;

thence along said tangent line, North 31 degrees 46 minutes 00 seconds West a distance of 147.11 feet to a point of intersection with Government Lot 16 of said Section 13;

LEGAL DESCRIPTION
FOR
PLEASANT VIEWS, L.L.C.
AT
LAKE PLEASANT HEIGHTS (CONT.)

thence along the southerly boundary of said Lot 16, North 80 degrees 47 minutes 52 seconds East a distance of 447.08 feet to a point;

thence leaving said southerly boundary and traversing the following courses and distances:

South 31 degrees 05 minutes 42 seconds East, 145.34 feet;

South 28 degrees 29 minutes 43 seconds East, 100.28 feet;

South 21 degrees 59 minutes 19 seconds East, 223.83 feet;

South 00 degrees 36 minutes 15 seconds East, 76.78 feet to the Point of Beginning.

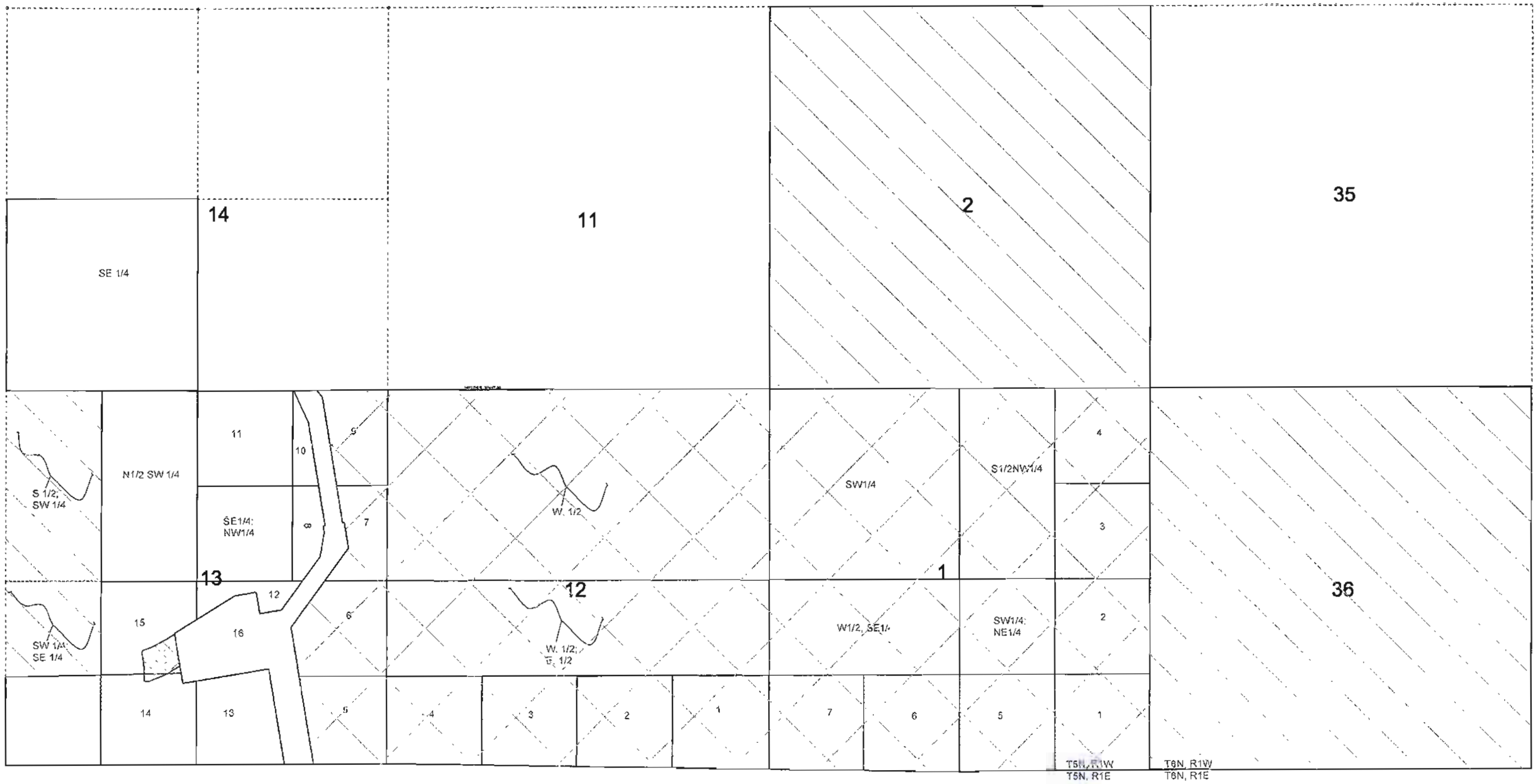
LEGAL DESCRIPTION
FOR
ARIZONA STATE LAND DEPARTMENT
AT
LAKE PLEASANT HEIGHTS

Section 36, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona,

Section 2, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona,

The southwest quarter of the southeast quarter; the south half of the southwest quarter of Section 13, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona,

OWNERSHIP VERIFICATION MAP



STATE LAND DEPARTMENT

GROUP THREE & NORANDA PROPERTIES

NO HATCH PLEASANT VIEWS, L.L.C.

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

1. Effective Date: September 27, 2005at: 7:30 A. M. Escrow/Title No. 2521919 17

   Escrow Officer: Alan P. Costley Title Officer: Gloria Lape whr/dee

2. ALTA Form Policy or Policies to be Issued:

   A. Owners Policy

   OWNER'S EXTENDED Amount: $0.00

   Proposed Insured:
   MILLER HOLDINGS INC., an Arizona corporation

   B. Owners Policy

   Amount: $0.00

   Proposed Insured:

   C. Loan Policy

   Amount: $0.00

   Proposed Insured:

   D. Loan Policy

   Amount: $0.00

   Proposed Insured:

3. The Estate or Interest in the land described or referred to in this Commitment, and covered herein is:
   A Fee, as to Parcel Nos. 1, 2, 5 and 6 and an Easement as to Parcel Nos. 3 and 4

4. Title to the Estate or Interest in said land is at the effective date hereby Vested in:
   NORANDA PROPERTIES, INC., an Arizona corporation (Fee as to Parcel 1 and Easement as to Parcels 3 and 4) and GROUP THREE PROPERTIES, an Arizona general partnership (Fee as to Parcels 2, 5 and 6 and Easements as to Parcels 3 and 4)

5. The land referred to in this Commitment is situated in the County of Maricopa State of Arizona, and is described as follows:

   Legal Description - Continued

CHICAGO TITLE INSURANCE COMPANY

LEGAL DESCRIPTION

Escrow/Title No. 2521919 17

PARCEL NO. 1:

Lots 1-7, inclusive; the Southwest quarter of the Northeast quarter; the South half of the Northwest quarter; the Southwest quarter; and the West half of the Southeast quarter of Section 1, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT THE SOUTH 30 FEET OF THE WEST 30 FEET THEREOF.

PARCEL NO. 2:

The South 30 feet of the West 30 feet of the following described property:

Lots 1-7, inclusive; the Southwest quarter of the Northeast quarter; the South half of the Northwest quarter; the Southwest quarter; and the West half of the Southeast quarter of Section 1, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

PARCEL NO. 3:

An easement for access and utilities created in Recording No. 98-223363 and supplemented in Recording No. 99-214316;

over the East 30 feet of the following Parcels A, B and C:

(A) the portion of Section 27, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying South of the right of way of Arizona Highway 74

(B) Section 34, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona

(C) Section 3, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

and over the West 30 feet of the North 30 feet of Section 12, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona

PARCEL NO. 4:

An easement for access and utilities over the North 30 feet of Section 11, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

and over the East 30 feet of the North 30 feet of Section 10, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

LEGAL DESCRIPTION

Escrow/Title No. 2521919 17

PARCEL NO. 5:

Lots 1 through 4, inclusive; the West half of the East half; and the West half of Section 12, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

PARCEL NO. 6:

Lots 5, 6, 7 and 9 of Section 13, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

AND EXCEPT any portion lying within the Central Arizona Project Canal right of way.

CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B - SECTION 1

REQUIREMENTS

Escrow/Title No. 2521919 17

The following are the requirements to be complied with:

1. Payment to or for the account of the Grantors or Mortgagors of the full consideration for the estate to be insured.

2. Instruments in insurable form which must be executed, delivered and duly filed for record:

SPECIAL REQUIREMENTS:

A 1. Currently certified copy of a resolution by the Board of Directors of Noranda Properties, Inc., an Arizona corporation, a corporation, which authorizes the execution and delivery by the proper officers of all necessary instruments to complete this transaction. Said certification must be by an officer other than the officers authorized to sign and must state that the resolution has not been revoked

B 2. Proper showing that PLEASANT VIEWS LLC, an Arizona limited liability company is a legal entity capable of holding title to real property

C 3. Certificate of Partnership (Ficticious Name) for Group Three Properties, an Arizona General Partnership, executed by all of the general partners.

NOTE: A copy of the complete partnership agreement will be required if less than all of the partners are signing and the certificate does not show a managing partner

D 4. Mutual cancellation of Option to Purchase from Noranda Properties, Inc., an Arizona corporation to Miller Holdings, Inc., an Arizona corporation dated April 21, 2004, recorded April 26, 2004 in Recording No. 2004-0445384, for a term None

E 5. Partial Release and Reconveyance of Deed of Trust to secure an original principal amount of $20,000,000.00, made by:
Trustor: Group Three Properties, an Arizona general partnership with an address of Attn: Gary Torhjelm, 7201 East Camelback Road, Suite 305, Scottsdale, Arizona 85250
Trustee: J. Lawrence McCormley, with an address of Tiffany & Bosco, P.A. Third Floor Esplanade II, 2525 East Camelback Road, Phoenix, Arizona 85016
Beneficiary: Bank Midwest, N.A. with an address of 1100 Main Street, Suite 350, Kansas City, Missouri 64105, Attn: Joe Neuerburg
dated June 21, 2005, recorded June 22, 2005 in Recording No. 2005-0850924

F 6. Partial termination of Financing Statement made by:
Debtor: Group Three Properties
Secured Party: Bank Midwest, N.A.
dated Not shown, recorded June 22, 2005 in Recording No. 2005-0850925

Requirements Continued

CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B - SECTION 1 - CONTINUED

REQUIREMENTS - CONTINUED

G 7. Partial Release and Reconveyance of Deed of Trust to secure an original principal amount of $8,000,000.00, made by:
Trustor: Group Three Properties, an Arizona general partnership with an address of Attn: Gary Torhjelm, 7201 East Camelback Road, Suite 305, Scottsdale, Arizona 85250
Trustee: J. Lawrence McCormley, with an address of Tiffany & Bosco, P.A. Third Floor Esplanade II, 2525 East Camelback Road, Phoenix, Arizona 85016
Beneficiary: Diversified Funding Group, LLC, an Arizona limited liability company with an address of 7595 East McDonald Drive, Suite 120, Scottsdale, Arizona 85250, Attn: Ceasar A. Perez, Manager
dated June 21, 2005, recorded June 22, 2005 in <2005-0850926;

the lenders interest was assigned by instrument recorded in Recording No. 2005-0850928 to R2H, LLC, an Arizona limited liability company, an undivided 62.50% interest, whose address is not shown;

the lenders interest was assigned by instrument recorded in Recording No. 2005-0850929 to Fortuna Stream, L.P., a California limited partnership, an undivided 37.50% interest, whose address is not shown;

the lien of said Deed of Trust was subordinated to the lien of the Deed of Trust recorded in Recording No. 2005-0850924, by instrument recorded in Recording No. 2005-0954254

H 8. Partial termination of Financing Statement made by:
Debtor: Group Three Properties
Secured Party: Diversified Funding Group, LLC
dated not shown, recorded June 22, 2005 in Recording No. 2005-0850927

I 9. Inspection of said land by an employee or agent of Chicago Title Insurance Company.

Note: No work should be performed and no materials should be delivered to the property being insured, either by the borrower or his general contractor, until after notification by an employee of the Company that the loan documents have been recorded.

Note: If adverse matters are revealed, the Company reserves the right to issue an amended commitment setting forth said adverse matters

J 10. Proper showing as to the parties in possession, or parties with a right of possession to the premises being insured herein, including either copies of all unrecorded leases, a current rent roll or an Affidavit by the proper parties as to the current tenants, whether by lease or month to month tenancies, and certification that the rights disclosed are all the rights affecting the property.

Note: If no unrecorded leases or month to month tenancies exist, certification to that fact will be required

K 11. Furnish plat of survey of the property being insured, by a Registered Land Surveyor which meets the minimum standard detail requirements for ALTA/ACSM Land Title Surveys, adopted by the American Land Title Association (ALTA), American Congress on Surveying and Mapping (ACSM) and National Society of Professional Surveyors (NSPS) in 1999. Chicago Title Insurance Company requires that said survey includes at least Numbers 1, 8, 10, 11, 14, 15 and 16 of Table A, Optional Survey Responsibilities and Specifications. It is recommended that the surveyor contact the Company prior to starting the survey if any questions exist regarding Company requirements for said survey.

Note: Said plat of survey must cover at least the legal description of the property set forth in Paragraph 5 of Schedule A of this commitment.

Note: Should zoning coverage be required, Number 6, 7a, 7b and 7c of Table A, Optional Survey Responsibilities and Specifications must be included in the survey being furnished in compliance with this requirement

L 12. Deed from NORANDA PROPERTIES INC., an Arizona corporation, and GROUP THREE PROPERTIES, an Arizona general partnership to MILLER HOLDINGS INC., an Arizona corporation

Compliance with ARS 11-1134, which states essentially that an affidavit must be completed by the seller and the purchaser or their respective agents and appended to each deed or contract relating to the sale of real property which is presented for recording

M 13. Note: Taxes for the year: 2005

Parcel No. 503-88-007B 8 (covers more)

First Half: 0.00
Interest: 0.00
Second Half: 0.00
Interest: 0.00
Total Amount: 654.74
Tax Information current as of September 30, 2005

N 14. Note: Taxes for the year: 2005

Parcel No. 503-88-006 2

First Half: 0.00
Interest: 0.00
Second Half: 0.00
Interest: 0.00
Total Amount: 1,268.80

Tax Information current as of September 30, 2005

O 15. Note: Taxes for the year: 2005

Parcel No. 503-88-019A 0

First Half: 0.00
Interest: 0.00
Second Half: 0.00
Interest: 0.00
Total Amount: 1,122.84
Tax Information current as of September 30, 2005

P 16. Note: Taxes for the year: 2005

Parcel No. 503-88-019B 9

First Half: 0.00
Interest: 0.00
Second Half: 0.00
Interest: 0.00
Total Amount: 28.82
Tax Information current as of September 30, 2005

Q 17. NOTE: Pursuant to Arizona Revised Statutes 11-480, effective January 1, 1991, the County Recorder may not accept documents for recording that do not comply with the following:

(a) Print must be ten-point type or larger.

(b) Margins of at least one-half inch along all sides, including top and bottom, except the top of the first page which must be at least two inches for recording and return address information. The margin must be clear of all information including but not limited to, notaries, signatures, page numbers.

(c) Each instrument shall be no larger than 8-1/2 inches in width and 14 inches in length

R 18. NOTE: Arizona notaries who have renewed their commission after July 20, 1996 MUST use an ink seal, embosser seals will not be accepted subsequent to such renewal. Out of Country Notaries refer to http://travel.state.gov/hague foreign docs.html.

S 19. The only deeds affecting said land, which recorded within 24 months of the date of this commitment, are as follows:
NONE

T End of Requirements

CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B - SECTION 2

Escrow/Title No. 2521919 17

Schedule B of the Policy or Policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the company.

1. Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by the commitment.

2. Any American Land Title Association Policy issued pursuant hereto (except extended coverage) will contain under Schedule B the standard exceptions set forth at the inside cover hereof.

SPECIAL EXCEPTIONS:

U 1. Reservations or exceptions in the Patent to said land or in Acts authorizing the issuance thereof.

V 2. Water rights, claims or title to water, whether or not shown by the public records (Owner's Policy only)

W 3. Restrictions which may be imposed by Maricopa County Board of Supervisors in accordance with County Floodplain Regulations Adopted August 4, 1986, as amended, as disclosed by instrument recorded June 8, 1988, in Recording No. 88-279054. (Affects All)

X 4. Easement and rights incident thereto for ingress and egress as set forth in instrument recorded in Recording No. 88-279077.

Y 5. Right-of-way for Central Arizona Project Canal.

Z 6. Annexation and Development Agreement recorded in Recording No. 94-0056067 and thereafter Resolution No. 00-80 amending the general plan recorded July 7, 2000 in Recording No. 00-519978

AA 7. Easement and rights incident thereto for access and utilities as set forth in instrument recorded March 23, 1998 in Recording No. 98-223363 and Supplemental recorded in Recording No. 99-0214316

AB 8. Conditions, covenants and restrictions (but omitting, if any, such conditions, covenants or restrictions based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons) contained in instrument recorded in Recording No. 98-223366, and thereafter, Supplement recorded in Recording No. 98-612484 (Parcel #1)

AC 9. Easement and rights incident thereto for access, ingress and egress as set forth in instrument recorded September 15, 2000 in Recording No. 00-0710626

Schedule B Continued

CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B - SECTION 2 - CONTINUED

Escrow/Title No. 2521919 17

AD 10. Easement and rights incident thereto for access and utility as set forth in instrument recorded in Recording No. 2001-0421750

AE 11. Easement and rights incident thereto for ingress, egress, access (both vehicular and pedestrian) and for the location of utilities facilities as set forth in instrument recorded May 18, 2001 in Recording No. 01-421751

AF 12. Results of survey recorded in Book 602 of Maps, Page 24

AG 13. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land herein

AH 14. Rights of lessees under unrecorded leases

AI 15. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public record

AJ End of Schedule B

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

3RD Amended

1. Effective Date: August 10, 2005 at: 7:30 A. M. Escrow/Title No. 2515869 17

   Escrow Officer: Alan P. Costley Title Officer: Jr. Cardenas /whr/pef/gdk

2. ALTA Form Policy or Policies to be Issued:

   A. Owners Policy

   OWNER'S EXTENDED Amount: $32,750,000.00

   Proposed Insured:
   PLEASANT VIEWS, LLC, an Arizona limited liability company

   B. Owners Policy

   Amount: $0.00

   Proposed Insured:

   C. Loan Policy

   PROFORMA EXTENDED Amount: $32,750,000.00

   Proposed Insured:
   OHIO SAVINGS BANK, A FEDERAL SAVINGS BANK, ITS SUCCESSORS AND/OR ASSIGNS

   D. Loan Policy

   Amount: $0.00

   Proposed Insured:

3. The Estate or Interest in the land described or referred to in this Commitment, and covered herein is:
   A Fee

4. Title to the Estate or Interest in said land is at the effective date hereby Vested in:
   GROUP THREE PROPERTIES, an Arizona general partnership

5. The land referred to in this Commitment is situated in the County of Maricopa State of Arizona, and is described as follows:

   Legal Description - Continued

CHICAGO TITLE INSURANCE COMPANY

LEGAL DESCRIPTION

Escrow/Title No. 2515869 17

A PARCEL OF LAND CONSISTING OF ALL OF LOTS 4, 8, 10, 11, 12, 13, AND A PORTION OF LOTS 14 AND 15; THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 13, AND THE SOUTHEAST QUARTER OF SECTION 14, ALL IN TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 14, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 14 BEARS SOUTH 89 DEGREES 42 MINUTES 40 SECONDS EAST, AT A DISTANCE OF 2641.22 FEET, FORMING THE BASIS OF BEARING OF THIS DESCRIPTION;

THENCE ALONG THE NORTH-SOUTH MIDSECTION LINE OF SAID SECTION 14, NORTH 00 DEGREES 13 MINUTES 01 SECONDS EAST, A DISTANCE OF 2643.59 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION 14;

THENCE ALONG THE EAST-WEST MIDSECTION LINE OF SAID SECTION 14, SOUTH 89 DEGREES 45 MINUTES 42 SECONDS EAST, A DISTANCE OF 2648.19 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 14, ALSO BEING THE WEST QUARTER CORNER OF SAID SECTION 13 AND THE SOUTHWEST CORNER OF SAID LOT 11;

THENCE ALONG THE WEST LINE OF SAID SECTION 13, ALSO BEING THE WEST LINE OF SAID LOT 11, NORTH 00 DEGREES 03 MINUTES 52 SECONDS EAST, A DISTANCE OF 1316.90 FEET TO THE NORTHWEST CORNER OF SAID LOT 11, ALSO BEING THE WESTERN-MOST CORNER OF SAID LOT 10 AND THE WESTERN-MOST CORNER OF THE SOUTHERLY BOUNDARY OF SAID LOT 16;

THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 16, ALSO BEING COMMON TO THE BOUNDARIES OF SAID LOTS 10, 8, 12, 15, 14 AND 13 RESPECTIVELY, TRAVERSING THE FOLLOWING COURSES AND DISTANCES:

NORTH 49 DEGREES 03 MINUTES 53 SECONDS EAST, A DISTANCE OF 32.55 FEET, (NORTH 48 DEGREES 51 MINUTES 06 SECONDS EAST, A DISTANCE OF 32.54 FEET RECORD);
NORTH 65 DEGREES 03 MINUTES 36 SECONDS EAST, 455.53 FEET, (NORTH 64 DEGREES 48 MINTUES 36 SECONDS EAST, 455.60 FEET RECORD);

NORTH 80 DEGREES 58 MINUTES 47 SECONDS EAST, A DISTANCE OF 1452.26 FEET, (NORTH 80 DEGREES 44 MINUTES 30 SECONDS EAST, A DISTANCE OF 1452.26 FEET RECORD);

SOUTH 08 DEGREES 29 MINUTES 23 SECONDS EAST, A DISTANCE OF 25.01 FEET, (SOUTH 09 DEGREES 15 MINUTES 12 SECONDS EAST, 25.01 FEET RECORD)

NORTH 81 DEGREES 33 MINUTES 54 SECONDS EAST, A DISTANCE OF 90.15 FEET, (NORTH 80 DEGREES 44 MINUTES 48 SECONDS EAST, 90.16 FEET RECORD)

SOUTH 80 DEGREES 31 MINUTES 35 SECONDS EAST, A DISTANCE OF 336.53 FEET, (SOUTH 80 DEGREES 30 MINUTES 42 SECONDS EAST, 336.53 FEET RECORD)

SOUTH 53 DEGREES 40 MINUTES 34 SECONDS EAST, A DISTANCE OF 912.19 FEET, (SOUTH 53 DEGREES 53 MINUTES 54 SECONDS EAST 912.19 FEET RECORD);

SOUTH 09 DEGREES 11 MINUTES 58 SECONDS EAST, A DISTANCE OF 307.69 FEET, (SOUTH 09 DEGREES 25 MINUTES 18 SECONDS EAST, 307.69 FEET RECORD)

LEGAL DESCRIPTION

Escrow/Title No. 2515869 17

SOUTH 80 DEGREES 36 MINUTES 12 SECONDS WEST, A DISTANCE OF 300.04 FEET, (SOUTH 80 DEGREES 34 MINUTES 42 SECONDS WEST, 300.04 FEET RECORD)

SOUTH 09 DEGREES 36 MINUTES 43 SECONDS EAST, A DISTANCE OF 300.04 FEET, (SOUTH 09 DEGREES 25 MINUTES 18 SECONDS EAST, 300.04 FEET RECORD);

SOUTH 31 DEGREES 46 MINUTES 00 SECONDS EAST, A DISTANCE OF 974.81 FEET, (SOUTH 32 DEGREES 18 MINUTES 42 SECONDS EAST, 977.00 FEET RECORD);

NORTH 80 DEGREES 47 MINUTES 52 SECONDS EAST, A DISTANCE OF 699.94 FEET, (NORTH 80 DEGREES 34 MINUTES 42 SECONDS EAST, 700.62 FEET RECORD);

NORTH 09 DEGREES 25 MINUTES 18 SECONDS WEST, A DISTANCE OF 1200.07 FEET, (NORTH 09 DEGREES 12 MINUTES 02 SECONDS WEST, 1200.08 FEET RECORD);

NORTH 80 DEGREES 47 MINUTES 53 SECONDS EAST, A DISTANCE OF 1333.32 FEET, (NORTH 80 DEGREES 35 MINUTES 00 SECONDS EAST, A DISTANCE OF 1331.02 FEET RECORD), TO A POINT ON THE EAST LINE OF SAID SECTION 13 AND THE NORTHEAST CORNER OF SAID LOT 13;

THENCE LEAVING SAID SOUTHERLY BOUNDARY OF SAID LOT 16 ALONG SAID EAST LINE OF SECTION 13, ALSO BEING THE EAST LINE OF SAID LOT 13, SOUTH 00 DEGREES 01 MINUTES 23 SECONDS WEST, A DISTANCE OF 1217.77 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 13, ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 13 AND THE NORTHEAST CORNER OF SAID LOT 14;

THENCE CONTINUING ALONG THE EAST LINE OF SAID SECTION 13 AND THE EAST LINE OF SAID LOTS 14 AND 4 RESPECTIVELY, SOUTH 00 DEGREES 04 MINUTES 37 SECONDS WEST, A DISTANCE OF 2644.27 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 13 ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 4;

THENCE ALONG THE SOUTH LINE OF SAID SECTION 13, ALSO BEING THE SOUTH LINE OF SAID LOT 4, NORTH 89 DEGREES 37 MINUTES 59 SECONDS WEST, A DISTANCE OF 1222.38 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4;

THENCE ALONG THE WEST LINE OF SAID LOT 4, NORTH 00 DEGREES 11 MINUTES 36 SECONDS EAST, A DISTANCE OF 1322.20 FEET TO THE NORTHWEST CORNER OF SAID LOT 4, ALSO BEING THE SOUTHWEST CORNER OF SAID LOT 14 AND THE SOUTHEAST CORNER OF SAID LOT 15;

THENCE ALONG THE SOUTH LINE OF SAID LOT 15, AND THEREAFTER THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 13, NORTH 89 DEGREES 37 MINUTES 37 SECONDS WEST, A DISTANCE OF 3951.50 FEET TO THE SOUTHWEST CORNER OF SAID NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 13;

THENCE ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 14, SOUTH 00 DEGREES 22 MINUTES 05 SECONDS WEST, A DISTANCE OF 1322.96 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 14;

THENCE ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 14, NORTH 89 DEGREES 42 MINUTES 40 SECONDS WEST, A DISTANCE OF 2641.22 FEET TO THE POINT OF BEGINNING;

EXCEPT THEREFROM THE FOLLOWING DESCRIBED PARCEL:

LEGAL DESCRIPTION

Escrow/Title No. 2515869 17

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 13;

THENCE ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 13, NORTH 00 DEGREES 04 MINUTES, 37 SECONDS EAST A DISTANCE OF 1927.03 FEET TO A POINT FROM WHICH THE EAST QUARTER CORNER OF SAID SECTION 13 BEARS NORTH 00 DEGREES 04 MINUTES 37 SECONDS EAST AT A DISTANCE OF 717.24 FEET;

THENCE LEAVING SAID EAST LINE, NORTH 89 DEGREES 55 MINUTES 23 SECONDS WEST A DISTANCE OF 1154.21 FEET TO THE POINT OF BEGINNING, SAID POINT LYING ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, THE RADIUS POINT OF WHICH BEARS SOUTH 04 DEGREES 52 MINUTES 15 SECONDS WEST A DISTANCE OF 1275.00 FEET;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18 DEGREES 00 MINUTES 37 SECONDS A DISTANCE OF 400.78 FEET TO THE BEGINNING OF A NON-TANGENT LINE;

THENCE ALONG THE SAID NON-TANGENT LINE NORTH 60 DEGREES 25 MINUTES 59 SECONDS WEST A DISTANCE OF 32.89 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY, THE RADIUS POINT OF WHICH BEARS SOUTH 72 DEGREES 07 MINUTES 40 SECONDS WEST AT A DISTANCE OF 1425.00 FEET;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13 DEGREES 53 MINUTES 40 SECONDS, A DISTANCE OF 345.57 FEET TO THE BEGINNING OF A TANGENT LINE;

THENCE ALONG SAID TANGENT LINE, NORTH 31 DEGREES 46 MINUTES 00 SECONDS WEST A DISTANCE OF 147.11 FEET TO A POINT OF INTERSECTION WITH GOVERNMENT LOT 16 OF SAID SECTION 13;

THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 16, NORTH 80 DEGREES 47 MINUTES 52 SECONDS EAST A DISTANCE OF 447.08 FEET TO A POINT;

THENCE LEAVING SAID SOUTHERLY BOUNDARY AND TRAVERSING THE FOLLOWING COURSES AND DISTANCES:

SOUTH 31 DEGREES 05 MINUTES 42 SECONDS EAST, 145.34 FEET;

SOUTH 28 DEGREES 29 MINTUES 43 SECONDS EAST, 100.28 FEET;

SOUTH 21 DEGREES 59 MINUTES 19 SECONDS EAST, 223.83 FEET;

SOUTH 00 DEGREES 36 MINUTES 15 SECONDS EAST, 76.78 FEET TO THE POINT OF BEGINNING.

CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B - SECTION 1

REQUIREMENTS

Escrow/Title No. 2515869 17

The following are the requirements to be complied with:

1. Payment to or for the account of the Grantors or Mortgagors of the full consideration for the estate to be insured.

2. Instruments in insurable form which must be executed, delivered and duly filed for record:

SPECIAL REQUIREMENTS:

A Note: NORANDA PROPERTIES INC., an Arizona corporation and PST PROPERTIES, an Arizona general partnership are the general partners of GROUP THREE PROPERTIES, an Arizona general partnership, a partnership.

A copy of the complete partnership agreement will be required if less than all of the above disclosed partners are signing and the record certifcate does not show a managing partner

B 1. Currently certified copy of a resolution by the Board of Directors of NORANDA PROPERTIES, an Arizona corporation, which authorizes the execution and delivery by the proper officers of all necessary instruments to complete this transaction. Said certification must be by an officer other than the officers authorized to sign and must state that the resolution has not been revoked

C 2. Certificate of Partnership (Ficticious Name) for PST PROPERTIES, an Arizona general partnership, executed by all of the general partners.

NOTE: A copy of the complete partnership agreement will be required if less than all of the partners are signing and the certificate does not show a managing partner

D 3. Currently certified copy of a resolution by the Board of Directors of PLEASANT VIEWS, LLC, an Arizona limited liability company, which authorizes the execution and delivery by the proper officers of all necessary instruments to complete this transaction. Said certification must be by an officer other than the officers authorized to sign and must state that the resolution has not been revoked

E 4. Release and Reconveyance of Deed of Trust to secure an original principal amount of $20,000,000.00, made by:

Trustor: GROUP THREE PROPERTIES, an Arizona general partnership, Attention: Gary Torhjelm, 7201 East Camelback Road, Suite 305, Scottsdale, Arizona 85250

Trustee: J. LAWRENCE McCORMLEY, TIFFANY & BOSCO, P.A., Third Floor Camelback Esplanade II, 2525 East Camelback Road, Phoenix, Arizona 85016

Beneficiary: BANK MIDWEST, N.A., 1100 Main Street, Suite 350, Kansas City, Missouri 64105 Attention: Joe Neuerburg

dated June 21, 2005, recorded June 22, 2005 in Recording No. 2005-0850924

Requirements Continued

CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B - SECTION 1 - CONTINUED

REQUIREMENTS - CONTINUED

F 5. Termination of Financing Statement made by:
Debtor: GROUP THREE PROPERTIES, an Arizona general partnership
Secured Party: BANK MIDWEST, N.A.
dated (Not Shown), recorded June 22, 2005 in Recording No. 2005-0850925

G 6. Release and Reconveyance of Deed of Trust to secure an original principal amount of $8,000,000.00, made by:
Trustor: GROUP THREE PROPERTIES, an Arizona general partnership, Attention: Gary Torhjelm, 7201 East Camelback Road, Suite 305, Scottsdale, Arizona 85250
Trustee: J. LAWRENCE McCORMLEY, TIFFANY & BOSCO, P.A., Third Floor Camelback Esplanade II, 2525 East Camelback Road, Phoenix, Arizona 85016
Beneficiary: DIVERSIFIED FUNDING GROUP, LLC, an Arizona limited liability company, 7595 East McDonald Drive, Suite 120, Scottsdale, Arizona 85250 Attention: Ceasar A. Perez, Manager
dated June 21, 2005, recorded June 22, 2005 in Recording No. 2005-0850926;

the lenders interest was assigned by instrument recorded in Recording No. 2005-0850928 to R2H, LLC, an Arizona limited liability company, whose address is (Not Shown);

the lenders interest was assigned by instrument recorded in Recording No. 2005-0850929 to FORTUNA STREAM, L.P., a California limited partnership, whose address is (Not Shown)

H 7. Termination of Financing Statement made by:
Debtor: GROUP THREE PROPERTIES, an Arizona general partnership
Secured Party: DIVERSIFIED FUNDING GROUP, LLC
dated (Not Shown), recorded June 22, 2005 in Recording No. 2005-0850927

I 8. Inspection of said land by an employee or agent of Chicago Title Insurance Company.

Note: No work should be performed and no materials should be delivered to the property being insured, either by the borrower or his general contractor, until after notification by an employee of the Company that the loan documents have been recorded.

Note: If adverse matters are revealed, the Company reserves the right to issue an amended commitment setting forth said adverse matters

J 9. Proper showing as to the parties in possession, or parties with a right of possession to the premises being insured herein, including either copies of all unrecorded leases, a current rent roll or an Affidavit by the proper parties as to the current tenants, whether by lease or month to month

tenancies, and certification that the rights disclosed are all the rights affecting the property.

Note: If no unrecorded leases or month to month tenancies exist, certification to that fact will be required

K 10. Furnish plat of survey of the property being insured, by a Registered Land Surveyor which meets the minimum standard detail requirements for ALTA/ACSM Land Title Surveys, adopted by the American Land Title Association (ALTA), American Congress on Surveying and Mapping (ACSM) and National Society of Professional Surveyors (NSPS) in 1999. Chicago Title Insurance Company requires that said survey includes at least Numbers 1, 8, 10, 11, 14, 15 and 16 of Table A, Optional Survey Responsibilities and Specifications. It is recommended that the surveyor contact the Company prior to starting the survey if any questions exist regarding Company requirements for said survey.

Note: Said plat of survey must cover at least the legal description of the property set forth in Paragraph 5 of Schedule A of this commitment.

Note: Should zoning coverage be required, Number 6, 7a, 7b and 7c of Table A, Optional Survey Responsibilities and Specifications must be included in the survey being furnished in compliance with this requirement

L 11. Chicago Title Insurance Company reserves the right to make additional exceptions and/or requirements upon compliance with the requirements set forth herein

M 12. Deed from GROUP THREE PROPERTIES, an Arizona general partnership to PLEASANT VIEWS, LLC, an Arizona limited liability company (partial satisfaction of option recorded in Recording No. 2004-0445384)

Compliance with ARS 11-1134, which states essentially that an affidavit must be completed by the seller and the purchaser or their respective agents and appended to each deed or contract relating to the sale of real property which is presented for recording

N 13. Deed of Trust to secure an original principal amount of $_____,
made by:
Trustor: PLEASANT VIEWS, LLC, an Arizona limited liability company
Trustee: _____
Beneficiary: _____
dated _____, recorded _____ in Recording No. _____

O 14. Note: Taxes for the year: 2004

Parcel No. 503-88-007A 9

First Half: 0.00
Interest: 0.00

Second Half: 0.00
Interest: 0.00
Total Amount: 153.52
Tax Information current as of July 2, 2005

P 15. Note: Taxes for the year: 2004

Parcel No. 503-88-007B 8

First Half: 0.00
Interest: 0.00
Second Half: 0.00
Interest: 0.00
Total Amount: 638.48
Tax Information current as of July 2, 2005

Q 16. Note: Taxes for the year: 2004

Parcel No. 503-88-008 7

First Half: 0.00
Interest: 0.00
Second Half: 0.00
Interest: 0.00
Total Amount: 311.74
Tax Information current as of July 2, 2005

R 17. NOTE: Pursuant to Arizona Revised Statutes 11-480, effective January 1, 1991, the County Recorder may not accept documents for recording that do not comply with the following:

(a) Print must be ten-point type or larger.

(b) Margins of at least one-half inch along all sides, including top and bottom, except the top of the first page which must be at least two inches for recording and return address information. The margin must be clear of all information including but not limited to, notaries, signatures, page numbers.

(c) Each instrument shall be no larger than 8-1/2 inches in width and 14 inches in length

S 18. NOTE: Arizona notaries who have renewed their commission after July 20, 1996 MUST use an ink seal, embosser seals will not be accepted subsequent to such renewal. Out of Country Notaries refer to http://travel.state.gov/hague foreign docs.html.

T 19. The only deeds affecting said land, which recorded within 24 months of the date of this commitment, are as follows:
NONE

U End of Requirements

CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B - SECTION 2

Escrow/Title No. 2515869 17

Schedule B of the Policy or Policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the company.

1. Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by the commitment.

2. Any American Land Title Association Policy issued pursuant hereto (except extended coverage) will contain under Schedule B the standard exceptions set forth at the inside cover hereof.

SPECIAL EXCEPTIONS:

AV 1. Reservations in Patent from the United States of America reading as follows: There is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States of America as set forth in Recording No. 98-223358

W 2. Taxes for the full year 2005; first half due on October 1, and delinquent on November 1, of said year; second half due on March 1, and delinquent on May 1, of the year 2006 (A lien not yet due and payable)

X 3. Water rights, claims or title to water, whether or not shown by the public records

Y 4. Restrictions which may be imposed by Maricopa County Board of Supervisors in accordance with County Floodplain Regulations Adopted August 4, 1986, as amended, as disclosed by instrument recorded June 8, 1988, in Recording No. 88-279054 (Affects All)

Z 5. Easement and rights incident thereto for ingress and egress as set forth in instrument recorded in Recording No. 88-279077

AA 6. Right-of-way for Central Arizona Project Canal

AB 7. Annexation and Development Agreement recorded in Recording No. 94-0056067 and thereafter Resolution No. 00-80 amending the general plan recorded July 7, 2000 in Recording No. 00-519978, First Amendment in Recording No. 2002-946414

AJ 8. INTENTIONALLY DELETED

AK 9. INTENTIONALLY DELETED

AE 10. Easement and rights incident thereto for access and utility as set forth in instrument recorded in Recording No. 2001-0421750

AL 11. INTENTIONALLY DELETED

Schedule B Continued

CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B - SECTION 2 - CONTINUED

Escrow/Title No. 2515869 17

AM 12. INTENTIONALLY DELETED

AN 13. INTENTIONALLY DELETED

AU 14. Easement Agreement, dated August 31, 2005, recorded ____, in Recording No. _____

AI End of Schedule B

Appendix B

Property Ownership Authorization

GROUP THREE PROPERTIES

7201 East Camelback Road
Suite 305
Scottsdale, AZ 85251

Phone: (480) 874-2389
Fax: (480) 874-2393
office@gdtgroup.net

May 3, 2004

City of Peoria
Planning and Zoning Department
8401 West Monroe
Peoria, Arizona 85345

Re: Property Owner Authorization

To Whom It May Concern:

This letter shall serve as the authorization of Group Three Properties, an Arizona general partnership and Noranda Properties, Inc., an Arizona corporation (collectively, "Owner") for Miller Holdings, Inc, an Arizona corporation, to process with the City any and all applications for PCD zoning, platting, site plan approval and related matters pertaining to approximately 1,871 acres of real property commonly known as Lake Pleasant Heights (the "Property"). This authorization is expressly and specifically limited to such applications that are materially consistent with the current Specific Area Plan pertaining to the Property and in conformance with standard, commercially reasonable practices within the City of Peoria. If Owner retains title to the Property (or any portion thereof subject to the above activities), no such activity shall receive final adoption/approval without the express consent of Owner. Further, Owner requests that copies of any and all correspondence relating to any such applications/activities be forwarded to my attention at the address above. In the event of any discrepancies between this authorization and that certain Purchase Option Agreement by and between Group Three Properties and Noranda Properties, Inc. as Seller and Miller Holdings, Inc. as Purchaser dated April 21, 2004, the terms of said agreement shall control. Thank you for your attention.

Very Truly Yours,

Noranda Properties, Inc., Managing Partner
Gary Torhjelm, President

cc: Larry Miller, Miller Holdings, Inc.
Phil DeAngelis, Commerce Realty Advisors

Janet Napolitano
Governor

Mark Winkleman
State Land
Commissioner

Arizona
State Land Department

1616 West Adams Street Phoenix, AZ 85007 www.land.state.az.us

February 14, 2005

Ms. Debra Stark
Director, Community Development Department
City of Peoria, 8401 West Monroe
Peoria, Arizona 85345

Dear Ms. Stark:

The applicant for the Lake Pleasant Heights Planned Community district ("PCD"), Omega Management Services, Inc. has approached the State Land Department requesting that a portion of the contiguous Trust property be included in their Planned Community District. After reviewing their exhibits, we feel that the best interest of the Trust will be served by including the following sections of Trust land into their Planned Community District:

Section 36, T6N, R1W (640 ac)
Section 2, T5N, R1W (640 ac)
Section 13, T5N, R1W (120 ac)

Therefore, I grant Permission to Omega Management Services, Inc. to include the subject Trust land, per the attached map exhibit, into their zoning amendment for Lake Pleasant Heights.

It is understood that the State land Department will not incur any zoning expenses that are required in connection with the proposed zoning application. We do, however, request to be notified of all public hearings and that a copy of the staff report and conditions of approval be forwarded to the Department for our records. You may direct these notices and reports to Greg Keller, Project Manager, Planning Section, Real Estate Division, Arizona State Land Department, 1616 West Adams Street, Phoenix, 85007. If you have any concerns regarding our request, please contact Greg at 602-542-2646 or at gkeller@land.az.gov.

Sincerely,

Mark Winkleman
State Land Commissioner

MW:GK:jfb

cc: Jim Adams, Real Estate Division Director

Attachment

PLEASANT VIEWS, LLC

September 6, 2005

City of Peoria
Planning Department
8401 W. Peoria Avenue
Peoria, AZ 85345

Re: Lake Pleasant Heights
Authorized Agent for Pleasant Views, LLC

This will serve to authorize Jonathan Bastianelli of Omega Management Services, Inc. to act as agent for Pleasant Views, LLC only with respect to the Planned Community District and Preliminary Plat processes for the project known as Lake Pleasant Heights.

AUTHORIZATION BY:
Pleasant Views, LLC

by: Larry L. Miller
of: Miller Holdings Management, LLC
Its: Manager

Signature Verification:

Jonathan Bastianelli
Authorized Agent for
Pleasant Views, LLC

MILLER HOLDINGS, INC.

October 5, 2005

City of Peoria
Planning Department
8401 W. Peoria Avenue
Peoria, AZ 85345

Re: Lake Pleasant Heights
Authorized Agent for Miller Holdings, Inc.

This will serve to authorize Jonathan Bastianelli of Omega Management Services, Inc. to act as agent for Miller Holdings, Inc. only with respect to the Planned Community District and Preliminary Plat processes for the project known as Lake Pleasant Heights.

AUTHORIZATION BY:
Miller Holdings, Inc.

by: Larry L. Miller
its: President

Signature Verification:

Jonathan Bastianelli
Authorized Agent for
Miller Holdings, Inc.

Appendix C

Traffic Impact Study

(Submitted under separate cover to City of Peoria Engineering Department)

Appendix D

Biological Assessment

BIOLOGICAL ASSESSMENT FOR THE PROPOSED LAKE PLEASANT HEIGHTS DEVELOPMENT SOUTH OF LAKE PLEASANT, MARICOPA COUNTY, ARIZONA

Prepared for

ΩMEGA MANAGEMENT SERVICES

Prepared by

EnviroSystems Management, Inc.

Environmental Planning • Regulatory Compliance

October 26, 2004

BIOLOGICAL ASSESSMENT FOR THE PROPOSED LAKE PLEASANT HEIGHTS DEVELOPMENT SOUTH OF LAKE PLEASANT, MARICOPA COUNTY, ARIZONA

Submitted to

Jonathan Bastianelli
ΩMEGA MANAGEMENT SERVICES
16009 North 81st Street, Suite # 200
Scottsdale, Arizona 85260
(480) 947-5100

Prepared by

ENVIROSYSTEMS MANAGEMENT, INC.
2101 North Fourth Street, Suite 220
Flagstaff, Arizona 86004
(928) 226-0236
www.esmaz.com

EnviroSystems Management Project No. 04-1038

October 26, 2004

BIOLOGICAL ASSESSMENT FOR THE PROPOSED LAKE PLEASANT HEIGHTS DEVELOPMENT SOUTH OF LAKE PLEASANT, MARICOPA COUNTY, ARIZONA

US ARMY CORPS OF ENGINEERS
Los Angeles District-Arizona Planning Section
3636 North Central Avenue, Suite 740
Phoenix, Arizona 85012-1936

LOCATION:

Maricopa County, Arizona
T5N, R1W, Sections 1, 12, 13, and the SE¼ of Section 14
Baldy Mountain, Arizona (photorevised 1981) USGS 7.5' quadrangle

Contact Person:
Suzanne Rhodes
EnviroSystems Management, Inc.

Phone Number: (928) 226-0236

Introduction

The purpose of this biological assessment is to review the proposed development of an 1,871-acre private parcel in Maricopa County, Arizona in sufficient detail to determine to what extent the proposed action may affect any of the threatened, endangered, proposed, or sensitive species listed below. This biological assessment is prepared in accordance with legal requirements set forth under Section 7 of the Endangered Species Act (16 U.S.C. 1536 (c)).

The species considered in this document are (USFWS 2004):

Threatened (T), Endangered (E), Proposed Threatened (PT), Candidate (C), or Proposed Endangered Species (PE)

- Arizona agave (*Agave arizonica*) E
- Arizona cliffrose (*Purshia subintegra*) E
- Bald eagle (*Haliaeetus leucocephalus*) T
- Cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) E
- California brown pelican (*Pelecanus occidentalis californicus*) E
- Mexican spotted owl (*Strix occidentalis lucida*) T
- Southwestern willow flycatcher (*Empidonax traillii extimus*) E
- Yuma clapper rail (*Rallus longirostris yumanensis*) E
- Lesser long-nosed bat (*Leptonycteris curasoae yerbabuenae*) E
- Sonoran pronghorn (*Antilocapra americana sonoriensis*) E
- Desert pupfish (*Cyprinodon macularius*) E
- Gila topminnow (*Poeciliopsis occidentalis occidentalis*) E
- Razorback sucker (*Xyrauchen texanus*) E

Candidate Species (C), Sensitive Species (SS), and Species of Concern (SC)

- *Longfin dace (*Agosia chrysogaster*) SC
- *Sonoran desert tortoise (*Gopherus agassizii*) SC
- *Cave myotis (*Myotis velifer*) SC
- *Lowland leopard frog (*Rana yavapaiensis*) SC

*Per the consultation letter dated 10/07/04, these species are listed by the Arizona Game and Fish Department (AGFD) as occurring within 3 miles of the project area.

Critical Habitat
No Critical Habitat for any federally listed species occurs on the project site.

Consultation to Date
Information obtained from the U.S. Fish and Wildlife Service (USFWS) and AGFD regarding federally listed threatened or endangered species or species of special concern was used when conducting the survey (see Appendix A).

Current Management Direction
The property is privately held, and current management direction is provided by Maricopa County.

Description of the Proposed Action
The project parcel is located south of Lake Pleasant and is on the Baldy Mountain, Arizona (photorevised 1981) USGS 7.5' quadrangle, T5N, R1W, Sections 1, 12, 13, and the SE ¼ of Section 14 (Figure 1). Terrain in the project area is relatively steep and rugged, with some slopes in excess of 40°. Elevations in the parcel range from a low of 1,460 feet to a high of 2,146 feet. The planned construction period for this proposed development is unknown at this time.

Action Area
The project area is within the Basin and Range physiographic province of the Southwest, which is characterized by a series of rugged mountain ranges separated by structural basins (Cordell 1984). Mountains tend to rise sharply from the basin floors, and gravel fans extending from the base of the mountain ranges are common (Cordell 1984).

Vegetation in the project area is typical of Lower Sonoran flora. Common plants in the area include saguaro, hedgehog cactus, barrel cactus, buckhorn cholla, teddy bear/jumping cholla, pencil cholla, catclaw acacia, paloverde, creosotebush, mesquite, Mormon tea, bursage, cheat grass, and other grasses and forbs (Brown 1994). A complete list of species observed during the field survey can be found in Appendix B. No permanent water sources lie within the project parcel, though the corridor is cut by several unnamed ephemeral drainages that trend northwest-southeast. The only perennial water source in the project parcel is Big Spring, which has been capped (Photo 1, Appendix C).

Species Accounts and Status of the Species in the Action Area

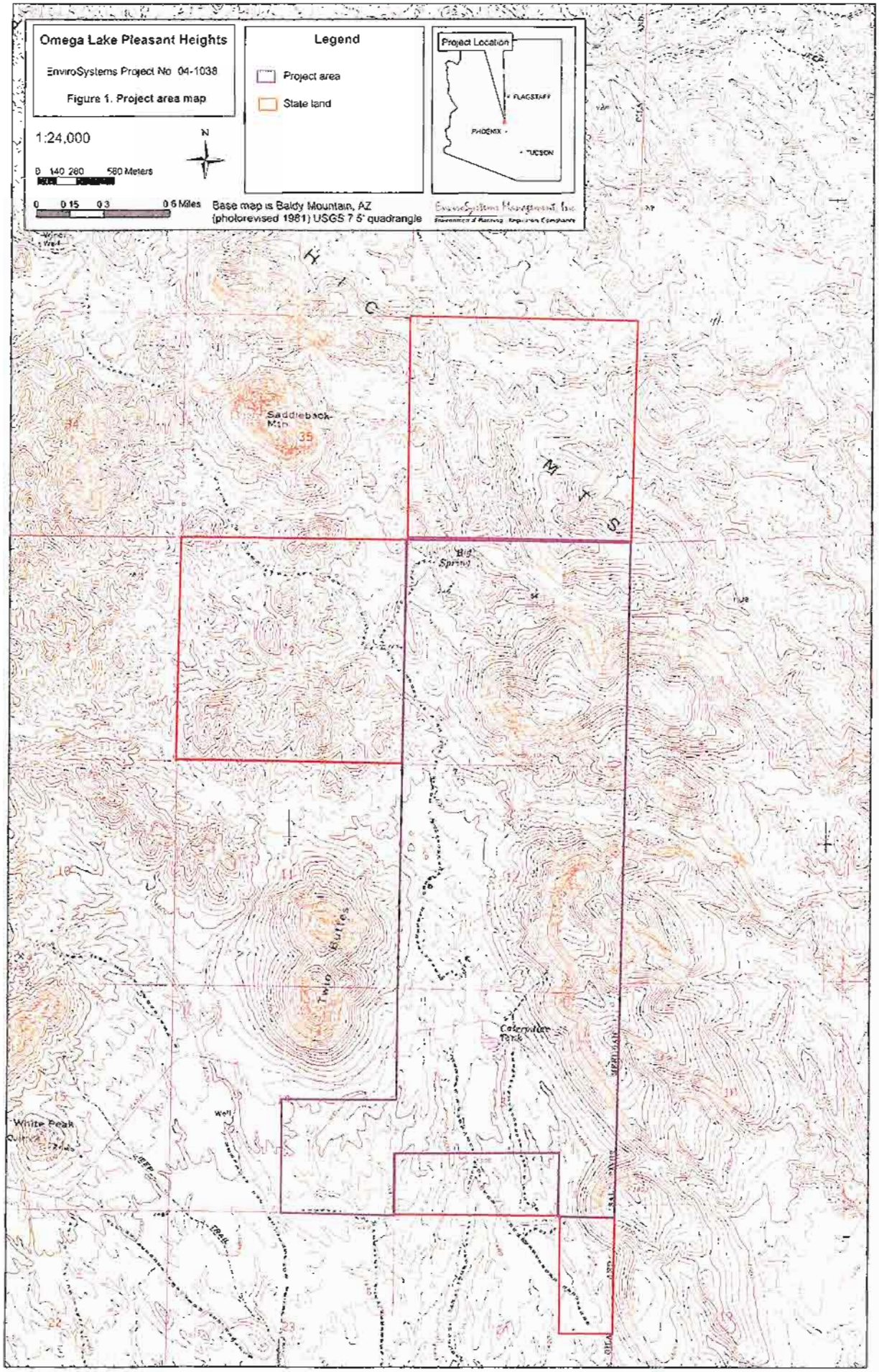
Name:
Arizona agave
Agave arizonica

Data sources, including surveys conducted, prior BA/BE analysis or consultation:
Existing literature (see references), field surveys.

Affected habitat description:
Arizona agave occupies mesas and slopes, in discrete clusters (usually clones) or as isolated plants. This species is found in Interior Chaparral, Desert Grassland and the transition zone between grasslands and pinyon-juniper vegetation types in gravelly soils of volcanic origin (AGFD 2003a). Elevations range from 3,000 to 6,000 feet and occurrence coincides with the range of its putative parents *A. chrysantha*, *A. toumeyana* var. *toumeyana* and *A. toumeyana* var. *bella* (AGFD 2003a). Critical Habitat was not identified at the time of listing (1984). Fewer than 100 plants are known to exist. While some plants occur on private land, most plants are on the Tonto National Forest in the New River Mountains. One isolated individual occurs southeast of Payson (Green Valley Hills) and another near Parker Creek at the south end of Sierra Ancha Mountains.

Analysis of effects:
Effects to the species are not anticipated as the project area is out of the range of known locations. In addition, the project area is located at a lower elevation than this agave has been found.

Determination of effect/Rationale/Recommended mitigation:
No effect to this species is anticipated because of the distance to known locations of Arizona agave. In addition, no Arizona agave were observed during field surveys.


Omega Lake Pleasant Heights
EnviroSystems Project No 04-1038
Figure 1. Project area map
1:24,000
N
0 140 280 560 Meters
0 0.15 0.3 0.6 Miles
Legend
Project area
State land
Project Location
FLAGSTAFF
PHOENIX
TUCSON
Base map is Baldy Mountain, AZ
(photorevised 1981) USGS 7.5' quadrangle
EnviroSystems Management, Inc.
Saddleback Mtn
Big Spring
Twin Buttes
Caterpillar Tank
White Peak
Well
JEEP TRAIL

Findings (T&E):

__X__ No effect to species or its habitat
_____ May affect species, not likely to adversely affect species or its habitat
_____ May beneficially affect species or its habitat
_____ Likely to adversely affect species or its habitat

Name:
Arizona cliffrose
Purshia subintegra

Data sources, including surveys conducted, prior BA/BE analysis or consultation:
Existing literature (see references), field surveys.

Affected habitat description:
Arizona cliffrose occurs on rolling, rocky, limestone hills and slopes within Sonoran desertscrub (AGFD 1997). This species occurs where the winters are mild, summers are hot, and the 9-34 inches of annual precipitation is evenly distributed between summer and winter rainfall periods. Arizona cliffrose is restricted to calcareous limey-tuff soils derived from Tertiary lacustrine deposits that are nutrient-deficient but high in lithium, nitrates, and magnesium (USFWS 1992, ARPC 2000). Crucifixion-thorn (*Canotia holacantha*) is the most common plant associate. Arizona cliffrose is known to central Arizona and is found near Horseshoe Lake, Maricopa County; near Cottonwood, Yavapai County; near Burro Creek, Mohave County; and near Bylas, Graham County (USFWS 1992).

Analysis of effects:
Effects to this species are not anticipated because it has very specific soil requirements that are not found within the project area. No individuals were observed during field surveys.

Determination of effect/Rationale/Recommended mitigation:
A no effect determination was made due to the lack of nutrient-deficient, calcareous limey-tuff soils required for *Purshia subintegra* on the project site. In addition, no Arizona cliffrose were observed during field surveys.

Findings (T&E):

__X__ No effect to species or its habitat
_____ May affect species, not likely to adversely affect species or its habitat
_____ May beneficially affect species or its habitat
_____ Likely to adversely affect species or its habitat

Name:
Bald eagle
Haliaeetus leucocephalus

Data sources, including surveys conducted, prior BA/BE analysis or consultation:
Existing literature (see references), field surveys.

Affected habitat description:
Bald eagles occur in Arizona as either breeding populations or winter migrants. Arizona bald eagles occur at elevations between 460 and 7,390 feet. Nests occur in tall trees, cliff faces, ledges, and pinnacles near open water for foraging. Perches for shelter, roosting, foraging, and guarding are important habitat components. Their diet is comprised mainly of fish, with small mammals, carrion, birds, and reptiles eaten to a lesser extent (AGFD 2002a). Bald eagles occur in the central and northern portion of the state. Resident nesting occurs along Tonto Creek, the Salt River, and the Verde River on the Tonto National Forest.

Analysis of effects:
No bald eagle nests or individuals are known to occur in the vicinity of the project, and none were observed during field surveys. No effect to this species is anticipated due to the lack of habitat on site.

Determination of effect/Rationale/Recommended mitigation:
Nesting habitat for bald eagles is nonexistent within the project boundaries. The nearest open water source for eagles is approximately 3 miles north at Lake Pleasant. Noise and visual activity generated by construction that could affect bald eagles in the vicinity of the site will most likely cause the individual to land in another location.

Findings (T&E):
__X__ No effect to species or its habitat
_____ May affect species, not likely to adversely affect species or its habitat
_____ May beneficially affect species or its habitat
_____ Likely to adversely affect species or its habitat

Name:
Cactus ferruginous pygmy-owl
Glaucidium brasilianum cactorum

Data sources, including surveys conducted, prior BA/BE analysis or consultation:
Existing literature (see references), field surveys.

Affected habitat description:
The cactus ferruginous pygmy owl is a small bird that is found in Sonoran desertscrub and in mature cottonwood/willow and mesquite bosques below 4,000 feet. Its range extends from central Arizona and extreme southeast Texas south into Michoacan, Mexico (Cartron and Finch 2000). The cactus ferruginous pygmy owl is a formidable predator, often feeding on prey much larger than itself (Cartron and Finch 2000). It is active in the hours around sunrise and sunset, feeding primarily on lizards, with songbirds, mice, bats, and insects as secondary components of the diet (Cartron and Finch 2000). This owl nests in natural cavities or abandoned woodpeckers holes in large columnar cacti and trees (Cartron and Finch 2000). They have been found in the Rincon, Pajarito, Puerto Blanco, Ajo, Santa Catalina, and Santa Rita mountains; south and west of the Tortolita Mountains in the Tucson area; along the Gila River near Bonita Creek and San Francisco River; at the San Pedro River near Dudleyville; and along Sonoyta Creek. The only recent records are from Organ Pipe Cactus National Monument, near Ajo, and suburban Tucson (AGFD 2001a).

Analysis of effects:
Scattered suitable habitat for the cactus ferruginous pygmy-owl exists within the project boundaries in association with the drainages, but overall the project area has more hilly topography than areas where cactus ferruginous pygmy owls are usually found. No effect to cactus ferruginous pygmy owls is anticipated.

Determination of effect/Rationale/Recommended mitigation:
The project area is located in the far northern edge of cactus ferruginous pygmy owl range and is located outside of USFWS cactus ferruginous pygmy owl desinated survey zones. No cactus ferruginous pygmy-owls are known to occur in the vicinity of the project, and none were observed during field surveys.

Findings (T&E):
__X__ No effect to species or its habitat
_____ May affect species, not likely to adversely affect species or its habitat
_____ May beneficially affect species or its habitat
_____ Likely to adversely affect species or its habitat

Name:
California brown pelican
Pelecanus occidentalis californicus

Data sources, including surveys conducted, prior BA/BE analysis or consultation:
Existing literature (see references), field surveys.

Affected habitat description:
The California brown pelican is a large, dark brown-gray water bird with webbed feet. Habitat is usually coastal land from Canada to Mexico, with nesting occurring on islands (USFWS 1998). In Arizona, the California brown pelican is an accidental transient around lakes and rivers, often blown in by storms. Individuals may also wander up from Mexico in summer and fall. There are no records of breeding brown pelicans in Arizona.

Analysis of effects:
Suitable habitat for the California brown pelican on the project area does not exist. They may occur in the project vicinity incidentally.

Determination of effect/Rationale/Recommended mitigation:
No California brown pelican nests or individuals are known to occur in the project vicinity, and none were observed during field surveys. No effect to this species is anticipated.

Findings (T&E):
__X__ No effect to species or its habitat
_____ May affect species, not likely to adversely affect species or its habitat
_____ May beneficially affect species or its habitat
_____ Likely to adversely affect species or its habitat

Name:
Mexican spotted owl
Strix occidentalis lucida

Data sources, including surveys conducted, prior BA/BE analysis or consultation:
Existing literature (see references), field surveys.

Affected habitat description:
The Mexican spotted owl is a medium-sized owl with large dark eyes and brown plumage and no ear tufts (USFWS 1998). It occupies varied habitats including mixed conifer and ponderosa pine/Gambel oak vegetation types, usually characterized by high canopy closure, high stem density, numerous snags, and downed woody material on sloped terrain (AGFD 2001b, USFWS 1998). In Arizona, this owl is patchily distributed in forested mountains from 4,500 to 10,000 feet (AGFD 2001b). Mexican spotted owls do not build nests but use naturally occurring sites, often in large diameter trees, cliff cavities, and abandoned hawk or raven nests. Spotted owls prey mainly on wood rats, which are snatched from the ground in their talons; birds, insects, reptiles, and other types of small mammals are taken as well (AGFD 2001b).

Analysis of effects:
No effect to the species is anticipated because the proposed project does not contain suitable habitat for spotted owls.

Determination of effect/Rationale/Recommended mitigation:
No multi-layered canopies of mixed conifer forest exist within the project. A no effect determination was found due to the absence of habitat.

Findings (T&E):

__X__ No effect to species or its habitat
_____ May affect species, not likely to adversely affect species or its habitat
_____ May beneficially affect species or its habitat
_____ Likely to adversely affect species or its habitat

Name:
Southwestern willow flycatcher
Empidonax traillii extimus

Data sources, including surveys conducted, prior BA/BE analysis or consultation:
Existing literature (see references), field surveys.

Affected habitat description:
The southwestern willow flycatcher is an insectivorous, neotropical migrant that breeds in the southwestern United States and winters in Mexico and Central America. It is found in riparian habitats along perennial drainages where dense growth of willows, tamarisk, and other shrubs and medium-sized trees are present with a scattered overstory of cottonwoods. Breeding and foraging occurs throughout this habitat (Spencer et al. 1996). In Arizona, southwestern willow flycatchers arrive and begin to nest in late May and begin their southward migration by mid-August (Sogge et al. 1997).

Analysis of effects:
No effect to the species is anticipated because the project area does not support the vegetation layers suitable for habitat southwestern willow flycatcher.

Determination of effect/Rationale/Recommended mitigation:
The southwestern willow flycatcher requires riparian forest with multiple vegetation layers. A no effect determination was made due to a lack of habitat on site.

Findings (T&E):

__X__ No effect to species or its habitat
_____ May affect species, not likely to adversely affect species or its habitat
_____ May beneficially affect species or its habitat
_____ Likely to adversely affect species or its habitat

Name:
Yuma clapper rail
Rallus longirostris yumanensis

Data sources, including surveys conducted, prior BA/BE analysis or consultation:
Existing literature (see references), field surveys.

Affected habitat description:
The Yuma clapper rail is a water bird with long legs, a short tail, and a long, slender, decurved bill. The species is associated with dense, emergent riparian vegetation. It requires wet substrate (mudflat, sandbar) with dense, herbaceous of woody vegetation for nesting and foraging (AGFD 2001c). It walks through the shallow water feeding on crayfish, fish, frogs, clams, spiders, and insects. Nests are built along the water's edge in dense vegetation, or on higher sites near water. Range in Arizona includes the Bill Williams drainage, the lower Gila River from near Phoenix to the Colorado River, the lower Salt and Verde rivers, and Picacho Reservoir (AGFD 2001c).

Analysis of effects:
No effect to the species is anticipated because the project area does not support the wet substrate and riparian vegetation layers suitable for habitat Yuma clapper rail.

Determination of effect/Rationale/Recommended mitigation:
A no effect determination to the Yuma clapper rail was made due to a lack of habitat on site.

Findings (T&E):
__X__ No effect to species or its habitat
_____ May affect species, not likely to adversely affect species or its habitat
_____ May beneficially affect species or its habitat
_____ Likely to adversely affect species or its habitat

Name:
Lesser long-nosed bat
Leptonycteris curasoae yerbabuenae

Data sources, including surveys conducted, prior BA/BE analysis or consultation:
Existing literature (see references), field surveys.

Affected habitat description:
The lesser long-nosed bat is found in desert grassland and shrubland up to the oak transition zone (AGFD 2003b). This species roosts in caves, mine tunnels, and unoccupied buildings during the day (USFWS 1998). They forage in areas with saguaro, prickly pear, organ pipe cacti, ocotillo, paloverde, and agaves. From late April to late July, pregnant females congregate at traditional roost sites, give birth, and raise their young at lower elevations within the range of columnar cacti. Males and perhaps nonpregnant females do not arrive until sometime in July. By late July most females and young have dispersed from the maternity colonies, and some have moved to higher elevations where they are found feeding on agave flowers. By late September or October, all of these bats are migrating south to Mexico, exactly where is not known. Lesser long-nosed bats are not present in Arizona during winter months (Nowak 1994).

Analysis of effects:
No effect to lesser long-nosed bats is anticipated. No lesser long-nosed bats are known to occur in the project area. The project area is outside the known range for this species and no bats or their sign were observed during field visits.

Determination of effect/Rationale/Recommended mitigation:
There is potentially suitable habitat for this species within the project area. There are many shallow overhangs and some shallow mine shafts, as well as bridges and tunnels associated with the Central Arizona Project canal. Some bats may occasionally find roosting habitat near the Central Arizona Project canal, however the area surrounding the canal is restricted and will not be impacted by project activities.

Findings (T&E):
__X__ No effect to species or its habitat
_____ May affect species, not likely to adversely affect species or its habitat
_____ May beneficially affect species or its habitat
_____ Likely to adversely affect species or its habitat

Name:
Sonoran pronghorn
Antilocapra americanus sonoriensis

Data sources, including surveys conducted, prior BA/BE analysis or consultation:
Existing literature (see references), field surveys.

Affected habitat description:
Antilocapra americana sonoriensis is one of five subspecies of *A. americana*, and one of three that occur in Arizona; the others are *A.a. americana* and *A.a. mexicana*. This animal has been described as being the smallest of the five subspecies (AGFD 1999). Pronghorn antelope are the fastest land animal in North America, with speeds recorded up to 60 miles per hour. The eyes are set high and on the sides of the head to give a field of view of almost 300 degrees (AGFD 1999). They have keen eyesight, the large eyes being a dominant feature of the face. Sonoran pronghorn habitat is characterized by broad alluvial valleys separated by block-faulted mountains. Chainfruit cholla (*Opuntia fulgida*) is a major succulent food item; it also provides water in times of drought (AGFD 1999). Historic range is difficult to determine since the subspecies was not described until 1945, many years after the population had declined and populations on the fringes were extirpated. They are thought to have ranged from Hermosillo to Kino Bay, Mexico to the south; Highway 15, Mexico to the east; Altar Valley and the Tohono O'odham Indian Reservation to the north; and Imperial Valley, California to the west (AGFD 1999).

Presently, they are found in Arizona on the Cabeza Prieta National Wildlife Refuge, the Organ Pipe Cactus National Monument, the Luke Air Force Barry M. Goldwater Gunnery Range, and possibly the Tohono O'odham Indian Reservation. In Mexico, they are believed to be confined to the northwest part of Sonora (AGFD 1999).

Analysis of effects:
Effects to Sonoran pronghorn are unlikely to occur. There is no effect to this species anticipated related to project activities.

Determination of effect/Rationale/Recommended mitigation:
The project area is outside both the historic and present range for this species. No Sonoran pronghorn or signs of them were observed during field surveys, and none are expected to occur within or near the project area.

Findings (T&E):
__X__ No effect to species or its habitat
_____ May affect species, not likely to adversely affect species or its habitat
_____ May beneficially affect species or its habitat
_____ Likely to adversely affect species or its habitat

Name:
Desert pupfish
Cyprinodon macularius

Data sources, including surveys conducted, prior BA/BE analysis or consultation:
Existing literature (see references), field surveys.

Affected habitat description:
The desert pupfish occurred historically in the Rio Sonoyta, San Pedro River, Santa Cruz River, lower Gila River, and lower Colorado River in Arizona, California, and Mexico (USFWS 1998). Pupfish occupy shallow waters of springs, small streams, and marshes, often associated with areas of soft substrates and clear water (USFWS 1998). Desert pupfish habitat occurs at elevations ranging from 1,200 to 3,450 feet (AGFD 2001d). There are no natural populations of this subspecies remaining in Arizona; reintroductions have been made in Pima, Pinal, Maricopa, Graham, Cochise, La Paz, and Yavapai counties (USFWS 1998).

Analysis of effects:
No desert pupfish are known to occur in the project vicinity, and no habitat for this species occurs on the project site. The fact that there is no naturally flowing water near the project site precludes the existence of suitable habitat for this species. It is therefore highly unlikely that this species will be affected by proposed project activities.

Determination of effect/Rationale/Recommended mitigation:
No perennial waters occur on the project site. No effect to this species is anticipated.

Findings (T&E):

__X__ No effect to species or its habitat
_____ May affect species, not likely to adversely affect species or its habitat
_____ May beneficially affect species or its habitat
_____ Likely to adversely affect species or its habitat

Name:
Gila topminnow
Poeciliopsis occidentalis occidentalis

Data sources, including surveys conducted, prior BA/BE analysis or consultation:
Existing literature (see references), field surveys.

Affected habitat description:
Gila topminnow have occurred historically in low to mid-elevation streams in drainages associated with the Gila River, occupying headwater springs and vegetated margins, and backwater areas of intermittent and perennial streams and rivers (AGFD 2001e). The Gila topminnow lives primarily in shallow areas with aquatic vegetation and debris for cover. It can tolerate relatively high water temperatures and low dissolved oxygen (AGFD 2001e). Currently, disjunct populations exist in 9-11 natural locations and 22-24 reintroduced locations within the Gila River drainage and one location in the Bill Williams River drainage. Of these localities, 15 are springs while the rest are creeks and washes (AGFD 1996).

Analysis of effects:
No Gila topminnows are known to occur in the project vicinity, and no habitat for this species occurs on the project site.

Determination of effect/Rationale/Recommended mitigation:
No naturally occurring perennial waters occur on the project site. Proposed project construction will have no effect on the Gila topminnow or its habitat. This determination was made because no topminnows are known to exist in the project area and proposed project activities therefore will not affect topminnow habitat.

Findings (T&E):

__X__ No effect to species or its habitat
_____ May affect species, not likely to adversely affect species or its habitat
_____ May beneficially affect species or its habitat
_____ Likely to adversely affect species or its habitat

Name:
Razorback sucker
Xyrauchen texanus

Data sources, including surveys conducted, prior BA/BE analysis or consultation:
Existing literature (see references), field surveys.

Affected habitat description:
Razorback suckers inhabit streams greater than 1 meter deep over sand, mud, or gravel substrates (Minckley 1973). They tend to occupy strong, uniform currents over sandy bottoms, eddies, and backwaters lateral to the river channels, and sometimes concentrating in deep places near cutbanks or fallen trees. Except for spawning migrations, razorback suckers are fairly sedentary, moving relatively few miles over several months. During spawning season, razorback suckers are found in runs with coarse sand, gravel, and cobble substrate, flooded bottomlands, gravel pits, and large eddies formed by flooded mouths of tributary streams and drainage ditches. In the Green River during non-breeding season, the fish are found in depths of 2 to 11 feet over sand or silt substrates, with water velocities of 0.3 to 2.0 feet per second. During summer months use shifts to relatively shallow waters off mid-channel sandbars. This species formerly occurred throughout the Colorado River basin. Currently, populations in the lower basin are restricted to Lake

Mohave, Lake Mead, and possibly the lower Colorado River below Havasu Creek (USFWS 1998). Substantial numbers of razorback suckers were reared through the juvenile and adult stages in hatcheries and in isolated ponds and released with limited success (AGFD 2002b).

Analysis of effects:
No razorback suckers are known to occur in the project vicinity and no habitat for this species occurs on the project site. The fact that there is no naturally flowing water near the project site precludes the existence of suitable habitat for this species. It is therefore highly unlikely that this species will be affected by proposed project activities.

Determination of effect/Rationale/Recommended mitigation:
No suitable habitat occurs on the project site, and no effect to this species is anticipated.

Findings (T&E):
__X__ No effect to species or its habitat
_____ May affect species, not likely to adversely affect species or its habitat
_____ May beneficially affect species or its habitat
_____ Likely to adversely affect species or its habitat

Name:
Longfin Dace
Agosia chrysogaster

Data sources, including surveys conducted, prior BA/BE analysis or consultation:
Existing literature (see references), field surveys.

Affected habitat description:
Longfin dace are usually found in waters less than 0.6 feet deep, with moderate velocities (1.1 feet/second) over pebble/gravel/sand substrates. Water flow is typically smooth and laminar. This species has a tendency to remain in open, shallow areas throughout much of the day (AGFD 2002c). Longfin dace is highly opportunistic, moving rapidly into flowing water during periods of high precipitation and runoff to travel amazing distances in relatively short periods of time (AGFD 2002c). They prefer to feed during the day when aquatic invertebrates are abundant (AGFD 2002c). However, during desiccating conditions, longfin dace persist beneath moist debris and algal mats throughout the day, then become active at night when meager flow returns. The range for the longfin dace is the Gila and Bill Williams rivers and drainages, where they live for a maximum of five years (AGFD 2002c).

Analysis of effects:
No habitat for this species occurs on the project site. It is therefore highly unlikely that he species will be affected by proposed project activities.

Determination of effect/Rationale/Recommended mitigation:
No longfin dace are known to occur in the project vicinity and no habitat for this species occurs on the project site. The fact that there is no flowing water in the project area or in the portion of the Aqua Fria River nearest the project site precludes the existence of suitable habitat for this species.

Findings (Species of Concern):
__X__ No impact on the species
_____ May impact individuals, but is not likely to result in a trend toward federal listing or loss of viability
_____ Has a beneficial impact on the species
_____ Likely to result in a trend toward federal listing or loss of viability for the species

Name:
Desert tortoise (Sonoran population)
Gopherus agasizzii

Data sources, including surveys conducted, prior BA/BE analysis or consultation:
Existing literature (see references), field surveys.

Affected habitat description:
The desert tortoise ranges from southeastern California, the southern tip of Nevada, and the extreme southwestern corner of Utah, through western and southern Arizona, and south to Sinaloa, Mexico (AIDTT 1996). Genetically distinct populations are separated by the Colorado River. In Arizona, they inhabit rocky slopes and bajadas of Mohave desertscrub and Arizona Upland and Lower Colorado River subdivisions of the Sonoran Desert (AIDTT 1996). Tortoises excavate burrows at the base of rock outcroppings and boulders. Food for desert tortoises consists mainly of annual forbs and grasses, with perennial and nonnative plants and cacti a secondary component of their diet (AGFD 2001f).

Analysis of effects:
Even though no desert tortoises, active or abandoned burrows or any other signs were observed during thorough foot surveys of the project area, individuals may be present. Individual desert tortoises in the area could be impacted by construction, if present.

Determination of effect/Rationale/Recommended mitigation:
The project area is in hilly and rocky habitat. Potential suitable habitat for the desert tortoise occurs on the project site. No tortoises, active burrows, or their sign was observed within the project area.

Findings (Species of Concern):
_____ No impact on the species
__X__ May impact individuals, but is not likely to result in a trend toward federal listing or loss of viability
_____ Has a beneficial impact on the species
_____ Likely to result in a trend toward federal listing or loss of viability for the species

Name:
Cave myotis
Myotis velifer

Data sources, including surveys conducted, prior BA/BE analysis or consultation:
Existing literature (see references), field surveys.

Affected habitat description:
This large, dark gray bat has a wingspan of 11-12 inches (AGFD 2002d). It is listed as a Species of Concern by the USFWS and a Sensitive species by the BLM. Cave myotis roost in caves, mines, tunnels, and under bridges or in buildings within a few miles of water in desertscrub habitats (AGFD 2002d). Plants found within its habitat include creosote, brittlebush, paloverde, and various cacti. These bats leave their roosts just after sunset, generally flying to water first. Individuals are thought to return to the same locality every year (AGFD 2002d). Foraging ranges may be several hundreds of square kilometers. Hoffmeister (1986) suggests that these bats leave for areas to the south in September and return in spring, males during March and females somewhat later. Cave myotis are opportunistic feeders that consume moths, weevils, small beetles, flying ants, and other insects (AGFD 2002d). Predators include raccoons, snakes, hawks, owls, and foxes. Females congregate in large maternity colonies of 50 to 15,000 individuals, gestation is 45-55 days and young are born in the months from May through early July (AGFD 2002d). Range for the cave myotis is from the southwestern half of Arizona, and adjacent parts of California, Nevada, New Mexico, and Sonora, Mexico (AGFD 2002d).

Analysis of effects:
No impacts to the cave myotis are anticipated.

Determination of effect/Rationale/Recommended mitigation:
Shallow overhangs and some shallow mine shafts, as well as bridges and tunnels associated with the Central Arizona Project canal may provide temporary roosts for individuals. There are no maternity colonies known to exist in the project vicinity and there are no caves large enough to support maternity colonies.

Findings (Species of Concern):
__X__ No impact on the species
_____ May impact individuals, but is not likely to result in a trend toward federal listing or loss of viability
_____ Has a beneficial impact on the species
_____ Likely to result in a trend toward federal listing or loss of viability for the species

Name:
Lowland Leopard Frog
Rana yavapaiensis

Data sources, including surveys conducted, prior BA/BE analysis or consultation:
Existing literature (see references), field surveys.

Affected habitat description:
This leopard frog is a member of the *Rana pipiens* complex of frogs. Like most Arizona frog species, the lowland leopard frog prefers permanent stream pools, springs, stock tanks, and side channels of major rivers within desertscrub, grassland and oak and pine/oak woodland habitats. It is seldom found in association with bullfrogs. Adults eat arthropods and other invertebrates (Stebbins 1985). Tadpoles consume a herbivorous diet of algae, plant tissue, and organic debris (AGFD 2001g). The lowland leopard frog generally breeds in the spring, but it is an opportunistic breeder that will take advantage of favorable conditions. The lowland leopard frog historically occurred throughout low elevation sites in the lower Colorado River and its tributaries in Nevada, California, New Mexico, Arizona, Mexico (AGFD 2001g). Its current range in Arizona includes the Colorado River near Yuma, and west, central and southeast Arizona south of the Mogollon Rim (AGFD 2001g). It is found from sea level to 5,980 feet in elevation within its range, in Arizona elevation ranges from 800-5,500 feet (AGFD 2001g).

Analysis of effects:
Careful inspection yielded no frogs, tadpoles or signs of habitation by this species. No effect to this species is anticipated as a result of development of the proposed project.

Determination of effect/Rationale/Recommended mitigation:
Big Spring has been altered and capped so that there is no surface water or riparian habitat present (see Photo 1, Appendix C). No frogs or tadpoles were observed during field visits. No effect to this species is anticipated because there is no potential to impact this species or its habitat directly as a result of the proposed project.

Findings (Species of Concern):
__X__ No impact on the species
_____ May impact individuals, but is not likely to result in a trend toward federal listing or loss of viability
_____ Has a beneficial impact on the species
_____ Likely to result in a trend toward federal listing or loss of viability for the species

Effects
The project area consists of desertscrub impacted by illegal dumping, shooting and hunting, and past mining activities. This area provides habitat for doves, quail, rabbits, songbirds, rodents, other small to medium-sized mammals, and a variety of reptiles (Hendricks 1985). Habitat and perhaps individuals of desert tortoise may be affected by the proposed project.

Cumulative Effects

No effects to federally listed threatened or endangered species are anticipated as a result of development of the project site. This area is part of the northwestward expansion of the Phoenix metropolitan area; numerous other projects are planned for or are already underway in the area. No other present or planned developments in the area are known to have impacts on federally listed species.

Analysis of Alternate Actions

Because there are no effects to threatened and endangered species and there were no additional agency concerns, no alternatives will be analyzed for this project.

Conclusions and Determinations

The proposed project will not result in adverse effects to any federally listed species. Desert tortoise, federally listed as a species of concern and state listed as a wildlife species of special concern, may be impacted by project activities. However, no desert tortoise, active burrows, or desert tortoise sign were observed during thorough pedestrian surveys. Construction workers should be made aware of the potential of desert tortoise to exist, and educated in the preservation and avoidance of this species, including contact information of Arizona Game and Fish personnel.

References

Arizona Interagency Desert Tortoise Team (AIDTT). 1996. Murray, R.C. and V. Dickinson (eds.) Management Plan for the Sonoran Desert population of the desert tortoise in Arizona. Arizona Interagency Desert Tortoise Team 55pp.

Arizona Game and Fish Department (AGFD). 1996. Wildlife of Special Concern in Arizona. Nongame Branch, AZ Game and Fish Dept. Phoenix.

Arizona Game and Fish Department. 1997. *Purshia subintegra.* Unpublished abstract compiled and edited by the Heritage Data Management System, Arizona Game and Fish Department, Phoenix. 5 pp.

Arizona Game and Fish Department. 1999. *Antilocapra americanus sonoriensis.* Unpublished abstract compiled and edited by the Heritage Data Management System, Arizona Game and Fish Department, Phoenix. 7 pp.

Arizona Game and Fish Department. 2001a. *Glaucidium brasilianum cactorumi.* Unpublished abstract compiled and edited by the Heritage Data Management System, Arizona Game and Fish Department, Phoenix. 4 pp.

Arizona Game and Fish Department. 2001b. *Strix occidentalis lucida.* Unpublished abstract compiled and edited by the Heritage Data Management System, Arizona Game and Fish Department, Phoenix. 5 pp.

Arizona Game and Fish Department. 2001c. *Rallus longirostris yumanensis.* Unpublished abstract compiled and edited by the Heritage Data Management System, Arizona Game and Fish Department, Phoenix. 10 pp.

Arizona Game and Fish Department. 2001d. *Cyprinodon macularius.* Unpublished abstract compiled and edited by the Heritage Data Management System, Arizona Game and Fish Department, Phoenix. 3 pp.

Arizona Game and Fish Department. 2001e. *Poeciliopsis occidentalis occidentalis.* Unpublished abstract compiled and edited by the Heritage Data Management System, Arizona Game and Fish Department, Phoenix. 6 pp.

Arizona Game and Fish Department. 2001f. *Gopherus agasizzii.* Unpublished abstract compiled and edited by the Heritage Data Management System, Arizona Game and Fish Department, Phoenix. 11 pp.

Arizona Game and Fish Department. 2001g. *Rana yavapaiensis.* Unpublished abstract compiled and edited by the Heritage Data Management System, Arizona Game and Fish Department, Phoenix. 6 pp.

Arizona Game and Fish Department. 2002a. *Haliaeetus leucocephalus.* Unpublished abstract compiled and edited by the Heritage Data Management System, Arizona Game and Fish Department, Phoenix. 8 pp.

Arizona Game and Fish Department. 2002b. *Xyrauchen texanas*. Unpublished abstract compiled and edited by the Heritage Data Management System, Arizona Game and Fish Department, Phoenix. 5 pp.

Arizona Game and Fish Department. 2002c. *Agosia chrysogaster*. Unpublished abstract compiled and edited by the Heritage Data Management System, Arizona Game and Fish Department, Phoenix. 5 pp.

Arizona Game and Fish Department. 2002d. *Myotis velifer*. Unpublished abstract compiled and edited by the Heritage Data Management System, Arizona Game and Fish Department, Phoenix. 6pp.

Arizona Game and Fish Department. 2003a. *Agave arizonica*. Unpublished abstract compiled and edited by the Heritage Data Management System, Arizona Game and Fish Department, Phoenix. 4 pp.

Arizona Game and Fish Department. 2003b. *Leptonycteris curasoae yerbabuenae*. Unpublished abstract compiled and edited by the Heritage Data Management System, Arizona Game and Fish Department, Phoenix. 8 pp.

Arizona Rare Plant Committee (ARPC), Mima Falk (coordinator). 2000. Arizona Rare Plant Field Guide. Arizona Rare Plant Committee, a collaboration of agencies and organizations.

Brown, David E. editor. 1994. Biotic Communities Southwestern United States and Northwestern Mexico. University of Utah Press, Salt Lake City.

Cartron, Jean-Luc and Finch, Deborah M. tech. eds. 2000. Ecology and conservation of the cactus ferruginous pygmy-owl in Arizona. Gen. Tech. Rep. RMRS-GTR-43. Ogden, UT: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. 68 pp.

Cordell, Linda S. 1984. Prehistory of the Southwest. Academic Press, San Diego.

Hendricks, David M. 1985. Arizona Soils. College of Agriculture, University of Arizona, Tucson.

Hoffmeister, Donald F. 1986. Mammals of Arizona. The University of Arizona Press and the Arizona Game and Fish Department.

Minckley, W. L. 1973. Fishes of Arizona. Arizona Fish and Game Department. Sims Printing Company, Inc., Phoenix.

Nowak, Ronald M. 1994. Bats of the World. The John Hopkins University Press, London.

Sogge, Mark K., Robert M. Marshall, Susan J. Sferra, Timothy J. Tibbits. 1997. A Southwestern Willow Flycatcher Natural History Summary and Survey Protocol. Colorado Plateau Research Station, Northern Arizona University, Flagstaff. Prepared for National Park Service, U.S. Department of Interior.

Spencer, J., S. Sferra, T. Corman, J. Rourke, M. Sumner. 1996. Arizona Partners in Flight. 1995 Southwestern Willow Flycatcher Survey, Non-game and Endangered Wildlife Program. Technical Report #97. Arizona Game and Fish Department, Phoenix.

Stebbins, Robert C. 1985. Western Reptiles and Amphibians. Peterson Field Guide Series. Houghton Mifflin Company. Boston, MA.

U. S. Fish and Wildlife Service (USFWS). 1992. Handbook of Arizona Endangered, Threatened, and Candidate Plants. United States Fish and Wildlife Service, Phoenix.

U. S. Fish and Wildlife Service. 1998. Endangered and Threatened Species of Arizona. Arizona Ecological Service Field Office, Phoenix.

U.S. Fish and Wildlife Service. 2004. A list of threatened and endangered species for Maricopa County, Arizona. Website http://arizonaes.fws.gov/ Accessed June 24, 2004.

Appendix A
Agency Consultation and Coordination Letters

U.S. Fish & Wildlife Service

Endangered Species List

Back to Start

List of species by county for Arizona:

Counties Selected: Maricopa

Select one or more counties from the following list to view a county list:

Apache
Cochise
Coconino
Gila
Graham

View County List

Maricopa County

Common Name	Scientific Name	Listing Status	More Info
Arizona agave	*Agave arizonica*	E	P
Arizona Cliff-rose	*Purshia (=Cowania) subintegra*	E	P
bald eagle	*Haliaeetus leucocephalus*	AD, T	P
brown pelican	*Pelecanus occidentalis*	DM, E	P
cactus ferruginous pygmy-owl	*Glaucidium brasilianum cactorum*	E	P
desert pupfish	*Cyprinodon macularius*	E	P
Gila topminnow (incl. Yaqui)	*Poeciliopsis occidentalis*	E	P
lesser long-nosed bat	*Leptonycteris curasoae yerbabuenae*	E	P
Mexican spotted owl	*Strix occidentalis lucida*	T	P
razorback sucker	*Xyrauchen texanus*	E	P
Sonoran pronghorn	*Antilocapra americana sonoriensis*	E	P
southwestern willow flycatcher	*Empidonax traillii extimus*	E	P
yellow-billed Cuckoo	*Coccyzus americanus*	C	P
Yuma clapper rail	*Rallus longirostris yumanensis*	E	P

THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT
2221 WEST GREENWAY ROAD, PHOENIX, AZ 85023-4399
(602) 942-3000 • AZGFD.COM

GOVERNOR
JANET NAPOLITANO
COMMISSIONERS
CHAIRMAN, SUSAN E. CHILTON, ARIVACA
W. HAYS GILSTRAP, PHOENIX
JOE MELTON, YUMA
MICHAEL M. GOUGHNOUR, FLAGSTAFF
WILLIAM H. MCLEAN, GOLD CANYON
DIRECTOR
DUANE L. SHROUFE
DEPUTY DIRECTOR
STEVE K. FERRELL

October 7, 2004

Ms. Lynn A. Neal
EnviroSystems Management, Inc.
Fourth Street Corporate Center
2101 N. 4th St.
Suite 220
Flagstaff, AZ 86004

Re: Special Status Species Information for **Township 5 North, Range 1 West Section 1 and 12-14; Proposed Development.**

Dear Ms. Plummer:

The Arizona Game and Fish Department (Department) has reviewed your request, dated September 24, 2004, regarding special status species information associated with the above-referenced project area. The Department's Heritage Data Management System (HDMS) has been accessed and current records show that the special status species listed on the attachment have been documented as occurring in the project vicinity (3-mile buffer). In addition this project does not occur in the vicinity of any Proposed or Designated Critical Habitats.

The Department's HDMS data are not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity.

Making available this information does not substitute for the Department's review of project proposals, and should not decrease our opportunities to review and evaluate new project proposals and sites. The Department is also concerned about other resource values, such as other wildlife, including game species, and wildlife-related recreation. The Department would appreciate the opportunity to provide an evaluation of impacts to wildlife or wildlife habitats associated with project activities occurring in the subject area, when specific details become available.

If you have any questions regarding this letter, please contact me at (602) 789-3619. General status information, county and watershed distribution lists and abstracts for some special status species are also available on our web site at http://www.azgfd.com/hdms.

Sincerely,

Ginger Ritter

Ginger L. Ritter
Heritage Data Management System, Data Specialist

SSS:glr

Attachment

cc: Rebecca Davidson, Project Evaluation Program Supervisor
Russ Haughey, Habitat Program Manager, Region VI

AGFD #09-24-04 (03)

Special Status Species within 3 Miles of T5N, R1W Sec. 1 & 12-14

NAME	COMMON NAME	ESA	BLM	USFS	STATE
Agosia chrysogaster	Longfin Dace	SC	S		
Gopherus agassizii (Sonoran Population)	Sonoran Desert Tortoise	SC			WSC
Myotis velifer	Cave Myotis	SC	S		
Rana yavapaiensis	Lowland Leopard Frog	SC		S	WSC

No Critical Habitats in project area. AGFD # 09-24-04(03). Proposed Development.

Arizona Game and Fish Department, Heritage Data Management System, October 7, 2004.

Appendix B
Species Encountered

Plants and Wildlife Observed during Field Survey

Common Name	Scientific Name
Plants	
catclaw acacia	*Acacia greggii*
ragweed	*Ambrosia ambrosioides*
triangle-leaf bursage	*Ambrosia deltoidea*
burrobush	*Ambrosia dumosa*
three-awn grass	*Aristida* sp.
sweetbush	*Bebbia juncea*
red brome	*Bromus rubens*
saguaro	*Carnegiea gigantea*
paloverde	*Cercidium floridum*
hedgehog cactus	*Echinocereus fasciculatus* var. *Boyce-Thompsonii*
brittlebush	*Encelia farinosa*
barrel cactus	*Ferocactus acanthodes*
ocotillo	*Fouquieria splendens*
desert lavender	*Hyptis emoryi*
white ratany	*Krameria grayi*
creosote bush	*Larrea tridentata*
wolfberry	*Lycium andersonii*
ironwood	*Olneya tesota*
teddy bear cholla	*Opuntia bigelovii*
Christmas cactus	*Opuntia leptocaulis*
cane cholla	*Opuntia spinosior*
trixis	*Trixis californica*
Wildlife	
rodent burrows	Various spp.
Gambel's quail	*Callipepla gambelii*
javelina	*Pecari tajacu*
cactus wren	*Campylorhynchus brunneicapillus*
mule deer	*Odocoileus hemionus*
coyote	*Canis latrans*
mountain lion sign (not recent)	*Felis concolor*

Appendix C
Project Area Photos

Photo 1. Big Spring, capped, as it appears today.

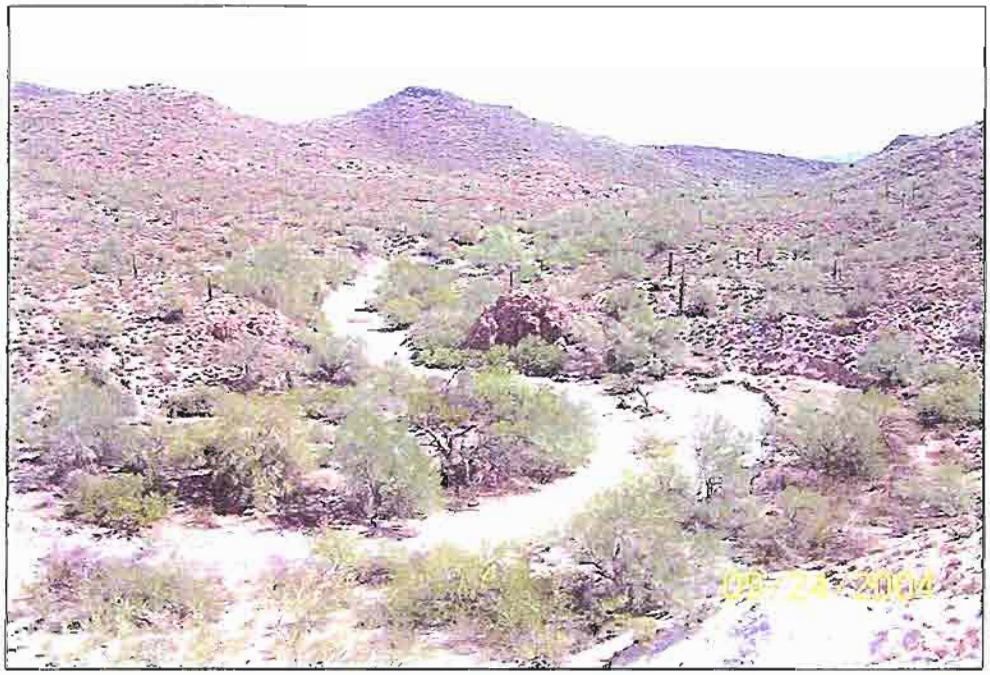


Photo 2. Major wash that bisects property, view is to the east.

Photo 3. Representative vegetation in the southwest corner of the project area.

Photo 4 Minor drainage in the project area.

