

Chair
Tony Feiter

Vice-Chair
Joysaphine
Waitman-
Powell

Secretary
Jeff Nelson

Member
Nate Cottrell

Member
Thomas
Konkowski

Member
Doug Myers

Member
Layla
Villasenor

Planning and Zoning Commission Meeting Notice & Agenda

Thursday, November 14, 2024
City Council Chamber
8401 West Monroe Street
Peoria, AZ 85345



Special Meeting 6:00 PM

Convene
Opening Statement
Roll Call
Final Call to Submit Speaker Request Forms

NOTE: The City of Peoria Boards and Commissions may go into Executive Session at any time during this meeting pursuant to A.R.S. 38-431.03(A)(2) for the purpose of discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained confidential by state or federal law, and pursuant to A.R.S. 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the attorney or attorneys of the public body.

Consent Agenda

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

Consent

1 C [Disposition of Absence](#)

Discussion and possible action to approve/excuse the absences of Commissioner Thomas Konkowski and Commissioner Doug Myers from the October 17, 2024 meeting.

2 C [Minutes](#)

Discussion and possible action to approve the minutes of the October 17, 2024 meeting.

Regular Agenda

REGULAR AGENDA: All items listed on the Regular Agenda are considered public hearing items subject to separate discussion and action by the Commission unless indicated otherwise by the Commission Chair or by the agenda item description. The order in which the following items are heard may be altered at the discretion of the Commission Chair.

New Business

3 R **Code Amendment: Administration and Procedures (TA24-01)**

Discussion and possible action on a city-initiated Text Amendment amending Sections 21-100, 21-300, 21-400, 21-500, 21-600, 21-700 and 21-800, and establishing 21-900 within the Zoning Ordinance. Revisions to these sections are in response to State Senate Bill 1162; and to enhance ease of use through modernization of the Zoning Ordinance.

4 R **Code Amendment: Accessory Dwelling Units and Backyard Fowl (TA24-02)**

Discussion and possible action on a city-initiated Code Amendment pertaining to Sections 21-200, 21-300, 21-400, and 21-600 of the Zoning Ordinance regarding accessory dwelling units and backyard fowl in response to HB2325 and HB2720.

5 R **Code Amendment: Multi-Family Adaptive Reuse (TA24-03)**

Discussion and possible action on a city-initiated Code Amendment regarding Sections 21-400 and 21-500 of the Peoria Zoning Ordinance pertaining to the adaptive reuse of commercial, office or mixed-use buildings for multi-family residential in response to the passage of House Bill HB2297.

6 R **Project Update: Downtown Code Amendment (TA24-04)**

Presentation and possible discussion regarding city-initiated Text Amendment pertaining to Sections 21-200, 21-600 and 21-700 of the Zoning Ordinance regarding regulations and sign standards within Downtown Peoria. This item is for discussion only, no action will be taken.

Call To The Public (Non-Agenda Items)

Your comments pertaining to the Planning and Zoning Commission business are welcome. However, if you wish to address the Planning and Zoning Commission, please complete a

Speaker Request Form and return it to the clerk before the call to order for this meeting. Boards and Commissions are not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

Reports from Staff

7 R Reports

A. Upcoming Commission Meetings

Planning and Zoning Commission Updates and Report of Current Events:

Planning and Zoning Commission members will give updates on relevant events and activities they have attended since the last meeting. These items are for information only - no action will be taken.

Adjournment

NOTE:

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

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

Public Notice

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

Planning and zoning commission meetings can be viewed live on Channel 11 (Cox Cable) and are available for viewing on demand at <https://www.peoriaaz.gov/government/departments/planning-and-zoning/planning-and-zoning-videos>.

PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBERS
OCTOBER 17, 2024

A meeting of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8401 West Monroe Street, Peoria, AZ in open and public session at 6:01 p.m.

Members Present: Chair Tony Feiter, Vice-Chair Joysaphine Waitman-Powell, Secretary Jeff Nelson, Commissioner Nate Cottrell, and Commissioner Villasenor

Members Absent: Commissioner Thomas Konkowski and Commissioner Doug Myers

Others Present: Chris Jacques – Planning Director, Lorie Dever – Deputy Director, Cody Gleason – Planning Manager, Mike Dynes – Assistant City Attorney, and Della Ernest – Management Specialist.

Audience: 6

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

CONSENT AGENDA

All items listed on the Consent Agenda are considered to be routine or have been previously reviewed by the Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Commission member so requests; in which event the item will be removed from the General Order of Business and considered in its normal sequence on the Agenda.

1C **Disposition of Absence**

Discussion and possible action to approve/excuse the absences of Commissioner Thomas Konkowski and Commissioner Doug Myers from the October 3, 2024 meeting.

2C **Minutes**

Discussion and possible action to approve the minutes of the October 3, 2024 meeting.

COMMISSION ACTION:

Commissioner Villasenor moved to approve the consent agenda as presented. The motion was seconded by Secretary Nelson and upon vote, passed unanimously 5-0.

REGULAR AGENDA

3R **Cibola Vista Self-Storage: Conditional Use Permit (CU22-08)**

Discussion and action to approve a request to obtain a Conditional Use Permit (CUP) to allow a Self-Storage facility on an approximately 2.2-acre site located west of Lake Pleasant Parkway and south of WestWing Parkway.

Commissioner Cottrell recused himself.

The staff report was presented by Mr. Cody Gleason, Planning Manager.

PUBLIC COMMENT:

Mr. Taylor Earl, on behalf of Abernathy Holdings LLC spoke about the challenges of the site and concessions made related to resident concerns.

Ms. Charity Best, a resident spoke in opposition to the proposed development.

Ms. Kimberly Corey, a resident spoke in opposition to the proposed development.

Discussion ensued regarding conditions of approval, changes made after the first neighborhood meeting and community outreach.

COMMISSION ACTION:

Commissioner Villasenor moved to approve item 3R CU22-08. The motion was seconded by Chair Feiter and upon vote, passed unanimously 4-0.

4R **Study Session: Zoning Code Amendments TA24-01, TA24-02, and TA24-03**

Presentation and discussion related to three upcoming city-initiated code amendments to the Zoning Ordinance to address recently adopted legislative bills. This item is for discussion only, no action was taken.

Commissioner Cottrell rejoined the meeting.

The staff report was presented by Ms. Lorie Dever, Deputy Planning Director.

Ms. Dever presented to the Commission the three applicable bills that require municipalities to amend their respective zoning codes by January 1, 2025, otherwise provisions go into effect as mandated. The three bills are:

- SB1162: Rezone "Shot Clock"
- SB2720: Accessory Dwelling Units "The Casita Bill"
- HB2297: Commercial Buildings "Adaptive Reuse"

HB2325: Backyard Fowl is already in effect now and preempts city regulations.

TA24-01: Administration and Procedures

City-initiated code amendment to:

- Address regulatory requirements of Senate Bill SB1162,
- Restructuring of code for improved longevity and adaptability, and
- Improve clarity and ease of use.

Applicable Sections:

21-100, 21-300, 21-400, 21-500, 21-600,
21-700, 21-800, and 21-900*

Reason For Changes:

- Peoria meets and exceeds “shot clock” requirements in SB1162; code updated to reflect city’s enhanced administrative procedures
- Opportunity to improve code in preparation for future improvements

TA24-02: ADU and Backyard Fowl

City-initiated code amendment to:

- Address regulatory requirements of House Bills HB2720 & HB2325,
- Modify accessory building standards, and
- Update cross-references and unification of terminology.

Applicable Sections:

- 21-200, 21-300, 21-400 and 21-600

Reason For Changes:

- **HB2325 Backyard Fowl** in effect now; code references updated.
- **HB2720 ADU** outlines strict provisions city may and may not enact
- Proposed changes to accessory building standards to address enforcement / compliance concerns with uneven standards.

TA24-03: Multi-Family Residential Adaptive Reuse

City-initiated code amendment to address regulatory requirements of House Bill HB2297

Applicable Sections:

- 21-400 and 21-500

Reason For Changes:

- **HB2297** outlines provisions city may and may not enact.
- Must allow ***multifamily residential development*** or adaptive reuse of any commercial, office or mixed-use building on not more than 10% of existing inventory of existing buildings citywide.

Discussion ensued regarding possible restrictions on number of ADU occupants, proposed accessory building regulations, and policy considerations surrounding potential exclusion areas for adaptive reuse buildings.

Call to the Public (Non-Agenda Items): None

7R **Reports from Staff**

Mr. Jacques informed the Commission of staff member Robert Kuhfuss' retirement.

The next meeting is November 14, 2024.

Planning and Zoning Commission Updates and Report of Current Events: None

Adjournment: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 8:10pm.

Tony Feiter, Chair

Submitted by Della Ernest

Date

Date



PLANNING AND ZONING COMMISSION REPORT

Meeting November 14, 2024

Date:

Agenda Item: 3R

Case Name: Code Amendment: Administration and Procedures (TA24-01)

General Application Information

Proposal:

A city-initiated Text Amendment amending Sections 21-100, 21-300, 21-400, 21-500, 21-600, 21-700 and 21-800, and establishing 21-900 within the Zoning Ordinance. Revisions to these sections are in response to State Senate Bill 1162; and to enhance ease of use through modernization of the Zoning Ordinance.

Location:

City-wide

Project Acreage:

N/A

Applicant:

City of Peoria

Key Items For Consideration:

This request has been proposed concurrently with other 2024 City-Initiated Code Amendments and may be presented together.

Please note that the associated staff report, exhibits, and findings for all cases are contained within Case TA24-001 to avoid redundancy.

ATTACHMENTS:

Description

Staff Report

Exhibit A - Proposed Code for Section 21-100

Exhibit B- Proposed Code for Section 21-300

Exhibit C - Proposed Code for Section 21-400 and 500

Exhibit D - Proposed Code for Section 21-600

Exhibit E - Proposed Code for Section 21-800 and 900



PLANNING & ZONING COMMISSION STAFF REPORT

Meeting Date: 11/14/2024

Agenda Item(s): 3R

TO: Planning and Zoning Commission
THROUGH: Chris M. Jacques, AICP, Planning Director
FROM: Lorie Dever, Deputy Director
SUBJECT: Code Amendment: Administration and Procedures (TA24-01)

PURPOSE

This is a city-initiated text amendment to Sections 21-100, 21-300, 21-400, 21-500, 21-600, 21-700 and 21-800, along with establish Section 21-900 within the Zoning Ordinance in response to Senate Bill SB1162. The proposed modifications in each of these Sections are summarized below:

- Rename Section 21-100 *"Introduction"* to 21-100 *"Introductory Provisions and Administration"*;
- Append and update the administrative regulations from 21-300 into Section 21-100;
- Rename 21-300 *"Administration and Procedures"* to 21-300 *"General Provisions and Standards"*;
- Relocate and renumber Sections 21-800 through 21-814 into 21-300 *"General Provisions and Standards"* as specified;
- 21-400 *"Residential Districts"* and 21-500 *"Non-Residential Districts"* to clarify corner setback minimums;
- Rename 21-600 *"Special Districts and Designations"* to 21-600 *"Special Uses, Districts and Overlays"*;
- Amend Section 21-600 to standardize PAD / PCD references to match existing practices.
- Eliminate regulations within Section 21-701 through 21-709 known as *"Senior Citizen Overlay Zoning District"*;
- Consolidate provisions within Section 21-710 through 21-734 and append into the revised Section 21-600 *"Special Uses, Districts and Overlays"*
- Rename 21-800 *"Supplemental Regulations"* to 21-800 *"Landscape"*; and
- Append and renumber 21-823 through 21-826 into Section 21-900 *"Parking and Loading"*;
- Rename subsections to clarify topics of individual sections for easier reference;
- Update cross-references within individual regulations to point to new section numbers; and

If approved, staff believes these code modifications will consolidate and clarify administrative and application procedures, along with restructuring major sections within the Zoning Ordinance for ease of use and adaptability.

BACKGROUND

The 56th Arizona state legislature passed a number of bills this session that have been signed into adoption by the Governor pertaining to municipal zoning, including Senate Bill SB1162: Residential Zoning; Housing and Hearings. (Exhibit F) More specifically, SB1162 is colloquially known as the "Shot Clock Bill" and requires municipalities on or before January 1, 2025, to adopt a zoning amendment requiring the determination of administrative completeness of a zoning application to occur within thirty (30) days of receipt. The bill also requires the municipality to determine if a resubmitted application is "administratively complete" within fifteen (15) days. Additionally, it requires approval or denial of an administratively complete non-PAD (and

CODE AMENDMENT: ADMINISTRATION AND PROCEDURES (TA24-01)

non-PCD) zoning application within 180 days; however, it does permit extensions within certain circumstances. At the same time the provisions of the Zoning Ordinance are being updated to conform with the administrative deadlines and duration timelines specified within SB1162, staff is taking this opportunity to clarify and modernize the Zoning Code in preparation for future code amendments.

PROPOSED REGULATIONS

SB1162 requires a municipality to define and implement administrative completeness deadlines within the zoning code, along with establishing a decision deadline for non-PAD/PCD cases. (Exhibit B) Currently, Peoria meets and exceeds the “shot clock” requirements in SB1162, and has chosen to memorialize current policies, practices and timeframes within the Zoning Ordinance with these updates. While SB1162 primarily focused on establishing uniform processing standards for rezoning applications, changes were made to application deadlines to ensure timely resubmittal and responses from applicants. In this regard, Peoria is taking additional steps to improve transparency and accountability within the rezoning process. Secondly, staff is taking this opportunity to improve the longevity and adaptability of the code, in preparation for more substantive code amendments down the way. This results in significant restructuring within the majority of the main sections within the code, such as, but not limited to significant wordsmithing to ensure uniformity with existing practices and expectations, consistency across sections in regard to wording and formatting, and elimination of redundancy and duplication. These secondary efforts are in keeping with the adopted goals and policies within the General Plan which require staff to regularly review, maintain and/or update the city’s policies and regulatory documents for ease of use, efficiency, and effectiveness.

These changes were summarized and presented during the public meetings noted below, and the draft code was posted to the city’s website. No comments were received.

KEY FINDINGS

- Existing Peoria policies and practices exceed the regulatory requirements of SB1162, and as such, the city has chosen to memorialize this within the code changes. As such, staff believes the proposed text changes exceed the imposed legislative requirements.
- The proposed changes are in keeping with the adopted General Plan requirements which require regular review, maintenance and/or update of the city’s policies and regulatory documents to maintain ease of use, efficiency and effectiveness.

COMMUNITY INVOLVEMENT

Public Meetings:

- Legislative Briefing to City Council on September 17, 2024.
- Legislative Briefing to Planning and Zoning Commission on October 3, 2024.
- Planning and Zoning Commission Study Session on October 17, 2024.

Public Noticing:

The application was properly noticed pursuant to Section 21-315 of the Peoria Zoning Ordinance, which includes placing a legal ad in the Peoria Times at least 15 days prior to the Public Hearing.

Support / Opposition:

No opposition or support for this proposal was received.

POSSIBLE ACTIONS / OPTIONS

- A:** Approve as recommended by staff; or
- B:** Approve in part or with modifications; or
- C:** Deny; or
- D:** Continue action to a date certain or indefinitely.

RECOMMENDATION

Staff recommends that the Planning and Zoning Commission take the following action:

Recommend approval of Case TA24-01 to the City Council as proposed in Exhibit A through Exhibit E.

STAFF CONTACT

Lorie Dever
Deputy Director
(623)773-5168
Lorie.Dever@peoriaaz.gov

Zoning Code Amendment

Administrative Refinements

TA24-01

Applicable Sections of Chapter 21 Zoning Ordinance:

21-100, 21-300, 21-400, 21-500, 21-600, 21-700, 21-800 and 21-900*

Overview of Revisions:

1. Rename *Section 21-100 Introduction* to *21-100 Introductory Provisions and Administration*
2. Append and update Administrative regulations from 21-300 into *Section 21-100*
3. Rename *21-300 Administration and Procedures* to *21-300 General Provisions and Standards*
4. Relocate and renumber 21-800 through 21-814 into 21-300
5. Standardize formatting for interior setback within Section 21-420 to match other tables.
6. Within Section 21-400, add note to clarify when corner setback minimum distance is applicable versus an interior setback.
7. In Section 21-600, standardize PAD / PCD references to match existing practices.
8. Eliminate regulations within Section 21-701 through 21-709 known as *Senior Citizen Overlay Zoning District*
9. Consolidate provisions within Section 21-710 through 21-734 and append into revised *21-600 Special Uses, Districts and Overlays*
10. Rename subsections to clarify topics of individual sections for easier reference.
11. Update cross-references within individual regulations to point to new section numbers.
12. Create uniformity in use of terms for Zoning Administrator and Department references.

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 graphics that are 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 graphics 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 bold double underline underneath the graphic are intended to add the graphic in its entirety as well as any text that is embedded in the graphic.

Unless otherwise specifically addressing changes to a particular section or subsection of the code through the above referenced methods changes are only intended for those specific sections and subsections of the code that are addressed herein.

Exhibit A - City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

Section 1. Amend Chapter 21 - Zoning, Section 21-100 Introduction, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 21-100. INTRODUCTORYION PROVISIONS AND ADMINISTRATION.

Sec. 21-101. Intent.

The intent of this Section is 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 promote the health, safety, morals, convenience and general welfare of the citizens of the City of Peoria, Arizona.

~~Sec. 21-102. Conflicting Regulations.~~

~~A. Relation to Other Regulations. Wherever any provision of this Section 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 Section shall govern.~~

~~B. Applicability to Property. This Ordinance shall apply, to the extent permitted by law, to all property within the City of Peoria, including all uses, structures and land. For property located within the City of Peoria, the zoning designation is as stated in this Zoning Ordinance unless otherwise modified by this Ordinance and its successive editions.~~

Sec. 21-102. Title.

Chapter 21 of the City Code shall be known and cited as the "City of Peoria Zoning Ordinance," "Zoning Ordinance of the City of Peoria," "Zoning Ordinance", or "this Ordinance". Whenever reference is made to any portion of the ordinance set out in Chapter 21, or of any other law or ordinance, the reference applies to all amendments and additions to this Title made hereafter.

~~21-103. Private Agreements.~~

~~It is the intent of this Section not to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between parties; provided, however, that whenever this Section imposes a greater restriction upon the use of buildings, structures or land, the provisions of this Section shall govern.~~

Sec. 21-103. Structure.

Organization of Regulations. This Ordinance consists of nine (9) sections:

Section 21-100. Introductory Provisions and Administration

Section 21-200. Definitions

Section 21-300. General Provisions and Development Standards

Section 21-400. Residential Districts

Section 21-500. Non-Residential Districts

Section 21-600. Special Uses, Districts and Overlays

Section 21-700. Signage

Section 21-800. Landscape

Section 21-900. Parking and Loading

Code Amendment: Administrative Refinements (TA24-01)

Sec 21-104. Types of Regulations.

Four types of zoning regulations control the use and development of property in the City:

- A. **Administrative Regulations.** Section 21-100 contains regulations and detailed procedures for the administration of this Ordinance, and include responsibilities of the Zoning Administrator and planning agency, common procedures, processes and standards for entitlement and conceptual planning applications, and other permits.
- B. **General Terms and Use Classifications.** Section 21-200 contains a list of use classifications and a list of terms and definitions used in this Ordinance.
- C. **Land Use Regulations.** These regulations specify land uses permitted, conditionally permitted or specifically prohibited in each zone, and include special requirements, if any, applicable to specific uses. Certain regulations, applicable in some or all of the districts, and performance standards that govern special uses, are in Sections 21-400, 21-500 and 21-600.
- D. **Development Regulations.** These regulations control the height, bulk, density, intensity, location and appearance of structures on development sites. General provisions applicable to all of the districts, along with certain regulations applicable in some of the districts, are in Sections 21-300, 21-700, 21-800, and 21-900.

Sec 21-105. Relationship to the General Plan.

It is the intention of the City Council that this Zoning Ordinance implement the vision, goals and policies adopted by the City Council and ratified by the voters as reflected in the General Plan. The City Council affirms its commitment that this Zoning Ordinance and any amendments will be in conformity with the adopted planning polices as expressed in the General Plan, specific area plans, and any amendments.

Sec. 21-106. General Rules For Applicability of Zoning Regulations

- A. **Applicability to Property.** This Ordinance shall apply, to the extent permitted by law, to all property within the City of Peoria, including all uses, structures and land. For property located within the City of Peoria, the zoning designation is as stated in this Zoning Ordinance unless otherwise modified by this Ordinance and its successive editions.
- B. **Compliance with Regulations.** No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished or moved in any zoning district, except in accordance with the provisions of this Ordinance.
- C. **Provisions Interpreted as Minimum Requirements.** In interpreting and applying the provisions of Chapter 21, the applicant shall meet or exceed the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.
- D. **Relationship to Other Regulations.** The Zoning Ordinance, along with other regulations of the City of Peoria, including but not limited to the Subdivision Ordinance, Peoria Engineering Standards Manual (PESM), and applicable International Building and Fire Codes, as amended, is a tool to implement the Peoria General Plan. In regulating future development or redevelopment within the City of Peoria, the requirements of the Zoning Ordinance shall be construed as minimum requirements.
- E. **Relationship to Private Agreements.** It is the intent of this Section not to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between parties; provided, however, that whenever this Section imposes a greater restriction upon the use of buildings, structures or land, the provisions of this Section shall govern.

Code Amendment: Administrative Refinements (TA24-01)

- F. **Conflicting Regulations.** Wherever any provision of this Ordinance 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 Ordinance shall govern.

Sec. 21-107. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Sec. 21-108~~4~~. Vested Rights.

This Section 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.

Sec. 21-109~~5~~. Statutory Exemptions.

Nothing contained in this Section 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 Section.
- 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.

~~**Sec. 21-106. Jurisdiction.**~~

~~The jurisdiction of this Section shall include all lands and waters within the corporate limits of the City of Peoria, Arizona.~~

Sec. 21-~~110~~.107. ADMINISTRATION.

~~Responsibility for the administration of this Section 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 Section, 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.~~

Sec. 21-111. Zoning Administrator.

The City Manager, or such other city employee as the City Manager may designate, shall carry out all responsibilities of the Zoning Administrator as defined in A.R.S. § 9-462 and as set forth hereafter. Responsibility for the administration of Chapter 21 Zoning Ordinance is hereby vested in the Zoning Administrator. The Zoning Administrator may delegate to a designee those duties as assigned by the Zoning Ordinance to the Zoning Administrator.

Sec. 21-~~112~~311. Interpretations and Decisions.

- A. The Zoning Administrator ~~Department Director~~ or designee ~~thereof~~, shall interpret the provisions of this Zoning Ordinance (or Ordinance), and shall interpret uses within each district as provided in the intent and regulations governing the subject district. The Zoning Administrator ~~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. A record of the Zoning Administrator's responses shall be available for public review.

Code Amendment: Administrative Refinements (TA24-01)

- B. The appeal of Zoning Ordinance interpretations or other decisions by the Zoning Administrator may be initiated by any aggrieved person or by any officer, department, board or commission of the city affected by the interpretation or decision of the Zoning Administrator. For purposes of this subsection an aggrieved person is one who receives a particular and direct adverse impact from the interpretation or decision which is distinguishable from the effects or impacts upon the general public. Appeals must be filed pursuant to Section 21-162. ~~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 21-323 of this Ordinance.~~
- C. When the provisions of this Zoning Ordinance are interpreted or applied they shall be held to be the minimum requirements for the promotion of the public safety, health and general welfare.
- D. The Zoning Administrator shall interpret uses within each district. The presumption established in this Zoning Ordinance is that all general uses of land are permissible within at least one (1) zoning district in the city's planning jurisdiction. The use regulations set forth in each district cannot be all inclusive, and may include general use descriptions that encompass several specific uses. Uses specified in each district shall be interpreted liberally to include other uses which have similar impacts to the listed uses.
- E. Inspections may be made by the Zoning Administrator. If such inspection reveals that any property or portion of a project is not in compliance with the requirements of the applicable ordinances and codes, the Zoning Administrator 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.

Sec. 21-113. Amendments.

- A. ~~107.~~ 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 Zoning Administrator ~~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 ~~Section~~ Chapter, and keep it responsive to Peoria's needs. The ~~Commission~~ Zoning Administrator shall be assisted in its duties by the ~~Zoning Inspector, and by such~~ outside consultants as the City Council ~~or the City of Peoria, through the procurement process~~, may retain for the purpose.

- B. ~~109.~~ References within this Ordinance to provisions, or Sections within this Ordinance shall be deemed to refer to said provision or Section as most recently amended, including cases in which such amendment may be located in a new or different Section of this Ordinance or be otherwise renumbered.

Sec. 21-114. ~~108.~~ Enforcement Official.

- A. **Authority.** The City Manager, or such other city employee as the City Manager may designate, shall carry out all responsibilities of the Enforcement Official as defined in A.R.S. § 9-462 and as set forth hereafter. Responsibility for the enforcement of ~~this Section the~~ Chapter 21 Zoning Ordinance, as hereinafter provided, is hereby vested in the office of the Enforcement Official. The Enforcement Official may delegate to a designee those duties as assigned by the Zoning Ordinance to the Enforcement Official.

- B. **Enforcement Official.** The Enforcement Official shall enforce this Zoning Ordinance in accordance with the subsections below: ~~Zoning Inspector, who shall be a city official appointed by the City Council.~~

1. ~~A.~~—Unless expressly stated otherwise, violations of this Section may be enforced alternatively by civil or criminal penalties; however, no person served with a notice charging a civil violation may be subject to

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criminal charge arising out of the same offense. However, prior civil determinations of responsibility for the same offense may be used to enhance penalties imposed upon a subsequent criminal conviction for an offense.

~~2.B.~~ Civil violations of this Section shall be enforced as provided in Chapter 5 and Chapter 17, Section 17-51 of the City Code.

~~3.C.~~ Criminal violations of this Section shall be enforced as provided in Chapter 5 and Chapter 17, Section 17-51 and pursuant to state statute.

~~4.D.~~ In addition to other enforcement actions that may be taken pursuant to this code or ordinance, the City Manager or designee may issue an order of abatement pursuant to Chapter 17, Section 17-59 of the City Code.

~~5.E.~~ Violations of this Ordinance are in addition to any other violation enumerated within the City ordinances or the City Code and in no way limits the penalties, actions or abatement procedures which may be taken by the City for any violation of this ordinance, which is also a violation of any other ordinance or Code provision of the City or statutes of the State.

Sec. 21-~~115.327~~-Classification Establishment of Zoning Districts.

The City of Peoria, Arizona is hereby divided into specific zoning districts as shown below. Each zoning district will have its own development standards to ensure a cohesive and compatible pattern of land use throughout the City. All buildings, structures, uses, lots, and developments shall comply with the requirements of their respective zoning district as set forth in this Zoning Ordinance.

A. Residential Districts

Suburban Ranch (SR-43 and SR-35)

~~R1-43~~ Single-family Residential (R1-43, R1-35, R1-18, R1-12, R1-10, R1-8 and R1-6)

~~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 (RM-1)

~~RMH-1~~ Mobile Home Subdivision (RMH-1)

~~RMH-2~~ Recreational Vehicle Resort (RMH-2)

~~SR-43 Suburban Ranch~~

~~SR-35 Suburban Ranch~~

B. Non-Residential Districts

~~O-1~~ Office Commercial (O-1)

~~C-1~~ Convenience Commercial (C-1)

~~PC-1~~ Planned Neighborhood Commercial (PC-1)

~~PC-2~~ Planned Community Commercial (PC-2)

~~C-2~~ Intermediate Commercial (C-2)

~~C-3~~ Central Commercial (C-3)

~~C-4~~ General Commercial (C-4)

~~C-5~~ Regional Commercial (C-5)

~~BPI~~ Business Park Industrial (BPI)

~~PI-1~~ Planned Light Industrial (PI-1)

~~I-1~~ Light Industrial (I-1)

~~I-2~~ Heavy Industrial (I-2)

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C. Special Districts and Overlay Districts

~~PAD~~-Planned Area Development (PAD)
~~PCD~~-Planned Community District (PCD)
~~PUD~~-Planned Unit Development ~~Option~~ (PUD)
Historic Preservation (HP)
~~AG~~-General Agricultural (AG)
~~FP~~-Flood Plain (FP)
~~SU~~-Special Use (SU)
~~OTMU Old Town Mixed Use~~
Downtown (D)
Special Use Permit (SP)
Hillside Development Overlay District (HDOD)
Desert Lands Conservation Overlay (DLCO)

Sec. 21-~~116328~~ 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 Section 21-~~117318~~ and pursuant to A.R.S. § 9-462.04.E.

Sec. 21-~~117318~~ Initial Zoning upon Annexation.

- A. *Legal Requirements.* Pursuant to A.R.S. § 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 A.R.S. § 9-462.04(E) and § 9-471(ML), 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 Department shall file applications for the initial zoning of annexed land. Once filed, such applications shall be subject to the rezoning procedures specified within Section 21-153 and notification requirements outlined in Section 21-146. ~~same procedures herein outlined for Rezoning, with the exception that a Notice of Application as described therein shall not be required. Changes in zoning of the annexed territory that occur after the initial zoning shall thenceforth be subject to the Rezoning procedures contained herein. Citizen Participation Plans shall not be required for the initial zoning of property subsequent to annexation.~~
- 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 the City building codes and County 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 effectiveness date of annexation, in cases where exterior walls have been completed to the plat 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.

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D. Public Participation and Process.

1. The Citizen Participation Process outlined within Section 21-153 shall not apply to initial zoning cases.
2. Public Notice shall be provided pursuant to Table 21-146.
3. Initial Zoning applications shall be reviewed and processed in accordance with Section 21-153.

Sec. 21-~~118329~~-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.

Sec. 21-~~119330~~- 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 Section.
- 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 Section, 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 Section 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 21-~~119331.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 Section. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Section and punishable as hereinafter provided.
- D. Notwithstanding the provisions of this Section of Chapter 21 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 this Section 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.
- 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".~~
- 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 Zoning Administrator Board, ~~after having received~~

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~~the recommendation of the Commission.~~ The Zoning Administrator Board, in reaching its determination, shall apply the following standards:

- ~~1. a.~~ 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. b.~~ 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. c.~~ If, after application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary, the Zoning Administrator Board shall determine and fix the location of such boundary in accordance with the purposes and intent of this Section.

Sec. 21-~~120860.~~ Legal Non-Conformance. ~~Intent.~~

This Section establishes provisions for the regulation of non-conforming uses, buildings, structures, lots, and sites. These regulations are designed to identify legal non-conforming rights, but discourage their perpetuation and expansion.

Sec. 21-~~121861.~~ Establishment of Legal Non-Conformance. ~~ity.~~

Legal non-conforming status is the result of a use, building, structure, lot, or site that was legally established prior to the adoption or amendment of this Zoning Ordinance or annexation into the City, but which would be prohibited, regulated, or restricted differently under the terms of this Zoning Ordinance. The burden of establishing lawfulness of a non-conformity shall be upon the owner.

Sec. 21-~~122862.~~ General Provisions.

All legal non-conformities may be continued so long as they remain otherwise lawful, subject to the following provisions:

A. *Non-Conforming Buildings and Structures.*

1. Only routine repair and maintenance, which does not increase the non-conformity are permitted.
2. The replacement of damaged or partially destroyed non-conforming buildings or structures due to fire, flood, or other calamity, to an extent of:
 - a. Fifty percent (50%) or less of the gross floor area may be restored to its previous condition(s), provided a building permit for such restoration has been obtained within one (1) year of calamity.
 - b. Greater than fifty percent (50%) of the gross floor area shall not be reconstructed except in conformance with the regulations for the current zoning district in which it is located.
3. Should any such building or structure be moved for any reason, for any amount of time, any distance, it shall thereafter conform to the regulations for the current zoning district in which it is located after moving.

B. *Non-Conforming Uses.*

1. The expansion of a non-conforming use within an additional building, structure, or land area is prohibited.
2. Whenever a non-conforming use has been discontinued or abandoned for a period of one (1) year, such use shall not thereafter be re-established and any future uses shall be in conformance with the current regulations for the current zoning district in which the property is located.

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- a. If the non-conforming use was forced to cease operations due to a fire, flood, or other calamity, the Zoning Administrator may extend the one (1) year deadline if a delay in recommencing was shown to be caused by unforeseen circumstances beyond the control of the property owner.
- b. Once changed to a conforming use, no building, structure or land shall be permitted to revert back to a non-conforming use.

C. *Non-Conforming Lots.*

1. A non-conforming lot shall develop in conformance with the regulations for the current zoning district in which it is located.

D. *Non-Conforming Sites.*

1. All sites deemed non-conforming due to non-compliance with current applicable development standards, to include, but not limited to parking, circulation, and landscaping, shall be subject to the Site Plan Amendment process in Section 21-~~154320~~.

Sec. 21-~~123863~~. Exceptions.

- A. Additions to a non-conforming single-family dwelling shall be permitted if the added portion conforms to all current development standards as regulated by the current zoning district in which it is located.
- B. Any non-conformity will be required to be brought into conformance, in a timely manner, if such compliance is mandated by State or Federal Law.
- C. Nothing in this section shall prevent the full restoration of a building or structure that is listed on the National Register of Historic Places, the Arizona State Register of Historic Places, or the Peoria Register of Historic Places.
- D. Non-conforming signs shall be subject to Section 21-838.

Sec. 21-124 through 21-129 Reserved.

Sec. 21-130.301- Decision-Making Officials and Bodies. ~~Intent.~~

The intent of this Section is to outline the roles played by the decision-making officials and bodies involved in the zoning processes, and to set forth the procedures for application, review, and approval of land development requests governed by this Ordinance.

Sec. 21-~~131.309~~. Planning Agency.

- A. *Establishment.* The City has established the Planning and Community Development Department (or otherwise referred to interchangeably as the "Planning Department" or "Department") to carry out the functions of the Planning Agency, pursuant to A.R.S. § 9-461.01 and the City Code, Chapter 20, Section 20-1, and further described herein.
- B. *General Powers and Duties.* The Planning ~~Community Development~~ Department shall perform but not be limited to, the following functions:
 1. Develop and maintain a General Plan.
 2. Develop such specific plans as may be necessary to implement the General Plan.
 3. Develop and administer a zoning code which will serve as an implementation vehicle for the General Plan and specific area plans.
 4. Perform such other planning functions as directed by the City Manager, Mayor and City Council.

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Sec. 21-~~132.308~~ Administrative Hearing Officer.

- A. *Authority.* Pursuant to A.R.S. § 9-462.08 and in accordance with Chapter 20, Section 20-41 of the City Code (1992), the City has the authority to establish administrative hearing officer(s) and delegate to the hearing officer(s) the authority to conduct hearings.
- B. *Appointment.* Hearing officers shall be appointed by the City Manager on the basis of technical training and experience which qualifies them to conduct hearings and make findings and conclusions on the matters heard.
- C. *Land Use Hearing Officer.* Pursuant to Subsection A. of this Section, the City has established a Land Use Hearing Officer. The Land Use Hearing Officer shall hear appeals for the following:
1. Decisions of the ~~Planning Community Development~~ Department regarding administration of the requirements of the Hillside Development Overlay District as described in Section 21-~~640710~~ and in accordance with Section 21-~~112311~~ through Section 21-~~115327~~.
 2. Determinations for exactions or dedications required by the City as a condition of granting approval for the use, improvement, or development of real property, in accordance with this Ordinance and all amendments thereto.
 3. Other matters as the Council may provide by Ordinance.

Sec. 21-~~133.302~~ City Council.

- A. *Authority.* Pursuant to provisions of the Peoria City Charter and limitations imposed by the State of Arizona, the Peoria City Council is vested with all the powers of the City.
- B. *General Powers and Duties.* The organization, powers, and duties of the City Council shall be as prescribed in Section II of the City Charter with all amendments thereof. The Council exercises broad approval authority and approves many types of land-use proposals contained in this ordinance. The Council has the power to create or abolish boards, commissions, or committees and may grant to them such powers and duties as are consistent with the provisions of the City Code.

Sec. 21-~~134.303~~ Planning and Zoning Commission.

The City has established the Planning and Zoning Commission pursuant to Chapter 3, ~~Section 3-53~~, of the Peoria City Code. ~~(1992)~~.

Sec. 21-~~135.305~~ Board of Adjustment.

The City has established the Board of Adjustment pursuant to A.R.S. § 9-462 and the Chapter 3 of the Peoria City Code, ~~Chapter 3 Section 3-15~~, and all amendments thereof.

A. ~~21-323.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 rezoning~~Zoning~~.

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B. ~~21-323.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.

Sec. 21-~~136.306.~~ Design Review Board.

The City has established the Design Review Appeals Board pursuant to the [Chapter 3 of the Peoria City Code](#), ~~Chapter 3, Section 3-18~~, and all amendments thereof.

Sec. 21-~~137.307.~~ Historic Preservation Board.

