

# Comprehensive Ordinance List

**Publisher's Note:** The following table lists all ordinances passed by the City of Peoria. The table includes links to the ordinances, as maintained in PDF format. For other legislation, including ordinances passed prior to June 2023, please contact the City of Peoria.

Ordinances that amend the Code and are **not yet effective** have their identifying information **highlighted in yellow**. Changes made by those ordinances are **not incorporated** into the text of the Code until the amending ordinances are effective. Ordinances that do not affect the code have been grayed out.

Jump to:

2023 Ordinances

2024 Ordinances

2025 Ordinances

## 2023 Ordinances

Ord. No.	Adopted Date	Short Title and Code Sections Affected
<a href="#">2023-09</a>	6-6-2023	Amending procurement code 26-107.2, 26-114, 26-115.1
<a href="#">2023-13</a>	8-15-2023	Amending Ch. 21 Zoning, Non-Residential District - limitations on uses 21-505(M)
<a href="#">2023-14</a>	8-15-2023	Amending Ch. 27 Fee Table 27-5 Fee Table 27-5
<a href="#">2023-19</a>	11-14-2023	Establishing effective date of certain Local Option H Businesses subject to TPT

## 2024 Ordinances

Ord. No.	Adopted Date	Short Title and Code Sections Affected
<a href="#">2024-05</a>	4-16-2024	Amending Ch. 21 definitions, land use matrix, and limitations on uses 21-202, 21-503, 21-505
<a href="#">2024-10</a>	9-17-2024	Amending Ch. 3 and 5 relating to Boards and Commissions 3-2, 3-4, 3-6, 3-7, 3-9, 3-10, 3-11, 3-19, 3-28, 3-31, 3-32, 3-33, 3-42, 3-43, 3-46; 5-3
<a href="#">2024-14</a>	10-1-2024	Amending Ch. 20 Planning and Development and Ch. 27 Fees 20-31, 20-32, 20-39, 20-40, 20-43, 27-19(a) - 27-19(g)
<a href="#">EPCOR 2024</a>	6-11-2024, eff. 12-1-2024	Franchise Agreement for EPCOR Water Arizona, Inc.; replaces Ord. 2010-26 Appendix A

<a href="#"><u>2024-19</u></a>	12-17-2024	Amending Ch. 21 Zoning regarding Administration, Residential Districts, Non-Residential Districts, Special Districts and Designations, Overlay Districts, Supplemental Regulations and adding Parking and Loading  21-102—21-123, 21-130—21-138, 21-141—21-146, 21-151—21-165, 21-301—21-304, 21-311, 21-312, 21-315, 21-320, 21-325, 21-330, 21-341, 21-342, 21-350, 21-409—21-411, 21-414, 21-416—21-422, 21-425—21-429, 21-432, 21-433, 21-503, 21-505, 21-506, 21-601—21-615, 21-627, 21-629, 21-630, 21-632, 21-650—21-664, 21-670—21-682, 21-816, 21-820, 21-901—21-904
<a href="#"><u>2024-20</u></a>	12-17-2024	Amending Ch. 21 Zoning regarding Definitions, Residential Districts, Special Uses, Districts and Overlays  21-201, 21-202, Renumbering 21-803 and 21-422 as 21-315, Adding 21-316
<a href="#"><u>2024-21</u></a>	12-17-2024	Amending Ch. 21 regarding Residential Districts and Non-Residential Districts  21-450, 21-451, 21-452, 21-503
<a href="#"><u>2024-22</u></a>	12-17-2024	Amending Ch. 25 regarding large water users  Adding 25-15.01 through 25-15.05

## 2025 Ordinances

<i>Ord. No.</i>	<i>Adopted Date</i>	<i>Short Title and Code Sections Affected</i>
<i>Ord. No.</i>	<i>Adopted Date</i>	<i>Short Title and Code Sections Affected</i>
<a href="#"><u>2025-01</u></a>	1-14-2025	Amending Ch. 21 Zoning Code  21-202, 21-619 - 21-624, 21-827 - 21-837 renumbered as 21-700 - 710
<a href="#"><u>2025-04</u></a>	3-4-2025	Amending parking regulations  14-109, 14-110, 14-111, 14-112
<a href="#"><u>2025-05</u></a>	3-4-2025	Amending regulations pertaining to public nuisances; prohibition; enforcement; abatement  17-1, 17-2, 17-3, 17-4, 17-51, 17-52, 17-53, 17-55 through 17-75
<a href="#"><u>2025-08</u></a>	3-25-2025	Amending Ch. 2 and Ch. 27 regarding Development and Engineering Department, Planning and Community Development, Fire-Medical Department, Finance Department, building sagety, and fees  2-198, 2-209, 2-211, 2-213, 2-215, 2-217, Ch 27 heading, Fee Table 27-6, Fee Table 27-7, Fee Table 27-8, Fee Table 27-9
<a href="#"><u>2025-09</u></a>	4-22-2025	Amending Ch. 23 pertaining to fiber optic communications  23-107, 23-108, 23-109, 23-110, 23-111, 23-112, 23-113, 23-114, 23-115, 23-116, 23-117, 23-118, 23-119, 23-120, 23-121

<a href="#"><u>2025-12</u></a>	4-22-2025	Amending regulations pertaining to employee organizations; public employees' rights; utilizing a bank of voluntarily donated vacation leave hours  6-5
<a href="#"><u>2025-13</u></a>	4-22-2025	Amending regulations pertaining to subdivisions and stormwater pollution management  24-56, 24-58, 24-89, 24-93, 24-97, 24-107
<a href="#"><u>2025-15</u></a>	6-3-2025	Amending Ch. 2 pertaining to City Manager, City Attorney, and presiding Municipal Judge evaluation processes  2-62, 2-78
<a href="#"><u>2025-19</u></a>	8-5-2025	Amending Ch. 2 and Ch. 27 pertaining to development and engineering department  2-211; 27-7 Fee Table
<a href="#"><u>2025-20</u></a>	8-5-2025	Amending Ch. 2 and Ch. 27 pertaining to development and engineering department  27-7 Fee Table
<a href="#"><u>2025-21</u></a>	8-5-2025	Amending Ch. 27 regarding Fees  Ch. 27
<a href="#"><u>2025-24</u></a>	8-5-2025	Amending Ch. 3 regarding Youth Advisory Board  3-46

## Chapter 18

### BUILDINGS AND BUILDING REGULATIONS; CROSS-CONNECTION CONTROL

Editor's note(s)—Ord. No. [2017-31](#), §§ 1—49, adopted June 13, 2017, renumbered and amended §§ 5-1—5-118 as §§ 18-1—18-118 as herein set out.

Cross reference(s)—Fire prevention code, § 9-31 et seq.; dangerous construction, § 13-43; planning and development, Ch. 20; zoning, Ch. 21; subdivision regulations, Ch. 24.

State law reference(s)—General authority to regulate buildings and construction, A.R.S. §§ 9-240(B)(7), 9-276(A)(14), (A)(15), 9-499.01; applicability of local building regulations to public buildings, A.R.S. § 34-461.

#### **Sec. 18-1. Building Official.**

The office of building official and administrative authority as referenced in this chapter for all matters pertaining to any building, plumbing, electrical or any other inspections shall be vested in the Development and Engineering Department. The Department Director may authorize deputies or city employees to perform any function that may be required by this chapter.

(Code 1977, art. 8-9; Ord. No. [2017-31](#), § 1, 6-13-17)

#### **Sec. 18-2. Right-of-way infringements.**

Existing structures abutting city rights-of-way may, as part of a city-approved plan for remodeling for improvement of the appearance of structures, infringe upon the city right-of-way subject to the following limitations:

- (1) No enlargement of the floor area or usable space of the subject building shall result because of infringement.
- (2) Infringement within eight (8) feet of the surface or ground shall not extend more than four (4) inches upon the right-of-way, and no infringement shall extend upon or over any actual street, alley, utility easement or private property.
- (3) Encroachments will be for the sole purpose of improving the aesthetic value of existing structures and shall be limited to cornices, roofs, ledges, eyebrows, facings, stucco or veneer, but shall not include protruding signs, display windows or doors.

(4) Building additions may include infringements, subject to the limitations of this section, if necessary for the conformance with aesthetic improvements existing, or being constructed, across the face of an existing structure.

(Code 1977, art. 8-10; Ord. No.[2017-31](#), § 2, 6-13-17)

State law reference(s)—Authority to prohibit and remove encroachments, A.R.S. §§ 9-240(B)(3), 9-276(A)(2), (A)(6), 9-499.01.

**Sec. 18-3. International Energy Conservation Code—Adopted and Amended.**

(A) A certain document, one copy of which is on file in the City Clerk's Office of the City of Peoria, being marked and designated as "International Energy Conservation Code, 2018 Edition," published by the International Code Council is hereby adopted, as amended herein, as the Energy Code of the City of Peoria.

(B) The International Energy Conservation Code, 2018 Edition, is amended as follows:

(1) Chapter 1 [CE], "Scope and Administration" is hereby amended as follows:

Note: For sections designated "RESERVED" herein, refer to the Building Code of the City of Peoria for these code requirements.

**C101.2 Scope.** This code applies to commercial buildings and the building sites and associated systems and equipment. Group R-2, when defined as a commercial building by Section C202, shall have the option of complying under the Residential Provisions of the code, regardless of height. Once defined as such on the submittal documents, all components of the Residential Provisions shall be followed.

Section C102 ALTERNATIVE MATERIALS, DESIGN AND METHODS OF CONSTRUCTION AND EQUIPMENT - Reserved

Part 2 - Administration and Enforcement

**C103.3 Examination of documents.** RESERVED.

**C103.3.1 Approval of construction documents.** RESERVED.

**C103.3.2 Previous approvals.** RESERVED.

**C103.3.3 Phased Approval.** RESERVED.

**C103.3.4 Amended construction documents.** RESERVED.

**C103.3.5 Retention of construction documents.** RESERVED.

**Section C104 Fees.** RESERVED.

**Section C105 Inspections.** RESERVED.

Section C106 Validity.

**Section C108 Stop Work Orders.** RESERVED.

**Section C109 Board of Appeals.** RESERVED.

(2) Chapter 4 [CE], "Commercial Energy Efficiency" is hereby amended as follows:

**C401.2 Application.** Commercial buildings shall comply with one of the following:

1. The requirements of ANSI/ASHRE/IESNA 90.1.
2. The requirements of Sections C402 through C405. In addition, commercial buildings shall comply with Section C406 and tenant spaces shall comply with Section C406.1.1.
3. The requirements of Sections C402.5, C403.2, C403.3 through C403.3.2, C403.4 through C403.4.2.3, C403.5.5, C403.7, C403.8.1 through C403.8.4, C403.10.1 through C403.10.3, C403.11, C403.12, C404, C405, and C407. The building energy cost shall be equal or less than 85 percent of the standard reference design building.
4. Compliance with the provisions of Section C408 are optional.

**C408.3 Functional testing of lighting controls.**

Automatic lighting controls required by this code shall comply with this section.

**C408.3.1 Functional testing.**

Prior to final inspection, a preliminary report of commissioning test procedures and results shall be completed and certified by the registered design professional or approved agency and provided to the building owner or owner's authorized agent. The report shall be identified as "Preliminary Commissioning Report - Lighting," and shall be provided to the code official from the building owner or owner's authorized agent. The preliminary report shall include the completed Commissioning Compliance Checklist, Figure C408.2.4, and shall identify:

1. Itemization of deficiencies found during testing required by this section that have not been corrected at the time of report preparation.
2. Deferred tests that cannot be performed at the time of report.
3. Schedule of when deferred tests will be performed.
4. Results of functional performance tests.
5. Functional performance test procedures used during the commissioning process, including measurable criteria for test acceptance.

The preliminary and final commissioning reports shall provide evidence that the lighting control systems have been tested to ensure that control hardware and software are calibrated, adjusted, programmed and in proper working condition in accordance with the construction documents and manufacturer's instructions. Functional testing shall be in accordance with Sections C408.3.1.1 through C408.3.1.3 for the applicable control type.

- (3) Chapter 1 [RE], "Scope and Administration" is hereby amended as follows:

**R101.2 Scope.** This code applies to commercial buildings and the building sites and associated systems and equipment. Group R-2, when defined as a residential building by Section R202, shall have the option of complying under the Commercial Provisions of the code, regardless of height. Once defined as such on the submittal documents, all components of the Commercial Provisions shall be followed.

**Section R102 ALTERNATIVE MATERIALS, DESIGN AND METHODS OF CONSTRUCTION AND EQUIPMENT - RESERVED**

**R102.1 General.** RESERVED.

**R102.1.1 Above code programs.** RESERVED.

**R102.1.2 RESNET Testing & Inspection Protocol.** The Residential Energy Services Network (RESNET) Mortgage Industry National Home Energy Rating System Standard Protocol for third party testing and inspections, shall be deemed to meet the requirements of Sections R402.4.1.1, R402.4.1.2, and R403.3.2 and shall meet the following conditions:

1. Third Party Testing and Inspections shall be completed by RESNET certified Raters or Rating Field Inspectors and shall be subject to RESNET Quality Assurance Field Review procedures.
2. Sampling in accordance with Chapter 6 of the RESNET Standards shall be performed by Raters or Rating Field Inspectors working under a RESNET Accredited Sampling Provider.
3. Third Party Testing is required for the following items:
  - a. R402.4.1.1 - Building Envelope - Thermal and Air Barrier Checklist.
  - b. R404.4.1.2 - Testing - Air Leakage Rate.
  - c. R403.3.2 - Sealing - Duct Tightness.
4. The other requirements identified as "mandatory" in Chapter 4 shall be met.
5. Alternate testing and inspection programs and protocols shall be allowed when approved by the Code Official.

**R103.3 Examination of documents.** RESERVED.

**R103.3.1 Approval of construction documents.** RESERVED.

**R103.3.2 Previous approvals.** RESERVED.

**R103.3.3 Phased Approval.** RESERVED.

**R103.3.4 Amended construction documents.** RESERVED.

**R103.3.5 Retention of construction documents.** RESERVED.

**Section R104 Fees.** RESERVED.

**Section R105 Inspections.** RESERVED.

**Section R106 Validity.**

**Section R108 Stop Work Orders.** RESERVED.

**Section R109 Board of Appeals.** RESERVED.

- (4) Chapter 4 [RE], "Residential Energy Efficiency" is hereby amended as follows:

**Section R403.3.1 Insulation (Prescriptive).** Supply and return ducts in attics shall be insulated to a minimum

of R-8 where 3 inches (76 mm) in diameter and greater and R-6 where less than 3 inches (76 mm) in diameter. Supply and return ducts in other portions of the building shall be insulated to a minimum of R-6 where 3 inches (76 mm) in diameter or greater and R-4.2 where less than 3 inches (76 mm) in diameter.

**Exceptions:**

1. Ducts or portions thereof located completely inside the building thermal envelope.
2. Supply ducts may be insulated to a minimum of R-6 when one or more of the following conditions are met:
  - 2.1. Minimum SEER rating of space heating/cooling system is increased to 16.
  - 2.2. Maximum U-factor is decreased to 0.30 and maximum SHGC is decreased to 0.22 for all fenestration products.
  - 2.3. Wall cavity insulation minimum R-value is increased to R-19.
  - 2.4. Residential buildings that meet the requirements of sections R102.1.1 or R405.

Table R406.4 Maximum Energy Rating Index, is amended for Climate Zone 2 as follows:

**TABLE R406.4 MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	ENERGY RATING INDEX <sup>a</sup>
1	57
2	57
3	57
4	62
5	61
6	61
7	58
8	58

a. Where on-site renewable energy is included in for compliance using the ERI analysis of Section R406.4, the building shall meet the mandatory requirements of Section R406.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table R402.1.2 or Table R402.1.4 of the 2015 International Energy Conservation Code.

(Code 1977, § 8-13-1; Ord. No. 90-37, 8/28/90, 1988 edition adopted; Ord. No. 95-21, 5/2/95, 1994 edition adopted; Ord. No. 98-108, 10/6/98, 1997 edition adopted; Ord. No. 04-22, 5/16/04, Amended (SUPP 2004-2); Ord. No. 2012-08, 5/1/12, Repealed and Adopted (SUPP 2012-2); Ord. No. [2017-31](#), § 3, 6-13-17; Ord. No. [2019-12](#), § 1, 5-21-19)

**Charter reference(s)—Adoption by reference, art. VII, § 14.**

**State law reference(s)—Adoption by reference, A.R.S. § 9-801 et seq.**

**Sec. 18-4. International Property Maintenance Code—Adopted and Amended.**

(A) A certain document, one copy of which is on file in the City Clerk's Office of the City of Peoria, being marked and designated as "International Property Maintenance Code, 2018 Edition," published by the International Code Council is hereby adopted, as amended herein, as the Code for establishing the minimum regulations governing the conditions and maintenance of property, buildings, and structures within the City of Peoria.

(B) The International Property Maintenance Code, 2018 Edition, is amended as follows:

Note: For sections designated "RESERVED" herein, refer to the Building Code of the City of Peoria Administrative Provisions for these code requirements.

Chapter 1, SCOPE AND ADMINISTRATION", is hereby amended as follows:

Section 101.1 Title. These regulations shall be known as the International Property maintenance Code of The City of Peoria, hereinafter referred to as "this code."

Section 101.2 pertaining to Scope is hereby amended by adding the following:

101.2.1 Appendix. The following appendix of the International Property Maintenance Code is adopted in its entirety: Appendix A - Boarding Standard.

Amend Section 102.3 Application of other codes, by replacing the section in its entirety with the following:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Peoria City Code. Nothing in this code shall be construed to cancel, modify, or set aside any provision of the Peoria City Code.

SECTION 103 to be amended as follows:

## SECTION 103 CODE ENFORCEMENT

[A] 103.1 General. Code Enforcement is hereby created and the executive official in charge thereof shall be known as the code official.

Amend Section 103.5 Fees, by deleting it in its entirety.

Section 108 to be amended as follows:

## Section 108 UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code and Section 116 of the International Building Code, as amended.

Section 111, Means of Appeal - RESERVED.

Chapter 3, "GENERAL REQUIREMENTS", is hereby amended as follows:

Amend Section 302.4 Weeds, by inserting "six (6) inches" in the first sentence.

Amend Section 303, Swimming Pools, Spas and Hot Tubs by replacing it with the following:

**303.1 Swimming pools.** Swimming pools, spas, and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.

**303.2 Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 18 inches (457 mm) in depth shall be completely surrounded by a fence or barrier at least 60 inches (1524 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 (1372 mm) inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. Pool enclosures and barriers, including gates, locks, latches, doors, alarms and any other safety features, including interior child barriers, shall be maintained in safe and good working order at all times.

Amend Section 304.14 Insect Screens, by inserting the dates "January 1" and "December 31" in the first sentence.

Chapter 6, "MECHANICAL AND ELECTRICAL REQUIREMENTS", is hereby amended as follows:

Delete **SECTION 602 HEATING FACILITIES** in its entirety and replace with the following:

## SECTION 602 HEATING AND COOLING FACILITIES

**602.1 Facilities required.** Heating and cooling facilities shall be provided in structures as required by this section.

**602.2 Heating and cooling systems.** Habitable spaces shall be provided with active or passive space-heating and space cooling systems capable of maintaining temperatures between 70°F (21°C) and 90°F (32°C) at a point 3 feet (914 mm) above the floor. The installation of portable space heaters or coolers shall not be used to achieve compliance with this section.

(Code 1977 § 8-1-4; Ord. No. 90-33, 8/28/90, 1988 edition adopted; Ord. No. 95-24, 5/2/95, 1994 edition adopted; Ord. No. 98-107, 10/6/98, 1997 edition adopted; Ord. No. 02-12, 2/19/02, 2000 international edition adopted (SUPP 2002-1); Ord. No. 04-22, 5/16/04, Amended (SUPP 2004-2); Ord. No. 07-11, 4/17/07, Amended (SUPP 2007-2); Ord. No. 2012-08, 5/1/12, Amended (SUPP 2012-2); Ord. No. [2017-31](#), § 4, 6-13-17; Ord. No. [2019-12](#), § 2, 5-21-19; Ord. No. [2021-11](#), § 1, 4-20-21)

Charter reference(s)—Adoption by reference, art. VII, § 14.

Cross reference(s)—Nuisances, Ch. 17.

State law reference(s)—Adoption by reference, A.R.S. § 9-801 et seq.

### Sec. 18-5. Reserved.

(Ord. 02-12, 2/19/02, Enacted (SUPP 2002-1); Ord. 04-22, 5/16/04, Repealed (SUPP 2004-3); Ord. No. [2017-31](#), § 5, 6-13-17)

### Sec. 18-6. Standard specifications for public works.

The Uniform Standard Specifications for Public Works Construction from the Maricopa Association of Governments, 1979, and the 1982 and 1983 amendments thereto are adopted by reference.

(Ord. No. 84-91, § 1, 10-9-84; Ord. No. 02-12, 2/19/02, renumbered (SUPP 2002-1); Ord. No. [2017-31](#), § 6, 6-13-17)

Charter reference(s)—Adoption by reference, art. VII, § 14.

State law reference(s)—Adoption by reference, A.R.S. § 9-801 et seq.

## **Sec. 18-7. Reserved.**

(Code 1977, art. 8-8; Ord. No. 02-12, 2/19/02, renumbered (SUPP 2002-1); Ord. No. 2012-08, 5/1/12, Repealed and Reserved (SUPP 2012-2); Ord. No. [2017-31](#), § 7, 6-13-17)

## **Sec. 18-8. Slum property designation and appeals; inspection fees.**

(A) If the City Manager or their designee finds that a residential rental property constitutes a "slum property" within the meaning of A.R.S. § 33-1901(3), then the City Manager or their designee shall issue to the property owner or the owner's statutory agent a written notice of designation, either personally or by certified mail. The notice of designation shall identify what conditions exist on the property that meet the statutory criteria.

(B) An owner of a residential rental property that has been designated as a slum property pursuant to Subsection (A) of this Section may file an administrative appeal contesting the designation. At the time of filing an administrative appeal, the owner shall pay to the City \$150.00 as a fee for processing the appeal. The administrative appeal shall be heard by a hearing officer designated by the City Manager.

(C) The decision of the hearing officer on an administrative appeal of a slum property designation shall be the City's final administrative decision.

(D) In order to recoup the costs of a City inspection of a slum property or property that is not registered pursuant to A.R.S. § 33-1902, the City shall assess upon a property owner a fee of \$50.00 per hour per inspector, with a four-hour minimum fee for an inspection of a slum property.

(Ord. 02-13, 02/19/02, Enacted (SUPP 2002-1); Ord. No. 2012-08, 5/1/12, Amended (SUPP 2012-2); Ord. No. [2017-31](#), § 8, 6-13-17)

**State law reference(s)—A.R.S. §§ 33-1904 and 33-1905.**

## **Sec. 18-9. Reserved.**

**Editor's note(s)**—Ord. No. [2017-31](#), § 9, adopted June 13, 2017, repealed and renumbered § 5-9 as § 18-9, which pertained to Building Board of Appeals and derived from Ord. No. 04-22, 5/16/04, Enacted (SUPP 2004-2); Ord. No. 05-34, 8/1/05, Amended (SUPP 2005-3); Ord. No. 05-63, 11/15/05, Amended (SUPP 2005-4); Ord. No. 2012-08, 5/1/2012, Amended (SUPP 2012-2).

## **Secs. 18-10—18-20. Reserved.**

## **Sec. 18-21. International Building Code—Adopted and Amended.**

(A) A certain document, one copy of which is on file in the City Clerk's Office of the City of Peoria, being marked and designated as the "International Building Code, 2018 Edition," published by the International Code Council, Inc., is hereby adopted, as amended herein, as the Building Code of the City of Peoria.

(B) The International Building Code, 2018 Edition, is amended as follows:

(1) Chapter 1, "Scope and Administration", is hereby amended as follows:

**[A] 101.1 Title.** These regulations shall be known as the Building Code of The City of Peoria, hereinafter referred to as "this code."

Amend Section 101.2 Scope to read as follows:

**[A] 101.2 Scope.** The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use of occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Detached one- and two-family dwellings and townhouses not more than three stories, above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with this code or the International Residential Code, as amended.

**Exceptions.** The provisions of this code shall not apply to:

1. Federal, state or county owned projects (building and land) are exempt from the required permits, inspections, and fees of Table 27-6 of the City of Peoria code.
2. Work primarily located within a public way such as streets, roads, sidewalks, bridges, drainage structures, street lights and traffic control signs or equipment. Pedestrian tunnels or bridges which cross a public way are regulated by this code when they directly connect one or more buildings located outside of the public way.
3. Canals, dams and hydraulic flood control structures constructed by or under contract with a governmental agency or jurisdiction.
4. Utility towers, poles, equipment or systems under the exclusive control of an electric utility and directly used to generate, transmit, transform, control or distribute electrical energy to utility customers. Electrical installations in buildings used by the electric utility, such as office buildings, that are not an integral part of a generating plant, substation or control center, and electrical installations located on the

premises of a utility customer, such as exterior lighting, service entrance equipment or customer-owned substation equipment, are regulated by this code.

5. Installation of communications equipment under the exclusive control of communications utilities and located outdoors or in a building spaces used exclusively for such installations. Communications wiring run inside a building is regulated by this code.

6. Piping and equipment owned and operated by a public service utility and directly used to produce, treat, distribute or meter water to utility customers, or directly used to collect, treat or dispose of sewage or waste water from utility customers. Domestic plumbing systems within water or sewer utility plants are regulated by this code.

Amend Section 101.2.1 Appendices to read as follows:

**[A] 101.2.1 Appendices.** The following appendices are adopted: Appendix C - Group U - Agricultural Buildings, Appendix I - Patio Covers.

Amend Section 101.3 Intent to read as follows:

**[A] 101.3 Intent.** The purpose of this code is to establish the minimum requirements to provide a reasonable level of safety, public health, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire, explosion and other hazards, and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

The purpose of this Code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code. Although the Development and Engineering Director (hereinafter referred to as the "Director") or designee is directed to obtain substantial compliance with the provisions of this code, a guarantee that all buildings, structures or utilities have been constructed in accordance with all the provisions of the code is neither intended nor implied.

**101.4 Referenced codes.** Shall be revised to read as follows:

**[A] 101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.9 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

**Exception:** Administrative requirements in the City of Peoria Fire Code.

**[A] 101.4.1 Gas.** The provisions of the International Fuel Gas Code, as amended, shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

**[A] 101.4.2 Mechanical.** The provisions of the International Mechanical Code, as amended, shall apply to the installation, alterations, repair, and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

**[A] 101.4.3 Plumbing.** The provisions of the International Plumbing Code, as amended, shall apply to the installation, alteration, repair, and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

**[A] 101.4.4 Property maintenance.** The provisions of the International Property Maintenance Code, as amended, shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

**[A] 101.4.5 Fire prevention.** The provisions of the International Fire Code, as amended, shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

**[A] 101.4.6 Energy.** The provisions of the International Energy Conservation Code, as amended, shall apply to all matters governing the design and construction of buildings for energy efficiency.

**[A] 101.4.7 Existing Buildings.** The provisions of the International Existing Building Code, as amended shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

**[A] 101.4.8 Electrical.** The provisions of the National Electrical Code, as amended, shall apply to the

installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

**[A] 101.4.9 Residential.** The provisions of the International Residential Code, as amended, shall apply to detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with this code or the International Residential Code, as amended.

SECTION 103 to be amended as follows:

### **SECTION 103 Development and Engineering Department**

**[A] 103.1 Creation of enforcement agency.** The authority and responsibility for administration and enforcement of this Code is hereby assigned to the Director of the Development and Engineering Department. The Director may designate a person or persons to fulfill these duties.

**[A] 103.2 Appointment.** The building official shall be appointed by the Director of the Development and Engineering Department.

**[A] 103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Director of the Development and Engineering Department shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official. For the maintenance of existing properties, see the International Property Maintenance Code.

SECTION 104 to be amended as follows:

### **SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL**

Amend Section 104.5 Identification to read as follows:

**[A] 104.5 Identification.** The building official and all Development and Engineering Department employees shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

SECTION 104.10 is deleted in its entirety and replaced with the following:

[A] 104.10 Administrative review, interpretations, modifications and appeals.

Any person dissatisfied with a technical code decision made by a Development and Engineering Department employee may request an administrative review, formal interpretation, or a modification of a code requirement.

**104.10.1 Administrative review.** Any person dissatisfied with a technical code decision made by a Development and Engineering Department employee may request a review of that decision by the employee's supervisor.

Any person dissatisfied with a decision of the supervisor may appeal that decision to the building official. The appeal shall be made in writing on a form provided by the Development and Engineering Department, and shall be accompanied by a non-refundable administrative processing fee, equal to the minimum permit fee, as set forth in Table 27-6 of the Peoria City Code. The decision of the building official shall be final except as provided in Section 113 of this Code.

**104.10.2 Interpretation.** Any person may request a written interpretation of a code requirement. The request shall be in writing on a form provided by the Development and Engineering Department, shall include all information, calculations or other data necessary to describe the specific condition in detail, and shall be accompanied by a non-refundable administrative processing fee equal to additional plan review as set forth in Table 27-6 of the Peoria City Code. The decision of the building official shall be recorded in the files of the department.

**104.10.3 Modifications.** Requests for modification of a code requirement shall be made in writing on a form provided by the Development and Engineering Department, and shall be accompanied by a non-refundable fee equal to additional plan review as set forth in Table 27-6 of the Peoria City Code. The applicant is responsible for providing all information, calculations or other data necessary to document or substantiate each request. The building official may approve, approve with stipulations, or deny the application based upon the substantiating data submitted and the building official's determination that the modification results in substantial compliance with the intent of this code. In deciding each case, the building official may consider or require alternate methods or systems to be used for the particular code provision to be modified.

The details of action granting modifications shall be recorded and entered in the department files.

**104.10.3.1 Flood hazard areas.** RESERVED.

**104.10.4 Appeals.** Any person may appeal a decision made by the building official to the Board of Appeals as set forth in Section 113 of this Code.