Appendix E

Site Photographs

Photo # 1

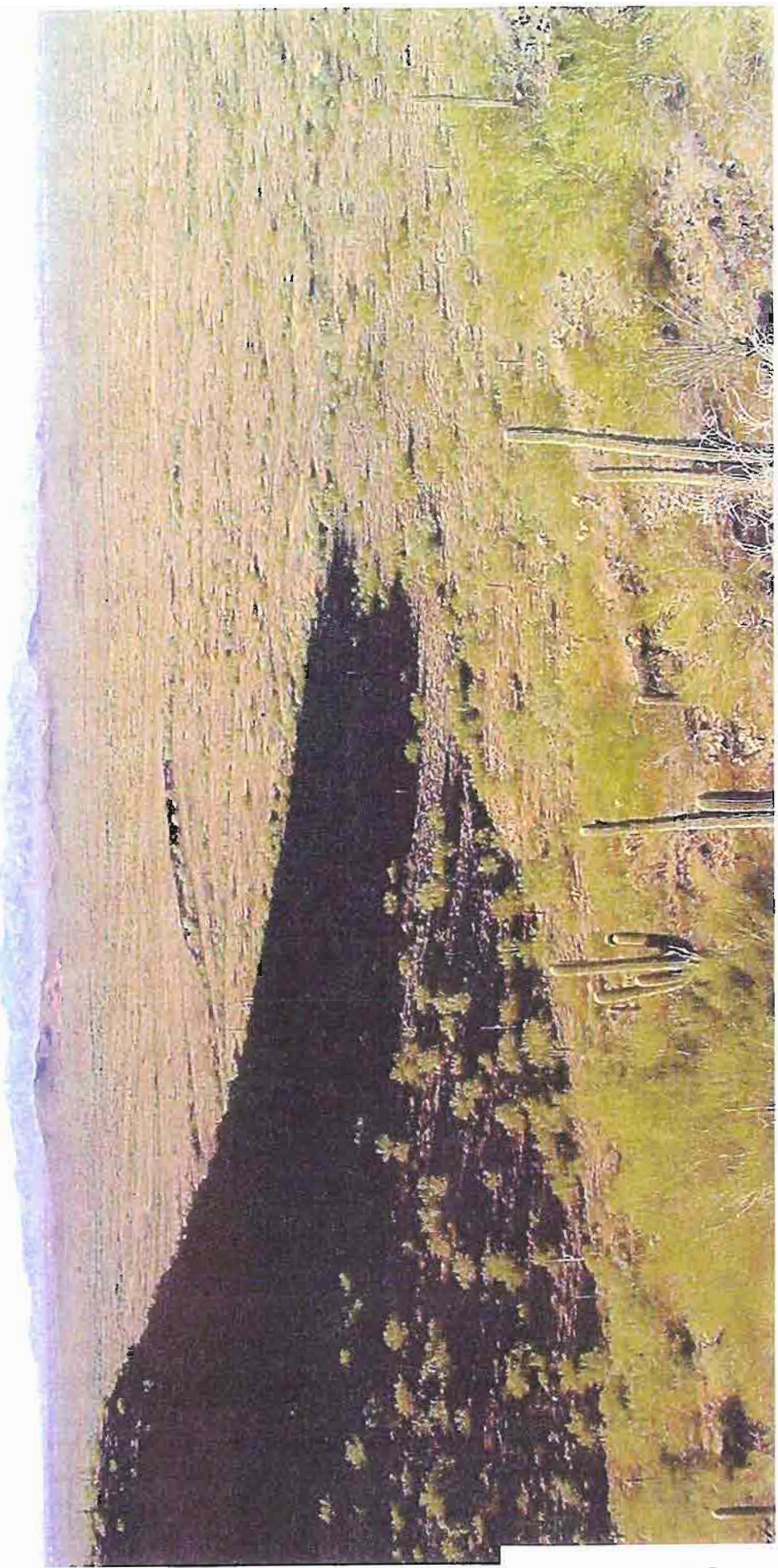


Photo # 2

Photo # 3

Photo # 4

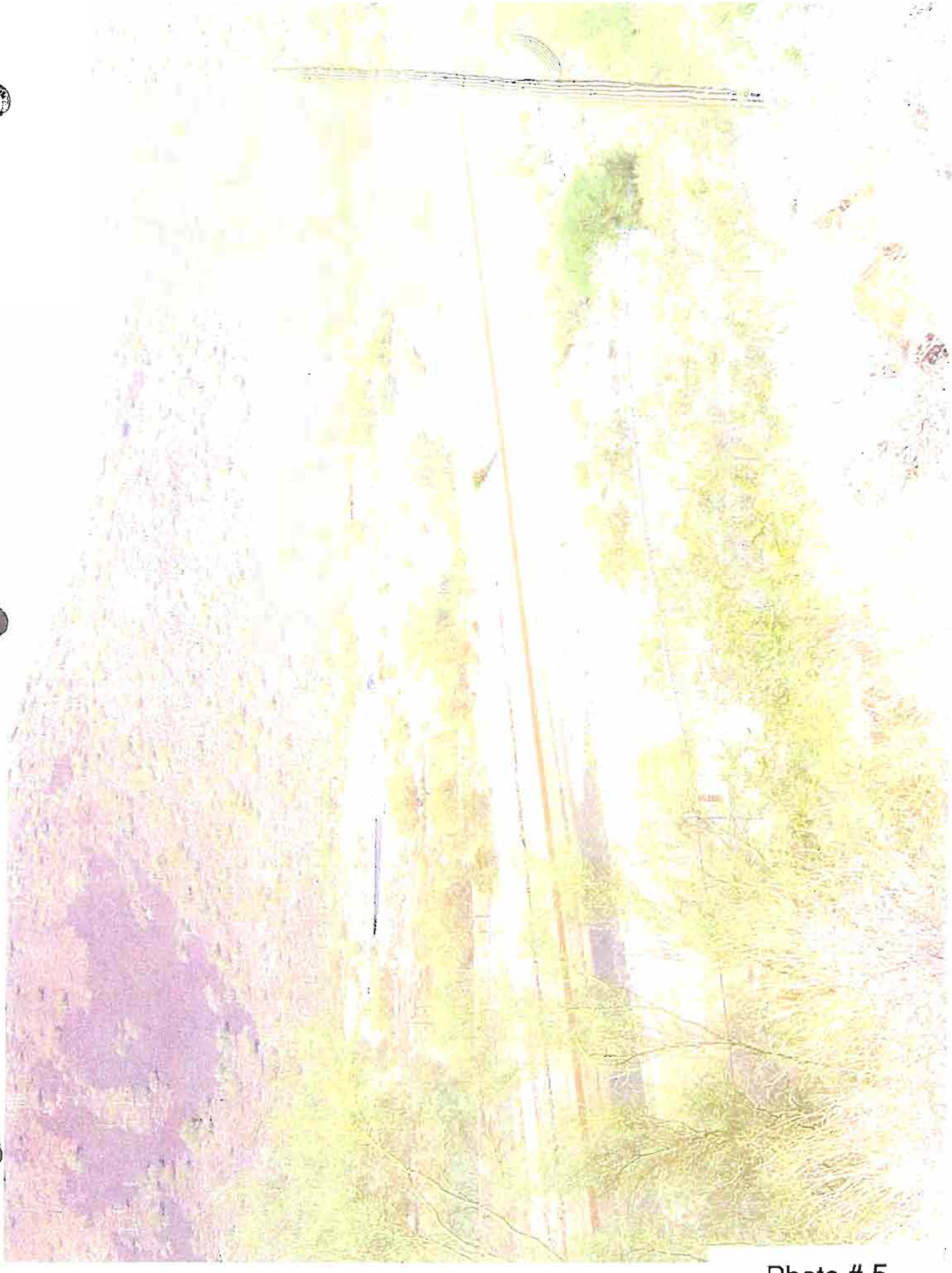


Photo # 5

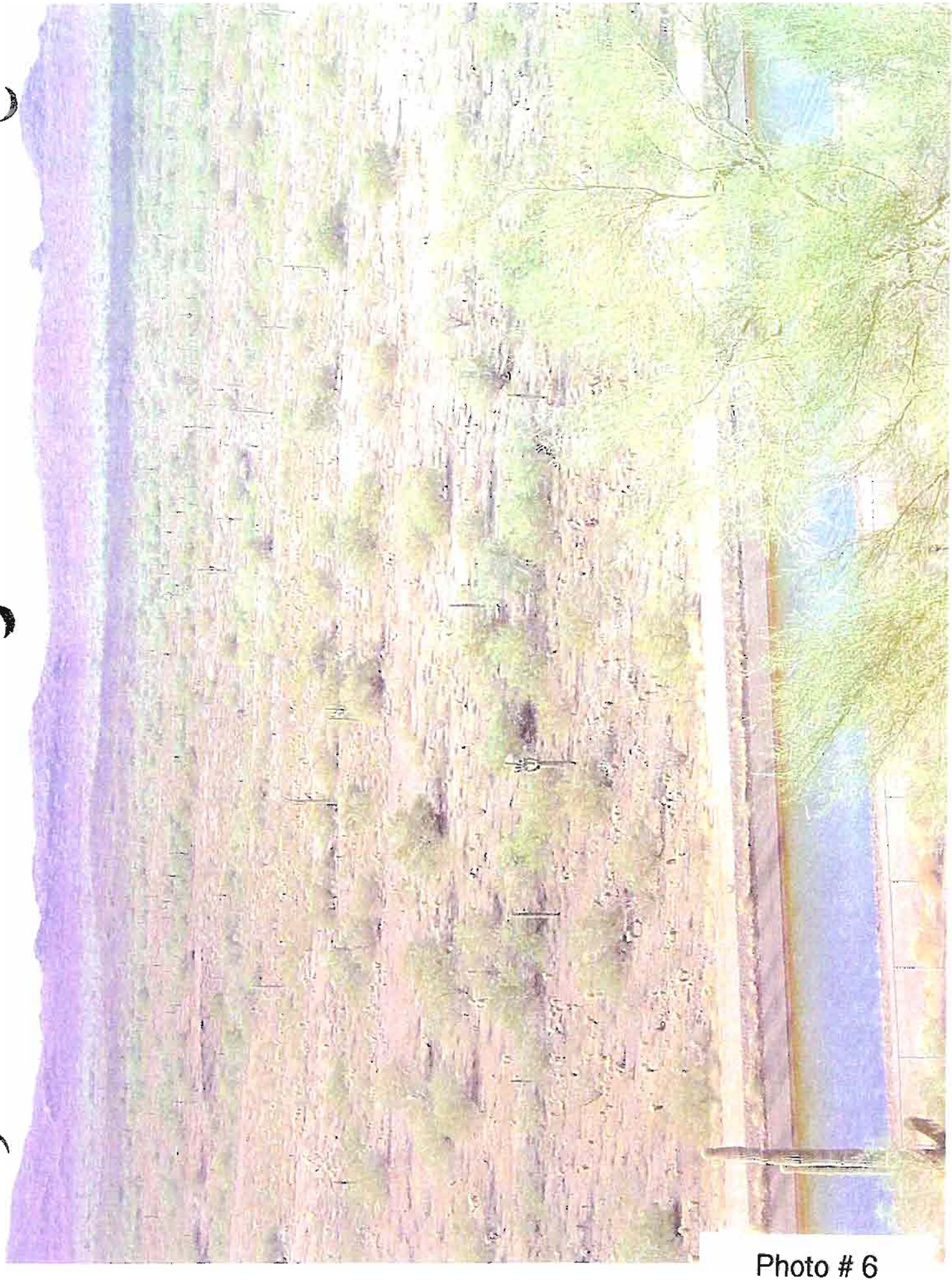


Photo # 6

Photo # 7

Photo # 8

Photo # 9

Photo # 10

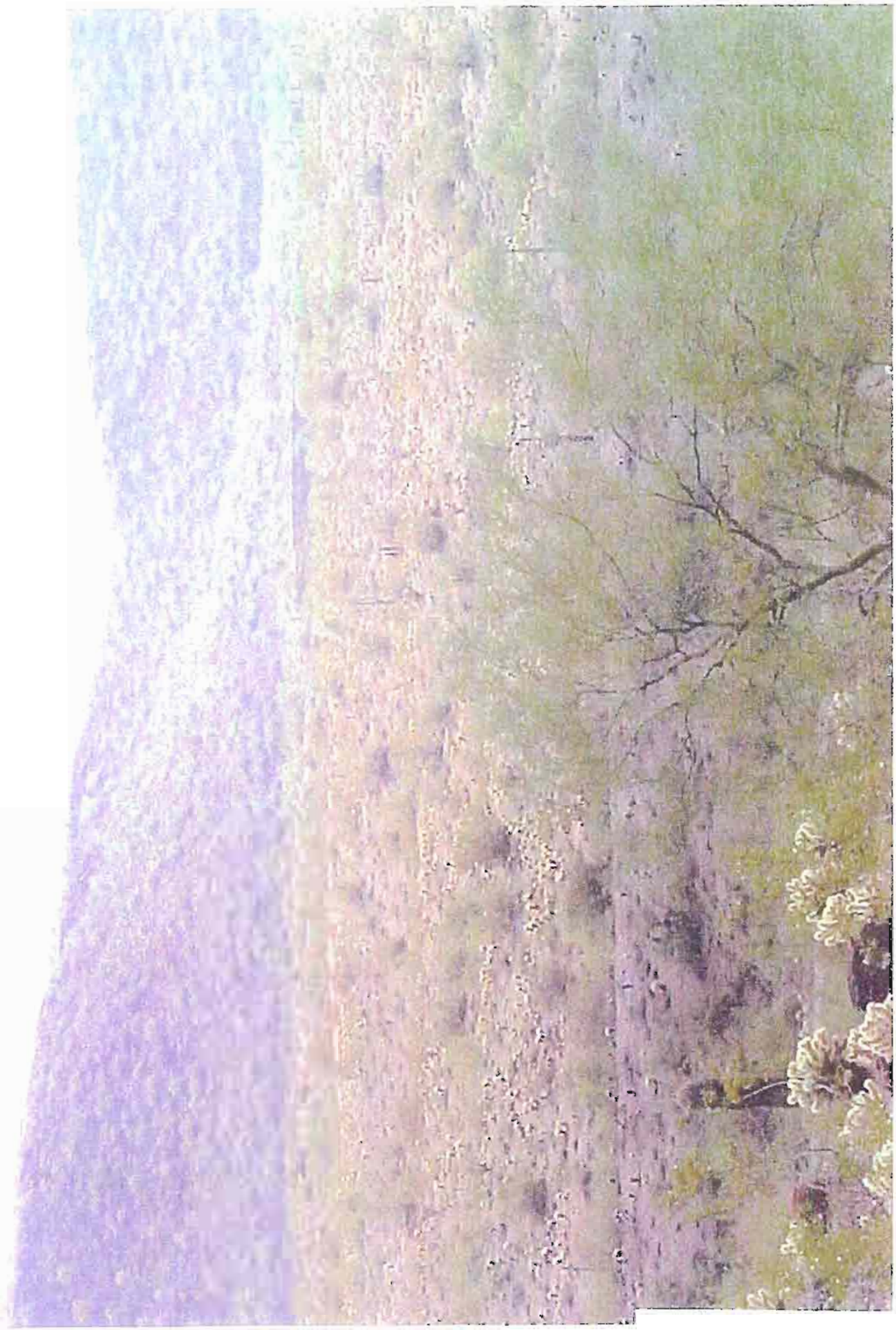


Photo # 11

Photo # 12

Photo # 13

Photo # 14

Photo # 15

Photo # 16

Photo # 17

Photo # 18

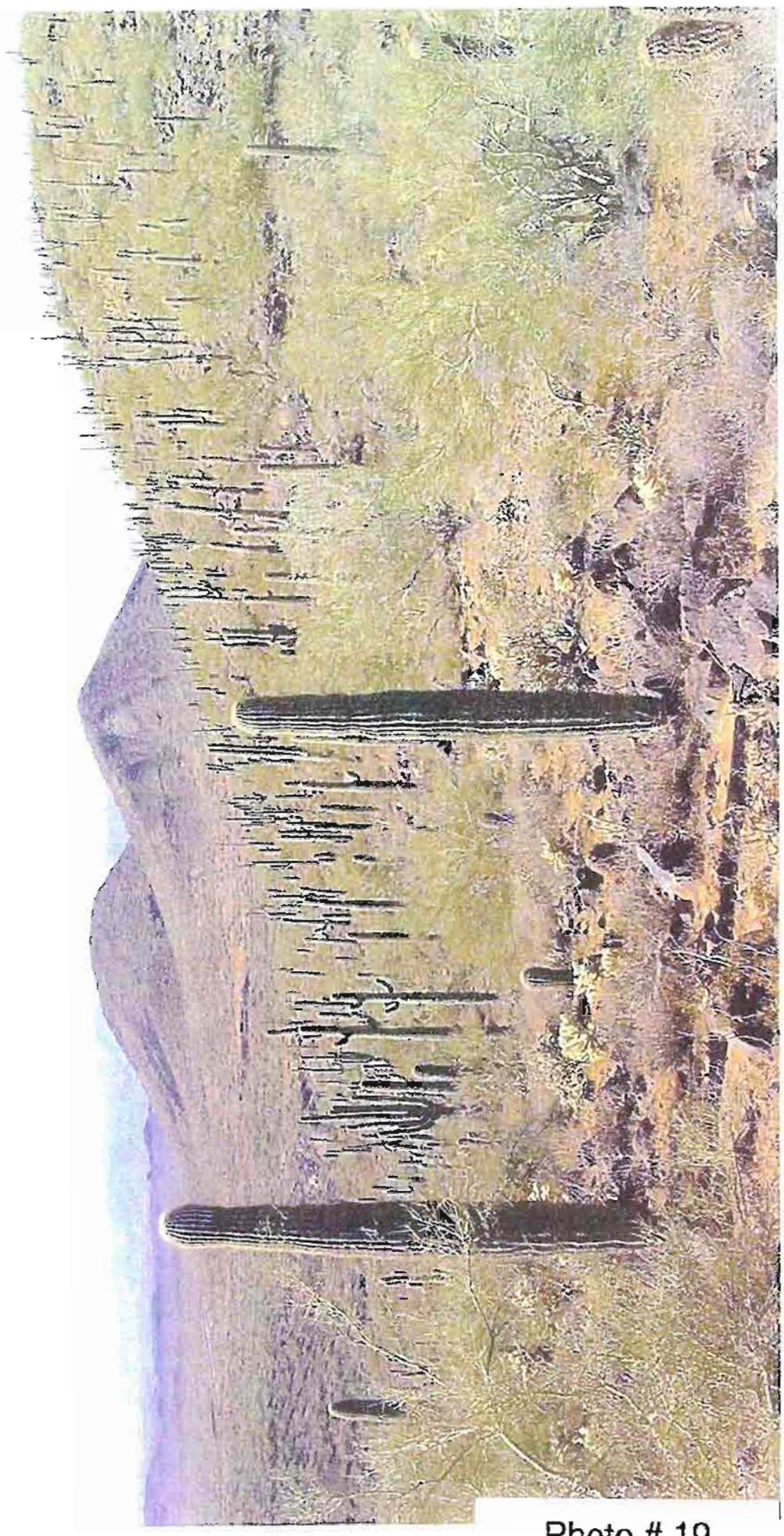


Photo # 19

Photo # 20

Photo # 21

Photo # 22

Photo # 23

Photo # 24

Photo # 25

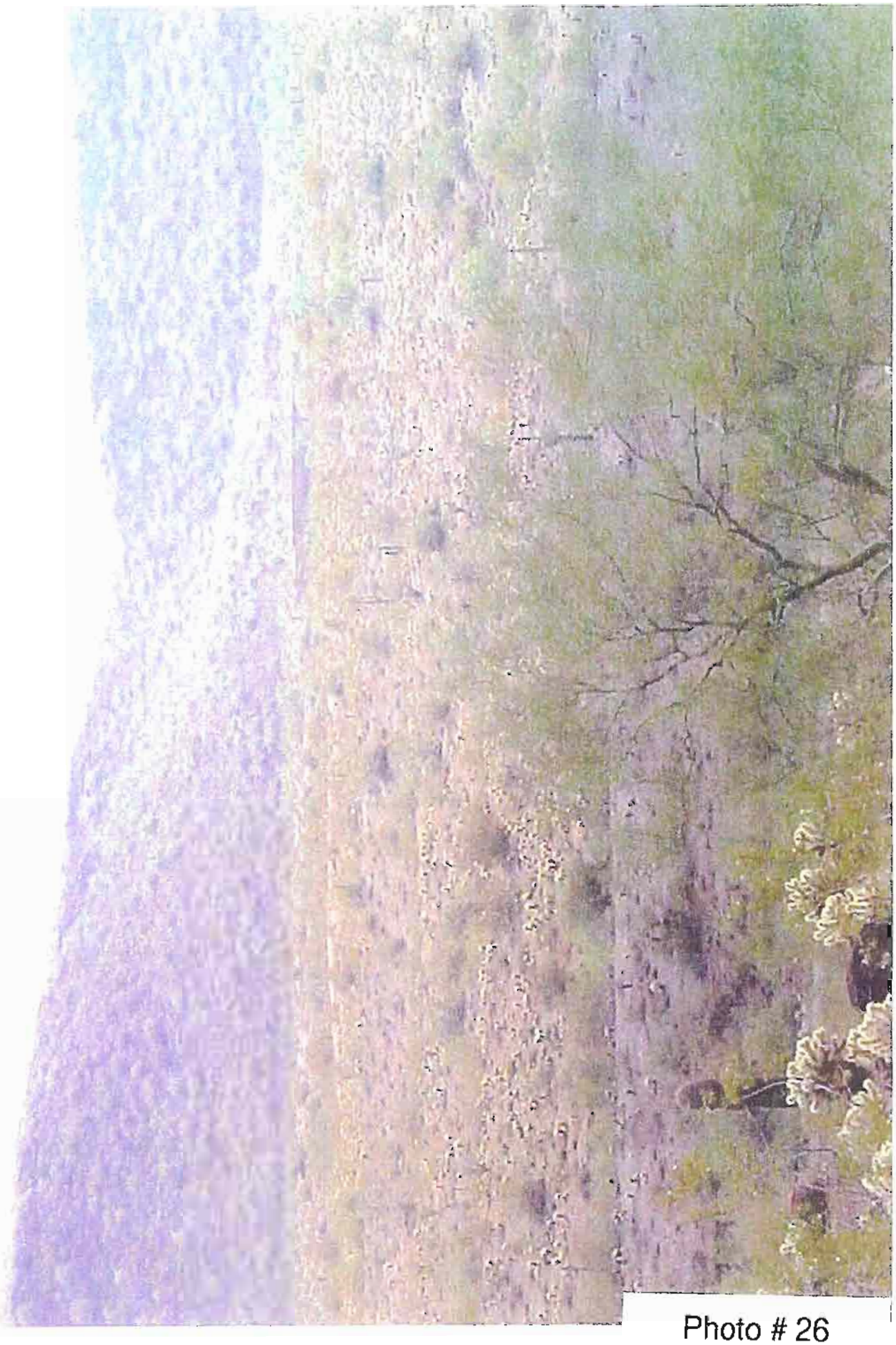


Photo # 26

Photo # 27

Photo # 28

Photo # 29

Photo # 30

Photo # 31

Photo # 32

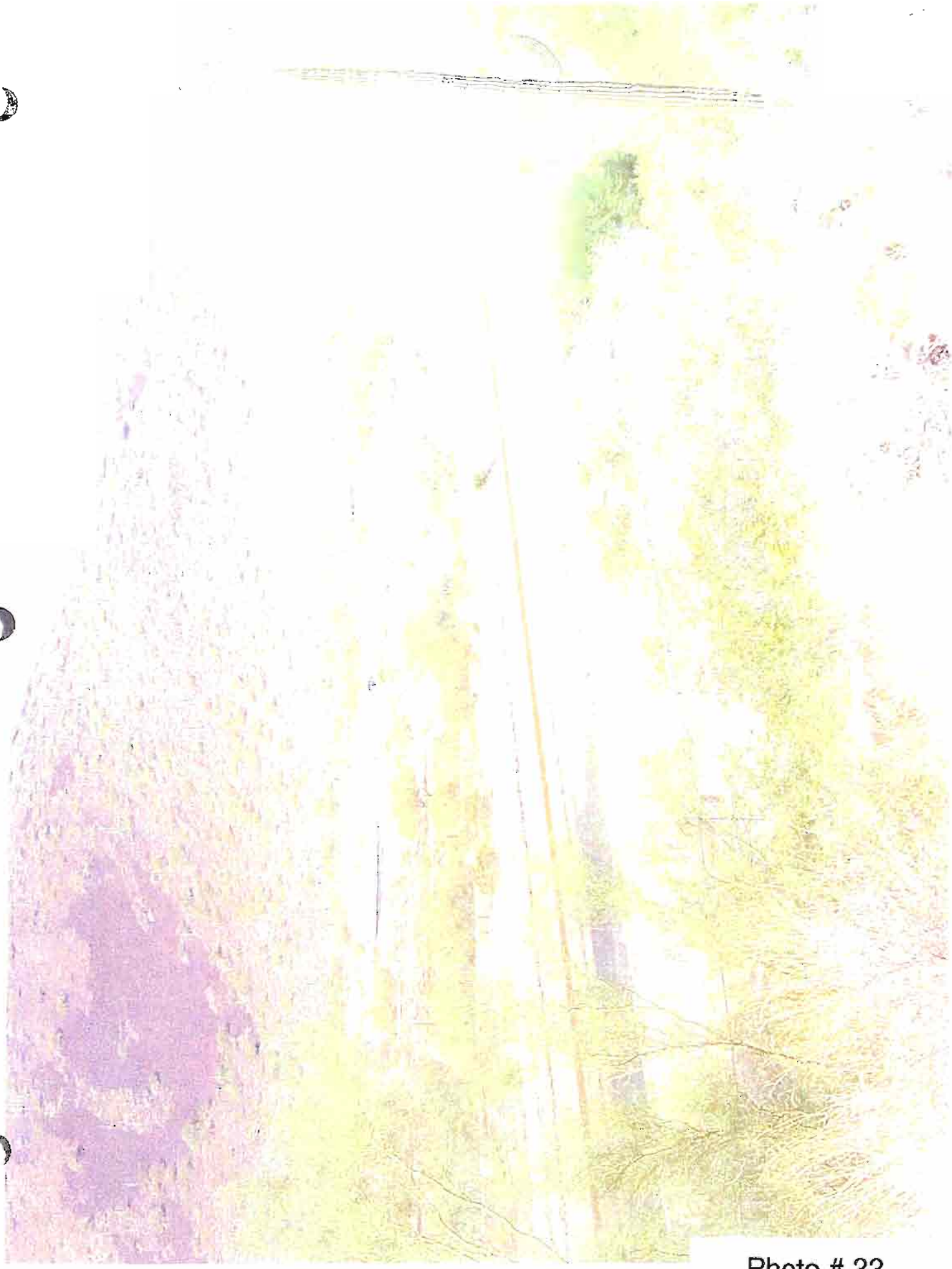


Photo # 33

Photo # 34

Photo # 35

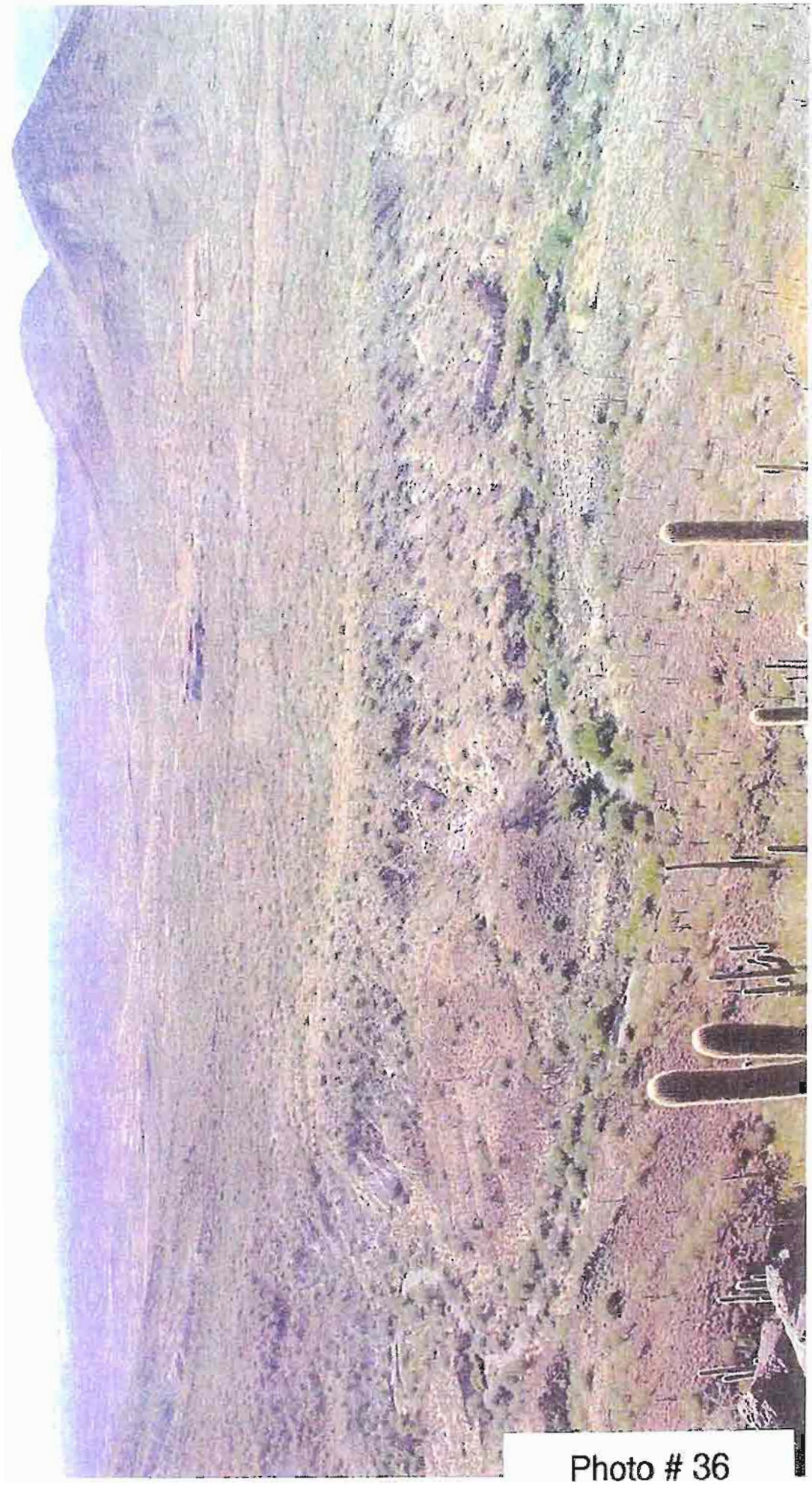


Photo # 36

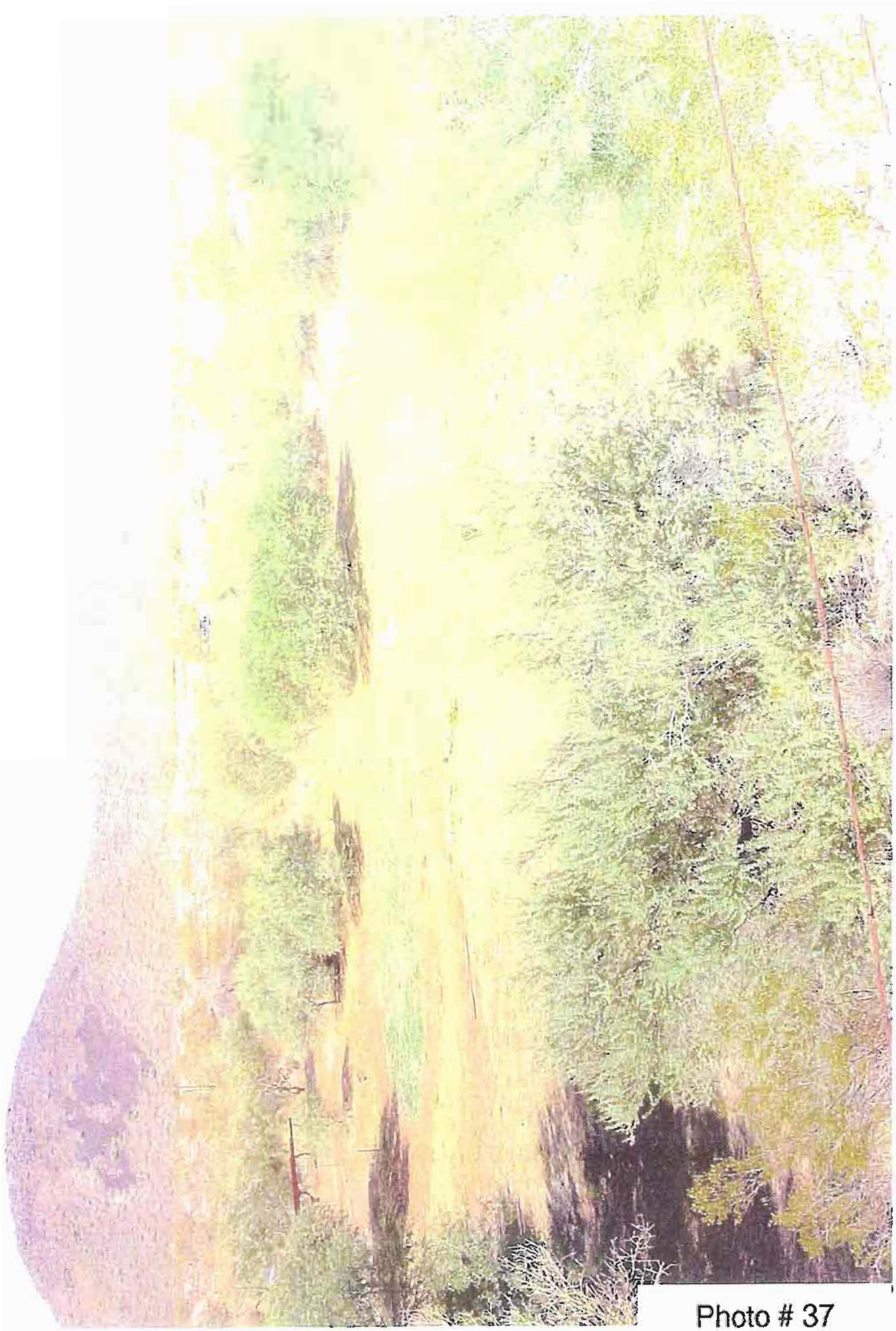


Photo # 37

Photo # 38

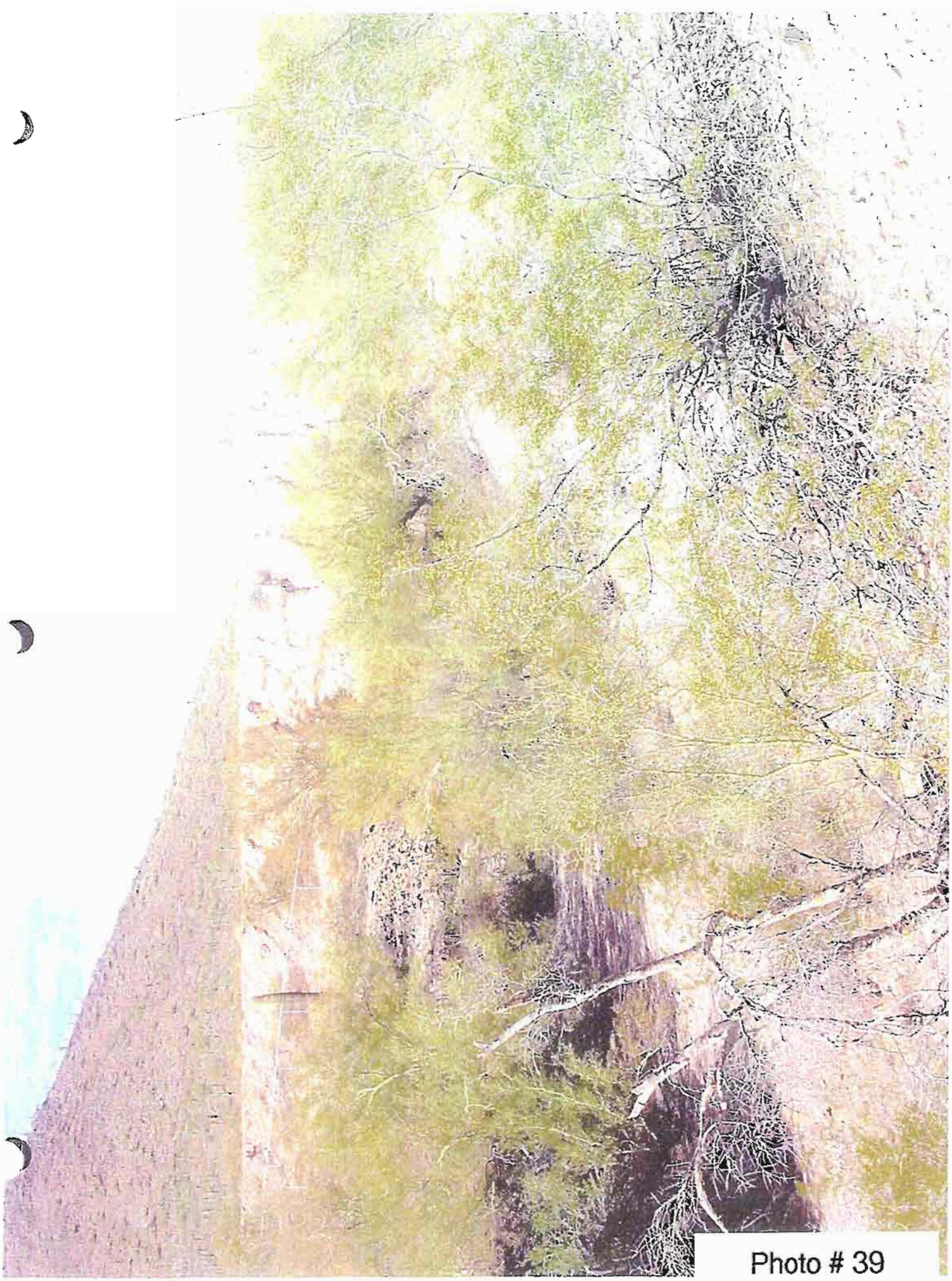


Photo # 39

Photo # 40

Photo # 41

Photo # 42

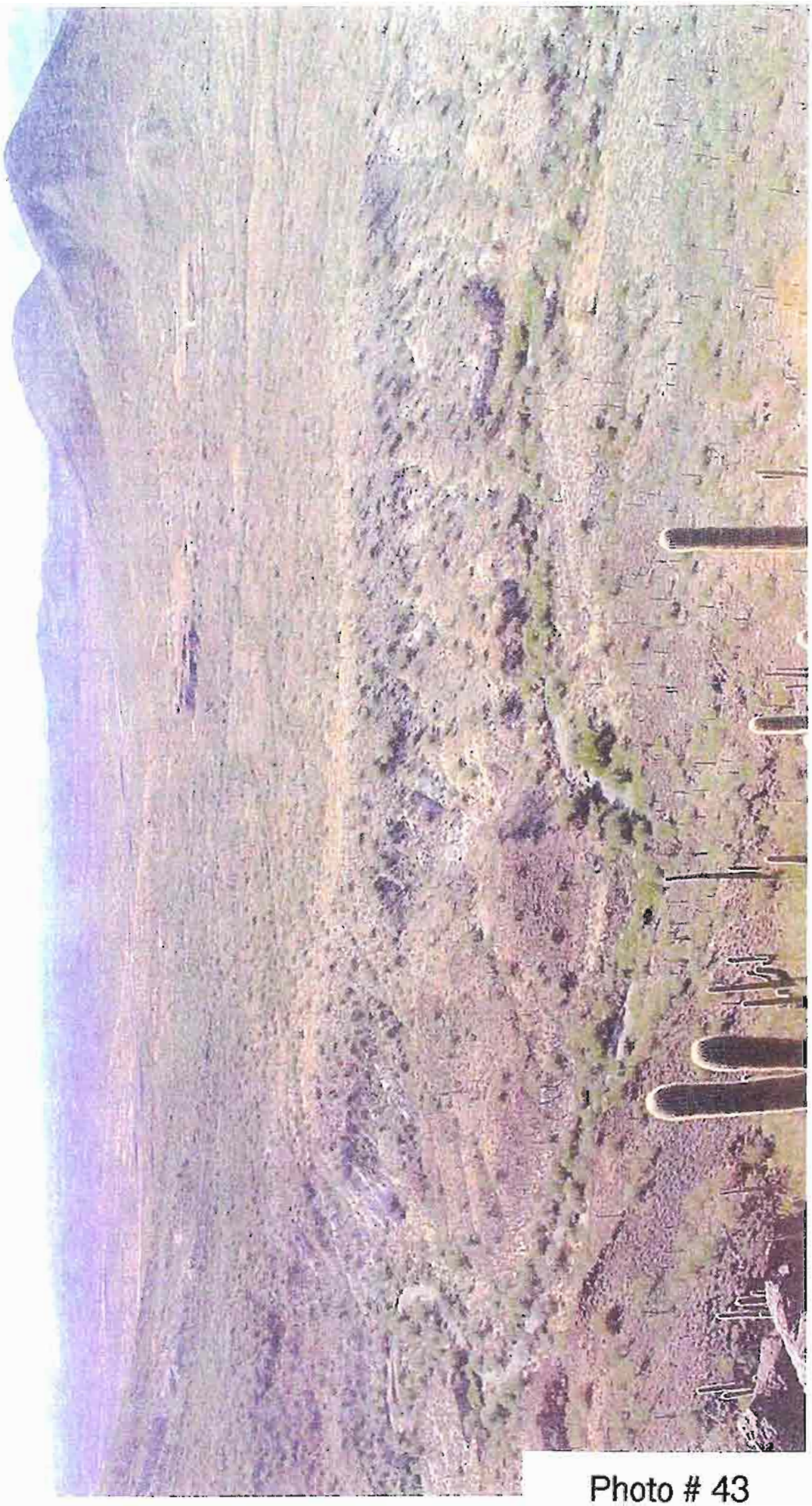


Photo # 43

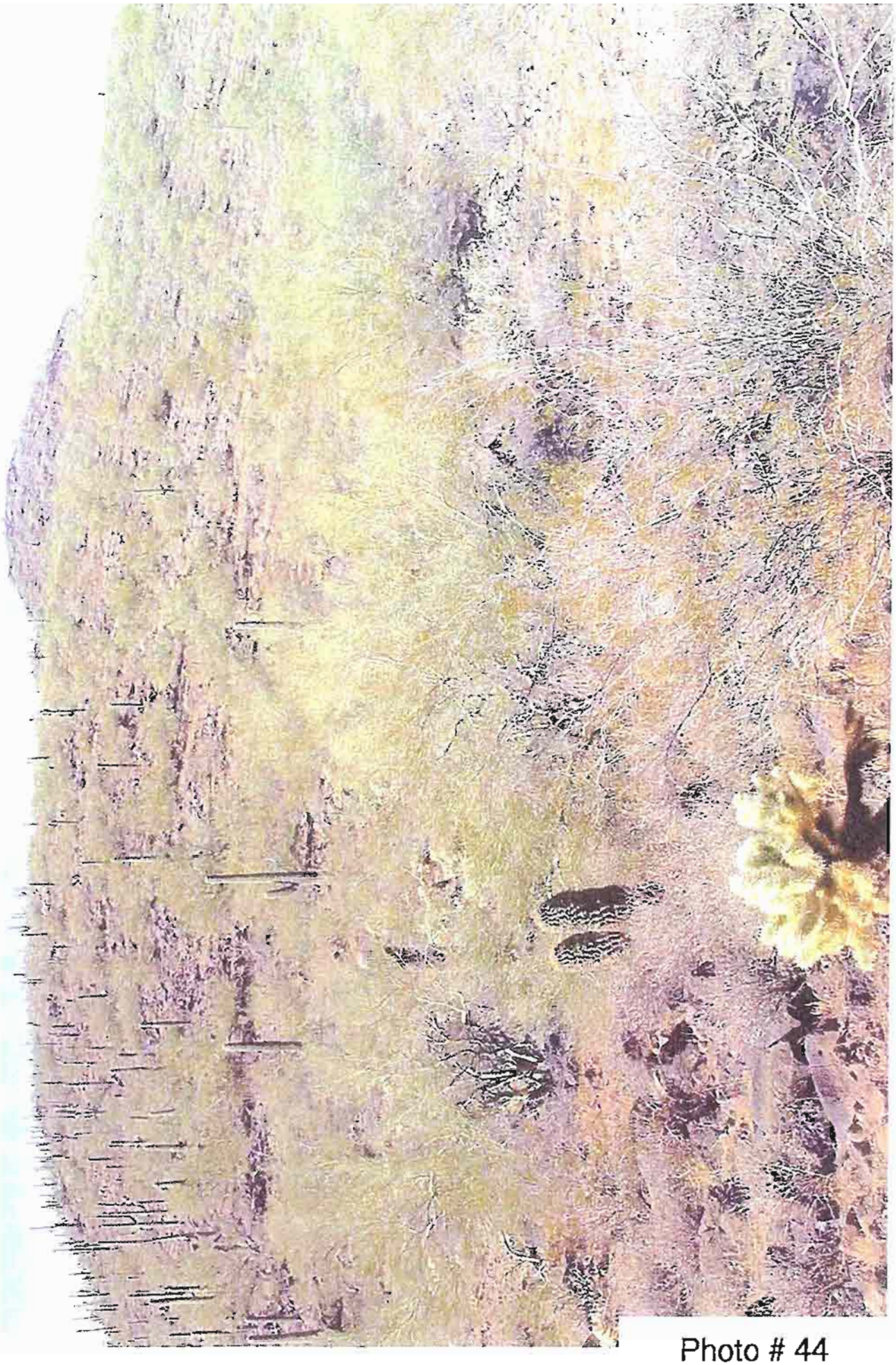


Photo # 44

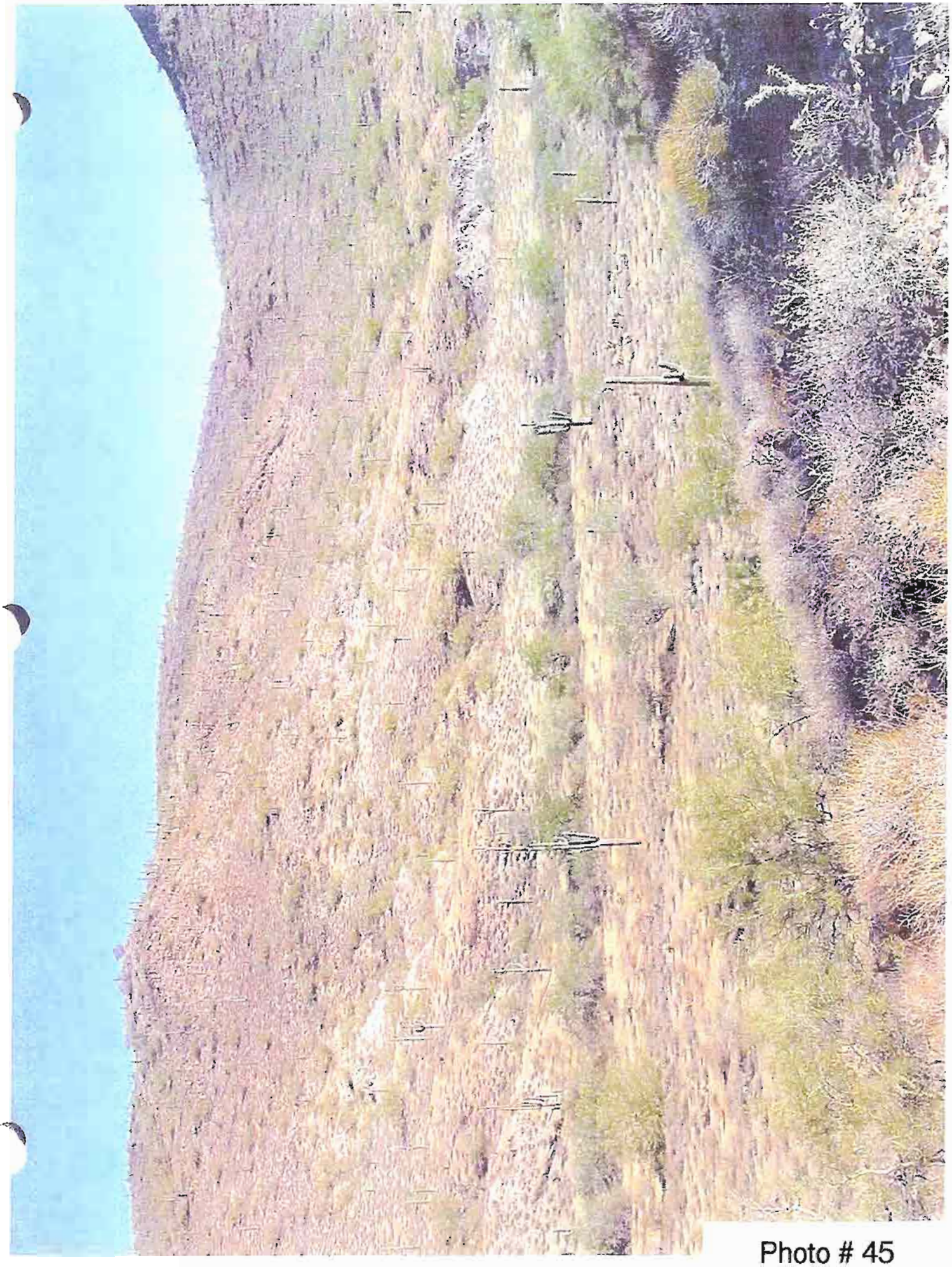


Photo # 45

Land Description
Big Spring Easement
At Lake Pleasant Heights

Those certain portions of G.L.O. Lots 2, 3, 4 and 5 and the southwest quarter of the northeast quarter of Section 1, Township 5 North, Range 1 West of the Gila and Salt river Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Parcel No. 1:

Beginning at the northwest corner of said Section 1;

thence along the North line of the northwest quarter of said Section 1, South 89 degrees 41 minutes 51 seconds East a distance of 2638.53 feet to the North quarter corner of said Section 1;

thence along the North line of the northeast quarter of said Section 1, South 89 degrees 41 minutes 47 seconds East a distance of 450.37 feet;

thence leaving said North line and traversing the following courses and distances:

South 21 degrees 45 minutes 20 seconds East, 246.62 feet;

South 33 degrees 05 minutes 58 seconds East, 340.09 feet;

South 44 degrees 10 minutes 04 seconds East, 340.19 feet;

South 43 degrees 18 minutes 55 seconds West, 513.14 feet;

North 50 degrees 54 minutes 32 seconds West, 512.49 feet;

North 75 degrees 37 minutes 41 seconds West, 725.58 feet;

North 61 degrees 39 minutes 20 seconds West, 203.92 feet;

North 53 degrees 43 minutes 19 seconds West, 647.79 feet;

North 89 degrees 25 minutes 45 seconds West, 1449.35 feet to the West line of the northwest quarter of said Section 1;

thence along said West line, North 00 degrees 14 minutes 07 seconds East a distance of 151.52 feet to the Point of Beginning.

Containing 1,504,560.88 Square Feet or 34.540 Acres more or less.

Parcel No. 2:

Commencing at the East quarter corner of said Section 1;

thence along the East line of the northeast quarter of said Section 1, North 00 degrees 14 minutes 22 seconds West a distance of 721.07 feet to the Point of Beginning;

thence leaving said East line and traversing the following courses and distances:

South 88 degrees 40 minutes 00 seconds West, 223.48 feet;

South 58 degrees 55 minutes 38 seconds West, 122.82 feet;

South 49 degrees 56 minutes 11 seconds West, 220.76 feet;

North 85 degrees 39 minutes 53 seconds West, 159.08 feet;

North 35 degrees 38 minutes 08 seconds West, 184.98 feet;

North 66 degrees 48 minutes 52 seconds West, 398.03 feet;

North 66 degrees 09 minutes 22 seconds West, 522.44 feet;

North 46 degrees 35 minutes 33 seconds West, 221.13 feet;

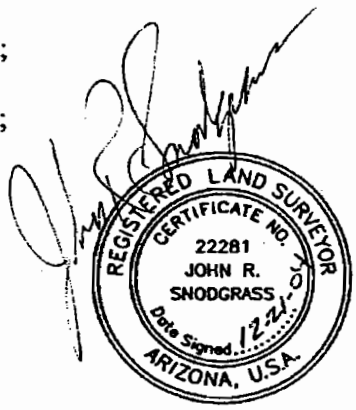
North 46 degrees 24 minutes 52 seconds East, 329.76 feet;

South 45 degrees 33 minutes 34 seconds East, 153.85 feet;

South 67 degrees 02 minutes 18 seconds East, 450.42 feet;

South 84 degrees 47 minutes 01 seconds East, 320.78 feet;

South 77 degrees 02 minutes 02 seconds East, 274.10 feet;

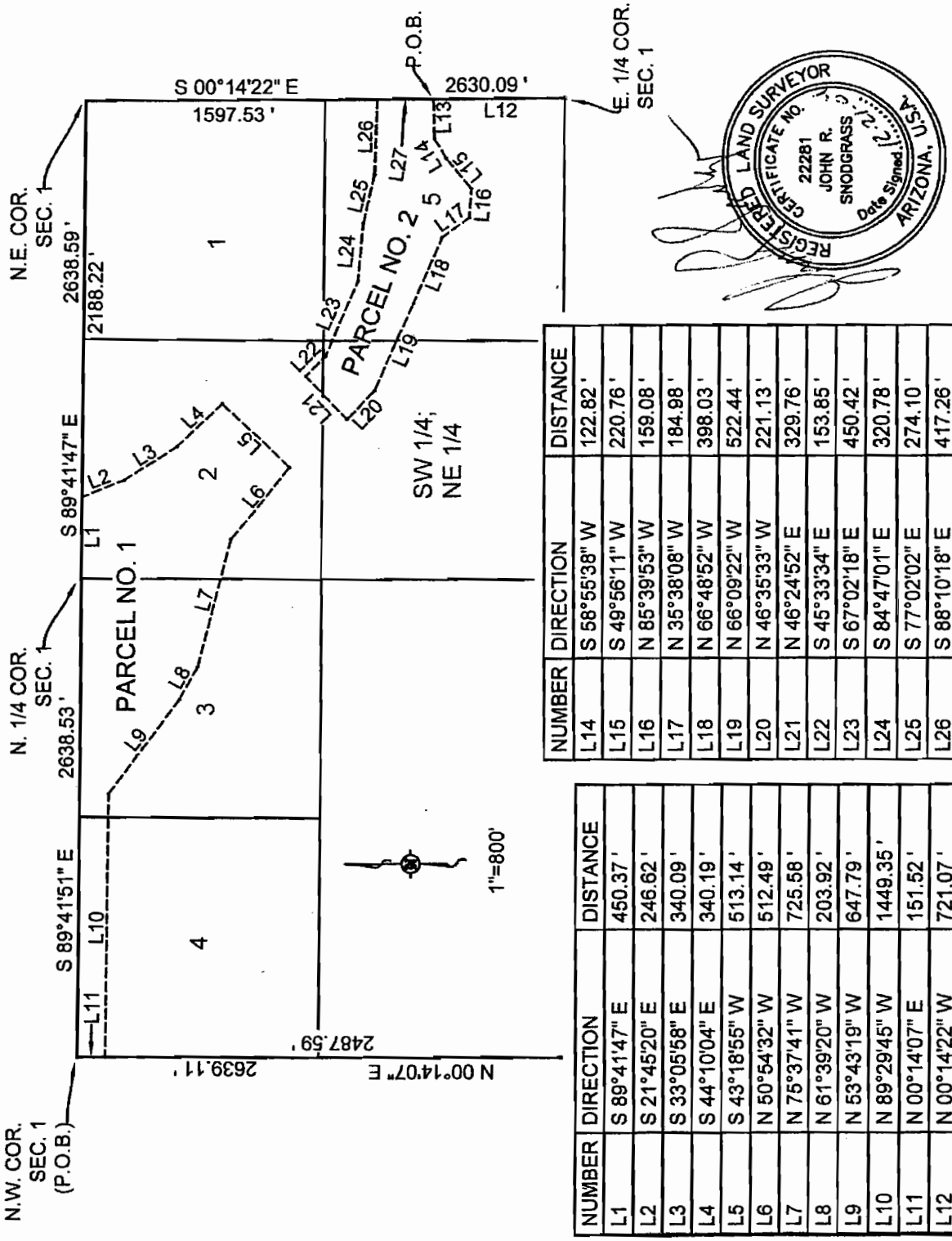


South 88 degrees 10 minutes 18 seconds East, 417.26 feet to the East line of said northeast quarter of Section 1;

thence along said east line, South 00 degrees 14 minutes 22 seconds East a distance of 311.49 feet to the Point of Beginning.

Containing 672,332.14 Square Feet or 15.435 Acres more or less.

EXHIBIT
BIG SPRING EASEMENT
PORTIONS OF G.L.O. LOTS 2, 3, 4 & 5 AND THE S.W. 1/4 OF THE N.E. 1/4 SECTION 1, T.5N.,R.1W., G.&S.R.B.&M., MARICOPA COUNTY, ARIZONA



NUMBER	DIRECTION	DISTANCE
L14	S 58°55'38" W	122.82'
L15	S 49°56'11" W	220.76'
L16	N 85°39'53" W	159.08'
L17	N 35°38'08" W	184.98'
L18	N 66°48'52" W	398.03'
L19	N 66°09'22" W	522.44'
L20	N 46°35'33" W	221.13'
L21	N 46°24'52" E	329.76'
L22	S 45°33'34" E	153.85'
L23	S 67°02'18" E	450.42'
L24	S 84°47'01" E	320.78'
L25	S 77°02'02" E	274.10'
L26	S 88°10'18" E	417.26'
L27	S 00°14'22" E	311.49'

NUMBER	DIRECTION	DISTANCE
L1	S 89°41'47" E	450.37'
L2	S 21°45'20" E	246.62'
L3	S 33°05'58" E	340.09'
L4	S 44°10'04" E	340.19'
L5	S 43°18'55" W	513.14'
L6	N 50°54'32" W	512.49'
L7	N 75°37'41" W	725.58'
L8	N 61°39'20" W	203.92'
L9	N 53°43'19" W	647.79'
L10	N 89°29'45" W	1449.35'
L11	N 00°14'07" E	151.52'
L12	N 00°14'22" W	721.07'
L13	S 88°40'00" W	223.48'

GANNETT FLEMING INC., 4722 N. 24TH ST., #250, PHX., AZ., 85016
PH. (602) 553-8817, FAX 553-8816

CHICAGO TITLE INSURANCE COMPANY
When Recorded, return to:
Fennemore Craig
3003 North Central Avenue
Suite 2600
Phoenix, Arizona 85012-2913
Attn: Ronald L. Ballard

9703420-17

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
98-0223366 03/23/98 03:38
TONY 11 OF 20

RESTRICTIVE COVENANT

11/20

The undersigned is currently acquiring title to the approximately 80 acres of real property described on Exhibit A to this Covenant (the "Exhibit A Property"). In connection with such receipt of title, the undersigned hereby covenants, for the benefit of the City of Peoria, Arizona (and the public as represented by the City of Peoria, Arizona), as follows:

> A portion of the Exhibit A Property outlined on the map attached hereto as Exhibit B consisting of 48 acres (the "Restricted Parcel") is hereby restricted for use only as a park and/or nature conservancy. No development of any type is to be allowed on the Restricted Parcel other than limited development (such as hiking trails, etc.) which is compatible with the use of the Restricted Parcel as a park and/or nature conservancy.

The description of the Exhibit A Property is being utilized in this Covenant since there is not currently available a precise legal description of the Restricted Parcel. Within 120 days of the date of this Covenant, the undersigned shall record a supplement to this Covenant which shall contain a legal description of the Restricted Parcel (the "Supplemental Recording"). Upon the Supplemental Recording, the property subject to this Covenant shall be limited to that which is legally described in the Supplemental Recording and the remainder of the Exhibit A property shall be and remain free of the provisions of this Covenant.

This Covenant burdens the property consisting of the Restricted Parcel, shall run with such land and shall be binding upon all successors in title.

This Covenant may be enforced by the City of Peoria, Arizona, by injunction or other remedy available at law and equity.

DATED: March 19, 1998.

WP PROPERTIES, L.L.C., an Arizona limited liability company

By: James F. Cook
James F. Cook, Managing Member

Sch B# 8

PHX/RBALLARD/827971.1/14168.001
03/18/98

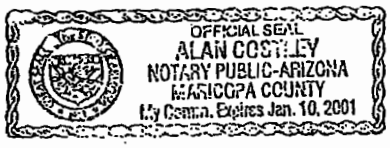
STATE OF ARIZONA)
) ss
County of MARICOPA)

The foregoing instrument was acknowledged before me this 19 day of March, 1998, by James F. Cook, the Managing Member of WP Properties, L.L.C., an Arizona limited liability company, on behalf of the Company.

Notary Public

My Commission Expires:

1-10-2001



PHX/RBALLARD/827971.1/14168.001
03/18/98

EXHIBIT A

LEGAL DESCRIPTION OF EXHIBIT A PROPERTY:

The North one-half of the Northwest one-quarter of Section 1, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

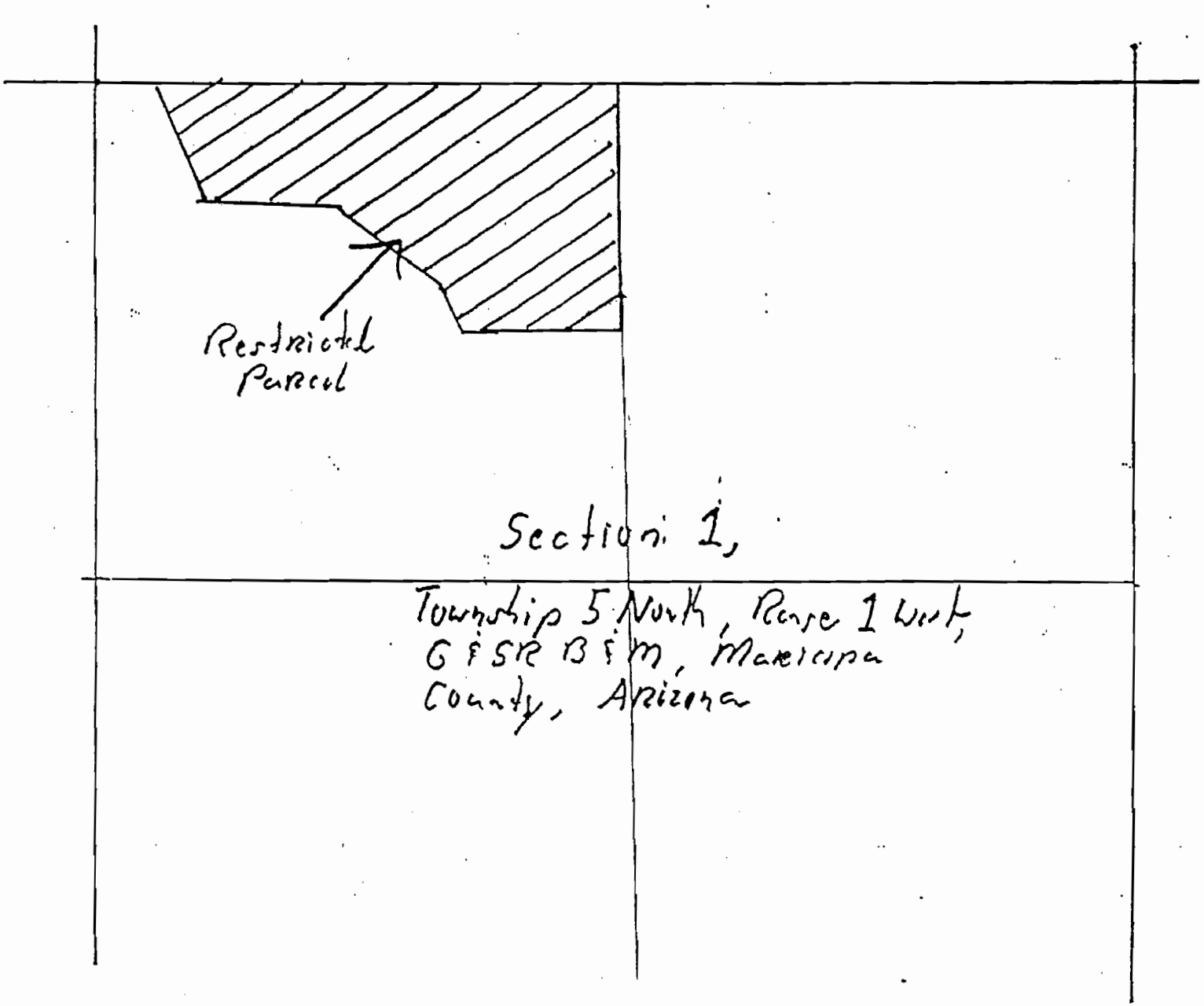

Restricted Parcel
Section 1,
Township 5 North, Range 1 West,
G & SR B & M, Maricopa
County, Arizona
N

EXHIBIT B

CHICAGO TITLE INSURANCE COMPANY

WHEN RECORDED RETURN TO:
Fennemore Craig
3003 North Central Avenue,
Suite 2600
Phoenix, Arizona 85012-2913
Attn: Ronald L. Ballard

MT-Mike

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
98-0612484 07/17/98 09:49
LILIAN 11 OF 11

SUPPLEMENT TO RESTRICTIVE COVENANT

The undersigned caused a Restrictive Covenant to be executed and recorded with the Maricopa County Recorder on March 23, 1998 at Document No. 98-0223366 (the "Restrictive Covenant"). The Restrictive Covenant, by its terms, provides that the undersigned would be recording a Supplemental Recording containing a precise legal description of the Restricted Parcel referred to therein (and outlined on the drawing attached hereto) of approximately 48 acres in size. This constitutes the Supplemental Recording and the property described on Schedule A attached hereto constitutes the Restricted Parcel, with the remainder of the "Exhibit A Property" referred to in the Restrictive Covenant to be and remain free of provisions of the Covenant, and with the Restrictive Covenant only burdening the Restricted Parcel legally described on Schedule A attached to this Supplement.

DATED: July 16, 1998.

WP PROPERTIES, L.L.C.,
an Arizona limited liability company

ACCOMODATION RECORDING
NO TITLE LIABILITY

By _____
Gary Torhjelm, Authorized Agent

STATE OF ARIZONA)
) ss
County of MARICOPA)

The foregoing instrument was acknowledged before me this 16th day of July, 1998, by Gary Torhjelm, the Authorized Agent of WP Properties, L.L.C., an Arizona limited liability company, on behalf of the Company.

_____
Notary Public

OFFICIAL SEAL
MIKE FLORES
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires Aug. 22, 1998

My Commission Expires:
8-22-98

[PHX/RBALLARD:567894 1/91067.001]
[07/15/98]

Sch B #8

SCHEDULE A

That part of the Northwest quarter of Section 1 of Township 5 North, Range 1 West, Gila and Salt River Base and Meridian, Maricopa County, Arizona more particularly described as follows:

Beginning at the North quarter corner of said Section 1, said point being the TRUE POINT OF BEGINNING;

THENCE continuing along the North line of said Section 1, which bears South 89 Degrees 42 Minutes 15 Seconds East, a distance of 2420 feet;

THENCE South 22 Degrees 30 Minutes 00 Seconds East, a distance of 715.00 feet;

THENCE South 89 Degrees 42 Minutes 15 Seconds East, a distance of 730 feet;

THANCE South 35 Degrees 00 Minutes 00 Seconds East, a distance of 576.25 feet;

THENCE South 89 Degrees 42 Minutes 15 Seconds East to a point on the East line of the Northwest quarter of said Section 1 a distance of 1081.62 feet;

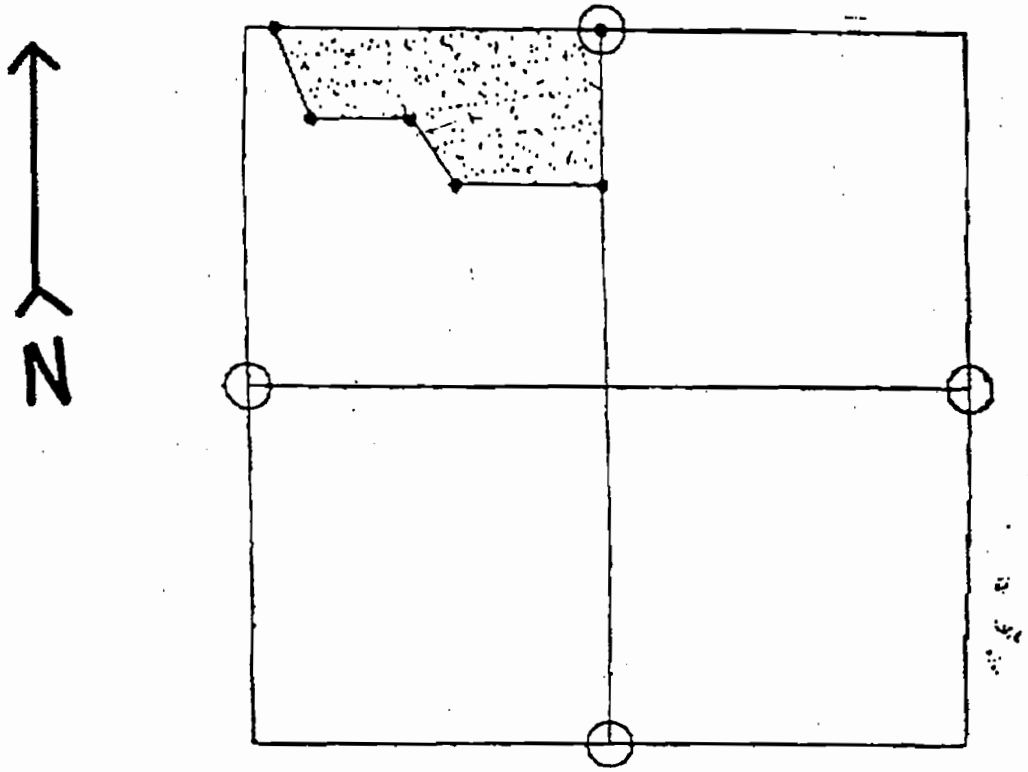
Thence along said East line, which bears North 00 Degrees 12 Minutes 52 Seconds East, a distance of 1129.48 feet to the TRUE POINT OF BEGINNING;

Said parcel containing 2,091,010.62 square feet (48.00 acres), more or less subject to existing easements and rights-of-way.

DRAWING

SECTION 1, TOWNSHIP 5 NORTH,

RANGE 1 WEST, GILA AND SALT RIVER BASE AND MERIDIAN



Appendix F

Big Spring Legal Descriptions

Land Description
Big Spring Easement
At Lake Pleasant Heights

Those certain portions of G.L.O. Lots 2, 3, 4 and 5 and the southwest quarter of the northeast quarter of Section 1, Township 5 North, Range 1 West of the Gila and Salt river Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Parcel No. 1:

Beginning at the northwest corner of said Section 1;

thence along the North line of the northwest quarter of said Section 1, South 89 degrees 41 minutes 51 seconds East a distance of 2638.53 feet to the North quarter corner of said Section 1;

thence along the North line of the northeast quarter of said Section 1, South 89 degrees 41 minutes 47 seconds East a distance of 450.37 feet;

thence leaving said North line and traversing the following courses and distances:

South 21 degrees 45 minutes 20 seconds East, 246.62 feet;

South 33 degrees 05 minutes 58 seconds East, 340.09 feet;

South 44 degrees 10 minutes 04 seconds East, 340.19 feet;

South 43 degrees 18 minutes 55 seconds West, 513.14 feet;

North 50 degrees 54 minutes 32 seconds West, 512.49 feet;

North 75 degrees 37 minutes 41 seconds West, 725.58 feet;

North 61 degrees 39 minutes 20 seconds West, 203.92 feet;

North 53 degrees 43 minutes 19 seconds West, 647.79 feet;

North 89 degrees 25 minutes 45 seconds West, 1449.35 feet to the West line of the northwest quarter of said Section 1;

thence along said West line, North 00 degrees 14 minutes 07 seconds East a distance of 151.52 feet to the Point of Beginning.

Containing 1,504,560.88 Square Feet or 34.540 Acres more or less.

Parcel No. 2:

Commencing at the East quarter corner of said Section 1;

thence along the East line of the northeast quarter of said Section 1, North 00 degrees 14 minutes 22 seconds West a distance of 721.07 feet to the Point of Beginning;

thence leaving said East line and traversing the following courses and distances:

South 88 degrees 40 minutes 00 seconds West, 223.48 feet;

South 58 degrees 55 minutes 38 seconds West, 122.82 feet;

South 49 degrees 56 minutes 11 seconds West, 220.76 feet;

North 85 degrees 39 minutes 53 seconds West, 159.08 feet;

North 35 degrees 38 minutes 08 seconds West, 184.98 feet;

North 66 degrees 48 minutes 52 seconds West, 398.03 feet;

North 66 degrees 09 minutes 22 seconds West, 522.44 feet;

North 46 degrees 35 minutes 33 seconds West, 221.13 feet;

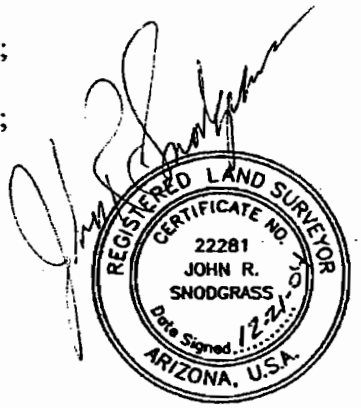
North 46 degrees 24 minutes 52 seconds East, 329.76 feet;

South 45 degrees 33 minutes 34 seconds East, 153.85 feet;

South 67 degrees 02 minutes 18 seconds East, 450.42 feet;

South 84 degrees 47 minutes 01 seconds East, 320.78 feet;

South 77 degrees 02 minutes 02 seconds East, 274.10 feet;

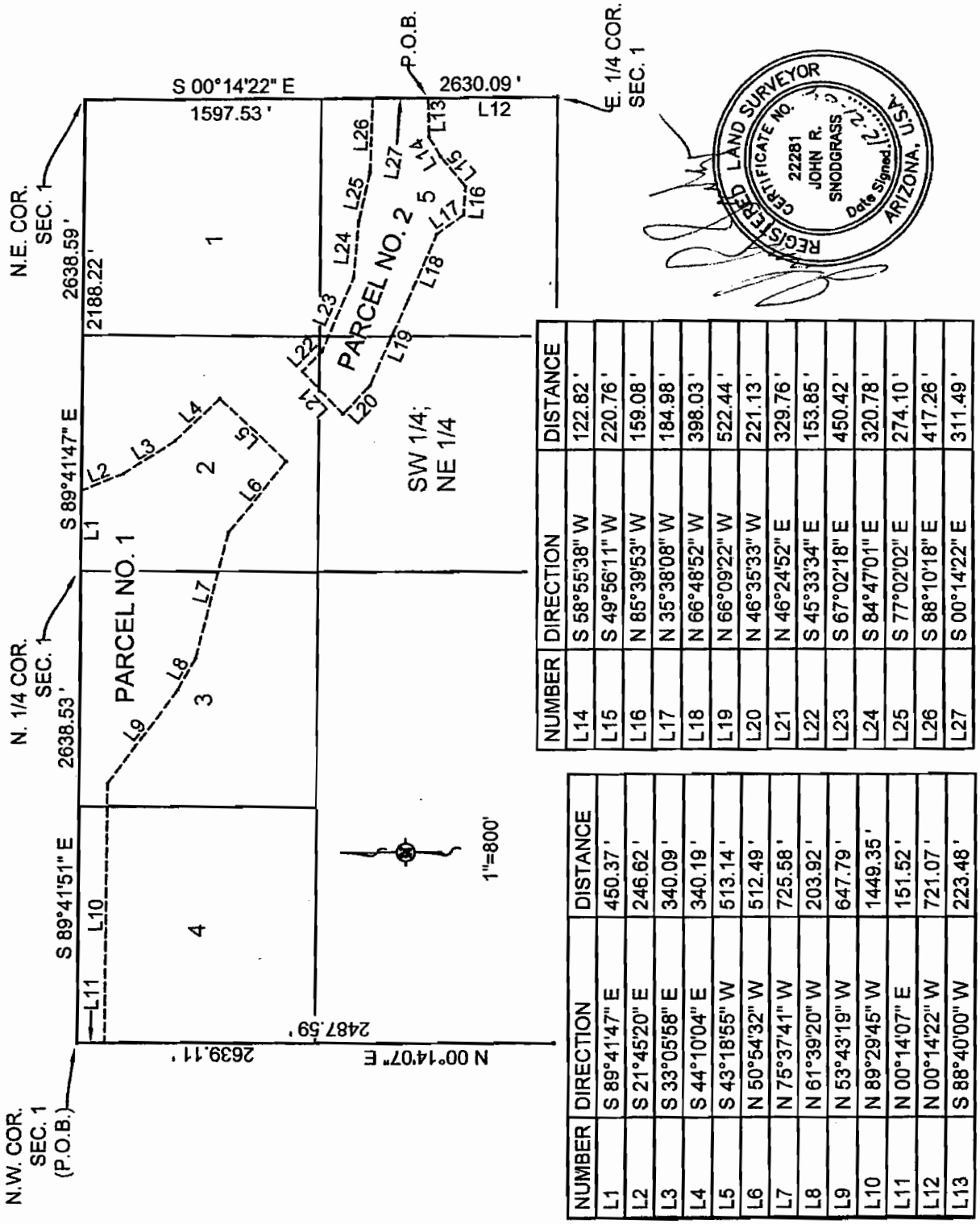


South 88 degrees 10 minutes 18 seconds East, 417.26 feet to the East line of said northeast quarter of Section 1;

thence along said east line, South 00 degrees 14 minutes 22 seconds East a distance of 311.49 feet to the Point of Beginning.

Containing 672,332.14 Square Feet or 15.435 Acres more or less.

EXHIBIT
BIG SPRING EASEMENT
PORTIONS OF G.L.O. LOTS 2, 3, 4 & 5 AND THE S.W. 1/4 OF THE N.E. 1/4 SECTION 1, T.5N.,R.1W., G.&S.R.B.&M., MARICOPA COUNTY, ARIZONA



NUMBER	DIRECTION	DISTANCE
L1	S 89°41'47" E	450.37'
L2	S 21°45'20" E	246.62'
L3	S 33°05'58" E	340.09'
L4	S 44°10'04" E	340.19'
L5	S 43°18'55" W	513.14'
L6	N 50°54'32" W	512.49'
L7	N 75°37'41" W	725.58'
L8	N 61°39'20" W	203.92'
L9	N 53°43'19" W	647.79'
L10	N 89°29'45" W	1449.35'
L11	N 00°14'07" E	151.52'
L12	N 00°14'22" W	721.07'
L13	S 88°40'00" W	223.48'

NUMBER	DIRECTION	DISTANCE
L14	S 58°55'38" W	122.82'
L15	S 49°56'11" W	220.76'
L16	N 85°39'53" W	159.08'
L17	N 35°38'08" W	184.98'
L18	N 66°48'52" W	398.03'
L19	N 66°09'22" W	522.44'
L20	N 46°35'33" W	221.13'
L21	N 46°24'52" E	329.76'
L22	S 45°33'34" E	153.85'
L23	S 67°02'18" E	450.42'
L24	S 84°47'01" E	320.78'
L25	S 77°02'02" E	274.10'
L26	S 88°10'18" E	417.26'
L27	S 00°14'22" E	311.49'

REGISTERED LAND SURVEYOR
CERTIFICATE NO. 22281
JOHN R. SNODGRASS
Date Signed 12-21-
ARIZONA, U.S.A.

GANNETT FLEMING INC., 4722 N. 24TH ST., #250, PHX., AZ., 85016
PH. (602) 553-8817, FAX 553-8816

CHICAGO TITLE INSURANCE COMPANY
When Recorded, return to:
Fennemore Craig
3003 North Central Avenue
Suite 2600
Phoenix, Arizona 85012-2913
Attn: Ronald L. Ballard
9703420-17

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
98-0223366 03/23/98 03:38
TONY 11 OF 20

RESTRICTIVE COVENANT

11/20

The undersigned is currently acquiring title to the approximately 80 acres of real property described on Exhibit A to this Covenant (the "Exhibit A Property"). In connection with such receipt of title, the undersigned hereby covenants, for the benefit of the City of Peoria, Arizona (and the public as represented by the City of Peoria, Arizona), as follows:

> A portion of the Exhibit A Property outlined on the map attached hereto as Exhibit B consisting of 48 acres (the "Restricted Parcel") is hereby restricted for use only as a park and/or nature conservancy. No development of any type is to be allowed on the Restricted Parcel other than limited development (such as hiking trails, etc.) which is compatible with the use of the Restricted Parcel as a park and/or nature conservancy.

The description of the Exhibit A Property is being utilized in this Covenant since there is not currently available a precise legal description of the Restricted Parcel. Within 120 days of the date of this Covenant, the undersigned shall record a supplement to this Covenant which shall contain a legal description of the Restricted Parcel (the "Supplemental Recording"). Upon the Supplemental Recording, the property subject to this Covenant shall be limited to that which is legally described in the Supplemental Recording and the remainder of the Exhibit A property shall be and remain free of the provisions of this Covenant.

This Covenant burdens the property consisting of the Restricted Parcel, shall run with such land and shall be binding upon all successors in title.

This Covenant may be enforced by the City of Peoria, Arizona, by injunction or other remedy available at law and equity.

DATED: March 19, 1998.

WP PROPERTIES, L.L.C., an Arizona limited liability company

By: James F. Cook
James F. Cook, Managing Member

Sch B# 8

PHX/RBALLARD/827971.1/14168.001
03/18/98

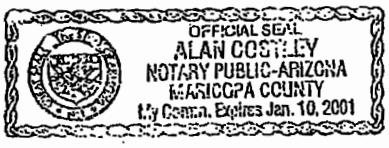
STATE OF ARIZONA)
) ss
County of MARICOPA)

The foregoing instrument was acknowledged before me this 19 day of March, 1998, by James F. Cook, the Managing Member of WP Properties, L.L.C., an Arizona limited liability company, on behalf of the Company.

Notary Public

My Commission Expires:

1-10-2001



PHX/RBALLARD/827971.1/14168.001
03/18/98

EXHIBIT A

LEGAL DESCRIPTION OF EXHIBIT A PROPERTY:

The North one-half of the Northwest one-quarter of Section 1, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

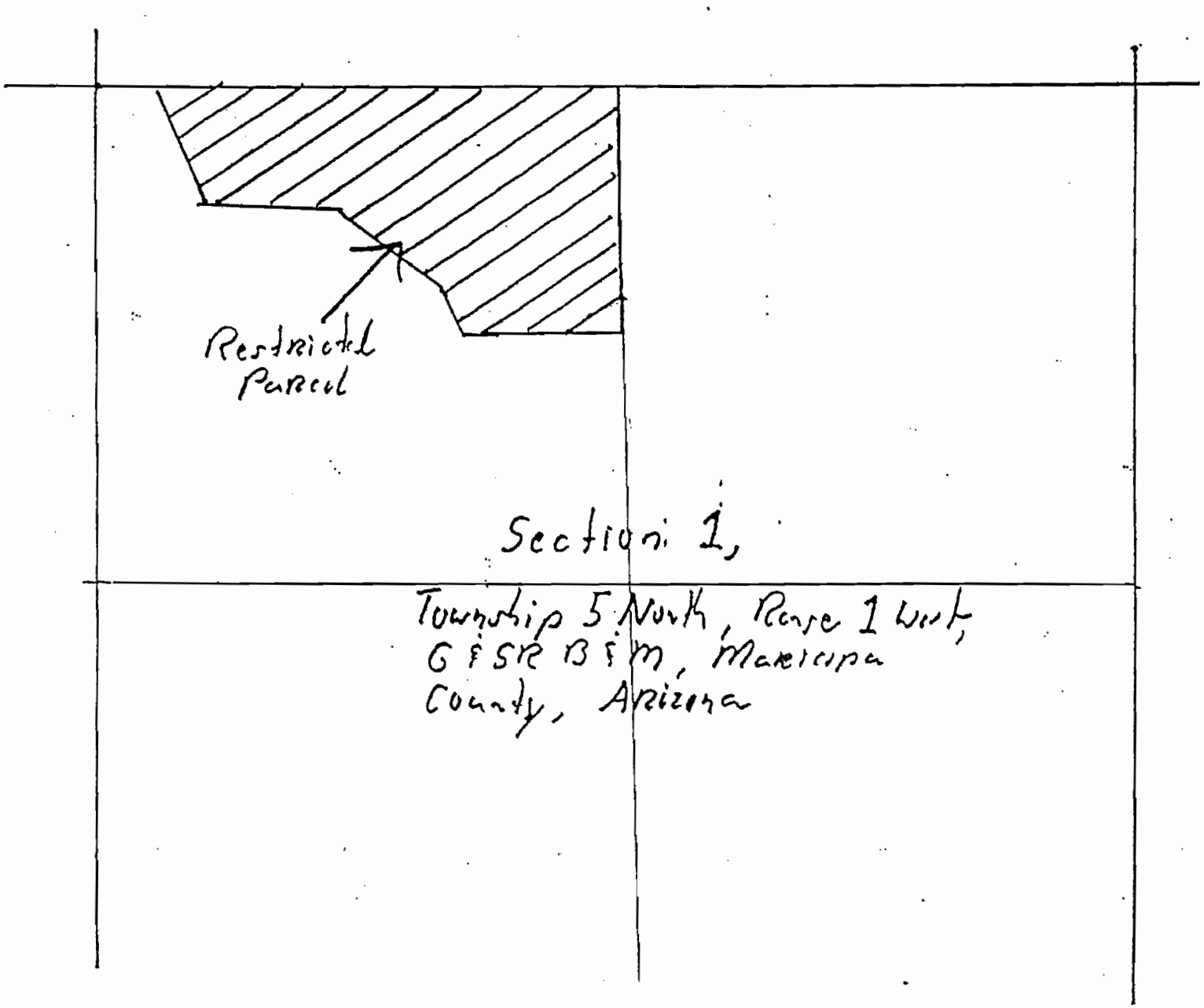

Restricted Parcel
Section 1,
Township 5 North, Range 1 West,
G & SR B & M, Maricopa
County, Arizona
N

EXHIBIT B

CHICAGO TITLE INSURANCE COMPANY

WHEN RECORDED RETURN TO:
Fennemore Craig
3003 North Central Avenue,
Suite 2600
Phoenix, Arizona 85012-2913
Attn: Ronald L. Ballard

MT-Mike

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
98-0612484 07/17/98 09:49
LILIAN 11 OF 11

SUPPLEMENT TO RESTRICTIVE COVENANT

The undersigned caused a Restrictive Covenant to be executed and recorded with the Maricopa County Recorder on March 23, 1998 at Document No. 98-0223366 (the "Restrictive Covenant"). The Restrictive Covenant, by its terms, provides that the undersigned would be recording a Supplemental Recording containing a precise legal description of the Restricted Parcel referred to therein (and outlined on the drawing attached hereto) of approximately 48 acres in size. This constitutes the Supplemental Recording and the property described on Schedule A attached hereto constitutes the Restricted Parcel, with the remainder of the "Exhibit A Property" referred to in the Restrictive Covenant to be and remain free of provisions of the Covenant, and with the Restrictive Covenant only burdening the Restricted Parcel legally described on Schedule A attached to this Supplement.

DATED: July 16, 1998.

WP PROPERTIES, L.L.C.,
an Arizona limited liability company

ACCOMODATION RECORDING
NO TITLE LIABILITY

By _____
Gary Torhjelm, Authorized Agent

STATE OF ARIZONA)
) ss
County of MARICOPA)

The foregoing instrument was acknowledged before me this 16th day of July, 1998, by Gary Torhjelm, the Authorized Agent of WP Properties, L.L.C., an Arizona limited liability company, on behalf of the Company.

_____
Notary Public

OFFICIAL SEAL
MIKE FLORES
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires Aug. 22, 1998

My Commission Expires:
8-22-98

[PHX/RBALLARD/567894 1/91067.001]
[07/15/98]

Sch B #8

SCHEDULE A

That part of the Northwest quarter of Section 1 of Township 5 North, Range 1 West, Gila and Salt River Base and Meridian, Maricopa County, Arizona more particularly described as follows:

Beginning at the North quarter corner of said Section 1, said point being the TRUE POINT OF BEGINNING;

THENCE continuing along the North line of said Section 1, which bears South 89 Degrees 42 Minutes 15 Seconds East, a distance of 2420 feet;

THENCE South 22 Degrees 30 Minutes 00 Seconds East, a distance of 715.00 feet;

THENCE South 89 Degrees 42 Minutes 15 Seconds East, a distance of 730 feet;

THANCE South 35 Degrees 00 Minutes 00 Seconds East, a distance of 576.25 feet;

THENCE South 89 Degrees 42 Minutes 15 Seconds East to a point on the East line of the Northwest quarter of said Section 1 a distance of 1081.62 feet;

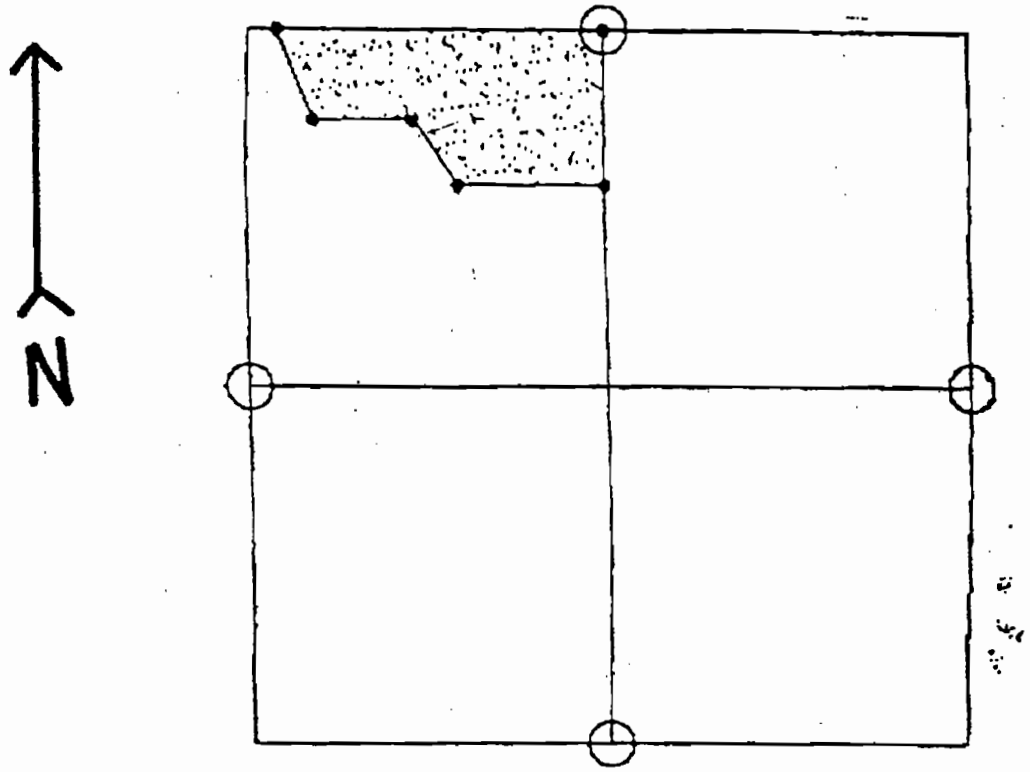
Thence along said East line, which bears North 00 Degrees 12 Minutes 52 Seconds East, a distance of 1129.48 feet to the TRUE POINT OF BEGINNING;

Said parcel containing 2,091,010.62 square feet (48.00 acres), more or less subject to existing easements and rights-of-way.

DRAWING

SECTION 1, TOWNSHIP 5 NORTH,

RANGE 1 WEST, GILA AND SALT RIVER BASE AND MERIDIAN



Appendix G

Master Drainage and Hydrology Report

(Submitted under separate cover to City of Peoria Engineering Department)

Appendix H

Water and Wastewater Master Plan

(Submitted under separate cover to City of Peoria Utilities & Engineering Departments)

Appendix I

Public Notification

AFFIDAVIT OF NOTIFICATION

Date: _____ Type of Application: Rezoning – Planned Community District

Address/Legal Description of Property: Please see attached

_____

I, _____ certify that I am the authorized applicant representative to the City of Peoria for the above application, and do hereby affirm the attached listing of names and addresses accurately reflects the ownership of property within 300 feet of the above property, according to the current Maricopa County Assessor records.

Applicant/Representative Signature: _____

STATE OF ARIZONA)
)
County of Maricopa)

The foregoing instrument was acknowledged before me this _____day of

_____2004.

_____
Notary Public

My Commission Expires:

_____

_____
Planning Use Only

Case: _____ **Project Name: _____**

The Lake Pleasant Heights Planned Community District boundaries are graphically depicted in **Figure 2**, *Property Boundary/Legal Exhibit*, and legally described as follows:

Private Lands

All of Section 1, Township 5 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

All of Section 12, Township 5 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

The Southeast quarter of Section 14, Township 5 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Lots 4 through 15 inclusive; the Southeast quarter of the Northwest quarter; and the North half of the Southwest quarter of Section 13, Township 5 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

State Lands

All of Section 36, Township 6 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

All of Section 2, Township 5 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

The South half of the Southwest quarter of Section 13, Township 5 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

The Southwest quarter of the Southeast quarter of Section 13, Township 5 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Public notification for the Lake Pleasant Heights Planned Community District will be provided to private property owners and public agencies responsible for public lands within 900 feet of the property boundary. The following list represents identified ownership and represents notification:

Tax Parcel Number	Property Owner
503-88-015	First American Title Ins. Co. TR 4912, 1880 East River Road, Suite # 120, Tucson, Arizona 85718
503-88-014	First American Title Ins. Co. TR 4912, 1880 East River Road, Suite # 120, Tucson, Arizona 85718
503-88-001	First American Title Ins. Co. TR 4912, 1880 East River Road, Suite # 120, Tucson, Arizona 85718
503-88-029A	Vistancia, LLC, 6720 N. Scottsdale Road, Suite 160 Scottsdale, Arizona 85253-4424
503-88-030A	Vistancia, LLC, 6720 N. Scottsdale Road, Suite 160 Scottsdale, Arizona 85253-4424
503-88-030B	Vistancia, LLC, 6720 N. Scottsdale Road, Suite 160 Scottsdale, Arizona 85253-4424
503-88-031E	Vistancia, LLC, 6720 N. Scottsdale Road, Suite 160 Scottsdale, Arizona 85253-4424
503-88-031C	Vistancia, LLC, 6720 N. Scottsdale Road, Suite 160 Scottsdale, Arizona 85253-4424
503-88-031D	Vistancia, LLC, 6720 N. Scottsdale Road, Suite 160 Scottsdale, Arizona 85253-4424
510-01-891A	Vistancia, LLC, 6720 N. Scottsdale Road, Suite 160 Scottsdale, Arizona 85253-4424
503-89-991	Vistancia, LLC, 6720 N. Scottsdale Road, Suite 160 Scottsdale, Arizona 85253-4424
503-89-003A	Vistancia, LLC, 6720 N. Scottsdale Road, Suite 160 Scottsdale, Arizona 85253-4424
503-89-004A	Vistancia, LLC, 6720 N. Scottsdale Road, Suite 160 Scottsdale, Arizona 85253-4424
503-89-004C	Vistancia, LLC, 6720 N. Scottsdale Road, Suite 160 Scottsdale, Arizona 85253-4424
503-89-004E	Vistancia, LLC, 6720 N. Scottsdale Road, Suite 160 Scottsdale, Arizona 85253-4424
General Public Lands	Arizona State Land Department, 1616 West Adams Street, Phoenix, AZ 85007
General Public Lands	Federal Bureau of Land Management, 222 N. Central Ave, Phoenix, AZ 85004

Appendix J

City Council Stipulations of Planned Community District Approval

Appendix K

Zoning Ordinance Excerpts

Article 14-1 – Introduction

Article 14-2 – Definitions

Article 14-3 – General Provisions

Article 14-4 – Establishment of Zoning Districts

Article 14-5 – Single–Family Residential Districts

Article 14-6 – RM-1 Multi-Family Residential District

Article 14-9– Non–Residential Districts

Article 14-22A – Hillside Development Overlay District

Article 14-22B – Desert Lands Conservation Overlay

Article 14-23 – Parking and Loading Requirements

Article 14-33 – Planned Area Development (P.A.D.) District

Article 14-34 – Signs

Article 14-35 – Landscape Requirements

Article 14-36 – Planned Community District

Article 14-39 – Administrative Procedures

Article 14-41 – Special Use Permits

Article 20-70 – Design Review Manual

Articles revised per Ordinance 05-36 under case TA05-05 & TA05-08

ZONING ORDINANCE

City of

Peoria, Arizona

Ordinance No. 93.32 approved July 6, 1993, adopted the Code of Ordinances of the City of Peoria which is known as "The Peoria City Code (1992)". This ordinance did not adopt Chapter 14 and amendments thereto of the 1977 Code which is the Peoria Zoning Ordinance. This document includes the provisions of Chapter 14 of the 1977 Code relating to zoning including amendments up to September, 1995.

ARTICLE 14-1 INTRODUCTION

ARTICLE 14-1 CONTENTS

14-1-1 PURPOSE	14-1-6 JURISDICTION
14-1-2 CONFLICTING REGULATIONS	14-1-7 ADMINISTRATION
14-1-3 PRIVATE AGREEMENTS	14-1-8 ENFORCEMENT
14-1-4 VESTED RIGHTS	14-1-9 AMENDMENTS
14-1-5 STATUTURY EXEMPTIONS	

SECTION 14-1-1 PURPOSE

The purposes of this chapter are to secure adequate light and air, to prevent the overcrowding of land and undue concentration of population, to secure safety from fire, panic and other dangers, to lessen or avoid congestion in the streets, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public facilities, and otherwise to pro-mote the health, safety, morals, convenience and general welfare of the citizens of the City of Peoria, Arizona.

SECTION 14-1-2 CONFLICTING REGULATIONS

Wherever any provision of this chapter imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this chapter shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this chapter, then provisions of such ordinance or law shall govern.

SECTION 14-1-3 PRIVATE AGREEMENTS

It is the intent of this chapter not to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between parties; provided, however, that whenever this chapter imposes a greater restriction upon the use of buildings, structures or land, the provisions of this chapter shall govern.

SECTION 14-1-4 VESTED RIGHTS

This chapter and any of the provisions herein established are not intended and shall not be construed to establish any vested rights in or on behalf of any person, firm or

corporation, in respect to the continuation of any particular, use, zoning district classification or any activity occurring in connection therewith.

SECTION 14-1-5 STATUTORY EXEMPTIONS

Nothing contained in this chapter shall be construed as:

A. Unreasonably affecting existing uses of property or the right to its continued use or the reasonable repair or alteration thereof for the purpose for which used prior to the effective date of this chapter:

B. Preventing, restricting or otherwise regulating the use or occupation of and improvements for railroad, metallurgical, grazing or general agricultural purposes, as herein defined, if the tract concerned is not less than two (2) contiguous acres. (Ord No. 03-25)

SECTION 14-1-6 JURISDICTION

The jurisdiction of this chapter shall include all lands and waters within the corporate limits of the City of Peoria, Arizona.

SECTION 14-1-7 ADMINISTRATION

Responsibility for the administration of this chapter is hereby vested in the Zoning Inspector. Zoning, as a police power vested in the City, is a primary means of regulating the specific, current and immediate future use of land in the community. Zoning regulations must therefore be comprehensive and reasonable and must be adjusted and expanded as necessary to meet new and changing conditions. To this end, the Planning and Zoning Commission shall, from time to time as the need arises, undertake and carry out such special studies and make such revisions, modifications and amendments of zoning standards, requirements, regulations, procedures and maps as may be necessary to improve the effectiveness of this chapter, and keep it responsive to Peoria's needs. The Commission shall be assisted in its duties by the Zoning Inspector, and by such outside consultants as the Council may retain for the purpose.

SECTION 14-1-8 ENFORCEMENT

Responsibility for the enforcement of this chapter, as hereinafter provided is hereby vested in the office of the Zoning Inspector, who shall be a city official appointed by the Council.

SECTION 14-1-9 AMENDMENTS

References within this ordinance to provisions, Articles or Sections of Articles within this ordinance shall be deemed to refer to said provision, Article or Section of Article as most

recently amended, including cases in which such amendment may be located in a new or different Article or Section of Article of this ordinance or be otherwise renumbered.

ARTICLE 14-2 DEFINITIONS

ARTICLE 14-2 CONTENTS

14-2-1 INTENT	14-2-2 DEFINITIONS

SECTION 14-2-1 INTENT (Ord. No 02-68)

This Article is intended to clarify the meaning of any term used within the regulations and development standards for which the common definition may not serve the purpose of the regulations, or which is not a commonly used term outside of the context of this Zoning Ordinance.

SECTION 14-2-2 DEFINITIONS

A. The word occupied and the word used shall be considered as meaning the same as the words intended, arranged, or designed to be used or occupied.

B. The word dwelling includes the word residence; the word lot includes the words plot or parcel.

C. Terms not herein defined shall have the meanings customarily assigned thereto.

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

Abutting means the condition of two adjoining properties having a common property line or boundary, including cases where two or more lots adjoin only a corner or corners, but not including cases where adjoining lots are separated by a street or alley.

Access or Access way means the place, means or way by which pedestrians and vehicles shall have adequate and usable ingress and egress to a property or use as required by this Ordinance. (Ord. No. 94-74)

Adjoining, Adjacent means the condition of being near to or close to but not necessarily having a common dividing line, i.e., two properties which are separated only by a street or alley shall be considered as adjoining one another.

Adult Arcade means a commercial establishment wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per device at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas." (Ord. No. 98-34A)

Adult Bookstore, Adult Retail Store or Adult Video Store means a commercial establishment which meets both provisions a and b below: (Ord. No. 98-34A)

1. A commercial establishment having as a substantial or significant portion of its stock in trade offering for sale or rental, for any form of consideration, any one or more of the following:

   a. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, video disks, computer animation or computer generated imaging which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

   b. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities," excluding condoms, diaphragms, contraceptive inserts, contraceptive medications and other birth control or disease prevention devices prescribed by a licensed medical doctor or osteopathic doctor.

   A commercial establishment may have other business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore, adult retail store or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore, adult retail store, or adult video store.

2. Regularly excludes all minors from the premises or a separate defined section thereof because of the sexually explicit nature of the items sold, rented or displayed therein.

Adult Cabaret means a nightclub, bar, restaurant, or similar commercial establishment which during any part of any two or more days within a continuous thirty (30) day period features live performances or activities which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities". Nothing in the definition of "adult cabaret" shall be construed to apply to the presentation, showing or performance of any play, drama or ballet in any theater, concert hall, fine arts academy, school, institution of higher learning or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purposes of advancing the economic welfare of a commercial or business enterprise. (Ord. No. 98-34A)

Adult Motel means a hotel, motel or similar commercial establishment that: (Ord. No. 98-34A)

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic representations which are characterized by the depiction or description of "specified sexual activities" or "specified

anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

2. Offers a sleeping room for rent for a period of time that is less than 10 hours; or

3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

Adult Motion Picture Theater means a commercial establishment having as a substantial or significant portion of its stock, where for any form of consideration, films, motion pictures, video cassettes , slides, video disks, or similar photographic or video graphic reproductions are regularly shown as one of its business purposes and that are characterized by the depiction or description of specified sexual activities or specified anatomical areas. Nothing in the definition of "adult motion picture theater" shall be construed to apply to the presentation, showing or performance of any play, drama or ballet in any theater, concert hall, fine arts academy, school, institution of higher learning or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purposes of advancing the economic welfare of a commercial or business enterprise. (Ord. No. 98-34A)

Adult Theater means a theater, concert hall, auditorium, or similar commercial establishment that regularly features person who appear in a state of nudity or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities. Nothing in the definition of adult theater shall be construed to apply to the presentation, showing or performance of any play, drama or ballet in any theater, concert hall, fine arts academy, school, institution of higher learning or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purposes of advancing the economic welfare of a commercial or business enterprise. (Ord. No. 98-34A)

Adult Use means a commercial establishment whose business is distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas. The following uses as defined within this Article shall be designated as Adult Uses: (Ord. No. 98-34A)

1. Adult Arcade

2. Adult Bookstore, Adult Retail Store or Adult Video Store

3. Adult Cabaret

4. Adult Motel

5. Adult motion picture theater

6. Adult theater

7. Nude Model Studio

8. Sexual Encounter Center

9. Any combination of classifications set forth in subsection 1 through 8 above.

Adverse Impact means a negative consequence for the physical, social, or economic environment resulting from an action, use, or development. (Ord. No. 02-68)

Agriculture, General means the practice of growing soil crops in the customary manner in the open on tracts of land comprising at least two contiguous commercial acres, including grazing and such customary incidental activities as the raising of farm poultry and farm animals, the storage and processing of soil crops, the production of eggs and dairy products and the slaughter and processing of poultry and animals raised on the premises for use on the premises; provided, however, that farms primarily engaged in the production of special animal crops such as egg farms, chicken farms, hog ranches, fur farms, dairy farms and cattle feeding farms shall not be considered to be practicing general agriculture.

Alley means a dedicated public way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Alternative tower structure means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. (Ord. No. 98-15)

Bed and Breakfast Inn means a house, or portion thereof, where short-term lodging rooms and meals are provided for a fee. The operator of the inn shall live on the premises or abutting premises. In no event shall a Bed and Breakfast Inn have for rent more than five (5) rooms. A Bed and Breakfast Inn does not include institutions for the care of alcoholics, drug addicts, and persons with mental illness or communicable diseases, group care homes, community residential setting facilities and recovery centers licensed by the State of Arizona. (Ord. No. 99-101)

Board means the Peoria Board of Adjustment.

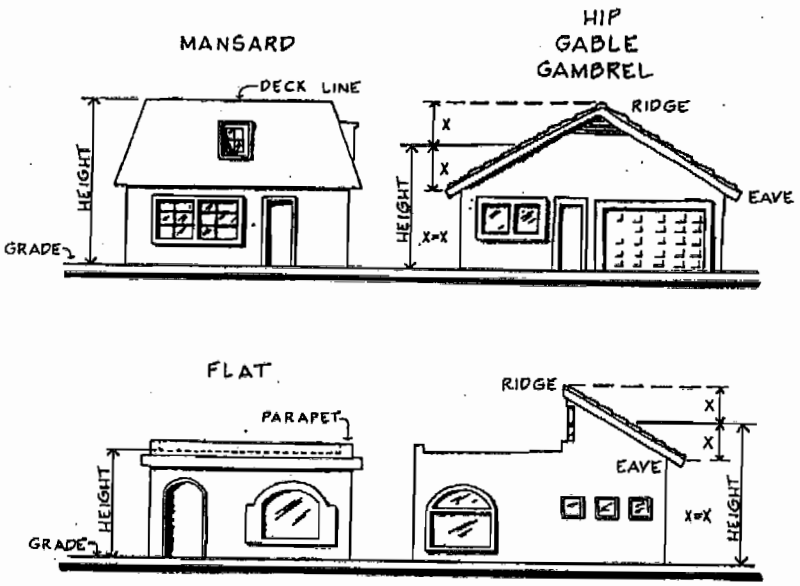
Body Piercing Studio means a business that as one of its principal uses implants, perforates, or pierces the skin or other body part to make a hole, mark or scar for a non-medical purpose. A Body Piercing Studio shall not include a Jewelry Store, Boutique, Beauty Parlor or similar establishment that uses a mechanized, pre-sterilized ear piercing system that penetrates the outer perimeter or lobe of the ear or both as an accessory use to a principal use. (Ord. No. 00-28)

Building means any structure having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind, including, but not limited to, tents, awnings, carports, ramadas, mobile homes or vehicles situated on private property and used for purposes of a building.

1. Principal building means a building, or where the context so indicates, a group of buildings, within which is conducted the principal use of the lot on which the building is situated.

2. Accessory building means a subordinate building on the same lot with a principal building or use, the use of which is customarily accessory and incidental to the main use of the principal building or use. When attached to the principal building, such accessory building shall be considered as part of the principal building for purposes of setback and yard regulations.

Building height means the vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line of a mansard roof or to the average elevation between eaves and ridges for gable, hip and gambrel roofs.



Campus means a contiguous area of land constituting the grounds of a college or university containing the main buildings or within the main enclosure. (Ord No. 02-68)

Carport means an accessory building, attached or detached, having one or more open sides, used by occupants of the principal building.

Church, synagogue or temple means a permanently affixed building, where one of the principal uses is for religious worship. (Ord. No. 98-34A)

Clinic means a building or part thereof in which the ambulatory patients are provided diagnostic, therapeutic or preventative medical, surgical, dental or optical treatment by a group of doctors acting conjointly, but not providing for overnight residence of patients.

College or University means an educational institution offering academic courses beyond the high school level and awarding associates, baccalaureate or higher degrees. Such facilities may include lodging or housing facilities for students or faculty. (Ord. No. 99-89)

Commercial Acre means an area of thirty-five thousand (35,000) square feet, being an approximation of the area left remaining after dedication of normal public street right-of-way from a full acre.

Commission means the Peoria Planning and Zoning Commission.

Community Residential Facility means a facility licensed by the State of Arizona for more than six (6) developmentally disabled persons. (Ord. No. 97-41)

Conditional Use means a use permitted in zoning district regulations, subject to a finding that all criteria imposed pursuant to this Ordinance will be met and including conditional use permits and special conditional use permits. (Ord. No. 98-34A)

Condominium means a building or group of buildings in which units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. Condominiums may be residential, commercial or industrial in nature. (Ord. No. 88-09)

Construction means all structures, driveways, parking, vehicle storage, nonnative landscaping, water surfaces, decks, walks, and improved recreation facilities on the subject property. (Ord. No. 02-68)

Construction Yard means an area on or immediately adjacent to a major construction or demolition site used as a temporary basis for parking and storage of equipment used in the project, and the storage and preparation of materials and other items used in the project, including construction offices and shops.

Convenience Food Restaurant means an establishment whose principal business is the sale of foods, frozen desserts, or beverages to the consumer in a ready-to-eat state for consumption either on or off the premises and whose design or principal method of operation includes both of the following characteristics:

1. Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

2. The customer is not served food at his/her table by an employee but receives it at a counter, window, or similar facility for carrying to another location for consumption on or off the premises.

Correctional Facility means a facility operated by the Arizona Department of Corrections or Arizona Department of Youth Rehabilitation or private contractors with the above for the post-trial incarceration of juveniles and adult convicted felons. Such facilities are characterized by highly secured premises, restrictions on access and may include lodging and food service facilities. Such facilities do not include holding facilities or detention facilities as defined in this chapter. (Ord. No. 97-100)

Data Center means a location housing one or more large computer systems and related equipment, concerned with building, maintaining or processing data and providing other data processing services. Data Center is also commonly know as a telecom hotel or carrier hotel. (Ord. No. 02-21)

Day Care means the care, supervision and guidance for compensation of four or less children unaccompanied by a parent, guardian or custodian, on a regular basis for periods less than 24 hours per day, in a place other than the child's or children's own home or homes. (Ord. No. 93-25)
Day Care Center means a facility in which day care is regularly provided for compensation for five or more persons not related to the proprietor. The care of four or less persons shall not be considered a day care center. (Ord. No. 93-25)

Day Care Group Home means a residential facility, certified by the Arizona Department of Health Services, in which day care is regularly provided for compensation for periods of less than 24 hours per day for not less than 5 full-time and part-time children, but no more than 10 full-time children through the age of 12 years. The principal use of the Day Care Group Home is a single-family dwelling unit designed as a unit for occupancy by one family. (Ord. No. 93-25)

Department means the Community Development Department, the entity charged with the responsibility for interpreting, administering and enforcing the City of Peoria Zoning Ordinance. (Ord. No. 02-68)

Detention Facility means a facility established by the county sheriff, juvenile court or a city or town or by a private contractor with any of the above for the pre-trial detention of persons unable to be released due to lack of funds or non-compliance with court conditions. Such facilities may include lodging and food service facilities. Detention facilities may be used for post-trial incarceration of juveniles and adults for a period not to exceed six months. Such facilities do not include holding or correctional facilities. (Ord. No. 97-100)

Development means the performance of any building or mining operation, the making of any material change in the use or appearance of any structure or land, the division of land into two (2) or more parcels, or the creation or termination of access rights, and shall include, but not limited to, such activities as the construction, reconstruction, or alteration of the size, or material change in the external appearance of a structure or land; commencement of mining excavation, trenching, or grading; demolition of a structure or removal of vegetation; deposit of refuse, solid waste or fill; alteration of a floodplain or bank of a water course. (Ord. No. 02-68)

Development Plan means a plan that becomes part of the zoning for a property. The plan depicts site characteristics and development information and provides guidance for site plans. (Ord. No. 00-68)

District means a portion of the City within which certain regulations and requirements, or various combinations thereof, are applicable under the provisions of this Zoning Ordinance.

Drive Access means that area between the curb of a street, or edge of the traveled portion of a street when no curb exists, and the right-of-way/property line over which the City will permit vehicular travel from the traveled portion of a street to an individual property, or off-street parking space(s). A physical break or cut of a curb (curb cut) may be necessary to create a Drive Access. (Ord. No. 88-09)

Drive-in Establishment means a business enterprise, activity or use of land consisting primarily of sales or services rendered to patrons who normally receive the products or utilize the services while in motor vehicles upon the premises, including but not limited to gas service stations, drive-in restaurants, drive-in laundry and dry cleaning pick-up stations.
Drive-in Restaurant means a restaurant which provides food and beverage service directly to patrons within parked vehicles for consumption primarily on the premises. (Ord. No. 94-74)

Drive-through Facility means a business operation which provides goods or services passed through exterior windows or mechanical devices to patrons within motor vehicles. Such business may include, but not necessarily limited to financial institutions, restaurants and dry cleaning establishments. Drive-through facility incidental to a permitted use is considered to be a permitted accessory use. (Ord. No. 02-21)

Drop-off Lane means an on-site one-way queuing lane for dropping off or picking up passengers. (Ord. No. 00-68)

Dwelling Unit (DU) means a building, or portion thereof, designed as a unit for occupancy by one family for cooking, living and sleeping purposes.

1. Dwelling, single-family, attached means a building containing dwelling units attached by common walls without openings with each unit on a single lot. The term attached single-family dwelling primarily applies to non-vertically stacked dwelling units. (Ord. No. 02-83)

2. Dwelling, single-family, detached means a building containing not more than one dwelling unit entirely surrounded by open space on one lot. (Ord. No. 93-12)

3. Dwelling, two-, three-, and four-family means a detached building containing two-, three-, or four-dwelling unit developments on one lot. These types of dwelling units apply primarily to triplexes, fourplexes and condominium developments. (Ord. No. 02-83)

4. Dwelling, multi-family means a building or buildings attached to each other and containing three or more dwelling units on one lot with vertically stacked units. The term multi-family dwelling primarily applies to such dwelling types as apartments and buildings where any dwellings have their primary access to a common hallway or corridor. (Ord. No. 02-83)

Effective Date means the date upon which this Chapter or any amendment hereto becomes effective.

Erected means built, constructed, altered, reconstructed, moved upon; any physical operations on premises which required construction, excavation, fill, drainage and the like, shall be considered part of an erection.

Essential Public Service means the erection, construction, alteration or maintenance by a public service corporation under the jurisdiction of the Arizona Corporation Commission or a political subdivision of this state organized as a special

taxing district of underground, surface or overhead gas, electrical, steam, water transmission or distribution systems, poles, wires, mains, drains, sewers, pipes, cables, fire alarm boxes, call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities for the public health, safety or general welfare, not including buildings, electrical substations and transmission towers. The provision of telecommunications services, including but not limited to the construction of wireless facilities by a public service corporation under the jurisdiction of the Arizona Corporation Commission or a political subdivision of this state, organized as a special taxing district is specifically deemed not to be an essential service and shall be subject to the provisions of the zoning ordinance. (Ord. No. 98-15)

Excavation means any breaking of ground, except agricultural soil tilling and grounds care.

