

ARTICLE 14-33 PLANNED AREA DEVELOPMENT (P.A.D.) DISTRICT

CONTENTS

14-33-1	INTENT
14-33-2	GENERAL REQUIREMENTS AND STANDARDS
14-33-3	APPLICATION
14-33-4	AMENDMENTS TO APPROVED FINAL DEVELOPMENT PLAN

14-33-1 INTENT (Ord. No. 88-29)

The Planned Area Development District (P.A.D.) is intended to provide an alternative zoning district to the conventional zoning and development approaches and processes in the City of Peoria, Arizona in order that within this designated District the following goals may be achieved: (Ord. No. 05-64)

- 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 compatible selection of uses and groupings of buildings, parking areas, circulation and open spaces, and shall be designed as an integrated unit, in such manner as to constitute a safe, efficient, and convenient urban area development. (Ord. No. 05-64)

14-33-2 GENERAL REQUIREMENTS AND STANDARDS

- A. *Conformance with the Peoria General Plan.* The land uses and design of the proposed P.A.D. shall be consistent with the Peoria General Plan. (Ord. No. 05-64) The Planning Manager shall not approve or recommend approval of any P.A.D. unless the Planning Manager has received a Waiver of Proposition 207 from the Owner or Owners of the property that is the subject of the P.A.D.

(Section 14-33-2 amended by Ordinance No. 07-14, enacted April 17 and effective May 17, 2007.)

B. *P.A.D. Regulations*

1. All Planned Area Developments shall be between ten (10) and six-hundred (600) acres in size. The minimum total P.A.D. shall be no less than ten (10) acres unless the applicant can show that the minimum P.A.D. requirements should be waived because the waiver would be in the public interest and that one or more of the following conditions exist: (Ord. No. 05-64)
 - a. Unusual physical features of the property itself or of the surrounding area are such that development under the standard provisions of this Ordinance would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community.
 - b. The property is adjacent to or across the street or alley from property which has been developed under the provisions of this section and will contribute to the amenities of the area.
 - c. The use of the P.A.D. concept will encourage the use of otherwise undevelopable property, particularly in the case of small undeveloped parcels surrounded or partially surrounded by developed property.
 - d. The property is located within the Infill Incentive District. (Ord. No. 05-64)
2. Waivers of the ten (10) acre minimum requirement may be recommended by the Planning and Zoning Commission, upon a finding that one or more of the above conditions enumerated in paragraph B.1 of this section exist.

- C. *Uses in a P.A.D.* Any use or combination of uses may be allowed in a P.A.D. provided it is consistent with the Peoria General Plan, provided such uses are identified as permitted uses upon approval of the P.A.D. (Ord. No. 05-64)

D. *Residential Density in P.A.D.s.*

1. Residential development in a P.A.D. may provide for a variety of housing types allowed in any one of the basic residential zoning districts. In addition, the number of dwelling units allowed may be flexible relative to the number of dwelling unit per acre that would be permitted by the zoning regulations otherwise applicable to the site. However, the total number of dwelling units and the resulting density allowed in a P.A.D. shall be consistent with the Land Use

Plan of the City's General Plan and the target density framework described therein. (Ord. No. 05-64)

- 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 incorporates one housing type such as all detached or all attached units shall not be considered inconsistent with the stated purposes and objectives of this section and shall not be the sole basis for denial or approval. (Ord. No. 05-64)
- G. *Architectural Style, Appearance.* Architectural style of buildings shall not solely be a basis for denial or approval of a plan. However, the overall appearance and compatibility of individual buildings to other site elements or to surrounding development may be considered during P.A.D. review by the Planning and Zoning Commission and Council. (Ord. No. 05-64)
- H. *Phasing of Development.*
 - 1. Any P.A.D. plan proposed to be constructed in phases shall include full details relating thereto, and the City Council may approve or modify, where necessary, any such proposals.
 - 2. The phasing shall include the projected time for beginning and completion of each phase. Such timing may be modified by the City on the showing of good cause by the developer. (Ord. No. 05-64)
 - 3. The land owner or developer shall make such easements, covenants, and other arrangements and shall furnish such financial or other guarantees as may be determined by the City to be reasonably required to assure performance in accordance with the Plan and to protect the public.
- I. *Street Utilities, Services and Public Facilities.*