SECTION 105 to be amended as follows:

## **SECTION 105 PERMITS**

Amend Section 105.1.1 Annual Permits to read as follows:

**[A] 105.1.1 Annual permits.** See Section 117 of this code.

**[A] 105.1.2 Annual Permit Records.** Deleted in its entirety.

Amend Section 105.2 Work exempt from permit to read as follows:

**[A] 105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other codes, laws, or ordinances of this jurisdiction. Permits shall not be required for the following:

### **Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 200 square feet ( $18.58\text{ m}^2$  ).
2. Fences not over 3 feet (915 mm) high. Fences not included in this exception, not over 7 feet (2134 mm) high, shall require a building permit demonstrating compliance with the Zoning Ordinance requirements and City Code requirements for site drainage only.
3. Oil derricks.
4. Retaining walls that are not over 40 inches (1219 mm) in height measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of the height to diameter or width is not greater than 2:1.
6. Platforms, sidewalks, and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tilling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television, seasonal celebration, and theater stage sets and scenery. Additional bleachers and grandstands are not included in this exemption.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground. Barriers shall be installed in accordance with Section R326 of the International Residential. A permit is required for the barrier.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and moveable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
14. Ground or roof supported structures, such as radio and television antenna towers and flagpoles which do not exceed 200 pounds (90 kg) in weight or 45 feet (13,700 mm) in height above the ground surface.
15. Contractors' temporary construction offices which are associated with a permitted construction project in compliance with the City of Peoria Ordinance and are intended to be removed from the site upon completion of the project. Structures which include sales offices which are open to the public do require a permit.
16. Re-roofing with the same type of material as the original roofing and provided not more than two layers of asphalt shingles are applied over an existing asphalt shingle roof.
17. Installation of nonstructural weatherproof exterior covering over an existing weatherproof covering on an existing structure so long as the new covering will not affect the fire-resistive classification of the existing structure.

**Exception:** Installation of an Exterior Insulation and Finish System (EIFS).

18. Unless part of a rated assembly, minor repair or replacement in kind of non-structural components such as glass or glazing materials, sash, doors and hardware, patching walls or ceilings and replacing pieces of siding, soffits or fascia. Installation of locking or security hardware on egress doors, or changing the types of locking devices requires a permit.

### **Electrical:**

1. Installation or replacement of equipment such as appliances, lamp holders, lamps and other utilization equipment manufactured, approved and identified for cord- and plug-connection to suitable permanently installed receptacles.
2. Repair or replacement of motors rated 50 HP or less, transformers rated 45 kVA or less, or fixed approved appliances of the same type and rating in the same location.
3. Temporary decorative lighting approved and identified for cord- and plug-connection.
4. Repair or replacement in kind of any switch, other than a service disconnect, receptacle, contactor, control device or other utilization equipment rated 60 amperes or less.
5. Replacement in kind of any circuit breaker other than a service disconnect, rated at 125 amperes or less, or any fuse.
6. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
7. Temporary wiring for experimental purposes in suitable experimental laboratories.
8. Temporary wiring for theaters, motion picture and television studios, performance areas, and similar locations where not accessible to the general public.
9. Class 2 and Class 3 control and signal circuits not essential for safety to human life.
10. Installation, repair or replacement of electrical systems and components within machinery or equipment which is not defined by this Code as building service equipment.

**Gas:**

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

**Mechanical:**

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. Repair or replacement in kind, by a licensed contractor, of refrigeration units not over 5 tons (17.5 kW) of refrigeration capacity, when located outdoors. Replacement equipment shall be in the same location and equal to or less than the weight of that which is replaced. Repair or replacement of refrigeration systems located inside a building shall require a permit and compliance with all requirements of this Code for the classification of refrigerant utilized in the new equipment.

**Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
3. Replacement of water closets, valves or fixtures with new valves or fixtures complying with the water conservation requirements of this Code, and the 2010 Accessibility Standards, except that a permit shall be required for the relocation of any valves, pipes, or fixtures.
4. Repair or replacement of portable or built-in appliances which are not regulated by this code as building service equipment and which connect to the building water, drain or gas piping systems by approved means.
5. Replacement, in kind, of an existing water heater in one- and two-family dwellings when the work is performed by a licensed contractor.

6. Hot water recirculators.
7. Water softeners and soft water loops.

Amend Section 105.3 Application for permit to read as follows:

**[A] 105.3 Application for permit or standard plan.** To obtain a permit or standard plan approval, the applicant shall first file an application therefor in writing on a form furnished by the Development and Engineering Department for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use of occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the owner, or the owner's authorized agent.
7. Give such other data and information as required by the building official.

Amend Section 105.3.2 Time limitation of application to read as follows:

**[A] 105.3.2 Time limitation of application.** An application for a permit or standard plan approval for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. The application for extension shall include payment of a non-refundable fee as set forth in Table 27-6 of the City of Peoria Code.

**[A] 105.3.2.1 Standard plan expiration.** Standard plans shall expire upon the adoption of a new code or upon a transition plan approved by the building official.

Amend Section 105.5 Expiration to read as follows:

**[A] 105.5 Expiration.** Every permit issued, except demolition permits and permits subject to section 114 of this code, shall expire 24 months after the date of permit issuance or become invalid unless the work on the site authorized by such permit is commenced within 180 days after issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The work shall not be considered suspended or abandoned if the permit holder has done one or more of the following:

1. Received an inspection approval from Building Development within 180 days of the previous inspection approval;
2. Conducted legally authorized site preparation such as demolition, clearing or excavation; or
3. Pursued other activities deemed by the building official to indicate intent to start and complete the project.

**[A] 105.5.1 Extension.** The building official is authorized to grant, in writing, one or more extensions at a time, for periods not more than one year each. The extension shall be requested in writing, prior to permit expiration or invalidation, and justifiable cause demonstrated. The application for extension shall include payment of a non-refundable fee as set forth in Table 27-6 of the Peoria City Code.

**Exception:** The building official is authorized to extend a permit for 30 days if it can be demonstrated the permit holder requires no more than two inspections per each discipline to obtain a Certificate of Occupancy or Certificate of Completion. The fee for a 30 day extension shall be based on the hourly rate for building inspections (two hour minimum for each discipline) and shall include an administrative fee based on general hourly plan review rate (two hour minimum) as set forth in Table 27-6 of the Peoria City Code.

**[A] 105.5.2 Demolition.** Demolition permits shall expire if the work authorized by such permit is not commenced within 30 days or completed within 60 days from the date of permit issuance, or if active and continuous demolition work is suspended or abandoned for any period of five working days or more prior to final completion and clearance of all debris from the site. Reasonable and continuous progress shall be made to complete all demolition work as expeditiously as possible. See Section 3303 of the International Building Code for demolition permit conditions.

The building official is authorized to grant, in writing, one extension of not more than 30 days. The extension shall be requested in writing and justifiable cause demonstrated. The application for extension shall be submitted prior to permit expiration and include payment of a non-refundable fee as set forth in Table 27-6 of the Peoria City Code.

Amend Section 105.6 Suspension or revocation to read as follows:

**[A] 105.6 Suspension or revocation.** The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information; or in violation of any ordinance or regulation or any of the provisions of this code; or reasonable and continuous progress has not been made to complete the construction; or the continuance of any work becomes dangerous to life or property.

It shall be unlawful to proceed with any work for which a permit was issued after notice of permit suspension or revocation is served on the permit holder, the owner or the person having responsible charge of the work. Reinstatement of a suspended permit shall be by written notice from the building official authorizing work to resume, with or without conditions. Revoked permits shall be cancelled and the permit fee shall not be refunded except as may be provided in Section 109.6 of this code.

Amend Section 105.7 Placement of permit to read as follows:

**[A] 105.7 Placement of permit.** The building permit or copy shall be kept on the site of the work until completion of the project. The permit holder shall post a visible sign which identifies the permit number, street address and lot number or suite number where construction work is authorized until completion of the project. Other forms of identification may be used when approved by the building official.

[A] 105.8 Record changes.

**[A] 105.8.1 Owner name change.** Any time after a permit has been issued a new owner may be substituted for the original owner, provided the new owner submits sufficient evidence verifying ownership and agrees to assume all code compliance obligations related to the permit, including responsibility for correcting any work previously installed in violation of any code requirement.

**[A] 105.8.2 Business name change.** Any time after a permit has been issued, the name of the tenant or business may be changed provided the intended occupancy or use of the premises is not changed.

**[A] 105.8.3 Contractor name change.** Any time after a permit has been issued, the recorded owner of the property may by affidavit request substitution of a new contractor for the contractor named on the original permit, provided the new contractor agrees to assume all code compliance obligations related to the permit including assuming responsibility for correcting any work previously installed in violation of any code requirement. Nothing in this section shall be construed as preventing a new contractor from obtaining a new permit to authorize only that work intended to be performed by the new contractor.

**[A] 105.8.4 Registered Design Professional Change.** Any time after a permit has been issued, a new architect or engineer shall submit a new special inspection certificate to the Development and Engineering Department inspector at the site prior to performing any special inspections. Any changes to the permitted drawings shall be approved either by the Development and Engineering Department inspector at the site or in the plan review process as revision submittal. The new registered design professional must be registered in the State of Arizona.

**[A] 105.8.5 Address changes.** A permit is not transferable from one property to another and no address change shall be processed which would have this effect. Any time after a permit has been issued or any time a property owner wishes to change the official address of any property, the recorded owner may request an address change in writing. The application shall be accompanied by a nonrefundable processing fee, equal to the minimum permit fee as set forth in Table 27-6 of the Peoria City Code. The department shall assign all addresses in accordance with established City regulations and may approve, modify or deny any request accordingly. Where an address change requires revising more than 10 records, the department may charge an administrative fee based upon the hourly rate for plan revisions.

**[A] 105.8.6 Scope of work changes.** Permit records shall be changed to increase or decrease the scope of work or valuation of any project. Any increase in scope of work or valuation requires an application for a new permit and payment of additional permit fees for the supplemental work. Any decrease in scope of work or valuation will be grounds for changing the permit record. In the case where a project scope is reduced after permit issuance, the original permit shall be revised to authorize the reduced scope of work, or, if no work has been started, the owner may, in writing, request to cancel the original permit and obtain a refund in accordance with Section 109.6 of this Code. In this case a new permit shall then be obtained for the actual work proposed.

**[A] 105.8.7 Fees.** The fee for record changes shall be equal to the minimum hourly charge as set forth in Table 27-6 of the Peoria City Code.

SECTION 107 to be amended as follows:

## SECTION 107 SUBMITTAL DOCUMENTS

Amend Section 107.1 General to read as follows:

**107.1 General.** Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The

construction documents shall be prepared by a registered design professional as required by the State of Arizona Board of Technical Registration. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional licensed by the state of Arizona.

**Exception:** The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

Amend Section 107.2 Construction documents to read as follows:

**107.2.1.1 Fire Life Safety Report (FLSR).** Prior to submitting construction drawings for high- rise buildings, covered mall buildings, buildings containing atriums and other structures as determined by the building official, the design team shall prepare and submit a Fire Life Safety Report. This FLSR shall provide a description of the occupancies, design codes, egress, emergency systems, smoke control and other related systems, and a conceptual description of the suppression system. The first submittal of the building construction plans must incorporate the first review comments of the FLSR.

[A] 107.2.7 Shell Building Permit Application Drawings.

**[A] 107.2.7.1 Exit Discharge Illumination.** If two or more exits are required for a shell building, as determined by the code, then emergency exterior exit discharge illuminations shall be required for all exterior exit doors and the permit application drawings shall show such illuminations for all exterior exit doors.

**[A] 107.2.7.2 Exterior Exit Door Accessibility.** All Exterior doors for a shell building shall be accessible and shall be shown as such on the permit application drawings. Accessible egress doors shall be on an accessible route of travel to the public way or an approved alternate.

**[A] 107.2.7.3 Exterior Signs.** Shell building permit application drawings shall comply with NEC 600.5 for each front entrance. Tenant exterior sign locations shall be provided with a 20 amp, 120 volt circuit to a 4-gang junction box. Drawings shall show  $\frac{3}{4}$  inch conduit routed and 3-#12, 1-#12 ground to a junction box inside the building to a tenant panel or inside the building near the vicinity of a future tenant panel. Drawings shall show separate branch circuits for each sign junction box.

Amend Section 107.4 Amended construction documents to read as follows:

**[A] 107.4 Amended construction documents.** Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. Amended sets of construction documents shall be subject to revision fees as set forth in Table 27-6 of the Peoria City Code.

Amend Section 107.5 Retention of construction documents to read as follows:

**[A] 107.5 Retention of construction documents.** One set of approved construction documents shall be retained by the building official in accordance with the retention schedules set by the Peoria City Clerk Department Records Management Program.

**107.5.1 Standard Plans.** Standard plans are valid under the code in effect at the time of submittal and valid for the duration of the code cycle as long as the plan remains active. Upon adoption of a new code standard plans shall expire and be discarded, by the building official, in accordance with the retention schedules set by the Peoria City Clerk.

Amend Section 108 Temporary structures and uses to read as follows:

## SECTION 108 TEMPORARY STRUCTURES AND USES

**108.1 General.** The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

**Exception:** Temporary fences, not associated with a construction project, shall not be permitted unless approved by the Planning and Zoning Department.

SECTION 109 to be amended as follows:

## SECTION 109 FEES

Amend Section 109.2 Schedule of permit fees to read as follows:

**[A] 109.2 Schedule of plan review and permit fees.** On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit and plan review shall be paid as required, in accordance with the schedule set forth in Table 27-6 of the Peoria City Code. Fees paid for plan reviews, permits or other services are not transferable.

**109.2.1 Supplemental permits.** The fee for a supplemental plan review and permit to cover any additional

work or additional valuation not included in the original permit shall be computed based on the valuation of the supplemental work. A new permit for a building addition shall be required to increase the building area authorized by a permit. Supplemental work started prior to obtaining a supplemental permit is subject to an investigation fee set forth in Section 109.4 of this Code.

Amend Section 109.3 Building permit valuations to read as follows:

**[A] 109.3 Building permit valuations.** The applicant for a permit shall provide an estimated project valuation at time of application. Project valuation shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, finish work and permanent systems.

Project valuation is the higher of the minimum project valuation as calculated by Development and Engineering, or the project valuation as provided by the applicant. The minimum project valuation is calculated using the International Code Council Building Valuation Data adjusted for the City of Peoria. Final building permit valuation shall be set by the building official.

Amend Section 109.6 Refunds to read as follows:

**[A] 109.6 Refunds.** The building official is authorized to establish a refund policy.

**109.6.1 Unused permits.** The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code, or where the permit issued is found to be a duplication of a previously issued permit. In all cases, a minimum amount shall be retained to pay for processing the refund request.

**109.6.2 Withdrawn applications.** The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review is done. In all cases, a minimum amount shall be retained for processing the refund request.

**109.6.3 Special conditions.** In paragraphs 1 and 2 above, the building official may at their discretion authorize a refund of more than 80 percent of the permit fee or plan review fee when the applicant demonstrates unique and unusual circumstances, provided the department retains an amount sufficient to recover all direct and indirect costs attributable to the project. In all cases, a minimum amount shall be retained for processing the refund request.

**109.6.4 Refund requests.** The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permit holder. The written application must be submitted to the Development and Engineering Department before the permit expires or not later than 180 days after the date of the fee payment, whichever occurs first.

Amend Section 109.7 Plan review fees to read as follows:

**[A] 109.7 Plan review fees.** When submittal documents are required by Section 107.3.4.1 of this code, a plan review fee shall be paid at the time of submittal. The plan review fees specified in this section are separate fees from, and in addition to, the permit fees specified in section 109.2 this Code.

When submittal documents are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items as defined in Section 107.3.4.1 of this code, an additional plan review fee shall be charged as set forth in this section.

**109.7.1 Deferred submittals.** When the building official has agreed to accept deferred submittals on a project, the full plan review fee for the entire project shall be paid upon first submittal. Thereafter, the plan review fee for each additional submittal shall be determined as set for in Table 2-209 of the Peoria City Code.

**109.7.2 Plan review corrections.** No additional fee shall be charged for checking corrections required by the building official on the first re-submittal. However, if the same or related corrections must again be noted on subsequent submittals, an additional rechecking fee shall be assessed and paid prior to re-submittal for a third or subsequent review.

**109.7.3 Plan revisions.** When plans are changed or revised so as to require additional plan review, an additional plan review fee shall be assessed. Changes or revisions which add to the scope of work included in the original plan submittal or on an issued permit shall be treated as a new work requiring a new permit application, new plan review fee and new permit fee.

**109.7.4 Standard plans.** The plan review fee for a non-site specific standard plan shall be determined as set forth in Table 2-209 of the Peoria City Code. In addition, a separate plot plan review fee shall be assessed each time a reviewed standard plan is referenced and used for purposes of obtaining a site specific building permit.

**109.7.5 Special plan review services.** Additional fees shall be charged for special plan review services, but in no case less than an hourly rate sufficient to pay all direct and indirect expenses related to any special services provided.

Amend Section 109.8 Inspections and re-inspections to read as follows:

**[A] 109.8 Inspections and re-inspections.** Permit fees provide for customary inspections only. When inspections are requested for weekends, holidays, or any time other than the regular working hours of the building official, an additional fee will be required.

A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

Re-inspection fees may also be assessed when the approved plans are not readily available to the inspector; for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official.

When inspections are requested for weekends, holidays, or any time other than the regular Development and Engineering inspection hours, an additional fee will be required as specified in Table 27-6 of the Peoria City Code.

**SECTION 110 INSPECTIONS** to be amended as follows:

## **SECTION 110 INSPECTIONS**

Amend Section 110.1 General to read as follows:

**[A] 110.1 General.** Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans where existing, legal corner boundary markers are not readily verifiable.

Amend Section 110.3.8.1 Swimming pool inspections to read as follows:

**[A] 110.3.8.1 Swimming pool inspections.** In addition to the inspections required in section 110.3.1 of this code, a rough-in inspection is required after all fixed metal parts are in place and electrically bonded but prior to concealing or placement of any concrete or gunite. A final inspection is required before a finish coating is placed and before the pool is filled with water. At the time of final inspection, all of the following must be complete:

1. Installation of all motors, lights and electrical circuits, including connection to approved overcurrent protection devices.
2. Installation and electrical bonding of all fixed metal parts within 5 feet (1524 mm) of the inside edge of the pool.
3. Installation of approved backflow prevention devices on the nearest hose bibb(s) providing water supply for the pool.
4. Installation of all pool enclosures and barriers required by this Code.

**SECTION 111** to be amended as follows:

## **SECTION 111 CERTIFICATE OF OCCUPANCY**

**[A] 111.1 Use and occupancy.** A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or other ordinances of the City of Peoria.

### **Exceptions:**

1. Certificates of occupancy are not required for work exempt from permits under Section 105.2.
2. Certificates of occupancy are not required for one and two family residences. Only final inspection approval and a utility clearance is required prior to occupancy.

**[A] 111.2 Certificate issued.** After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the Development and Engineering Department, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.

3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The date of issuance.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

**[A] 111.3 Temporary occupancy.** The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid. The fee for a temporary certificate of occupancy shall be as set forth in Table 27-6.

**Exception:** Where, in the opinion of the building official, there is very little remaining work to obtain a full certificate of occupancy, the fee for a temporary certificate of occupancy may be waived if the duration to resolve outstanding issues will take less than 14 calendar days.

**111.3.1 Application.** Application for a temporary certificate of occupancy shall be on a form supplied by the Development and Engineering Department and shall include payment of a nonrefundable fee as set forth in Section 109 of this code. Issuance of a temporary certificate of occupancy shall be subject to the property owner and the permit holder agreeing in writing to comply with all stipulations set forth by the Development and Engineering Department.

**111.3.2 Duration.** The maximum duration for temporary occupancy of a building, or a portion thereof, shall be the expiration date of the permit under which the temporary Certificate of Occupancy was issued or 60 days, whichever occurs first, at which time all requirements of the Building Code of the City of Peoria, the City of Peoria Fire Code, The City of Peoria Zoning Ordinance and other applicable codes and ordinances shall have been completed.

**[A] 111.5 Certificate of occupancy only.** Application may be made for the building official to consider issuing a certificate of occupancy only for a change in use or for new use of an existing building when no construction permit has been issued. Application for such a certificate shall be on a form provided by the Development and Engineering Department, and shall include payment of a nonrefundable application and inspection fee. This fee shall be in addition to any plan review fee or subsequent permit fee that may be required by Section 109 of this Code.

**111.6 Duplicate certificates of occupancy.** Duplicate copies of a valid certificate of occupancy may be obtained from the Development and Engineering Department upon payment of an administrative service fee sufficient to cover records search and copy costs.

SECTION 113 BOARD OF APPEALS is hereby amended as follows:

## SECTION 113 BOARD OF APPEALS

Section 113.1 General is deleted in its entirety and hereby amended to read as follows:

**[A] 113.1 General.** Refer to Chapter 3, Section 3-17 of the Peoria City Code.

SECTION 114 to be amended as follows:

## SECTION 114 VIOLATIONS

Amend Section 114.1 to read as follows:

**[A] 114.1 Unlawful Acts.** Whenever, by the provisions of this Code, the performance of any act is prohibited or wherever any regulation, dimension or limitation is imposed on the erection, alteration, repair, maintenance, demolition or occupancy of any building, structure or building service equipment, a failure to comply with the provisions of this Code shall constitute a violation. Every day on which a violation exists shall constitute a separate violation and a separate offense. The remedies herein are cumulative and the City of Peoria may proceed under one or more such remedies.

**114.1.1 Responsible parties.** For the purpose of this Code, unless a particular section, subsection or clause

places compliance responsibility upon a different person, the property owner, the tenant or occupant in responsible control of the premises and the person, firm or corporation performing the work all have the duty to ensure that all applicable requirements of this Code are complied with. Failure to comply with the provisions of this Code or with a lawful order of the Building official, subjects the owner, the tenant or occupant, and the person, firm or corporation performing the work to the criminal penalties and civil remedies prescribed in this section.

**114.1.2 Submittal information.** It shall be unlawful and a violation of this Code for any person, firm or corporation to falsify or to materially misrepresent information submitted to the Building official as part of any application or request for approval required by this Code.

**114.1.3 Alternate methods, materials and equipment.** It shall be unlawful and a violation of this Code for any person, firm or corporation to use any method, material or equipment as an alternate to the methods, materials or equipment permitted by this Code without first having obtained approval from the Building official in the manner provided in this Code.

**114.1.4 Permits.** It shall be unlawful and a violation of this Code for any person, firm or corporation to perform any work for which a permit is required by this Code until such permit has been obtained from the building official and been posted on the premises where the work is to be performed. Working beyond the authorized scope of a permit constitutes work without a permit.

It shall also be unlawful and a violation of this Code for any person, firm or corporation to occupy, use or maintain any building, structure or other property improvement that was built, erected, altered or improved without a valid permit issued by the building official when such permit is required by this Code.

**114.1.4.1 Non-permitted construction enforcement.** In cases of non-permitted construction, an investigation shall be made before a permit may be issued for the work. Non-permitted construction is grounds for the building official to stop all work on the project until appropriate permits are obtained. Non-permitted construction cases shall be subject to the enforcement procedures set forth herein.

**114.1.4.1.1 Application for permit.** The owner or authorized agent must apply for or obtain a permit by the date indicated on the notice of violation by which to obtain a permit.

**Exception:** Additional time may be granted when deemed necessary, by the complexity of work or other justifiable circumstances prohibiting meeting the designated date to obtain a permit.

**114.1.4.1.2 Permits.** Permits for work commenced without a permit must be obtained no later than 60 calendar days from the date of application.

**Exception:** Additional time may be granted when deemed necessary depending on the complexity of work or other justifiable circumstances prohibiting meeting the designated date to obtain a permit.

**114.1.4.1.3 Job-site meeting.** Upon issuance of the permit(s) a job meeting will be scheduled for the inspector to meet with the owner or authorized agent at the job site. The purpose of the job meeting is to determine corrective action required for compliance and to establish an inspection schedule. The permit shall be suspended if the jobsite meeting does not occur within 45 calendar days of permit issuance.

**114.1.4.1.4 Completion of work.** All work must be completed within 180 calendar days from date of permit issuance. No action or inaction by the City shall relieve the permit holder from their duty to complete construction with 180 days from the permit issuance. Work shall begin no later than 90 days from permit issuance and there shall be no pause in construction of more than 90 days or the permit will expire.

**114.1.4.1.5 Extension.** A one-time extension, not-to-exceed 90 calendar days, may be granted with the approval of the building official and is subject to a fee as set forth in Table 27-6 of the Peoria City Code. Applications for permit extensions must be received prior to expiration of the permit.

**114.1.5 Approval conditions.** It shall be unlawful and a violation of this Code for any person, firm or corporation to install or perform any construction work or to maintain, occupy or use any building, structure or other property improvement that deviates from the plans, designs, specifications or materials approved by the building official at the time of permit issuance, unless such deviation has received approval from the building official.

It shall be unlawful and a violation of this Code for any person, firm or corporation to fail to comply with any condition or stipulation required by the building official as part of the approval of any modification request; any request for use of alternate methods, materials or equipment; any plan approval; any permit issuance; any inspection notice; or any conditional or permanent certificate of occupancy approval.

It shall be unlawful and a violation of this Code for any person, firm or corporation to violate any requirement, condition, specification or prohibition contained in any provision of this Code.

**114.1.6 Inspections.** It shall be unlawful and a violation of this Code for any person, firm or corporation to:

1. Fail to request all inspections required by the provisions of this Code.
2. Cover or conceal any work requiring inspection until such inspection has been made and approved

by the building official.

**114.1.7 Occupancy violation.** It shall be unlawful and a violation of this Code for any person, firm or corporation to:

1. Occupy or use any building or structure without first having obtained a Certificate of Occupancy as required by the provisions of this Code.
2. Occupy or use any building or structure for any use or activity other than that authorized by a Certificate of Occupancy for such building or structure.
3. Change the occupancy, use or character or use of any building or structure without first obtaining a new Certificate of Occupancy for such new use.
4. Continue to occupy or use any building or structure in violation of the conditions of any temporary Certificate of Occupancy or after the expiration of a temporary Certificate of Occupancy.

**114.1.8 Unsafe buildings and building service equipment.** It shall be unlawful and a violation of this Code for any person, firm or corporation to:

1. Cause or to create any unsafe condition as defined in this Code.
2. Use or occupy any building or structure, or to use or operate any building service equipment, when such building, structure or building service equipment has been declared unsafe in accordance with the provisions of this Code. These requirements shall apply to all buildings, structures and building service equipment, whether new, existing, under construction or being demolished.
3. Fail to make repairs or otherwise fail to correct or abate any unsafe condition as defined in this Code.
4. Fail to comply with an unsafe condition abatement order issued by the building official in accordance with Section 116 of this Code.

**114.1.9 Lawful orders.** It shall be unlawful and a violation of this Code for any person, firm or corporation to fail to comply with any lawful notice or order of the building official issued in accordance with the provisions of this Code.

Amend Section 114.2 to read as follows:

**114.2 Notice of violation.** The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Notices of violation of this Code shall be in writing and shall be served by personal service or by certified mail with return receipt requested. Service shall be deemed complete upon delivery.

The notice of violation shall identify the address or legal description of the property in question and shall state the nature and extent of the violation in such detail as to allow the correction or abatement of the violation. The notice shall provide the name and phone number of a City representative to contact concerning the violation and acceptable methods of correction or abatement. The notice shall state the remedies available to the City for correction or abatement of the violation and the procedures to follow should the recipient wish to appeal the issuance of the notice.

Nothing herein shall preclude the building official from giving additional verbal or written information notices.

Nothing herein shall require the issuance of a notice of violation prior to commencement of emergency abatement or civil or criminal violation proceedings.

**114.2.1 Recording a violation.** The City of Peoria may record a notice of violation with the County recorder. A recorded notice of violation shall run with the land. Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice. When the property is brought into compliance, a satisfaction of notice of violation shall be filed with the County recorder, at the request of the owner or responsible party at the requester's expense.

Amend Section 114.4 to read as follows:

#### **114.4 Violation penalties.**

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

**114.4.1 Fees.** Any person who commences any work on a building, structure, electrical, gas, mechanical or

plumbing system without first obtaining the necessary permit(s) shall be subject to the following penalties and fees in addition to the required permit fees.

1. **Investigation fee.** An investigation fee, in addition to the permit fee, shall be assessed whether or not a permit is then or subsequently issued. The investigation fee shall be as set forth in Table 27-6 of The Peoria City Code.
2. **Permit fees.** The permit fee for work commenced without permits shall be twice the published permit fees as set forth in Table 27-6 of The Peoria City Code.

**Exceptions:**

1. The Development and Engineering Department may waive the investigation fee and/or additional permit fee where it can be demonstrated that the nonpermitted construction was completed by a previous owner.
2. When work without permits is to be totally demolished by the owner, the demolition permit fee shall be as set forth in Table 27-6 of the Peoria City Code.

SECTION 116 to be amended as follows:

## **SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT**

**[A] 116.1 Conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or shock hazard or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

In addition to the provisions of this Code, all buildings, structures and property shall be maintained in compliance with the provisions of the International Property Maintenance Code and all unsafe buildings or structures shall be subject to the abatement and enforcement provisions of that code.

**[A] 116.2 Definitions.** Unsafe structures and equipment shall be classified as being an unsafe or imminent unsafe condition.

**UNSAFE CONDITION** is a hazard that has the potential to cause harm or damage to life, health or property if not corrected. Sections 116.3, 116.4, and 116.5 include but are not limited to unsafe conditions.

**IMMINENT UNSAFE CONDITION** is an unsafe condition that is a high, real and immediate risk to life, health or property. Sections 116.3 and 116.4 include but are not limited to imminent unsafe conditions.

**[A] 116.3 Unsafe buildings or structures.** Conditions or defects that render a building or structure unsafe include, but are not limited to:

1. Where the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in this code for new buildings of similar structure, purpose or location.
2. Where any portion thereof has been damaged by fire, earthquake, wind, flood or any other cause to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of this Code for new buildings of similar structure, purpose or location.
3. Where any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquake than is required in the case of similar new construction.
4. Where the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle of one-third of the base.
5. Where any building or structure which, whether or not erected in accordance with all applicable laws and ordinances or not, has any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent, of the strength or fire-resisting qualities required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

**Imminent unsafe conditions:**

1. Where any door, aisle, passageway, stairway or other means of egress is locked, blocked or constricted so as to prevent safe and adequate means of egress in case of fire or panic.
2. Where any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof, is not of sufficient strength or stability or is not so anchored, attached or fastened in place so as

to be capable of resisting a wind pressure of one-half of that specified in this code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted for such buildings.

3. Where the building or structure, or any portion thereof, is likely to partially or completely collapse because of dilapidation, deterioration or decay; faulty construction; the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay or inadequacy of its foundation; or any other cause.
4. Where, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
5. Where the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing our outside walls or coverings.
6. Where the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children or a harbor for vagrants, criminals or immoral persons.
7. Where any swimming pool is not enclosed with all barriers required by this Code.