Family means: (Ord. No. 97-41)

1. An individual or two or more persons related by blood, marriage, or adoption and usual servants living together as a single housekeeping unit in a dwelling unit, or

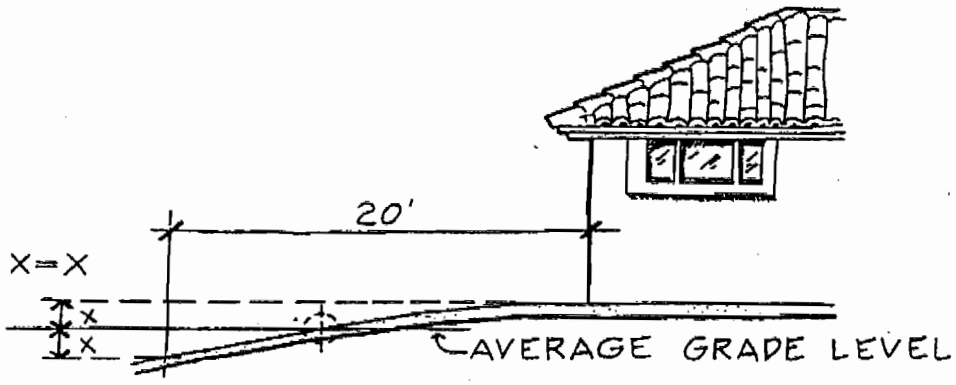
2. A group of not more than ten persons who need not be related, living together as a single housekeeping unit in a dwelling unit.

Floor Area, Gross means the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet. (Ord. No. 94-74)

Floor Area, Net means the total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public. (Ord. No. 94-74)

Gas Service Station means any facility or establishment retailing motor fuel on the premises, whether self-service or otherwise and whether or not service is performed from the premises as described in Section 14-10-3A. (Ord. No. 87-39)

Grade means the average level of the finished ground surfaces surrounding a building or structure, within a distance of twenty (20) feet. (Ord. No. 94-74)



Group Care Facility means a facility licensed by the State of Arizona, other than a detention facility, state institution, foster home or Group Foster home for more than ten children, or unwed mothers and children. (Ord. No. 97-41)

Group Home means a single residential dwelling unit shared as their primary residence by not more than ten qualified handicapped individuals living together as a single housekeeping unit, in which staff persons provide on-site care, training or support for the residents. Group homes include licensed and qualified Adult Residential Care homes pursuant to A.R.S. 36-448, Group Foster Homes, Supervisory Care Homes, Adult Foster Care Homes and Adult supportive Residential Living Centers. Group Homes shall not include boarding houses, rooming houses or similar enterprises, nursing homes, personal care homes, adult or juvenile detention facilities, recovery facilities, community residential setting facilities, group care facilities, adult day care facilities or Residential Development Disability Facilities regulated pursuant to A.R.S. 36-582. (Ord. No. 97-41)

Guest House means an attached or detached accessory building used to house guests of the occupants of the principal building, and which is never rented or offered for rent. Any guest house providing cooking facilities shall be considered a dwelling unit.

Handicapped means a person who: (Ord. No. 97-41)

1. Has a physical or mental impairment that substantially limits one or more of such person's major life activities;

2. Has a record of having such an impairment;

3. Is regarded as having such an impairment.

However, "handicapped" shall not include current use of or an addiction to a controlled substance as defined in Title 13, Arizona Revised Statutes or Title 21, United State Code.

Holding Facility means a facility established in conjunction with a law enforcement or public safety building, established for the temporary detention of adult or juvenile

persons while being processed for arrest or detention by law enforcement. Such facilities do not include lodging or food service facilities to facilitate a stay longer than necessary for processing of the arrest. Holding facilities do not include detention, correctional or release facilities. (Ord. No. 97-100)

Home Occupation means an occupation carried on solely by the occupant of the residence that is subordinate or incidental to the primary function of the principal residence or dwelling unit. (Ord. No. 00-68)

Hospital means a building or group of buildings in which sick or injured persons are given medical or surgical treatment, examination or care, including overnight residence, together with related facilities, e.g., laboratories, training facilities, staff residences, out-patient department and similar facilities which are an integral part of the principal use.

Hotel or Motel means a building or group of buildings used primarily for accommodation of transient guests in rooms or suites, excluding adult motels. (Ord. No. 98-34A)

Junk Yard means an open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled; including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes automobile wrecking yards and any area of more than one hundred and twenty (120) square feet for storage, keeping or abandonment of junk, but does not include uses confined entirely within enclosed buildings.

Lattice or Trellis means an open work structure of crossed strips of bars of wood, aluminum or plastic on which vines or other creeping plants may be trained. Specifically excludes chain link, corrugated, metal and similar metal materials or vinyl mesh. (Ord. No. 99-112)

Loading Space means the off-street area required for the receipt or distribution, by vehicles, of material or merchandise. (Ord. No. 00-68)

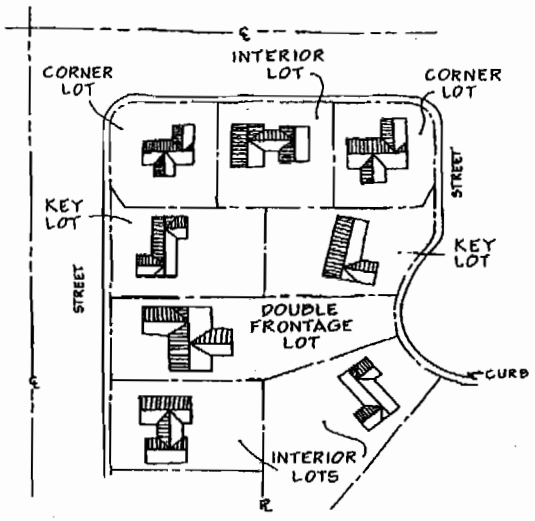
Lot means a place or parcel of land separated from every other piece or parcel by description, as in a subdivision or on a recorded survey map, or by metes and bounds, for purpose of sale or separate use.

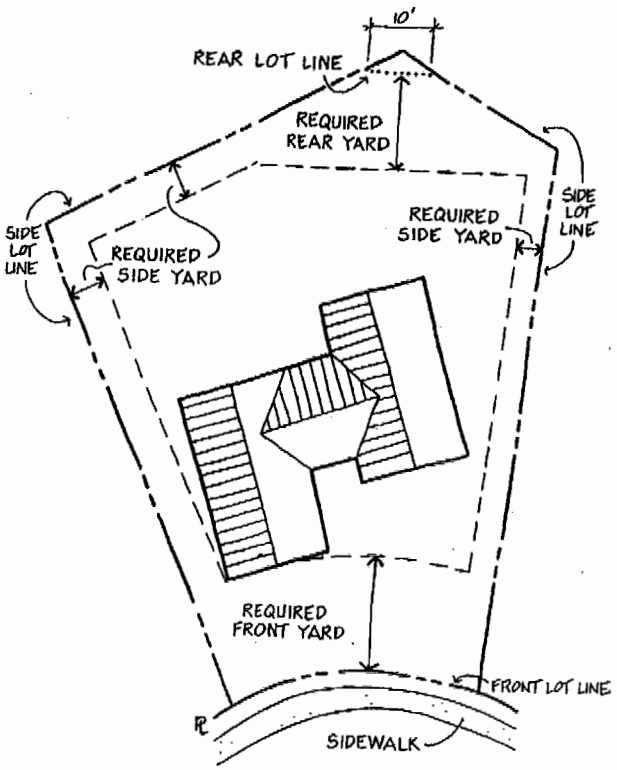
1. Corner lot means a lot abutting on two or more intersecting streets having an interior angle of intersection not exceeding one hundred thirty-five degrees.

2. Interior lot means a lot having only one side abutting on a street.

3. Key lot means an interior lot, one side of which abuts the rear lot (line) of a corner lot, or is separated therefrom by an alley.

4. Double frontage lot means a lot abutting on two or more or less parallel streets.





5. Flag lot means an interior lot in which the buildable area is located to the rear of a lot abutting a street, and which has access to the same street by means of a narrow driveway. (Ord. No. 03-158)

Lot Area means the total area of a lot within the lot lines as measured on a horizontal plane.

Lot Coverage means the part or percentage of a lot occupied by a principal (and) or accessory buildings.

Lot Depth means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot Line means a line bounding a lot; synonymous with street line when a lot line coincides with a right-of-way line of an abutting street.

1. 1. Front lot line means for interior lots, the lot line abutting on a street; for corner lots, the shorter lot line abutting on a street. When a corner lot or double frontage lot has nearly equal frontage on two streets, designation of the front line shall be at the discretion of the owner.

2. Rear lot line means the lot line opposite and farthest from the front lot line. For a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and farthest from the front lot line, not less than ten (10) feet long, and wholly within the lot.

3. Side lot line means any lot line other than a front or rear lot line; in the case of a corner lot, the lot line abutting the side street is termed an exterior side lot line; all other side lot lines are termed interior side lot lines.

Lot of Record means a lot which is part of a subdivision plat recorded in the Maricopa County Recorder's office prior to February 9,1971, or a lot or parcel described by metes and bounds and having its description recorded in the Maricopa County recorder's office prior to February 9, 1971.

Lot Width means the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front lot line and the rear lot line. (Ord. No. 03-158)

Manufacturing means the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. (Ord. No. 00-68)

Massage Establishment means any building, room, place, or establishment, other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor or osteopath with or without the use of therapeutic, electrical, mechanical or bathing devices. A Massage Establishment shall also include any bathing establishment operated in conjunction with the business. Massage establishments, as established herein, shall not include uses including but not limited to beauty parlors, salons, spas and health and exercise facilities where massage services may be available as an accessory use to a permitted principal use. (Ord. No. 00-28)

Metallurgy means the reduction or extraction of metals from their ores by mechanical, physical or chemical methods, including their refinement and preparation for use as raw materials.

Mining means the extraction from the earth of gravel, stone, sand and metallic or non-metallic ore, and the crushing, washing, grading, storage and loading for transportation thereof.

Mixed Use Development means a tract of land, building, or structure developed for two or more different uses such as, but not limited to, residential, office, light manufacturing, retail, public, or entertainment. (Ord. No. 00-68)

Mobile Home means any vehicle, other than a self-propelled motor vehicle, which was originally designed to be drawn by a motor vehicle and which is used for human occupancy.

Mobile Home Lot means a portion of a mobile home subdivision used or intended to be used for the parking of one mobile home, including the land covered by the mobile home, adjacent open spaces and attached or detached accessory buildings and structures.

Mobile Home Park means a lot, parcel or tract of land having as its principal use the rental of space for occupancy by two or more mobile homes, including any accessory buildings, structures or uses customarily incidental thereto.

Mobile Home Subdivision means a subdivision comprising five or more mobile home lots platted for lease or sale to the public, and restricted to such use by a covenant or deed restrictions.

Neighborhood Association means an incorporated or unincorporated group of individuals comprising a homeowner's association, merchant's association, community association or other group of individuals with similar interests due to their residence in a defined area and that has registered with the Community Development Department to receive notice of applicable proceedings. (Ord. No. 98-34A)

Non-Conforming Use means any building, structure, premise, or use lawfully existing at the time of the adoption of this Zoning Ordinance, or lawfully established at such time as the Ordinance is amended, but does not conform with the regulations of the zone in which it is located. (Ord. No. 00-68)

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 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. (Ord. No. 00-28)

Nude Model Studio means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model studio shall not include a public or private educational institution consisting of community colleges; colleges; universities or private institution that is licensed by the State of Arizona or supported entirely or in part by public taxation and which maintains and operates a recognized educational program in which educational credits are issued to its students and are transferable to another public or private educational institution and complies with the following: (Ord. No. 98-34A)

1. That has no signage visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and

2. When in order to participate in a program, a student must enroll at least three days in advance of the class.

Nudity or a State of Nudity means: (Ord. No. 98-34A)

1. The appearance of the cleft of the buttocks, anus, male genitals, female genitals, or areola of the female breast; or

2. A state of dress which fails to opaquely cover the cleft of the buttocks, anus, male genitals, female genitals, or areola of the female breast.

Nursing or Convalescent Home means a health care institution, other than a hospital or personal care home that is licensed by the Arizona Department of Health Services as a skilled nursing facility for two or more unrelated persons, excluding, however, institutions for the care of alcoholics, drug addicts and persons with mental or communicable diseases, group care homes, community residential setting facilities and recovery centers licensed by the State of Arizona. (Ord. No. 97-41)

Off-street means land which is not within the right-of-way of any street or alley.

Oral Sexual Contact means oral contact with the penis, vulva or anus. (Ord. No. 98-34A)

Outdoor Display means display of retail merchandise and retail sales outside of an enclosed structure. (Ord. No. 01-167)

Parking Area, Public means an open area, other than a street or alley designated for use, or used, as temporary parking of four (4) or more vehicles when available for public use, whether free or for compensation or as an accommodation for clients or customers. (Ord. No. 94-74)

Parking Lot means an area other than for single-family dwellings used for the off-street parking of more than two motor vehicles, including parking spaces, access and maneuvering aisles.

Parking Space, Off-street means a space designated for the temporary parking of a motor vehicle not on the right-of-way or alley but accessible from a street or alley. (Ord. No. 94-74)

Parties In Interest means a term identifying the owners of property within one hundred fifty (150) feet, exclusive of street, or specified property.

Paved Parking Space or Surface means an area covered by an impervious dust free surface of asphalt or concrete designed to City specifications. (Ord. No. 94-74)

Pawnshop means any establishment in that is carried on the business of pawn brokerage, or the business of loaning money, receiving as security for payment thereof pawns or pledges of property, or the business of purchasing personal property and reselling or agreeing to resell, trade or exchange such articles to vendors, their personal representatives, or their assignees at a price agreed upon at or before the time of such purchase whether such business be the principal or sole business so carried on or be merely incidental to, or in connection with, or a branch or a department of some other business. (Ord. No. 00-28)

Planned Shopping Center means a business development of two acres or more not divided by a street and characterized by an organized and concentrated grouping of retail and service outlets served by a common circulation and parking system.

Plans Review Committee: That Committee charged with the express intent to review and make recommendations on major site plans to the Planning and Zoning Commission, review and approve minor site plans and to review and approve other development plans as authorized by the City Council. The Committee shall be composed of personnel assigned to the Plans Review Division of the Development Services Department, or any other personnel as appointed by the Development Services Director or City Manager. (Ord. No. 92-14)

Plasma Center means a business, which provides compensation to patrons for plasma drawn from the human body. (Ord. No. 00-28)

Plot Plan means a fully dimensioned line drawing of a specific site identifying the location of all proposed structures, including outdoor display, in relation to abutting streets and existing structures. . (Ord. No. 00-68)

Pre-existing Wireless Communication Facility means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired. (Ord. No. 98-15)

Private Garage means an enclosed accessory building, attached or detached, used for storage of motor vehicles used by occupants of the principal building and providing no public shop or services in connection therewith.

Public Utility means any person, firm, corporation, city or special taxing district authorized under state statute or city charter or code to provide to the public electricity, natural gas, steam, water, drainage, flood control, irrigation, or wastewater collection and treatment. The provision of telecommunications services by any provider of a public utility or by any person, firm, corporation or special taxing district is not a "Public Utility." (Ord. No. 98-15)

Railroad Use means the occupation and use of land, buildings and structures for purposes directly connected with rail transportation of articles, goods and passengers, including such facilities as tracks, sidings, signal devices and structures, shops and yards for maintenance and storage of rail machinery, loading platforms, passenger and freight terminals, but excluding freight terminals and yards, and similar facilities, which are maintained and operated by the owning railroad or by a lessee for the purposes auxiliary to rail transportation; provided, however, that the operation of such facilities as a hobby or as part of an amusement business shall not be considered a railroad use.

Reception Center means an indoor or outdoor facility for the purpose of hosting meetings, weddings, receptions and/or luncheons. (Ord. No. 99-101)

Recreation and Social Clubs means buildings and grounds used for and operated by membership or fraternal organizations primarily for recreation and service of members and their guests and not primarily for profit, including but not limited to golf clubs, riding clubs, American Legion halls, Elks clubs, and similar facilities.

Recreational Vehicle means a vehicular type unit as defined in A.R.S. § 41-2142.30 specifically designed for recreational use, watercraft and trailers used to haul watercraft, horse trailers and similar recreation equipment. (Ord. No. 98-18)

Recycling Collection Facility means a facility used for the acceptance of recyclable materials from the public. Recyclable materials may be collected, sorted, bundled, bailed and/or temporarily stored prior to delivery to a permanent disposal site or shipment to others for reuse and/or processing. (Ord. No. 01-26)

Recyclable Collection Point means an accessory incidental structure or enclosed area that serves as a neighborhood drop-off point for recyclable material collection prior to delivery to a broker or user of such materials. No processing or compounding of materials is permitted.

Recyclable Materials means waste materials considered to be reusable and intended for remanufacturing or reconstitution. These materials shall include the following, and similar materials: plastics, glass, paper, cardboard, chipboard, polystyrene, metals (e.g. aluminum cans, fixtures, wire), fabric, lawn clippings, leaves, and tree branches. Recyclable materials do not include junk, rubbish, refuse, corrosive, toxic or otherwise hazardous materials, as determined by the City of Peoria Fire Department. (Ord. No. 01-26)

Release Facility means a facility operated by the Arizona Department of Corrections or Arizona Department of Youth Rehabilitation or private contractors with the above for the post-trial incarceration of juveniles and adult convicted felons who are deemed appropriate for release upon completion of their assigned term in a Detention or Correctional Facility. Such facilities are characterized by providing residential housing and restricted living settings to their residents. (Ord. No. 97-100)

Religious Institution means a permanently affixed building, where one of the principal uses is for religious worship such as that of a church, synagogue or temple. (Ord. No. 00-68)

Remediation means the action or measures taken, or to be taken, to lessen, clean-up, remove, or mitigate the existence of hazardous materials existing on the property to such standards, specifications, or requirements as may be established or required by federal, state, or county statute, rule or regulation. (Ord. No. 00-68)

Repair Garage means an establishment where the following services may include: those normal activities of a gas service station, general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision services such as body, frame or fender straightening and repair; general painting and undercoating of automobiles; high speed washing; auto, boat or trailer rental and general sales of auto parts or accessories.

Restaurant means any restaurant (except a drive-in establishment or a convenience food restaurant as defined in this Section), coffee shop, cafeteria, short-order cafe, luncheonette, sandwich stand, drugstore, and soda fountain serving food, and all other eating or drinking establishments provided that at least forty percent (40%) of the total sales are derived from the sale of food. (Ord. No. 93-06)

Restaurant, fast food with Drive through means a restaurant provides food and beverage service directly to patrons within parked vehicles for consumption primarily on the premises or drive-through service. (Ord. No. 00-68)

Retail Liquor Store means a business that sells beer or intoxicating liquors in an unopened package for consumption off the premises of the business having a Series 9 license issued by the Arizona Department of Liquor License and Control. (Ord. No. 00-28)

Right-Of-Way means a public way established or dedicated for public purposes by a duly recorded plat, deed, grant, governmental authority or by operation of the law. (Ord. No. 94-74)

Rooming House means a building other than a motel or hotel, where for compensation and by pre-arrangement for definite periods of time, lodging is provided for two or more individuals who are not members of a resident family. Rooming House does not include institutions for the care of alcoholics, drug addicts, and persons with mental or communicable diseases, group care homes, community residential setting facilities and recovery centers licensed by the State of Arizona. (Ord. No. 97-41)

Schools, Business, Trade or Vocational means a school which may be operated as a commercial venture which is primarily established to teach students skills to be used in a specific trade or occupation. Such facilities may not include lodging for students or faculty. (Ord. No. 99-89)

Schools, Instructional means a school or instructional institution established to provide instruction in recreational or other types of instruction such as swimming, dance, music, martial arts, and similar craft-type activities. (Ord. No. 99-89)

Schools, Private means a private place of general instruction including but not limited to charter, parochial, religious or charitable institutions certified by the Arizona Department of Education, State Board of Charter Schools or Arizona Board of Regents including buildings, athletic fields, and all accessory or accompanying structures and areas used for educational purposes. Such facilities do not include trade or vocational schools. Such facilities may include lodging and services for students or faculty but shall not include day care centers, business, trade or vocational schools or instructional schools as defined herein. (Ord. No. 99-89)

Schools, Public/Charter means a public place of general instruction, including buildings, athletic fields, and all accessory or accompanying structures and areas used for educational purposes, providing primary or secondary instruction, certified by and meeting all of the compulsory education laws of the State of Arizona and the State Board for Charter Schools where applicable. Such facilities may include lodging and services for students or faculty but shall not include day care centers, business, trade or vocational schools or instructional schools as defined herein. (Ord. No. 99-89)

Screen Wall means a masonry wall, wood fence or slatted chain-link fence, so constructed as to completely block at least eighty-five percent (85%) of the view of enclosed activities or uses from adjacent real property that is approximately the

same elevation as the activity or use. A wood fence does not include any manufactured material, including but not limited to plywood, pressboard, particle board, chip board or masonite. (Ord. No. 95-15)

Service Clubs means buildings and grounds used for and operated by non-profit organizations whose membership is open to any resident of the community, including YMCA, YWCA, Boy Scouts, Girl Scouts, Boys and Girls Club and any similar organization having as its primary objective the improvement of the district, neighborhood or community and its social welfare. Service Clubs shall not include Recreation and Social Clubs as herein defined. (Ord. No. 98-34A)

Setback means the minimum horizontal distance between a lot line and nearest point of a building, structure or use, as the context indicates, located on a lot.

Sexual Encounter Center means a business or commercial enterprise that as one of its principal business purposes offers for any form of consideration: (Ord No. 98-34A)

1. Physical contact between persons of the opposite sex, when one or more of the persons is in a state of nudity in the forms of tumbling, wrestling or other similar activities for the purpose of engaging or attempting to engage in specified sexual activities or oral sexual conduct; or

2. Activities between male and female person and/or persons of the same sex when one or more of the persons is in a state of nudity for the purpose of engaging or attempting to engage in specified sexual activities or oral sexual conduct.

Specified Anatomical Areas means: (Ord. No. 98-34A)

1. Human genitals in a state of sexual arousal;

2. The appearance of the cleft of the buttocks, anus, male or female genitals, or areola of the female breast; or

3. A state of dress that fails to opaquely cover the cleft of the buttocks, anus, male or female genitals, or the areola of the female breast.

Specified Sexual Activities means and includes any of the following: (Ord. No. 98-34A)

1. The fondling or other erotic touching of the human genitals, pubic region, buttocks, anus, or female breasts;

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

3. Masturbation, actual or simulated; or

4. Urinary or excretory functions as part of or in connection with any activities set forth in 1 through 3 above.

Story means that portion of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the topmost floor and the roof having a usable floor area at least one half that of the floor immediately below. A basement shall be considered a story when fifty percent (50%) or more of its cubic content is above grade.

Street means a right-of-way, other than an alley, dedicated or otherwise legally established for public use, usually affording the principal means of access to abutting property. (Ord. No. 94-74)

1. Street, arterial means a street with access control, signals at important intersections, stop signs on the side streets and restricted parking designed primarily to collect and distribute traffic to and from collector streets.

2. Street, collector means a street which carries (collects) traffic from local streets and connects with minor or major arterial streets.

3. Street, local means a street designed to provide vehicular access to abutting properties and to discourage through traffic.

4. Street, public means any street which has been dedicated or is otherwise publicly owned by the City. Any street not a public street shall be deemed a private street.

Street Line means a right-of-way line of a street which abuts a lot line.

Structure means any constructed or erected material or combination of materials the use of which requires location on the ground or attachment to something located on the ground, including inter-alia buildings, stadiums, radio towers, sheds, storage bins and fences. (Ord. No. 79-72)

Swimming Pool means any structure intended for swimming or recreational bathing that contains water over eighteen (18) inches in depth. This includes in-ground, above-ground and on-ground swimming pools, hot tubs, portable and non-portable spas and fixed-in-place wading pools. (Ord. No. 96-21)

Tattoo Studio means a business that marks the skin with any indelible design, letter, scroll, figure, symbol or any other mark that is placed by the aid of needles or other instruments upon or under the skin with any substance that will leave color under the skin and that cannot be removed, repaired or reconstructed without a surgical procedure. A Tattoo Studio may or may not be operated in conjunction with a Body Piercing Studio. (Ord. No. 00-28)

Tavern, bar, lounge or establishment means a business that sells beer or intoxicating liquor for consumption on the premises and having and a Spirituous Liquor License with any of the following classifications: Bar License (Series #06) or Beer and Wine Bar License (Series #07) or the equivalent of such license, and excluding restaurants and recreation and social clubs. (Ord. No. 98-34A)

Temporary Use or Building means a use or structure permitted under this chapter to exist for a limited period of time.

Tower Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad. (Ord. No. 98-15)

Townhouse or Rowhouse means a single dwelling unit arranged side by side with other such units in a multi-family dwelling completely independent of all other such units in the building by reason of separation therefrom by unpierced party walls.

Travel Trailer Park means a lot, parcel or tract of land, or a portion of a mobile home park, having as its principal use the rental of space for temporary, short term, transient occupancy by two or more travel trailers, including any accessory buildings, structures and uses customarily incidental thereto.

Usable Floor Area means a term used in computing parking requirements, meaning the aggregate area of a building measured to the interior face of exterior walls on the first story, and including the floor area, similarly measured, of each additional story which is connected to the floor area or all accessory buildings, measured similarly, but excluding that part of any floor area which is occupied by heating, ventilating or other permanently installed equipment required for the operation of the building and by unenclosed porches, light shafts, public corridors and public toilets. For uses not enclosed within a building, the area for sales, display or service shall be measured to determine equivalent usable floor area.

Use means the purpose for which a building is arranged, designed or intended, or for which land or a building is or may be occupied.

1. Principal use means the main use to which the premises are devoted and the main purpose for which the premises exist.

2. Accessory use means a subordinate use to the principal use on a lot and used for purposes clearly incidental to those of the principal use.

Utility Trailer means a vehicle with or without motive power, other than a pole trailer and semitrailer, designed for carrying property and for being drawn by a motor vehicle. (Ord. No. 98-18)

Variance means a modification of the literal provisions of this chapter granted by the Board upon a finding that strict enforcement of the chapter would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted.

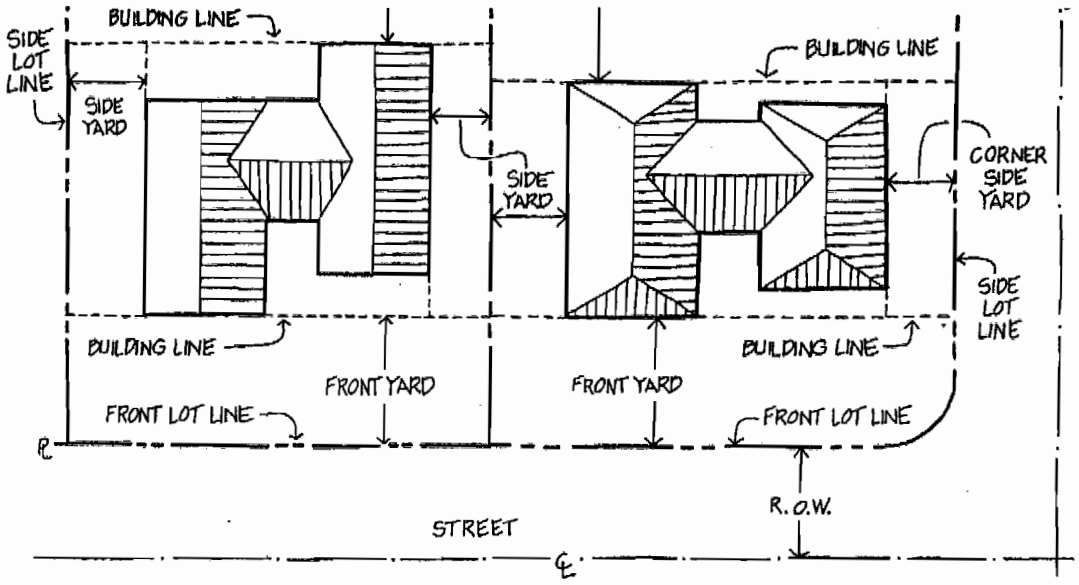
Wireless Communication Facility means any structure or piece of equipment that is designed and constructed primarily for the purpose of sending or receiving wireless transmissions or supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, and monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term also includes the structure and any support thereto. (Ord. No. 98-15)

Yard means an open space located between any portion of a building and the nearest lot line, or the nearest adjacent building or group of buildings, as the context indicates, unoccupied and unobstructed from the ground upward, except as otherwise provided for in this chapter.

1. Front yard means a yard extending across the full width of the lot and having a depth equal to the horizontal distance between the nearest point of the principal building and the front lot line, measured at right angles to the front lot line.

2. Rear yard means a yard extending across the full width of a lot, and having a depth equal to the horizontal distance between the nearest point of the principal building and the rear lot line, measured at right angles to the rear lot line.

3. Side yard means a yard extending from the front yard to the rear yard between a side lot line and the principal building, and having a width equal to the horizontal distance between the nearest point of the principal building and the side lot line, measured at right angles to the side lot line.



Yard, Non-Required means any yard with dimensions exceeding those required herein.

Yard, Required means a yard having the minimum dimensions required herein.

Zoning Inspector means the municipal official appointed by the Council and assigned the duties and responsibilities of the Office of Zoning Inspector as hereinafter provided.

ARTICLE 14-3 GENERAL PROVISIONS

(Ord. No. 02-85)

ARTICLE 14-3 CONTENTS

14-3-1 INTENT	14-3-9 HOME OCCUPATIONS
14-3-2 GENERAL USE PROVISIONS	14-3-10 MANUFACTURED HOUSING
14-3-3 ACCESSORY BUILDINGS AND USES	14-3-11 MOBILE HOMES, TRAVEL TRAILERS, HOUSE TRAILERS, AND RECREATIONAL VEHICLES
14-3-4 SCREENING	
14-3-5 WALLS AND FENCES	14-3-12 GROUP HOMES, DAY CARE GROUP HOMES, GROUP CARE FACILITIES AND COMMUNITY RESIDENTIAL SETTING FACILITIES
14-3-6 PERFORMANCE STANDARDS	
14-3-7 SATELLITE DISH ANTENNAE	14-3-13 WIRELESS COMMUNICATION FACILITIES
14-3-8 MISCELLANEOUS PROVISIONS	

SECTION 14-3-1 INTENT

The purpose of the General Provisions Article is to set forth provisions that apply to all or various zoning districts. In the case of a conflict between provisions set forth in this Article and provisions for a specific zoning district, the stricter provision shall govern

SECTION 14-3-2 GENERAL USE PROVISIONS

A. General Use Restrictions

1. *Principal uses.* Only those uses and groups of uses specifically designated as permitted principal uses in zoning district regulations shall be permitted as principal uses; all other uses shall be prohibited, except as otherwise provided in this Ordinance.

2. *Conditional uses.* Certain specified uses designated as permitted conditional uses may be permitted as principal uses subject to special conditions of location, design, construction, operation, and maintenance hereinafter specified in this ordinance or imposed by the City during the development review and approval process.

3. *Accessory uses.* Uses normally accessory and incidental to permitted principal or conditional uses shall be permitted as hereinafter specified. No accessory use or structure shall be permitted in any zoning district until its principal use or structure is present or under construction with an approved building permit.

4. *Temporary uses.* Certain temporary uses may be permitted by temporary use permit, subject to such special conditions as the City may impose in accordance with provisions of this Ordinance.

5. *Unspecified uses.* The schedule of use listings within each zoning district is intended to establish the character of uses to be permitted, but may not include each and every allowable use. Unspecified uses may be permitted by the Community Development Director or designee thereof upon finding that such uses are similar in character to, and not typically more objectionable than, other uses specifically listed as permitted.

B. Restrictions On Occupation for Dwelling Purposes

1. No cellar, garage, tent, basement with unfinished structure above, or accessory building shall at any time be used as a dwelling unit. This provision shall not apply to guest houses or to quarters for night watchmen where such are allowed.

2. No mobile home or recreational vehicle outside an approved mobile home or recreational vehicle development shall be used as a dwelling unit at any time in any zoning district.

C. General Yard and Setback Requirements

1. *Future streets.* When future street lines have been officially established by the City Council, all required setbacks along said streets shall be measured from such street lines. For private streets or private access-easements, setbacks shall be measured from the street easement or tract boundary.

2. *Separate space requirements.* No lot, yard, parking or loading area, building area, or other space nor any part thereof, that is required about, or in connection with, any building, shall be included as part of a yard, area, or space required for any other building.

3. *Sight distance triangles.* Sight distance triangles shall adhere to the provisions set forth in the Peoria Infrastructure Guidelines.

4. *Cooling units and similar devices in non-residential districts.* In non-residential zoning districts, compressor units, condensing units, cooling towers, evaporative condensers, and similar devices shall be located at a minimum distance of three (3) feet from any interior lot line, except as otherwise provided in this Ordinance. Air conditioning units may be located entirely within a required side or rear yard provided such device conforms to the provisions of the Building Code.

5. *Projections into required yards in residential districts.*
In residential zoning districts, projections shall meet the following standards:

a. Any projection lying within three (3) feet of any lot line shall be subject to provisions of the International Residential Code (IRC), and shall be constructed with 1 Hour Protection as therein defined.

b. Awnings, canopies, standard balconies, open fire balconies, fire escape stairs, and exterior stairs shall not project or extend more than five (5) feet over any required yard, and shall be no closer than two (2) feet to any lot line.

c. Window type refrigeration units not exceeding one and one-half (1.5) tons or a one and one-half (1.5) horsepower rating, suspended or roof evaporative coolers, and forced air furnaces shall not project or extend more than five (5) feet into any required yard and shall be no closer than two (2) feet from any lot line.

d. Cornices, eaves, and other overhangs shall not project more than three (3) feet over any required yard and shall be no closer than two (2) feet to any lot line; however, any projection within three (3) feet of any lot line shall be subject to provisions of the International Residential Code (IRC), and thereby be constructed with 1 Hour Protection as therein defined.

e. Sills, leaders, belt courses, and similar ornamental features may project up to two (2) feet into any required yard provided that a minimum of five (5) feet remains in the side yard setback dimension.

f. Bay windows may project up to two (2) feet into a required yard provided that a minimum of three (3) feet remains in the side yard setback dimension; the bay windows shall have a maximum width of ten (10) feet, paralleling the nearest lot line.

g. Chimneys, pilasters, green house windows, vestibules, built-in bookshelf and entertainment center projections, and similar functional projections may project a maximum of two (2) feet into a required yard provided that said projection is no closer than three (3) feet to any lot line; the projection shall have a maximum width of ten (10) feet, paralleling the nearest lot line.

h. Terraces, patios, steps, or other similar un-roofed features not over three (3) feet in height above grade may project into any required yard provided that projections into required front yards shall not exceed ten (10) feet. Such projections shall be no closer than three (3) feet from any lot line.

i. Arches masonry entry features may be constructed as part of a fence surrounding the front yard. Such features shall not exceed seven (7) feet in height and shall not exceed three (3) feet in width. Such features shall adhere to the side yard setbacks of the principal building. No more than one such feature shall be permitted on a given lot.

j. A structure, which is a primary front entryway or porch may extend into a required front yard setback a maximum of three (3) feet, provided that such structure is not fully enclosed and is not more than eleven (11) feet in width.

k. A trellis or similar type lattice structure for the purpose of training vegetation may project into any required side or rear yard under the following conditions:

1) Lattice structures not higher than six (6) feet without an attached roof member may be placed on the property line and utilized in the same manner and under the same conditions as a property line fence.

2) Lattice structures that are higher than six (6) feet but no higher than eight (8) feet, with or without an attached roof member, may be located within three (3) feet of a side or rear property line.

3) Lattice structures over eight (8) feet high, with or without an attached roof member, must meet all minimum required yard setbacks for the principal structure.

4) For the purpose of this section trellis and/or lattice structures shall meet the following dimensions:

a) Openings shall be no smaller than one (1) inch by one (1) inch and no longer than twelve (12) inches by twelve (12) inches.

b) Minimum dimensions of cross strips shall not exceed two (2) inches by two (2) inches.

D. Height Exceptions

1. Church spires, belfries, cupolas and domes not for human occupancy; monuments; water towers; and noncommercial radio or television antennas located in any zoning district may be erected to a height not exceeding one hundred (100) feet. (Ord. No. 03-09)

2. Height regulations established elsewhere in this Ordinance shall not apply to parapet walls extending more than four (4) feet above the height of the building of which they are a part and elevator housings, when located in a non-residential district.

3. Height regulations established elsewhere in this Ordinance shall not apply to the following when located in industrial districts: chimneys; smokestacks; derricks; conveyors; grain elevators; or similar structures wherein the industrial process involved customarily requires a height greater than otherwise permitted in this Ordinance.

4. Religious institutions, schools, public buildings and other similar public assembly uses may exceed the maximum height established by a particular zoning district, provided that the minimum front, side and rear setbacks shall be increased by one additional foot for each foot by which the height of the building exceeds the maximum building height.

E. Trash Enclosures

A permanent concealing enclosure for temporary storage of garbage, refuse, and other waste materials shall be provided for every use, other than single-family dwellings, in every zoning district. Such enclosures shall adhere to provisions set forth in the City's Infrastructure Development Guidelines as most recently amended.

F. Exterior Lighting

1. *Purpose.* The Exterior Lighting regulations are intended to create awareness and maintain a high level of the City's physical and visual qualities by limiting light pollution, promoting energy conservation, reducing glare, and limiting pole height.

2. *Applicability.* All lighting within the Peoria City limits shall comply with the Dark Sky Ordinance (Ord. No. 98-114) set forth in the City Code, Chapter 20, Sections 20-60 through 20-67, and all amendments thereof. These regulations shall apply to all outdoor lighting including, but not limited to, search, spot, or floodlights for all structures, recreational areas, parking lots, landscape areas, or other outdoor lighting.

3. *Allowable Height.* The height of any light fixture shall not exceed sixteen (16) feet in a residential zoning district or twenty-five (25) feet in any other zoning district. Exempt from the height restrictions are the following uses:

   a. Baseball, softball, soccer, volleyball, or football fields or similar uses

   b. Golf driving ranges

   c. Outdoor arenas and amphitheaters

   d. Public parks

4. *Adjacent to Residential Districts.* Lighting in any non-residential zoning district shall be shielded in a manner such neither the light source is visible from, nor are there spillover effects into, the residential zoning district. Additionally, any outdoor light fixture in a non-residential zoning district shall be a minimum of ten (10) feet from any adjacent residential zoning district.

5. *Within Residential Districts.* Any lighting on residential properties shall be directed downward and shielded in a manner that the illumination source shall not be visible from any adjacent property.

6. *Sign Lighting.* Any lighting used to illuminate wall or ground mounted signs shall be directed downward and shielded in a manner that the illumination source shall not be visible from any adjacent property.

7. *Submittal Requirements.* All new development submittals shall include an outdoor lighting plan for the entire site that describes compliance with the standards of this ordinance and the Dark Sky Ordinance set forth in the City Code, Chapter 20, Sections 20-60 through 20-67.

SECTION 14-3-3 ACCESSORY BUILDINGS AND USES

A. General Provisions

1. When attached to a principal building or connected to the principal building by a covered passage-way, an accessory building shall be considered an integral part of the principal building for the purpose of determining building heights and setbacks.

2. No accessory building or use shall be constructed or established on a lot prior to the principal building or use being present.

B. Swimming Pools

1. Barriers and/or enclosures shall be provided for all swimming pools in accordance with Chapter 5, "Buildings and Building Regulations," of the City Code, and with any other applicable regulations.

2. Outdoor swimming pools, whether private, public, or commercial, shall not be located in any required front yard, and the water edge shall be a minimum of four (4) feet from the lot line.

C. Tennis Courts

Tennis courts, including the enclosure and lighting, may be built on a single family lot as follows:

1. Tennis courts shall not be permitted in a required front yard.

2. Tennis courts without lighting shall be set back five (5) feet from all side and rear lot lines, measured from the edge of the playing surface.

3. Tennis courts with lighting shall be set back twenty (20) feet from all side and rear lot lines, measured from the edge of the playing surface and the base of the lighting standard.

4. Outdoor lights shall not be operated between 10:00 PM and sunrise and shall be shielded in accordance with Section 14-3-2, "General Use Provisions," Subsection F, "Exterior Lighting," of this Article.

5. Tennis courts shall be fenced with a vinyl netting or coated/painted chain link –type fence, with a maximum height of sixteen (16) feet, to prevent tennis balls from landing on adjacent properties.

6. Plans for the construction of a tennis court shall be submitted to the Community Development Department for a determination of zoning compliance. Tennis court plans shall include setback dimensions from all property lines and the location and height of any walls, fences, or lighting related to the tennis court.

SECTION 14-3-4 SCREENING

A. Intent

The intent of this Section of the Peoria Zoning Ordinance is to establish general development standards for screening between uses of differing character, density, or intensity and for screening certain uses and activities on a site from public view. The screening standards are intended to assure compatibility of uses, minimize deterioration of properties and property values, and to enhance the health and safety of the residents of Peoria.

B. Use of Screening

1. *Wall or Fence.* A masonry wall or fence a minimum of six (6) feet in height above grade, or as otherwise approved, shall be constructed and maintained between the following uses of differing intensity or character:

   a. Single-family and multi-family developments

   b. Different multi-family developments

   c. Residential and non-residential uses

   d. Different non-residential uses

   e. Rear and/or side lot areas and adjacent public rights-of-way

   f. Recreational vehicle or boat storage areas and areas with public rights-of-way, residential, or non-residential uses

1. *Landscape Buffer.* A landscape buffer with the following minimum requirements, or as otherwise determined by the Planning Manager, may be allowed as an alternative to a wall or fence as required above in subsection (B)(1) provided that the buffer fulfills the intent of these screening requirements as determined and approved by the Planning Manager. In the case of a conflict with the landscape code or other regulations contained in this Ordinance, the stricter provision shall govern.

a. Fifteen (15) feet in width where any multi-family or nonresidential use abuts a single-family district

b. Fifteen (15) feet in width where any nonresidential use abuts a multi-family district

c. Twenty-five (25) feet where any loading docks and/or service drives abut residential districts.

1. *Educational and Municipal Facilities.* Public elementary and secondary and similar private educational facilities, as well as municipal facilities, are exempt from the screening provisions of this section.

2. *Loading and Delivery Bays.* All loading and delivery bays shall be screened from street view in accordance with provisions of Section 14-23-4.

3. *Outdoor Storage.* All outdoor storage for Commercial and Industrial uses, and for materials, equipment, vehicles, or other similar items, shall be screened from public view, public uses, and areas such as rivers, washes, equestrian and bike paths, parks, golf courses, and other public open spaces. Such screening shall consist of a wall or fence with a minimum height of six (6) feet, or a height that will adequately screen the stored items as determined by the Planning Manager during the Site Plan review process. **Agriculturally related activities** are exempt from this provision.

4. *Utilities.* All utility substations, wells, storage facilities, or other utilities shall be screened from public view. Such screening shall consist of a wall, fence, or landscape screen of a height adequate to screen the facility, as determined by the Planning Manager during the Site Plan review process.

5. *Mechanical* Equipment. All roof mounted mechanical equipment, except for single-family uses, shall be fully screened from public view unless otherwise specified elsewhere this Ordinance.

SECTION 14-3-5 WALLS AND FENCES

A. **General Provisions** (Ord. No. 95-15)

1. *Permit Required.* No persons, firm or corporation, except an agriculture activity shall hereafter construct, or cause to be constructed or erected within the City of Peoria any fence or wall over six (6) feet, eight (8) inches in height without first making an application for and securing a permit from the Community Development Department. In addition, no fence or walls shall be constructed within the street right-of-way without obtaining a permit from the Engineering Department.

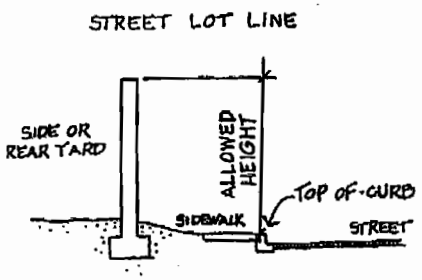
2. *Locations.* All fences or walls shall be located entirely upon the private property of the persons, firms, or corporation constructing, or causing the construction, of such fence unless the owner of the property adjoining agrees, in writing, that such fence or wall may be erected on the division line of the respective properties. This shall not apply to the initial wall construction by the homebuilder.

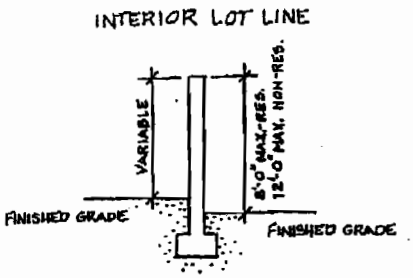
3. *Maintenance.* Every fence or wall shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair, damage, or unsightliness, or constitute a nuisance, public or private. Any such fence or wall which is, or has become, dangerous to 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, the height of the fence shall be the height measured from the curb or finished grade on the street side of the fence or wall.

   b. On non-street property lines, the height may be measured from the highest finished grade on either side of the fence or wall. However, in no case shall the height of the fence or wall on either side exceed eight (8) feet in height within or abutting a residential district, or twelve (12) feet in the case of a non-residential district.





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 in distance, to provide variety and visual interest. The undulation depth from the street line shall be minimum of three (3) feet. Alternate patterns to the above requirements may be approved during the Preliminary Plat or Site Plan Review Process.

6. *Finish 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 property or street.

7. *Exemptions.* Exempt from the height restriction to three (3) feet within or bounding the front yard, as set forth in Section 14-3-5, "Wall and Fences," section (B)(1), "Residential Requirements," are the following:

   a. An agriculture activity

   b. 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)(5)(h) 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.

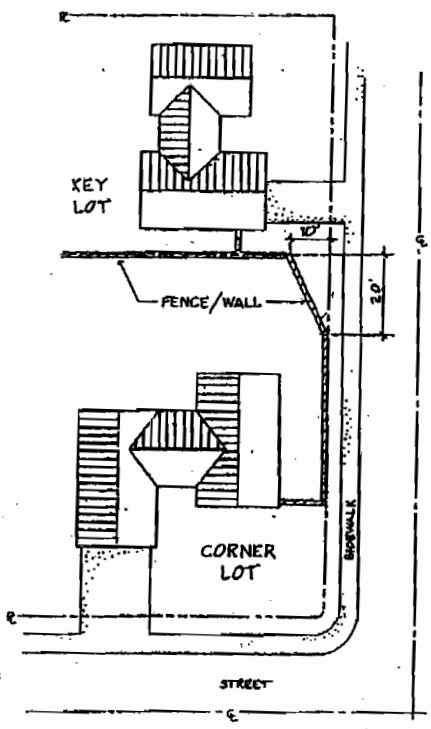
B. **Residential Requirements**

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, except as may be specified elsewhere within this Ordinance.

2. *Corner Lots and Key Lots.*

   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.

   b. On a key lot contiguous to a corner lot, a fence or wall not exceeding six (6) feet eight (8) inches 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.



3. *Street Side Lots.* The lot side of a wall shall not exceed six (6) feet eight (8) inches in height, measured from finished grade. The Street side shall not exceed ten (10) feet in height, measured from top of curb. Terracing shall be permitted. Terrace walls shall not exceed four (4) feet in height, measured from finished grade and shall be separated by no less than four (4) feet except as specifically provided elsewhere in this Ordinance. Terraces are to be landscaped. All terracing requirements shall be subject to review by the City Engineer and the Building Safety Division. Wall height requests above ten (10) feet shall be reviewed for approval by the City Engineer. Nothing herein is intended to relax the building code or other applicable city standards.

4. *Retention Lot.* Walls adjacent to planned or natural retention areas, waterways, or natural trails shall be constructed according to Figure A. The non-lot side of the wall will be referred to as the retention side of the wall. This illustration shows the top of wall measuring a maximum of six (6) feet eight (8) inches from finished grade on the lot side of the wall and a maximum of eight (8) feet from the required bench on the retention side of the wall. *Note the Total Height is a maximum of ten (10) feet from the toe of the slope.* A contiguous grade shall extend a minimum horizontal distance of six (6) feet from the toe of the slope in order to use the toe as a point of measurement.

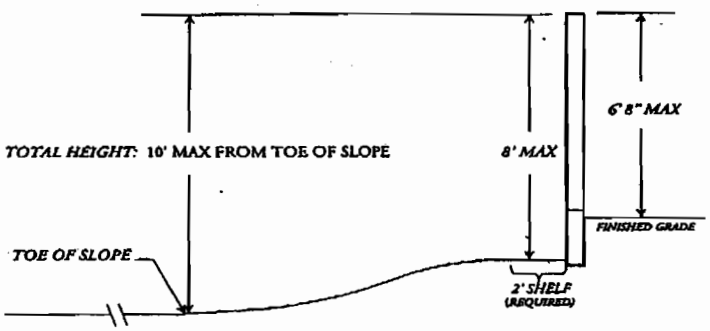


FIGURE A
N.T.S.

If the Total Height exceeds ten (10) feet, all affected walls shall be constructed according to Figure B. Terrace walls shall not exceed four (4) feet in height, measured from finished grade and shall be separated by no less than four (4) feet. Terraces are to be landscaped. Wall standards for theme walls will be applied to terrace walls. Terracing requirements 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. Nothing herein is intended to relax the building code or other applicable city standards.

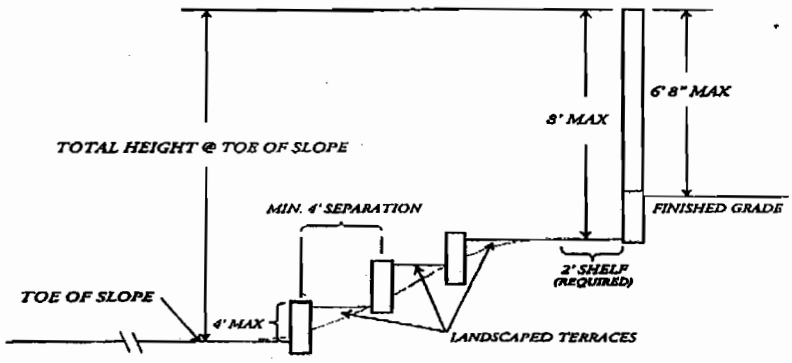


FIGURE B
N.T.S.

5. *Exceptions.* Waivers from the wall requirements may be granted by the Planning Manager. A wall plan and narrative shall be submitted to the Planning Manager for review. Waivers may be granted based on the following:

   a. Topography prohibits walls from conforming to wall requirements.

   b. Waiver will not be detrimental to present or future surrounding property owners.

c. City Engineer recommends approval of waiver.

If the waiver request is denied by the Planning Manager, the applicant can file a Variance Request to be heard by the Board of Adjustment, in accordance with Article 14-39 of this Ordinance.

6. *Gates Required.* In those instances where a fence or wall is erected as an enclosure which restricts access from the front to the rear yard, a gate with a minimum of three (3) feet in width shall be included to provide access. The location of such ingress points shall be positioned at any point paralleling the front lot line between the side lot line and the principal structure.

7. *Noise Attenuation Walls Required.* Where adjacent to a transportation corridor a masonry noise attenuation wall eight (8) feet in height constructed of a minimum of six (6) inch (thick) concrete block, or as otherwise approved by the City Engineer, shall be placed adjacent to the transportation corridor for any residential subdivisions recorded after the effective date of this Ordinance. A transportation 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 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 in height, or except as specifically required as a condition of an approved Site Plan or Preliminary Plat as otherwise specified in this Ordinance.

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.

SECTION 14-3-6 PERFORMANCE STANDARDS

All uses within the City shall conform to the performance standards set forth below, and shall be constructed, maintained, and operated so as not to be a nuisance or hazard to persons, animals, vegetation, or property located on adjacent or nearby properties or rights-of-way; or to interfere with the reasonable use or enjoyment of adjacent or nearby property by reason of noise, vibration, smoke, dust, or other particulate matter; toxic or noxious matters; odors, glare, heat or humidity; radiation, electromagnetic interference, tire or explosion hazard, liquid waste discharge or solid waste accumulation. Furthermore no use shall be carried out so as to create any nuisance or hazard which is in violation of any applicable Federal, State, or City laws.

A. Noise

No use shall create sound which is in violation of Chapter 13, "Miscellaneous Provisions and Offenses," of the City Code or any other applicable regulations.

B. Vibrations

No use shall create inherently and recurrently generated ground vibrations that are perceptible without instruments at any point at or beyond the property lines of the property on which the use is located.

C. Smoke, Dust, Dirt, or Other Particulate Matter

No use shall allow the emission of smoke, dust, dirt, or other particulate matter which may cause damage to property or vegetation, discomfort or harm to persons or animals, or prevent the reasonable use and enjoyment of property and rights-of-way, at or beyond the property lines of the property on which the use is located. Furthermore, no use shall be carried out so as to allow the emission of any substances in violation of any Federal, State, or City laws or permits governing the emission of such substances.

D. Odors and Fumes

No use shall be carried out so as to allow the emission of objectionable or offensive odors or fumes in such concentration as to be readily perceptible at any point at or beyond the boundary of the property.

E. Toxic or Noxious Matter

No use shall be carried out so as to allow the discharge of any toxic or noxious matter in such concentration as to cause damage to property or vegetation, discomfort or harm to persons or animals, or prevent the reasonable use and enjoyment of property or rights-of-way, at or beyond the property line of the property on which the use is located; or to contaminate any public waters or any groundwater.

F. Fire and Explosion Hazards

No use shall be carried out so as to create a fire or explosion hazard to adjacent or nearby property or rights-of-way, or any persons or property thereon. Furthermore, the storage, use, or production of flammable or explosive materials shall be in conformance with the provisions of the City Code, Chapter 9, "Fire Prevention and Protection," and with all other applicable regulations.

G. Liquid Waste

No use shall be carried out so as to dispose of liquid waste of any type, quantity, or manner which is not in conformance with the provisions of the City Code, Chapter 25, "Water, Sewers, and Sewage Disposal," and all other applicable regulations.

H. **Solid Waste**

No use shall be carried out so as to allow the accumulation or disposal of solid waste which is not in conformance with Chapter 22, "Solid Waste," of the City Code, or which would cause solid waste to be transferred in any manner to adjacent or nearby property or rights-of-way.

I. **Electromagnetic Interference**

No use shall be carried out so as to create electromagnetic radiation which causes abnormal degradation of performance of any electromagnetic receptor of quality and proper design as defined by the principles and standards adopted by the Institute of Electrical and Electronics Engineers, or the Electronic Industries Association. Furthermore, no use shall be carried out so as to cause electromagnetic radiation which does not comply with the Federal Communications Commission regulations, or which causes objectionable electromagnetic interference with normal radio or television reception.

SECTION 14-3-7 SATELLITE DISH ANTENNAE

A. **Intent**

The intent of the regulations set forth in this Section, "Satellite Dish Antennae," is to protect and promote the health, safety, and welfare of the residents of the City of Peoria and the aesthetic quality of life as set forth in the goals, objectives, and policies of the Peoria General Plan, while at the same time not unduly restricting the placement of equipment and hence access to communications provided by Satellite Dish Antennae.

B. **Definition**

For purposes of this Section, a Satellite Dish Antenna shall mean a dish antenna that is usually a parabolic, spherical, conical, bowl, disc, or saucer -shaped accessory structure, which includes the main dish and covering, feedhorn, low noise amplifier, structural supports, and all other components thereof, for the purpose of transmitting and/or receiving communications via electromagnetic waves by line of sight with a geosynchronous orbiting satellite.

C. **Applicability**

These regulations shall apply to all satellite dish equipment situated in the City of Peoria except as may be otherwise provided in the Telecommunications Act of the Federal Communications Commission.

D. All Residential Zoning Districts (Ord. No. 03-174)

1. *General*

   a. A maximum of one (1) satellite dish shall be permitted on the premises of any one single-family residential lot.

   b. The satellite dish shall only be utilized for the personal enjoyment of the occupants of the dwelling unit.

   c. The satellite dish shall not be utilized for any commercial purpose.

2. Satellite dishes measuring twenty (20) inches or less in diameter may be mounted on the roof or side of the residence or accessory building, or on the ground, and shall be exempt from screening requirements.

3. Satellite equipment measuring more than twenty (20) inches shall be subject to the following:

   a. Issuance of a Conditional Use Permit

   b. Shall not be placed in front yards or corner side yards

   c. Shall be placed in rear or side yards only and shall be set back from the lot line by a distance equal to or greater than the diameter of the dish

   d. Shall be screened so as to not be visible from any public street or right-of-way, or from adjacent property

E. Non-Residential Districts

Satellite dish equipment in non-residential zoning districts shall comply with the following requirements:

1. Satellite dish equipment in Non-Residential Districts shall be considered a permitted accessory use and subject to all provisions thereof, in accordance with Article 14-9, "Non-Residential Districts."

2. Satellite dishes measuring twenty (20) inches or less in diameter may be mounted on the roof or side of a principal or accessory building or on the ground and shall be exempt from screening requirements.

3. Satellite dishes measuring twenty (20) inches or more shall be screened in a manner so as not to be visible from a public street, public right-of-way, or any adjacent property. All screening shall be consistent with provisions set forth in the City's Design Review Manual.

SECTION 14-3-8 MISCELLANEOUS PROVISIONS

A. Unsuitable Site

If the City determines a site to be an "Unsuitable Site" for a given development, for reasons of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low percolation rate or bearing strength, erosion susceptibility, or any other adverse features, transfer of density shall be permitted in accordance with the density formula established in the Peoria General Plan.

B. Moving of Buildings

No building or structure which has been wholly or partially erected on any premises located within or outside the city, shall be moved to or be placed upon any other premises within the City until a permit for such removal and a zoning compliance certificate for such relocation shall have been issued by the Community Development Director or designee thereof. Any such building or structure shall conform to all provisions of this Ordinance in the same manner as any new building or structure. No such building or structure shall be used or occupied until an occupancy permit shall have been issued as herein provided. The moving of any building or structure shall, furthermore, comply with requirements of the City Code, Chapter 5, Section 5-6, "Moving of Buildings."

C. Dumping or Disposal

The use of land for the dumping of scrap iron, junk, garbage, rubbish or other refuse or of ashes, slag or other industrial wastes or by-products shall be prohibited in every zoning district, except as may be otherwise provided in this Ordinance or other applicable regulations, and pursuant to provisions of the City Code, Chapter 17, "Nuisances."

D. Essential Services Permitted

Nothing in this Ordinance shall prevent the location of a public utility facility for any essential services herein defined. Such facility shall adhere to all development standards, including but not limited to setback, height, and landscaping requirements, for the given zoning district.

SECTION 14-3-9 HOME OCCUPATIONS

A. General

A Home Occupation is an accessory use of the primary dwelling unit permitted either by-right or by conditional use permit. Home occupations are generally conducted and located such that the average neighbor, under normal circumstances, would not be aware of their existence. The home occupation is generally carried on by a member of a family, residing on the premises, and is clearly incidental to the use of the structure for dwelling purposes and does not change the exterior character of the premises in any way.

B. Standards

The standards set forth in this Section are intended to ensure compatibility of the Home Occupation use with the residential character of the neighborhood. The proposed use shall be clearly accessory or incidental to the residential use of the main building to qualify as a home occupation use under this Section.

1. *Home Occupation as Permitted Accessory Use.* A home occupation where permitted, except for Day Care Group Homes, shall be considered a permitted accessory use when it complies with the following regulations:

   a. Changes or alterations to the exterior of the building(s) that are inconsistent with the residential character of the building(s) or with the character of the surrounding area shall not be allowed. Such changes or alterations include, but are not limited to, construction of parking areas or garages at a scale exceeding the scale of such structures in the surrounding area.

   b. Signs advertising a home occupation shall be strictly prohibited.

   c. Exterior display or storage of materials or equipment, or any other exterior indication of the home occupation, shall be prohibited.

   d. Emissions of noise, light, dust, gas, vibration, odor, smoke, or any other noxious matter emanating from the home occupation at a scale greater than that normally associated with the residential use shall be prohibited.

   e. The home occupation shall not involve more than one (1) business caller or visitor at a time and not more than two (2) visitors per hour, nor commercial deliveries or outside services beyond those normal and incidental to the residential uses in the district.

   f. The home occupation shall be conducted by a resident or residents of the dwelling unit only. No outside employees shall be employed at the site and not more than one (1) employee may report to the site for off-site employment.

   g. No unusual load shall be placed on power, sewer, water, or other utilities as a result of the home occupation use.

   h. External activity resulting from the home occupation shall be limited to the hours between 7:00 A.M. and 10:00 P.M.

   i. Storage of commercial vehicles used in conjunction with the home occupation is not permitted on the home occupation site. Up to two (2) commercial vehicles may be parked on the home occupation site if these commercial vehicles are used for both business and personal needs. Commercial vehicles must be parked in accordance with Article 14-23, "Parking," of this Ordinance.

   j. All home occupations shall be subject to the standards contained herein and shall be approved by the City prior to the initiation of any business activity.

k. A valid City sales tax and/or business license shall be obtained for the home occupation use.

2. *Home Occupation as Conditional Use.* A Conditional Use Permit for a home occupation shall be required in cases where any of the following conditions may result

a. The home occupation use requires or uses storage or space accessory to the principal residence, will utilize or require outdoor or open storage of materials or will require or result in the construction or installation of additional parking on-site.

b. The home occupation use will produce or make noticeable the appearance of a non-residential use or will cause the emission of noise, light, dust, gas, vibration, odor, smoke, or other noxious matter from the premise.

c. The home occupation will have more than one (1) business caller or visitor at any one time, more than two (2) visitors per hour, or more than one (1) commercial delivery per business day.

d. Pedestrian or vehicular traffic will increase beyond what is considered normal and incidental to the zoning district in which the use is located.

e. An increased load will be placed on any of the power, water, sewer or other utilities.

f. The home occupation use will require the services of a single employee or assistant who is not a resident of the household.

3. *Prohibited Home Occupations* Home occupations expressly prohibited shall include, but not be limited to, the following:

a. Personal service offices such as physicians, dentists, massage therapists, and barber and beauty shops

b. Animal services such as commercial stables, dog grooming, veterinary offices, hospitals, and kennels

c. Permanent real estate offices

d. Restaurants

e. Vehicle services such as repairing, painting, storage, washing, or sales, where vehicle is defined as any motorized or non-motorized means of transportation

4. *Violations.* The City may deem any violation of the above conditions as just cause for the termination of the home occupation. In such cases, the City may issue a *Cease and Desist Order,* and, if the violation continues, file a criminal complaint in City Court.

SECTION 14-3-10 MANUFACTURED HOUSING

A. Applicability

Manufactured homes shall be homes built and manufactured in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974 (P.L. 93-383, as amended by P.L. 95-128, 95-557, 96-153 and 96-339).

B. General Requirements

Manufactured homes may be installed in any single-family residential zoning district. Such installation must meet all requirements of the City's Zoning Code and applicable State regulations. The Community Development Director or designee thereof may require such enclosures, roof overhang, and roofing or siding materials as may be necessary for compatibility with other residential structures in the area. (Ord. No. 82-36)

SECTION 14-3-11 MOBILE HOMES, TRAVEL TRAILERS, HOUSE TRAILERS, AND RECREATIONAL VEHICLES

A. Within RMH-1 and RMH-2 Districts

A mobile home, travel trailer, house trailer, or recreational vehicle may be placed, constructed, assembled, or used, whether for residential or any other purpose, exclusively in the RMH-1 or RMH-2 zoning districts, except as may be otherwise specifically allowed or permitted in this Ordinance.

B. Outside RMH-1 and RMH-2 Districts

1. *Permits in I-1, I-2 and Agricultural Districts.*

   Mobile homes, travel trailers, recreational vehicles, or house trailers may be placed in zoning districts I-1, I-2, or Agriculture, provided a permit is obtained from the Community Development Director or designee thereof. Such permits shall not exceed one (1) year in duration and shall be renewable. No permit or renewal thereof shall be issued unless proof is presented that the mobile home, traller, or vehicle is necessary for, or related to, the industrial or agricultural uses of the property.

2. *Special Permits in Other Districts.*

   a. The Community Development Director may issue special permits, not exceeding six (6) months in duration, for placement of travel trailers, house trailers, or mobile homes in other zoning districts for the following purposes:

      1) Sales office for the sale of those products characterized as being "open" land uses, such as automobiles, mobile home, or travel trailer sales

2) Construction field office for use by contractors while a permanent building is under construction

3) Quarters for the night watchman or caretaker in industrial, commercial, or residential zones, provided no person other than the night watchman or caretaker shall occupy the unit

4) Quarters for the night watchman or caretaker in a mobile home sales lot, provided no person other than the night watchman or caretaker shall occupy the unit

5) Temporary place of business for the owner or lessee during the course of construction of a new building on the site

6) Temporary residence during reconstruction of a residential unit following damage by fire, flood, or other similar casualty

b. Fee

A fee established by the City Council shall be required for all permits issued pursuant to this section; such fee shall be in addition to all other applicable fees.

3. *Development Standards outside RMH-1 and RMH-2 Districts.*

In addition to all other requirements of this Ordinance, travel trailers, house trailers, recreational vehicles, or mobile homes located outside an RMH-1 or RMH-2 district shall comply with the following:

a. The unit shall be equipped with wheels that remain on the unit; however, the wheels may be blocked for stability.

b. A setback of thirty (30) feet shall be maintained from all property lines and from any permanent structures on the same property.

c. No permanent room addition shall be attached to the unit nor shall the unit be attached to any permanent structure.

d. The unit shall contain a water closet and lavatory connected with the City sewer, unless other acceptable sanitary provisions are made as set forth in the City Plumbing Code.

e. The unit shall comply with the Uniform Electrical Code, and be connected with a minimum of one hundred (100) ampere service on a suitable temporary pole approved by the serving agent, observing all necessary wire clearances.

SECTION 14-3-12 GROUP HOMES, DAY CARE GROUP HOMES, GROUP CARE FACILITIES, AND COMMUNITY RESIDENTIAL SETTING FACILITIES

A. Group Homes (SFR, RM-1, AG, SR-43, SR-35)

Group Homes shall comply with the following:

1. The single-family residential character of the structure shall be maintained, and additions, alterations, modifications, or accessory uses shall be subject to the same requirements as individual single family detached dwelling units.

2. The applicant, owner, or proprietor shall file a Certificate of Registration with the Community Development Department, and the Community Development Director or designee, after ascertaining compliance with all applicable regulations, shall administratively approve the Certificate.

3. The property line of the lot on which the Home is located shall be a minimum of one thousand, three hundred twenty (1320) feet, measured in a straight line in any direction, from the property line of a lot where any other similar residential facility is located.

4. In the event that the appropriate State licensing agency revokes or terminates an applicant's license, the Certificate of Registration filed with the City shall be deemed to be revoked as of the date of said revocation or termination.

B. Day Care Group Homes (SFR, RM-1, RMH-1, AG, SR-43, SR-35)

Day Care Group Homes with five (5) or more children shall comply with the following:

1. Provide evidence of certification by the Arizona Department of Health Services to the Community Development Department

2. Provide no identification that is visible from a public street, by signage, graphics, display, or other visual means

3. Provide a six (6) foot high solid (opaque) fence or wall between all outdoor play areas and adjacent properties.

4. To avoid any over concentration of group homes and similar facilities in a particular neighborhood, ensure adequate spacing between any existing and proposed facilities in accordance with the following:

   a. Provide a separation by a distance of at least six hundred (600) feet measured along the right-of-way line on either street frontage; or

   b. If significant physical features such as arterial streets, canals, parks, or similar features exist between the proposed facility and any other existing or proposed facility of a similar nature, then the Planning manager may determine that adequate spacing exists to meet the intent of the spacing requirements.

5. The Planning and Zoning Commission may waive the requirements of subsection (B) (4) (above) if sufficient mitigating measures are provided to eliminate potential adverse impacts on adjacent properties and to preserve the existing character of the residential neighborhood.

C. Group Care Facilities and Community Residential Setting Facilities (SFR, RM-1, AG, SR-43, SR-35)

Group Care Facilities and Community Residential Setting Facilities shall comply with the following:

1. Group Care Facilities and Community Residential Setting Facilities located in an Office District (O-1) shall adhere to the following provisions:

   a. All vehicular access to the facility shall be from arterial or collector streets.

   b. The property line of the lot on which the Home is located shall be a minimum of one-thousand, three-hundred-twenty (1,320) feet, measured in a straight line in any direction from the property line of a lot where any other similar residential facility is located.

   c. In the event that the appropriate State licensing agency revokes or terminates an applicant's license, the conditional use permit issued by the City shall be deemed to be revoked as of the date of the license revocation or termination.

2. Group Care Facilities and Community Residential Setting Facilities located in Single Family Residential Districts (R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, and R1-6), Multi-Family Residential District (RM-1), General Agricultural District (AG), Suburban Ranch District (SR-43), or Suburban Ranch District (SR-35) shall comply with all provisions set forth above in section (C) (1) and the following provisions:

   a. Provide no identification that is visible from a public street by signage, graphics, display, or other visual means.

   b. Provide a six (6) foot high solid (opaque) fence or wall between all outdoor recreation areas and adjacent properties.

SECTION 14-3-13 WIRELESS COMMUNICATION FACILITIES (Ord. No. 98-15)

It is the intent of this Section to promote the use of appropriate wireless communication facilities while encouraging co-location and design techniques that minimize the impacts of such facilities on the community. The City of Peoria encourages providers to explore all co-location options, locations on existing municipal facilities or locations on existing vertical elements prior to the application for a new facility. The City further encourages applicants to explore all camouflaging and screening options available to reduce the visual and environmental impacts of such facilities to the community.

A wireless communication facility, as defined in Article 14-2, shall be a permitted principal or permitted conditional use in all zoning districts subject to the limitations herein contained in this Article and as otherwise set forth in the Peoria City Code.

A. **General Requirements.** All wireless communication facilities (hereinafter referred to as facility) shall meet the following general requirements regardless of whether they are a permitted principal use or a permitted conditional use.

1. *Inventory of Existing Sites.* Each applicant for a facility shall provide to the City an inventory of its existing facilities or sites approved for facilities that are located either within the City of Peoria, City of Peoria planning area boundary or a county island within the City of Peoria. In addition to showing all existing and approved sites, inventories shall show all other wireless communications sites located within one mile of the proposed site, regardless of jurisdictional location. Each inventory shall include general information about the location, height, and design of each tower. The City may share such information with other applicants applying for administrative approvals or conditional use permits under this ordinance or other organizations seeking to locate antennas within the City; provided however, that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

2. *State or Federal Requirements.* All facilities must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring facilities and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

3. *Building Code Safety Standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

4. *Measurement.* For the purpose of determining separation distances, distances from properly lines or districts, and setback distances, distance shall be measured from the closest portion of the pole to the property line, district or pole in question. Tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Peoria, irrespective of municipal and county jurisdictional boundaries. Minimum setbacks for equipment panels shall conform with the International Building Code.

5. *Franchises or licenses.* Owners and/or operators of wireless facilities shall certify that all franchises or licenses required by law for the construction and/or operation of a wireless communication system in the City of Peoria have been obtained and shall file a copy of all required franchises or licenses with the City.

6. *Pre-existing towers.* Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (routine maintenance does not include replacement with a new tower of like construction and height) and construction related to the use of the pole for the purposes of adding additional carriers shall be permitted on such pre-existing towers. New construction, including replacement of an existing tower, other than routine maintenance on a pre-existing tower, shall comply with the requirements of this ordinance.

7. *Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas.* Notwithstanding this ordinance, bona fide nonconforming towers or antennas that are damaged or destroyed shall not be rebuilt without first obtaining administrative approval or a conditional use permit and meeting the separation requirements specified in this ordinance. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained, or if said permit expires, the tower or antenna shall be deemed abandoned as specified in this ordinance.

8. *Abandonment of Towers or Facilities.* A facility shall be deemed abandoned when such facility is not in use for a period of twelve (12) consecutive months. The owner of the facility shall remove the same within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

B. Permitted Principal Use.

A wireless communication facility shall be a permitted principal use when the facility complies with the following minimum development standards:

1. The antennas or towers are located on: property owned or otherwise controlled by the City of Peoria, provided a license, lease or revocable permit authorizing such antenna or tower has been approved by the City Manager or his designee; property owned by a school district and approved by the appropriate school board or their designee (for purposes of this Article, school district shall not include private schools or charter schools); an existing wireless communications facility; existing utility poles; or are located on existing poles within the existing walls of an electrical substation owned, leased or otherwise controlled by a public utility;

2. The facility is developed as an Alternative Tower Structure and meets all other provisions of this code;

3. The maximum height of a facility, except for rooftop or wall mounted facilities, facilities co-locating on an existing wireless communications facility, facilities locating on existing utility poles, or facilities locating on existing vertical structures on school or municipal property, is sixty-five (65) feet, provided however, if the facility is located within any residential district or within one hundred (100) feet of the property line of a residential use or district, the maximum height is fifty (50) feet; (Ord. 98-111)

4. An installation co-locating on an existing wireless communications facility may not increase the overall pole height by more than fifteen (15) feet, and the antennas shall not exceed a maximum height of eighty (80) feet or sixty-five (65) feet in any residential district. Installations co-locating on existing utility poles may increase the height of the pole by not more than fifteen (15) feet. Installations locating on existing vertical structures on school or municipal property shall follow the non-residential height requirements; (Ord. 98-111)

5. The facility replacing an existing pole on school or park grounds does not increase the original pole circumference by more than a 2:1 ratio;

6. Facilities located within a residential zoning district shall not have antennas other than panel antennas and/or whip antennas. Such facilities shall be allowed a single microwave dish not in excess of twenty four (24) inches in diameter;

7. The pole shall be setback from all adjacent residential zoning districts or residential land use property lines a minimum of two hundred percent (200%) of the height of the tower or pole. The pole shall be setback from all non-residential zoning districts or non-residential property lines and all street property lines a minimum of one hundred and ten percent (110%) of the height of the tower or pole;

8. Facilities co-locating on utility poles, facilities within the right-of-way, or facilities located on school or City property, including supporting equipment and cabinets, shall not be required to meet the setbacks requirements set forth above;

9. The freestanding building or equipment structure contains four hundred and fifty (450) square feet or less of gross floor area and is twelve (12) feet or less in height, except when a facility utilizes co-location, the building or equipment structure may contain nine hundred (900) square feet or less of gross floor area. Where ground-mounted cabinets are utilized, they shall not exceed eight (8) feet in height or an area greater than two hundred and fifty (250) square feet;

10. The facility is screened in conformance with Section 4-3-4, "Screening," subsection 14-3-4 (B) (6), of this Article.

11. The rooftop or wall mounted facility is hidden from off-site views and shall be screened to the extent possible by screen walls and/or the building parapet;

12. The colors and texture of the facility shall be compatible with the surrounding environment as determined by the City, except as otherwise required by the FAA;

13. No commercial advertising or signage is allowed on site;

14. The facility has at least one (1) parking space designed to City standards. This requirement includes maneuvering areas and access drives. This requirement may be waived when sufficient hard surfaced parking exists;

15. The rooftop mounted facility is fifteen (15) feet or less in height as measured from the surrounding rooftop height to the top of all appurtenances;

16. The wall mounted antennae are eight (8) feet or less in height. Wall mounted facilities shall be mounted so as not to extend above the roof-line of the building and shall not project more than twelve (12) inches from the building face;

17. The facility shall not be artificially lighted, unless required by the FAA or other applicable authority;

18. The facility is not located within the Hillside Development Overlay District or within thirteen hundred and twenty (1320) feet of a City or state designated historical site; and

19. The minimum separation between facilities, except for approved alternative tower structures, rooftop or wall mounted facilities, facilities located within the industrial zoning districts, and facilities located on existing vertical structures on school or municipal property, is one thousand three hundred and twenty (1320) feet. (Ord 98-110)

C. **Permitted Conditional Use.** A wireless communication facility which does not meet the conditions specified above for "Permitted Principal Use," subsection 14-12-11 (B) of this Article, shall be a permitted conditional use and processed in accordance with Article 14-39, Administrative Procedures, Section 14-39-10, Conditional and Special Conditional Use Permits," of this Ordinance. All permitted conditional uses shall meet the following minimum development standards:

1. The maximum height of the facility, except for rooftop or wall mounted facilities, facilities co-locating on an existing wireless communications facility, facilities locating on existing utility poles, or facilities located on existing vertical structures on school or municipal property, shall be eighty (80) feet, provided however, if the facility is located in any residential district or within seventy-five (75) feet of the property line of a residential use or district, the maximum height shall be sixty-five (65) feet; (Ord. 98-111)

2. An installation co-locating on an existing facility shall not increase the overall pole height by more than fifteen (15) feet, and the antennas shall not exceed a maximum height of ninety-five (95) feet or sixty-five (65) feet in any residential district. Installations co-locating on existing utility poles may increase the height of the pole by not more than fifteen (15) feet. Installations locating on existing vertical structures on school or municipal property shall follow the non-residential height requirements; (Ord. 98-111)

3. The facility replacing an existing pole on school or park grounds does not increase the original pole circumference by more than is necessary to accommodate the additional structural requirements;

4. Such facilities located within a residential zoning district shall not have antennas other than panel antennas and/or whip antennas. Such facilities shall be allowed a single microwave dish not in excess of twenty four (24) inches in diameter;

5. The pole shall be setback from all adjacent residential zoning district or residential land use property lines a minimum of one hundred and ten percent (110%) of the height of the tower or pole. The pole shall be setback from all non-residential zoning district or non-residential property lines a minimum of five (5) feet and shall be setback from all street property lines equal to or greater than the building setback for the district in which the pole is located;

6. Facilities co-locating on utility poles, facilities within the right-of-way, or facilities located on school or City property shall not be required to meet the setbacks requirements set forth above;

7. The facility shall by screened in conformance with Section 14-3-4 of this Article.

8. A rooftop or wall mounted facility shall be hidden from off-site views and shall be screened to the extent possible by screen walls and/or the building parapet;

9. The colors and texture of the facility shall be compatible with the surrounding environment as determined by the City, except as otherwise required by the FAA;

10. No commercial advertising or signage shall be allowed on-site;

11. A facility shall have at least one (1) parking space designed to City standards. This requirement shall also include maneuvering areas and access drives. This requirement shall be waived when sufficient hard surfaced parking exists;

12. A rooftop mounted facility shall be twenty-five (25) feet or less in height as measured from the surrounding rooftop height to the top of all appurtenances;

13. A wall mounted facility shall be twelve (12) feet or less in height. Wall mounted facilities shall be mounted so as not to extend above the roof-line of the building and shall not project more than twelve (12) inches from the building face;

14. The facility shall not be artificially lighted, unless required by the FAA or other applicable authority;

15. A facility may not be allowed within the Hillside Development Overlay District or within thirteen hundred and twenty (1320) feet of a City or state designated historical site; and

16. The minimum separation between facilities, except for approved alternative tower structures, rooftop or wall mounted facilities, facilities located within the industrial

zoning districts, and facilities locating on existing vertical structures on school or municipal property, shall be one thousand (1000) feet, unless otherwise approved by the City Council. (Ord. 98-111)

ARTICLE 14-4 ESTABLISHMENT OF ZONING DISTRICTS

ARTICLE 14-4 CONTENTS

14-4-1 CLASSIFICATION OF ZONING DISTRICTS	14-4-4 CLASSIFICATION OF VACATED STREETS
14-4-2 REQUIRED CONFORMITY TO DISTRICT REGULATIONS	14-4-5 OFFICIAL ZONING DISTRICT MAP
14-4-3 CLASSIFICATION OF ANNEXED AREAS	

SECTION 14-4-1 CLASSIFICATION OF ZONING DISTRICTS (Ord. No. 93-12)

The City of Peoria, Arizona, is hereby divided into the following zoning districts:

A. Residential Districts.

R1-35	Single-family Residential
R1-18	Single-family Residential
R1-12	Single-family Residential
R1-10	Single-family Residential
R1-8	Single-family Residential
R1-6	Single-family Residential
RM-1	Multi-family Residential
RMH-1	Mobile Home Subdivision
RMH-2	Recreational Vehicle Resort

B. Non-Residential Districts.

0-1	Office
C-1	Convenience Commercial
PC-1	Planned Neighborhood Commercial
PC-2	Planned Community Commercial
C-2	Intermediate Commercial
C-3	Central Commercial
C-4	Highway Commercial
C-5	Major Arterial Commercial
BPI	Business Park Industrial
PI-1	Planned Light Industrial
I-1	Light Industrial
I-2	General Industrial

C. Special Districts.

AG	General Agricultural
SR-43	Suburban Ranch
FP	Flood Plain
SU	Special Use
PUD	Planned Unit Development Option
PAD	Planned Area Development

SECTION 14-4-2 REQUIRED CONFORMITY TO DISTRICT REGULATIONS

The regulation set forth in this chapter for each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

A. No building, structure or land shall hereinafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all regulations hereinafter specified for the district in which it is located.

B. No building or other structure shall hereafter be erected or altered:

1. To exceed the height;

2. To accommodate or house a greater number of families;

3. To occupy a greater percentage of lot area, or

4. To have narrower or smaller rear yards, front yards, side yards or other open spaces than hereinafter required; or in any manner contrary to the provisions of this chapter.

C. No part of a required yard or other open space, or off-street parking or loading space provided in connection with any building or use shall be included as part of any yard, open space or off-street parking or loading space similarly required for any other building.

D. No yard or lot existing on the effective date of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein.

SECTION 14-4-3 CLASSIFICATION OF ANNEXED AREAS

Lands annexed into the City of Peoria shall be considered zoned as shown on the official zoning map of the original jurisdiction until the City adopts Initial Zoning for said lands in accordance with Article 14-39, Section 14-39-7, "Initial Zoning," and pursuant to ARS §9-462.04E. (Ord. No. 02-80)

SECTION 14-4-4 CLASSIFICATION OF VACATED STREETS

Whenever a public street or alley is vacated by official action of the council, the zoning districts adjoining each side of such street or alley shall automatically be extended to the centerline thereof, and all land area thus vacated shall then and henceforth be subject to all regulations of the extended districts.

SECTION 14-4-5 OFFICIAL ZONING DISTRICT MAP

A. **Establishment.** The areas and boundaries of zoning districts are hereby established as shown on the official zoning district map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.

B. **Identification.** The official zoning district map shall be identified by the signature of the Mayor attested by the City Clerk and bear the Seal of the City. Regardless of the existence of purported copies of the official zoning district map which may, from time to time, be made or published, the official zoning district map, which shall be located in the office of the City Clerk, shall be the final authority as to the current zoning status of land area, buildings and other structures in the city.

C. **Changes.** If, in accordance with the provisions of this chapter, changes are made in district boundaries or in other matters portrayed on the official zoning district map, such changes shall be made on said map promptly after the amendment has been approved by the Council, together with an entry signed by the City Clerk certifying to the accuracy and date. No amendment to this chapter which involves matter portrayed on the official zoning district map shall become effective until after such change and entry have been made on said map, and all conditions under Section 14-4-5-D have been fulfilled. No changes of any nature shall be made in the official zoning district map or matters shown thereon except in conformity with the provisions of this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as hereinafter provided.

D. Notwithstanding the provisions of Section 14-4-5-D of Article 14-4 of Chapter 14 of the Peoria City code as it existed prior to the effective date of this subsection, any zoning resulting in an amendment to the official zoning map of the City of Peoria, Arizona shall be deemed unconditional irrespective of whether the conditions of Section 14-4-5-D have been met and such zoning shall be deemed unconditional and final in the event all other provisions of the Peoria City Code were complied with. (Ord. No. 90-60)

E. **Replacement.** In the event that the official zoning district map becomes damaged, destroyed, lost or difficult to interpret due to the nature of number of changes and additions, the Council may, by resolution, adopt a new official zoning district map which shall supersede the former map. The new official zoning district map may correct drafting or other errors or omissions in the former map, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. The new official zoning district map shall be identified by the signature of the Mayor attested by the City Clerk and bear the Seal of the City under the following words: "This is to certify that this official zoning district map supersedes and replaces the official zoning district map adopted October 26, 1976 as part of Chapter 14 of the City Code of Peoria, Arizona". (Ord. No. 02-80)

F. **Interpretation.** Where, due to scale, lack of detail or illegibility of the official zoning district map, there is an uncertainty, contradiction or conflict as to the intended location of any district boundary shown thereon, the exact location of such boundary shall be determined by the Board, after having received the recommendation of the Commission. The Board, in reaching its determination, shall apply the following standards: (Ord. No. 02-80)

1. Zoning district boundary lines are intended to follow lot lines or be parallel or perpendicular thereto, and centerline of streets, alleys, right-of-way, unless otherwise fixed by dimensions shown on the official zoning district map.

2. In subdivided property or where a zoning district boundary divides a lot, the exact locations of such boundary, unless otherwise indicated by dimensions shown on the official zoning district map, shall be determined by use of the map scales included thereon.

3. If, after application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary, the Board shall determine and fix the location of such boundary in accordance with the purposes and intent of this chapter.

ARTICLE 14-5 SINGLE-FAMILY RESIDENTIAL DISTRICTS

R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, AND R1-6

(Ord. No. 93-12)

ARTICLE 14-5 CONTENTS

14-5-1 INTENT

14-5-2 PERMITTED PRINCIPAL USES

14-5-3 PERMITTED CONDITIONAL USES

14-5-4 PERMITTED ACCESSORY USES

14-5-5 PROPERTY DEVELOPMET STANDARDS FOR PERMITTED RESIDENTIAL USES

14-5-6 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED CONDITIONAL USES

14-5-7 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED CONDITIONAL USES

14-5-8 PROPERTY DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS

14-5-9 EXCEPTIONS

SECTION 14-5-1 INTENT

These districts comprise single-family residential areas and certain land areas where such development is desirable. They provide for a range of single-family lot sizes and establish minimum property development standards directly related to such lot sizes. Each district is restricted to the same principal, accessory and conditional uses and affords each residential property a uniform degree of protection from encroachment and adverse influence, regardless of its price class or lot size. Regulations are designed to stabilize and protect the single-family character of the districts, to promote and encourage creation of a favorable environment for family life where most families include children and to prohibit all incompatible activities. Certain essential and complementary uses are also permitted under conditions and standards, which assure their compatibility with the character of the district.

SECTION 14-5-2 PERMITTED PRINCIPAL USES

A. One detached single-family dwelling per lot. (Ord. No. 93-12)

B. Publicly-owned and operated parks and recreation areas and centers.

C. Group Homes, in accordance with provisions of Article 14-3, General Provisions Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities and Community Residential Setting Facilities," Subsection 14-3-12(A). (Ord. No. 02-85)

D. Public/Charter Schools and Private Schools, provided that the facility shall have direct vehicular access to an arterial or collector street and that facilities for repair or storage of vehicles and equipment shall be prohibited. (Ord. No. 99-89).

E. Churches, synagogues, temples, chapels, or similar places of worship, and related facilities, subject to review and approval of vehicular access by the City Engineer. (Ord. No. 02-19)

SECTION 14-5-3 PERMITTED CONDITIONAL USES

Any of the following uses may be permitted as principal uses subject to approval by the Commission of site development plans prepared in accordance with provisions of this Article and Article 14-24 of this Chapter.

A. Public buildings providing cultural, educational, administrative, fire and police protection services to district residents; provided that all vehicular access shall be restricted to public streets.

B. Public utility buildings, water pumping plants and storage tanks and electric substations wherein service to district residents requires location within the district; provided that repair or storage facilities in connection therewith are expressly prohibited.

C. Colleges or universities with no on-site housing and which have direct vehicular access to an arterial or collector street. Facilities for the repair or storage of vehicles and equipment shall be prohibited. (Ord. No. 99-89)

D. Non-commercial recreational uses, provided that all direct vehicular access is from a arterial or collector street. (Ord. No. 93-12)

E. Golf courses, including clubhouses, provided that:

1. All direct vehicular access shall be from abutting arterial or collector streets.

2. All principal and accessory buildings shall be located not less than fifty (50) feet from any property line adjoining any residential district,

3. Any accessory restaurant or bar shall be an integral part of a principal building, shall have no public entrance except from within the building, and shall make no exterior display or advertising of any commercial activity.

4. Golf greens and tees, swimming pools, tennis courts and similar outdoor recreation facilities shall be located not less than twenty-five (25) feet from any property line.

F. Day Care Group Homes with five (5) or more children, in accordance with provision of Article 14-3, General Provision, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (B), "Day Care Group Homes" and upon a finding by the Planning and Zoning Commission, that such homes will be operated in a manner that is compatible with and not detrimental to, adjacent properties or the neighborhood in general: (Ord. No. 02-85)

G. Group Care Facility or Community Residential Setting Facility in accordance with provision of Article 14-3, General Provision, Section 14-3-12, "Group Homes, Day Ca

Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (C) "Group Care Facilities and Community Residential Setting Facilities. (Ord. No. 02-85)

H. Preschool centers or day care centers in accordance with State Department of Health Care Services regulations provided that: (Ord. No. 02-19)

1. The use shall be in conjunction with a non-residential principal or conditional use within Article 14-5.

2. All vehicular access shall be from an existing arterial or collector street.

3. No on street parking or drop-off shall be permitted.

4. Playgrounds or other outdoor activity area shall be separated from adjacent residential land uses by no less than twenty-five (25) feet.

5. All playgrounds or outdoor activity areas shall be properly fenced using the following methods:

a. Solid masonry wall no shorter than 4'–6" or

b. Wrought-iron view fence no shorter than 4'-6" with vertical members no greater than 4" apart; or

c. Other fencing method approved by the Planning and Zoning Commission.

6. Hours of operation shall be between 6:00 a.m. and 7:00 p.m., or as otherwise established by the Planning and Zoning Commission

7. Hours of outdoor activity shall be limited to between 8:00 a.m. and 6:00 p.m.

SECTION 14-5-4 PERMITTED ACCESSORY USES

A. Any accessory use customarily incidental to a permitted principal use.

B. Off-street parking serving a permitted principal use, in accordance with Article 14-23.

C. Private garage or carport for storage or parking of vehicles.

D. Garden house, tool house, ramada, outdoor swimming pool and similar home recreational facilities; provided that such facilities are used solely by occupants of the premises and their guests.

E. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992 Edition). (Ord. No. 98-18)

F. Guest house or servant's quarters; subject to 14-5-9B.

G. Home occupation, in accordance with Article 14-3, General Provision, Section 14-3-8, "Homes Occupations," of this Ordinance. (Ord. No. 02-85)

H. Where the keeping of horses and other livestock is otherwise lawful, structures customarily accessory to such use.

I. Day care for four (4) or less children. (Ord. No. 93-25)

SECTION 14-5-5 GENERAL PROPERTY DEVELOPMENT STANDARDS
(Ord. No. 03-158)

A. On any lot, no structure shall exceed three (3) feet in height above grade within the required front setback area. (Ordinance No. 95-72).

B. Side lot lines shall be substantially at right angles or radial to street lines, except where other treatment can be justified.

C. All Flag Lots, except as provided under Section 14-22A-4, shall be subject to the following standards:

1. The access portion of the flag lot ("flag pole") must be under the same ownership as the flag portion

2. Each flag lot shall have at least twenty (20) feet of street frontage and at least twenty (20) feet of width for the entire length of the flagpole.

3. The area of the flag pole portion of the flag lot shall not be included in the calculation of minimum lot area.

4. For flag lots, the Planning Manager shall determine which property line(s) shall constitute the front and rear lot lines for the purposes of compliance with yard and setback provisions of this ordinance.

5. Flag lots shall have the street address clearly visible from the street to identify a dwelling that is set back from the street.

6. The driveway providing access to the flag lot shall be placed as close as possible to an existing driveway on adjacent property.

7. The number of flag lots shall be limited per parcel or subdivision pursuant to the following schedule. No more than two (2) flag lots may be contiguous.

Table 14-5-5, Maximum Number of Flag Lots

Size of Subdivision or Minor Land Division	Maximum Number or Percentage (%) of Flag Lots
10 or fewer lots	1 lot
11-50	10%
50+	5%

SECTION 14-5-6 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED RESIDENTIAL USES (Ord. No. 89-36)

A. The following property development standards shall apply in zoning districts R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, R1-7 and R1-6: (Ord. No. 03-158)

Property Development Standards	R1-43[1]	R1-35	R1-18	R1-12	R1-10	R1-8	R1-7[2]	R1-6[3]
Minimum Lot Area (acreage)	43,560	35,000	18,000	12,000	10,000	8,000	7,000	6,000
Minimum Lot Width (ft)	145	125	90	70	70	70	70	50
Minimum Lot Depth (ft)	100	100	100	100	100	100	100	100
Maximum Lot Coverage (percentage)	30%	35%	35%	35%	40%	45%	45%	45%
Maximum Building Height (ft)	25	25	25	25	25	25	25	25
Front Setback (ft)	35	30	20	20	20	20	20	20
Interior Setback (min/total ft)	10/30	10/20	5/15	5/15	5/15	5/15	5/15	5/8/13
Rear Setback (ft)	30	20	15	15	15	15	15	15
Corner Setback (ft)	10	10	10	10	10	10	10	10

1 Ordinance 97-95
2 Residential District R1-7 shall only apply to property zoned R1-7 on or before February 13, 1991. No property shall be re-zoned to the R1-7 district after February 13, 1991. (Ord. No. 99-92)
3 Ordinance 93-42

SECTION 14-5-7 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED CONDITIONAL USES

A. Maximum height of principal buildings conditionally permitted. Two stories of not more than twenty-five (25) feet, except as provided in Section 14-3-8 of this Code. (Ord. No. 02-02)

B. Minimum setbacks. Every conditionally permitted principal and accessory building shall maintain required setbacks.

SECTION 14-5-8 PROPERTY DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS. (Ord. No. 90-04)(Ord. No. 03-163)

When not part of the principal building, accessory buildings shall be subject to the limitations contained in this Section 14-5-7 and as otherwise set forth in the Peoria City Code. Accessory buildings attached to the principal building shall be subject to all applicable provisions of the Peoria City Code which would be applicable to the Principal building. Nothing herein is intended to relax the building code or other applicable City standards.

A. **Maximum Height.** The height of an accessory building shall not exceed fifteen (15) feet in height except in the R1-18 and R1-35 zoning districts OR other zoning districts with minimum lot sizes 18,000 square feet or greater. Where a property is located in a zoning district with a minimum lot size of 18,000 square feet or greater, all accessory

buildings shall have a maximum height of twenty (20) feet OR shall not exceed the height of the principal building, whichever is less. (Ord. No. 01-176)

B. No accessory building shall be located in any front yard.

C. A detached accessory building used primarily for storage purposes, less than seven (7) feet in height and with a total floor area or projected roof area which does not exceed one hundred twenty (120) square feet, may be located in the required side or rear yard adjacent to the property line.

D. A detached accessory building between seven (7) feet and eight (8) feet in height or greater than 120 square feet in area, may be located a minimum of three (3) feet from the side or rear property line.

E. Accessory buildings exceeding eight (8) feet in height and/or three hundred (300) square feet in area shall meet the required setbacks of the respective zoning district. Accessory buildings exceeding eight (8) feet in height and located along property lines abutting golf courses, water tanks, well sites, utility substations, water treatment plants and similar land uses as determined by the Planning Manager shall be allowed a three (3) foot side or rear setback provided that the height of the structure shall not exceed the height of the principal building. (Ord. 01-11)

F. Accessory buildings eight (8) feet in height or greater OR three hundred (300) square feet or greater shall conform to the City of Peoria Design Review Manual

~~**G.**~~ A three (3) foot clearance shall be maintained in all sideyards.

H. On or before June 15, 1990 owners of accessory buildings whether attached or detached, constructed prior to January 23, 1990, that conformed to the Uniform Building Code adopted by the City upon construction, that do not conform to the development standards within this Section 14-5-7 of Article 14-5 of Chapter 14 of the Peoria City Code, may submit to the City of Peoria an application supplied by the City to the City of Peoria Building Safety Department together with such plans as may be required by the Building Safety Department to register the non-conforming accessory buildings. The Building Safety Department will review the accessory buildings in which registration is sought and after the review of the application, drawings and plans, herein provided for, shall issue a special building permit if the accessory building was constructed in accordance with the then existing Uniform Building Code, recognizing such accessory building may be registered as an exception to the limitations imposed by this Section 14-5-7.

The plans which may be required by the Building Safety Department shall show the location of the accessory building in relation to other structures on the lot and the lot lines of the property and such other information as may be necessary to determine if such building conformed to the Uniform Building Code upon its construction.

SECTION 14-5-9 EXCEPTIONS

A. Side yards, interior lots of record. On each lot or record, see Section 14-2-32-E, having a width of fifty (50) feet or less, the least side yard shall have a width not less than three

(3) feet, and the other side yard shall have a width not less that seven (7) feet, and the aggregate width of both side yards shall be not less than ten (10) feet upon adoption of this Ordinance.

B. Detached guesthouses or servant's quarters. Detached guesthouses and servant's quarters are permitted in any R1-35 and R1-18 districts; provided, however, that they shall conform to all yard requirements applicable to the accessory building.

ARTICLE 14-6 RM-1 MULTI-FAMILY RESIDENTIAL DISTRICT

(Ord. No. 02-83)

ARTICLE 14-6 CONTENTS

14-6-1 INTENT	14-6-5 GENERAL REGULATIONS
14-6-2 PERMITTED PRINCIPAL USES	14-6-6 DEVELOPMENT STANDARDS
14-6-3 PERMITTED CONDITIONAL USES	14-6-7 SPECIAL REGULATIONS
14-6-4 PERMITTED ACCESSORY USES	

SECTION 14-6-1 INTENT

This district is intended to fulfill the need for multi-family residences or attached single-family residences which are compatible with abutting single-family residential districts. Certain essential and complimentary uses are permitted under conditions and standards which assure protection of the character of the district.

SECTION 14-6-2 PERMITTED PRINCIPAL USES

A. **Attached Single-family dwellings.**

B. **Two-family dwellings.**

C. **Multi-family dwellings.**

D. **Group Homes.** In accordance with provision of Article 14-3, General Provision, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (A) "Group Homes" provided that the residence is a pre-existing single family detached dwelling or attached dwelling. (Ord. No. 02-85)

E. **Public/charter schools and private schools.** provided that the facilities have direct vehicular access to an arterial or collector street. Facilities for repair or storage of vehicles and equipment shall be prohibited. (Ord. No. 99-89)

F. Religious Institutions such as Churches, synagogues, temples, chapels, or mosque, subject to review and approval of vehicular access by the City Engineer. (Ord. No. 02-85)

SECTION 14-6-3 PERMITTED CONDITIONAL USES

The following uses may be permitted subject to Conditional Use Permit approval by the Planning and Zoning Commission.

A. Bed and Breakfast Inn, Subject to the following: (Ord. No 99-101)

1. Maximum building height shall be thirty feet (30') or two (2) stories, which ever is greater.

2. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in lawns or landscaping.

3. Short-term lodging, for the purposes of a Bed and Breakfast Inn, shall be for a period not exceeding fourteen (14) consecutive days within on calendar year.

4. Meals shall be restricted to registered guests.

B. Colleges or universities with no on-site housing and have direct vehicular access to an arterial or collector street. Facilities for repair or storage of vehicles and equipment shall be prohibited. (Ord. No. 99-89)

C. Day Care Group Homes with five (5) or more children, in accordance with Article 14-3, General Provisions, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (B), Day Care Group Homes," provided that the residence is a single-family detached dwelling, and upon a finding by the Planning and Zoning Commission that such home will be operated in a manner that is compatible with, and not detrimental to, adjacent properties or the neighborhood in general. (Ord. No. 02-85)

D. Group Care Facilities or Community Residential Setting Facility in accordance with Article 14-3, General Provisions, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (C), Group Care Facilities and Community Residential Setting Facilities." (Ord. No. 02-85)

E. Hospitals, or similar health care facilities, provided that all direct vehicular access is from an abutting arterial street, and that the site contains a net land area totaling at least four (4) acres for the first one hundred beds or less, plus one additional acre for each additional twenty-five beds. (Ord. No. 97-41)

F. Nursing or convalescent home provided that all vehicular access is from an abutting arterial or non-residential collector street, and that the site contains a net land area of at least one (1000) thousand square feet per dwelling unit. (Ord. No. 97-41)

G. Preschool centers or day care centers in accordance with State Department of Health Care Services regulations.

H. Rooming house, provided that the site contains a net land area of at least five hundred (500) square feet per resident.

I. Reception Center, provided that all outdoor events between the hours of 10:00 p.m. and 12:00 a.m. have obtained a temporary use permit.

SECTION 14-6-4 PERMITTED ACCESSORY USES (Ord. No. 93-25)

A. Any accessory use customarily incidental to a permitted use.

B. Day care for four (4) or less children.

C. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992 Edition). (Ord. No. 98-18)

SECTION 14-6-5 GENERAL REGULATIONS

A. All multi-family residential developments in the RM-1 Districts are subject to site plan approval as set forth in the provisions of this Ordinance. All design standards, including on–site parking, traffic circulation, and landscaping, shall be in accordance with the City of Peoria Design Review Manual and the Peoria Zoning Ordinance.

B. All off-site improvements shall be the responsibility of the developer and shall be accomplished in the same manner as is specified and required in the subdivision regulations of the City of Peoria, Chapter 24 of this code.

SECTION 14-6-6 DEVELOPMENT STANDARDS

A. Development Standard for Permitted Residential Uses shall be as follows:

DEVELOPMENT STANDARDS	ATTACHED SINGLE-FAMILY DWELLING	TWO, THREE, FOUR-FAMILY DWELLING & CONDOMINIUMS	MULTI-FAMILY (FIVE-FAMILY DWELLING & ABOVE
Maximum Lot Coverage by all structures (%)	60	50	50
Minimum Lot Width (feet)	30	n/r	n/r
Maximum Density (du/ac – as calculated by Peoria General Plan)	8[1]	12[1]	18[2]
Maximum Principal Building Height (feet)	30	30	48
MINIMUM BUILDING SETBACKS (feet)			
Front from Garage	18	18	n/r
Front from Principal Building	10	10	20
Minimum Principal Building Separation[3]	10	10	10
Rear	15	15	15
Rear from Patio	10	10	n/r
Corner Side	5	5	15

[1] Maximum density may be increased up to two (2) additional units per acre based on finding that the project incorporates additional amount of open space, recreational amenities, enhanced landscaping, enhanced project amenities, and/or pedestrian corridors.

[2] Maximum density may be increased up to seven (7) additional units per acre based on finding that the project incorporates additional amount of open space, recreational amenities, enhanced landscaping, enhanced project amenities, and/or pedestrian corridors.

[3] No minimum building separation required along common wall.

n/r No minimum requirement

B. Development Standards for Non-Residential Uses shall be as follows:

DEVELOPMENT STANDARDS	NON-RESIDENTIAL BUILDINGS
Maximum Lot Coverage (%)	50
Maximum Principal Building Height (feet)[1]	48
Setbacks (feet)	
Front (street line)	40
Rear	25
Side	25
Corner Side (from edge of pavement)	10

[1] Provided that the minimum required side and rear setbacks shall be increased by three additional feet (3') for each (1) foot by which the height of the structure exceeds thirty feet (30').

C. Development Standards for Accessory uses shall be as follows:

Accessory buildings development standards for Attached Single-Family shall conform with regulations set forth in Article 14-5-7.

DEVELOPMENT STANDARDS	TWO, THREE, FOUR-FAMILY DWELLING AND MULTI-FAMILY	NON-RESIDENTIAL
Maximum Building Height (feet)	20[1]	20
Minimum Building Setbacks (feet)		
Front	10	20
Rear	5	10
Side	8	10

[1] Thirty feet (30') maximum height for Clubhouse

SECTION 14-6-7 SPECIAL REGULATIONS (Ord. No. 95-30)

The intent of this Section is to provide for the registration and vesting of the detached single-family dwelling use which existed within the RM-1 zoning district prior to April 1, 1993. This Section is also intended to provide that properties not registered and vested in accordance with this Section shall be subject to all the provisions of Chapter 14 of the Peoria City Code (1977) as amended and effective after April, 1993.

A. Notwithstanding any other provisions contained within this Chapter all undeveloped and unsubdivided parcels of property within the City containing an RM-1 zoning or Planned Unit Development (P.U.D.) zoning with RM-1 zoning designation prior April 1, 1993 shall be governed by the provisions of this Section, in addition to all other applicable provisions of the City Code and Chapter 14 of the Peoria City Code (1977 Edition).

B. On or before October 4, 1996, any undeveloped and unsubdivided property having an RM-1 zoning or P.U.D. zoning with RM-1 zoning designation prior to April 1, 1993 may register and vest the use of detached single-family dwelling by complying with all of the provisions contained in this Section. Compliance with the registration and vesting requirements of this Section shall result in the continuation of the principal permitted use status of detached single-family dwelling that existed prior to April 1, 1993.

C. In order to register the principal permitted use status of detached single-family dwelling on undeveloped and unsubdivided property having an RM-1 zoning or P.U.D. zoning with RM-1 zoning designation, the following requirement must be met:

1. Submission of a complete Preliminary Plat application prior to October 6, 1995. Submission of a complete Preliminary Plat application shall constitute registration of the subject property.

D. In order to vest the principal permitted use status of detached single-family dwelling on undeveloped and unsubdivided property having an RM-1 zoning or P.U.D. zoning with RM-1 zoning designation and registered as provided in Section 14-6-9.C, all of the following requirements shall be met prior to October 4, 1996:

1. Approval of the Preliminary Plat for the subject property.

2. Approval and recordation of the Final Plat for the subject property.

3. Completion and acceptance by the City of all off-site improvements required under the Final Plat.

4. Application and issuance of a building permit for one or more detached single-family dwelling(s) within the subject property.

E. All detached single-family dwelling uses vested and developed under this Section shall comply with all of the following standards:

1. Minimum Lot Size of four thousand five hundred (4,500) square feet.

2. Minimum of front setback of twenty (20) feet.

3. Minimum side yard setback of five (5) feet, with at least one side yard being a minimum of eight (8) feet.

4. Minimum rear setback of fifteen (15) feet.

5. Maximum lot coverage not to exceed forty-five percent (45%).

6. Minimum front lot footage of forty-five (45) feet.

7. The building setback of a principal building for a corner side yard shall be ten (10) feet.

F. Failure by the owner of any parcel having an RM-1 zoning or P.U.D. zoning with RM-1 zoning designation prior to April 1, 1993, to comply with the provisions of this Section by registration of the property by October 6, 1995, and vesting by October 4, 1996 of the detached single-family dwelling use and compliance with all the requirements of this Section shall be deemed to subject the owners of such parcels to all the requirements of Chapter 14 of the Peoria City Code as amended and effective on April 1, 1993.

