

Exhibit 1
Draft Ordinance

ORDINANCE NO. 2024-20

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING THE PEORIA CITY CODE, CHAPTER 21 SECTIONS 21-200 "DEFINITIONS", 21-300 "GENERAL PROVISIONS AND STANDARDS", 21-400 "RESIDENTIAL DISTRICTS", 21-600 "SPECIAL USES, DISTRICTS AND OVERLAYS", AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Arizona Legislature adopted House Bill (HB) 2720, which codified certain statutory requirements and regulations established pursuant to HB2720, including A.R.S. § 9-461.18, which provides in part, that municipalities with a population of more than 75,000 must adopt on or before January 1, 2025, certain regulations relating to accessory dwelling units; and

WHEREAS, the Arizona Legislature adopted House Bill (HB) 2325, which codified certain statutory requirements and regulations established pursuant to HB2325, including A.R.S. § 9-462.10 (renumbered as A.R.S. § 9-462.11) and 11-820.04 relating to backyard fowl; and

WHEREAS, the City wishes to amend the Zoning Ordinance of the City of Peoria within the Peoria City Code (1992) regarding certain provisions in Sections 21-200 "Definitions", 21-300 "General Provisions And Standards", 21-400 "Residential Districts", 21-600 "Special Uses, Districts And Overlays", and associated sections, for the purpose of addressing State of Arizona legislation relating to accessory dwelling units (HB2720) and regarding backyard fowl (HB2325) (the "Ordinance"); and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Maricopa County, Arizona, held a public hearing on November 14, 2024, to consider proposed amendments to the Peoria City Code (1992 edition), after notice in the manner provided by law; and

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance, and manner provided by law including publication of such in the Peoria Times on October 24, 2024; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of November 14, 2024 voted to recommend the Code Amendment Case TA24-02 to the Mayor and Council of the City of Peoria, Arizona; and

WHEREAS, the City Council has considered the probable impact of this Ordinance on the cost to construct housing for sale or rent in accordance with Arizona Revised Statute 9-462.01.E; and

WHEREAS, the City Council has determined the code amendment to the Zoning Ordinance is in conformance with the City of Peoria General Plan, as amended; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, have considered the recommendation of the Planning and Zoning Commission of the City of Peoria, Arizona, and deem it to be in the best interest of the public health, safety and welfare of the residents of the City of Peoria, Arizona to amend the provisions and associated sections as specified within the Ordinance; and

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

SECTION 1. The foregoing recitals are incorporated as if fully set forth herein.

SECTION 2. Chapter 21 of the Peoria City Code shall be amended to read as indicated in Exhibit A of this Ordinance.

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

SECTION 4. The City Clerk is hereby authorized to correct clerical and grammatical errors, if any, related to this Ordinance, and to make formatting changes appropriate for purposes of clarity, form, or consistency with the Peoria City Code.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 17th day of December, 2024.

Jason Beck, Mayor

Date Signed

ATTEST:

Agnes Goodwine, City Clerk

APPROVED AS TO FORM:

Emily Jurmu, City Attorney

Published in: Peoria Times

Publication Date:

Effective Date:

Exhibit A - City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

HOW TO READ THIS DOCUMENT

Applicable Sections of the Zoning Ordinance are denoted by **highlighted bold text** for ease of readability during the drafting process.

Unless otherwise stated, provisions or regulations being deleted are shown in bold red strikethrough text or a line through the graphic, like this: ~~Provisions that are being deleted are shown with a bold red strikethroughs text.~~ Graphics containing bold red strikethrough are intended to remove the graphic in its entirety as well as any text that is embedded in the graphic.

Provisions or regulations that are being added are shown in double-underlined bold blue text, like this: Provisions that are being added are shown in double-underlined bold blue text. Graphics containing a bold double blue box are intended to add the graphic in its entirety as well as any text that is embedded in the graphic.

Only those changes noted through the above methods for the specific sections and subsections of the code identified shall be made. When regulations, graphics or other text is omitted, or is shown unchanged in adjoining sections or subsections of the code, it shall remain unchanged.