The City has established the Historic Preservation Commission pursuant to the [Chapter 3 of the Peoria City Code](#), ~~Chapter 3, Section 3-23~~, and all amendments thereof.

Sec. 21-138. Zoning Administrator.

[As set forth within this Zoning Ordinance or elsewhere within the Peoria City Code, the Zoning Administrator or designee shall have the authority and duties, and carry out all responsibilities identified within Sections 21-111 and 21-112.](#)

21-139 Reserved

Sec. 21-140. Development Applications and Procedures.

Sec. 21-141. ~~310.~~ Intent.

The intent of ~~the Administrative Procedures~~ [this](#) Section of this Ordinance is to set forth the procedures used for application, review, and decision-making for land development request governed by this Ordinance.

Sec. 21-142. Processing of Planning Applications and Permits.

[The Planning Department shall establish review process and procedures, submittal requirements, and applicable guidelines in conformance with the requirements of Chapter 21 Zoning Ordinance and the Peoria Community Design Guidelines for all planning applications and permits.](#)

[These development applications may include, but not limited to the following: General Plan amendments, Specific Area Plan adoption and amendments, Zoning Ordinance text amendments, zoning district map amendments, conditional use permits, conditional use permit, site plan and amendments thereto, preliminary plats, waivers, administrative relief, and variances. Planning permits may include, but are not limited to the following: sign permits, temporary use permits, and native plan permits.](#)

Sec. 21-143. Development Application Review.

- A. **Pre-application Meeting.** [Before filing any applications described Sections 21-150 through 21-165 below, the applicant shall submit a preliminary description of the proposal for review and comment by City staff.](#)

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This preliminary description shall include, at minimum, those items noted in the pre-application meeting guide, and contain sufficient scope and detail so as to allow a basic review of location, land area, land use, land use intensity, traffic generation and adjacent streets, stormwater drainage, utility service, and previous case history. The need for the conference and fee may be waived by the Zoning Administrator if it is determined sufficient information already exists regarding the request and case site.

B. Applicants. The following persons may file an application:

1. The owner of the subject property; or
2. An agent representing the owner, duly authorized to do so in writing by the owner.

C. Applications. Applications required by this ordinance shall be filed with the office of the Planning Department and include all of the following:

1. An application, provided by the City.
2. The required documents and information in a form acceptable to the Planning Department.
3. Additional materials, as required. The Zoning Administrator may require the submission of supporting materials as part of the application, including but not limited to, statements, photographs, plans, drawings, renderings, models, material samples and other items necessary to describe existing conditions and the proposed project.
4. The required fee.

D. Determination of Completeness. The Zoning Administrator, or designee, shall determine whether an application is complete.

1. **Incomplete Application.** If an application is deemed incomplete, notification to the applicant shall be provided in writing listing any additional forms, information, and/or fees that are necessary to complete the application within fourteen (14) days.
2. **Complete Application.** When all necessary information has been provided, and fees have been paid, then the application is determined to be complete. A notation of the date shall be made on the application record and initiation of the review process may begin.

E. Request for Corrections. During the review of the application, the Zoning Administrator or designee may issue a comprehensive written or electronic request for corrections, referred to herein this Section as the “Review Comment Letter”. If after the Zoning Administrator or designee has conveyed a comprehensive written or electronic request for corrections, and the applicant has not provided the documentation or information corrected in a timely manner, the application may be deemed inactive and administratively withdrawn in accordance with Section 21-145.

E. Review and Decision. Review and decision criteria for each type is specified within Section 21-150 through 21-165 below.

Sec. 21-~~144.314~~-Fees.

A. Schedule of Fees. Fees charged by the Planning Department shall be as adopted in the City Code. Payment of the fee is required in order for an application to be deemed complete. No application shall be processed without payment of the applicable fee unless a fee waiver or hardship has been approved by the Planning Department Director.

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B. ~~A.~~ Waivers. In cases where the applicant is the City Council, ~~City-Peoria~~ Planning and Zoning Commission, City 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 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 it deems appropriate.

D. Refund of Fees. Once an application is filed with the Planning Department, no part of any application fee shall be refundable, unless the Planning Department Director determines such a refund is justified on the basis of unique financial hardship and factual circumstances. No refund shall be made for any application that has been denied.

Sec. 21-~~145.316.~~ Application Expiration and Approval Extensions. of Applications.

~~All applications submitted to the Planning Division for staff review will expire and be deemed withdrawn if more than twelve (12) months pass from the latest date that staff has provided the applicant with review comments, unless a full re-submittal of case materials occurs.~~

A. Application Inactivity.

1. Applicability. This section is applicable to This includes, but ~~is~~ not limited to, applications for General Plan Amendments, Rezoning, PAD or PCD Amendments, Zoning Ordinance Text Amendments, Site Plan ~~Reviews, Major Site Plan Amendments,~~ Conditional Use Permits, Temporary Use Permits, ~~Requests for~~ Administrative Relief, ~~Requests for~~ Variance, Hillside Ordinance Appeals, Design Review including ~~A~~ appeals, Preliminary Plats, Waivers, and Sign Permits.

2. Resubmittal Deadline.

a. Upon the city's issuance of a "Review Comment Letter" as defined within Section 21-143.E, the applicant is required to submit all requested documents, materials, and requested information within a six (6) month period, beginning the day after the Zoning Administrator or designee issues the Review Comment Letter.

b. The last day of the resubmittal period shall be defined herein as the "Resubmittal Deadline". It is incumbent on the applicant to ensure understanding of, and compliance with, all resubmittal deadlines.

c. Should the need arise for the city to alter or revise the comments or list of documents, materials or requested information needed after issuance of the Review Comment Letter, the Resubmittal Deadline shall be restarted upon the day after the reissuance.

d. Should the Resubmittal Deadline transpire without a complete resubmittal by the applicant, the application shall be deemed expired and "inactive".

e. Should subsequent requests for corrections occur after a resubmittal is received, the city shall issue a subsequent "Review Comment Letter", and a new Resubmittal Deadline shall be established in accordance with the provisions herein.

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3. *One-Time Extension.* Prior to the expiration of the application, the applicant may submit a written request for a one (1) time extension, for up to six (6) months, from the Zoning Administrator. The request shall include an explanation as to why the requested information cannot be provided within the resubmittal timeframe. Should the extension be granted, the Resubmittal Deadline shall be extended to no more than six (6) months from the original expiration date. No additional extensions may be granted.
4. *Administrative Withdraw.* Once the application status becomes inactive, the Zoning Administrator or designee shall administratively withdraw the application without notice.

B. *Approval Expiration.*

Prior to the date of expiration of the approval for site plan applications, site plan amendment, preliminary plats, and design reviews, the applicant may file a request for an extension. The Zoning Administrator ~~Planning Manager~~ may authorize a one-time, ~~six (6)~~ twelve (12) month extension upon receipt of an approval extension request and any applicable fee. ~~The Applicant contact of record shall be provided written notice no less than thirty (30) days prior to the date of application expiration.~~

C. *Permit Approval Timeframe.*

1. The Zoning Administrator, Planning and Zoning Commission, Board of Adjustment, or City Council, in granting of any permit, also referred to as discretionary approval, or permit modification, for which the body has authority, may specify the time within which the proposed use must be undertaken and actively and continuously pursued.
2. The Zoning Administrator, Planning and Zoning Commission, Board of Adjustment, or City Council, may impose upon the permit a term of such period of time as is found to be consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare.
3. If no time period is otherwise specified by the decision-making body, any permit granted under this Ordinance may be declared expired, and no further force and effect, if it is not exercised or extended within the timeframe specified within this Ordinance.

Sec. 21-~~146.315~~. Notification Requirements.

The purpose of these requirements are to facilitate the provision of information to the impacted property owners, interested persons, government agencies, neighborhood and homeowner's association representatives that are registered with the City, the general public, and utilities (hereafter, the "Public") regarding development applications that have been submitted to the City, neighborhood meetings, and public hearings. In addition, the intent of these provisions are to provide opportunities to the Public to participate in neighborhood meetings and public hearings, and discuss an application with the applicant's representative(s) and City Staff during the City's application review process.

- A. *Requirement.* Notice shall be provided for applications identified in Table 21-~~146.315.A~~, and in accordance with the method(s) specified.

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Table 21-146. ~~315.A~~ Notice Requirements¹

Application Type	Notice of Application and Notification Distance	Notice of Hearing and Notification Distance	Newspaper Ad	Site Posting	Notice of Decision Notification Distance	Notice of Neighborhood Meeting and Notification Distance
<u>Minor</u> General Plan (Major/Minor) or Specific Area Plan Amendment	Yes ^{3, 4}	Yes ^{3, 4}	Yes	Yes ²	No	Yes ^{2, 3, 4}
Zoning Ordinance Text Amendment	No	No	Yes	No	No	N/A
Zoning, Initial	No	Yes ^{3, 4}	Yes	Yes	No	N/A
Rezoning (<u>Non PAD/PCD</u>)	Yes ^{3, 4}	Yes ^{3, 4}	Yes	Yes ²	No	Yes ^{2, 3, 4}
PAD/PCD Minor Amendment	Map Amendments only (300 FT)	Yes ^{3, 4}	Text Amendments Only	No	No	N/A
PAD/PCD Major Amendment	Yes ^{3, 4}	Yes ^{3, 4}	Yes	Yes ²	No	Yes ^{2, 3, 4}
Preliminary Plat	300 FT	Yes, if appealed, 300 FT	Yes, if appealed	No	300 FT	N/A
Site Plan and Site Plan Amendments	300 FT	Yes, if appealed, 300 FT	Yes, if appealed	No	300 FT	N/A
Conditional Use Permits	600 FT	600 FT	Yes	Yes ²	No	If a meeting is required, 600 FT
Temporary Use Permits	No	If a BOA hearing is required, 300 FT	If a BOA hearing is required	Yes ⁵	No	N/A
Administrative Relief ⁶	Abutting Properties only	N/A	No	No	Abutting Properties only	N/A
Hillside Appeal	No	300 FT	Yes	Yes	No	N/A
Variance	No	300 FT	Yes	Yes ²	No	N/A

Notes:

1. The Department shall provide the required notices and site postings unless Table 21-~~146~~~~315.A~~ indicates that they are to be provided by the applicant.

2. The applicant is to provide the notice/site posting.

3. Notification distance for a site area less than or equal to forty (40) acres: 600 feet.

4. Notification distance for a site area greater than forty (40) acres: 1,320 feet.

5. A sign shall be posted on the subject property for those temporary uses that operate during the qualifying hours specified in Section 21-~~160~~~~322~~.E.

6. Subject to the notification requirements outlined in Section 21-~~164~~~~324~~.E.

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B. *Notice to Impacted Associations, Entities, Governmental Agencies, Property Owners, and Interested Persons.*

1. The following notices shall be sent by first-class mail:
 - a. Notice of Application;
 - b. Notice of Neighborhood Meeting;
 - c. Notice of Hearing; and
 - d. Notice of Decision.
2. Each required notice shall be sent to the:
 - a. Owner of real property as last disclosed by County real estate tax records, situated wholly or partially within the notification distances for the application type specified in Table 21-~~146.315.A~~
 - b. Neighborhood Association(s) and Home Owners Association(s) that have registered with the City and is affiliated with a neighborhood located within a one (1) mile radius of the subject property; and
 - c. Interested persons.
3. Additional Notice Requirements for General Plan, Specific Area Plan and Rezoning Applications. In addition to the notices set in accordance with subsection B.2. of this section, a Notice of Application and Notice of Hearing shall be sent electronically, or another method approved by the Zoning Administrator, to:
 - a. The military airport or facility if the subject property is in the Territory in the Vicinity of the military airport or facility described in A.R.S. § 28-8461, as amended;
 - b. The planning agency for the municipalities and unincorporated areas of counties whose corporate area is situated wholly or partially within one (1) mile of the subject property; and
 - c. Any other governmental agency, school district or public utility required by the Zoning Administrator.

C. *Notice Timeframes and Additional Requirements.*

1. *Notice of Application.* When the notice is required in Table 21-~~146.315.A~~, it shall be mailed prior to the completion of the Department's first review of an application.
2. *Notice of Neighborhood Meeting and Notice of Public Hearing.*
 - a. When the notice is required in Table 21-~~146.315.A~~, it shall be sent at least fifteen (15) calendar days prior to a meeting and public hearing. The number of days stated herein excludes the day that the mailing is sent, and the day of the neighborhood meeting and public hearing.
 - b. The notice shall provide:
 - 1) A general description of the purpose of the application and property location map;
 - 2) Contact information (mailing address, telephone number, and email address) for City Staff and the applicant; and

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- 3) The time, date, and place or method (e.g. electronic virtual meeting or hearing) that the meeting or hearing will be held.
3. *Notice of Decision.* When the notice is required in Table 21-~~146.315.A~~, it shall be mailed within fourteen (14) calendar days of the last action on the application.
4. *Newspaper Ad.*
 - a. When a newspaper notice is required in Table 21-~~146.315.A~~, it shall be published in a newspaper of general circulation in the City at least fifteen (15) calendar days prior to the hearing. The number of days stated herein excludes the day of the publication and the day of the hearing. The notice shall provide:
 - 1) A general description of the purpose of the application and property location;
 - 2) Contact information (mailing address, telephone number, and email address) for City Staff and the applicant; and
 - 3) The time, date, and place or method (e.g. electronic virtual hearing) that the hearing will be held.
 - b. Zoning Ordinance Text Amendment. The notice shall be a "display ad" covering not less than one-eighth (1/8) of a full-page. The proposed text of the amendment shall be provided in the notice or available on the City's website.
 - c. All Other Applications. The notice shall be a "display ad" covering not less than one-eighth (1/8) of a full-page. The notice may be combined with other notices to be heard at the same hearing.
5. *Site Posting.*
 - a. The subject property shall be posted in a conspicuous location with a minimum of one sign when it is required in Table 21-~~146.315.A~~. The Zoning Administrator may require additional signs for an application that is greater than ten (10) acres, abuts multiple streets, or requires additional sign area to provide application-related information. The sign shall conform with the site posting guide available from the Department.
 - b. The site posting, including any updates to the sign, shall be completed at least fifteen (15) calendar days prior to a neighborhood meeting and public hearing. The number of days stated herein excludes the day that the sign is posted, any day that the sign is updated, and the day of the hearing and neighborhood meeting. If the applicant is responsible for the posting and updating of the sign, the applicant shall provide the City with a photo exhibit and affidavit attesting to the posting and updating of the sign within the timeframe state herein.
 - c. All site postings required by this section shall be removed within fourteen (14) calendar days of the last action, withdrawal, or expiration of an application.

D. Failure to Receive Notice.

1. In accordance with A.R.S. § 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.

Sec. 21-148 through 21-149 Reserved

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Sec. 21-150. Specific Application Procedures.

Sec.21-151 Annexation Procedures.

Annexations shall be considered by City Council in accordance with the adopted policies and procedures on file with the Planning Department.

Sec. 21-152. General Plan Amendments.

- A. **General.** The chapters of the General Plan may be amended, supplemented or modified. Requests to amend the General Plan may be initiated by the Department, Planning and Zoning Commission, City Council or property owner of the real property which is the subject of the application.
- B. **Application.** Refer to Arizona State Law and the General Plan for procedures, criteria and processing of amendments. Additionally, refer to Table 21-146 for notice requirements for minor amendments.

Sec. 21-~~153~~³¹⁷. Rezoning.

- 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 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 rezone requests within the City of Peoria. For initial zoning applications, refer to Section 21-117.
- C. ~~**Mandatory Pre-Application Conference, Plan Submittal and Approval.**~~ The applicant must attend a pre-application conference prior to applying for rezoning. The requirement for a Citizen Participation Plan and required meetings with the adjacent neighborhoods and interested persons will be reviewed at the conference.
- D. *Application for Rezoning.*
 - 1. All applications for rezoning, except those involving a Planned Area Development (PAD), Planned Community District (PCD), or detached or attached single-family units on individual lots, shall be accompanied by a Site Plan Review application prepared in accordance with this Section.
 - 2. Rezoning 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, and where the applicant is not the City Council, the Planning and Zoning Commission, or the Department, 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.
 - 3. Any person or entity who seeks a rezoning shall submit an application on the official form provided by the Planning Department. Submittal requirements shall be as established administratively by the Planning 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, a scaled diagram of the subject parcel and surrounding area, and a Citizen Participation Report Plan.

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4. The applicant shall present evidence of ownership or the type of controlling interest in the property (e.g., option to purchase) to the Planning Department. The applicant shall submit the application together with the applicable fee to the Planning Department.

E. ~~Citizen Participation Process. A Citizen Participation Process shall accompany all rezone requests.~~

The purpose of the Citizen Participation Process is to provide a forum for public involvement and resolution of concerns prior to the formal public hearing process. The Citizen Participation Process ("CPP") shall not be required for initial zoning cases per Section 21-~~117.319~~ and minor amendments to approved Planned Area Developments (PADs) and Planned Community Districts ~~Developments~~ (PCDs).

1. Number of Meetings. The applicant shall hold at least one neighborhood meeting with persons who may be impacted or have an interest in the application; said persons shall be notified pursuant to Section 21-~~146.315~~.
2. Venue. The neighborhood meeting shall be held in person at a neutral location within the general area of the request, unless an alternative meeting method, including but not limited to an electronic virtual meeting or similar method, is approved or required by the Zoning Administrator. The Zoning Administrator may approve, or require the use of, an alternative meeting method in place of, or in addition to, an in person meeting. The notice of the neighborhood meeting and the format and manner of an alternative meeting method shall conform with the neighborhood meeting guide available from the Planning Department.
3. Citizen Participation Report. The applicant shall prepare and submit a "Citizen Participation Report" ~~report~~ to the Planning Department that describes the meeting, numbers in attendance, any comments received at the meeting or any other form of communication received regarding the application, how these comments will be evaluated, and any mitigation issues identified as a result of the comments and concerns received.
4. ~~3.~~ Timing of Neighborhood Meeting(s). The required neighborhood meeting shall be conducted after the applicant receives notice that the Planning Department has completed its review of the first submittal of the application, and before the applicant's second submittal of the application.

Upon completion of the Department's review of the first submittal of an application, if the Zoning Administrator determines that a subsequent application submittal is not required, the applicant shall conduct a neighborhood meeting at least thirty (30) calendar days before the Planning and Zoning Commission's first public hearing.

5. ~~3.~~ Validation of Report. A hearing date shall not be scheduled until the applicant has held the neighborhood meeting and the applicant's Citizen Participation Report has been submitted and validated by the Planning Department.

F. ~~Department~~ Review.

1. The Planning Department shall review the application in accordance with provisions set forth in the Process Guide. After an application has been deemed complete by the Department, the application shall be routed to City Departments and affected external agencies for review. Upon the completion of each review, the Department shall transmit the comments to the applicant. The applicant shall then revise and resubmit the application materials to address the outstanding issues and concerns raised in the comments. Upon final completion of the review or a

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determination by the Zoning Administrator ~~Planning Manager~~, that the application is ready to proceed, the Department shall set a date for a public hearing with the Planning and Zoning Commission. The Department shall prepare and submit a written report and recommendation to the Commission.

2. The Zoning Administrator ~~Planning Manager~~ shall not approve or recommend approval of any rezoning unless the Zoning Administrator ~~Planning Manager~~ has received a Waiver of Claim for Diminution in Value ~~Proposition 207~~ from the Owner or Owners of the property that is the subject of the rezoning, or has determined that the absence of such a ~~w~~Waiver of Claim for Diminution in Value ~~Proposition 207~~ is consistent with the City's General Plan and zoning goals and requirements.

G. *Planning and Zoning Commission Hearing and Recommendation.*

1. The Department shall refer all rezonings to the Planning and Zoning Commission for study and public hearing.
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; however, the Commission shall not continue the public hearing more than three meetings in succession without again providing notice in the above prescribed manner.

H. *City Council Hearing and Action.*

1. The City Council may adopt the Planning and Zoning Commission's recommendations without holding a second public hearing unless:
 - a. The applicant (for the rezoning request), aggrieved party, member of the public, or a member of the City Council objects to adoption of the recommendation of the Planning and Zoning Commission without a City Council hearing. Said objection shall be filed in writing within fifteen (15) ~~ten (10)~~ calendar days after the Commission renders its recommendations.
 - b. The Planning and Zoning Commission has recommended approval of the proposed amendment and a written legal protest, as defined in A.R.S. § 9-462.04.H., as amended or renumbered, has been filed.

2. *Council Action.*

a. The City Council, after receiving the report and recommendation of the Planning and Zoning Commission, may take action as follows:

- 1) Affirm in whole or in part the action of the Commission;
- 2) Reverse in whole or in part the action of the Commission;
- 3) Modify any decision, determination, or requirement of the Commission; or
- 4) Remand the matter back to the Commission for further consideration.

b. Rezone applications shall be approved or denied by the City Council within one hundred and eighty (180) days from the date of "Determined Completeness", pursuant to Sec. 21-143.D.

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- 1) The City may extend the timeframe to approve or deny the request beyond the timeframe noted above for any of the following reasons:
- a) For extenuating circumstances, the City may grant a onetime extension of not more than thirty (30) days.
- b) If an applicant requests an extension, the City may grant an extension of thirty (30) days for each extension granted.
- c. Section 21-153.H.2.b shall not apply to rezone applications or amendments for Planned Area Developments (PADs), Planned Community Districts (PCDs), or lands designation as a District of Historical Significance pursuant to A.R.S. §9-462.01.A.10 as amended or renumbered, or any area designated Historic on the National Register of Historic Places.
3. *Legal Protest.* A Legal Protest occurs when protests are filed in accordance with A.R.S. § 9-462.04.H., as amended or renumbered. The protests ~~must~~ and received by Peoria City Clerk within the specified time limit identified in A.R.S. § 9-462.04.H., as amended or renumbered. ~~with the Department, within ten (10) calendar days after the Commission renders its recommendations.~~ Actions involving Legal Protest require a supermajority vote of the City Council in accordance with A.R.S. § 9-462.04.H., as amended or renumbered.
4. *Withdrawal of Objection, Protest, or Request for Public Hearing.* To withdraw a protest, objection, or request for public hearing, the applicable party must provide a request in writing to the Department.
- I. *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 Department, the conditions upon which the original denial was based have changed.
- J. *Conditions of Approval.* As part of any rezoning approval, the Planning and Zoning Commission may recommend and the City Council may adopt conditions and/or schedules for the development of the property.
1. *Conditions.* The City Council may condition approval of a rezoning upon the occurrence of one or more of the following:
- Development in accordance with a specific Site Plan and/or obtaining Site Plan approval in accordance with Section 21-~~156329~~ of this Section.
 - Reduction in the otherwise applicable floor area ratio, lot coverage, building height, or density requirements.
 - Increases in the otherwise applicable building setback, lot area, parking space, landscaping, or open space requirements.
 - 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.
 - Such other conditions as may be allowed by law.
 - Completion of a re-use plan as determined by the Planning Department.

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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 Zoning Ordinance any condition(s) or schedule(s) imposed pursuant to this Section.
 4. *Modification of Adopted Conditions and Schedules.* A request to modify the condition(s) or schedule(s) of approval adopted by Council is subject to the following:
 - a. The applicant must file a written request with the [Planning](#) Department, requesting a modification to the adopted requirements. The [Planning](#) Department shall forward the request to the Commission for consideration and recommendation to the Council. The Council shall thereupon determine whether or not the modifications will be approved.
 5. *Failure to Comply with Adopted Conditions and Schedules.* If an applicant fails to comply with any condition(s) or schedule(s) adopted by Council upon the rezoning of the property, the applicant shall be subject to the following:
 - a. The applicant may file a request with the Planning and Zoning Commission for an extension of the time schedule for meeting the adopted requirements. The Commission shall consider the request and submit a recommendation to the Council. The Council shall thereupon determine whether or not the extension will be approved.
 - b. The [Zoning Administrator](#) ~~Department Director~~, or designee thereof, may file an application with the Planning and Zoning Commission requesting reversion of the zoning, based upon the applicant's failure to comply with the adopted conditions for the rezoning. The Commission shall consider the [Zoning Administrator](#) ~~Department 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 [Zoning Administrator](#) ~~Department 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 Subsection J.
- K. *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.

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- L. *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.
- M. *Effective Date of Rezoning.* Rezoning amendments shall become effective thirty (30) days after the date of adoption by the City Council.
- N. *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.

Sec. 21-~~154.319~~ Zoning Ordinance Text Amendments.

- A. *General.* The City Council may 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 submit an application for a text amendment on the official form provided by the [Planning](#) Department. Submittal requirements shall be as established administratively by the Planning 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 [Planning](#) Department.
- C. ~~Department~~ *Review.*
 - 1. [Review and Findings.](#) The application shall be reviewed by appropriate City Departments. After the review is complete, the Department shall set a date for a public hearing with the Planning and Zoning Commission. The Department shall prepare and submit a written report and recommendation to the Commission, prior to the date of the public hearing.
 - 2. [Review of Projects in Progress.](#) Any site plan, design review, preliminary plat, or similar type of application for a project that has been submitted for review, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of any text amendment to this Zoning Ordinance, shall be reviewed in accordance with the Zoning Ordinance in effect on the date the application was deemed complete.

If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire, and subsequent applications shall be subject to the requirements of the Zoning Ordinance in effect. Any re-application for an expired project approval shall meet the standards and regulations in effect at the time of re-application.
- D. *Planning and Zoning Commission Hearing and Recommendation.* The Department shall refer all proposed text amendments to the Planning and Zoning Commission. The Commission shall conduct a public hearing, review the proposal, and forward a recommendation to the City Council for consideration.

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- E. *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.

Sec. 21-~~155.321~~. 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 Section to permit conditional uses in appropriate zoning districts, when designed and developed in a manner which ensures maximum compatibility with adjoining uses. It is the purpose of this Zoning 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 Peoria Zoning Ordinance.

B. *General Regulations.*

1. Zoning district regulations established elsewhere in this Zoning Ordinance specify that certain buildings, structures, and uses of land may be allowed by the Planning and Zoning 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 Planning 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 Planning Department shall consider a building, structure, or use that fails to conform to the requirements of this Section as non-conforming as described in Section 21-~~120.860~~_z "Legal Non-Conformance," and its continuance shall be governed by all non-conformity regulations stipulated in this Zoning Ordinance.
3. When issued, a Conditional Use Permit shall be 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 Section, shall be the responsibility of the property owner.
4. 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.
5. A Conditional Use Permit shall expire within eighteen (18) months of the date of approval of the application in the event that: (a) the use has not been exercised; or (b) a building permit or another regulatory permit, or demonstrable evidence to obtain such, is not obtained within this timeframe.

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C. *Mandatory Pre-Application Conference.*

- ~~1.~~ The applicant must attend a pre-application conference prior to applying for a Conditional Use Permit. Submittal requirements specific to the desired use will be discussed at the conference.

D. *Application.* An application for a Conditional Use Permit shall be submitted to the Department on an official form provided by the Department. The application shall satisfy the submittal requirements as provided in the Conditional Use Permit Process Guide. Submittal requirements shall be as outlined in the Process Guide and shall include, but not be limited to, the following:

1. Identification of impacts upon adjacent residential neighborhoods within one quarter mile, or such other distance deemed appropriate by the Zoning Administrator ~~Planning Manager~~, from the subject site and of the means proposed to address the identified impacts.
2. Specific conditions proposed by the applicant to make the proposed use compatible with existing permitted principal and conditional uses.
3. Other data as may be required by the Zoning Administrator ~~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.

E. *Review.*

1. The Zoning Administrator or designee ~~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 identified within this Section.~~;~~

2. The Zoning Administrator may recommend to the Planning and Zoning Commission any conditions which are deemed necessary to mitigate potential impacts and ensure compatibility of the use with surrounding development and the City as a whole, and which are required to preserve the public health, safety and general welfare.

3. The Zoning Administrator shall not recommend approval unless the Department has received a Waiver of Claim for Diminution in Value from the Owner(s) of the property that is the subject of the Conditional Use Permit, or has determined that the absence of such a Waiver of Claim for Diminution in Value is consistent with the City's General Plan and zoning goals and regulations.

- ~~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 Use Permit, for the zoning district in which the property is located.~~

- ~~3. Whether the use is consistent with the goals, policies, and intent 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. Whether the use will be materially detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the property, to the neighborhood, or to the public welfare; or if the use will unreasonably interfere with the use and enjoyment of nearby properties. Consideration shall include, but not be limited to the following factors:~~

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- ~~a. Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination;~~
- ~~b. Impact on surrounding areas resulting from an unusual volume or character of traffic;~~
- ~~c. Ingress and egress to the property and proposed structures;~~
- ~~d. Pedestrian and vehicular circulation with particular reference to fire protection;~~
- ~~e. Parking and loading; and,~~
- ~~f. Impact on public services, including schools, utilities, and recreation.~~

~~7. The Planning Manager shall not approve or recommend approval of any Conditional Use Permit unless the Department has received a Waiver of Proposition 207 from the Owner(s) of the property that is the subject of the Conditional Use Permit or has determined that the absence of such a Waiver of Proposition 207 is consistent with the City's General Plan and zoning goals and regulations.~~

~~8. For Adult Uses. Whether the use complies with specific guidelines established by the Planning Manager for all Adult Uses. 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 Permits are granted. Such guidelines must be in writing and on file before the date of the application of the Conditional Use Permit for the Adult Use and copies shall be on file with the Department, City Clerk Department, and Office of the City Attorney.~~

F. Findings. Prior to approving a conditional use permit, the Planning and Zoning Commission shall make the following findings.

1. The proposed use is consistent with the General Plan and all applicable provisions of this Zoning Ordinance, and applicable state and federal regulations;
2. The proposed use is consistent with the purpose and intent of the zoning district in which it is located and meets any applicable use-specific standards within this Zoning Ordinance;
3. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (such as, but not limited to, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
4. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable;
5. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;
6. Adequate assurances of continuing maintenance have been provided; and
7. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent practicable.

GF. Citizen Participation Process.

1. If written opposition to a Conditional Use Permit application is received by the Department within 21 days, a neighborhood meeting shall be required as part of the process of identifying and addressing potential impacts that the proposed use may impose on the surrounding area. The Citizen Participation Process ("CPP") shall include the following:

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- ~~1.-a.~~ The applicant shall hold at least one neighborhood meeting. The neighborhood meeting shall be held in a neutral location within the general area of the request.
- ~~2.-b.~~ At a minimum, the applicant shall send written notice to interested and affected persons; said parties shall be notified according to the requirements of Section 21-~~146~~**315**.
- ~~3.-c.~~ The applicant shall prepare and submit a report to the Department that describes the meeting, number of individuals in attendance, any comments received at the meeting or any other form of communication received regarding the application, how these comments will be evaluated, and any mitigation issues identified as a result of the comments and concerns received.

G. Conditions.

The Planning and Zoning Commission may place any conditions which are deemed necessary to mitigate potential impacts and ensure compatibility of the use with surrounding development and the City as a whole, and which are required to preserve the public health, safety and general welfare. These conditions may include but are not limited to:

1. Requirements for setbacks, open spaces, buffers, fences or walls, and landscaping to mitigate conflicts from visual, noise, lighting and similar impacts associated with the use;
2. Dedication of street or other public rights-of-way, and control in location of access points and on-site circulation to mitigate traffic impacts from increased volumes or nature of traffic activity associated with the use;
3. Regulations pertaining to hours of operation, methods of operation, and phasing of the development of the site to mitigate impacts to surrounding properties and the neighborhood;
4. Time limits on the duration of the permit to determine if the use, after a temporary period of operation, is materially detrimental to public health, safety, or welfare or to evaluate whether changed conditions in the neighborhood effect the capability of the use to continue to adequately mitigate impacts to the surrounding area or the City as a whole.

H. Public Notice and Action by the Planning and Zoning Commission ~~Public Meeting.~~

1. Prior to the public hearing, notice shall be provided in accordance with Section 21-146.
2. At the public hearing, the Planning and Zoning Commission may approve, approve with conditions, continue, or deny any application after conducting a public hearing. ~~The Planning and Zoning Commission shall consider a request for a Conditional Use Permit at a public meeting. The Commission Chair may choose to open a portion of the meeting to public comment if the Chair believes it is necessary to further address the health, safety and welfare of the neighborhood.~~
 - a. If the Commission approves the application, the Department shall issue a Conditional Use Permit setting forth all conditions and requirements imposed pursuant to this Ordinance and adopted by the Commission as part of the approval governing such use.
 - b. If the Commission denies the application, the Commission will identify the basis for the denial and the specific criteria in this Ordinance that have not been met by the applicant.
 - c. Continuance. A continuance may be requested by City staff, the Planning and Zoning Commission, or the applicant. All requests for continuance shall be to a date certain, unless otherwise agreed to by the applicant.

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- ~~32.~~ The decision of the Commission is final and effective fifteen (15) calendar days following the date of decision unless an appeal is filed pursuant to this Section.

I.H. *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, regarding a Conditional Use Permit, to the City Council.~~

1. Filing. Appeals may be filed by:

- a. The owner of the property that is the subject of the Planning and Zoning Commission decision.
- b. Any City of Peoria property owner or property owners within the notification area identified within 21-146.

2. Deadline.

- a. The appeal must be in ~~writing and~~ filed with the Planning Department, within fifteen (15) calendar days of the date of the Planning and Zoning Commission decision.
- b. The filing of an appeal will be considered complete upon receipt by the Planning Department. ~~Director.~~

3. Form. The appeal shall be filed using the form provided by the Planning Department, and must specify the grounds of the appeal.

4. Determination of Validity.

- a. Appeals filed with the intent to contest prior City Council authorization of the use as a conditionally permitted use or the zoning designation shall be determined by the Zoning Administrator to be invalid, and shall not be forwarded to the appeal body for consideration.
- b. Upon receipt of a valid appeal, the Zoning Administrator shall forward the appeal to City Council as outlined below.

J. *City Council Hearing.*

~~The Department shall set the hearing date for an appeal of a Conditional Use Permit no more than seventy-five (75) days after the date the appeal is filed.~~

- 1. *Notice.* The Planning Department shall ensure that notice is provided in the manner described above for the Planning and Zoning Commission hearing.
- 2. *Hearing.*
 - a. The Department shall set the hearing date for an appeal of a Conditional Use Permit no more than seventy-five (75) days after the date the appeal is filed.
 - b.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 Planning and Zoning Commission, applicable law, the review criteria stipulated in this Section, and guidelines promulgated by the Planning Department.
 - c.b. If the City Council reverses or modifies the decision of the Planning and Zoning Commission, the City Council shall direct the City Attorney to prepare written findings setting forth the basis for the reversal or modification.

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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. The City Council may request a continuance as long as the applicant is in concurrence of said request.

K. *Continuing Jurisdiction and the Revocation, Modification, or Suspension of Permits.*

1. Continuing Jurisdiction ~~Conditional Use Permits.~~

- a. The Zoning Administrator ~~Planning Manager~~ shall have continuing jurisdiction over all 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.

2. Revocation, Modification, or Suspension.

a. An approved Conditional Use Permit may be revoked, modified, or suspended by the Planning and Zoning Commission at a public hearing if the holder thereof fails to comply with the conditions or terms of approval for such conditional use permit.

b. The Zoning Administrator shall provide notice of the hearing to the conditional use permit holder via certified mail no later than thirty (30) days prior to the hearing.

c. ~~a.)~~ Notice and a public hearing shall be provided in the same manner as for Conditional Use Permit applications.

d. ~~5.)~~ Conditional Use Permits for Adult Uses. For proceedings to revoke, modify, or suspend the approval of a Conditional Use Permit for an Adult Use, the Commission shall consider no criteria other than the a) criteria set forth in this Section, criteria set forth in Sections 21-501 through 21-506 pertaining to Adult Uses, and b) guidelines promulgated by the Zoning Administrator ~~Planning Manager~~ in accordance with said Sections.

e. All notification shall be completed at the city's expense.

f. The decision of the Planning Commission shall be final.

L. Reapplication. If a conditional use permit has been denied or revoked, no application shall be accepted by the Zoning Administrator or designee for a conditional use permit that is:

1. For the same or substantially similar use;
2. Located on the same site; and
3. Submitted within one (1) year from the date of the final denial or revocation.

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Sec. 21-~~156320~~-Site Plan.

A. *Purpose and Applicability.*

1. New development and existing developments which are proposing qualifying building additions, alterations and/or site improvements shall be subject to Section 21-~~156320~~ of the Zoning Ordinance ("Site Plan Review"). Detached or attached single-family units on individual lots shall not be subject to the Site Plan process.
2. The Zoning Administrator ~~Department~~ is authorized by the provisions of the City Code to review site plan applications, and make a determination that the proposed project, or alterations and site improvements are in compliance with the underlying zoning and other applicable ordinances, codes, and regulatory requirements. The Zoning Administrator, or their designee, shall be referred interchangeably hereinafter in this Section as Department.
3. The regulations provided herein are intended to facilitate the orderly present and future development of the City by promoting the public health, safety, and general welfare, and aesthetic character of the community.
4. This Section establishes the application requirements, review procedures, and approval criteria utilized by the Department when considering an application for a Site Plan.