G. Within a master planned community, which is defined as a community consisting of not less than two hundred (200) acres and which is being developed by a single developer or its successors in interest and which is characterized by the existence of enhanced recreational facilities such as lakes or golf courses which are funded by the assessments against individual residents within the master planned community, those parcels within a master planned community meeting this definition and having an RM-1 zoning designation prior to April 1, 1993 shall be deemed having vested the principal permitted use status of detached single-family dwelling that existed prior to April 1, 1993.

ATTACHMENT A

ARTICLE 14-6
MULTI-FAMILY RESIDENTIAL DISTRICT

14-6-3 PERMITTED CONDITIONAL USES

The following uses may be permitted subject to Conditional Use Permit approval by the Planning and Zoning Commission.

E Hospitals, or similar health care facilities, provided ~~that all direct vehicular access is from an abutting arterial street,~~ access to the site shall be determined by a Traffic Impact Analysis (TIA) approved by the City Engineering Department and that the site contains a net land area totaling at least four (4) acres for the first one hundred beds or less, plus one additional acre for each additional twenty-five beds. ~~(Ord. No. 97-41)~~

14-6-6 DEVELOPMENT STANDARDS

A. Development Standard for Permitted Residential Uses shall be as follows:

DEVELOPMENT STANDARDS	ATTACHED SINGLE-FAMILY DWELLING	TWO, THREE, FOUR-FAMILY DWELLING & CONDOMINIUMS	MULTI-FAMILY (FIVE-FAMILY DWELLING & ABOVE)
Maximum Lot Coverage by all structures (%)	60	50	50
Minimum Lot Width (feet)	30	n/r	n/r
Maximum Density (du/ac – as calculated by Peoria General Plan)	8[1]	12[1]	18[2]
Maximum Principal Building Height (feet)	30	30	48
MINIMUM BUILDING SETBACKS (feet)			
Front from Garage	18	18	n/r
Front from Principal Building	10	10	20
Minimum Principal Building Separation	10[3]	10[3]	10[3]
Rear	15	15	15
Rear from Patio	10	10	n/r
Setbacks from Property Line	20	20	20
Corner Side	5	5	15

[1] Maximum density may be increased up to two (2) additional units per acre based on finding that the project incorporates additional amount of open space, recreational amenities, enhanced landscaping, enhanced project amenities, and/or pedestrian corridors.

[2] Maximum density may be increased up to seven (7) additional units per acre based on finding that the project incorporates additional amount of open space, recreational amenities, enhanced landscaping, enhanced project amenities, and/or pedestrian corridors.

[3] For Condominium products, only building setbacks apply, no ~~No~~ minimum building separation required along common wall.

n/r No minimum requirement

14-6-7 SPECIAL REGULATIONS (Ord. No. 95-30)

E. All detached single-family dwelling uses vested and developed under this Section shall comply with all of the following standards:

1. Minimum Lot Size of four thousand five hundred (4,500) square feet.
2. Minimum of front setback of twenty (20) feet.
3. Minimum side yard setback of five (5) feet, with at least one side yard being a minimum of eight (8) feet.
4. Minimum rear setback of fifteen (15) feet.
5. Maximum lot coverage not to exceed forty-five percent (45%).
6. Minimum front lot footage of forty-five (45) feet.
7. Maximum building height of twenty-five (25) feet.

ARTICLE 14-9

NON-RESIDENTIAL DISTRICTS
14-9-3 LAND USE MATRIX

Table 14-9-3 Land Use Matrix

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
Administrative & Financial												
Automatic Teller Machine (ATM)	P	P	P	P	P	P	P	P	P	P	P	P
Banks and Financial Institution	P	P	P	P	P	P	P	P	P	-	-	-
Bonding Companies & Non-chartered Financial [#]	-	-	-	-	C	C	C	C	-	C	C	-
~~Medical, Dental or Health Offices~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	-	-	-
Professional, Administrative or Business Offices	P	P	P	P	P	P	P	P	P	P	P	P
Automobile Related												
Auto Auction	-	-	-	-	-	-	C	-	-	P	P	P
Auto dismantling, Scrap Dealers, Recycling Centers	-	-	-	-	-	-	-	-	-	-	-	C
Auto Parts and Accessory Store	-	-	P	P	P	P	P	P	-	-	-	-
Auto Sound System Installation, Auto Glass	-	-	-	-	C	C	P	P	-	P	P	P

Tinting & Repair, & similar uses #												
Autobody Repair and Painting Facilities #	-	-	-	-	-	-	P	-	-	P	P	P
Automobile Dealerships, Boat, RV, or Motorcycle Sales, including Outdoor Sales and Rental	-	-	-	-	-	-	P	P	-	-	P	P
Automobile Diagnostic and/or Service Establishment , include engine & transmission overhaul, repair facilities & similar services.# (Ord. No. 03-171)	-	-	-	-	C	C	P	P	-	P	P	P
Auto Parking Lot or Garage as Principal Use	P	-	P	P	P	P	P	P	P	P	-	-
Automobile Rental Facility, limit to six (6) vehicles #	-	-	C	C	C	C	P	P	-	-	-	-
~~Automobile, RV, & Boat Storage Facility~~	-	-	-	-	-	-	C	-	-	P	P	P
Automobile Towing & Impound Facilities	-	-	-	-	-	-	C	-	-	P	P	P
Boat & RV Repair	-	-	-	-	-	-	C	C	-	C	C	P
Car Wash, Automated	-	-	-	-	C	C	C	C	-	-	P	P
Car Wash, Self Service	-	-	-	-	C	C	C	C	-	-	P	P
Emissions Testing Facility	-	-	-	-	-	-	P	-	P	P	P	P
Gas Service Station #	-	-	C	C	C	C	C	C	-	-	-	-
Tire Sales, Repair and Mounting #	-	-	-	-	C	C	C	C	-	-	-	-
Truck Stop, including wash	-	-	-	-	-	-	P	P	-	-	-	P
Eating & Drinking Establishments												
Catering Establishment (Ord. No. 03-171)	P	P	P	P	P	P	P	P	P	P	P	P
~~Coffee Shop~~	P	P	P	P	P	P	P	P	P	P	-	-
Food & Beverage Vendor Cart #	A	A	A	A	A	A	A	A	A	A	A	A
Outdoor Dining & Coffee Area (Ord. No. 04-188)	A	A	A	A	A	A	A	A	A	A	A	A
Restaurant, fast-food (may include drive-thru) (Ord. No. 03-171)	A	P	P	P	P	P	P	P	A	A	-	-
Restaurants and Cafeterias #	P	P	P	P	P	P	P	P	P	P	-	-
Tavern, Bar, Lounge or establishment that sells alcoholic beverages for consumption on premise, excluding restaurants #	-	-	C	C	C	C	C	C	-	-	-	-
Entertainment and Recreation												
Adult Uses #	-	-	-	C	C	-	C	C	-	C	C	C
Convention Centers and Exhibition Halls	-	-	-	-	C	C	C	C	C	-	-	-
Dancing, Theatrical or Music Studio	-	-	P	P	P	P	P	P	P	P	P	P
Golf Courses	-	-	-	-	C	-	P	P	-	-	-	-
Health and Exercise Center # (Ord. No. 03-171)	P	P	P	P	P	P	P	P	P	P	P	P
Indoor Recreation/Entertainment include Bowling Alleys, Game Rooms, Video Arcades, Ice & Roller Skating Rinks, Shooting Ranges, Pool & Dance Halls, Bingo Halls, & similar uses, excluding Adult Uses & Taverns Bars & Lounges	-	-	P	P	P	P	P	P	-	-	-	-
Recreation and Social Clubs #	-	-	P	P	P	P	P	P	P	-	-	-
Resorts	-	-	-	-	P	P	P	P	-	-	-	-
Outdoor Recreation including Tennis, Racquet Clubs, Miniature Golf & similar uses (Ord. No. 03-171)	-	-	-	-	C	-	P	P	-	-	-	-
Theater, indoor	-	-	P	P	P	P	P	P	-	-	-	-
Wedding and Reception Center (Ord. 02-21)#	-	C	-	C	C	C	C	C	-	-	-	-

General Industrial & Manufacturing												
Bulk Fuel Sales and Storage	-	-	-	-	-	-	-	-	-	-	-	P
Call Center	-	-	-	-	-	-	C	P	P	P	P	P
Cement & Asphaltic Concrete Batch Plants	-	-	-	-	-	-	-	-	-	-	-	C
Commercial Laundry & Dying Plant	-	-	-	-	-	-	-	-	-	P	P	P
Commercial Livestock Feeding, Hog Ranches, Poultry Hatcheries, Dairy Farms, Cattle Sales & Livestock Auctions	-	-	-	-	-	-	-	-	-	-	-	C
Commercial Slaughtering, Lard & Tallow Rendering, Meat Packing, Poultry & Game Dressing & Packing	-	-	-	-	-	-	-	-	-	-	-	C
Contractors Storage Yard, including outdoor storage of construction equipment & materials	-	-	-	-	-	-	C	-	-	P	P	P
Cotton Ginning & Baling, Wood Preserving by pressure impregnation, Rubber or Oil Reclaiming	-	-	-	-	-	-	-	-	-	-	-	C
Day Labor Hiring Centers	-	-	-	-	-	-	C	-	-	C	C	C
Data Center (Ord. 02-21)									P	P	P	P
Drilling, Production, Refining of Petroleum, Gas or Hydrocarbons												C
Electric Power Generating Plants, Transformer Stations & Sub-stations, Gas Pumping Plants	-	-	-	-	-	-	-	-	-	-	-	P
Environmental Remediation Facility	-	-	-	-	-	-	-	-	-	-	C	C
Essential Public Service or Utility Installation	P	P	P	P	P	P	P	P	P	P	P	P
Incineration or Reduction of offal, garbage or refuse when conducted entirely within an approved enclosed facility	-	-	-	-	-	-	-	-	-	-	-	C
Machine Shops	-	-	-	-	-	-	P	-	-	P	P	P
Manufacturing, Fabrication & Processing of Goods #	-	-	-	-	-	-	-	-	P	P	P	P
Manufacturing of lumber & wood products, primary metal industries, fabricating metal products, machinery, & transportation equipment excluding ore reduction & smelting, production or refining of petroleum, gas or hydrocarbons	-	-	-	-	-	-	-	-	-	-	-	P
Manufacturing of chemical & allied products, petroleum & coal products, leather & tanning, wool pulling/scouring, explosives, fertilizers, detergents, soaps & animal fat by-products, sugar, starches, serums, toxins & viruses, oils & fats, animal & vegetable	-	-	-	-		-	-	-	-	-	-	C
Mini-storage Warehouses excluding RV, Boat, & Trailer Storage (Ord. 02-21)#	-	-	-	C	C	-	C	C	P	P	P	P
~~Mini-storage Warehouses~~, Automobile, RV, Boat, & Trailer Storage	-	-	-	-	-	-	C	C	P	P	P	P
Moving Truck, Trailer & Equipment Rental	-	-	-	-	-	-	P	P	-	P	P	P
Moving Company Storage & Transfer Facility	-	-	-	-	-	-	P	-	-	P	P	P
Outdoor Storage	-	-	-	-	-	-	C	C	-	P	P	P
Parcel Delivery Service	-	-	-	-	-	-	C	-	P	P	P	P
Printing and Publishing Facilities	-	-	-	-	-	-	-	P	P	P	P	P
Processing & Compounding to reform	-	-	-	-	-	-	-	-	-	-	-	C

recyclable materials into a useable state												
Railroad Shops & similar heavy service facilities	-	-	-	-	-	-	-	-	-	-	-	P
Recycling Collection Facility #	-	-	-	-	-	-	-	-	-	-	C	C
Recycling Collection Point	A	A	A	A	A	A	A	A	A	A	A	A
Remote Mail Service	P	P	P	P	P	P	P	P	-	-	-	-
Research Laboratories #	-	-	-	-	-	-	-	-	P	P	P	P
Storage, Processing & Sale of scrap metal & junk	-	-	-	-	-	-	-	-	-	-	-	P
Wholesaling, Warehousing, Distributing, Repair, Rental & Servicing of any commodity excluding live animals, explosives & storage of flammable liquids & gases.	-	-	-	-	-	-	-	-	P	P	P	P
General Retail												
Antiques, Crafts, and Collectibles Sales	-	-	P	P	P	P	P	P	-	-	-	-
Bait and Tackle Shops	-	-	P	P	P	P	P	-	-	-	-	-
Book, Stationery & Greeting Card Store	P	P	P	P	P	P	P	P	-	-	-	-
Candy and Ice Cream Store	P	P	P	P	P	P	P	P	-	-	-	-
Carpet and Floor Covering Store	-	-	-	-	P	P	P	P	-	-	-	-
Small Merchandise Vendor Carts #	A	A	A	A	A	A	A	A	A	A	A	A
Donation Center # (Ord. No. 03-171)	-	-	-	-	C	-	C	C	P	P	P	P
Copy Center	P	P	P	P	P	P	P	P	P	P	P	P
Florist	P	P	P	P	P	P	P	P	-	-	-	-
Gift, Novelty and Souvenir Shop	P	P	P	P	P	P	P	P	-	-	-	-
Hobby, Stamp and Coin Shop	P	P	P	P	P	P	P	P	-	-	-	-
Newsstand	P	P	P	P	P	P	P	P	P	-	-	-
Pawn Shop #	-	-	-	-	C	-	C	C				
Pet Shop	-	-	P	P	P	P	P	P	-	-	-	-
Plumbing, Heating & Air-conditioning Sales and Service	-	-	-	-	-	-	P	-	-	P	P	P
Retail Decorative Rock Sales	-	-	-	-	C	-	P	-	-	P	P	P
Retail Sales of New & Used Merchandise, Indoor, excluding Sale of Automobile, Boats RVs and Motorcycles ~~(Ord. No. 03-171)~~	-	P	P	P	P	P	P	P	-	-	-	-
Retail Liquor Store #	-	-	-	-	C	-	C	C	-	-	-	-
Video Rental Store	P	P	P	P	P	P	P	P	-	-	-	-
Water and Ice Store	-	P	P	P	P	P	P	P	-	-	-	-
Institutional												
Art Gallery	P	P	P	P	P	P	P	P	-	-	-	-
~~College or University #~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~
Cultural Institutions	P	P	P	P	P	P	P	P	P	-	-	-
Day Care Centers or Pre-school Centers #	P	P	P	P	P	P	P	-	-	-	-	-
Group Care Facility or Community Residential Facility #	C	-	-	-	-	-	-	-	-	-	-	-
Homeless Shelter & similar uses	-	-	-	-	-	-	-	-	-	-	P	P
Libraries and Museums	P	P	P	P	P	P	P	P	-	-	-	-
Non-profit Social services #	P	P	P	P	P	P	P	P	P	P	P	P
Nursing or Convalescent Home, Long term Care Facility #	-	-	-	-	C	-	P	P	-	-	-	-
Public Buildings #	P	P	P	P	P	P	P	P	P	P	P	P
Public Utility Buildings, Structures, Uses, Facilities and Equipment #	P	P	P	P	P	P	P	P	P	P	P	P
Religious Institutions & similar places of	P	P	P	P	P	P	P	-	-	-	-	-

worship #												
Public/Private Schools, Educational Institutions, Business, Technical or Vocational excluding Colleges Universities #	P	P	P	P	P	P	P	P	P	P	P	P
Substance Abuse Detoxification & Treatment Centers	-	-	-	-	-	-	C	-	-	P	P	P
Intense Retail												
Appliance, Furniture, & Household Equipment Sales and Rentals	-	-	P	P	P	P	P	P	-	-	-	-
Commercial Service Establishments combining retail, showroom with workshop # (Ord. No. 03-171)	-	-	-	C	C	C	P	P	-	-	-	-
Office Supply & Machine Sales & Service	-	-	P	P	P	P	P	P	P	-	-	-
Department Store	-	-	P	P	P	P	P	P	-	-	-	-
Equipment Sales, Rental and Storage Yard	-	-	-	-	-	-	P	P	P	P	P	P
Farmers Markets	-	-	-	-	-	-	P	-	-	P	P	P
Hardware & Home Improvement Store with outdoor storage (Ord. No. 03-171)	-	-	C	C	C	C	C	C	-	-	-	-
Large-Scale Retail # (Ord. No. 05-16)	-	-	-	-	C	-	C	C	-	-	-	-
Mobile Home Sales	-	-	-	-	-	-	C	-	-	P	P	P
Monument Sales and Engraving Shop	-	-	-	-	P	P	P	P	P	P	P	P
Outdoor Sales and Display Area (Ord. 02-21)#	P	P	P	P	P	P	P	P	-	P	P	P
Plant Nursery, Retail	-	-	-	-	C	-	P	-	-	P	P	P
Plant Nursery, Wholesale	-	-	-	-	-	-	P	-	-	P	P	P
Retail Sales of lumber & Building Materials #	-	-	-	-	-	-	C	-	-	P	P	P
Sales & Storage of grain, feed, seed, fertilizer, farm & garden supplies	-	-	-	-	C	C	P	-	-	-	-	-
Swap Meet, indoor	-	-	-	-	-	-	P	-	-	-	-	-
Swap Meet, outdoor, & similar outdoor sales	-	-	-	-	-	-	-	-	-	-	P	-
Swimming Pool and Spa Sales, (may include outdoor model display) # (Ord. No. 03-171)	-	-	-	-	C	-	P	-	-	P	P	P
Upholstery Shop	-	-	-	-	-	P	P	-	-	-	-	-
Wholesale Produce Storage or Market	-	-	-	-	-	-	C	-	C	P	P	P
Lodging												
Bed and Breakfast Inn #	-	-	-	-	-	C	-	-	-	-	-	-
Hotel or Motel #	-	-	-	P	P	P	P	P	P	-	-	-
Living quarter for night guards	-	-	-	-	-	-	A	-	A	A	A	A
Medical												
Ambulance Service Facility	-	-	-	-	C	C	P	P	-	P	P	P
Emergency Medical Care Facility #	-	-	-	-	C	C	P	P	-	P	P	P
Hospitals	-	-	-	-	-	-	-	P	-	-	-	-
Medical, Dental, Optician or Health, Clinics and Laboratories	P	P	P	P	P	P	P	P	P	P	P	P
Veterinary Hospital #	-	-	-	-	C	C	C	-	P	P	P	P
Veterinary Offices and Clinics, excluding animal boarding #	-	-	-	-	C	C	C	-	P	P	P	P
Personal Services												
Animal Shelter	-	-	-	-	-	-	C	-	-	C	C	C
Appliance Repair	-	-	-	-	-	-	P	-	-	P	P	P
Auction Houses and Estate Sales	-	-	-	-	-	-	P	-	-	P	P	P
Boarding & Training Kennels (Ord. No. 03-171)	-	-	-	-	-	-	C	-	-	C	C	C

Blueprint Shop	-	-	-	-	-	-	P	P	P	P	P	P
Cabinet and Carpentry Shop	-	-	-	-	-	-	P	-	-	P	P	P
Custom Dressmaking, Furrier, Millinery or Tailor Shop #	-	-	-	-	-	-	P	P	P	P	P	P
Dry Cleaning and Laundry Establishment	-	P	P	P	P	P	P	P	P	P	P	P
Employment Agencies, not including Day Labor Hiring Centers	-	-	P	P	P	P	P	P	P	P	P	P
Laundromat, self-service	-	P	P	P	P	P	P	P	-	-	-	-
Locksmith	-	-	P	P	P	P	P	P	P	P	P	P
Messenger Delivery Service	P	P	P	P	P	P	P	P	P	-	-	-
Plasma Center, Massage Establishment, Tattoo & Body Piercing Studio #	-	-	-	-	C	-	C	C	-	C	-	-
Palm Readers, Phrenologists, Fortune Tellers and Astrologers	-	-	P	P	P	P	P	P	-	-	-	-
Tanning salon, Nail Salon, Barber Shop, Beauty parlor & similar uses	-	-	P	P	P	P	P	P	P	P	P	P
Pest Control Service	-	-	-	-	-	-	P	-	-	P	P	P
Pet Grooming Shop	-	-	-	C	C	C	C	C	-	-	-	-
Photographic Developing and Printing	P	P	P	P	P	P	P	P	P	P	P	P
Photographic Studio	-	-	P	P	P	P	P	P	-	-	-	-
Radio and Television Sales and Service	-	-	P	P	P	P	P	P	-	-	-	-
Recording Studio	-	-	-	P	P	P	P	P	P	P	P	P
Shoe Service & Clothing Alteration (Ord. No. 03-171)	-	-	P	P	P	P	P	P	-	-	-	-
Sightseeing Tour Companies	-	-	P	P	P	P	P	P	P	P	P	P
Ticket and Travel Agency	P	P	P	P	P	P	P	P	P	-	-	-
Watch and Clock Repair Shop	-	-	-	-	P	P	P	P	P	P	P	P
Transportation												
Aviation uses such as Aircraft Repair, Aircraft Sales & Air Charter Services	-	-	-	-	-	-	-	-	-	P	P	P
Bus Terminals	-	-	-	-	C	C	C	-	-	P	P	P
Marine Fuel Facility	-	-	-	-	-	-	-	-	-	-	-	P
Rail and Motor Freight Terminals & Facilities	-	-	-	-	-	-	P	-	-	P	P	P
School Bus Parking and Maintenance Facilities #	C	C	C	C	C	C	C	C	C	P	P	P

P = Permitted Use
C = Permitted Conditional Use. Conditional Use Permit required. See Article 14-39-10.
A = Accessory use
# = Subject to special limitations (see the following section 14-9-5)
- = Not Permitted

14-9-4 GENERAL REGULATIONS FOR O-1 C-1, PC- 1, PC-2, C-2 & C-3

B. Eating & Drinking Establishments

1. Food & Beverage Vendor Cart and Small Merchandise Vendor Cart shall be subject to the following additional requirements:

   a. The use must be part of an existing permitted principal development.

   b. The use shall not occupy any required parking stalls of the principal development.

c. The use shall not be located at any right-of-ways or interfere with traffic circulation.

d. The use shall not interfere with pedestrian access ways, fire lanes, driveways, or traffic visibility at driveways or street intersections.

SECTION 14-9-6 PROPERTY DEVELOPMENT STANDARDS

A. The following property development standards shall apply in zoning districts O-1, C-1, PC- 1, PC-2, C-2, C-3, C-4 and C-5:

Property Development Standards	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5
Minimum Lot/site Area (acreage)	n/r	n/r	3	20	n/r	n/r	n/r	n/r[1]
Minimum Lot Width (ft)	50	n/r	n/r	n/r	n/r	n/r	n/r	n/r
Minimum Lot / Site Depth (ft)	n/r	120	250	660	n/r	n/r	n/r	660
Minimum Frontage on One Arterial (ft)	n/r	n/r	450	660	n/r	n/r	n/r	660
Maximum Lot Coverage (percentage)	n/r	n/r	30%	n/r	n/r	100%	n/r	n/r
Maximum Building Height (ft)	30	30	30	60	48[2]	48	48[2]	60
Front Setback (ft)	15	15	60	120	15	n/r	15	40
Corner Setback (ft)	15	15	60	120	15	n/r	15	40
Rear Setback (ft)	20	20	20	60	20	n/r	20	30
Interior Rear/Side Setback (ft)	n/r	n/r	60	60	n/r	n/r	n/r	n/r
Setback from Residential Zones (ft)	30	30	30	120	~~15~~30	n/r	15	120
Accessory Building Height & Setbacks (ft) (Ord. No. 02-21)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)

ARTICLE 14-23 PARKING AND LOADING REQUIREMENTS

14-23-3 PARKING REQUIREMENTS

B. Off-Street Parking Requirements

2. *Non-Residential Uses*

USE		PARKING RATIO
ADMINISTRATIVE & FINANCIAL		
Unspecified Office Use (Shell Building)		a) One (1) space per one hundred seventy-five (175) s.f. of floor area
GENERAL RETAIL		
Unspecified Retail Use (Shell Building)		a) One (1) space per two hundred fifty (250) s.f. of floor area

ARTICLE 14-42

OLD TOWN MIXED-USE DISTRICTS (OTMU)

14-42-6 PROPERTY DEVELOPMENT STANDARDS

A. Any development proposals that contain a residential component in the CCM and PO zoning districts, the appearance of the development shall be predominately of non-residential character and the non-residential development standards shall apply:

DEVELOPMENT STANDARDS	CCM	PO
SETBACKS [1] (FEET)		
Front Minimum[2]	0	0
Front Maximum[2]	10	0
Rear	0	0
Side	0	0
Interior	0	0
MAXIMUM BUILDING HEIGHT	60	30
LANDSCAPE BUFFER ABUTTING RESIDENTIAL ZONES	10	n/r
ACCESSORY BUILDING	(a)	(a)

1 The Planning Commission and City Council may require additional setback requirements to mitigate potential adverse impacts of proposed uses on adjoining developments.

2 A minimum of a 15' street frontage landscaping is required for any parking structure to be developed within the Old Town Mixed-Use District.

2 3 Activities within the front setback areas shall be associated with the primary use of the building, parking spaces within the front setback areas should be avoided.

n/r no minimum requirement

(a) All regulations and development standards applicable to the principal building shall apply.

B. Any development proposals that contain a non-residential component in the CRM zoning districts, the appearance of the development shall be predominately of residential character and the following residential development standards shall apply:

DEVELOPMENT STANDARDS	Single-Family Residence as the primary use	Multi-Family Residence as the primary use
SETBACKS [1] (FEET)		
Front	20	18
Rear	15	15
Side	~~3/8~~5	10[2]
MAXIMUM LOT COVERAGE (%)	45	60
MAXIMUM DENSITY (du/ac)	6	8
MAXIMUM BUILDING HEIGHT (FEET)	25	30
ACCESSORY BUILDING	(b)	(b)

[1] The Planning Commission and City Council may require additional setback requirements to mitigate potential adverse impacts of proposed uses on adjoining developments.

[2] No minimum building separation along common wall.

(b) Accessory buildings shall be subject to the limitations contained in Article 14-5 "Single Family Residential Districts" Section 14-5-8 of the ordinance.

C. Parking ~~standards~~ facilities

1. There is no minimum requirement for parking spaces in the Old Town Mixed-Used Districts. ~~All parking facilities shall be designed and located to be shared between uses within the core area and be connected between adjacent parcels~~. Parking behind structures, shared parking or joint parking facilities ~~will be~~ are encouraged.

2. A pedestrian walkway shall be provided to connect parking facilities to adjacent uses, such walkway shall be distinguished with various hardscape materials and designed to maximize separation from vehicular movements; such walkway shall meet the design standards as provided by the Crime Prevention Through Environmental Design (CPTED).

D. Landscape requirements

There is no minimum on-site landscape requirement; however, all dirt areas shall be landscaped or covered with ¾" minus decomposed granite.

ARTICLE 14-9 NON-RESIDENTIAL DISTRICTS

(Ord. No. 02-68)

ARTICLE 14-9 CONTENTS

14-9-1	INTENT		14-9-3	LAND USE MATRIX
14-9-2	ZONING DISTRICTS		14-9-4	GENERAL REGULATIONS FOR O-1, C-1, PC-1, PC-2,C-2, AND C-3
	Office Commercial	O-1		
	Convenience Commercial	C-1		
	Planned Neighborhood Commercial	PC-1	14-9-5	LIMITATIONS ON USES
	Planned Community Commercial	PC-2		
	Intermediate Commercial	C-2	14-9-6	PROPERTY DEVELOPMENT STANDARDS
	Central Commercial	C-3		
	General Commercial	C-4		
	Regional Commercial	C-5		
	Business Park Industrial	BPI		
	Planned Light Industrial	PI-1		
	Light Industrial	I-1		
	Heavy Industrial	I-2		

SECTION 14-9-1 INTENT

The non-residential districts are intended to collectively facilitate the development and operation of all types of employment-generating uses, including, but not limited to, retail and service establishments, neighborhood convenience stores, business parks and professional offices, research and development centers, storage warehouses and other light-industrial uses in a manner consistent with the Peoria General Plan.

SECTION 14-9-2 ZONING DISTRICTS

A. Office Commercial District (O-1)

The O-1 District is intended to provide an environment conducive to the establishment of professional offices, medical and legal services, and ancillary retail uses. Certain other types of uses are permitted under conditions and standards that ensure their compatibility with surrounding uses as well as nearby residential districts. The O-1 Districts provide for land use transition between more intensive commercial developments and the less intensive residential neighborhoods.

B. Convenience Commercial District (C-1)

The C-1 District is intended to accommodate neighborhood-scale retail and service establishments that provide the incidental daily necessities for the local residential areas. This district constitutes the secondary level of neighborhood commercial development. In order to prevent the undesirable "strip" commercial development, it is intended that each development be contiguous and limited in scale. The C-1 Districts should generally be restricted to the intersection of major arterial streets while providing one-mile separation from other non-adjacent commercial districts. The regulations and development standards are designed to preserve adjacent residential amenities and to prohibit encroachment by more intensive commercial uses.

C. Planned Neighborhood Commercial District (PC-1)

The PC-1 District is intended to accommodate small-scale retail and service establishments that provide the incidental daily necessities for the local residential areas. This district allows for planned neighborhood shopping centers typically having a principal tenant (i.e. supermarket) and an accompanying trade area generally limited to adjacent neighborhoods. It is further intended that PC-1 Districts be restricted to the intersection of selected arterial streets while generally providing one-mile separation from other non-adjacent commercial districts. The regulations and development standards are designed to preserve adjacent residential amenities and to prohibit encroachment by more intensive commercial uses.

D. Planned Community Commercial District (PC-2)

The PC-2 District is intended to accommodate large-scale planned commercial complexes providing comparison shopping goods and services to a community wide and regional trade area. It is further intended that such commercial centers shall be planned, developed and managed as integrated complexes under unified or condominium ownership.

E. Intermediate Commercial District (C-2)

The C-2 District is intended to provide a shopping center for the sale of convenience goods and personal services. In order to prevent the establishment of undesirable "strip" commercial development, it is intended that each development be contiguous and limited in scale. The C-2 districts should generally be restricted to the intersection of major arterial streets while providing one-mile separation from other non-adjacent commercial districts. The regulations and development standards are designed to preserve adjacent residential amenities and to prohibit encroachment by more intensive commercial uses.

F. Central Commercial District (C-3)

The C-3 District is intended to accommodate retail and service establishments in the original plat of Peoria, what is now called the 'Old Town' area. While the C-3 District is intended for buildings to be grouped together in compact arrangements in order to provide maximum shopping convenience and efficient use of off-street parking, the development standards contained herein recognize the existing characteristics of individually owned, small-lot business establishments. The regulations and development standards are designed to preserve adjacent residential amenities and to prohibit encroachment by more intensive commercial uses.

G. General Commercial District (C-4)

The C-4 District is intended to facilitate a wide range of retail, office, service establishments, and other uses not suitable to be located adjacent to residential zones but necessary to accommodate the larger community. This district is particularly suitable along Grand Avenue and Bell Road (Ord. No. 94-27) where uses are primarily related to auto-borne clientele and by nature, create a high degree of turning movement.

H. Regional Commercial District (C-5)

The C-5 District is intended to accommodate large-scale commercial establishments or developments that provide goods and services to a community-wide and regional trade area. These districts are typically located along major arterials (typically 110' of right-of-way) or other regional transportation corridors.

I. Business Park Industrial District (BPI)

The BPI District is intended to accommodate the development of office parks, support retail services, warehousing and certain light industrial uses in a comprehensively planned and attractive setting. The regulations and development standards contained within this district include generous screening, landscape buffering and performance standards to ensure compatibility with neighboring districts, particularly when located near residential districts.

J. Planned Light Industrial District (PI-1)

The PI-1 District is intended to accommodate certain industrial structures and uses having physical and operational characteristics that might have potential adverse impacts on adjacent properties. The regulations and development standards are designed to permit those industrial uses which can be operated in a relatively clean, quiet and safe manner, and are compatible with adjoining industrial uses without causing adverse impacts, danger or hazard to nearby non-industrial uses.

K. Light Industrial District (I-1)

The I-1 District is intended to accommodate certain light industrial developments such as manufacturing uses which can be operated in a relatively clean, quiet and safe manner without causing adverse psychological influence or nuisance effects on surrounding property or similar reasons. The regulations and development standards are designed to accommodate, control and limit such special uses for their own protection as well as for protection of the character of surrounding districts.

L. Heavy Industrial District (I-2)

The I-2 District is intended to accommodate certain industrial structures and uses, including large-scale or very specialized industrial operations, having potential adverse environmental impacts on adjoining residential and commercial developments, and, to some extent, the nearby light industrial districts. The regulations and development standards are structured to permit uses involve processing of raw materials and the manufacturing, processing and compounding of semi-finished or finished products.

SECTION 14-9-3 LAND USE MATRIX

The following land use matrix (Table 14-9-3) indicates uses which are permitted outright, conditionally permitted, or prohibited in specific non-residential zoning districts in the City of Peoria. The land use matrix is intended to serve as a guide for the convenience of the user of this zoning ordinance. Where the text of this zoning ordinance differs from the land use matrix, the text shall prevail. In the event of a specific use not being identified on the matrix, the Community Development Director or designee(s) shall determine the closest associated use based on the provisions of this ordinance. The City will permit any accessory use customarily incidental to a permitted principal use in the same zoning district.

Table 14-9-3 Land Use Matrix

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
Administrative & Financial												
Automatic Teller Machine (ATM)	P	P	P	P	P	P	P	P	P	P	P	P
Banks and Financial Institution	P	P	P	P	P	P	P	P	P	-	-	-
Bonding Companies & Non-chartered Financial # (see Sec 14-9-5.I)	-	-	-	-	C	C	C	C	-	C	C	-
Medical, Dental or Health Offices	P	P	P	P	P	P	P	P	P	-	-	-
Professional, Administrative or Business Offices	P	P	P	P	P	P	P	P	P	P	P	P

P = Permitted Use
C = Permitted Conditional Use. Conditional Use Permit required. See Article 14-39-10.
A = Accessory use
# = Subject to special limitations (see the following section 14-9-5)
- = Not Permitted

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
Automobile Related												
Auto Auction	-	-	-	-	-	-	C	-	-	P	P	P
Auto dismantling, Scrap Dealers, Recycling Centers	-	-	-	-	-	-	-	-	-	-	-	C
Auto Parts and Accessory Store	-	-	P	P	P	P	P	P	-	-	-	-
Auto Sound System Installation, Auto Glass Tinting & Repair, & similar uses #	-	-	-	-	C	C	P	P	-	P	P	P
Autobody Repair and Painting Facilities #	-	-	-	-	-	-	P	-	-	P	P	P
Automobile, Boat, RV, or Motorcycle, Outdoor Sales and Rental	-	-	-	-	-	-	P	P	-	-	P	P
Automobile Diagnostic and/or Service Establishment , Include engine & transmission overhaul, repair facilities & similar services.# (Ord. No. 03-171)	-	-	-	-	C	C	P	P	-	P	P	P
Auto Parking Lot or Garage as Principal Use	P	-	P	P	P	P	P	P	P	P	-	-
Automobile Rental Facility, limit to six (6) vehicles #	-	-	C	C	C	C	C	C	-	-	-	-
Automobile, RV, & Boat Storage Facility	-	-	-	-	-	-	C	-	-	P	P	P
Automobile Towing & Impound Facilities	-	-	-	-	-	-	C	-	-	P	P	P
Boat & RV Repair	-	-	-	-	-	-	C	C	-	C	C	P
Car Wash, Automated	-	-	-	-	C	C	C	C	-	-	-	-
Car Wash, Self Service	-	-	-	-	C	C	C	C	-	-	-	-
Emissions Testing Facility	-	-	-	-	-	-	P	-	P	P	P	P
Gas Service Station #	-	-	C	C	C	-	C	C	-	-	-	-
Tire Sales, Repair and Mounting #	-	-	-	-	C	C	C	C	-	-	-	-
Truck Stop, including wash	-	-	-	-	-	-	P	P	-	-	-	P
Eating & Drinking Establishments												
Catering Establishment (Ord. No. 03-171)	P	P	P	P	P	P	P	P	P	P	P	P
Coffee Shop	P	P	P	P	P	P	P	P	P	P	-	-
Food & Beverage Vendor Cart #	A	A	A	A	A	A	A	A	A	A	A	A
Restaurant, fast-food (may include drive-thru) (Ord. No. 03-171)	A	P	P	P	P	P	P	P	A	A	-	-
Restaurants and Cafeterias	P	P	P	P	P	P	P	P	P	P	-	-
Tavern, Bar, Lounge or establishment that sells alcoholic beverages for consumption on premise, excluding restaurants #	-	-	C	C	C	C	C	C	-	-	-	-

P = Permitted Use
C = Permitted Conditional Use. Conditional Use Permit required. See Article 14-39-10.
A = Accessory use
# = Subject to special limitations (see the following section 14-9-5)
- = Not Permitted

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
Entertainment and Recreation												
Adult Uses #	-	-	-	C	C	-	C	C	-	C	C	C
Convention Centers and Exhibition Halls	-	-	-	-	C	C	C	C	C	-	-	-
Dancing, Theatrical or Music Studio	-	-	P	P	P	P	P	P	P	P	P	P
Golf Courses	-	-	-	-	C	-	P	P	-	-	-	-
Health and Exercise Center # (Ord. No. 03-171)	P	P	P	P	P	P	P	P	P	P	P	P
Indoor Recreation/Entertainment include Bowling Alleys, Game Rooms, Video Arcades, Ice & Roller Skating Rinks, Shooting Ranges, Pool & Dance Halls, Bingo Halls, & similar uses, excluding Adult Uses & Taverns Bars & Lounges	-	-	P	P	P	P	P	P	-	-	-	-
Recreation and Social Clubs #	-	-	P	P	P	P	P	P	P	-	-	-
Resorts	-	-	-	-	P	P	P	P	-	-	-	-
Outdoor Recreation including Tennis, Racquet Clubs, Miniature Golf & similar uses (Ord. No. 03-171)	-	-	-	-	C	-	P	P	-	-	-	-
Theater, indoor	-	-	P	P	P	P	P	P	-	-	-	-
Wedding and Reception Center (Ord. 02-21)#	-	C	-	C	C	C	C	C	-	-	-	-

P = Permitted Use
C = Permitted Conditional Use. Conditional Use Permit required. See Article 14-39-10.
A = Accessory use
# = Subject to special limitations (see the following section 14-9-5)
- = Not Permitted

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
General Industrial & Manufacturing												
Bulk Fuel Sales and Storage	-	-	-	-	-	-	-	-	-	-	-	P
Call Center	-	-	-	-	-	-	C	P	P	P	P	P
Cement & Asphaltic Concrete Batch Plants	-	-	-	-	-	-	-	-	-	-	-	C
Commercial Laundry & Dying Plant	-	-	-	-	-	-	-	-	-	P	P	P
Commercial Livestock Feeding, Hog Ranches, Poultry Hatcheries, Dairy Farms, Cattle Sales & Livestock Auctions	-	-	-	-	-	-	-	-	-	-	-	C
Commercial Slaughtering, Lard & Tallow Rendering, Meat Packing, Poultry & Game Dressing & Packing	-	-	-	-	-	-	-	-	-	-	-	C
Contractors Storage Yard, including outdoor storage of construction equipment & materials	-	-	-	-	-	-	C	-	-	P	P	P
Cotton Ginning & Baling, Wood Preserving by pressure impregnation, Rubber or Oil Reclaiming	-	-	-	-	-	-	-	-	-	-	-	C
Day Labor Hiring Centers	-	-	-	-	-	-	C	-	-	C	C	C
Data Center (Ord. 02-21)									P	P	P	P
Drilling, Production, Refining of Petroleum, Gas or Hydrocarbons												C
Electric Power Generating Plants, Transformer Stations & Sub-stations, Gas Pumping Plants	-	-	-	-	-	-	-	-	-	-	-	P
Environmental Remediation Facility	-	-	-	-	-	-	-	-	-	-	C	C
Essential Public Service or Utility Installation	P	P	P	P	P	P	P	P	P	P	P	P
Incineration or Reduction of offal, garbage or refuse when conducted entirely within an approved enclosed facility	-	-	-	-	-	-	-	-	-	-	-	C
Machine Shops	-	-	-	-	-	-	P	-	-	P	P	P
Manufacturing, Fabrication & Processing of Goods #	-	-	-	-	-	-	-	-	-	P	P	P
Manufacturing of lumber & wood products, primary metal industries, fabricating metal products, machinery, & transportation equipment excluding ore reduction & smelting, production or refining of petroleum, gas or hydrocarbons	-	-	-	-	-	-	-	-	-	-	-	P

P = Permitted Use
C = Permitted Conditional Use. Conditional Use Permit required. See Article 14-39-10.
A = Accessory use
# = Subject to special limitations (see the following section 14-9-5)
- = Not Permitted

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
General Industrial & Manufacturing cont'd												
Manufacturing of chemical & allied products, petroleum & coal products, leather & tanning, wool pulling/scouring, explosives, fertilizers, detergents, soaps & animal fat by-products, sugar, starches, serums, toxins & viruses, oils & fats, animal & vegetable	-	-	-	-		-	-	-	-	-	-	C
Mini-storage Warehouses excluding RV, Boat, & Trailer Storage (Ord. 02-21)#	-	-	-	C	C	-	C	C	P	P	P	P
Mini-storage Warehouses, RV, Boat, & Trailer Storage	-	-	-	-	-	-	C	C	P	P	P	P
Moving Truck, Trailer & Equipment Rental	-	-	-	-	-	-	P	P	-	P	P	P
Moving Company Storage & Transfer Facility	-	-	-	-	-	-	P	-	-	P	P	P
Outdoor Storage	-	-	-	-	-	-	C	C	-	P	P	P
Parcel Delivery Service	-	-	-	-	-	-	C	-	P	P	P	P
Printing and Publishing Facilities	-	-	-	-	-	-	-	P	P	P	P	P
Processing & Compounding to reform recyclable materials into a useable state	-	-	-	-	-	-	-	-	-	-	-	C
Railroad Shops & similar heavy service facilities	-	-	-	-	-	-	-	-	-	-	-	P
Recycling Collection Facility #	-	-	-	-	-	-	-	-	-	-	C	C
Recycling Collection Point	A	A	A	A	A	A	A	A	A	A	A	A
Remote Mail Service	P	P	P	P	P	P	P	P	-	-	-	-
Research Laboratories #	-	-	-	-	-	-	-	-	P	P	P	P
Storage, Processing & Sale of scrap metal & junk	-	-	-	-	-	-	-	-	-	-	-	P
Wholesaling, Warehousing, Distributing, Repair, Rental & Servicing of any commodity excluding live animals, explosives & storage of flammable liquids & gases.	-	-	-	-	-	-	-	-	-	P	P	P

P = Permitted Use
C = Permitted Conditional Use. Conditional Use Permit required. See Article 14-39-10.
A = Accessory use
# = Subject to special limitations (see the following section 14-9-5)
- = Not Permitted

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
General Retail												
Antiques, Crafts, and Collectibles Sales	-	-	P	P	P	P	P	P	-	-	-	-
Bait and Tackle Shops	-	-	P	P	P	P	P	-	-	-	-	-
Book, Stationery & Greeting Card Store	P	P	P	P	P	P	P	P	-	-	-	-
Candy and Ice Cream Store	P	P	P	P	P	P	P	P	-	-	-	-
Carpet and Floor Covering Store	-	-	-	-	P	P	P	P	-	-	-	-
Donation Center # (Ord. No. 03-171)	-	-	-	-	C	-	C	C	P	P	P	P
Copy Center	P	P	P	P	P	P	P	P	P	P	P	P
Florist	P	P	P	P	P	P	P	P	-	-	-	-
Gift, Novelty and Souvenir Shop	P	P	P	P	P	P	P	P	-	-	-	-
Hobby, Stamp and Coin Shop	P	P	P	P	P	P	P	P	-	-	-	-
Newsstand	P	P	P	P	P	P	P	P	P	-	-	-
Pawn Shop # (see Sec.14-9-5.I)	-	-	-	-	C	-	C	C				
Pet Shop	-	-	P	P	P	P	P	P	-	-	-	-
Plumbing, Heating & Air-conditioning Sales and Service	-	-	-	-	-	-	P	-	-	P	P	P
Retail Decorative Rock Sales	-	-	-	-	C	-	P	-	-	P	P	P
Retail Sales of New & Used Merchandise, Indoor (Ord. No. 03-171)	-	P	P	P	P	P	P	P	-	-	-	-
Retail Liquor Store # (see Sec.14-9-5.I)	-	-	-	-	C	-	C	C	-	-	-	-
Video Rental Store	P	P	P	P	P	P	P	P	-	-	-	-
Water and Ice Store	-	P	P	P	P	P	P	P	-	-	-	-

P = Permitted Use
C = Permitted Conditional Use. Conditional Use Permit required. See Article 14-39-10.
A = Accessory use
# = Subject to special limitations (see the following section 14-9-5)
- = Not Permitted

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
Institutional												
Art Gallery	P	P	P	P	P	P	P	P	-	-	-	-
College or University #	P	P	P	P	P	P	P	P	P	P	P	P
Cultural Institutions	P	P	P	P	P	P	P	P	P	-	-	-
Day Care Centers or Pre-school Centers #	P	P	P	P	P	P	P	-	-	-	-	-
Group Care Facility or Community Residential Facility #	C	-	-	-	-	-	-	-	-	-	-	-
Homeless Shelter & similar uses	-	-	-	-	-	-	-	-	-	-	P	P
Libraries and Museums	P	P	P	P	P	P	P	P	-	-	-	-
Non-profit Social services #	P	P	P	P	P	P	P	P	P	P	P	P
Nursing or Convalescent Home, Long term Care Facility #	-	-	-	-	C	-	P	P	-	-	-	-
Public Buildings #	P	P	P	P	P	P	P	P	P	P	P	P
Public Utility Buildings, Structures, Uses, Facilities and Equipment #	P	P	P	P	P	P	P	P	P	P	P	P
Religious Institutions & similar places of worship #	P	P	P	P	P	P	P	-	-	-	-	-
Public/Private Schools, Educational Institutions, Business, Technical or Vocational excluding Colleges Universities #	P	P	P	P	P	P	P	P	P	P	P	P
Substance Abuse Detoxification & Treatment Centers	-	-	-	-	-	-	C	-	-	P	P	P

P = Permitted Use
C = Permitted Conditional Use. Conditional Use Permit required. See Article 14-39-10.
A = Accessory use
# = Subject to special limitations (see the following section 14-9-5)
- = Not Permitted

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
Intense Retail												
Appliance, Furniture, & Household Equipment Sales and Rentals	-	-	P	P	P	P	P	P	-	-	-	-
Commercial Service Establishments combining retail, showroom with workshop # (Ord. No. 03-171)	-	-	-	C	C	C	P	P	-	-	-	-
Office Supply & Machine Sales & Service	-	-	P	P	P	P	P	P	P	-	-	-
Department Store	-	-	P	P	P	P	P	P	-	-	-	-
Equipment Sales, Rental and Storage Yard	-	-	-	-	-	-	P	P	P	P	P	P
Farmers Markets	-	-	-	-	-	-	P	-	-	P	P	P
Hardware & Home Improvement Store with outdoor storage (Ord. No. 03-171)	-	-	C	C	C	C	C	C	-	-	-	-
Mobile Home Sales	-	-	-	-	-	-	C	-	-	P	P	P
Monument Sales and Engraving Shop	-	-	-	-	P	P	P	P	P	P	P	P
Outdoor Sales and Display Area (Ord. 02-21)#	-	-	-	-	-	C	C	C	-	P	P	P
Plant Nursery, Retail	-	-	-	-	C	-	P	-	-	P	P	P
Plant Nursery, Wholesale	-	-	-	-	-	-	P	-	-	P	P	P
Retail Sales of lumber & Building Materials #	-	-	-	-	-	-	C	-	-	P	P	P
Sales & Storage of grain, feed, seed, fertilizer, farm & garden supplies	-	-	-	-	C	C	P	-	-	-	-	-
Swap Meet, indoor	-	-	-	-	-	-	P	-	-	-	-	-
Swap Meet, outdoor, & similar outdoor sales	-	-	-	-	-	-	-	-	-	-	P	-
Swimming Pool and Spa Sales, (may include outdoor model display) # (Ord. No. 03-171)	-	-	-	-	C	-	P	-	-	P	P	P
Upholstery Shop	-	-	-	-	-	P	P	-	-	-	-	-
Wholesale Produce Storage or Market	-	-	-	-	-	-	C	-	C	P	P	P
Lodging												
Bed and Breakfast Inn #	-	-	-	-	-	C	-	-	-	-	-	-
Hotel or Motel #	-	-	-	P	P	P	P	P	P	-	-	-
Living quarter for night guards	-	-	-	-	-	-	A	-	A	A	A	A
Medical												
Ambulance Service Facility	-	-	-	-	C	C	P	P	-	P	P	P
Emergency Medical Care Facility #	-	-	-	-	C	C	P	P	-	P	P	P
Hospitals	-	-	-	-	-	-	-	P	-	-	-	-
Medical, Dental, Optician or Health, Clinics and Laboratories	P	P	P	P	P	P	P	P	P	P	P	P
Veterinary Hospital #	-	-	-	-	C	C	C	-	P	P	P	P
Veterinary Offices and Clinics, excluding animal boarding #	-	-	-	-	C	C	C	-	P	P	P	P

P = Permitted Use
C = Permitted Conditional Use. Conditional Use Permit required. See Article 14-39-10
A = Accessory use
# = Subject to special limitations (see the following section 14-9-5)
- = Not Permitted

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
Personal Services												
Animal Shelter	-	-	-	-	-	-	C	-	-	C	C	C
Appliance Repair	-	-	-	-	-	-	P	-	-	P	P	P
Auction Houses and Estate Sales	-	-	-	-	-	-	P	-	-	P	P	P
Boarding & Training Kennels (Ord. No. 03-171)	-	-	-	-	-	-	C	-	-	C	C	C
Blueprint Shop	-	-	-	-	-	-	P	P	P	P	P	P
Cabinet and Carpentry Shop	-	-	-	-	-	-	P	-	-	P	P	P
Custom Dressmaking, Furrier, Millinery or Tailor Shop #	-	-	-	-	-	-	P	P	P	P	P	P
Dry Cleaning and Laundry Establishment	-	P	P	P	P	P	P	P	P	P	P	P
Employment Agencies, not including Day Labor Hiring Centers	-	-	P	P	P	P	P	P	P	P	P	P
Laundromat, self-service	-	P	P	P	P	P	P	P	-	-	-	-
Locksmith	-	-	P	P	P	P	P	P	P	P	P	P
Messenger Delivery Service	P	P	P	P	P	P	P	P	P	-	-	-
Plasma Center, Massage Establishment, Tattoo & Body Piercing Studio #	-	-	-	-	C	-	C	C	-	C	-	-
Palm Readers, Phrenologists, Fortune Tellers and Astrologers	-	-	P	P	P	P	P	P	-	-	-	-
Tanning salon, Nail Salon, Barber Shop, Beauty parlor & similar uses	-	-	P	P	P	P	P	P	P	P	P	P
Pest Control Service	-	-	-	-	-	-	P	-	-	P	P	P
Pet Grooming Shop	-	-	-	C	C	C	C	C	-	-	-	-
Photographic Developing and Printing	P	P	P	P	P	P	P	P	P	P	P	P
Photographic Studio	-	-	P	P	P	P	P	P	-	-	-	-
Radio and Television Sales and Service	-	-	P	P	P	P	P	P	-	-	-	-
Recording Studio	-	-	-	P	P	P	P	P	P	P	P	P
Shoe Service & Clothing Alteration (Ord. No. 03-171)	-	-	P	P	P	P	P	P	-	-	-	-
Sightseeing Tour Companies	-	-	P	P	P	P	P	P	P	P	P	P
Ticket and Travel Agency	P	P	P	P	P	P	P	P	P	-	-	-
Watch and Clock Repair Shop	-	-	-	-	P	P	P	P	P	P	P	P
Transportation												
Aviation uses such as Aircraft Repair, Aircraft Sales & Air Charter Services	-	-	-	-	-	-	-	-	-	P	P	P
Bus Terminals	-	-	-	-	C	C	C	-	-	P	P	P
Marine Fuel Facility	-	-	-	-	-	-	-	-	-	-	-	P
Rail and Motor Freight Terminals & Facilities	-	-	-	-	-	-	P	-	-	P	P	P
School Bus Parking and Maintenance Facilities #	C	C	C	C	C	C	C	C	C	P	P	P

P = Permitted Use
C = Permitted Conditional Use. Conditional Use Permit required. See Article 14-39-10.
A = Accessory use
# = Subject to special limitations (see the following section 14-9-5)
- = Not Permitted

SECTION 14-9-4 GENERAL REGULATIONS FOR O-1 C-1, PC- 1, PC-2, C-2 & C-3

In Zoning Districts O-1, C-1, PC-1, PC-2, C-2, & C-3, the following general regulations shall apply:

A. All activities, except as otherwise permitted herein, shall be conducted entirely within enclosed buildings.

B. Outdoor storage of goods and materials shall be prohibited.

C. Warehousing or indoor storage of goods or material beyond that normally incidental to permitted uses shall be prohibited.

SECTION 14-9-5 LIMITATIONS ON USES

A. Automobile Related

1. Automotive Diagnostic and/or Service Establishments, including those that perform automotive repairs, engine and transmission overhaul, lubrication; tire repair and/or replacement and wheel balancing and alignment; muffler repair or replacement; brake service, repair or replacement; shall be subject to the following additional requirements: (Ord. No. 03-171)

   a. No outdoor displays or storage shall be permitted, except for merchandise normally sold from the premises that is displayed during normal business hours. No temporary parking of vehicles waiting for repair shall be permitted except in the garage, or in C-4, C-5, PI-1, I-1, and I-2 zoning districts. The parking area shall be fully screened from public view.

   b. All activities shall be performed entirely within an enclosed building. High-speed washing, body repair, machining of auto parts, painting, vehicle or trailer rental shall be expressly prohibited.

   c. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in landscaping. All exterior design shall be compatible with surrounding developments.

2. Autobody Repair and Painting, Tire Sales, Repair and Mounting, and Auto Sound System Installation, Auto Window Tinting, Auto Glass Repair and similar uses shall have no outdoor displays other than merchandise normally sold from the premises that is displayed during normal business hours. No outdoor storage shall be permitted.

3. Automobile Rental Facility, excluding moving truck, trailer & equipment rental, shall be subject to all of the following additional requirements:

a. No more than six (6) vehicles shall be stored on site in association with the office location.

b. The facility shall be located within a developed commercial center or building.

c. Automobile storage shall be limited to hard surfaced areas.

d. The automobile storage area shall not occupy required parking spaces or access lanes.

4. Gas Service Stations shall be subject to all of the following additional requirements: (Ord. No. 03-171)

a. Minimum frontage of one hundred-eighty (180) feet on one arterial street is required.

b. All of the following development standards shall apply:

(1) The minimum side and rear building setback including canopies, from a property line abutting a residential zoning district: twenty-five (25) feet.

(2) The minimum side and rear building setbacks including canopies, from a property line abutting a non-residential zoning district: ten (10) feet.

(3) The minimum street setback for buildings, including canopies: twenty-five (25) feet.

(4) All fuel pump mechanism and any accessory equipment dispensing fuel shall be covered by canopies.

B. Eating & Drinking Establishments

1. Food & Beverage Vendor Cart shall be subject to the following additional requirements:

a. The use must be part of an existing permitted principal development.

b. The use shall not occupy any required parking stalls of the principal development.

c. The use shall not be located at any right-of-ways or interfere with traffic circulation.

d. The use shall not interfere with pedestrian access ways, fire lanes, driveways, or traffic visibility at driveways or street intersections.

2. Tavern, Bar, Lounge or establishment that sells beer or intoxicating liquor on the premises for consumption on premises shall be subject to the following additional requirement:

   The exterior building wall shall not be located within one thousand (1000) feet of the exterior property lines of a state designated Local Alcohol Reception Center.

C. Entertainment & Recreation

1. Adult Uses, which are subject to the provisions of Special Conditional Use Permits section of this ordinance (Ord. No. 98-34), shall be subject to all of the following additional requirements:

   In the development and execution of this Article, the City recognizes that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area. Adult Uses subject to these regulations and development standards are as follows:

   Adult Arcade

   Adult Bookstore, Adult Retail Store or Adult Video Store

   Adult Cabaret

   Adult Motel

   Adult Motion Picture Theater

   Adult Theater

   Nude Model Studio

   Sexual Encounter Center

   Any combination of classifications listed above.

a. Any person who intends to establish any of the Adult Uses shall submit an application in the same manner as all other Conditional Uses.

b. For purposes of this Article, the maintenance of two or more Adult Uses in a single building that are not at least 51% owned by the same entity shall be treated as two separate Adult Uses for purposes of applying the locational provisions of this section.

c. An Adult Use shall meet the locational criteria prescribed in this Section. The Board of Adjustment shall not have the jurisdiction to grant variances from these locational criteria. For the purpose of measuring separation distances required in this section, the measurements shall be taken in a straight line from the closest exterior building walls of an Adult Use to the affected structures, property line or district boundary line, as the context indicates, without regard to intervening structures, objects, or jurisdictional boundaries.

d. The exterior building wall of Adult Use shall not be located within one thousand (1000) feet of the exterior property lines of any one or more of the following uses:

(1) Preschool, kindergarten, elementary, or secondary school.

(2) Public library, service club, neighborhood or community public park, or publicly owned and operated swimming or aquatics facility.

(3) A state designated Local Alcohol Reception Center.

(4) A community residential facility or release facility.

(5) Tavern, bar, lounge or an establishment that sells beer or intoxicating liquor for consumption on the premises.

(6) Vacant land acquired and owned by the state or a political subdivision for one of the purposes identified in (1) to (5) of this Subsection.

e. The exterior building wall of an Adult Use shall not be located within five hundred (500) feet of an existing residential district boundary line. A residential district for the purposes of this section shall include the following zoning districts: AG, SR-43, SR-35, R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, R1-7, R1-6, RM-1, RMH-1, RMH-2, or residentially designated property within a P.A.D., P.U.D. or PC zoning district.

f. An Adult Use shall not be located within one thousand (1000) feet of any other Adult Use, measured from exterior building wall to exterior building wall.

g. An Adult Use lawfully operating is not rendered in violation of these provisions by the subsequent location of a preschool, kindergarten, elementary, or secondary school, public library, service club, neighborhood or community public park publicly owned and operated swimming or aquatics facility; community residential facility or release facility. An Adult Use lawfully operating is not rendered in violation of these provisions by the subsequent rezoning of land to a residential zoning district.

h. For the purposes of calculating the locational requirements in this Section, the distance shall be measured from the exterior surface of the walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted to a point which is the required distance apart, in a stralght line, not taking into account any buildings, natural or artificial obstructions or structures including the rights-of-way of any public or private roadway or easements.

i. For the purposes of calculating the locational requirements in this Section, the distance measured shall include those areas of unincorporated Maricopa County that are entirely surrounded by the City of Peoria or the City of Peoria and some other incorporated City. The locational requirements in this Section shall also apply to the itemized list of sensitive uses regardless of whether their distance from a proposed Adult Use places them within a county island of unincorporated Maricopa County, unincorporated Maricopa County or an adjacent incorporated City.

j. Prior to the granting of a Special Conditional Use permit for any Adult Use, the Planning and Zoning Commission may impose only those conditions or limitation upon the establishment, location, construction, maintenance or operation of the Adult Use specifically authorized under Sections 14-24-1, 14-24-4 of Article 14-24 and this Section.

k. No person may resubmit an application for an Adult Use which City has been denied in whole or in part for a period of one (1) year from the date of the denial.

l. An applicant may appeal a denial of a Special Conditional Use permit by the City Council in accordance with Title 12, Chapter 7, Article 6, Arizona Revised Statutes.

2. Health & Exercise Center shall be subject to the following conditions: (Ord. No. 03-171)

   a. The total building floor area shall not exceed 5,000 square feet in the O-1, C-1, PC-1, and PC-2 Districts.

   b. Hours of operation shall be limited to 5:00am to 7:00 pm.

3. Recreation, Social Clubs and similar establishments shall have vehicular access to the site only from arterial or collector streets.

4. Wedding Reception Centers shall be subject to both of the following additional requirements:

   a. Maximum building height shall be thirty (30) feet or two (2) stories, whichever is greater.

   b. Outdoor events between the hours of 10:00 p.m. and 7:00 a.m. shall require a temporary use permit.

D. General Industrial & Manufacturing

1. Manufacturing, Fabrication, Processing of Goods and similar uses shall not be engaged in any stamping, punching or pressing machinery exceeding five tons in weight.

2. Mini-storage warehouses shall be subject to the following additional requirements:

   a. Doors of the storage areas shall not front on any public street.

   b. Only storage shall be permitted. No sale of goods, materials or other tangible or intangible property from the facility or any part thereof shall be permitted. No activities conducted on the premises, whether related to the stored items or otherwise. The sale of insurance by the operator on goods stored therein or the sale by the operator of items used in connection with the storage of goods at the site shall not be prohibited.

   c. No hazardous or flammable materials, as defined in the Peoria City Building Code, shall be stored in such facility.

   d. The City may exempt any structure from side and rear yard setbacks, except that in all cases where the conditional use abuts any residential district on its side or rear lot lines, there shall be a side yard of not less than twenty-five (25) feet and a rear yard of not less than twenty-five (25) feet.

   e. All direct vehicular access shall be from an abutting arterial street.

   f. The locations of the driveways, wall, landscaping, and buildings shall be so arranged as to minimize traffic disruptions.

   g. A wall with a minimum height of six (6) feet and a landscaping screen, all as approved by the Planning and Zoning Commission, shall be constructed on the side and/or rear property lines of a conditional use which abuts any residential district.

   h. All vehicle storage shall be limited to hard surfaced areas.

   i. Lighting shall be directed toward the site and shall not cause undesirable glare to nearby residential properties.

3. Recycling Collection Facility and similar establishments shall not be engaged in any processing or compounding to reform materials into a useable state. The Planning and Zoning Commission may require screening, landscaping, and the restriction of use/materials to enclosed structures.

4. Research Laboratories whose principal function is basic research, design and pilot or experimental product development shall have all activities conducted within a completely enclosed building.

E. General Retail (Ord. No. 03-171)

1. Donation Centers shall be subject to the following conditions:

   a. Donation drop off shall be limited to business hours only.

   b. Drop off location shall be at the rear of the building and shall be fully screened from view.

   c. No drop off items shall be stored outside the screened area.

F. Institutional Uses

1. Colleges or universities with no on-site housing shall have direct vehicular access to an arterial or collector street. Facilities for repair or storage of vehicles and equipment shall be prohibited. (Ord. No. 99-89)

2. Day Care Centers or Pre-school Centers shall be permitted in accordance with State Department of Health Care Services regulations. (Ord. No. 83-16)

3. Group Care Facility or Community Residential Setting Facility in accordance with Article 14-3, General Provision, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (C), Group Care Facilities and Community Residential Setting Facilities." (Ord. No. 02-85)

4. Non-profit Social Services shall be permitted provided that their primary activities are administrative and clerical rather than residential in nature.

5. Nursing or Convalescent Home, Long Term Care Facility and Hospices shall have all vehicular access from an abutting arterial or non-residential collector street. The site shall contain a net land area of at least one thousand (1000) square feet per dwelling unit. (Ord. No. 97-41)

6. Public utility buildings, water pumping plants and storage tanks and electric substations wherein service to district residents requires location within the district shall have no repair or storage facilities.

7. Religious institutions, similar places of worship and related facilities shall have vehicular access reviewed and approved by the City Engineer.

8. Public/charter schools, private schools, colleges, universities or instructional, business, technical or vocational schools shall have direct vehicular access to an arterial or collector street. (Ord. No. 99-89)

G. Intense Retail

1. Commercial Service Establishment combining retail, office, showroom with workshop, such as interior decorator, custom dressmaking or tailor, photographer,

minor household appliance repair and similar activities shall be subject to the following conditions: (Ord. No. 03-171)

a. Maximum size of building shall not exceed 15,000 thousand square feet. No more than fifty percent (50%) of the usable floor area shall be used for workshop activites.

2. Outdoor Display and Sales Area shall be subject to all the following requirements:

a. Outdoor Display at existing development shall be allowed only pursuant to an approved plot plan.

b. Proposed developments on vacant land intending to incorporate outdoor display uses shall include the areas planned for outdoor display in the site plan for the project.

c. Plot Plans shall contain a description of all outdoor display and sales areas.

d. Outdoor Display shall not be located in or interfere with any landscaped area, setback area, required yard, required parking space, parking aisle, easement or drainage facility.

e. Outdoor Display shall be limited to products and services sold or provided inside the principal building.

f. Outdoor Display shall be limited to an area equal to 10% of the gross floor area of the principal building.

g. The setback of an outdoor display area from any residentially-zoned property shall be twenty five (25) feet. Such setback shall include a six (6) feet block wall at the property line separating the commercial and residential use districts.

h. Outdoor Display in the Central Commercial District (C-3) shall be subject to the following additional conditions:

(1) Outdoor Display may be conducted on a public sidewalk where the principal building of the use is located immediately adjacent to the public sidewalk, subject to the liability and insurance requirements of the City Engineer.

(2) Evidence of insurance shall be submitted and approved by the City Engineer prior to placement of any merchandise or materials in the public right-of-way.

(3) No merchandise shall be located beyond three (3) feet from the principal building of the business.

(4) A five (5) feet unobstructed walkway shall be maintained at all times.

(5) Outdoor Display setback and wall provisions of Section 14-10-3.C.6 shall not apply.

(6) Hanging items suspended from a building, awning or overhang shall maintain a minimum clearance of seven (7) feet.

(7) All merchandise and equipment used in an outdoor display shall be removed from the public sidewalk and stored inside the principal building at the close of a normal business hour.

3. Retail Sales of Lumber and Building Materials shall have no outdoor storage, repair, processing or manufacturing activities.

4. Swimming Pool and Spa Sales with outdoor swimming pool display shall be subject to the following conditions: (Ord. No. 03-171)

   a. All outdoor swimming pool and spa models shall be displayed on a horizontal position.

   b. No models displayed outdoor shall be located in the required setback or landscaped areas.

   c. All sales services shall be conducted in the principal building.

   d. Outdoor storage and display of equipment and pool supplies are prohibited.

H. Lodging

1. Bed and Breakfast Inns shall be subject to all the following additional requirements: (Ord. No. 99-101)

   a. Maximum building height shall be thirty (30) feet or two (2) stories, whichever is greater.

   b. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in lawns or landscaping.

   c. Short-term lodging for the purposes of a Bed and Breakfast Inn shall be for a period not exceeding fourteen (14) consecutive days.
   d. Meals shall be restricted to registered guests.

2. Hotels and Motels shall be subject to all of the following additional requirements:

   a. All direct vehicular access shall be from an abutting arterial or collector street.

   b. Paved areas shall be reduced to the smallest area commensurate with the efficient operation and function of the site.

I. Medical

1. Emergency Medical Care Facilities shall have all direct vehicular access from an abutting arterial street. The site shall contain a net land area totaling at least four (4) acres for the first one hundred beds or less, plus one additional acre for each additional twenty-five beds. (Ord. No. 97-41)

2. Veterinary Hospitals shall have no outdoor runs, pens or enclosures. Veterinary Hospitals shall not be located closer than one hundred (100) feet to any street, residential district or existing restaurant, hotel or motel.

3. Veterinary Offices and Clinics (excluding animal boarding) shall be subject to all of the following additional requirements:

   a. Clinic activities shall be restricted to the medical care and treatment of small animals during regular office hours. The confinement of such animals on the premises shall be limited to essential and occasional overnight care.

   b. The boarding and breeding of animals shall be prohibited.

   c. Clinic activities shall be completely contained within enclosed buildings which shall be so constructed as to prevent emission of any noise or odor.

   d. All refuse shall be stored within a completely enclosed building.

   e. Outdoor runs or exercise pens shall be prohibited

J. Services

1. Body Piercing Studios, Massage Establishments, Tattoo Studios, Retail Liquor Stores, Plasma Center, Non Chartered Financial Institutions, and Pawnshops shall be subject to all of the following additional requirements: (Ord. No. 00-28)

   a. All vehicular access shall be from arterial streets.

   b. The uses shall not be located on a lot with a property line within one thousand (1,000) feet measured in a straight line in any direction of the lot line of a Body Piercing Studio, Massage Establishment, Non Chartered Financial Institution, Pawnshop, Retail Liquor Store, Plasma Center and Tattoo Studio, Adult Use, Correctional Facility or State Local Alcohol Reception Center.

   c. For purposes of calculating the locational requirements of this subsection, the distance shall include those areas of Maricopa County surrounded by the City of Peoria and some other city on three or more sides. The locational requirements shall also apply to the uses regardless of whether their distance from such other use includes area within Maricopa County or some other incorporated city and regardless of whether the other use is located in Maricopa County of some other incorporated city.

K. Transportation

1. School bus parking and maintenance facilities shall provide primary access from an arterial or collector street. Parking areas for school buses shall be screened from adjacent streets or property lines by an eight-foot high solid wall. (Ord. No. 03-171)

SECTION 14-9-6 PROPERTY DEVELOPMENT STANDARDS

A. The following property development standards shall apply in zoning districts O-1, C-1, PC- 1, PC-2, C-2, C-3, C-4 and C-5:

Property Development Standards	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5
Minimum Lot/site Area (acreage)	n/r	n/r	3	20	n/r	n/r	n/r	n/r [1]
Minimum Lot Width (ft)	50	n/r	n/r	n/r	n/r	n/r	n/r	n/r
Minimum Lot / Site Depth (ft)	n/r	120	250	660	n/r	n/r	n/r	660
Minimum Frontage on One Arterial (ft)	n/r	n/r	450	660	n/r	n/r	n/r	660
Maximum Lot Coverage (percentage)	n/r	n/r	30%	n/r	n/r	100%	n/r	n/r
Maximum Building Height (ft)	30	30	30	60	48 [2]	48	48 [2]	60
Front Setback (ft)	15	15	60	120	15	n/r	15	40
Corner Setback (ft)	15	15	60	120	15	n/r	15	40
Rear Setback (ft)	20	20	20	60	20	n/r	20	30
Interior Rear/Side Setback (ft)	n/r	n/r	60	60	n/r	n/r	n/r	n/r
Setback from Residential Zones (ft)	30	30	30	120	15	n/r	15	120
Accessory Building Height & Setbacks (ft) (Ord. No. 02-21)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)

[1] C-5: Required minimum 10 acres site area.

[2] Building Height: Thirty (30) feet within twenty (20) of any residential district. The height may be increased by one (1) foot per each three (3) feet of additional setback to a maximum of forty-eight (48) feet.

n/r no minimum requirements

(a) All regulations and development standards applicable to the principal building shall apply. (Ord. No 02-21)

B. The following property development standards shall apply in zoning districts BPI, PI-1, I-1, and I-2:

Property Development Standards	BPI	PI-1	I-1	I-2
Minimum Size of Lot by Use				
Area (acreage)	n/r	n/r	n/r	n/r
Width (ft)	80	80	80	80
Minimum Setbacks for Principal Buildings				
Front Setback (ft)	30	40	20	60
Least Side (ft)	20	20	20	30
Total Sides (ft)	40	20	20	30
Rear Setback (ft)	25	25	25	40
Corner Side (ft)	20	20	20	30
Residential Zone Boundary (ft)	30	50	50	50
Maximum Lot Coverage				
Percentage - by all Buildings	n/r	40%	n/r	n/r
Maximum Building Height				
Principal Building Height (ft)	48	48	48	60
Accessory Building Height & Setbacks (ft) (Ord No. 02-21)	(a)	(a)	(a)	(a)

n/r no minimum requirements
(a) All regulations and development standards applicable to the principal building shall apply.

ARTICLE 14-22A HILLSIDE DEVELOPMENT OVERLAY DISTRICT

(Revised Ord. No. 04-201)

ARTICLE 14-22A CONTENTS

14-22A-1	INTENT	14-22A-9	PERIMETER WALLS, PRIVACY WALLS, RETAINING WALLS AND SPILL SLOPES
14-22A-2	DENSITY	14-22A-10	LIGHTING, SEWERS, UTILITIES
14-22A-3	SLOPE DETERMINATION	14-22A-11	MOUNTAIN RIDGE PROFILE
14-22A-4	GENERAL PROVISIONS FOR CONSTRUCTION ON A HILLSIDE LOT	14-22A-12	SUBMITTAL REQUIREMENTS FOR CONSTRUCTION ON A HILLSIDE LOT
14-22A-5	HEIGHTS AND APPEARANCES	14-22A-13	RESERVED
14-22A-6	DISTURBED AREA	14-22A-14	INSPECTIONS
14-22A-7	GRADING AND DRAINAGE	14-22A-15	ENFORCEMENT/COMPLIANCE
14-22A-8	DRIVEWAYS	14-22A-16	DEFINITIONS

SECTION 14-22A-1 INTENT (Ord. No. 99-105)

A. It is the purpose of this Article to establish regulations which recognize that development of land in hilly or mountainous areas involves special considerations and unique situations which result from the slope of the land. These special considerations and unique situations include but are not limited to increased hazards to development from rock falls, storm water runoff, geologic hazards, increased limitations on vehicular travel, and increased difficulties in providing public services. In addition, steeply sloped lands introduce design limitations to roadways, cuts and fills, and building sites. In general, the more steeply the land slopes, the greater the hazard and development limitation.

B. The Hillside Development Overlay District is an overlay district that applies to all land wherever the natural terrain of any lot or parcel or any portion thereof has a slope of ten percent (10%) or greater. The Hillside Development Overlay District shall apply to all lots or parcels less than five (5) gross acres in size which have over fifty percent (50%) of the gross area of the lot or parcel having a slope of ten percent (10%) or greater. For those lots or parcels not having fifty percent (50%) or greater of the gross lot or parcel area within a Hillside Development Area or those lots or parcels in excess of five (5) gross acres in size, the requirements of the Hillside Development Overlay District shall be applied only to that portion of the lot containing slopes of ten percent

(10%) or greater. Commercial, Office, Industrial and Resort Developments shall comply with all applicable provisions of the Hillside Development Overlay District. The provisions of this Article may not be modified, except as expressly provided within this Article. All rezoning applications to Planned Community (PC) and Planned Area Developments (PAD) shall conform with the provisions of this Article unless expressly modified through an approved PC or PAD District Standards/Guidelines Report and Development Plan. (Ord. No. 02-27)

C. Conservation features identified in Article 14-22B shall be preserved in accordance with that article.

SECTION 14-22A-2 DENSITY

A. The maximum number of residential lots or units permitted within hillside development areas shall be the sum of the number of lots allowed by the zoning district, or the sum of the number of lots allowed in each slope category of land as shown by the following table, whichever is the lesser number.

TABLE – 1
DENSITY ALLOCATION

Slope of Land	Maximum Number of Lots Per Gross Acre
10% to 15%	1.50(1)
15% to 20%	1.00(1)
20% to 25%	0.70(1)
25% to 30%	0.50(1)
30% to 35%	0.30
35% to 40%	0.20
40% & Over	0.10

(1) The allowable density these slope categories may exceed the Maximum Number of Lots Per Gross Acre shown above when density is transferred from a higher slope category. In no case shall the density exceed the sum of the number of lots allowed by the zoning district and in no case shall units be transferred to a location of higher elevation within the project. Plateau geographical features shall be addressed according to slope category and not according to elevation.

There shall be no more lots created than permitted by the slope category, except that lots not placed in a slope category may be placed in a lower slope category so long as the total number of lots in the Hillside Development Area shall not exceed the sum of the lots permitted in each slope category. Lots shall comply with the underlying zoning requirements or as set forth in Section 14-22A-2.C.

B. Disturbance and dwelling units/development rights that are allowed within preserved public and private open space may be transferred to other parcels within the same development. When all of the allowable dwelling units are transferred from a Hillside Development Area above the ten percent (10%) slope line to a non-hillside development area, resulting in a minimum fifty (50) acre undisturbed area above the ten percent (10%) slope line, the density transfer from the Hillside Development Area to the non-hillside development area may occur at a rate of 1:1.25 allowable dwelling units.

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

SECTION 14-22A-3 SLOPE DETERMINATION

A. A Slope Category Determination Study shall be required by the Community Development Department prior to the initiation of any Site Disturbance Activities for all land located north of Deer Valley Road and shall be prepared pursuant to the requirements of this Section.

B. A property owner subject to Subsection A above shall prepare a Slope Category Determination Study utilizing one of the two methodologies outlined in this Article. A property owner or authorized agent shall submit to the Planning Manager a Slope Category Determination Study pursuant to this Section, or request for a waiver from such, as follows:

1. Simultaneously with a rezoning application;

2. If a rezoning action is not required, simultaneously with a preliminary plat or site plan; or

3. If a rezoning, plat, site plan, or minor land division is not required, prior to the issuance of any building permit or site grading permit.

C. Applicants seeking a waiver from the provisions of this Section may request a waiver of the requirements for a Slope Category Determination Study to the Planning Manager. A written waiver request shall be submitted to the Planning Manager with an explanation of why a waiver is warranted and shall include such supporting materials as site photographs, site specific topography information and all other such information which may provide information on the request. The Planning Manager may approve or deny an application as submitted or may request additional information if necessary. It shall be the sole burden of the applicant requesting such a waiver to show that the subject property does not qualify as a Hillside Development Area under this Article. The Planning Manager may grant the requested waiver upon a finding that reasonable evidence exists that the subject site does not contain potential slope area that would qualify as a Hillside Development Area. Appeals from the Planning Manager decision

pursuant to this paragraph may be appealed to the Administrative Hillside Hearing Officer subject to the provisions of Section 14-22A-13.

D. Applicants may prepare a Slope Category Determination Study utilizing a methodology differing from those outlined in this Article, if acceptable to the Planning Manager. Applicants seeking to utilize an alternative methodology shall provide both a written explanation of the proposed alternative methodology and a graphical example of its use. If, upon review of the proposed alternative Slope Category Determination Study by the Planning Manager, the slope analysis is not acceptable, the applicant shall utilize on of the adopted methodologies contained herein. Appeals from the Planning Manager decision pursuant to this paragraph may be appealed to the Administrative Hillside Hearing Officer subject to the provisions of Section 14-22A-13.

E. To determine parcel density and the location and extent of slope categories, carry out one of the following procedures:

1. Manual Slope Determination Method:

a. Utilize a topographic map at a scale of two hundred (200) feet or less to the inch and with contours shown at two (2) foot intervals. Applicant may utilize maps containing contours at five (5) foot intervals for grades of more than twenty percent (20%). All contour lines shall be extended onto adjacent properties to a distance that establishes the overall slope of the land but in no case shall they be extended less than fifty (50) feet onto the adjacent properties.

b. The Hillside Development Area shall commence at the midpoint of the one hundred (100) foot horizontal dimensions used to determine the slope as illustrated by Figure 1, attached hereto and by this reference made a part hereof. The one hundred (100) foot slope determination lines shall be located perpendicular to the site or property contour bands. Those properties containing multiple slope planes should provide slope information for all such planes.

c. To determine those locations where slopes of ten percent (10%), fifteen percent (15%), twenty percent (20%), twenty-five percent (25%), thirty percent (30%), and thirty-five percent (35%) begin by the application of one hundred (100) foot straight lines that fall within each category. The one hundred (100) foot slope determination lines shall be extended onto adjacent properties to a distance that establishes the overall slope of the land but in no case shall they be extended less than fifty (50) feet onto the adjacent properties.

d. Connect the midpoints of each series of one hundred (100) foot lines of the same slope category to establish the limits of that slope category.

e. Measure the areas resulting between each series of straight lines to determine the areas in each slope category.

f. Figure 2, attached hereto and by this reference made a part hereof, illustrates the method used in calculating the slope categories.

2. *Computer Generated Slope Determination Method:*

a. Utilize digital topographic information with contours shown at a maximum of two (2) foot intervals, except as established herein. Areas known or shown to contain slopes of more than twenty (20) percent may utilize digital topographic information with contours shown at five (5) foot intervals.

b. Utilizing a slope generating software application, slope categories shall be determined utilizing the slope categories established in Section 14-22A-2 of this Section.

c. Computer generated slope analyses shall be prepared utilizing the following modeling parameters:

1) Maximum two (2) foot slope contour intervals for slopes less than twenty (20) percent;

2) Maximum five (5) foot slope contour intervals for slopes more than twenty (20) percent;

3) The slope analysis shall utilize the above noted slope contour intervals through the modeling basis of grid evaluation to determine slope facets or contours;

4) The analysis shall utilize a twenty-five (25) foot grid system.

d. All data generated through the use of a computer generated slope determination shall be presented in both chart and graphical formats. The presentation of all graphical slope information shall be presented in a clear and easily understandable format.

e. The final map shall be plotted at 1" = 200' and submitted to the Planning Manager for review. If the Planning Manager finds the analysis acceptable, the final slope determination map shall be approved. The Planning Manager may reject the analysis and require correction(s) to the digitized slope category lines to more accurately reflect the generalized slope conditions of the property or other revisions necessary to ensure compliance with this Article. Appeals from the decision of the Planning Manager may filed for disposition by the Administrative Hillside Hearing Officer pursuant to Section 14-22A-13

3. *The Final Slope Category Map* resulting from either Section 14-22A-3.E.1 or Section 14-22A-3.E.2 shall be utilized in determining allowable densities, lot area, lot disturbance and lot coverage requirements. Preliminary Plats shall reflect proposed disturbance/coverage envelopes for each lot and shall contain tabular information necessary to determine compliance with this Article.

SECTION 14-22A-4 GENERAL PROVISIONS FOR CONSTRUCTION ON A HILLSIDE LOT

A. In those situations where a density transfer is being utilized, the increased density permitted under Table 1 shall only be permitted in an amount equal to the number of lots being transferred.

B. In those situations where density has been transferred from a higher slope category to a lower slope category minimum lot sizes shall be limited as shown in Table 2. The Planning Manager shall have authority to further reduce lots sizes by up to 20% provided that all dwelling units/development rights have been transferred off of slope categories greater than 20%.

Table 2

Slope Category	Minimum Lot Size
10% to 15%	10,000 square feet
15% to 20%	32,000 square feet
20% to 25%	43,560 square feet
25% to 30%	75,000 square feet
Over 30%	Same as Table 1

C. No residential lot within the Hillside Development Overlay District and having slope areas in excess of fifteen percent (15%) shall have a front lot width less than seventy-five (75) feet. The front lot width of all flag lots located within the Hillside Development Overlay District shall be measured from the point at which the drive access intersects with the main body of the lot or at a point not to exceed two hundred and fifty (250) feet from the front lot line of the flag lot.

D. Building setbacks shall be as required by the zoning district.

E. Maximum lot coverage by the main building and all accessory buildings shall not occupy more than that permitted by the zoning district or Table 3, whichever is the lesser area.

F. No building shall exceed a height of twenty-eight (28) feet, above the natural grade of the land at any section through the structure.

G. All hillside lots shall conform to Table 3 and an individual analysis of each lot or parcel shall be prepared prior to recording the final plat or minor land division. For existing lots of record as of the date of adoption of this ordinance, an individual site analysis shall be submitted prior to the approval of any development permits. Following review and approval of the Slope Category Determination Study by the Planning Division, the individual site analysis shall be submitted in conjunction with a grading and drainage plan. No building permit shall be issued prior to approval of the grading and drainage plan and individual site analysis.

H. All Hillside lots or parcels which abut a dedicated public open space or preserve area shall provide a one foot (1') non-vehicular access easement along the common property line.

SECTION 14-22A-5 HEIGHTS AND APPEARANCES

For development within hillside areas, the height of structures shall be determined by the following Sections and not by the definitions described in Section 14-2 of the Zoning Ordinance.

A. No part of any structure shall penetrate an imaginary plane, the height of which is twenty-eight (28) feet measured vertically from any point outside of the building where the face of the building or support intersects natural ground (see Figure 3), except that:

B. Where natural grade is not restored back against the building, no exposed face in any vertical plane shall exceed a height of twenty-eight (28) feet measured from the lowest exposed base.

C. Materials used for exterior surfaces of all structures shall blend in color, hue and tone with the surrounding natural setting to avoid high contrasts.

1. Structures, walls, roofs and fences shall blend with the surrounding terrain and there shall be no material or colors used which have an LRV (Light Reflecting Value) greater than forty percent (40%).Mirror surfaces, or any treatment which changes ordinary glass into a mirror surface is prohibited. Bright untarnished copper or other metallic surfaces shall be treated so they are non-reflective.

2. All electrical service equipment and subpanels and all mechanical equipment including, but not limited to, air conditioning and pool equipment, solar panels, and antennas, shall not be visible from outside the property when viewed from the same or a lower elevation. Restrictions on visibility of solar panels and mechanical equipment may be modified if they are integrated into the roof design.

D. The principal and accessory buildings, excluding chimneys, shall not exceed forty (40) feet from the highest point of the building to the lowest exposed base of a supporting structure (see Figure 3). The subterranean portion of a structure is not included in the total height calculation.

SECTION 14-22A-6 DISTURBED AREA (Ord. No 04-201)

Lots shall be developed to provide for the minimum amount of ground disturbance during the time of construction so as to prevent rock slides and falls, erosion and seepage. At final construction, disturbed areas shall be hidden or supported by retaining walls, buildings, finished surfaces or restored and landscaped to its original natural condition to the maximum extent possible. All cut and fill areas visible from off-site locations shall be treated with a natural staining or aging agent.

A. All buildings, structures and roads shall to the fullest extent practicable, utilize the natural contours of the land so as to minimize the disturbed area.

B. The maximum height of any cut or fill used to establish a building site or a driveway shall not exceed fifteen (15) feet and must comply with the provisions of the Peoria Building Codes. The maximum height of any cut or fill used to establish a road or roadway shall not exceed thirty (30) feet. All areas of cut or fill necessary to establish a public or private roadway and falling outside of the public right-of-way or private roadway easement shall be counted against the total disturbed lot area of the individual lot or parcel. All roadway cuts shall be re-vegetated and all roadway fills shall utilize retaining walls to minimize spill areas. All spill slope areas shall be re-vegetated and all retaining walls shall be designed to minimize the visual impact of any required retaining wall.

C. The limits of construction and proposed disturbed areas shall be clearly designated on the property prior to and during construction with visible roping and shall conform to the approved individual site analysis plan. No disturbance outside the designated area shall take place.

D. All lots less than 24,000 sf net area are eligible for mass grading.

E. All lots greater than 24,000 sf net area shall establish a construction envelope equal to the combined area of the maximum disturbed area and maximum lot coverage from table-2, below.

F. All surplus excavated material shall be removed from the lot.

G. Up to 10% of the gross land area above the 10% slope line may be used for roadways (public and private) that shall not be included in disturbed area calculations. The disturbed area and roadways and driveways (that exceed the 10% roadway allowance), storm water retention areas and accessory use areas, shall not exceed the total disturbed area as set forth in table 3.

Table 3				
Building Site Slope Category	**Disturbed Area**	**Maximum Coverage**	Total Disturbed Area	Maximum Lot Coverage After Transfer
10% to 15%	25%	30%	55%	40%
15% to 20%	20%	25%	45%	30%
20% to 25%	20%	20%	40%	25%
25% to 30%	15%	15%	30%	15%
30% to 35%	12%	10%	22%	10%
35% to Over	10%	7.5%	17.5%	7.5%

H. Transfer of Disturbed Area and dwelling units/development rights to a lower slope category shall be subject to the following conditions:

1. The Disturbed Area for each individual development or development parcel shall be the sum of the amount of disturbance allowed within each of the individual slope categories found on the development parcel.

2. Permitted Disturbed Area from a higher slope category may be transferred to a lower slope category only with the sum of the transferable disturbed area and the permitted disturbed area comprising the new Disturbed Area amount.

3. The transfer of a disturbed area allowance to a lower slope category shall only occur when accompanying the actual transfer of dwelling units for residential development and transfer of disturbable area and development rights for non-residential development.

4. The transfer of Disturbed Area within a Hillside Development area shall not be an assumed right and in no case shall a transfer of Disturbed Area occur without the approval of the Planning Manager.

5. Approvals of a disturbed area transfer shall be made only upon a finding that the proposed transfer will not be detrimental to the intent of the Hillside Development Overlay District and upon a finding that the transfer will advance the City's interests in protecting a Hillside Development Area.

6. Transfer of all Disturbed Area and dwelling units/development rights shall be to the lowest slope category of the development or development parcel. Transfers that exceed the maximum allowable densities or Disturbed Area in the lowest slope category shall be transferred to the next highest slope category.

7. The location of the Disturbed Area and the allocation of Disturbed Area among parcels or lots shall require approval of the Planning Manager; such approval shall be made upon a finding that:

   a. The proposed location will not be detrimental to the intent of the Hillside Development Overlay District and, to the maximum extent feasible, is located in the lowest slope categories;

   b. The difference of allocated Disturbed Area does not vary by more than 20% among lots of comparable size and location;

   c. The resulting change in Disturbed Area on an individual lot is taken from a Transitional Area and does not interfere with the preservation of Natural Open Space;

   d. The resulting change in Disturbed Area does not result in more cuts into hillside slopes above the 20% slope line or changes in contours that will remain unrestored;

   e. The location will advance the City's interest in protecting a Hillside Development Area; and

   f. The development or development parcel is otherwise in compliance with this article.

I. Within the ten to fifteen percent (10-15%) slope area only, the amount of Disturbed Area being transferred may exceed one hundred percent and any excess Disturbed Area may be transferred to a parcel other than the receiving parcel within the development lot. In no case shall excess permitted Disturbed Area not associated with transfer of dwelling units/development rights be transferred to parcels ~~lots~~ or portions of parcels above the twenty percent (20%) slope line.

J. In those cases where an increase in the maximum lot coverage is desired due to a transfer of density, the maximum lot coverage shall only be increased on the parcels ~~lots~~ receiving density transferred from a higher slope area. In those cases where all of the density has been transferred from a higher slope category to lower slope areas, all parcels or portions thereof within those slope categories may utilize the increased lot coverage allowance.

K. A Disturbed Area (up to 50% over Table 3, for slope areas over 10%) may be excluded from Disturbed Area calculations when the applicant has committed to comply with the following restoration conditions:

1. The restored area shall be re-contoured to match pre-existing contours.

2. The restored area shall be re-vegetated to its pre-development condition utilizing native plant types arranged and placed at a density matching the surrounding native desert.

3. The restoration area shall be treated with an aging agent approved by the Planning Manager and restored with indigenous desert material.

4. The restoration plan and process shall be prepared by a registered engineer or landscape architect and shall be approved prior to issuance of a building permit.

SECTION 14-22A-7 GRADING AND DRAINAGE

All proposed development within a Hillside Development Area shall be required to submit for and receive Grading and Drainage Plan approval through the City of Peoria Engineering and Public Works Department prior to the commencement of any development or Site Disturbance Activities.

SECTION 14-22A-8 DRIVEWAYS

A. If any portion of a driveway grade is more than twenty percent (20%), the entire residence and all accessory buildings over one hundred twenty (120) square feet of roof area shall be protected with an approved fire sprinkling system.

B. Driveways with turning radii of less than forty (40) feet may be used provided all structures are protected with an approved fire sprinkling system.

C. To reduce the visual impact of driveways the following is intended to be an incentive to preserve the natural mountain vistas. Driveways surfaced with paving bricks, colored concrete or with exposed aggregate, colored to blend with existing native color of the site, shall only be included in disturbed area calculations at fifty percent (50%) of their total area.

D. Any driveway cut greater than eight (8) feet in depth shall not have a length greater than one hundred (100) feet; and the maximum height of any cut or fill used to establish a driveway shall not exceed fifteen (15) feet.

SECTION 14-22A-9 PERIMETER WALLS, PRIVACY WALLS, RETAINING WALLS AND SPILL SLOPES

A. The design of all retaining walls and ground coverings shall be prepared by a registered engineer or architect and shall be designed to blend with the surrounding environment and/or development in color, materials and style.

B. Raw spill slopes are prohibited.

C. All exposed disturbed area fill shall be contained behind retaining walls or covered with a natural rock veneer and treated with an aging agent and landscaped with indigenous plant material.

D. Residential retaining walls shall not exceed six (6) feet in height; non-residential retaining walls shall not exceed eight (8) feet in height; if additional height is needed, the wall shall be offset at a minimum of four (4) feet or one (1) foot per one (1) foot of height, whichever is greater.

E. Fences or walls on lots within a hillside district shall be restricted to privacy walls attached to or directly screening a portion of the main residence. Privacy walls shall not exceed six (6) feet in height, shall be architecturally compatible with the main residence and shall be limited to the development envelope area only. Perimeter walls and fences surrounding a lot, tract or parcel shall be prohibited except as provided by Section F of this Article. Privacy walls shall not be erected on a retaining wall and shall be offset a minimum of four (4) feet when utilized.

F. Within the ten to fifteen percent (10-15%) slope category only, exceptions to the limitations on fences or walls may be permitted. In those instances where an exception is desired, applicants shall submit a detailed Wall Plan to the Planning Manager for review and action. In conjunction with the submittal of the Wall Plan to the Planning Manager, the applicant shall submit a copy of the Wall Plan to the Public Works / Engineering Department for review and approval for conformance with all City Grading and Drainage requirements. Wall Plans shall indicate the proposed locations of walls or fences, the proposed materials, colors and design of any wall or fence, and fence construction and disturbance mitigation measures. Such plans shall be accompanied by a narrative explaining the reasons why such an exception should be made. Upon completion of the review of the Wall Plan by the Planning Manager, and following the review and approval of the Wall Plan by the Public Works / Engineering Department, the Planning Manager may approve the Wall Plan. Wall Plans may be approved by the Planning Manager upon a finding that the proposed location and design of the wall(s)is in accordance with this Article and further that the proposed wall will not be contrary to the intent and purpose of this Article.

G. Perimeter walls or fences approved by the Planning Manager within the ten to fifteen percent (10-15%) slope category and abutting an open space area or tract, shall be a maximum of six feet eight inches (6'-8") in height with no more than three (3) feet being constructed of a solid or opaque material. That portion of the wall or fence not constructed of a solid or opaque material shall be open in design and may not include chain-link or wood materials. Notwithstanding the foregoing, walls exceeding six (6) feet eight inches in height and constructed of solid or opaque material may be approved by the Planning Manager if the wall is for the purpose of screening non-residential uses.

H. All fences and walls within a Hillside Development Area shall be required to obtain a fence permit from the Community Development Department, in addition to all other necessary City of Peoria permits, prior to the initiation of any fence or wall related construction activities.

SECTION 14-22A-10 LIGHTING, SEWERS, UTILITIES

A. All outdoor lighting concepts, fixture types, lamps and wattage shall be indicated on the site plan.

B. Connection to a public sewer system is required in connection with chapter twenty-five (25) of the City Code where available.

C. Private individual lot sewer systems shall be designed by a registered engineer.

D. All on-site utilities shall be placed underground.

SECTION 14-22A-11 MOUNTAIN RIDGE PROFILE

A. Within a hillside development area and above the twenty percent (20%) slope line, no construction shall occur which will alter the mountain top profile and no building or structure shall be constructed which will project above a ridge line of significance when viewed from adjacent properties. Ridge lines of significance shall be identified in the hillside analysis accompanying the project submittal for a subdivision or shall be shown on the individual site analysis plan for individual lots. Upon review of the project submittal, the Planning Manager or their designee, shall determine the ridges of significance for the site. Ridge lines of significance shall include, but not be limited to the following, and may include ridge lines or ridge line complexes which meet the criteria listed below:

1. Ridge lines and ridge line complexes which are visible from existing and/or planned collector and arterial roadways,

2. Ridge lines and ridge line complexes which are visible from surrounding vantage points when viewed from a location with an elevation difference of a maximum of three hundred (300) vertical feet from the property line of the subject parcel/structure,

3. Ridge lines and ridge line complexes which have a vertical height increase of more than three hundred (300) feet as measured from the point of the ten percent (10%) slope line of the ridge or ridge complex, and

4. Other significant ridge lines or ridge line complexes as determined during the site analysis process.

B. Prior to the issuance of any building permits, cross-sections shall be submitted showing the relationship of the proposed development with established mountain top ridge lines and ridge lines of significance when applicable.

SECTION 14-22A-12 SUBMITTAL REQUIREMENTS FOR CONSTRUCTION ON A HILLSIDE LOT

A. In addition to drawings, plans, specifications and details necessary to obtain a building permit, the following documentary requirements and certifications shall be provided for staff review:

1. A topographic map at an appropriate scale on a 24" x 36" sheet presenting the total lot and a twenty (20) foot area beyond the property line shall be submitted with the application. This map shall show existing and proposed finished contours at two (2) foot intervals within a twenty (20) foot perimeter from any proposed building, five (5) foot intervals elsewhere. Existing contours shall be shown with dashed lines. This map shall show limits of excavation and fill, slope of cut and fill, total cubic yards of excavation and fill. The location and area of the sewage disposal systems, if public sewers are not provided.

2. Detailed site plans and landscape plans at an appropriate scale, shall be submitted with each application and shall include, but not be limited to, the following: grade and slope in percent at all disturbed areas. Dimensions and calculations of all cut and fill for the building site, roads, drives, swimming pools, septic systems and the method of concealment for each fill or exposed cut. Dimensions of length and height of retaining walls, fences and other attachments; the location and grade of all drainage channels, swales, drain pipes, etc. The amount and degree of surface disturbance, destruction or removal of natural vegetation. Protected desert vegetation shall be preserved in an appropriate manner.

3. Cross sections at 1:1 scale, at two (2) or more locations perpendicular to the contours through the building site. Location of the cross-sections shall be clearly shown on the topographic map. Properties impacting ridge lines shall provide additional cross-sections indicating their relation and impact on such ridge lines as established in Section 14-22A-9.

4. An overall excavation, grading and drainage plan shall be prepared in accordance with sound professional engineering practices and to address minimum standards adopted by the City. Said plans shall be prepared and certified by a professional engineer registered in the State of Arizona. If any drainage structures or culverts are involved, it will be necessary to include calculations for peak flows for a 100 year storm to establish appropriate drainage facilities, cross-sections and details. Storm water diverted from its original drainage pattern shall be returned to its natural course before leaving the property.

5. Where possible and appropriate on less complex lots and lots with acceptable site conditions, the combining of the above maps into one drawing may be acceptable.

6. The Planning Manager, or their designee, may require an accurate oblique view architectural rendering in color; showing the appearance of the building, lot, landscaping, and skyline. The Planning Manager may also require a model if determined necessary to evaluate the project. The model may be a three dimensional physical model or it may be a computer generated model in a three

dimensional format and presented by a series of prints or by a disc that can be viewed on a monitor. The rendering and the model will remain in the custody of the Planning Manager until a Certificate of Occupancy is issued. On the rendering or attached thereto, the applicant shall list all colors depicted on the exterior of all structures according to Section 14-22A-4.B.

7. Plans for any structure to be constructed on any land governed by these Hillside Regulations shall be sealed by a registered engineer or architect.

8. The plans for any hillside development of any kind or nature whatsoever, must be approved by the staff and appropriate permit(s) issued, before any grading, bulldozing, blasting, or movement of earth is commenced.

SECTION 14-22A-13 RESERVED

SECTION 14-22A-14 INSPECTIONS

A. Inspections may be made to insure compliance with this Article.

B. Prior to the inspection of property, an authorized employee shall attempt to obtain the consent of the property owner or representative pursuant to this Article. If consent is denied, the employee may conduct an inspection as permitted pursuant to applicable state or federal law.

SECTION 14-22A-15 ENFORCEMENT / COMPLIANCE

A. Violations should be reported by the City to the property owner, together with a Compliance Order describing the measures required to correct the violation(s). Failure to comply with the terms of a Compliance Order shall constitute a violation of this Article.

B. In those instances where a Site Disturbance Activity has commenced within a Hillside Development Area without an approved Slope Category Determination Study or where another violation of this Article has occurred, the City may issue a Stop Work Order to terminate immediately all development or construction related Site Disturbance Activity on the site, parcel or property. In addition, the City may revoke any or all of the permits issued by the City for the site, parcel or property. Upon the issuance of a Stop Work Order, the responsible party shall immediately terminate all activities on the site and then contact the City of Peoria Planning Division regarding what measures should be taken to eliminate any problems resulting from the development activity. Failure to comply with the terms of a Stop Work Order shall be a violation of this Article.

C. Violations of this Article are subject to prosecution by the City of Peoria as a Misdemeanor violation under the City Code and shall be punishable as provided by law.

SECTION 14-22A-16 DEFINITIONS (Ord. #04-201)

Alter the Mountain Top Ridge Line. Means to alter or change the view or appearance of an established ridge line or ridge line of significance with cuts, fills or structures when viewed from a distance.

Construction Envelope. A specific area defined by the sum of the maximum allowable disturbed area plus the maximum coverage allowed for the lot pr parcel.

Cut. The land surface which is shaped through the removal of soil, rock, or other materials.

Disturbed Area. That area of natural ground that has been or is proposed to be altered through grading, cut and fill, removal of natural vegetation, placement of material, trenching, or by any means that causes a change in the undisturbed natural surface of the land or natural vegetation.

Disturbed Area Reclaimed. Disturbed areas may be reclaimed if they are restored to their natural contours, vegetation and colors to the satisfaction of the Staff.

Fill. The deposit of soil, rock, or other materials placed by man.

Finished Grade. The final grade and elevation of the ground surface after grading is completed.

Grading. Any excavating, or filling or combination thereof, including the conditions resulting from any excavation or fill.

Hillside Development Area. Building areas, other than sloped areas within washes and rivers, with a building site slope of ten percent (10%) or greater, measured as a vertical rise of ten (10) feet in a horizontal distance of one hundred (100) feet.

Landscape Development Areas: Areas within a site with different recommended plant palettes based on their proximity to natural open space, soil stabilization attributes and the desired visual character for the area.

1. **Oasis Area:** A landscaped area consisting of enclosed courtyards, similar semi-private areas and other areas located within the Disturbed Area where the use of Native Sonoran, Sonoran Character and Arid Zone plants are strongly encouraged, but where Exotic Zone plants are also allowed.

2. **Transitional Areas:** A landscaped area consisting of open backyards, commercial and public areas, streetscapes and common areas where use of Arid Zone plants is limited to 30% by area and where a buffer of Native Sonoran Zone plants is required at the perimeter of the lot or parcel or between the Disturbed Area and Natural Open Space.

3. **Buffer Area:** A landscaped area consisting of open areas adjacent to preserved wash corridors and Natural Open Space areas where the use of plants is limited to the Native Sonoran Zone palette.

Natural Grade. The grade and elevation of the ground surface in its natural undisturbed state.

Natural Open Space. Areas dedicated for public ownership or retained in private ownership containing naturally occurring conservation features and accreted Sonoran Desert that have not been altered except to allow decomposed granite trails (private or public) in accordance with ADA guidelines, roadways and utility easements as necessary.

Retaining Wall. A retaining wall is a wall used solely to retain more than eighteen inches (18") of material but not to support or to provide a foundation or wall for a building.

Site Disturbance Activity. Any action which results in a cutting of the natural soil grade, creation of an un-natural soil fill or movement of a significant natural landscape feature. A Site Disturbance Activity may include, but not be limited to the following activities: digging, trenching, filling, drilling, grading or clearing.

Slope Category Determination Study. A detailed study of the topography and slope of a development site, parcel or property. The study shall include a detailed graphic showing all slope areas on the site utilizing the methodologies established in this Article and shall be composed of both graphical, numerical and textual information.

Spill. To cause or allow earth or other material to fall, flow or run down a slope, thereby creating a change in the natural appearance and topography.

ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY

(Ord. No. 04-201)

ARTICLE 14-22B CONTENTS

14-22B-1	INTENT	14-22B-6	NATIVE PLANT PERMIT
14-22B-2	APPLICABILITY	14-22B-7	INSPECTIONS
14-22B-3	DEFINITIONS	14-22B-8	ENFORCEMENT
14-22B-4	REVIEW AND APPROVAL PROCESS	14-22B-9	APPEALS
14-22B-5	CONSERVATION STANDARDS		

SECTION 14-22B-1 INTENT

The purpose of the Desert Lands Conservation Overlay (DLCO) is to identify and protect the unique and environmentally sensitive Sonoran Desert lands in the City and to promote the public health, safety and welfare by providing appropriate and reasonable controls for the development of such lands. Specifically the lands are located north of Pinnacle Peak Road. The DLCO is intended to:

A. Identify sensitive desert conservation features and resources.

B. Protect and preserve Peoria's distinctive desert landscapes and wildlife habitats for the enjoyment of current and future generations.

C. Protect people and property from hazardous conditions characteristic of environmentally sensitive lands and their development.

D. Integrate conservation design into the development of sensitive desert lands and employ development standards and guidelines that equitably balance conservation and development objectives.

In addition, the DLCO is intended to implement the goal, policies and objectives of the Desert Lands Conservation Master Plan (DLCMP). The overlay establishes a holistic approach to evaluating the environmental conditions of each site that allows both City staff and the development community a better basis for determining conservation areas. The overlay also establishes criteria for determining conservation priorities based on the potential to expand or extend a regional open space corridor, the opportunity to provide a link to an existing or future trail system, the possibility of expanding an existing open space, or the possibility of creating a buffer zone between different intensities of uses.

ARTICLE 14-22B DESERT LANDS CONSERVATION OVERLAY

The DLCO not only preserves sensitive and unique desert features, but also native plants and plant communities in order to enhance the City's aesthetic appeal by conserving distinctive scenic character. Native plant communities are also preserved because they thrive in the local desert environment and provide soil stabilization to fragile desert soils, stabilization that is lost after development activity that disturbs plants and top soil layers. Canopied plants such as mesquite provide nurturing shade and protection for lower level plants. Native plants identified for preservation are chosen on the basis of their slow growth habit, the fact that the plant alone or in combination with others provides unique wildlife habitat and soil stabilization support, its rarity in this environment, and its proven success rate for salvage in this region.