**116.4 Unsafe building service equipment.** Unsafe building service equipment is equipment which constitutes a fire hazard or hazard to life, health, property or the public welfare by reason of use, construction, quality of materials or inadequate maintenance or dilapidation. Conditions or defects that render equipment unsafe include, but are not limited to:

**116.4.1 Gas-fired, oil-fired or solid-fuel-fired appliance, devices or apparatus which have any of the following defects:**

1. Defective heat exchangers.
2. Defective or improperly installed and adjusted controls and appurtenances.
3. Equipment locations which will constitute a fire or explosion hazard.
4. Defective or improperly installed equipment.

**Imminent unsafe conditions:**

1. Defective or deteriorated vents, venting or flues which permit leakage of flue gases through the flue walls.
2. Defective or leaking fuel supply lines.
3. Insufficient fresh air supply for combustion of fuel and vent operation.
4. Heating appliances which are not properly vented.
5. Excessive exhaust in boiler, furnace rooms or areas where gas, liquid or solid fuel fired equipment is located.

**116.4.2 Electrical systems, appliances, devices or apparatus which have any of the following defects:**

1. Loose or poor electrical connections creating a fire or shock hazard.
2. Equipment or circuits not properly grounded and bonded.
3. Misuse of flexible cords and cables.
4. Wiring method or equipment not properly supported.
5. Improperly installed or not suitable for the intended use and location.

**Imminent unsafe conditions:**

1. Uninsulated or exposed live parts and a fire or shock hazard exists.
2. Overloaded branch circuits, feeders or service equipment.
3. Equipment or conductors not properly protected from overload, short circuit or ground fault.
4. Equipment short-circuit, interrupting or withstand ratings insufficient for the available fault current at the line terminals of the equipment.
5. Inadequate maintenance, dilapidation, damage, obsolescence or abandonment.

**116.4.3 Boilers or pressure vessels which have any of the following conditions:**

1. Excessive scaling or corrosion, or cracks in seams, tubes or shells.

2. Defective or improperly installed operational controls, burners or other appurtenances.
3. Hazardous operation or location of equipment.
4. Unacceptable means for blowdown where required.
5. Insufficient fresh air supply for complete combustion of fuel and vent operation.
6. A boiler or pressure vessel operated above its allowable pressure or temperature.

**Imminent unsafe conditions:**

1. Defective or improperly installed safety valves, or safety valves of improper setting, capacity or acceptable means of discharge.
2. Defective or improperly installed vent system for products of combustion.
3. Insufficient fresh air supply for complete combustion of fuel and vent operation.

**116.4.4 Refrigeration equipment which has any of the following defects:**

1. Inadequate ventilation of machinery rooms.
2. Inadequate sizing, setting capacity or venting of pressure-relief valves.
3. Hazardous location or operation of equipment.
4. Defective or improperly installed safety controls.
5. Refrigerants of a type or quantity which is prohibited for conditions under which it is used.

**Imminent unsafe conditions:**

1. Systems using ammonia as a refrigerant where inadequate provisions have been made for disposal as required elsewhere in this Code.

**116.4.5 Plumbing systems which have any of the following defects:**

1. Drainage systems which are clogged, fouled or depositing solids.
2. No trap seal is provided or the seal is inadequate.
3. Lack of sewer venting or venting into an enclosed building or structure.
4. Leaking water, sewage or sewer gas inside or outside a building.
5. Open or abandoned cesspools or septic tanks.

**Imminent unsafe conditions:**

1. Where the water does not meet the standards for potability as required by the Maricopa County Environmental Services Department.
2. The existence of cross connection, backflow or back siphonage, which creates health hazards or pollution.
3. Lack of running water to operate plumbing fixtures required for the use or occupancy of the premises.

**116.5 Unsafe excavations.** An unsafe excavation is any abandoned swimming pool or any active or abandoned mining shaft, test hole, well, pit, trench or other excavation which is more than 4 inches (102 mm) in any lateral dimension and more than 3 feet (914 mm) in depth, whenever such excavation is not covered, fenced or otherwise enclosed such that the general public is exposed to an imminent hazard. This does not apply to active sand or gravel mines being operated in compliance with City and State laws.

**116.6 Notice of violation.** Once a structure, condition, equipment, or excavation is declared unsafe or imminent unsafe conditions exist, a Notice of Violation (NOV) shall describe the unsafe or imminent unsafe conditions, and properly issued to the property owner. A specified time shall be stated on the NOV by which the unsafe/imminent unsafe conditions must be abated. A building permit must also be obtained to request an inspection to verify the unsafe imminent conditions has been abated.

Upon receipt of the NOV, the person or persons occupying or having control of any unsafe building, structure or building service equipment shall take immediate steps to vacate the building or structure or to otherwise safeguard the health and safety of the public including all building occupants. The NOV shall require the property owner, persons with authority and control of the structure, equipment, or excavation, to notify the appropriate agency or agencies of the situation as follows:

1. The fire department shall be notified immediately of all personal injuries, fires, explosions or hazardous materials incidents.

2. The Water Services Department shall be notified immediately of all backflow, back siphonage or cross-connection incidents according to City procedures.
3. The gas utility shall be notified immediately of any unsafe conditions relating to gas piping or gas-fired building service equipment.
4. The electric utility shall be notified immediately of any shock injuries; any exposed lines, damaged boxes, fire, arcing, or explosion relating to any electrical building service equipment.
5. The building official shall be notified within four hours of the occurrence of any structural failure or of any unsafe condition.
6. In addition to the above notifications, the building official shall be notified within 72 hours of the occurrence of any fire that caused structural damage or damage to required building service equipment, any plumbing cross-connection, or any other unsafe condition relating to building service equipment.

**116.7 Authority for inspection and evaluation.** The building official shall follow the procedures for right of entry noted in Section 104.6.

When the building official has reason to suspect that an unsafe condition exists, the building official is authorized to immediately issue abatement orders in accordance with Section 116.8. The building official may, depending on the circumstances issue a written order to the property owner to obtain a detailed engineering evaluation of the suspected unsafe condition before the building official determines the extent of abatement required.

1. When so ordered by the building official, the owner of any building or property suspected of containing an unsafe condition shall engage the services of a design professional registered in Arizona to conduct a detailed investigation and analysis of the suspected unsafe condition. The cost of such an investigation and report shall be paid by the property owner.
2. The registered design professional retained by the owner shall conduct a detailed investigation and evaluation of the suspected unsafe condition and shall issue a written report to the property owner and to the building official on the condition of the building, structure, or building service equipment, including recommendations for steps necessary to abate any unsafe condition found. The report shall be delivered to the building official on or before the date specified in the building official order requiring such report.
3. The content, findings and recommendations contained in the owner's engineering report may be utilized by the building official to determine whether or not an unsafe condition exists, whether it creates an imminent unsafe condition and what, if any, abatement orders shall be issued.
4. Failure of a property owner to produce an engineering report on or before the date specified in the building official order shall be grounds for the building official to proceed with abatement proceedings up to and including orders to immediately vacate or demolish the subject building or structure.

**116.8 Abatement of unsafe buildings, structures or building service equipment.** The building official shall, after inspection, determine whether a building, structure or building service equipment is an unsafe condition and, if so, whether it constitutes an imminent unsafe condition, as defined in Section 116.2.

**116.8.1 Unsafe conditions.** If a building, a structure or any building service equipment is determined to be in an unsafe condition, the building official shall issue a written notice to the property owner or occupant of the premises describing the unsafe condition and order its repair or abatement within a specified time. The time allowed for repair or abatement shall be not less than that posted on the Notice of Violation starting from the date of the notice. Failure to repair or abate the unsafe condition within the time specified shall constitute grounds for the building official to initiate formal abatement procedures.

**116.8.2 Imminent unsafe conditions.** If a building, structure, or any building service equipment is determined to be in an imminent unsafe condition, the building official shall serve a written notice of violation on the person or persons occupying or having control of the building, structure or building service equipment and on the person or persons having recorded interest in the property. The notice of violation shall declare the imminent unsafe condition to be a nuisance and shall order its immediate abatement in accordance with the provisions of this section.

1. **Notice of violation.** Notices of violation declaring imminent unsafe conditions shall be served by personal service or by certified mail return receipt requested. Service shall be deemed complete upon delivery.

The notice of violation shall identify the address and legal description of the property in question and shall state the nature and extent of the imminent unsafe condition in such detail as to allow the property owner to identify and abate the imminent unsafe condition. The notice shall provide the name and phone number of a city representative to contact concerning the imminent unsafe condition and acceptable methods of abatement. The notice shall state the City's authority to abate the violation if the owner fails to do so and the City's ability to assess the costs of such abatement against the property. The notice shall state the procedures to follow should the owner wish to appeal the decision of the

building official.

Nothing shall preclude the building official from giving additional oral or written information notices. Nothing herein shall require the issuance of a notice of violation prior to commencement of emergency abatement or civil or criminal violation proceedings.

**2. Unsafe buildings or structures.** In the case of an unsafe building or structure containing imminent unsafe conditions, the building official shall order the abatement by repair or by demolition of the building or structure. The unsafe building or structure and any buildings or structures placed in jeopardy by the unsafe buildings or structures shall be posted in accordance with this Code. The buildings or structures shall not be occupied or reoccupied until determined safe by the Building official.

**3. Unsafe building service equipment.** In the case of an unsafe building service equipment installation containing imminent unsafe conditions, the building official shall attach or affix a warning red tag to the equipment declared to be unsafe. Where equipment is declared to be in an imminent unsafe condition, the building official shall order such equipment disconnected or its use discontinued until the condition is abated per Code. In addition, the building official may order any building or structure which is placed in jeopardy by the unsafe equipment to be vacated, or the building official may order the disconnection of the affected utility service to the building, structure or equipment, and these buildings or structures shall not be occupied, reoccupied or building service equipment reconnected until determined safe by the building official.

**4. Posting of signs.** When necessary to protect life, health or public welfare, the building official shall post signs which shall prohibit entry into an unsafe building or structure provided, however, that with permission of the building official it shall be lawful to enter the building for the purposes of removing personal property. It shall be unlawful to remove any such posted sign without permission from the building official.

**5. Emergency barricades.** If any building or structure is a hazard to life or limb to persons using a public street, alley or sidewalk, the public way shall be barricaded to prevent public use. The necessary barricades shall be erected on order from the building official. The costs for barricading of a public way under this section shall be assessed to and paid by the owner of the unsafe building or structure causing the need for such barricades.

**6. Emergency abatement.** In the event an emergency should occur wherein the continued existence of a building, structure or building service equipment would constitute an imminent unsafe condition to life, health or other property, the building official may cause such building or structure to be demolished, building service equipment removed or disconnected, swimming pool fenced or pumped dry or a cesspool or tank filled at once, all without notice. Such abatement shall be limited to the minimum work necessary to remove the imminent unsafe condition.

**7. Abatement by city.** If the owner of any unsafe building, structure or building service equipment fails to abate an imminent unsafe condition within the time specified in the Notice of Violation, the City may abate any such imminent unsafe condition by repair, removal or demolition in accordance with the provisions of The International Property Maintenance Code. The costs of any City abatement, including emergency abatement or temporary repairs, shall be paid by the property owner as set forth in The Peoria City Code.

**8. Court-ordered abatement.** In addition to any other abatement procedures provided in this Code, the building official may apply to the Municipal Court of the City of Peoria for an order allowing the City to abate any unsafe condition in accordance with the provisions Peoria City Code.

**116.8.3 Appeals.** Decisions, orders and notices of violation relating to unsafe buildings, structures or building service equipment may be appealed to the Building Board of Appeals in accordance with Section 113 of this Code, except that any appeal of an order by the building official to vacate an unsafe building or to demolish part or all of an unsafe building or structure shall be made to the Building Board of Appeals in accordance with Peoria City Code.

SECTION 117 to be added as follows:

## SECTION 117 ANNUAL FACILITIES PERMIT

**117.1 Scope.** The Annual Facilities Program is an administrative system intended to simplify the permitting and inspection process for qualified facilities. This program allows inspector review of plans and maintains an inspection staff familiar with the construction history of qualified facilities. Qualified facilities enrolled in this program are exempt from Section 105 of this Code when the proposed work does not increase the floor area. Additional permits shall be required in accordance with Section 105 of these administrative provisions for work that increases floor area or establishes or changes the occupancy of a space. The Annual Facilities Program shall administer all permits issued for qualified facilities registered under this program. This permit process shall not preempt compliance with the technical requirements of this Code or with other city, county, state or federal laws and regulations.

**117.2 Definitions.** For the purpose of this section, certain terms are defined as follows:

**AGENT** means a person employed by a qualified facility owner as full-time staff or by contract, who is an architect or engineer registered and residing in the State of Arizona.

**CAMPUS** means two or more buildings located on the same property and under the control of the qualified facility owner.

**QUALIFIED FACILITY** means a building, campus, structure, or building service equipment registered with the Annual Facilities Permit Program.

**QUALIFIED FACILITY OWNER** means a firm, corporation, political entity or property management company that occupies or controls the buildings, campus, structure or building service equipment and maintains such buildings and equipment in compliance with all provisions of this Code.

### **117.3 Annual Facilities Permits.**

**117.3.1 Initial application.** Every applicant for an Annual Facilities Permit shall fill out a form provided by the Development and Engineering Department and shall pay an application and registration fee as set forth in Table 2-209 of the Peoria City Code. The form shall include the following:

1. The name of the person authorized to act on behalf of the qualified facility owner(s).
2. The name of the agent who will be responsible for code compliance of the work performed under the Annual Facilities Permit. When the agent is employed by contract, the builder and the person who is authorized to act on behalf of the qualified facility owners cannot be the same individual.
3. The location and total square footage of the entire facility at the site(s) intended to be included in the program.

**117.3.2 Validity of the annual facilities permits.** An Annual Facilities Permit shall be valid only as long as the named agent remains in the employ of the qualified facility owner in an active capacity.

If the agent should leave the employ of the qualified facility owner, such facility shall notify the building official within seven calendar days. The qualified facility owner shall obtain a replacement agent within 45 days of notification to the building official. If the building official is not notified within the prescribed period that a new agent has been obtained, the Annual Facilities Permit shall be suspended until such agent is obtained.

**117.3.3 Annual facilities permit transfers.** An Annual Facilities Permit is not transferable.

**117.4 Annual facilities permit renewal.** Annual Facilities Permits shall be renewed every 12 months by payment of a renewal fee as set forth in Table 2-209 of the Peoria City Code. Renewal fees shall be due and payable before the date of expiration of the permit or when a new application is required.

Any work performed after expiration or without a permit as specified in Section 105 of this Code shall be a violation of this Code.

**117.5 Annual Facilities Permit operation.** The agent shall notify the Development and Engineering Department before the start of any work on facilities registered with the Annual Facilities Permit Program. The building official shall determine the nature and extent of plan review or inspections required. The qualified facility shall pay to the Development and Engineering Department an hourly fee for professional services rendered as set forth in Table 2-209 of the Peoria City Code.

The agent shall be responsible for ensuring that qualified facilities comply with the substantive provisions of this Code. The agent, as authorized by rules established by the Arizona Board of Technical Registration, shall assure work has been performed in accordance with this Code.

**117.5.1 Plan reviews.** Plans, drawings, diagrams, and/or other data describing such work shall be provided to the building official for review before work commences. Plans shall be complete and comply with all of the codes and ordinances applicable to the proposed work.

**117.5.2 Work report and inspections.** All structural, architectural, plumbing, mechanical and electrical installations or construction shall be inspected in accordance with this Code. Facilities shall be subject to inspection at regular intervals not to exceed six months.

**117.5.3 Construction Compliance.** The agent and the qualified facility owner are jointly responsible for assuring that all work performed at the qualified facility complies with all technical requirements of all applicable construction codes whether or not such work is specifically inspected.

**117.6 Revocation of Annual Facilities Permit.** The building official may suspend or revoke an Annual Facilities Permit when the qualified facility fails to comply with any of the program policies or for willful violation of any provision of this Code. Violations that may result in annual permit suspension or revocation include, but are not limited to, one or more of the following:

1. Performing construction work without an agent as required in this section.
2. Performing construction work without the agent's knowledge or consent.

3. Concealing work without inspection approval or authorization.
4. Refusal to uncover concealed work.
5. Construction or installing work contrary to inspection orders.
6. Performing construction work prior to approval from the Annual Facilities Program.
7. Failure to report all construction work done under authority of the annual permit.
8. Refusal to eliminate unsafe condition pursuant to Section 116 of this Code.
9. Failure to remain current on payment for plan review and inspection services.

An Annual Facilities Permit may be reinstated after all violations have been remedied to the satisfaction of the building official. If compliance involves actual work, a separate permit as required under Section 105 of this Code must be obtained and such permit...

(2) Chapter 2, "Definitions", SECTION 202, is hereby amended as follows:

## **SECTION 202 DEFINITIONS**

**COMMON AREA.** For the purposes of ADA compliance for visual notification, a common area shall be a room, space, or element made available for the use of a restricted group of people (for example, occupants of a homeless shelter, the occupants of an office building, or the guests of such occupants). Common areas shall include restrooms, hallways, lobbies, meeting and conference rooms, classrooms, cafeterias, filing and photocopy rooms, employee break rooms, open office areas exceeding 300 square feet, examination and treatment rooms, and similar areas that are not used solely as employee work areas in accordance with the U.S. Access Board technical Bulletin on Visual Alarms. Mechanical, electrical and telephone closets, janitor's closets, and similar non-occupiable spaces that are not common areas or assigned work areas are not required to have visual alarms.

(3) Chapter 3, "Use and Occupancy Classification", is hereby amended as follows:

## **SECTION 308 INSTITUTIONAL GROUP I**

**308.23 Institutional Group I-1.** Institutional Group I-1 occupancy shall include buildings, structures or portions thereof for more than 10 persons, excluding staff, who reside on a 24-hour basis in a supervised environment and receive custodial care. Buildings of Group I-1 shall be classified as one of the occupancy conditions specified in Section 308.2.1 or 308.2.2. This group shall include, but not be limited to, the following:

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- Group Homes
- Halfway houses
- Residential board and care facilities
- Social rehabilitation facilities

**308.23.3 Six to 10 persons receiving custodial care.** A facility housing not fewer than six and not more than 10 persons receiving custodial care shall be classified as Group R-4.

**308.23.4 Five or fewer persons receiving custodial care.** A facility with five or fewer persons receiving custodial care shall be classified as Group R-3 or shall comply with the International Residential Code.

**308.3.2 Five or fewer persons receiving medical care.** A facility with five or fewer persons receiving medical care shall be classified as Group R-3 or shall comply with the International Residential Code.

**310.5 Residential Group R-4.** Residential Group R-4 occupancy shall include buildings, structures or portions thereof for more than 5 but not more than 10 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. Buildings of Group R-4 shall be classified as one of the occupancy conditions specified in Section 310.5.1 or

**310.5.2. The persons receiving care are capable of self-preservation.** This group shall include, but not be limited to, the following:

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- Group Homes

Halfway houses

Residential board and care facilities

Social rehabilitation facilities

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 or shall comply with the International Residential Code, except as otherwise provided for in this code.

(4) Chapter 9, Fire Protection Systems," is hereby amended by deleting the entire chapter and replacing with the following:

Chapter 9 Fire Protection Systems. Fire protection systems shall be installed, repaired, operated and maintained in accordance with Chapter 9, Sections 9-31, 9-32 and 9-33 of the Peoria City Code (1992).

(5) Chapter 10, "Means of Egress", is hereby amended as follows:

Amend Exception 4 to Section 1010.1.2 Door Swing, by replacing it in its entirety with the following:

4. Doors within or serving a single dwelling unit in Groups R-2, R-3 as applicable in Section 101.2, and R-4.

(6) Delete Chapter 11, "Accessibility", in its entirety and insert the following:

**Section 1101 Accessibility.** The "Arizonan's with Disabilities Act" (Arizona Revised Statutes, Title 41, Chapter 9, Article 8), and the "Arizonan's with Disabilities Act Implementing Rules" (Arizona Administrative Code, Title 10, Chapter 3, Article 4), which rules incorporate the federal "Americans with Disabilities Act Accessibility Guidelines Checklist for Buildings and Facilities," is hereby adopted as the Arizonans with Disabilities Act of the City of Peoria. These standards and specifications apply to public entities, public accommodations, and commercial facilities, as defined by those laws, regulations, and guidelines. For public entities, the standards and specifications apply to new construction and alterations and are not required in buildings or portions of existing buildings that do not meet the standards and specifications. For public accommodations and commercial facilities, the standards and specifications shall apply to new construction and alterations commenced after the effective date of such standards and specifications.

**Section 1102 Fair Housing in New Construction and Alterations.** The "Arizona Fair Housing Act" (Arizona Revised Statutes Title 41, Chapter 9, Article 7) and the "Arizona Fair Housing Act Rules" (Arizona Administrative Code Title 10, Chapter 2, Article 1) which incorporate and reference the "Federal Fair Housing Act Rules" (24 CFR 40) are adopted as the "Fair Housing Act of the City of Peoria," pursuant to A.R.S. § 41-1492.03, as amended, and shall apply to new construction and alterations, and are not required in buildings or portions of existing buildings that do not meet the standards and specifications and this act is hereby referred to, adopted and made part hereof as though fully set forth in this section.

(7) Chapter 12, "Interior Environment", is hereby amended as follows:

**SECTION 1203 TEMPERATURE CONTROL** is amended as follows:

**1203.1 Equipment and systems.** Habitable spaces shall be provided with active or passive space-heating and space-cooling systems capable of maintaining a minimum indoor temperatures between 70°F (21°C) and 90°F (32°C) at a point 3 feet (914 mm) above the floor. The installation of portable space heaters or coolers shall not be used to achieve compliance with this section.

**Exceptions:** Space heating and cooling systems are not required for:

1. Interior spaces where the primary purpose of the space is not associated with human comfort.
2. Group F, H, S or U occupancies.

**SECTION 1206, "SOUND ATTENUATION"** is amended as follows by adding the following section:

**1206.4 Sound attenuation.** All residential buildings or portions of buildings where the public is received, office areas and where normal noise level is low for first occupancy, including libraries, schools and churches, pursuant to building permits issued after December 31, 2001 in order to achieve a maximum interior noise level of forty-five (45) decibels in areas within the noise contours described in ARS section 28-8461, paragraph 8, subdivision (a), (b) or (c), as applicable.

These sound attenuation requirements do not apply to ancillary buildings used in agricultural land use.

If the gross floor area of a structure or project is expanded by less than fifty (50) percent, the requirements of this section apply only to the area of expansion. If the gross floor area of a structure or project is expanded by fifty (50) percent or more, the requirements of this section apply to the entire structure, except for single family, mobile home, manufactured housing unit or duplex dwellings or any multifamily property used for residential purposes.

The Building Official may approve as an alternative, a certification by an architect or engineer registered pursuant to Title 32, Chapter 1 to achieve a maximum interior noise level of forty-five (45) decibels at time of

final construction."

(8) Chapter 15, "Roof Assemblies and Rooftop Structures", is hereby amended to reads as follows:

**SECTION 1502 ROOF DRAINAGE** is amended as follows by adding the following sections:

Amend Section 1502 to read as follows:

**1502.5 Where required.** All roofs, paved areas, yards, courts, and courtyards shall drain into a separate storm sewer system, a combined sewer system, or an approved place of disposal.

**1502.6 Roof design.** Roofs shall be designed for the maximum possible depth of water that will pond thereon as determined by the relative levels of roof deck and overflow weirs, scuppers, edges, or serviceable drains in combination with the deflected structural elements. In determining the maximum possible depth of water, all primary roof drainage means shall be assumed to be blocked.

(9) Chapter 16, "Structural Design", is hereby amended as follows:

SECTION 1607 LIVE LOADS, Table 1607.1, item number 25 is amended as follows:

**TABLE 1607.1**

OCCUPANCY OR USE	UNIFORM (psf)
25. Residential Habitable attics and sleeping areas <sup>k</sup>	40

(10) Chapter 16, "Structural Design", is hereby amended to read as follows:

**Amend Section 1612.3, Establishment of flood hazard area** as follows.

See Chapter 20 of the Peoria City Code.

(11) Chapter 17, "Special Inspections and Tests", is hereby amended as follows:

**SECTION 1704 SPECIAL INSPECTIONS AND TESTS, CONTRACTOR RESPONSIBILITY AND OBSERVATIONS**

Amend Section 1704 as follows:

**1704.1 General.** Special Inspections and tests, statements of special inspections, responsibility of contractors, submittals to the building official and observations shall meet the applicable requirements of this section.

**1704.6.1 Structural observations for structures.** Structural observations shall be provided for those structures where one or more of the following conditions exists:

1. The structure is classified as Risk Category IV.
2. The structure is a high-rise building.
3. Such observation is required by the registered design professional responsible for the structural design.
4. Such observation is specifically required by the building official.
5. The height of the structure is greater than 75 feet (22 860 mm) above the grade plane.
6. The structure has more than 3 stories above the grade plane.
7. Elevated post-tensioned concrete structures.
8. Prefabricated deferred units and their connections, when such units are utilized structurally in the lateral-force-resisting systems of a structure.

**1704.7 Electrical Observations.** The owner shall employ the registered design professional responsible for the electrical design, or another registered design professional designated by the registered design professional responsible for the electrical design, to perform visual observation of complex electrical equipment and systems for general conformance to the approved plans and specifications, including but not limited to, placement and interconnection of equipment. Electrical observation shall be performed at significant stages of the construction and when the installation is complete and ready to be inspected. Electrical Observations are in addition to the inspections required by Section 110 of the Peoria Building Code and the special inspections required by Section 1705.19, and shall be provided when one of the following conditions exist:

1. Installation or alteration of that portion of health care facility electrical systems which falls within the scope of Article 517 of the National Electrical Code, including such systems installed in facilities where outpatient surgical procedures are performed.

2. Installations or alteration of electrical systems over 600V.
3. Installation or alteration of electrical systems within locations classified as hazardous by provisions of the National Electrical Code, except for gasoline dispensing installations and systems located within storage garages, repair garages or lubricitoriums.
4. When such observation is specifically required by the building official.

**1704.7.1 Procedures.** The registered design professional responsible for electrical observation shall personally visit the site prior to completion of the Certificate of Compliance and periodically during the course of construction requiring electrical observation as set forth in the inspection and observation program for each project.

The registered design professional responsible for performing electrical observation shall complete a signed written report after each site visit. A copy of each report shall be kept on the job site for review by an inspector at all times until the inspector has issued final approval. Any and all deviations from the approved plans or specifications shall be immediately reported to the contractor for correction and then, if uncorrected, shall be reported to the registered design professional in responsible charge and to the building official.

In addition to individual reports, the registered design professional in responsible charge shall file with the building official a written monthly progress report indicating the dates of each site visit, the special inspections or observations performed, any deviations noted from approved plans and specifications and any resulting instructions or change orders issued to the contractor.

**1704.7.2 Certificate of Compliance.** Upon completion of the portions of the work requiring electrical observation, a Certificate of Compliance shall be issued to the building official under the seal and signature of the registered design professional responsible for such observation. A Certificate of Occupancy will not be issued until the building official receives all required special inspection reports and the Certificates of Compliance.

The Certificate of Compliance for electrical observation shall read as follows:

"I certify to the best of my knowledge the electrical requirements of the Peoria Building Code and approved plans and specifications have been complied with insofar as the portion of the work requiring electrical observation is concerned, except for those deviations that have been previously reported. A guarantee that the contractor has constructed the building in full accord with the plans and specifications is neither intended nor implied."

**1704.8 Mechanical Observations.** The owner shall employ the registered design professional responsible for the Mechanical design, or another registered design professional designated by the registered design professional responsible for the Mechanical design, to perform visual observation of complex mechanical equipment and systems for general conformance to the approved plans and specifications, including, but not limited to, placement and interconnection of equipment. Mechanical observation shall be performed at significant stages of the construction and when the installation is complete and ready to be inspected. Mechanical Observations are in addition to the inspections required by Section 110 of the Peoria Building Code and the special inspections required by Section 1705.20, and shall be provided when one of the following conditions exist:

When such observation is specifically required by the building official.

**1704.8.1 Procedures.** The registered design professional responsible for mechanical observation shall personally visit the site prior to completion of the Certificate of Compliance and periodically during the course of construction requiring mechanical observation as set forth in the inspection and observation program for each project.

The registered design professional responsible for performing mechanical observation shall complete a signed written report after each site visit. A copy of each report shall be kept on the job site for review by an inspector at all times until the inspector has issued final approval. Any and all deviations from the approved plans or specifications shall be immediately reported to the contractor for correction and then, if uncorrected, shall be reported to the registered design professional in responsible charge and to the building official.

In addition to individual reports, the registered design professional in responsible charge shall file with the building official a written monthly progress report indicating the dates of each site visit, the special inspections or observations performed, any deviations noted from approved plans and specifications and any resulting instructions or change orders issued to the contractor.

**1704.8.2 Certificate of Compliance.** Upon completion of the portions of the work requiring mechanical observation, a Certificate of Compliance shall be issued to the building official under the seal and signature of the registered design professional responsible for such observation. A Certificate of Occupancy will not be issued until the building official receives all required special inspection reports and the Certificates of Compliance.

The Certificate of Compliance for mechanical observation shall read as follows:

"I certify to the best of my knowledge the mechanical requirements of the Peoria Building Code and approved plans and specifications have been complied with insofar as the portion of the work requiring mechanical observation is concerned, except for those deviations that have been previously reported. A guarantee that the contractor has constructed the building in full accord with the plans and specifications is neither intended nor implied."

**1704.9 Plumbing Observations.** The owner shall employ the registered design professional responsible for the plumbing design, or another registered design professional designated by the registered design professional responsible for the plumbing design, to perform visual observation of complex plumbing equipment and systems for general conformance to the approved plans and specifications, including, but not limited to, placement and interconnection of equipment. Plumbing observation shall be performed at significant stages of the construction and when the installation is complete and ready to be inspected. These plumbing observations are in addition to the special inspections required by Section 1705.21 and shall be provided when one of the following conditions exist:

When such observation is specifically required by the building official.

**1704.9.1 Procedures.** The registered design professional responsible for plumbing observation shall personally visit the site prior to completion of the Certificate of Compliance and periodically during the course of construction requiring plumbing observation as set forth in the inspection and observation program for each project.