B. *Application Requirements.* An application for Site Plan Review must include all information required in the official process guide and application packet for Site Plan Review applications made available by the Department, in addition to other information required by the Zoning Administrator ~~Planning Manager~~ or designee based on the nature of the proposed development.

C. *Approval Criteria.*

1. The Department shall review Site Plan applications in accordance with applicable Zoning Ordinance regulations, Peoria Community Design Guidelines ~~Review Manual~~, applicable City Code provisions, and other regulatory requirements.
2. Approval of a Site Plan application shall be given only when in the judgement of the City, such an approval is consistent with the intent and purpose of this Section, and it is determined that the proposed application is:
 - a. Consistent with the health, safety, and welfare of the community;
 - b. In harmony with the purposes and intent of this Ordinance, the General Plan, and any adopted plan for the area; and
 - c. Will not cause traffic related concerns that cannot be mitigated as determined by the City Engineer.

D. *Notice of Decision.*

1. 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.
2. The Department shall provide notice of the decision in accordance with the provisions of Section 21-~~146315.F.3~~. If no appeal is filed within the timeframe specified in subsection E.4.b. of this section, then the decision of the Department shall be final.

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E. *Appeal Criteria and Procedure.*

1. The Notice of Decision by the Department may be appealed by the applicant, or any City of Peoria property owner or property owners within the notification area identified within Section 21-~~146~~~~315~~, Notices of the Zoning Ordinance.
2. The purpose of the appeal criteria provided herein is to fairly accommodate appeal rights of persons aggrieved by City decisions, while also ensuring that appeals are conducted fairly and expeditiously in a manner that protects the rights of all parties and ensures finality in land use decisions and development permitting.
3. An appeal of a Site Plan decision is limited to instances where the aggrieved party alleges there was an error in a decision or determination in the enforcement of the Zoning Ordinance or applicable regulatory requirements.
4. To initiate an appeal the Department's decision regarding a site plan application:
 - a. A written notice of appeal shall be submitted on a form prescribed by the Department and includes specific citations from the Zoning Ordinance or other regulatory documents in which the Appellant believes the Site Plan does not comply with; and
 - b. Be received by the Department within fifteen (15) calendar days after the Notice of Decision has been issued. The deadline shall be extended to the end of the next business day when the deadline occurs on a non-business day.
5. The filing of an appeal will be considered complete upon receipt of the written appeal by the Department Director within the specified timeframe and meets all of the appeal criteria as specified within ~~the S~~subsection ~~21-322.E~~ above.

F. *Determination by Department Director.*

1. Appeals filed with the intent to contest the proposed land use, the zoning designation, or an approval of a conditional use permit shall be determined by the Department Director to be invalid and shall not be forwarded to an appeal body for consideration.
2. Upon receipt of a valid appeal, the Department Director shall make a determination as to the nature of the appeal and shall determine the appropriate Hearing Officer to hear the appeal.
3. Appeals of a technical nature, such as but not limited to utility locations, grading and drainage, or traffic mitigation measures shall be heard by the City Engineer, or designee thereof, acting in capacity of the Hearing Officer.
4. Appeals regarding exactions or dedications associated with the site plan shall be heard by the Land Use Hearing Officer, which shall be the City Manager or designee.
5. For all other types of appeals, they shall be heard by the Land Use Hearing Officer, which shall be the City Manager or designee.

G. *Action of Hearing Officer.*

1. The Hearing Officer shall hold a hearing and provide the appellant, applicant, Department staff, and those property owners and registered homeowner's associations within the required notification radius 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.

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2. The Hearing Officer's decision shall be in writing and shall be provided to the appellant, applicant, the Department, and any property owners and homeowner's association representatives who attended the hearing.
3. The decision of the Hearing Officer shall be final.

H. *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~~ 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 Zoning Administrator ~~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.

I. Amendments to Approved Site Plans.

1. When a site plan has been previously approved and alterations to the proposed buildings or site improvements are desired, a site plan amendment will be required if those changes are deemed by the Zoning Administrator ~~Planning Manager~~ or designee to be substantial in nature.
2. Substantial changes may include, but not be limited to a ten (10) percent increase in a project gross land area, a building or buildings' square footage, or a multi-family project's density, or a material change to the project's land use, or an alteration to the project's circulation pattern.
3. A site plan amendments shall be submitted, reviewed and approved in accordance with the same Site Plan approval criteria as identified herein.
4. Any modification which does not substantially change the approved site plan~~;~~, shall be not require the applicant to obtain new site plan approval and may be addressed through the building permit process.

Sec. 21-~~157~~ **856**. Special Use Permit. ~~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. Refer to Section 21-670 for a list uses subject to a Special Use Permit.

Sec. 21- ~~158~~**858**. Special Use Permit Application Process.

A. *Application.*

1. An application for a Special Use Permit shall be submitted to the Planning Community Development ~~Department~~ 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

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not be limited to, the following:

- a. A detailed site plan prepared in accordance with the provisions set forth in Section 21-~~156~~320 of this Ordinance.
- b. A design review submittal in ~~accordance with Chapter 20 of the Peoria City Code (1992) and the City's Community Design Guidelines~~ 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~~ Planning Department shall review the application in accordance with provisions set forth in the Site Plan and ~~the Community Design Guidelines~~ 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~~ Planning Department will transmit the application to the applicable City Departments for formal review. The ~~Community Development~~ Planning 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~~ Planning 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 Section 21-~~146~~317.

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.

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- 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.
 8. The Zoning Administrator ~~Planning Manager~~ shall not approve or recommend approval of any Special Use Permit unless the Zoning Administrator ~~Planning Manager~~ has received a Waiver of Claim for Diminution in Value ~~Proposition 207~~ from the Owner or Owners of the property that is the subject of the Special Use Permit, or has determined that the absence of such a Waiver of Claim for Diminution in Value ~~Proposition 207~~ is consistent with the City's General Plan and zoning goals and regulations.

Sec. 21-~~159.859~~. 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 Planning Department along with appropriate documents and fee.
 2. The Zoning Administrator ~~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 Zoning Administrator ~~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

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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 Section 21-~~146~~³¹⁸.

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.

a. The Zoning Administrator shall provide notice of the revocation hearing to the special use permit holder via certified mail no later than thirty (30) days prior to the hearing.

b. Notice and a public hearing shall be provided in the same manner as for Special Use Permit applications.

c. All notification of the revocation hearing shall be completed at the city's expense.

d. The decision of the City Council shall be final.

e. If a special use permit has been denied or revoked, no application shall be accepted by the Zoning Administrator or designee for a special use permit that is:

1. For the same or substantially similar use;

2. Located on the same site; and

3. Submitted within one (1) year from the date of the final termination or revocation.

Sec. 21-~~160~~³²². Temporary Use Permits.

A. *Purpose and Applicability.*

1. In addition to regulating uses which are permanent in nature. it is the intent of Section 21-~~160~~³²² of the Zoning Ordinance, otherwise referred to as the Temporary Uses Section, or Section herein, to accommodate reasonable requests for interim or temporary uses for a limited period of time when such activities are appropriate.
2. The Temporary Use Section authorizes the City to allow short-term land uses if the use does not interfere with surrounding uses, or pose a threat to public health, safety, and welfare. Allowing temporary uses, as provided for herein is not intended to permanently establish or authorize uses otherwise prohibited by the Zoning Ordinance.
3. These regulations are intended to ensure that the temporary use is conducted in a manner to maintain compatibility between the temporary use and surrounding area. Any review or approval by the City is solely intended to address City ordinances and regulations, and is not intended to supersede applicable state or federal regulations.

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4. Temporary uses shall be permitted on private property with the issuance of a Temporary Use Permit (TUP) as specified within this Section. Events or activities conducted on City of Peoria owned property, or within public streets or public right-of-way shall obtain a Special Event Permit, which is administered by the City.
5. This Section establishes the procedures, and criteria to be used by the Department when considering an application for a Temporary Use Permit.

B. *Temporary Use Permit:*

1. *Temporary Uses Allowed, Permit Required.* The Temporary Uses identified below shall obtain a Temporary Use Permit pursuant to the procedures set forth in this Section. Temporary Uses shall mean events such as, but not limited to:
 - a. Carnivals, circuses, craft shows, exhibitions, fairs, festivals, home and garden shows, temporary outdoor sales events, or similar special events not otherwise excluded within this Section.
 - b. Donation/Recycling Drop-Off Boxes.
 - c. Outdoor concerts, and paid admission events.
 - d. Events held on unimproved surfaces or lots.
 - e. Such other uses as the City may deem to be within the Purpose and Applicability of this Section.
2. *Temporary Use Permit Exemptions, No Permit Required.* All temporary uses identified below are not required to submit an application for a Temporary Use Permit, but are required to comply with Subsection 21-~~160322~~.C ("General Requirements for All Temporary Uses"). Those events which do not comply with the exemptions provided herein shall obtain a Temporary Use Permit as provided within this Section.
 - a. Events utilizing City property, public streets or public right-of-way, provided that the applicant shall coordinate the event with the City as part of the Special Event application process.
 - b. Ancillary activities on residential properties, including but not limited to, residential garage or yard sales, open houses, etc.
 - c. HOA events or activities, intended for residents only, located on HOA property.
 - d. On-site school events.
 - e. Other intermittent activities deemed by the Department to be ancillary to the customary use of the property.
 - f. Other uses not defined in Subsection 21-~~160322~~.B.1 which meet all of the following criteria:
 - i. Limited activity area;
 1. An activity area, which is limited to the following size requirements and summarized within the Table below:
 - a. Four thousand (4,000) square feet or less on a site or center that is greater than one (1) acre, but less than five (5) acres in size, or
 - b. Ten thousand (10,000) square feet or less on a site or center that is greater than or equal to five (5) acres in size.

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Minimum Site or Center Size	Maximum Exemption Area
≤1 acre	No Exemption
>1 & <5 acres	≤4,000 square feet
≥5 acres	≤10,000 square feet

2. For the purposes of this Section, an activity area means the area housing the proposed use and any associated storage. The activity area does not take in to account patron parking for the purposes of tabulating the square foot allowances identified above.

3. An improved surface without blocking primary drive aisles or site and building general or emergency access.

a. For the purposes of this Section, an improved site means a site with paved access to the grounds, including curb-cuts as necessary to access public rights-of-way, and paved or dust-proof surfaces for the area occupied by the subject temporary use and associated parking.

ii. Uses which do not operate between the hours of 10:00 p.m. and 7:00 a.m. and do not occur for more than two (2) days within a thirty (30) day period, per site.

iii. Uses which are located at least two hundred (200) feet away from a residential structure.

iv. Uses which provide for all necessary pedestrian and vehicular queuing to occur outside of the right-of-way and outside of any primary or emergency drive aisles.

v. Events occurring within a designated Entertainment District. Such Entertainment Districts may be adopted by resolution from time to time by the City Council in accordance with A.R.S § 4-207.

1. All boundaries of the temporary use must remain at least 200 feet away from Grand Avenue right-of-way.

2. There is no limit on activity area size to qualify as an exempt temporary use when the use is located within a designated Entertainment District.

C. *General Requirements for all Temporary Uses.* All temporary uses shall meet the following general requirements, unless otherwise specified in the Temporary Uses Section:

1. Structures utilized for the Temporary Uses of outdoor sales and/or displays that exceed seven (7) days in duration shall be limited only to the following: Tents, canopies, and/or membrane structures.

2. Permanent alterations to the site are prohibited.

3. All temporary signs associated with the temporary use shall comply with Section 21-~~836~~⁸²⁷ of the City Code, and all associated signs shall be removed upon completion of the activity.

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4. The temporary use standards of this Section do not exempt the applicant or operator from any other required permits, such as health department permits.
5. If the property is undeveloped, it shall contain sufficient land area to support the temporary use, including but not limited to, adequate parking and traffic movement to support the event.
6. Tent and/or generator permits shall be required for all uses in accordance with the applicable Fire or Building code, regardless of any Temporary Use Permit Exemptions identified within Subsection 21-~~160322~~.B.
7. All uses shall comply with adopted City noise ordinances contained within the City Code.
8. All Temporary Uses shall prevent activity across improved landscape areas that would negatively impact the landscaped areas.

D. *Application Requirements.* An application for a Temporary Use Permit:

1. Must be submitted at least thirty (30) calendar days prior to the proposed commencement of the temporary use. Application made within 30 days of the start date of the event will not be accepted:
2. Must include all information required in the official process guide and application packet for Temporary Uses made available by the Department. The Zoning Administrator-~~Planning Manager~~ or designee may require additional information as necessary, based on the nature of the proposed temporary use.
3. Each occurrence of a non-exempt Temporary Use as defined within Section 21-~~160322~~.B shall require a separate submittal and approval of a Temporary Use Permit Application.

E. *Appeal of Decision.* Upon receiving notification of the Department's decision to approve or deny the application for a Temporary Use Permit, the applicant or any party of interest aggrieved by the decision may file an appeal to the Board of Adjustment pursuant to Section 21-~~163223-1~~.

Sec 21-161. **Variance.**

- A. *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.
- B. *Application.* A request for variance shall be made by filing an official application and development plan, together with the applicable fee, with the 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.
- C. *Evidence Required.* At the public hearing the applicant shall present a statement and adequate documentation to demonstrate the following:
 1. Special circumstances or conditions exist on the subject property that does not exist on other property in that zoning district.

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2. 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.
3. 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.
4. 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.
5. Granting the variance will not interfere with or substantially or permanently injure the appropriate use of adjacent conforming properties in the same zoning district.

D. Board of Adjustment Action.

1. *Approval.* In the event the Board of Adjustment determines that the applicant demonstrates compliance with conditions set forth above in Subsection G.3, of this Section 21-~~161~~³²³ 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.
 2. *Findings.* In approving or conditionally approving the variance, the Board shall find that:
 - a. 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
 - b. 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.
 3. *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.
 4. *Considerations.* The Board shall not consider the following when considering grounds for granting a variance:
 - a. Violations related to uses or structures in the same zoning district
 - b. Permitted uses or structures in other zoning districts
 5. *Denied Application.* In the event the Board of Adjustment denies an application for a variance, no permits shall be issued.
- E. *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.
- F. *Guarantees.* The Board of Adjustment may require guarantees in such form as it deems suitable to ensure compliance with any conditions of approval
- G. *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.

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Sec 21-162. Appeal of a Zoning Interpretation.

- A. *General.* The Board of Adjustment (BOA) shall hear and decide any appeal in which it is alleged there is an error in an order, requirement, or decision made by the Zoning Administrator ~~Department~~ in the administration or enforcement of the Peoria Zoning Ordinance.
- B. *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.
- C. *Board of Adjustment Action.* Pursuant to A.R.S. § 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.

Sec 21-163. Appeal of a Temporary Use Permit.

- A. *General.* The Board of Adjustment (BOA) 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.
- B. *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 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.
- C. *Board of Adjustment Action.*
 - 1. Pursuant to A.R.S. § 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.
 - 2. As part of the terms of any temporary use permit, the Board may stipulate certain restrictions and limitations in accordance with Section 21-322 of this Ordinance.

Sec. 21-~~164, 324~~. Administrative Relief.

- A. *Applicability.* This Section pertains to minor deviations from single-family residential property development standards as described in Section 21-405, Section 21-412, and Section 21-420.
- B. *General.*
 - 1. Requests for Administrative Relief shall be limited to a modification from the front, rear, or side yard setbacks or from the maximum percentage of lot coverage, in an amount that is not greater than ten percent (10%) of the setback, or five percent (5%) of the maximum lot coverage permitted by the underlying zoning.

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Zoning	Existing Lot Coverage	Modified Lot Coverage	Existing Setbacks	Modified Setbacks
R1-10	45%	47.25%	Front - 10 ♦ Front - 20 ♦ ♦ Side - 5/15 Rear - 15 Corner - 10	Front - 9 Front 18 Side - 4.5/13.5 Rear - 13.5 Corner - 9
10,000 SF	4,500 SF	4,725 SF		

- ♦ 10-foot front setback for side-entry garage
 - ♦ ♦ 20-foot front setback for front-facing garage
 - 2. Requests for Administrative Relief shall be acted upon by the [Zoning Administrator](#) ~~Planning Manager~~ and shall adhere to the procedures in this Section.
 - 3. A property owner may seek Administrative Relief for both setback and lot coverage, to be evaluated by the [Zoning Administrator](#) ~~Planning Manager~~.
 - 4. Requests to deviate from the development standards of the zoning district that do not meet the above criteria shall not be considered a minor deviation available for Administrative Relief, but to be considered a Variance as outlined in Section 21-~~161~~[325](#).
- C. *Conditions of Approval.* The [Zoning Administrator](#) ~~Planning Manager~~ may authorize Administrative Relief when all of the following conditions are fulfilled:
- 1. The requested modification is the minimum modification for the reasonable use and enjoyment of the land and/or structure;
 - 2. The relief shall not be contrary to the purpose and intent of this Ordinance;
 - 3. Any proposed improvement is for the accommodation of a use designated as a permitted principal, conditional, or accessory use within the zoning district in which the property is located;
 - 4. The request is filed for the use and enjoyment of the current property owner, and is not part of multiple applications from an individual homebuilder for a specific subdivision or planned community;
 - 5. The requested modification will not unduly impact the peace and enjoyment of abutting properties; and
 - 6. 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 [Zoning Administrator](#) ~~Planning Manager~~.
- D. *Application for Administrative Relief.*
- 1. A request for Administrative Relief may be filed by any property owner within the City of Peoria.
 - 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.

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- E. *Notification.* The noticing requirements for Administrative Relief are outlined below:
1. The Department shall send a Notice of Application to each owner of real property that abuts the property requesting an Administrative Relief.
 2. The Department shall send a Notice of Decision regarding the Zoning Administrator-~~Planning Manager~~'s decision to each owner of real property that abuts the subject property requesting an Administrative Relief.
- F. *Appeal Criteria and Procedure.*
1. The purpose of the appeal criteria provided herein is to accommodate appeal rights of persons aggrieved by City decisions, while also ensuring that appeals are conducted in a manner that protects the rights of all parties and ensures finality in land use decisions.
 2. An appeal of the Zoning Administrator-~~Planning Manager~~'s decision is limited to instances where the aggrieved party alleges there was an error in a decision in the enforcement of the Zoning Ordinance or applicable regulatory requirements.
 3. An appeal of the Zoning Administrator-~~Planning Manager~~'s decision shall be appealed to the Board of Adjustment in accordance with procedures set forth in Section 21-~~162~~323.
 4. If the nature of the appeal goes beyond the conditions of approval outlined in Section 21-~~164~~324.C, the Zoning Administrator-~~Planning Director~~ shall determine the validity of the appeal to go before the Board of Adjustment.
 5. To initiate an appeal of the Zoning Administrator-~~Planning Manager~~'s decision regarding an Administrative Relief application:
 - a. A written notice of appeal shall be submitted on a form prescribed by the Department and includes specific citations from the Zoning Ordinance or other regulatory documents which the applicant or appellant contends has been incorrectly applied; and
 - b. The appeal must be received by the Department within fifteen (15) calendar days after the date of the decision. The deadline shall be extended to the end of the next business day when the deadline occurs on a non-business day.
 - c. If an appeal is received by the Department within fifteen (15) days of the mailing date of notice, the matter shall be heard by the Board of Adjustment.
- G. Allowance. The granted Administrative Relief shall run with the land.

Sec. 21-~~165~~326. Design Review. ~~Appeals.~~

- A. *Purpose and Applicability.* New development and existing developments which are proposing qualifying new buildings, building additions, alterations and/or improvements shall be subject to the Design Review process as outlined within the Peoria Community Design Guidelines and allowed under State Law.
- B. *Application Requirements.* An application for Design Review, or Design Review Waiver, must include all information required in the official process guide and application packet for Design Review applications made available by the Department, in addition to other information required by the Zoning Administrator or designee based on the nature of the proposed development.

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C. *Public Notice.* No public notice or citizen outreach process is required for a Design Review or Design Review Waiver application.

D. *Review and Approval Criteria.*

1. The Zoning Administrator or designee shall review Design Review or Waiver applications in accordance with applicable Zoning Ordinance regulations, Peoria Community Design Guidelines, applicable City Code provisions, and other regulatory requirements.
2. Approval of a Design Review or Waiver application shall be given only when in the judgement of the Zoning Administrator or designee, such an approval is in conformance with application regulations and standards within the Zoning Ordinance and consistent with the intent the Peoria Community Design Guidelines.

E. *Appeal.* ~~Filing.~~

1. The applicant may appeal a final decision of the Department on a design review submittal to the Design Review Board. Such appeal shall be filed on the official form provided by the Department, within fifteen (15) ~~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 Board for the next scheduled meeting.

F. ~~B.~~ *Action of the Design Review Board.* The Design Review 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 Board shall be final.

Sec. 21-166 through 21-199 Reserved

Exhibit B - City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

Section 1. *Amend Chapter 21 - Zoning, Section 21-300 Administration and Procedures, only as follows, leaving all other sections and subsections not specifically referenced unchanged:*

ADMINISTRATION AND PROCEDURES

Sec. 21-301 through Sec. 21-330 are removed in its entirety and replaced with the following:

Sec. 21-300. GENERAL PROVISIONS AND STANDARDS.

Sec. 21-~~301~~. Purpose and Applicability.~~**801-Intent.**~~

~~The purpose of the General Provisions Section 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 Section and provisions for a specific zoning district, the stricter provision shall govern.~~

A. Purpose of the General Provisions and Standards Section. The purposes of this Section are to:

1. Prescribe development and site regulations that establish a framework for diverse, comfortable, safe and sustainable neighborhoods;
2. Enhance existing community character and encourage transitions to more mixed- use community centers characterized by attractive urban design, high quality architecture, vibrant public spaces, and pedestrian amenities where appropriate;
3. Encourage orderly, well-planned development of individual sites;
4. Encourage development that fits seamlessly into attractive, viable neighborhoods and improves areas that are in transition;
5. Ensure appropriately designed and maintained site features that incorporate Community Policing Through Environmental Design (CPTED) principles and allow natural surveillance;
6. Ensure development functions efficiently and screens unsightly and utilitarian elements and uses from public view;
7. Contribute to the pedestrian environment by prescribing a safe, shaded network of walkways that connect destinations on-site to destinations on the public street, and to adjacent development.

B. Applicability. The standards apply, except where specifically stated, to development in all districts. These standards shall be used in conjunction with the standards for each zoning district located in Sections 21-400 Residential, 21-500 Non-Residential and Section 21-600, Special Uses, Districts and Overlays. When a conflict exists, the standards specific to a zoning district, or approved by a plan as part of an applicable special district or overlay, shall override these regulations.

Sec. 21-~~302~~802**. General Use Provisions.**

A. General Use Restrictions.

- 1. Principal Uses.** Only those uses and groups of uses specifically designated as permitted principal

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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 all Districts.* Awnings, canopies, standard balconies, open fire balconies, fire escape stairs, exterior stairs and other architectural embellishments shall not project or extend more than five (5) feet over any required yard, and shall be no closer than two

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(2) feet to any lot line.

6. *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. 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. Air conditioning units may be located entirely within a required side or rear yard provided such device conforms to the provisions of the City's Building Code.
 - c. 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.
 - d. 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.
 - e. Building projections, such as bay windows, 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, with a maximum width of twenty (20) feet of projection allowed per facade.
 - f. 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.
 - g. Arched 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.
 - h. 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.
 - i. 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

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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.
2. 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.
3. 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 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 freestanding 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.

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- 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 in which the light source is not 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.

Sec. 21-~~303~~⁸⁰⁶. 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 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

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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 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 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 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.

Sec. 21-~~304~~⁸⁰⁸. 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 18, Section 18-6.
- 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.
- 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

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standards, including but not limited to setback, height, and landscaping requirements, for the given zoning district.

Sec. 21-305 through 21-309 Reserved

SEC. 21-310. SCREENING AND WALLS

Sec. 21-311~~894~~. Screening.

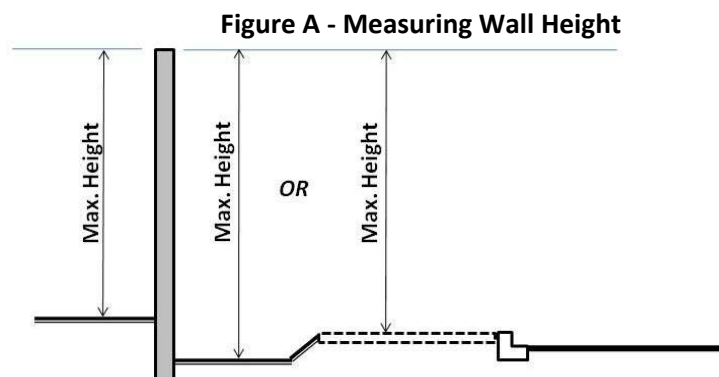
- A. *Intent*. The intent of this Section is to establish general development standards for screening between uses of differing character, density, or intensity and for screening certain uses and activities on a site from public view. The screening standards are intended to assure compatibility of uses, 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. Residential (single or multi-family) and non-residential uses.
 - c. Different non-residential uses.
 - d. Rear and/or side lot areas adjacent to public rights-of-way or landscape tracts.
 2. *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.
 3. *Loading and Delivery Bays*. All loading and delivery bays shall be screened from street view in accordance with provisions of Section 21-~~900~~~~826~~.
 4. *Outdoor Storage*. All outdoor storage for Commercial and Industrial uses, and for materials, racking, 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 Zoning Administrator~~Planning Manager~~ during the Site Plan review process. Agriculturally related activities are exempt from this provision.
 5. *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 Zoning Administrator~~Planning Manager~~ during the Site Plan review process.
 6. *Mechanical Equipment*. All roof and ground-mounted mechanical equipment, except in single-family applications, shall be fully screened from public view unless otherwise specified elsewhere this Ordinance.
 7. *Parking*. Parking screening requirements are provided in Section 21-~~900~~~~815~~.

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Sec. 21-~~312~~⁸⁹⁵. Walls and Fences.

A. General Provisions.

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

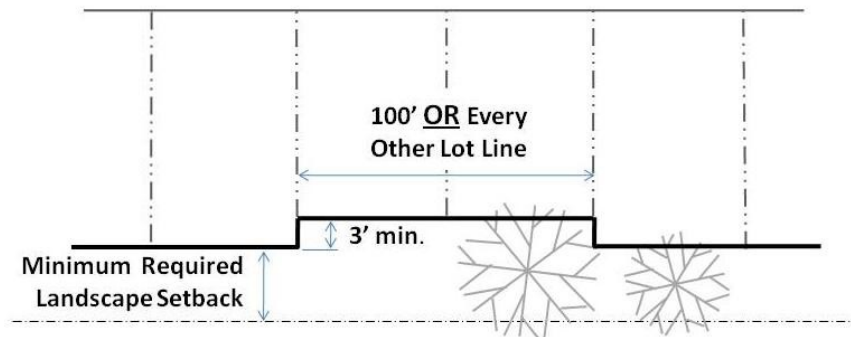


5. *Undulating Wall Required.* All fences and walls along arterial and collector streets with a continuous length greater than two hundred (200) feet shall use an undulating pattern at minimum intervals of one hundred (100) feet or at every other side lot line, whichever is less, to provide variety and visual interest. The undulation depth from the street line shall be minimum

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of three (3) feet. (Figure B) Alternative options may be approved during the Preliminary Plat or Site Plan Review Process.

Figure B - Perimeter Wall Undulation



6. *Finished Elevations.* Any fence or wall that is constructed to have only one elevation "finished", which shall be defined as not having its supporting members significantly visible, shall be erected such that the finished elevation of the fence is exposed to the adjacent street or public/semi-public area.
7. *Exemptions.* The following uses are exempt from the height restriction of three (3) feet within or bounding the front yard, as set forth in Section 21-~~312805~~.B.1.
 - a. An agriculture activity.
 - b. Residential and ranch uses in the Suburban Ranch Districts.
 - c. Schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants.
 - d. Temporary construction sites which are enclosed for security purposes.
 - e. Temporary construction yards for off-site construction.
 - f. Arched, masonry entry features in accordance with Section 21-~~312802~~ of this Ordinance.
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.

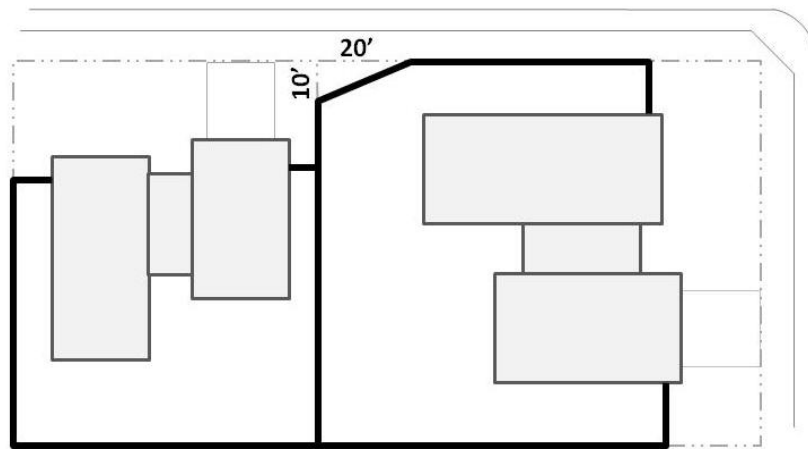
B. *Residential Requirements.*

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 seven (7) feet, except as specified elsewhere within this Ordinance.

2. *Corner Lots and Key Lots (Figure C).*

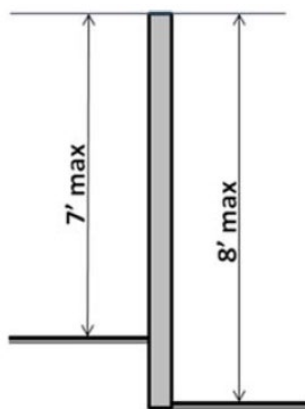
- a. On a corner lot contiguous to a key lot a fence or wall over three (3) feet in height may be placed on the property line except within a triangle measured ten (10) feet from the street line along the common lot line, and twenty (20) feet along the property line extending from the common lot line towards the front of the corner lot. The location of this clear zone may shift in areas where landscape tracts exist.
- b. On a key lot contiguous to a corner lot, a fence or wall not exceeding seven (7) feet may be erected along that portion of a key lot contiguous with the rear yard of the corner lot, but such fence or wall shall not come closer to the front line of the key lot than ten (10) feet.

Figure C - Key Lots



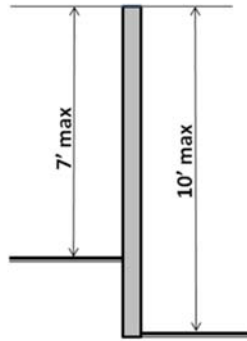
3. *Adjacent Residential Lots.* Where two residential lots abut one another, but have differing finished grades, the wall heights shall be limited to seven (7) feet in height on the high side and eight (8) feet in height on the low side. (Figure D)

Figure D - Residential to Residential



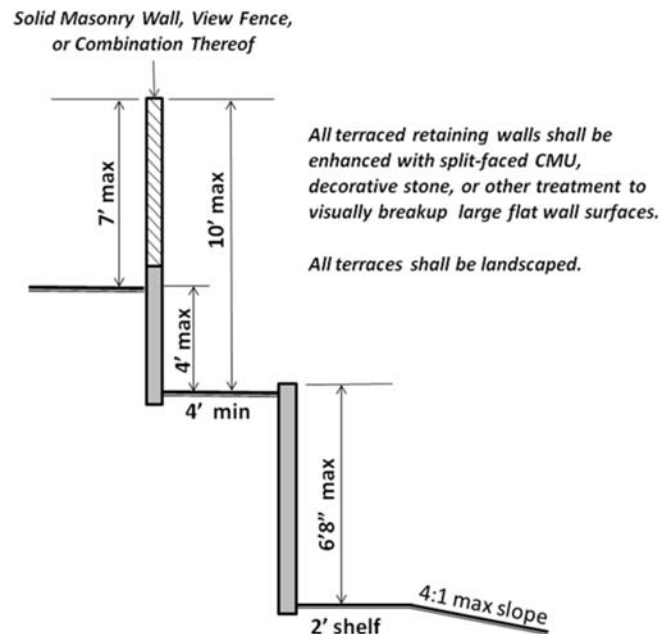
4. *Lots Adjacent to Streets.* The lot side of a wall shall not exceed seven (7) feet in height. The Street side shall not exceed ten (10) feet in height (Figure E).

Figure E - Residential to Street



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

Figure F - Retaining Walls

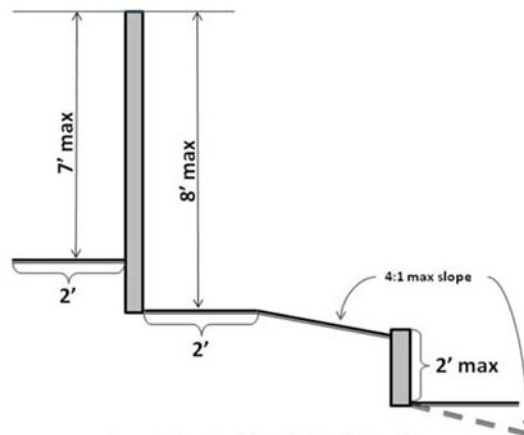


6. *Lots Adjacent to Retention Areas.* Walls adjacent to planned or natural retention areas, waterways, or similar features shall not exceed seven (7) feet in height on the lot side and shall not exceed eight (8) feet on the retention side as measured to the required two (2) foot shelf at the base of the wall. Maximum slope of the retention shall be no greater than 4:1. If

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additional retention depth is required, retaining walls may be added in the sloped banks of the retention area. Such walls shall not exceed two (2) feet in height and shall be offset by no less than four (4) feet. The maximum slope between walls shall not exceed 4:1 (see Figure G). All terraced walls shall be subject to review by the City Engineer and the Building Safety Division. All retaining walls are subject to review by the City Engineer or designee. Nothing herein is intended to relax the building code or other applicable City standards.

Figure G - Residential to Retention



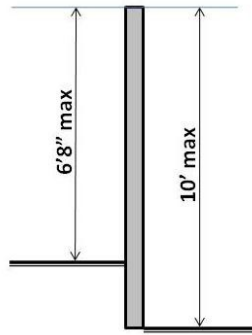
7. **Wall Waivers.** Waivers from the wall requirements may be granted by the [Zoning Administrator](#) ~~Planning Manager~~ if the applicant for the waiver has provided a Waiver of Proposition 207. A wall plan and narrative shall be submitted to the [Zoning Administrator](#) ~~Planning Manager~~ for 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 [Zoning Administrator](#) ~~Planning Manager~~, the applicant can file a Variance Request to be heard by the Board of Adjustment, in accordance with Section 21-~~161~~**323** of this Ordinance.
8. **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. Gates located between parcel lines must first be approved of in writing by both property owners. For pedestrian gates located between private and City properties, written permission must first be obtained from the appropriate City department.
9. **Noise Attenuation Walls Required.** Where adjacent to a transportation corridor a masonry noise attenuation wall shall meet Engineering sound wall requirements and shall be a minimum wall height of six (6) feet with a minimum total effective height of eight (8) feet. Walls shall be constructed of a minimum of six (6) inch (thick) concrete block, or as otherwise approved by the City Engineer, and 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 Burlington Northern Santa Fe Railroad.

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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 or as otherwise specified in this Ordinance (Figure H).

Figure H - Residential to Non-Residential



2. In Industrial zoning districts, walls and fences on local streets except when adjacent to a Residential District, may exceed three (3) feet in height in the front and corner side yard building setback when located no closer than ten (10) feet to the street line except as may be specified elsewhere in this Ordinance.
3. Within the Light Industrial (I-1) and the Heavy Industrial (I-2) zoning districts the construction and use of electrical fences shall be permitted only as provided in this Section and subject to the following:
 - a. Electrical fences shall not be permitted on any property that contains a dwelling unit other than a caretakers' residence.
 - b. Electric fences shall not be located within required landscape and street side setbacks.
 - c. No electrical fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet in height and no more than three (3) to twelve (12) inches from the electrical fence.
 - d. No electrical fence may extend more than thirty-six (36) inches above the adjacent non-electrical fence.
 - e. No electrical fence may exceed a maximum height of twelve (12) feet.
 - f. The electrical charge produced by the fence upon contact shall not exceed energizer characteristics set forth in the International Electrotechnical Commission (IEC) Standard.
 - g. The energy source (energizer) for electric fences must be provided by a storage battery not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However, the solar panel may be augmented by a trickle charger.
 - h. Electric fences shall be clearly identified with warning signs that read "Warning - Electrical Fence" at intervals no less than sixty (60) feet. Signs shall also contain imagery, symbols, or the international sign for electricity that allow individuals to understand that the fence is electrically charged, e.g. lightning bolts.