Section 1. *Amend Chapter 21 - Zoning, Section 21-200 Definitions, only as follows, leaving all other sections and subsections not specifically referenced unchanged:*

Sec. 21-200. Definitions

21-201. Intent.

This Section 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.

Sec. 21-202. Definitions and Land Use Classifications.

- 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:

A

Accessory Building means a detached, secondary building or structure, which the use of is customarily incidental to the principal (or "main") building on the same lot. Accessory buildings or structures include, but not limited to private garages, pool houses, sheds, and recreational support building; however, does not include Accessory Dwelling Units.

Accessory Use means a subordinate use customarily incidental to and conducted on the same lot with the principal use.

B

Buffer means to promote separation and compatibility between land uses of different intensities. The term buffer may also be used to describe the methods used to promote compatibility, such as a landscape buffer.

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.~~

C

Carport means an accessory structure that is roofed but permanently open on at least 2 sides and maintained for the storage of motor vehicles. ~~accessory building, attached or detached, having one or more open sides used by occupants of the principal building.~~

D

Dwelling Unit (DU) means a building, or portion thereof, that is designed principally for residential purposes and that includes sleeping facilities, kitchen facilities, and sanitary facilities. ~~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 fee simple lot. The term attached single-family dwelling applies to non-vertically stacked dwelling units.
2. *Dwelling, single-family, detached* means a building containing one dwelling unit on one lot, without attachment to any other dwelling and surrounded by open space or yards.
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 to duplexes, triplexes, and fourplexes regardless of a lease or condominium structure.
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 applies to such dwelling types as apartments, stacked flats, carriage units, and buildings where dwellings have their primary access to a common hallway, stairwell, or corridor.

E

Effective Date means the date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated. ~~upon which this Section or any amendment hereto becomes effective.~~

F

Family means:

1. An individual or two or more Family Members and Domestic Assistants living together as a single unit in a dwelling unit, ~~usual servants living together as a single housekeeping unit in a dwelling unit~~, or
2. A group of not more than ~~five-ten~~ persons who need not be Family Members, living together as a single ~~housekeeping~~ unit in a dwelling unit.

Family Member means the spouse, emancipated or unemancipated child, parent, sibling, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the legal owner or leaseholder of private real property a foster parent and child in which the foster parent holds legal guardianship of the foster child, ~~an estate of any of the foregoing family members, a trust of which any of the foregoing family members is a beneficiary or are beneficiaries, or a legal entity owned by any one or combination of these family members or the legal owner of private real property.~~

P

Principal Building(s) means a building, or a group of buildings, where the principal use on a lot is conducted.

Principal Use means the primary or predominant use of property.

Section 2. Amend Chapter 21 - Zoning, Section 21-300 General Provisions and Standards, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 21-300. GENERAL PROVISIONS AND STANDARDS.

Sec. 21-~~315~~⁸⁰³. Accessory Buildings and Uses.

A. Applicability.

1. When not part of the principal building, accessory buildings and structures shall be subject to the limitations contained within this Section or as otherwise set forth in the Peoria City Code. Nothing herein is intended to relax the building code or other applicable City standards.
2. Accessory Dwelling Units (or ADUs) shall be permitted pursuant to Section 21-316 below.
3. Standards and/or limitations for specific types of accessory buildings, structures or uses are identified below. Where there is a conflict, the standards and limitations for that specific building, structure, or use shall apply.
4. Within this section, the terms “accessory buildings”, “accessory structures” and “accessory uses” shall be interchangeable.

B.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.

C. ~~21-422~~ Development Standards.

- 1A. Maximum Height. The height of an accessory building shall not exceed twenty (20) 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-five (25) feet.
- 2B. No accessory building shall be located in any front yard.
- 3C. A detached accessory building, less than eight (8) feet in height and with a total floor area or projected roof area which does not exceed two hundred (200) square feet, may be located in the required side or rear yard adjacent to the property line provided the structure is not served by utilities and is screened from public view.
- 4D. A detached accessory building between eight (8) and nine (9) feet in height or greater than two hundred (200) square feet in area, may be located a minimum of three (3) feet from the side or rear property line provided the structure is screened from public view.
- 5E. Accessory buildings exceeding nine (9) 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 nine (9) 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.