Finally, the DLCO establishes standards and design guidelines for development within desert areas and adjacent to conservation areas. These regulations and guidelines vary by landform type in order to address the three distinctive types of geography (Desert Floor, Bajada and Hillside) found in the Peoria desert areas. The classification system assumes a single vegetation type in Peoria, Lower Sonoran, consisting of creosote, bursage, and saltbush associations.

SECTION 14-22B-2 APPLICABILITY

A. The Desert Lands Conservation Overlay (DLCO) establishes a special overlay zoning district, which applies to specific resources and environmental conditions north of Pinnacle Peak Road. In order to accomplish the purpose of this district, the City of Peoria shall apply these provisions to these lands that contain any of the following special conservation features and resources:

B. Conservation Features:

1. **Cultural Resource:** Prehistoric and historic sites identified according to standards established by the State Historic Preservation Office. Includes artifacts such as rock walls, etc.

2. **Isolated Peak:** The prominent peaks which jut out of a typically flatland area. These are landmark features whose rugged vertical form contrasts sharply with the horizontal ground plain.

3. **Mountainous Area:** Areas such as the Hieroglyphic Mountain Range which include numerous peaks, rugged topography, steep slopes and small v-bottomed washes flowing out of the area. The limits of a mountainous area is established when more than 60% of the area has slopes of 25% or greater.

4. **Plateau:** An extensive land area characterized by slopes leading to a relatively level surface and situated at a uniformly higher elevation than adjacent land on at least one side.

5. **Primary Peak:** Prominent peaks that are visual landmarks from various points of view and rise at least 400 feet above the surrounding base elevation.

6. **Riparian Vegetation:** Native vegetation that grows where there is a concentration of sustainable drainage water resulting in larger plants, greater species diversity and greater density. Generally lines washes, rivers, tanks and springs.

7. **Riverine Area:** Environmentally diverse riparian areas associated with the New River and Aqua Fria Rivers and Major Washes.

8. **Rock/Boulder Formation:** Formations including escarpments, cliffs or pinnacles which consist of exposed rock faces with limited vegetative cover.

9. **Significant Vegetation Area:** A stand of Sonoran Desert vegetation that is thirty percent more concentrated than the general aspect of the immediate context area and difficult to salvage due to slope, rocky soil conditions or exposed roots due to an adjacent wash. Generally located adjacent to a wash or other source of water and maintains the character of the site best when protected in place.

10. **Significant Vegetation Specimen:** A native tree with an 8" or greater caliper trunk and multi-trunk in good health, a saguaro over 20 feet in height and/or multiple arms or crest or other unusual configuration in good heath, or other mature protected species, such as Ocotillo.

11. **Skyline Ridge:** Ridge lines and ridge line complexes which are visible from existing and/or planned collector and arterial roads, have an elevation difference of a maximum of three hundred (300) vertical feet from the property line of the subject parcel, have a vertical height increase of more than three hundred (300) feet as measured from the point of the ten percent (10%) slope line of the ridge or ridge complex, are composed primarily of a cliff face with a total height of at least 50 feet measured from the base of the cliff, or are determined by Staff to be significant during the site analysis process.

12. **Spring:** A permanent small stream or source of water coming out of the ground.

13. **Talus Slope:** A slope strewn with a layer of loose rock debris, usually over unconsolidated soils.

14. **Unstable Slope:** A slope that exhibits one or more of the following conditions: boulder collapse, boulder rolling, rock falls, slope collapse and talus slopes.

15. **Wash, Major:** Washes that by their size are more riverine in character than washes. They are characterized by extraordinary depth and width, strewn rock and vegetative rubble, diversity, density and sizes of vegetation and volumes of water that they can accommodate. Major washes include Morgan City Wash, Big Spring Wash and Twin Buttes Wash. Maximum flow capacity

exceeds 500 cubic feet per second.

16. **Wash, Primary:** Wide, sand bottom washes that carry drainage from a relatively broad watershed and are fed by a number of smaller tributary washes. These washes generally have dense thickets of tree and shrub vegetation along their edges and are easily identified from aerial photographs. Maximum flow capacities are between 20 and 500 cubic feet per second.

17. **Wash, Secondary:** Tributaries to the significant washes and the rivers. The majority of these washes are the finger washes, which occur between slopes in the rugged areas. They have narrow sand bottoms or are V-shaped. There is increased vegetation density along these washes but the vegetation is more in the large shrub category. Maximum flow capacities are up to 20 cubic feet per second.

18. **Wildlife Corridor:** Pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, and other natural factors in combination with urbanization, and which 1) permit animals to move between remaining habitats allowing depleted populations to be replenished and promoting genetic exchange; 2) provide escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events, such as fire or disease, will result in population or species extinction; 3) serve as travel paths for individual animals as they wander throughout their home ranges in search of food, water, mates, and other needs, or for dispersing juveniles in search of new home ranges.

19. **Wildlife Habitat:** Locations where native wildlife has a tendency to congregate due to provision of food, shelter and/or water.

SECTION 14-22B-3 DEFINITIONS

A. **Archaeologist:** A person engaged in the study of human activity, primarily through the study of its material remains, which includes structures still standing, and has received certification from the Register of Professional Archaeologists.

C. **Alter:** Change or modify natural vegetation an/or topography by removal, cuts, fills, grading or the building of structures.

D. **Conservation Features or Areas:** Individual conservation features, defined above, and/or areas of the highest significance and preservation priority.

E. **Cut:** A land surface, which is shaped through the removal of soil, rock, or other materials.

F. **Desert Lands Conservation Report (DLCR):** A submittal required with any development application to the City for property within the Desert Lands

Conservation Overlay, and which contains the following individual documents: Project Identification and Descriptive Data, Project Narrative and Overview, and Existing Conditions Data Report.

G. **Destroy:** To kill, or cause the death of any protected native plant by any means.

H. **Developer:** the property owner or his representative that is undertaking the development of land subject to the Desert Lands Conservation Overlay District.

I. **Disturbed Area:** That area of natural ground that has been or is proposed to be altered through grading, construction, cut and fill, removal of natural vegetation, placement of material, trenching, or by any means that causes a change in the undisturbed natural surface of the land or natural vegetation. The Disturbed Area is coterminous with the Disturbed Area identified in the Hillside Development Overlay District of this code and shall be subject to the same requirements of that Article.

J. **Disturbed Area, Reclaimed:** Disturbed areas that have been restored to their natural contours, vegetation and colors to the satisfaction of the City of Peoria.

K. **Fill:** The deposition of soil, rock or other materials place by man.

L. **Finished Grade:** The final grade and elevation of the ground surface after grading is completed.

M. **Grade, Natural:** The elevation through any section of a site on an undisturbed lot at the time of adoption of this overlay by City Council. On lots that have been disturbed previously, the natural grade is the pre-existing grade if it can be determined; otherwise it shall be determined by an average of off-site elevations at points taken around the boundary of the site. All determinations shall have been made by an engineer or land surveyor licensed to practice in the state of Arizona.

N. **Grading:** Any excavating, or filling or combination thereof, including the conditions resulting from an excavation or fill.

O. **Habitat Value:** the suitability of the landscape to support wildlife, considering site conditions. Suitability shall be ascertained by comparing similar sites and conditions and may require returning the habitat as closely to its original condition as possible when natural conditions have been changed.

P. **Landform Type.**

1. **Bajada Landform Type:** Characterized as the irregular terrain near or at the base of mountain ridges or isolated mountain outcrops. This area is located in the transition zone between the Desert Floor and the Hillside landform types and exhibits relatively high vegetation density and diversity. The lower portions of alluvial fans dominated by palo verde and mixed cacti vegetation typify this area, such as the bases of low mountain ranges. Saguaro is a visually dominant and important component of this area. Higher density and diversity of vegetation results in higher wildlife density and diversity that is

dispersed between both wash and upland areas. It is comprised primarily of bedrock materials with land slopes generally in the range of ten (10) to fifteen (15) percent. Drainage courses are typically well incised. Typical hazards include boulder rolling, rock falls, debris movement and general slope instability. The surface movement of materials occurs as a result of both gravity and water transport. The surface material size includes large boulders, rocks and gravel, as well as grainy soil materials.

2. **Desert Floor Landform Type:** Characterized in general by level plains and expanses that typically occupy the broad lowlands floodplains between desert mountain ranges. The area is dominated by low growing shrubs, such as creosote and bursage, and supports larger shrubs and trees, such as palo verde and ironwood, and cacti, such as saguaro. Because the uplands support a greater diversity and density of plants, wildlife density and diversity are higher and important wildlife resources occur in both wash and upland areas. The terrain is relatively flat, with typical slopes of less than five (5) percent, although the slope of this landform classification extends up to ten (10) percent. Soils are generally deep and alluvial. The more numerous smaller washes that are found in more sloped areas are consolidated into fewer, but larger washes. Because of the flatter terrain, streambeds are typically sandy bottomed, wide braided channels that carry high volumes of floodwaters.

3. **Hillside Landform Type:** Consists of the higher elevation rugged areas, with relatively steep slope and high vegetation density and diversity. These areas include mountains, hills, buttes, or escarpments predominantly composed of bedrock materials. The slope is greater than fifteen (15) percent, and in many cases is greater than thirty-five (35) percent. Upper portions of alluvial fans and the foothills of low mountains dominated by palo verde and mixed cacti vegetation typify this area. The saguaro is a visually dominant and important component of this area and higher density and diversity of vegetation results in higher wildlife density and diversity. Streambeds are typically narrow, rocky and incised. Drainage courses are relatively poorly defined on the slopes, but collect into deep canyon bottom courses strewn with large-sized rubble. Typical hazards include boulder rolling, rock falls, debris movement and general slope instability. Soils are generally shallow and rocky. Cultural resource sites are smaller and more scattered. There are a greater number of petroglyphs and few sites related to prehistoric agricultural uses.

Q. **Landscape Character Zone:** An association of plants that create an identifiable landscape character, and further defined by specific plant palettes found in the Desert Lands Conservation Guide.

1. **Native Sonoran Zone:** Landscape character zone that represents indigenous plants typically found in the desert of the northern Phoenix metropolitan areas.

2. **Sonoran Character Zone:** Landscape character zone with an associated

plant list which represents plants that are generally native to the southwest deserts or have the appearance of being native to those deserts.

3. **Arid Character Zone:** Landscape character zone where plants are generally compatible with the look of an arid landscape. The associated plant list is a broader representation of drought tolerant plants and includes non-natives that are considered appropriate for the area.

4. **Exotic Zone:** Landscape character zone where plants are permitted which are not included on the other landscape character zone lists, as long as they are not on the prohibited plants list. The use of these plants is limited to Oasis Landscape Development Areas and areas included in the Disturbed Area.

R. **Landscape Development Areas:** Areas within a site with different recommended plant palettes based on their proximity to natural open space, soil stabilization attributes and the desired visual character for the area.

1. **Oasis Area:** A landscaped area consisting of enclosed courtyards, similar semi-private areas and other areas located within the Disturbed Area where the use of Native Sonoran, Sonoran Character and Arid Zone plants are strongly encouraged, but where Exotic Zone plants are also allowed.

2. **Transitional Areas:** A landscaped area consisting of open backyards, commercial and public areas, streetscapes and common areas where use of Arid Zone plants is limited to 30% by area and where a buffer of Native Sonoran Zone plants is required at the perimeter of the lot or parcel or between the Disturbed Area and Natural Open Space.

3. **Buffer Area:** A landscaped area consisting of open areas adjacent to preserved wash corridors and natural open space areas where the use of plants is limited to the Native Sonoran Zone palette.

S. **Master Conservation Plan (MCP):** A submittal required with any site plan or subdivision plat application to the City for property within the Desert Lands Conservation Overlay, and which contains the identification of conservation features, native plants to be preserved, development areas, and conservation areas.

T. **Mature Trees:** Healthy, full-bodied trees with a shape characteristic of the species and of the following minimum sizes: Ten (10) feet-twelve (12) feet height times six (6) inches-eight (8) inches wide or two-inch single trunk caliper or one-inch average trunk caliper for a multiple trunk tree.

U. **Mutilate:** To deface, maim, damage or disfigure any protected native plant by shooting, chopping, pushing over, burning, cutting or any other means.

V. **Native Plant Permit:** A permit issued by the city pursuant to the provisions of this Article for the purpose of removing from the premises, relocating on the premises, or destroying any protected native plant.

W. **Native Plant Preservation Plan:** A development plan specifying the proposed treatment of plants with Protected Plant Status for which a native plant permit is required.

X. **Natural Open Space:** Areas dedicated for public ownership or retained in private ownership containing naturally occurring conservation features and accreted Sonoran Desert that have not been altered except to allow decomposed granite trails (private or public) in accordance with ADA guidelines, roadways and utility easements as necessary.

Y. **Plant Protection:** Any project which affects any indigenous plant from the specified Protected Native Plant List is required to submit a Native Plant Preservation Plan detailing the existing location and proposed treatment of each protected plant. Protected plants should, at the most optimal situation, remain in place.

Z. **Plant Salvaging:** Those plants which must be disturbed due to construction are required to be salvaged unless the applicant can demonstrate how conditions such as poor health or orientation make successful relocation impossible. Salvaged plants are to be replanted within the project.

AA. **Private Buffer:** An area located adjacent to a public or private preserve open space edge that is used as an undisturbed or enhanced landscape setback. The buffer may be platted as common open space for the development or as individual lots. The area shall contain no improvements or be used for any purpose other than a landscaped setback.

BB. **Protected Plant Status:** Native cacti which are three (3) feet or greater in height and native trees which are four (4) inches or greater in caliper.

CC. **Relocate:** To transplant a protected native plant to another location on the premises.

DD. **Remove:** To transport a protected native plant from the premises on which it has been growing.

EE. **Restore:** To replant areas of burned, damaged or disturbed naturally occurring Sonoran Desert vegetation and topographical features with trees and plants of the same species, size, density and placement as the surrounding area; and re-contour, if necessary, to appear similar to nearby slopes.

FF. **Retaining Wall:** A wall used solely to retain more than eighteen inches (18") of material but not to support or to provide a foundation or wall for a building.

GG. **Ridge Line:** That line running along the highest elevation between mountain peaks.

HH. **Rip Rap:** A bank protection measure composed of fractured rock of differing sizes. Undisturbed natural desert: Naturally occurring Sonoran Desert vegetation and topographical features, including washes, are not altered except to allow decomposed granite natural trails or as necessary for utility easements. Vegetation is

not pruned or removed and allows natural habitat for native animal species. Dead trees or cacti also form an integral part of the wildlife habitat.

II. **Spill:** To cause or allow earth or other material to fall, flow or run down a slope, thereby creating a change in the natural appearance and topography.

JJ. **Unique Feature:** A unique and identifiable feature that varies from the immediate surroundings, such as springs, tanks, saddles, expansive saguaro or cholla forests, etc.

KK. **Unsalvageable Plant:** means a protected native plant that cannot be successfully relocated due to any of the following:

1. Deteriorated health from disease, infestation, or natural causes; or

2. Physical constraints related to plant location, orientation, or general condition which obstruct and/or prevent the application of approved relocation techniques.

SECTION 14-22B-4 REVIEW AND APPROVAL PROCESS

A. Exemption for Single Lot Construction

The development of a single-family custom home shall not require a Desert Lands Conservation Report or Master Conservation Plan. The developer of a single-family custom home shall indicate on the site plan the location of conservation features to be preserved.

B. Pre-application Conference

A pre-application meeting is required prior to submittal of any application for development approval for property containing Conservation Features or Natural Open Space. Applicants shall present a preliminary draft of the Desert Lands Conservation Report (DLCR) including the information items described in this Section, or the Master Conservation Plan (MCP) prepared in accordance with the following Section in the case of site plan or subdivision submittal, at this meeting. Developments of 10 acres or less shall be exempt from the pre-application meeting requirement but shall be subject to all other applicable requirements in this Article.

C. Desert Lands Conservation Report

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

A request to modify some or all of the submittal requirements listed in this Section may be submitted to and approved by the Planning Manager based upon a finding that sufficient information will be provided to make a determination as to compliance with the provisions of the DLCO.

All narrative information shall be presented on 8-1/2" x 11" inch paper. All plans and mapped data for the same project shall be drawn using the same standard engineering scale at a scale no greater than 100 feet to an inch, and producing an overall drawing not exceeding 30" x 42" in size. The DLCR shall contain the following information, if not already provided, for the proposed development:

1. Identification and Descriptive Data, including:

    a. Proposed name of the development;

    b. Location by section, township and range, referenced by distance and bearing to a section corner or quarter-section corner;

    c. Name, address, and phone number of the Developer;

    d. Name, address, and phone number of the person preparing the plan/mapped data; and

    e. Scale, north arrow, and date of preparation, including revision dates.

2. Project Narrative and Overview, including;

    a. Size of project, in acres;

    b. Existing land uses;

    c. Proposed land uses, including total number of dwelling units, number of dwelling units by net density range, gross building area for non-residential uses, building coverage for non-residential uses, building heights, and required parking; and

    d. Description of unique site characteristics.

3. Existing Conditions Data Report, including;

    a. A vertical aerial photograph at the same scale as the native plant inventory, but in no case at a scale less detailed than 1 inch = 400 feet, with the site boundaries clearly marked;

    b. Plant community identification, including Significant Vegetation Areas and Significant Vegetation Specimens, and their general condition;

    c. Topography, at 2-foot contour intervals for slopes up to and including

10%, and 10-foot contour intervals for slopes greater than 10%, or larger intervals when slopes and terrain warrant as approved by the City Engineer;

d. Drainage, including delineation of the 100 year floodplain as shown on the Flood Insurance Rate Map published by the Federal Emergency Management Agency and floodway limits for drainage ways that serve areas of more than ¼ square miles or which generate an estimated flow rate of more than 500 CFS for the 100 year event;

e. Soils report including series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conversation Services in the published soil survey for Maricopa County; an analysis of accompanying data published for each soil relating to its suitability for construction and septic systems; and identification of any problem soils that exhibit characteristics such as instability, sterility, and expansiveness;

f. Geologic formations on the proposed development parcel, other than conservation features, including sink holes and fault lines, based on available published information or upon the results of a geotechnical survey, when required by the City Engineer to ascertain geological conditions not clearly visible;

g. Cultural and historic feature inventory, as specified elsewhere in this Article. Detailed location maps of such sites should not be included in the site analysis, but should be available from the archaeologist or consultant for staff review as necessary;

h. Wildlife/habitat inventory using procedures recommended by the Arizona Game and Fish Department;

i. Dedicated or planned parks, open space, trails and access points; and existing disturbed areas due to previous burning, scarring, or grading.

D. Master Conservation Plan

In addition to the DLCR, a Master Conservation Plan (MCP) shall be submitted at the time of site plan or preliminary subdivision plat review and shall consist of the following items. For phased projects, submittal requirements shall correspond to the areas included in each phase. For projects of 10 acres or less submitting only the MCP, identification and descriptive data required for the DLCR and Projective Narrative and Overview shall also be included.

1. Identification of Conservation Features, including:

   a. Delineation of all Conservation Features;

b. Delineation of Natural Open Space areas such that as many Conservation Features are combined into a contiguous area, as possible;

c. Identification in general of access points to Natural Open Space areas within the project and immediately adjacent to the project boundaries;

d. Identification in general of connections between Natural Open Space areas and Primary and Secondary Washes, open space corridors and/or other regional open space areas;

e. Tabulation of the size of each Natural Open Space area, in acres and square feet, and a total of all Natural Open Space proposed for the project; and

f. Landform type analysis identifying the landform types existing on the property. The property owner shall prepare a zone map identifying the location and extent of the three landform types as defined in this Article. In areas with mixed landform types, the most predominant landform shall be used.

3. Identification of Native Plants to be preserved, including:

a. Delineation of plant types on an aerial photograph of a scale not less than 1"=400 feet;

b. Annotated photographs of representative plant types, size and condition; and

c. Narrative stating whether the plant will remain in place, be moved to another location or be destroyed (Any plant with Protected Plant Status that is destroyed must have an explanation detailing why the plant cannot remain in place or be moved).

4. Identification of Conservation and Development Areas, including:

a. Conservation Features to be preserved;

b. Landform Types;

c. Natural Open Space areas;

d. Native plants to be preserved in place;

e. Naturalized (revegetated) Areas;

f. Development Areas, including:

i. Locations of Development Pads (areas of mass grading)

and/or individual Disturbed Areas;

ii. Alignment of Streets, including site visibility triangles, and typical cross-sections;

iii. Alignment and classification of Trails, Trail connections, proposed signage and typical cross-sections, for Equestrian Trails, Primary Multi-Use Paths, Secondary Trails, and Bicycle Lanes;

iv. Location of storm water management facilities;

v. Location of sanitary sewer;

vi. Location of water service;

vii. Location of improved common areas (private and public); and

viii. Delineation of project phasing, if applicable.

5. Identification of Landscape Development Areas including locations of Landscape Character Zones.

E. Site Inspection

For those sites with particularly complex conditions, the City may arrange for a site inspection of the property by the City. The applicant shall distribute copies of the Existing Conditions Data Report for the on-site meeting. Applicants, their site designers, and the landowner will participate in the site inspection. The purpose of this visit is to review the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the prioritization of conservation features, and possible locations for buildings and street alignments.

F. Approval Process

The Planning and Zoning Commission or the City Council shall review and either approve or disapprove any DLCR and/or MCP that is submitted as part of a development request requiring approval by the Planning and Zoning Commission or the City Council. The Planning Manager or his/her designee shall review and either approve or disapprove a DLCR and/or MCP for development request requiring building permit, site plan or subdivision plat approval. Appeals of the decision(s) regarding a DLCR and/or MCP will be addressed in the same manner as the development request which it accompanies. Approvals of the DLCR shall be valid for the same period of time accorded to the accompanying development request After a period of one year from the submittal date of the MCP the Planning Manager shall determine the continued sufficiency of the MCP for future development planning applications.

SECTION 14-22B-5 CONSERVATION STANDARDS

In order to protect the public health, safety and welfare, preserve sensitive environmental conditions, retain and protect meaningful desert open space, and conserve ecological and aesthetic resources, all development within the DLCO shall be subject to requirements for the preservation of Natural Open Space and native plants. In Hillside Areas, requirements of the Hillside Overlay District and the DLCO shall be coordinated as specified below. Individual residential lot developments not part of any subdivision, or part of a subdivision with final plat approval prior to September 14, 2004, shall be exempt from the requirements of the following NOS Slope/Landform Matrix. The NOS area shall not exceed the percentages shown in the following NOS Slope/Landform Matrix.

A. Natural Open Space

1. Natural Open Space (NOS) within each development shall be preserved according to slope and landform type as provided in the following NOS Slope/Landform Matrix:

NOS Slope/Landform Matrix

LANDFORM TYPE	SLOPE RANGE	MAXIMUM REQUIRED NOS	MINIMUM REQUIRED NOS
Desert Floor	0%-10%	25%	Minimum NOS requirements shall be the landscaping required in this ordinance
Bajada	10-15%	45%	
Hillside	15% - 20% 20% - 25% 25%+	55% 60% 70%	
NOTE: Usable Open Space requirements of this ordinance may be satisfied by NOS containing dedicated trails, floodway areas or reserved or dedicated steep slope areas.			

2. The required NOS shall be comprised of the conservation features listed and defined in this Article. If the total acreage of these elements does not meet the minimum NOS requirements, then areas with 25% or greater slope shall be added in such a manner as to expand or extend the NOS until the required percentage is achieved. If after incorporating all areas with slopes of 25% or greater and the minimum NOS requirement is still not met, then additional open space shall be provided in the following priority:

   a. expands or extends a regional open space corridor,

   b. increases the size of an existing or adjacent open space area,

   c. creates a linkage to an existing or planned trail, or

   d. provides a public access point to existing or planned natural open space.

3. In the event that the combined area of all required NOS exceeds the

maximum required acreage, the following criteria listed in priority order shall be used to guide the determination of which features shall be preserved:

a. Conservation Features;

b. Land that expands or extends a regional open space or drainage corridor;

c. Land that abuts existing and/or planned open space;

d. Land that allows opportunity to provide a link to existing or future trail systems; and

e. Land that provides a non-motorized access route from the nearest public right-of-way to an open space area.

4. The minimum contiguous area for NOS is 7,500 square feet, provided that not more than 15% of the required NOS shall be included in areas less than 10,000 square feet.

5. The minimum horizontal dimension for NOS is seventy-five (75) feet.

6. Where the minimum finished lot size is twenty-four thousand (24,000) square feet or less, NOS shall not be allowed on individual lots and must be placed in common tracts.

7. If land designated as NOS is located in a common tract owned by a homeowners association, the property shall be maintained through a common maintenance agreement.

8. Any NOS being considered for dedication to the City of Peoria, regardless of size and location, will be reviewed by the Community Services Director and staff for a recommendation as to the acceptance or rejection of the dedication.

9. Whether the NOS is located on individual lots or in common tracts, the boundaries of Disturbed Areas shall be delineated in the field with permanent markers in order to prevent encroachment into NOS areas.

10. Areas not specifically identified as Disturbed Area or NOS shall be considered Transition Areas.

11. Identification of NOS shall be coordinated with the Peoria Hillside Overlay District, Article 14-22A of this code, and the planning of NOS shall specifically consider transfer of density and disturbed area. For Hillside Areas, NOS shall be located in areas planned to be undisturbed.

12. Within areas identified as NOS, no grading or other disturbance shall occur except the minimum grading required for trails, roadways and utility

easements. No walls are permitted within the NOS. Restoration of the Disturbed Area not used to support buildings or Oasis or Transitional Landscape Areas is mandatory and shall follow plans reviewed and approved by the City.

13. For residential lots, the area between the buildings and the street and, for lots in excess of 24,000 square feet in size, side yard setback areas not utilized for driveways or parking areas shall be improved with landscaping using indigenous plant materials and groundcovers in addition to the NOS. In addition:

    a. Perimeter walls or privacy walls shall be allowed in accordance with the provisions of Article 22A of this ordinance, and

    b. The location of all buildings shall be within the delineated boundaries of the Disturbed Area.

14. Developments abutting any public NOS shall provide an access plan for public entry onto the NOS. The plan may take into consideration all points of visual and physical access to the NOS from any public or private property. A minimum of 40% of the linear distance along the edge of any public NOS shall consist of one or a combination of the following:

    a. a public or private street;

    b. a public or private improved open space having public access with minimum dimensions of 100 feet in length and 75 feet in depth along the NOS;

    c. a minimum length of 100 feet along the frontage of a public or private street directly connecting the NOS to the street;

    e. a termination of a public or private street in a configuration that provides on-street parking for four (4) vehicles and sufficient width for maneuvering; or

    f. an equivalent creative alternative as approved by the City that provides visual and physical access and results in diversity of the edge treatment.

15. The total length of lots backing up to the NOS shall not exceed 1,000 feet without incorporating one of the edge treatments described in this Article or providing a trail access point to the NOS.

B. Rivers and Washes

1. All Washes shall be preserved in an undisturbed condition and the habitat value preserved in its original condition. Secondary Washes having no vegetation may be altered or eliminated.

2. An undisturbed area of twenty-five (25) feet measured from the edge of riparian vegetation or the floodplain, whichever is greater, shall be preserved on both sides of a Wash that has a one hundred-year peak flow greater than seven hundred (700) cfs.

3. If a Wash has a one hundred-year peak flow of less than seven hundred (700) cfs, the area to remain undisturbed should be determined by a width sufficient to allow for wildlife passage outside of the incised wash.

4. No major structural changes or improvements shall be allowed in Washes. Protected plants shall be left in place except as follows:

   a. to prevent erosion from channelization or combination of smaller washes;

   b. to allow wash crossings of roadways, trails and utility easements. Trails and utilities may cross washes, but in no way shall they be placed in the wash bed running within and parallel to the wash bottom. Public utility easements shall be restored when construction is completed;

   c. to prevent wash migration, where structures are placed behind the required wash setback; and

   d. to allow discharge from adjacent retention or drainage facilities, as approved by the City Engineer as part of a drainage system improvement plan resulting from a drainage study performed by an engineer registered in the state of Arizona.

C. Wildlife Habitat

1. Corridors shall be established along both sides of washes identified for conservation which include the estimated 100-year floodplain and an additional upland buffer of 25 feet or the outer edge of the erosion hazard zone, if identified in a map as part of a drainage system improvement plan resulting from a drainage study performed by an engineer registered in the state of Arizona, whichever is greater. Non-motorized trails shall be permitted within the upland buffer.

2. Linear utility lines shall be placed parallel to, but just outside, the conserved wash and associated upland buffer to provide a more gradual transition to developed areas. Utility lines shall be buried in accordance with the City of Peoria Infrastructure Development Guidelines and restored using indigenous plants so that there is no net loss of habitat function or value.

D. Scenic Resources

1. A scenic corridor of 100 feet, measured from the edge of floodplain, shall be

established along both sides of the Agua Fria River within which the immediate foreground is kept intact with native or enhanced desert vegetation and no structures are permitted, except for those associated with utilities, stormwater management, and roadways.

2. Scenic corridor buffers, measured from edge of right-of-way, of 50 feet within the Rural Section, 30 feet within the Suburban Section, and 15 feet within the Urban Section, shall be established along both sides of the Lake Pleasant Parkway Corridor within which the immediate foreground is kept intact with native or enhanced desert vegetation and no structures are permitted, except those associated with utilities, stormwater management, and roadways. The limits of the Rural, Suburban, and Urban Sections are shown on Figure 4, Development Section Map, of The Lake Pleasant Parkway Corridor Specific Area Plan dated March 6, 2000, as may be amended.

E. Cultural Resources

1. Preliminary Archaeological Site Review

Provide a letter report, to be submitted with the Existing Conditions Data Report, from the Arizona State Museum, the State Historic Preservation Office (SHPO), or an Archaeologist that reviews all of the available archaeological information for the site. This record check shall: determine whether the site has been field surveyed for cultural resources; identify any previously-recorded archaeological or historic resources known to exist on the property; state the probability that buried archaeological resources not visible from the surface would be discovered on the site; and make a recommendation as to whether an archaeological survey of the site is needed.

2. Archaeological Survey; Duties of the Archaeologist

If an archaeological survey of the site is recommended then the following tasks shall be completed by an Archaeologist.

a. Complete a field survey and submit the results with the Existing Conditions Data Report. Any cultural resources identified shall be entered by the Archaeologist making the discovery into the Arizona State Museum site file system.

b. Describe and map archaeological and historic sites identified on the property in either the records check or the field survey. Detailed location maps of such sites should not be included in the site analysis, but should be available from the Archaeologist for staff review as necessary.

c. The Archaeologist shall complete an archaeological report that:

i. Determines the significance of the reported cultural

resource(s);

ii. Assesses the impact of the proposed development on the cultural resource(s). If the resource cannot be preserved in place or protected by acceptable means, it must be mitigated;

iii. Makes a determination that the cultural resource must be either preserved/ protected or mitigated;

iv. Identifies mitigation measures and a mitigation plan that have been reviewed and approved by the City and/or SHPO.

3. Any proposed mitigation measures shall be reviewed and approved by SHPO, having primary responsibility, and/or the City, as the Certified Local Government with jurisdiction, prior to the commencement of any activity on the site.

F. Native Plants

1. No person shall destroy, mutilate, remove from the premises, or relocate to another place on the premises any protected native plant on land that is subject to the provisions of this Article without first obtaining a Native Plant Permit.

2. Minimum size requirements necessary to establish Protected Plant Status include 4 inch caliper or greater for trees, 5 feet diameter or greater branch reach for shrubs, and 3 feet tall or greater for cacti.

3. Protected Native Plant List

The rationale for inclusion on the Protected Plant List includes one or more of the following:

a. Preservation of the plant enhances the City's aesthetic appeal by conserving unique scenic character;

b. The plant is slow growing and therefore it is difficult and cost prohibitive to find comparable nursery-grown stock for replacement;

c. The plant alone or in combination with others provides unique wildlife habitat; and

d. The proven success rate in the region of salvaging plants of a certain size.

Protected Native Plant List

Botanical Name	***Common Name***
TREES	
Cercidium floridum	Blue Palo Verde
Cercidium microphyllum	Foothills Palo Verde

Chilopsis linearis	Desert Willow
Juniperus mono sperma	One-Seeded Juniper
Olneya tesota	Ironwood
Populus fremontii	Fremont Cottonwood
Prosopis velutina	Velvet Mesquite
SHRUBS	
Acacia constricta	Whitethorn Acacia
Acacia greggii	Catclaw Acacia
Celtis pallida	Desert Hackberry
Larea tridentada	Creosote
CACTI/SUCCULENTS/ACCENTS	
Carnegiea gigantean	Saguaro
Ferocactus species	Barrel Cactus
Fouquieria splendens	Ocotillo
Peniocereus greggii	Desert Night-Blooming Cereus
Yucca baccata	Banana Yucca/Blue Yucca/Datil Yucca
Yucca elata	Soaptree Yucca

4. Native Sonoran Desert vegetation should not be pruned or removed from areas identified as Natural Open Space unless demonstrated to the City that a health, safety or welfare issue exists. This includes removal of dead trees or cacti.

5. Plants specified on the prohibited plant species list shall not be allowed. Certain plants that do well in this region present a distinctly non-desert appearance and/or pose potential hazards to the native vegetation, wildlife and landscape due to their invasive nature. The following plants exhibit these characteristics:

PROHIBITED PLANT SPECIES LIST	
TREES	
Brachychiton populneus	Bottle Tree
Eucalyptus sp. (except those specifically identified in Arid Character Zone – see Desert Lands Conservation Guide)	Eucalyptus
Olea sp.	Olive Tree
Parkinsonia aculeata	Jerusalem Thorn/ Mexican Palo Verde
Pinus sp.	All species of Pine
Prosopis chilensis (prohibited in parking areas only)	Chilean Mesquite
Rhus lancea	African Sumac
Washingtonia sp.	Fan Palm
SHRUBS	
Oleander sp. (except petite varieties)	Oleander
Thevetia peruviana	Yellow Oleander

GROUNDCOVERS, ANNUALS, PERENNIALS, VINES, ETC.	
Cenchrus ciliaris or Pennisetum cileare	Buffel Grass
Cynodon dactylon (except in private backyards, enclosed courtyards, and public use areas buffered from Native Sonoran Zones by Sonoran Character Zones - see Desert Lands Conservation Guide)	Common Bermuda Grass
Eragrostis lehmanniana	Lehmann's Lovegrass
Gutierrezia sarothrae	Snakeweed
Hordeum jubatum	Foxtail Barley
Pennisetum sp.	Fountain Grass

6. The prohibited plant species list shall be provided by the Developer to all purchasers of property within the development. Exceptions to the Prohibited Plant Species List may be approved by the Planning Manager or designee subject to a report from a registered landscape architect and a satisfactory recommendation from the Community Services Department.

7. In areas designated as NOS, where a portion has been burned or previously damaged, the area shall be restored by the property owner. Restoration shall be typical of the surrounding area, i.e., tree-lined washes shall be restored with trees of the same species, size, density and placement; graded slopes shall be re-contoured similar to nearby slopes, etc. The property owner shall be responsible for the management of private restored areas. Where this occurs at the edge between public and private development, the public open space shall be restored by the owner of property immediately adjacent to the public open space at the same time as the private open space.

SECTION 14-22B-6 NATIVE PLANT PERMIT

The process of preparing a site for development that contains native plants is authorized by a Native Plant Permit and guided by a Native Plant Preservation Plan (NPPP). The entire site development process shall be managed by the person that prepares the NPPP. The builder of a single family dwelling on an individual lot not part of a subdivision or part of a subdivision plat approved prior to September 14, 2004 shall not be required to prepare a NPPP, but shall be required to perform plant salvaging and transplanting tasks for Protected Plants.

A. The Native Plant Preservation Plan shall be prepared by a botanist that has received a formal education in Botany, Biology or Ecology, a Licensed Landscape Architect or other professional with similar training and that has experience working with plants and ecosystems of the Sonoran Desert. The plan shall contain information and procedures regarding the following tasks:

1. Plant Inventory

2. Plant tagging,

3. Plant salvaging,

4. Establishing and managing the temporary salvage plant nursery, and

5. Transplanting the salvaged plants.

B. The Native Plant Permit authorizes a process for preservation and salvaging of native plants. The process includes the following activities:

1. Preparation of a Native Plant Preservation Plan,

2. Plant Inventory,

3. Acquisition of a Native Plant Permit,

4. Tagging of all native plants as to disposition,

5. Establish the temporary native plant nursery,

6. Move native plants to be salvaged to the nursery,

7. Transplant the salvaged plants, and

8. Termination of the temporary native plant nursery and restoration of the nursery site.

C. Submittal Requirements

Any submittals made for a Native Plant Permit shall comply with the requirements contained in this section. The developer of a single family custom home shall not require a Native Plant Permit. Submittals must be complete and submitted to the Community Development Department with the appropriate fee.

1. Native Plant Preservation Plan containing:

   a. Project name and address

   b. Owner name, address & phone number

   c. Proposed salvage contractor, cacti salvage contractor, and tax license number

   d. Quarter Section Number

   e. Prior Peoria case numbers

   f. Number of protected plants to be relocated

   g. Number of protected plants to be destroyed

h. Total number of protected plants disturbed

i. Brief description of your project including estimated timing of salvaging and relocation of plants, plant nursery location, transplanting activities and any other relevant information.

2. Three (3) copies of the site plan aerial with plat overlay indicating the location by tag number each plant which is required to be protected per the Protected Native Plant List (from the NPPP).

3. Three (3) copies of the plant inventory performed by a City of Peoria Approved Salvage Contractor (which corresponds to the tag number on the site plan) indicating the following (from the NPPP):

a. Plant type

b. Plant size in caliper inches

c. Plant salvageability (Any plant that is determined to be unsalvageable must have an explanation of the present status of the plant material.)

d. Whether the plant will remain in place, be moved to another location or be destroyed (Any plant that is destroyed must have an explanation detailing why the plant cannot remain in place or be moved.)

e. Current market value by species and size for all plants identified for salvage.

4. Temporary project nursery location shown on a map, in a written description or as an address (from the NPPP). Notice of when plant materials have been tagged in the field for City Staff review.

5. Letter of Authorization from the property owner identifying the city-approved salvage contractor for the project and verifying that all plants are to be replanted on site (from the NPPP).

6. A copy of the form notifying the Arizona Department of Agriculture, Native Plant Section, of the intent to destroy plant materials protected by state statutes (from the NPPP).

D. Responsibility for obtaining permit.

A Native Plant Permit may be obtained by the property owner of record or by another party acting as agent upon presentation of written authorization by the property owner of record.

E. Action on applications.

Applications may be approved, approved conditionally, or denied. Where the Planning Manager or designee determines that the application is in conformance with the provisions of this Article, a permit shall be issued, with such conditions attached as necessary to insure that the Native Plant Preservation Plan is successfully accomplished. Where it is determined that the application is not in conformance with the provisions of this Article, the application shall be denied. Action taken on applications may be appealed to the hearing officer appointed by the City Manager according to the procedures specified in this Article.

F. Timing of Permit approval.

No Native Plant Permit shall be issued unless an application is submitted in conjunction with an existing or proposed development that requires administrative approval, Planning and Zoning Commission approval, City Council approval, Board of Adjustment approval, or approval of a plat as determined by the City Manager or designee. For proposed development, the Native Plant Permit shall not be issued until the necessary development approvals have been secured.

G. Modification

It shall be unlawful to modify, alter, or amend an approved Native Plant Permit or an accompanying Native Plant Preservation Plan without reapplication for a Native Plant Permit according to the provisions of this Article.

H. Expiration

1. Every permit issued by the City under the provisions of this Article shall expire and become null and void if the work authorized under the provisions of this Article is not commenced within ninety (180) days from the date of issuance, unless otherwise specified as a condition of the permit approval or if the work authorized under the provisions of this Article is suspended or abandoned for a period of ninety (90) days. Before such work can be recommenced, a new permit shall be obtained to do so pursuant to the provisions of this Article.

2. Work shall be completed within the time period specified on the Native Plant Permit. The Planning Manager or designee shall have the authority to grant a ninety (90) day extension of the time limit for completion of the work upon written request of the applicant. Failure to comply with the time limitation without an extension authorized by the city shall require application for a new permit pursuant to the provisions of this Article.

I. Exemptions

Governmental agencies shall be exempted from the payment of fees herein required, provided that only such property occupied, operated, and maintained for government purposes by the above-mentioned agencies shall be so exempted. All other provisions of this Article shall apply to these agencies.

J. Plants to be tagged; requirements.

1. All plants with Protected Plant Status scheduled to remain in place or authorized for destruction or relocation by the approved Native Plant Permit must be tagged and numbered prior to permit submittal. Tags shall be color-coded according to the following schedule so that the status of each plant affected by the development proposal may be easily identified:

   a. Plants proposed for destruction shall be tagged with blue plastic tape

   b. Plants proposed for relocation shall be tagged with red plastic tape

   c. Plants proposed to remain shall be tagged with white plastic tape.

2. Tags required by this Article shall be affixed in a visible and uniform location (preferably the north side) on the plant. Once affixed, the tags shall not be removed until the plants are removed, relocated, or destroyed in compliance with the Native Plant Permit and a final inspection has been made.

3. Tag numbers shall correspond to the site plan and the plant inventory.

4. Tag numbers shall be transferred to the side of the box when site boxing is completed.

K. Timing of work authorized by this chapter.

Time periods shall commence on the date of permit issuance. This requirement shall not apply to those native plants deemed to be unsalvageable by the City and noted as such on the permit.

1. Plants with Protected Plant Status authorized for destruction under the provisions of this Article shall not be destroyed within a time period specified as follows:

   a. One (1) to five (5) plants with Protected Plant Status to be destroyed, fifteen (15) days.

   b. Six (6) to fifteen (15) plants with Protected Plant Status to be destroyed, thirty (30) days.

   c. Sixteen (16) or more plants with Protected Plant Status to be destroyed, sixty (60) days.

2. In no instance shall destruction of plants with Protected Plant Status occur prior to issuance of a Native Plant Permit by the City unless the Planning Manager or his/her designee agrees to allow preliminary at-risk grading. Such decision will be based on a report by a registered landscape architect

providing an assessment of the salvageability given the time of year, and concurrence from the Community Services Department.

L. Compliance with approved permit; revocation.

All work authorized by a permit issued in conformance with the terms of this Article shall be completed as authorized. Failure to comply with the conditions of permit approval or the approved Native Plant Preservation Plan shall constitute a violation of the Native Plant Permit and may be punishable by permit revocation and/or citation under the authority of this Article.

M. Inspections.

All aspects of the work performed as a result of a Native Plant Permit issued under the provisions of this Article shall be subject to inspection by the City. Specific Inspections shall be performed 1) following completion of tagging, 2) following completion of relocation of plants to the plant nursery, and 3) following completion of all transplanting and removal of the nursery. Inspections may be performed by City personnel or may be required of the developer. Developer's inspections shall be signed and certified by one of the professionals listed as responsible for preparation or assisting in the preparation of the Native Plant Preservation Plan.

N. Penalties.

1. Generally. Any violation of this Article is a Class 1 misdemeanor which, upon conviction, may be punishable by a fine not exceeding two thousand five hundred dollars ($2,500.00), or by imprisonment for a term not to exceed six (6) months, or by both such fine and imprisonment, at the discretion of the city magistrate. Each day this violation continues shall constitute a separate offense.

2. A Native Plant Permit shall not be issued after a violation resulting in destruction, removal, or relocation of plants with Protected Plant Status has been discovered until such time as a restoration program has been approved and the property has been restored with plants included on the Protected Native Plant List of equivalent type, size, density, distribution, and condition as existed on the property prior to the violation. A program for restoration of the site shall be approved by the Planning Manager or designee and shall be based on the expected type, size, density, distribution, and condition of plants with Protected Plant Status within the vegetation communities in which the violation occurred. Appeal of a decision made by the Planning Manager or designee regarding a restoration program shall be heard by the Hearing Officer appointed by the City Manager. Appeal of a decision made by the Hearing Officer regarding a restoration program may be made to the City Council in accordance with the rules and procedures established in this Article.

3. Waiver of restoration requirement generally.

The City Manager or designee may waive the restoration requirement in this Article when it will further the purpose of this Article and be in the best interest of the community, and when it is demonstrated that development of the property is imminent as determined by the following criteria:

a. A development proposal is submitted for approval by a development review board within ten (10) days of the notice of violation.

b. The general plan designation of the property is consistent with the proposed development.

c. The zoning of the property is consistent with the proposed development.

d. Infrastructure improvements are in place, which can support the proposed development.

4. Granting of waiver; cost of replacing and maintaining native plant materials.

a. If a waiver is granted, a sum of money shall be paid to the city for the purpose of replacing and maintaining native plant materials. The development review board shall determine the sum of money to be paid to the city from the following schedule:

i. Protected native trees. Three hundred dollars ($300.00) per caliper inch (measured one (1) foot above ground level).

ii. Protected native cacti. Two hundred dollars ($200.00) per foot.

iii. Maximum per plant. Ten thousand dollars ($10,000.00).

b. Determination of the sum of money to be paid to the City pursuant to this Section shall be based upon the type, size, density, distribution, and condition of plant materials that existed on the property prior to the violation, or upon inspection of the remains of plant materials or other physical evidence as may be available. Appeal of a decision of the Hearing Officer regarding this determination may be made to City Council in accordance with the rules and procedures established in this Article.

c. The sum of money required by this subsection shall be used to replace removed or damaged plant materials whose retention is required by a Native Plant Preservation Plan approved in conjunction with the development proposal specified in this Article and to maintain replacement plant materials for a period of three (3) years. Additionally, fifteen (15) percent of the total amount payable shall be kept by the City as payment for the enforcement of these regulations and administration of the agreement specified in this Article.

d. Prior to issuance of any permits for construction on or development of the property, the property owner shall provide a mechanism acceptable to the City for replacement of plant materials for a period of three (3) years.

SECTION 14-22B-7 INSPECTIONS

A. In order to ensure compliance with this Article, inspections may be made by the Planning Manager or his or her duly authorized representative consistent with law.

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

SECTION 14-22B-8 DESERT LANDS CONSERVATION GUIDE

The City Manager or his designee shall promulgate a Desert Lands Conservation Guide containing the principles and guidelines used for the implementing of desert lands conservation within the Desert Lands Conservation Overlay district. Considerations contained within the Desert Lands Conservation Guide may be used in design of methods used in desert development projects.

SECTION 14-22B-9 ENFORCEMENT

A. Enforcement Authority

The DLCO shall be enforced by the Community Development Director of the City of Peoria, or his or her duly authorized representative.

B. Interference with Enforcement Personnel

It shall be unlawful for any person to willfully interfere with, hinder or obstruct enforcement personnel in the discharge of their duties pursuant to this Article.

C. Penalties

A violation of any provision of this Article shall be subject to the violation and penalty provisions of the Zoning Ordinance.

SECTION 14-22B-10 APPEALS

A. Appeal to the Hearing Officer

1. Decisions of the Community Development Department Staff arising from the administration of the requirements contained in this Article may be appealed to the hearing officer, which shall be appointed by the City Manager to hear such appeals. The appeals shall be in writing and set forth the specific decision of the Community Development Department staff that is being appealed. The appeal shall be filed with the Community Development Director.

2. A copy of the appeal and complete file shall be transmitted to the hearing officer. The hearing officer shall hold a hearing and provide the applicant and Community Development staff an opportunity to present their position. Such hearings shall be informal and the rules of evidence and civil procedure shall not apply. Such hearings shall be noticed in accordance with the following provisions.

3. The hearing officer shall act upon an appeal within ten (10) days after filing and shall submit his or her decision in writing to the applicant and the Community Development Director.

B. Appeals to the City Council

1. An applicant or the City may appeal the decision of the hearing officer to the City Council. The appeal shall be in writing and shall specifically set forth the decision of the hearing officer which is being appealed. The appeal shall be filed with the Community Development Director.

2. A notice of the appeal shall be mailed at least ten (10) days prior to the council meeting in which the appeal is heard to each property owner situated wholly or partially within three hundred (300) feet of the property to which the plan relates. The applicant shall provide the Community Development staff with the names and addresses and addressed and stamped envelopes for all property owners within three hundred (300) feet of the property. The Community Development staff shall be responsible for mailing such notices.

3. A copy of the appeal letter, decision of the hearing officer and supporting material shall be transmitted to the City Council. At a regularly scheduled Council meeting the applicant and the hearing officer shall present their positions.

4. The City Council shall act upon the appeal within thirty (30) days after the appeal is filed with the Community Development Director, or at the next regularly scheduled City Council meeting, whichever date is later.

ARTICLE 14-23 PARKING & LOADING REQUIREMENTS

(Ord. No. 02-67)

ARTICLE 14-23 CONTENTS

14-23-1	INTENT	14-23-3	PARKING REQUIREMENTS
14-23-2	PLANS REQUIRED	14-23-4	OFF STREET LOADING REQUIREMENTS

SECTION 14-23-1 INTENT (Ord. No. 94-74)

It is the intent of this Article to regulate and ensure the provision of adequate motor vehicle parking and loading spaces for each land use. The purpose of the regulations and development standards set forth in this ordinance aims to alleviate traffic congestion and vehicular/pedestrian conflicts.

SECTION 14-23-2 PLANS REQUIRED

Applications for a Planned Area Development, building permit for new construction, additions, alterations or change in use shall include a site plan at an appropriate scale that clearly shows proposed site improvements relating to parking as required by this Article. All plans shall show the location, arrangement and dimensions of off-street parking area(s), parking spaces, parking lanes, aisles/driveways, points of ingress and egress, walls, landscaping and barriers. Sidewalks, pedestrian ways, bicycle facilities and their access shall also be shown. The access or driveway locations, width and spacing as well as sight lines and distances, the arrangement of spaces, stall dimensions, surfacing, striping and lighting shall be in compliance with adopted City standards.

SECTION 14-23-3 PARKING REQUIREMENTS

Off-street parking spaces shall be provided according to the following provisions and standards.

A. **General Provisions**

1. *Floor Area*

The term "floor area" for the purpose of calculating the number of required parking spaces shall be the "Gross Floor Area" of the structures plus defined exterior use areas minus 10 percent (10%) except as may hereinafter be provided or modified

2. *Change of Use or Occupancy of Buildings*

Off-street parking and loading spaces as required herein shall be provided at the time of any new uses of land or construction of a new building. Any change of use or occupancy of any building or buildings, including additions thereto, requiring more parking shall not be permitted until such additional parking spaces as required by this Article are provided.

3. *Parking for a Residential Use*

Off-street parking facilities for residential uses shall be utilized solely for the parking of licensed and operable passenger vehicles owned by the occupants of the residence or the parking of passenger automobiles by guests of said occupants. Parking and storage requirement for recreational vehicles, commercial vehicles, utility trailers and boats shall be as required by the City of Peoria Parking Code and Section 14-23-3.B of this section. Under no circumstances shall required parking facilities for a residential structure be used for storage of commercial vehicles or equipment or for the parking of vehicles belonging to the employees, owners, tenants, or customers of business or manufacturing establishments except as provided in Chapter 14 of the 1992 Peoria City Code.

4. *Parking Stall Dimensions*

The following shall be the minimum parking stall size:

Type	Width	Length*
Standard	9.5 Feet	20 Feet
Handicapped	16 Feet	20 Feet
Compact	8 Feet	16 Feet
Parallel	8 Feet	24 Feet

* The front of the parking space may overhang two (2) feet into a landscape strip or pedestrian walkway, however, any parking spaces protruding over a pedestrian walkway shall maintain at least a 5-foot wide clearance for pedestrian access. (Ord. No. 03-170)

5. *Parking Aisle Dimensions*

The following shall be the minimum parking aisle width:

Parking Angle	One-Way Aisle	Two-Way Aisle
90 degree	24 Feet	24 Feet
60 degree	18 Feet	22 Feet
45 degree	15 Feet	20 Feet
30 degree	13 Feet	20 Feet

6. *Compact Parking*

Compact parking spaces shall not exceed 15 percent (15%) of the total required parking spaces. Projects providing parking in excess of the minimum required number of spaces may utilize any combination of compact and standard spaces for excess parking areas.

7. *Parking Lots*

a. Parking lots shall be designed in groupings no larger than two hundred (200) spaces. Larger lots shall be divided by buildings, plazas, or significant landscaped areas oriented for pedestrian use.

b. On-site parking lots shall be located no closer than fifteen (15) feet to any adjacent street frontage or road right-of-way. All required landscape buffer areas located between any proposed parking lot and street frontage or street right-of-way shall be landscaped in accordance with Section 14-35-4.1.e of the Zoning Ordinance. (Ord. 00-11)

8. *Within Structures*

The off street parking requirements may be furnished by providing spaces designed within the principle building or a parking structure. However, no building permit shall be used to convert said parking structures into a dwelling unit, living area, or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this Article.

9. *Circulation Between Bays*

Parking areas shall be designed so that circulation between parking bays occur within the designated parking lot and does not depend upon a public street or alley. Parking area designs which require backing into a public street are prohibited except one, two or three-family dwellings.

10. *Surfacing*

All areas intended to be utilized for parking space, access aisles, and driveways shall be paved with concrete or asphaltic concrete to control dust and drainage. Areas for outdoor storage of material and equipment may be covered with decomposed granite to provide a dust free surface. Such area shall not be considered as part of a required landscape area.(Ord. No. 03-170)

11. *Striping*

Except for one, two and three-family dwellings, all parking stalls shall be marked with painted lines not less than four inches (4") wide.

12. *Lighting*

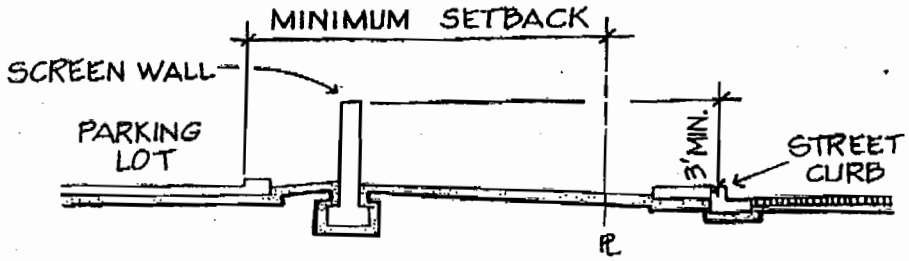
Parking lots used during hours of darkness shall be illuminated. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light down and/or away from adjoining property, abutting residential uses and public rights-of-way and shall be a maximum of twenty-five (25) feet in height above the surface of the parking lot for non-residential uses and sixteen (16) feet for residential uses.

13. *Protruding Vehicles*

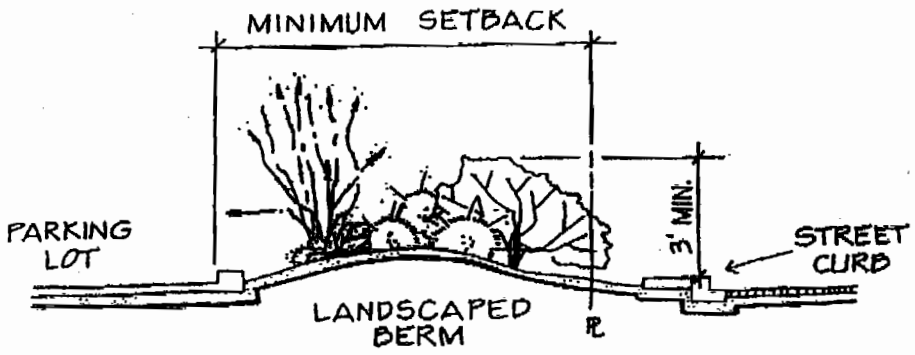
All on-site parking stalls shall be designed and constructed so that parked vehicles shall not protrude over a property line.

14. *Screening and Landscaping*

All off-street parking lots of four (4) or more spaces shall be screened from the street view and adjacent residential districts by a landscaped berm, decorative wall or combination thereof at least three (3) feet high, above the adjacent street curb height. Parking area landscaping shall be provided in accordance with Article 14-35 of the Zoning Ordinance.



SECTION AT TYPICAL SCREEN WALL



SECTION AT TYPICAL LANDSCAPED BERM

15. *Maintenance*

It shall be the joint and separate responsibility of the owner and/or lessee of the principal use, uses or building to maintain in a neat and adequate manner, the parking space, access ways, striping, landscaping, and required fences or screening.

16. *Use of Required Parking Areas for Parking Only*

Required off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, or storage of inoperable vehicles, except when permitted as a Temporary Use.

17. *Signs*

No sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking area. All signs shall conform to the requirements of Article 14-34.

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*

Dwelling Types	Parking Spaces Required	
	With On-Street Parking	Without On-Street Parking
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	2.2 Spaces/Unit
Three-family	2.0 Spaces/Unit	2.2 Spaces/Unit
Multi-family	2.2 Spaces/Unit	2.2 Spaces/Unit

a. Additional Residential Parking Requirements

1) At least one (1) space per dwelling unit shall be provided with covered parking. Subdivisions recorded prior to November 1, 1994 shall be exempt from this requirement. (Ord. No. 99-114)

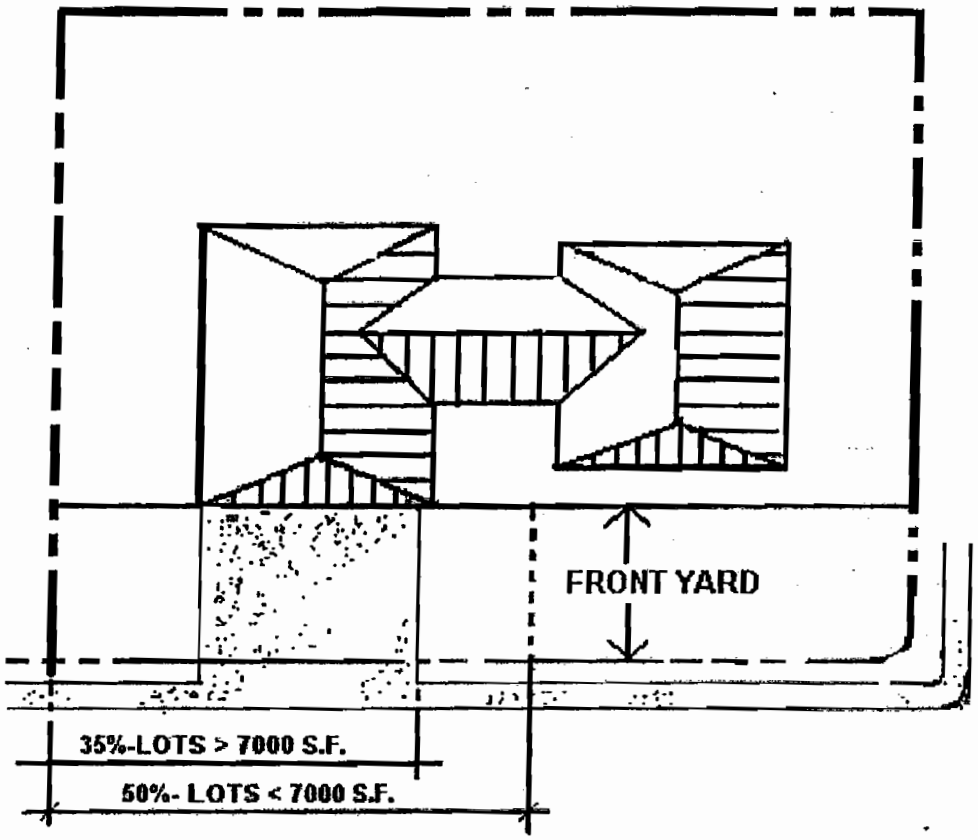
2) The required off-street parking spaces for single family, mobile homes, two family and three family residential occupancies, shall not be located within the front yard. When enclosing a carport or garage for storage or living purposes, an Affidavit shall be required with parking spaces identified to meet this section. The required parking spaces for homes

within subdivisions recorded prior to November 1, 1994 shall be exempt from this provision and shall be permitted to be located within the front yard, subject to the provisions of Section 14-23-3.B.1.a. (5). below. (Ord. No. 99-114)

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. On private streets, garages, and carports shall be set back a minimum of twenty-five (25) feet from the back of curb line. (Ord. No. 00-11)

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 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. Such parking shall not exceed a maximum of thirty-five percent (35%) of the front yard area, except on lots less than seven thousands (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) 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.


FRONT YARD
35%-LOTS > 7000 S.F.
50%- LOTS < 7000 S.F.

2. *Non-Residential Uses*

USE	DESCRIPTIONS	PARKING RATIO
ADMINISTRATIVE & FINANCIAL		
Professional Offices	Facilities for general office work providing professional, business administrative, informational services, or facilities that house governmental agencies and similar uses	a) One (1) space per 200 s.f. of floor area
Financial Services	Institutions providing financial advice and services in a bank, or similar financial institutions, to include accessory office building, automatic teller machine and similar uses	a) One (1) space per 300 s.f. of floor area, plus b) One (1) space per employee
	Financial institutions with drive-through facilities	a) A queuing space of one hundred (100) linear feet exclusive of drive aisles and parking spaces. (Ord. No. 03-170)
AUTOMOBILE RELATED		
Auto Services (Ord. No. 03-170)	Facilities providing general vehicle service or repair, and similar services	a) A queuing space of one hundred (100) linear feet exclusive of drive aisles and parking spaces. (Ord. No. 03-170) b) Two (2) spaces per service bay, plus c) One (1) space per employee on the largest shift
Automobile Rentals or Dealerships	Facilities for sale or rental of new or used auto, boat, RV, truck, trailer, camper, motor home or Motorcycle. (Outdoor vehicle display spaces are not required to meet dimensional requirements of this Article)	a) One (1) space per 1000 s.f. of indoor area, plus (Ord. No. 03-170) b) One (1) space per employee on the largest shift
Automobile Towing & Impound Facilities	Facilities for towing, dismantling, recycling, impound and storage of junk vehicles, to include sanitary landfills and similar uses	a) One (1) 1000 s.f. of floor area, plus b) One (1) space per employee c) Minimum of four (4) spaces

Car Washes	Facilities for the cleaning of vehicles	a) One (1) space per service bay, plus b) One (1) space per employee on the largest shift
	Drive-through facilities for the cleaning of vehicles. (Ord. No. 03-170)	a) A queuing space of one hundred (100) linear feet exclusive of drive aisles and parking spaces.
	Self service facilities for the cleaning of vehicles. (Ord. No. 03-170)	a) Two (2) spaces per service bay exclusive of drive aisle, each space at service bay can count as the required space.
	Drive-through facilities for the cleaning of vehicles with gas station, and convenience store	a) Two (2) spaces per site, plus b) A queuing space of seventy-five (75) linear feet exclusive of drive aisles and parking spaces, plus (Ord. No. 03-170) c) One (1) space per employee on the largest shift
Auto Gas Stations	Facilities for dispensing motor fuels without convenience store	a) Two (2) spaces per pump, each space at pump can count as a required space, plus b) One(1) space per employee on the largest shift
	- with convenience store	a) One (1) space per 300 s.f. of floor area, plus b) One(1) space per employee on the largest shift
	- with auto services	a) Three (3) spaces per site, plus b) One(1) space per employee on the largest shift
EATING & DRINKING ESTABLISHMENTS		
Fast Food Restaurants & Coffee Shops	Eating establishments providing self- services or with high turnover rate and similar services	a) One (1) space per 50 s.f. of serving area
	- with drive-through services	a) One hundred (100) linear feet of queuing space exclusive of drive aisle and parking spaces, plus (Ord. No. 03-170)

		parking spaces, plus (Ord. No. 03-170) b) Seventy-five (75) linear feet of queuing space for each additional drive-through window
	- with outdoor seating	a) One (1) space per 100 s.f. of serving area
Restaurants	Eating establishments providing full food services with low to moderate turnover rate	a) One (1) space per 50 s.f. of serving area, plus
	- with outdoor seating	a) One (1) space per 100 s.f. of serving area
Taverns, Bars, Pubs & Lounges	Establishments licensed to sell alcoholic beverages to be consumed on the premises, often with limited food service	a) One (1) space per 60 s.f. of floor area b) One (1) space per employee on the largest shift
ENTERTAINMENT & RECREATION		
Adult Uses	Establishments for adult entertainment that emphasize adult oriented uses and services in an adult motion picture theater, arcade, adult cabaret, adult motel, nude studio and similar facilities	a) One (1) space per 60 s.f. floor area, plus b) One (1) space per employee
	Adult specialty shops for purchase of adult books, video, and similar products	a) One (1) space per 300 s.f. floor area, plus b) One (1) space per employee
Outdoor Amusements & Recreations	Facilities providing a variety of outdoor amusement, entertainment, and similar activities in an amusement park, fairground, zoo, auditorium and similar places, to include special outdoor events such as carnivals or outdoor concerts. Outdoor recreations include a variety of outdoor health and sport activities in a racetrack, stables, rodeo ground, outdoor shooting range, swimming and tennis clubs, miniature golf and similar places	a) Five (5) spaces per 1000 s.f. activity area

	Golf course and driving range	a) One (1) space per 200 s.f. of main building floor area, plus b) One (1) space per every two practice tees in driving range, plus c) Four (4) spaces per each green in the playing area
	Establishments for drive-in theaters or similar facilities	Shall provide on-site, between the street and the admission station, queuing space in a number of linear feet that equals 0.25 times the number of viewing stalls located within the theater
Indoor Recreations	Facilities providing a variety of indoor health and sports activities in a sporting complex, stadium, skating rinks, community center, fitness center and similar indoor facilities	a) One (1) space per 200 s.f. of floor area, plus b) One (1) space per employee on the largest shift
	Bowling alleys	a) Four (4) spaces per alley, plus b) Two (2) spaces per billiard table, plus c) One (1) space per each five visitor gallery seats, plus d) One (1) space per employee on the largest shift
Indoor Public Assembly	Facilities providing a variety of indoor public assemblies in a convention or reception center, pool, dance or meeting hall, social or private club, tennis and racquet clubs, theatrical or music hall, game room, video arcade, bingo hall and similar places, excluding taverns, bars, pubs, lounges and adult uses.	a) One (1) space per 400 s.f. of floor area, or b) One (1) space per 3 seats of design capacity, plus c) One (1) space per employee on the largest shift
GENERAL INDUSTRIAL & MANUFACTURING		
Warehousing	Facilities providing mini-storage and warehousing of material and goods and similar uses	a) One (1) space per 50 units, plus b) One (1) space per 300 s.f. office floor area c) Minimum of four (4) spaces
Outdoor storage	Facilities providing exterior storage of construction	a) One (1) space per 2000 s.f. of floor area, plus

	equipment and materials, recyclable material, and similar uses	b) One (1) space per employee c) Minimum of four (4) spaces
Wholesale, distribution	Facilities providing wholesale or distribution of trucks, trailers, boats, new and used cars, bulk fuel, machines, appliances, equipment, building material, lumber, plant nurseries, produce and similar merchandise in indoor or outdoor storage areas to include machine shops, lumberyards, import/export shops, moving, rental, or storage companies, market sales yards, and similar facilities	a) One (1) space per 500 s.f. of sales or display area, plus b) One (1) space per 1000 s.f. of indoor storage area, plus c) One (1) space per 300 s.f. of retail or office floor area d) Minimum of four (4) spaces
Light Manufacturing	Facilities providing light manufacturing and assembly services in printing and publishing plants, computer processing centers, research laboratories, mail order stores, parcel delivery plants, commercial dry cleaning and laundry plants, environmental facilities, radio, T.V and other communications facilities, and similar facilities	a) One (1) space per 1000 s.f. of floor area, plus b) One (1) space per employee c) Minimum of four (4) spaces
Intense Manufacturing & processing	Facilities that include the use of chemicals, heavy equipment and machinery for the fabrication & processing of goods.	a) One (1) space per 1000 s.f. of floor area, plus b) One (1) space per employee c) Minimum of (4) spaces
GENERAL RETAIL		
Retail, Rentals and Sales	Establishments providing general retail sales and services for art, music, sports supplies, clothing, grocery, drug, video rentals and sales, electronic equipment, gift and souvenir, furniture, appliance, household equipment, hardware, and similar products in a single store on a single lot, not part of a shopping center (less than 50,000 s.f.)	a) One (1) space per 300 s.f. of floor area

	stores, laundries and dry cleaners, pharmacies and similar services	drive aisles and parking spaces. (Ord. No. 03-170)
	Establishments providing general retail sales and services in a shopping centers (a commercial establishment planned, developed, owned or managed as a unit and more than 50,000 s.f.)	a) One (1) space per 250 s.f. of floor area. Note: for any center with more than fifteen percent (15%) of floor area in public assembly uses, including theaters, restaurants, schools, health spas, bars or cocktail lounges, there shall be required, in addition to these standards, ten (10) spaces per 1000 s.f. of public area within these uses
INSTITUTIONAL		
Religious assembly	Facilities providing religious worship or study in a church, temple, synagogues and similar places	a) One (1) space per 4 seats in main assembly area based on design capacity
School	Public, charter or private educational institutions for Junior High (Ord. No. 03-170)	a) One (1) space per employee, plus b) One (1) space per three fixed seats of auditorium based on design capacity plus c) Minimum of ten (10) spaces for visitors parking
	Senior High (Ord. No. 03-170)	a) Two (2) spaces per classroom, plus b) One (1) space per employee, plus c) One (1) space per three fixed seats of auditorium based on design capacity plus d) Minimum of ten (10) spaces for visitors parking.
Secondary Education	Public or private facilities providing education in a college, university, trade or vocational school, and similar institutions	a) Five (5) spaces per classroom, plus (Ord. No. 03-170) b) One (1) space per three fixed seats of auditorium based on design capacity plus c) One (1) space per employee

ild care	Facilities providing daily care of children in a nursery, day care or pre-school center	a) One (1) space per 400 s.f. of floor area, plus b) One (1) space per employee, plus c) Minimum one (1) drop off lane
Senior care	Facilities providing long-term care for seniors in a nursing or convalescent home, hospices or similar care facility (excluding group home)	a) One (1) space per 5 beds, plus b) One (1) space per employee
Public, social and cultural services	Facilities providing public, social, non-profit, or institutional services in a library, museum, art gallery, post office, treatment, detention, or release center, halfway house, employment agency, shelter, and similar civic/public, cultural, and social institution (excluding group home)	a) One (1) space per 200 s.f. of floor area, plus b) One (1) space per employee
Utility	Structures, equipment, or facilities providing for public/private utility & services, including radio, television, communication transmission, tower and similar structures	a) One (1) space per use
INTENSE RETAIL		
Commercial sales (with or without outdoor sales & display area)	Establishments providing heavy retail sales, rentals and services for mobile homes, appliances, machines, equipment, hardware, lumber and building material, upholstery, grain, feed, seed, fertilizer, farm and garden supplies and similar products in store with outdoor storage such as home improvement stores, furniture shops, monument engraving shops, swap meet farmers markets and similar intense retails with outdoor sales operations	a) One (1) space per 400 s.f. of sales floor area, plus b) One (1) space per employee on the largest shift

Commercial Service Establishments combining retail, showroom with workshop. (Ord. No. 03-170)	Establishment combining retail, office, showroom with workshop, such as interior decorator, custom dressmaking or tailor, photographer, minor household appliance repair and similar activities.	a) One (1) space per 500 s.f. floor area, plus b) One (1) space per employee.
LODGING		
Recreational resorts	Facilities providing overnight stops in Recreational Vehicle Park, travel trailer park, overnight camp ground and similar places	a) One (1) space per 200 s.f. of gross activity area, or b) One (1) space per RV or trailer, plus c) One (1) space per employee
Lodging accommodations	Establishments providing accommodation in a bed and breakfast, lodge, to include fraternity, sorority, and similar facilities	a) One (1) space per room, plus b) One (1) space per employee
Hotels or Motels	Places for lodging with ancillary facilities to include sleeping rooms, restaurants, lounges, resorts, meeting rooms and similar uses	a) One (1) space per room, plus b) One (1) space per 100 s.f. of restaurant and bar serving area, plus c) One (1) space per 100 s.f. of outdoor seating serving area d) Ten (10) minimum spaces for visitors parking, plus e) One (1) space per 200 s.f. of meeting room floor area, plus f) One (1) space per employee on the largest shift
MEDICAL		
Hospitals	Facilities providing medical or surgical care, emergency medical and similar services	a) One (1) space per bed, plus b) One (1) space per employee c) Minimum thirty (30) spaces for emergency services
Health Clinics	Facilities providing medical, dental, optical care or preventative medicine and clinical research studies in a clinic or laboratory, this include accessory offices	a) One (1) space per 200 s.f. of floor area b) One (1) space per employee

Veterinarian hospitals or clinics	Establishments for medical, surgical, and emergency care of animal, to include veterinary office and clinics without animal boarding	a) One (1) space per 400 s.f. of floor area, plus b) One (1) space per employee
PERSONAL SERVICES		
Pet care	Establishments for sheltering, and grooming of animals	a) One (1) space per 200 s.f. of floor area, plus b) One (1) space per employee
Personal improvement, & general professional services	Establishments providing personal services such as tanning, massage therapy, manicure, hair and beauty treatment, tattoo and body piercing, palm reading, fortune tellers, and similar services	a) One (1) space per chair, or b) One (1) space per 200 s.f. whichever is greater, plus c) One (1) space per employee
	Establishments providing general professional services such as appliances repair, cabinet and carpentry making, custom dressmaking and alteration, watch and clock repair, dry cleaning & laundry, locksmith, messenger delivery, pest control, photographic developing & printing, blueprint production, travel information & similar professional services	a) One (1) space per 200 s.f. of gross production area, plus b) One (1) space per employee
TRANSPORTATION		
Air Travel	Facilities providing aviation transport and services in an airport, heliport, or helistop to include aircraft repair and sales, and similar services	a) One (1) space per 150 s.f. of waiting room floor area, plus b) One (1) space per 500 s.f. of maintenance floor area, plus c) One (1) space per 200 office floor area, plus d) One (1) space per employee
Water Travel	Facilities providing boat charters, marinas, marina fuel and similar services	a) One (1) space per 150 s.f. of waiting room floor area, plus b) One (1) space per 200 s.f. of office floor area, plus c) One (1) space per employee

Road Travel	Facilities providing bus, rail and motor freight, and school bus transportation, parking and maintenance in terminals, and similar facilities	a) One (1) space per 150 s.f. of waiting room floor area, plus b) One (1) space per 500 s.f. of maintenance floor area, plus c) One (1) space per 200 s.f. office floor area, plus d) One (1) space per employee
OTHER		
Funeral Services	Facilities providing burial preparation and/or funeral services in a cemetery, crematorium, mausoleum, funeral home and chapel, mortuaries and similar facilities	a) One (1) space per every 3 seats in main viewing rooms based on design capacity, plus b) One (1) space per funeral vehicle c) One (1) space per employee

3. *Calculating Spaces*

In case of fractional results in calculating parking requirements, the required numbers of the sum for the various uses shall be rounded up to the nearest whole number if the fraction is .5 or greater.

4. *Handicapped Accessible Parking*

All off-street parking areas for multiple family, commercial, or industrial uses shall provide spaces for use by disabled persons according to the following standards:

a. Handicapped accessible parking spaces for multiple family housing shall be provided as follows:

1) Where parking is provided for all residents, one (1) accessible parking space shall be provided for each accessible dwelling unit;

2) Where parking is provided for only a portion of the residents, an accessible parking space shall be provided on request of the occupant of an accessible dwelling unit; and

3) Where parking is provided for visitors, two percent (2%) of the spaces, or at least one (1) space shall be accessible.

b. Handicapped accessible parking for health care facilities shall be provided as follows:

1) At facilities providing medical care and other services for persons with mobility impairments: The number of parking spaces required in Subsection 5.c. herein.

2) At outpatient units and facilities: Ten percent (10%) of the total number of parking spaces provided serving each such outpatient unit or facility; and

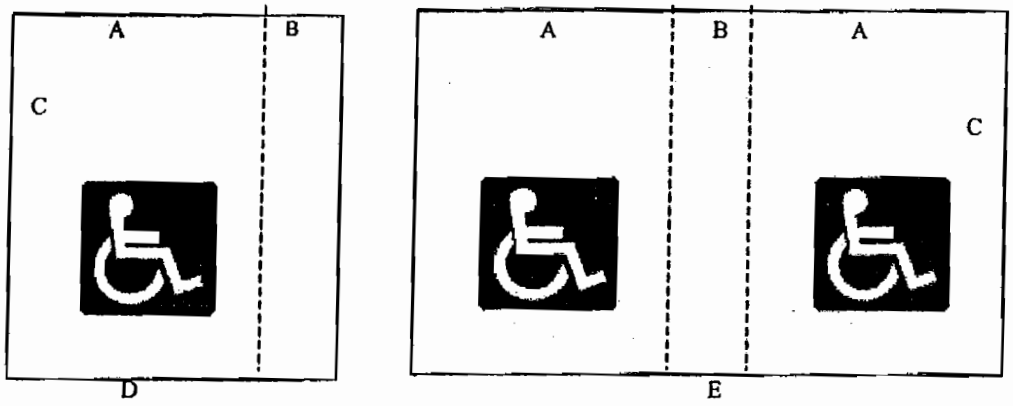
3) Units and facilities that specialize in treatment or services for persons with mobility impairments: Twenty percent (20%) of the total number of spaces provided serving each such unit or facility.

c. Handicapped accessible parking spaces for all other facilities shall be provided as follows:

Required Parking	Required Number of Accessible Spaces
1 to 150	4% of Total
151 and above	3% of Total

d. Each handicapped accessible parking space shall meet the following minimum requirements for size: Width of eleven (11) feet and length of twenty (20) feet, with an adjacent access aisle on the right side five (5) feet in width. Two accessible parking spaces may share a single five (5) foot wide access aisle. Every aisle shall lead directly to a curb ramp and accessible route of travel.

Handicapped/Parking Dimensions



A. Width of Stall 11 feet.
B. Width of Access Aisle: 5 feet (always on the right of a single space).
C. Length of Stripe: 18 feet.
D. Overall Width of Single Space: 16 feet.
E. Overall Width of Double Space: 27 feet

* Measurements Taken for a 90 Degree Angle of Parking

e. All handicapped accessible parking spaces shall be prominently outlined on all four (4) sides and shall have the international symbol of accessibility displayed on the ground within each space. The access aisle shall be included within the outlined area. The color scheme of the accessible parking space shall contrast with that of the surrounding regular parking spaces.

Furthermore, all handicapped accessible parking spaces shall be identified by a sign on a stationary post or object. These signs shall not be obscured by vehicle parked in the space. The bottom of the sign shall be located not less than three (3) feet and no more than six (6) feet above the grade and shall be no less than five (5) feet to the centerline of the space. Accessible parking spaces shall be designated as reserved for the physically disabled by a sign showing the international symbol of accessibility in any color scheme on a contrasting background. Such signs must, at a minimum, display the word "Reserved Parking" or "Accessible Parking Only". Van accessible spaces shall have an additional sign indicating "Van Accessible" below the handicapped symbol. (Note: all measurements for accessible parking spaces per City of Peoria's zoning requirements are wide enough to accommodate vans or similar large-size vehicles.)

f. Handicapped accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In facilities with multiple accessible building entrances with adjacent parking, accessible parking spaces shall be dispersed and located near accessible entrances. Wherever practical, the accessible route of travel shall not cross lanes for vehicular traffic.

Where crossing vehicle traffic lanes are necessary, the route of travel shall be designated and marked as a crosswalk.

Where parking is provided in a parking garage or under shade canopies, the ratio of covered to uncovered non-accessible spaces. In parking garages, not less than twenty percent (20%) of the accessible spaces shall be designated for high-profile vehicles, with a minimum head room clearance of nine feet (9) six (6) inches provided in all parking, maneuvering and circulation areas serving such spaces. Special signage shall be provided to identify high profile accessible parking spaces and to direct users to the location of both high profile and standard height accessible parking spaces are high profile spaces.

g. Handicapped accessible parking spaces and access aisles shall be level, with surface slopes nor exceeding 1:50, two percent (2%) in all directions.

h. Whenever a parking area built before the effective date of this Subsection does not have sufficient accessible parking spaces to comply with this Subsection, existing non-accessible parking spaces may be combined and converted to accessible parking spaces and associated aisles, provided that the overall reduction in total number of required parking spaces does not exceed five percent (5%) of the off-street parking spaces otherwise required by this Code.

5. *Joint Use Parking*

a. Up to fifty percent (50%) of the parking facilities required by this Article for a religious institution, cultural center or an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities by the following daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing, wholesale and similar uses.

b. Other joint use of parking on adjacent commercial uses to reduce total parking spaces may be allowed with a parking study submittal by a Registered Professional Engineer, to be approved through the site plan approval process.

c. Conditions Required for Joint Use

1) The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within three hundred (300) feet of such parking facilities.

2) The applicant shall show that there is no substantial conflict in the operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.

3) A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the City Attorney shall be filed with the City Clerk and recorded with the County Recorder.

6. *Off-Site Parking*

a. Any off-site parking which is used to meet the requirements of this Article shall be regulated by this Ordinance and shall be subject to the conditions listed below:

1) Off-site parking shall be developed and maintained in compliance with all requirements and standards of this Article.

2) Reasonable access from off-site parking facilities to the use being served shall be provided.

3) The site used for meeting the off-site parking requirements of this Article shall be under the same ownership as the principal use being served, under public ownership, or shall have guaranteed permanent use by virtue of a perpetual lease filed with the City Clerk and County Recorder.

4) Off-site parking for multiple-family dwellings shall not be located more than two hundred (200) feet from any commonly used entrance of the principal use served, unless approved through the site plan approval process.

5) Off-site parking for non-residential uses shall not be located more than three hundred (300) feet from the primary entrance of the principal use being used, unless approved through the site plan approval process.

SECTION 14-23-4 OFF-STREET LOADING REQUIREMENTS

A. General Provisions

1. Unless otherwise specified in this Ordinance, loading spaces or berths shall be at least forty-five (45) feet in length and all loading berths shall be at least twelve (12) feet in width and fourteen (14) feet in height, exclusive of aisle and maneuvering space and required parking space.

2. Loading berths of thirty (30) feet by ten (10) feet for office use, motels and hotels, restaurants, day care centers, long term care facilities, and other similar facilities may be provided for all or part of the required loading berths if approved through the site plan approval process.

3. Such space may occupy all or any part of any required yard space, except front and corner side yards, and shall not be located closer than fifty (50) feet to any residential zoning district unless screened by a masonry wall not less than ten (10) feet in height. Loading spaces located in side yards shall not be visible from a public street. (Ord. No. 02-85)

4. Sufficient room for turning and maneuvering vehicles shall be provided on the site so that vehicles shall cross a property line only by driving forward.

5. Each loading berth shall be accessible from a street, alley or from an aisle or drive connecting with a street or alley, without traversing a residential district.

6. The loading area, aisles, and access drives shall be paved so as to provide a durable dust-proof surface and shall be so graded and drained so as to dispose of surface water without damage to private or public properties, streets, or alleys.

7. Bumper rails shall be provided at locations where needed for safety or to protect property.

8. If the loading area is illuminated, lighting shall be deflected down and/or away from abutting residential sites so as to not cause any annoying glare.

9. No regular repair work or servicing of vehicles shall be conducted in a loading area.

10. Off-street loading facilities shall be located on the same site with the use for which the berths are required.

11. If more than one use is located on a site, the number of loading berths provided shall be equal to the sum of the requirements prescribed in this Article for each use. If more than one use is located on a site and the gross floor area of each use is less than the minimum for which loading berths are required but the aggregate gross floor area is greater than the minimum for which loading berths are required, off-street loading berths shall be provided as if the aggregate gross floor area were used for the use requiring the greatest number of loading berths.

12. Off-street loading facilities for a single use shall not be considered as providing required off-street facilities for any other use.

13. At the time of initial occupancy, major alterations or enlargement of a site, or of completion of construction of a structure or of a major alteration or enlargement of a structure, there shall be provided off-street loading berth requirements. The number of loading berths provided for a major alteration or enlargement of a site or

structure shall be in addition to the number existing prior to the alteration or enlargement.

14. Space allocated to any off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facility.

B. **Number of Spaces Required**

Unless otherwise provided in this Ordinance every office, hotel, restaurant, department store, freight terminal or railroad yard, hospital, industrial plant, manufacturing establishment, retail establishment, storage warehouse or wholesale establishments, and all other structures devoted to similar mercantile or industrial pursuits, which has an aggregate gross floor area of five thousand (5,000) square feet or more shall provide off-street truck loading or unloading berths in accordance with the following table:

Square Feet of Aggregate Gross Floor Area Devoted to Such Use	Required No. of Berths
5,000 sq.ft. up to and including 40,000 sq.ft.	1
40,001 sq.ft. up to and including 100,000 sq.ft.	2
100,001 sq.ft. up to and including 160,000 sq.ft.	3
160,001 sq.ft. up to and including 240,000 sq.ft.	4
240,001 sq.ft. up to and including 320,000 sq.ft.	5
320,001 sq.ft. up to and including 400,000 sq.ft.	6
400,001 sq.ft. up to and including 490,000 sq.ft.	7
For each additional 100,000 sq.ft.	1 add'l.

ARTICLE 14-33 PLANNED AREA DEVELOPMENT (P.A.D.) DISTRICT

ARTICLE 14-33 CONTENTS

14-33-1 INTENT	14-33-3 APPLICATION
14-33-2 GENERAL REQUIREMENTS AND STANDARDS	14-33-4 AMENDMENTS TO APPROVED FINAL DEVELOPMENT PLAN

SECTION 14-33-1 INTENT (Ord. No. 88-29)

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

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

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

SECTION 14-33-2 GENERAL REQUIREMENTS AND STANDARDS

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

B. **P.A.D. Regulations**

1. The minimum total P.A.D. shall be no less than ten (10) acres unless the applicant can show that the minimum P.A.D. requirements should be waived because the waiver would be in the public interest and that one or more of the following conditions exist:

   a. Unusual physical features of the property itself or of the surrounding area are such that development under the standard provisions of this Ordinance would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community.

   b. The property is adjacent to or across the street or alley from property which has been developed under the provisions of this section and will contribute to the amenities of the area.

   c. The use of the P.A.D. concept will encourage the use of otherwise undevelopable property, particularly in the case of small undeveloped parcels surrounded or partially surrounded by developed property.

2. Waivers of the ten (10) acre minimum requirement may be recommended by the Planning and Zoning Commission, upon a finding that one or more of the above conditions enumerated in paragraph B.1 of this section exist.

C. **Uses in a P.A.D.** Any use or combination of uses may be allowed in a P.A.D. provided it is consistent with the Peoria Comprehensive Master Plan, provided such uses are identified as permitted uses upon approval of the P.A.D.

D. **Residential Density in P.A.D.s.**

1. Residential development in a P.A.D. may provide for a variety of housing types allowed in any one of the basic residential zoning districts. In addition, the number of dwelling units allowed may be flexible relative to the number of dwelling unit per acre that would be permitted by the zoning regulations otherwise applicable to the site. However, the total number of dwelling units and the resulting density allowed in a P.A.D. shall by consistent with the Land Use Plan of the City's Comprehensive Master Plan.

2. In determining the reasonableness of the densities in a P.A.D., the Planning and Zoning Commission and City Council shall consider increased efficiency in the provision of public facilities and services based, in part, upon:

   a. The location, amount and proposed use of common open space;

   b. The location, design and type of dwelling units;

c. The physical characteristics of the site;

d. Particular distinctiveness and excellence in siting, design, and landscaping;

E. **More Than One Building Per Lot.** More than one building may be placed on one platted or recorded lot in any P.A.D. Areas for single family detached dwellings or other housing types providing privately owned lots must comply with the City's subdivision Ordinance in all respects not specifically noted in Section 14-33-2 as appropriate variances or waivers.

F. **One Housing Type Not Inconsistent With Intent.** A P.A.D. which only involves one housing type such as all detached or all attached units shall not be considered inconsistent with the stated purposes and objectives of this section and shall not be the sole basis for denial or approval.

G. **Architectural Style, Appearance.** Architectural style of buildings shall not solely be a basis for denial or approval of a plan. However, the overall appearance and compatibility of individual buildings to other site elements or to surrounding development will be primary consideration during P.A.D. review by the Planning and Zoning Commission and Council.

H. **Phasing of Development.**

1. Any P.A.D. plan proposed to be constructed in phases shall include full details relating thereto, and the City Council may approve or modify, where necessary, any such proposals.

2. The phasing shall include the time for beginning and completion of each phase. Such timing may be modified by the City on the showing of good cause by the developer.

3. The land owner or developer shall make such easements, covenants, and other arrangements and shall furnish such financial or other guarantees as may be determined by the City to be reasonably required to assure performance in accordance with the Plan and to protect the public.

I. **Street Utilities, Services and Public Facilities.**

The uniqueness of each proposal for a P.A.D. may allow specifications and standards for streets, utilities and services to be subject to minor modifications of the specifications and standards established in this and other City ordinances. The plans and profiles of all streets, utilities and services shall be reviewed by the City Engineer prior to the final approval of the P.A.D.

J. **Open Space Provision** (Ord. No. 96-99)

1. There shall be a minimum amount of land area dedicated or reserved as Useable Open Space in each Planned Area Development as set forth in the following table.

Land Use	Minimum amount of Useable Open Space Required
Residential - Single family Lots less than 10,000 sq. ft.	11%
Residential - Single family Lots 10,000 to 18,000 sq. ft.	9%
Residential - Single family Lots in excess of 18,000 sq. ft.	7%
Residential - Multi-family	7%
Non-Residential Uses	5%

If a Planned Area Development includes a mixture of land uses, the percentage of Useable Open Space required shall be the average based on the percentage of each land use as to the total acreage.

2. Useable Open Space shall be clearly designated on the preliminary and final development plans as to the use and improvements, and may include the following:

   a. Dedicated park sites.

   b. A dedicated separate right-of-way for bike paths, equestrian and hiking trails.

   c. Private park and recreation areas.

   d. Floodway areas.

   e. Reserved or dedicated steep slope areas.

   f. Retention basins required to comply with the one hundred (100) year, two (2) hour storm that meet the landscape requirements of Article 14-35 shall be counted as Useable Open Space when improved with multi use trails, picnic areas, game courts, play equipment or other passive and active recreation improvements.

3. Useable Open Space shall not include any of the following:

   a. Dedicated streets, alleys, and other public rights-of-way.

   b. Vehicular drives, parking, loading and storage areas.

   c. Required setback areas at the perimeter boundaries of the Planned Area Development, except open space shall include perimeter landscaping for a motor vehicle dealership.

d. Golf courses.

e. Reservation of park and school sites for which the City or school district shall be required to purchase.

f. Areas reserved exclusively for the uses or benefit of an individual owner or tenant.

g. Concrete or rock lined areas designed primarily as a drainage channel.

4. Adequate guarantees must be provided by the applicant to insure permanent retention of the Useable Open Space resulting from the application of these regulations, either by private reservation for the use of the residents within the development or by dedication to the public or a combination thereof.

5. The City Council may require the formation of a homeowner association or a maintenance improvement district to assure that the City will not be responsible for the maintenance of part or all of the Useable Open Space.

6. In considering a proposed P.A.D. project, the Planning and Zoning Commission may recommend and the City Council may specify a modification or waiver of any or part of the exclusions set forth in subsection 3. above, upon showing that the modification or waiver will not modify the intent of the subsection.

K. **Operating and Maintenance Requirements for Planned Area Development.**

Common Facilities

In the event that certain land areas or structures are provided within the P.A.D. for private recreational use or as service facilities, the owner of such land and buildings shall establish an arrangement to assure a continued standard of maintenance consistent with the conditions of P.A.D. approval.

L. **Landscaping.** Fencing and/or landscaping in accordance with the provisions of Article 14-35 shall be provided according to a plan approved by the City. (Ord. No. 93-22)

M. **Utilities.** All electric utility lines less than 69KV shall be installed underground.

N. **Additional Standards.** Development within a P.A.D. shall conform to all conditions and standards agreed upon by the applicant and the City at time of P.A.D. approval.

O. Each P.A.D. standards and guidelines submittal consistent with the definitions and standards in this code shall address the placement of community residential setting facilities, group homes and group care facilities in a manner consistent with state law and the federal fair housing act amendments of 1988. (Ord. No. 97-41)

SECTION 14-33-3 APPLICATION

A. The applicant is encouraged to meet with appropriate City staff prior to making application for P.A.D. approval to discuss the development concept, the review and approval process, and the submittal requirements.

B. The applicant shall obtain the necessary application forms from the Planning and Zoning Director. Application forms properly completed and accompanied by the required fee shall be submitted to the Planning and Zoning Director. Concept Plan exhibits shall accompany the application. The Concept Plan shall be submitted at least fifteen (15) days prior to meeting with City staff.

C. **Concept Plan Submittal Requirements.** The Concept Plan shall indicate proposed land uses, general circulation patterns, property boundaries, existing land uses on adjacent properties, special site conditions or problems. A computation table showing proposed land use allocations in acres and percent of total site area shall be included on the Concept Plan.Following review of the Concept Plan, City Staff will provide overall comments and guidance for preparation of the Preliminary Development Plan.

D. **Preliminary Development Plan**

1. *Submittal Requirements.* Based upon comments received regarding the Concept Plan, the applicant shall prepare a Preliminary Development Plan. A Preliminary Development Plan shall be submitted at least fourteen (14) days prior to the Plans Review Committee meeting, at which it will first be heard. The following information shall be submitted to the Planning and Zoning Director:

   a. Legal description of property and indication of gross area.

   b. Nature of the applicant's interest in the land to be developed.

   c. All persons owning or having an interest therein, including easements, tenants, licenses, lien holders or other interests.

   d. A generalized location map showing surrounding land use, zoning and traffic circulation patterns.

   e. Site Condition. An analysis of the existing site conditions which indicates at a minimum:

      1) Topographic contours with intervals of no more than two (2) feet, to a distance of one hundred (100) feet beyond the property boundary.
      2) Location and extent of major vegetative cover (if any)

      3) Location and extent of perennial or intermittent streams and water ponding areas.

      4) Existing drainage and irrigation patterns

5) Other information considered relevant by the applicant or City staff.

f. Proposed allocations of land use expressed as a percentage of the total area, as well as in acres. Uses to be indicated include:

1) Arterial Streets

2) Open Space (public)

3) Open Space (private)

4) Residential (if appropriate)

5) A stratification of residential uses in terms of single family detached units, patio homes, townhouses, garden apartments, etc.

6) Commercial (if appropriate)

7) Industrial (if appropriate)

g. A land use plan at a scale not smaller than one (1) inch equals one hundred (100) feet, indicating land uses, acres and development densities of each land use and the most nearly equivalent zoning categories; all arterial and collector street circulation elements, pedestrian and/or bicycle circulation elements, exact perimeter locations of any/all arterial streets and major collector streets; open spaces; and recreational areas.

h. Plans indicating the approximate alignment and sizing of waterlines, sanitary sewers, and storm sewers (if any), as well as easements for all utilities, if necessary. Also indicated should be proposed surface drainage patterns.

i. Conceptual architectural renderings indicating the elevations and exterior wall finishes of proposed buildings types.

j. Conceptional landscaping plans in accordance with the provisions of Article 14-35. (Ord. No. 93-22)

k. A traffic analysis report, if deemed necessary by the City.

l. Phasing Plan, if development is to take more than two (2) years.

E. **Final Development Plan.** (Ord. No. 02-80)

1. *Approval.* Final P.A.D. Development Plan Approval and the issuance of a Building Permit for any portion of a P.A.D. shall occur only when:

a. A reproducible copy of the approved Preliminary Development Plan with appropriate signatures has been submitted by the developer.

b. The design and construction plans for all utilities, grading and street improvements have been approved by the City Engineer.

c. A site plan, subject to the requirements of Article 14-39, Section 14-39-9, Site Plan Review," for the specific portion of the P.A.D. in question has been submitted and has been approved, as in conformance with the Preliminary Development Plan. (Upon approval of the site plan, a reproducible copy shall be submitted.)

Appeal from a decision on the final development plan may be filed in accordance with procedures set forth in Article 14-39, Section 14-39-9, "Site Plan Review."

d. Architectural elevations of the buildings, with materials lists, are submitted and approved by the Planning and Zoning Commission pursuant to the Design Review Ordinance.

e. A landscaping plan prepared in accordance to Article 14-35 and approved by the Planning and Zoning Commission.

f. A performance bond, cash escrow agreement, or other acceptable instrument has been deposited with the City in an amount as set by the City Council based upon the City Engineer's recommendation. The performance guarantee shall be in accordance with Section 11-5-6 of the Peoria City Code. This financial guarantee shall be used to ensure the full completion, as specified of;

1) Public and private streets and utilities

2) Landscaping, and

3) Privately owned and maintained recreational facilities.

4) Other items as agreed upon between the City and developer.

g. Any land dedication agreements made as part of the Preliminary Development Plan approval are fulfilled.

SECTION 14-33-4 AMENDMENTS TO APPROVED FINAL DEVELOPMENT PLAN (Ord. No. 03-03)

A. General. Amendments to an approved P.A.D. Final Development Plan may be requested by the applicant or its successors.

B. Applicability. Amendments to the approved Final Development Plan may be limited to one or more "development units" and any proposed change will not affect development units not included in the proposed amendment.

C. Major or Minor Amendments. Amendments to the approved Final Development Plan shall be delineated as major or minor amendments. Upon receipt of an amendment application to the Planning Division, the Planning Manager shall determine if the proposed amendment constitutes a major or minor amendment.

D. Major Amendments. If the Planning Manager determines the amendment to be a *major amendment,* the amendment request shall be processed in the manner set forth in Section 14-33-3, "Application." An amendment shall be deemed *major* if it involves any *one* of the following:

1. A change in the overall P.A.D. District Boundary; or

2. An increase in the total number of approved dwelling units or gross leasable area (GLA) for the overall P.A.D. District; or

3. A significant change to the approximate boundary of one or more "development unit(s)" from that approved in the P.A.D. District, as determined by the Planning Manager. A change to an individual development unit generally shall be deemed to be significant if it represents a 10% increase to the approximate gross area of the development unit as approved for the P.A.D.

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

5. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the City Engineer.

6. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the P.A.D. or to the overall major street system as determined by the City Engineer.

7. Any other proposed change to the Final Development Plan that substantively alters one or more components of the P.A.D. as determined by the Planning Manager.

E. Minor Amendments. Amendments not meeting one or more of the criteria listed above in subsection "D" shall be considered *minor.* If the Planning Manager determines the amendment to be *minor*, the Planning Manager may administratively act on the amendment and attach stipulations or conditions of approval thereto, to protect the public health, safety and welfare.

1. Notice

a. *Map.* If the amendment proposes a change to the map for the Final Development Plan, notice of the proposed minor amendment shall be mailed to each owner of property as last disclosed by County Assessor records, situated wholly or partly within three hundred (300) feet of the affected development unit(s) to which the amendment relates. For purposes of giving mailed notice, the Planning Manager shall require the applicant to

furnish the names and addresses and stamped/addressed envelopes of all affected property owners as determined above.

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

2. Protest

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

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

F. Appeals

1. *Appeal of Planning Division decision to Planning and Zoning Commission.* An action or decision by the Planning Division on *minor* amendments may be appealed by the applicant within seven (7) days from the date of the Planning Manager's decision.

a. Appeals shall be in writing on a form provided by the Planning Division and shall include only the specific items being appealed.

b. The Planning Division will submit a report and any background material regarding the appeal to the Planning and Zoning Commission for its next scheduled meeting. Any persons associated with the action being appealed shall be informed by the Planning Division of the date, time, and location of the appeal hearing.

c. The Planning and Zoning Commission's decision on the appeal will be sent out (in writing) to the applicant. The decision of the Planning and Zoning Commission will be final, unless the applicant initiates an appeal to the City Council.

2. *Appeal of Planning and Zoning Commission decision to Council.* An action or decision by the Planning and Zoning Commission on *minor amendments* may be appealed by the applicant within seven (7) calendar days after the date of the Commission decision..

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

   b. The Planning Division shall transmit to the City Council a transcript, with exhibits, of the Planning and Zoning Commission's hearing. The City Council shall review the transcript and exhibits and may, at their discretion, hear further oral or written comments.

   c. The City Council may affirm the decision of the Planning and Zoning Commission; or remand the matter for further proceedings before the Planning and Zoning Commission; or reverse or modify the Planning and Zoning Commission's decision.

ARTICLE 14-34 SIGNS

ARTICLE 14-34 CONTENTS

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

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

SECTION 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 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.

SECTION 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.

SECTION 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 for public notices and/or temporary special events. (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)

SECTION 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)

SECTION 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)

SECTION 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. **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. **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 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.

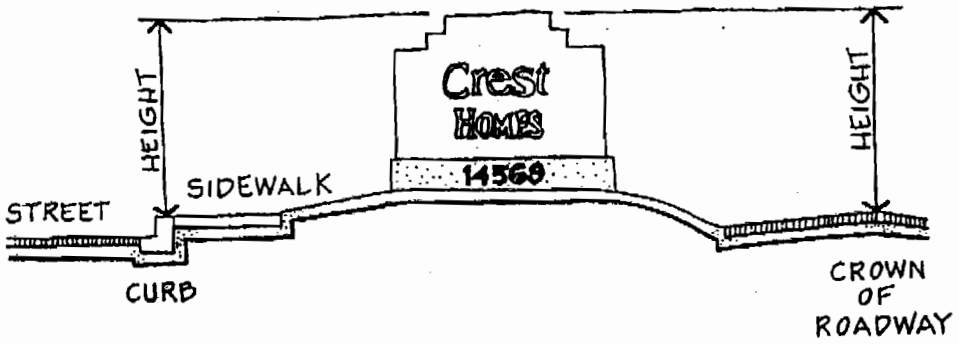
T. **Freeway Monument Sign.** A freestanding monument sign erected to identify a single or multiple on-site use(s), on property abutting, or part of a complex/center abutting the Agua Fria Freeway. (Ord. No. 97-16)

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 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 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 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. Frequently referenced to as "Sandwich Sign."

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 O 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.

SECTION 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 Sign/Promotional Display Sign. A temporary sign which is painted or displayed upon cloth or other flexible material, used for the promotion of goods or services for a specified period of time. (Ord. No. 02-56)

   a. Special Events. A sign used for a special sales event or product promotion.

      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) Signs used to promote special sales or product promotions shall be limited to a maximum total square footage of twenty-four (24) 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) All such signs shall include wind cuts to reduce sign billowing or sailing and shall be securely fastened to a building or other permanent structure. Such signs and/or banners shall not be mounted to trees or other landscaping elements.

      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.

      6) Sign permit required.

   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 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.

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.

6) All banner signs shall include wind cuts 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 sales signs.

8) Torn, faded or soiled exterior sales signs shall be prohibited.

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, exterior sales 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 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.

6) Torn, faded or solid exterior sales 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 copy shall be permitted only to describe the general nature of the business. 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 Copy/Marquee Sign. A sign which utilizes changeable letters or 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 wall changeable 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 Building Safety Director.

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 copy offering 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 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;

   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. Recorded subdivisions having a valid subdivision advertising sign permit may display a maximum of six (6) festive advertising flags which do not include copy or logos; (Ord. No. 00-30)

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. 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 copy identifying the name(s) of the project architect, developer and contractor;

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 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. 98-07)

a. All businesses shall be permitted to display Grand Opening Signs, on a one time basis, for a maximum of thirty (30) consecutive days;

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;

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 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 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 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 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 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)

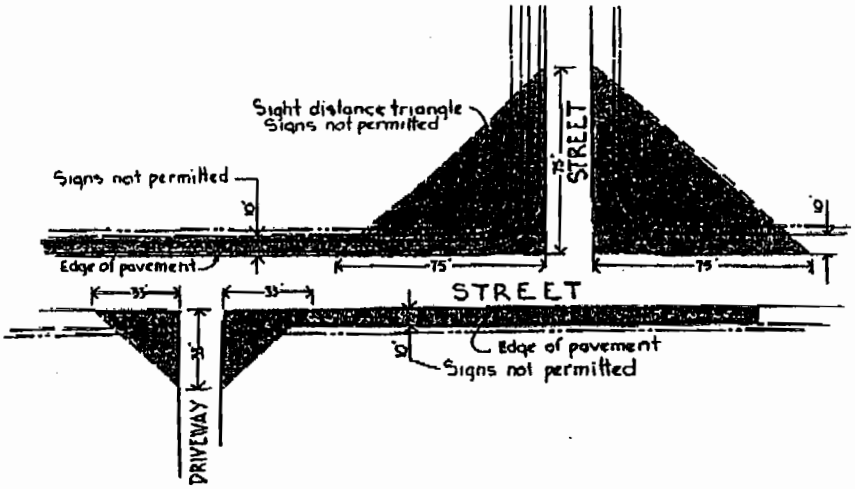
g. Sign permit required.

29. Political Signs. A temporary sign used to advertise the candidacy of an individual, ballot proposition/issue, or to encourage citizens to vote. Such signs shall be permitted within all zoning districts. (Ord. No. 97-40)

a. Such signs shall not be located within the public right-of-way, within a required visibility triangle, or on City property or buildings. (Ord. No. 04-02)

b. 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)

c. Such signs shall be removed within ten (10) days following the voting day of the election to which they refer. Signs for successful primary election candidates, eligible for the general election, may remain after the primary election;



d. Such signs shall not be placed on or affixed to any utility pole, traffic control device or safety barrier;

e. Such signs shall not exceed thirty-two (32) square feet in area or eight (8') feet in height;

f. 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 immediate removal by the City; (Ord. No. 04-02)

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. 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.