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- i. Electrical fences shall contain a City approved Knox key switch capable of disconnecting the electric fence in its totality from all energizers. Such switch shall be clearly marked and easily observable and accessible from a primary path of entry for emergency and enforcement personnel.
 - j. The installation of electric fences are subject to the issuance and approval of a Miscellaneous Building Permit obtained through the Building Development Department of the City of Peoria.
- D. *Hillside Development*. Additional wall requirements for hillside areas are provided in Section 21-710 of the Zoning Ordinance.

Sec. 21-313 through 21-314 Reserved

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

Sec. 21-316 through 21-319 Reserved

Sec. 21-~~320~~⁸⁰⁹. 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.

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- 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 Section 21-~~900~~~~823~~ 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.

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- f. Sales of Permissible Consumer Fireworks.
- g. Marijuana Dispensing, Cultivation or Manufacturing, except as provided in A.R.S. § 36-2852.
- 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.

Sec. 21-~~321~~810. 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.
- B. *General Requirements.* Manufactured homes may be installed in any single-family residential zoning district. Such installation must meet all requirements of the Peoria Zoning Ordinance 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.

Sec. 21-322 through 21-324 Reserved

Sec. 21-~~325~~811. Construction Trailers, Sales Office, and 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.~~

AB. Outside RMH-1 and RMH-2 Districts.

- 1. ~~Permits in~~ I-1, I-2 and Agricultural Districts. Construction trailers and ~~M~~mobile homes, ~~travel trailers, recreational vehicles, or house trailers~~ may be placed in zoning districts I-1, I-2, or Agriculture Districts, provided a permit is obtained from the Planning Department prior to establishing the trailer or mobile home on the property. ~~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 construction trailers and/or mobile home, ~~trailer, or vehicle~~ is necessary for, or related to, the industrial or agricultural uses of the property.
- 2. **Special Permits in All** Other Districts.
 - a. The Zoning Administrator ~~Community Development Director~~ may issue ~~special permits a~~ Temporary Use Permit (TUP) for placement of ~~travel trailers, house trailers off-site~~ construction trailers, sales office, 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.

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- 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.

c. *Duration.*

- 1) The Temporary Use Permit shall be valid for one (1) year, unless otherwise determined by the Zoning Administrator or designee.
 - 2) Any temporary or mobile structures shall be removed prior to Certificate of Occupancy.
3. *Development Standards outside RMH-1 and RMH-2 Districts.* In addition to all other requirements of this Ordinance, construction trailers ~~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. Setbacks shall be subject to all regulations of the applicable zoning district.
 - 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 applicable building and fire codes ~~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.~~
 - ~~f. Permit shall be approved for one (1) year and may be granted for a longer period of time as determined by the Community Development Director or designee.~~
 - ~~g. Any temporary or mobile structures shall be removed prior to Certificate of Occupancy.~~

Sec. 21-326 through 21-329 Reserved

Sec. 21-~~330~~⁸¹². Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities.

Sec. 21-331 through 21-339 Reserved

Sec. 21-340. Antenna and Wireless Communication Facilities

Sec. 21-~~341~~⁸⁰⁷. 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.*
1. *General.*
 - a. The satellite dish shall only be utilized for the personal enjoyment of the occupants of the dwelling unit.
 - b. The satellite dish shall not be utilized for any commercial purpose.
 2. Satellite dishes measuring four (4) feet 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 four (4) feet 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 Sections 21-501 through 21-506.
 2. Satellite dishes measuring four (4) feet 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.

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3. Satellite dishes measuring four (4) feet 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 [Community Design Guidelines](#) ~~Design Review~~ **Manual**.

Sec. 21-~~342~~⁸¹³. Wireless Communication Facilities.

- A. *General Requirements.* All Wireless Communication Facilities, hereinafter referred to as WCF shall meet each of the following general requirements.
1. WCFs must meet or exceed all current state and federal standards and regulations.
 2. WCFs shall be constructed, maintained, and modified in compliance with all adopted Peoria building codes.
 3. To ensure compliance with the National Environmental Policy Act (NEPA), a Finding of No Significant Impact (FONSI) issued by the FCC may be required for new WCFs and co-locations.
 4. A WCF shall be removed by the provider or the property owner within six (6) months of cessation of use, along with returning the area to its condition prior to the construction of the WCF.
 5. A WCF shall not be located within one thousand three hundred and twenty (1,320) feet of a City, State, or Nationally designated historical site.
 6. Commercial advertising or signage on the WCF or associated aerial or ground mounted equipment is prohibited.
 7. Artificial lighting of a WCF is prohibited, unless required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC).
 8. WCFs located within a residential zoning district shall be allowed a single microwave dish not in excess of twenty-four (24) inches in diameter. WCF located within non-residential zoning districts shall be allowed a maximum of two (2) microwave dishes which shall not exceed forty-eight (48) inches in diameter per microwave dish unless otherwise approved through a Conditional Use Permit. Such dishes shall be appropriately integrated into concealment efforts to minimize the visual presence of the microwave equipment.
 9. Screening of ground mounted equipment shall adhere to the rules and regulations set forth in accordance with the screening provisions found in Section 21-804.
 10. Colors and materials of the WCF shall be compatible with the surrounding environment as determined by the City, except as otherwise required by the FAA;
 11. One (1) parking space is required per WCF and shall be designed to meet City standards; this includes maneuvering and access.
 12. A WCF shall not Alter the Mountain Top Ridge Line as defined in Section 21-~~641~~⁷⁴¹.
 13. A WCF located in the right-of-way shall be exempt from the standards contained within this ordinance; however they must comply with all standards and practices established by the Engineering Director including but not limited to all applicable agreements and permits.
 14. Co-locations on a utility pole not located in the right-of-way or co-locations located on a public/quasi-public property shall not be required to meet the setback requirements set forth in this section; provided that the ground equipment does not expand the perimeter of the utility facilities. Quasi-public property includes, but is not limited to:

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- a. Schools, to include private, public, charter;
- b. College or University Campus;
- c. Power substations; or,
- d. Water pumping plants and storage tanks.

B. Development Standards.

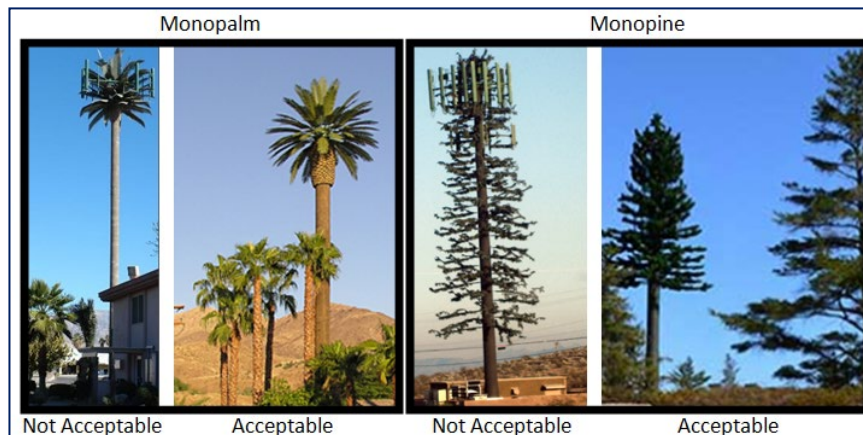
1. Permitted Principal Use.

- a. A Facility shall be deemed a Permitted Principal Use if the following development standards are met:

Development Standards	Zoning District	Distance to Residential Property Line	Maximum Height ^c	Distance to Non-Residential Property Line	Equipment Enclosure	Antenna Distance from Pole	Alternate Design WCF ^d
Permitted Principal Use	Residential ^b	>110% ^a	50'	>50% ^a	450 SF	6% ^a	Required
	Non-Residential	>130% ^a	65'				

Notes:

- ^a Percentage (%) figures listed shall be based on the height of the pole from adjacent finished grade. Distance is measured from the edge of the tower.
- ^b In instances where residential and non-residential uses occupy the same footprint, residential standards shall apply.
- ^c If facility WCF is located on or within a height exempt structure per Section 21-8802, the height will be measured to the top of the antennae. For ground mounted WCFs height shall be measured from finished grade to the top of the structure including any associated concealment materials.
- ^d Fronds, branches, or other methods of concealment shall completely conceal any antennae or other associated Aerial Mounted Equipment.



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b. *Rooftop and wall-mounted equipment:*

- 1) Shall follow the height restrictions as listed in the above permitted principal use development standards table; unless otherwise permitted in the height exception provision of Section 21-~~83~~02.
- 2) Shall be integrated into the design of the building.
- 3) Shall be fully screened from public view.

c. The co-location of aerial mounted equipment on an existing WCF:

- 1) Shall not constitute a substantial change unless otherwise identified within Section 21-~~340813~~.C of the City Code.
- 2) Shall not be more than an overall height of eighty (80) feet.
- 3) Shall not otherwise inhibit stealth aesthetics.

2. *Permitted Conditional Use.*

- a. Any facility which does not meet the Permitted Principal development standards shall require a Conditional Use Permit, and shall be in accordance with the following development standards:

Development Standards ^d	Zoning District	Distance to Residential Property Line	Maximum Height ^c	Distance to Non-Residential Property Line	Distance Between Non-Alternate Design WCF (Monopole)
Permitted Conditional Use	Residential ^b	>110% ^a	65'	>5'	1,320'
	Non-Residential	>130% ^a	80'		
Notes: ^a Percentage (%) figures listed shall be based on the height of the pole from adjacent finished grade. Distance is measured from the edge of the tower. ^b In instances where residential and non-residential occupy the same footprint, residential standards shall apply. ^c If facility is located on or within a height exempt structure per Section 21-802, the height will be measured to the top of the antennae. For ground mounted WCFs height shall be measured from finished grade to the top of the structure including any associated concealment materials. ^d All conditions not specifically identified within this section shall be approved through the Conditional Use Permit process.					

b. Rooftop and wall-mounted equipment.

- 1) Shall follow the height restrictions as listed in the above conditional use development standards table; unless otherwise permitted in the height exception provision of Section 21-~~83~~02.
- 2) Shall be integrated into the design of the building.

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- 3) Shall be fully screened from public view.
 - c. All monopoles shall be constructed to allow for co-location by other wireless providers. The applicant shall demonstrate that the engineering of the tower and the placement of ground mounted facilities will not preclude other providers. The owner of the proposed tower must certify in writing that the tower will be available for use by other wireless communication providers on an economically reasonable and non-discriminatory basis.
 - d. The co-location of aerial mounted equipment on an existing WCF:
 - 1) Shall not constitute a substantial change unless otherwise identified within Section 21-~~340813~~.C of the City Code.
 - 2) Shall not be more than an overall height of ninety-five (95) feet.
 - 3) Shall not otherwise inhibit stealth aesthetics.
- C. *Administrative Procedures.*
1. *Permitted Principal Use.*
 - a. All facilities categorized as a permitted principal use are subject to site plan review process as set forth in Section 21-~~156320~~.
 2. *Permitted Conditional Use.*
 - a. All facilities categorized as a permitted conditional use are subject to the following processes as set forth in Section 21-~~155321~~ and Section 21-~~156321~~:
 - 1) Site Plan Review; and,
 - 2) Conditional Use Permit.
 - b. The Applicant shall be provided the opportunity to execute a Waiver of Proposition 207 as to only the property leased by the Applicant. In addition to any other grounds the City may have, the City expressly reserves the right to recommend denial of such applications in the event the Applicant elects not to execute a Waiver of Proposition 207.
 3. The following criteria shall identify what constitutes a substantial change to a facility. All modifications deemed substantial shall refer to 21-~~340813~~.B Development Standards:
 - a. An increase in the originally approved WCF height by more than twenty (20) feet or ten percent (10%), whichever amount is greater;
 - b. An increase in the Width more than twenty (20) feet from the Edge of the Tower to the Face of the Antennae.
 - c. An increase in the height of Ground Mounted Equipment by more than ten percent (10%) or ten (10) feet, whichever amount is greater;
 - d. An increase in the Width of a non-tower structure by six (6) feet or more;
 - e. The installation of more than the standard number of Equipment Cabinets needed, not to exceed four (4);
 - f. Excavation outside the current boundaries of the WCF;
 - g. Proposed changes that would defeat the existing concealment elements of the WCF; and,

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- h. Proposed changes that do not comply with prior approval of the WCF unless the non-compliance is within the thresholds outlined in this section.
 - 4. Any proposed facility that does not meet the standards identified within this section shall be prohibited.
 - 5. No facility shall be installed, erected, modified, repaired, or altered without receiving all necessary permit approvals.
- D. *Exemptions from Section 21-~~155320~~ and Section ~~156321~~*
- 1. Routine maintenance of a WCF; and,
 - 2. Modifications to a WCF that are not considered a substantial change as specified in Section 21-~~340813~~.A.
 - 3. WCFs that are owned and operated by a governmental entity for the purposes of public safety or governmental operations.

Sec. 21-~~350814~~. Donation/Recycling Drop-Off Boxes.

- A. Donation/Recycling Drop-Off Boxes are subject to the issuance of a Business License and approval of a Temporary Use Permit (TUP) pursuant to Section 21-~~160322~~ and upon receipt of notarized written authorization by the property owner or authorized agent. An authorized agent must provide written evidence he/she has the authority to approve and locate a drop-off box on the parcel.
- B. Donation/Recycling Drop-Off Boxes may be permitted as an accessory use to all permitted non-residential uses within a residential zoning district pursuant to this Section.
- C. Donation/Recycling Drop-Off Boxes shall be located on a paved surface.
- D. Donation/Recycling Drop-Off Boxes shall not be located within the front or corner side setbacks, required landscaped areas or within required parking spaces.
- E. Donation/Recycling Drop-Off Boxes shall not obstruct pedestrian or vehicular circulation, or be located within the public right-of-way, drive aisles, fire lanes, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to the public health, safety, and welfare.
- F. There shall be no more than one (1) Donation/Recycling Drop-Off box on lots or complexes/centers less than one (1) acre in size, no more than two (2) Donation/Recycling Drop- Off Boxes on lots or complexes/centers of one (1) to three (3) acres in size, and no more than four (4) Donation/Recycling Drop-off Boxes on lots or complexes/centers greater than three (3) acres in size. No more than two donation boxes shall be clustered together in any one location. A property may contain one 12 yard container in lieu of two (2) six cubic yard containers.

Donation Box Allotment			
Lots or Complexes/Centers Size	1 Acre	1—3 Acres	3 + Acres
Number of Boxes Allowed	1 Box	2 Boxes ^a	4 Boxes ^a
^a No more than two (2) Donation Bins shall be clustered together in any one location.			

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- G. Each Donation/Recycling Drop-Off Box shall have a firmly closing and locking lid, shall be clearly marked to identify the specific items and materials to be collected for donation, and shall be clearly marked to identify the City of Peoria Temporary Use Permit number with contrasting paint. The numbers shall be a minimum of two (2) inches high and located on the deposit face of the box.
- H. The name and local telephone number of the entity obtaining the TUP shall be affixed to the box on an area no larger than one (1) foot by one (1) foot.
- I. Donation/Drop-Off Boxes shall have a capacity no greater than six (6) cubic yards.
- J. All donated items must be collected and stored in the Donation/Recycling Drop-Off Box and all contents cleared no less than once a week. Any items or materials left outside of the Donation/Recycling Drop-Off Boxes shall be removed within 24 hours of discovery or notification, whichever occurs first. If a container is damaged or vandalized, it must be repaired or removed within 5 business days of discovery or notification. If there is a public health, safety or welfare concern pursuant to the authority granted to the City, the container must then be removed within 24 hours of discovery or notification.
- K. It is the joint responsibility of the property owner or authorized agent and the entity obtaining the TUP to keep the area around the donation boxes free of litter and debris, and remove any graffiti within 24 hours of discovery or notification, whichever occurs first.
- L. It is the responsibility of the entity obtaining the TUP to maintain the donation box painted or otherwise un-rusted and un-dented and in good condition.
- M. Donation/Recycling Drop-Off Boxes not located or maintained in compliance with this Section may be subject to revocation of the Business License and the Temporary Use Permit (TUP).
- N. The City may consider prior permit revocations, prior notices of violation, and fraudulent application information when granting or denying new Temporary Use Permits for Donation Drop-Off Boxes.
- O. Any Donation/Recycling Drop-Box (including its contents) which is determined to be unauthorized, unpermitted, or is otherwise in violation of this ordinance shall be deemed a public nuisance as defined in Chapter 17 of the Peoria City Code and may be removed pursuant to those provisions.
- P. The property owner shall control the Temporary Use Permit. The permittee or drop box operator does not control the Temporary Use Permit unless he/she is also the property owner. As such, the property owner or authorized agent may rescind his/her authorization for the donation/drop-off box at any time and the permit shall be revoked. Nothing in this Ordinance prohibits a property owner from removing a donation/drop-off box regardless of whether said box is permitted or not permitted. A property owner retains the right to remove and dispose of an unwanted donation/drop-off box at any time.

Exhibit C - City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

Section 1. *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

~~GENERAL AGRICULTURAL~~

Sec. 21-401 through 21-407 are removed in their entirety and replaced with:

Sec. 21-401 through 21-407 Reserved.

~~SUBURBAN RANCH (SR-43 AND SR-35)~~

Sec. 21-408. Suburban Ranch (SR-43 and SR-35) ~~Intent.~~

The purpose of the Suburban Ranch Districts (SR-43 and SR-35) is to provide for and conserve existing rural and low-density residential uses in their present or desired character fostering orderly growth in rural areas.

Sec. 21-409. Permitted Principal Uses.

- A. Single-Family Dwelling.
- B. Publicly owned and operated parks, recreation areas, and centers.
- C. Soil Crops.
- D. Group Homes, in accordance with Section 21-~~330~~812.C
- E. Public/Charter Schools and Private Schools, provided that the facility shall have direct vehicular access to an arterial or collector street. Facilities for the repair or storage of vehicles and equipment shall be prohibited.
- F. Churches, Synagogues, Temples, Chapels, or similar places of worship, and related facilities.
- G. Public utility buildings, uses, structures, equipment and storm water retention areas; provided that repair or storage facilities in connection therewith are expressly prohibited.

Sec. 21-410. Permitted Conditional Uses.

- A. Commercial breeding, raising, training and feeding principally by grazing of horses, cattle, sheep and goats; provided that pens, buildings, corrals and yards other than open pastures are not closer than one hundred (100) feet to any property line.
- B. Commercial poultry, bird and egg farms, provided that pens, buildings and enclosures are not closer than one hundred (100) feet to any property line.
- C. Kennels, for the boarding and breeding of dogs and cats.
- D. Plant Nurseries, including on-site retail sales, for the propagation, cultivation, sales and distribution of plants.
 - 1. Development of the plant nursery area shall require Site Plan Review.
 - 2. A six (6) foot high solid (opaque) fence or wall shall be provided between all plant nursery areas and adjacent properties.

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3. Development of the plant nursery shall be subject to completion of all improvements as recommended by the Traffic Impact Analysis approved by the City Engineer.
4. Retail Sales shall be limited to plants grown in the ground or pots on the premises.
- E. Public buildings providing cultural, educational, administrative, fire, or police protection services to district residents; provided that all vehicular access shall be restricted to public streets.
- F. Colleges or University Facilities, such facilities shall have direct vehicular access to an arterial or collector street. Facilities for repair or storage of vehicles and equipment shall be prohibited.
- G. 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.
- H. Group Care Facility or Community Residential Setting Facility in accordance with Section 21-~~330812.C~~
- I. Day Care Group Homes with five (5) or more children, in accordance with Section 21-~~330812.B~~. and provided that the residence is a single-family detached dwelling.
- J. Bed and Breakfast Inn, subject to the following:
 1. Maximum building height shall be thirty (30) feet or two (2) stories, whichever 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 in any calendar year.
 4. Meals shall be restricted to registered guests.
- K. Preschool centers or day care centers in conjunction with a non-residential permitted principal or conditional use:
 1. The use shall be in accordance with State Department of Health Services regulations.
 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 four feet, six inches (4'-6") or
 - b. Wrought-iron view fence no shorter than four feet, six inches (4'-6") with vertical members no greater than four inches (4") apart; or

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- 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.

~~SINGLE FAMILY RESIDENTIAL R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, AND R1-6~~

Sec. 21-415. Single-Family Residential (R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, AND R1-6) ~~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.

Sec. 21-416. Permitted Principal Uses.

- A. One detached single-family dwelling per lot.
- B. Publicly-owned and operated parks and recreation areas and centers.
- C. Group Homes, in accordance with provisions of Section 21-~~330~~812.A.
- 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.
- 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.
- F. Public utility buildings, uses, structures, equipment and storm water retention areas; provided that repair or storage facilities in connection therewith are expressly prohibited.

Sec. 21-417. 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 Section and Section 21-~~155~~321.

- 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. Colleges or university facilities, such facilities shall have direct vehicular access to an arterial or collector street. Facilities for the repair or storage of vehicles and equipment shall be prohibited.
- C. Non-commercial recreational uses provided that all direct vehicular access is from an arterial or collector street.
- D. 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

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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.
- E. Day Care Group Homes with five (5) or more children, in accordance with provision of Section 21-~~330812.B.~~, 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:
- F. Group Care Facility or Community Residential Setting Facility in accordance with provision of Section 21-~~330812.C.~~
- G. Preschool centers or day care centers in accordance with State Department of Health Care Services regulations provided that:
 1. The use shall be in conjunction with a non-residential principal or conditional use within this Section.
 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.

Sec. 21-419. General Property Development Standards.

- A. On any lot, no structure shall exceed three (3) feet in height above grade within the required front setback area.
- 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 21-~~643.713~~, 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

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- 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 Zoning Administrator ~~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 21-419 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%

Sec. 21-420. Property Development Standards for Permitted Principal Uses.

- 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:

Property Development Standards	R1-43	R1-35	R1-18	R1-12	R1-10	R1-8	R1-7 ◆	R1-6
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%	40%	45%	45%	45%	45%
Maximum Building Height FT	30	30	30	30	30	30	30	30
Front Setback (FT)								
Side-entry garage (◆◆)	35	30	20	10●	10●	10●	10●	10●
Front-facing garage (○)	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

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Notes

- Not more than 60% of the total front-facing elevation shall occur at the 10-foot setback.
- Where front-facing garages are present, a 10-foot front setback shall apply to the livable portion of the home provided that not more than 60% of the total front-facing elevation occurs at the 10-foot setback.
- ◆ 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.
- ◆◆ Side-entry garages shall be prohibited on corner lots.
- ◆◆◆ If a tract of land is present between the right of way and the side property line for landscaping or other purposes, the tract shall not be considered a corner yard for setback purposes

Sec. 21-421. Property Development Standards for Permitted Conditional Uses.

- A. *Maximum height of principal buildings conditionally permitted.* Two stories of not more than thirty (30) feet, except as provided in Section 21-~~304808~~ of this Ordinance.
- B. *Minimum setbacks.* Every conditionally permitted principal and accessory building shall maintain required setbacks.

~~MULTI-FAMILY RESIDENTIAL~~

Sec. 21-424. Multi-Family Residential (RM-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.

Sec. 21-425. Permitted Principal Uses.

- A. Attached Single-family dwellings.
- B. Two-family dwellings.
- C. Multi-family dwellings.
- D. Group Homes, in accordance with provision of Section 21-~~330812.A~~ provided that the residence is pre-existing single-family detached dwelling or attached dwelling.
- 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.
- F. Religious Institutions such as churches, synagogues, temples, chapels, or mosque, subject to review and approval of vehicular access by the City Engineer.
- G. Public utility buildings, uses, structures, equipment and storm water retention areas; provided that repair or storage facilities in connection therewith are expressly prohibited.

Sec. 21-426. 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:

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1. Maximum building height shall be thirty feet (30') or two (2) stories, whichever 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 one calendar year.
 4. Meals shall be restricted to registered guests.
- B. Colleges or university facilities, such facilities shall have direct vehicular access to an arterial or collector street. Facilities for the repair or storage of vehicles and equipment shall be prohibited.
- C. Day Care Group Homes with five (5) or more children, in accordance with Section 21-~~330812.B~~, provided that the residence is a single-family detached dwelling, and upon a finding by the Planning and Zoning Commission that such a home will be operated in a manner that is compatible with, and not detrimental to, adjacent properties or the neighborhood in general.
- D. Group Care Facilities or Community Residential Setting Facility in accordance with Section 21- ~~330812.C~~.
- E. Hospitals, or similar health care facilities, provided 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.
- F. Group Care Facility or Community Residential Setting Facility in accordance with Section 21-~~330812.C~~.
- 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.

Sec. 21-428. 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 [Community Design Guidelines](#) ~~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.

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Sec. 21-429. Development Standards.

A. Development Standard for Permitted Residential Uses shall be as follows:

Development Standards	Attached Single-Family Buildings	Two, Three, Four-Family and Multi-Family Buildings	Multi-Family Buildings (Five-Family Dwelling & Above)
Maximum Lot Coverage by all structures (%)	60	50	50
Minimum Lot Width (FT)	30	N/R	N/R
Maximum Density (du/ac) as calculated by Peoria General Plan)	8●	12●	18○
Maximum Principal Building Height (FT)	30	30	48◆
MINIMUM BUILDING SETBACKS (FT)			
Front Setback	10	20	20
Rear Setback	15	15	15
Side Setback	5◆◆	20◆◆	20◆◆
Corner Side (◆◆◆)	10	15	15

Notes

N/R No minimum requirement

- 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.
- Maximum density may be increased up to seven (7) additional units per acre based on a finding that the project incorporates additional amounts of open space, recreational amenities, enhanced landscaping, enhanced project amenities, and/or pedestrian corridors.
- ◆ Building Height: Maximum thirty (30) feet high within thirty (30) feet of any Single-Family Residential District. The height may be increased by one (1) foot per each three (3) feet of additional setback to a maximum of 48-feet.
- ◆◆ For condominium and attached housing types, only building separation applies. No minimum building separation is required along common wall.
- ◆◆◆ If a tract of land is present between the right of way and the side property line for landscaping or other purposes, the tract shall not be considered a corner yard for setback purposes.

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B. Development Standards for Non-Residential Uses shall be as follows:

DEVELOPMENT STANDARDS	NON-RESIDENTIAL BUILDINGS
Maximum Lot Coverage (%)	50
Maximum Principal Building Height (FT) •	48
SETBACKS (feet)	
Front (street line)	40
Rear	25
Side	25
Corner Side (from edge of pavement)	10

Note

- Provided that the minimum required side and rear setbacks shall be increased by three additional feet (3) for each one (1) foot by which the height of the structure exceeds thirty feet (30').

C. Development Standards for Accessory uses shall be as follows:

1. Accessory building development standards for Attached Single-Family shall conform to the regulations set forth in Section 21-~~315~~422.

2. All other residential uses shall conform to the following:

DEVELOPMENT STANDARDS	TWO, THREE, FOUR-FAMILY DWELLING AND MULTI-FAMILY	NON-RESIDENTIAL
Maximum Building Height (FT) •	20 •	20
MINIMUM BUILDING SETBACKS (FT)		
Front	10	20
Rear	5	10
Side	8	10

Note

- Thirty feet (30') maximum height for Clubhouse

~~MOBILE HOME SUBDIVISION DISTRICT (RMH-1)~~

Sec. 21-431. Mobile Home Subdivision District (RMH-1) ~~Intent.~~

This district comprises areas suitable for placement and occupancy of mobile homes for residential purposes on individually owned lots in mobile home subdivisions. Regulations are designed to stabilize and protect the residential character of the district and to promote compatibility with adjacent districts.

Sec. 21-432. Permitted Principal Uses.

- A. One mobile home per lot.
- B. Churches, synagogues, temples, chapels, or similar places of worship, and related facilities, subject to review and approval of vehicular access by the City Engineer. ~~Appeals from the application of these requirements may be made following the provisions of Section 21-320.~~

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Sec. 21-433. Permitted Conditional Uses.

- A. Any use permitted in any R1-8 single-family residential district, in accordance with all regulations pertaining hereto in such district.
- B. Recreational areas, facilities and buildings; offices; service buildings and yards, subject to approval by the Commission of the proposed site development plans; provided that the primary purpose of any such use is service to residents of the subdivision.
- C. Day Care Group Homes with five (5) or more children, in accordance with Section 21-~~330~~~~812.8~~, and provided that the residence is a single-family detached dwelling.

~~RECREATIONAL VEHICLE RESORT DISTRICT (RMH-2)~~

Sec. 21-438. Recreational Vehicle Resort District (RMH-1) ~~Intent~~.

This district provides for the development of areas designed and intended for use and temporary occupancy as recreational vehicle resorts as defined herein. Regulations are designed to protect and enhance the public health, safety, welfare and the environment by requiring adequate utilities and facilities and proper development standards to ensure the quality of uses within the district, and to promote compatibility with adjacent districts.

Section 2. Amend Chapter 21 - Zoning, Section 21-500 Non-Residential Districts only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 21-500 NON-RESIDENTIAL DISTRICTS

Sec. 21-503. Land Use Matrix.

The following Land Use Matrix (Table 21-503) 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 Zoning Administrator ~~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.

Sec. 21-505. Limitations on Uses.

- B. Eating & Drinking Establishments.
 - 1. Mobile Food/Merchandise Unit and all accessory equipment ("use") shall be subject to the following additional requirements:
 - a. Location.
 - 1) The vendor shall obtain written permission from the property owner or an authorized agent.
 - 2) The use shall not be located within 250 feet of a single-family residentially zoned lot, not including common area tracts.
 - 3) The use shall not cause the site to fall below minimum required parking for the site.

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- 4) The use shall be located on a dustproof surface.
 - 5) The use shall not obstruct pedestrian or vehicle circulation, or be located within drive aisles, fire lanes, loading zones, or any location that may cause hazardous conditions, or constitute a threat to the public health, safety and welfare.
 - 6) The site shall be restored to its previous condition after each use. Permanent alterations to the site are prohibited.
- b. Operation.
 - 1) The use shall not be present at the site or center for a period exceeding eight (8) consecutive hours within a 24-hour period. This period includes for set-up, operation and takedown.
 - 2) Unless a Temporary Use Permit has been issued pursuant to Section 21-~~155322~~, the operation shall not occur between the hours of 10:00 pm and 7:00 am, unless the mobile food unit is acting as an auxiliary kitchen for an existing bar, tavern, or restaurant, in which case the use shall be limited to the hours of operation for that primary business.
 - 3) Mobile restrooms are prohibited.
 - 4) The site shall be properly lit, provided that any temporary lighting be directed downward and shielded in a manner that the illumination source is not be visible from any adjacent property.
2. Restaurants with Drive-Through:
 - a. All drive-through lanes, menu boards, speaker box, and other related elements shall be located at least 50 feet from any residentially zoned property or use. Speakers at a drive-through shall not be audible from residentially zoned property. Sound shall be mitigated through the use of sound attenuation walls, landscaping, or other measures.
 - b. The drive-through lane shall be separated from parking areas and driving lanes by a minimum 5-foot wide landscaping island or other alternative as approved by the [Zoning Administrator](#) ~~Planning Manager~~.
 - c. Drive-through canopies and other appurtenances shall be architecturally compatible with the principal building.
 - d. Through the Conditional Use Permit (CUP) process, the conditions considered for imposition by the Planning and Zoning Commission may include, but are not limited to, a restriction on operating hours, additional screening, relocation of the drive-through, modification of the minimum drive-through stacking requirements, noise and visual mitigation, and other measures appropriate to the relevant circumstances.
3. Outdoor Dining and Seating Areas:
 - a. No Conditional Use Permit is required when the exterior wall or area of the patio or seating area is located at least two-hundred (200) feet from the nearest residentially-zoned lot, not including common area tracts
 - b. Such areas shall be located adjacent to the restaurant or establishment to which it is an accessory use.
 - c. The use shall not interfere with pedestrian access, fire lanes, driveways, or traffic visibility at driveways or street intersections.
 - d. Through the Conditional Use Permit (CUP) process, the conditions considered for

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imposition by the Planning and Zoning Commission may include, but is not limited to, a restriction on operating hours, additional screening, re-location of the outdoor dining and seating area, noise and visual mitigation and other measures appropriate to the relevant circumstances.

4. Tavern, Bar, or Lounge:

- a. The exterior building wall shall not be located within one-thousand (1,000) feet of the property lines of a state designated Local Alcohol Reception Center.
- b. The exterior building walls of the use shall be located at least two-hundred (200) feet from a residentially zoned property.
- c. Through the Conditional Use Permit (CUP) process, the conditions considered for imposition by the Planning and Zoning Commission may include, but are not limited to, a restriction on operating hours, additional screening, relocation of any outdoor patio areas, live entertainment standards, noise and visual mitigation, and other measures appropriate to the relevant circumstances.

D. General Industrial & Manufacturing.

1. Mini-storage warehouses, RV, Boat, and Trailer Storage, indoor and/or screened, shall be subject to the following additional requirements:
 - h. A wall with a minimum height of six (6) feet and a landscaping buffer in accordance with Section 21-818.A.3, or as approved by the Planning and Zoning Commission, shall be constructed along the site boundary devoted to such use where abutting a residential use or residentially-zoned vacant property.

F. Institutional Uses.

2. Group Care Facility or Community Residential Setting Facility in accordance with Section 21-~~330~~~~812-C~~.

Sec. 21-506. 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	10
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 ^a	48	48 ^a	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	30	120
Accessory Building Height and Setbacks (FT)	•	•	•	•	•	•	•	•

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N/R No minimum requirements

- ^a 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.

◆ If a tract of land is present between the right of way and the side property line for landscaping or other purposes, the tract shall not be considered a corner yard for setback purposes

- 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 21-825 of the Zoning Ordinance.

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	0	0	0
Total Sides (FT)	40	20	20	30
Interior Setback (FT)	N/R	N/R	N/R	N/R
Rear Setback (FT)	25	25	25	40
Corner Side (FT) (◆)	20	20	20	30
Setback from Residential Zoning Districts (FT) ^a	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 ^b	48 ^b	48 ^b	60 ^b
Accessory Building Height and Setbacks (FT)	•	•	•	•

N/R No minimum requirements.

- ^a The setback shall be applied to sides which abut or are adjacent to a residential zoning district, as established in Section 21-415.A. or as designated residential on a PAD or PCD. Where a side is adjacent to a residential zoning district, said setback shall be applied when the abutting right-of-way is a collector or lower classification as identified on the Peoria General Plan and Street Classification Map.

- ^b Building Height: Where a setback from residential zoning district applies, the building shall be limited to a maximum height of thirty 30 feet at the setback line. The building height may be increased by one (1) foot per each three 3 feet of additional setback to the maximum height as prescribed by the applicable district.

◆ If a tract of land is present between the right of way and the side property line for landscaping or other purposes, the tract shall not be considered a corner yard for setback purposes

- 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 21-~~900~~⁸²⁵ of the Zoning Ordinance.

Exhibit D - City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

Section 1. *Amend Chapter 21 - Zoning, Section 21-600 Special Districts, Uses, and Designation, only as follows, leaving all other sections and subsections not specifically referenced unchanged:*

Sec. 21-600 SPECIAL USES, DISTRICTS AND OVERLAYS-~~DESIGNATIONS~~ ~~PLANNED AREA DEVELOPMENT (PAD)~~

Sec. 21-601. Planned Area Development (PAD) ~~Intent.~~

A. Intent.

~~A.~~ The Planned Area Development District (PAD ~~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:

1. To enhance the City's development growth in order that the public health, safety, and general welfare be enhanced as Peoria increasingly urbanizes;
2. To encourage innovations in residential, commercial, and industrial development so that greater opportunities for better housing, recreation, shopping and employment, may extend to all citizens and residents of Peoria;
3. To reflect changes in the technology of land development;
4. To encourage a more creative approach in the utilization of land in order to accomplish a more efficient, aesthetic, and desirable development which may be characterized by special features of the geography, topography, size or shape of a particular property; and,
5. To provide a compatible and stable developed environment, in harmony with that of the surrounding area.

The PAD ~~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 PAD ~~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.

B. Definitions. Terms in this Section shall have the following definitions:

A "Development Unit" means an approximate "subarea" within a specifically defined PAD boundary containing singular or multiple designated land use and zoning classifications. Multiple classifications or mixed-use classifications may be permitted in the PAD 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 PAD.

The "Standards & Guidelines Report" consists of components such as, but not limited to, a land use matrix, identification of zoning districts, permitted density/intensity, and applicable development standards by parcel or development unit(s). The Standards and Guidelines Report may also background information describing the characteristics, components and timing of the proposed PAD.

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Sec. 21-602 and 21-603 are removed in its entirety and replaced with the following:

Sec. 21-602. Qualifying Standards.