The registered design professional responsible for performing plumbing observation shall complete a signed written report after each site visit. A copy of each report shall be kept on the job site for review by an inspector at all times until the inspector has issued final approval. Any and all deviations from the approved plans or specifications shall be immediately reported to the contractor for correction and then, if uncorrected, shall be reported to the registered design professional in responsible charge and to the building official.

In addition to individual reports, the registered design professional in responsible charge shall file with the building official a written monthly progress report indicating the dates of each site visit, the special inspections or observations performed, any deviations noted from approved plans and specifications and any resulting instructions or change orders issued to the contractor.

**1704.9.2 Certificate of Compliance.** Upon completion of the portions of the work requiring mechanical observation, a Certificate of Compliance shall be issued to the building official under the seal and signature of the registered design professional responsible for such observation. A Certificate of Occupancy will not be issued until the building official receives all required special inspection reports and the Certificates of Compliance.

The Certificate of Compliance for mechanical observation shall read as follows:

"I certify to the best of my knowledge the plumbing requirements of the Peoria Building Code and approved plans and specifications have been complied with insofar as the portion of the work requiring mechanical observation is concerned, except for those deviations that have been previously reported. A guarantee that the contractor has constructed the building in full accord with the plans and specifications is neither intended nor implied."

## **SECTION 1705 REQUIRED SPECIAL INSPECTIONS AND TESTS** is amended as follows:

Section 1705.4, "Masonry construction", is amended by adding two additional exceptions to read as follows:

4. Masonry fences seven feet or less in height above grade.
5. Masonry retaining walls 40 inches or less in height from top of footing to top of wall unless supporting a surcharge or impounding flammable liquids.

Section 1705.6, "Soils", is amended to read as follows:

**1705.6 Soils.** Special inspections and tests of existing site soil conditions, fill placement and load-bearing requirements shall be performed in accordance with this section and Table 1705.6. The approved geotechnical report and the construction documents prepared by the registered design professionals shall be used to determine compliance. During fill placement, the special inspector shall verify that proper materials and procedures are used in accordance with the provisions of the approved geotechnical report.

Exceptions:

1. Where Section 1803 does not require reporting of materials and procedures for fill placement, the special inspector shall verify that the in-place dry density of the compacted fill is not less than 90 percent of the maximum dry density at optimum moisture content determined in accordance with ASTM D1557.
2. Special inspections of existing site soil conditions will not be required for foundations complying to Exception 2 of Section 1803.2.

Revise the following added sections:

**1705.19 Special Electrical Inspections.** The types of equipment or installations noted below shall be tested or inspected by a special inspector.

1. Ground-fault protection performance tests for equipment provided with ground-fault protection.
2. Switchboards, panelboards, motor control centers and other equipment rated at 1,000 amperes or more, or over 600 volts.
3. Transformers rated 100 kVA or more, single phase, or 300 kVA or more, three phase.
4. Conductors that supply equipment rated at 1,000 amperes or more, or over 600 volts.
5. Emergency and standby power systems, including switchboards, panelboards, distribution boards, transfer equipment, power source, conductors, fire pumps and exhaust and ventilation fans.
6. Selective Coordination - This includes verification of the installation in accordance with the required selective coordination study.
7. Special cases - Work which, in the opinion of the building official, involves unusual hazards or conditions.

**Exception:** The building official may waive the requirement for the employment of a special inspector if the construction is of a minor nature.

**1705.20 Mechanical Special Inspections.** The types of equipment or installations noted below shall be tested or inspected by a special inspector in accordance with regulations established by the building official:

1. Duct smoke detectors for air distribution systems as required by International Mechanical Code section 606.5.
2. Fire, fire/smoke, radiation, and smoke damper operation for dampers required by International Mechanical Code section 607.2.
3. Installation of grease duct enclosure alternative systems allowed under the exceptions to the International Mechanical Code section 506.3.11.
4. Special cases—Work which, in the opinion of the building official, involves unusual hazards or conditions.
5. Test and balance report for air balance of ventilation systems installed in ambulatory care and I-2 occupancies designed and installed in accordance with ASHRE 170 as required by the International Mechanical Code section 407.1.

**Exception:** The building official may waive the requirement for special inspection if the construction is of a minor nature.

**1705.21 Plumbing Special Inspections.** The types of equipment or installations noted below shall be tested or inspected by a special inspector.

1. Medical Gas and Vacuum Systems as required by International Plumbing Code section 1202.
2. Special cases - Work which, in the opinion of the building official, involves unusual hazards or conditions.

**Exception:** Special inspections are not required for work of a minor nature or as warranted by conditions in the jurisdiction as approved by the building official may waive the requirement for special inspection if the construction is of a minor nature.

(12) Chapter 18, "Soils and foundations", is hereby amended to read as follows:

## **SECTION 1803 GEOTECHNICAL INVESTIGATIONS** is amended as follows:

**1803.2 Investigation required.** Geotechnical investigations shall be conducted in accordance with Sections 1803.3 through 1803.5.

### **Exceptions:**

1. The building official shall be permitted to waive the requirement for a geotechnical investigation where satisfactory data from adjacent areas is available that demonstrates an investigation is not necessary for any of the conditions in Sections 1803.5.1 through 1803.5.6 and Sections 1803.5.10 and 1803.5.11.
2. Foundations may be designed in accordance with Section 1806 without a geotechnical investigation on sites with Class of Material 4 or 5 soils per Table 1806.2 and where all the following are met. The building official shall be permitted to require a geotechnical investigation where the classification, strength, or compressibility of the soil is in doubt.
  - 2.1. The structure is limited to a maximum of two stories with maximum column axial loads of 25,000-pounds, and maximum wall axial loads of 2,000 pounds per foot at the foundation as derived from the load combinations in Section 1605.3.

- 2.2. Fill material is not used to resist loads associated with a structure.
- 2.3. The structure is not located in a new subdivision.
- 2.4. The structure is not located on a hillside lot.
- 2.5. The registered design professional responsible for foundation design has determined the Class of Material and the construction documents include the following information:
  - 2.5.1. A statement indicating that the foundations are designed using the presumptive load-bearing values of Table 1806.2;
  - 2.5.2. A statement indicating the Class of Material;
  - 2.5.3. A statement indicating the allowable vertical foundation pressure, allowable lateral bearing pressure, and allowable lateral sliding resistance from Table 1806.2 associated with the Class of Material on the site;
  - 2.5.4. A statement of the minimum required foundation bearing depth below finished grade.

**1803.5.13 Post-tensioned slabs on ground.** A geotechnical investigation is required for the design of all post-tensioned slabs on ground. The investigation report shall include all soil parameters as outlined in PTI DC-10.5. Information required on the drawings includes, but is not limited to, slab type, soil parameters, bearing value and depth, coefficient of subgrade friction, soil subgrade modulus,  $e_m$  and  $y_m$  for expansive soils and all special inspection requirements.

Table 1806.2 Presumptive Load - Bearing Values is hereby amended to read as follows:

**TABLE 1806.2**

**PRESUMPTIVE LOAD-BEARING VALUES**

CLASS OF MATERIALS	VERTICAL FOUNDATION PRESSURE (psf)	LATERAL BEARING PRESSURE (psf/ft. below natural grade)	LATERAL SLIDING RESISTANCE	
			Coefficient of friction <sup>a</sup>	Cohesion (psf) <sup>b</sup>
CLASS OF MATERIALS	VERTICAL FOUNDATION PRESSURE (psf)	LATERAL BEARING PRESSURE (psf/ft. below natural grade)	LATERAL SLIDING RESISTANCE	
			Coefficient of friction <sup>a</sup>	Cohesion (psf) <sup>b</sup>
1. Crystalline bedrock	12,000	1,200	0.70	—
2. Sedimentary and foliated rock	4,000	400	0.35	—
3. Sandy gravel and gravel (GW and GP)	3,000	200	0.35	—
4. Sand, silty sand, clayey sand, silty gravel and clayey gravel (SW, SP, SM <sup>c</sup> , SC <sup>c</sup> , GM, and GC)	1,500	150	0.25	—
5. Clay, sandy clay, silty clay, clayey silt, silt and sandy silt (CL <sup>c</sup> , ML, MH, and CH <sup>c</sup> )	1,000	100	—	130

For SI: 1 pound per square foot = 0.0479 kPa, 1 pound per square foot per foot = 0.157 kPa/m.

a. Coefficient to be multiplied by the dead load.

b. Cohesion value to be multiplied by the contact area, as limited by Section 1806.3.2.

c. This soil classification may be prone to expansive, collapsible or cyclic properties with changes to soil moisture content. The registered design professional shall determine if the use of this table is appropriate for this soil classification.

(13) Chapter 19, "Concrete", is hereby amended to reads as follows:

**Section 1907 MINIMUM SLAB PROVISIONS** is amended as follows:

**1907.2 Post-tensioned slabs on ground.** All post-tensioned slabs on ground shall be stamped, marked or otherwise identified in a conspicuous location indicating the slab is a post-tensioned slab. Conspicuous locations include, but are not limited to, entrance porches, slabs at garage doors or patio slabs.

(14) Chapter 21, "Masonry" is hereby amended to read as follows:

**Section 2106 Seismic Design** is amended as follows:

**2106.1 Seismic design requirements for masonry.** Masonry structures and components shall comply with the requirements in Chapter 7 of TMS 402 depending on the structure's seismic design category. All new masonry structures and components, regardless of seismic design category, shall meet the following minimum reinforcement requirements:

1. Vertical wall reinforcement of at least 0.20 square inch (129 mm<sup>2</sup>) in cross- sectional area shall be provided continuously from support to support at each corner, at each side of each opening, at the ends of walls, at each side of movement joints, and at a maximum spacing of 4 feet (1219 mm) apart horizontally throughout the wall.
2. Horizontal wall reinforcement not less than 0.20 square inch (129 mm<sup>2</sup>) in cross- sectional area shall be provided (1) at the bottom and top of wall openings and extend at least 24 inches (610 mm) but not less than 40 bar diameters past the opening, (2) continuously at structurally connected roof and floor levels and at the top of walls, (3) at the bottom of walls or in the top of foundations when doweled in walls, and (4) at a maximum spacing of 10 feet (3048 mm) unless uniformly distributed joint reinforcement is provided.
3. Where anchor bolts are used to connect horizontal elements to the tops of columns, anchor bolts shall be placed within lateral ties. Lateral ties shall enclose both the vertical bars in the column and the anchor bolts. There shall be a minimum of two No. 4 (M #13) or three No. 3 (M #10) in the top 5 inches (127 mm) of the column.

(15) Chapter 23, "Wood", is hereby amended to read as follows:

**Section 2304, "General Construction Requirements"** is amended as follows:

**2304.11.1.3 Roof framing.**

Minimum dimensions of roof framing shall be in accordance with Table 2304.11.

(16) Chapter 27, "Electrical", is hereby amended to read as follows:

**Section 2702, "Emergency and Standby Power Systems"** is amended as follows:

**[F] 2702.2.12 Laboratory suites.** Standby or emergency power shall be provided in accordance with Section 5004.7 of the International Fire Code where laboratory suites are located above the sixth story above grade plane or located in a story below grade plane.

(17) Chapter 29, "Plumbing Systems", is hereby amended to read as follows:

**Section 2902, "Minimum Plumbing Facilities"** is amended as follows:

**[P] 2902.2 Separate facilities.** Where plumbing fixtures are required, separate facilities shall be provided for each sex.

**Exceptions:**

1. Separate facilities shall not be required for dwelling units and sleeping units.
2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or fewer.
3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 100 or fewer.
4. Separate facilities shall not be required in business occupancies in which the maximum occupant load is 50 or fewer.

**[P] 2902.6 Small occupancies.** Drinking fountains shall not be required for an occupant load of 50 or fewer.

(18) Chapter 31, "Special Construction", is hereby amended to reads as follows:

Amend Section 3105 as follows:

## **SECTION 3105 AWNINGS, CANOPIES, AND SHADE STRUCTURES**

**3105.1 General.** Awnings, shade structures and canopies shall comply with the requirements of this section and other applicable sections of this Code. All provisions of this Code shall apply to nonresidential shade structures except as specifically modified by this section. The intent of this section is to provide less restrictive construction standards than this Code would otherwise require, provided all of the special design and construction requirements of these sections are met.

**3105.1.5 Definitions.** For the purposes of this section and as used elsewhere in this Code, the following shall have the meanings shown herein.

**INDUSTRIAL SHADE CANOPY.** An industrial shade canopy is an awning, canopy or roof structure which provides solar protection for outdoor Group F or Group S factory, industrial or storage uses or equipment. Industrial shade canopies shall be classified as to Occupancy Group in accordance with Chapter 3 of this Code.

**MERCANTILE SHADE CANOPY.** A mercantile shade canopy is an awning, canopy or roof structure which provides solar protection for the outdoor storage, display or sale of merchandise as part of a Group M occupancy and includes the following:

1. A roof structure with not less than 50 percent of its perimeter wall area unenclosed; or
2. A slatted, lattice or louvered roof structure with not less than 25 percent of the roof area open to the sky; or
3. An open structural framework covered with shade cloth fabric as specified in Section 3105.4.

Mercantile shade canopies shall not apply to motor fuel dispensing facilities.

**NON-RESIDENTIAL PATIO COVER.** A non-residential patio cover is an awning, canopy or roof structure which provides solar protection for outdoor seating, dining, walkway or pedestrian entry areas accessory to a building of any occupancy and includes the following:

1. A roof structure with not less than 50 percent of its perimeter wall area unenclosed; or
2. A slatted, lattice or louvered roof structure with not less than 25 percent of the roof area open to the sky; or
3. An open structural framework covered with shade cloth fabric as specified in Section 3105.4.

Non-residential patio covers shall not apply to canopies or roof structures over vehicle drive-through lanes or porte-cochères used by motor vehicles.

**PARKING LOT SHADE STRUCTURE.** A parking lot shade structure is a Group U Occupancy with a freestanding roof supported on columns and entirely open on all sides with no enclosures beneath the roof.

**RETRACTABLE AWNING.** A retractable awning is a cover with a frame that retracts against a building or other structure to which it is entirely supported.

**3105.2 Design and construction.** Awnings, shade structures and canopies shall be designed and constructed to withstand wind or other lateral loads and live loads as required by Chapter 16 with due allowance for shape, open construction and similar features that relieve the pressures or loads. Structural members shall be protected to prevent deterioration. Awnings shall have frames of noncombustible material, fire-retardant-treated wood, heavy timber complying with Section 2304.11, or 1-hour construction with combustible or noncombustible covers and shall either be fixed, retractable, folding or collapsible.

**3105.3 Awnings, shade structure, and canopy materials.** Awnings, shade structures, canopies shall be provided with an approved covering that complies with one of the following:

1. The fire propagation performance criteria of Test Method 1 or Test Method 2, as appropriate, of NFPA 701.
2. Has a flame spread index not greater than 25 when tested in accordance with ASTM E84 or UL 723.
3. Meets all of the following criteria when tested in accordance with NFPA 286:
  - 3.1. During the 40 kW exposure, flames shall not spread to the ceiling.
  - 3.2. Flashover, as defined in NFPA 286, shall not occur.
  - 3.3. The flame shall not spread to the outer extremity of the sample on any wall or ceiling.
  - 3.4. The peak heat release rate throughout the test shall not exceed 800 kW.

**Exception:** The fire propagation performance and flame spread index requirements shall not apply to awnings installed on detached one- and two-family dwellings.

Adding the following sections:

**3105.4 Industrial shade canopies.** Industrial shade canopies shall comply with the provisions of Chapter 3 for their designated occupancy except as specifically modified below.

**3105.4.1 Construction and Height.** Industrial shade canopies shall be limited to one story in height and shall be entirely of Type I or Type II non-combustible construction. Industrial shade canopies shall meet the design requirements of Chapter 16.

**3105.4.2 Location on Property.** Industrial shade canopies shall comply with Table 601 and 602 for the fire resistive protection. Shade canopies attached to unlimited area buildings shall not encroach within the required

60 foot (18288 mm) open yard area. Not less than 50 percent of the shade canopy perimeter area shall be unenclosed.

**3105.4.3 Allowable Area.** Industrial shade canopies may be attached to a Group F or a Group S occupancy building of any construction type when the total combined area of the building and the shade canopy does not exceed the area limits specified in Sections 503 and 506 for the type of construction for the building.

**3105.4.4 Sprinkler Systems.** Industrial shade canopies shall be protected by an automatic sprinkler system as specified in this code and the Peoria Fire Code.

**3105.4.5 Special Hazards.** Outdoor hazardous material storage areas including compressed gas storage tanks, portable tanks or cylinders and related equipment, required by the Peoria Fire Code to be weather protected, may be covered by a non-combustible industrial shade canopy when all of the following additional conditions are met. In all cases, the most restrictive requirement of the building code or the fire code shall apply.

**3105.4.5.1 Fire code requirements.** The location of outdoor hazardous material storage areas and weather protection shade canopies shall comply with the Peoria Fire Code for distance to buildings, property lines, streets, alleys, public ways and exits to a public way based upon the type and quantity of material stored. No hazardous material shall be stored or used under an industrial shade canopy except in compliance with the fire code.

**3105.4.5.2 Building code requirements.** In addition to fire code requirements, weather- protection shade canopies attached to buildings shall also comply with Table 601 and 602 for the fire-resistive protection. Weather-protection shade canopies shall not encroach into or obstruct any yard area, fire access or exit path required by this code.

**3105.4.5.3 Extent of enclosure.** H occupancies utilizing, weather-protection shade canopies, supports and walls shall not obstruct more than 25 percent of the perimeter wall area of the canopy or storage area. Openings shall be arranged to permit natural ventilation and air flow through the space.

1. Where a weather-protection shade canopy is located less than 5 feet (1524 mm) from a building or a property line, a four-hour fire-resistive concrete or masonry separation wall without openings shall be provided.
2. Where a weather-protection shade canopy is located 5 feet (1524 mm) or more but less than 20 feet (6096 mm) from a building or a property line, a two-hour fire-resistive concrete or masonry separation wall without openings shall be provided. Where allowed by the Peoria Fire Code, this two-hour separation wall may be a line of sight shield or protective structure less than the full height of the canopy.
3. Where a weather-protection shade canopy is located 20 feet (6096 mm) or more from a building or a property line, the requirement for installation of a fire-resistive separation wall, shield or protective structure shall be as determined by the Peoria Fire Code.

**3105.4.5.4 Sprinkler Systems.** Weather-protection shade canopies shall be protected by an automatic sprinkler system when required in this code and the Peoria Fire Code.

**3105.5 Mercantile shade canopies and non-residential patio covers.** Mercantile shade canopies and nonresidential patio covers shall comply with the provisions of Chapter 3 for their designated occupancy except as specifically modified below.

**3105.5.1 Construction and Height.** Mercantile shade canopies and non-residential patio covers shall be limited to one story in height and shall be entirely of type I or type II non-combustible construction. Tables 601 and 602 shall not apply for these structures.

**Exception:** Shade membrane fabric compliant with Section 3105.3.

Mercantile shade canopies and non-residential patio covers including the supporting framework for membrane fabric shall meet the design requirements of Chapter 16.

**3105.5.2 Location on Property.** Mercantile shade canopies and non-residential patio covers shall be located not less than 5 feet (915 mm) from the property line. Mercantile shade canopies and non-residential patio covers attached to unlimited area buildings shall not encroach within the required 60 foot (18 288 mm) open yard area.

**3105.5.3 Allowable Area.** Mercantile shade canopies may be attached to a Group M occupancy building and non-residential patio covers may be attached to any non-residential building when the total combined area of the building and the shade canopy does not exceed the area limits specified in Sections 503 and 506 for the occupancy and type of construction of the building. Mercantile shade canopies and non- residential patio covers with a roof covering of shade membrane fabric shall not exceed 5,000 square feet in area.

**3105.6 Parking lot shade structures.** Parking lot shade structures shall be used exclusively for the solar protection of parked motor vehicles and shall not be used to shelter any other use.

**3105.6.1 Construction and Height.** Parking lot shade structures shall be entirely of type I or type II noncombustible construction.

**Exception:** Shade membrane fabric compliant with Section 3105.4 can only be used with a maximum allowable area of 12,000 square feet in compliance with Section 3105.7.3.

Parking lot shade structures shall meet the design requirements of Chapter 16.

Parking lot shade structures shall have a clear height of not less than 7 feet (2134 mm). Where van accessible shaded parking is required by this code or by the Peoria Zoning Ordinance, the clear height shall be not less than 98 inches (2490 mm).

**3105.6.2 Location on Property.** Parking lot shade structures shall be located not less than 3 feet (915 mm) from any building or property line. Parking lot shade structures which meet all the requirements of this section shall be permitted in any required yard without affecting any of the general building limitations specified in Chapter 5 of this code.

**3105.6.3 Allowable Area.** Parking lot shade structures shall not exceed 300 feet (91440 mm) in length or 40 feet (12192 mm) in width. A clear separation of not less than 20 feet (6096 mm) shall be maintained between shade structures on the same property. No shade structure shall cover or encroach into any required fire lane.

**3105.6.3.1 Allowable area for minimum 21 feet clear high parking lot shade structures.** The allowable area may be determined by Section 406.5.5 of this code provided the site fire apparatus access is approved by the Fire Marshal.

**3105.6.4 Roof-top Shade Structures.** Parking lot shade structures complying with the provisions of this section may be installed to shade open parking on the roof of Group S-2 parking garages. This installation shall not be construed as affecting the construction type, allowable area, height, or number of tiers of the parking garage. Where the parking garage is required to be protected by an automatic sprinkler system, all parking lot shade structures on the roof shall also be so protected.

**3105.6.5 Sprinkler Systems.** Parking lot shade structures shall be protected by an automatic sprinkler system as specified in this code and the Peoria Fire Code.

Revise Section 3109 as follows:

## **3109 SECTION SWIMMING POOL ENCLOSURES AND SAFETY DEVICES**

**3109.1 General.** The provisions of this Section shall control the design and construction of swimming pools, spas and hot tubs.

**3109.2 Definitions.** For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

**ABOVE-GROUND/ON-GROUND POOL.** See Swimming pool.

**BARRIER.** A fence, wall, building wall or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

**HOT TUB.** See Swimming pool.

**IN-GROUND POOL.** See Swimming pool.

**SPA, NONPORTABLE.** See Swimming pool.

**SPA, PORTABLE.** A nonpermanent structure intended for recreational bathing, in which all controls, water heating and water-circulating equipment are an integral part of the product.

**SWIMMING POOL.** Any structure intended for swimming or recreational bathing that contains water over 18 inches (457 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs, spas, and fixed in place wading pools.

**SWIMMING POOL, INDOOR.** A swimming pool which is totally contained within a structure and surrounded on all four sides by walls of said structure.

**SWIMMING POOL, OUTDOOR.** Any swimming pool which is not an indoor pool.

### **3109.3 SWIMMING POOLS.**

**3109.3.1 In-ground pools.** In-ground pools shall be designed and constructed in conformance with ANSI/APSP/ICCI-5 as listed in Section 3114.8.

**3109.3.2 Above-ground and on-ground pools.** Above-ground and on-ground pools shall be designed and constructed in conformance with ANSI/APSP/ICC-4 as listed in Section 3114.8.

### **3109.4 SPAS AND HOT TUBS**

**3109.4.1 Permanently installed spas and hot tubs.** Permanently installed spas and hot tubs shall be

designed and constructed in conformance with ANSI/APSP/ICC-3 as listed in Section 3114.8.

**3109.4.2 Portable spas and hot tub.** Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/APSP/ICC-6 as listed in Section 3114.8.

### **3109.5 BARRIER REQUIREMENTS**

**3109.5.1 Application.** The provisions of this chapter shall control the design of barriers for all swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near drownings by restricting access to swimming pools, spas and hot tubs.

The swimming pool barrier detail requirements of this section apply to all new swimming pools installed on or after July 20, 2017, and to all additions, alterations, repairs or replacements made to existing swimming pool barriers.

**3109.5.2 Outdoor swimming pool.** It is the responsibility of the property owner and any other person in charge of a swimming pool to ensure that the required swimming pool barrier, including all gates, doors, locks, latches, and other portions of the barrier are maintained safe and in good working order at all times. No person shall alter or remove any portion of a swimming pool barrier except to repair, reconstruct, or replace the barrier in compliance with the provisions of this section. All barriers shall be installed, inspected, and approved prior to plastering or filling with water. An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be provided with a barrier that shall comply with the following:

1. The top of the barrier shall be at least 5 feet (1524 mm) above grade measured on the side of the barrier which faces away from the swimming pool. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet (914 mm) measured horizontally from the outside of the required barrier.
2. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool.
3. The maximum clearance at the bottom of the barrier may be increased to 4 inches (102 mm) when grade is a solid, non-removable surface.
4. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
5. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.
6. Solid barriers which do not have openings, such as a masonry or stonewall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
7. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
8. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
9. Maximum mesh size for chain link fences shall be a 2.25-inch (57 mm) square and provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches (44 mm). The mesh shall not be less than 11 gage.
10. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).
11. Access gates shall comply with the requirements of Section 3109.5.2, items 1 through 10, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device.

If a set of double gates or multiple gates is the only access to the yard area where the pool is located, they shall have not fewer than one leaf secured in place and the adjacent leaf shall be self-closing and be secured with a self-latching device. The gate and barrier shall not have openings larger than  $\frac{1}{2}$  inch (12.7 mm) within 18 inches (457 mm) of the latch release mechanism. The self-latching device shall comply with the requirements of Section 3114.5.2.11. If a pedestrian gate is present in conjunction with the double or multiple gates, the double or multiple gates need not be self-closing or self-latching and shall be equipped with a padlock or similar locking device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:

- 11.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and
  - 11.2. The gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
12. Where a building wall serves as part of the barrier, one of the following conditions shall be met:
    - 12.1. The pool shall be equipped with a key operated powered safety cover in compliance with ASTM F1346. The keyed pool cover switch shall be located not less than 54 inches (1372 mm) above the floor or adjacent ground level and where the entire pool cover can be visually inspected; or
    - 12.2. All doors leading from the building, directly into a yard with a swimming pool, shall swing away from the pool, shall be self-closing and self-latching, and shall be equipped with a locking device. The release mechanism for the latch, shall be located not less than 54 inches (1372 mm) above the floor. A locking latch which uses a key, electronic opener, or integral combination lock may be located at any height on the door. Sliding doors shall not form any part of a required barrier unless the self-closing and self-latching mechanism is specifically approved.
    - 12.3. Multi panel sliding doors or walls shall meet the requirements of Section 3109.9.2 or shall be secured in place by a permanent fastening method that requires a tool to remove. If a sliding glass door or panel is the only door to the pool area, it shall meet the requirements of Section 3109.9.2.
    - 12.4. Windows used for emergency escape or rescue which face into a yard with a swimming pool shall be equipped with a latching device located not less than 54 inches (1372 mm) above the floor. All other operable windows facing into a yard with a swimming pool shall be equipped with a screwed in place wire mesh screen, a keyed lock that prevents opening the window more than 4 inches (102 mm), or a latching device not less than 54 inches (1372 mm) above the floor.
    - 12.5. Pet doors with direct access to the pool are not allowed.
    - 12.6. Required exit doors or means of egress serving an occupant load of 50 or more shall not open into or pass through a swimming pool enclosure.

**Exception:** R-3 Occupancies, in an age restricted community, are not required to have the house wall serve as a barrier requirement, as long as there are no children under the age of 6 permanently residing on the property.

13. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:
  - 13.1. The ladder or steps shall be capable of being secured in an inaccessible position with a lock or latch located 54 inches (1372 mm) above the adjacent ground level, or
  - 13.2. The ladder or steps shall be surrounded by a barrier that meets the requirements of Section 3109.5.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.
14. Where there are natural barriers between properties, such as lakes and solid rock vertical cliffs not less than 10 feet (3050 mm) in height and a slope of not less than 1 horizontal to 10 vertical, fence barriers shall not be required between properties where the natural barriers exist. To ensure proper natural barriers are maintained, barrier fences shall project a minimum of 24 inches (610 mm) into lakes to where there is at least 24 inches (610 mm) depth from the lake surface to the top of the submerged horizontal member or the lake bottom when there is no submerged horizontal member. There shall be no horizontal member less than 45 inches above the lake surface. Where the solid rock cliff extends above the property, the intersecting barriers, with the solid rock cliff, shall not allow passage of a 4 inch diameter (102 mm) sphere.

**3109.5.3 Indoor swimming pool.** All walls surrounding an indoor swimming pool shall comply with Section 3109.5.2, Item 12.

**3109.5.4 Prohibited locations.** Barriers shall be located not less than 45 inches (1143 mm), measured horizontally from permanent structures, equipment or similar objects from being used to climb the barriers.

**3109.5.5 Barrier exceptions.**

1. For portable spas and hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section 3109, shall be exempt from the provisions of 3109.5.2, Item 9.
2. For spas and hot tubs, a hard safety cover that is latched or locked may be used provided the spa or hot tub is not more than 8 feet (2.44 m) in width at any point.
3. Existing swimming pools located on one-family dwelling property on or before July 20, 2017, need

not be retroactively fitted with a barrier between the dwelling and the pool provided all occupants of the dwelling are at least six years of age or older or there is a door alarm. The alarm shall be listed in accordance with UL 2017. All other portions of the swimming pool barrier separating properties shall be installed and maintained as in this section.

1. This exception does not eliminate an owner's responsibility for providing a temporary barrier or otherwise physically restricting visiting children's direct access from the dwelling to the swimming pool.
2. This exception shall expire and the required permanent barrier shall be retroactively installed between the dwelling and the swimming pool whenever:
  1. One or more children under six years of age become occupants of the property.
  2. There is a change of use or character to the primary building occupancy on the property.
  3. A new pool or spa is being installed on the same property including spa additions to the existing swimming pool.
  4. Alterations to existing buildings: New work that changes an existing element of the pool barrier (whether the barrier is compliant or not) shall meet the current barrier requirements of Section 3114.

## **3109.6 PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS**

**3109.6.1 Suction Entrapment Avoidance.** Pools, spas, hot tubs, catch basins and other similar bather accessible bodies of water associated with swimming pool construction shall be designed to produce circulation throughout the body of water and provide means to protect against user suction entrapment.

**3109.6.2 Surface skimming or perimeter overflow system.** To avoid suction entrapment, fully submerged suction outlets (main drains) shall not be required in swimming pools, wading pools, spas, hot tubs and catch basins. Surface skimming or perimeter overflow system shall be permitted in lieu of fully submerged suction outlet fittings and shall provide 100% of the required system flow.