The uniqueness of each proposal for a P.A.D. may allow specifications and standards for streets, utilities and services to be subject to minor modifications of the specifications and standards established in this and other City ordinances. The plans and profiles of all streets, utilities and services shall be reviewed by the City Engineer prior to the final approval of the P.A.D.
- J. *Additional Standards.* Development within a P.A.D. shall conform to all conditions and standards agreed upon by the applicant and the City at time of P.A.D. approval.
- K. Each P.A.D. standards and guidelines submittal consistent with the definitions and standards in this code shall address the placement of community residential setting facilities, group homes and group care facilities in a manner consistent with state law and the federal fair housing act amendments of 1988. (Ord. No. 97-41)

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 Manager or designee. Application forms properly completed and accompanied by the required fee shall be submitted to the Planning Manager or designee. Conceptual Development Plan exhibits shall accompany the application. (Ord. No. 05-64)
- C. *Conceptual Development Plan.* A Conceptual Development Plan illustrating the general development framework shall be submitted with the P.A.D. application. At a minimum, the following items shall accompany the Conceptual Development Plan: (Ord. No. 05-64)
1. Legal description of property (written and electronic form); and
 2. A generalized location map showing surrounding land use, zoning and traffic circulation patterns.
 3. Site Condition. An analysis of the existing site conditions which indicates at a minimum:
 - a. Topographic contours with intervals of no more than two (2) feet, to a distance of one hundred (100) feet beyond the property boundary.
 - b. Location and extent of major vegetative cover (if any)
 - c. Location and extent of perennial or intermittent streams and water ponding areas.
 - d. Existing drainage and irrigation patterns
 - e. Other information considered relevant by the applicant or City staff.
 4. Proposed allocations of land use expressed as a percentage of the total area, as well as in acres. Uses to be indicated include:
 - a. Arterial Streets
 - b. Open Space (public)
 - c. Open Space (private)
 - d. Residential (if appropriate)
 - e. A stratification of residential uses in terms of single family detached units, patio homes, townhouses, garden apartments, etc.

- f. Commercial (if appropriate)
 - g. Industrial (if appropriate)
 - 5. A land use plan at a scale not smaller than one (1) inch equals one hundred (100) feet, indicating land uses, acres and development densities of each land use and the most nearly equivalent zoning categories; all arterial and collector street circulation elements, pedestrian and/or bicycle circulation elements, exact perimeter locations of any/all arterial streets and major collector streets; open spaces; and recreational areas.
 - 6. Plans indicating the approximate alignment and sizing of waterlines, sanitary sewers, and storm sewers (if any), as well as easements for all utilities, if necessary. Also indicated should be proposed surface drainage patterns.
 - 7. Conceptual architectural renderings indicating the elevations and exterior wall finishes of proposed buildings types.
 - 8. A Traffic Impact Analysis or Statement, if deemed necessary by the City.
 - 9. Phasing Plan, if development is to take more than two (2) years.
- D. *P.A.D. Standards and Guidelines Report.* A Standards and Guidelines Report meeting the content requirements as specified by the Planning Manager, shall be submitted with the application. The Report shall function as the development standards framework and shall identify all deviations, standards, references and bulk requirements thereto; where the P.A.D. is silent on a requirement, the applicable Zoning provision, as determined by the Planning Manager, shall control. No provision in the Standards and Guidelines Report shall be construed to negate any applicable provision in the Infrastructure Guidelines or any life safety code requirements as mandated by the Building Safety Manager and Fire Marshal. (Ord. No. 05-64)

14-33-4 AMENDMENTS TO APPROVED PLANNED AREA DEVELOPMENT (Ord. No. 05-64)

- A. *General.* Amendments to an approved P.A.D. may be requested by the applicant or its successors.
- B. *Applicability.* Amendments to the approved P.A.D. may be limited to one or more "development units" and any proposed change will not affect development units not included in the proposed amendment.
- C. *Major or Minor Amendments.* Amendments to the approved P.A.D. shall be delineated as major or minor amendments. Upon receipt of an amendment application to the Planning Division, the Planning Manager shall determine if the proposed amendment constitutes a major or minor amendment.

D. *Major Amendments.* If the Planning Manager determines the amendment to be a *major amendment*, the amendment request shall be processed in the manner set forth in Section 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.