An application for rezoning to a PAD district shall only be considered if the application meets the following criteria, as determined by the Development Services Director or designee:

A. Land Control. The land included in the proposed PAD shall be under single ownership or control. Single control of property under multiple ownership may be considered when the application includes enforceable agreements, covenants, or commitments that run to the benefit of the City and that the City may require to be recorded if the PAD is approved.

B. Minimum Acreage.

1. All Planned Area Developments shall be between ten (10) and six-hundred (600) acres in size. The minimum acreage shall be no less than ten (10) acres unless the applicant can show that the minimum PAD 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 PAD 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.
2. Acceptance of the waiver for the minimum acreage 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.

Sec. 21-603. Development Standards and Supplemental Regulations

All uses and development standards in a PAD District shall be established through the zoning approval process as further described herein.

A. Use Standards.

1. Any land use within the PAD District is allowed subject to consistency with the General Plan, applicable Specific Area Plan, and relevant use limitations or operational restrictions as noted below.
2. Specific “permitted uses”, “conditional uses”, “temporary uses” and/or “accessory uses” may be identified and established within the PAD Standards and Guidelines Report. Alternatively, these uses may be identified and established through reference to one or more Peoria Zoning Districts. In such cases, all uses must be specifically defined or references within the PAD Standards and Guidelines Report.

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3. Uses with limitations or operational restrictions shall specifically identify those limitations and/or restrictions within the PAD Standards and Guidelines Report, or alternatively provide a citation to applicable limitations and/or restrictions within the Zoning Ordinance.
4. In the event of a specific use not being identified within the PAD Standards and Guidelines Report, the Zoning Administrator or designee(s) shall determine the closest associated use based on the provisions of the PAD and/or the Zoning Ordinance as applicable.

B. Development Standards and Supplemental Regulations.

1. The PAD District may establish alternate development standards and supplemental regulations as approved by the City Council. Standards and supplemental regulations developed through the PAD process shall be appropriate to the location and context for the site for which the project is proposed. Standards and regulations created through the PAD Overlay should also assist in the fulfillment of the goals, objectives and policies in the General Plan.
2. Where no specific development standards are identified within the PAD, the development standards for the specified underlying zoning district within the Peoria Zoning Ordinance shall prevail. When no specific supplemental regulations are identified within the PAD, applicable regulations within the City Code, Zoning Ordinance, Peoria Engineering Standards Manual, and Council adopted implementation documents shall apply.
3. Once development standards are established through the PAD District, they may be amended only through the PAD Amendment process set forth herein, unless otherwise approved through the zoning process.

C. Processing, Modification and Approval Procedures. Procedures for specific process and approval regulations shall be in accordance with the Peoria Zoning Ordinance unless modified through the PAD District approval process.

Sec. 21-604. Application Requirements and Review Process.

A. Application Processing.

1. Requests for a new or major amendment to a Planned Area Development (PAD) district shall be processed in accordance with Section 21-153 of the Zoning Ordinance.
2. If the Zoning Administrator has determined the request to an adopted PAD District is a “minor amendment” in accordance with the criteria identified within Section 21-606, the request shall be processed in accordance with Section 21-606.

B. Submittal Requirements. Establishment of the application submittal requirements for a new or major amendment to a PAD shall be determined at the time of the preliminary application meeting as outlined in Section 21-143. At a minimum, the following shall be required:

1. **PAD Standards and Guidelines Report.**
 - a. A Standards and Guidelines Report shall be submitted with the application, and shall meet the content requirements as specified by the Zoning Administrator.
 - b. The Report shall function as the development standards framework and shall identify all deviations, standards, references and bulk requirements thereto; where the PAD is silent on a requirement, the applicable Zoning provision, as determined by the Zoning Administrator, shall control.

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- c. No provision in the Standards and Guidelines Report shall be construed to negate any applicable provision in the Peoria Engineering Standards Manual or any building or fire code requirement.
- 2. **Project Narrative.** Within the Project Narrative, provide justification for the request as specified within the rezoning process guideline on file with the Planning Department.
- C. **Noticing.** Major and minor PAD amendments shall be noticed in accordance with Section 21-146.A of the Zoning Ordinance.

Sec. 21-605. Establishment of a PAD District.

- A. **Required Findings.** The applicant shall address each of the required findings, as set forth below, and shall demonstrate with sufficient, objective information, how the proposed PAD complies with each. The City Council, following a recommendation from the Planning and Zoning Commission, may approve an amendment of the Zoning Map of the City of Peoria to reflect establishment of the PAD on the subject property upon determining that all of the following findings have been met:
 - 1. That the development proposed is in conformance with the General Plan and applicable Specific Area Plan.
 - 2. That the streets and thoroughfares proposed are in conformance with the General Plan Circulation Map and will be adequate to serve the proposed uses.
 - 3. The Planning and Zoning Commission and City Council shall further find:
 - a. 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;
 - b. 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 PAD;
 - c. In the case of proposed commercial, industrial, institutional, recreational and other non-residential uses or mixed-uses, that such development will be appropriate in area, location and overall planning for the purpose intended; and,
 - d. 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).
- B. **Standards & Guidelines Report.** The Planned Area District shall be adopted in accordance with procedures set forth in Section 21-153. The Commission and Council shall consider the PAD "Standards & Guidelines Report" as part of the rezoning application and all provisions and protocols therein set forth in Section 21-153 shall apply to said "Standards & Guidelines Report".
- C. **Waiver Claim for Diminution in Value.** The Zoning Administrator shall not approve or recommend approval of any establishment or modification of a PAD District unless the Zoning Administrator has received a Waiver of Claim for Diminution in Value from the Owner or Owners of the property that is the subject of the PAD request, or has determined that the absence of such a Waiver of Claim for Diminution in Value is consistent with the City's General Plan and zoning goals and regulations.

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Sec. 21-6064. Amendments to an Approved Planned Area Development District.

- A. **General.** Amendments ~~to an approved P.A.D.~~ may be requested by the applicant or its successors.
- B. **Applicability.** Amendments to the approved PAD P.A.D may be limited to one or more parcels or "development units", and any proposed change will not affect parcels or development units not included in the proposed amendment.
- C. **Major or Minor Amendments.**
1. Determination Authority. Amendments to the approved PAD P.A.D. shall be determined to be either a delineated as major or minor amendments by the Zoning Administrator using the criteria noted below. ~~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.~~ 2. Major Amendments. If the Zoning Administrator ~~Planning Manager~~ determines the amendment to be a major amendment, the amendment request shall be processed in the manner set forth in Sections 21-6043 through 21-605. An amendment shall be deemed major if it involves any one of the following:
 - a1. A change in the overall PAD P.A.D. District Boundary;
 - b2. An increase in the total number of approved dwelling units or gross leasable area (GLA) by 10% or more for the overall PAD P.A.D. District;
 - c3. A significant change to the approximate boundary of one or more "development unit(s)" from that approved in the PAD P.A.D. District, as determined by the Zoning Administrator ~~Planning Manager~~. A change to an individual development unit generally shall be deemed to be significant if it represents more than a 10% increase to the approximate gross area of the development unit as approved for the PAD without a corresponding reduction in one or more adjoining "development unit" P.A.D.;
 - d4. A reconfiguration in land use designation and/or parcel boundaries that increases or decreases the total of any land use type by more than 20% percent within the overall PAD District. ~~An increase of 10% or more of the approved number of projected dwelling units or gross leasable area (GLA) for an individual development unit;~~
 - e5. A request for a new land use classification type or category that was not previously approved within the PAD District, as determined by the Zoning Administrator. ~~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;~~
 - f6. Any other proposed change of use or increase in intensity/density that significantly impacts adjoining areas, including significant traffic impact (volume or level of service) or increase in utility infrastructure demand, as determined by the Zoning Administrator. ~~Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the P.A.D. or to the overall major street system as determined by the City Engineer; or,~~
 - g7. 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 Zoning Administrator. ~~Planning Manager.~~

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E- 3. Minor Amendments.

- a. Amendments not meeting one or more of the criteria listed above in Subsection D. shall be considered minor. If the Zoning Administrator-Planning Manager determines the amendment to be minor, the decision is final unless appealed in a timely manner pursuant to Section 21-607.
- b. If no appeal is filed, or the appeal to be determined to be invalid pursuant to Section 21-607, then the Zoning Administrator-Planning Manager may administratively act on the amendment and attach stipulations or conditions of approval thereto, to protect the public health, safety and welfare.

D.1. Notice. Major and minor PAD amendments shall be noticed in accordance with Section 21.146 of the Zoning Ordinance.

- ~~a. **Map.** If the amendment proposes a change to the map for the Final Development Plan, notice of the proposed minor amendment shall be mailed to each owner of property as last disclosed by County Assessor records, situated wholly or partly within three hundred (300) feet of the affected development unit(s) to which the amendment relates. For purposes of giving mailed notice, the Planning Manager shall require the applicant to furnish the names and addresses and stamped/addressed envelopes of all affected property owners as determined above.~~
- ~~b. **Other.** If the amendment proposes any other change to the Final Development Plan, including but not limited to, text changes or changes to the development standards, notice of the minor amendment shall be published in a newspaper of general circulation.~~

~~**2. Protest.**~~

- ~~a. **Protest Received.** If written protest to any minor amendment is received from any notified property owner within ten (10) days of the notification mailing date in the case of mailed notice, or within ten (10) days of the final date of advertising in the case of published notification, and such protest cannot be resolved, then the Minor Amendment shall be reclassified as a Major Amendment. No additional application shall be required; however, all provisions governing Major Amendments shall then apply.~~
- ~~b. **Protest Not Received.** If written protest is not received as described above, the Planning Manager shall render a decision on the minor amendment request. The Planning Division decision shall be final unless appealed under Subsection F, set forth below. The Planning Manager or assigned designee shall send copies of the decision to the applicant, interested parties of record, and members of the Planning and Zoning Commission.~~

Sec. 21-607. Appeals.

A. Appeal of an Amendment Classification.

1. Filing.

- a. For Map Changes: An appeal may be filed by the owner of the property that is the subject of the decision, or by any property owner(s) within 300 feet of the requested change.
- b. For All Other Changes: An appeal may be filed by the owner of the property that is the subject of the decision, or by any property owner(s) within 1,320 feet of the requested change.

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2. Form and Deadline.

- a. The appeal shall be submitted on a form provided by the Planning Department and must specify the grounds for the appeal.
- b. The appeal must be received within fifteen (15) days of publication of the Zoning Administrators decision.

3. Validity.

- a. Appeals filed with the intent to contest prior City Council adoption and authorization of a permitted or conditionally permitted use, or a zoning district, shall be determined by the Zoning Administrator to be invalid.
- b. Appeals determined to be valid shall be forwarded to the Board of Adjustment on the next available agenda and processed in accordance with Section 21-162.

B. Appeal of a Planning Department Decision.

1. **Appeal of Planning ~~Division-Department~~ decision to Planning and Zoning Commission.** An action or decision by the Planning ~~Division-Department~~ on minor amendments may be appealed by the applicant within ten (10) calendar days from the date of the Zoning Administrator-Planning Manager's decision.
 - a. Appeals shall be in writing on a form provided by the Planning ~~Division-Department~~ and shall include only the specific items being appealed.
 - b. The Planning ~~Division-Department~~ 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-Department~~ 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.C.~~ Appeal of Planning and Zoning Commission Decision to Council. An action or decision by the Planning and Zoning Commission ~~on Minor Amendments~~ may be appealed by the applicant within ten (10) calendar days after the date of the Commission decision.

- a. Appeals shall be in writing on a form provided by the Planning ~~Division-Department~~ and shall include the specific items being appealed and the nature upon which the decision was in error.
- b. The Planning ~~Division-Department~~ shall transmit to the City Council a transcript, with exhibits, of the Planning and Zoning Commission's hearing. The City Council shall review the transcript and exhibits and may, at their discretion, hear further oral or written comments.
- c. The City Council may affirm the decision of the Planning and Zoning Commission; or remand the matter for further proceedings before the Planning and Zoning Commission; or reverse or modify the Planning and Zoning Commission's decision.

PLANNED COMMUNITY DISTRICT (PCD)

Sec. 21-6085. Planned Community District (PCD) ~~Intent.~~

The Planned Community ~~(P.C.)~~ District (PCD) 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. In this regard, a Planned Community District is indistinguishable in terms of its intent, nature, functionality and processing compared to the Planned Area Development (PAD) District except for larger minimum acreage required. This district is intended to provide an alternative zoning district and development process to accommodate substantial developments for residential, commercial, professional, industrial or other activities, including combinations of uses appropriately requiring flexibility under controlled conditions, not otherwise attainable under conventional zoning districts so that the following goals may be achieved:

- A. To enhance the City's development and to promote the public health, safety, and general welfare.
- B. To provide within such areas a combination of land uses, which may include a variety of residential types, commercial, industrial, public and semi-public areas, arranged and designed in accordance with sound site planning principles and development techniques; and in such a manner as to be properly related to each other, the immediate surrounding area, the planned thoroughfare system, and other public facilities such as water and sewer systems, parks, schools and utilities.
- C. To encourage a more creative approach in the utilization of land in order to accomplish an efficient, aesthetic, and desirable development which may be characterized by special features of the geography, topography, size or shape of a particular property.
- D. To establish planning and development control parameters tailored to the opportunities and constraints of the property while allowing sufficient flexibility to permit final detailed planning and the precise distribution of the approved density and intensity of the project at the time of site plan or subdivision application submittal.
- E. To provide reasonable assurances to the City and land developer that the proposed development may be planned and carried out in one or more phases over an extended period of time, in accordance with an approved ~~P.C.~~ PCD "Development Plan" and "Standards & Guidelines Report".
- F. To assure that the ~~P.C. District~~ PCD is developed in accordance with a ~~P.C.~~ PCD "Development Plan" and "Standards & Guidelines Report". The ~~P.C.~~ PCD "Development Plan" and "Standards & Guidelines 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.

Sec. 21-60906. Qualifying Standards ~~General Provisions.~~

An application for rezoning to a PCD district shall only be considered if the application meets the following criteria, as determined by the Development Services Director or designee:

A. Land Control. The land included in the proposed PCD shall be under single ownership or control. Single control of property under multiple ownership may be considered when the application includes enforceable agreements, covenants, or commitments that run to the benefit of the City and that the City may require to be recorded if the PAD is approved.

B. Minimum Acreage.

All Planned Community District shall be six-hundred (600) or more acres in size.

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- ~~A. Conformance with the General Plan. The proposed P.C. District shall be in general conformance with the Peoria General Plan. The Planning Manager shall not approve or recommend approval of any P.C. District unless the Planning Manager has received a Waiver of Proposition 207 from the Owner or Owners of the property that is the subject of the P.C. District or has determined that the absence of such a Waiver of Proposition 207 is consistent with the City's General Plan and zoning goals and regulations.~~
- ~~B. Location of P.C. District. P.C. Districts may be established on large parcels of land which, because of their ownership, size, topography, or exceptional or unusual locational characteristics, are suitable for planned development in a manner consistent with the purposes of this Section.~~
- ~~C. Minimum P.C. District Area.~~
- ~~1. The minimum area required for a planned community district is six hundred (600) contiguous acres held under single ownership at the time of application submittal or under multiple ownership within a partnership as expressed through written correspondence and signatures provided with the application.~~
 - ~~2. Areas within rights of way may be included in the computation of the minimum six hundred (600) acres.~~
- ~~D. Property Development Standards. All land uses in a P.C. District shall be established within planned "development units". The P.C. District is intended to be combined with the general property development standards of various zoning districts in the Peoria Zoning Ordinance or as modified in the approved P.C. "Development Plan" and "Standards Report".~~
- ~~1. The proposed P.C. District shall comply with overlay districts of general applicability including, but not limited to, the Hillside Development Overlay and Floodplain Districts, except where modifications are expressly authorized through an approved Standards Report and Development Plan;~~
 - ~~2. The proposed P.C. District shall comply with the Subdivision Regulations and other adopted policies, codes and ordinances of general applicability;~~
 - ~~3. The proposed P.C. District may include modified property development standards (contained within the Zoning Ordinance) to address defined opportunities and constraints related to the property, including, but not limited to, building placement and height, minimum lot size and parking area landscaping.~~
- ~~E. Permitted Uses. Any use may be permitted in any specific "development unit" within a proposed P.C. District provided such use shall be specifically listed as a permitted use and shall be located and conducted in accordance with the approved "Development Plan" and "Standards Report" and other applicable regulations.~~
- ~~F. Conditional Uses. Any use may be established as a conditional use in any specific development unit within a proposed P.C. District provided such use shall be specifically listed as a conditional use subject to the provisions of Section 21-321 and shall be located and conducted in accordance with the approved "Development Plan" and "Standards Report" and other applicable regulations.~~

Sec. 21-610. Development Standards and Supplemental Regulations

All uses and development standards in a PCD District shall be established through the zoning approval process as further described herein.

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A. Use Standards.

1. Any land use within the PCD District is allowed subject to consistency with the General Plan, applicable Specific Area Plan, and relevant use limitations or operational restrictions as noted below.
2. Specific “permitted uses”, “conditional uses”, “temporary uses” and/or “accessory uses” may be identified and established within the PCD Standards and Guidelines Report. Alternatively, these uses may be identified and established through reference to one or more Peoria Zoning Districts. In such cases, all uses must be specifically defined or references within the PCD Standards and Guidelines Report.
3. Uses with limitations or operational restrictions shall specifically identify those limitations and/or restrictions within the PCD Standards and Guidelines Report, or alternatively provide a citation to applicable limitations and/or restrictions within the Zoning Ordinance.
4. In the event of a specific use not being identified within the PCD Standards and Guidelines Report, the Zoning Administrator or designee(s) shall determine the closest associated use based on the provisions of the PAD and/or the Zoning Ordinance as applicable.

B. Development Standards and Supplemental Regulations.

1. The PCD District may establish alternate development standards and supplemental regulations as approved by the City Council. Standards and supplemental regulations developed through the PCD process shall be appropriate to the location and context for the site for which the project is proposed. Standards and regulations created through the PCD Overlay should also assist in the fulfillment of the goals, objectives and policies in the General Plan.
2. Where no specific development standards are identified within the PCD, the development standards for the specified underlying zoning district within the Peoria Zoning Ordinance shall prevail. When no specific supplemental regulations are identified within the PCD, applicable regulations within the City Code, Zoning Ordinance, Peoria Engineering Standards Manual, and Council adopted implementation documents shall apply.
3. Once development standards are established through the PCD District, they may be amended only through the PCD Amendment process set forth herein, unless otherwise approved through the zoning process.

C. Processing, Modification and Approval Procedures. Procedures for specific process and approval regulations shall be in accordance with the Peoria Zoning Ordinance unless modified through the PCD District approval process.

Sec. 21-611~~07~~. Application Requirements and Review Process.

A. Application Processing.

1. Requests for a new or major amendment to a Planned Community District (PCD) shall be processed in accordance with Section 21-153 of the Zoning Ordinance.
2. If the Zoning Administrator has determined the request to an adopted PCD is a “minor amendment” in accordance with the criteria identified within Section 21-613, the request shall be processed in accordance with Section 21-613.

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B. Submittal Requirements. Establishment of the application submittal requirements for a new or major amendment to a PCD shall be determined at the time of the preliminary application meeting as outlined in Section 21-143. At a minimum, the following shall be required:

1. PCD Standards and Guidelines Report.

- a. A Standards and Guidelines Report shall be submitted with the application, and shall meet the content requirements as specified by the Zoning Administrator.
- b. The Report shall function as the development standards framework and shall identify all deviations, standards, references and bulk requirements thereto; where the PCD is silent on a requirement, the applicable Zoning provision, as determined by the Zoning Administrator, shall control.
- c. No provision in the Standards and Guidelines Report shall be construed to negate any applicable provision in the Peoria Engineering Standards Manual or any building or fire code requirement.

2. Project Narrative. Within the Project Narrative, provide justification for the request as specified within the rezoning process guideline on file with the Planning Department.

C. Noticing. Major and minor PCD amendments shall be noticed in accordance with Section 21-146.A of the Zoning Ordinance.

~~In addition to complying with the provisions of Section 21-317 each application for a P.C. District shall be accompanied by a "Standards Report," "Development Plan" and "Development Schedule". The "Standards Report" and "Development Plan" shall, as approved by the City Council, become a part of the applicable zoning regulations within the respective P.C. District. Subsequent changes to the "Development Plan" shall be made in accordance with Section 21-612.~~

~~A. Standards Report. The "Standards Report" shall describe the purpose, nature and characteristics of the proposed P.C. District including, but not limited to, the proposed development unit use or uses to be conducted in the district in a manner sufficient to enable preparation and consideration of regulations governing permitted and conditional uses, site use and other development regulations which may be appropriate to govern development, use, and maintenance of the sites included within the P.C. District. The "Standards Report" shall include the following:~~

- ~~1. Contact listing of key project team representatives including the contact, owner, and developer;~~
- ~~2. Vicinity Map;~~
- ~~3. Legal description of the district boundary;~~
- ~~4. A statement by the applicant demonstrating the necessity of the application for the P.C. district, including information demonstrating compliance with the findings contained within Section 21-612;~~
- ~~5. Existing conditions map drawn to a suitable scale showing the use and general condition of the land within the proposed P.C. district boundary and adjacent lands for one mile. The map will provide the total gross acreage, overall density proposed and a delineation of major physical constraints or opportunities, major environmental features, topography, existing roads, trails, utilities, generalized location of any hundred (100) year floodway and mapped stormwater drainage conditions;~~

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- ~~6. The delineation of development units including a parcel matrix inclusive of each proposed development unit indicating as appropriate: the approximate unit size in acres, proposed allocation of land uses, the proposed zoning district(s) (either an existing zoning district or a modified proposed district as further defined within the Standards Report), the projected number of employees, the maximum number of potential dwelling units, and intended floor area ratios (FAR) for the project;~~
 - ~~7. The parcel matrix shall also indicate the projected number of residential units or non-residential square footage for each development unit to guide the preparation of supporting infrastructure studies outlined herein; and,~~
 - ~~8. Such additional information as the Planning Manager may prescribe as necessary, to facilitate review and action on the application by the Planning and Zoning Commission and the City Council.~~
- ~~B. Development Plan. The "Development Plan" must include a land use and circulation system concept that is consistent with the goals and policies of the General Plan, compatible with the environment, and capable of being served by existing and planned public facilities and utilities. The "Development Plan" submitted with the application for the P.C. District shall include the following, unless waived by the Planning Manager:~~
- ~~1. Submittal of a Development Plan Map divided into approximate development sub-areas or development units. The proposed Development Plan Map(s) shall be drawn to a suitable scale and include at least the following:~~
 - ~~a. The boundary of the proposed P.C. District;~~
 - ~~b. The existing and proposed topographic character of the land;~~
 - ~~c. The approximate location of each proposed land use development unit;~~
 - ~~d. The general location of all proposed major and minor arterial streets, including their proposed connections to major streets identified on the Circulation Map in the Peoria General Plan;~~
 - ~~e. Major drainage elements;~~
 - ~~f. All proposed public schools, parks and open space areas;~~
 - ~~g. Any trails and/or bikeways, including their proposed connections to conceptual trail locations identified in the Peoria Trails Master Plan and other relevant documents; and,~~
 - ~~h. Conceptual location of any significant historical, cultural and archaeological features of the site, including proposed methods to incorporate and preserve such features into the proposed project.~~
 - ~~2. Master Drainage and Hydrology Report, prepared by an Arizona registered engineer.~~
 - ~~3. Master Water and Sewer System Report, prepared by an Arizona registered engineer.~~
 - ~~4. Traffic Impact Analysis Engineering Report, prepared by an Arizona registered engineer.~~
 - ~~5. A Cost Impact Analysis of the proposed public facilities and infrastructure, prepared by a competent person or firm with experience in the preparation of such studies. The study shall provide the specific detailed accounting of the financing structure for the development of required facilities for parks, law enforcement, fire protection, public~~

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~~services, municipal government, and other necessary governmental services.~~

~~6. Such additional information as the Planning Manager may prescribe as necessary, to facilitate review and action on the application by the Planning and Zoning Commission and the City Council.~~

~~C. Development Schedule. The following schedule submitted with the application for a P.C. District shall include the following:~~

~~1. A schedule, indicating to the best of the applicant's knowledge, the approximate timeframe in which construction or development is expected to begin, the duration of time required for completion of the development; and,~~

~~2. Proposed phasing if the project will not be developed as one (1) unit, including a plan for the interim use and management of the undeveloped phase or phases.~~

~~Sec. 21-608. Application Procedures.~~

~~A. The applicant is encouraged to meet with the Planning Manager prior to making an application for a P.C. District to discuss the development concept, the review and approval process, and the submittal requirements.~~

~~B. The applicant shall obtain the necessary application forms from the Planning Division. Application forms when properly completed and accompanied by the required fee and required material shall be submitted to the Planning Division.~~

~~C. If the application request requires an amendment of the City's adopted General Plan and/or an adopted Specific Plan, the applicant shall submit an application to amend the General Plan or adopted Specific Plan prior to or simultaneously with the application for a P.C. District.~~

~~D. The Planning Division shall distribute the P.C. application and supporting materials pursuant to Section 21-607, and other relevant documentation to each responsible department for review and comment.~~

~~E. Written responses shall be obtained by the applicant from public or quasi-public agencies identified by the Planning Manager as being stakeholders in the outcome of the development proposal within the timeframe defined above. The recommendations and submit a written report to the applicant.~~

~~F. The revised P.C. "Development Plan" and "Standards Report" shall be resubmitted to the Planning Division for further evaluation by the Planning Manager and the reviewing agencies.~~

~~G. A development agreement between the applicant and the City may be prepared and reviewed concurrently to afford resolution to issues and concerns identified through agency review.~~

~~Sec. 21-609. Adoption of a Planned Community District.~~

~~A. The Planned Community District shall be adopted in accordance with procedures set forth in Section 21-317. The Commission and Council shall consider the P.C. "Development Plan" and "Standards Report" as part of the rezoning application and all provisions and protocols therein set forth in Section 21-317 shall apply to said "Development Plan" and "Standards Report".~~

~~B. At the time a P.C. District is approved by the City Council, the associated "Development Plan" and "Standards Report" shall become an integral part of the Peoria zoning regulations for the P.C.~~

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~~District established by the City on the property. All future development within the adopted P.C. District shall thereafter be in conformity with the "Development Plan" and "Standards Report".~~

~~Sec. 21-610. Findings.~~

~~Before approval or adoption of an application for a P.C. District, the Planning and Zoning Commission and the City Council shall find:~~

Sec. 21-612. Establishment of a Planned Community District.

A. **Required Findings.** The applicant shall address each of the required findings, as set forth below, and shall demonstrate with sufficient, objective information, how the proposed PCD complies with each. The City Council, following a recommendation from the Planning and Zoning Commission, may approve an amendment of the Zoning Map of the City of Peoria to reflect establishment of the PCD on the subject property upon determining that all of the following findings have been met:

1. ~~A.~~ That the development proposed is in conformance with the General Plan.
2. ~~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.
3. ~~C.~~ The Planning and Zoning Commission and City Council shall further find:
 1. In the case of proposed residential development, that the development will promote compatible buildings and uses and that it will be compatible with the character of the surrounding area;
 2. That the conceptual site locations proposed for public facilities such as schools, fire protection, law enforcement, water, wastewater, streets, public services and parks, are adequate to serve the anticipated population within the PCD ~~P.C. District~~;
 3. In the case of proposed commercial, industrial, institutional, recreational and other non-residential uses or mixed-uses, that such development will be appropriate in area, location and overall planning for the purpose intended; and,
 4. That the development is fiscally sound, as demonstrated in the Cost Impact Analysis, and is consistent with adopted policies, infrastructure plans and applicable Capital Improvement Programs (CIP).

B. **Standards & Guidelines Report.**

~~A.~~ 1. The Planned Community District shall be adopted in accordance with procedures set forth in Section 21-~~153~~347. The Commission and Council shall consider the PCD ~~P.C.~~ "Development Plan" and "Standards & Guidelines Report" as part of the rezoning application and all provisions and protocols therein set forth in Section 21-~~153~~347 shall apply to said "Development Plan" and "Standards & Guidelines Report".

~~B.~~ 2. At the time a PCD ~~P.C. District~~ is approved by the City Council, the associated "Development Plan" and "Standards & Guidelines Report" shall become an integral part of the Peoria zoning regulations for the PCD ~~P.C. District~~ established by the City on the property. All future development within the adopted PCD ~~P.C. District~~ shall thereafter be in conformity with the "Development Plan" and "Standards & Guidelines Report".

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C. **Waiver Claim for Diminution in Value.** The Zoning Administrator shall not approve or recommend approval of any establishment or modification of a PCD District unless the Zoning Administrator has received a Waiver of Claim for Diminution in Value from the Owner or Owners of the property that is the subject of the PCD request, or has determined that the absence of such a Waiver of Claim for Diminution in Value is consistent with the City's General Plan and zoning goals and regulations.

~~Sec. 21-611. Future Development.~~

~~Upon adoption of the P.C. District, the applicant may then proceed with the development of the property in accordance with the "Standards Report" and "Development Plan" by filing subdivision plats for any portion of the P.C. District in accordance with Chapter 24 of the Peoria City Code (1977), which constitutes the City's Subdivision Regulations; or a site plan, pursuant to Section 21-320 of the Peoria Zoning Ordinance. Legal descriptions for each affected development unit must be provided with subdivision plats or site plan applications.~~

~~The Planning and Zoning Commission will not take any subsequent approval action on a project within thirty (30) days of the City Council's adoption of the P.C. District.~~

Sec. 21-61~~32~~. Amendments to an Approved Planned Community P.C. District.

A. **General.** Amendments may be requested by the applicant or its successors.

B. **Applicability.** ~~Amendments to the P.C. District "Development Plan" or "Standards Report" may be requested by the applicant or its successors. Amendments to the approved P.C. District shall be delineated as major or minor amendments.~~ Amendments to the approved PCD P.C. "Development Plan" and "Standards Report" may be limited to one or more parcels or "development units" and any proposed change will not affect parcels or development units not included in the proposed amendment.

C. **Major or Minor Amendments.**

1. **Determination Authority.** Upon receipt of an amendment application to the Planning ~~Division Department~~, the Zoning Administrator ~~Planning Manager~~ shall determine if the proposed amendment constitutes a major or minor amendment using the criteria noted below.

~~C.~~ **2. Major Amendments.** If the Zoning Administrator ~~Planning Manager~~ determines the amendment to be a major, the amendment request shall be processed in the manner set forth in Sections 21- ~~611-608~~ and 21-~~612~~609. ~~D.~~ An amendment will be deemed Major if it involves any one of the following:

- ~~1.~~ a. A change in the overall PCD P.C. District Boundary;
- ~~2.~~ b. An increase in the total number of approved dwelling units or gross leasable area (GLA) by 10% or more for the overall PCD P.C. District;
- ~~3.~~ c. A significant change to the approximate boundary of one or more "development unit(s)" from that approved in the P.C.D. P.C. District, as determined by the Zoning Administrator ~~Planning Manager~~. A change to an individual development unit generally shall be deemed to be significant if it represents more than a ten percent (10%) increase to the approximate gross area of the development unit as approved for the PCD without a corresponding reduction in one or more adjoining "development unit" in the P.C. District;
- ~~4.~~ d. A reconfiguration in land use designation and/or parcel boundaries that increases or decreases the total of any land use type by more than 20% within the overall PCD District.

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~~An increase of ten percent (10%) or more of the approved number of projected dwelling units or gross leasable area (GLA) for an individual development unit;~~

- ~~5. e.~~ A request for a new land use classification type or category that was not previously approved within the PCD District, as determined by the Zoning Administrator. ~~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. f.~~ Any other proposed change of use or increase in intensity/density that significantly impacts adjoining areas, including significant traffic impact (volume or level of service) or increase in utility infrastructure demand, as determined by the Zoning Administrator. ~~Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the P.C. District or to the overall major street system as determined by the City Engineer; or,~~
- ~~7. g.~~ Any other proposed change to the "Development Plan" and/or "Standards & Guidelines Report" which substantively alters one or more components of the PCD P.C. District as determined by the Zoning Administrator. ~~Planning Manager.~~

E.3 Minor Amendments.

- a. Amendments not meeting one or more of the criteria listed in Subsection (D) shall be considered minor. If the Zoning Administrator. ~~Planning Manager~~ determines the amendment to be minor, the decision is final unless appealed in a timely manner pursuant to Section 21-614.
 - b. If no appeal is filed, or the appeal to be determined to be invalid pursuant to Section 21-614, then the Zoning Administrator. ~~Planning Manager~~ may administratively act on the amendment and attach stipulations or conditions of approval thereto, to protect the public health, safety and welfare.
- ~~1. If the amendment proposes a change to the Development Plan Map, notice of the proposed minor amendment shall be mailed to each owner of property as last disclosed by County Assessor records, situated wholly or partly within three hundred (300) feet of the affected development unit(s) to which the amendment relates. For purposes of giving mailed notice, the Planning Manager shall require the applicant to furnish the names and addresses and stamped/addressed envelopes of all affected property owners as determined above. If the amendment proposes any other change to the "Development Plan" or "Standards Report", including but not limited to, text changes or changes to the development standards of the "Standards Report", notice of the minor amendment shall be published within a newspaper of general circulation.~~
 - ~~2. If written protest to any minor amendment is received from any notified property owner within ten (10) days of the notification mailing date in the case of mailed notice, or within ten (10) days of the final date of advertising in the case of published notification, and such protest cannot be resolved, then the Minor Amendment shall be reclassified as a Major Amendment. No additional application shall be required; however, all provisions governing Major Amendments shall then apply.~~
 - ~~3. If written protest is not received as described above, the Planning Manager shall render a decision on the minor amendment request. The Planning Division decision shall be final unless appealed under Section 21-613. The Planning Manager or assigned designee shall send copies of the decision to the applicant, interested parties of record and members of the Planning and Zoning Commission.~~

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D. **Notice.** Major and minor PCD amendments shall be noticed in accordance with Section 21.146 of the Zoning Ordinance.

Sec. 21-61413. ~~Administrative Decision~~ Appeals.

A. **Appeal of an Amendment Classification.**

1. Filing.

- a. For Map Changes: An appeal may be filed by the owner of the property that is the subject of the decision, or by any property owner(s) within 300 feet of the requested change.
- b. For All Other Changes: An appeal may be filed by the owner of the property that is the subject of the decision, or by any property owner(s) within 1,320 feet of the requested change.

2. Form and Deadline.

- a. The appeal shall be submitted on a form provided by the Planning Department and must specify the grounds for the appeal.
- b. The appeal must be received within fifteen (15) days of publication of the Zoning Administrators decision.

3. Validity.

- a. Appeals filed with the intent to contest prior City Council adoption and authorization of a permitted or conditionally permitted use, or a zoning district, shall be determined by the Zoning Administrator to be invalid.
- b. Appeals determined to be valid shall be forwarded to the Board of Adjustment on the next available agenda and processed in accordance with Section 21-162.

~~A.B.~~ **Appeal of a Planning Department Decision.**

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

1. Appeals shall be in writing on a form provided by the Planning ~~Division~~ Department and shall include only the specific items being appealed.
2. The Planning ~~Division~~ Department 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~~ Department 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.C.~~ **Appeal of Planning and Zoning Commission Decision to Council.** An action or decision by the Planning and Zoning Commission ~~on minor amendments~~ may be appealed by the applicant within ten (10) calendar days after the date of the Commission decision.

1. Appeals shall be in writing on a form provided by the Planning ~~Division~~ Department and shall include the specific items being appealed and the nature upon which the decision was in error.

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2. The Planning ~~Division~~ Department 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.

~~Sec. 21-614. Administration and Enforcement.~~

~~A. While ownership of a project may subsequently be transferred (in whole or in part), P.C. District zoning will continue to be implemented and maintained on the total acreage of the P.C. District zoned project. It is the responsibility of the owner to notify all prospective purchasers of the existence of the P.C. District and the P.C. "Development Plan" and "Standards Report". It is also the responsibility of the owner to initiate a dialogue with the Planning Manager to ensure the program of development can be administered to comply with all of the processing time frames and hearing schedules required.~~

~~B. In the event that the applicant has failed to comply with the conditions adopted by the City Council in conjunction with the approved P.C. District and the P.C. "Development Plan" and "Standards Report", the City may proceed in accordance with Section 21-317 of the Peoria Zoning Ordinance.~~

Sec. 21-615. Definitions.

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.

Development Unit: An approximate "subarea" within a specifically defined ~~PCD-P.C.~~ boundary containing singular or multiple designated land use and zoning classifications. Multiple classifications or mixed-use classifications may be permitted in the ~~PCD-P.C. 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 ~~PCD-P.C. District~~.

Standards & Guidelines Report: Consists of a narrative report, existing conditions map and background information describing the characteristics, components and timing of the proposed ~~PCD P.C. 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.