**3109.6.3 Fully submerged suction outlets (main drains).** Fully submerged manufactured suction outlets (main drains) for use in swimming pools, wading pools, hot tubs and catch basins shall be listed by a nationally recognized testing laboratory in accordance with ASME/ANSI A112.19.9M.

**Exception:** Custom designed suction outlet fittings certified by a licensed professional engineer that conform to Section 3, General requirements of ASME/ANSI A112.19.8M.

**3109.6.4 Methods of entrapment avoidance.** Entrapment avoidance of fully submerged suction outlets can be achieved by one of the following methods:

**3109.6.4.1 Dual Drains.** A minimum of two (2) suction outlets shall be provided for each pump or pumps in the suction outlet system, separated by a minimum of three (3) feet (91.44 cm) measured from center to center of suction pipes or located on two (2) different planes; i.e. one (1) on the bottom and one (1) on the vertical wall, or one (1) each on two (2) separate vertical walls. These suction outlets shall be plumbed such that water is drawn through them simultaneously through a common line to the system. Each suction outlet fitting shall be rated for the maximum system flow.

**3109.6.4.2 Channel Drain System.** One or more channel gates shall be acceptable as protection against suction entrapment if they are 3 inches or greater in width and 31 inches or greater in length and fastened to prevent removal as specified in ASME/ANSI A112.19.8M.

**3109.6.4.3 Gravity flow system.** A Gravity Flow system shall be acceptable as protection against suction entrapment if it has one or more submerged suction outlet(s) with approved cover/grates in any combination fed by gravity into a collection tank vented to atmosphere. However, a modulating float valve allowing direct suction is not permitted.

**3109.6.4.4 Combination Inlet/Outlet Fixtures for Swim Jets.** Combination Inlet/Outlet Fixtures shall be acceptable as protection against suction entrapment for a Swim Jet system not related to the filtration system, if they are manufactured and have their own dedicated pump(s), and the suction outlet and the return are located in a single fitting.

**3109.6.4.5 Venturi Debris Removal Systems.** Venturi Debris Removal Systems shall be acceptable as protection against suction entrapment if they are intended to remove debris through a single, floor mount suction outlet where low pressure is created by the entrainment of water within a deck mount canister that is not directly or indirectly connected to a pump's suction. The single action outlet shall have an approved cover/gate.

**3109.6.5 Shallow Water Suction Outlets.** Where all suction fittings are located less than 24 inches below normal operating water level, one of the following shall be required:

1. Gravity flow system.
2. One (1) additional drain.
3. Vent system to atmosphere.
4. Suction vacuum release device tested and approved for the purpose by a nationally recognized testing laboratory in accordance with ASME A112.19.17.

**3109.6.6 Wall Vacuum Fittings.** Where provided, the vacuum cleaner fitting(s) shall be located in an accessible position(s) at least 6 inches and no greater than 18 inches below the water level and shall comply with IAPMO SPS 4.

## **SECTION 3109.7 ABBREVIATIONS**

### **3109.7.1 General.**

ANSI. American National Standards Institute 11 West 42nd Street, New York, NY 10036

ASTM. American Society for Testing and Materials 1916 Race Street, Philadelphia, PA 19103

APSP. Association of Pool and Spa Professionals 2111 Eisenhower Avenue, Alexandria, VA 22314

## **SECTION 3109.8 STANDARDS**

### **3109.8.1 General.**

ANSI/APSP/ICC 4-12 Standard for Above-ground/On-ground Residential Swimming Pools3114.6

ANSI/APSP/ICC 16-11 American National Standard for Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot3114.6

(Code 1977, § 8-1-1(A); Ord. No. 90-31, 8/28/90, 1988 edition adopted; Ord. No. 95-27, 5/2/95, 1994 edition adopted; Ord. No. 98-104, 10/6/98, 1997 edition adopted; Ord. No. 02-09, 2/19/02, 2000 international edition adopted (SUPP 2002-1); Ord. No. 04-22, 5/16/04, 2003 edition adopted (SUPP 2004-2); Ord. No. 07-11, 4/17/07, 2006 edition adopted (SUPP 2007-2); Ord. No. 07-32, 10/02/07, 2006 international edition adopted (SUPP 2007-4); Ord. No. 2012-08, 5/1/2012, 2012 international edition adopted and amended (SUPP 2012-2); Ord. No. [2017-31](#), § 11, 6-13-17; Ord. No.[2019-12](#), § 3, 5-21-19)

**Charter reference(s)—Adoption by reference, art. VII, § 14.**

**State law reference(s)—Adoption by reference, A.R.S. § 9-801 et seq.**

### **Sec. 18-22. Reserved.**

(Code 1977, § 8-1-1(D), (E); Ord. No. 90-03, 1/9/90; Ord. No. 90-31, 8/28/90; Ord. No. 91-12, 5/14/91; Ord. No. 91-13, 5/14/91, Amended Sec. 511; Ord. No. 91-33, 10/9/91, Amended Sec. 303; Ord. No. 94-08, 3/1/94, Amended Sec. 303, 307, 308, 309 and 310; Ord. No. 94-82, 12/19/94, Amended Sec. 1210; Ord. No. 95-27, 5/2/95, Amended; Ord. No. 96-22, 4/16/96, Amended Appendix 4, Section 421.3; Ord. No. 98-104, 10/6/98, local amendments; Ord. No. 99-10, 3/16/99, local amendments (SUPP 1999-1); Ord. No. 99-11, 3/16/99, local amendments (SUPP 1999-1); Ord. No. 01-21, 5/22/2001, local amendments, Amended Sec. 105.1 (SUPP 2001-2); Ord. No. 02-09, 2/19/02, 2000 international edition adopted (SUPP 2002-1); Ord. No. 04-22, 5/16/04, Repealed (SUPP 2004-2); Ord. No. [2017-31](#), § 12, 6-13-17)

### **Sec. 18-23. Compliance with zoning.**

Whenever a building permit is issued and a building inspection performed, such building must conform to the provisions of the zoning ordinance in addition to the provisions of this chapter.

(Code 1977, § 8-1-3; Ord. No. [2017-31](#), § 13, 6-13-17)

**Cross reference(s)—Zoning, Ch. 21.**

### **Sec. 18-24. Reserved.**

Code 1977, art. 8-11; Ord. No. 2012-08, 5/1/2012, Repealed & Reserved (SUPP 2012-2); Ord. No.[2017-31](#), § 14, 6-13-17)

### **Sec. 18-25. International Residential Code—Adopted and Amended.**

(A) A certain document, one copy of which is on file in the City Clerk's Office of the City of Peoria, being marked and designated as "International Residential Code, 2018 Edition," published by the International Code Council is hereby adopted, as amended herein, as the Code for establishing the minimum regulations governing the conditions and maintenance of property, buildings, and structures within the City of Peoria.

(B) The International Residential Code, 2018 Edition, is amended as follows:

(1) Chapter 1, "Scope and Administration," is hereby amended as follows:

Note: For reserved sections herein, refer to the Building Code of the City of Peoria Administrative Provisions for these code requirements.

**R101.1 Title.** Insert the words "City of Peoria" as the name of jurisdiction.

**R101.2 Scope.** The provisions of the International Residential Code for One- and Two-Family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height, with a separate means of egress, and their accessory structures not more than three stories above grade plane in height.

**Exception:** The following shall be permitted to be constructed in accordance with this code.

1. Live/work units located in one- and two-family dwellings, or townhouses and complying with the requirements of Section 419 of the International Building Code. Fire suppression required by Section 419.5 of the International Building Code when designed under the International Residential Code for One- and Two-family dwellings shall conform to Section P2904.
2. Owner-occupied lodging houses with five or fewer guestrooms.
3. A care facility with five or fewer persons receiving custodial care within a dwelling unit.
4. A care facility with five or fewer persons receiving medical care within a dwelling unit.
5. A care facility with five or fewer persons receiving care that reside within a single-family dwelling.

**R101.3 Intent.** Reserved.

Section R102, "Applicability" is amended as follows:

**R102.1 General.** Reserved.

**R102.2 Other laws.** Reserved.

**R102.3 Application of reference.** Reserved.

Amend Section R102.5 Appendices by adding the following:

**R102.5 Appendices.** The following appendices are adopted: APPENDIX A - SIZING AND CAPACITIES OF GAS PIPING; APPENDIX B - SIZING OF VENTING SYSTEMS SERVING APPLIANCES EQUIPPED WITH DRAFT HOODS, CATEGORY I APPLIANCES, AND APPLIANCES LISTED FOR USE AND TYPE B VENTS; APPENDIX C - EXIT TERMINALS OF MECHANICAL DRAFT AND DIRECT - VENT VENTING SYSTEMS; APPENDIX D - RECOMMENDED PROCEDURE FOR SAFETY INSPECTION OF AN EXISTING APPLIANCE INSTALLATION; APPENDIX G - PIPING STANDARDS FOR VARIOUS APPLICATIONS; APPENDIX H - PATIO COVERS; APPENDIX J - EXISTING BUILDINGS AND STRUCTURES; APPENDIX K - SOUND TRANSMISSION; APPENDIX N - VENTING METHODS; APPENDIX P - SIZING OF WATER PIPING SYSTEMS; APPENDIX Q - TINY HOUSES; APPENDIX R - LIGHT STRAW-CLAY CONSTRUCTION; APPENDIX S - STRAWBALE CONSTRUCTION; APPENDIX T - SOLAR READY PROVISIONS - DETACHED ONE- AND TWO-FAMILY DWELLINGS.

**R102.6 Partial Invalidity.** Reserved.

**R102.7 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Property Maintenance Code or the Peoria Fire Code, as amended by the City of Peoria, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

Chapter 1, "Administration and Enforcement" is amended as follows:

**SECTION R103. DEVELOPMENT AND ENGINEERING.** Reserved.

**SECTION R104. DUTIES AND POWERS OF THE BUILDING OFFICIAL.** Reserved.

**SECTION R105. PERMITS.** Reserved.

**SECTION R106. CONSTRUCTION DOCUMENTS.** Reserved.

**SECTION R107. TEMPORARY STRUCTURES AND USES.** Reserved.

**SECTION R108. FEES.** Reserved.

**SECTION R109. INSPECTIONS.** Reserved.

**SECTION R110. CERTIFICATE OF OCCUPANCY.** Reserved.

**SECTION R111. SERVICE UTILITIES.** Reserved.

**SECTION R112. BOARD OF APPEALS.** Reserved.

**SECTION R113. VIOLATIONS.** Reserved.

**SECTION R114. STOP WORK ORDER.** Reserved.

(2) Chapter 2, "Definitions," is hereby amended as follows:

#### **SECTION R202. DEFINITIONS.**

**Fire separation distance.** The distance measured from the building face to one of the following:

1. To the closest interior lot line.
2. To the centerline of a street, an alley, or public way.
3. To an imaginary line between two buildings on the lot. The distance shall be measured at a right angle from the face of the framing.

**Standard Plans.** Plans authorized by the Development and Engineering Department to be used in construction on a repetitive basis. Standard plans may include options allowing variations to the building design that may alter the interior and exterior appearance.

(3) Chapter 3, "Building Planning," is hereby amended to read as follows:

**R301.1.4 Lot corner identification.** In construction applications where legally surveyed lot corner identification markers are not readily verifiable or are missing, the building official, when deemed necessary, shall require lot boundary markers to be surveyed and permanently identified in accordance with State law at the owner's or applicant's expense. The survey shall be executed by a registrant licensed to do such work by the Arizona State Board of Technical Registration.

**R301.2 Climatic and geographic design criteria.** Buildings shall be constructed in accordance with provisions of this code as limited by the provisions of this section.

Amend Table R301.2(1), by inserting the following:

**Table R301.2(1)**

(Due to space limitations the table could not be reproduced; only the values are listed)

Ground snow load:	0 psf
Wind speed (mph):	115 mph
Topographic effects:	No
Special wind region:	No
Wind-borne debris zone	No
Seismic design category:	B
Weathering:	Negligible
Frost line depth:	12"
Termite:	Moderate to Heavy
Winter design temperature:	32°
Ice shield underlayment required:	No
Flood hazards:	See Peoria City Code
Air freezing index:	0
Mean annual temperature:	71.2° F

#### **MANUAL J DESIGN CRITERIA**

Refer to Section M1401.3 and N1103.7 of the 2018 IRC.

For SI: 1 pound per square foot = 0.0479 kPa, 1 mike per hour = 0.447 m/s.

a. Where weathering requires a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, "negligible," "moderate" or "severe" for concrete as determined from Figure R301.2(4). The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C216 or C652.

b. Where the frost line depth requires deeper footings than indicated in Figure R403.1(1), the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(5) A]. Wind exposure category shall be determined on a site specific basis in

accordance with Section R301.2.1.4.

e. The outdoor design dry-bulb temperature shall be selected from the columns of 971/2-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official. [Also see Figure R301.2(1).]

f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.

g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdictions' entry into the National Flood Insurance Program (dated of adoption of the fires code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and the (c) the panel numbers and dates of the currently effective FIRM<sup>1</sup> and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.

h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1m, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise the jurisdiction shall fill in this part of the table with "NO."

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (FG-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."

k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

l. In accordance with Figure R301.2(5) A, where there are local historical data documenting unusual wind conditions, the jurisdiction shall fill in the part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

m. In accordance with Section R301.2.1.2 the jurisdiction shall indicate the wind-borne debris wind zones(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

n. The jurisdiction shall fill in this section of the table using the Ground Snow Loads.

**R301.2.4 Floodplain construction.** Buildings and structures constructed in whole or in part in flood hazard areas, and substantial improvement and restoration of substantial damage of buildings and structures in flood hazard areas, shall be designed and constructed in accordance with the Peoria City Code.

Section R301.5, "Live Load" is amended as follows:

**Table R301.5**

**MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS**

**(in pounds per square foot)**

<b>USE</b>	<b>LIVE LOAD</b>
Uninhabitable attics without storage	10
Uninhabitable attics with limited storage	20
Habitable attics and attics served with fixed stairs	40
Balconies (exterior) and decks	40
Fire escapes	40
Guards and handrails	200
Guard in-fill components	50
Passenger vehicle garages	50
Rooms other than sleeping rooms	40
Sleeping rooms	40
Stairs	40

Section R302, "FIRE-RESISTANT CONSTRUCTION" is amended as follows:

**R302.2.2 Common walls.** Common walls separating townhouses shall be assigned a fire resistance rating in accordance with Item 1 or 2. The common wall shared by two townhouses shall be constructed without plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be in accordance with chapters 34 through 43. Penetrations of the membrane of common walls for electrical outlet boxes shall be in accordance with section R302.4.

1. Where a fire sprinkler system in accordance with P2904 is provided, the common wall shall not be less than a 1-hour fire resistance rated wall assembly tested in accordance with ASTM E119, UL 263 or section 703.3 of the International Building Code (as amended by the City of Peoria).
2. Where a fire sprinkler system in accordance with P2904 is not provided, the common wall shall not be less than a 2-hour fire resistance rated wall assembly tested in accordance with ASTM E119, UL 263 or section 703.3 of the International Building Code (as amended by the City of Peoria).

**R302.5.1 Opening protection** is amended as follows: Openings from a private garage or carport directly into a room used for sleeping purposes or a hallway that only accesses sleeping rooms shall not be permitted. Other openings between the garage or carport and residence shall be equipped with solid wood doors not less than 1 inches (35 mm) in thickness, solid or honeycomb-core steel doors not less than 1 inches (35 mm) thick, or 20-minute fire-rated doors or windows, equipped with a self-closing or automatic closing device.

Amend Section R303 as follows:

### **Section R303. LIGHT, VENTILATION, HEATING AND COOLING**

**R303.10 Required heating and cooling.** Every dwelling unit shall be provided with heating and cooling facilities capable of maintaining room temperatures between 70°F (21°C) and 90°F (50°C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in habitable rooms. The installation of one or more portable space heaters or portable space coolers shall not be used to achieve compliance with this section.

Amend R310, "Emergency Escape and Rescue Openings" as follows:

**R310.4 Bars, grilles, covers and screens.** Bars, grilles, covers, screens or similar devices are permitted to be placed over emergency escape and rescue openings, bulkhead enclosures, or window wells that serve such openings, provided that the minimum net clear opening size complies with Sections R310.1.1 to R310.2.3, and such devices shall be releasable or removable from the inside without the use of a key, tool, special knowledge or force greater than that required for normal operation of the escape and rescue opening. The dwelling shall be equipped with smoke alarms installed in accordance with Section R314.

Add the following section, as amended:

### **SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS**

**R313.1 Townhouse automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in townhouses, as required by the Peoria Fire Code.

**Exception:** An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed, unless required by the Peoria Fire Code.

**R313.1.1 Design and installation.** Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with the Peoria Fire Code.

**R313.2 One- and two-family dwellings automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings, as required by the Peoria Fire Code.

**Exception:** An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system, unless required by the Peoria Fire Code.

**R313.2.1 Design and installation.** Automatic residential fire sprinkler systems shall be designed and installed in accordance with the Peoria Fire Code.

Amend Section R320, "Accessibility" as follows:

### **R320.2 Model Home Complex**

**R320.2.1 No-step entrance.** At least one single family dwelling as part of a Model Home Complex, as described in the Peoria Zoning Ordinance, shall have a no-step entrance as described in Section R320.2.2.

**R320.2.2 Dwellings.** Residential single family dwellings, as part of a Model Home Complex, as described in the Zoning Ordinance, shall have a route of travel as described herein. The route of travel shall be a continuous no-step path connecting each subdivision sales office or public way to the primary entry.

The route of travel shall conform to the following requirements:

1. The running slope shall not exceed 1:12.
2. Routes of travel complying with this section are not required to have handrails.
3. The route of travel shall be a firm, stable, and slip resistant surface for a minimum width of 36 inches (914 mm) continuous and clear for a height of 7 feet (2.134 m) above the route.
4. The entry to the model home shall have a maneuvering space of a minimum 48 inches (1219 mm) by 48 inches (1219 mm) on the exterior side of the entry door.
5. The threshold at the entry shall not exceed  $\frac{1}{2}$  inch (13 mm).
6. The no step entry shall be identified by a readily viewable sign.

## R322 FLOOD-RESISTANT CONSTRUCTION. RESERVED.

Amend SECTION R326 SWIMMING POOLS, SPAS AND HOT TUBS as follows:

### GENERAL

**R326.1 General.** The design and construction of swimming pools, spas, and hot tubs shall comply with the provisions of this section.

### DEFINITIONS

**R326.2 Definitions.** For the purpose of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

**ABOVE-GROUND/ON-GROUND POOL.** See Swimming pool.

**BARRIER.** A fence, wall building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

**HOT TUB.** See Swimming pool.

**IN-GROUND POOL.** See Swimming pool.

**RESIDENTIAL.** That which is situated on the premises of a detached one- or two-family dwelling or a one-family townhouse not more than three stories in height.

**SPA, NONPORTABLE.** See Swimming pool.

**SPA, PORTABLE.** A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

**SWIMMING POOL.** Any structure intended for swimming or recreational bathing that contains water over 18 inches (457 mm) deep. This includes in-ground, above ground and on-ground swimming pools, hot tubs, spas, and fixed in place wading pools.

**SWIMMING POOL, INDOOR.** A swimming pool which is totally contained within a structure and surrounded on all four sides by walls of said structure.

**SWIMMING POOL, OUTDOOR.** Any swimming pool which is not an indoor pool.

**R326.3 In-ground pools.** In-ground pools shall be designed and constructed in conformance with ANSI/APSP/ICC-5.

**R326.3.1 Above-ground and on-ground pools.** Above-ground and on-ground pools shall be designed and constructed in conformance with ANSI/APSP/ICC-4.

**R326.3.2 Pools in flood hazard areas.** In flood hazard areas established by Table R301.2(1), pools designed and constructed in compliance with ASCE 24.

**R326.3.3 Permanently installed spas and hot tubs.** Permanently installed spas and hot tubs shall be designed and constructed in conformance with ASNI/APSP/ICC-3.

**R326.3.4 Portable spas and hot tubs.** Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/APSP/ICC-6.

**R326.4 Application.** The provisions of this section shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near drownings by restricting access to swimming pools, spas and hot tubs.

**R326.4.1 Outdoor swimming pool.** It is the responsibility of the property owner and any other person in responsible charge of a swimming pool to ensure that the required swimming pool barrier, including all gates, doors, locks, latches, and other portions of the barrier are maintained safe and in good working order at all times. No person shall alter or remove any portion of a swimming pool barrier except to repair, reconstruct, or replace the barrier in compliance with the provisions of this section. All barriers shall be installed, inspected, and approved prior to plastering or filling with water. An outdoor swimming pool, including an in-ground,

aboveground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

1. The top of the barrier shall be at least 5 feet (1524 mm) above grade measured on the side of the barrier which faces away from the swimming pool. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet (914 mm) measured horizontally from the outside of the required barrier.
2. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool.
3. The maximum clearance at the bottom of the barrier may be increased to 4 inches (102 mm) when grade is a solid, non-removable surface.
4. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
5. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.
6. Solid barriers which do not have openings, such as a masonry or stonewall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
7. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
8. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
9. Maximum mesh size for chain link fences shall be a 2.25-inch (57 mm) square and provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches (44 mm). The mesh shall not be less than 11 gage.
10. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).
11. Access gates shall comply with the requirements of Section R326.4.1, items 1 through 10, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device.

If a set of double gates or multiple gates is the only access to the yard area where the pool is located, they shall have not fewer than one leaf secured in place and the adjacent leaf shall be self-closing and be secured with a self-latching device. The gate and barrier shall not have openings larger than  $\frac{1}{2}$  inch (12.7 mm) within 18 inches (457 mm) of the latch release mechanism. The self-latching device shall comply with the requirements of Section 3109.5.2.11. If a pedestrian gate is present in conjunction with the double or multiple gates, the double or multiple gates need not be self-closing or self-latching and shall be equipped with a padlock or similar locking device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:

- 11.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and
- 11.2. The gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
12. Where a building wall serves as part of the barrier, one of the following conditions shall be met:
  - 12.1. The pool shall be equipped with a key operated powered safety cover in compliance with ASTM F1346. The keyed pool cover switch shall be located not less than 54 inches (1372 mm) above the floor or adjacent ground level and where the entire pool cover can be visually inspected; or
  - 12.2. All doors leading from the building, directly into a yard with a swimming pool, shall swing away from the pool, shall be self-closing and self-latching, and shall be equipped with a locking device. The release mechanism for the latch, shall be located not less than 54 inches (1372 mm) above the floor. A locking latch which uses a key, electronic opener, or integral combination lock may be located at any height on the door. Sliding doors shall not form any part of a required barrier unless the self-closing and self-latching mechanism is specifically approved.

12.3. Multi panel sliding doors or walls shall meet the requirements of Section R326.4.1.12.2 or shall be secured in place by a permanent fastening method that requires a tool to remove. If a sliding glass door or panel is the only door to the pool area, it shall meet the requirements of Section R326.4.1.12.2.

12.4. Windows used for emergency escape or rescue which face into a yard with a swimming pool shall be equipped with a latching device located not less than 54 inches (1372 mm) above the floor. All other operable windows facing into a yard with a swimming pool shall be equipped with a screwed in place wire mesh screen, a keyed lock that prevents opening the window more than 4 inches (102 mm), or a latching device not less than 54 inches (1372 mm) above the floor.

12.5. Pet doors with direct access to the pool are not allowed.

**Exception:** One and two family dwellings, in an age restricted community, are not required to have the house wall serve as a barrier requirement, as long as there are no children under the age of 6 permanently residing on the property.

13. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:

13.1. The ladder or steps shall be capable of being secured in an inaccessible position with a lock or latch located 54 inches (1372 mm) above the adjacent ground level, or

13.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section 326.4.1, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

14. Where there are natural barriers between properties, such as lakes and solid rock vertical cliffs not less than 10 feet (3048 mm) in height and a slope of not less than 1 horizontal to 10 vertical, fence barriers shall not be required between properties where the natural barrier exists. To ensure proper natural barriers are maintained, barrier fences shall project a minimum of 24 inches (610 mm) into lakes to where there is at least 24 inches (610 mm) depth from the lake surface to the top of the submerged horizontal member or the lake bottom when there is no submerged horizontal member. There shall be no horizontal member less than 45 inches above the lake surface. Where the solid rock cliff extends above the property, the intersecting barriers, with the solid rock cliff, shall not allow passage of a 4 inch diameter (102 mm) sphere.

**R326.4.2 Indoor swimming pool.** All walls surrounding an indoor swimming pool shall comply with Section R326.4.1.

**R326.4.3 Prohibited locations.** Barriers shall be located not less than 45 inches (1143 mm), measured horizontally from permanent structures, equipment or similar objects so as to prohibit them from being used to climb the barriers.

**R326.4.4 Barrier exceptions.**

1. For portable spas and hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section R326, shall be exempt from the provisions of R326.4.1, Item 12.
2. For spas and hot tubs, a hard safety cover which is latched or locked may be used provided the spa or hot tubs not more than 8 feet (2.44 m) in width at any point.
3. Existing swimming pools located on a one-family dwelling property on or before July 20, 2017 need not be retroactively fitted with a barrier between the dwelling and the pool provided all occupants of the dwelling are at least six years of age or older or there is a door alarm. The alarm shall be listed in accordance with UL 2017. All other portions of the swimming pool barrier separating properties shall be installed and maintained as required by Section 326.4.1.
  - (a) This exception does not eliminate an owner's responsibility for providing a temporary barrier or otherwise physically restricting visiting children's direct access from the dwelling to the swimming pool.
  - (b) This exception shall expire and the required permanent barrier shall be retroactively installed between the dwelling and the swimming pool whenever:
    - (1) One or more children under six years of age become occupants of the property.
    - (2) There is a change of use or character to the primary building occupancy on the property.
    - (3) A new pool or spa is being installed on the same property including spa additions to the existing swimming pool.

**R326.5 Suction Entrapment Avoidance.** Pools, spas, hot tubs, catch basins and other similar bather accessible bodies of water associated with swimming pool construction shall be designed to produce

circulation throughout the body of water and provide means to protect against user suction entrapment in accordance with ANSI/APSP-7.

**R326.5.1 Surface skimming or perimeter overflow system.** To avoid suction entrapment, fully submerged suction outlets (main drains) shall not be required in swimming pools, wading pools, spas, hot tubs and catch basins. Surface skimming or perimeter overflow system shall be permitted in lieu of fully submerged suction outlet fittings and shall provide 100% of the required system flow.

**R326.5.2 Fully submerged suction outlets (main drains).** Fully submerged manufactured suction outlets (main drains) for use in swimming pools, wading pools, hot tubs and catch basins shall be listed by a nationally recognized testing laboratory in accordance with ASME/ANSI A112.19.9M.

**Exception:** Custom designed suction outlet fittings certified by a licensed professional engineer that conform to Sect 3. General requirements of ASME/ANSI A112.19.8M.

**R326.5.3 Methods of entrapment avoidance.** Entrapment avoidance of fully submerged suction outlets can be achieved by one of the following methods:

**R326.5.3.1 Dual Drains.** A minimum of two (2) suction outlets shall be provided for each pump or pumps in the suction outlet system, separated by a minimum of three feet (3') [91.44 cm] measured from center to center of suction pipes or located on two (2) different planes; i.e. one (1) on the bottom and one (1) on the vertical wall, or one (1) each on two (2) separate vertical walls. These suction outlets shall be plumbed such that water is drawn through them simultaneously through a common line to the system. Each suction outlet fitting shall be rated for the maximum system flow.

**R326.5.3.2 Channel Drain System.** One or more channel gates shall be acceptable as protection against suction entrapment if they are 3 inches or greater in width and 31 inches or greater in length and fastened to prevent removal as specified in ASME/ANSI A112.19.8M.

**R326.5.3.3 Gravity flow system.** A Gravity Flow system shall be acceptable as protection against suction entrapment if it has one or more submerged suction outlet(s) with approved cover/grates in any combination fed by gravity into a collection tank vented to atmosphere. However, a modulating float valve allowing direct suction is not permitted.

**R326.5.3.4 Combination Inlet/Outlet Fixtures for Swim Jets.** Combination Inlet/Outlet Fixtures shall be acceptable as protection against suction entrapment for a Swim Jet system not related to the filtration system, if they are manufactured and have their own dedicated pump(s), and the suction outlet and the return are located in a single fitting.

**R326.5.3.4 Venturi Debris Removal Systems.** Venturi Debris Removal Systems shall be acceptable as protection against suction entrapment if they are intended to remove debris through a single, floor mount suction outlet where low pressure is created by the entrainment of water with a deck mount canister that is not directly or indirectly connected to a pump's suction. The single action outlet shall have an approved cover/gate.

**R326.6 Shallow Water Suction Outlets.** Where all suction fittings are located less than 24 inches below normal operating water level, one of the following shall be required:

1. Gravity flow system.
2. One (1) additional drain.
3. Vent system to atmosphere.
4. Suction vacuum release device tested and approved for the purpose by a nationally recognized testing laboratory in accordance with ASME A112.19.17.

**R326.7 Wall Vacuum Fittings.** Where provided, the vacuum cleaner fitting(s) shall be located in an accessible position(s) at least 6 inches and no greater than 18 inches below the water level and shall comply with ANSI/APSP-7.

## SECTION R326.8 ABBREVIATIONS

### R326.8.1 General.

ANSI. American National Standards Institute 11 West 42nd Street, New York, NY 10036

ASTM. American Society for Testing and Materials 1916 Race Street, Philadelphia, PA 19103

APSP Association of Pool & Spa Professionals 2111 Eisenhower Avenue, Alexandria, VA 22314

UL - Underwriters Laboratories, Inc. 333 Pfingsten Road Northbrook, Illinois 60062-2096

## SECTION 326.9 STANDARDS

### R326.9.1 General.

ANSI/NSPI

ANSI/APSP/ICC-3 Standard for Permanently Installed Residential Spas.

ANSI/APSP/ICC-4 Standard for Above-ground/On-ground Residential Swimming Pools.

ANSI/APSP/ICC-5 Standard for Residential In-ground Swimming Pools.

ANSI/APSP/ICC-5 Standard for Residential Portable Spas.

ANSI/ASME A112.19.8M-1987 Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs and Whirlpool Bathing Appliances.

ASTM

ASTM F 1346-91 (2010) Performance Specification For Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs.

ASME

ASME A112.19.17 Manufacturers Safety Vacuum Release Systems (SVRS) for Residential and Commercial Swimming Pool, Spa, Hot Tub and Wading Pools.