6F. Accessory buildings nine (9) feet in height or greater OR three hundred (300) square feet or greater shall conform to the City of Peoria Design Review Manual.

7G. All structures shall be located in accordance with any applicable City building and/or fire code.

D. Performance Standards.

1. **Non-Permitted Buildings and Structures.** Owners of existing non-permitted accessory buildings that were constructed or otherwise in existence prior to January 1, 2024, may apply for a building permit to legalize the structure, subject to conformance with the regulations in this Section, the current building code in effect at the time of the application, and such rules and regulations as may be adopted by the City Council.

2. **Sale.** Accessory buildings shall not be sold or otherwise conveyed separately from the primary dwelling on the property.

3. **Exterior Design.** The exterior design for accessory buildings and structures shall conform to the Peoria Community Design Guidelines unless otherwise identified within Arizona Revised State Statutes and/or this Ordinance as applicable.

E. Performance Standards For Specific Accessory Buildings and Uses.

1.B. *Swimming Pools.*

a.1. Barriers and/or enclosures shall be provided for all swimming pools in accordance with Chapter 18 of the City Code, and with any other applicable regulations.

b.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.

2.C. *Sport Courts.* All Sport Courts, including but not limited to the following, tennis courts, pickle ball, tetherball, volleyball, basketball and other similar active recreational facilities, including the enclosure and lighting, may be built on a single family lot as follows:

a.1. Sport courts shall not be permitted in a required front yard.

b.2. Sport 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.

c.3. Sport 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.

d.4. Outdoor lights shall not be operated between 10:00 PM and sunrise and shall be shielded in accordance with Section 21-~~302802~~.F., of this Ordinance.

e.5. Sport 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.

f.6. ~~As part of the construction plans submittal for the~~ **Plans for the construction of a sport court, shall be submitted the plans shall be routed** to the **Planning Community Development** Department for a determination of zoning compliance. Sport court plans shall include:

a) ~~Setback dimensions from all property lines;~~ and

b) ~~The location and height of any walls, fences, or lighting related to the sport court;~~ and

c) ~~Lighting cutsheet and photometric plan.~~

Sec. 21-316. Accessory Dwelling Unit.

A. Purpose and Applicability.

The purpose of Section 21-316 (otherwise referred herein as the ADU Section) is to establish regulations that comply with state law regarding the development of new accessory dwelling units on any lot or parcel where the zoning allows a single-family dwelling. These regulations are in addition to applicable regulations within the Peoria Engineering Standards Manual, Building and Fire Codes. To the extent any provision in this Section conflicts with A.R.S. 9-461.18, the state law shall control.

B. Definitions. For the purpose of this Section, the following definitions apply:

Accessory Dwelling Unit means a self-contained living unit that is on the same lot or parcel as a single-family dwelling of greater square footage than the accessory dwelling unit, that includes its own sleeping and sanitation facilities and that may include its own kitchen facilities.

Gross Floor Area means the interior habitable area of a single-family dwelling or an accessory dwelling unit.

Long-term Rental means rental use in which the tenant holds a lease of ninety days or longer or on a month-by-month basis.

Permitted Use means the ability for a development to be approved without requiring a public hearing, variance, conditional use permit, special permit or special exception, other than a discretionary zoning action to determination that a site plan conforms with applicable zoning regulations.

Restricted-Affordable Dwelling Unit means a dwelling unit that, either through a deed restriction or a development agreement with the municipality, shall be rented to households earning up to eighty percent of area median income.