~~PLANNED UNIT DEVELOPMENT (PUD)~~

Sec. 21-616. Planned Unit Development (PUD) ~~Intent.~~

It is the intent of this Section to assist the City in planning large tract areas to insure proper design of water, sewer and utility services. This option can be filed with the City to determine basic land use needs and density requirements, for the purpose of achieving a Master Plan Concept, and to assist a developer in density requirements when the developer elects to leave large, open space areas for recreational use. The final zoning shall not be reflected on the zoning map until the developer has submitted individual plot plans of each phase before the Council, with exact metes and bounds descriptions. Upon Council approval, the City Zoning Map shall be assigned permanent zoning as approved. Under this portion of the option,

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the maximum gross population density and building intensity of the overall development shall not exceed that permitted under conventional single-family standards.

HISTORIC PRESERVATION (HP)

Sec. 21-625. Historic Preservation (HP) ~~Intent~~.

Sec. 21-627. Designation of Landmarks or Historic Districts.

- C. Notice of a proposed designation and all associated hearings shall be provided in the manner required for Rezoning applications as described in Section 21-146 ~~21-311 through Section 21-326~~.

Sec. 21-629. Application for Certificate of Appropriateness.

- A. Prior to the commencement of any work requiring a Certificate of Appropriateness the property owner shall file an application for such a certificate on the official form provided by with the Planning ~~and Community Development~~ Department.
- B. No building permit shall be issued for such a proposed work until the Historic Preservation Commission has first issued a Certificate of Appropriateness. The Certificate of Appropriateness required by this act shall be in addition to and not in lieu of any building permit that may be required by any other ordinance or the City of Peoria.

Sec. 21-630. Hearing of Application for Certificate of Appropriateness.

- A. The Historic Preservation Commission shall hold a public hearing for each application for a Certificate of Appropriateness. The hearing shall be posted and noticed in accordance with A.R.S. § 9-462.04.
- B. The Commission shall approve, deny, or approve the permit with modifications.
- C. In its review and consideration of an application for a Certificate of Appropriateness, the Historic Preservation Commission shall not consider changes to interior spaces, unless they are open to the public, or to architectural features that are not visible from a public street or alley.
- D. The Commission's decision shall be based upon the following principles:
1. Properties which contribute to the character of the historic district shall be retained, with their historic features altered as little as possible;
 2. Any alteration of existing historic landmark properties shall be compatible with their historic character. Any alteration of existing properties within a historic district shall be compatible with their historic character as well as with the surrounding district; and,
 3. New construction shall be compatible with the district in which it is located.
- E. In applying the principle of compatibility, the Commission shall consider the following factors:
1. The general design character and appropriateness to the property of the proposed alteration or new construction;
 2. The scale of proposed alteration or new construction in relation to the property itself, surrounding properties and the neighborhood;
 3. Texture, materials, and color and their relation to similar features of other properties in the neighborhood;

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- 4. Visual compatibility with surrounding properties, including proportion of the property's front facade, proportion and arrangement of windows and other openings with the facade, roof shape, and the rhythm of spacing of properties on streets, including setback; and,
 - 5. The importance of historic, architectural or other features to the significance of the property.
- F. The Commission shall utilize the Secretary of the Interior's Standards for Rehabilitation (1990 edition) as a guide for its decisions with respect to review of applications for Certificate of Appropriateness.
- G. All decisions of the Commission shall be in writing. A copy shall be sent to the applicant within ten (10) days after the Commission's decision by mail. A copy shall be made available for public inspection at the Planning ~~and Community Development~~ Department. The Commission's decision shall state findings and reasons for denying or modifying any application.

Sec. 21-632. Application for Finding of Hardship.

- A. An applicant shall submit an application for Finding of Hardship within thirty (30) days after the Commission's decision to deny the Certificate of Appropriateness. No building permit or demolition permit shall be issued unless the Commission makes a finding that a hardship exists.
- B. The Commission shall hold a public hearing on the hardship application in accordance with the procedures specified in Chapter 3, Section 3-20.
- C. The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.
- D. All decisions of the Commission shall be in writing. A copy of the decision shall be sent to the applicant by mail. A copy shall be made available for public inspection at the Planning ~~and Community Development~~ Department. The Commission's decision shall state findings and reasons for granting or denying the hardship application.

Sections 21-643 through 24-649 Reserved

~~**HILLSIDE DEVELOPMENT OVERLAY DISTRICT (HDOD)**~~

Sec. 21-~~650-710~~. Hillside Development Overlay District (HDOD) ~~Intent~~.

- A. It is the purpose of this Section to establish regulations which recognize that development of hillside areas involves special considerations which result from the slope of the land. These considerations 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.
- 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 application of the Hillside Development Overlay district shall be as depicted below in Table 1, Hillside Determination.

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Table 21-650 ± Hillside Determination	
< 10% slope	Non-Hillside <u>Regulations Apply</u>
≥ 10% slope	Hillside <u>Regulations Apply</u>
<u>≤ 5 acres with < 50% of site with slopes ≥10%</u>	<u>Non-Hillside Regulations Apply</u>
≤ 5 acres with <u>≥50% of site with slopes ≥10%</u> or more of the site in Hillside	Hillside <u>Regulations Apply</u>
≥ 5 acres with <u>< 50% of site with slopes ≥10%</u> less than 50% of the site in Hillside	<u>Hillside Regulations Apply</u> Only <u>only to those</u> areas <u>with slopes</u> greater than 10% considered Hillside

- C. All rezoning applications to Planned Community District (PCD) and Planned Area Developments (PAD) shall conform with the provisions of this Section unless expressly modified through an approved PCD or PAD ~~District~~ Standards ~~/ &~~ Guidelines Report and Development Plan.
- D. Conservation features identified in Section 21-~~671~~~~726~~ shall be preserved in accordance with that Section.

Sec. 21-~~651~~~~711~~. Definitions.

Sec. 21-~~652~~~~712~~. Slope Determination.

- A. A Slope Category Determination Study shall be required prior to the initiation of any Site Disturbance Activities for all land with slopes of 10% or greater.
- 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 Section. A property owner or authorized agent shall submit to the Department a Slope Category Determination Study pursuant to this Section, 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 Zoning Administrator~~Planning Manager~~. A written waiver request shall be submitted to the Zoning Administrator~~Planning Manager~~ with an explanation of why a waiver is warranted and shall include such supporting materials as follows:
1. Site photographs;
 2. Site specific topography information;
 3. All other such information which may provide information on the request.

The Zoning Administrator~~Planning Manager~~ may approve or deny an application as submitted or may request additional information if necessary. In addition to any other grounds the City may have, the City expressly reserves the right to reject the waiver request in the event the Owner is unwilling to enter into a Waiver of Claim for Diminution in Value ~~Proposition 207~~ regarding the property that

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is the subject of the waiver request. 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 Section. The Zoning Administrator~~-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.

- D. Applicants may prepare a Slope Category Determination Study utilizing a methodology differing from those outlined in this Section, if acceptable to the Zoning Administrator~~-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 Zoning Administrator~~-Planning Manager~~, the slope analysis is not acceptable, the applicant shall utilize one of the adopted methodologies contained herein. Appeals of the Zoning Administrator~~-Planning Manager~~ decision pursuant to this paragraph may be heard by the Administrative Hillside Hearing Officer subject to the provisions of Section 21-~~132~~311 of this Ordinance.

Sec. 21-~~653~~713. Density.

- D. 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 Zoning Administrator~~-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.

Sec. 21-~~654~~714. General Provisions for Hillside Lots.

Sec. 21-~~655~~715. Height and Appearances.

Sec. 21-~~656~~716. Disturbed Area Calculations for Individual Hillside Lots.

- K. Transfer of Disturbed Area and dwelling units/development rights to a lower slope category shall be subject to the following conditions:
1. Permitted Lot Coverage and Disturbed Area from a higher slope category may be transferred to the next lower slope category within the site/parcel provided the transferred-to category does not exceed its allowable disturbed area. In the event that the transfer would cause the lower category to exceed its allowable disturbed area, the remaining portion of the transferred square footage may be transferred to the next lower category. This pattern may be repeated until all hillside categories have attained their respective allowable disturbed area. Transfers below the 10% slope line are not permitted.
 2. Permitted Disturbed Areas shall not be transferred from the 0-10% slope category to any other category.
 3. After any applicable transfers of Disturbed Areas have been calculated, the Total disturbed Area, which includes Lot Coverage, within the 10% - 25% slope categories as indicated in Table 4, may be combined to produce a "bucket" of disturbable square footage. This "bucket" may be distributed throughout the 10% - 25% slope categories at the applicant's discretion (Figure 1).
 4. 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

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upon a finding that the transfer will advance the City's interests in protecting a Hillside Development Area.

5. The location of the Disturbed Area and the allocation of Disturbed Area among parcels or lots shall require approval of the [Zoning Administrator](#) ~~Planning Manager~~ or designee; 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 twenty percent (20%) among lots of comparable size and location;
 - c. The resulting change in Disturbed Area on an individual lot 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 twenty percent (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 Section.
- M. 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 [Zoning Administrator](#) ~~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.

Sec. 21-~~657~~[717](#). Grading and Drainage.

Sec. 21-~~658~~[718](#). Driveways.

Sec. 21-~~659~~[719](#). Perimeter Walls, Privacy Walls, Retaining Walls, and Edge Treatments.

Retaining Walls

- G. View fences not exceeding six (6) feet in height above the highest part of adjacent natural grade may be added to a retaining wall. Increases in the height of view fences may be granted by the [Zoning Administrator](#) ~~Planning Manager~~ provided that the retaining wall contains unique design and materials or other amenity features that, in the determination of the [Zoning Administrator](#) ~~Planning Manager~~, mitigate the impact of the additional height.

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Edge Treatment

- L. 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 [Zoning Administrator](#) ~~Planning Manager~~ for review and action. In conjunction with the submittal of the Wall Plan to the [Zoning Administrator](#) ~~Planning Manager~~, the applicant shall submit a copy of the Wall Plan to the appropriate City department(s) 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 [Zoning Administrator](#) ~~Planning Manager~~, and following the review and approval of the Wall Plan by the Engineering [Department](#) ~~Division/Site Planning Division~~ [Department](#), the [Zoning Administrator](#) ~~Planning Manager~~ may approve the Wall Plan. Wall Plans may be approved by the [Zoning Administrator](#) ~~Planning Manager~~ upon a finding that the proposed location and design of the wall(s) is in accordance with this Section and further that the proposed wall will not be contrary to the intent and purpose of this Section.
- M. Perimeter walls or fences approved by the [Zoning Administrator](#) ~~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 [Zoning Administrator](#) ~~Planning Manager~~ if the wall is for the purpose of screening non-residential uses.

Sec. 21-~~660~~720. Lighting, Sewers, and Utilities.

Sec. 21-~~661~~721. Mountain Ridge Profile.

- A. Within areas 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 [Zoning Administrator](#) ~~Planning Manager~~ or 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

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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.

Sec. 21-~~662~~~~722~~. 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 shall be provided for staff review:
 1. A topographic map at an appropriate scale on a 24" × 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 in accordance with the Desert Lands Conservation Overlay district.
 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 21-~~661~~~~721~~.
 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 Zoning Administrator ~~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 Zoning Administrator ~~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

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the model will remain in the custody of the [Zoning Administrator](#) ~~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 21-~~653~~**713-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.

Sec. 21-~~663~~**723**. Inspections.

Sec. 21-~~664~~**724**. 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 Section.
- 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 Section 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 [Department](#) 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 Section.
- C. Violations of this Section are subject to prosecution by the City of Peoria under the City Code and shall be punishable as provided by law.

[Sections 21-666 through 24-669 Reserved](#)

~~DESERT LANDS CONSERVATION OVERLAY (DLCO)~~

Sec. 21-~~670~~**725**. [Desert Lands Conversation Overlay \(DLCO\)](#) ~~Intent~~.

Sec. 21-~~671~~**726**. Applicability.

Sec. 21-~~672~~**727**. Definitions.

Sec. 21-~~673~~**728**. Review and Approval Process.

- D. 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 [Zoning Administrator](#) ~~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

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to and approved by the [Zoning Administrator](#)~~-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.

A narrative description of the proposed development and information included on exhibits shall be submitted as the essential document of the report. The DLCR shall contain information specified in the Desert Lands Conservation Guide.

- G. 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 [Zoning Administrator](#)~~-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 [Zoning Administrator](#)~~-Planning Manager~~ shall determine the continued sufficiency of the MCP for future development planning applications. The [Zoning Administrator](#)~~-Planning Manager~~ shall not approve or recommend approval of any DLCR and/or MCP unless the [Zoning Administrator](#)~~-Planning Manager~~ has received a Waiver of [Claim for Diminution in Value](#) ~~Proposition 207~~ from the Owner or Owners of the property that is the subject of the DLCR and/or MCP or has determined that the absence of such a Waiver of [Claim for Diminution in Value](#) ~~Proposition 207~~ is consistent with the City's General Plan and zoning goals and regulations.
- F. Native Plants.
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 [Zoning Administrator](#)~~-Planning Manager~~ or designee subject to a report from a registered landscape architect and a satisfactory recommendation from the Community Services Department.

Sec. 21-~~674~~~~729~~. Conservation Standards.

Sec. 21-~~675~~~~730~~. Native Plant Permit.

- 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 [Planning](#)~~Community Development~~ Department with the appropriate fee.
1. Native Plant Preservation Plan containing:
 - a. Project name and address;
 - b. Owner name, address, and 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;

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- 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).
- E. Action on applications. Applications may be approved, approved conditionally, or denied. Where the Zoning Administrator ~~Planning Manager~~ or designee determines that the application is in conformance with the provisions of this Section, 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 Section, 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 Section.
- H. Expiration.
 - 1. Every permit issued by the City under the provisions of this Section shall expire and become null and void if the work authorized under the provisions of this Section 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 Section is suspended or abandoned for a period of ninety (90) days.

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Before such work can be recommenced, a new permit shall be obtained to do so pursuant to the provisions of this Section.

2. Work shall be completed within the time period specified on the Native Plant Permit. The Zoning Administrator ~~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 Section.
- K. Timing of work authorized by this Section. 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 Section 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 Zoning Administrator ~~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.
- N. Penalties.
1. Generally. Any violation of this Section 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 Zoning Administrator ~~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 Zoning Administrator ~~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

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procedures established in this Section.

3. Waiver of restoration requirement generally. The City Manager or designee may waive the restoration requirement in this Section when it will further the purpose of this Section 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:
 - 1) Protected native trees. Three hundred dollars (\$300.00) per caliper inch (measured one (1) foot above ground level).
 - 2) Protected native cacti. Two hundred dollars (\$200.00) per foot.
 - 3) 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 Section.
 - 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 Section 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 Section.
 - 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.

Sec. 21-~~676~~⁷³¹. Inspections.

- A. In order to ensure compliance with this Section, inspections may be made by the Zoning Administrator ~~Planning Manager~~ or designee ~~his or her duly authorized representative~~ consistent with law.

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- B. If such inspection reveals that any property or portion of a project is not in compliance with the requirements of this Section, the Zoning Administrator ~~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.

Sec. 21-~~677~~**732**. Desert Lands Conservation Guide.

Sec. 21-~~678~~**733**. Enforcement.

- A. *Enforcement Authority.* The DLCO shall be enforced by the Zoning Administrator ~~Community Development Director of the City of Peoria~~, or designee ~~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 Section.
- C. *Penalties.* A violation of any provision of this Section shall be subject to the violation and penalty provisions of the Zoning Ordinance.
- D. *Notices.* Notices to adjacent property owners shall be sent prior to a hearing or determination on an application for a waiver. Notices shall be mailed to property owners within 300 feet of the subject property of the waiver request no less than ten (10) days prior to the day scheduled for the waiver decision. The Planning Department shall be responsible for mailing such notices. ~~Letters containing information regarding the waiver application shall be mailed to property owners within 300 feet of the property that is subject to the waiver request not less than ten (10) days prior to the day scheduled for the waiver decision. The applicant for the waiver shall supply the City a list of all property owners within 300 feet of the property and stamped addressed envelopes for each address.~~

Sec. 21-~~679~~**734**. Appeals.

- A. Appeals to the Hearing Officer.
1. Decisions of the Planning ~~Community Development~~ Department ~~Staff~~ arising from the administration of the requirements contained in this Section may be appealed to the hearing officer or "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, or portions thereof, of the Planning ~~Community Development~~ Department ~~staff~~ that is being appealed. The appeal shall be filed with the Planning Department. ~~Community Development Director.~~
 2. A copy of the appeal and complete file shall be transmitted to the Hearing Officer ~~hearing officer~~. The Hearing Officer ~~hearing officer~~ shall hold a hearing and provide the applicant and Planning Department ~~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 ~~hearing officer~~ shall act upon an appeal within ten (10) days after filing and shall submit their ~~his or her~~ decision in writing to the applicant and the Planning Department ~~Community Development Director~~.
- B. Appeals to the City Council.

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1. An applicant or the City may appeal the decision of the [Hearing Officer](#) ~~hearing-officer~~ to the City Council. The appeal shall be in writing and shall specifically set forth the decision of the [Hearing Officer](#) ~~hearing-officer~~ which is being appealed. The appeal shall be filed with the [Planning Department](#) ~~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 Planning 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 [Planning Department](#) ~~Community Development staff~~ shall be responsible for mailing such notices.
3. A copy of the appeal letter, decision of the [Hearing Officer](#) ~~hearing-officer~~ and supporting material shall be transmitted to the City Council. ~~At a regularly scheduled~~ [During the City Council meeting in which the appeal is heard,](#) the applicant and the [Hearing Officer](#) ~~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 [Planning Department](#) ~~Community Development Director~~, or at the next regularly scheduled City Council meeting, whichever date is later.

Sec. 21-~~680~~. [Special Use Permit.](#)

[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.](#)

Sec. 21-~~681~~~~857~~. Uses Subject to a Special Use Permit.

[Sec. 21-682. Process.](#)

[Refer to Section 21-157 for the process associated with Special Use Permits.](#)

[Sections 21-683 through 24-689 Reserved](#)

Exhibit E - City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

Section 1. Amend Chapter 21 - Zoning, Section 21-800 Supplemental only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 21-800. LANDSCAPE. ~~SUPPLEMENTAL REGULATIONS~~

Sec. 21-801 through 814 is removed in its entirety.

Sections 21-801 through 21-814 Reserved

Sec. 21-816. Interpretation and Scope.

- A. The provisions of this Section 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 Section 21-~~156~~**320**.
 2. Signs pursuant to Section 21-~~700~~**827** of this Ordinance where landscaping is required.
 3. Subdivisions pursuant to Chapter 24 of the Peoria City Code.

Sec. 21-820. 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 Section 21-~~156~~**320**, 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 ~~Planning~~**Community Development** Department.
 3. *Plans Review.* Conceptual Landscape Plans shall be reviewed for compliance and approved in accordance with the requirements of this Section.

Sec. 21-823 through 826 are removed in their entirety and renumber into Chapter 21 - Zoning, Section 21-900 Parking and Loading as noted below.

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Section 2. Insert and renumber 21-823 through 21-826 into Chapter 21 - Zoning, Section 21-900 Parking and Loading, and amend only those sections and subsections as follows:

Sec. 21-900. PARKING AND LOADING.

Sec. 21-~~901~~**823**. Intent.

Sec. 21-~~902~~**824**. Plans Required.

Sec. 21-~~902~~**825**. 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 Section 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 21-~~902~~**825**.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
Accessible 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 four (4) foot wide clearance for pedestrian access.

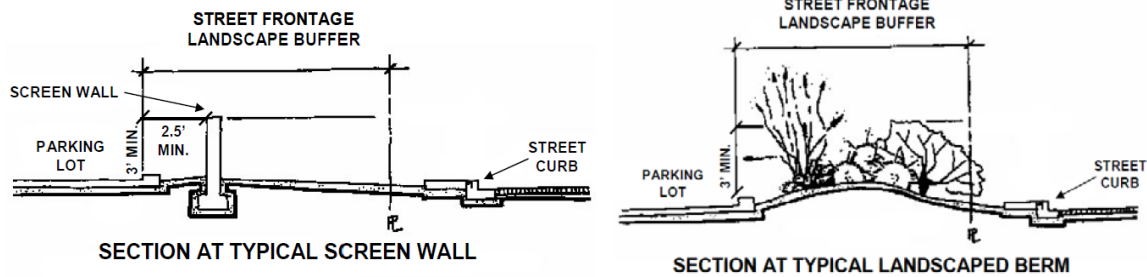
Code Amendment: Administrative Refinements (TA24-01)

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.* 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.
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 Section.
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 asphalt 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.
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, as measured at finished grade adjacent to the parking area to be screened. All walls shall be installed a minimum of two and one-half (2.5) feet back from the edge of the parking stall. Parking area landscaping shall be provided in accordance with Section 21-815 of this Ordinance.

Code Amendment: Administrative Refinements (TA24-01)



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 Section 21-[700827](#).
18. *Parking Canopies, Non-Residential and Multi-Family Residential Land Uses.*
 - a. Covered parking canopies may be located within the required side and rear building setbacks but may not encroach into required landscaped buffers. The height of such structures shall be limited to ten feet (10') from grade and the structures shall drain onto the property on which they are located.
 - b. The height of parking canopies not within the required side or rear building setbacks shall be limited to fifteen feet (15') from grade.
 - c. All parking canopies are subject to the [Community Design Guidelines Review Manual](#).
 - d. Setbacks are measured from property line to nearest edge of canopy.
 - e. All required landscaping, parking or otherwise, shall be provided.
 - f. This portion of the Zoning Ordinance is not intended to supersede approved zoning stipulations or conditions of approval.

Sec. 21-[903826](#). Off-Street Loading Requirements.

~~telecommunications fund; report; posting~~
(now: residential zoning; housing; assessment; hearings)

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 172

SENATE BILL 1162

AN ACT

AMENDING SECTION 9-462.04, ARIZONA REVISED STATUTES; AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-462.10; AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.4, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-469; RELATING TO MUNICIPALITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-462.04, Arizona Revised Statutes, is amended
3 to read:

4 9-462.04. Public hearing required; definition

5 A. If the municipality has a planning commission or a hearing
6 officer, the planning commission or hearing officer shall hold a public
7 hearing on any zoning ordinance. Notice of the time and place of the
8 hearing including a general explanation of the matter to be considered and
9 including a general description of the area affected shall be given at
10 least fifteen days before the hearing in the following manner:

11 1. The notice shall be published at least once in a newspaper of
12 general circulation published or circulated in the municipality, or if
13 there is none, it shall be posted on the affected property in such a
14 manner as to be legible from the public right-of-way and in at least ten
15 public places in the municipality. A posted notice shall be printed so
16 that the following are visible from a distance of one hundred feet: the
17 word "zoning", the present zoning district classification, the proposed
18 zoning district classification and the date and time of the hearing.

19 2. In proceedings involving rezoning of land that abuts other
20 municipalities or unincorporated areas of the county or a combination of a
21 municipality and an unincorporated area, copies of the notice of public
22 hearing shall be transmitted to the planning agency of the governmental
23 unit abutting such land. In proceedings involving rezoning of land that
24 is located within the territory in the vicinity of a military airport or
25 ancillary military facility as defined in section 28-8461, the
26 municipality shall send copies of the notice of public hearing by first
27 class mail to the military airport. In addition to notice by publication,
28 a municipality may give notice of the hearing in any other manner that the
29 municipality deems necessary or desirable.

30 3. In proceedings that are not initiated by the property owner
31 involving rezoning of land that may change the zoning classification,
32 notice by first class mail shall be sent to each real property owner, as
33 shown on the last assessment of the property, of the area to be rezoned
34 and all property owners, as shown on the last assessment of the property,
35 within three hundred feet of the property to be rezoned.

36 4. In proceedings involving one or more of the following proposed
37 changes or related series of changes in the standards governing land uses,
38 notice shall be provided in the manner prescribed by paragraph 5 of this
39 subsection:

40 (a) A ten percent or more increase or decrease in the number of
41 square feet or units that may be developed.

42 (b) A ten percent or more increase or reduction in the allowable
43 height of buildings.

1 (c) An increase or reduction in the allowable number of stories of
2 buildings.

3 (d) A ten percent or more increase or decrease in setback or open
4 space requirements.

5 (e) An increase or reduction in permitted uses.

6 5. In proceedings governed by paragraph 4 of this subsection, the
7 municipality shall provide notice to real property owners pursuant to at
8 least one of the following notification procedures:

9 (a) Notice shall be sent by first class mail to each real property
10 owner, as shown on the last assessment, whose real property is directly
11 governed by the changes.

12 (b) If the municipality issues utility bills or other mass mailings
13 that periodically include notices or other informational or advertising
14 materials, the municipality shall include notice of the changes with such
15 utility bills or other mailings.

16 (c) The municipality shall publish the changes before the first
17 hearing on such changes in a newspaper of general circulation in the
18 municipality. The changes shall be published in a "display ad" covering
19 not less than one-eighth of a full page.

20 6. If notice is provided pursuant to paragraph 5, subdivision (b)
21 or (c) of this subsection, the municipality shall also send notice by
22 first class mail to persons who register their names and addresses with
23 the municipality as being interested in receiving such notice. The
24 municipality may charge a fee not to exceed \$5 per year for providing this
25 service and may adopt procedures to implement this paragraph.

26 7. Notwithstanding the notice requirements in paragraph 4 of this
27 subsection, the failure of any person or entity to receive notice does not
28 constitute grounds for any court to invalidate the actions of a
29 municipality for which the notice was given.

30 B. If the matter to be considered applies to territory in a high
31 noise or accident potential zone as defined in section 28-8461, the notice
32 prescribed in subsection A of this section shall include a general
33 statement that the matter applies to property located in the high noise or
34 accident potential zone.

35 C. After the hearing, the planning commission or hearing officer
36 shall render a decision in the form of a written recommendation to the
37 governing body. The recommendation shall include the reasons for the
38 recommendation and be transmitted to the governing body in the form and
39 manner prescribed by the governing body.

40 D. If the planning commission or hearing officer has held a public
41 hearing, the governing body may adopt the recommendations of the planning
42 commission or hearing officer without holding a second public hearing if
43 there is no objection, request for public hearing or other protest. The
44 governing body shall hold a public hearing if requested by the party
45 aggrieved or any member of the public or of the governing body, or, in any

1 case, if a public hearing has not been held by the planning commission or
 2 hearing officer. The governing body may consider the testimony of any
 3 party aggrieved when making its decision. In municipalities with
 4 territory in the vicinity of a military airport or ancillary military
 5 facility as defined in section 28-8461, the governing body shall hold a
 6 public hearing if, after notice is transmitted to the military airport
 7 pursuant to subsection A of this section and before the public hearing,
 8 the military airport provides comments or analysis concerning the
 9 compatibility of the proposed rezoning with the high noise or accident
 10 potential generated by military airport or ancillary military facility
 11 operations that may have an adverse impact on public health and safety,
 12 and the governing body shall consider and analyze the comments or analysis
 13 before making a final determination. Notice of the time and place of the
 14 hearing shall be given in the time and manner provided for the giving of
 15 notice of the hearing by the planning commission as specified in
 16 subsection A of this section. A municipality may give additional notice
 17 of the hearing in any other manner as the municipality deems necessary or
 18 desirable. For the purposes of this subsection, "party aggrieved" means
 19 any property owner within the notification area prescribed by subsection
 20 A, paragraph 3 of this section.

21 E. A municipality may enact an ordinance authorizing county zoning
 22 to continue in effect until municipal zoning is applied to land previously
 23 zoned by the county and annexed by the municipality, but not longer than
 24 six months after the annexation.

25 F. A municipality is not required to adopt a general plan before
 26 the adoption of a zoning ordinance.

27 G. If there is no planning commission or hearing officer, the
 28 governing body of the municipality shall perform the functions assigned to
 29 the planning commission or hearing officer.

30 H. If the owners of twenty percent or more of the property by area
 31 and number of lots, tracts and condominium units within the zoning area of
 32 the affected property, **EXCLUDING GOVERNMENT OWNED PROPERTY**, file a protest
 33 in writing against a proposed amendment, the change shall not become
 34 effective except by the favorable vote of three-fourths of all members of
 35 the governing body of the municipality. If any members of the governing
 36 body are unable to vote on such a question because of a conflict of
 37 interest, then the required number of votes for passage of the question
 38 shall be three-fourths of the remaining membership of the governing body,
 39 provided that such required number of votes shall not be less than a
 40 majority of the full membership of the legally established governing body.
 41 For the purposes of this subsection, the vote shall be rounded to the
 42 nearest whole number. A protest filed pursuant to this subsection shall
 43 be signed by the property owners, **EXCLUDING GOVERNMENT OWNED PROPERTY**,
 44 opposing the proposed amendment and filed in the office of the clerk of
 45 the municipality not later than 12:00 noon one business day before the

1 date on which the governing body will vote on the proposed amendment or on
2 an earlier time and date established by the governing body.

3 I. In applying an open space element or a growth element of a
4 general plan, a parcel of land shall not be rezoned for open space,
5 recreation, conservation or agriculture unless the owner of the land
6 consents to the rezoning in writing.

7 J. Notwithstanding section 19-142, subsection B, a decision by the
8 governing body involving rezoning of land that is not owned by the
9 municipality and that changes the zoning classification of such land may
10 not be enacted as an emergency measure and the change shall not be
11 effective for at least thirty days after final approval of the change in
12 classification by the governing body.

13 K. For the purposes of this section, "zoning area" means both of
14 the following:

15 1. The area within one hundred fifty feet, including all
16 rights-of-way, of the affected property subject to the proposed amendment
17 or change.

18 2. The area of the proposed amendment or change.

19 Sec. 2. Title 9, chapter 4, article 6.1, Arizona Revised Statutes,
20 is amended by adding section 9-462.10, to read:

21 9-462.10. Residential zoning; amendment; applications;
22 deadline; extensions; applicability

23 A. ON OR BEFORE JANUARY 1, 2025, A MUNICIPALITY SHALL ADOPT AN
24 AMENDMENT TO THE MUNICIPALITY'S ZONING ORDINANCE THAT REQUIRES THE
25 MUNICIPALITY TO DETERMINE WHETHER A ZONING APPLICATION IS ADMINISTRATIVELY
26 COMPLETE WITHIN THIRTY DAYS AFTER RECEIVING THE APPLICATION. IF THE
27 MUNICIPALITY DETERMINES THAT THE APPLICATION IS NOT ADMINISTRATIVELY
28 COMPLETE, THE MUNICIPALITY SHALL FOLLOW THE PROCEDURES PRESCRIBED IN
29 SECTION 9-835, SUBSECTION E UNTIL THE APPLICATION IS ADMINISTRATIVELY
30 COMPLETE. THE MUNICIPALITY SHALL DETERMINE WHETHER A RESUBMITTED
31 APPLICATION IS ADMINISTRATIVELY COMPLETE WITHIN FIFTEEN DAYS AFTER
32 RECEIVING THE RESUBMITTED APPLICATION. AFTER DETERMINING THAT THE
33 APPLICATION IS ADMINISTRATIVELY COMPLETE, THE MUNICIPALITY SHALL APPROVE
34 OR DENY THE APPLICATION WITHIN ONE HUNDRED EIGHTY DAYS.

35 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE MUNICIPALITY
36 MAY EXTEND THE TIME FRAME TO APPROVE OR DENY THE REQUEST BEYOND ONE
37 HUNDRED EIGHTY DAYS FOR EITHER OF THE FOLLOWING REASONS:

38 1. FOR EXTENUATING CIRCUMSTANCES, THE MUNICIPALITY MAY GRANT A
39 ONETIME EXTENSION OF NOT MORE THAN THIRTY DAYS.

40 2. IF AN APPLICANT REQUESTS AN EXTENSION, THE MUNICIPALITY MAY
41 GRANT EXTENSIONS OF THIRTY DAYS FOR EACH EXTENSION GRANTED.

42 C. THIS SECTION DOES NOT APPLY TO LAND THAT IS DESIGNATED AS A
43 DISTRICT OF HISTORICAL SIGNIFICANCE PURSUANT TO SECTION 9-462.01,
44 SUBSECTION A, PARAGRAPH 10 OR AN AREA THAT IS DESIGNATED AS HISTORIC ON
45 THE NATIONAL REGISTER OF HISTORIC PLACES OR PLANNED AREA DEVELOPMENTS.

1 Sec. 3. Title 9, chapter 4, article 6.4, Arizona Revised Statutes,
2 is amended by adding section 9-469, to read:

3 9-469. Municipal housing needs assessment; annual report;
4 applicability

5 A. BEGINNING JANUARY 1, 2025 AND EVERY FIVE YEARS THEREAFTER, A
6 MUNICIPALITY SHALL PUBLISH A HOUSING NEEDS ASSESSMENT THAT INCLUDES THE
7 FOLLOWING:

8 1. THE TOTAL POPULATION GROWTH PROJECTED FOR THE SUBSEQUENT
9 FIVE-YEAR PERIOD.

10 2. THE TOTAL JOB GROWTH PROJECTED FOR THE SUBSEQUENT FIVE-YEAR
11 PERIOD.

12 3. THE TOTAL AMOUNT OF RESIDENTIALLY ZONED LAND WITH DETAIL ON LAND
13 ZONED AS SINGLE-FAMILY AND MULTIFAMILY.

14 4. THE TOTAL NEED FOR ADDITIONAL RESIDENTIAL HOUSING UNITS FOR RENT
15 AND FOR SALE IN THE MUNICIPALITY TO MEET:

16 (a) ANY DEFICIENCIES IN HOUSING THE EXISTING POPULATION.

17 (b) ANY DEFICIENCIES IN HOUSING THE EXISTING WORKFORCE.

18 (c) POPULATION GROWTH PROJECTIONS.

19 (d) JOB GROWTH PROJECTIONS.

20 (e) HOUSING NEEDS ACROSS ALL VARIOUS INCOME LEVELS.

21 B. BEGINNING JANUARY 1, 2025 AND EVERY YEAR THEREAFTER, EACH
22 MUNICIPALITY SHALL SUBMIT AN ANNUAL REPORT TO THE ARIZONA DEPARTMENT OF
23 HOUSING ACCOUNTING FOR THE TOTAL NUMBER OF PROPOSED RESIDENTIAL HOUSING
24 UNITS SUBMITTED TO THE MUNICIPALITY, THE TOTAL NUMBER OF NET NEW
25 RESIDENTIAL HOUSING UNITS SUBMITTED TO THE MUNICIPALITY AND THE TOTAL
26 NUMBER OF NEW RESIDENTIAL HOUSING UNITS THAT ARE ENTITLED, HAVE BEEN
27 PLATTED, HAVE BEEN ISSUED A BUILDING PERMIT AND HAVE RECEIVED A
28 CERTIFICATE OF OCCUPANCY BY THE MUNICIPALITY. THE ANNUAL REPORT SHALL
29 INCLUDE ALL OF THE FOLLOWING:

30 1. THE NUMBER OF HOUSING DEVELOPMENT APPLICATIONS RECEIVED IN THE
31 PRIOR YEAR.

32 2. THE NUMBER OF LOTS AND MULTIFAMILY UNITS INCLUDED IN ALL
33 DEVELOPMENT APPLICATIONS IN THE PRIOR YEAR.

34 3. THE NUMBER OF LOTS AND MULTIFAMILY UNITS APPROVED AND
35 DISAPPROVED OR OTHERWISE NOT APPROVED IN THE PRIOR YEAR.

36 4. A THRESHOLD PERCENTAGE REQUIREMENT OF MULTIFAMILY ZONED LAND
37 VERSUS SINGLE-FAMILY ZONED LAND NEEDED TO MEET POPULATION DEMAND IN EACH
38 MUNICIPALITY.

39 5. THE STATUS AND PROGRESS IN MEETING THE MUNICIPALITY'S HOUSING
40 NEEDS.

41 6. A PLAN THAT SPECIFIES HOW THE MUNICIPALITY INTENDS TO SATISFY
42 THE IDENTIFIED NEED FOR ADDITIONAL HOUSING UNITS WITHIN THE MUNICIPALITY.

43 C. A MUNICIPALITY THAT HAS CONDUCTED A HOUSING NEEDS ASSESSMENT
44 REPORT AS OF JANUARY 1, 2021 SHALL AMEND ALL EXISTING REPORTS TO INCLUDE
45 THE INFORMATION REQUIRED IN SUBSECTION A OF THIS SECTION.

1 D. THE ARIZONA DEPARTMENT OF HOUSING SHALL COMPILE THE REPORTS
2 RECEIVED PURSUANT TO SUBSECTION B OF THIS SECTION AND SUBMIT THE REPORTS
3 TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE
4 OF REPRESENTATIVES.

5 E. THIS SECTION DOES NOT REQUIRE A MUNICIPALITY TO FULFILL THE
6 PROJECTIONS IN THE HOUSING NEEDS ASSESSMENT REQUIRED BY SUBSECTION A OF
7 THIS SECTION.