## **SECTION R328 FIREPLACE RESTRICTIONS**

### **R328.1 Definitions.**

For purposes of this article, the following words and terms shall be defined as follows:

**Fireplace:** A built-in-place masonry hearth and fire chamber or a factory-built appliance, designed to burn solid fuel or to accommodate gas or electric log insert or similar device, and which is intended for occasional recreational or aesthetic use, not for cooking, heating, or industrial processes.

**Solid fuel:** Includes, but is not limited to, wood, coal, or other non-gaseous or non-liquid fuels, including those fuels defined by the Maricopa County Air Pollution Control Officer as "inappropriate fuel" to burn in residential wood burning devices.

**Woodstove:** A solid-fuel burning heating appliance including a pellet stove, which is either freestanding or designed to be inserted into a fireplace.

**R328.2 General.** No person, firm or corporation shall construct or install a fireplace or a wood stove, and the Building Official shall not approve or issue a permit to construct or install a fireplace or a wood stove, unless the fireplace or wood stove complies with one of the following:

1. A fireplace which has a permanently installed gas or electric log insert.
2. A fireplace, wood stove or other solid fuel burning appliance which has been certified by the United States Environmental Protection Agency as conforming to 40 Code of Federal Regulations part 60, subpart AAA.
3. A fireplace, woodstove or other solid fuel burning appliance that has been tested and listed by a nationally recognized testing agency to meet performance standards equivalent to those adopted by 40 code of Federal Regulations part 60, subpart AAA.
4. A fireplace, wood stove or other solid fuel burning appliance which has been determined by the Maricopa County Air Pollution Control Officer to meet performance standards equivalent to those adopted by 40 Code of Federal Regulations part 60, subpart AAA, as in effect on July 1, 1990.
5. A fireplace which has a permanently installed wood stove insert which complies with subparagraph 2, 3, or 4 above.

**Exceptions:** The following installations are not regulated and are not prohibited by this section:

1. Furnaces, boilers, incinerators, kilns, and other similar space heating or industrial process equipment.
2. Cook stoves, barbecue grills, and similar appliances designed primarily for cooking.
3. Fire pits, barbecue grills, and other outdoor fireplaces.

**R328.3 Fireplace or wood stove alterations prohibited.** Fireplaces constructed or installed on or after June 30, 1990 that contain a gas or electric log insert or a woodstove insert, shall not be altered to directly burn wood or any other solid fuel. No person, firm, or corporation shall alter a fireplace, woodstove, or other solid-fuel burning appliance in any manner that would void its certification or operational compliance with the provisions of this section.

Fireplaces constructed or installed on or after June 30, 1990, shall not be altered without first obtaining a permit from the City to ensure compliance with this section.

Add a new SECTION R 328 SOUND ATTENUATION to read as follows:

**R329.1 Sound Attenuation.** Buildings shall be subject to the following provisions:

1. Buildings shall be designed for a maximum interior noise level of 45 decibels.
2. Exterior wall penetrations by pipe ducts or conduits shall be caulked.
3. Mailboxes shall not be used through the door or wall.
4. Windows shall have two panes of glass and sound transmission rating of STC-22. All operable windows shall be weather stripped and airtight in accordance with ASTM R-283-84-T Standard. Perimeter window frames shall be sealed to airtight specifications.
5. All non-glazed portions of exterior side-hinged doors shall be solid-core wood or insulated hollow metal or at least one and three-quarters inch thick and fully weather stripped. The perimeter doorframes shall be sealed to airtight specifications.
6. Fireplaces shall be provided with well fitting dampers, unless otherwise prohibited elsewhere in the Code.
7. Exterior walls shall be at least four inches in nominal depth and shall be finished on the outside with block, siding, sheathing, or stucco on one-inch Styrofoam. R-13 fiberglass or cellulose insulation shall be installed continuously throughout the wall cavity. Total insulation R-value of the exterior wall assembly shall be R-18.
8. Attics and roof rafter spaces shall be insulated with a minimum insulation R-value of at least R-30.

If the specified requirements of section R328 are not met, the Building Official may approve as an alternative, a certification by an architect or engineer registered pursuant to Title 32, Chapter 1 to achieve a maximum interior noise level of forty-five (45) decibels at time of final construction.

(4) Chapter 4, "Foundations," is hereby amended as follows:

Amend SECTION R401.1 FOUNDATIONS to read as follows:

**R401.1 Application.** The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for all buildings. In addition to the provisions of this chapter, the design and construction of foundation in flood hazard areas shall be in accordance with the Peoria City Code. Wood foundations shall be designed and installed in accordance with AWC PWF.

**R401.3 Drainage.** All lot drainage shall comply with the requirements of the Peoria City Code. Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection that does not create a hazard. Lots shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of 6 inches (152 mm) within the first 10 feet (3048 mm).

**Exception:** Where lot lines, walls, slopes or other physical barriers prohibit 6 inches (152 mm) of fall within 10 feet (3048 mm) of the building foundation shall be sloped a minimum of 2 percent away from the building.

**R401.4.1 Geotechnical evaluation.** In lieu of a complete geotechnical evaluation the load-bearing values in Table R401.4.1 shall be assumed. A complete geotechnical evaluation is required for presumptive load-bearing values greater than 1,500 pounds per square foot (72 kPa).

**TABLE R401.4.1 PRESUMPTIVE LOAD-BEARING VALUES OF FOUNDATION MATERIALS<sup>a</sup>**

CLASS OF MATERIAL	LOAD-BEARING PRESSURE (pounds per square foot)
CLASS OF MATERIAL	LOAD-BEARING PRESSURE (pounds per square foot)
Crystalline bedrock	12,000
Sedimentary and foliated rock	4,000
Sandy gravel and gravel (GW and GP)	3,000
Sand, silty sand, clayey sand, silty gravel and clayey gravel (SW, SP, SM <sup>c</sup> , SC <sup>c</sup> , GM, and GC)	1,500
Clay, sandy clay, silty clay, clayey silt, silt and sandy silt (CL <sup>c</sup> , ML, MH, and CH <sup>c</sup> )	1,000

For SI: 1 pound per square foot = 0.0479 kPa.

a. Where soil tests are required by Section R401.4, the allowable bearing capacities of the soil shall be part of the recommendations.

b. Where the building official determines that in-place soils with an allowable bearing capacity of less than 1,000 psf are likely to be present at the site, the allowable bearing capacity shall be determined by a soils investigation.

c. This soil classification may be prone to expansive, collapsible or cyclic properties with changes to soil moisture content.

Amend Section R403.1.1 Minimum size to read as follows:

**R403.1.1 Minimum size.** The minimum width, W, and thickness, T, for concrete footings shall be in accordance with Tables R403.1(1) through R403.1(3) and Figure R403.1(1) or R403.1.3, as applicable. The footing width shall be based on the load-bearing value of the soil in accordance with Table R401.4.1. Footing projections, P, shall be not less than 2 inches (51 mm) and shall not exceed the thickness of the footing. Footing thickness and projection for fireplaces shall be in accordance with Section R1001.2. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance with the details set forth in Section R403.2, and Figures R403.1(2) and R403.1(3).

**Exception:** For enclosure of existing carport and patio covers, non-bearing wood framed exterior walls within the projection of the existing roof may be supported on an existing, uncracked concrete slab. The minimum slab thickness shall be 3.5 inches and the construction shall comply with the requirements of R317 for protection against decay.

(5) Chapter 5, "Floors," is hereby amended as follows:

Amend Section R502.3.1 to read as follows:

**R502.3.1 Sleeping areas and attic joists.** Table R502.3.1(2) shall be used to determine the maximum allowable span of floor joists that support sleeping areas and attics that are accessed by means of a fixed stairway in accordance with Section R311.7 provided that the design live load does not exceed 40 pounds per square foot (1.92 kPa) and the design dead load does not exceed 20 pounds per square foot (0.96 kPa). The allowable span of ceiling joists that support attics used for limited storage or no storage shall be determined in accordance with Section R802.4.

(6) Chapter 6, "Wall Construction," is hereby amended as follows:

Amend Section R606.12 "Seismic requirements" as follows:

**R606.12 Seismic requirements.** All new masonry elements shall meet the minimum reinforcing requirements of R606.12.2.2.3, R606.12.2.3.2 and R606.12.2.3.3. In addition, the seismic requirements of this section shall apply to the design of masonry and the construction of masonry building elements located Seismic Design Category D0, D1, or D2. Townhouses in Seismic Design Category C shall comply with the requirements of Section R606.12.2. These requirements shall not apply to glass unit masonry conforming to Section R610, anchored masonry veneer conforming to Section R703.8 or adhered masonry veneer conforming to Section R703.12.

(7) Chapter 11, "Energy Efficiency," is hereby amended as follows:

Amend Section N1101.15 RESNET Testing & Inspection Protocol to read as follows:

**N1101.15 RESNET Testing & Inspection Protocol.** The residential Energy Services Network (RESNET) Mortgage Industry National Home Energy Rating System Standards Protocol for third party testing and inspections, shall be deemed to meet the requirements of sections N1102.4.1.1, N1102.4.1.2 and N1103.3.2, and shall meet the following conditions:

1. Third Party Testing and Inspections shall be completed by RESNET certified Raters or Rating Field Inspectors and shall be subject to RESNET Quality Assurance Field Review procedures.
2. Sampling in accordance with Chapter 6 of the RESNET Standards shall be performed by Raters or Rating Field Inspectors working under a RESNET Accredited Sampling Provider.
3. Third Party Testing is required for the following items:
  - a. N1102.4.1.1 - Building Envelope - Thermal and Air Barrier Checklist.
  - b. N1102.4.1.2 - Testing - Air Leakage Rate.
  - c. N1103.3.2 - Sealing - Duct Tightness.
4. The other requirements identified as "mandatory" in Chapter 11 shall be met.
5. Alternate testing and inspection programs and protocols shall be allowed when approved by the Code Official.

Amend N1103.3.1 (R403.3.1) as follows:

**N1103.3.1 (R403.3.1) Insulation (Prescriptive).** Supply and return ducts in attics shall be insulated to a minimum of R-8 where 3 inches (76.2 mm) in diameter and greater and R-6 where less than 3 inches (76.2

mm) in diameter. Supply and return ducts in other portions of the building shall be insulated to a minimum of R-6 where 3 inches (76.2 mm) in diameter or greater and R-4.2 where less than 3 inches (76.2 mm) in diameter.

**Exceptions:**

1. Ducts or portions thereof located completely inside the building thermal envelope.
2. Supply and return ducts may be insulated to a minimum of R-6 when one or more of the following conditions are met:
  - 2.1. Minimum SEER rating of space heating/cooling system is increased to 16.
  - 2.2. Maximum U-factor is decreased to 0.30 for all fenestration products and maximum SHGC is decreased to 0.22 for all fenestration products.
  - 2.3. Wall cavity insulation minimum R-value is increased to R-19.
  - 2.4. Residential buildings that meet section R102.1.1 or R405 of the 2018 International Energy Conservation Code.

Amend N1106.4 (R406.4) "ERI-based compliance" as follows:

**TABLE N1106.4 (R406.4)**  
**MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	ENERGY RATING INDEX <sup>a</sup>
1	57
2	57
3	57
4	62
5	61
6	61
7	58
8	58

a. Where on-site renewable energy is included for compliance using the ERI analysis of Section N1106.4, the building shall meet the mandatory requirements of Section N1106.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table N1102.1.2 or Table N1102.1.4.

(8) Chapter 13, "General Mechanical System Requirements", is hereby amended as follows:

Add a new section as follows:

Amend Section M1307.7 Liquefied Petroleum Appliances to read as follows:

**M1307.7 Liquefied Petroleum Appliances.** LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

(9) Chapter 24, "Fuel Gas", is hereby amended to read as follows:

Add a new paragraph to G2406.2 Prohibited locations, by adding exception number 7:

7. Liquefied Petroleum Appliances. LPG appliances shall not be installed in an attic, pit or other location that would cause a ponding or retention of gas.

Amend Section G2415.12 by replacing the first paragraph with the following:

**G2415.12 (404.12) Minimum burial depth.** Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade for metal piping and 18 inches (457 mm) for plastic piping.

Amend Section G2415.12 by deleting subparagraph G2415.12.1 in its entirety.

(10) Chapter 39, "Power and Lighting Distribution", is hereby amended to read as follows:

Amend by adding a new section E3901.9 "Basements, garages and accessory buildings" as follows:

**E3901.9 Basements, garages and accessory buildings.** Not less than one receptacle outlet, in addition to any provided for specific equipment, shall be installed in each separate unfinished portion of a basement; in each vehicle bay at not less than (18) inches (457 mm) and not more than 5.5 feet (1676 mm) above the floor in attached garages; in each vehicle bay at not less than (18) inches (457 mm) and not more than 5.5 feet (1676 mm) above the floor in detached garages that are provided with electric power and in accessory buildings that are provided with electric power. [210.52(G)(1), (2), and (3)]

Amend by adding a new section E3902.14.1 "Indoor damp locations" as follows:

**E3902.14.1 Indoor damp locations.** 125-volt, single-phase, 15 and 20 ampere receptacles installed in indoor damp locations shall have ground-fault circuit-interrupter protection for personnel.

Amend Section E3908.8 "Types of equipment grounding conductors" to read as follows:

**E3908.8 Types of equipment grounding conductors.** The equipment grounding conductor run with or enclosing the circuit conductors shall be one or more or a combination of the following:

- (1) A copper, aluminum, or copper-clad aluminum conductor. This conductor shall be solid or stranded; insulated, covered, or bare; and in the form of a wire or a busbar of any shape. [250.118(1)]
- (2) Rigid metal conduit. [250.118(2)]
- (3) Intermediate metal conduit. [250.118(3)]
- (4) Electrical metallic tubing with an additional equipment grounding conductor sized in accordance with Table E3908.12. [250.118(4)]
- (5) Armor of Type AC cable in accordance with Section E3908.4. [250.118(8)]
- (6) Type MC cable that provides an effective ground path in accordance with one or more of the following:
  - 6.1. It contains an insulated or uninsulated equipment grounding conductor in compliance with Item 1 of this section.
  - 6.2. The combined metallic sheath and uninsulated equipment grounding/bonding conductor of interlocked metal tape-type MC cable that is listed and identified as an equipment grounding conductor.
  - 6.3. The metallic sheath or the combined metallic sheath and equipment grounding conductors of the smooth or corrugated tube-type MC cable that is listed and identified as an equipment grounding conductor. [250.118(10)]
- (7) Other electrically continuous metal raceways and auxiliary gutters. [250.118(13)]
- (8) Surface metal raceways listed for grounding. [250.118(14)]

(11) Appendix J to the International Residential Code, "Existing Buildings and Structures", is hereby amended to read as follows:

Amend Section AJ102.1 General to read as follows:

**AJ102.1 General.** Regardless of the category of work being performed, the work shall not cause the structure to become unsafe or adversely affect the performance of the building; shall not cause an existing electrical, mechanical or plumbing system to become unsafe, hazardous, insanitary or overloaded; and unless expressly permitted by these provisions, shall not make the building any less conforming to this code or to any previously approved alternative arrangements than it was before the work was undertaken.

Amend Section AJ102.1.1 Historic Buildings to read as follows:

**AJ102.1.1 Historic Buildings.** The provisions of this code relating to the construction, repair, alteration, addition, restoration and movement of structures, and change of occupancy shall not be mandatory for historic buildings where such buildings are judged by the building official to not constitute a distinct life safety issue. Historic Buildings include any building or structure that is listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminary determined to qualify as an historic district; or designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

Amend Section AJ401.2 Door and window dimensions to read as follows:

**AJ401.2 Door and window dimensions.** Minor reductions in the clear opening dimensions of replacement doors and windows that result from the use of different materials shall be allowed, whether or not they are permitted by this code.

**Exception:** Emergency escape and rescue openings.

If existing clear opening dimensions exceed the light and ventilation requirements of section R303 and for emergency escape and rescue openings in Section 301, the reduction in dimensions shall not make the windows non-compliant with these sections.

Amend Section AJ501.5.2 Electric service replacement or upgrade to read as follows:

**AJ501.5.2 Electrical service replacement or upgrade.** Service to the one-family dwelling unit shall be a minimum of 100 amperes, three-wire capacity and service equipment shall be dead front having no live parts

exposed whereby accidental contact could be made.

**Exception:** Existing service of 60 amperes, three-wire capacity, and feeders of 30 ampere or larger two or three-wire capacity shall be accepted if adequate for the electrical load being served.

(12) Appendix Q to the International Residential Code, "Tiny Houses", is hereby amended to read as follows:

Appendix Q, Section AQ102 "Definitions" is amended as follows:

**TINY HOUSE.** A dwelling that is no more than 400 square feet ( $37m^2$ ) and no less than 200 square feet ( $18.58m^2$ ) in floor area excluding lofts.

(Ord. No. 02-10, 2/19/02, 2000 international edition adopted (SUPP 2002-1); Ord. No. 04-22, 5/16/04, 2003 international edition adopted and amended (SUPP 2004-2); Ord. No. 07-11, 4/17/07, 2006 international edition adopted and amended (SUPP 2007-2); Ord. No. 2012-08, 5/1/2012, 2012 international edition adopted and amended (SUPP 2012-2); Ord. No. [2017-31](#), § 15, 6-13-17; Ord. No. [2019-12](#), § 4, 5-21-19)

**Sec. 18-26. Reserved.**

(Ord. No. 02-10, 2/19/02, 2000 international edition adopted; (SUPP 2002-1); Ord. No. 04-22, 5/16/04, Repealed; (SUPP 2004-2); Ord. No. [2017-31](#), § 16, 6-13-17)

**Secs. 18-27—18-40. Reserved.**

**Sec. 18-41. National Electrical Code—Adopted and Amended.**

(A) A certain document, one copy of which is on file in the City Clerk's Office of the City of Peoria, being marked and designated as "National Electrical Code, 2017 Edition," published by the National Fire Protection Association is hereby adopted, as amended herein, as the Electrical Code of the City of Peoria.

(B) The National Electrical Code, 2017 Edition, is amended as follows:

(1) Article 210 "Branch Circuits", is hereby amended as follows:

**210.8 Ground-Fault Circuit-Interrupter Protection for Personnel.**

(A) **Dwelling Units.** All 125-volt, single-phase, 15-and 20-ampere receptacles installed in the locations specified in 210.8(A)(1) through (11) shall have ground-fault circuit interrupter protection for personnel.

(1) Bathrooms.

(2) Garages, and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use.

(3) Outdoors.

Exception to (3): Receptacles that are not readily available and are supplied by a branch circuit dedicated to electric snow-melting, deicing, or pipeline and vessel heating equipment shall be permitted to be installed in accordance with 426.28 or 427.22, as applicable.

(4) Crawl spaces - at or below grade level.

(5) Unfinished portions or areas of the basement not intended as habitable rooms.

Exception to (5): A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground-fault circuit-interrupter protection.

Informational Note: See 760.41(B) and 760.121(B) for power supply requirements for fire alarm systems.

Receptacles installed under the exception to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).

(6) Kitchens - where the receptacles are installed to serve the countertop surfaces.

(7) Sinks - where receptacles are installed within 1.8m (6 ft.) from the top inside edge of the bowl of the sink.

(8) Boathouses.

(9) Bathtubs or shower stalls - where receptacles are installed 1.8m (6 ft.) of the outside edge of the bathtub or shower stall.

(10) Laundry areas.

(11) Other indoor damp and wet locations.

(B) **Other Than Dwelling Units.** All single-phase receptacles rated 150 volts to ground or less, 50 amperes or less and three-phase receptacles rated 150 volts to ground or less, 100 amperes or less

installed in the following locations shall have ground-fault circuit-interrupter protection for personnel.

- (1) Bathrooms.
- (2) Kitchens.
- (3) Rooftops.

Exception: Receptacles on rooftops shall not be required to be readily accessible other than from the rooftop.

- (4) Outdoors.

Exception No. 1 to (3): Receptacles on rooftops shall not be required to be readily accessible other than from the rooftop.

Exception No. 2 to (3) and (4): Receptacles that are not readily accessible and are supplied by a branch circuit dedicated to electric snow-melting, deicing, or pipeline and vessel heating equipment, shall be permitted to be installed in accordance with 426.28 or 427.22, as applicable.

Exception No. 3 to (4): In industrial establishments only, where the conditions of maintenance and supervision ensure that only qualified personnel are involved, an assured equipment grounding conductor program as specified in 590.6(B)(2) shall be permitted for only those receptacle outlets used to supply equipment that would create a greater hazard if power is interrupted or having a design that is not compatible with GFCI protection.

- (5) Sinks - where receptacles are installed within 1.8 m (6 ft.) of the outside edge of the sink.

Exception No. 1 to (5): In industrial laboratories, receptacles used to supply equipment where removal of power would introduce a greater hazard shall be permitted to be installed without GFCI protection.

Exception No. 2 to (5): For receptacles located in patient bed locations of general care or critical care areas of health care facilities other than those covered under 210.8(B)(1), GFCI protection shall not be required.

- (6) Indoor damp and wet locations.
- (7) Locker rooms with associated showering facilities.
- (8) Garages, service bays, and similar areas other than vehicle exhibition halls and showrooms.

**210.52(G)(1) Garages.** In each attached garage and in each detached garage with electric power, at least one receptacle outlet shall be installed in each vehicle bay at not less than (18) inches and not more than 1.7m (5½ ft.) above the floor.

- (2) Article 250 "Grounding and Bonding", is hereby amended as follows:

**250.118 Types of Equipment Grounding Conductors.** The equipment grounding conductor run with or enclosing the circuit conductors shall be one or more or a combination of the following:

- (1) A copper, aluminum, or copper-clad aluminum conductor. This conductor shall be solid or stranded; insulated, covered, or bare; and in the form of a wire or a busbar of any shape.
- (2) Rigid metal conduit.
- (3) Intermediate metal conduit.
- (4) Electrical metallic tubing with an additional equipment grounding conductor.
- (5) Listed flexible metal conduit meeting all the following conditions:
  - a. The conduit is terminated in listed fittings.
  - b. The circuit conductors contained in the conduit are protected by overcurrent devices rated at 20 amperes or less.
  - c. The combined length of flexible metal conduit and flexible metallic tubing and liquid tight flexible metal conduit in the same ground-fault current path does not exceed 1.8 m (6 ft.).
  - d. If used to connect equipment where flexibility is necessary to minimize the transmission of vibration from equipment or to provide flexibility for equipment that requires movement after installation, an equipment grounding conductor shall be installed.
- (6) Listed liquid tight flexible metal conduit meeting all the following conditions:
  - a. The conduit is terminated in listed fittings.
  - b. For metric designators 12 through 16 (trade sizes through ½), the circuit conductors

contained in the conduit are protected by overcurrent devices rated at 20 amperes or less.

c. For metric designators 21 through 35 (trade sizes  $\frac{3}{4}$  through  $1\frac{1}{4}$ ), the circuit conductors contained in the conduit are protected by overcurrent devices rated not more than 60 amperes and there is no flexible metal conduit, flexible metallic tubing, or liquid tight flexible metal conduit in trade sizes metric designators 12 through 16 (trade sizes through  $\frac{1}{2}$ ) in the ground-fault current path.

d. The combined length of flexible metal conduit and flexible metallic tubing and liquid tight flexible metal conduit in the same ground-fault current path does not exceed 1.8 m (6 ft.).

e. If used to connect equipment where flexibility is necessary to minimize the transmission of vibration from equipment or to provide flexibility for equipment that requires movement after installation, an equipment grounding conductor shall be installed.

(7) Flexible metallic tubing where the tubing is terminated in listed fittings and meeting the following conditions:

a. The circuit conductors contained in the tubing are protected by overcurrent devices rated at 20 amperes or less.

b. The combined length of flexible metal conduit and flexible metallic tubing and liquid tight flexible metal conduit in the same ground-fault current path does not exceed 1.8 m (6 ft.).

(8) Armor of Type AC cable as provided in 320.108.

(9) The copper sheath of mineral-insulated, metal-sheathed cable.

(10) Type MC cable that provides an effective ground-fault current path in accordance with one or more of the following:

a. It contains an insulated or uninsulated equipment grounding conductor in compliance with 250.118(1).

b. The combined metallic sheath and uninsulated equipment grounding/bonding conductor of interlocked metal tape-type MC cable that is listed and identified as an equipment grounding conductor.

c. The metallic sheath or the combined metallic sheath and equipment grounding conductors of the smooth or corrugated tube-type MC cable that is listed and identified as an equipment grounding conductor.

(11) Cable trays as permitted in 392.10 and 392.60.

(12) Cablebus framework as permitted in 370.3.

(13) Other listed electrically continuous metal raceways and listed auxiliary gutters.

(14) Surface metal raceways listed for grounding.

(3) Article 310 "Conductors for General Wiring" is hereby amended as follows:

**310.15(B)(7) 120/240-Volt, Single-Phase Dwelling Services and Feeders.** For one-family dwellings and the individual dwelling units of two-family and multifamily dwellings, service and feeder conductors supplied by a single-phase, 120/240-volt system shall be permitted to be sized in accordance with 310.15(B)(7)(1) through (4).

(1) For a service rated 100 through 400 amperes, the service conductors supplying the entire load associated with a one-family dwelling, or the service conductors supplying the entire load associated with an individual dwelling unit in a two-family or multifamily dwelling, shall be permitted to have an ampacity not less than 83 percent of the service rating.

(2) For a feeder rated 100 through 400 amperes, the feeder conductors supplying the entire load associated with a one-family dwelling, or the feeder conductors supplying the entire load associated with an individual dwelling unit in a two-family or multifamily dwelling, shall be permitted to have an ampacity not less than 83 percent of the feeder rating.

(3) In no case shall a feeder for an individual dwelling unit be required to have an ampacity greater than that specified in 310.15(B)(7)(1) or (2).

(4) Grounded conductors shall be permitted to be sized smaller than the ungrounded conductors, if the requirements of 220.61 and 230.42 for service conductors or the requirements of 215.2 and 220.61 for feeder conductors are met. Where correction or adjustment factors are required by 310.15(B)(2) or (3), they shall be permitted to be applied to the ampacity associated

with the temperature rating of the conductor.

Informational Note No. 1: The service or feeder ratings addressed by this section are based on the standard ampacity ratings from 240.6(A).

Informational Note No. 2: See Example D7 in Annex D.

(4) Article 334, "Nonmetallic-Sheathed Cables: Types NM, NMC, and NMS", is hereby amended as follows:

### **334.10 Uses Permitted.**

Type NM, Type NMC, and Type NMS cables shall be permitted to be used in the following, except as prohibited in 334.12:

- (1) One- and two-family dwellings and their attached or detached garages, and their storage buildings.
- (2) Multifamily dwellings permitted to be of Types III, IV, and V construction.
- (3) Other dwelling unit accessory buildings and structures in accordance with 334.10(1) and (2).

Informational Note No. 1: Types of building construction and occupancy classifications are defined in NFPA 220-2012, Standard on Types of Building Construction, or the applicable building code, or both.

Informational Note No. 2: See Informative Annex E for determination of building types [NFPA 220, Table 3-1].

- (4) Cable trays in dwelling structures in accordance with 334.10(1) and (2) where the cables are identified for the use.

Informational Note: See 310.15(A)(3) for temperature limitation of conductors.

- (5) Types I and II construction in accordance with 334.10(1) and (2) where installed within raceways permitted to be installed in Types I and II construction.

(A) **Type NM.** Type NM cable shall be permitted as follows:

- (1) For both exposed and concealed work in normally dry locations except as prohibited in 334.10(3).
- (2) To be installed or fished in air voids in masonry block or tile walls.

(B) **Type NMC.** Type NMC cable shall be permitted as follows:

- (1) For both exposed and concealed work in dry, moist, damp, or corrosive locations, except as prohibited by 334.10(3).
- (2) In outside and inside walls of masonry block or tile.
- (3) In a shallow chase in masonry, concrete, or adobe protected against nails or screws by a steel plate at least 1.59 mm ( 1/16in.) thick and covered with plaster, adobe, or similar finish.

(C) **Type NMS.** Type NMS cable shall be permitted as follows:

- (1) For both exposed and concealed work in normally dry locations except as prohibited in 334.10(3).
- (2) To be installed or fished in air voids in masonry block or tile walls.

(Code 1977, § 8-3-1(A); Ord. No. 90-35, 8/28/90, 1984 edition adopted; Ord. No. 95-26, 5/2/95, 1993 edition adopted; Ord. No. 98-109, 10/6/98, 1996 edition adopted; Ord. No. 01-20, 5/22/01, 1999 edition adopted; Ord. No. 04-22, 5/16/04, 2002 edition adopted (SUPP 2004-2); Ord. No. 07-11, 4/17/07, 2005 edition adopted (SUPP 2007-2); Ord. No. 2012-08, 5/1/2012, 2011 edition adopted (SUPP 2012-2); Ord. No. [2017-31](#), § 18, 6-13-17; Ord. No. [2019-12](#), § 5, 5-21-19)

### **Sec. 18-42. Reserved.**

(Code 1977, § 8-3-1(E); Ord. 95-26, 5/2/95, amended; Ord. No. 98-109, 10/6/98, amended; Ord. No. 01-20, 5/22/01, amended; Ord. No. 04-22, 5/16/04, Repealed (SUPP 2004-2); Ord. No. [2017-31](#), § 19, 6-13-17)

### **Sec. 18-43. Reserved.**

(Code 1977, § 8-3-1(D); Ord. 95-26, 5/2/95, amended deleting county-wide standards and adopting uniform administrative provisions; Ord. No 98-109, 10/6/98; Ord. No. 01-20, 5/22/01, amended; Ord. No. 04-22, 5/16/04, Repealed (SUPP 2004-2); Ord. No. [2017-31](#), § 20, 6-13-17)

### **Sec. 18-44. International Plumbing Code—Adopted and Amended.**

- (A) A certain document, one copy of which is on file in the City Clerk's Office of the City of Peoria, being marked and designated as "International Plumbing Code, 2018 Edition," published by the International Code Council, Inc., is hereby adopted, as amended herein, as the Plumbing Code of the City of Peoria.

(B) The International Plumbing Code, 2018 Edition, is amended as follows:

(1) Chapter 1, "Scope and Administration," is hereby amended as follows:

Note: For reserved sections herein, refer to the Building Code of the City of Peoria for these code requirements.

**101.1 Title.** Insert the words "City of Peoria" as the name of jurisdiction.

**[A] 101.2 Scope.** The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. This code shall regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum control collection systems. The installation of fuel gas distribution piping and equipment, fuel-gas-fired water heaters and water heater venting systems shall be regulated by the International Fuel Gas Code.