C. Eligibility as a Permitted Use.

1. **Permitted Use.** Subject to this Section and the City of Peoria's building codes, fire codes, and public health and safety regulations, the following is a permitted use with adequate public utility services:

- a. No more than one (1) attached accessory dwelling unit and one (1) detached accessory dwelling unit on a single-family dwelling lot; or
- b. No more than one (1) attached accessory dwelling unit and two (2) detached accessory dwelling units on a single-family dwelling lot that is one (1) acre or more in size, but only if at least one (1) of the detached accessory dwelling units is a "restricted-affordable dwelling unit".

2. **Eligibility.**

For the purpose of this Section, an accessory dwelling unit shall only be constructed on a single-family lot or parcel, and shall not exceed seventy-five (75) percent of the gross floor area of the existing single-family dwelling on the same lot or parcel, or one thousand (1,000) square feet, whichever is less.

3. **Appeals.** If an application for a proposed accessory dwelling unit is denied or deemed to not be a permitted use, the applicant can appeal the Zoning Administrator's decision to the Board of Adjustment as defined in Section 21-162.

D. Development Standards.

Except as provided in state law, this Section, or the Peoria's building codes, fire codes, and public health and safety regulations, an accessory dwelling unit that is proposed on the same lot or parcel as a single-family

dwelling that includes its own sleeping and sanitation facilities is eligible for the following deviations from the zoning regulations:

1. Location.

- i. An accessory dwelling unit may be constructed where the zoning allows for a single-family dwelling on the lot or parcel.
- ii. An accessory dwelling unit is not permitted on the same lot or parcel as a duplex or other multiple-family development.
- iii. No accessory dwelling unit shall be constructed prior to construction of the single-family dwelling unit to which it is accessory.

2. Setbacks. An accessory dwelling unit is subject to the same setback requirements that apply to a single-family dwelling on the same lot or parcel except that:

- i. The minimum rear and side building setback shall be five (5) feet from the property line.
- ii. The minimum front building setback shall be in accordance with the principal front building setback for the applicable zoning district.

3. Lot coverage. An accessory dwelling unit is subject to the same lot coverage regulations that apply to a single-family dwelling on the same lot or parcel for the applicable zoning district.

4. Height. An accessory dwelling unit is subject to the same height restrictions that apply to a single-family dwelling on the same lot or parcel for the applicable zoning district.

5. Exterior Design. The exterior design of an accessory dwelling unit, including but not limited to architectural style, roof pitch and finishing materials, should complement to the greatest extent possible, but is not required to match the exterior design of the single-family dwelling on the same lot.

6. Parking and Access. No additional parking space(s) or in lieu parking fee shall be required to accommodate a new accessory dwelling unit.

7. Utility conflicts. An accessory dwelling unit shall not encroach upon an existing or planned public utility easement unless the property owner obtains written consent from each easement holder and each affected utility.

E. Performance Standards.

1. Non-Permitted Units. Owners of existing nonpermitted accessory dwelling units that were constructed or otherwise in existence prior to September 15, 2024, may apply for a building permit to legalize the unit subject to conformance with the regulations in this Section, the current building standards code in effect at the time of the application, and such rules and regulations as may be adopted by resolution of the City Council.

2. Restricted Affordable Unit. Prior to receiving a permit to establish a second detached accessory dwelling unit on a property, the owner shall provide documentation, either through a deed restriction or a signed development agreement with the municipality, that the second detached ADU shall only be rented to households earning up to eighty percent of area median income.

3. Sale. Accessory dwelling units are prohibited from being sold or otherwise conveyed separately from the primary dwelling on the property.

4. Movable Habitable Space. A mobile home, recreational vehicle, or other movable habitable space shall not be used as an accessory dwelling unit.