8 F. THIS SECTION DOES NOT APPLY TO A MUNICIPALITY THAT IS LOCATED ON
9 TRIBAL LAND OR A MUNICIPALITY WITH A POPULATION OF LESS THAN THIRTY
10 THOUSAND PERSONS.

APPROVED BY THE GOVERNOR APRIL 23, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2024.



PLANNING AND ZONING COMMISSION REPORT

Meeting November 14, 2024

Date:

Agenda Item: 4R

Case Name: Code Amendment: Accessory Dwelling Units and Backyard Fowl (TA24-02)

General Application Information

Proposal:

A city-initiated Code Amendment pertaining to Sections 21-200, 21-300, 21-400, and 21-600 of the Zoning Ordinance regarding accessory dwelling units and backyard fowl in response to HB2325 and HB2720.

Location:

City-wide

Project Acreage:

N/A

Applicant:

City of Peoria

ATTACHMENTS:

Description

Staff Report

Option #1: Exhibit A - Proposed Code for Sections 21-200, 400 and 500

Option #2: Exhibit A - Proposed Code for Sections 21-200, 400 and 500

Exhibit B - HB2325

Exhibit C - HB2720



PLANNING & ZONING COMMISSION STAFF REPORT

Meeting Date: 11/14/2024

Agenda Item(s): 4R

TO: Planning and Zoning Commission
THROUGH: Chris M. Jacques, AICP, Planning Director
FROM: Lorie Dever, Deputy Director
SUBJECT: Code Amendment: Accessory Dwelling Units and Backyard Fowl (TA24-02)

PURPOSE

This is a city-initiated text amendment to modify Sections 21-200 *Definitions*, 21-300 *General Provisions and Standards*, 21-400 *Residential District*, and 21-600 *Special Uses, Districts and Overlays* of the Zoning Ordinance. A summary of the purpose of the amendment is to modify the existing provisions to:

- Renaming 21-202 "*Definitions*" to "*Definitions and Land Use Classifications*"
- Update existing definitions and provide new definitions within Section 21-202
- Modify and provide Development Standards for Accessory Buildings and Uses in Section 21-300.
- Within Section 21-400 and 21-600, integrate new allowances for Accessory Dwelling Units and Backyard Fowl pursuant to House Bills HB2325 and HB2720.
- Update cross-references within individual regulations to point to new section numbers; and
- Create uniformity in terminology for Zoning Administrator and Department references.

If approved, staff believes these code modifications will bring the Zoning Ordinance in compliance with the regulatory requirements and provisions of House Bills HB2720 and HB2325.

BACKGROUND

The 56th Arizona state legislature passed several bills this session that have been signed into adoption by the Governor pertaining to municipal zoning, including House Bills HB2720: Accessory Dwelling Units, and HB2325: Backyard Fowl.

With regard to HB2325: Backyard Fowl, the provisions of the bill went into effect on September 24, 2024 and specifically preempts any city regulations associated with the keeping of backyard fowl (**Exhibit B**). Given the mandatory nature of these provisions, minor adjustments to the Zoning Ordinance are required to realign the existing regulations to follow the newly adopted regulations. Regarding HB2720, the bill requires municipalities with a population of 75,000 or more to adopt regulations allowing accessory dwellings units (ADUs) on any lot or parcel where a single-family dwelling is allowed. HB2720 additionally outlines minimum allowances and prohibits municipalities from establishing various restrictions. (**Exhibit C**) If a municipality fails to adopt these development regulations by January 1, 2025, ADUs will be allowed on all lots or parcels zoned for residential use without limits.

Given the scope and nature of these mandated provisions, they result in refinements being needed within the same sections of the Zoning Ordinance. Therefore, staff have combined the proposed text changes associated with these bills into one code amendment, which more specifically impacts Sections 21-200, 21-300, 21-400 and 21-600 of the Peoria Zoning Ordinance.

PROPOSED REGULATIONS

HB2325: Backyard Fowl

As noted within **Exhibit B**, HB2325 preempts cities from prohibiting a resident of a single-family detached residence from keeping up to six (6) fowl on the property, subject to specific criteria and restrictions. Within Peoria, there are several residential zoning districts specifically established within Section 21-400. While 21-400 encompasses the bulk of the relevant zoning districts, there are specific specialty zoning districts within Section 21-600 which also allow single-family residential as an allowed land use. Therefore, the proposed code changes to address HB2325 requirements include updating cross-references within Section 21-400 “*Residential Districts*” and 21-600 “*Special Use, Districts and Overlays*”.

These changes were summarized and presented during the public meetings noted below, and the draft code was posted to the city’s website. No comments were received regarding these changes.

HB2720: Accessory Dwelling Units (ADUs)

Known as the “Casita Bill”, HB2720 requires cities to allow at least one (1) detached and one (1) attached Accessory Dwelling Unit (ADU) in zoning districts where single-family residential is allowed. Further, one (1) additional ADU is permitted when a lot is over one (1) acre in size, and the ADU is “restricted-affordable” unit as defined within the legislative bill. HB2720 also includes strict provisions which limit what a municipality may and may not enact. These mandated provisions were transmitted without deviation or alteration as required by the bill and are included within the proposed text.

While these legislative provisions are centered around establishing development standards for an accessory dwelling unit, it is important to note that the criteria which make the building an ADU is limited to those specific components which make the interior space habitable. Aside from those interior components, there are often no discernable or appreciable exterior differences between ADU’s and common accessory buildings/structures such as garages, casitas, pool cabanas, etc. With that said, most interiors of existing and typical accessory buildings could easily be converted to qualify it as an ADU, again without having any outward change in appearance. Given these dynamics, trying to enforce mismatched setback and height standards for ADUs versus common accessory buildings solely based on interior space becomes highly problematic for city staff, and can lead to inequitable treatment of property owners within the same district or community. As such, city staff recommended the realignment of the development standards of common accessory buildings with ADUs, as shown in Option #1. As proposed, these changes resulted in the least amount of legal non-conformance issues going forward. However, feedback received from the Planning and Zoning Commission during the public meetings indicated lack of concurrence with the proposed code changes. As an alternative, staff has provided Option #2, which addresses the necessary legislative mandates in HB2720, while still retaining the existing multi-tiered height/setback standards for non-ADU accessory buildings. More specifically, the two options for proposed text changes are:

Option #1: *Alignment of ADU and Accessory Building development standards*

Option #2: *Establishment of required ADU development standards, and retention of existing multi-tiered building setback and height standards for non-ADU accessory buildings.*

CODE AMENDMENT: ACCESSORY DWELLING UNITS AND BACKYARD FOWL (TA24-02)

While the second option is provided for consideration, it is not preferred by City staff for a variety of reasons beyond even those noted above. A few examples are provided below to help illustrate common issues staff would regularly encounter should Option #2 be selected.

- *What is a “kitchen”?*
 - *The ADU definition within HB2720 does not clearly define what a “kitchen” is and is not. Rather, the bill only identifies that an ADU should have one.*
 - *From a building code perspective, the definition or classification of a “dwelling unit” identifies that it should have “cooking facilities”; however, does not specifically classify what, if any appliances are required to satisfy that criterion.*
 - *Given the latitude of these regulations, simply providing a microwave or counter-top toaster oven in the “kitchen” would suggest they have met the intent of providing cooking facilities.*
 - *Go further, one could argue that by providing electrical outlets for these types of appliances, it should be enough to establish that area as a kitchen as it would be up to the resident or tenant to supply their own countertop appliances.*
 - *To date, there have been a number of these types of questions from the public, and that trend is expected to continue given the ambiguity of HB2720 and existing building code regulations throughout the state. Along those same lines, members of the public also wanted to know if providing a sofa bed in a living area, such as in a furnished studio apartment, would suffice for a “sleeping area”. Again, there is no clear definition available either within the legislative bill or within the building code to help objectively define this term; therefore, any attempt to propose a definition would likely be deemed subjective and open for wide-ranging interpretation.*
 - *In absence of defensible definitions, it is expected that a significant number of detached buildings will easily comply with the ADU criteria outlined within HB2720, and be afforded reduced setbacks compared to those in existence today.*
- *It is the same building from the outside, so why does not having a “kitchen” on the inside mean a greater building setback is required?*
 - *In images provided to the Commission at the October 17, 2024 meeting, there were a number of detached structures which would qualify as an ADU given their interior components; however, there was no discernable exterior difference noted compared to those buildings which did not meet the ADU criteria.*
 - *Given the lack of appreciable or detectable exterior appearance, staff finds no compelling or overriding governmental interest in requiring a larger building setback for non-ADU buildings.*
- *Administration of the regulatory provisions within the Zoning Ordinance are required to be applied fairly and equitably, as specified within the administrative provisions of the Code. Having or retaining multi-tiered development standards based on potentially arbitrary and subjective criteria reduces and impairs ability for the Zoning Administrator and Code Enforcement Official to equally apply standards, leaving the city open for additional litigation and liability.*

CODE AMENDMENT: ACCESSORY DWELLING UNITS AND BACKYARD FOWL (TA24-02)

KEY FINDINGS

- Cross-references within Section 21-400 and 21-600 have been updated to comply with the preemptions within HB2327. As such, staff believes the proposed text changes are in conformance with the imposed legislative requirements.
- Where regulations and provisions associated with Multifamily Adaptive Reuse in HB2720 are mandated, without allowance for deviation or exception, staff believes the proposed text changes in Sections 21-200 and 21-300 are in conformance with the imposed legislative requirements.

COMMUNITY INVOLVEMENT

Public Meetings:

- Legislative Briefing to City Council on September 17, 2024.
- Legislative Briefing to Planning and Zoning Commission on October 3, 2024.
- Planning and Zoning Commission Study Session on October 17, 2024.

Public Noticing:

The application was properly noticed pursuant to Section 21-315 of the Peoria Zoning Ordinance, which includes placing a legal ad in the Peoria Times at least 15 days prior to the Public Hearing.

Support / Opposition:

No opposition or support for this proposal was received.

POSSIBLE ACTIONS / OPTIONS

As noted above, staff has provided two options for proposed code changes for consideration by Planning and Zoning Commission. The Planning Commission may consider the following actions and options:

- A:** Approve Option #1 as recommended by staff; or
- B:** Approve Option #2; or
- C:** Approve either Option #1 or #2 in part or with modifications; or
- D:** Deny both Option #1 and #2; or
- E:** Continue action to a date certain or indefinitely.

RECOMMENDATION

Staff recommends that the Planning and Zoning Commission take the following action:

Recommend approval of Case TA24-02 to the City Council as proposed in Option #1, Exhibit A.

STAFF CONTACT

Lorie Dever
Deputy Director
(623)773-5168
Lorie.Dever@peoriaaz.gov

Zoning Code Amendment Accessory Dwelling Units And Backyard Fowl TA24-02 Option #1

Applicable Sections of Chapter 21 Zoning Ordinance:

- 21-200 Definitions and Land Use Classifications
- 21-300 General Provisions and Standards
- 21-400 Residential Districts
- 21-600 Special Uses, Districts and Overlays

Overview of Revisions:

1. Inserting new “Adaptive Reuse” regulations to Section 21-450 to 21-452
2. Realigning code citations associated for animals, including backyard fowl, to be consistent with Chapter 16 of the Peoria City Code and Arizona Revised State Statutes as applicable.

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.

Exhibit A - City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

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.~~

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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~~

Code Amendment: ADU and Backyard Fowl (TA24-02)

~~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. Development Standards.

1. **Maximum Height.** The height of an accessory building shall not exceed the maximum height allowed for the principal building within the applicable zoning district.
2. **Location.**
 - a. No detached accessory building shall be located in any front yard, which is determined to be the area forward of the front plane of the principal structure for that portion of the yard.

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- b. A detached accessory building that is eight (8) feet or less in height may be located within the required side or rear yard of the property, so long as the stormwater runoff from said building does not impact the adjoining property.
- c. A detached accessory building with a building height greater than eight (8) feet shall be set back a minimum of five (5) feet from the side and rear property line.

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-~~302~~**802**.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

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- 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

Code Amendment: ADU and Backyard Fowl (TA24-02)

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

Code Amendment: ADU and Backyard Fowl (TA24-02)

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

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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).

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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~~

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~~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.

Code Amendment: ADU and Backyard Fowl (TA24-02)

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

Zoning Code Amendment Accessory Dwelling Units And Backyard Fowl TA24-02 Option #2

Applicable Sections of Chapter 21 Zoning Ordinance:

- 21-200 Definitions and Land Use Classifications
- 21-300 General Provisions and Standards
- 21-400 Residential Districts
- 21-600 Special Uses, Districts and Overlays

Overview of Revisions:

1. Inserting new “Adaptive Reuse” regulations to Section 21-450 to 21-452; consolidating provisions into one section related to “Accessory Buildings” and maintaining existing development standards thereof.
2. Realigning code citations associated for animals, including backyard fowl, to be consistent with Chapter 16 of the Peoria City Code and Arizona Revised State Statutes as applicable.

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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.

Exhibit A - City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

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.~~

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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~~

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~~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

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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.G.~~ *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.

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- ~~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) S~~etback dimensions from all property lines; and
 - ~~b) T~~he location and height of any walls, fences, or lighting related to the sport court; and
 - ~~c) L~~ighting 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:

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- 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

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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

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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).

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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~~

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~~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.

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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

Conference Engrossed

backyard fowl; regulation; prohibition

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 192

HOUSE BILL 2325

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-462.10; AMENDING TITLE 11, CHAPTER 6, ARTICLE 2, ARIZONA
REVISED STATUTES, BY ADDING SECTION 11-820.04; RELATING TO MUNICIPAL AND
COUNTY ZONING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 6.1, Arizona Revised
3 Statutes, is amended by adding section 9-462.10, to read:

4 9-462.10. Backyard fowl regulation; prohibition; exceptions;
5 state preemption; definition

6 A. A MUNICIPALITY MAY NOT ADOPT ANY LAW, ORDINANCE OR OTHER
7 REGULATION THAT PROHIBITS A RESIDENT OF A SINGLE-FAMILY DETACHED RESIDENCE
8 ON A LOT THAT IS ONE-HALF ACRE OR LESS IN SIZE FROM KEEPING UP TO SIX FOWL
9 IN THE BACKYARD OF THE PROPERTY. A MUNICIPALITY MAY:

10 1. PROHIBIT A RESIDENT FROM KEEPING MALE FOWL, INCLUDING ROOSTERS.

11 2. REQUIRE FOWL TO BE KEPT IN AN ENCLOSURE LOCATED IN THE REAR OR
12 SIDE YARD OF THE PROPERTY AT LEAST TWENTY FEET FROM A NEIGHBORING PROPERTY
13 AND RESTRICT THE SIZE OF THE ENCLOSURE TO A MAXIMUM OF TWO HUNDRED SQUARE
14 FEET WITH A MAXIMUM HEIGHT OF EIGHT FEET.

15 3. REQUIRE THE ENCLOSURE TO BE MAINTAINED AND MANURE PICKED UP AND
16 DISPOSED OF OR COMPOSTED AT LEAST TWICE WEEKLY.

17 4. REQUIRE THAT COMPOSTED MANURE BE KEPT IN A WAY THAT PREVENTS
18 MIGRATION OF INSECTS.

19 5. REQUIRE WATER SOURCES WITH ADEQUATE OVERFLOW DRAINAGE.

20 6. REQUIRE THAT FEED BE STORED IN INSECT-PROOF AND RODENT-PROOF
21 CONTAINERS.

22 7. PROHIBIT FOWL FROM RUNNING AT LARGE.

23 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A MUNICIPALITY
24 SHALL ENACT AN ORDINANCE THAT REQUIRES AN ENCLOSURE LOCATED IN A
25 RESIDENTIAL COMMUNITY ON A LOT LESS THAN ONE ACRE IN SIZE TO BE SHORTER
26 THAN THE FENCE LINE OF THE PROPERTY.

27 C. AN ORDINANCE THAT IS ENACTED AFTER THE EFFECTIVE DATE OF THIS
28 SECTION DOES NOT APPLY TO AN ENCLOSURE THAT WAS CONSTRUCTED ON OR BEFORE
29 THE EFFECTIVE DATE OF THIS SECTION.

30 D. THE PROPERTY RIGHTS OF PROPERTY OWNERS IN THIS STATE OUTLINED IN
31 THIS SECTION ARE OF STATEWIDE CONCERN. THIS SECTION PREEMPTS ALL LOCAL
32 LAWS, ORDINANCES AND CHARTER PROVISIONS TO THE CONTRARY.

33 E. FOR THE PURPOSES OF THIS SECTION, "FOWL" MEANS A COCK OR HEN OF
34 THE DOMESTIC CHICKEN.

35 Sec. 2. Title 11, chapter 6, article 2, Arizona Revised Statutes,
36 is amended by adding section 11-820.04, to read:

37 11-820.04. Backyard fowl regulation; prohibition; exceptions;
38 state preemption; definition

39 A. A COUNTY MAY NOT ADOPT ANY LAW, ORDINANCE OR OTHER REGULATION
40 THAT PROHIBITS A RESIDENT OF A SINGLE-FAMILY DETACHED RESIDENCE ON A LOT
41 THAT IS ONE-HALF ACRE OR LESS IN SIZE FROM KEEPING UP TO SIX FOWL IN THE
42 BACKYARD OF THE PROPERTY. A COUNTY MAY:

43 1. PROHIBIT A RESIDENT FROM KEEPING MALE FOWL, INCLUDING ROOSTERS.

44 2. REQUIRE FOWL TO BE KEPT IN AN ENCLOSURE LOCATED IN THE REAR OR
45 SIDE YARD OF THE PROPERTY AT LEAST TWENTY FEET FROM A NEIGHBORING PROPERTY

1 AND RESTRICT THE SIZE OF THE ENCLOSURE TO A MAXIMUM OF TWO HUNDRED SQUARE
2 FEET WITH A MAXIMUM HEIGHT OF EIGHT FEET.

3 3. REQUIRE THE ENCLOSURE TO BE MAINTAINED AND MANURE PICKED UP AND
4 DISPOSED OF OR COMPOSTED AT LEAST TWICE WEEKLY.

5 4. REQUIRE THAT COMPOSTED MANURE BE KEPT IN A WAY THAT PREVENTS
6 MIGRATION OF INSECTS.

7 5. REQUIRE WATER SOURCES WITH ADEQUATE OVERFLOW DRAINAGE.

8 6. REQUIRE THAT FEED BE STORED IN INSECT-PROOF AND RODENT-PROOF
9 CONTAINERS.

10 7. PROHIBIT FOWL FROM RUNNING AT LARGE.

11 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A COUNTY SHALL
12 ENACT AN ORDINANCE THAT REQUIRES AN ENCLOSURE LOCATED IN A RESIDENTIAL
13 COMMUNITY ON A LOT LESS THAN ONE ACRE IN SIZE TO BE SHORTER THAN THE FENCE
14 LINE OF THE PROPERTY.

15 C. AN ORDINANCE THAT IS ENACTED AFTER THE EFFECTIVE DATE OF THIS
16 SECTION DOES NOT APPLY TO AN ENCLOSURE THAT WAS CONSTRUCTED ON OR BEFORE
17 THE EFFECTIVE DATE OF THIS SECTION.

18 D. THE PROPERTY RIGHTS OF PROPERTY OWNERS IN THIS STATE OUTLINED IN
19 THIS SECTION ARE OF STATEWIDE CONCERN. THIS SECTION PREEMPTS ALL LOCAL
20 LAWS AND ORDINANCES TO THE CONTRARY.

21 E. FOR THE PURPOSES OF THIS SECTION, "FOWL" MEANS A COCK OR HEN OF
22 THE DOMESTIC CHICKEN.

APPROVED BY THE GOVERNOR MAY 21, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 21, 2024.

Senate Engrossed House Bill

accessory dwelling units; requirements.

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 196

HOUSE BILL 2720

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-461.18; AMENDING SECTION 9-500.39, ARIZONA REVISED
STATUTES; RELATING TO MUNICIPAL PLANNING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 6, Arizona Revised Statutes,
3 is amended by adding section 9-461.18, to read:

4 9-461.18. Accessory dwelling units; regulation;
5 applicability; definitions

6 A. A MUNICIPALITY WITH A POPULATION OF MORE THAN SEVENTY-FIVE
7 THOUSAND PERSONS SHALL ADOPT REGULATIONS THAT ALLOW ON ANY LOT OR PARCEL
8 WHERE A SINGLE-FAMILY DWELLING IS ALLOWED ALL OF THE FOLLOWING:

9 1. AT LEAST ONE ATTACHED AND ONE DETACHED ACCESSORY DWELLING UNIT
10 AS A PERMITTED USE.

11 2. A MINIMUM OF ONE ADDITIONAL DETACHED ACCESSORY DWELLING UNIT AS
12 A PERMITTED USE ON A LOT OR PARCEL THAT IS ONE ACRE OR MORE IN SIZE IF AT
13 LEAST ONE ACCESSORY DWELLING UNIT ON THE LOT OR PARCEL IS A
14 RESTRICTED-AFFORDABLE DWELLING UNIT.

15 3. AN ACCESSORY DWELLING UNIT THAT IS SEVENTY-FIVE PERCENT OF THE
16 GROSS FLOOR AREA OF THE SINGLE-FAMILY DWELLING ON THE SAME LOT OR PARCEL
17 OR ONE THOUSAND SQUARE FEET, WHICHEVER IS LESS.

18 B. A MUNICIPALITY MAY NOT DO ANY OF THE FOLLOWING:

19 1. PROHIBIT THE USE OR ADVERTISEMENT OF EITHER THE SINGLE-FAMILY
20 DWELLING OR ANY ACCESSORY DWELLING UNIT LOCATED ON THE SAME LOT OR PARCEL
21 AS SEPARATELY LEASED LONG-TERM RENTAL HOUSING.

22 2. REQUIRE A FAMILIAL, MARITAL, EMPLOYMENT OR OTHER PREEXISTING
23 RELATIONSHIP BETWEEN THE OWNER OR OCCUPANT OF A SINGLE-FAMILY DWELLING AND
24 THE OCCUPANT OF AN ACCESSORY DWELLING UNIT LOCATED ON THE SAME LOT OR
25 PARCEL.

26 3. REQUIRE THAT A LOT OR PARCEL HAVE ADDITIONAL PARKING TO
27 ACCOMMODATE AN ACCESSORY DWELLING UNIT OR REQUIRE PAYMENT OF FEES INSTEAD
28 OF ADDITIONAL PARKING.

29 4. REQUIRE THAT AN ACCESSORY DWELLING UNIT MATCH THE EXTERIOR
30 DESIGN, ROOF PITCH OR FINISHING MATERIALS OF THE SINGLE-FAMILY DWELLING
31 THAT IS LOCATED ON THE SAME LOT AS THE ACCESSORY DWELLING UNIT.

32 5. SET RESTRICTIONS FOR ACCESSORY DWELLING UNITS THAT ARE MORE
33 RESTRICTIVE THAN THOSE FOR SINGLE-FAMILY DWELLINGS WITHIN THE SAME ZONING
34 AREA WITH REGARD TO HEIGHT, SETBACKS, LOT SIZE OR COVERAGE OR BUILDING
35 FRONTAGE.

36 6. SET REAR OR SIDE SETBACKS FOR ACCESSORY DWELLING UNITS THAT ARE
37 MORE THAN FIVE FEET FROM THE PROPERTY LINE.

38 7. REQUIRE IMPROVEMENTS TO PUBLIC STREETS AS A CONDITION OF
39 ALLOWING AN ACCESSORY DWELLING UNIT, EXCEPT AS NECESSARY TO RECONSTRUCT OR
40 REPAIR A PUBLIC STREET THAT IS DISTURBED AS A RESULT OF THE CONSTRUCTION
41 OF THE ACCESSORY DWELLING UNIT.

42 8. REQUIRE A RESTRICTIVE COVENANT CONCERNING AN ACCESSORY DWELLING
43 UNIT ON A LOT OR PARCEL ZONED FOR RESIDENTIAL USE BY A SINGLE-FAMILY
44 DWELLING.

1 C. THIS SECTION DOES NOT PROHIBIT RESTRICTIVE COVENANTS CONCERNING
2 ACCESSORY DWELLING UNITS ENTERED INTO BETWEEN PRIVATE PARTIES. THE
3 MUNICIPALITY MAY NOT CONDITION A PERMIT, LICENSE OR USE OF AN ACCESSORY
4 DWELLING UNIT ON ADOPTING OR IMPLEMENTING A RESTRICTIVE COVENANT BETWEEN
5 PRIVATE PARTIES.

6 D. THIS SECTION DOES NOT SUPERSEDE APPLICABLE BUILDING CODES, FIRE
7 CODES OR PUBLIC HEALTH AND SAFETY REGULATIONS, EXCEPT THAT A MUNICIPALITY
8 MAY NOT REQUIRE AN ACCESSORY DWELLING UNIT TO COMPLY WITH A COMMERCIAL
9 BUILDING CODE OR CONTAIN A FIRE SPRINKLER.

10 E. AN ACCESSORY DWELLING UNIT MAY NOT BE BUILT ON TOP OF A CURRENT
11 OR PLANNED PUBLIC UTILITY EASEMENT UNLESS THE PROPERTY OWNER RECEIVES
12 WRITTEN CONSENT FROM ANY UTILITY THAT IS CURRENTLY USING THE PUBLIC
13 UTILITY EASEMENT OR THAT MAY USE THE PUBLIC UTILITY EASEMENT IN THE
14 FUTURE.

15 F. IF A MUNICIPALITY FAILS TO ADOPT DEVELOPMENT REGULATIONS AS
16 REQUIRED BY THIS SECTION ON OR BEFORE JANUARY 1, 2025, ACCESSORY DWELLING
17 UNITS SHALL BE ALLOWED ON ALL LOTS OR PARCELS ZONED FOR RESIDENTIAL USE IN
18 THE MUNICIPALITY WITHOUT LIMITS.

19 G. THIS SECTION DOES NOT APPLY TO LOTS OR PARCELS THAT ARE LOCATED
20 ON TRIBAL LAND, ON LAND IN THE TERRITORY IN THE VICINITY OF A MILITARY
21 AIRPORT OR ANCILLARY MILITARY FACILITY AS DEFINED IN SECTION 28-8461, ON
22 LAND IN THE TERRITORY IN THE VICINITY OF A FEDERAL AVIATION ADMINISTRATION
23 COMMERCIALLY LICENSED AIRPORT OR A GENERAL AVIATION AIRPORT OR ON LAND IN
24 THE TERRITORY IN THE VICINITY OF A PUBLIC AIRPORT AS DEFINED IN SECTION
25 28-8486.

26 H. FOR THE PURPOSES OF THIS SECTION:

27 1. "ACCESSORY DWELLING UNIT" MEANS A SELF-CONTAINED LIVING UNIT
28 THAT IS ON THE SAME LOT OR PARCEL AS A SINGLE-FAMILY DWELLING OF GREATER
29 SQUARE FOOTAGE THAN THE ACCESSORY DWELLING UNIT, THAT INCLUDES ITS OWN
30 SLEEPING AND SANITATION FACILITIES AND THAT MAY INCLUDE ITS OWN KITCHEN
31 FACILITIES.

32 2. "GROSS FLOOR AREA" MEANS THE INTERIOR HABITABLE AREA OF A
33 SINGLE-FAMILY DWELLING OR AN ACCESSORY DWELLING UNIT.

34 3. "LONG-TERM RENTAL" MEANS RENTAL USE IN WHICH THE TENANT HOLDS A
35 LEASE OF NINETY DAYS OR LONGER OR ON A MONTH-BY-MONTH BASIS.

36 4. "MUNICIPALITY" MEANS A CITY OR TOWN THAT EXERCISES ZONING POWERS
37 UNDER THIS TITLE.

38 5. "PERMITTED USE" MEANS THE ABILITY FOR A DEVELOPMENT TO BE
39 APPROVED WITHOUT REQUIRING A PUBLIC HEARING, VARIANCE, CONDITIONAL USE
40 PERMIT, SPECIAL PERMIT OR SPECIAL EXCEPTION, OTHER THAN A DISCRETIONARY
41 ZONING ACTION TO DETERMINATION THAT A SITE PLAN CONFORMS WITH APPLICABLE
42 ZONING REGULATIONS.

1 6. "RESTRICTED-AFFORDABLE DWELLING UNIT" MEANS A DWELLING UNIT
2 THAT, EITHER THROUGH A DEED RESTRICTION OR A DEVELOPMENT AGREEMENT WITH
3 THE MUNICIPALITY, SHALL BE RENTED TO HOUSEHOLDS EARNING UP TO EIGHTY
4 PERCENT OF AREA MEDIAN INCOME.

5 Sec. 2. Section 9-500.39, Arizona Revised Statutes, is amended to
6 read:

7 9-500.39. Limits on regulation of vacation rentals and
8 short-term rentals; state preemption; civil
9 penalties; transaction privilege tax license
10 suspension; definitions

11 A. A city or town may not prohibit vacation rentals or short-term
12 rentals.

13 B. A city or town may not restrict the use of or regulate vacation
14 rentals or short-term rentals based on their classification, use or
15 occupancy except as provided in this section. A city or town may regulate
16 vacation rentals or short-term rentals as follows:

17 1. To protect the public's health and safety, including rules and
18 regulations related to fire and building codes, health and sanitation,
19 transportation or traffic control and solid or hazardous waste and
20 pollution control, if the city or town demonstrates that the rule or
21 regulation is for the primary purpose of protecting the public's health
22 and safety.

23 2. To adopt and enforce use and zoning ordinances, including
24 ordinances related to noise, protection of welfare, property maintenance
25 and other nuisance issues, if the ordinance is applied in the same manner
26 as other property classified under sections 42-12003 and 42-12004.

27 3. To limit or prohibit the use of a vacation rental or short-term
28 rental for the purposes of housing sex offenders, operating or maintaining
29 a sober living home, selling illegal drugs, liquor control or pornography,
30 obscenity, nude or topless dancing and other adult-oriented businesses.

31 4. To require the owner of a vacation rental or short-term rental
32 to provide the city or town ~~an~~ WITH emergency ~~point of~~ contact information
33 for the owner or the owner's designee who is responsible for responding to
34 complaints or emergencies in a timely manner in person if required by
35 public safety personnel, over the phone or by email at any time of day
36 before offering for rent or renting the vacation rental or short-term
37 rental. In addition to any other penalty IMPOSED pursuant to this
38 section, the city or town may impose a civil penalty of up to \$1,000
39 against the owner for every thirty days the owner fails to provide contact
40 information as prescribed by this paragraph. The city or town shall
41 provide thirty days' notice to the owner before imposing the initial civil
42 penalty.

43 5. To require ~~an~~ THE owner of a vacation rental or short-term
44 rental to obtain and maintain a local regulatory permit or license
45 ~~pursuant to title 9, chapter 7, article 4.~~ As a condition of issuance of

1 a permit or license, the application for the permit or license may require
2 an applicant to provide only the following:

3 (a) ~~THE~~ name, address, ~~phone~~ TELEPHONE number and email address for
4 the owner or owner's agent.

5 (b) ~~THE~~ address of the vacation rental or short-term rental.

6 (c) Proof of compliance with section 42-5005.

7 (d) Contact information required pursuant to paragraph 4 of this
8 subsection.

9 (e) Acknowledgment of an agreement to comply with all applicable
10 laws, regulations and ordinances.

11 (f) A fee not to exceed the actual cost of issuing the permit or
12 license or \$250, whichever is less.

13 6. To require, before offering a vacation rental or short-term
14 rental for rent for the first time, the owner or the owner's designee of a
15 vacation rental or short-term rental to notify all single-family
16 residential properties adjacent to, ~~AND~~ directly and diagonally across
17 the street from the vacation rental or short-term rental. Notice shall be
18 deemed sufficient in a multifamily residential building if given to
19 residents on the same building floor. A city or town may require
20 additional notification pursuant to this paragraph if the contact
21 information previously provided changes. Notification provided in
22 compliance with this paragraph shall include the permit or license number
23 if required by the city or town, the address, ~~OF THE VACATION RENTAL OR~~
24 ~~SHORT-TERM RENTAL~~ and the information required pursuant to paragraph 4 of
25 this subsection. The owner or the owner's designee shall demonstrate
26 compliance with this paragraph by providing the city or town with an
27 attestation of notification compliance that consists of the following
28 information:

29 (a) The permit or license number of the vacation rental or
30 short-term rental, if required by the city or town.

31 (b) The address of each property notified.

32 (c) A description of the manner in which the owner or owner's
33 designee chose to provide notification to each property subject to
34 notification.

35 (d) The name and contact information of the person attesting to
36 compliance with this paragraph.

37 7. To require the owner or owner's designee of a vacation rental or
38 short-term rental to display the local regulatory permit number or license
39 number, if any, on each advertisement for a vacation rental or short-term
40 rental that the owner or owner's designee maintains. A city or town that
41 does not require a local regulatory permit or license may require the
42 owner or owner's designee of a vacation rental or short-term rental to
43 display the transaction privilege tax license NUMBER required by section
44 42-5042 on each advertisement for a vacation rental or short-term rental
45 that the owner or owner's designee maintains.

1 8. To require the vacation rental or short-term rental to maintain
2 liability insurance appropriate to cover the vacation rental or short-term
3 rental in the aggregate of at least \$500,000 or to advertise and offer
4 each vacation rental or short-term rental through an online lodging
5 marketplace that provides equal or greater coverage.

6 9. TO REQUIRE THE OWNER OF A VACATION RENTAL OR SHORT-TERM RENTAL
7 TO RESIDE ON THE PROPERTY IF THE PROPERTY CONTAINS AN ACCESSORY DWELLING
8 UNIT THAT WAS CONSTRUCTED ON OR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT
9 TO THIS SECTION AND THAT IS BEING USED AS A VACATION RENTAL OR SHORT-TERM
10 RENTAL. UNLESS THE TIME PERIOD SPECIFIED IN SECTION 12-1134, SUBSECTION G
11 HAS EXPIRED, THIS PARAGRAPH DOES NOT APPLY TO A PROPERTY OWNER WHO HAS THE
12 RIGHT TO BUILD AN ACCESSORY DWELLING UNIT ON THE PROPERTY OWNER'S PROPERTY
13 BEFORE THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION WHETHER OR NOT
14 THE ACCESSORY DWELLING UNIT HAS BEEN BUILT.

15 C. A city or town that requires a local regulatory permit or
16 license pursuant to this section shall issue or deny the permit or license
17 within seven business days of receipt of the information required by
18 subsection B, paragraph 5 of this section and otherwise in accordance with
19 section 9-835, except that a city or town may deny issuance of a permit or
20 license only for any of the following:

21 1. Failure to provide the information required by subsection B,
22 paragraph 5, subdivisions (a) through (e) of this section.

23 2. Failure to pay the required permit or license fee.

24 3. At the time of application the owner has a suspended permit or
25 license for the same vacation rental or short-term rental.

26 4. The applicant provides false information.

27 5. The owner or owner's designee of a vacation rental or short-term
28 rental is a registered sex offender or has been convicted of any felony
29 ~~act~~ OFFENSE that resulted in death or serious physical injury or any
30 felony use of a deadly weapon within the past five years.

31 D. A city or town that requires a local regulatory permit or
32 license pursuant to this section shall adopt an ordinance to allow the
33 city or town to initiate an administrative process to suspend a local
34 regulatory permit or license for a period of up to twelve months for the
35 following verified violations associated with a property:

36 1. Three verified violations within a twelve-month period, not
37 including any verified violation based on an aesthetic, solid waste
38 disposal or vehicle parking violation that is not also a serious threat to
39 public health and safety.

40 2. One verified violation that results in or constitutes any of the
41 following:

42 (a) A felony offense committed at or in the vicinity of a vacation
43 rental or short-term rental by the vacation rental or short-term rental
44 owner or owner's designee.

1 (b) A serious physical injury or wrongful death at or related to a
2 vacation rental or short-term rental resulting from the knowing,
3 intentional or reckless conduct of the vacation rental or short-term
4 rental owner or owner's designee.

5 (c) An owner or owner's designee knowingly or intentionally housing
6 a sex offender, allowing offenses related to adult-oriented businesses,
7 sexual offenses or prostitution, or operating or maintaining a sober
8 living home, in violation of a regulation or ordinance adopted pursuant to
9 subsection B, paragraph 3 of this section.

10 (d) An owner or owner's designee knowingly or intentionally
11 allowing the use of a vacation rental or short-term rental for a special
12 event that would otherwise require a permit or license pursuant to a city
13 or town ordinance or a state law or rule or for a retail, restaurant,
14 banquet space or other similar use.

15 3. Notwithstanding paragraphs 1 and 2 of this subsection, any
16 attempted or completed felony ~~act~~ OFFENSE, arising from the occupancy or
17 use of a vacation rental or short-term rental, that results in a death, or
18 actual or attempted serious physical injury, shall be grounds for judicial
19 relief in the form of a suspension of the property's use as a vacation
20 rental or short-term rental for a period of time that shall not exceed
21 twelve months.