The following appendices are adopted: **APPENDIX E - SIZE OF WATER PIPING SYSTEM, APPENDIX C - STRUCTURAL SAFETY**

**Exception:** Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.

Amend **PART 2-ADMINISTRATION AND ENFORCEMENT** to read as follows:

**SECTION 103 DEPARTMENT OF PLUMBING INSPECTIONS. RESERVED.**

**SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL. RESERVED.**

**SECTION 105 APPROVAL. RESERVED.**

**SECTION 106 PERMITS. RESERVED.**

**SECTION 107 INSPECTIONS AND TESTING. RESERVED.**

**SECTION 108 VIOLATIONS. RESERVED.**

**SECTION 109 MEANS OF APPEAL. RESERVED.**

**SECTION 110 TEMPORARY EQUIPMENT SYSTEMS AND USES. RESERVED.**

(2) Chapter 3, "General Regulations", is hereby amended as follows:

**305.4.1 Sewer depth.** Building sewers that connect to private sewage disposal systems shall be installed not less than 12 inches (305 mm) below finished grade at the point of septic tank connection. Building sewers shall be installed not less than 12 inches (305 mm) below grade.

(3) Chapter 4. Fixtures, Faucets and Fixture Fittings is hereby amended as follows:

Section 403.2 "Separate Facilities", is hereby amended as follows:

**Section 403.2 Separate Facilities.**

Where plumbing fixtures are required, separate facilities shall be provided for each sex.

**Exceptions:**

1. Separate facilities shall not be required for dwelling units and sleeping units.
2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or fewer.
3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 100 or fewer.
4. Separate facilities shall not be required in business occupancies in which the maximum occupant load is 50 or fewer.

Section 404. "Accessible Plumbing Facilities." Delete in its entirety and amend as follows:

Accessible plumbing facilities and fixtures shall be provided in accordance with Chapter 5 of the Peoria City Code (1992), Section 18-21 pertaining to the International Building Code, Edition 2012, Chapter 11, Accessibility and Fair Housing.

Section 410.2 "Small Occupancies", is hereby amended as follows:

**410.2 Small occupancies.**

Drinking fountains shall not be required for an occupant load of 50 or fewer.

(4) Chapter 7, "Drainage Piping Installation", is hereby amended as follows:

Section 704.1 "Slope of horizontal drainage piping" is hereby amended as follows:

**704.1 Slope of horizontal drainage piping.** Horizontal drainage piping shall be installed in uniform alignment at uniform slopes. The slope of a horizontal drainage pipe shall be not less than that indicated in Table 704.1 except that where the drainage piping is upstream of a grease interceptor, the slope of the piping shall be not less than  $\frac{1}{4}$  inch per foot (2-percent slope).

**TABLE 704.1**

**SLOPE OF HORIZONTAL DRAINAGE PIPE**

<b>SIZE (inches)</b>	<b>MINIMUM SLOPE (inch per foot)</b>
2 $\frac{1}{2}$ or less	$\frac{1}{4}$ <sup>a</sup>
3 to 6	a
8 or larger	1/16 <sup>a</sup>
For SI: 1 inch - 25.4 mm, 1 inch per foot = 83.33 mm/m.	
a. Slopes for piping draining to a grease interceptor shall comply with Section 704.1.	

**Exception:** The Authority Having Jurisdiction may approve a lesser slope for building sewers in lieu of a sewage ejector or pumping station when a registered engineer or architect certifies the building sewer design and its installation, and when the building owner agrees in writing under notary to accept the lesser slope. Certification of the building sewer shall meet the special inspection requirements of the Peoria Building Code.

Amend Section 716 "Replacement of Underground Building Sewers and Building Drains by Pipe Bursting Methods" by deleting in its entirety.

(5) Chapter 11 "Storm Drainage", is hereby amended as follows:

**Section 1106, Size of Conductors, Leaders and Storm Drains.**

**1106.1 General.** Delete in its entirety and amend as follows:

The size of the vertical conductors and leaders, building storm drains, building storm sewers, and any horizontal branches of such drains or sewers shall be based on an hourly rainfall rate of three (3) inches per hour.

(Code 1977, § 8-3-2; Ord. No. 95-26, 5/2/95, Repealed; Ord. No. 07-32, 10/02/07, Enacted (SUPP 2007-4); Ord. No. 2012-08, 5/1/2012, 2012 edition adopted; (SUPP 2012-2); Ord. No. [2017-31](#), § 21, 6-13-17; Ord. No. [2019-12](#), § 6, 5-21-19)

**Secs. 18-45—18-60. Reserved.**

(Ord. No. [2017-31](#), § 22, 6-13-17)

**Sec. 18-61. Reserved.**

(Code 1977, § 8-1-2; Ord. No. 90-32, 8/28/90, 1988 edition adopted; Ord. No. 95-23, 5/2/95, 1994 edition adopted; Ord. No. 98-106, 10/6/98, 1997 edition adopted; Ord. No. 07-11, 4/17/07, 1997 edition deleted in its entirety; Ord. No. [2017-31](#), § 23, 6-13-17)

**Secs. 18-62—18-75. Reserved.**

(Ord. No. [2017-31](#), § 24, 6-13-17)

**Sec. 18-76. International Mechanical Code—Adopted and Amended.**

(A) A certain document, one copy of which is on file in the City Clerk's Office of the City of Peoria, being marked and designated as "International Mechanical Code, 2018 Edition," published by the International Code Council is hereby adopted, as amended herein, as the Mechanical Code of the City of Peoria.

(B) The International Mechanical Code, 2018 Edition, is amended as follows:

(1) Chapter 1, "Scope and Administration," is hereby amended as follows:

Note: For "RESERVED" sections herein, refer to the Building Code of the City of Peoria for these code requirements.

Amend Section 101.1 Title, by inserting the words "City of Peoria" as the name of the Jurisdiction.

Delete Chapter 1, Part 2-Administration and Enforcement in its entirety and replace with the following:

**Part 2 - Administration and Enforcement**

**Section 103 Department of Mechanical Inspection.** RESERVED.

**Section 104 Duties and Powers of the Code Official.** RESERVED.

**Section 105 Approval.** RESERVED.

**Section 106 Permits.** RESERVED.

**Section 107 Inspections and Testing.** RESERVED.

**Section 108 Violations.** RESERVED.

**Section 109 Means of Appeal.** RESERVED.

**Section 110 Temporary Equipment, Systems and Uses.** RESERVED.

(2) Chapter 3, "General Regulations", is hereby amended as follows: Amend Section 307.2.2 Drain pipe materials and sizes to read as follows:

**307.2.2 Drain pipe materials and sizes.** Nonmetallic piping shall not be installed in exposed locations. Components of the condensate disposal system shall be cast iron, galvanized steel, copper, cross-linked polyethylene, polyethylene, ABS, CPVC, PVC, or polypropylene pipe or tubing. Components shall be selected for the pressure and temperature rating of the installation. Joints and connections shall be made in accordance with the applicable provisions of Chapter 7 of the International Plumbing Code relative to the material type. Condensate waste and drain line size shall not be less than  $\frac{3}{4}$ -inch (19.1 mm) internal diameter and shall not decrease in size from the drain pan connection to the place of condensate disposal. Where the drain pipes from more than one unit are manifolded together for condensate drainage, the pipe or tubing shall be sized in accordance with Table 307.2.2.

Amend Section BG 309.1 Space heating systems to read as follows:

**[BG] 309.1 Heating and cooling systems.** Habitable spaces shall be provided with active or passive space-heating and space cooling systems capable of maintaining temperatures between 70°F (21°C) and 90°F (32°C) at a point 3 feet (914 mm) above the floor. The installation of portable space heaters or coolers shall not be used to achieve compliance with this section.

**Exceptions:**

1. Space heating and cooling systems are not required for Interior spaces where the primary purpose is not associated with human comfort.
2. Group F, H, S, and U occupancies.

(3) Chapter 4, "Ventilation", is hereby amended as follows:

**403.3.1.5 Balancing.** The ventilation air distribution system shall be provided with means to adjust the system to achieve at least the minimum ventilation airflow rate as required by Sections 403.3 and 403.3.1.2. Ventilation systems shall be balanced using a nationally accepted air balancing test method. Such balancing shall verify that the ventilation system is capable of supplying and exhausting the airflow rates required by Sections 403.3 and 403.3.1.2. A final report shall be provided to the engineer of record and the mechanical inspector.

**Exception:** Residential occupancies.

Amend Section 403.3.1.5 "Balancing" to read as follows:

**403.3.1.5 Balancing.** The ventilation air distribution system shall be provided with means to adjust the system to achieve not less than the minimum ventilation airflow rate as required by sections 403.3 and 403.3.1.2. Ventilation systems shall be balanced using a nationally accepted air balancing test method. Such balancing shall verify that the ventilation system is capable of supplying and exhausting the airflow rates required by Sections 403.3 and 403.3.1.2. A final report shall be provided to the engineer of record and the mechanical inspector.

Amend Section 407 "Ambulatory Care Facilities and Group I-2 Occupancies" to read as follows:

**407.1 General.** Mechanical ventilation for ambulatory care facilities and Group I-2 occupancies shall be designed and installed in accordance with this code and ASHRAE 170.

**407.1.1.** Mechanical systems designed and installed in accordance with IMC 407.1 and ASHRAE 170-2017 shall be verified by a qualified third party Special Inspector. The Special Inspector/testing agency shall be an independent third party individual or firm and shall not be the installing contractor. A report shall be generated by the third party individual or firm showing compliance. Special inspections shall be as specified in Chapter 17 of the International Building Code as amended.

Add a new Section 408 "Marijuana Related Occupancies" to read as follows:

**408 MARIJUANA RELATED OCCUPANCIES**

**408.1 General.** Any building used to cultivate, produce, infuse or dispense marijuana shall be designed such that there shall be no emission of dust, fumes, vapors, or odors into the environment from the premise. A ventilation system shall be designed to prevent the distribution of odors to other occupied parts of the building or adjacent properties. Design of the odor control system shall be based on accepted engineering practices. All equipment and filter media shall be listed and labeled for the application. Exhaust systems used in odor control systems shall meet the requirements of Section 501.

**408.1.1 Exhaust outlets.** The termination point for exhaust outlets shall be in accordance with Section 501.3. Exhaust from cultivation and production facilities shall be in accordance with Section 501.3.1(2) and for dispensaries in accordance with Section 501.3.1(3).

(4) Chapter 5, "Exhaust Systems", is hereby amended as follows:

**502.14 Motor vehicle operation.** In areas where motor vehicles operate, mechanical ventilation shall be provided in accordance with Section 403. Additionally, areas in which stationary motor vehicles are operated shall be provided with a source capture system that connects directly to the motor vehicle exhaust systems. Makeup air shall be provided through permanent unobstructed openings to the outdoors, such as louvers and grills. Mechanical equipment and louvers used for makeup air purposes shall be electrically interlocked with the exhaust system. Such system shall be engineered by a registered design professional or shall be factory-built equipment designed and sized for the purpose.

**Exceptions:**

1. This section shall not apply where the motor vehicles being operated or repaired are electrically powered.
2. This section shall not apply to one- and two-family dwellings.
3. This section shall not apply to motor vehicle service areas where engines are operated inside the building only for the duration necessary to move the motor vehicles in and out of the building.

Add a new Section 502.21 "Storage and use of carbon dioxide (CO<sub>2</sub>) systems" to read as follows:

**502.21 Storage and use of liquid carbon dioxide (CO<sub>2</sub>) systems.**

Indoor or outdoor areas that contain liquid carbon dioxide (CO<sub>2</sub>) stored in ASME pressure vessels in new and existing facilities shall be provided with mechanical exhaust ventilation in accordance with this section.

**Exception:** Outdoor storage areas in non-enclosed spaces designed to prevent the collection of vapors when approved by the Fire Marshal.

**502.21.1 System requirements.** Exhaust ventilation systems for liquid carbon dioxide CO<sub>2</sub> tanks shall comply with all of the following:

1. The installation shall be in accordance with this code and the Phoenix Fire Code.
2. Mechanical ventilation shall be provided at a rate of not less than 1 cfm per square foot [0.00508 m<sup>3</sup> /s . m<sup>2</sup>] of floor area over the storage area.
3. The system shall operate continuously unless alternate designs are approved by the Fire Marshal.
4. A manual start control shall be provided outside of the room in a position adjacent to the access door to the room or in another approved location. The switch shall be a break-glass or other approved type and shall be labeled: VENTILATION SYSTEM EMERGENCY ON-ONLY.
5. Exhaust ventilation shall be designed to consider the density of the potential vapors released. For liquid CO<sub>2</sub> systems, exhaust shall be taken from a point within 12 inches (305 mm) of the floor.
6. Makeup air shall be provided. The location of both the exhaust and makeup air openings shall be designed to provide air movement across all portions of the floor or room to prevent the accumulation of vapors.
7. Exhaust air shall not be recirculated to occupied areas. Exhaust termination shall be located where it will not allow for a dangerous accumulation of vapors and in accordance with Section 501.3.1(2).
8. Sensors, controls, alarms, piping and all accessory components shall be as prescribed by the Peoria Fire Department.

(5) Chapter 6, "Duct Systems", is hereby amended as follows:

Amend Section 606.2.1 Return air systems to read as follows:

**606.2.1 Air distribution systems.** Smoke detectors shall be installed in air distribution systems downstream of the filters and ahead of any branch connections in systems having a design capacity greater than 2,000 cfm (0.9m<sup>3</sup> /s).

**Exception:** Smoke detectors are not required where all portions of the building served by the air distribution system are protected by area smoke detectors connected to a fire alarm system in accordance with the International Fire Code. The area smoke detection system shall comply with Section 606.4.

Amend Section 606.5 Testing to read as follows:

**606.5 Testing.** Smoke detectors shall be tested by an approved testing agency or a qualified third party Special Inspector. The Special Inspector/testing agency shall be an independent third party individual or firm and shall not be the installing contractor. Special Inspections shall be as specified in Chapter 17 of the International Building Code as amended.

Amend Section 607.2 Installation to read as follows:

**607.2 Installation.** Fire dampers, smoke dampers, combination fire/smoke dampers and ceiling radiation dampers located within air distribution and smoke control systems shall be installed in accordance with the requirements of this section, and the manufacturer's installation instructions and listing. Dampers shall be tested by an approved testing agency or a qualified third party special inspector. The special inspector/testing agency shall be an independent third party individual or firm and shall not be the installing contractor. Special inspections shall be as specified in Chapter 17 of the International Building Code, as amended.

(6) Chapter 9, "Specific Appliances, Fireplaces and Solid Fuel-Burning Equipment", is hereby amended as follows:

Amend Section 928 "Evaporative Cooling Equipment" to read as follows:

### **928.1 General.**

Evaporative cooling equipment shall:

1. Be installed in accordance with the manufacturer's instructions.
2. Be installed on level platforms in accordance with Section 304.10. An evaporative cooler supported by the building structure shall be installed on a substantial level base and shall be secured directly or indirectly to the building structure by suitable means to prevent displacement of the cooler.  
Modifications made to the supporting framework of buildings as a result of the installation shall be made in accordance with the requirements of the International Building Code as amended.
3. Have openings in exterior walls or roofs flashed in accordance with the International Building Code as amended.
4. Be provided with potable water backflow protection in accordance with Section 608 of the International Building Code, as amended.
5. Have air intake opening locations in accordance with Section 401.4.
6. A permanent relief opening or other engineered design sufficient to assure positive airflow shall balance intake air.
7. Outside air shall be provided as specified in Section 403.2.
8. Air ducts and dampers, which are a portion of an evaporative cooling system, shall comply with Chapter 6.
9. Overflow drains shall be provided that discharge to an approved disposal location and comply with the Peoria Building Code.

Add a new Section 930 Wood Stove/Fireplace Installation to read as follows:

### **Section 930 Wood Stove/Fireplace Installation.**

**930.1 Definitions.** For purposes of this section, the following words and terms shall have the meaning ascribed thereto:

**Fireplace:** A built-in-place masonry hearth and fire chamber or a factory-built appliance, designed to burn solid fuel or to accommodate gas or electric log insert or similar device, and which is intended for occasional recreational or aesthetic use, not for cooking, heating, or industrial processes.

**Solid fuel:** Includes, but is not limited to, wood, coal, or other non-gaseous or non-liquid fuels, including those fuels defined by the Maricopa Air Pollution Officer as "inappropriate fuel" to burn in residential wood burning devices.

**Woodstove:** A solid-fuel burning heating appliance including a pellet stove, which is either freestanding or designed to be inserted into a fireplace.

**930.2 General.** No person, firm, or corporation shall construct or install a fireplace or wood stove, and the Building Official shall not approve or issue a permit to construct or install a fireplace or wood stove, unless the fireplace or wood stove complies with one of the following:

1. A fireplace which has a permanently installed gas or electric log insert.
2. A fireplace, wood stove, or other solid fuel burning appliance which has been certified by the United States Environmental Protection Agency as conforming to 40 Code of Federal Regulations part 60, subpart AAA.
3. A fireplace, wood stove, or other solid fuel burning appliance that has been tested and listed by a nationally recognized testing agency to meet performance standards equivalent to those adopted by 40 Code of Federal Regulations part 60, subpart AAA.
4. A fireplace, wood stove, or other solid fuel burning appliance which has been determined by the Maricopa County Air Pollution Control Officer to meet performance standards equivalent to those adopted by 40 Code of Federal Regulations part 60, subpart AAA, as in effect on July 1, 1990.
5. A fireplace which has a permanently installed wood stove insert which complies with subparagraph 2, 3, or 4 above.

**Exceptions:** The following installations are not regulated and are not prohibited by this section:

Furnaces, boilers, incinerators, kilns, and other similar space heating or industrial process equipment.

Cook stoves, barbecue grills, and similar appliances designed primarily for cooking.

Fire pits, barbecue grills, and other outdoor fireplaces.

**930.3 Fireplace or wood stove installations prohibited.** Fireplaces constructed or installed on or after June 30, 1990, that contain a gas or electric log insert or a wood stove insert, shall not be altered to directly burn wood or any other solid fuel. On or after May 1, 2017, no person, firm, or corporation shall alter a fireplace, wood stove, or other solid-fuel burning appliance in any manner that would void its certification or operational compliance with the provisions of this section.

Fireplaces constructed or installed on or after June 30, 1990 shall not be altered without first obtaining a permit from the City to ensure compliance with this section.

(Code 1977, art. 8-4; Ord. No. 90-36, 8/28/90, 1988 edition adopted; Ord. No. 95-25, 5/2/95, 1994 edition adopted; Ord. No. 98-105, 10/6/98, 1997 edition adopted; Ord. No. 02-11, 2/19/02, 2000 international edition adopted (SUPP 2002-1); Ord. No. 04-22, 5/16/04, 2003 international edition adopted and amended (SUPP 2004-2); Ord. No. 07-11, 4/17/07, 2006 international edition adopted and amended (SUPP 2007-2); Ord. No. 2012-08, 5/1/2012, 2012 international edition adopted and amended (SUPP 2012-2); Ord. No. [2017-31](#), § 25, 6-13-17; Ord. No. [2019-12](#), § 7, 5-21-19)

Charter reference(s)—Adoption by reference, art. VII, § 14.

State law reference(s)—Adoption by reference, A.R.S. § 9-801 et seq.

## **Sec. 18-77. Reserved.**

(Ord. No. 90-36, 8/28/90; Ord. No. 95-25, 5/2/95, amended; Ord. No. 98-105, 10/6/98, 1997 edition adopted; Ord. No. 02-11, 2/19/02, 2000 international edition adopted (SUPP 2002-1); Ord. No. 04-22, 5/16/04, Repealed (SUPP 2004-2); Ord. No. [2017-31](#), § 26, 6-13-17)

## **Sec. 18-78. International Fuel Gas Code—Adopted and Amended.**

(A) A certain document, one copy of which is on file in the City Clerk's Office of the City of Peoria, being marked and designated as "International Fuel Gas Code, 2018 Edition," published by the International Code Council is hereby adopted, as amended herein, as the Fuel Gas Code of the City of Peoria.

(B) The International Fuel Gas Code, 2018 Edition, is amended as follows:

(1) Chapter 1, "Scope and Administration" is hereby amended as follows:

**Note:** For reserved sections herein, refer to the Building Code of the City of Peoria Administrative Provisions for these code requirements.

**101.1 Title.** Insert the words "City of Peoria" in the name of jurisdiction.

Amend Section A101.3 Appendices to read as follows:

**[A] 101.3 Appendices.** The following appendices are adopted: Appendix A - Sizing and Capacities of Gas Piping; Appendix B - sizing of Venting Systems Serving Appliances Equipped With Draft Hoods, Category 1 Appliances and Appliances Listed for Use With Type B Vents; Appendix C - Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems.

Delete Chapter 1, Part 2-Administration and Enforcement in its entirety and replace with the following:

### **Part 2 - Administration and Enforcement**

**Section 103 (IFGC) Department of Inspection.** RESERVED.

**Section 104 (IFGC) Duties and Powers of the Code Official.** RESERVED.

**Section 105 (IFGC) Approval.** RESERVED.

**Section 106 (IFGC) Permits.** RESERVED.

**Section 107 (IFGC) Inspections and Testing.** RESERVED.

**Section 108 (IFGC) Violations.** RESERVED.

**Section 109 (IFGC) Means of Appeal.** RESERVED.

**Section 110 (IFGC) Temporary Equipment, Systems and Uses.** RESERVED.

(2) Chapter 4, "Gas Piping Installations" is hereby amended as follows:

Amend Section 403 (IFGC) "Piping Materials" to read as follows:

**403.12 Flanges.** Flanges and flange gaskets shall comply with Sections 403.12.1 through 403.12.7.

**403.12.1 Cast iron.** Cast-iron flanges shall be in accordance with ASME 816.1.

**403.12.2 Steel.** Steel flanges shall be in accordance with ASME 816.5 or ASME 816.47.

**403.12.3 Nonferrous.** Nonferrous flanges shall be in accordance with ASME 816.24.

**403.12.4 Ductile iron.** Ductile-iron flanges shall be in accordance with ASME 816.42.

**403.12.5 Raised face.** Raised Face flanges shall not be joined to flat faced cast-iron, ductile-iron or nonferrous material flanges.

#### **403.12.6**

**403.12.7 Lapped flanges.** Lapped flanges shall be used only above ground or in exposed locations accessible for inspection.

Amend **SECTION 404 (IFGC) PIPING SYSTEM INSTALLATION** to read as follows:

Amend Section 404.12 Minimum burial depth to read as follows:

**404.12 Minimum burial depth.** "Underground metallic piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. Underground plastic piping systems shall be installed a minimum depth of 18 inches (457 mm) below grade."

**404.12.1 Individual outside appliances.** Delete in its entirety.

(Ord. 07-32, 10/02/07, Enacted Sec 05-78 (SUPP 2007-4); Ord. 2012-08, 5/1/2012, Adopted 2012 Edition (SUPP 2012-2); Ord. No. [2017-31](#), § 27, 6-13-17; Ord. No. [2019-12](#), § 8, 5-21-19)

#### **Secs. 18-79—18-90. Reserved.**

(Ord. No. 90-36, 8/28/90; Ord. No. [2017-31](#), § 28, 6-13-17)

#### **Sec. 18-91. International Existing Building Code—Adopted and Amended.**

(A) A certain document, one copy of which is on file in the City Clerk's Office of the City of Peoria, being marked and designated as "International Existing Building Code, 2018 Edition," published by the International Code Council, Inc., is hereby adopted, as amended herein, as the Existing Building Code of the City of Peoria.

(B) The International Existing Building Code, 2018 Edition, is amended as follows:

(1) Chapter 1, "Scope and Administration," is hereby amended as follows: Note: For reserved sections herein, refer to the Building Code of the City of Peoria Administrative Provisions for these code requirements.

Amend Section A101.1 Title to read as follows:

**[A] 101.1 Title.** These provisions shall be known as the Existing Building Code, as amended by the City of Peoria, herein after referred to as "this code."

Amend Section A101.6 Appendices to read as follows:

**[A] 101.6 Appendices.** The following appendices are adopted: APPENDIX B-SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS FOR EXISTING BUILDINGS AND FACILITIES, Section B 101 Qualified Historical Buildings and facilities and Section B 104 Referenced Standards.

Amend **PART 2 - ADMINISTRATION AND ENFORCEMENT** to read as follows:

**SECTION 103 DEVELOPMENT AND ENGINEERING DEPARTMENT.** RESERVED.

**SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL.** RESERVED.

**SECTION 105 PERMITS.** RESERVED.

**SECTION 106 SUBMITTAL DOCUMENTS. RESERVED.**

**SECTION 107 TEMPORARY STRUCTURES AND USES. RESERVED.**

**SECTION 108 FEES. RESERVED.**

**SECTION 109 INSPECTIONS. RESERVED.**

**SECTION 110 CERTIFICATE OF OCCUPANCY. RESERVED.**

**SECTION 111 SERVICE UTILITIES. RESERVED.**

**SECTION 112 BOARD OF APPEALS. RESERVED.**

**SECTION 113 VIOLATIONS. RESERVED.**

**SECTION 114 STOP WORK ORDER. RESERVED.**

**SECTION 115 UNSAFE BUILDINGS AND EQUIPMENT. RESERVED.**

(2) Chapter 3, "Provisions for All Compliance Methods," is hereby amended as follows:

**[B] 305.8.10 Toilet rooms.** Where it is technically infeasible to alter existing toilet and bathing rooms to be accessible, an accessible family or assisted-use toilet or bathing room constructed in accordance with Section 1109.2 of the International Building Code is permitted. The family or assisted-use toilet or bathing room shall be located on the same floor and in the same area as the existing toilet or bathing rooms. These directional signs shall include the International Symbol of Accessibility and sign characters shall meet the visual character requirements in accordance with ICC A117.1. In existing construction, one of two or more fixtures (water closets and/or urinals) may be removed to create space for one accessible stall in each existing toilet room. This may result in the reduction of one required water closet which shall be permitted when this reduction is needed to create a conforming accessible toilet stall. Any alteration under this section shall not reduce other accessibility requirements including, but not limited to required clear floor spaces and maneuvering spaces.

(3) Chapter 12, "Historic Buildings," is hereby amended as follows:

Amend Section 1201.1.1 Preliminary meeting to read as follows:

**1201.1.1 Preliminary meeting.** If an applicant requests that a building meet the requirements of this chapter and the project is a project involving alterations and/or a change of occupancy, then the Development and Engineering Department shall offer a preliminary meeting with the applicant upon payment of a fee as set forth in Table 2-209 of Peoria City Code, prior to the submission of a permit application. The preliminary meeting shall, to the extent possible, include the officials responsible for permit approval and enforcement with respect to the Peoria Building Code, Peoria Fire Code and historic preservation ordinances.

Amend Section 1201.2 Report to read as follows:

Amend Section 1201.5 Energy efficiency to read as follows:

**1201.6 Energy efficiency.** Alterations and additions to an historic building shall be exempt from the provisions of the International Energy Conservation Code.

Amend Section 1202.4 Repair and replacement to read as follows:

**1202.2 Repair and replacement.** Repair and replacement of existing or missing features using original materials shall be permitted. Partial replacement for repairs that match the original in configuration, height, and size shall be permitted. Glazing is subject to the requirements of Section 1203.8. Replacement glazing in hazardous locations shall comply with the safety glazing requirements of Chapter 24 of the International Building Code.

**Exception:** Glass block walls, louvered windows, and jalousies repaired with like materials.

Amend Section 1203.3 Means of egress and to read as follows:

**1203.3 Means of egress and emergency escape and rescue.** Existing window and door openings and corridor and stairway widths less than those specified elsewhere in this code may be approved, provided that, in the opinion of the code official, there is sufficient width and height for a person to pass through the opening or traverse the means of egress. When approved by the code official, the front or main exit doors need not swing in the direction of the path of exit travel, provided that other approved means of egress having sufficient capacity to serve the total occupant load are provided.

Amend Section 1204.6 Means of egress to read as follows:

**1204.6 Means of egress and emergency escape and rescue.** Existing window and door openings and corridor and stairway widths less than those that would be acceptable for non-historic buildings under these provisions shall be approved, provided that, in the opinion of the code official, there is sufficient width and height for a person to pass through the opening or traverse the exit and that the capacity of the exit system is adequate for the occupant load, or where the other operational controls to limit occupancy are approved by the

code official.

Amend Section 1205.14 Natural light to read as follows:

**1205.14 Natural light.** When it is determined by the code official and the historic preservation officer or designee that compliance with the natural light requirement of Section 1010.1 will lead to loss of historic character or historic materials in the building, the existing level of natural lighting shall be considered acceptable.

(Code 1977, § 8-2-1; Ord. No. 90-34, 8/28/90, 1988 edition adopted; Ord. No. 95-28, 5/2/95, 1991 edition adopted; Ord. No. 07-11, 4/17/07, Arizona Administrative Code edition adopted (SUPP 2007-2); Ord. No. 07-32, 10/02/07, Arizona Uniform Plumbing Code repealed (SUPP 2007-4); Ord. No. [2017-31](#), § 29, 6-13-17; Ord. No. [2019-12](#), § 9, 5-21-19)

**Sec. 18-92. Reserved.**

(Code 1977, § 8-2-2; Ord. No. 90-34, 8/28/90; Ord. No. 90-44, 9/25/90; Ord. No. 95-28, 5/2/95, amended; Ord. No. 07-11, 4/17/07, repealed (SUPP 2007-2); Ord. No. [2017-31](#), § 30, 6-13-17)

**Secs. 18-93—18-100. Reserved.**

(Ord. No. [2017-31](#), § 31, 6-13-17)

**Sec. 18-101. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Agency:* The state department of environmental quality.

*Air-gap separation or A.G.:* A physical separation between the free flowing discharge end of a potable water supply pipeline and an open or nonpressure receiving vessel.

*Approved:* Backflow prevention assembly or methods approved by the department as either meeting an applicable specification stated or cited in this division, or suitable for the proposed use.

*Approved air-gap separation:* An air-gap separation that is at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel, but in no case less than one (1) inch (two and one-half (2.5) centimeters).

*Assembly:* Any system for backflow protection consisting of more than one (1) component and having been tested as one (1) unit, and approved as one (1) unit.

*Atmospheric vacuum breaker or A.V.B. (also known as the "nonpressure type vacuum breaker"):* An assembly containing a float check, a check seat and an air inlet port. The flow of water into the body causes the float to close the air inlet port. When the flow of water stops, the float falls and forms a check valve against backsiphonage and at the same time opens the inlet port to allow air to enter and satisfy the vacuum. A shutoff valve immediately upstream may be an integral part of the assembly. An atmospheric vacuum breaker is designed to protect against a health hazard (i.e. contaminant) under a backsiphonage condition only.