32. 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 Comprehensive Plan or the Peoria Master Street/Right-of-way Map, whichever is more restrictive, or on public property. The City may install signs on its own property to identify public buildings and uses, and to provide necessary traffic control;

2. Sign permits required for signs as specified in Section 14-34-8;

3. All roof-mounted signs;

4. All off-premise signs not designated as temporary or otherwise allowed by this Ordinance. (Ord. No. 94-09)

5. 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)

6. Flag-mounted signs, except as otherwise provided;

7. All signs having intermittent or flashing illuminations, signs having animated or moving parts or which may be carried or worn by a person or animal, or that emit sound except as may otherwise be provided in this Ordinance; (Ord.No. 03-01)

8. Freestanding wall changeable copy/marquee signs:

9. All banners, pennants, streamers, balloons, flags, search lights, strobe lights, beacons, inflatable signs, except as otherwise provided;

10. 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)

11. All signs mounted on, or applied to trees, utility poles, rocks or City owned property, except as otherwise provided;

12. Any sign placed on private property without the property owner's written approval;

13. Temporary or permanent "A-frame" sandwich signs, except as otherwise permitted herein; (Ord. No. 98-07)

14. Signs that are illegally displayed on City right-of-way or on City property; and,

15. 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.

SECTION 14-34-9 SIGNS PERMITTED FOR NON-RESIDENTIAL USES IN THE C-0, 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. (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.

SECTION 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, RM-1, RMH-1, RMH-2, RMH-3, P.A.D. AND P.C. 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 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.

SECTION 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.

SECTION 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 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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 policy 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.

SECTION 14-34-17 PERMIT APPLICATION AND EXPIRATION

A. To obtain a permit the applicant shall file an application with the Building Safety Director 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 Building Safety Director 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 Building Safety Director 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 Building Safety Director 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 uses 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.

SECTION 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 Building Safety Director. (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)

SECTION 14-34-19 REQUIREMENT OF PLANS

Copies of plans and specifications, the number to be determined by the Building Safety Director, shall be submitted with the application for each sign in excess of four (4) square feet in size regulated by this Article 14-34. 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 Building Safety Director shall be accompanied by structural surfaces and other members of an existing building to which the sign is to be attached so that the Building Safety Director may certify that the supports or other surfaces are in good condition and are adequately strong to support the load, including the proposed sign.

SECTION 14-34-20 REVOCATION OF PERMITS

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

A. Notice of the Building Safety Director'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 of the Building Safety Director 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 Building Safety Director then shall initiate the procedure for the removal of the illegal sign.

SECTION 14-34-21 REMOVAL OF SIGNS

The Building Safety Director 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 Building Safety Director shall give written notice to the owner of the sign or the owner of the premises on which sign is located. 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 Building Safety Director 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 Building Safety Director shall certify the violations to the City Attorney for prosecution.

C. Removal.

1. The Building Safety Director 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 Building Safety Director 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 Building Safety Director.

2. The Building Safety Director 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.

SECTION 14-34-22 EMERGENCY REMOVAL OR REPAIR

A. The Building Safety Director 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 Building Safety Director 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 Building Safety Director 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 Building Safety Director 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 Building Safety Director.

SECTION 14-34-23 ENFORCEMENT

A. The Building Safety Director is charged with the lawful enforcement of this Article 14-34. He/she shall appoint and may remove, according to law, all subordinate officials and assistants necessary to the enforcement of this ordinance. All such subordinate officials, assistants, clerks, and employees shall be subject to such rules and regulations as shall be prescribed from time to time by said Director.

B. It shall be the duty of the Building Safety Director to enforce all regulations covered by this Article 14-34.

C. The Building Safety Director, 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.

D. It shall be and is hereby declared to be unlawful for any person to willfully interfere with, hinder, or obstruct the Building Safety Director, or his/her authorized representative, in the lawful enforcement of the provisions of this Article 14-34.

E. 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.

SECTION 14-34-24 INSPECTIONS

Unless waived by the Building Safety Director 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.

SECTION 14-34-25 INSPECTION MARKINGS

A. Permanent Signs. All permanent signs regulated by this Article 14-34 shall be marked with the inspector's name and the person or firm erecting such sign, the date of installation, and the permit number. This marking shall be permanently placed on the exterior surface of the sign in a location where the information will be readily visible, legible and accessible for inspection after installation and erection.

B. Temporary signs shall be marked by a sticker furnished by the City.

SECTION 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 Building Safety Director.

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 Building Safety Director, shall be repaired or removed as directed by the Building Safety Director, subject to Section 14-34-12.

F. Failure to comply with these sign maintenance requirements shall constitute a violation of the Peoria Zoning Code.

SECTION 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 as administered by the Building Safety Director.

SECTION 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)

SECTION 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.

The Building Safety Director may require that the sign be placed in a different location or that the sign be set back in order to comply with this requirement.

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)

ARTICLE 14-35 LANDSCAPE REQUIREMENTS

(Revised Ord. No. 01-177)

ARTICLE 14-35 CONTENTS

14-34-1	PURPOSE	14-34-5	PLAN SUBMITTAL REQUIREMENTS
14-34-2	INTERPRETATION AND SCOPE	14-34-6	LANDSCAPE INSTALLATION AND MAINTENANCE
14-34-3	DEFINITIONS	14-34-7	PERMITS
14-34-4	GENERAL LANDSCAPE REQUIREMENTS		

SECTION 14-35-1 PURPOSE (Ord. No. 93-22)

The process of development, with its alteration of the natural topography and vegetation and creation of impervious cover can have a negative effect on the ecological balance of an area by causing increases in air temperatures and accelerating the processes of runoff, erosion, and sedimentation. The economic base of the City can and should be protected through the preservation and enhancement of the unique natural beauty and vegetative space. Recognizing that the general objectives of this Article are to promote and protect the health, safety, and welfare of the public, these landscaping regulations are adopted for the following specific purposes:

1. To aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge and storm water runoff retardation, while at the same time aiding in noise, glare and heat abatement;

2. To provide visual buffering between land uses of differing character;

3. To enhance the beautification of the City;

4. To protect the character and stability of residential, business, institutional and industrial areas;

5. To preserve the value of land and building; and

6. To conserve energy and other natural resources.

SECTION 14-35-2 INTERPRETATION AND SCOPE

A. The provisions of this Article of the Peoria Zoning Ordinance shall apply to a lot, site, or parcel of land when an application is being made for:

1. Site plan approval pursuant to Article 14-39, Section 14-39-9, Site Plan Review." of this Ordinance. (Ord. No 02-80)

2. Signs pursuant to Article 14-34 of this Ordinance where landscaping is required.

3. Subdivisions pursuant to Chapter 24 of the Peoria City Code. (Ord. No. 03-06)

B. Not withstanding the application of Section 14-35-2-A above, these provisions shall not apply to the following:

1. An individual lot containing single family or duplex residence

2. Lots or sites within an approved Planned Area Development (P.A.D.) which have been approved with its own landscape plan prior to the adoption of this ordinance. However, these provisions shall be used as the basis for determining the landscaping plans for future P.A.D.'s and such P.A.D. landscaping plans shall meet or exceed the standards of these landscape regulations.

3. Restoration of a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind. For purposes of this paragraph, "restoration" means the act of putting back into a former or original state.

4. Site Plans that included landscaping that were approved prior to the adoption of this ordinance.

5. Lots or sites subject to the provisions governing amendment to approved site plans, set forth in Article 14-39, Section 14-39-9, "Site Plan Review," unless such site plan amendments will. (Ord. No. 02-80)

   a. Increase the number of stories in a building on the lot;

   b. Increase by more than ten percent (10%) or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot; or

   c. Increase the building or parking coverage on the lot by more than 2,000 square feet.

SECTION 14-35-3 DEFINITIONS

A. **Cacti**: Any family of plants that have fleshy stems and branches with scales or spines instead of leaves and is capable of storing water and requiring no supplemental irrigation.

B. **Caliper**: The diameter of the trunk of a tree measured six (6) inches above ground level up to and including four (4) inch caliper size, and measured twelve (12) inches above ground level if the measurement taken at six (6) inches above ground level exceeds four (4) inches. If a tree is of a multi-trunk variety, the caliper of the tree is the average caliper of its two (2) largest trunks.

C. **Evergreen Tree or Shrub:** A tree or shrub of a species which normally retains its leaves/needles throughout the year.

D. **Ground Cover:** Natural mulch or plants of species which normally reach a height of less than two (2) feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

E. **Landscape Architect**: A person registered to practice landscape architecture in the State of Arizona.

F. **Landscape Buffer:** A landscape area that serves to screen the visual impacts caused by the differences in use, such buffer shall be located on the perimeter of the site.

G. **Landscape Materials**: Materials used for the purpose of landscape improvements which include any or all of the following: lawn or grass areas; trees, shrubs, ground cover or other plantings; irrigation systems; decorative rock, natural or man-made; decorative lighting; detention and retention ponds; waterfalls and man-made streams; and berms or mounds. (Ord. No. 03-182)

H. **Landscape Plan:** A graphic representation of the landscape development of a site indicating the location of all existing and proposed landscape improvements to be present on the site at the completion of the construction of the project.

I. **Landscaping**: An exterior improvement of property in accordance with an approved landscape plan and utilizing approved landscape materials.

J. **Palm Tree**: For the purpose of this Article means a vertical palm that can reach twenty (20) feet or greater in height upon maturity.

SECTION 14-35-4 GENERAL LANDSCAPE REQUIREMENTS

A. Required Landscape Areas

No part of any landscape area shall be used for any other use such as parking or display, except for required on-site retention areas or when such use is shown on the approved landscape plan except as otherwise provided in Chapter 14.

1. On-site Landscaped Areas

All development projects requiring an approved landscape plan shall provide on-site landscaped areas located in accordance with the following standards and requirements:

a. For all multiple-family residential developments, landscaped areas exclusive of outdoor living area shall be provided on the site in an amount equal to or greater than twenty percent (20%) of the net site area. This requirement shall be increased by five percent (5%) for each additional floor over two (2) stories to a maximum of thirty percent (30%) of the net site area.

b. For all single-family subdivisions, on-site landscaped areas shall consist of street frontage landscaping, required retention, and useable open space areas. The required amount of useable open space shall be determined per the Design Review Manual. (Ord. No. 03-182)

c. For all commercial and office developments, landscaped areas shall be provided on the site in an amount equal to or greater than twenty percent (20%) of the net site area.

d. For all industrial developments, landscaped areas shall be provided on site in an amount equal to or greater than ten percent (10%) of the net site area. Mini-storage facilities and similar uses shall be considered industrial developments for the purposes of landscape requirements regardless of zoning designation. (Ord. No. 03-182)

e. For all other developments, landscape areas shall be provided on site in the amount equal to or greater than twenty percent (20%) of the net site area. Water storage facilities, wireless communication facilities and similar land uses shall be exempt from the above on-site landscape area requirements.

f. A landscaped area along all street frontages classified as collector or higher shall be established and maintained between the street right-of-way and any building, on-site parking area, residential property line, or perimeter screen wall. The minimum width of the landscape area shall be fifteen (15) feet for commercial, office or mulit-family uses and ten (10) feet for industrial uses. Single-family residential subdivisions shall provide a minimum ten (10) foot wide landscape tract along arterial roadways and a five (5) foot wide landscape tract along collector roadways. For all other developments, the minimum width of the landscape area shall be fifteen (15) feet. The area of this landscape strip may be used to satisfy, to the extent provided, the on-site landscaped area set forth in this Section. Public utility facilities providing an essential service may be exempt from this standard as determined by the Planning Manager, provided that the development include the required plantings as set forth in Section 14-35-4.A.3. Residential subdivision shall be exempt from this provision where lots front onto a street. (Ord. No. 03-182)

g. All portions of the development site not occupied by buildings, structures, vehicle access and parking areas, loading and unloading areas, and approved storage areas shall be landscaped in accordance with the provisions of this Section. Future building pads within a phased development shall be improved with temporary landscaping, and maintained weed and dust free in such a manner as may be approved by the Community Development Director or designee.

h. All required useable open space areas as defined by the Design Review Manual may be included within the on-site landscaped areas.

i. For the purposes of calculating required landscape area, net site area shall exclude rights-of-way and any required landscape buffer. (Ord. No. 03-182)

2. *On-Site Improvements*

a. Multi-family Residential Developments

All multi-family residential developments shall contain a minimum of one (1) tree and two (2) shrubs for each dwelling unit.

b. Single-family Residential Developments

All single-family subdivisions shall contain a minimum of one (1) tree and five (5) shrubs for every one thousand (1000) square feet of required on-site landscaping.

c. Non-residential Developments (Ord. No. 02-95)

All non-residential developments shall contain a minimum of one (1) tree and five (5) shrubs for every four hundred (400) square feet of required on-site landscaping.

d. School Developments (Ord. No. 02-95)

School developments shall contain a minimum of one (1) tree and five (5) shrubs for every eight-hundred (800) square feet of required on-site landscaping.

3. *Street Frontages and Rights-of-Way*

All street rights-of-way classified as collector or higher contiguous with the proposed development or located within the interior of a development not used for street pavement, curbs, gutters, sidewalks, or driveways shall be landscaped in addition to the required on-site landscaped areas listed above. Right-of-way landscaping shall be designed to minimize maintenance issues. (Ord. No. 03-182)

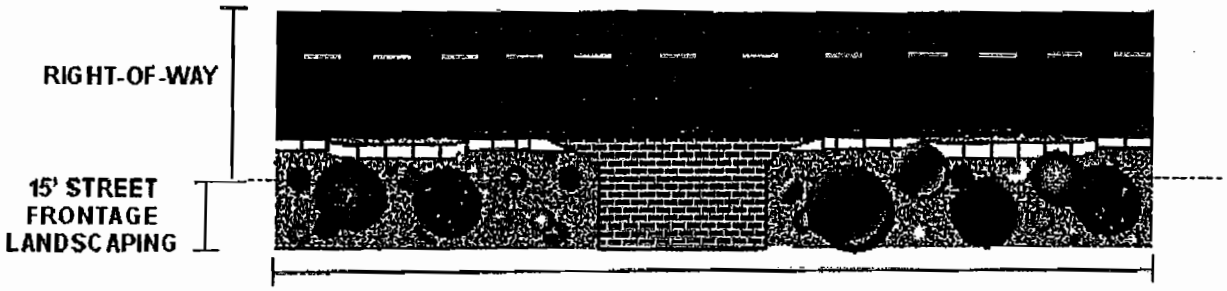
a. The installation of street trees, shrubs, and vegetative ground cover shall be required for projects in an amount equal to or greater than one (1) tree and five (5) shrubs for every twenty-five (25) feet of street frontage, and vegetative ground cover. The shrubs and ground cover shall occupy a minimum of sixty percent (60%) of the total street frontage landscaped area at maturity. Residential subdivisions shall be exempt from this provision where lots front onto a street.

b. The required plantings shall be located in the street right-of-way landscaped area within a minimum five (5) foot wide planter area, or within the front fifteen

(15) feet of the required on-site landscape areas, and shall be designed and located to enhance the proposed development project and the streetscape.

c. Such planting requirements shall be in addition to the landscape requirements in Section 14-35-4-A.2. All additional plantings in excess of the requirement may be used to satisfy the on-site landscaping requirements.

d. Future phases of contiguous development shall include street frontage and right-of-way landscaping with the first phase of development. The area and plantings provided for subsequent phases shall count only towards the landscape requirements for the future development. This requirement may be modified for large-scaled projects as approved by the Community Development Director or designee. (Ord. No. 02-95)



4. *Landscape Buffers*

A minimum fifteen (15) foot landscape buffer shall be required along those property lines of a site developed as follows:

a. Non-residential land use adjacent to a residential district;

b. Multi-family residential land use adjacent to a single-family residential district;

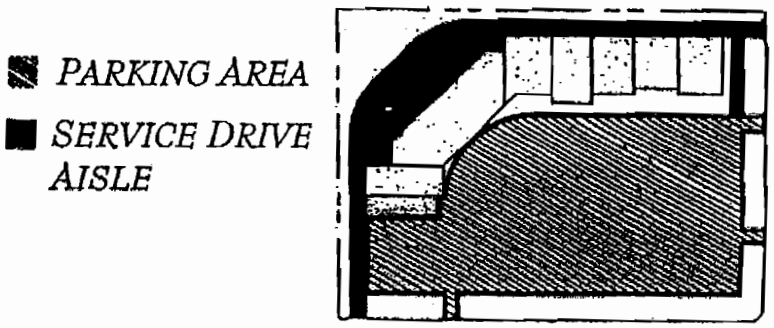
c. Along boundary lines where determined during plan review to be incompatible with surrounding development.

The landscape buffer areas shall be improved with a minimum of one (1) screening tree spaced at each twenty (20) foot interval or at a spacing appropriate for the type of plant material used as a screen. The screening landscaping shall be located adjacent to the property boundary being screened unless specified otherwise within this ordinance. All trees provided for landscape buffers shall be counted in addition to the on-site improvement requirements in Section 14-35-4-A.2. (Ord. No. 03-182)

5. *Parking Area Landscaping*

a. Surface Parking

For all developments exceeding fifteen thousand (15,000) square feet of gross floor area, ten percent (10%) of all parking lot areas exclusive of service drive aisles shall be landscaped. The requirement for industrial developments or for developments containing fifteen thousand (15,000) square feet or less shall be five percent (5%) of the parking lot area. The parking landscape area shall be located entirely within the exterior curbs of the surface parking area.



All surface parking areas shall incorporate the following elements:

1) One (1) parking lot island with raised concrete or decorative curbing shall be provided for every eight (8) parking spaces. In addition, landscape islands shall be provided at the end of each parking row. (Ord. No. 03-182)

2) Each landscape island shall be a minimum width of seven (7) feet, measured from back of curb to back of curb and equal the length of the parking stall(s).

3) Landscaped medians shall be provided for all double rows of parking which exceed thirty (30) total spaces. Each median shall be a minimum width of seven (7) feet of which a two (2) foot parking overhang on both sides may be included. Curb breaks may be provided to accommodate drainage flows.

4) Modifications to the above requirement may be approved by the Plans Review Committee when satisfying the intent of the landscape median.

5) The landscaped area within the parking may be used to satisfy the on-site landscape requirements in Section 14-35-4-A.1.

b. Multi-level Parking Structures

For projects that utilize multiple level parking structures, a minimum ten (10) foot landscape area shall be located around the perimeter of the structure.

For projects that utilize both surface and multi-level parking structures, the required parking area landscape shall be the combined requirements of the above.

6. *Parking Landscape Improvements*

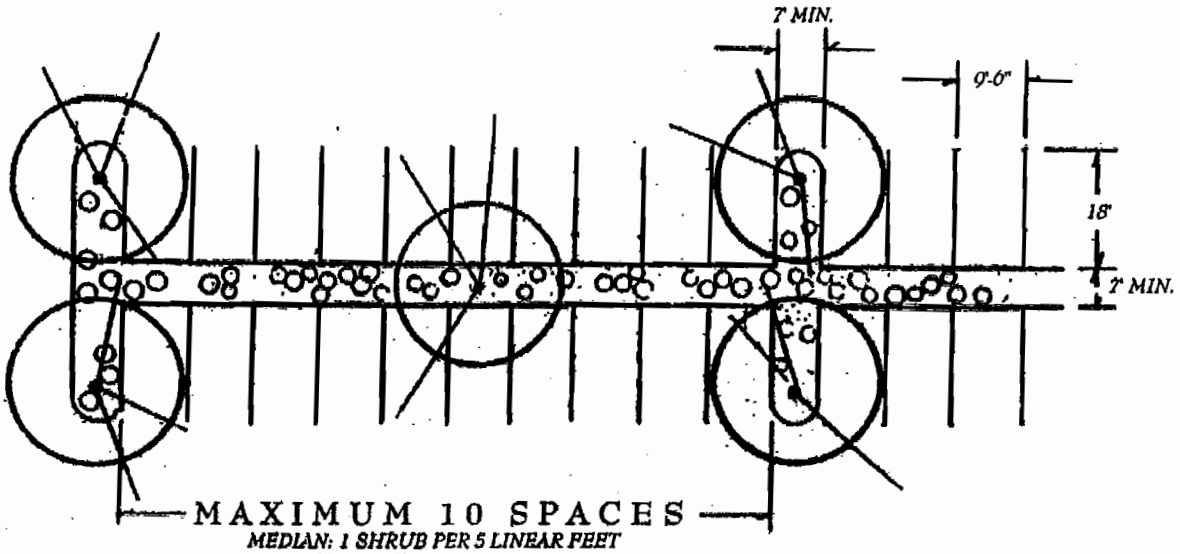
a. Surface Parking

1) Surface parking areas shall contain one (1) tree and three (3) shrubs for every parking island (one stall in length).

2) Landscaped parking medians shall contain one (1) shrub for every five (5) linear feet of landscaping. A minimum of one (1) tree shall be provided between landscape islands. Adequate planter area shall be provided to accommodate full tree maturity.

3) All plantings within surface parking areas may be used to satisfy the landscape requirements in Section 14-35-4-A.2. The parking area tree palette shall only include species that provide adequate shading and minimal litter. (Ord. No. 03-182)

4) Shrubs within a landscape island or median shall be maintained to a maximum height of three (3) feet, and all trees at maturity within such planters shall maintain a minimum clearance of six (6) feet from the lowest branch to the adjacent grade elevation.



b. Multi-level Parking Structures

The landscape area provided at the perimeter of multiple level parking structures shall contain one (1) tree and three (3) shrubs for every twenty (20) feet of structure perimeter.

7. *Drainage Facilities (Public and Private)*

Drainage facilities shall be completely landscaped with plantings and ground surface materials. Such landscaping shall provide for erosion protection while allowing for the efficient utilization of the structure.

8. *Building Frontages*

Non-residential and multi-family residential buildings shall include a five (5) foot minimum landscape planter between the building and parking area which may include a two (2) foot parking overhang. This planter area shall encompass a minimum of fifty percent (50%) of the building's front footage and may count towards the on-site landscape area requirements. (Ord. No. 03-182)

Building frontage planter areas shall include one (1) shrub for every five (5) linear feet. All plantings within building frontage planter areas may be used to satisfy the landscape requirements in Section 14-35-4-A.2.

B. Design Standards

1. *Minimum Size of Trees and Shrubs*

Unless otherwise specified herein, all required trees shall be a minimum of fifteen (15) gallon in size and at least fifty percent (50%) of those trees must be twenty-four (24) inch box or larger in size. A development may substitute thirty-six (36) inch box trees in place of fifteen (15) gallon trees at a substitution rate of 1.5 trees for every 1 required fifteen (15) gallon tree. All shrubs shall be a minimum of five (5) gallon in size to satisfy the landscape requirements in Section 14-35-4A.2. (Ord. No. 03-182)

All trees shall be of a size at the time of installation to conform with the standards established in the *Arizona Nursery Association Grower's Committee Recommended Tree Specifications.*

2. *Limitation On Use of Turf*

Development projects shall limit the use of turf (lawn) to a maximum of twenty percent (20%) of the lot area. This provision may be waived for those projects as determined by the Site Plan Review process that require a greater amount of turf due to the nature of their use (i.e. schools, parks, golf courses etc.) or those projects that irrigate their landscaping with a reclaimed or private water source. (Ord. No. 03-182)

3. *Substitution of Ground Covers*

Upon approval of the Community Development Director or designee, the installation of twenty (20) square feet of vegetative ground cover in any landscaped area shall substitute for one (1) required shrub, up to a maximum of twenty percent (20%) of the required shrubs in any particular landscaped area. No substitution shall be made for the required shrubs along any street frontage. (Ord. No. 02-95)

4. *Ground Surface Treatment*

All landscaped areas shall be finished with a natural topping material which may include, but not limited to, the following: turf (subject to Section 14-35-4-B.2), ground cover, planting, 3/4" minus decomposed granite (or as approved by plan review) at a 2" minimum depth, river run rock, expanded shale, or bark. A pre-emergent herbicide shall be applied to the ground prior to and after the placement of natural surface materials (decomposed granite, river run rock, etc.) in any landscaped area to prevent weed growth.

5. *Irrigation Standards*

All landscaped areas shall be supported by an automatic irrigation system which may be a spray, flood, or drip type system. A backflow prevention device as approved by the City shall be required with the installation of all irrigation systems. All irrigation systems and landscaped areas shall be designed, constructed, and maintained so as to promote water conservation and prevent water overflow or seepage onto the street, sidewalk, or parking areas.

A separate water meter shall be installed for landscaping that is installed within the right-of-way and maintained by the City. For developments in which the property owner is to maintain the right-of-way landscaping, the right-of-way irrigation system shall be separated or isolated from the on-site irrigation system.

6. *Obstructions to Visibility*

All landscaping and landscaped materials established in close proximity to a driveway or street intersection shall be installed and maintained in compliance with the City's visibility triangle requirements. All ground covers within surface parking areas shall be designed to minimize interference with surveillance capabilities or vehicular and pedestrian circulation.

7. *Protection of Landscaped Areas from Vehicular Damage*

Permanent containment barriers (concrete curbs or bumper guards) shall be installed and properly secured within or adjacent to all proposed parking areas and along all driveways and vehicular access ways to prevent the destruction of landscape materials by vehicles. All trees and shrubs shall be installed a minimum of two and one-half (2.5) feet from back of curb.

8. *Obstructions of Fire Hydrants*

All plant materials shall be planted so that at maturity the edge of the plant will be no closer than three (3) feet to any fire hydrant or fire suppression device.

9. *Landscape Screening*

All mechanical equipment, electrical meters and similar utility devices shall be screened from public view with appropriate plantings.

10. *Trails*

All trails required by the Rivers and Trails Mater Plans shall include landscaping and hardscape materials as determined by the Community Services Department.

11. *Acceptable Landscape Materials*

a. Plant materials utilized in landscaped areas in the right-of-way must be included on the most recent edition of the *Phoenix Active Management Area Low Water Using Plant List.*

b. No artificial plant materials may be used to satisfy the requirements of this Section.

c. Palm trees shall not be installed within the right-of-way unless the maintenance for the palm trees are provided by the owner.

d. Pollen producing vegetation such as the Mulberry tree (Morus Alba) or Olive tree (Olea Europea) shall be prohibited per Ordinance 94-02.

SECTION 14-35-5 PLAN SUBMITTAL REQUIREMENTS

A. Conceptual Landscape Plan

1. *Submittal Requirements*

If these landscape regulations apply to a lot or site that is subject to site plan review as set forth in Article 14-39-9,of this Ordinance, or that is processed as a subdivision plat, then a conceptual landscape plan shall be submitted as part of the Site Plan or Preliminary Plat application.

2. *Plan Format and Content*

a. Submittals for multi-family and non-residential developments shall conform to the guidelines of the Site Plan and Design Review Process Guide.

b. Submittals for single-family residential developments shall conform to the guidelines of the Subdivision Development Process Guide.

c. Process guides are available from the Community Development Department.

3. Plans Review

Conceptual Landscape Plans shall be reviewed for compliance and approved in accordance with the requirements of this Article.

B. Final Landscape Plan Review

1. Plan Format and Content

Final landscape plans shall conform to the guidelines of the Final Landscape Plan Review Process Guide available from the Community Development Department. Final irrigation plans shall be included with the submittal.

2. Final Landscape Plan Review

a. The final landscape plans for multi-family and non-residential development projects shall be submitted with the building permit application and shall be approved prior to the issuance of building permits.

b. Final landscape plans for subdivisions shall be reviewed by the Planning Division at the time of off-site improvement plan review. Landscaping installation with the public right-of-way shall be subject to the bonding requirements as established by the City.

3. Plans Review

The City shall review final landscape plans for conformance with the approved conceptual landscape plans.

C. Landscape Plan(s) Preparation

All landscape plans submitted to the City for review shall be prepared and sealed by a registered Arizona Landscape Architect. Such regulations are governed by the State of Arizona Board of Technical Registration.

SECTION 14-35-6 LANDSCAPE INSTALLATION AND MAINTENANCE

A. Landscape Completion

1. Except as otherwise provided in Section 14-35-6-A.2 below, all landscaping must be completed in accordance with the approved landscape plan before a Certificate of Occupancy may be issued for any building on the lot

2. If the property owner provides the Community Development Director documented assurance that the landscaping will be completed within six (6) months, the City may issue one (1), six (6) month temporary Certificate of Occupancy and permit the

property owner to complete the landscaping during the six (6) month period. For purposes of this subsection, "documented assurance" means a cash bond, cash deposit, or irrevocable letter of credit in an amount equal to 110% of the cost to install the landscaping and irrigation system (Ord. No. 03-182)

B. Landscape Maintenance

1. Owner Maintenance

a. The property owner and/or Lessee shall maintain all landscape materials both on-site and in the adjacent right-of-way in accordance with the approved landscape plan(s).

b. Required landscaping must be maintained in a healthy, growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all planting as needed. Any plant that dies must be replaced with another living plant that complies with the approved landscape plan within thirty (30) days after notification by the City.

c. Any damage to utility lines resulting from the negligence of the property owner or his agents or employees in the installation and maintenance of required landscaping in a utility easement or public right-of-way is the responsibility of the property owner. If a public utility disturbs a landscaped area in a utility easement, it shall make every reasonable effort to preserve the landscaping materials and return them to their prior locations after the utility work. If, nonetheless, some plant materials die, it is the obligation of the property owner to replace the plant materials.

d. Any public land landscaping that does not meet the criteria of Section 14-35-6-B.3 shall be maintained by the owners of the adjacent properties.

2. City Maintenance of Public Lands

The City may accept responsibility for the maintenance and operation of landscaping and appurtenances as described by one of the following categories:

a. Equestrian trails and multi-use paths along the AC/DC canal, CAP canal, New River, Agua Fria River, and Skunk Creek corridors.

b. Street rights-of-way abutting municipal public facilities.

c. Flood control facilities which have been accepted for operation and maintenance by the City.

d. Areas identified for City maintenance by the City Council.

3. Conditions for Accepting Maintenance

Prior to the City accepting for maintenance any landscaping and appurtenances as described in Section 14-35-6-B.2 above, the following conditions shall have been satisfied:

a. A separate landscape and irrigation plan, prepared in accordance with Section 14-35-5-B, shall be prepared and approved for any area to be considered for City Maintenance. The plans may be part of the same submittal, but on different sheets than landscape and irrigation plans for areas to be maintained by the private property owner.

b. Prior to construction of landscaped areas to be maintained by the City, the owner/developer shall provide cash, certified check, or negotiable bond in an amount sufficient to provide the installation of the landscaping and irrigation system.

c. The landscaping shall be inspected and approved by the City for compliance with the approved landscape plan.

d. The subsequent completion of a ninety (90) day maintenance period wherein the developer shall be responsible for all watering, weeding, and replacement of all dead or dying plant materials.

e. A final inspection called by the developer or his representative at the completion of the ninety (90) day maintenance period resulting in final approval and acceptance by the City.

SECTION 14-35-7 PERMITS

Permits for landscape and irrigation installation are required for backflow prevention, electrical connections, and all work performed within the public right-of-way.

ARTICLE 14-36 PLANNED COMMUNITY (PC) DISTRICT

(Ord. No. 01-146)

ARTICLE 14-36 CONTENTS

14-36-1	INTENT	14-36-8	AMENDMENTS TO AN APPROVED PC DISTRICTS
14-36-2	GENERAL PROVISIONS	14-36-9	ADMINISTRATIVE DECISION APPEALS
14-36-3	APPLICATON REQUIREMENTS	14-36-10	ADMINISTRATIVE DECISION APPEALSADMINISTRATION AND ENFORCEMENT
14-36-4	APPLICATION PROCEDURES	14-36-11	DEFINITIONS
14-36-5	ADOPTION OF A PLANNED COMMUNITY DISTRICT		
14-36-6	FINDINGS		
14-36-7	FUTURE DEVELOPMENT		

SECTION 14-36-1 INTENT

The Planned Community (PC) District is intended to accommodate large-scaled, yet unified, comprehensively planned developments which conform with and enhance the policies and programs contained within the Peoria General Plan. This district is intended to provide an alternative zoning district and development process to accommodate substantial developments for residential, commercial, professional, industrial or other activities, including combinations of uses appropriately requiring flexibility under controlled conditions, not otherwise attainable under conventional zoning districts so that the following goals may be achieved:

A. To enhance the City's development and to promote the public health, safety, and general welfare.

B. To provide within such areas a combination of land uses, which may include a variety of residential types, commercial, industrial, public and semi-public areas, arranged and designed in accordance with sound site planning principles and development techniques; and in such a manner as to be properly related to each other, the immediate surrounding area, the planned thoroughfare system, and other public facilities such as water and sewer systems, parks, schools and utilities.

C. To encourage a more creative approach in the utilization of land in order to accomplish an efficient, aesthetic, and desirable development which may be characterized by special features of the geography, topography, size or shape of a particular property.

D. To establish planning and development control parameters tailored to the opportunities and constraints of the property while allowing sufficient flexibility to permit final detailed planning and the precise distribution of the approved density and intensity of the project at the time of site plan or subdivision application submittal.

E. To provide reasonable assurances to the City and land developer that the proposed development may be planned and carried out in one or more phases over an extended period of time, in accordance with an approved PC "Development Plan" and "Standards Report".

F. To assure that the PC District is developed in accordance with a PC "Development Plan" and "Standards Report." The PC "Development Plan" and "Standards Report shall be designed to fulfill the goals established by the General Plan, provide development standards promoting an appropriate balance of land uses, and promote the planning of public facilities designed to serve the projected population.

SECTION 14-36-2 GENERAL PROVISIONS

A. **Conformance with the General Plan.** The proposed PC District shall be in general conformance with the Peoria General Plan.

B. **Location of PC District**. PC Districts may be established on large parcels of land which, because of their ownership, size, topography, or exceptional or unusual locational characteristics, are suitable for planned development in a manner consistent with the purposes of this section.

C. **Minimum PC District Area.**

1. The minimum area required for a planned community district is six hundred (600) contiguous acres held under single ownership at the time of application submittal or under multiple ownership within a partnership as expressed through written correspondence and signatures provided with the PC application.

2. Areas within rights-of way may be included in the computation of the minimum 600 acres.

D. **Property Development Standards.** All land uses in a PC District shall be established within planned "*development units.*" The PC District is intended to be combined with the general property development standards of various zoning districts in the Peoria Zoning Ordinance or as modified in the approved PC "Development Plan" and "Standards Report."

1. The proposed PC District shall comply with overlay districts of general applicability including, but not limited to, the Hillside Development Overlay and Floodplain Districts, except where modifications are expressly authorized through an approved Standards Report and Development Plan;

2. The proposed PC District shall comply with the Subdivision regulations and other adopted policies, codes and ordinances of general applicability;

3. The proposed PC District may include modified property development standards (contained within the zoning ordinance) to address defined opportunities and constraints related to the property, including, but not limited to, building placement and height, minimum lot size and parking area landscaping.

E. **Permitted Uses.** Any use may be permitted in any specific "development unit" within a proposed PC district provided such use shall be specifically listed as a permitted use and shall be located and conducted in accordance with the approved "Development Plan" and "Standards Report" and other applicable regulations.

F. **Conditional Uses.** Any use may be established as a conditional use in any specific development unit within a proposed PC district provided such use shall be specifically listed as a conditional use subject to the provisions of Article 14-24 ('Conditional Use Permits') and shall be located and conducted in accordance with the approved "Development Plan" and "Standards Report" and other applicable regulations.

SECTION 14-36-3 APPLICATION REQUIREMENTS

In addition to complying with the provisions of Article 14-39, Section 14-39-6, "Rezonings," each application for a PC District shall be accompanied by a "Standards Report," "Development Plan" and "Development Schedule." The "Standards Report" and "Development Plan" shall, as approved by the City Council, become a part of the applicable zoning regulations within the respective PC District. Subsequent changes to the "Development Plan" shall be made in accordance with Section 14-36-8. (Ord. No 02-80)

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

1. Contact listing of key project team representatives including the contact, owner, and developer.

2. Vicinity Map.

3. Legal description of the district boundary.

4. A statement by the applicant demonstrating the necessity of the application for the PC district, including information demonstrating compliance with the findings contained within Section 14-36-6.

5. Existing conditions map drawn to a suitable scale showing the use and general condition of the land within the proposed PC district boundary and adjacent lands for one mile. The map will provide the total gross acreage, overall density proposed and a delineation of major physical constraints or opportunities, major environmental features, topography, existing roads, trails, utilities, generalized location of any 100 year floodway and mapped stormwater drainage conditions.

6. The delineation of development units including a parcel matrix inclusive of each proposed development unit indicating as appropriate: the approximate unit size in acres, proposed allocation of land uses, the proposed zoning district(s) (either an existing zoning district or a modified proposed district as further defined within the Standards Report), the projected number of employees, the maximum number of potential dwelling units, and intended floor area ratios (FAR) for the project.

7. The parcel matrix shall also indicate the projected number of residential units or non-residential square footage for each development unit to guide the preparation of supporting infrastructure studies outlined herein.

8. Such additional information as the Planning Manager may prescribe as necessary, to facilitate review and action on the application by the Planning and Zoning Commission and the City Council.

B. **Development Plan.** The "Development Plan" must include a land use and circulation system concept that is consistent with the goals and policies of the General Plan, compatible with the environment, and capable of being served by existing and planned public facilities and utilities. The "Development Plan" submitted with the application for the PC District shall include the following, unless waived by the Planning Manager:

1. Submittal of a Development Plan Map divided into approximate development sub-areas or development units. The proposed Development Plan Map(s) shall be drawn to a suitable scale and include at least the following:

   a. The boundary of the proposed PC District.

   b. The existing and proposed topographic character of the land.

   c. The approximate location of each proposed land use development unit.

   d. The general location of all proposed major and minor arterial streets, including their proposed connections to major streets identified on the Circulation Map in the Peoria General Plan.

   e. Major drainage elements.

f. All proposed public schools, parks and open space areas.

g. Any trails and/or bikeways, including their proposed connections to conceptual trail locations identified in the Peoria Trails Master Plan and other relevant documents.

h. Conceptual location of any significant historical, cultural and archaeological features of the site, including proposed methods to incorporate and preserve such features into the proposed project.

2. A Master Drainage and Hydrology Report, prepared by an Arizona registered engineer.

3. A Master Water and Sewer System Report, prepared by an Arizona registered engineer.

4. Traffic Impact Analysis Engineering Report, prepared by an Arizona registered engineer.

5. A Cost Impact Analysis of the proposed public facilities and infrastructure, prepared by a competent person or firm with experience in the preparation of such studies. The study shall provide the specific detailed accounting of the financing structure for the development of required facilities for parks, law enforcement, fire protection, public services, municipal government, and other necessary governmental services.

6. Such additional information as the Planning Manager may prescribe as necessary, to facilitate review and action on the application by the Planning and Zoning Commission and the City Council.

C. **Development Schedule**. The following schedule submitted with the application for a PC District shall include the following:

1. A schedule, indicating to the best of the applicant's knowledge, the approximate timeframe in which construction or development is expected to begin, the duration of time required for completion of the development; and

2. Proposed phasing if the project will not be developed as one (1) unit, including a plan for the interim use and management of the undeveloped phase or phases.

SECTION 14-36-4 APPLICATION PROCEDURES

A. The applicant is encouraged to meet with the Planning Manager prior to making an application for a PC District to discuss the development concept, the review and approval process, and the submittal requirements.

B. The applicant shall obtain the necessary application forms from the Planning Division. Application forms when properly completed and accompanied by the required fee and required material shall be submitted to the Planning Division.

C. If the application request requires an amendment of the City's adopted General Plan and/or an adopted Specific Plan, the applicant shall submit an application to amend the General Plan or adopted Specific Plan prior to or simultaneously with the application for a PC District.

D. The Planning Division shall distribute the PC application and supporting materials (pursuant to Section 14-36-3), and other relevant documentation to each responsible department for review and comment.

E. Written responses shall be obtained by the applicant from public or quasi-public agencies identified by the Planning Manager as being stakeholders in the outcome of the development proposal within the timeframe defined above. The Planning Manager or assigned designee shall compile all of the comments and recommendations and submit a written report to the applicant.

F. The revised PC "Development Plan" and "Standards Report" shall be resubmitted to the Planning Division for further evaluation by the Planning Manager and the reviewing agencies.

G. A development agreement between the applicant and the City may be prepared and reviewed concurrently to afford resolution to issues and concerns identified through agency review.

SECTION 14-36-5 ADOPTION OF A PLANNED COMMUNITY DISTRICT

A. The Planned Community District shall be adopted in accordance with procedures set forth in Article 14-39, Section 14-39-6, "Rezonings." The Commission and Council shall consider the PC "Development Plan" and "Standards Report" as part of the rezoning application and all provisions and protocols therein set forth in Section 14-39-6 shall apply to said "Development Plan" and "Standards Report.

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

SECTION 14-36-6 FINDINGS

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

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

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

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

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

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

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

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

SECTION 14-36-7 FUTURE DEVELOPMENT

Upon adoption of the PC District, the applicant may then proceed with the development of the property in accordance with the "Standards Report" and "Development Plan" by filing subdivision plats for any portion of the PC District in accordance with Chapter 24 of the Peoria City Code (1977), which constitutes the City's Subdivision Regulations; or a site plan, pursuant to Article 14-39, Section 14-39-9, "Site Plan Review" of the City's Zoning Ordinance. Legal descriptions for each affected development unit must be provided with subdivision plats or site plan applications. (Ord. No. 03-06)

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

SECTION 14-36-8 AMENDMENTS TO AN APPROVED PC DISTRICT

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

B. Upon receipt of an amendment application to the Planning Division, the Planning Manager shall determine if the proposed amendment constitutes a *major* or *minor* amendment.

C. **Major Amendments.** If the Planning Manager determines the amendment to be a *major,* the amendment request shall be processed in the manner set forth in Sections 14-36-4 &5.

D. An amendment will be deemed *major* if it involves any *one* of the following:

1. A change in the overall PC District Boundary; or

2. An increase in the total number of approved dwelling units or gross leasable area (GLA) for the overall PC District; or

3. A significant change to the approximate boundary of one or more "development unit(s)" from that approved in the PC District, as determined by the Planning Manager. A change to an individual development unit generally shall be deemed to be significant if it represents a 10% increase to the approximate gross area of the development unit as approved in the PC District.

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

5. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the City Engineer.

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

7. Any other proposed change to the "Development Plan" and/or "Standards Report" which substantively alters one or more components of the PC District as determined by the Planning Manager.

E. **Minor Amendments.** Amendments not meeting one or more of the criteria listed in subsection (D) shall be considered *minor.* If the Planning Manager determines the amendment to be *minor,* the Planning Manager may administratively act on the amendment and attach stipulations or conditions of approval thereto, to protect the public health, safety and welfare.

1. If the amendment proposes a change to the Development Plan Map, notice of the proposed minor amendment shall be mailed to each owner of property as last disclosed by County Assessor records, situated wholly or partly within three hundred (300) feet of the affected development unit(s) to which the amendment relates. For purposes of giving mailed notice, the Planning Manager shall require the applicant to furnish the names and addresses and stamped/addressed envelopes of all affected property owners as determined above. If the amendment proposes any other change to the "Development Plan" or "Standards Report", including but not limited to, text changes or changes to the development standards of the "Standards Report," notice of the minor amendment shall be published within a newspaper of general circulation.

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

3. If written protest is not received as described above, the Planning Manager shall render a decision on the minor amendment request. The Planning Division decision shall be final unless appealed under Section 14-36-9. The Planning Manager or assigned designee shall send copies of the decision to the applicant, interested parties of record and members of the Planning and Zoning Commission.

SECTION 14-36-9 ADMINISTRATIVE DECISION APPEALS

A. An action or decision by the Planning Division on *minor* amendments may be appealed by the applicant within seven (7) days from the date of the Planning Manager's decision.

1. Appeals shall be in writing on a form provided by the Planning Division and shall include only the specific items being appealed.

2. The Planning Division will submit a report and any background material regarding the appeal to the Planning and Zoning Commission for its next scheduled meeting. Any persons associated with the action being appealed shall be informed by the Planning Division of the date, time, and location of the appeal hearing.

3. The Planning and Zoning Commission's decision on the appeal will be sent out (in writing) to the applicant. The decision of the Planning and Zoning Commission will be final, unless the applicant initiates an appeal to the City Council.

B. **Appeal to Council.** An action or decision by the Planning and Zoning Commission on *minor amendments* may be appealed by the applicant within seven (7) calendar days after the date of the Commission decision.

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

2. The Planning Division shall transmit to the City Council a transcript, with exhibits, of the Planning and Zoning Commission's hearing. The City Council shall review the transcript and exhibits and may, at their discretion, hear further oral or written comments.

3. The City Council may affirm the decision of the Planning and Zoning Commission; or remand the matter for further proceedings before the Planning and Zoning Commission; or reverse or modify the Planning and Zoning Commission's decision.

SECTION 14-36-10 ADMINISTRATION AND ENFORCEMENT

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

B. In the event that the applicant has failed to comply with the conditions adopted by the City Council in conjunction with the approved PC District and the PC "Development Plan" and "Standards Report", the City may proceed in accordance with Section 14-4-6B of the Peoria Zoning Ordinance.

SECTION 14-36-11 DEFINITIONS

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

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

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

ARTICLE 14-39 ADMINISTRATIVE PROCEDURES

(Ord. No. 02-80)

ARTICLE 14-39 CONTENTS

14-39-1 INTENT

14-39-2 INTERPRETATION

14-39-3 ENFORCEMENT

14-39-4 VIOLATIONS

14-39-5 FEES

14-39-6 REZONINGS

14-39-7 INITIAL ZONINGS

14-39-8 TEXT AMENDMENTS

14-39-9 SITE PLAN REVIEW

14-39-10 CONDITIONAL AND SPECIAL CONDITIONAL USE PERMITS

14-39-11 TEMPORARY USE PERMITS

14-39-12 APPEALS TO BOARD OF ADJUSTMENT

14-39-13 ADMINISTRATIVE RELIEF

14-39-14 HILLSIDE APPEALS

14-39-15 DESIGN REVIEW APPEALS

SECTON 14-39-1 INTENT

The intent of the ADMINISTRATIVE PROCEDURES Article of this Ordinance is to set forth the procedures used for application, review, and decision-making for land development request governed by this Ordinance.

SECTION 14-39-2 INTERPRETATION

A. The Community Development Director, or designee thereof, shall interpret the provisions of this Ordinance, and shall interpret uses within each district as provided in the intent and regulations governing the subject district. The Director or designee shall respond in writing to written requests for Ordinance interpretations within forty-five (45) days from the date of receipt of the written request.

B. Ordinance interpretations may be appealed to the Board of Adjustment (BOA). Such appeals may be initiated by an office, department, board, or commission of the City or by any aggrieved party. The appeals shall be processed in accordance with Section 14-39-12, "Appeals to Board of Adjustment," of this Ordinance.

SECTION 14-39-3 ENFORCEMENT

A. **General.** The City of Peoria shall diligently enforce the provisions of this Ordinance to protect the health, safety, and welfare of the residents of the City of Peoria and to promote the City's planning efforts.

1. Enforcement shall include but not be limited to the following:

   a. Receipt and examination of applications for zoning compliance certificates and occupancy permits, and issuance of said certificates and permits

   b. Inspections of buildings, structures,

   c. and premises as necessary for enforcing the provisions of this Ordinance

   d. Revocation of any zoning compliance certificate or occupancy permit wherein a use not permitted in the district or a structure not meeting the regulations of this

   e. Ordinance was erroneously authorized, in which case the certificate or permit shall be void

   f. Carrying out the orders of Boards issued in accordance with the provisions of this Ordinance

2. Enforcement of the provisions of this Ordinance shall in no case entail the following:

   a. Granting exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance

   b. Making changes in, or varying the terms of, this Ordinance

   c. Refusing to issue a zoning compliance certificate or occupancy permit when the applicant has complied with all provisions of this and other applicable Ordinances and codes, despite any violations of contracts, covenants, or private agreements which may result therefrom.

B. **Occupancy Permits.** It is unlawful to use or occupy, or permit the use or occupancy of, any building or structure except a single-family residence, or to change or extend any use of land unless and until an occupancy permit has been issued.

1. *Issuance of Occupancy Permits.* Within two (2) working days after receiving notice that the building, structure, premises, or part thereof has been completed and is ready for final use or occupancy, the Department shall make an inspection. The Department shall issue an occupancy permit to the owner upon determining that the construction has been completed in conformity with the provisions of this Ordinance.

2. *Temporary Occupancy Permits.* The Department may issue a temporary occupancy permit for a part of a building, structure, or use prior to completion of the entire building, structure, or use upon determining that said part is in conformity with all provisions of this Ordinance and is considered safe and suitable for use and occupancy. Such temporary occupancy permit shall remain in force until the entire building, structure, or use has been completed and inspected, and an occupancy permit has been issued.

C. **Inspection Fees.** Prior to the issuance of a Zoning Compliance Certificate or Occupancy Permit, the applicant shall pay to the Department the applicable inspection fee(s).

SECTION 14-39-4 VIOLATIONS

Fees charged by the Community Development Department shall be as adopted in the City Code.

A. **Waivers.** In cases where the applicant is the City Council, City Planning and Zoning Commission, Community Development Department, or an official or agency of the City, County, State, or Federal government, fees for administrative procedures associated with this Ordinance shall be waived.

B. **Non-Profit Organizations.** For non-profit community organizations, the Community Development Department shall reduce fees to ten percent (10%) of the fees required under this Ordinance. A non-profit community organization for purposes of this Ordinance is defined as a corporation organized under the laws of the State of Arizona as a non-profit organization and having been certified by the United States Internal Revenue Service of 1986 as amended.

C. **Hardship.** In cases where hardship exists and can be demonstrated to the satisfaction of the City Council, the City Council shall have the authority to waive, reduce, or otherwise adjust the normal fee as to deems appropriate.

SECTION 14-39-6 REZONINGS

A. **General.** In accordance with the provisions of A.R.S. §9-462.01, The City Council may from time to time change the zoning of parcels of land within the municipality. These changes in zoning classification, also know as rezonings, are intended to meet the land use needs of the residents of the City and conform to the City's General Plan.

B. **Applicability.** The procedures herein described shall apply to all rezonings within the City of Peoria.

C. Application for Rezoning.

1. Rezonings may be initiated by the City Council, the Planning and Zoning Commission, the Department, or an owner or duly authorized agent of property proposed for rezoning. In the case of an application that includes property not owned by the applicant, the application shall include the signatures of the real property owners representing at least seventy five percent (75%) of the land in the subject area.

2. Any person or entity who weeks a rezoning shall submit an application on the official form provided by the Community Development Department. Submittal requirements shall be as established administratively by the Department, and shall include but not be limited to the legal description of the property, the present zoning classification, the recommended use of the property in the City's General Plan, and a scaled diagram of the subject parcel and surrounding area.

3. The applicant shall present evidence of ownership or the type of controlling interest in the property (e.g., option to purchase) to the Department. The applicant shall submit the application together with the applicable fee to the Department.

D. Department Review.

1. The Community Development Department shall review the application in accordance with provisions set forth in the Process Guide. City staff will initially review the application for completeness and may identify issues and make recommendations and comments related to the request. The applicant shall revise the application as necessary.

2. After the applicant submits an application that the Community Development Department determines to be complete and prepared in accordance with the above, City Departments shall review the application. The Community Development Department shall transmit to the applicant the comments from City Departments. The applicant then shall revise and resubmit the application materials to address all of the concerns and issues raised in the comments. When the application is complete, the Community Development Department shall write a report with a recommendation, set a date for a public hearing with the Planning and Zoning Commission, and forward the report to the Commission.

E. Notice.

1. The Community Development Department shall provide notice of the time, date, and place of the public hearing, at least fifteen (15) days prior to the hearing, as follows:

   a. Newspaper. Publish at least once in a newspaper of general circulation in the City. The notice shall include a general description of the subject property and a statement of the existing and proposed zoning for said property. Such public notice may be combined with public notice for other matters to be heard at the same public hearing.

b. Posting. Post notice on the subject property. The Community Development Department may require the applicant to post the property according to adopted administrative guidelines.

c. Mailing. Send notice by first class mail to each owner of real property that would be directly affected by the changes, and to all owners of property lying wholly or partially within three hundred (300) feet of the subject property. The applicant shall furnish to the Community Development Department a list of names and addresses, and stamped, addressed envelopes for the property owners.

2. *Land Abutting Another Municipality or Military Airport.* In proceedings involving rezoning of land that abuts other municipalities or unincorporated areas of Maricopa or Yavapai County, or a combination thereof, the Community Development Department shall transmit copies of the notice of the public hearing to the planning agency of the applicable governmental unit. In proceedings involving land in the vicinity of a military airport, the Community Development Department shall mail a copy of the notice to the airport.

3. *Failure to Receive Notice.* In accordance with ARS 9-462.04 A.7, notwithstanding the notice requirements herein set forth, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given.

F. Planning and Zoning Commission Hearing and Recommendations.

1. The Community Development Department shall refer all rezonings to the Planning and Zoning Commission for study and public hearing. Notice of the public hearing shall be as provided above in Sub-section E, "Notice," of this Section 14-39-6, "Rezonings."

2. In its deliberations on the matter, the Commission shall consider oral or written statements from the applicant, the public, City staff, and its own members. The Commission shall recommend to the Council that the application be granted as requested, be denied, or be granted subject to specific conditions.

3. In its deliberations, the Commission may continue the public hearing concerning the application. The Commission shall not continue the public hearing more than tree meetings in succession without again providing notice in the above prescribed manner.

G. City Council Hearing and Action.

1. *Council Action.* The City Council, after receiving the report and recommendation of the Planning and Zoning Commission, may take action as follows.

a. Affirm in whole or in part the action of the Commission;

b. Reverse in whole or in part the action of the Commission;

c. Modify any decision, determination, or requirement of the Commission; or

d. Refer the matter back to the Commission for further review and comment.

2. *No Protest.* If there is no objection, request for pubic hearing, or other protest related to the rezoning amendment, City Council may adopt the recommendation of the Commission without holding a second public hearing.

3. *Reversal or Modification of Commission Recommendation.* If the City Council reverses or modifies the Commission recommendation, the Council shall adopt written findings of fact that specifically state the portions of the Commission recommendation that are being reversed or modified and the reasons therefor.

4. *Overrule of Commission Recommendation.* If the City Council overrules the recommendation of the Commission, the City Council shall call a second public hearing.

5. *Protest*

a. Filing Protests

1) Any person(s) filing a written protest shall describe the property owned by the protestants with sufficient clarity to determine the location of the protestants' property, in relation to the area under consideration, on a map of the City. Where such property is not adequately described, the City Council may, at its discretion, disregard the protest.

2) Written protests should include specific information regarding the case which may include the case number(s), a description of the request, name(s) and address(es) of protesting property owner(s), signatures of said property owners, date, and basis of protest. If a petition is used, the person circulating the petition shall include their name and their notarized signature.

b. Public Hearing. In cases where there is written protest to a rezoning amendment, the Council shall hold a public hearing to consider the Commission's recommendation and hear all evidence offered by the petitioner and parties in interest. If the City Council determines that new evidence may have a significant bearing on the matter, the Council may remand the case to the Commission for further consideration. The Community Development Department shall provide notice of such hearing in the same manner prescribed above for the hearing before the Planning and Zoning Commission.

c. Protest by 20% or More of Property Owners. If the owners of twenty percent (20%) or more of the area, whether of a) the subject property, b) adjacent property within one-hundred-fifty (150) feet of the subject property, and/or c) property directly opposite, within one-hundred-fifty (15) feet from the street frontage of the opposite properties, file a protest, in writing with the City Clerk, against a proposed amendment, then the amendment shall require the affirmative vote of three-fourths of all the member of the council. If any member of the Council are unable to vote due to a conflict of interest, then the required number of votes for adoption shall be three-fourths of the remaining membership of the Council, in no case, however, shall the minimum number of votes be fewer than four (4).

H. Application Withdrawn or Denied. In the event that a rezoning amendment is denied by Council or is withdrawn after the Commission hearing, the Commission shall not reconsider an application for the same request, or any other application for the same zoning requirement that applies to the same property described in the original application or any part thereof, for a period of one year from the date of said denial, unless, as determined by the Community Development Department, the conditions upon which the original denial was based have change.

I. 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 Community Development 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. *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 Community Development 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 Community Development 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 Community Development 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 G, "City Council Hearing and Action."

J. **Change of Classification of Requested Zoning Districts.** In cases where an application is made to request a change from a more restrictive to a less restrictive zoning district, the City Council may elect to grant the amendment for a district that is more restrictive than the requested district but less restrictive than the current district. The City Council may take such action without requiring a new or amended application and with providing new or additional notice.

K. **Right-of-Way Dedication.** Pursuant to A.R.S. §9-462.01, the City Council may require, as a condition to the change or zoning, the dedication of right-of-way necessary for roadways and other public improvements as a reasonably required by or related to the effect of the rezoning.

L. **Effective Date of Rezoning.** Rezoning amendments shall become effective thirty (30) days after the date of adoption by the City Council.

M. **Public Participation.** Pursuant to A.R.S. §9-462.01,the City is required to establish a public participation process for rezoning applications that require a public hearing. The notice requirements set forth above shall constitute the City's adopted Public Participation process.

SECTION 14-39-7 INITIAL ZONINGS

A. **Legal Requirements.** Pursuant to ARS §9-462.04 (E), the City shall consider areas annexed to the City of Peoria, until officially zoned by the City Council, to be zoned as shown on the official zoning map of the original jurisdiction at the time of the annexation. The original jurisdiction's zoning shall be effective for a maximum of six (6) months after annexation. Pursuant to ARS §9-462.04 (E) and §9-471 (L), the City shall, within six (6) months of the annexation, adopt zoning classifications which permit densities and uses no greater than those permitted by the County immediately before annexation

B. **Application.** The Community Development Department shall file applications for the initial zoning of annexed land. Once filed, such applications shall be subject to the same procedures herein outlined for Rezonings. Changes in zoning of the annexed territory that occur after the initial zoning shall thenceforth be subject to the Rezoning procedures contained herein.

C. **Building Permits.**

1. The City shall honor Maricopa County building permits, lawfully issued not more than sixty (60) days prior to the effective date of annexation. Within sixty (60) days after the effective date of annexation, the City shall issue a building permit when construction details conforming to City building codes and County zoning regulations, in effect at the time the County permit was issued, are provided to the City. Any fee paid to the County for the County permit shall apply towards the City permit fee, and only the balance shall be paid to the City before a City permit is issued.

2. A City building permit shall not be required for buildings legally under construction, with a building permit issued by Maricopa County prior to the effective date of annexation, in cases where exterior walls have been completed to the plate line or beyond. The City shall require that building construction be structurally safe and in conformance with pertinent County zoning regulations in effect at the time the County permit was issued.

SECTION 14-39-8 TEXT AMENDMENTS

A. General. The City Council may, from time to time as the pubic necessity, convenience, general welfare, or good zoning practice require, amend, change, repeal, or supplement the regulations established in this Ordinance.

B. Application.

1. Changes or amendments to the text of regulations contained in this Ordinance may be initiated by the City Council, Planning and Zoning Commission, Board of Adjustment, City Staff, or any member of the public.

2. An applicant shall applicant shall submit an application for a text amendment on the official form provided by the Community Development Department. Submittal requirements shall be as established administratively by the Department and are set forth in the Process Guide. The application shall include the existing language in the Ordinance that is proposed to be changed, the proposed language, and the reason for the requested amendment. The applicant shall submit the application materials together with the applicable fee to the Community Development Department.

C. Department Review. The application shall be reviewed by appropriate City Departments. After the review is complete, the Community Development Department shall write a report with a recommendation, set a date for a pubic hearing with the Planning and Zoning Commission, and forward the report to the Commission.

D. Notice. No public hearing shall be conducted without first providing public notice. Notice of the time, date, and place of the hearing shall be published at least once in a newspaper of general circulation in the City at least fifteen (15) days prior to the hearing. The notice shall include the text of the proposed amendment and a general description of any regulations proposed to be amended.

E. Planning and Zoning Commission Hearing and Recommendation. The Community Development Department shall refer all proposed text amendments to the Planning and Zoning Commission. The Commission shall conduct a public hearing, review the proposal, and make a recommendation in accordance with the same procedures herein prescribed for Rezoning Amendments.

F. **City Council Hearing and Action.** The City Council, after receiving the report and recommendation of the Planning and Zoning Commission, shall consider the proposal. If there is no protest related to the amendment, the Council may adopt the recommendation of the Commission without holding a second public hearing. In cases where there is written protest to an application for a text amendment, the Council shall hold a public hearing and notice of the hearing shall be published in a newspaper of general circulation in the city at least fifteen (15) days prior to the hearing.

SECTION 14-39-9 SITE PLAN REVIEW

A. Applicability.

1. All development in the City of Peoria, except detached or attached single-family units on individual lots, shall be subject to Site Plan Review as provided in this Ordinance.

2. All applications for rezoning, except those involving a PAD, PC, or detached or attached single-family units on individual lots, shall be accompanied by a Site Plan prepared in accordance with this Article; said Site Plans shall be submitted together with the rezoning application.

B. **Application for Site Plan Approval.** An application for Site Plan Review shall be submitted to the Community Development Department on an official form provided by the Department. The application shall satisfy the submittal requirements as provided in the Site Plan and Design Review Process Guides. The application shall contain sufficient information for the City to determine whether the proposed development meets the development requirements of the City.

C. **Notification of Site Plan Review.** The Community Development Department shall mail a notice of Site Plan Review within three (3) working days of the submittal date of the Site Plan application to each owner of property as last disclosed by County real estate tax records, situated wholly or partially within three hundred (300) feet of the subject property. The applicant shall furnish to the Community Development Department the names, addresses, and stamped, addressed envelopes for the property owners, and the Department shall mail the notices.

D. **Plans Review.** The City shall review Site Plan applications in accordance with the Process Guides. If the Department determines that the proposed Site Plan 1) is consistent with the health, safety, and welfare of the community; 2) is in harmony with the purposes and intent of this Ordinance, the General Plan, and the plan for the area; and 3) will not cause traffic congestion or seriously depreciate surrounding property values, then the Department may grant Site Plan Approval and may impose such conditions and safeguards as the Department deems necessary to satisfy the provisions in this Ordinance. The Department may determine that the conditions required for approval do not exist and, thereupon, deny Site Plan approval.

E. Appeals.

1. *Appeal to Planning and Zoning Commission.*

   a. Any member of the public, including the applicant, may file a request for appeal of the decision of the Community Development Department, with the Community Development Department. The request shall include the reasons for the appeal and must be filed in writing, anytime between the date of submittal of the site plan and seven (7) calendar days after the Department renders a decision.

   b. The Planning and Zoning Commission shall hear the appeal. In its deliberations and decision-making, the Commission may consider all aspects of the site plan in accordance with Sub-section D, "Plans Review," of this Section 14-39-9, "Site Plan Review," of this Ordinance and thereby not be limited to the specific items being appealed in its decision-making process. The Commission may approve in whole or in part, modify, or deny the request, or continue the applicant's appeal. If no appeal is filed within seven (7) days of the Department's decision, the Department's decision shall be final.

2. *Appeal to City Council.*

   a. Any member of the public, including the applicant, who is not satisfied with the decision of the Planning and Zoning Commission, may file a request for appeal of the decision. Such appeal must be filed in writing, within seven (7) calendar days of the decision, with the Department. The City Council will hear the appeal. The Council may approve in whole or in part, modify, deny, or continue the applicant's appeal or send the appeal back to the Planning and Zoning Commission for further deliberation..

   b. If no appeal is made within seven (7) calendar days of the decision of the Planning and Zoning Commission, the decision of the Commission shall be final.

3. *Appeal Notice.* At least fifteen (15) days prior to the hearing, the Community Development Department shall mail notice to each owner of property, as last disclosed by County real estate tax records, situated wholly or partially within three hundred (300) feet of the subject property. The applicant shall furnish to the Community Development Department the names, addresses, and stamped, addressed envelopes for the property owners, and the Department shall mail the notices.

F. Building Permits Based upon Approved Site Plan.

1. For all development subject to Site Plan review, an approved Site Plan and proper zoning are required prior to the commencement of any construction or development on the site.

2. The applicant shall obtain the necessary building and/or construction permits within eighteen (18) months of the date of approval of the Site Plan application, if not obtained within the eighteen (18) month time frame, the applicant may, prior to the date of expiration, file a request for an extension, whereupon the Planning Manager may authorize a one-time, six (6) month extension. If the time frame has expired, the applicant shall submit a new Site Plan, together with the applicable documents and fees as stipulated in the above provisions.

G. Amendments to Approved Site Plans. Any change or modification to an approved Site Plan shall be considered an amendment to the Site Plan. For all Site Plan amendments, revised Site Plans incorporating the changes shall be submitted to the Community Development Department. Site Plan amendments shall be classified as Major or Minor and processed accordingly.

1. *Criteria for Major Amendments.* Any modification which, as determined by the Community Development Department, substantially changes the approved site plan, shall be considered a major site plan amendment. The Department shall consider all amendments that would increase project gross land area, building square footage, or residential densities by more than ten (10) percent, materially change project land use, or alter circulation patterns to be Major Site Plan Amendments.

2. *Criteria for Minor Amendments.* Any modification which, as determined by the Community Development Department, does not substantially change the approved site plan, shall be considered a Minor Site Plan Amendment. The Department shall consider changes such as minor dimensional building configuration and landscape changes, as well as the addition of shade structures, to be Minor Site Plan Amendments.

3. *Approval of Major Amendments.* If the Community Development Department determines that an application is for a Major Site Plan Amendment, a new application form together with the revised Site Plan, associated materials, and the application fee shall be submitted to the Community Development Department and shall be subject to the Application, Site Plan Review, and Appeal processes as herein set forth.

4. *Approval of Minor Amendments.* If the Community Development Department determines that an application is for a Minor Site Plan Amendment, the Department shall approve or deny the application through the Building Permit process.

SECTION 14-39-10 CONDITIONAL AND SPECIAL CONDITIONAL USE PERMITS

A. Intent.

1. Every zoning district contains certain buildings, structures, and uses of land which are normal and complementary to permitted principal uses in the district, but which, by reason of their physical or operational characteristics, influence on the traffic function of adjoining streets or similar conditions, are often unnecessarily incompatible with adjacent activities and uses. It is the intent of this chapter to permit conditional uses in appropriate zoning districts, but only in specific locations within such districts and only when designed and developed in a manner which ensures maximum compatibility with adjoining uses. It is the purpose of this Ordinance to establish principles and procedures for the development and control of such uses.

2. A Conditional Use Permit shall be issued for all designated conditional uses under the City's Zoning Code with the exception of adult uses as defined in this Ordinance. For such adult uses, a Special Conditional Use Permit shall be required, and the application shall be processed in the same manner as for the Conditional Use Permit except as otherwise provided herein. The purpose of the Special Conditional Use Permit provisions is to provide for a prompt adjudication of the permit application under specific standards

B. General Regulations

1. Zoning district regulations established elsewhere in this Ordinance specify that certain buildings, structures, and uses of land may be allowed by the Commission as permitted conditional uses in a given district subject to the provisions of this Ordinance and to requirements set forth in the district regulations.

2. The Community Development Department shall consider any building, structure, or use existing on the effective date of this Ordinance as meeting the requirements and conditions of this Ordinance provided that the building, structure, or use is listed as a Permitted Conditional Use in the applicable zoning district. Continuance of the use shall not require the issuance of a new or additional Conditional Use Permit. However, the Community Development shall consider a building, structure, or use that fails to conform to the requirements of this Article as non-conforming as described in Article 14-26, "Non-Conforming Uses," and its continuance shall be governed by all non-conforming use regulations stipulated in this Ordinance.

3. When issued, a Conditional Use Permit shall be personal to the permitted and applicable only to the specific use and to the specific property for which it is issued. However, once all zoning and site development requirements imposed in connection with the permit have been satisfied and an occupancy permit has been issued, the Conditional Use Permit shall thereafter be transferable and shall run with the land. Thenceforth, maintenance of special conditions imposed by the permit, as well as compliance with other provisions of this Article, shall be the responsibility of the property owner.

4. The Community Development Department shall issue a Zoning Compliance Certificate after the Conditional Use Permit is issued.

5. A Conditional Use Permit shall terminate upon any interruption or cessation of the use authorized by the Conditional Use Permit for a period of one-hundred and eighty (180) days.

C. Application. An application for a Conditional Use Permit shall be submitted to the Community Development Department on an official form provided by the Department. Submittal requirements shall be as outlined in the Process Guide and shall include, but not be limited to, the following:

1. A detailed site plan prepared in accordance with the provisions set forth in Section 14-39-9, "Site Plan Review," of this Article, with the exception of applications pertaining to Day Care Group Homes and Home Occupations.

2. A design review submittal as required under Chapter 20 of the Peoria City Code (1992) and any guidelines thereto, with the exception of Day Care Group Homes and Home Occupations.

3. Specific conditions proposed by the applicant to make the proposed use compatible with existing permitted principal and conditional uses.

4. Identification of impacts upon adjacent residential neighborhoods within one quarter mile, or such other distance deemed appropriate by the Planning Manager, from the subject site and of the means proposed to address the identified impacts.

5. Other data as may be required by the Planning Manager in order to determine whether the proposed use qualifies as a conditional use under the Zoning Ordinance and the City's Codes and guidelines. This Sub-section shall not be applicable to applications for Special Conditional Use Permits under this Article.

D. Review. The Department shall review applications for Conditional Use Permits and make a recommendation for approval or denial to the Planning and Zoning Commission based on the following criteria;

1. Whether the use is designated as a permitted Conditional Use within the zoning district in which the property is located.

2. Whether the use meets the locational and development standards provisions, as applicable for the Conditional or Special Conditional Use Permit, for the zoning district in which the property is located.

3. Whether the use is consistent with the goals, policies, and future land use map of the General Plan and specific elements of the General Plan and any adopted Specific Plan applicable to the site where the proposed use is located.

4. Whether the use is consistent with documentation and recommendations provided by reviewing City Departments.

5. Whether the use complies with all applicable city codes, standards, and guidelines governing such use.

6. For Conditional Use Permits

   a. Compliance with specific standards established by the Planning Manager that are designed to mitigate any identified impacts that arise out of the proposed use for which the Conditional Use Permit is sought upon the surrounding area, including residential neighborhoods adjacent to the proposed site as determined by the Planning Manager; and

   b. Compliance with specific standards established by the Planning Manager that are designed to ensure compatibility with existing principal permitted uses and conditional uses by addressing the factors set forth in the *Intent* provision of this Section 14-39-10.

7. For Special Conditional Use Permits: Whether the use complies with specific guidelines established by the Planning Manager for all Special Conditional Use Permits. Such guidelines are designed to ensure compatibility with existing principal permitted uses and conditional uses and conform with the intent and purpose for which Conditional Use and Special Conditional Use Permits are granted. Such guidelines must be in writing and on file before the date of the application of the Special Conditional Use Permit and copies shall be on file with the Community Development Department, City Clerk Department, and Office of the City Attorney.

E. Notice and Public Hearing.

1. *Notice for Submittal of Conditional Use and Special Conditional Use Permits.* The notice for submittal of Conditional Use and Special Conditional Use Permits shall contain a general description of the use being sought, and the location of the subject site. The Community Development Department shall mail notice within three (3) working days of the submittal date of the Conditional Use or Special Conditional Use application to each owner of property, as last disclosed by County real estate tax records, situated wholly or partially within three hundred (300) feet of the subject property. For said mailing, the applicant shall furnish to the Community Development Department the names, addresses, and stamped, addressed envelopes for the property owners.

2. *Notice for Hearing of Conditional Use and Special Conditional Use Permits.* At least fifteen (15) days prior to the date of the hearing for the Commission to consider the Conditional Use or Special Conditional Use Permit, the Department shall provide notice as follows:

   a. Mail notice to each owner of real property located wholly or partially within three hundred (300) feet of the subject site. The mailing shall be to the address of the property owner as contained in the records of the Maricopa County Assessor.

b. The decision of the Commission shall be final and effective seven (7) calendar days following the hearing unless an appeal has been filed pursuant to this Article.

F. Appeal of Decision of Planning and Zoning Commission to City Council. Any member of the public, including the applicant, may appeal a decision of the Planning and Zoning Commission to the City Council. Such appeal shall be filed in writing, within seven (7) calendar days of the date of the hearing, with the Department.

The Department shall set the hearing date, which shall be no more than twenty-one (21) days after the date the appeal is filed. If necessary, a special meeting of Council shall be held to meet the time requirement.

1. *Notice.* The Community Development Department shall ensure that notice is provided in the manner described above for the Planning and Zoning Commission hearing, except that posting at three designated locations for posting City agendas shall not be required for Special Conditional Use Permits.

2. *Hearing.*

   a. The City Council shall hold the hearing and shall reverse, affirm, or modify the decision of the Commission. The Council shall base its decision on the written findings previously issued by the Commission, applicable law, the review criteria stipulated in this Section, and guidelines promulgated by the Department.

   b. If the City Council reverses or modifies the decision of the Commission, the Council shall direct the City Attorney to prepare written findings setting forth the basis for the reversal or modification.

3. *Continuance.* The matter shall not be continued except by written request of the applicant prior to the hearing or upon oral request of the applicant on the record at the hearing.

G. Continuing Jurisdiction and the Revocation, Modification, or Suspension of Permits

1. *Conditional and Special Conditional Use Permits.*

   a. The Planning Manager shall have continuing jurisdiction over all Conditional Use and Special Conditional Use Permits and may recommend that a permit be revoked, modified, or suspended should any of the following occur:

      1) The permit was obtained by fraud or misrepresentation;

      2) The use authorized by the permit has been exercised in violation of the conditions of its approval;

      3) A change in circumstances consisting of any of the following has occurred:

a) Impacts from the approved conditional use to neighboring properties.

b) Changes in aesthetic or environmental impacts such as noise, odors, or pollution.

4) The use authorized by the permit has been exercised in a manner that is detrimental to the public health, safety, or welfare of the community or in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the City.

a) Notice and a public hearing shall be provided in the same manner as for Conditional and Special Conditional Use Permit applications, set forth above in Sub-section E, "Notice and Public Hearing."

2. *Special Conditional Use Permits.* For proceedings to revoke, modify or suspend the approval of a Special Conditional Use Permit, the Commission shall consider no criteria other than the a) criteria set forth in this Article, criteria set forth in Article 14-24, "Adult Uses," and c) guidelines promulgated by the Planning Manager in accordance with said Articles.

H. Adult Uses. Applications for uses that are classified as Adult Uses, pursuant to Article 14-24, "Adult Uses," shall be made in the same manner as all other Conditional Uses; however, such uses shall require a Special Conditional Use Permit and shall be subject to the additional stipulations set forth in Article 14-9, "Non-Residential Districts."

1. *Conditions or Limitations.* When granting of a Special Conditional Use permit for any Adult Use, the Planning and Zoning Commission may impose only those conditions or limitation upon the establishment, location, construction, maintenance, or operation of the Adult Use specifically authorized in this Article or in Article 14-24, "Adult Uses."

2. *Denied Application.* No application for a regulated use which has been denied in whole or in part shall be resubmitted for a period of one (1) year from the date of the denial.

3. *Appeal.* An applicant may appeal a denial of a Special Conditional Use permit by the City Council in accordance with Title 12, Chapter 7, Article 6, Arizona Revised Statutes.

SECTION 14-39-11 TEMPORARY USE PERMITS

A. Intent.

1. In addition to regulating uses which are permanent in nature, it is the intent of this Ordinance to provide for certain temporary uses for limited periods of time. Allowing temporary uses, as herein provided for, is not intended to permit uses otherwise prohibited by the Zoning Ordinance or to allow permanent uses to be established.

1. *Conditions or Limitations.* When granting of a Special Conditional Use permit for any Adult Use, the Planning and Zoning Commission may impose only those conditions or limitation upon the establishment, location, construction, maintenance, or operation of the Adult Use specifically authorized in this Article or in Article 14-24, "Adult Uses."

2. *Denied Application.* No application for a regulated use which has been denied in whole or in part shall be resubmitted for a period of one (1) year from the date of the denial.

3. *Appeal.* An applicant may appeal a denial of a Special Conditional Use permit by the City Council in accordance with Title 12, Chapter 7, Article 6, Arizona Revised Statutes.

SECTION 14-39-11 TEMPORARY USE PERMITS

A. Intent.

1. In addition to regulating uses which are permanent in nature, it is the intent of this Ordinance to provide for certain temporary uses for limited periods of time. Allowing temporary uses, as herein provided for, is not intended to permit uses otherwise prohibited by the Zoning Ordinance or to allow permanent uses to be established.

2. The purpose of this Section is to establish the procedures and outline the review criteria to be used by the Community Development Department when considering an application for a Temporary Use Permit. All Temporary Uses shall be conducted so as not to be detrimental to the surrounding properties and shall be subject to the standards and regulations contained herein. The Community Development Department shall not grant a Temporary Use Permit until adequate assurances have been provided ensuring compliance with the provisions of this Ordinance and all other applicable City codes.

B. General. Every Temporary use shall require a Temporary Use Permit as herein stipulated.

C. Permitted Temporary Uses. The City may grant a Temporary Use Permit for any of the following uses.

1. Carnivals, circuses, or similar special events.

2. Christmas tree sales, pumpkin sales, or similar holiday-related events.

3. Off-site construction yard, garage, shed, or trailer for a specific construction project, including the parking and storage of earth-moving or construction equipment. Outdoor storage of construction material, excluding vehicles, shall be screened from public view.

4. Temporary residential sales or construction offices within modular building.

5. Off-site vehicle sales or similar events.

6. Off-site retail sales of souvenirs, gifts, and food incidental to a sporting or cultural event.

7. Tent revival or fellowship meetings.

8. Craft shows, home and garden shows, festivals, or similar events.

9. Outdoor concerts, paid admission events, and events involving the distribution of alcoholic beverages.

10. Such other uses as the City may deem to be within the intent and purpose of this Section.

D. **Application.** A property owner or duly authorized agent may submit an application for a Temporary Use Permit. The applicant shall obtain the official application materials from the Department. Submittal requirements shall be as outlined on the official form and any other requirements that the Department deems necessary to understand the proposal, including Site Plans prepared in accordance with Section 14-39-9, "Site Plan Review," of this Article. The applicant shall submit the official application and associated materials, together with the applicable fee, to the Department.

E. **Posting.** Temporary Uses which, in the opinion of the Department, meet all the following criteria shall not require posting:

1. The use and/or structure complies with all applicable codes and Ordinances;

2. The use and/or structure does not interfere with pedestrian access ways, fire lanes, driveways, landscaped areas, or traffic visibility at driveways or street intersections;

3. Parking on the property is adequate to serve any existing permanent use and the temporary use;

4. The temporary use shall not be conducted between the hours of 10 P.M. and 7 A.M.; and

5. The City Engineer, or designee thereof, approves vehicular access for the proposed temporary use.

Temporary uses which, in the opinion of the Department, do not meet all of the above criteria shall be posted. For such temporary uses, the City shall post the subject property within five (5) working days following submittal of the application

F. Review and Approval.

1. Application for a Temporary Use Permit shall be reviewed by the Community Development Department who shall approve, conditionally approve, or disapprove the application. Approval shall be given only when in the judgement of the City such approval is consistent with the intent and purpose of this Section of this Ordinance.

   In considering the application, the Department may include, but are not be limited to, the following conditions:

   a. Regulation of parking, dust control measures, and site lighting.

   b. Regulation of hours of operation.

   c. Regulation of site ingress and egress.

   d. Assurance of compliance with building, fire, electrical, and all other appropriate codes.

   e. Such other conditions deemed necessary to carry out the intent and purpose of this Section.

2. For proposals that require posting, the Department shall render a decision no sooner than five (5) and no later than eight (8) working days from the date of posting. For proposals that do not require posting, the Department shall render a decision no later than five (5) working days from the date of submittal of the application.

3. The Department shall notify the applicant, in writing, of the decision to approve or deny the application, and shall state any conditions for approval or reasons for denial in said letter.

4. *Issuance of Permits.* To be issued a permit, the applicant shall sign an agreement with the City stating that upon cessation of the use or expiration of the permit, whichever occurs first, the premises will be promptly cleaned and restored to substantially the same condition existing prior to commencement of the temporary use.

5. *Time Limits and Renewal of Permits.* All Temporary Use Permit approvals shall be subject to a time limit as set forth by the Department or Board of Adjustment. A Temporary Use Permit shall be granted for no longer than sixty (60) days, except for off-site construction yards or residential sales or construction offices which may be permitted for the duration of the project but not to exceed one (1) calendar year. Continuation of the use beyond the stipulated time limit shall require the submittal and approval of a new application. Approval shall be made subject to any further conditions that the Community Development Department deems necessary to assure that all adverse impacts to the surrounding properties are minimized to the fullest extent possible

6. *When renewing Temporary Use Permits*; the department shall adhere to the following:.

   a. Off-site construction yards and residential sales and construction offices lasting up to one (1) year may be renewed once for a period not to exceed six (6) months.

   b. All other renewals shall not exceed a period of sixty (60) days, in accordance with the following:

      1) Temporary uses lasting up to thirty (30) days shall be not be renewed more than twice within a one (1) year period.

      2) Temporary uses lasting thirty (30) to sixty (60) days shall not be renewed more than once within a one (1) year period.

G. Appeal of Decision to Board of Adjustment

1. Upon receiving notification of the Community Development Department's decision to approve or deny the application for a Temporary use Permit, the applicant or any party in interest, aggrieved by the decision may file an appeal to the Board of Adjustment. Such appeal shall be filed in writing, within seven (7) calendar days of the decision. Any appeal to the Board of Adjustment shall follow the procedures outlined in this Article, Section 14-39-12, "Appeals to Board of Adjustment," Sub-section I, "Temporary Use Permit."

2. Upon appeal, the Department shall file all material on the matter with the Board of Adjustment. The Board shall review the case based on the material filed by the Department and on information presented at the hearing. The Board shall uphold the action of the Department, remand the matter back to the Department with instructions for further review, or overturn the action of the Department.

SECTION 14-39-12 APPEALS TO BOARD OF ADJUSTMENT

A. General. The Board of Adjustment shall 1) hear and decide appeals from decisions of the Community Development Department concerning the interpretation of provisions of the Ordinance; 2) hear appeals from decisions of administrative hearing officers; 3) act on applications for temporary use permits, and 4) act on applications for variances (other than those variances determined to be minor).

B. Stay of Proceedings. Upon filing of an appeal by the appellant, all proceedings in the matter shall be stayed, unless the Community Development Director or designee certifies to the Board, after receipt of such appeal, that a stay would cause imminent peril to life and property and the Board issues on order.

C. Limitations of Power. The Board of Adjustment shall be subject to the following limitations of power:

1. Under no circumstances shall the Board allow a use not permissible under the terms of this Ordinance, whether expressly or by implication, in the zoning district in which the property is located.

2. Every decision of the Board shall be based upon finding of fact, and every finding of fact shall be supported in the record of its proceedings. A mere finding of recitation of the enumerated conditions, unaccompanied by the findings of specific fact, shall not be deemed findings of fact and shall not be deemed in compliance with this Ordinance.

3. The Board shall not hear any matter arising out of an exaction provided by a Zoning.

D. Hearing and Presentation of Evidence.

1. Parties in interest shall have the right to present their case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination of witnesses as may be required for a full and true disclosure of the facts, in accordance with the following:

   a. The submission of documentary evidence shall not, by reason of its written form, prejudice the interest of any party.

   b. The Board shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence, and, in the furtherance of this policy, may limit cross-examination.

   c. A petition to the Board signed by persons not parties in interest to an appeal, as defined herein, shall not be considered documentary evidence and shall have no bearing on the Board's decision, nor shall any person presenting such petition be considered the agent of its signers.

2. No order of the Board permitting the erection or alteration of a building shall be valid for a period longer than 18 months, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is commenced and proceeding toward completion in accordance with the terms specified by the Board. (Ord. No. 03-06)

E. Jurisdiction. The Community Development Director or designee may request the opinion of the Office of the City Attorney as to the jurisdiction of the Board. The Board shall consider the opinion of the Office of the City Attorney prior to the accepting jurisdiction and hearing the matter.

F. Appeal to Superior Court. Pursuant to A.R.S. Title 12, Chapter 7, Article 6, an affected party may file an appeal to a decision of the Board of Adjustment to the Superior Court.

G. Variance.

1. *General.* The Board of Adjustment may grant a variance that departs from the terms of these zoning regulations pertaining to 1) height or width of structures, 2) size of

yard and open spaces, or 3) other development standards where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape, or topography, and not as a result of the action of the applicant, the literal enforcement of this Ordinance would deprive the owner of the reasonable use of the land and/or building involved.

2. *Application.* A request for variance shall be made by filing an official application and development plan, together with the applicable fee, with the Community Development Department, at least thirty (30) days prior to the Board meeting. The application shall identify the exceptional conditions and the peculiar and practical difficulties being claimed as a basis for the requested variance. The development plan shall contain sufficient information for the Board to consider the request and make a proper decision on the matter. Such additional materials required for submittal are described in greater detail in the Process Guide.

3. *Notice of Hearing.* The Community Development Department shall provide notice of the time, date, place, and purpose of the Board of Adjustment hearing to consider a variance request at least fifteen (15) days prior to the hearing as follows:

   a. Publish once in a newspaper of general circulation within the City.

   b. Post in a conspicuous place on or close to the subject property in accordance with guidelines established by the Community Development Department.

   c. Mail to each owner of real property situated wholly or partially within one hundred fifty (150) feet of the subject property. For the mailing the applicant shall furnish to the Community Development Department a list of the names and addresses along with stamped, addressed envelopes for the property owners and the Department shall mail the notices.

4. *Evidence Required.* At the public hearing the applicant shall present a statement and adequate documentation to demonstrate the following:

   a. Special circumstances or conditions exist on the subject property that do not exist on other property in that zoning district.

   b. The literal interpretation of the provisions of this Ordinance would deprive the appellant of rights commonly enjoyed by other properties in the same zoning district.

   c. The alleged hardship caused by literal interpretation of the provisions of this Ordinance includes more than personal inconvenience and financial hardship and is not the result of actions by the appellant.

   d. Granting the variance will not confer upon the applicant any special privilege that is denied by this Ordinance to other land, parcels, structures, or buildings in the same zoning district.

e. Granting the variance will not interfere with or substantially or permanently injure the appropriate use of adjacent conforming properties in the same zoning district.

5. *Board of Adjustment Action.*

a. Approval. In the event the Board of Adjustment determines that the applicant demonstrates compliance with conditions set forth above in Sub-section (G)(4), "Evidence Required," of this Section 14-39-12 "Appeals to Board of Adjustment," it may approve or conditionally approve the variance. Approval may be granted only upon the affirmative vote of the majority of the Board members present.

b. Findings. In approving or conditionally approving the variance, the Board shall find that

1) The reasons set forth in the appeal justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and

2) Granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

c. Conditions of Approval. In granting any variance, the Board may impose such conditions and safeguards as it deems appropriate to ensure that the purpose and intent of this Ordinance will be fulfilled and to ensure that the integrity and character of the zoning district is maintained.

d. Considerations. The Board shall not consider the following when considering grounds for granting a variance:

1) Non-conforming uses or violations related to lands, uses, or structures in the same zoning district

2) Permitted uses or structures in other zoning districts

e. Denied Application. In the event the Board of Adjustment denies an application for a variance, no permits shall be issued.

6. *Propriety of Variance.* Every variance granted shall be personal to the appellant; however, the variance shall be transferable and run with the land after an occupancy permit for any authorized structure or structures has been issued.

7. *Time Limits.* If a variance is granted, the applicant shall obtain site plan approval, where applicable, or a building permit in cases where no site plan is required within eighteen (18) months of the date of approval of the variance.

8. *Guarantees.* The Board of Adjustment may require guarantees in such form as it deems suitable to ensure compliance with any conditions of approval

9. *Violations.* The violation of any condition under which a variance is granted shall cause the variance to cease to exist and any permit(s) therewith shall become null and void.

H. Interpretation

1. *General.* The Board shall hear and decide any appeal in which it is alleged there is an error in an order, requirement, or decision made by the Department in the administration or enforcement of the City's Zoning Ordinance.

2. *Application.* Applications for an appeal of an interpretation shall be filed in writing, with the Department, within thirty (30) days after the action appealed from, together with the applicable fee, and shall specify the grounds thereof. An appeal concerning interpretation or administration of this Ordinance may be filed by any office, department, board, or commission of the City or by an aggrieved person(s), which for the purpose at hand shall be deemed to be any persons(s) who demonstrate to the BOA substantial interest in the appeal or who receive a particular and direct impact from the interpretation that is distinguishable from the effects or impacts upon the general public.

3. *Notice.* The Community Development Department shall provide notice at least fifteen (15) days prior to the Board of Adjustment hearing by publishing in a newspaper of general circulation within the City.

4. *Board of Adjustment Action.* Pursuant to A.R.S §9-462.02 (G), the Board shall reverse or affirm, wholly or partly, or modify the order, requirement or decision of the Department being appealed, and make such order, requirement, decision, or determination as necessary.

I. Temporary Use Permit.

1. *General.* The Board shall hear and act upon appeals for temporary use permits for those uses which are specifically authorized in this Ordinance. The applicant or any party in interest aggrieved by the decision of the Department concerning a Temporary Use Permit may file a notice of appeal with the Board of Adjustment.

2. *Application.* An aggrieved person who shall be construed to be the applicant or any party in interest may file an appeal with the Board for a decision of the Community Development Department on a Temporary Use Permit. Applications for the appeal shall be filed in writing, with the Department, on the official form provided by the Department, together with the applicable fee, within seven (7) days after the Department's decision, and shall specify the grounds for the appeal. The Department shall transmit to the Board all papers constituting the record upon which the action appealed from is taken.

3. *Notice and Hearing.* The Board shall fix a reasonable date for hearing the appeal. The Department shall mail a notice of the hearing within three (3) working days of the submittal date of the Temporary Use application to each owner of property as last disclosed by County real estate tax records, situated wholly or partially within three

hundred (300) feet of the subject property. For the mailing, the applicant shall furnish to the Department the names, addresses, and stamped, addressed envelopes for the property owners.

The appellant, the Director of the Community Development Department, and the parties in interest shall receive notice of the hearing.

4. *Board of Adjustment Action*

   a. Pursuant to ARS §9-462.06, the Board shall reverse or affirm, wholly or partly, or modify the order, requirement, or decision of the Department being appealed, and make such order, requirement, decision, or determination as necessary.

   b. As part of the terms of any temporary use permit, the Board may stipulate certain restrictions and limitations in accordance with Section 14-39-11, "Temporary Use Permits," of this Ordinance.

SECTION 14-39-13 ADMINISTRATIVE RELIEF (Ord. No. 03-03)

A. Applicability. This "Administrative Relief" section pertains to minor deviations from property development standards as described in Article 14-5, "Single-Family Residential Districts," Section 14-5-5, "Property Development Standards for Permitted Residential Uses," and all amendments thereof.

B. General

1. Requests for Administrative Relief shall fall into one of the following categories:

   a. Subdivision Plat. A modification from the front, rear or side yard setbacks, as shown in a recorded subdivision plat, that are more restrictive that the corresponding setbacks required in the City's Zoning Ordinance. However, the modification shall not result in front, rear, or side yard setbacks that are less than those required in the City's Zoning Ordinance.

   b. Other than Subdivision Plat. A modification, from the front, rear, or side yard set backs or from the maximum percentage of lot coverage, for an amount that is not greater than five percent (5%) of the setback or lot coverage required in the City's Zoning Ordinance.

2. All other modifications shall be considered Variances and shall be forwarded to the Board of Adjustment for a hearing in accordance with procedures herein outlined in Section 14-39-12, "Appeals to Board of Adjustment," Sub-section G, "Variance."

3. Requests for Administrative Relief shall be acted upon by the Planning Manager and shall adhere to the procedures in this Section.

C. Conditions for Approval. Planning Manager may authorize Administrative Relief when a literal enforcement of any provision(s) of Article 14-5, Section 14-5-5, and all

amendments thereof, pertaining to property development standards for permitted principal uses would result in unnecessary property hardship and when evidence is presented demonstrating to the satisfaction of the Planning Manager that all of the following conditions are fulfilled:

1. The request is not part of multiple applications from an individual homebuilder for a specific subdivision or planned community;

2. The requested modification will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general;

3. The granted Administrative Relief is the minimum development standard modification that will make possible the reasonable use of the land and/or structure; and

4. Appropriate and specific conditions as may be deemed necessary in order to fully carry out the intent of this Section have been stipulated by the Planning Manager.

D. Application for Administrative Relief

1. A request for Administrative Relief may be filed by any property owner, or any department, agency, or division of the City of Peoria, of Maricopa or Yavapai County, of the State of Arizona, or of the federal government.

2. An applicant shall submit an application for Administrative Relief to the Department on an official form provided by the Department, together with the applicable fee(s). The application shall specify the modifications from the zoning code that are being requested, the reason for the request, and the desired decision.

E. Notice. For the purposes of providing notice, the applicant shall furnish the Department a list of names and addresses as well as stamped, addressed envelopes of all owners of real property within three hundred (300) feet of the subject property. The Department shall mail the notice within three (3) business days of submittal of the application.

F. Protest.

1. If no protest is received by the Department from any notified property owner within ten (10) days of the mailing date of notice, the Planning Manager shall act on the request.

2. If a protest is received by the Department from any notified property owner within ten (10) days of the mailing date of notice, the matter shall be reclassified as a Variance and submitted to the Board of Adjustment. In these cases, no additional filing fees will be charged.

G. Appeal. If the decision of the Planning Manager is not satisfactory to the applicant, the applicant may appeal the decision to the Board of Adjustment in accordance with procedures set forth in Section 14-39-12, **"APPEALS TO BOARD OF ADJUSTMENT."**

H. **Null and Void.** A violation of any condition stipulated by the Planning Manager shall be a violation of this Section and such a violation shall render the granted Administrative Relief null and void. An approval shall also be null and void if the use has not commenced or if a building permit has not been obtained within sixty (60) days of authorizing the variance or within any greater or lesser time stipulated by the Planning Manager, not to exceed one (1) year.

SECTION 14-39-14 HILLSIDE APPEALS

A. **Applicability.** The Land Use Hearing Officer shall hear appeals from decisions of the Community Development Department arising from the administration of requirements contained in Article 14-22A (Hillside Development Overlay District). The applicant or any property owner within three hundred (300) feet of the subject property shall file such appeal. The Land Use Hearing Officer shall also consider applications for variance from the provisions of Article 14-22A, "Hillside Development Overlay District." The owner for the subject property shall file such application.

B. **Filing.** The applicant shall file an application for an appeal in writing, with the Department. The application shall 1) describe the basis of the variance request, 2) specifically set forth those provisions of Article 14-22A from which a variance is being sought, and 3) specifically set forth those decisions of the Community Development Department that are being appealed.

C. **Determination of Hearing Officer.** Upon receipt of an appeals application, the Community Development Director shall make a determination as to the nature of the appeal and shall determine the appropriate appeal hearing officer to hear the case. Those appeals of a technical nature such as utility locations, final grading and drainage, or heights of cut and fill shall be heard by the City Engineer, or designee thereof, acting in the capacity of hearing officer. All other appeals including slope category determination, allowable densities, lot coverage, and disturbance calculations shall be heard by the Land Use Hearing Officer. The Land Use Hearing Officer shall be the City Manager or designee.

D. **Notice and Hearing.**

1. Upon receipt of a completed application for an appeal or a variance to the Hillside Ordinance, the Community Development Director, or designee thereof, shall fix a reasonable date for hearing the action.

2. The Department shall provide notice of the time, date, and location of the hearing at least fifteen (15) days prior to the hearing date as follows:

   a. Publish notice in local newspaper.

   b. Post notice on subject property in accordance with guidelines established by the Community Development Department.

c. Mail notice, by first class mail, to all property owners of record located wholly or partially within three hundred (300) feet of the subject property. To provide such notice, the applicant shall furnish to the Department a list of names and addresses along with two sets of stamped, addressed envelopes for said property owners, and an affidavit attesting to the accuracy for the submittal package.

3. The Department shall transmit to the hearing officer a copy of the appeal and the complete file.

E. Action of Hearing Officer.

1. The hearing officer shall hold a hearing and provide the applicant, Community Development staff, and owners of property located wholly or partially within three hundred (300) feet of the subject property an opportunity to present their position. Such hearings shall be informal and the rules of evidence and civil procedure shall not apply. The hearing officer shall have the authority to approve, deny, or modify the request.

2. The Hearing Officer's decision shall be in writing and shall be provided to the applicant, the Community Development Department, and all property owners within three hundred (300) feet of the subject property.

F. Appeal to City Council

1. Any member of the public may appeal the decision of the hearing officer to the City Council. The appeal shall be in writing and shall specifically set forth the decision of the hearing officer that is being appealed. The appeal shall be filed with the Community Development Director within seven (7) days of the decision.

2. The Department shall mail a notice of the appeal at least fifteen (15) days prior to the Council meeting wherein the appeal will be heard to each property owner situated wholly or partially within three (300) feet of the subject property. To provide such notice, the applicant shall furnish to the Department a list of names and addresses along with stamped, addressed envelopes for said property owners. The Department shall be responsible for mailing such notices.

3. The Department shall transmit to the City Council a copy of the appeal letter, the decision of the hearing officer, and supporting material. At a regularly scheduled Council meeting, the applicant and the hearing officer shall present their positions. Owners of property located wholly or partially within three hundred (300) feet of the subject property shall also be provided an opportunity to present their position.

4. The City Council shall have the authority to affirm, overrule, or modify the decision of the hearing officer or remand the matter back to the hearing officer.

SECTION 14-39-15 DESIGN REVIEW APPEALS

A. Filing.

1. The applicant may appeal a final decision of the Department on a design review submittal to the Design Review Appeals Board. Such appeal shall be filed on the official form provided by the Department, within ten (10) calendar days of the Department's decision, to the Department, together with any applicable fee. The appeal shall specifically indicate those items of the final decision by the Department being appealed.

2. The Department shall submit any response to the appeal and relevant background material on file to the Design Review Appeals Board for the next scheduled meeting.

B. **Action of the Design Review Appeals Board.** The Design Review Appeals Board shall hear an appeal within thirty (30) calendar days of submission of the appeal. The Board shall make a decision on the date of the hearing, unless continued at the discretion of the Board, and shall transmit the decision to the applicant in writing. The decision of the Design Review Appeals Board shall be final.

ARTICLE 14-41 SPECIAL USE PERMITS

(Ord No. 03-25)

ARTICLE 14-41 CONTENTS

14-41-1 INTENT	14-41-3 SPECIAL USE PERMIT APPLICATION PROCESS
14-41-2 USES SUBJECT TO A SPECIAL USE PERMIT	14-41-4 PERMIT LIMITATIONS

SECTION 14-41-1 INTENT

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

SECTION 14-41-2 USES SUBJECT TO A SPECIAL USE PERMIT

The following uses may be permitted as a special use in any zoning districts unless otherwise indicated in this ordinance.

A. Cemetery, Crematorium, Mausoleum, Funeral Home, Mortuary, and Columbarium. These uses shall be subject to the following additional requirements:

   1. Access: Access to the site shall be directly from an arterial street. All access points must be designed to minimize traffic congestion.

   2. Screening: When the development site abuts a residentially zoned property or a residential alley, the property boundaries shall be screened with a minimum of an eight-foot (8') high masonry wall.

B. College or University Campus

C. Commercial Radio and Television Transmission Tower, excluding wireless communication facilities.

D. Correction, Detention, Holding and Release Facility. These uses shall be subject to the following additional requirements:

   1. Location: All facilities shall be located only in areas designated as 'Industrial' on the Land Use Map of the Peoria General Plan.

2. Access: Access to the site shall be directly from an arterial street. All access points must be designed to minimize traffic congestion.

3. Setback: All facilities shall maintain a minimum setback of two hundred feet (200') from all property lines. A minimum setback of a one quarter mile (1/4) is required when such facilities abut schools, parks, churches and similar uses and when abut any residentially zoned districts. The City Council may require additional landscaping and screening of the facilities in order to protect the aesthetic character of the area.

4. Building Height: The maximum height for such facilities is fifty feet (50').

5. License requirements: All such facilities are required to be licensed by the State, and shall comply with all Federal, State and local rules, regulations and standards.

E. Marina and Boat Charter

F. Outdoor Recreational/Entertainment, including Commercial Sporting Complex, Concert Facility, Stadium, Drive-in Theater, Amusement Park, Commercial Racetrack, and similar uses. These uses shall be subject to the following additional requirements:

1. Access: All access to the site shall be directly from an arterial street, and all points of ingress and egress shall be designed in order to minimize traffic congestion. Temporary traffic signals may be required as a condition for approval.

2. Queuing Space: When necessary, sufficient off-street vehicular queuing space shall be provided at the entrance to accommodate vehicular traffic as determined by the City Engineer.

3. Building Setbacks: Every building shall maintain a minimum of a fifty feet (50') setback from any street that provides access to the site. When uses abut any residentially zoned and developed properties, a minimum of a two hundred-foot (200') setback is required.

4. Screening: Planning Commission and/or the City Council may require additional landscaping and screening of the facilities in order to protect the nearby properties.

5. For Drive-in Theaters, any movie screen located within five hundred feet (500') from a street shall be placed and/or shielded so that the screen is not visible from such street.

G. Public/Private Airport, Heliport, or Helistop and similar uses shall be subject to the following additional requirements:

1. The applicants shall provide a copy of the Notification of Landing Area Proposal with the Federal Aviation Administration (FAA), and demonstrate compliance with all FAA's requirements.

2. For Heliport proposals, development review will be based on analysis of general conformance with FAA regulations.

3. As part of the Special Use Permit submittal, the applicant shall provide an airport environmental impact assessment to include, at a minimum, the noise, air quality, water, social and cultural impacts, and proposed mitigation measures to minimize such impacts.

H. Religious Retreat Facility.

I. Sand and Gravel, Rock Quarrying, and similar mining uses:

Sand and Gravel, Rock Quarrying, and similar mining uses are exempt from design review and landscaping requirements in the site plan approval process, but they shall be subject to the following additional requirements listed below. If the proposed operation is within the State Trust Land area, the City and the State Land Department may enter into an Intergovernmental Agreement to establish the regulatory requirements in lieu of the provisions on this Article. Such Intergovernmental Agreement shall become effective upon approval by the Council and State Land Commissioner.

1. Required submittals: In addition to the site plan for the Special Use Permit, the applicant shall submit a master plan consisting of an operation plan, a re-use plan, a closure plan, a financial guarantee, and copies of the required permits if applicable in accordance with the following guidelines:

   a. Operation plan: An operation plan shall, at a minimum, consist of the following information:

      i. Traffic: There shall be safe means of ingress and egress to the site. All access roads from mining operations to public highways, roads or streets, or to adjoining property, shall be paved or otherwise maintained to control dust. Measures shall be taken to ensure no unauthorized public access to the site.

      ii. Mitigation Measures: All operations shall comply with applicable Federal, State and County air pollution regulations. Mitigation measures shall be taken to control noise, dust, lighting, night operations and other potential nuisances on adjacent properties.

      iii. Hours of operation: All normal hours of operation shall be established in the Special Use Permit as approved by the Planning and Zoning Commission and City Council. The Community Development Director or designee may authorize a temporary operation schedule from normal operating hours.

b. Re-use plan: The re-use plan shall include a conceptual plan for post-mining land use for excavated areas intended to be established upon abandonment of the site or cessation of the operation. The re-use plan may reflect alternative post-mining land uses. Each proposed post-mining land use shall be in compliance with existing zoning regulations. The re-use plan shall include a feasibility study for the use(s) proposed to be developed on the property upon abandonment of the site or cessation of the aggregate mining operation.

c. Closure plan: The closure plan shall indicate the time frame and methods to carry out the closure requirements upon cessation of the operation or the abandonment of the site. The plan shall provide for reclamation measures equivalent to the standards set forth in State Statute ARS 27-953. The closure requirements may be modified by the Planning and Zoning Commission and/or City Council to provide for site-specific conditions.

d. Regulatory Permits: When the proposed operation requires a 404, Stormwater and Rivercourse Permits, the applicant shall provide copies of the required submittals to the designated agencies together with their approvals before starting mining operations.

e. Financial Guarantee: To ensure that operators abide by the closure plan and the proposed re-use plan, a financial security shall be posted before the Special Use Permits are issued. The applicant shall provide a financial security satisfactory to the Chief Financial Officer of the City and the City Attorney and in an amount sufficient in the opinion of the Community Development Director, or designee(s), to secure the performance of the closure requirements and the re-use plan.

2. Size: The minimum size requirement for any operation is five acres (5 ac).

3. Setbacks or mitigation: all operations shall provide detailed narrative and engineering plans to show all proposed mitigation measures of any adverse impacts, including but not limited to the considerations of visual, sound, vibration, and traffic. Absent of such mitigation, the minimum setback for equipment directly involved in the production process, shall be no less than three hundred feet (300') from a property line adjacent to a residential development and the minimum zoning district setback when adjacent to non-residential developments, excluding conveyor belts or tubes.

4. Setback for Blasting: Blasting or use of explosive shall be prohibited within one half (1/2) mile from all property line.

5. Setback for scale house, office, any similar structures with a maximum height of twenty-eight (28) feet, and haul road can be within one hundred (100) feet from the property line adjacent to residential development, and the minimum zoning district setback when adjacent to non-residential developments.

6. The minimum acreage of operation and set back requirements may be reduced as approved by the City Council in conjunction with the Special Use Permit approval.