5. Subdivisions or Lot Splits.

- i. A lot or parcel containing an accessory dwelling unit shall not be subdivided or split into two or more lots or parcels unless each lot or parcel complies with Peoria Zoning Ordinance and Subdivision Ordinance.
- ii. The entire accessory dwelling unit shall remain on one lot only. For an existing accessory dwelling unit to remain on the new lot or parcel created by subdivision, the property owner must modify the primary dwelling unit and the accessory dwelling unit of the subdivided lots to comply with the City Code, including providing separate utility services connected to each unit and obtaining a new Certification of Occupancy for each unit (when required by the Building Official) prior to City staff recording the subdivision or lot split of the property.
- iii. The accessory dwelling unit that remains on the new lot or parcel shall be considered a primary dwelling unit, unless a new primary dwelling unit is constructed on the new lot or parcel.

Sec. 21-317 through 319. Reserved

Section 3. *Amend Chapter 21 - Zoning, Section 21-400 Residential Districts only as follows, leaving all other sections and subsections not specifically referenced unchanged:*

Sec. 21-400. RESIDENTIAL DISTRICTS.

Sec. 21-408. Suburban Ranch (SR43 and SR-35). ~~Intent.~~

Sec. 21-411. Permitted Accessory Uses.

- A. Any accessory dwelling unit, use, structure, or building customarily incidental to a permitted principal use.
- B. Accessory day care and pre-school uses operated in conjunction with a non-residential permitted principal use provided that:
 - 1. Day care/pre-school uses in conjunction with a religious institution shall only operate during service/worship times; or
 - 2. Day care/pre-school uses in conjunction with other non-residential uses shall only operate during regular business hours.
- C. Animals per Chapter 16 of the Peoria City Code, except for keeping of fowl, which shall be permitted pursuant to ARS § 9-462.10. (1992) provided however that Section 16-9(b) of the Peoria City Code shall not be applicable.
- D. Non-commercial aviaries and apiaries, provided that buildings, pens, or hives are not closer than one hundred (100) feet to any neighboring residence and hives are limited to two (2) in number.
- ~~E. Non-commercial breeding, raising, training and feeding principally by grazing of horses, cattle, sheep and goats; provided that pens, corrals, and yards, including open pastures are set back a minimum of six (6) feet from any side or rear property line. However, the six (6) foot side and rear yard setback for corrals and yards including open pastures may be waived when adjoining property owners agree to establish joint use corrals, yards and open pastures for animals provided for herein.~~
- ~~F. Non-commercial poultry, bird and egg farms, provided that pens, buildings and enclosures are not closer than twenty (20) feet to any side or rear property line.~~
- ~~E. G. Day care for four (4) or less children in conjunction with a residential use.~~
- ~~H. Greenhouse, tool shed, ramada, outdoor swimming pool and similar home recreational facilities; provided that such facilities are used solely by occupants of the premises and their guests.~~
- ~~I. Guest house.~~
- ~~F. J. Home occupations in accordance with Section 21-320808.~~
- ~~G. K. Private or jointly owned community center recreational facilities, pools, tennis courts, and spas.~~
- ~~H. L. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992).~~

Sec. 21-414. Property Development Standards for Permitted Accessory Buildings.

- A. Permitted Accessory Buildings shall conform to the property development standards for Accessory Buildings as specified in Section 21-~~315.415~~ except as otherwise provided by this Ordinance, and except Accessory buildings which house mammals and fowl for “commercial” or “non-commercial use” pursuant to Sections 21-410 and 21-411, shall conform to the principal building setback or the setbacks as specified in Sections 21-410 and 21-411, whichever is greater.
- B. Accessory Dwelling Units shall be permitted pursuant to Section 21-316.

Sec. 21-415. SINGLE FAMILY RESIDENTIAL R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, AND R1-6.~~Intent.~~

Sec. 21-418. Permitted Accessory Uses.

- A. Any accessory dwelling unit, building, structure and use customarily incidental to a permitted use.~~customarily incidental to a permitted principal use.~~
- B. Off-street parking serving a permitted principal use, in accordance with Section 21-~~900~~823.
- C. Private garage or carport for storage or parking of vehicles.
- D. Animals per Chapter 16 of the Peoria City Code, except for keeping of fowl, which shall be permitted pursuant to ARS § 9-462.10. ~~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).
- ~~F. Guest house or servant's quarters; subject to Section 21-423.B.~~
- ~~F.G~~ Home occupation, in accordance with Section 21-~~320~~808, of this Ordinance.
- ~~H. Where the keeping of horses and other livestock is otherwise lawful, structures customarily accessory to such use. The provisions contained within Section 16-9 of the City Code shall apply to the keeping of horses and livestock.~~
- ~~G.I.~~ Day care for four (4) or less children.