22 E. A city or town that requires sex offender background checks on a
23 vacation rental or short-term rental guest shall waive the requirement if
24 an online lodging marketplace performs a sex offender background check of
25 the booking guest.

26 F. Notwithstanding any other law, a city or town may impose a civil
27 penalty of the following amounts against an owner of a vacation rental or
28 short-term rental if the owner receives one or more verified violations
29 related to the same vacation rental or short-term rental property within
30 the same twelve-month period:

31 1. Up to \$500 or up to an amount equal to one night's rent for the
32 vacation rental or short-term rental as advertised, whichever is greater,
33 for the first verified violation.

34 2. Up to \$1,000 or up to an amount equal to two nights' rent for
35 the vacation rental or short-term rental as advertised, whichever is
36 greater, for the second verified violation.

37 3. Up to \$3,500 or up to an amount equal to three nights' rent for
38 the vacation rental or short-term rental as advertised, whichever is
39 greater, for a third and any subsequent verified violation.

40 G. A vacation rental or short-term rental that fails to apply for a
41 local regulatory permit or license in accordance with subsection B,
42 paragraph 5 of this section, within thirty days of the local regulatory
43 permit or license application process being made available by the city or
44 town issuing such permits or licenses, must cease operations. In addition
45 to any ~~fines~~ CIVIL PENALTIES imposed pursuant to subsection F of this

1 section, a city or town may impose a civil penalty of up to \$1,000 per
2 month against the owner if the owner or owner's designee fails to apply
3 for a regulatory permit or license within thirty days after receiving
4 written notice of the failure to comply with subsection B, paragraph 5 of
5 this section.

6 H. If multiple verified violations arise out of the same response
7 to an incident at a vacation rental or short-term rental, those verified
8 violations are considered one verified violation for the purpose of
9 assessing civil penalties or suspending the regulatory permit or license
10 of the owner ~~or owner's designee~~ pursuant to this section.

11 I. If the owner of a vacation rental or short-term rental has
12 provided contact information to a city or town pursuant to subsection B,
13 paragraph 4 of this section and if the city or town issues a citation for
14 a violation of the city's or town's applicable laws, regulations or
15 ordinances or a state law that occurred on the owner's vacation rental or
16 short-term rental property, the city or town shall make a reasonable
17 attempt to notify the owner or the owner's designee of the citation within
18 seven business days after the citation is issued using the contact
19 information provided pursuant to subsection B, paragraph 4 of this
20 section. If the owner of a vacation rental or short-term rental has not
21 provided contact information pursuant to subsection B, paragraph 4 of this
22 section, the city or town is not required to provide such notice.

23 J. This section does not exempt an owner of a residential rental
24 property, as defined in section 33-1901, from maintaining with the
25 assessor of the county in which the property is located information
26 required under title 33, chapter 17, article 1.

27 K. A vacation rental or short-term rental may not be used for
28 nonresidential uses, including for a special event that would otherwise
29 require a permit or license pursuant to a city or town ordinance or a
30 state law or rule or for a retail, restaurant, banquet space or other
31 similar use.

32 L. For the purposes of this section:

33 1. "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING PRESCRIBED IN
34 SECTION 9-461.18.

35 ~~1-~~ 2. "Online lodging marketplace" has the same meaning prescribed
36 in section 42-5076.

37 ~~2-~~ 3. "Transient" has the same meaning prescribed in section
38 42-5070.

39 ~~3-~~ 4. "Vacation rental" or "short-term rental":

40 (a) Means any individually or collectively owned single-family or
41 one-to-four-family house or dwelling unit or any unit or group of units in
42 a condominium or cooperative that is also a transient public lodging
43 establishment or owner-occupied residential home offered for transient use
44 if the accommodations are not classified for property taxation under
45 section 42-12001.

1 (b) Does not include a unit that is used for any nonresidential
2 use, including retail, restaurant, banquet space, event center or another
3 similar use.
4 ~~4.~~ 5. "Verified violation" means a finding of guilt or civil
5 responsibility for violating any state law or local ordinance relating to
6 a purpose prescribed in subsection B, D, F or K of this section that has
7 been finally adjudicated.

APPROVED BY THE GOVERNOR MAY 21, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 21, 2024.



PLANNING AND ZONING COMMISSION REPORT

Meeting November 14, 2024

Date:

Agenda Item: 5R

Case Name: Code Amendment: Multi-Family Adaptive Reuse (TA24-03)

General Application Information

Proposal:

A city-initiated Code Amendment regarding Sections 21-400 and 21-500 pertaining to the adaptive reuse of commercial, office or mixed-use buildings for multi-family residential in response to the passage of House Bill HB2297.

Location:

City-wide

Project Acreage:

N/A

Applicant:

City of Peoria

Recommendations:

ATTACHMENTS:

Description

Staff Report

Exhibit A - Draft Code for TA24-03

Exhibit B - HB2297



PLANNING & ZONING COMMISSION STAFF REPORT

Meeting Date: 11/14/2024

Agenda Item(s): 5R

TO: Planning and Zoning Commission
THROUGH: Chris M. Jacques, AICP, Planning Director
FROM: Lorie Dever, Deputy Director
SUBJECT: Code Amendment: Multifamily Adaptive Reuse (TA24-03)

PURPOSE

This is a city-initiated text amendment to the Zoning Ordinance regarding Sections 21-400 and 21-500 pertaining to adaptive reuse of commercial, office or mixed-use buildings for multi-family residential in response to the passage of House Bill HB2297. A summary of the purpose of the amendment is to modify the existing provisions to:

- Update existing definitions and provide new definitions specifically for “Adaptive Reuse” applications within Section 21-450;
- Insert new “Adaptive Reuse” regulations into Section 21-450 to 21-452; and
- Add “Multi-Family Residential Reuse” to regulations within Table 21-503, within Section 21-500 “*Non-Residential Districts*”.

If approved, staff believes these code modifications will bring the Zoning Ordinance in compliance with the regulatory requirements and provisions of House Bill HB2297.

BACKGROUND

The 56th Arizona state legislature passed a number of bills this session that have been signed into adoption by the Governor pertaining to municipal zoning, including House Bill HB 2297: Adaptive Reuse for Multifamily Development. More specifically, HB2297 requires that by January 1, 2025, municipalities with 150,000 or more persons must allow multifamily residential development or adaptive reuse of any commercial, office or mixed-use building on not more than 10% of existing inventory of existing buildings citywide. Additionally, a municipality cannot require discretionary review with conversion but can designate “commercial or employment hubs” where buildings are excluded from the inventory. Along with these provisions, the bill contains a number of modified development standards which are pre-defined within the bill. Given the scope of these mandated provisions, changes are being proposed within Sections 21-200, 21-400 and 21-500 of the Peoria Zoning Ordinance to address the regulatory requirements of HB2297.

PROPOSED REGULATIONS

HB2297 requires the City to establish ‘objective standards’ to allow multifamily residential or adaptive reuse on up to ten (10) percent of the existing commercial, office or mixed-use buildings without requiring a type of application that requires a public hearing. (Exhibit B) Secondly, the bill goes further by obligating municipalities to adopt specific provisions associated with parking, setbacks, building height, and density. As these specific development standards are mandated without allowance for deviation or exception, they were transmitted into the proposed Zoning Code revisions without alteration. Whereas the adopted legislation is prescriptive in most areas, there were four specific policy considerations when drafting the proposed code

CODE AMENDMENT: MULTIFAMILY ADAPTIVE REUSE (TA24-03)

changes. These were identified and discussed the various public meetings, with staff's final recommendation on the proposed code language noted below in *italics*.

1. City may designate commercial or employment hubs where existing buildings are excluded from the provisions of this section.

This provision was excluded given the anticipated limited use and overall impact on Peoria.

2. No more than ten (10) percent of the existing commercial, office, employment or mixed-use buildings within the City.

While a cap of ten (10) percent was included with the text, when analyzed in context with the other additional applicable criteria, the total number of eligible and likely "buildings" suitable for conversion would be very limited.

3. Exclude buildings within the Vicinity of a Military Airport, and those that are Historic Registered Sites.

A number of Peoria's "Historic Registered" sites are located within and near the original townsite area, which also dove tails with the VMA area. Thus, in keeping with the General Plan's goals and policies, staff is recommending these exclusions areas are added within the proposed text in order to help maintain and preserve the character of residential communities and businesses within this area.

4. Further clarify and expand upon the term "Economically or functionally obsolete", as defined within A.R.S. § 9-462.10 (H)(3).

Based on staff's assessment, the proposed definition within ARS does not adequately convey or transmit with clear understanding to all parties what is meant as an "economically or functionally obsolete" building. And without a specific prohibition against doing so, the legislative language appears to allow the city to further define the term. Given the feedback received at the October 17, 2024, Planning Commission meeting, staff is recommending the following enhancements to the definition in Section 21-450.B:

"Economically or functionally obsolete" has the definition found in A.R.S. § 9-462.10 (H)(3), as it may be amended, and as further defined below:

- *A state of disrepair shall mean the decline of the general condition or appearance of the building or parts thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay, neglect, or lack of maintenance.*
- *Vacancy shall mean the total leasable floor area of the building is vacant for a period of no less than twenty-four (24) consecutive months. For purposes of this section, rental payments, lease payments and taxes shall not be considered as a continued use.*

KEY FINDINGS

- Where regulations and provisions associated with Multifamily Adaptive Reuse in HB2297 are mandated, without allowance for deviation or exception, staff believes the proposed text changes are in conformance with the imposed legislative requirements.
- Where there is latitude or leniency allotted within the bill to enhance, expand upon, or include exclusionary provisions to better tailor the Multifamily Adaptive Reuse provisions to the individual

CODE AMENDMENT: MULTIFAMILY ADAPTIVE REUSE (TA24-03)

community, staff is proposing only those provisions which seek to preserve the character of existing residential communities and businesses within culturally or historically significant areas, while still meeting the overall intent of the legislation.

COMMUNITY INVOLVEMENT

Public Meetings:

- Legislative Briefing to City Council on September 17, 2024.
- Legislative Briefing to Planning and Zoning Commission on October 3, 2024.
- Planning and Zoning Commission Study Session on October 17, 2024.

Public Noticing:

The application was properly noticed pursuant to Section 21-315 of the Peoria Zoning Ordinance, which includes placing a legal ad in the Peoria Times at least 15 days prior to the Public Hearing.

Support / Opposition:

No opposition or support for this proposal was received.

POSSIBLE ACTIONS / OPTIONS

- A: Approve as recommended by staff; or
- B: Approve in part or with modifications; or
- C: Deny; or
- D: Continue action to a date certain or indefinitely.

RECOMMENDATION

Staff recommends that the Planning and Zoning Commission take the following action:

Recommend approval of Case TA24-03 to the City Council as proposed in Exhibit A.

STAFF CONTACT

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Deputy Director
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Lorie.Dever@peoriaaz.gov

Zoning Code Amendment

Adaptive Reuse

TA24-03

Applicable Sections of Chapter 21 Zoning Ordinance:

- 21-400 Residential Districts
- 21-500 Non-Residential Districts

Overview of Revisions:

1. Inserting new “Adaptive Reuse” regulations to Section 21-450 to 21-452
2. Add “Multi-Family Residential Reuse” regulations to the Table 21-503 Land Use Maxtrix within Section 21-500 Non-Residential Districts

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.

Exhibit A - City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

Section 1. *Amend Chapter 21 - Zoning, Section 21-400 Residential Districts, only as follows, leaving all other sections and subsections not specifically referenced unchanged:*

Sec. 21-447 – 21-449 Reserved

Sec. 21-450. Optional Redevelopment of Qualified Obsolete Commercial Buildings

A. Purpose and Applicability.

Sections 21-450 through 21-452, referred herein as “Adaptive Reuse Section”, describes application requirements, review procedures, and approval criteria utilized by the Zoning Administrator when reviewing an application for a “Multi-Family Residential Development Adaptive Reuse” of qualified obsolete commercial buildings pursuant to A.R.S. § 9-462.10. The regulations in this Section are in addition to other codes and requirements of the City of Peoria.

B. Definitions. Terms used in this Section shall have the following definitions:

“Adaptive reuse” has the definition found in A.R.S. § 9-462.10 (H)(1), as it may be amended.

“Building code” has the definition found in A.R.S. § 9-462.10 (H)(2), as it may be amended.

“Economically or functionally obsolete” has the definition found in A.R.S. § 9-462.10 (H)(3), as it may be amended, and as further defined below:

- A state of disrepair shall mean the decline of the general condition or appearance of the building or parts thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay, neglect, or lack of maintenance.
- Vacancy shall mean the total leasable floor area of the building is vacant for a period of no less than twenty-four (24) consecutive months. For purposes of this section, rental payments, lease payments and taxes shall not be considered as a continued use.

“Low-income housing” has the definition found in A.R.S. § 9-462.10 (H)(4), as it may be amended.

“Moderate-income housing” has the definition found in A.R.S. § 9-462.10 (H)(5), as it may be amended.

“Multi-Family Residential Development” has the definition found in A.R.S. § 9-462.10 (H)(6), as it may be amended.

“Nonconforming” has the definition found in A.R.S. § 9-462.10 (H)(7), as it may be amended.

A “Qualified Obsolete Commercial Building” is a building which is:

- Located on a parcel or parcels that are zoned for and/or that allows the building to be used for commercial, office, or mixed use; and
- Economically or functionally obsolete; and

- Located on a parcel or parcels at least one (1) acre but not more than twenty (20) acres; and
- Not located in any of the following areas:
 - The area excluded pursuant to Section 21-452.C below;
 - An area designated as a district of historical significance pursuant to A.R.S. §9- 462.01 (a)(10);
 - A site or building with Historic Preservation Overlay Zoning pursuant to Section 21-625;
 - A site or building listed on the National Register of Historic Places;
 - Land in the territory in the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461; or
 - Land in the territory in the vicinity of a federal aviation administration commercially licensed airport or a general aviation or public airport as defined in A.R.S. § 28-8486.

“Rooftop appurtenances” has the definition found in A.R.S. § 9-462.10 (H)(8), as it may be amended.

Sec. 21-451. Obsolete Commercial Building Redevelopment

A. Application. An owner seeking “multi-family residential development adaptive reuse” of a *qualified obsolete commercial building* shall submit an application that includes all of the following:

1. A site plan application in conformance with Section 21-156 (“Site Plan”).
2. Evidence of Site Plan Review and approval by any utility provider impacted by the proposed development.
3. Evidence of adequate existing public sewer and water service for the entire proposed development.
4. Compliance with all applicable building and fire codes.
5. Evidence demonstrating that the existing building that is the subject of the application is economically or functionally obsolete; and
6. Evidence that the existing building that is the subject of the application is located on a parcel or parcels of at least one acre but not more than twenty acres.
7. Documentation satisfactory to the City of Peoria that the redevelopment will include a set aside of at least 10% of the total dwelling units for either “moderate-income housing” or “low-income housing” or any combination of the two, for at least twenty years after the initial occupation of the proposed development.

B. Development Standards and Requirements. “Multi-Family Residential Development Adaptive Reuse” of a *qualified obsolete commercial building* shall comply with the following standards and requirements:

1. **Parking.**
 - a. The development shall comply with parking space requirements applicable to multi-family residential units pursuant to Section 21-825 (“Parking Requirements”).

- b. Mixed-Use Development. If the development is a mixed-use development, parking consisting of the sum of the required parking for each individual use or through a qualified Parking Study shall be provided, in accordance with Section 21-825 ("Parking Requirements").
- 2. Demolition Permit. A permit shall be obtained for the demolition of any existing building or portion of a building.
- 3. Setbacks. Setback requirements for the redevelopment shall be the lesser of the existing setbacks for multifamily residential buildings pursuant to Section 21-429 ("RM-1 Development Standards") or the existing zoning district in place at the time of redevelopment.
- 4. Height and Density. Multi-Family Residential Development Adaptive Reuse shall not exceed:
 - a. Two (2) stories or thirty (30) feet in height, on a site within one hundred (100) feet of a single-family residential zoning district.
 - b. In areas not within one hundred (100) feet of a single-family residential district, the lesser of:
 - i. Five stories or sixty (60) feet in height; or
 - ii. The highest allowable height and density for a multi-family residential zoning district in the City of Peoria located within one mile of the building to be redeveloped; or
 - iii. If there is no multi-family residential zoning district in the City of Peoria within one mile of the building to be redeveloped, the City shall apply the maximum height and density of the multi-family residential zoning district located in the City of Peoria that is located closest to the building to be redeveloped.
 - c. For the purpose of this section, applicable single-family residential districts or multi-family residential districts, shall be those districts specified in Section 21-156.A ("Residential Districts") or designated for single-family residential or multi-family residential through an existing Planned Area Development (PAD) or Planned Community District (PCD).
- 5. Height Exemption. If the maximum allowable height applicable to the existing commercial, office, or mixed-use building exceeds the maximum allowable height for the proposed multi-family residential development adaptive reuse, the existing height shall prevail and be considered nonconforming for height purposes, and the existing building may be expanded to the maximum allowable density for the proposed use. Any rooftop appurtenances shall be included within the height exemption.

Sec. 21-452 Multi-Family Residential Development Adaptive Reuse Cap and Tracking.

- A. Cap. Not more than 10% of the total estimated number of eligible existing commercial, office, or mixed-use buildings are redeveloped for multifamily residential adaptive reuse under this section.
- B. Tracking. The City shall keep track of the number of buildings redeveloped under this Section, and shall stop accepting applications when the total number of the following equals the cap established in paragraph A above:

1. [The number of buildings redeveloped for multi-family residential development adaptive reuse under this Section; plus](#)
2. [The number of buildings with approved building permits for redevelopment under this Section but not yet completed; plus](#)
3. [The number of buildings with pending applications for redevelopment under this Section but not yet permitted.](#)

Section 2. Amend Chapter 21 - Zoning, Section 21-500 Non-Residential Districts, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 21-500 NON-RESIDENTIAL DISTRICTS

21-503 Land Use Matrix

~~The following Land Use Matrix (Table 21-503) 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 21-503 indicates land uses allowed within the base commercial and employment zoning districts. Specific uses are further defined in Section 21-200 \("Definitions"\).](#)

A. Explanation of Table Abbreviations.

1. Permitted Uses.

- a. ["P" in a cell indicates that the use is allowed by right. Permitted uses are subject to all other applicable regulations of this Zoning Ordinance, including the use-specific standards in Section 21-505, along with compliance with the Peoria Community Design Guidelines.](#)
- b. ["PA" in a cell indicates that the use is allowed by right, unless it is located within two hundred \(200\) feet of a residential use, than it shall be deemed as a "Conditional Use" which shall be permitted upon receiving a Conditional Use Permit \(CUP\) as defined below.](#)

2. Conditional Uses.

- a. ["C" in a cell indicates that in the respective zoning district the use is allowed only if reviewed and approved in accordance with the procedures of Section 21-155, Conditional Use Permits. Conditional uses are subject to all other applicable regulations of this Zoning Ordinance, including the use-specific standards in Section 21-505, along with compliance with the Peoria Community Design Guidelines.](#)
- b. [The "C" designation in Table 21-503 does not constitute an authorization or an assurance that such use will be permitted. Rather, each conditional use permit application shall be evaluated as to its probable effect on adjacent properties and surrounding areas, among other factors, and may be approved or denied pursuant to the procedures in Section 21-155, Conditional Use Permits.](#)

3. **Prohibited Uses.** “-” in a cell indicates that the use is prohibited in the respective zoning district.

4. **Use-Specific Standards.** Regardless of whether a use is allowed by right or as a conditional use, there may be additional standards that are applicable to the use. Use-specific standards are noted through a cross-reference in the last column of the table. Cross-references refer to Section 21-505 Use-Specific Standards and apply to all districts unless otherwise specified.

B. Table Organization.

In Table 21-503, land uses and activities are classified into general "use categories" and specific "use types" based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories. Certain uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

C. Use for Other Purposes Prohibited.

Approval of a use listed in Table 21-503, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in Table 21-503 is prohibited.

D. **Classification of New and Unlisted Uses.** When application is made for a use category or use type that is not specifically listed in Table 21-503, the following procedure shall be followed:

1. The Zoning Administrator shall provide an interpretation of the Ordinance in accordance with Section 21-112 as to the use category and/or use type into which such use should be placed. In making such interpretation, the Zoning Administrator shall consider its potential impacts, including but not limited to: the nature of the use; sales; processing; type of product, storage and amount, and nature thereof; enclosed or open storage; anticipated employment; transportation requirements; the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and the general requirements for public utilities such as water and sanitary sewer.
2. Appeal of the Zoning Administrator’s decision may be made to the Board of Adjustment following procedures under Section 21-162 of this Zoning Ordinance.

Table 21-503 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
<u>Lodging and Adaptive Reuse</u>												
Bed and Breakfast Inn #	-	-	-	-	-	C	-	-	-	-	-	-
Hotel or Motel #	-	-	-	P	P	P	P	P	P	-	-	-
<u>Multi-Family Residential Development Adaptive Reuse</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	=	=	=	=

Senate Engrossed House Bill

~~adaptive reuse; commercial buildings; zoning~~
~~(now: zoning; adaptive reuse; commercial buildings)~~
(now: commercial buildings; adaptive reuse)

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 141

HOUSE BILL 2297

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-462.10; RELATING TO MUNICIPAL ZONING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 6.1, Arizona Revised
3 Statutes, is amended by adding section 9-462.10, to read:

4 9-462.10. Commercial buildings; multifamily development;
5 adaptive reuse; prohibition on rezoning or
6 municipal review; objective standards;
7 applicability; definitions

8 A. ON OR BEFORE JANUARY 1, 2025, THE GOVERNING BODY OF A
9 MUNICIPALITY WITH A POPULATION OF ONE HUNDRED FIFTY THOUSAND OR MORE
10 PERSONS SHALL ESTABLISH OBJECTIVE STANDARDS TO ALLOW MULTIFAMILY
11 RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE ON NOT MORE THAN TEN PERCENT OF
12 THE TOTAL EXISTING COMMERCIAL, OFFICE OR MIXED USE BUILDINGS WITHIN THE
13 MUNICIPALITY WITHOUT REQUIRING A CONDITIONAL USE PERMIT, A PLANNED UNIT
14 DEVELOPMENT OR REZONING APPLICATION OR ANY OTHER APPLICATION THAT WOULD
15 REQUIRE A PUBLIC HEARING. THE GOVERNING BODY OF THE MUNICIPALITY MAY
16 MODIFY THE PERCENTAGE OF EXISTING COMMERCIAL, OFFICE OR MIXED USE
17 BUILDINGS WITHIN THE MUNICIPALITY AVAILABLE FOR MULTIFAMILY RESIDENTIAL
18 DEVELOPMENT OR ADAPTIVE REUSE EVERY TEN YEARS.

19 B. A MUNICIPALITY MAY DESIGNATE COMMERCIAL OR EMPLOYMENT HUBS AND
20 OTHER ESSENTIAL COMMERCIAL OR EMPLOYMENT USE AREAS WHERE EXISTING
21 COMMERCIAL, OFFICE, EMPLOYMENT OR MIXED USE BUILDINGS ARE EXCLUDED FROM
22 THE PROVISIONS OF THIS SECTION. THE DESIGNATIONS MADE PURSUANT TO THIS
23 SUBSECTION MAY NOT EXCEED TEN PERCENT OF THE EXISTING COMMERCIAL, OFFICE,
24 EMPLOYMENT OR MIXED USE BUILDINGS WITHIN THE MUNICIPALITY. A MUNICIPALITY
25 MAY MODIFY THE COMMERCIAL OR EMPLOYMENT HUBS THAT ARE EXCLUDED FROM THE
26 PROVISIONS OF THIS SECTION ONCE EVERY TEN YEARS.

27 C. FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE, THE
28 OBJECTIVE STANDARDS ESTABLISHED BY A MUNICIPALITY SHALL REQUIRE BUT MAY
29 NOT REQUIRE MORE THAN THE FOLLOWING:

30 1. A MUNICIPAL SITE PLAN REVIEW AND APPROVAL PROCESS REQUIREMENT,
31 INCLUDING SITE PLAN REVIEW BY ANY UTILITY PROVIDER IMPACTED BY THE
32 PROPOSED DEVELOPMENT.

33 2. ADEQUATE PUBLIC SEWER AND WATER SERVICE FOR THE ENTIRE PROPOSED
34 DEVELOPMENT.

35 3. COMPLIANCE WITH ALL APPLICABLE BUILDING AND FIRE CODES.

36 4. THAT THE EXISTING BUILDINGS ARE ECONOMICALLY OR FUNCTIONALLY
37 OBSOLETE.

38 5. THAT THE EXISTING BUILDINGS ARE LOCATED ON A PARCEL OR PARCELS
39 THAT ARE AT LEAST ONE ACRE IN SIZE BUT NOT MORE THAN TWENTY ACRES IN SIZE.

40 6. A SET ASIDE OF TEN PERCENT OF THE TOTAL DWELLING UNITS FOR
41 EITHER MODERATE-INCOME HOUSING OR LOW-INCOME HOUSING OR ANY COMBINATION OF
42 THE TWO FOR AT LEAST TWENTY YEARS AFTER THE INITIAL OCCUPATION OF THE
43 PROPOSED DEVELOPMENT. THE DEVELOPER MAY SET ASIDE MORE THAN TEN PERCENT
44 AT THE DEVELOPER'S SOLE DISCRETION.

1 D. THE OBJECTIVE STANDARDS MAY NOT CONTAIN PARKING SPACE
2 REQUIREMENTS THAT EXCEED THE PARKING REQUIREMENTS THAT APPLY TO
3 MULTIFAMILY RESIDENTIAL BUILDINGS OR ADAPTIVE REUSE BUILDINGS UNDER THE
4 EXISTING ZONING CODE UNLESS THE PROPOSED MULTIFAMILY RESIDENTIAL
5 DEVELOPMENT OR ADAPTIVE REUSE ALSO QUALIFIES AS A MIXED USE DEVELOPMENT.

6 E. A MUNICIPALITY MAY NOT WITHHOLD A DEMOLITION PERMIT IF A
7 MULTIFAMILY RESIDENTIAL DEVELOPMENT MEETS THE REQUIREMENTS OF THIS
8 SECTION. FOR A MULTIFAMILY RESIDENTIAL DEVELOPMENT, ALL OF THE FOLLOWING
9 APPLY:

10 1. THE DEMOLITION OF ALL OR A PORTION OF THE EXISTING COMMERCIAL,
11 OFFICE OR MIXED USE BUILDINGS SHALL BE ALLOWED.

12 2. SETBACK REQUIREMENTS MAY NOT EXCEED WHAT IS REQUIRED IN THE
13 EXISTING ZONING CODE FOR MULTIFAMILY RESIDENTIAL BUILDINGS.

14 3. NOTWITHSTANDING SECTION 9-462.01, SUBSECTION C, THE MAXIMUM
15 HEIGHT AND DENSITY SHALL BE EQUAL TO THE HIGHEST ALLOWABLE MULTIFAMILY
16 HEIGHT AND DENSITY FOR A MULTIFAMILY ZONING DISTRICT IN THE MUNICIPALITY
17 WITHIN ONE MILE OF THE BUILDING TO BE REDEVELOPED. IF THERE IS NO
18 MULTIFAMILY ZONING DISTRICT IN THE MUNICIPALITY WITHIN ONE MILE OF THE
19 BUILDING TO BE REDEVELOPED, THE MAXIMUM HEIGHT AND DENSITY SHALL BE
20 EQUIVALENT TO THE NEXT CLOSEST MULTIFAMILY ZONING DISTRICT.

21 4. THE ALLOWABLE HEIGHT MAY NOT EXCEED FIVE STORIES AND A
22 MUNICIPALITY MAY LIMIT THE HEIGHT TO TWO STORIES IN THE AREAS OF A SITE
23 WITHIN ONE HUNDRED FEET OF SINGLE-FAMILY RESIDENTIAL ZONES. MULTIFAMILY
24 RESIDENTIAL DEVELOPMENT THAT IS CONSTRUCTED PURSUANT TO THIS SECTION DOES
25 NOT QUALIFY AS BEING WITHIN ONE MILE OF THE BUILDING BEING REDEVELOPED OR
26 THE NEXT CLOSEST MULTIFAMILY BUILDING.

27 F. A MUNICIPALITY MAY NOT WITHHOLD A DEMOLITION PERMIT IF AN
28 ADAPTIVE REUSE PROJECT MEETS THE REQUIREMENTS OF THIS SECTION. FOR
29 ADAPTIVE REUSE, ALL OF THE FOLLOWING APPLY:

30 1. THE DEMOLITION OF A PORTION OF THE EXISTING COMMERCIAL, OFFICE
31 OR MIXED USE BUILDING OR BUILDINGS SHALL BE ALLOWED.

32 2. THE SETBACK REQUIREMENTS FOR THE PROPOSED USE SHALL APPLY. IF
33 THE MINIMUM SETBACK REQUIREMENT THAT APPLIES TO THE EXISTING COMMERCIAL,
34 OFFICE OR MIXED USE BUILDING IS LESS THAN THE MINIMUM SETBACK REQUIREMENT
35 THAT APPLIES TO THE PROPOSED USE, THE EXISTING BUILDING SHALL BE
36 CONSIDERED NONCONFORMING FOR SETBACK PURPOSES UNLESS EASEMENTS, INCLUDING
37 PUBLIC UTILITY EASEMENTS, ARE LOCATED WITHIN SETBACK AREAS.

38 3. IF THE MAXIMUM ALLOWABLE HEIGHT THAT APPLIES TO THE EXISTING
39 COMMERCIAL, OFFICE OR MIXED USE BUILDING EXCEEDS THE MAXIMUM ALLOWABLE
40 HEIGHT FOR THE PROPOSED USE, THE EXISTING HEIGHT MAY REMAIN AND SHALL BE
41 CONSIDERED NONCONFORMING FOR HEIGHT PURPOSES AND THE EXISTING BUILDING MAY
42 BE EXPANDED TO THE MAXIMUM ALLOWABLE DENSITY FOR THE PROPOSED USE. ANY
43 ROOFTOP APPURTENANCES SHALL BE INCLUDED WITHIN THE HEIGHT EXEMPTION.

1 G. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:
2 1. LAND IN AN AREA THAT IS DESIGNATED AS A DISTRICT OF HISTORICAL
3 SIGNIFICANCE PURSUANT TO SECTION 9-462.01, SUBSECTION A, PARAGRAPH 10.
4 2. LAND IN AN AREA THAT IS DESIGNATED HISTORIC BY A LOCAL
5 GOVERNMENT.
6 3. LAND IN AN AREA THAT IS DESIGNATED AS HISTORIC ON THE NATIONAL
7 REGISTER OF HISTORIC PLACES.
8 4. LAND IN THE TERRITORY IN THE VICINITY OF A MILITARY AIRPORT OR
9 ANCILLARY MILITARY FACILITY AS DEFINED IN SECTION 28-8461.
10 5. LAND IN THE TERRITORY IN THE VICINITY OF A FEDERAL AVIATION
11 ADMINISTRATION COMMERCIALLY LICENSED AIRPORT OR A GENERAL AVIATION OR
12 PUBLIC AIRPORT AS DEFINED IN SECTION 28-8486.
13 6. LAND IN A MUNICIPALITY THAT IS LOCATED ON TRIBAL LAND.
14 H. FOR THE PURPOSES OF THIS SECTION:
15 1. "ADAPTIVE REUSE" MEANS CONVERTING AN EXISTING BUILDING FROM THE
16 USE FOR WHICH IT WAS CONSTRUCTED TO A NEW USE BY MAINTAINING SOME OR ALL
17 OF THE ELEMENTS OF THE BUILDING.
18 2. "BUILDING CODE" HAS THE SAME MEANING PRESCRIBED IN SECTION
19 9-1301.
20 3. "ECONOMICALLY OR FUNCTIONALLY OBSOLETE" MEANS THE COMMERCIAL,
21 OFFICE OR MIXED USE BUILDING IS IN A STATE OF DISREPAIR OR HAS A FIFTY
22 PERCENT VACANCY IN THE TOTAL LEASABLE SQUARE FOOTAGE.
23 4. "LOW-INCOME HOUSING" MEANS HOUSING:
24 (a) FOR A PERSON OR PERSONS WHOSE HOUSEHOLD INCOME DOES NOT EXCEED
25 EIGHTY PERCENT OF THE AREA MEDIAN INCOME.
26 (b) FOR WHICH THE OCCUPANT PAYS NOT MORE THAN THIRTY PERCENT OF THE
27 OCCUPANT'S GROSS INCOME FOR THE OCCUPANT'S RENT OR MORTGAGE, AS DETERMINED
28 BY THE ARIZONA DEPARTMENT OF HOUSING AND ADJUSTED FOR HOUSEHOLD SIZE BASED
29 ON THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.
30 5. "MODERATE-INCOME HOUSING" MEANS HOUSING:
31 (a) FOR A PERSON OR PERSONS WHOSE HOUSEHOLD INCOME DOES NOT EXCEED
32 ONE HUNDRED TWENTY PERCENT OF THE AREA MEDIAN INCOME.
33 (b) FOR WHICH THE OCCUPANT PAYS NOT MORE THAN THIRTY PERCENT OF THE
34 OCCUPANT'S GROSS INCOME FOR THE OCCUPANT'S RENT OR MORTGAGE, AS DETERMINED
35 BY THE ARIZONA DEPARTMENT OF HOUSING AND ADJUSTED FOR HOUSEHOLD SIZE BASED
36 ON THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.
37 6. "MULTIFAMILY RESIDENTIAL DEVELOPMENT" MEANS A BUILDING OR
38 BUILDINGS THAT ARE DESIGNED AND USED FOR RESIDENTIAL PURPOSES AND THAT
39 CONTAIN MORE THAN ONE APARTMENT OR DWELLING UNIT FOR SALE OR FOR RENT BUT
40 THAT ARE NOT ADAPTIVE REUSE.
41 7. "NONCONFORMING" MEANS STRUCTURES THAT HAVE RECEIVED BUILDING AND
42 ZONING PERMITS UNDER THE REGULATIONS IN PLACE AT THE TIME OF CONSTRUCTION.

- 1 8. "ROOFTOP APPURTENANCES":
- 2 (a) MEANS ROOFTOP STRUCTURES THAT PRINCIPALLY HOUSE AIR
- 3 CONDITIONING EQUIPMENT, SOLAR PANELS, UTILITIES, ELEVATORS, OTHER ENERGY
- 4 PRODUCTION FACILITIES AND OTHER NONHABITABLE STRUCTURES.
- 5 (b) INCLUDES OPEN SPACE FEATURES, SWIMMING POOLS, SPACE FOR USE BY
- 6 RESIDENTS AND LANDSCAPING.
- 7 (c) DOES NOT INCLUDE ENCLOSED AREAS, SPIRES, BELL TOWERS, DOMES,
- 8 CUPOLAS, PEDIMENTS, OBELISKS OR MONUMENTS.

APPROVED BY THE GOVERNOR APRIL 10, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2024.



PLANNING AND ZONING COMMISSION REPORT

Meeting November 14, 2024

Date:

Agenda Item: 6R

Case Name: Project Update: Downtown Code Amendment (TA24-04)

General Application Information

ATTACHMENTS:

Description

Staff Memo



PLANNING & ZONING COMMISSION STAFF MEMORANDUM

Meeting Date: 11/14/2024

Agenda Item: 6R

TO: Planning and Zoning Commission

THROUGH: Chris M. Jacques, AICP, Planning Director

FROM: Lorie Dever, Deputy Director
Sarah Dircks, Senior Planner

SUBJECT: PROJECT UPDATE – Downtown Code Amendment

Background:

In alignment with the City's Economic Development and Revitalization Strategies, Peoria's Downtown has long been identified as an important revitalization and redevelopment priority. Over the last several years, the City has continued to make meaningful investments and improvements to reposition Downtown for redevelopment by strategically assembling land and refining redevelopment concepts. These efforts have been informed through community input and have helped shape the development opportunities on the horizon within the Downtown. To this end, it is important to ensure the associated land use matrix and sign regulations for Downtown Peoria are recalibrated and restructured appropriately in support of these efforts.

Previous Actions:

- April 18, 2024 – Staff presented initial methodologies utilized in evaluating the potential code changes during a study session to the Planning and Zoning Commission.
- May 8, 2024 – Staff provided a similar presentation to the Historic Preservation Commission and sought feedback on the proposed code changes.
- June 6, 2024 – Staff provided Planning and Zoning Commission an overview on comments received from the Historic Preservation Commission regarding the proposed code amendment and summarized potential refinements being considered.
- November 7, 2024 – Open House Meeting held to discuss proposed code changes.

Discussion:

Provide the Planning and Zoning Commission with an update on input received from the open house meeting, along with discussion regarding next steps in the code amendment process.