7. Existing Operations: Any operations existing at the time of the adoption of these requirements shall submit to the Community Development Department, within 90 days following the effective date of the ordinance, an application to register the pre-existing use.

   a. The application shall contain the following:

      i. Information required to be included in an application for a Community Notice pursuant to State Statute §27-442.

      ii. A legal description of the operation boundaries.

   b. The Community Development Department shall review the information for completeness and shall notify the applicant within 15 business days when the registration is accepted. Upon acceptance by the City, the information shall be retained on file as a record of non-conformance.

   c. The boundaries of the registered area shall be consistent with the boundaries as set forth in the Community Notice pursuant to State Statute §27-442. Any expansion of a registered non-conforming use beyond the registered operation area shall be subject to the Special Use Permit process and all requirements set forth in this Special Use Permits article, Section 14-41-2.I on Sand and Gravel and similar operations.

   d. Modification within a registered operation area involving a new and significant type of aggregate mining that has never been conducted at the aggregate mining operation site shall be subject to the provisions set forth in this Special Use Permits article, Section 14-41-2.I on Sand and Gravel and similar operations. Modification to the Community Notice shall not constitute an approval of modification within a registered operation area.

J. Sanitary Landfill

1. No such facility shall be approved without a complete report from the applicant detailing all known and potential impacts and hazards, or without certified compliance with applicable Federal, State and County laws.

2. In addition to the Special Use Permit application, the applicant shall also submit detailed information about the planned reclamation of the site, including proposed grading, drainage patterns, establishment of vegetation, and characteristics of the land upon completion of the reclamation activity. This shall include accurate analysis of the limitations of the completed site for re-use and development, including limitations on future land use which may be caused by physical instability of the disposal site; by the release of gases or seepage of

liquid materials from the landfill; or because of any characteristics of any substance disposed of thereon.

K. Swap Meet and similar outdoor sales uses

L. Zoo

SECTION 14-41-3 SPECIAL USE PERMIT APPLICATION PROCESS

A. Application

1. An application for a Special Use Permit shall be submitted to the Community Development Department on an official application provided by the Department. Submittal requirements shall be as outlined in the Special Use Permit Process Guide and shall include, but not be limited to, the following:

   a. A detailed site plan prepared in accordance with the provisions set forth in Article 14-39 Section 14-39-9. "Site Plan Review," of this Ordinance.

   b. A design review submittal in accordance with Chapter 20 of the Peoria City Code (1992) and the City's Design Review Manual, and any other applicable provisions.

   c. Identification of off-site impacts and adequate measures proposed to mitigate those impacts including, but not limited to, dust, smoke, noise, odors, lights, or storm water run-off.

B. . Application Review

1. The Community Development Department shall review the application in accordance with provisions set forth in the Site Plan & Design Review Process Guide. City staff will provide initial review of the proposal and will identify issues related to the overall project. Staff will then provide the applicant recommendations and comments on the initial concept of the proposal and the applicant shall revise the proposal accordingly prior to formal submittal of the application.

2. After the submittal of the application, the Community Development Department will transmit the application to the applicable City Departments for formal review. The Community Development Department shall transmit all comments in writing to the applicant. The applicant shall then revise and resubmit the application materials that address all of the concerns and issues raised in the comments. Upon final submittal, the Community Development Department shall establish the hearing dates for the proposal and shall provide a written report with a recommendation to both the Planning and Zoning Commission and the City Council.

C. Public notice and hearing

The Special Use Permit serves as a zoning overlay, the public notice and hearing process shall be conducted in the same manner as set forth in Article 14-39 "Administrative Procedures", Section 14-39-6 "Rezonings"

D. Site developments standards

1. The Planning Commission or the City Council may establish additional or more stringent standards to mitigate the negative impacts that the proposed special use may have on the surrounding areas. These standards may include but not be limited to the following:

   a. Site coverage, structure height and setback requirement;

   b. Screening;

   c. Off-street parking and loading specifications and improvements;

   d. On-site and off-site street and drainage improvements;

   e. Traffic circulation to include point of vehicular ingress and egress;

   f. Landscaping;

   g. Control of noise, vibration, odor, emissions, hazardous materials and other potentially dangerous or objectionable elements;

   h. Hours of operation;

   i. Time limits within which the Special Use Permit shall cease to exist;

   j. Storm run-offs and water conservation measures; and

   k. Hazardous materials handling.

E. Findings

In considering an application for a Special Use Permit or an Appeal of a decision denying a Special Use Permit, the Planning and Zoning Commission and City Council shall base the decision on the following findings:

1. The proposed use is consistent with the goals, policies, objectives and future land use map of the Peoria General Plan and specific elements of the General Plan and any adopted Specific Plan applicable to the site where the proposed special use is located.

2. The proposed use is in compliance with documentation and recommendations provided by reviewing City Departments.

3. The proposed use is in compliance with all applicable City codes, standards and guidelines governing such use.

4. The proposed special use is adequately served by essential public services, such as street, drainage facilities, fire protection, and public water and sewer.

5. The proposed special use is designed and landscaped to preserve the character of the neighborhood and that it will not discourage appropriate development or use of surrounding properties.

6. The proposed special use will not generate adverse impacts on adjoining properties and land uses.

7. The proposed special use will not be injurious to the public health, safety and welfare of the community.

SECTION 14-41-4 PERMIT LIMITATIONS

A. Effective Date

A Special Use Permit shall be in effect upon amendment to the City Zoning Map adopted by the City Council designating the approved use.

B. Expiration

The expiration or termination of the Special Use Permit shall be in effect upon amendment to the City Zoning Map adopted by the City Council designating the approved use.

C. Modification

1. The applicant to whom the Special Use Permit was granted may request a modification of the Permit in writing to the City of Peoria Community Development Department along with appropriate documents and fee.

2. The Community Development Director or designee(s) shall determine whether or not the requested change(s) is a substantial modification or within the scope of the original Special Use Permit and whether or not the requested change(s) is consistent with the requirements set forth in this Ordinance.

3. The Community Development Director or designee(s) may approve the modification if the change(s) is insubstantial, is within the general purview of the original Special Use Permit, and is consistent with the requirements set forth in this Ordinance.

4. If the requested change is substantial and is not within the general purview of the original Special Use Permit, or is not consistent with the requirements set forth in this Ordinance, then the matter shall be decided at a public hearing before both the Planning Commission and City Council. All public noticing procedures shall be given in the manner specified in Article 14-39 "Administrative Procedure'", Section 14-39-6 "Rezoning".

D. Termination and Revocation

1. There has been material noncompliance with any conditions prescribed in the Special Use Permit or the approved site plan.

2. The use covered by the permit or the manner of conducting the operation is a safety hazard to nearby residents or anyone working in the vicinity, detrimental to adjacent properties, to the neighborhood, or to the general public welfare.

3. The use is being conducted in violation of any provision of this ordinance, or any Federal, State, City, County and other applicable regulations.

CITY COUNCIL
John Keegan, Mayor

Ella Makula, Vice Mayor
Rebekah Coty
Patricia Dennis
Ken Forgia
Hortencia Gutierrez
Joe La Rue

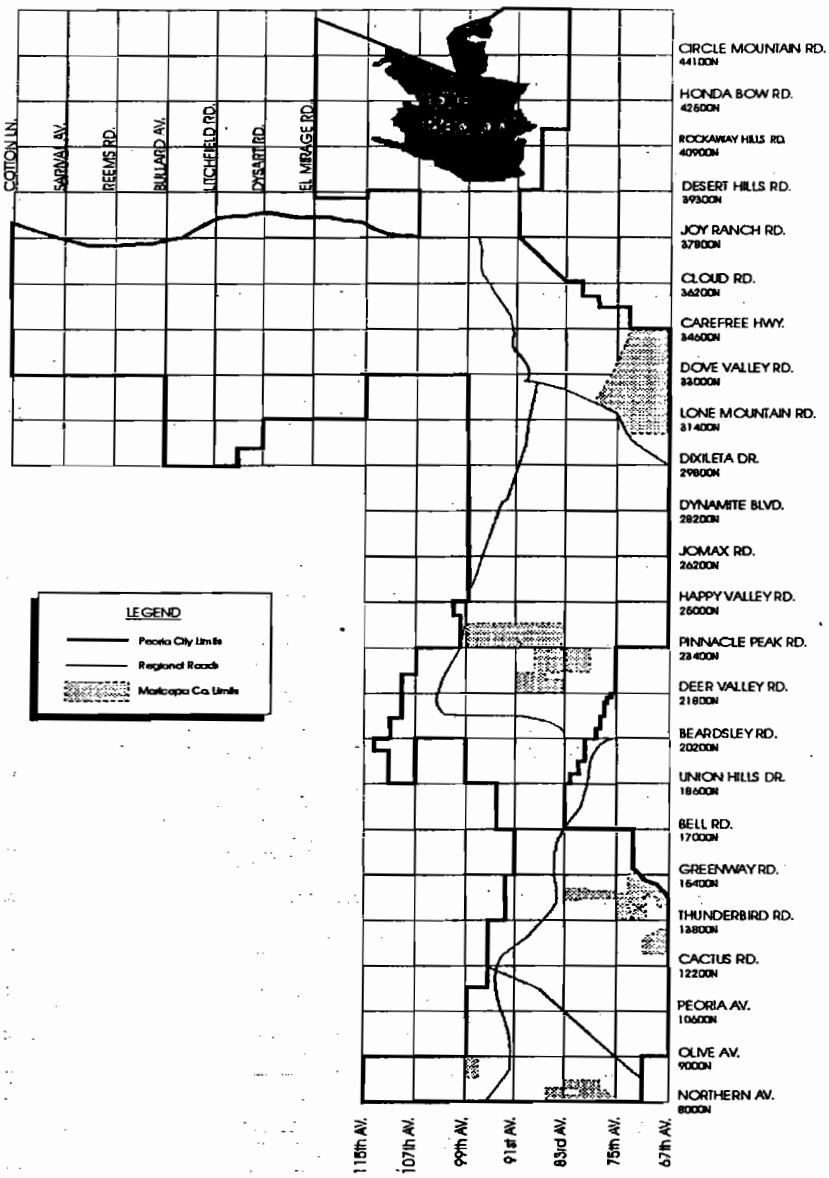
CITY MANAGER
Terrence L. Ellis

DEPUTY CITY MANAGER
Meredith Flinn

PLANNING DIVISION
Debra Stark, Planning Manager

Chad Daines, Senior Planner
Nathan Crane, Planner
Jenifer Melle, Planner
Felipe A. Zubia, Planner
Mark Baker, Planning Technician
Tracy Stevens, Planning Technician
Jamie Sampsel, Division Secretary

City of Peoria



DESIGN REVIEW SUBCOMMITTEE

ELLA MAKULA, VICE MAYOR
PAT DENNIS, COUNCILWOMAN
MEREDITH FLINN, DEPUTY CITY MANAGER
CANDY DRESSER, SECRETARY

DAVE MOODY, PUBLIC WORKS DIRECTOR
IBRAHIM MASLAMANI, BUILDING OFFICIAL
DEBRA STARK, PLANNING MANAGER
FELIPE ZUBIA, PLANNER

City of Peoria

ACKNOWLEDGMENTS

The City of Peoria would like to thank the various people and organizations and acknowledge their input for taking the time to respond to the many survey inquiries and for providing much welcomed suggestions in the drafting of this manual. Also listed are several Cities whose various development review documents helped in providing the framework for the preparation of this document.

Albuquerque, New Mexico;
Design Standards and Guidelines

American Planning Association;
Design Review;
Mark Hinshaw, Marty Roupe

Arizona Multihousing Association;
James H. Rees

Arizona Republic;
West Phoenix Community
6/27/97;
Linda Helser

Baltimore County, Maryland;
Office of Planning and Zoning

City of Chandler, Arizona;
Design Standards, Residential
Development Standards

City of Colleyville, Texas;
Architectural Guidelines;
Doug Henderson, Tom
Niederauer

Evergreen Development Co.;
Gregg Alpert, Heather Balzer

Town of Gilbert, Arizona;
Residential Subdivision Design
and Development Guidelines

City of Glendale, Arizona;
Commercial Design Expections,
Multiple Residence Housing
Design Guidelines

Home Builders Association of
Central Arizona;
Tom Simplot, Spencer Kamps

Lazarus & Associates;
Larry Lazarus, Melinda Schaefer

Maricopa Association of
Governemts;
Pedestrian Area Policies and
Design Guidelines

City of Mesa, Arizona;
Design Guidelines Handbook

Orcutt/Winslow Partnership;
Herman Orcutt

Peoria Economic Development
Group;
Harold Stewart

City of Phoenix, Arizona;
Design Review Principles and
Guidelines, Calming Phoenix
Traffic, Residential Subdivision
Policies;
Alan Beaudoin, John Parks, Frank
Dolasinski

City of Santa Fe, New Mexico;
Architectural Design Review
Handbook

City of Scottsdale, Arizona;
Shea Area Plan;
Jon Arnhold

City of Sierra Vista, Arizona;
Developent Code, Design Guide,
Silhouettes;
James Herrewig, David Kuhl,
John Zaborrac

City of Tempe;
Multi-Family Development the
Essentials of Quality Design

Valley Partnership;
Pamela Bennet

Table of Contents

TABLE OF CONTENTS

Acknowledgments iii
List of Figures v
Executive Summary
Introduction 1
Findings 2
Procedures 4

General Overview
How To Use This Manual 7
Definitions 15
Submittal Requirements 18

~~Non-Residential Design Review Guidelines~~
~~Introduction/Applicability ..... 20~~
~~Qualitative Requirements ..... 21~~
~~Site Design ..... 24~~
~~Landscape Design ..... 26~~
~~Quantitative Requirements ..... 28~~
~~Architectural Design ..... 29~~
~~Site Design ..... 37~~
~~Landscape Design ..... 43~~

See Revised Non-Residential Design Standards

Detached Single-Family Residential Design Guidelines
Introduction/Applicability 45
Qualitative Requirements 46
Architectural Design 48
Site Design 51
Landscape Design 53

Multi-Family Residential Design Guidelines
Introduction/Applicability 58
Qualitative Requirements 59
Architectural Design 60
Site Design 62
Landscape Design 64
Quantitative Requirements 67
Architectural Design 68
Site Design 76
Landscape Design 83

Table of Contents

LIST OF CHARTS, TABLES & FIGURES

~~Chart 4.1 Non-Residential Guideline Classification ..... 9~~
~~Chart 4.2 Non-Residential Classification Categories ..... 10~~
~~Chart 4.3 Non-Residential Qualitative Guidelines ..... 11~~
~~Chart 4.4 Non-Residential Quantitative Guidelines ..... 12~~
Chart 4.5 Design Review Appeals 13
Chart 4.6 Detached Single-Family Residential Design 14
Figure 4.1 Chicane/Choker 15
Figure 4.2 Building Planes 15
Figure 4.3 Pedestrian Refuge Area 16
Figure 4.4 Setback Exhibit 16

~~Non-Residential~~

~~Figure 6.1 Pedestrian Paths ..... 25~~
~~Figure 7.1 Shade Coverage ..... 29~~
~~Figure 7.2 Fenestration ..... 31~~
~~Figure 7.3 Facade Articulation ..... 32~~
~~Figure 7.4 Facade Articulation ..... 33~~
~~Figure 7.5 Vertical Departure ..... 34~~
~~Figure 7.6 Vertical Departure ..... 35~~
~~Figure 7.7 Vertical Departure ..... 35~~
~~Figure 7.8 Roof Planes ..... 36~~
~~Figure 7.9 Roof Planes ..... 36~~
~~Table 7.1 Landscaping ..... 45~~

See Revised Non-Residential Design Standards

Detached Single-Family Residential

Table 12.1 SFR Architectural Diversity 49
Table 12.2 SFR Useable Open Space Requirement 53

Multi-Family

Figure 23.1 Shade Coverage 69
Figure 23.2 Fenestration 70
Figure 23.3 Facade Articulation 71
Figure 23.4 Facade Articulation 72
Figure 23.5 Vertical Departure 73
Figure 23.6 Vertical Departure 74
Figure 23.7 Vertical Departure 74
Figure 23.8 Roof Planes 75
Figure 23.9 Roof Planes 75
Table 23.1 Landscaping 85

EXECUTIVE SUMMARY

Preface

It is the goal of the City of Peoria Mayor and City Council to encourage an aesthetically pleasing natural and built environment by promoting responsible and creative development in the City of Peoria. To facilitate this goal the City of Peoria Design Review Manual outlines general and specific requirements to foster, encourage, promote and advance the innovative application of architectural, landscape and site design standards in the City of Peoria. This manual is a supplement to the City of Peoria Comprehensive Master Plan, the City of Peoria Code, Zoning Ordinance and all approved development plans. Information on this document and other information regarding development in the City of Peoria is available through the Current Planning Division.

History

The City of Peoria was founded in 1886 by a pioneering group of four families from Peoria, Illinois. The Arizona Canal had recently been completed and these families saw the potential for farming cotton in the desert southwest, which had an ideal climate suitable for the farming of cotton. The success of these early families helped to establish cotton as one of the essential elements in the 5 C's of Arizona's early economy. By 1891, Peoria saw the completion of its first school and was followed shortly thereafter, by its first church, the Peoria Presbyterian Church. In 1954, the City was incorporated, encompassing 1 square mile of land.

Profile

Today, located in the northwest portion of the Phoenix Metropolitan area, The City of Peoria is a rapidly growing suburban community encompassing approximately 122 square miles. In addition, the City has also experienced a tremendous amount of growth in population. From the period between 1980 and 1990 the City experienced a growth rate of 312%. This trend is expected to continue well into the next century, with a projected growth rate of 149% for the period 1990 to 2005. The population of the City of Peoria in 2005 is projected to be 126,303.

Year	Area (sq. mi.)	Population	Change
1980	26.5	12,171	-
1990	63.5	50,618	38,447
1995	122	74,565	23,947
2000	-	92,345	10,730
2005	-	126,303	33,958

Source: U.S. Census Bureau
Maricopa Association of Governments

EXECUTIVE SUMMARY

Theme

With this change in geographic and demographic character, the City of Peoria is rapidly evolving from its agricultural heritage to a future rich with countless opportunities. With this in mind, one area in which the City is establishing itself is in the area of recreation. With recent incorporations, Peoria is fast becoming a recreational destination point for the Metropolitan Phoenix Area. In a recent Arizona Republic article, North Peoria was referred to as a "premier desert playground". This distinguished position has been realized through the thoughtful incorporation of recreational areas, with the hope of preserving and improving them. These areas include, Lake Pleasant, the Turf Soaring School, Canyon Raceway, Cowtown, Arizona and various mountainous natural desert areas. To strengthen our position as a recreational destination point the City developed the Peoria Sports Complex, the spring training home of the Seattle Mariners and the San Diego Padres.

The City of Peoria has also established itself as a strong family-oriented community with safe neighborhoods. Some of the areas that have helped to establish this position are a highly rated school district, the Peoria Unified School District, a low crime rate, one of the lowest in the Metropolitan Phoenix area and a neighborhood beautification program initiated by the City called Neighborhood Pride. Neighborhood Pride is a neighborhood beautification and enhancement program that aims to preserve and re-establish, where necessary, neighborhoods threatened by dilapidated and deteriorating properties.

With Design Review, the City of Peoria desires to further acknowledge and promote its image as a recreational center. To encourage the development of this theme the design review manual will incorporate design review standards that not only capitalize on our existing recreational assets, but promote the development of additional recreational assets. Such assets can be developed through the generous application of landscaping, pedestrian paths, pedestrian gathering areas, equestrian paths, multi-use trails and architectural and site development that promotes an open air atmosphere and pedestrian friendly environment.

Section 20-70-1

- Title
- Purpose
- Intent
- Consistency
- General Applicability

INTRODUCTION

A. Title

This manual shall be known and cited as the City of Peoria Design Review Manual.

B. General Purpose/Intent

The purpose of the City of Peoria Design Review Manual is to outline and define development that best exemplifies the City of Peoria's character while seeking a balance between the most efficient, aesthetic and cost effective development of land in the City. Beyond promoting a distinct community identity, the design review process in Peoria will promote:

- Diversity in Development
- Increased Pedestrian Activity
- the Retention of Environmentally Sensitive Areas
- Themes consistent with the City of Peoria character
- a Sustainable Natural and Built Environment
- the Economic Vitality of Non-Residential Areas
- the Enhancement of the Value of Property
- and Assure Accessibility for All Citizens of Peoria
- and Protect the Overall Health, Safety and Welfare of the Citizens of Peoria

C. Consistency

All applications and recommendations initiated under these guidelines shall be consistent with the City of Peoria Zoning Ordinance and City Code.

D. General Applicability

The City of Peoria Design Review Guidelines shall apply to all development in all zoning districts within the City of Peoria. Specific applicability requirements for residential and non-residential development are listed in their respective sections.

Section 20-70-2

- **Residents' Concerns**
- **Developers' Concerns**

FINDINGS

The Development Review Guidelines were developed in response to the concerns of residents, developers and the City. These concerns have been continually raised over the past several years through various public hearings, committee meetings and two public opinion surveys. The following findings are a summation of these concerns.

A. Residents' Concerns

1. New Development Encroaching into Pristine Desert
2. New Development not Sensitive to Desert Environment
3. Retaining a Small Town Community Atmosphere, i.e. Quality of Life
4. Big Box, Featureless Commercial Areas
5. Lack of Pedestrian Amenities in Commercial Areas
6. Developing Regional Recreational Opportunities including, Lake Pleasant, Sports Complex, Sunrise Mountain, Calderwood Butte and Other Mountain Areas
7. Availability of Local Recreational Opportunities Including Natural Open Space Areas, Parks, Bike Paths, Hiking Trails and Equestrian Trails
8. Integrating Commercial and Residential Development including buffering and other mitigating techniques

B. Developers' Concerns

1. Increased fees for additional reviews and design requirements
2. An Increase in project costs as a result of additional design requirements
3. An Increase in project costs as a result of longer review time
4. Inhibiting creative and innovative designs
5. Providing a Marketable and Profitable Product
6. Allowing Adequate Sized Development to Cover Project Costs, i.e. Scale of Economies
7. Providing timely, consistent and fair reviews and implementation

FINDINGS

C. City's Concerns

1. Maintaining and improving the City's quality of life
2. Preserving the architectural style and integrity of the Downtown/Historical district and other areas of historical significance
3. Capitalizing on the City's growing importance as a recreational destination point for residents throughout the Valley
4. Providing adequate recreation areas for all residents of Peoria
5. Preserving and integrating the Natural Environment with new development
6. Ensuring all development adequately addresses infrastructure and other public facility needs
7. Ensuring a quality review of all projects
8. Ensuring a timely review of all projects

PROCEDURES

A. Staff Review/Approval

1. Approval
   All applications for development shall be subject to all applicable design review requirements. All applications for design review may either be approved, approved with modifications, conditionally approved, or disapproved by City staff. During construction and upon completion of construction, design review inspections and site inspections will be required as part of the Certificate of Occupancy.

2. Time Limit on Approval
   All Design Review approvals shall run with site plan approvals. All site plan approvals shall be void after one (1) year, unless a building permit has been issued. If one (1) year has elapsed the applicant shall be required to re-submit for site plan and design review approval. Upon written request and with sufficient evidence, a one (1) year extension may be granted by staff. **The approval date of Design Review requirements shall be the date on which a Minor Site Plan has been approved by staff or a Major Site Plan has been approved by the Planning and Zoning Commission or a Final Plat has been approved by the City Council.**

3. Significance of Approval
   Approval of a design review application shall constitute planning approval of design review requirements only. Engineering issues and/or engineering requirements shall be reviewed and approved by the City Engineer. Should any standard or requirement of this Design Review Manual be in conflict with engineering requirements, engineering requirements shall take precedence.

4. Non-compliance
   Failure to comply with design review requirements or an approved design review application shall constitute a violation of this Manual. Any violation of this Manual shall be handled in accordance with the City code provisions. All requests for amendment shall be approved or denied by staff.

PROCEDURES

B. Review Process

The review and approval of all requests for compliance with design review requirements shall proceed through the following process, Rezoning requests may run concurrently with Design Review:

1. Pre-application conference with the City (required)
2. Application for development (Design Review runs concurrently with all development applications, i.e. site plan, subdivision plat and building plan applications)
3. Staff review (Design Review runs concurrently with all planning review processes i.e. site plan, subdivision plat and building plan review processes)
4. Staff Approval/Denial of Design Review requirements (meeting with staff required)
5. Approval/Denial of all other pertinent requirements, (i.e., Site Plan, Conditional Use, Subdivision Plat, Building Plan, etc...)
6. Planning Review/Design Review process complete

C. Appeal Process

The appeals process shall be governed by the following provisions: (Any approved modification or appeal approval shall run and expire with the site plan). ***Engineering design appeals shall be referred to the City Engineer.**

1. Prior to a formal written appeal to the Design Review Appeals Board, the applicant may seek relief through the Planning Manager. Minor modifications to requirements or the applicability of requirements may be approved by the Planning Manager.

2. Any recommendation made by staff on any design review requirement may be appealed to the Design Review Appeals Board by the applicant. The appeal shall be filed in writing with the City within ten (10) calendar days of the final recommendation by staff. Upon such request, the Design Review Appeals Board shall meet and render a decision on such written request within thirty (30) calendar days of the date of submission of the appeal.

PROCEDURES

D. Establishing the Design Review Appeals Board

1. Board Structure
   a. The Design Review Appeals Board shall consist of a total of five (5) members appointed by the City Council.
   b. Appointments to the Board and Board administrative procedures shall be as set forth in the City of Peoria City Code.
   c. All meetings shall be noticed as required and set forth in the City of Peoria City Code.

2. Membership & Qualifications:
   a. One (1) member shall be a licensed Architect
   b. One (1) member shall be a licensed Landscape Architect
   c. One (1) member shall be a Professional Engineer
   d. One (1) member shall have background or experience in planning/urban design
   e. One (1) alternate member with at least one of the four (4) qualifications above
   f. One (1) member shall be selected from the community at large
   g. All Design Review Appeals Board members shall reside or have professional office in the City of Peoria.

GENERAL OVERVIEW

A. How To Use This Manual

1. Development Review Process
   The City of Peoria planning review process is jointly administered by the City of Peoria planning staff, the Planning and Zoning Commission and the City Council. Applications for residential development are classified as preliminary plats or final plats. Applications for non-residential development are classified as either Minor Site Plans or Major Site Plans. All plats and site plans are reviewed for compliance with Zoning requirements and Design Review requirements.

   When an application for development is received the application will be assigned to a project planner who will do all necessary reviews for Zoning and Design Review compliance. The project planner will also act as the project manager by consolidating all comments from other departments.

   a. Approval of ~~non-residential and~~ multi-family residential developments:
      i. Application for development is submitted.
      ii. Application is categorized as Minor Site Plan or Major Site Plan (All multi-family developments are processed under the Major Site Plan approval process).
      iii. Minor Site Plan application is approved, approved with conditions or denied by staff for both Zoning and Design Review compliance. Following Minor Site Plan approval, the applicant is free to submit a building permit application or any other pertinent permit applications.
      iv. Major Site Plan application is approved, approved with conditions or denied by staff for Design Review compliance only. Upon approval of Design Review requirements, the application is then forwarded to the Planning and Zoning Commission for approval or denial of Zoning requirements. Unless otherwise provided for, approval by the Commission shall constitute Zoning and Design Review compliance and the approval date for both shall be the date of Commission approval of the Major Site Plan. Following Major Site Plan approval, the applicant is free to submit a building permit application or any other pertinent permit applications.

b. Approval of detached single-family residential developments:
   i. Application is submitted for residential development. (In the case of subdivision development, preliminary plat and final plat approval or minor land division approval must be received prior to submitting an application for development)
   ii. Preliminary plat application is reviewed by staff for Zoning and Design Review compliance.
   iii. Preliminary plat application is approved or denied by staff for Design Review compliance only. (Upon approval, application is forwarded to the Planning and Zoning Commission)
   iv. Preliminary plat is approved or denied by the Planning and Zoning Commission for Zoning compliance. (Upon approval, applicant may submit a final plat application with required engineering documents as required by the City Engineer)
   v. Final plat application is approved or denied by staff for Design Review compliance only. (Upon approval, application is forwarded to the City Council)
   vi. Final plat is approved or denied by the City Council for Zoning compliance.
   vii. Approval by the City Council of a Final Plat application shall constitute Zoning and Design Review compliance and the approval date for both shall be the date of Council approval of the Final Plat. Following Final Plat approval, the applicant is free to submit a building permit application or any other pertinent permit applications. As part of the building permit process, the developer will be required to submit a Setback Exhibit, see Section 20-70-4.C.2.i
   viii. All building permit applications shall be reviewed and approved or denied by staff for design review compliance.

2. ~~Non-Residential and~~ Multi-Family Residential Design Review Process
   a. All ~~non-residential and~~ multi-family residential development shall be processed in accordance with the City of Peoria Zoning Ordinance. In addition to the Zoning Ordinance requirements, subdivision plats shall be be reviewed and approved in accordance with the City of Peoria City Code.

   b. To facilitate the evaluation of ~~non-residential and~~ multi-family residential design review requirements, Design Review Requirements are classified into one of two categories, Qualitative Guidelines and Quantitative Guidelines. All applications for development must show compliance in both categories. This classification is illustrated in the flowchart below.

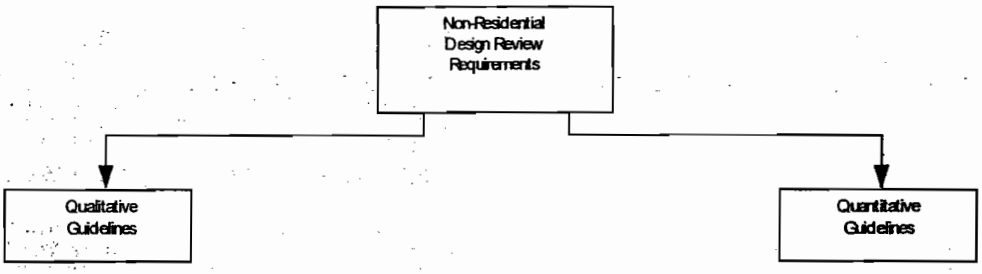


CHART 4.1

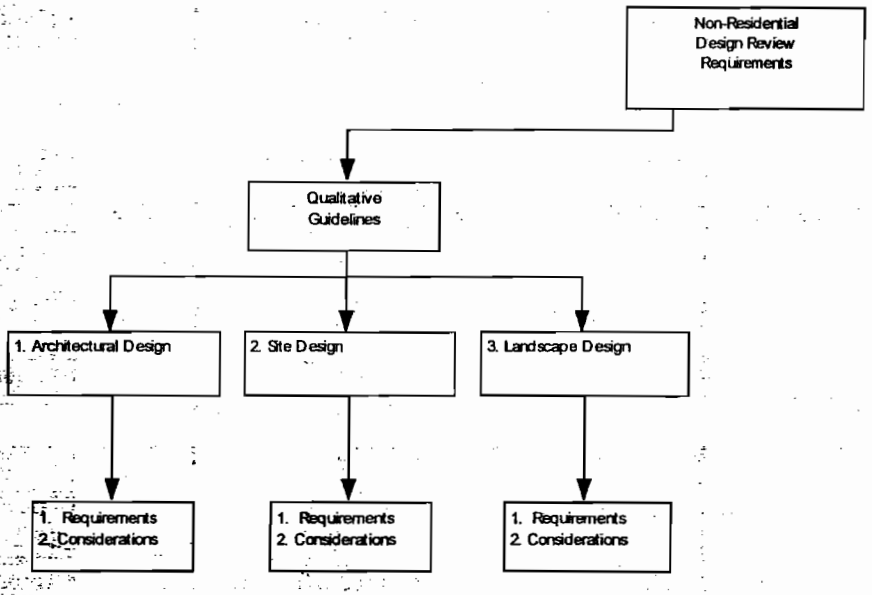
c. Within both the Quantitative and Qualitative guidelines for ~~non-residential and~~ multi-family residential development, design review guidelines are broken down into 3 categories or areas of design review. These categories are:

- Architectural Design
- Site Design
- Landscape Design

CHART 4.2

d. Qualitative Guidelines are guidelines that provide a qualitative measure of a project's design. Within each review category, i.e. Architectural, Site and Landscape Design, there are two (2) subcategories. These subcategories are, Requirements and Considerations. Requirements are qualitative guidelines that must be met in order to receive design review approval. Considerations are qualitative guidelines provided as recommendations to help improve a project, but are not required for design review approval.

CHART 4.3 QUALITATIVE GUIDELINES



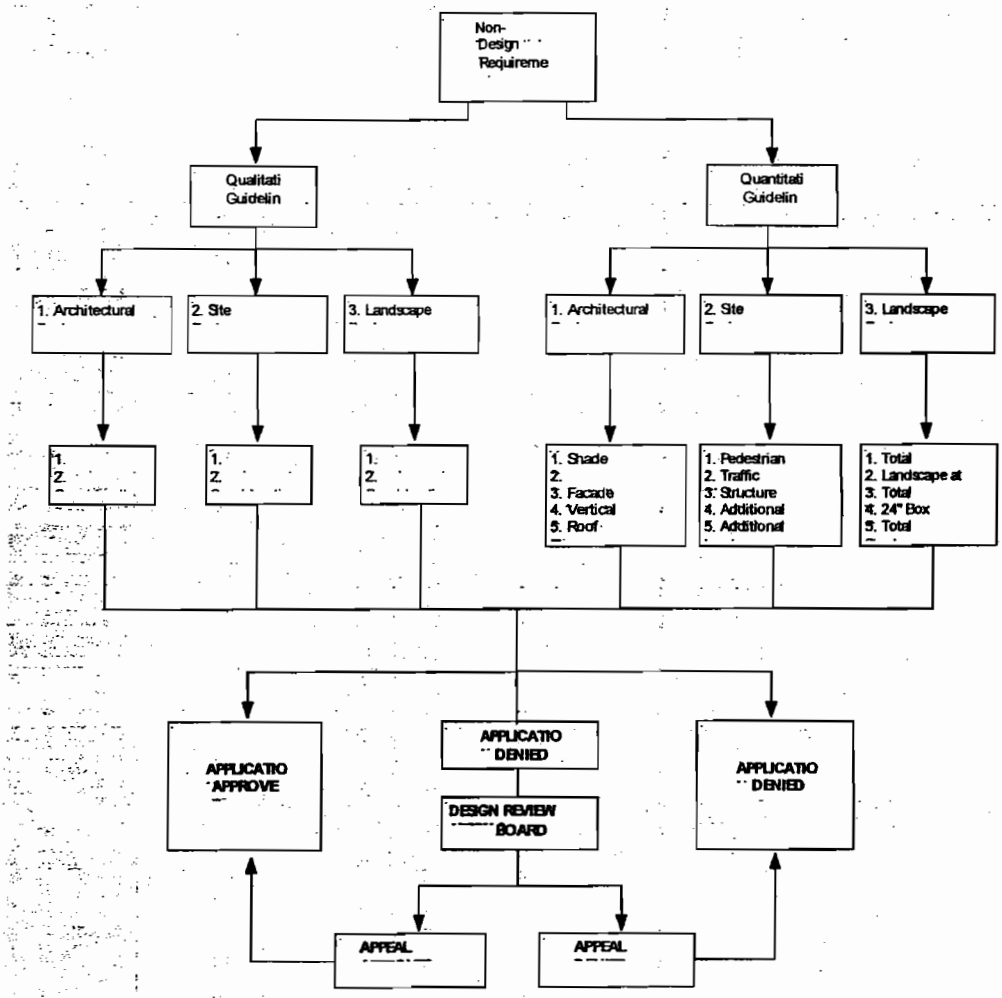
e. Quantitative Guidelines are guidelines that provide a quantitative measure of a project's design. Within each review category, i.e. Architectural, Site and Landscape Design, there are five (5) subcategories which quantify the treatment of a particular feature in a project's design. These feature subcategories can be seen in Chart 4.4.

CHART 4.4 QUANTITATIVE GUIDELINES

Except for the five features within the Landscape Design category, it is not necessary to achieve a minimum required score for each of the five features within the Architectural Design and Site Design categories. It is necessary, however, to achieve a minimum total design score for each design category, i.e. Architectural, Site and Landscape Design, to receive design review approval. Scoring in each subcategory and minimum design scores are explained in further detail later in this manual. ***If the minimum score for Architectural Design and/or Site Design can not be met and the score for the category is not more than two (2) points less than the minimum required score for that category, points in excess of the minimum required score for any other category may be transferred to the category or categories that do not meet the minimum required score, provided that in no event shall the score in <u>any</u> category be less than the minimum required score for that category.***

f. Following staff review of Design Review requirements, all design review applications are either approved, approved with conditions or denied by staff. Staff Approval or Approval with Conditions shall constitute Design Review compliance. If applicable, the application will then be forwarded to the Commission or Council for any additional approvals. In the event an application is denied or an applicant does not agree with the conditions as set forth by staff, the applicant may appeal staff's decision to the Design Review Appeals Board. All decisions by the Design Review Appeals Board shall be binding.

CHART 4.5 DESIGN REVIEW APPEALS BOARD



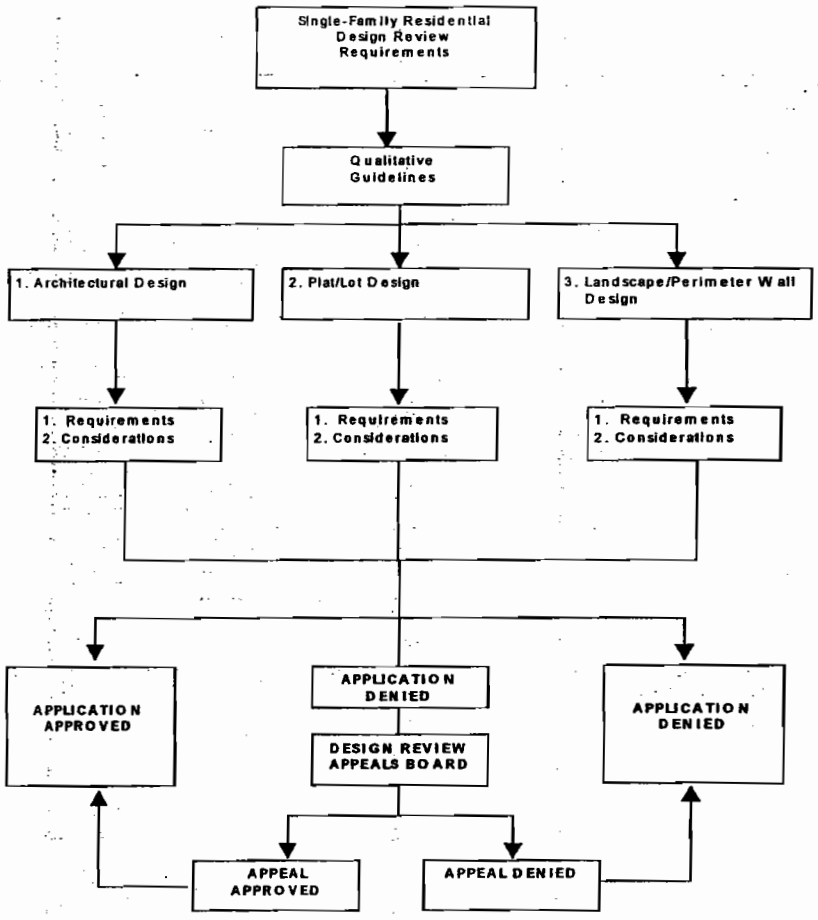
GENERAL OVERVIEW

3. Detached Single-Family Residential Design Review Process

a. Subdivision Plats shall be processed in accordance with Chapter 11 of the City of Peoria City Code. In addition to the requirements of Chapter 11, preliminary plats and final plats shall also be reviewed and approved in accordance with the City of Peoria Zoning Ordinance and the City of Peoria Design Review Manual.

b. To facilitate the evaluation of residential design, Detached Single-Family Residential design review guidelines consist of 3 design categories, Architectural, Plat/Lot and Landscape design, all of which are characterized as Qualitative Guidelines. All applications for detached single-family residential development must show compliance in all 3 categories. The review/approval process, using this classification, is illustrated in the flowchart below.

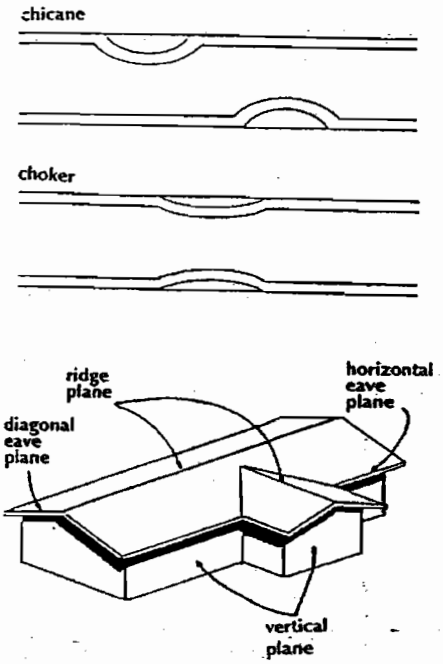
CHART4.6



GENRAL OVERVIEW

B. Definitions

FIGURE 4.1

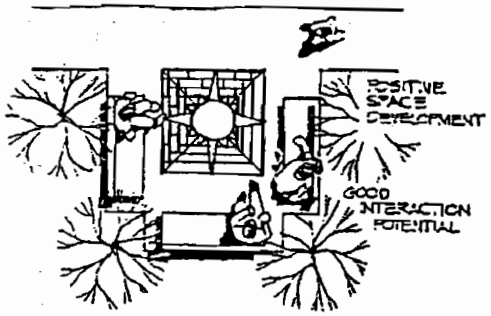


1. Chicane - Planoconvex, off-set curb extensions at an intersection or mid-block for the purpose of narrowing a street.
2. Choker - Planoconvex, matching curb extensions at an intersection or mid-block for the purpose of narrowing a street.
3. Diagonal Plane - A building plane that is diagonal to the horizon or ground plane. The eave on the gable end of a pitched roof (rake) is a diagonal plane.
4. Facade Articulation - Stepping back or moving forward a portion of a building's facade for the purpose of breaking up the building's mass.
5. Facade Articulation Ratio - The relationship between a building's perimeter and its facade articulation.
6. Fenestration - The arrangement, proportioning and design of a buildings windows and other exterior openings.
7. Fenestration Ratio - A percentage of the total of a building's framed exterior openings through which passive light may pass.
8. Horizontal Plane - A building plane that is parallel to the horizon or ground plane.
9. Horizontal and Diagonal Planes Ratio - The relationship between a building's horizontal and diagonal planes.
10. Multi-Use Trail/Path - An improved circulation path of varying materials for combined pedestrian, bicycle and/or equine uses that is separate and distinct from traffic circulation. Is not a sidewalk as required by the City Engineer.

Definitions (cont.)

11. Pedestrian Refuge Area - An area of retreat primarily for pedestrian usage.
12. Pedestrian Walkway/Path - An improved circulation path of varying materials for primarily pedestrian usage that is separate and distinct from traffic circulation. Is not a sidewalk as required by the City Engineer.

FIGURE 4.3



pedestrian refuge area

13. Perimeter Wall - A subdivision wall adjacent to: a collector or higher street classification; retention area; open space area; multi-use trail area; and/or a wall on the perimeter boundary of the subject development.
14. Ridge Planes - A plane formed where two (2) upward sloping (departure) planes meet. A ridge plane is also a horizontal plane.
15. Setback Exhibit - An exhibit which clearly illustrates the intended building setback line from the front property line, or any other property line as required, for each lot. The exhibit shall also delineate the exact lots on which the provision of Section 14-70-12.B.3.a &b are intended to apply.
16. Shade Coverage Ratio - The relationship between the amount of outdoor shade covered pedestrian area and a building□s gross floor area of the first floor.
17. Sidewalk - An improved circulation path typically constructed of concrete for primarily pedestrian usage that is required by the City Engineer. A sidewalk is typically located within a dedicated right-of-way and adjacent to an improved street.
18. Traffic Calming - Mitigative traffic measures for the purpose of reducing the speed of traffic, reducing neighborhood cut-through traffic and increasing traffic safety and pedestrian safety.

19. Vertical Departure Plane - A sloping building plane that departs from a vertical plane, (most commonly roof surfaces).
20. Vertical Departure Ratio - The relationship between a building□s vertical planes and departure planes.
21. Vertical Plane - A building plane that is perpendicular to the horizon or ground plane.

C. Submittal Requirements

All applicable requirements listed herein shall be submitted concurrently with the development plan. In addition to the established requirements for site plan submittal, the following design review information shall be required on all site plan submittals, unless as otherwise indicated by the Planning Manager:

1. Non-Residential Development:
   a. Upon request by staff, the applicant shall provide color renderings with color and materials palette of all elevations of all buildings and accessory structures
   b. If applicable, provide roof pitch on all elevations utilizing vertical [illegible]
   c. Submit site photographs showing site and adjacent properties
   d. Narrative describing the relationship between the proposed development and adjacent development
   e. Detail of proposed pedestrian areas showing cross-section and materials used
   f. Narrative illustrating compliance with Design Review Qualitative Guidelines.
   g. Completed Design Review Quantitative Worksheet
   h. Completed Design Review Checklist

See Revised Non-Residential Design Standards

2. Detached Single-Family Residential Development:
   a. Upon request by staff, the applicant shall provide color renderings with color and materials palette of all elevations of all models and accessory structures
   b. Submit site photographs showing site and adjacent properties
   c. Narrative explaining the relationship between the proposed development and adjacent development
   d. Detail of proposed pedestrian areas showing cross-section and materials used
   e. Narrative illustrating compliance with Design Review Qualitative Guidelines.
   f. Narrative explaining landscape concept and attempts to preserve existing vegetation and re-vegetate sensitive or significant pristine desert areas
   g. Completed Design Review Checklist
   h. Qualitative Architectural Guideline requirements shall be submitted at the time of final plat application
   i. Setback Exhibit, shall be submitted at time of building permit application.

Section 20-70-11

- Introduction
- Applicability

DETACHED SINGLE-FAMILY RESIDENTIAL DESIGN

A. Introduction

The Phoenix metropolitan area has a positive reputation as a very livable community. Promoting this image has never been difficult with over 300 days of sunshine a year, a strong job market and affordable housing and considering the strength of our other intangible assets, such as, the many good-natured and helpful people already in the valley, this image is likely to continue indefinitely. As a result, the Phoenix metropolitan area consistently ranks as 1 of the top 10 most desired places to live in the United States and remains one of the fastest growing regions in the country.

As the detached single-family residential market continues to grow it is important to maintain and preserve the natural environment and encourage the successful incorporation of the built environment while at the same time promoting diversity in architecture, subdivision layout and lot layout, as well as, increasing the number of active and passive recreational opportunities for our growing number of residents.

B. Applicability for Residential Development

The Detached Single-Family Residential Design Review Guidelines are intended to apply to all new detached single-family residential development in excess of 20 lots. This includes all principal and accessory structures/buildings in all zoning districts. All such development shall be subject to review and approval by the City for conformance with all applicable design requirements. Areas designated as Rural may be subject to additional Rural Standard requirements as set forth by the City Engineer.

For the purpose of determining compliance, the City of Peoria will monitor the buildout of each subdivision approved through the design review process for conformance to the approved design review application. The City of Peoria may withhold the release of building permits within a subdivision if, in the opinion of the City, the buildings within the subdivision do not conform to the standards set forth in the approved design review application.

Variations from the Detached Single-Family Residential Design Review Requirements and Considerations may be proposed through the Planned Area Development zoning process.

Section 20-70-12

Qualitative Description

RESIDENTIAL DESIGN – QUALITATIVE GUIDELINES

Qualitative Guidelines Description

Qualitative Guidelines are guidelines that are widely regarded and understood as good sound development practices. These characteristics can be applied on a case by case basis. Qualitative Requirements are separated into three (3) categories:

- Architectural Design
- Plat/Lot Design
- Landscape/Perimeter Wall Design

Each category is divided into two subcategories, Requirements and Considerations. All Requirements must be met. Considerations are provided to help improve a project. In order to receive design review approval, each development shall demonstrate, in short abbreviated text, how design Requirements and Considerations in these three (3) categories have been addressed. ***No minimum score is required for Qualitative Guidelines.***

RESIDENTIAL DESIGN – QUALITATIVE GUIDELINES

A. Architectural Design

1. REQUIREMENTS:
   a. Development within any plan boundary shall conform to said plan.
   b. Exposed metal chimney flues which are not architecturally integrated shall be prohibited.
   c. Second story balconies shall be a minimum of fifteen (15) feet from any property line.
   d. Second story windows shall be a minimum of five (5) feet from any property line.
   e. The use of reflective surfaces, except windows, shall be prohibited.
   f. Roof mounted equipment, except solar panels and related equipment, shall be prohibited.
   g. All utilities and ground mounted mechanical equipment shall be fully screened from view and shall meet the setbacks as required in the Zoning Ordinance.
   h. Accessory structures 8 feet or more in height and/or 300 square feet or more in area shall substantially conform to the principal building in terms of color, exterior building materials and architectural style.
   i. Additions to principal buildings shall utilize like colors, materials and architectural style as the principal structure and shall conform to existing roof lines.
   j. All developments shall provide multiple elevations with distinctive differences for each standard floor plan within the subdivision.
   k. All developments shall provide multiple roof colors, roof styles and roof material types within the subdivision.
   l. All developments shall provide multiple exterior accent materials including, but not limited to, brick, stone and masonry.
   m. Multiple and varying roof elevations and roof lines shall be provided on all elevations adjacent to a collector or higher street classification.

Exceptions

Recreational Vehicle Canopies, provided that:

1. Lot size shall be 18,000 square feet or larger.
2. Structure shall meet all required setbacks.
3. Limit of one (1) RV canopy onsite

4. Structure shall be constructed using 6" x 6" steel or aluminum vertical posts, painted to match the dominant color of the principal structure. Wood structures shall not be permitted.
5. Structure shall not exceed 13' in overall height and no greater than 450 square feet in area.
6. Top of structure shall be lattice, mesh or other semi-transparent material. No pitched or solid roofs shall be permitted.
7. No sidewalls, temporary or permanent, shall be permitted on the structure.

Gazebos, ramadas, or other like structures, provided that:

1. Structure shall not be for storage purposes.
2. Roof is constructed of lattice material or shall match roof material on principal building.
3. Structure shall be open on all sides. No walls shall be permitted.

Play structures, barbecues, chimneys (not attached to principal building), sport courts and other like structures are exempt from Design Review.

2. CONSIDERATIONS When reasonable and appropriate, the following guidelines should be taken into consideration:
   a. For the purpose of promoting architectural diversity, the requirements set forth in Table 12.1 should be followed.

Table 12.1

	Proposed Number of Detached Single-Family Units			
	20 - 49	50 - 99	100 - 199	200 or More
Number of roof colors required	Minimum of 2 different roof colors. One color may be utilized in not more than 60% of all units.	Minimum of 3 different roof colors. One color may be utilized in not more than 40% of all units.	Minimum of 4 different roof colors. One color may be utilized in not more than 30% of all units.	Minimum of 5 different roof colors. One color may be utilized in not more than 25% of all units.
Number of roof material types required	Minimum of 2 different roof material types. One type may be utilized in not more than 60% of all units.	Minimum of 2 different roof material types. One type may be utilized in not more than 60% of all units.	Minimum of 2 different roof material types. One type may be utilized in not more than 60% of all units.	Minimum of 3 different roof material types. One type may be utilized in not more than 40% of all units.
Number of different elevation types required	Minimum of 2 different architectural elevations. One elevation may be utilized in not more than 60% of all units.	Minimum of 3 different architectural elevations. One elevation may be utilized in not more than 40% of all units.	Minimum of 4 different architectural elevations. One elevation may be utilized in not more than 30% of all units.	Minimum of 5 different architectural elevations. One elevation may be utilized in not more than 25% of all units.

   b. All developments should incorporate a minimum of two (2) different roof styles. Roof syles should include, but not be limited to, pitched, hip, flat, gambrel, mansard, or other style roof.
   c. All developments should incorporate a minimum of two (2) different roof material types. All asphaltic shingles shall be considered one material type. Clay and concrete tiles shall be considered one material type, however, alternating tile types, e.g. flat tile and mission tile, shall be considered different roof material types.
   d. Principal building design should incorporate porches, patios, balconies, decks, seating areas or other amenities that may promote interaction with neighbors.
   e. Building design and location should consider the desert climate, view corridors and the orientation of buildings to street.

f. The use of decorative pilasters, moldings, cornices and other facade treatments should be utilized to enhance the building appearance.
g. Monotonous building elevations should be avoided through the use of facade articulation, building angles, eaves, parapets, window and door placement, and landscaping.
h. Consideration should be given to window placement and window off-sets for the purpose of maximizing privacy on adjoining lots.
i. For the purpose of increasing open space on each lot, garage locations should be grouped adjacent to common property lines and joint driveways should be utilized to the maximum extent possible.
j. When joint driveways are not utilized, should consider alternative garage type such as, single-bay tandem garage or side entry garage and alternative location, such as, within the side or rear yard, attached or detached.
k. Architectural embellishments should include, recessed windows or window projections, articulated facades and decorative moldings or pilasters for the purpose of creating shadow lines.
l. Roof lines should vary from homes on adjacent lots and directly across the street.

B. Plat/Lot Design

1. REQUIREMENTS:
   a. All local residential streets in excess of 900 feet in length shall be curvilinear in design with a minimum radius of 150 feet and a minimum curve length equal to one-half of the radius.
   b. All collectors and lower classified streets in excess of 900 feet shall be designed for the purpose of reducing high-speed and/or cut-through traffic. Such measures shall include a curvilinear design combined with traffic circles, landscape planters or other similar Traffic Calming measures as approved by the City Engineer.
   c. Principal building placement on every other lot shall be staggered or off-set a minimum of five (5) feet so that not more than two (2) consecutive homes on the same side of a street shall have their principal structures placed on the same building line.
   d. To help implement this provision, upon the first building permit application, the developer shall provide a Setback Exhibit and the City shall approve or deny the exhibit.
   e. To help accommodate a staggered building placement on lots less than eleven thousand (11,000) square feet in area, the City may allow required front and rear yard setbacks to be reduced by not more than ten (10%) percent. The developer shall clearly delineate on a Setback Exhibit the exact lots on which this provision shall apply. The Setback Exhibit shall be approved, denied or approved with modifications by the City. Any appeal from this provision shall be done through the Board of Adjustment and the appeal process provided through such board.
   f. Side lot lines adjacent to a minor arterial or higher street classification shall be prohibited.
   g. Four-way intersections shall be prohibited on local-to-local street intersections, unless approved by the City Engineer.
   h. For the purpose of reducing neighborhood cut-through traffic, local streets traversing a collector or higher street classification shall be off-set at its intersection a minimum of three-hundred fifty (350) feet in the locking direction or one-hundred twenty-five (125) feet in the non-locking direction.
   i. When a cul-de-sac abuts a public or private right-of-way or a useable open space area, a landscaped access easement shall be provided. Said easement shall be a minimum of 20 feet wide of which a minimum of 10 feet shall be dedicated as a pedestrian path.

RESIDENTIAL DESIGN – QUALITATIVE GUIDELINES

2. CONSIDERATIONS: When reasonable and appropriate, the following guidelines should be taken into consideration:
   a. Lots should not be designed to center on a T-intersection.
   b. For the purpose of increasing pedestrian safety and decreasing pedestrian exposure to traffic, curb radii should be maintained at the minimum standard as required by the City Engineer and Fire Department.
   c. Retention areas and open space areas should be located adjacent to main entrance ways, schools and/or open space areas.
   d. Open space and retention areas should be located and designed to act as a buffer between detached single-family residential units and non-residential uses and arterial streets.
   e. Allow limited access from adjacent non-residential areas, including schools, by incorporating fence and landscape penetrations into the pedestrian circulation element.
   f. Plats should be designed to integrate and/or continue existing or approved open space areas, pedestrian walkways and multi-use trails from adjacent developed and undeveloped areas.
   g. In subdivisions with lots less than 18,000 square feet in area, multi-use trails/paths should be not be located or designed to run adjacent to any front lot line.
   h. In subdivisions with lots less than 10,000 square feet in area, should consider the reservation of a common area for the purpose of parking/storing boats, trailers, motor homes and other recreational vehicles.
   i. Developments should consider alternative street cross-sections. Use of ribbon curbs, modified street lighting and reduction of pavement width for rights-of-way may be considered by the City Engineer.
   j. For the purpose of increasing open space on each lot, garage locations should be grouped adjacent to common property lines and joint driveways should be utilized to the maximum extent possible.
   k. When joint driveways are not utilized, should consider alternative garage type, such as, single-bay tandem garage or side entry garage and alternative location, such as, within the side or rear yard, attached or detached.
   l. Developer should consider use of alternative street lighting standards in project theme. Maintenance and upkeep of alternative lighting standards shall be provided for by an established Homeowners Association and shall be approved by the City Engineer.

C. Landscape/Perimeter Wall Design

1. REQUIREMENTS:

a. There shall be a minimum amount of land area dedicated or reserved as Useable Open Space as set forth in Table 12.2 below:

Table 12.2

*Lot Size	Minimum amount of Useable Open Space required
Lots less than 10,000 square feet	9% of gross project area
Lots 10,000 to 18,000 square feet	7% of gross project area
Lots in excess of 18,000 square feet	5% of gross project area

*If development includes a mixture of lot sizes, the percentage of Useable Open Space required shall be based on the percentage of lots in each lot size category.

b. Infill developments south of Bell Road that are not more than 50 residential lots or not more than 10 gross acres are exempt from Table 12.2. However, retention/detention areas, as required by the City Engineer, shall be improved with at least two of the amenities listed in 20-70-12.C.1.c & d below.

c. Useable Open Space shall be clearly designated on the preliminary and final development plans. Areas that may be included in the calculation of open space shall include the following:

Dedicated park sites; dedicated separate right-of-way for bike paths, equestrian and hiking trails; private park and recreation areas; reserved or dedicated steep slope areas; golf courses for not more than 50% of the required useable open space.

d. Retention basins and floodway areas may be counted as Useable Open Space when improved with a combination of the following:

Active play areas, including, but not limited to, Basketball/Tennis/Raquetball courts, Baseball/Softball/Soccer fields pedestrian/multi-use paths/trails, tot lot, barbecue areas, ramadas and bench seating areas.

e. Useable Open Space shall not include any of the following: Dedicated streets, alleys, and other public rights-of-way, except as provided above; vehicular drives, parking, loading and storage areas; required setback areas; reservation of park and school sites for which the City or school district shall be required to purchase; areas reserved for the exclusive use or benefit of an individual owner or tenant; concrete or rock lined areas designed primarily for the conveyance of water.

f. Dedication Statement on final plat shall include provision dedicating all open space and retention areas as tracts, providing for the maintenance of such areas and adjacent right-of-way by an established home owners association, and precluding such areas from future development.

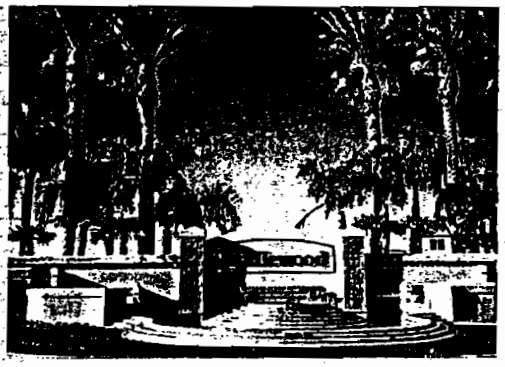
g. Rights-of-way and retention areas shall be improved with landscaping as required by the City of Peoria Zoning Ordinance.

h. Landscaping shall be provided on all interior and perimeter collector streets at a rate of 1 tree and 3 shrubs with vegetative ground cover for every thirty (30) feet of lineal street frontage. Landscaping provided under this requirement shall be located in a planter area directly adjacent to the back-of-curb. Planter area shall be a minimum of five (5) feet wide.

i. For total landscaping, no one tree or shrub species may exceed 60% of the total proposed trees or shrubs.

j. For total landscaping, decomposed granite may not exceed 60% of the total coverage area. Remaining 40% shall be coverage area of trees, shrubs and vegetative groundcover at maturity.

k. Special features including, but not limited to, decorative entry signage, pedestrian areas with stamped concrete or speciality pavers, water features, sculptures, ramadas or public art shall be required for all projects in excess of one-hundred (100) detached single-family residential units.



l. Entry signage, perimeter walls, and other appurtenances in community owned areas shall utilize common colors, materials and architectural style with the established theme within the subdivision or consistent with the surrounding area.

m. Bicycle/Pedestrian paths and trails shall connect to existing/proposed paths, trails and existing and future commercial developments.

n. All utilities and mechanical equipment shall be screened from view.

o. Developments occurring north of Happy Valley Road shall provide a textual narrative detailing efforts to preserve existing vegetation and re-vegetate areas of pristine, undisturbed desert.

p. All Developments shall offer landscape packages with front yard and street side yard landscaping.

q. Perimeter walls shall meet the following requirements:

i. Stuccoed or constructed of decorative masonry block intended to be utilized without additional finish.

ii. Shall utilize one or more of the following: inlays, materials or color accents, capping, decorative pilasters, wrought iron, planters or other approved feature that adds visual interest.

iii. Perimeter walls adjacent to minor arterial or higher street classification shall be eight (8) feet in height with a horizontal and vertical undulating pattern. Horizontal undulations shall occur once every 100 feet or every other lot line, whichever is less, and shall be a minimum of 1 lot in length and shall meet a minimum off-set of 3 feet. Vertical undulations should also be incorporated. Horizontal undulations shall be reflected in the lot lines on preliminary plat and the final plat.

iv. Perimeter walls adjacent to collectors, retention areas or open space shall be six (6) feet in height with a horizontal and vertical undulating pattern. Horizontal undulations shall occur once every 100 feet or every other lot line, whichever is less, and shall be a minimum of 1 lot in length and shall meet a minimum off-set of 3 feet. Vertical undulations should also be incorporated. Horizontal undulations shall be reflected in the lot lines on the preliminary plat and final plat.

v. Elevations and locations of all perimeter walls shall be shown on preliminary and final landscape and grading and drainage plans.

r. Chain link fences shall be prohibited. Wood or metal fences may be considered if integrated into an identifiable theme. Such theme may include rural/agrarian with the use of wooden picket fencing or a metal pole corral style open fencing.

s. Landscape plans shall illustrate designated pedestrian circulation areas. Designated pedestrian circulation areas shall include, but not be limited to, sidewalks, pedestrian refuge areas, bench seating areas, landscaped walkways/paths and multi-use trails/paths.

t. Cross-sections for walkways/trails/paths shall have a minimum overall width of 20 feet with a minimum of 10 feet dedicated to pedestrian circulation, exclusive of any vehicle overhangs and/or landscaped areas, and 10 feet dedicated to landscaping directly adjacent to walkway/trail/path. This provision does not apply to sidewalks.

2. CONSIDERATIONS When reasonable and appropriate, the following guidelines should be taken into consideration:
   a. A thematic streetscape, including , but not limited to landscape theme; decorative street signage and street lamps; bench seating and pedestrian scale lighting, on all interior and perimeter collector streets should be considered. Maintenance and upkeep of the above elements shall be provided for by an established Homeowners Association and shall be approved by the City.
   b. Artwork in open public locations should be encouraged.
   c. Regular and frequent placement of bench seating areas should be located along trails/paths.
   d. Pedestrian and multi-use walkways, paths and trails should provide shaded pedestrian refuge areas.
   e. Plants should be grouped in settings commonly found in the natural environment.
   f. Integration of landscaping and sign design is encouraged.
   g. Landscape design should not impede surveillance abilities.
   h. Main entryways should be appropriately emphasized with landscaping and entry features to provide focus and identification. Should consider the use of landscaped medians at main points of entry.
   i. Screening walls should be compatible with buildings and development theme and should be softened with landscaping treatments.
   j. Where appropriate, perimeter walls should incorporate the use of view fences.
   k. Improved open space and retention areas should connect to existing and proposed pedestrian and multi-use walkways, paths and trails.
   l. Useable open space areas should be combined with existing or planned park areas and vertical drops requiring protection.
   m. Drainage crossings should utilize decorative railing.

A. Introduction

As our population increases and job opportunities expand, it is important to offer a wide range of housing opportunities. A key element in offering a full range of housing opportunities is the availability of well-planned and well-maintained multi-family residential development. Unlike most traditional subdivision developments, multi-family developments typically provide a wide array of recreational opportunities from pool and health club amenities to common gathering areas. These amenities help to promote resident interaction and build a strong sense of neighborhood.

In helping to assure a strong presence in the future for Peoria's multi-family housing stock it is important to encourage diversity in development while continuing to provide quality amenities. The multi-family residential design review requirements are set forth here to ensure quality multi-family development for all Peoria residents.

B. Applicability for Multi-Family Residential Development

The Multi-Family Residential Design Review Guidelines shall apply to the following multi-family residential development in all zoning districts:

1. All proposed multi-family residential development, including attached single-family residential development, for new construction.
2. For existing multi-family development, including attached single-family residential development, all proposed new construction additions.
3. Alterations to the exterior facade of an existing building.
4. All such development meeting at least one the above criteria shall be subject to review and approval by the City for conformance with all applicable design requirements.
5. Interior alterations to any building or unit including interior alterations that combine one or more units shall not be considered new construction or a new construction addition.

Qualitative Guidelines Description

Qualitative Guidelines are guidelines that are widely regarded and understood as good sound development practices. These characteristics can be applied on a case by case basis. Qualitative Requirements are separated into three (3) categories:

- Architectural Design
- Site Design
- Landscape Design

Each category is divided into two subcategories, Requirements and Considerations. All Requirements must be met. Considerations are provided as recommendations to improve a project. In order to receive design review approval, each development shall demonstrate, in short abbreviated text, how design Requirements and Considerations in these three (3) categories have been addressed. **No minimum score is required for Qualitative Guidelines.**

A. Architectural Design

1. REQUIREMENTS
   a. Development within any Specific Area Plan boundary or any other approved development plan boundary shall conform to said plan.
   b. Each project shall develop a unique architectural design theme consistent with the surrounding environment.
   c. To avoid repetitive and uninteresting design, architectural diversity in relation to surrounding development shall be encouraged. Architectural diversity can be achieved through varying the placement of window, doors, parapets and other architectural features. Diversity shall not result in poor or haphazard development resulting in extremely contrasting design to surrounding development.
   d. Buildings facades shall incorporate design elements that enhance the pedestrian environment.
   e. Building elevations facing residential areas shall consider and be sensitive to adjacent residential development.
   f. Loading and trash enclosure areas shall be screened and oriented away from arterial streets and residential areas.
   g. All roof mounted equipment shall be fully screened from view.
   h. All utilities and ground mounted mechanical equipment shall be fully screened from view.
   i. Ground mounted mechanical equipment shall meet all minimum yard setback requirements for principal buildings.
   j. Shade structures and screening shall be architecturally and functionally integrated with established design theme.
   k. Garages and storage/utility areas, whether attached or detached, shall be architecturally integrated with established design theme.
   l. Proposed colors and materials shall be shown on elevation plans. Materials, colors and contruction shall be of highest quality.
   m. Buildings shall avoid a squared box building footprint.
   n. Windows and balconies shall be designed so that visual and auditory intrusions on private outdoor space of other units or adjacent development are minimized.
   o. Exterior stairways shall be designed with at least one 90 degree angle turn from floor to floor.
   p. Exposed chimney flues are prohibited.
   q. The use of reflective surfaces shall be discouraged.

2. CONSIDERATIONS When reasonable and appropriate, the following guidelines should be taken into consideration:

a. Building entrances should be designed to give a human scale for pedestrian interest.
b. Building entrances should consider the location of pedestrian circulation routes and should also provide architectural relief and visual interest.
c. Building design should include porches, balconies, decks, seating areas or other pedestrian friendly amenities.
d. Building design and location should consider the desert climate, view corridors and the orientation of buildings to street.
e. Developments should limit sprawling complexes. Buildings should be grouped to maximize building densities and encourage increased pedestrian activities.
f. The use of decorative pilasters, moldings, cornices and other facade treatments is encouraged to enhance the building appearance.
g. Downspouts should be internalized.
h. Monotonous building elevations should be avoided through the use of facade articulation, building angles, eaves, parapets, window and door placement, and landscaping.
i. Consideration should be given to building materials that can withstand the desert environment.
j. Building colors should be sensitive to and compatible with the desert environment.
k. For safety purposes, exterior doors should be designed with a solid core, peep holes, deadbolt locks and reinforced with strike plates.
l. Stairways and balconies should be designed to prevent and discourage jumping from balcony to balcony or stairs to balcony.
m. Building heights should be varied.
n. Buildings over one-story in height should be terraced.
o. Roof lines within and between buildings should be varied.
p. Building footprint design should not exceed 8 units per floor.
q. Balconies and patios should be covered to protect from the weather.
r. Balconies and patios should be designed as an extension of the interior common living area.

B. Site Design

1. REQUIREMENTS
   a. Developments shall utilize joint access and joint ingress/egress to the maximum extent possible or as determined by the City Engineer.
   b. All private driveways shall meet the minimum spacing requirements from other driveways and street intersections as determined by the City Engineer.
   c. Site area dedicated to on-site vehicle drive aisles and parking areas shall not exceed 30% of the net site area. Enclosed vehicle storage areas shall not be calculated towards this percentage.
   d. All parking areas shall be screened from the public right-of-way and shall meet all minimum yard setbacks for principal buildings.
   e. The edge of pavement for any, vehicle drive aisle, on-site parking area or any play area shall not be closer than 15 feet to any residential unit.
   f. Special features including, but not limited to, decorative entry signage, pedestrian areas with stamped concrete or speciality pavers, water features, sculptures, ramadas or public art shall be required for all projects of 50 or more units.
   g. All areas including pedestrian walkways/paths, active play areas and open space shall be adequately lighted and designed to assure safety and security. All lighting shall be properly shielded from adjacent properties.
   h. All utilities and mechanical equipment shall be screened from view.
   i. Active play areas shall be located so as to minimize their impact on adjacent uses and on-site residential units.
   j. Planned pedestrian walkways/paths traversing on-site vehicle drive aisles shall be constructed of alternative materials, such as, speciality pavers, stamped concrete or aggregate concrete.
   k. Site details such as, but not limited to, bench seating, pedestrian scale lighting, trash containers and mail boxes shall be incorporporated into site design and architecturally and functionally integrated.

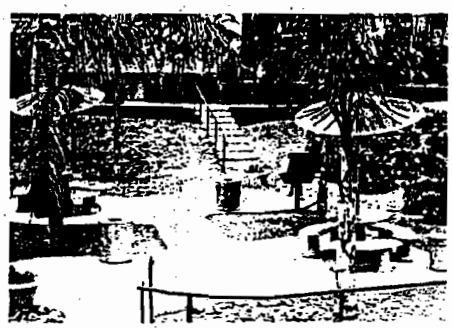
2. CONSIDERATIONS When reasonable and appropriate, the following guidelines should be taken into consideration:
   a. Utilize compact parking areas to the maximum extent possible.
   b. Noise generating equipment should be located away from residential units, public spaces and pedestrian areas.
   c. Active play areas should be located in centralized locations. Care should be taken to mitigate noise generation when locating adjacent to lower density uses and on-site residential units.
   d. Consider cross-access to adjacent commercial areas by incorporating fence and landscape penetrations into the pedestrian circulation element.
   e. Artwork in open public locations is encouraged.
   f. Building design should encourage the efficient use of energy through building orientation and window and door placement.
   g. For visual interest, site design could incorporate pads with varying grades. Grade difference, adjacent to single-family residential, should not exceed two (2) feet.
   h. Avoid grouping buildings in rows, should vary building orientation.
   i. Shade structures in excess of design reveiw requirements is encouraged.
   j. Trash enclosures should be located away from residential units.
   k. Spacing between driveways and between driveways and street intersections should exceed one-hundred (150) feet.
   l. Eliminate potential short-cut maneuvers through development by minimizing driveways and creative building design and location.
   m. Site design should not impede surveillance abilities.
   n. View corridors should be created to capitalize on off-site views such as, mountain vistas or points of interest.
   o. Heavy landscape buffers should be utilized to screen unpleasant off-site views.
   p. On-site vehicle and pedestrian circulation should be designed to take full advantage of on-site views such as special features, active play areas, clubhouse or other amenities.
   q. On-site circulation should incorporate traffic calming devices and be designed to reduce vehicle/pedestrian conflicts.
   r. Site design should encourage alternative modes of transportation. Such design considerations include connections to existing off-site trails/paths and bikeways, bicycle parking and storage areas and designs facilitating the use of mass transit.

C. Landscape Design

1. REQUIREMENTS
   a. All multi-family residential development between 10 and 50 units shall minimally provide at least 1 distinct active open space area in conjunction with passive open space areas and pedestrian walkways/paths. Total active and passive open space areas shall equal 10% or more of the net site area.
   b. All multi-family residential development between 51 and 150 units shall minimally provide at least 2 distinct active open space areas in conjunction with passive open space areas and pedestrian walkways/paths. Total active and passive open space areas shall equal 10% or more of the net site area.
   c. All multi-family residential development in excess of 150 units shall minimally provide at least 3 distinct active open space areas in conjunction with passive open space areas and pedestrian walkways/paths. Total active and passive open space areas shall equal 10% or more of the net site area.
   d. Active open space shall be clearly designated on the preliminary and final development plans. Areas that may be included as active open space shall include the following:

   Tot Lot; Pool/Jacuzzi area; on-site health club amenities; Basketball/Tennis/Racquetball courts; Baseball/Softball/Soccer fields; pedestrian/multi-use paths/trails; barbecue areas, ramadas with bench seating areas; dedicated separate right-of-way for bike paths, equestrian and hiking trails; dedicated park sites; private park and recreation areas; reserved or dedicated steep slope areas.

   (Retention basins and floodway areas may be counted as active open space when improved with a combination of any of the above, provided that improvements are outside the high water elevation.)
   e. All active and passive recreation/pedestrian areas shall provide pedestrian scale lighting.
   f. Bicycle/Pedestrian paths and trails shall connect to existing/proposed paths, trails and existing and future commercial developments.



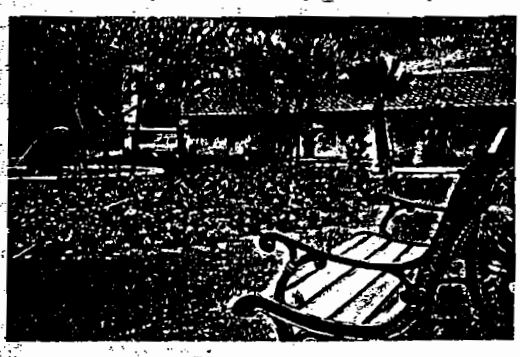
g. All multi-family residential developments shall provide at least one (1) pedestrian walkway/path from the right-of-way to the leasing office. Path shall be separated from all vehicular traffic movements except where drive aisle crossings are necessary.

h. Pedestrian links between site components, i.e. parking, play areas, open space areas, storage areas and clubhouse shall be required.

i. All site plans shall illustrate designated pedestrian circulation areas on the site plan. Designated pedestrian circulation areas shall include, but not be limited to, pedestrian walkways/paths, multi-use trails/paths, sidewalks, pedestrian refuge areas, bench seating areas.

j. Landscaping shall be provided directly adjacent to all walkways/paths. All walkway/path cross-sections shall have a minimum width of ten (10) feet. Walkways shall have a minimum of five (5) feet dedicated to landscape planting areas adjacent to the walkway and five (5) feet dedicated to a pedestrian walkway. Pedestrian walkways shall be exclusive of any vehicle overhangs and/or landscaped areas.

k. All walkways and/or paths that traverse vehicle drive aisles shall be distinguished with various hardscape materials such as, specialty pavers, aggregate concrete or stamped concrete.



l. For total landscaping, decomposed granite may not exceed 60% of the total coverage area. Remaining 40% shall be coverage area of trees, shrubs and vegatative groundcover at maturity.

m. All required minimum building setbacks shall be fully landscaped.

n. Screening walls shall be compatible with buildings and shall be softened with landscape treatments.

2. CONSIDERATIONS When reasonable and appropriate, the following guidelines should be taken into consideration:
   a. Landscaping adjacent to buildings should promote energy efficiency.
   b. Decomposed granite areas should be minimized and replaced with drought tolerant vegetative ground cover.
   c. Pedestrian areas should be shielded from the sun.
   d. Regular and frequent placement of bench seating areas should be located along pedestrian routes.
   e. Interior public spaces should connect to pedestrian walkways.
   f. Balconies, terraces, arcades and yards should be provided and connected to pedestrian walkways.
   g. The use of landscaped pedestrian walkways/paths separated from vehicle movements in parking areas should be maximized.
   h. Walkways should provide shaded pedestrian refuge areas.
   i. Plants should be grouped in settings commonly found in the natural environment.
   j. Integration of landscaping and sign design is encouraged.
   k. Landscape design should not impede surveillance abilities.
   l. Driveways should be appropriately emphasized with landscaping and entry features to provide focus and identification.
   m. Landscaping should be provided at the foot of buildings to soften the transition between paved areas on the ground plane and building materials on the vertical plane.
   n. Potted plants, excluding trees, may be utilized in courtyards and other hardscape areas, but generally are not recognized as part of the minimum required landscaped area. Trees should drain directly into the subsoil and should be protected by grating in hardscape areas.

Quantitative Guidelines Description

Quantitative Requirements are requirements that are clearly formulated and expressed, design characteristics. These characteristics can be readily assessed in a quantifiable manner. In order to receive design review approval, each development shall meet a minimum score in the Quantitative Requirements section.

The overall minimum required score for each multi-family development will be dependent on the number and type of proposed buildings in the project. Each proposed development is scored in three (3) design categories, the minimum design score for each of these categories is shown below:

- Architectural Design
- Site Design
- Landscape Design

MULTI-FAMILY DEVELOPMENT

Design Category	Minimum Required Score
Architectural	varies, see section 20-70-23.A
Site	15
Landscape	5

Compliance with the Quantitative Requirements section shall be required prior to consideration for Design Review Approval.

A. Architectural Design - Each proposed building must meet a minimum design score for Architectural Design. Minimum required design score for each building is based on the type of primary use the building is intended for. Minimum required design score for each type of building is as follows:

Building Type	Minimum Required Score
Residential	30
Recreational/Office	25
Storage/Utility	15

The Architectural Design category consists of five (5) feature subcategories. The minimum required scores are achieved by evaluating the treatment of these five features within a project's design. *There is no minimum required score for any feature subcategory. However, to prevent an over-concentration in any one area, there is a maximum score for each feature subcategory.*

- Shade Coverage
- Fenestration
- Facade Articulation
- Vertical Departure
- Roof Planes

Section 20-70-23

- **Architectural Design (cont.)**

1. Shade Coverage

***Objective - Gives points for pedestrian only shade covered areas.**

Maximum Allowed Score
15

Shade Coverage shall be determined by the following:

S = C/G * 100

where:

S = Shade Coverage Score

C = Covered outdoor area for pedestrian only usage, in square feet

G = Floor area of interior of all floors of residential building, in square feet

For the purpose of Shade Coverage Score:

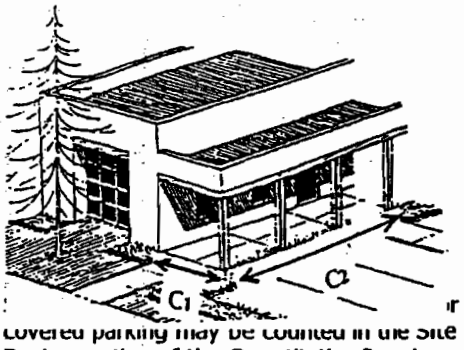
a. Floor area of balconies, canopies, porches and other pedestrian only shade oriented structural design features may be included in C, covered outdoor area.

b. G, floor area, shall include the total gross floor area, in square feet, of the all floors.

Square footage of covered outdoor area for pedestrian only usage shall be determined using Figure 23.1 below:

***Hint - How to Score**

- Increase covered pedestrian area adjacent to the building
- Use covered entryways
- Use covered courtyards



Covered parking may be counted in the Site Design section of the Quantitative Requirements. See Section 20-70-23.B.2.d.

2. Fenestration

***Objective - Gives points for increasing the amount of building openings through which passive light may pass.**

Maximum Allowed Score
15

Fenestration shall be determined by the following:

F = O * .25

where:

F = Fenestration Score
O = Total framed openings through which passive light may pass

For the purpose of framed openings:

a. Building openings must be framed by a minimum of 6 inches on all sides by structural building materials.
b. Light must be able to pass through the framed opening, without actively opening, closing or otherwise altering any structural member.
c. Openings into shaded pedestrian areas that are framed on the sides and top may also be counted as a fenestration unit.

Total framed openings through which passive light may pass shall be determined using Figure 23.2 below:

FIGURE 23.2

***Hint - How to Score**

- Incorporate covered entryways
- Utilize framed building openings

3. Facade Articulation

***Objective - Gives points for breaking long horizontal facades.**

Maximum Allowed Score
10

Facade Articulation shall be determined by the following:

$$A = (P/L) * 2$$

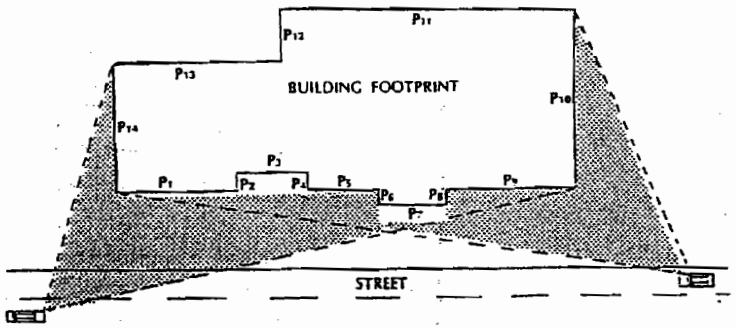
where:

A = Facade Articulation Score
P = Length in feet of building perimeter
L = Length in feet of longest section of perimeter

For the purpose of P, building perimeter shall be calculated all 4 building sides. P shall be determined using Figure 23.3 below:

P = Sum of P_1 through P_{14}

FIGURE 23.3



***Hint - How to Score**

- Break long flat walls with pop-outs, pilasters, step backs, etc...
- Avoid square/rectangular buildings
- Use alternating building materials on architectural embellishments

Facade Articulation (cont.)

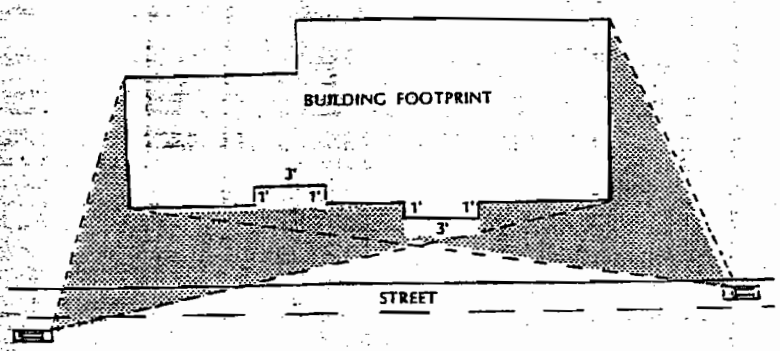
For the purpose of L, length in feet of longest section of perimeter :

a. For two wall sections in the same plane to be considered separate wall sections, they must be separated by an articulation element measuring at least one (1) foot deep by three (3) feet wide, See Figure 23.4 below (Canopies or other shade or architectural features meeting the minimum dimensions below may by counted as an articulation element)

b. For two wall sections in the same plane to be considered separate wall sections, the articulation element shall incorporate contrasting elements. Such contrasting elements may include, but not be limited to different building materials; providing porch, patio, deck covered entry, balcony, bay window or other accent elements; changing the roof line; incorporating landscape materials.

c. If above two conditions are met, longest section of perimeter = P_{11} in Figure 23.3. If minimum dimensions are <u>not</u> met, Longest Section of Perimeter = Sum of P_1 through P_9 in Figure 23.3.

FIGURE 23.4



4. Vertical Departure

***Objective - Gives points for breaking the verticality of walls.**

Maximum Allowed Score
5

Vertical Departure shall be determined by the following:

$$V = (R/W) * 10$$

where:

V = Vertical Departure Score

R = Total surface area, in square feet, of all sloping or other vertical departure surfaces

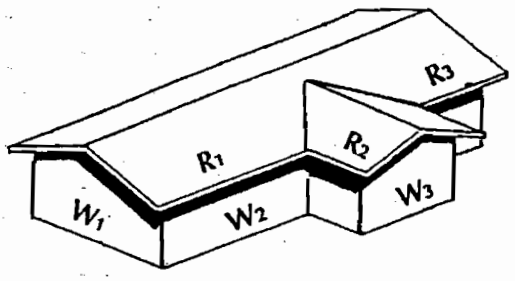
W = Total vertical surface area, in square feet, of all walls visible from the street. (For the purpose of W, vertical surface area shall be calculated on not less than 3 building sides)

Total surface area of all walls and total surface area of all sloping and other vertical departure surfaces shall be determined using Figure 23.5 below:

$$R = R_1 + R_2 + \ldots + R_n$$

$$W = W_1 + W_2 + \ldots + W_n$$

FIGURE 23.5



***Hint - How to Score**

- Use pitched roofs
- Use building exterior
- Avoid arches in long vertical expanses of walls with no architectural features

Vertical Departure (cont.)

For the purpose of calculating R:

a. A departure angle or roof slope must slope at an angle not less than 15 degrees nor more than 75 degrees from a vertical plane, see Figure 23.6.
b. Circular convex or concave surfaces may also be included in the calculation of R if the radius of the curve is offset from the vertical surface a minimum of one (1) foot and the curve has a central angle not less than sixty (60) degrees, see Figure 23.7.

FIGURE 23.6

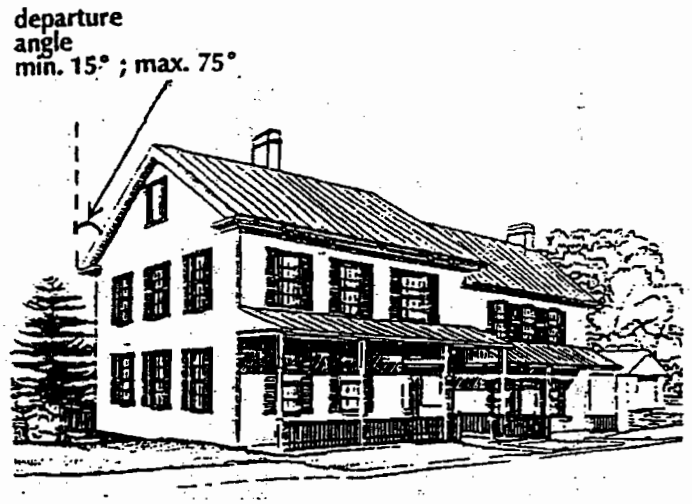
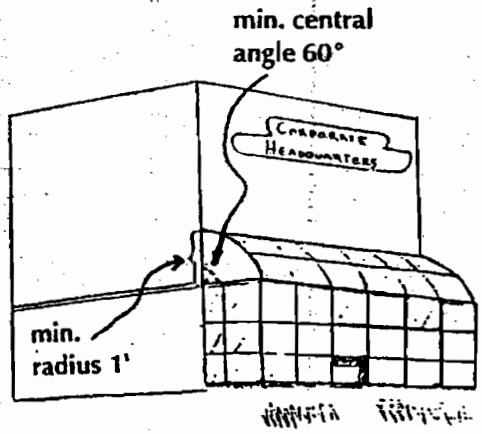


FIGURE 23.7



5. Roof Planes

***Objective - Gives points for creative treatment of roof lines.**

Maximum Allowed Score
5

Roof Planes shall be determined by the following:

N = E * .25

where:

N = Roof Planes Score

E = Total visible horizontal and diagonal eave, ridge and parapet planes

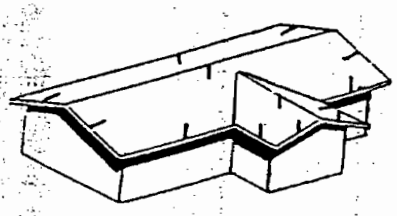
For the purpose of roof planes:

a. Horizontal and diagonal eave planes shall overhang the vertical wall plane by at least eighteen(18) inches.

b. Two eaves/parapets in the same horizontal plane shall be separated by at least two (2) feet to be considered separate planes. Separations not meeting this minimum dimension shall be considered one (1) plane.

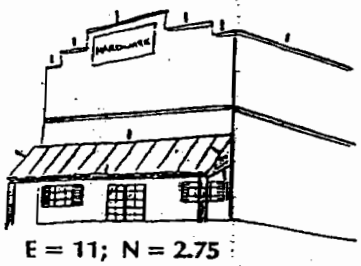
Total visible horizontal and diagonal eave, ridge and parapet planes shall be determined using Figures 23.8 and 23.9 below, where each tick mark represents a roof plane:

FIGURE 23.8



E = 13; N = 3.25

FIGURE 23.9



E = 11; N = 2.75

***Hint - How to Score**

- Vary parapet roof lines by stepping up and down and providing cut outs
- Vary pitched roofs: provide alternating pitches and various styles
- Provide canopies over walkways
- Use combination pitch and parapet roof styles

B. Site Design - The minimum design score for Site Design in Multi-Family developments shall be fifteen (15) points. The minimum design score shall be achieved by providing enhancements to the site design in five (5) subcategories.

The Site Design category consists of five (5) feature subcategories. The minimum required scores are achieved by evaluating the treatment of these five features in a project's design. *There is no minimum required score for any feature subcategory. However, to prevent an over-concentration in any one area, there is a maximum score of ten (10) for each feature subcategory.*

- Recreation/Pedestrian Amenities
- Traffic Circulation Elements
- Structure Locations
- Additional Architectural
- Additional Landscape

1. Recreation/Pedestrian Amenities ***Objective - Promote resident amenities.**

a. Active Recreation/Passive Pedestrian Areas in excess of the minimum number and square footage requirements set forth in section 20-70-22.C.1. Max. five (5) points total per site allowed.

For the purpose of this category, Active Recreation Areas shall provide amenities as set forth in section 20-70-22.C.1.d. Passive Pedestrian Areas are areas of retreat primarily for pedestrian usage and shall minimally consist of fifty (50)square feet in area, one (1) seating bench, two (2) trees, six (6) shrubs and pedestrian scale lighting, (Shade canopies may be provided in lieu of trees, however, shrubs must still be provided). Each additional Recreation/Pedestrian Area must be separate and distinct.

Points shall be calculated using the following formula:
Number of Recreation/Pedestrian Areas provided, in excess of required (per section 20-70-22.C.1), divided by .002 = **X**
X divided by Total Landscaping Required in square feet = **Y**
Y times (x) 100 = **Points**

e.g. 1 Refuge Area provided
1 ?.002 = 500
500 ?10,000 s.f. of Total Landscaping required = .05
.05 x 100 = 5 points

b. Pedestrian access from adjacent commercial areas. Max. five (5) points total per site allowed.

For the purpose of this category, pedestrian only access shall minimally consist of a wall penetration with landscaping and pedestrian scale lighting from area of penetration to multi-family residential building perimeter. Accesses meeting these standards may count for one-quarter(1/4) of a Recreation/Pedestrian Area.

Points shall be calculated using the Recreation/Pedestrian Area formula above.

e.g. 1 cross-access provided = 1/4th refuge area or .25
.25 ?.002 = 125
125 ?10,000 s.f. of Total Landscaping required = .0125
.0125 x 100 = 1.25 points

Recreation/Pedestrian Amenities (cont.)

c. Pedestrian walkways in excess of the minimum number required as set forth in section 20-70-22.C.1.h. Max. Five (5) points total per site allowed.

For the purpose of this category, pedestrian walkways shall conform with sections 20-70-22.C.1.h through l of this manual. Walkways meeting these standards may count for one-quarter (1/4) of a Recreation/Pedestrian Area.

Points, for walkways in excess of those required, shall be calculated using the Recreation/Pedestrian Area formula above.

e.g. 2 additional walkways provided @ 1/4th refuge area or
2 x .25 = .50
.50 ?.002 = 250
250 ?10,000 s.f. of Total Landscaping required = .0125
.025 x 100 = 2.5 points

2. Traffic Circulation/Parking ***Objective - Promote efficient traffic circulation and parking.**

a. Parking at the sides and/or rear of a building.

For the purpose of this category, parking areas or spaces must not front on a major or minor arterial or on any street considered to be the main entrance. The main entrance shall be determined by staff. Points are based on a percentage of total spaces parked at the sides or rear of a building times five (5).

e.g. 50% of spaces located to the sides or rear of building
.50 x 5 = 2.5 points

b. Spacing of driveways. Maximum of five (5) points total per site allowed.

For the purpose of this category, all driveways must be spaced a minimum of one-hundred fifty (150) feet from any other driveway for consideration of points. Points are determined by driveway spacing distance from nearest other driveway, in feet, minus one-hundred fifty (150), times one-tenth (.1).

e.g. Distance from nearest driveway = 162 feet
162 (-) 150 = 12 feet
12 (x) .1 = 1.2 points

c. Spacing of driveways from street intersections. Maximum of five (5) points total per site allowed.

For the purpose of this category, all driveways must be spaced a minimum of one-hundred fifty (150) feet from any street intersection for consideration of points. Points are determined by driveway spacing distance from nearest street intersection, in feet, minus one-hundred fifty (150), times one-tenth (.1).

e.g. Distance from nearest street intersection = 162 feet
162 (-) 150 = 12 feet
12 (x) .1 = 1.2 points

Traffic Circulation/Parking (cont.)

d. Parking utilizing shade structures.
For the purpose of this category a parking space must be fully covered, 100 percent, by a shade structure. This excludes parking within the shadow of buildings or landscaping. Points are based on a percentage of total spaces utilizing shade times ten (10).

e.g. 36% of spaces covered by shaded a structure
.36 x 10 = 3.6 points

e. Joint ingress/egress driveway. Two (2) points per driveway.

f. Joint access between parcels. One (1) point per access way.

3. Structure Locations ***Objective - Points for placement of structures.**

a. Buildings located on street property line or single-family residential property line. Max. Five (5) points total per site allowed.

For the purpose of credit in this category, all buildings must be setback a minimum of 150% of the required yard setback on all street and single-family residential property lines for consideration of points. Points are determined by building distance from nearest street or single-family residential setback line, in feet, minus 150% of required setback, times .05.

e.g. Building is one-hundred feet (100) feet from nearest street or single-family setback line, where closest minimum street or single-family setback is 20 feet, therefore;

20 feet times (x) 150% or (20 x 1.5 = 30 feet)
100 (-) 30 = 70
70 (x) .05 = 3.5 points

b. Refuse Area location. Maximum of five (5) points allowed.

For the purpose of this category, a trash enclosure area must be located a minimum of fifty (50) feet from any residential building for consideration of points. Points are determined by Refuse Area distance from nearest residential building, in feet, minus fifty (50), times one-tenth (.1)

e.g. Distance from nearest street line = 75 feet
75 (-) 50 = 25 feet
25 (x) .1 = 2.5 points

4. Additional Architectural ***Objective - Enhance architectural design.**

   a. All downspouts internalized. Two (2) points
   b. Internal courtyard. One (1) point
   c. Pedestrian entrances to non-residential buildings incorporating shade elements. One (1) point per building.

   d. Terraced or stepped building elevations. Maximum five (5) points.
      For the purpose of this category, buildings greater than one (1) story in height may receive points for terracing the building for the purpose of reducing the apparent bulk of the building. Terraced portions must meet a minimum off-set of five (5) feet for every story over one (1). Points shall be determined by one (1) point per terraced level per building front.

5. Additional Landscape ***Objective - Points for additional landscape elements.**

   a. Landscaping provided at the foot of buildings. Maximum of five (5) points.
      For the purpose of this category, landscaped area shall be directly adjacent to or within ten (10) feet of the foot of a building and shall be a minimum of two (2) feet wide and provide one (1) tree and three (3) shrubs per thirty (30) lineal feet of building frontage adjacent to planting area.
      One (1) point per landscaped building frontage.

   b. Screening parking areas with landscaped berms or combination screen wall/berm. Maximum of five (5) points.
      For the purpose of this category, earthen berm shall be a minimum of one and one-half (1.5) feet high and landscaping shall achieve same effect as required three (3) foot high screen wall. Points shall be determined by one (1) point for every thirty (30) lineal feet of landscaped berm provided for the purpose of screening parking area.

C. Landscape Design -The minimum design score for Landscape Design in Multi-Family developments shall be five (5) points. The minimum design score shall be achieved by providing enhancements to the site design in five (5) subcategories.

The Landscape Design category consists of five (5) feature subcategories. The minimum required scores are achieved by evaluating the treatment of these five features within a project? s design. *There is a minimum required score for each feature subcategory, as well as a maximum score for each feature subcategory.*

Landscaping details are an important element in the design of all properties in the City. A well planned landscaping element will positively effect the quality of life by softening the environment for the project residents.

To this end, all development proposals will be reviewed for conformity with the minimum landscape standards in the City of Peoria Zoning Ordinance. Compliance with City of Peoria Zoning Ordinance requirements for landscaping will give the applicant the minimum required design score necessary for Landscape Design.

Additional points for Landscape Design are achieved by providing additional landscaping in one or all five (5) of the following selected feature subcategories:

- Total Landscaping
- Landscape at Parking
- Total Trees
- 24" Box Trees
- Total Shrubs

Points are achieved by dividing the total amount of landscaping provided by the total amount of landscaping required for that subcategory. The result is a ratio of landscaping provided to landscaping required. This is your score for that subcategory. An example of this scoring process is illustrated below in Table 23.1.

Landscape Design (cont.)

A ratio of less than 1 indicates that you are not meeting your minimum requirements for Landscape Design. A ratio of more than one indicates that you are exceeding your minimum requirements for Landscape Design. A ratio of 1 indicates that you are exactly meeting your Landscape Design requirements. The minimum required score for each subcategory is 1.

Landscape requirements are based on project size and can be found in the City of Peoria Zoning Ordinance.

Landscape Design (cont.)

Landscape Design score shall be determined by the following:

Z = A/B

where:

Z = Landscape Design Score
A = Landscaping provided
B = Landscaping required

For the purpose of Landscape Design Scores:

a. The following scores shall be the minimum required and the maximum allowed scores for each subcategory:

Subcategory	Min. Score	Max. Score
Total Landscape	1	2.5
Landscape at Parking	1	2.5
Total Trees	1	3
24" Box Trees	1	4
Total Shrubs	1	3
	Total	**15**

Table 7.1 illustrates how Total Landscape Design score shall be determined:

TABLE 23.1

Subcategory	Provided (A)	Required (B)	Ratio/Score (Z=A/B)
Total Landscape	15,000 s.f.	10,000 s.f.	1.5
Landscape at Parking	2,000 s.f.	1,000 s.f.	2
Total Trees	24	15	1.6
24" Box Trees	12	4	3
Total Shrubs	78	45	1.73
		Total Score	**9.83**

REPORT TO THE PLANNING AND ZONING COMMISSION
ZONING ORDINANCE TEXT AMENDMENT

CASE NO.: TA 05-08

DATE: October 6, 2005

AGENDA ITEM NO: 11

Applicant: City of Peoria, Community Development Department

Request: To amend Article 14-2 'Definitions', Article 14-5 'Single-Family Residential Districts' R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, and R1-6, Article 14-6 'Multi-Family Residential District', Article 14-9 "Non-Residential Districts", Article 14-19 'General Agricultural District', Article 14-19A Suburban Ranch District (SR-43)' Article 14-19B Suburban Ranch District (SR-35)', and Article 14-42 'Old Town Mixed-Use Districts' as a general housekeeping revision of the Peoria Zoning Ordinance.

Support/Opposition: None as of this writing.

Recommendation: Approve proposed text amendment

Background:

1. The proposed amendment is initiated by the Community Development Department to amend the aforesaid series of Articles within the Peoria Zoning Ordinance as a general housekeeping revision of the document.

Discussion/analysis:

2. This section provides a summation on the proposed changes to the ordinance; the proposed amendment is shown on Attachment A.

3. In June, 2003, Mayor and Council adopted by Ordinance# 03-25 Article 14-41 'Special Use Overlay District' to allow for uses which would otherwise be prohibited in the conventional zoning districts due to their intense nature and operational characteristics, these uses include prison, airport, mining, etc. Under the adopted Article, proposed developments such as college and university campuses would also be required to go through the Special Use Permit process. However, the current code does not provide a clear distinction between college or university campuses versus college or university facilities. A College or University often provides satellite

facilities in various existing developments, and, in some cases, only portion of a building. The impacts to be generated by the satellite facilities are far less than the full-scale college or university campuses because some campuses often could house a number of buildings within a development site. This amendment intends to distinguish between campuses and facilities by providing a better definition for each type of use, and by creating a development threshold of 10-acres or greater for campuses.

4. Sections that are affected by this amendment include in the definitions, the use listings within the single-family residential districts and the special districts in the ordinance as listed below:
   - Article 14-2 'Definitions'
   - Article 14-5 'Single-Family Residential Districts' R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, R1-6'
   - Article 14-6 'Multi-Family District',
   - Article 14-19 'General Agricultural District'
   - Article 14-19A 'Suburban Ranch District (SR-43)'
   - Article 14-19B 'Suburban Ranch District (SR-35)'.

5. Other minor changes proposed to Article 14-6 'Multi-Family Districts' pertain to the development standards for attached single-family dwelling units, and the standards for detached single-family units vested and developed prior to April 1, 1993. The detached single-family standards were inadvertently omitted from the Zoning Ordinance and this amendment is merely to insert those standards back in the code.

6. Changes proposed to the Non-Residential Districts, Article 14-9, pertain largely to the Land Use Matrix with some of the permitted uses (such as Automobile Diagnostic Services or Bus Terminals) are now required to go through a Conditional Use Permit process when the developments are abutting residential districts and proposed to be located 200 feet within the residential boundaries. Districts that are affected by this amendment include the C-4 (General Commercial), BPI (Business Park Industrial), PI-1 (Planned Light Industrial), I-1 (Light Industrial) and I-2 (Heavy Industrial) districts. This amendment is in response to an increased number of developments that are permitted in these districts being established too close to existing residential boundaries. The Conditional Use Permits process will provide the Department and the Planning and Zoning Commission the opportunities to impose appropriate mitigation measures that could help eliminating any potential adverse impacts on adjacent residences.

7. Final changes proposed to the ordinance are within Article 14-42, a couple of additional uses such as arts studios and performance arts centers have been added to the Old Town Mixed-Use Districts Land Use Matrix to further promote cultural activities to be established within the Old Town areas.

Recommendation:

8. Based upon the following findings:

   a. The proposed amendment to Peoria Zoning Ordinance provides an update of the zoning code and therefore constitutes an improvement to the existing ordinance.

   b. The proposed amendment will provide clarification to the development community and subsequently help to improve the development process.

   c. The proposed amendment will further improve the health, safety and welfare of the public and therefore meets the goals and objectives set forth in the Peoria General Plan.

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

   Recommend to the City Council APPROVAL of case TA 05-08, to amend the Zoning Ordinance as shown on Attachment A.

Attachments:

Attachment A — Proposed changes to the Peoria Zoning Ordinance (changes/additions shown as ~~strike~~/underscore)

Prepared by:

Louisa Garbo AICP
Planner

ATTACHMENT A

ARTICLE 14-2
DEFINITIONS

14-2-2 DEFINITIONS

~~*Campus* means a contiguous area of land constituting the grounds of a college or university containing the main buildings or within the main enclosure. (Ord No. 02-68)~~

College or University Campus means an educational or vocational institution on an area consists of at least 10 acres and/or with multiple buildings.

College or University Facilities means an educational institution offering academic courses beyond the high school level and awarding associates, baccalaureate or higher degrees. Such facilities ~~may include lodging or housing facilities for students or faculty. (Ord. No. 99-89)~~ Such facilities shall not occupy more than ten acres of land and without on-site housing.

ARTICLE 14-5
SINGLE-FAMILY
RESIDENTIAL DISTRICTS
R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, AND R1-6 ~~(Ord. No. 93-12)~~

14-5-3 PERMITTED CONDITIONAL USES

Any of the following uses may be permitted as principal uses subject to approval by the Commission of site development plans prepared in accordance with provisions of this Article and Article 14-24 of this Chapter.

B. College or university facilities without ~~with no~~ on-site housing and occupying less than 10 acres of land. Such facilities shall ~~which~~ have direct vehicular access to an arterial or collector street. Facilities for the repair or storage of vehicles and equipment shall be prohibited. ~~(Ord. No. 99-89)~~

ARTICLE 14-6
RM-1 MULTI-FAMILY RESIDENTIAL DISTRICT (Ord. No. 02-83)

B. College or university facilities without ~~with no~~ on-site housing and occupying less than 10 acres of land. Such facilities shall ~~which~~ have direct vehicular access to an arterial or collector street. Facilities for the repair or storage of vehicles and equipment shall be prohibited. ~~(Ord. No. 99-89)~~

14-6-6 DEVELOPMENT STANDARDS

A. Development Standard for Permitted Residential Uses shall be as follows:

DEVELOPMENT STANDARDS	ATTACHED SINGLE-FAMILY DWELLING	TWO, THREE, FOUR-FAMILY DWELLING & CONDOMINIUMS	MULTI-FAMILY (FIVE-FAMILY DWELLING & ABOVE)
Maximum Lot Coverage by all structures (%)	60	50	50
Minimum Lot Width (feet)	30	n/r	n/r
Maximum Density (du/ac – as calculated by Peoria General Plan)	8[1]	12[1]	18[2]
Maximum Principal Building Height (feet)	30	30	48
MINIMUM BUILDING SETBACKS (feet)			
Front from Garage	18	18	n/r
Front from Principal Building	10	10	20
~~Minimum Principal Building Separation~~	~~10~~[3]	~~10~~[3]	~~10~~[3]
Rear	15	15	15
Rear from Patio	10	10	n/r
Side Setbacks from Property Line (Ord. No. 05-36)	~~20~~ 5[3]	20[3]	20[3]
Corner Side	~~5~~ n/r	~~5~~ 15	15

[1] Maximum density may be increased up to two (2) additional units per acre based on finding that the project incorporates additional amount of open space, recreational amenities, enhanced landscaping, enhanced project amenities, and/or pedestrian corridors.