Sec. 21-422. Property Development Standards for Permitted Accessory Buildings.

- A. Accessory Buildings and Structures shall be permitted pursuant to Section 21-315.
- B. Accessory Dwelling Units shall be permitted pursuant to Section 21-316.

~~When not part of the principal building, accessory buildings shall be subject to the limitations contained in this Section 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 twenty (20) 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 five (25) feet.~~

~~B. No accessory building shall be located in any front yard.~~

~~C. A detached accessory building, less than eight (8) feet in height and with a total floor area or projected roof area which does not exceed two hundred (200) square feet, may be located in the required side or rear yard adjacent to the property line provided the structure is not served by utilities and is screened from public view.~~

~~D. A detached accessory building between eight (8) and nine (9) feet in height or greater than two hundred (200) square feet in area, may be located a minimum of three (3) feet from the side or rear property line provided the structure is screened from public view.~~

~~E. Accessory buildings exceeding nine (9) 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 nine (9) 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.~~

~~F. Accessory buildings nine (9) feet in height or greater OR three hundred (300) square feet or greater shall conform to the City of Peoria Design Review Manual.~~

~~G. All structures shall be located in accordance with any applicable City building and/or fire code.~~

~~Sec. 21-423. Exceptions.~~

~~A. Side yards, interior lots of record. On each lot or record, 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 than 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.~~

~~Sec. 21-424. Multi-family Residential (RM-1). Intent.~~

Sec. 21-427. Permitted Accessory Uses.

- A. Any accessory building, structure and 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).~~

D. Animals per Chapter 16 of the Peoria City Code, except for keeping of fowl, which shall be permitted pursuant to ARS § 9-462.10.

Section 4. Amend Chapter 21 - Zoning, Section 21-600 Special Districts, Uses and Overlays only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 21-~~680~~**401**. General Agriculture. ~~Intent.~~

Sec. 21-~~681~~**402**. Permitted Principal Uses.

Sec. 21-~~682~~**403**. Permitted Conditional Uses.

Sec. 21-~~683~~**404**. Permitted Accessory Uses.

A. Accessory dwelling units, buildings, structures and uses customarily incidental to permitted uses.

B. Animals per Chapter 16 of the Peoria City Code, except for keeping of fowl, which shall be permitted pursuant to ARS § 9-462.10. ~~Employee housing, servant's quarters, guest houses, farm labor camps.~~

C. Storage of petroleum products required for use on the premises, provided that such storage shall be above ground, not exceed one thousand gallons and shall be subject to all applicable health and safety laws.

D. Home occupations in accordance with Section 21-320, of this Ordinance.

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)~~.

Sec. 21-~~684~~**405**. Property Development Standards for Permitted Principal Uses and Conditional Uses.

Sec. 21-~~685~~**406**. Property Development Standards for Accessory Buildings.

~~A. Maximum Height. Twenty five (25) feet.~~

~~B. Minimum Space Between a Building Used for Sleeping or Living Purposes and any other Detached Building. Twenty (20) feet.~~

~~C. Minimum Side and Rear Setbacks of Buildings Not Used for Keeping Poultry or Animals. Twenty (20) feet.~~

~~D. Accessory Buildings. Whether attached or detached, shall not be erected in any required front or side yard, except as otherwise provided in this Section.~~

A. Accessory Buildings and Structures shall be permitted pursuant to Section 21-315.

B. Accessory Dwelling Units shall be permitted pursuant to Section 21-316.

Sec. 21-~~686~~**407**. General Regulations.

Sec. 21-687 through 699. Reserved