[2] Maximum density may be increased up to seven (7) additional units per acre based on finding that the project incorporates additional amount of open space, recreational amenities, enhanced landscaping, enhanced project amenities, and/or pedestrian corridors.

[3] For condominium and attached products, only building ~~setbacks apply, no~~ separation applies. No minimum building separation required along common wall. (Ord. No. 05-36)

[n/r] No minimum requirement

14-6-7 SPECIAL REGULATIONS (Ord. No. 95-30)

The intent of this Section is to provide for the registration and vesting of the detached single-family dwelling use which existed within the RM-1 zoning district prior to April 1, 1993. This Section is also intended to provide that properties not registered and vested in accordance with this Section shall be subject to all the provisions of Chapter 14 of the Peoria City Code (1977) as amended and effective after April, 1993.

A. Notwithstanding any other provisions contained within this Chapter all undeveloped and unsubdivided parcels of property within the City containing an RM-1 zoning or Planned Unit Development (P.U.D.) zoning with RM-1 zoning designation prior April 1, 1993 shall be governed by the provisions of this Section, in addition to all other applicable provisions of the City Code and Chapter 14 of the Peoria City Code (1977 Edition).

B. On or before October 4, 1996, any undeveloped and unsubdivided property having an RM-1 zoning or P.U.D. zoning with RM-1 zoning designation prior to April 1, 1993 may register and vest the use of detached single-family dwelling by complying with all of the provisions contained in this Section. Compliance with the registration and vesting requirements of this Section shall result in the continuation of the principal permitted use status of detached single-family dwelling that existed prior to April 1, 1993.

C. In order to register the principal permitted use status of detached single-family dwelling on undeveloped and unsubdivided property having an RM-1 zoning or P.U.D. zoning with RM-1 zoning designation, the following requirement must be met:

1. Submission of a complete Preliminary Plat application prior to October 6, 1995. Submission of a complete Preliminary Plat application shall constitute registration of the subject property.

D. In order to vest the principal permitted use status of detached single-family dwelling on undeveloped and unsubdivided property having an RM-1 zoning or P.U.D. zoning with RM-1 zoning designation and registered as provided in Section 14-6-9.C, all of the following requirements shall be met prior to October 4, 1996:

1. Approval of the Preliminary Plat for the subject property.

2. Approval and recordation of the Final Plat for the subject property.

3. Completion and acceptance by the City of all off-site improvements required under the Final Plat.

4. Application and issuance of a building permit for one or more detached single-family dwelling(s) within the subject property.

E. All detached single-family dwelling uses vested and developed ~~under this Section~~ between April 1, 1993 and October 4, 1996 shall comply with all of the following standards:

1. Minimum Lot Size of four thousand five hundred (4,500) square feet.

2. Minimum of front setback of twenty (20) feet.

3. Minimum side yard setback of five (5) feet, with at least one side yard being a minimum of eight (8) feet.

4. Minimum rear setback of fifteen (15) feet.

5. Maximum lot coverage not to exceed forty-five percent (45%).

6. Minimum front lot footage of forty-five (45) feet.

7. Maximum building height of twenty-five (25) feet. (Ord. No. 05-36)

8. The building setback of a principal building for a corner side yard shall be ten (10) feet.

F. All detached single-family dwelling uses vested and developed prior to April 1, 1993 shall comply with all of the following standards:

1. Minimum Lot Size of four thousand (4,000) square feet.

2. Minimum of front setback of fifteen (15) feet.

3. Minimum side yard setback of three (3) feet

4. Minimum rear setback of fifteen (15) feet.

5. Maximum lot coverage not to exceed fifty percent (50%).

6. Minimum lot width of forty (40) feet.

7. The setback between buildings shall be ten (10) feet.

G. Failure by the owner of any parcel having an RM-1 zoning or P.U.D. zoning with RM-1 zoning designation prior to April 1, 1993, to comply with the provisions of this Section by registration of the property by October 6, 1995, and vesting by October 4, 1996 of the detached single-family dwelling use and compliance with all the requirements of this Section shall be deemed to subject the owners of such parcels to all the requirements of Chapter 14 of the Peoria City Code as amended and effective on April 1, 1993.

H. Within a master planned community, which is defined as a community consisting of not less than two hundred (200) acres and which is being developed by a single developer or its successors in interest and which is characterized by the existence of enhanced recreational facilities such as lakes or golf courses which are funded by the assessments against individual residents within the master planned community, those parcels within a master planned community meeting this definition and having an RM-1 zoning designation prior to April 1, 1993 shall be deemed having vested the principal permitted use status of detached single-family dwelling that existed prior to April 1, 1993.

ARTICLE 14-9
NON-RESIDENTIAL DISTRICTS

14-9-3 LAND USE MATRIX

Table 14-9-3 Land Use Matrix

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
Administrative & Financial												
Automatic Teller Machine (ATM)	P	P	P	P	P	P	P	P	P	P	P	P
Banks and Financial Institution	P	P	P	P	P	P	P	P	P	-	-	-
Bonding Companies & Non-chartered Financial #	-	-	-	-	C	C	C	C	-	C	C	-
Professional, Administrative or Business Offices	P	P	P	P	P	P	P	P	P	P	P	P
Automobile Related												
Auto Auction	-	-	-	-	-	-	C	-	-	P	P	P
Auto dismantling, Scrap Dealers, Recycling Centers	-	-	-	-	-	-	-	-	-	-	-	C
Auto Parts and Accessory Store	-	-	P	P	P	P	P	P	-	-	-	-
Auto Sound System Installation, Auto Glass Tinting & Repair, & similar uses #	-	-	-	-	C	C	P	P	-	P	P	P
Autobody Repair and Painting Facilities #	-	-	-	-	-	-	P	-	-	P	P	P
Automobile Dealerships, Boat, RV, or Motorcycle Sales, including Outdoor Sales and Rental	-	-	-	-	-	-	P*	P*	-	-	P*	P*
Automobile Diagnostic and/or Service Establishment , include engine & transmission overhaul, repair facilities & similar services.# (Ord. No. 03-171)	-	-	-	-	C	C	P*	P*	-	P*	P*	P*
Auto Parking Lot or Garage as Principal Use	P	-	P	P	P	P	P	P	P	P	-	-
Automobile Rental Facility, limit to six (6) vehicles #	-	-	C	C	C	C	P	P	-	-	-	-
Automobile Towing & Impound Facilities	-	-	-	-	-	-	C	-	-	P*	P*	P*
Boat & RV Repair	-	-	-	-	-	-	C	C	-	C	C	P*
Car Wash, Automated	-	-	-	-	C	C	C	C	-	-	P	P
Car Wash, Self Service	-	-	-	-	C	C	C	C	-	-	P	P
Emissions Testing Facility	-	-	-	-	-	-	P	-	P	P	P	P
Gas Service Station #	-	-	C	C	C	C	C	C	-	-	-	-
Tire Sales, Repair and Mounting #	-	-	-	-	C	C	C	C	-	-	-	-
Truck Stop, including wash	-	-	-	-	-	-	-	P*	-	-	-	P*
Eating & Drinking Establishments												
Catering Establishment (Ord. No. 03-171)	P	P	P	P	P	P	P	P	P	P	P	P
Food & Beverage Vendor Cart #	A	A	A	A	A	A	A	A	A	A	A	A
~~Outdoor Dining & Coffee Area (Ord. No. 04-188)~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~
Restaurant, fast-food (may include drive-thru) (Ord. No. 03-171)	A	P	P	P	P	-	P	P	A	A	-	-
Restaurants and Cafeterias #	P	P	P	P	P	P	P	P	P	P	A	-A
Tavern, Bar, Lounge or establishment that sells alcoholic beverages for consumption on premise, excluding restaurants #	-	-	C	C	C	C	C	C	-	-	-	-
Entertainment and Recreation												
Adult Uses #	-	-	-	C	C	-	C	C	-	C	C	C
Convention, Exhibition Centers and similar uses ~~Exhibition Halls~~	-	-	-	-	C	C	C	C	C	-	-	-

~~Dancing~~Dance, Theatrical, ~~or~~ Art, Music Studio & similar uses	-	-	P	P	P	P	P	P	P	P	P	P
Golf Courses	-	-	-	-	C	-	P	P	-	-	-	-
Health and Exercise Center # (Ord. No. 03-171)	P	P	P	P	P	P	P	P	P	P	P	P
Indoor Recreation/Entertainment include Bowling Alleys, Game Rooms, Video Arcades, Ice & Roller Skating Rinks, Shooting Ranges, Pool & Dance Halls, Bingo Halls, & similar uses, excluding Adult Uses & Taverns Bars & Lounges	-	-	P	P	P	P	P	P	-	-	-	-
Recreation and Social Clubs #	-	-	P	P	P	P	P	P	P	-	-	-
Resorts	-	-	-	-	P	P	P	P	-	-	-	-
Outdoor Recreation including Tennis, Racquet Clubs, Miniature Golf & similar uses (Ord. No. 03-171)	-	-	-	-	C	-	P	P	-	-	-	-
Theater, indoor	-	-	P	P	P	P	P	P	-	-	-	-
Wedding and Reception Center (Ord. 02-21)#	-	C	-	C	C	C	C	C	-	-	-	-
General Industrial & Manufacturing												
Bulk Fuel Sales and Storage	-	-	-	-	-	-	-	-	-	-	-	P*
Call Center	-	-	-	-	-	-	C	P	P	P	P	P
Cement & Asphaltic Concrete Batch Plants	-	-	-	-	-	-	-	-	-	-	-	C
Commercial Laundry & Dying Plant	-	-	-	-	-	-	-	-	-	P	P	P
Commercial Livestock Feeding, Hog Ranches, Poultry Hatcheries, Dairy Farms, Cattle Sales & Livestock Auctions	-	-	-	-	-	-	-	-	-	-	-	C
Commercial Slaughtering, Lard & Tallow Rendering, Meat Packing, Poultry & Game Dressing & Packing	-	-	-	-	-	-	-	-	-	-	-	C
Contractors Storage Yard, including outdoor storage of construction equipment & materials	-	-	-	-	-	-	C	-	-	P*	P*	P*
Cotton Ginning & Baling, Wood Preserving by pressure impregnation, Rubber or Oil Reclaiming	-	-	-	-	-	-	-	-	-	-	-	C
~~Day Labor Hiring Centers~~	-	-	-	-	-	-	C	-	-	C	C	C
Data Center (Ord. 02-21)									P	P	P	P
Drilling, Production, Refining of Petroleum, Gas or Hydrocarbons												C
Electric Power Generating Plants, Transformer Stations & Sub-stations, Gas Pumping Plants	-	-	-	-	-	-	-	-	-	-	-	P
Environmental Remediation Facility	-	-	-	-	-	-	-	-	-	-	C	C
Essential Public Service or Utility Installation	P	P	P	P	P	P	P	P	P	P	P	P
Incineration or Reduction of offal, garbage or refuse when conducted entirely within an approved enclosed facility	-	-	-	-	-	-	-	-	-	-	-	C
Machine Shops	-	-	-	-	-	-	-	-	P	P	P	P
Manufacturing, Fabrication & Processing of Goods #	-	-	-	-	-	-	-	-	P	P	P	P
Manufacturing of lumber & wood products, primary metal industries, fabricating metal products, machinery, & transportation	-	-	-	-	-	-	-	-	-	-	-	P

equipment excluding ore reduction & smelting, production or refining of petroleum, gas or hydrocarbons												
Manufacturing of chemical & allied products, petroleum & coal products, leather & tanning, wool pulling/scouring, explosives, fertilizers, detergents, soaps & animal fat by-products, sugar, starches, serums, toxins & viruses, oils & fats, animal & vegetable	-	-	-	-		-	-	-	-	-	-	C
Mini-storage Warehouses ~~excluding~~ RV, Boat, & Trailer Storage indoor only ~~(Ord. 02-21)~~#	-	-	-	C	C	-	C	C	P	P	P	P
Outdoor Automobile, RV, Boat, & Trailer Storage	-	-	-	-	-	-	=	=	=	P	P	P
Moving Truck, Trailer & Equipment Rental	-	-	-	-	-	-	P*	P*	=	P*	P*	P*
Moving Company Storage & Transfer Facility	-	-	-	-	-	-	P*	=	=	P*	P*	P*
Outdoor Storage	-	-	-	-	-	-	C	C	-	P	P	P
Parcel Delivery Service	-	-	-	-	-	-	=	-	P	P	P	P
Printing and Publishing Facilities	-	-	-	-	-	-	-	P	P	P	P	P
Processing & Compounding to reform recyclable materials into a useable state	-	-	-	-	-	-	-	-	-	-	-	C
Railroad Shops & similar heavy service facilities	-	-	-	-	-	-	-	-	-	-	-	P
Recycling Collection Facility #	-	-	-	-	-	-	-	-	-	-	C	C
Recycling Collection Point	A	A	A	A	A	A	A	A	A	A	A	A
~~Remote Mail Service~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	-	-	-	-
Research Laboratories #	-	-	-	-	-	-	-	-	P	P	P	P
Storage, Processing & Sale of scrap metal & junk	-	-	-	-	-	-	-	-	-	-	-	P
Wholesaling, Warehousing, Distributing, Repair, Rental & Servicing of any commodity excluding live animals, explosives & storage of flammable liquids & gases.	-	-	-	-	-	-	-	-	P	P	P	P
General Retail												
Antiques, Crafts, and Collectibles Sales	-	-	P	P	P	P	P	P	-	-	-	-
Bait and Tackle Shops	-	-	P	P	P	P	P	-	-	-	-	-
Book, Stationery & Greeting Card Store	P	P	P	P	P	P	P	P	-	-	-	-
Candy and Ice Cream Store	P	P	P	P	P	P	P	P	-	-	-	-
Carpet and Floor Covering Store	-	-	-	-	P	P	P	P	-	-	-	-
Small Merchandise Vendor Carts #	A	A	A	A	A	A	A	A	A	A	A	A
Donation Center # (Ord. No. 03-171)	-	-	-	-	C	-	C	C	P	P	P	P
Copy Center	P	P	P	P	P	P	P	P	P	P	P	P
Florist	P	P	P	P	P	P	P	P	-	-	-	-
Gift, Novelty and Souvenir Shop	P	P	P	P	P	P	P	P	-	-	-	-
Hobby, Stamp and Coin Shop	P	P	P	P	P	P	P	P	-	-	-	-
Newsstand	P	P	P	P	P	P	P	P	P	A	A	A
Pawn Shop #	-	-	-	-	C	-	C	C				
Pet Shop	-	-	P	P	P	P	P	P	-	-	-	-
Plumbing, Heating & Air-conditioning Sales and Service	-	-	-	-	-	-	P	-	-	P	P	P
Retail Decorative Rock Sales	-	-	-	-	C	-	P	-	-	P	P	P
Retail Sales of New & Used Merchandise,	-	P	P	P	P	P	P	P	-	-	-	-

Indoor, excluding Sale of Automobile, Boats RVs and Motorcycles												
Retail Liquor Store #	-	-	-	-	C	-	C	C	-	-	-	-
Video Rental Store	P	P	P	P	P	P	P	P	-	-	-	-
Water and Ice Store	-	P	P	P	P	P	P	P	-	-	-	-
Institutional												
Art Gallery	P	P	P	P	P	P	P	P	-	-	-	-
Cultural Institutions	P	P	P	P	P	P	P	P	P	-	-	-
Day Care Centers or Pre-school Centers #	P	P	P	P	P	P	P	-	-	-	-	-
Group Care Facility or Community Residential Facility #	=	-	-	-	C	-	P	P	-	-	-	-
Homeless Shelter & similar uses	-	-	-	-	-	-	-	-	-	-	P	P
Libraries and Museums	P	P	P	P	P	P	P	P	-	-	-	-
Non-profit Social services #	P	P	P	P	P	P	P	P	P	P	P	P
Nursing or Convalescent Home, Long term Care Facility #	-	-	-	-	C	-	P	P	-	-	-	-
Public Buildings #	P	P	P	P	P	P	P	P	P	P	P	P
Public Utility Buildings, Structures, Uses, Facilities and Equipment #	P	P	P	P	P	P	P	P	P	P	P	P
Religious Institutions & similar places of worship #	P	P	P	P	P	P	P	-	-	-	-	-
Public/Private Schools, ~~Educational Institutions, Business, Technical or Vocational~~ facilities excluding ~~Colleges Universities~~ College & University Campus #	P	P	P	P	P	P	P	P	P	P	P	P
Substance Abuse Detoxification & Treatment Centers	-	-	-	-	-	-	C	-	-	P	P	P
Intense Retail												
Appliance, Furniture, & Household Equipment Sales and Rentals	-	-	P	P	P	P	P	P	-	-	-	-
Commercial Service Establishments combining retail, showroom with workshop # (Ord. No. 03-171)	-	-	-	C	C	C	P	P	-	-	-	-
Office Supply & Machine Sales & Service	-	-	P	P	P	P	P	P	P	-	-	-
Department Store	-	-	P	P	P	P	P	P	-	-	-	-
Equipment Sales, Rental and Storage Yard	-	-	-	-	-	-	P	P	P	P	P	P
Farmers Markets	-	-	-	-	-	-	P	-	-	P	P	P
Hardware & Home Improvement Store with outdoor storage (Ord. No. 03-171)	-	-	C	C	C	C	C	C	-	-	-	-
Large-Scale Retail # (Ord. No. 05-16)	-	-	-	-	C	-	C	C	-	-	-	-
Mobile Home Sales	-	-	-	-	-	-	C	-	-	P	P	P
Monument Sales and Engraving Shop	-	-	-	-	P	P	P	P	P	P	P	P
Outdoor Sales and Display Area (Ord. 02-21)#	P	P	P	P	P	P	P	P	-	P	P	P
Plant Nursery, Retail	-	-	-	-	C	-	P	-	-	P	P	P
Plant Nursery, Wholesale	-	-	-	-	-	-	P	-	-	P	P	P
Retail Sales of lumber & Building Materials #	-	-	-	-	-	-	C	-	-	P	P	P
Sales & Storage of grain, feed, seed, fertilizer, farm & garden supplies	-	-	-	-	C	C	P*	-	-	P*	P*	P*
Swap Meet, indoor	-	-	-	-	-	-	P	-	-	-	-	-
~~Swap Meet, outdoor, & similar outdoor sales~~	-	-	-	-	-	-	-	-	-	-	P	-
Swimming Pool and Spa Sales, (may include outdoor model display) # (Ord. No. 03-171)	-	-	-	-	C	-	P	-	-	P	P	P

Upholstery Shop	-	-	-	-	-	P	P	-	-	-	P	P
Wholesale Produce Storage or Market	-	-	-	-	-	-	C	-	C	P	P	P
Lodging												
Bed and Breakfast Inn #	-	-	-	-	-	C	-	-	-	-	-	-
Hotel or Motel #	-	-	-	P	P	P	P	P	P	-	-	-
Living quarter for night guards	-	-	-	-	-	-	A	-	A	A	A	A
Medical												
Ambulance Service Facility	-	-	-	-	C	C	P	P	-	P	P	P
Emergency Medical Care Facility #	-	-	-	-	C	C	P	P	-	P	P	P
Hospitals	-	-	-	-	-	-	-	P	-	-	-	-
Medical, Dental, Optician or Health, Clinics and Laboratories	P	P	P	P	P	P	P	P	P	P	P	P
Veterinary Hospital #	-	-	-	-	C	C	C	-	P	P	P	P
Veterinary Offices and Clinics, excluding animal boarding #	-	-	-	-	C	C	C	-	P	P	P	P
Personal Services												
Animal Shelter	-	-	-	-	-	-	C	-	-	C	C	C
Appliance Repair	-	-	-	-	-	-	P	-	-	P	P	P
Auction Houses and Estate Sales	-	-	-	-	-	-	P	-	-	P	P	P
Boarding & Training Kennels (Ord. No. 03-171)	-	-	-	-	-	-	C	-	-	C	C	C
Blueprint Shop	-	-	-	-	-	-	P	P	P	P	P	P
Cabinet and Carpentry Shop	-	-	-	-	-	-	P	-	-	P	P	P
Custom Dressmaking, Furrier, Millinery or Tailor Shop #	-	-	-	-	-	-	P	P	P	P	P	P
Day Labor Hiring Centers	=	=	=	=	=	=	C	=	=	C	C	C
Dry Cleaning and Laundry Establishment	-	P	P	P	P	P	P	P	P	P	P	P
Employment Agencies, not including Day Labor Hiring Centers	-	-	P	P	P	P	P	P	P	P	P	P
Laundromat, self-service	-	P	P	P	P	P	P	P	-	-	-	-
Locksmith	-	-	P	P	P	P	P	P	P	P	P	P
Messenger Delivery Service	P	P	P	P	P	P	P	P	P	-	-	-
Plasma Center, Massage Establishment, Tattoo & Body Piercing Studio #	-	-	-	-	C	-	C	C	-	C	-	-
Palm Readers, Phrenologists, Fortune Tellers and Astrologers	-	-	P	P	P	P	P	P	-	-	-	-
Tanning salon, Nail Salon, Barber Shop, Beauty parlor & similar uses	-	-	P	P	P	P	P	P	P	P	P	P
Pest Control Service	-	-	-	-	-	-	P	-	-	P	P	P
Pet Grooming Shop	-	-	-	C	C	C	C	C	-	-	-	-
Photographic Developing and Printing	P	P	P	P	P	P	P	P	P	P	P	P
Photographic Studio	-	-	P	P	P	P	P	P	-	-	-	-
Radio and Television Sales and Service	-	-	P	P	P	P	P	P	-	-	-	-
Recording Studio	-	-	-	P	P	P	P	P	P	P	P	P
Remote Mail Service	P	P	P	P	P	P	P	P	=	=	=	=
Shoe Service & Clothing Alteration (Ord. No. 03-171)	-	-	P	P	P	P	P	P	-	-	-	-
Sightseeing Tour Companies	-	-	P	P	P	P	P	P	P	P	P	P
Ticket and Travel Agency	P	P	P	P	P	P	P	P	P	-	-	-
Watch and Clock Repair Shop	-	-	-	-	P	P	P	P	P	P	P	P
Transportation												
Aviation uses such as Aircraft Repair, Aircraft Sales & Air Charter Services	-	-	-	-	-	-	-	-	-	P*	P*	P*

Bus Terminals	-	-	-	-	C	C	C	-	-	P*	P*	P*
Marine Fuel Facility	-	-	-	-	-	-	-	-	-	-	-	P*
Rail and Motor Freight Terminals & Facilities	-	-	-	-	-	-	C	-	-	P*	P*	P*
School Bus Parking and Maintenance Facilities #	C	C	C	C	C	C	C	C	C	P*	P*	P*

P = Permitted Use
C = Permitted Conditional Use. Conditional Use Permit required. See Article 14-39-10.
A = Accessory use
* = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit.
# = Subject to special limitations (see the following section 14-9-5)
- = Not Permitted

SECTION 14-9-6 PROPERTY DEVELOPMENT STANDARDS

A. The following property development standards shall apply in zoning districts O-1, C-1, PC- 1, PC-2, C-2, C-3, C-4 and C-5:

Property Development Standards	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5
Minimum Lot/site Area (acreage)	n/r	n/r	3	20	n/r	n/r	n/r	n/r[1]
Minimum Lot Width (ft)	50	n/r	n/r	n/r	n/r	n/r	n/r	n/r
Minimum Lot / Site Depth (ft)	n/r	120	250	660	n/r	n/r	n/r	660
Minimum Frontage on One Arterial (ft)	n/r	n/r	450	660	n/r	n/r	n/r	660
Maximum Lot Coverage (percentage)	n/r	n/r	30%	n/r	n/r	100%	n/r	n/r
Maximum Building Height (ft)	30	30	30	60	48[2]	48	48[2]	60
Front Setback (ft)	15	15	60	120	15	n/r	15	40
Corner Setback (ft)	15	15	60	120	15	n/r	15	40
Rear Setback (ft)	20	20	20	60	20	n/r	20	30
Interior Rear/Side Setback (ft)	n/r	n/r	60	60	n/r	n/r	n/r	n/r
Setback from Residential Zones (ft)	30	30	30	120	30	n/r	~~15~~30	120
Accessory Building Height & Setbacks (ft) (Ord. No. 02-21)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)

[1] C-5: Required minimum 10 acres site area.
[2] Building Height: Maximum thirty (30) feet high within thirty (30) feet of any residential district. The height may be increased by one (1) foot per each three (3) feet of additional setback to a maximum of forty-eight (48) feet.
n/r no minimum requirements
(a) All regulations and development standards applicable to the principal building shall apply, except for covered parking canopies which shall comply with the standards established in Section 14-23-3 of the Zoning Ordinance. (Ord. No. 04-23)

ARTICLE 14-19
AG GENERAL AGRICULTURAL DISTRICT ~~(Ord. No. 02-55)~~

14-19-3 PERMITTED CONDITIONAL USES

~~C.~~ College or university facilities without ~~with no~~ on-site housing and occupying less than 10 acres of land. Such facilities shall ~~which~~ have direct vehicular access to an arterial or collector street. Facilities for the repair or storage of vehicles and equipment shall be prohibited. ~~(Ord. No. 99-89)~~

ARTICLE 14-19A
SUBURBAN RANCH DISTRICT (SR-43)

14-19A-3 PERMITTED CONDITIONAL USES

~~H.~~ College or university facilities without ~~with no~~ on-site housing and occupying less than 10 acres of land. Such facilities shall ~~which~~ have direct vehicular access to an arterial or collector street. Facilities for the repair or storage of vehicles and equipment shall be prohibited. ~~(Ord. No. 99-89)~~

ARTICLE 14-19B
SUBURBAN RANCH DISTRICT (SR-35) ~~(Ord. No. 95-10)~~

14-19B-3 PERMITTED CONDITIONAL USES

~~H.~~ College or university facilities without ~~with no~~ on-site housing and occupying less than 10 acres of land. Such facilities shall ~~which~~ have direct vehicular access to an arterial or collector street. Facilities for the repair or storage of vehicles and equipment shall be prohibited. ~~(Ord. No. 99-89)~~

ARTICLE 14-42
OLD TOWN MIXED-USE DISTRICTS (OTMU)

A. 14-42-4 LAND USE MATRIX

Table 14-42-4.a
Mixed Use Land Use Matrix

Land Use Types	CCM	CRM	PO
Entertainment and Recreation			
~~Dancing~~Dance, Theatrical, ~~or~~ Arts, Music Studio and similar uses	~~C~~ P	P	-
Health and Exercise Center	P	-	-
Wedding and Reception Center #	C	C	C
Institutional			
Performance Arts Center and similar uses	P	-	-
Art Gallery	P	P	-
Day Care Centers or Pre-school Centers #	C	C	-
Group Care Facility or Community Residential Facility #	C	C	-
Nursing or Convalescent Home, Long term Care Facility #	C	C	-
Public Buildings #	P	P	P
Public Utility Buildings, Structures, Uses, Facilities and Equipment #	P	P	P
Religious Institutions & similar places of worship #	P	P	-
PERSONAL SERVICES			
~~Artist Studio~~	~~P~~	~~P~~	

Appendix L

Cost Impact Analysis

Executive Summary

Lake Pleasant Heights

City of Peoria

Impact Fees Analysis

Fees Effective May 5, 2004

1 Impact Fee	2 Exhibit (1)	3 Impact Fee Per EDU (2)	4 Total Estimated Project Impact Fee(3)	5 Estimated Project Improvement Costs (4)	6 Total Estimated Impact Fee Credit (5)	7 Resulting Total Project Impact Fee	8 Improvements in Excess of current City LOS (6)
Library	A	$ 369	$ 1,368,902	$ -	$ -	$ 1,368,902	$ -
Parks	B	1,896	7,031,175	8,686,880	4,619,505	2,411,670	4,067,375
Law	C	200	743,441	868,750	711,245	32,196	157,505
Fire	D	415	1,545,263	2,268,750	1,317,401	227,862	951,349
General Government	E	539	2,000,789	-	-	2,000,789	-
Transportation (North)	F	3,592	13,311,211	50,619,625	13,046,171	265,040	37,573,454
Water	G	3,724	13,797,420	12,182,760	8,170,178	5,627,242	4,012,582
Sewer	H	2,434	9,017,970	10,746,656	7,121,010	1,896,960	3,625,646
Total		$ 13,169	$ 48,816,171	$ 85,373,421	$ 34,985,510	$ 13,830,661	$ 50,387,911

Footnotes

(1) Reference to impact fee component detail pages of analysis.

(2) Source: City of Peoria Development Fee Study dated October 1, 2003 by Tischler & Associates. Water and Sewer fees source is the City of Peoria Community Development Department, Building Safety Division, Handout 100 dated 6/04.

(3) Based upon total number of anticipated 3,705 single family detached residential dwelling units.

(4) Construction Cost estimates reflect those costs estimated to be qualified for potential impact fee credits as of April 2005 and have been provided by Omega Management Services.

(5) Based upon applicable improvement costs provided by Omega Management Services.

(6) To the extent that the developer constructs improvements in excess of the current City level of service, reimbursement districts should be established to reimburse the developer for such excess improvements.

Exhibit A

Lake Pleasant Heights
City of Peoria
Library Impact Fee Summary

Product Type	1 Impact Fee Per EDU (1)	2 EDU Factor	3 Estimated No. of EDU's	4 Total Estimated Impact Fee	5 Qualified Improvements	6 Estimated Impact Fee Credit	7 Resulting Impact Fee	8 Excess Improvements Constructed
Residential								
Single Family Detached								
Land Cost	$ 21	1	3,705	$ 78,653	$ -	$ -	$ 78,653	$ -
Building Cost (2)	242	1	3,705	898,200	-	-	898,200	-
Collection Cost	104	1	3,705	385,070	-	-	385,070	-
Consultant Fee	1.88	1	3,705	6,979	-	-	6,979	-
Total Residential Fee	$ 369			$ 1,368,902	$ -	$ -	$ 1,368,902	$ -

Total Estimated Library Impact Fees	**$ 1,368,902**

Library Improvement Costs For Potential Impact Fee Credit

N/A	-
Total Estimated Library Improvement Costs	**$ -**

Footnotes:

(1) Source: City of Peoria Development Fee Study dated October 1, 2003 by Tischler & Associates.

(2) Reflects a principal payment credit for debt service on bonds issued to fund the Sunrise Mountain Branch library of $5.50 per EDU.

Exhibit B

Lake Pleasant Heights

City of Peoria

Parks Impact Fee Summary

Product Type	1 Impact Fee Per EDU (1)	2 EDU Factor	3 Estimated No. of EDU's	4 Total Estimated Impact Fee	5 Qualified Improvements	6 Estimated Impact Fee Credit	7 Resulting Impact Fee	8 Excess Improvements Constructed
Residential								
Single Family Detached								
Neighborhood Parks								
Land	$ 230	1	3,705	$ 853,002	$ 900,000	$ 853,002	$ -	$ 46,998
Improvements	374	1	3,705	1,384,744	2,400,000	1,384,744	-	1,015,256
Citywide Parks						-	-	-
Land	305	1	3,705	1,129,951	-	-	1,129,951	-
Improvements	434	1	3,705	1,606,303	-	-	1,606,303	-
Open Space	278	1	3,705	1,030,249	2,880,000	1,030,249	-	1,849,751
River Trails and Corridors	135	1	3,705	498,508	506,880	498,508	-	8,372
Recreational Facilities	230	1	3,705	853,002	2,000,000	853,002	-	1,146,998
Vehicles and Equipment	30	1	3,705	110,780	-	-	110,780	-
Consultant Fee	2.09	1	3,705	7,755	-	-	7,755	-
Principal Payment Credit	(120)	1	3,705	(443,118)	-	-	(443,118)	-
Total Residential Fee	$ 1,896			$ 7,031,175	$ 8,686,880	$ 4,619,505	$ 2,411,670	$ 4,067,375

Total Estimated Park Impact Fees	**$ 7,031,175**

Park Improvement Costs For Potential Impact Fee Credit	
Open Space - Land (2)	2,880,000
Community Center	2,000,000
Neighborhood Parks - Land (3)	900,000
Neighborhood Parks - Improvements	2,400,000
River Trails and Corridors (4)	506,880
Total Qualified Park Improvement Costs	**$ 8,686,880**

Footnotes:

(1) Source: City of Peoria Development Fee Study dated October 1, 2003 by Tischler & Associates.

(2) Assumes 48 public acres at $60,000. Although the City's Development Impact Fee Study dated October 1, 2003 uses a cost per acre of $22,500 in the open space component of the park fee calculation, the developer requests that current market price be considered and as such has been employeed in this analysis.

(3) Assumes 15 public acres at $60,000. Although the City's Development Impact Fee Study dated October 1, 2003 uses a cost per acre of $49,000 in the neighborhood component of the park fee calculation, the developer requests that current market price be considered and as such has been employeed in this analysis.

(4) Represents 1 mile of the Big Springs trail improvements at $96 per linear foot.

Exhibit C

Lake Pleasant Heights
City of Peoria
Law Impact Fee Summary

Product Type	1 Impact Fee Per EDU (1)	2 EDU Factor	3 Estimated No. of EDU's	4 Total Estimated Impact Fee	5 Qualified Improvements	6 Estimated Impact Fee Credit	7 Resulting Impact Fee	8 Excess Improvements Constructed
Residential								
Single Family Detached								
Facilities (2)	$ 158	1	3,705	$ 586,245	$ 743,750	$ 586,245	$ -	$ 157,505
Vehicles and Equipment	42	1	3,705	155,202	125,000	125,000	30,202	-
Consultant	0.54	1	3,705	1,994	-	-	1,994	-
Total Residential Fee	$ 200			$ 743,441	$ 868,750	$ 711,245	$ 32,196	$ 157,505

Total Estimated Law Impact Fees	**$ 743,441**

Law Improvement Costs For Potential Impact Fee Credit	
Land Dedication (3)	168,750
Police Station (4)	575,000
Vehicles and Equipment	125,000
Total Estimated Law Improvement Costs	**$ 868,750**

Footnotes:

(1) Source: City of Peoria Development Fee Study dated October 1, 2003 by Tischler & Associates.

(2) Reflects a principal payment credit for debt service on bonds issued in 2003 to fund the Public Safety Building of $3.70 per EDU.

(3) Assumes 1.25 Acres at $135,000. Amount per acre is based upon the figure used in the calculation of the Fire impact fee per the City's Development Impact Fee Study dated October, 1 2003.

(4) Represents 25% of the cost of the planned police/fire station facility. Cost is based on the police/fire facility constructed in Vistancia.

Exhibit D

Lake Pleasant Heights

City of Peoria

Fire Impact Fee Summary

Product Type	1 Impact Fee Per EDU (1)	2 EDU Factor	3 Estimated No. of EDU's	4 Total Estimated Impact Fee	5 Qualified Improvements	6 Estimated Impact Fee Credit	7 Resulting Impact Fee	8 Excess Improvements Constructed
Residential								
Single Family Detached								
Facilities (2)	$ 254	1	3,705	$ 942,401	$ 1,893,750	$ 942,401	$ -	$ 951,349
Apparatus and Equipment	161	1	3,705	597,434	375,000	375,000	222,434	-
Consultant	1.47	1	3,705	5,428	-	-	5,428	-
Total Residential Fee	$ 415			$ 1,545,263	$ 2,268,750	$ 1,317,401	$ 227,862	$ 951,349

Total Estimated Fire Impact Fees	**$ 1,545,263**
Fire Improvement Costs For Potential Impact Fee Credit	
Land Dedication (3)	168,750
Police Station (4)	1,725,000
Vehicles and Equipment	375,000
Total Estimated Fire Improvement Costs	**$ 2,268,750**

Footnotes:

(1) Source: City of Peoria Development Fee Study dated October 1, 2003 by Tickler & Associates.

(2) Reflects a principal payment credit for debt service on bonds issued to fund Fire and Emergency Medical Facilities of $75.00 per EDU.

(3) Assumes 1.25 Acres at $135,000.Amount per acre is based upon the figure used in the calculation of the Fire Impact fee per the City's Development Impact Fee Study dated October, 1 2003.

(4) Represents 75% of the cost of the planned police/fire station facility. Cost is based on the police/fire facility constructed in Distance.

Exhibit E

Lake Pleasant Heights
City of Peoria
General Government Impact Fee Summary

Product Type	1 Impact Fee Per EDU (1)	2 EDU Factor	3 Estimated No. of EDU's	4 Total Estimated Impact Fee	5 Qualified Improvements	6 Estimated Impact Fee Credit	7 Resulting Impact Fee	8 Excess Improvements Constructed
Residential								
Single Family Detached								
Buildings & Capital Costs	$ 456	1	3,705	$ 1,690,163	$ -	$ -	$ 1,690,163	$ -
Apparatus and Equipment (2)	62	1	3,705	228,206	-	-	228,206	-
Vehicles and Equipment	20	1	3,705	75,884	-	-	75,884	-
Consultant	1.76	1	3,705	6,536	-	-	6,536	-
Total Residential Fee	$ 539			$ 2,000,789	$ -	$ -	$ 2,000,789	$ -

Total Est. Gen. Govt. Impact Fees	**$ 2,000,789**

Gen Govt. Improvement Costs For Potential Impact Fee Credit

N/A	-
Total Est. Gen Govt. Improvement Costs	**$ -**

Footnotes:

(1) Source: City of Peoria Development Fee Study dated October 1, 2003 by Tischler & Associates.

(2) Reflects a principal payment credit for future debt service on bonds issued to fund communications upgrades of $5.38 per EDU.

Exhibit F

Lake Pleasant Heights
City of Peoria
Transportation - North: Impact Fee Summary

Product Type	1 Impact Fee Per EDU (1)	2 EDU Factor	3 Estimated No. of EDU's	4 Total Estimated Impact Fee	5 Qualified Improvements	6 Estimated Impact Fee Credit	7 Resulting Impact Fee	8 Excess Improvements Constructed
Residential								
Single Family Detached								
CIP (2) (3)	$ 3,521	1	3,705	$ 13,046,171	$ 50,619,625	$ 13,046,171	$ -	$ 37,573,454
Vehicles and Equipment	70	1	3,705	260,431	-	-	260,431	-
Consultant	1.24	1	3,705	4,609	-	-	4,609	-
Total Residential Fee	$ 3,592			$ 13,311,211	$ 50,619,625	$ 13,046,171	$ 265,040	$ 37,573,454

Total Est. Transportation - North Impact Fees	**$ 13,311,211**

Transportation Improvement Costs For Potential Impact Fee Credit (4)	
El Mirage Blvd	
El Mirage Blvd (North PL to South Golf)	10,549,554
El Mirage Blvd (South Golf - South CAP)	4,527,559
El Mirage Blvd (74 to North PL)	1,923,215
El Mirage Blvd (in Vistancia South)	4,727,200
El Mirage Blvd (South CAP to South PL)	5,178,104
Westland Drive	
Westland (East of El Mirage Blvd.)	2,070,724
Westland (West of El Mirage Blvd.)	9,304,739
Lone Mountain Road (5)	12,338,530
Total Est. Transportation Improvement Costs	**$ 50,619,625**

Footnotes:

(1) Source: City of Peoria Development Fee Study dated October 1, 2003 by Tischler & Associates.

(2) Although all of the El Mirage Road and Westland Drive improvement segments are not specifically identified in the Development Fee Study or the Capital Improvement Program, they are similar to the arterial roads that are included in the aforementioned reports, and therefore are qualified for transportation impact fee credits.

(3) Reflects a principal payment credit for debt service on transportation bonds issued fund capital improvements of $162.00 per EDU.

(4) Improvement costs include engineering, staking, survey, permits, grading, sewer, water, storm drain, effluent, traffic control, curb and gutter, street lights, and landscaping.

(5) Reflects the costs for 3.5 mile 3 lane expansion of Lone Mountain Road.

Exhibit G

Lake Pleasant Heights
City of Peoria
Water Impact Fee Summary

Product Type	1 Impact Fee Per EDU (1)	2 EDU Factor	3 Estimated No. of EDU's	4 Total Estimated Impact Fee	5 Qualified Improvements	6 Estimated Impact Fee Credit	7 Resulting Impact Fee	8 Excess Improvements Constructed
Residential								
Single Family Detached								
Expansion								
Transmission Lines	$ 1,105	1	3,705	$ 4,094,025	2,030,993	$ 2,030,993	$ 2,063,032	$ -
Storage Facilities	714	1	3,705	2,645,370	2,651,767	2,645,370	-	6,397
Treatment Facilities	943	1	3,705	3,493,815	7,500,000	3,493,815	-	4,006,185
Administrative	131	1	3,705	485,355	-	-	485,355	-
Water Meter (2)	227	1	3,705	841,035	-	-	841,035	-
Resource Fee (3)	604	1	3,705	2,237,820	-	-	2,237,820	-
Total Residential Fee	$ 3,724			$ 13,797,420	$ 12,182,760	$ 8,170,178	$ 5,627,242	$ 4,012,582

Total Estimated Water Impact Fees	**$ 13,797,420**

Water Improvement Costs For Potential Impact Fee Credit	
Water/Well Improvements (4)	2,651,767
Water Treatment Plant (5)	7,500,000
Transmission Lines (6)	2,030,993
Total Estimated Water Improvement Costs	**$ 12,182,760**

Footnotes:

(1) Source: City of Peoria Community Development Department - Building Safety Division, Handout 100 dated 6/04 and the Final Expansion Fee Report prepared by Raftelis Financial Consulting dated September 4, 2003.

(2) Fee for a 3/4" meter.

(3) Assessed for areas outside the Salt River Valley Reclamation Project.

(4) Improvements include: 1 million gallon water storage tank, booster station, construction of 2 wells and 4 acres of land costs, electric to well pump, and additional transmission lines.

(5) Consists of improvements to the Twin Buttes water treatment plant.

(6) Includes costs of the water transmission lines constructed with the major arterial roads listed on the Transportation Impact Fee Summary Sheet of this analysis.

Exhibit H

Lake Pleasant Heights
City of Peoria
Sewer Impact Fee Summary

Product Type	1 Impact Fee Per EDU (1)	2 EDU Factor	3 Estimated No. of EDU's	4 Total Estimated Impact Fee	5 Qualified Improvements	6 Estimated Impact Fee Credit	7 Resulting Impact Fee	8 Excess Improvements Constructed
Residential								
Single Family Detached								
Expansion								
Transmission Lines	$ 669	1	3,705	2,478,645	3,096,656	2,478,645	-	618,011
Treatment Facilities	1,253	1	3,705	4,642,365	7,650,000	4,642,365	-	3,007,635
Administrative	131	1	3,705	485,355	-	-	485,355	-
Solid Waste	381	1	3,705	1,411,605	-	-	1,411,605	-
Total Residential Fee	$ 2,434			$ 9,017,970	$ 10,746,656	$ 7,121,010	$ 1,896,960	$ 3,625,646

Total Estimated Sewer Impact Fees	**$ 9,017,970**

Sewer Improvement Costs For Potential Impact Fee Credit

WWTP Expansion - 1.78 Million Gallons (2)	7,200,000
Sanitary Sewer Lift Station	450,000
Transmission Lines (3)	3,096,656
Total Estimated Water Improvement Costs	**$ 10,746,656**

Footnotes:

(1) Source: City of Peoria Community Development Department - Building Safety Division, Handout 100 dated 6/04 and the Final Expansion Fee Report prepared by Raftelis Financial Consulting dated September 4, 2003.

(2) Consists of 1.78 million gallon expansion cost of the Jomax wastewater treatment plant.

(3) Includes costs of the water transmission lines constructed with the major arterial roads listed on the Transportation Impact Fee Summary Sheet of this analysis.

Appendix M

Desert Lands Conservation Report

(Submitted under separate cover to
City of Peoria Planning Department)

Appendix N

Development Agreement

Appendix O

Lake Pleasant Heights Design Guidelines

1.0 Introduction and Project Summary

Lake Pleasant Heights is intended to be one of the finest residential communities of its kind in the desert southwest. The master planned community is situated on a total of 3,268 acres of Sonoran Desert land with varying topography, ranging from gently rolling slopes of 2% to steep rugged mountainsides with grades exceeding 25%. The master plan contains 1,872 acres of privately owned land and 1,396 acres of state trust land. Its northern edge lies ½ mile south of Carefree Highway. The property is bounded by Vistancia on the south and west, Saddleback Heights on the north and west, and state trust land to the east. The neighboring master planned community of Vistancia has established the standard for excellence in residential development in the area.

Situated twenty minutes north of the heart of Peoria, and approximately 1,000 feet above the valley floor where the air is clear and cool, the unique desert setting that is Lake Pleasant Heights is ideally suited for residential development. Creative, sensitive, Lake Pleasant Heights will have a mix of residential neighborhoods providing a tremendous variation in residential product types, with varying lot sizes and densities. These diverse residential types include:

- Single-family Custom Lots
- Alley Loaded Neo-traditional
- Hillside Villas
- Cluster Neo-traditional
- Multi-family/Condominium
- Single-family Production Lots, including:
  - ◊ 85x125 ◊ 70x120 ◊ 58x115
  - ◊ 53x115 ◊ 45x110 ◊ 20,000 sq ft Semi-Custom

The following Theme Plan describes conceptual design for Lake Pleasant Heights. All illustrations of lot and roadway layouts are strictly a conceptual representation, and are only intended to demonstrate the design theme package. Lot and roadway layouts have not been approved by the City of Peoria, and shall be submitted for approval through the City's platting process.

Minimal Impact

To ensure the greatest degree of compatibility between development and the existing landscape, a number of innovative land planning tools will be employed, such as building development envelopes, cluster sites, and stringent performance standards. Strict controls and restrictions as well as development guidelines pertaining to building siting, architecture and landscape will be established to further ensure minimal adverse development impacts.

A variety of single-family lots will be situated with careful attention given to existing vegetation, rock outcroppings and natural sand washes. In addition, there will be a

variety of higher density parcels, including multi-family, planned for patio homes, alley loaded product, a garden product, and hillside villas, each in a relatively unique and dramatic setting.

The residential composition and layout of Lake Pleasant Heights is largely influenced by the property's natural topography. The higher density residential products are generally located in the southern portion of the property, which has a gentle slope. Density generally decreases in the central portion of the project as the grade increases, and the low density custom lots are in the northern portion of the project, where the slope is greatest.

Golf Course
The project centerpiece will be a championship 18-hole golf course set within the low density custom lot area. In contrast with conventional desert golf courses, this course will be uniquely designed, to be an enjoyable experience for the average recreational golfer, while challenging for the more dedicated low handicap golfer. Special features of the course include the use of the natural desert landscape for both aesthetic and strategic purposes, dramatic tee boxes, complexes, greens and fairways, imaginatively shaped to capture the dramatic vistas and land forks. The course will use of a number of edging techniques to make harmonious transitions between golf course, natural desert and development.

Amenities
Complementing the residential development will be a number of amenities and features including a community center with tennis courts, swimming pool, pitch and putt training course, and frisbee golf, extensive landscaping and a pedestrian path system linking development areas with recreational amenities, including an exercise par course along the paths (see **Exhibit 1**).

Clubhouse
One of the most dramatic areas of the property will showcase a distinctive clubhouse, providing a social focal point for golfers and non-golfers alike. This clubhouse will feature excellent dining and bar facilities oriented toward golf activities, an adjoining garden oasis, and spectacular views of the city at night as seen from a series of descending outdoor dining terraces.

2.0 Landscape Design

The landscape design for Lake Pleasant Heights is separated into three areas of decision, planning and focus:

- Natural Landscape
- Native Landscape
- Non-native Landscape

Exhibit 1

LEGEND

6' DG Path with Par Course

(P) Par Course Exercise Station

Conceptual Exercise Trail (Par Course)

Lake Pleasant Heights

NORTH
6.8.05
0508
1"=220'-0"

0' 110 220 440 660

F2 GROUP
LANDSCAPE ARCHITECTURE

2.1 Natural Landscape

The natural landscape of Lake Pleasant Heights is one of the most important planning determinants and is made up of the following components:

- Existing topography
- Abundance and variety of Sonoran Desert plant materials
- Network of desert washes

These components have given direction to all phases of the project planning.

Circulation systems and lot patterns have been designed to take advantage of the natural topography while minimizing physical impacts to the natural washes. Significant areas of the project will be left undisturbed by development, including mountain slopes above 25% and most washes with 100-year rainfall event flows of 50cfs or greater. In general, impacts to significant washes are limited to road and utility crossings. Lot layouts have been designed to preserve not only the wash bottom and bank areas, but also the steep slopes and adjacent riparian vegetation. **Exhibit 2** illustrates the combination of landscaping and natural terrain.

2.2 Native Landscape

Native landscape design consists of two thematic design elements:

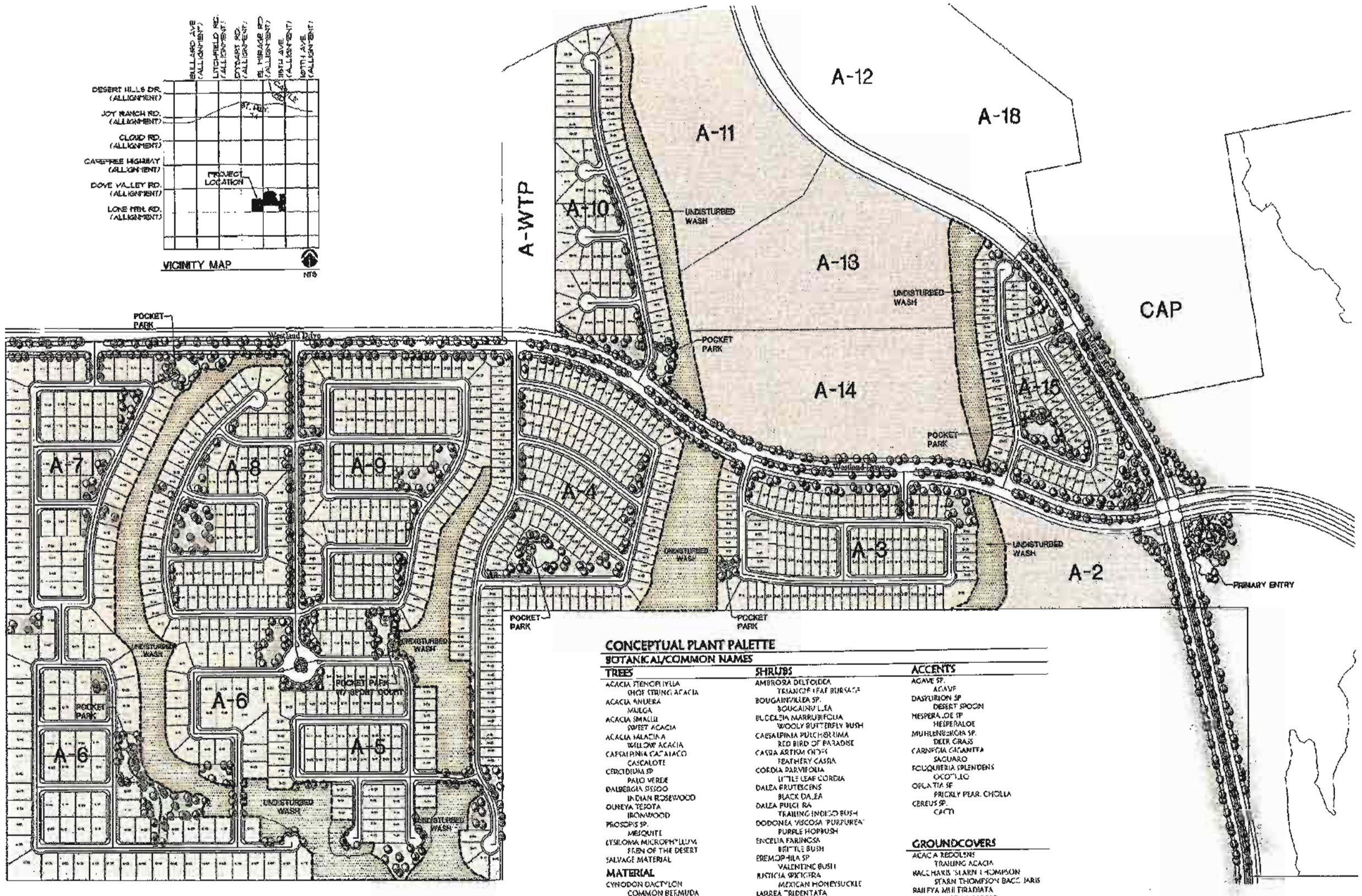
- Native Desert Restoration
- Enhanced Desert Plant Scheme

Native Desert Restoration
Some impacts on the desert are unavoidable, due to road construction and other clearing and grading operations. These impacts will be mitigated by native desert restoration, which is essentially a revegetation program. Careful studies of the existing surrounding plant communities have been conducted, and resulted in a revegetation plant profile that reflects the natural occurrence of desert plants on the property, by type and frequency.

The existing native vegetation at Lake Pleasant Heights is particularly unique and lush Sonoran Desert flora. Minimizing disturbance of the undeveloped environment during construction will be a top priority. The limits of all construction activity will be defined in the field and will be roped or fenced off from the undisturbed areas prior to construction. Construction contracts will provide for significant penalties for disturbance of "off limits" areas.

Every effort will be made to salvage and preserve desert plant materials in the areas identified for construction. Saguaro, Palo Verde, Ironwood, Mesquite, Barrel Cactus and Yucca that will be affected by construction will be identified and tagged, and the salvage ability of the material will be determined by a qualified botanist. This

Exhibit 2



CONCEPTUAL PLANT PALETTE

BOTANICAL/COMMON NAMES

TREES

ACACIA STENOPHYLLA
SHOE STRING ACACIA
ACACIA ANUERA
MULGA
ACACIA SMALLII
SWEET ACACIA
ACACIA SALACINA
WILLOW ACACIA
CAESALPINIA CACALACO
CASCALOTE
CERCIDIUM SP
PALO VERDE
DALBERGIA SISSOO
INDIAN ROSEWOOD
OLNEYA TESOTA
IRONWOOD
PROSOPIS SP.
MESQUITE
LYSILOMA MICROPHYLLUM
FREN OF THE DESERT
SALVAGE MATERIAL

MATERIAL

CYNODON DACTYLON
COMMON BERMUDA
DECOMPOSED GRANITE
CUSTOM BLEND
WEATHERED GRANITE BOULDERS
SURFACE SELECT
CONCRETE HEADER

SHRUBS

AMBROSIA DELTOIDEA
TRIANGLE LEAF BURSAGE
BOUGAINVILLEA SP.
BOUGAINVILLEA
BUDDLEIA MARRUBIFOLIA
WOOLY BUTTERFLY BUSH
CAESALPINIA PULCHERRIMA
RED BIRD OF PARADISE
CASSIA ARTISMOIDES
FEATHERY CASSIA
CORDIA PARVIFOLIA
LITTLE LEAF CORDIA
DALEA BRUTESCENS
BLACK DALEA
DALEA PULCHRA
TRAILING INDIGO BUSH
DODONEA VISCOSA 'PURPUREA'
PURPLE HOPBUSH
ENCELIA FARINOSA
BRITTLE BUSH
EREMOPHILA SP
VALENTINE BUSH
JUSTICIA SPICIGERA
MEXICAN HONEYSUCKLE
LARREA TRIDENTATA
CREOSOTE BUSH
LEUCOPHYLLUM SP.
SAGE
ROSMARINUS OFFICINALIS 'TUSCAN BLUE'
ROSEMARY
SALVIA SP.
SAGE
TELLOMA STANS V. ANGUSTATA
YELLOW BELLS

ACCENTS

AGAVE SP.
AGAVE
DASYLIRION SP
DESERT SPOON
HESPERALOE SP
HESPERALOE
MUHLENBERGIA SP.
DEER GRASS
CARNEGIA GIGANTEA
SAGUARO
FOUQUIERIA SPLENDENS
OCOTILLO
OPUNTIA SP
PRICKLY PEAR, CHOLLA
CEREUS SP.
CACTI

GROUNDCOVERS

ACACIA REDOLENS
TRAILING ACACIA
BACCHARIS 'STARN THOMPSON'
STARN THOMPSON BACCHARIS
RAILLEYA MULTIRADIATA
DESERT MARIGOLD
CONVOVULOUS CNEORUM
BUSH MORNING GLORY
LANATANA SP.
LANTANA
VERBENA SP
VERBENA

Conceptual Landscape Plan

Lake Pleasant Heights

NORTH
6.3.05
0.5.06
1"=220'-0"

F2 GROUP

material will be preserved for transplantation as part of the revegetation program. Native bushes such as Creosote, Jojoba and Bursage will be nursery grown and installed where appropriate.

The planting design for the revitalization program will be created to match the adjacent undisturbed area. The design will consist of 100% of the native tree and cactus density and 20% of the native bushes based on a survey of the adjacent undisturbed area. Experience has shown that if a disturbed area is revegetated with nursery-grown bushes at a density exceeding 20% of the adjacent native density, the area will rapidly become overgrown. The object of the restoration program is to blend the disturbed area into the adjacent undisturbed environment.

The other form of native desert is an enhanced desert plant scheme. In Lake Pleasant Heights, an enhanced desert planting theme will be utilized for landscaping along all major roadways, roadway medians, at all subdivision entries and other nodes of interest. Native cacti such as Prickly Pear, Stag Horn and Cholla will be bare root salvaged, and specimen plants will be identified and saved for use in these enhanced desert areas. Enhanced desert planting will also be used as transition edge treatment at parks and tot lots to emphasize the oasis effect of the parks.

The entries and major intersection will be the most heavily planted and will be designed with a plant massing design strategy highlighting specimen trees and flowering plants with emphasis on texture and color. Groundcover will spill from the entries, engaging the streetscape.

Schedule A - Enhanced Planting Scheme Plant Palette

Trees:
- Acacia stenophylla (Shoe String Acacia)
- Acacia anuera (Mulga)
- Acacia smallii (Sweet Acacia)
- Acacia salacina (Willow Acacia)
- Caesalpinia cacalaco (Cascalote)
- Cercidium sp. (Palo Verde)
- Dalbergia sissoo (Indian Rosewood)
- Olneya tesota (Ironwood)
- Prosopis sp. (Mesquite)
- Lysiloma microphyllum (Fren of the Desert)
- Salvage Material

Accents:
- Agave sp. (Agave)
- Dasylirion sp. (Desert Spoon)
- Hesperaloe sp. (Hesperaloe)
- Muhlenbergia sp. (Deer Grass)
- Carnegia gigantea (Saguaro)
- Fouquieria splendens (Ocotillo)
- Opuntia sp.
- Cereus sp.

Shrubs:
- Ambrosia deltoidea (Triangle Leaf Bursage)
- Bougainvillea sp. (Bougainvillea)
- Buddleia marrubifolia (Wooly Butterfly Bush)
- Caesalpinia pulcherrima (Red Bird of Paradise)
- Cassia artismioides (Feathery Cassia)
- Cordia parvifolia (Little Leaf Cordia)
- Dalea frutescens (Black Dalea)
- Dalea pulchra (Trailing Indigo Bush)
- Dodonea viscosa 'Purpurea' (Purple Hopbush)
- Encelia farinosa (Brittle Bush)
- Eremophila sp. (Valentine Bush)
- Justicia spicigera (Mexican Honeysuckle)
- Larrea tridentata (Creosote Bush)
- Leucophyllum sp. (Sage Sp.)
- Rosmarinus officinalis 'Tuscan Blue' (Rosemary)
- Salvia sp. (Sage)
- Tecoma stans v. angustata (Yellow Bells)

Groundcovers:
- Acacia redolens (Trailing Acacia)
- Baccharis 'Starn Thompson' (Starn Thompson Baccharis)
- Baileya multiradiata (Desert Marigold)
- Convovulous cneorum (Bush Morning Glory)
- Lanatana sp. (Lantana)
- Verbena sp. (Verbena)

2.3 Non-native Landscape Design

Non-native landscape will be limited to the rear privacy areas in custom lots, front and rear yards of residential production parcels, tot lots, elementary school grounds and the neighborhood parks.

The front yard streetscape and open space areas within the residential production parcels have the largest plant palette from which to choose. Planting should follow a recognizable planting design strategy, emphasizing highlighted plants or massing combinations to create continuity throughout the parcel. Design review will be conducted by the Lake Pleasant Heights Design Review Committee (LPH DRC) for all front yard landscape designs, color and material selections, and/or any modifications requested by the homebuilder.

The pocket park nodes are the core oasis area of the parcel. Additional ornamental tree species have been included in the overall plant palette for use within the turf areas. Planting in these park areas will highlight shaded groves of trees as well as planting diversity available throughout the Non-native Landscape palette.

Schedule B - Non-native Landscape Plant Palette

Trees:
- Quercus virginiana (Southern Live Oak)
- Bauhinia galpinii (Orchid Tree)
- Ulmus parvifolia (Evergreen Elm)
- Dalbergia sissoo (Indian Rosewood)
- Pinus eldarica (Afghan Pipe)
- Schinus terebinthifolius (Brazilian Pepper)
- Opuntia sp. (Evergreen Pear)
- Jacaranda mimosifoia (Jacaranda)
- Lagerstoemia indica (Crepe Myrtle)
- Pistacia chinensis (Chinese Pistache)
- Fraxinus velutina 'Rio Grande' (FanTex Ash)

Groundcovers:
- Myoporum sp. (Myoporum)
- Cynodon dactylon (Hybrid Bermuda Grass)
- Lantana sp. (Lantana)

Shrubs:
- Nerium oleander (Dwarf Oleander)
- Myrica gale (Dwarf Myrtle)
- Plumbago auriculata (Cape Plumbago)
- Tecoma capensis (Cape Honeysuckle)
- Bougainvillea sp. (Bougainvillea)
- Ilex vomitoria 'Stokes' (Yaupon Holly)
- Raphiolepis indica (Indian Hawthorne -Ballerina)
- Photinia sp. (Photinia)
- Callistemo (Little John's Bottlebrush)
- Carissa macrocarpa (Boxwood Natal Plum)
- Rosmarinus officinalis (Trailing Rosemary)
- Muhlenbergia capillarus (Regal Mist Fntn Grass)
- Carissa macrocarpa (Green Carpet Natal Plum)
- Convolvulus cneoreum (Bush Morning Glory)

2.4 Decomposed Granite

The community rock color will be determined based on the predominant natural ground cover granite in the surrounding area of each phase, for each area of the project. In many areas existing decomposed granite will be left in place and not replaced by non-native material. This color will be used in all parcel entries, tot lots, and pedestrian connections. The natural color granite in maximum 3-inch minus and a minimum ¼-inch minus will be used in yards within neighborhoods.

2.5 Irrigation

Automatic irrigation systems are required for all planting areas. Areas requiring overhead spray shall be minimized and shall be restricted to turf and flower beds. All other areas will use drip irrigation. Overhead and drip irrigation systems will be zoned for exposure (south and west exposures together, north and east exposures together), topography, and varying water requirements of plant material. All irrigation systems for project common areas shall use solid state electronic, microprocessor controllers capable of a minimum of three operation programs and four start times per program.

Spray heads (15-foot radius or less) next to roadways and walkways will have low angle (10%) nozzles, and will be spaced no further than 45% of the spray diameter to account for area wind conditions. Large radius rotor heads (25-foot radius or greater) are not allowed next to roadway or walkway edges, and will not exceed 50% of the spray diameter. In all applications, overhead irrigation heads may not throw water directly onto any roadway, walkway, or paved surface. Spray irrigated areas shall be a minimum of 10 feet wide when adjacent to roadways, and a minimum of 6 feet wide in other use areas.

2.6 Entry Design

An entry design has been established for all residential parcels to provide thematic continuity with the other community elements. The master developer will construct all improvements within each neighborhood and public entry area, including walls, pilasters, signage, walks, lighting, and landscape. The Neighborhood Entry Monument is presented in **Exhibit 3**.

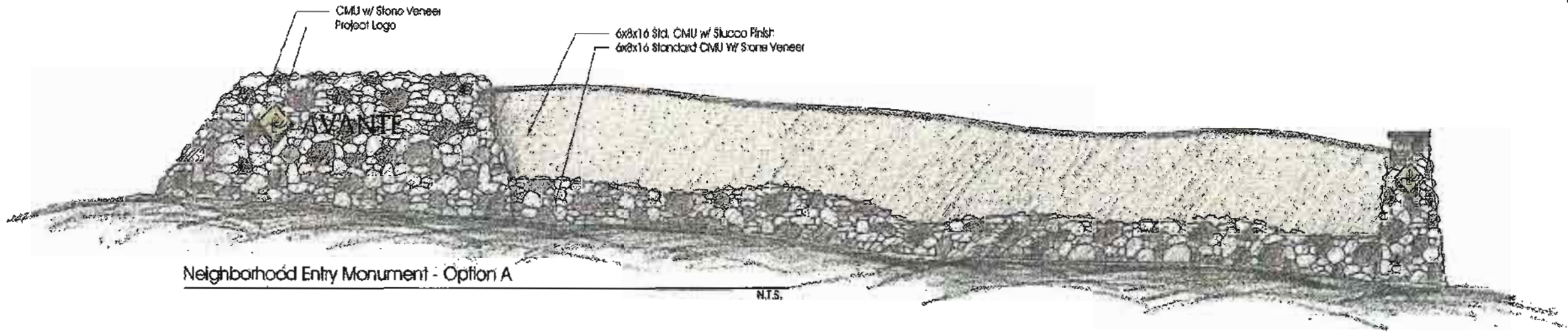
2.6.1 Minimum Entry Landscape Requirements

Neighborhood entries will be designed and installed for immediate impact. Entry designs will use the following minimum standards.

- 50% 36-inch box trees
- 50% 24-inch box trees
- 5 gallon shrubs (minimum)
- 75% vegetation coverage (minimum)
- ¾-inch (minimum) rock mulch under all shrub and ground cover areas
- 5-foot wide sidewalk on both sides
- Colored walls with rock veneer
- Approved rock veneer retaining walls, where necessary.

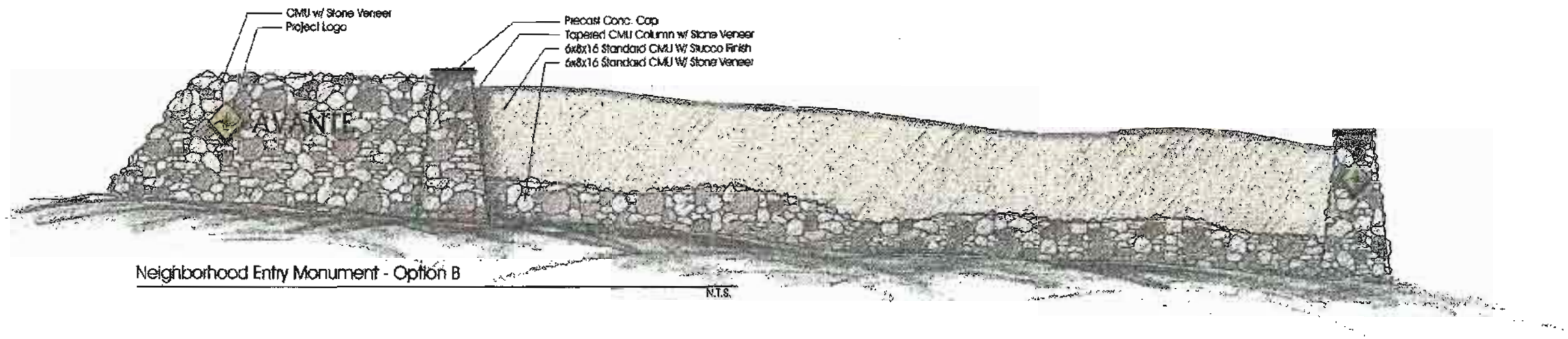
Landscape and irrigation within public entries will also comply with the City of Peoria Improvement Standards.

Exhibit 3



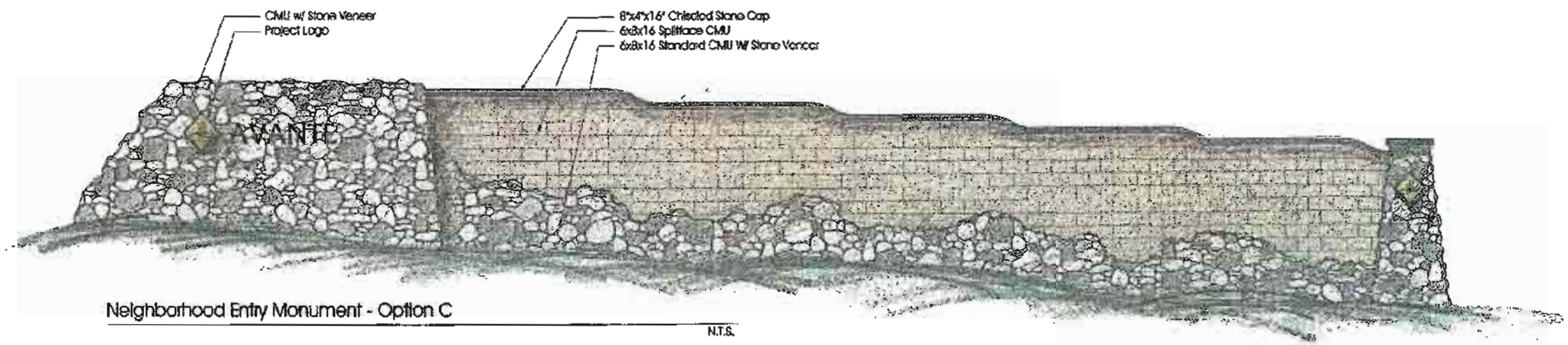
Neighborhood Entry Monument - Option A

N.T.S.



Neighborhood Entry Monument - Option B

N.T.S.



Neighborhood Entry Monument - Option C

N.T.S.

Conceptual Neighborhood Entry Monument

Lake Pleasant Heights

NORTH
6.8.05
0522
1"=220'-0"

GROUP

2.6.2 Neighborhood Entry Monument Lettering

The following materials may be used for letters and graphics:

- Painted metal
- Natural finish metal (rusted steel, antique bronze, tarnished or patina copper, bead blast steel or aluminum, blackened steel),
- Sandblast
- Cast-in-place concrete
- Cast Metal
- Ceramic

The following materials are prohibited from use on Neighborhood Entry Monuments:

- Wood, MDF, plexiglass, or PVC/Sintra forms
- Highly reflective, bright, or polished metals

2.6.3 Gated Entries

Gates and card key stations will be designed to meet City of Peoria regulations and be located to allow sufficient stacking distance. A median break is required to allow for vehicle turn around. Entry gates shall have simple geometric shapes and be consistent with the wall design and color. Lettering on gates is not allowed. Wrought iron fence designs and parcel logos are subject to the City's Design Review Committee approval.

2.7 Single-Family Development Lots

2.7.1 Residential Street and Front Yard Landscape

General
The homebuilder shall install landscape along neighborhood streets and corner lot side yards per the approved subdivision landscape plans. The homebuilder must develop a landscape design which establishes a neighborhood theme. All landscape must be installed within 90 calendar days after occupancy of a residence.

Front Yard Paving
The minimum width of an entry walk is 4 feet. Entry walks must be separated from a building wall by a minimum 1-foot, 6-inch wide planting strip that is fully planted or covered with rock mulch.

Front Yard Planting
The homebuilder is responsible for design and installation of all front yard landscape subject to LPH DRC review and approval. The homebuilder shall submit for approval three design alternatives relative to a desert planting scheme and two design alternatives in an enhanced/"green" planting scheme.

In an effort to promote water conservation practice in the desert environment, homebuilders should offer homebuyers Xeriscape options for front yard landscaping. Other upgrade options can include denser planting, larger plants, special paving, boulder clumps, contouring, landscape lighting, etc.

Lawn Restrictions
Turf shall be kept at least 3 feet from a building face or wall, including side yard retaining and site walls. Lawns should be limited to the rear yard area. Any lawns in the front yard shall be limited to 40% of the total front yard area.

Decomposed Granite
All landscape areas shall be covered with a top dressing of rock mulch or decomposed granite. See **2.4.2 Decomposed Granite** for information on granite colors.

Different sizes of the same rock color are allowed and encouraged. In general, sizes ranging from ½-inch to ¾-inch diameter are most appropriate.

Corner Lot Side Yards, Rear Yards, and End of Cul de Sac Planting
All areas between a product or retaining wall and the back-of-curb or sidewalk, as well those rear yards which are visible from common areas, shall be planted with a landscape palette consistent with the parcel theme. Minimum requirements are:

- 50% organic coverage at two year's growth
- Full coverage of the ground plane with ground cover and/or gravel mulch
- One 24-inch box tree for every 30 linear feet along the wall facing the street where the planting area is more than 5 feet width

Corner and Visible Lots with Two-Story Residences
For approved two-story residences located on corner lots that are visible from common areas or along streets, tree species that promote vertical screening must be incorporated. A minimum of 60% of the two-story elevation must be screened by vegetation at full growth.

Landscape areas between walls and curbs must be maintained by the lot owner, if part of the adjacent lot. Only tracts identified on the plat will be maintained by a community association.

2.7.2 Amenity/Open Space Landscape

Pocket Parks
Master developer shall construct pocket parks as identified in the Landscape Concept Plan. These parks will include the following improvements, at a minimum:

- Turf in 60% of the landscaped area
- One 24-inch box tree for every 1,000 s.f. of landscaped area
- 60% vegetative cover in non-turf landscape areas after one year's growth
- Decomposed granite under all shrub and ground cover areas
- Walkway • Trash Receptacle • Pet Refuse Bag Dispenser
- Ramada • Picnic Table • ADA Accessible Seating Area
- Benches • Barbeque • Playground Equipment
- 1-inch irrigation system with controller
- No turf within 3 feet of a building face or wall
- No turf within 18 inches of back of curb

Open Space and Pedestrian Connections
Master developer shall landscape neighborhood open space and pedestrian connections, which will include the following minimum improvements:

- One 24-inch box tree for every 1,000 s.f. of total landscape area
- 60% vegetative cover for non-paved areas

Planting and irrigation within landscape areas to be owned and maintained by a community association will be installed per the City of Peoria Improvement Standards.

2.8 Multi-Family Developments

2.8.1 Parking Lot Landscape

Parking lots shall be landscaped to reduce their visual impact. Landscape in and around parking lots shall consist of the following:

a. Perimeter landscape that surrounds the interior parking lots to a depth of 1- foot, including walks. A minimum of one 24-inch box tree shall be planted for every 600 s.f. of landscape area.

b. Interior landscape within parking lots that reduces the paving mass of a parking lot and provides shade. A minimum of one 24-inch box tree shall be planted every 8 parking spaces. Landscape islands shall contain a minimum of one tree per parking stall depth.

All non-paved areas within the perimeter and interior of parking lots shall be landscaped with a combination of plant materials.

Parking visible from roadways and community open space will be screened with a combination of berms, low walls or landscape. Low walls and berms shall be a maximum height of 3 feet from the top of curb of the parking area.

2.8.2 Amenity/Open Space Landscape

Recreation Areas
Recreation areas shall be landscaped per the following minimum requirements:

- One 24-inch box tree for every 600 s.f. of total landscape area; additional trees may be 15 gallon
- 50% minimum vegetative cover for all non-paved areas

Open Space Landscape
General landscape areas within projects, exclusive of parking lot areas, street frontage areas and amenity areas, will be landscaped per the following minimum requirements:

- One 24-inch box tree for every 750 s.f of total landscape area; additional trees may be 15-gallon
- 60% minimum vegetative cover for non-paved areas

2.9 Sales Complexes

The following criteria apply to both single-family and multi-family developments.

2.9.1 Model Homes

Model home landscape shall be consistent with the parcel theme and subject to the criteria outlined in these guidelines. All model home landscape and signage programs shall be submitted to the LPH DRC for review and approval prior to installation.

2.9.2 Temporary Sales Trailers

Temporary sales trailers shall be landscaped immediately upon delivery. All landscape and signage programs shall be submitted to the LPH DRC for review and approval prior to installation. Minimum improvements are:

- Two 36-inch box trees; two 24-inch box trees; at least twenty 5-gallon shrubs; turf may also be used
- An evergreen foundation planting using 5-gallon shrubs, if the trailer is not skirted
- Mulches and/or aggregate materials to match the community mulch color

The homebuilder is responsible for the complete removal of the sales trailer and all of its improvements. The homebuilder will then immediately develop the site for its approved permanent intent.

3.0 Theme Walls

All theme walls will be constructed by the Master Developer. Wall concepts are shown on **Exhibit 4**. The Wall Plan consists of Community Theme Walls, Neighborhood Theme Walls and View Fence, described in more detail below. Any modifications to the pre-approved plans will require a design submittal to the LPH DRC and the City of Peoria before construction.

General Requirements:

- Prohibited Materials: painted wood, unfinished gray concrete block, and chain link fencing are not permitted for any walls.
- Setbacks: side yard or rear yard walls adjacent to interior streets shall be located per the approved Lake Pleasant Heights PCD.
- Height: wall height shall be per the approved Lake Pleasant Heights PCD.
- **All walls and fences shall meet the City of Peoria pool requirements.**

3.1 Community Theme Walls

Community Theme Walls are located along major collector and minor arterial streets (see **Exhibit 5**). These walls will convey the natural elegance of the community, inviting residents and guests into the comfortable lifestyle of Lake Pleasant Heights.

3.2 Neighborhood Theme Walls

Neighborhood Theme Walls (**Exhibit 6**) are all walls interior to a neighborhood that are adjacent to streets or community open space. Side yard wall returns, side yard privacy walls along corner lots, and rear yard privacy walls along neighborhood streets are all considered Neighborhood Theme Walls. A basic version of the Community Theme Wall will be used for Neighborhood Theme Walls.

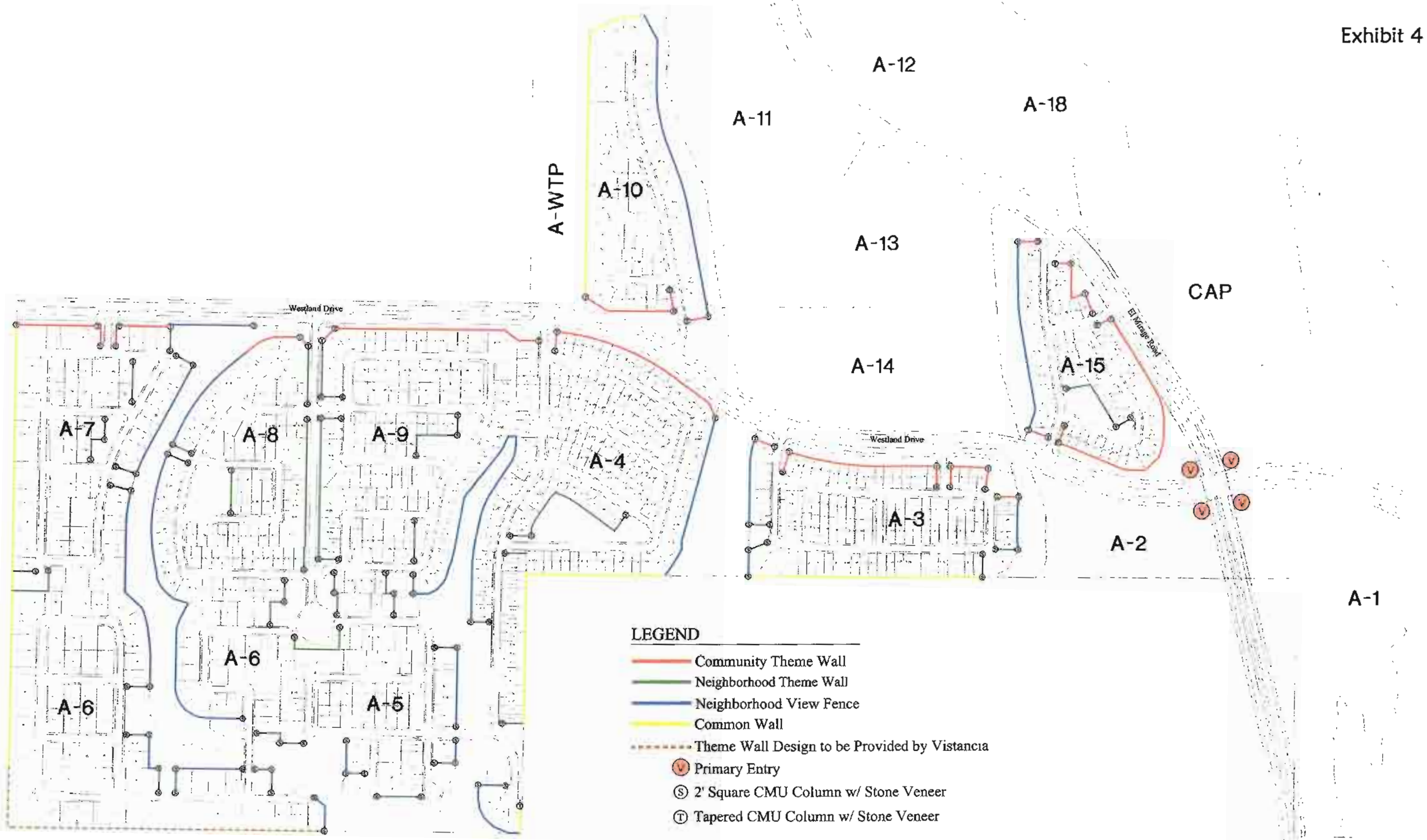
3.3 Neighborhood View Fences

View Fences are wrought iron fences set atop low walls (**Exhibit 7**). They will be installed to meet the City's pool requirements. View Fences will be installed by the Master Developer along 404 washes and natural open spaces.

3.4 Privacy Walls

Privacy Walls include walls delineating the property lines of the interior lots. Parcel developers shall develop a unified wall program, including color, that reflects the architecture and landscape theme of the neighborhood and submit to the LPH DRC for review and approval. Any interior Privacy Wall that is not a Theme Wall may be integral colored concrete, colored concrete block, or slump block in approved colors. All Privacy Walls visible from the street or common area must be of the same material and color regardless of house color. Where two Privacy Wall sidewalls meet at adjoining Subdivisions, exteriors of connecting walls shall match in color, finish, materials, location and elevation.

Exhibit 4



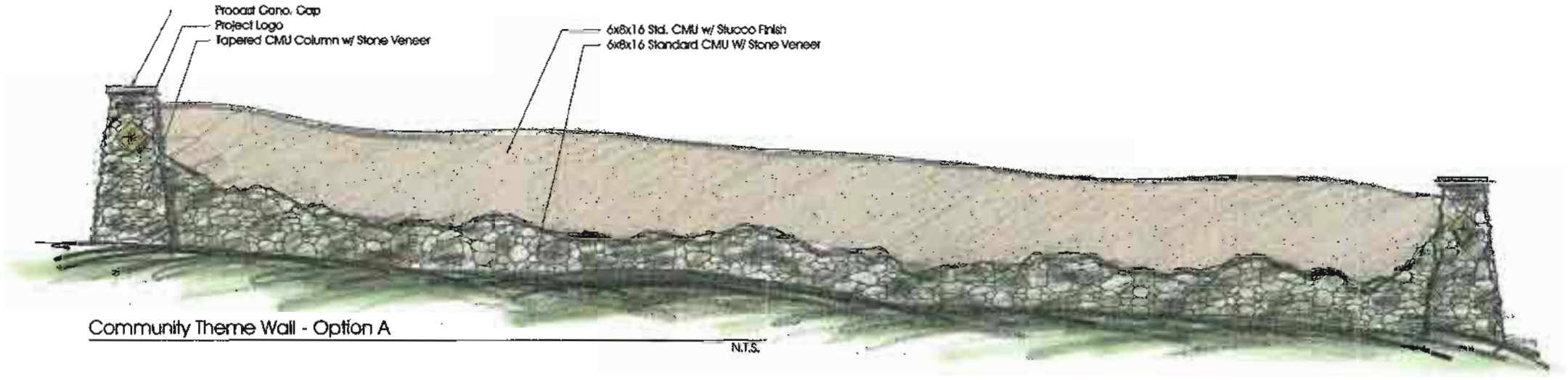
Conceptual Wall Plan

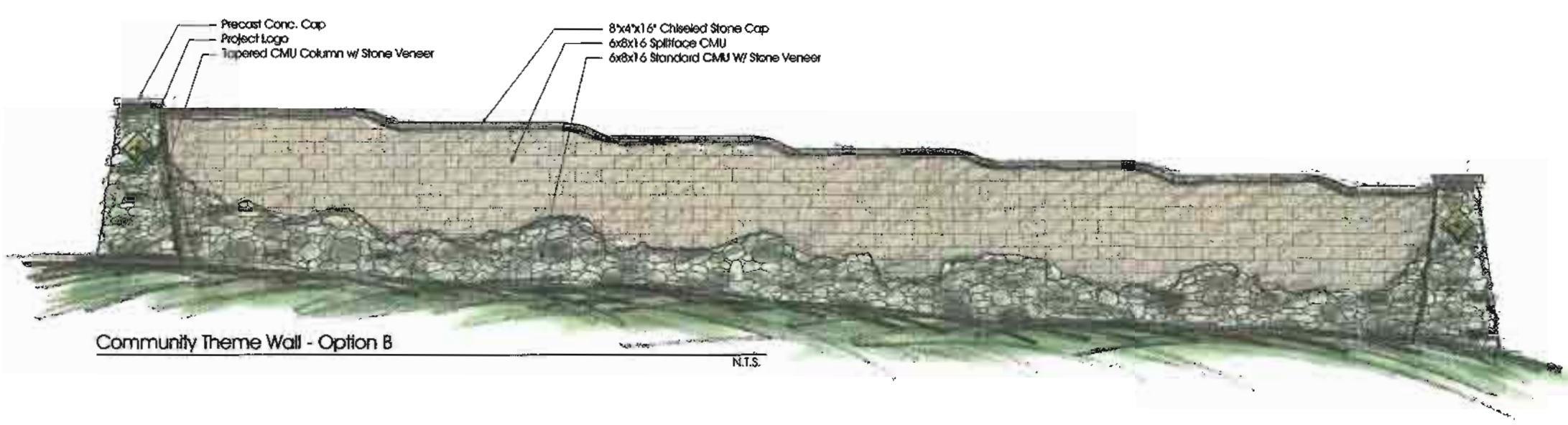
Lake Pleasant Heights

NORTH
6805
0508
1"=220'-0"

0' 110' 220' 440' 660'

F2 GROUP
LANDSCAPE ARCHITECTURE
3100 N. ARIZONA AVE
SUITE 105
CHANDLER, AZ. 85225
480.782.0717 TEL
480.889.6084 FAX





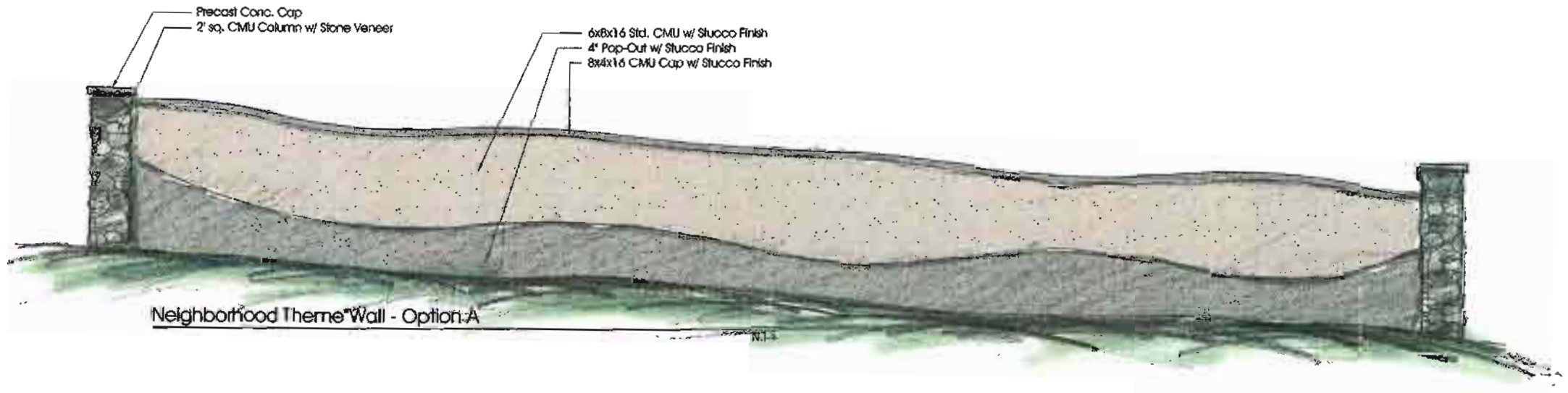
Conceptual Community Theme Wall

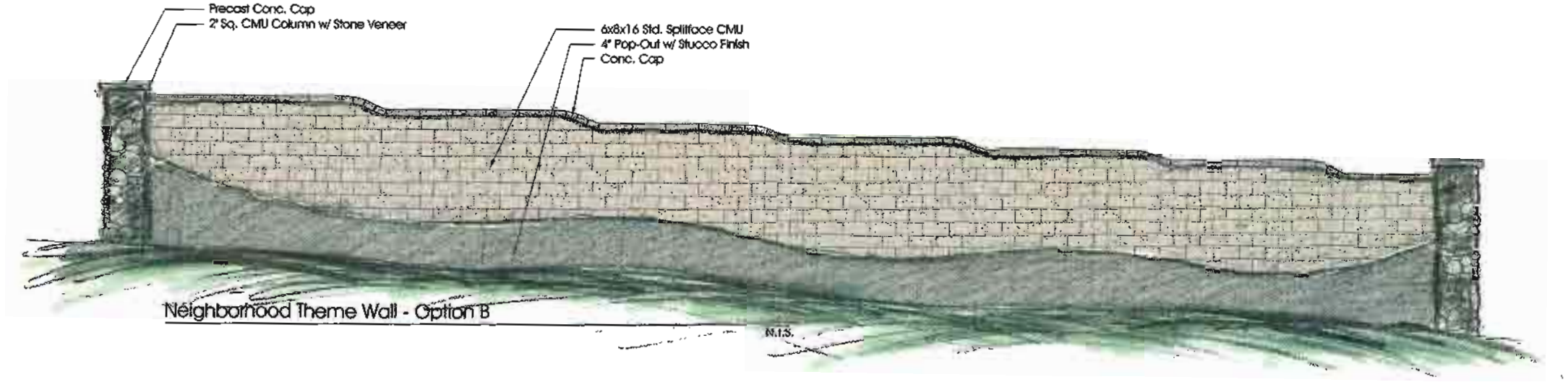
Lake Pleasant Heights

NORTH
6.8.08
2508
1"=220'-0"

F2 GROUP
LANDSCAPE ARCHITECTURE
3100 N. ARIZONA AVE.
SUITE 105

Exhibit 6



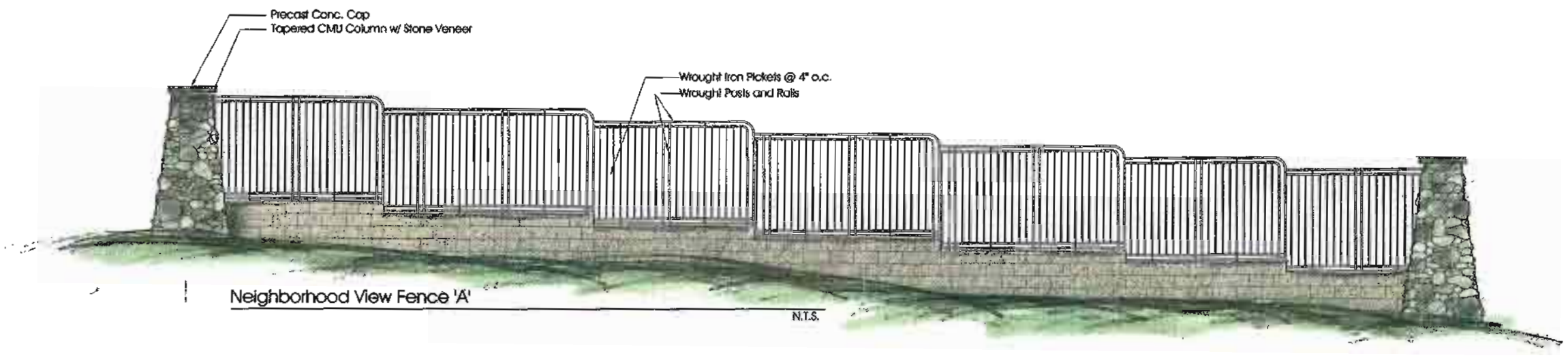


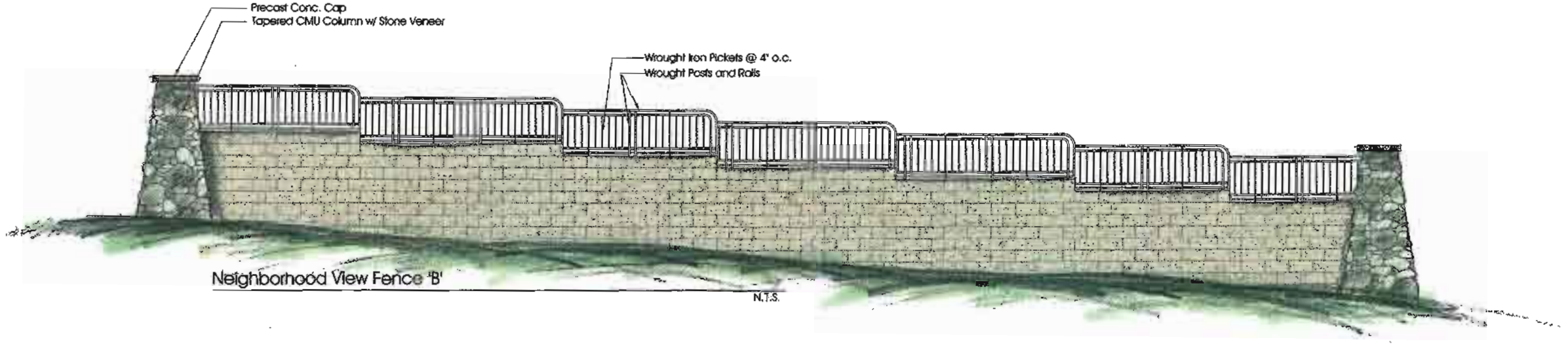
Conceptual Neighborhood Theme Wall

Lake Pleasant Heights

NORTH
6.8.05
DEDB
1"=220'-0"

F2 GROUP
LANDSCAPE ARCHITECTURE





Conceptual Neighborhood View Fence

Lake Pleasant Heights

NORTH

F2 GROUP
LANDSCAPE ARCHITECTURE

4.0 Sign Plan

Signs within Lake Pleasant Heights will continue the theme of the main entry and walls, from each neighborhood entry to every street and trail sign (**Exhibits 8 and 9**), and will be installed by the master developer.

5.0 Lighting

In contrast to conventional lighting concepts for residential areas, the approach to illumination in Lake Pleasant Heights will require special design consideration and implementation in order to be responsive to the desert landscape and not diminish the dramatic night time panorama of the valley below.

With respect to streets, wherever possible, standard street lighting fixtures will not be utilized; instead, low level bollards will be used to provide satisfactory general levels of illumination for orientation and safety. Random landscape illumination which cumulatively will be used to accent collector and arterial street illumination.

5.1 Single-Family Exterior Building Lighting

Concealed light sources are required for single-family and single-family attached projects. Lighting shall illuminate the entry and a pedestrian path from the street. Soffit lighting above garage doors or those portions of the building near the street are appropriate.

5.2 Multi-Family Exterior Building Lighting

Concealed light sources and low level lighting are required. Lighting shall illuminate entries, stairways and private outdoor spaces. Soffit lighting at garages is appropriate for lighting vehicular circulation. Low bollards and step lights are appropriate to provide point to point illumination of pedestrian paths.

Light must be contained within a neighborhood. Lighting for larger recreation areas and parking areas must include fixtures with appropriate shrouds to hide the light sources and prevent light encroachment into adjacent neighborhoods.

Unit addresses shall be illuminated.

All exterior lighting shall be controlled by photocells and/or timers.

5.3 Landscape Lighting

The use of landscape up-lighting and down-lighting is encouraged. Lighting that will cause glare or discomfort, or disrupts the visual environment of neighboring units or adjacent subdivisions, is not permitted. Floodlights are also prohibited.

Fixtures shall be constructed and mounted to withstand and discourage abuse. Above-ground plastic housings and connections are prohibited. Fixtures shall not be placed in turf areas or areas irrigated by spray heads, due to potential water damage.

If street lighting levels are low, landscape lighting may augment illumination at the street. Any landscape light fixture shall be controlled by photocells and/or timers.

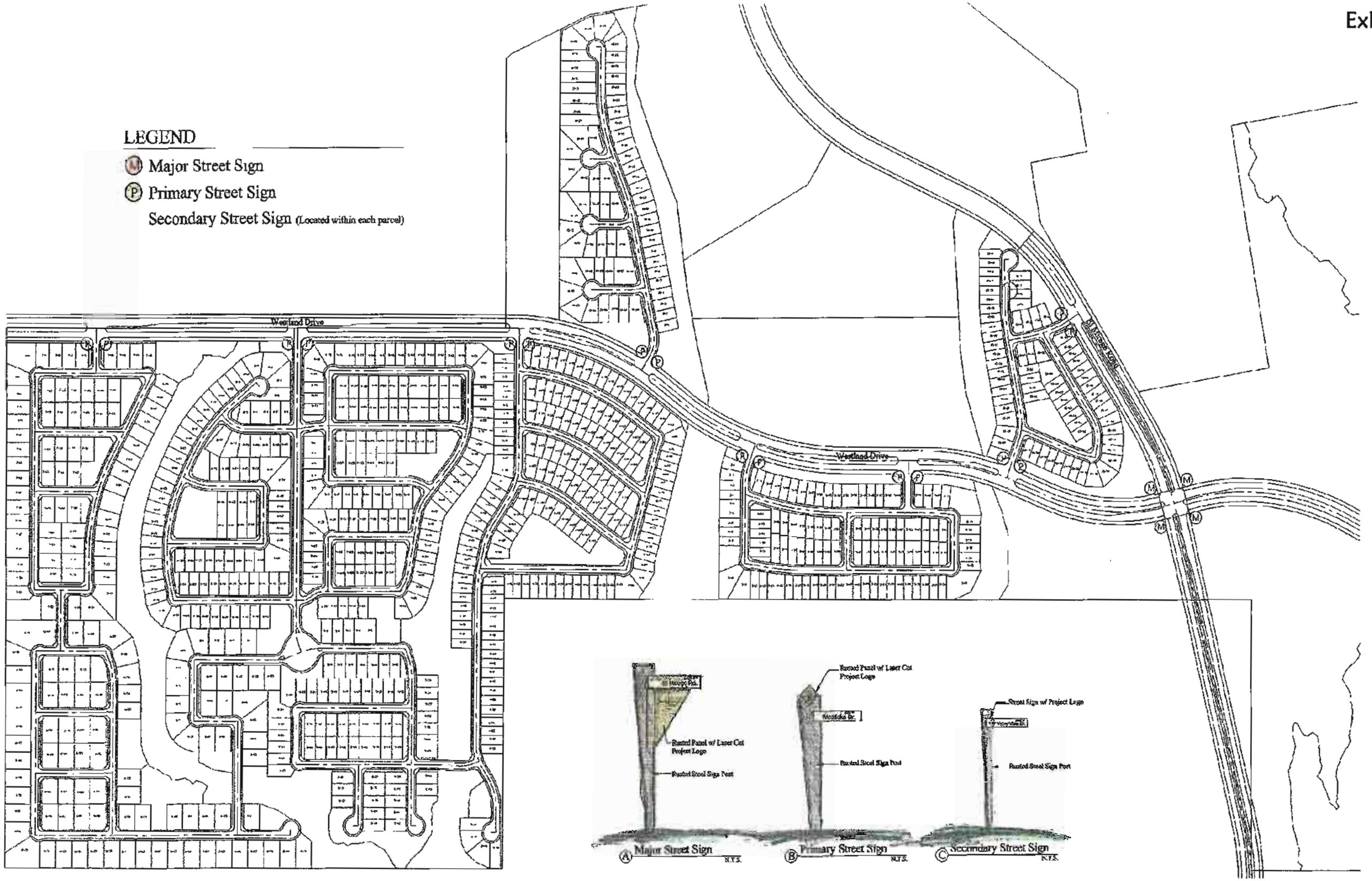
5.4 Security Lighting

Lighting systems shall be designed and installed in a manner that promotes the safety of pedestrian and vehicular movement. Area illumination must be provided for parking areas, entry areas, walkways, and other gathering areas for residents.

Exhibit 8

LEGEND

- Major Street Sign
- Primary Street Sign
- Secondary Street Sign (Located within each parcel)

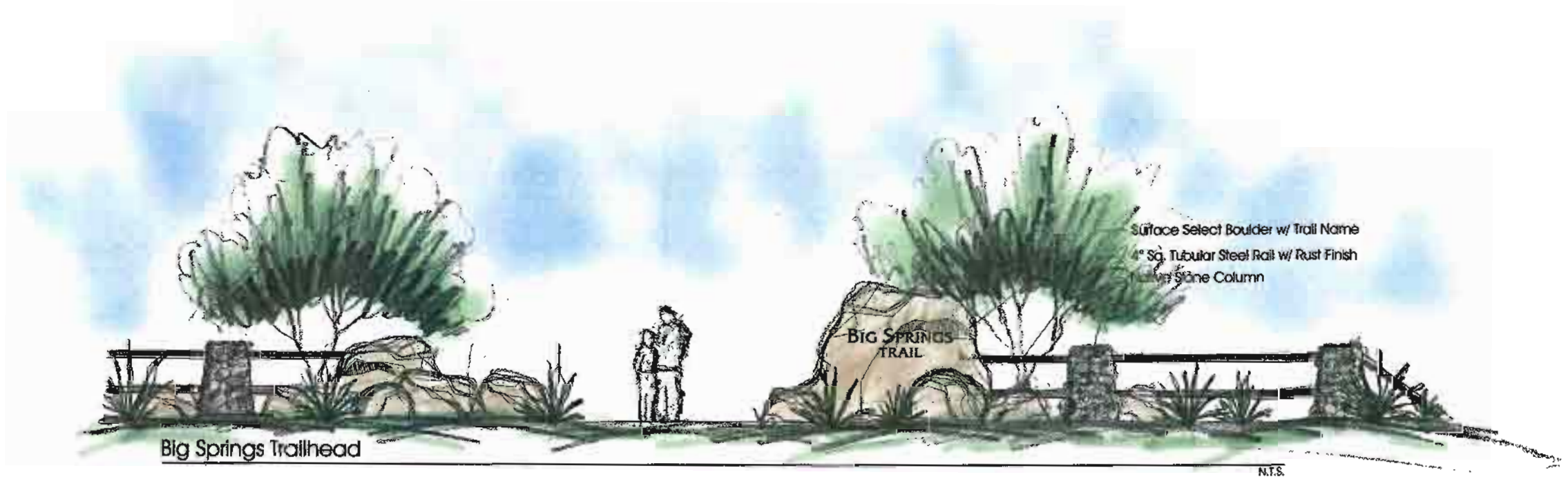


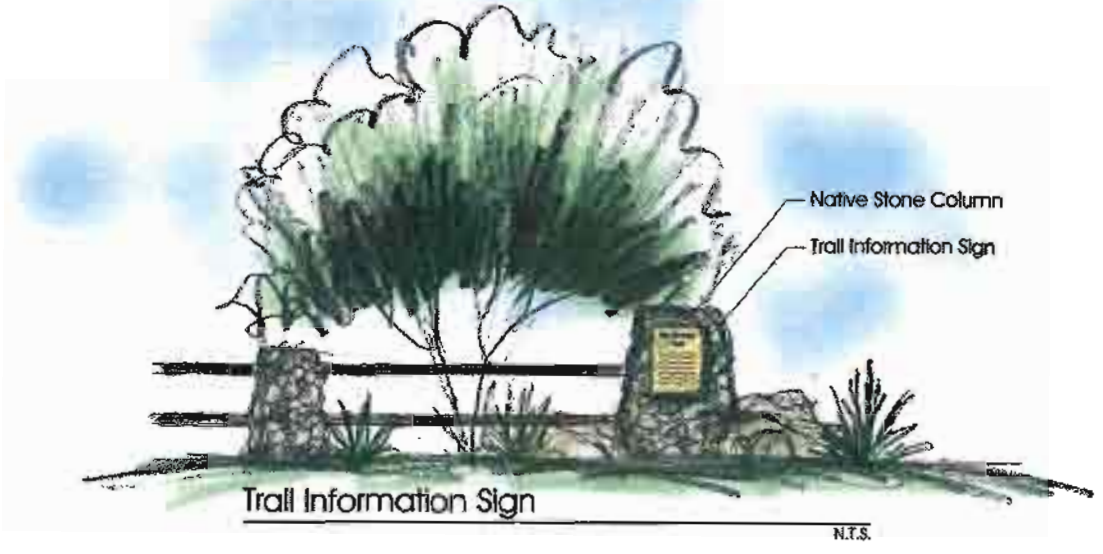
Conceptual Street Sign Plan

Lake Pleasant Heights

NORTH
0 110 220 440 660
1"=220'-0"

EG GROUP





Conceptual Trailhead Sign & Neighborhood Mailbox

Lake Pleasant Heights

NORTH
F2 GROUP
LANDSCAPE ARCHITECTURE

Lake Pleasant Heights **Typical Neighborhood Tot Lot** **June 2005**

Appendix P

Off-Site Master Planned Development
Directional Sign Radius Exhibit

Off-Site Master Planned Development Directional Sign Radius Exhibit

6-Mile Radius
5-Mile Radius
4-Mile Radius
3-Mile Radius
2-Mile Radius
1-Mile Radius

Lake Pleasant Heights
Vistancia South
(Lakeland Village)
White Peak Ranch
(Vistancia North)
Saddleback Heights

NORTH

5.6.2005

Lake Pleasant Heights

Planned Community District