*Auxiliary water system:* A source of water outside of the city's public water supply system. No connection to the city's public water supply system shall be made with any other water system without the approval of the local authority.

*Backflow:* The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

*Backflow prevention assembly:* Any assembly, method, or type of construction intended to prevent backflow into a potable water system. All assemblies installed within the City shall be testable and Lead-Free.

*Backpressure:* The flow of water or other liquids, mixtures, or substances under pressure into the distribution pipes of a potable water supply system from any source or sources other than the intended source.

*Backsiphonage:* The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than its intended source, caused by the reduction of pressure in the potable water supply system.

*Consumer or customer:* The owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

*Consumer's or customer's water system:* Any water system serving the premises, commencing at the discharge side of the service pipe shutoff valve location.

*Department:* The building safety department of the city.

*Double check valve assembly or D.C.:* An assembly composed of two (2) independently acting, approved check valves, including tightly closing shutoff valves located at each end of the assembly and fitted with properly located test cocks.

*Contamination:* An impairment of quality of the potable water, such as through the introduction of microorganisms, chemicals, wastewater, industrial discharges, or other materials to a degree which creates an actual or potential hazard to the public health.

**Cross-connection:** Any connection through which a supply of potable water could be contaminated or polluted through backflow.

**Double check-detector check valve assembly or D.C.D.C.:** A specially designed assembly composed of a line-size approved double check valve assembly with a specific bypass five-eighths-inch by three-fourths-inch, or three-fourths-inch water meter and a three-fourths-inch approved double check valve assembly. The meter shall register all rates of flow.

**Fixed air gap:** The unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

**Foundation:** Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California.

**Health hazard:** Any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. "Severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

**Inspection:** A plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Uniform Building Code and this division.

**Installation:** The installation of backflow prevention assembly.

**Lead Free:** That the weighted average of the device is not more than 0.25% in the wetted surface material as specified in the Safe Drinking Water Act, Section 1417 as revised in 2011.

**Non-potable water:** Water not safe for drinking, personal or culinary use as determined by the requirements of Safe Drinking Water Act of 1974, and this division.

**Officer:** The person appointed by the city manager to enforce the provisions of this division.

**Plumbing:** The actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. "Plumbing" includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems from the source of a private water supply on the premises or from the main in the street, alley or at the curb to within and about any building or buildings where a person lives, works or assembles. "Plumbing" includes all piping from discharge of pumping units to and including pressure tanks in water supply systems. "Plumbing" includes all piping, fixtures, appurtenances and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system two (2) feet beyond the foundation walls.

**Pollution:** The presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of water to a degree which does not create an actual hazard to the public but which does adversely and unreasonably affect such waters for domestic use.

**Potable water:** Water which meets the requirement of the state health department for drinking, culinary, and domestic purposes.

**Potential cross-connection:** A fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.

**Pressure vacuum breaker or P.V.B.:** An assembly containing an independently operating loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with properly located test cocks and tightly closing shutoff valves located at each end of the assembly. This assembly is designed to protect against a health hazard (i.e. contaminant) under a backsiphonage condition only.

**Process fluid:** Any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollution, or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:

- (1) Polluted or contaminated waters.
- (2) Process waters.
- (3) Used waters originating from the public water supply system which may have deteriorated in sanitary quality.
- (4) Cooling waters.
- (5) Questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems.
- (6) Chemicals in solution or suspension.
- (7) Oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for firefighting purposes.

**Public water supply system:** All mains, pipes and structures owned and/or maintained by the city, or any connected to such public water supply system, supplying potable water to the citizens of the city, through which water is obtained and

distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing potable water.

*Reduced pressure zone principle backflow prevention assembly or RP:* An assembly containing a minimum of two (2) independently acting check valves together with an automatically operated pressure differential relief valve located between the two (2) check valves. During normal flow and at the cessation of normal flow, the pressure between these two (2) checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at end of the assembly, and each assembly shall be fitted with properly-located test cocks.

*Service connection:* The physical connection to the water main including all fittings and appurtenances, through which water is supplied to the consumer.

*Survey:* The collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection assemblies and methods located within that customer's piping system.

(Code 1977, § 8-2-3; Ord. No. 2011-22, 11/1/2011, Amended (SUPP 2011-4); Ord. No.[2017-31](#), § 32, 6-13-17)

### **Sec. 18-102. Purpose.**

The purpose of this division is:

- (1) To protect the public water supply system from contamination or pollution by isolating within the customer's water system at each piece of equipment or hazard where contaminants or pollutants which could backflow through the service connection into the public water supply system.
- (2) To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable quality.
- (3) To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.

(Code 1977, § 8-2-4(A); Ord. No. 2011-22, 11/1/2011, Amended (SUPP 2011-4); Ord. No.[2017-31](#), § 33, 6-13-17)

### **Sec. 18-103. Scope.**

This division applies to all premises served by the public water supply system of the city and any other approved water supply from any private, auxiliary or emergency source.

(Code 1977, § 8-2-4(B); Ord. No. [2017-31](#), § 34, 6-13-17)

### **Sec. 18-104. Authorization, cross connection enforcement program, fees.**

- (a) The Public Works-Utilities director is authorized to operate and maintain a cross connection inspection program. This program shall provide for continuous and ongoing inspection of backflow prevention and cross connection devices installed in the city.
- (b) There shall be a monthly surcharge on each water meter within the city's service area. This surcharge shall be in the amount provided for in Chapter 27 of the Peoria city code. All funds received from this surcharge shall be placed in an account designated the cross connection control program account. The account shall be used to assist in financing the operation of the city's cross control connection program.

(Code 1977, § 8-2-17(A); Ord. No. 91-39, 11/12/91, Repealed; Ord. No. 91-39, 11/12/91, Re-enacted; Ord. No. 02-41, 6/4/2002, Amended (SUPP 2002-2); Ord. No. [2017-31](#), § 35, 6-13-17)

### **Sec. 18-105. Violations—Generally.**

- (a) It is unlawful for any customer or consumer of potable water, be it city water or any city- approved potable water supply, to:
  - (1) Create, or have created by other persons, any cross-connection involving any city- approved potable water.
  - (2) Fail to install, or maintain, any air-gap or backflow assembly as required by the provisions of this division.
  - (3) Fail to have any backflow assembly inspected, tested, and inspection/test report submitted as required by the provisions of this division.
  - (4) Fail to install any backflow assembly according to the city installation standards, as per the department.
  - (5) Fail to protect any life form within any structure or on any premises from any non-potable water source.
- (b) The department may deny or discontinue, after reasonable notice to the occupants thereof, the water service to anyone using the city water distribution system to any premises where a backflow prevention device required by the

provisions of this division is not installed, tested, maintained and repaired in a manner acceptable to the department, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cutoff required by these regulations is not installed and maintained in working order. Reasonable notice to the occupant of a single-family dwelling shall be deemed given if in writing, mailed to the occupant at the address of the dwelling at least two (2) weeks prior to the contemplated disconnection. Reasonable notice to all others shall be deemed given when done so in writing and mailed to the address one (1) week prior to the contemplated disconnection. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the department, and the required reconnection fee is paid.

- (c) If the department determines that a customer's backflow prevention device does not meet current standards, the customer shall retrofit their device so that it will meet current City standards.
- (d) Customers are subject to all requirements imposed by this division, if the department determines the degree of hazard or potential hazard requires a device to be installed.
- (e) It shall be unlawful to violate any of the provisions of this chapter. A violation of this ordinance shall be a class one misdemeanor.
- (f) Each violation of this ordinance is subject to a mandatory minimum fine of not less than one hundred dollars (\$100.00). In addition, the costs of prosecution of the action may be imposed at the discretion of the court. The magistrate court shall order any person convicted of a violation under this chapter to comply with the provisions of this chapter. The imposition of one penalty for any violation of this ordinance shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations and defects within a reasonable time; and each day that the prohibited condition is not corrected or remedied shall constitute a separate offense.
- (g) A violation of this chapter may be punished by imposition of a civil penalty which shall not exceed two thousand five hundred dollars (\$2,500.00).

(Code 1977, §§ 8-2-12 — 8-2-16; Ord. No. 91-39, 11/12/91; Ord. No. [2017-31](#), § 36, 6-13-17)

#### **Sec. 18-106. Same—Commencement of actions, citation, etc.**

- (a) The Public Works-Utilities Director, or any designee thereof, is authorized to investigate any complaints of violation of this chapter. Upon a determination of reasonable cause that a violation exists, the Public Works-Utilities director, or any designee thereof, may issue a notice of violation stating with reasonable particularity the nature of the violation to the violator.
- (b) The notice of violation shall be similar to the uniform traffic ticket and complaint promulgated by the Arizona Supreme Court. Upon receipt of a notice of violation, a person may request a hearing on the violation. If a hearing is requested, the hearing officer shall designate a time and place for the hearing and notify the person and the Public Works-Utilities director.
- (c) At the hearing it shall be the burden of the Public Works-Utilities director, or the designee thereof, to prove by a preponderance of the evidence that a violation of this chapter has occurred. Formal rules of evidence shall not apply and the hearing officer may admit whatever evidence he or she deems relevant or prohibitive. If the hearing officer determines that a violation has occurred, he or she shall issue an order designating the continued noncompliance with this chapter to be a nuisance and imposing a civil penalty against the violator.
- (d) Service of any notice required by this section shall be complete upon mailing it to the violator or by personal delivery to the violator or any agent thereof.
- (e) Failure to respond timely to a notice of violation as described in this section shall result in a default being entered against the violator. Upon entering a default, the hearing officer shall enter an order as if a determination had been made that a violation had occurred.
- (f) If a person has been served with a notice of violation under this section, he shall not be subject to a criminal charge arising out of the same facts.
- (g) The city manager shall designate one or more individuals to act as administrative hearing officers for the purpose of hearing enforcement actions arising under this chapter.
- (h) The city attorney, or any person affected by the nuisance, may bring a civil action in the superior court to abate the nuisance.

(Code 1977, §§ 8-2-17 — 8-2-20; Ord. No. 91-39, 11/12/91; Ord. No. 02-41, 6/4/2002, Amended (SUPP 2002-2); Ord. No. [2017-31](#), § 37, 6-13-17)

State law reference(s)—Notices to appear, A.R.S. § 13-3903.

#### **Sec. 18-107. Same—Collection of fines; lien; abatement of violation.**

Any judgment for a civil fine and/or penalty imposed pursuant to this division shall constitute a lien against the real property of the defendant which may be perfected by recording a copy of the judgment under seal of the city with the county recorder. Any judgment for civil fines or penalties taken pursuant to this article may be collected as any other civil judgment. If the defendant fails to correct the violation charged within thirty (30) days of the issuance of the first citation, the city attorney

may proceed without further notice to commence an injunctive action for abatement of the violation. Any action taken under this article shall be in addition to any other remedies.

(Code 1977, § 8-2-21; Ord. No. [2017-31](#), § 38, 6-13-17)

#### **Sec. 18-108. City's right of entry and to information.**

The officer may enter at any reasonable time any property served by a connection to the public water supply or distribution system of the city for the purpose of verifying the presence or absence of cross-connections. The officer or their authorized agent may enter at any reasonable time any property served by a connection to the public water supply or distribution system of the city for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand the owner, lessees or occupants of any property so served shall furnish to the officer, any information which he may request regarding the piping system or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the officer, be deemed evidence of the presence of improper connections as provided in this division. This shall hold true for any approved water supply from any source to the citizens of the city, be it private, auxiliary or emergency.

(Code 1977, § 8-2-4(F); Ord. No. [2017-31](#), § 39, 6-13-17)

#### **Sec. 18-109. Surveys and investigations.**

(a) It shall be the duty of the department to cause surveys and investigations to be made of industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two (2) years, or as often as the department shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five (5) years.

(b) Each survey shall be completed on a form approved by the department.

(Code 1977, §§ 8-2-3(34), 8-2-4(E); Ord. No. [2017-31](#), § 40, 6-13-17)

#### **Sec. 18-110. City's right to discontinue water service.**

The city shall discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this division is known to exist and take such other precautionary measures as the officer may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service shall not be restored until the conditions have been eliminated or corrected in compliance with the provisions of this division, and until the required reconnection fee is paid to the city. This shall hold true for any approved water supply from any source to the citizens of the city, be it private, auxiliary or emergency.

(Code 1977, § 8-2-4(C); Ord. No. [2017-31](#), § 41, 6-13-17)

#### **Sec. 18-111. General requirements.**

(a) The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection. If, in the judgment of the officer or their authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the officer shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer, after due written notice and within the prescribed time indicated on the notice, shall install such approved device at their own expense, failure or refusal on the part of the consumer to install such device immediately shall constitute grounds for discontinuing water service to the premises until such device has been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in this division.

(b) If in accordance with Section 21-202 (Zoning) of the Peoria City Code (1992), or in the judgment of the department, an approved backflow prevention assembly is necessary for the safety of the public water supply system, the department will give notice to the water customer to install such an approved assembly immediately. The water customer shall, at their own expense, install such an approved assembly at a location and in a manner in accordance with Section 5-44 of the Peoria City Code (1992).

(Code 1977, § 8-2-4(C), (D); Ord. No. 2011-22, 11/1/2011, Amended (SUPP 2011-4); Ord. No. [2017-31](#), § 42, 6-13-17)

#### **Sec. 18-112. Cross-connection prohibited.**

(a) Connections between the public water supply system and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to ensure proper operation on a continuing basis. No connection shall be permitted between the public water supply system and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the agency and/or the city. There shall be no arrangement or connection by which contamination may enter the public water supply system.

(b) It is the responsibility and financial obligation of the water consumer to prevent backflow into the public water supply system by ensuring that:

(1) All cross-connections are removed, or approved cross-connection control assemblies are installed for

control of backflow from backpressure and back-siphonage.

(2) Backflow Prevention Assemblies shall be installed in accordance with the manufacturer's instructions and the current approved applicable City standards.

(3) Cross-connection control assemblies shall be inspected at least annually by a person approved by the department as a cross-connection control tester. The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions, and those of the Foundation, at the consumer's or owner's expense.

(Code 1977, § 8-2-5; Ord. No. 2011-22, 11/1/2011, Amended (SUPP 2011-4); Ord. No.[2017-31](#), § 43, 6-13-17)

**Sec. 18-113. Testing and records.**

(a) *Device.* Each device shall be tested at least annually or more frequently if recommended by the manufacturer, or the department, at the consumer's or owner's expense.

(b) *Records.* Records submitted to the city shall be available for inspection by agency personnel.

(c) *Identification.* Each assembly shall have a tag attached listing the manufacturer and serial number of the assembly.

(d) *Log.* A maintenance log shall be maintained and include the following:

- (1) Date of each test.
- (2) Name and certification identification information of person performing the inspection or test.
- (3) Name of testing company.
- (4) Meter number of the service connection that device is attached to.
- (5) Location of the assembly on the property.
- (6) Test gauge serial number.
- (7) Test results/inspection.
- (8) Repairs or servicing required.
- (9) Repairs and date completed.
- (10) Services performed and date completed.
- (11) Results of final test.

(e) *City records.* The department will maintain records of the types and locations of all assemblies used for the prevention of backflow in accordance with requirements of 18 A.A.C. 4, R18-4-215 and chapter 7, section H, paragraph 2, Arizona Department of Environmental Quality Engineering Bulletin No. 10, Guidelines for the Construction of Water Systems, as amended.

(f) *Annual notification to test.*

(1) The City shall notify the customer via first class mail at least 60 days before the annual test compliance due date for each backflow prevention assembly.

(2) If by the annual compliance date the City does not receive the required test report, the City shall provide written notice via hand delivery or certified mail delivered to the customer of the City's intent to discontinue water service if the required annual test report is not received within one week of the confirmed delivery date.

(3) The customer shall not test any backflow prevention assembly more than 60 days prior to the annual test due date, unless a waiver is requested in writing and granted with written City approval.

(Code 1977, § 8-2-6; Ord. No. 2011-22, 11/1/2011, Amended (SUPP 2011-4); Ord. No.[2017-31](#), § 44, 6-13-17)

**Sec. 18-114. Where protection required.**

(a) A backflow prevention assembly approved by the officer shall be installed on each water service line to a customer's water system. Such approved backflow prevention assembly shall be installed prior to issuance of any certificate of occupancy for the structure to which the water system will provide service.

(b) An approved backflow prevention assembly shall be installed on each water service line to a consumer's water system where the following conditions exist:

(1) Premises having an auxiliary water system, unless such auxiliary water system is accepted as an additional source by the city and the source is approved by the agency and the council.

(2) Premises where any substance exists which can create an actual or potential hazard to the public water supply system.

- (3) Premises having internal cross-connections that, in the judgment of the officer, are not correctable or intricate plumbing arrangements which made it impractical to determine whether or not cross-connections exist.
  - (4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connections survey.
  - (5) Premises having a repeated history of cross-connections being established or reestablished.
  - (6) Premises which utilize non-potable or reclaimed water.
- (c) An approved backflow prevention assembly shall be installed on each water line to a consumer's water system serving, but not necessarily limited to, the following types of facilities or to isolate specific equipment or hazards unless the officer determines that no actual or potential hazard to the public water supply system exist:
- (1) Aircraft and missile plants, RP.
  - (2) Animal clinics and animal grooming shops, RP.
  - (3) Automotive plants, RP.
  - (4) Auxiliary water systems (interconnected), RP.
  - (5) Auxiliary water systems (not interconnected), RP.
  - (6) Beverage bottling plants, RP.
  - (7) Breweries, RP.
  - (8) Buildings greater than three (3) stories or greater than thirty-four (34) feet in height from curb level, RP.
  - (9) Buildings with house pumps and/or potable water storage tank, RP.
  - (10) Canneries, packing houses and reduction plants, RP.
  - (11) Carbonated beverage equipment, Stainless Steel, RP.
  - (12) Car wash facilities or car washes with water reclamation system, RP.
  - (13) Centralized heating and air conditioning plants, RP.
  - (14) Chemical dispensers, PVB or Air gap.
  - (15) Chemical plants, RP.
  - (16) Chemically treated potable or non-potable water systems, RP.
  - (17) Commercial laundries, RP.
  - (18) Cooling tower, boiler, condenser, chiller, and other cooling systems, RP.
  - (19) Dairies and cold storage plants, RP.
  - (20) Decorative water feature, baptismal, pond, or any location water is exposed to atmosphere, RP or Air Gap.
  - (20) Distillery, RP.
  - (21) Dye works, RP.
  - (22) Film processing laboratories, RP.
  - (23) Food processing plants, RP.
  - (24) High schools, grade schools, day-care centers, and colleges, RP.
  - (25) Holding tank disposal stations, RP.
  - (26) Hospitals and mortuaries, RP.
  - (27) Medical and dental buildings or suites, sanitariums, rest and convalescent homes, RP.
  - (28) Mobile home and travel trailer parks, RP.
  - (29) Irrigation systems (premises having separate systems such as parks, playgrounds, cemeteries, golf courses, schools, estates, ranches, etc.), RP.
  - (30) Laboratories using toxic materials, RP.
  - (31) Manufacturing, processing and fabricating plants using toxic materials, RP.
  - (32) Manufacturing, processing and fabricating plants using nontoxic materials, RP.

- (33) Motion picture studios, RP.
- (34) Non-Carbonated beverage equipment, DC.
- (35) Oil and gas production facilities, RP.
- (36) Paper and paper production plants, RP.
- (37) Pesticide, herbicide, fertilizer, and chemical applicators, RP.
- (38) Plating plants, RP.
- (39) Radioactive materials processing facilities, RP.
- (40) Restricted, classified or other closed facilities, RP.
- (41) Recreational vehicle dump stations (sewer), or any other location where water may be exposed to bacteria, virus or gas, RP.
- (42) Rubber plants, RP.
- (43) Sand and gravel plants, RP.
- (44) Sewage and storm drainage facilities, RP.
- (45) Any premises where a cross-connection is maintained, RP.
- (46) Water trucks, temporary water storage units, hydraulic sewer cleaning equipment, street sweepers, steel wheeled rollers, RP or air-gap.
- (47) Water treatment facilities and all water processing equipment (water softeners, reverse osmosis devices or other water treatment devices), RP.
- (48) X-ray equipment, planting equipment, or any other photographic processing equipment, RP.
- (49) Any premises on which chemicals, oils, solvents, pesticides, disinfectants, cleaning agents, acids or other pollutants and/or contaminants are handled in a manner by which they may come in direct contact with water, or there is evidence of the potential to contact water, RP.
- (50) Any premises where water supplied by the city is subject to deterioration in sanitary quality and its entry into the public water system is permitted, DC.
- (51) Any connection to a fire hydrant (except Fire-Medical Department equipment), RP.

(Code 1977, § 8-2-7; Ord. No. 2011-22, 11/1/2011, Amended (SUPP 2011-4); Ord. No. 2015-01, 01/20/15, Amended (SUPP 2015-1); Ord. No. [2017-31](#), § 45, 6-13-17)

#### **Sec. 18-115. Type of protection required.**

- (a) The type of protection required shall depend on the degree of hazard which exists as follows:
  - (1) An approved fixed air gap or an approved reduced pressure zone principle backflow prevention assembly shall be installed where the public water supply system may be contaminated causing a system health hazard.
  - (2) An approved fixed proper air gap separation or an approved DC backflow prevention assembly shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.
- (b) All American Water Works Association classes 1, 2 and 3 fire systems six (6) inches in size and larger or any system three (3) inches in size and larger constructed of a piping material not approved as a potable water system material per Section 5-44 of the Peoria City Code (1992) by the city shall have a DC. All American Water Works Association classes 4, 5 and 6 shall have an RP. Fire systems where backflow protection is required on the industrial/domestic service connection that is located on the same premises, both service connections will have adequate backflow protection for the highest degree of hazard affecting either system.
- (c) Any property with more than one (1) water service shall, at the discretion of the department have backflow protection on each service to the property.
- (d) At the discretion of the department a strainer shall be required on assemblies.

(Code 1977, § 8-2-8; Ord. No. 2011-22, 11/1/2011, Amended (SUPP 2011-4); Ord. No. [2017-31](#), § 46, 6-13-17)

#### **Sec. 18-116. Backflow prevention devices.**

- (a) All backflow prevention assemblies required by the provision of this division shall be approved by the department. Installation of an approved assembly shall be made in accordance with the departmental regulations. Maintenance as recommended by the manufacturer of the device, and the department, shall be performed. The manufacturer's maintenance manual shall be available on-site. Installation standards are available at the department. All backflow prevention assemblies shall be testable units and equipped with test cocks.

- (b) The assembly shall have a diameter at least equal to the diameter of their service connection or service line at the point of connection. Each service connection will require its own backflow prevention assembly.
- (c) The assembly shall be in an accessible location and installed as close to the service connection as practicable.
- (d) All backflow prevention assemblies must comply with the standards of the department and the provisions of this division. A double check valve assembly shall only be used to protect against a nonhealth hazard (i.e. pollutant). A double check-detector valve assembly shall only be used to protect against a nonhealth hazard (i.e., pollutant).

(Code 1977, §§ 8-2-3(8), (15), (16), 8-2-9; Ord. No. 2011-22, 11/1/2011, Amended (SUPP 2011-4); Ord. No. 2017-47, § 47, 6-13-17)

#### **Sec. 18-117. Inspection and maintenance.**

- (a) *Generally.* The consumer at premises on which backflow prevention assembly required by the provisions of this chapter are installed shall have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions, at the consumer's expense:
  - (1) Fixed proper air gap separations shall be inspected at the time of installation and at least annually thereafter.
  - (2) Double check valve assemblies shall be inspected and tested for tightness at the time of installation or repair and at least annually or more frequently if recommended by the manufacturer, or the department.
  - (3) Reduced pressure principle backflow prevention devices shall be tested at the time of the installation and at least annually or more frequently if recommended by the manufacturer, or the department.
  - (4) All commercial pressure vacuum breakers shall be tested at the time of the installation or repair and at least annually or more frequently if recommended by the manufacturer, or the department.
- (b) *Testing.* Testing shall be performed by a person who has been approved by the department. Testing procedures shall be conducted in accordance to the current edition of the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research Manual for Cross-Connection Control. Testers who wish to perform backflow testing within the City must possess and maintain the following credentials:
  - (1) Completed, signed and current application for recognition as a tester.
  - (2) Certified as a backflow assembly tester from an agency approved by the Department.
  - (3) Certification of field test kit by an agency approved by the Department.
  - (4) Liability insurance policy with a \$1,000,000.00 minimum liability per occurrence.
  - (5) Commercial Arizona Registrar of Contractors License as determined by the Department.
  - (6) City of Peoria Tax & Business License.
- (c) *Repairs.* Whenever backflow prevention assemblies required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer within forty-five (45) days or as specified by the officer.
- (d) *Alterations.* Backflow prevention assemblies shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the department.
- (e) *Repairs.* All backflow prevention assemblies shall be repaired to return the device to manufacturer's specifications.
- (f) *Security.* All backflow assemblies installed shall have a chain with a padlock from the first O.S. & Y. valve to the second O.S. & Y. valve, or an alarm system, or both.
- (g) *Painting.* All backflow assemblies shall be painted blue without obscuring the name plate.
- (h) *Test cocks.* Test cocks are to be used for testing only, any unauthorized use is unlawful. All test cocks shall have test fittings and caps in place at all times. These test caps shall only be removed for testing.

(Code 1977, § 8-2-10; Ord. No. 2011-22, 11/1/2011, Amended (SUPP 2011-4); Ord. No.[2017-31](#), § 48, 6-13-17)

#### **Sec. 18-118. Booster pumps.**

Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cutoff device designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to twenty (20) pounds per square inch or less. It shall be the duty of the water consumer to maintain the low pressure cutoff device in proper working order and to certify to the department at least once a year that the device is operable.

(Code 1977, § 8-2-11; Ord. No.[2017-31](#), § 49, 6-13-17)

## PLANNING AND DEVELOPMENT

Charter reference(s)—Authority to adopt comprehensive plan, art. I, § 3(3).

Cross reference(s)—Buildings and building regulations, Ch. 18; park development fees, § 7-36 et seq.; subdivision regulations, Ch. 24; water system expansion fee, § 25-18; sewer expansion fee, § 25-89; zoning, Ch. 21.

State law reference(s)—Municipal planning, A.R.S. § 9-461 et seq.

### **Sec. 20-1. Planning and Community development department; establishment.**

(a) There shall be a Department of Planning and Community Development. The director of the Department of Planning and Community Development shall be appointed by the city manager and confirmed by the city council. The position shall be an unclassified position and shall serve at the pleasure and the will of the city manager and not subject to the city merit system.

(b) The department of planning and community development shall consist of two divisions: Land Use and System Planning.

(Ord. No. 91-43, 11/12/91, Enacted; Ord. No. 94-65, 8/30/94, Amended; Ord. No. 96-25, 5/7/96, Amended; Ord. No. 98-22, 4/7/98, Amended (b); Ord. No. 09-32, 08/25/09, Amended (a), (b) (SUPP 2009-3))

### **Sec. 20-2. Planning and Community development; division managers.**

(a) Each division within the department of Planning and Community Development shall be headed by a division manager. Each division manager shall be recommended for appointment to the city manager. The positions of division managers shall be classified position subject to the city merit system.

(Ord. No. 91-43, 11/12/91, Enacted; Ord. No. 94-65, 8/30/94, Amended; Ord. No. 96-25, 5/7/96, Amended; Ord. No. 09-32, 08/25/09, Amended (SUPP 2009-3))

### **Sec. 20-3. Reserved.**

(Ord. No. 91-43, 11/12/91, Enacted; Ord. No. 94-65, 8/30/94, Amended; Ord. No. 96-25, 5/7/96, Amended; Ord. No. 98-22, 4/7/98, Repealed)

### **Sec. 20-4. Planning and Community Development; position classification plan.**

The city manager shall promulgate a position classification plan for the department of Planning and Community Development. The plan shall establish specific positions assigned to the ranges and steps within the city's pay plan. The promulgation of a position classification plan shall not create any obligation upon the city council to appropriate funds for any position within the plan.

(Ord. No. 91-43, 11/12/91, Enacted; Ord. No. 96-25, 5/7/96, Amended; Ord. No. 09-32, 08/25/09, Amended (SUPP 2009-3))

### **Sec. 20-5. Reserved.**

(Ord. No. 96-19, 4/2/96)

### **Sec. 20-6. Reserved.**

(Ord. No. 96-19, 4/2/96, Enacted and removing long range planning from § 20-3; Ord. No. 98-22, 4/7/98, Repealed)

### **Sec. 20-7. Reserved.**

(Ord. No. 96-19, 4/2/96, Enacted; Ord. No. 98-22, 4/7/98, Repealed)

### **Sec. 20-8. Reserved.**

(Ord. 91-43, 11/12/91, Enacted; Ord. No. 96-19, 4/2/96, Enacted and renumbering § 19-3(a) and amending § 20-3-(c); Ord. No. 98-22, 4/7/98, Repealed)

### **Sec. 20-9. Reserved.**

(Ord. No. 96-19, 4/2/96, Enacted; Ord. No. 98-22, 4/7/98, Repealed)

### **Secs. 20-10—20-15. Reserved.**

(Ord. No. 91-43, 11/12/91, Renumbered; Ord. No. 96-19, 4/2/96)

### **Sec. 20-16. Reserved.**

Editor's note(s)—Ord. No. [2017-25](#), § 53, adopted June 13, 2017, renumbered § 20-16 as § 3-53. Ord. No. [2017-32](#), § 1, adopted June 13, 2017, designated § 20-16 as reserved.

### **Sec. 20-17. Reserved.**

Editor's note(s)—Ord. No. [2017-25](#), § 54, adopted June 13, 2017, renumbered § 20-17 as § 3-54. Ord. No. [2017-32](#), § 2, adopted June 13, 2017, designated § 20-17 as reserved.

## **Sec. 20-18. Reserved.**

Editor's note(s)—Ord. No. [2017-25](#), § 55, adopted June 13, 2017, renumbered § 20-18 as § 3-55. Ord. No. [2017-32](#), § 3, adopted June 13, 2017, designated § 20-18 as reserved.

## **Sec. 20-19. Reserved.**

Editor's note(s)—Ord. No. [2017-25](#), § 56, adopted June 13, 2017, renumbered § 20-19 as § 3-56. Ord. No. [2017-32](#), § 4, adopted June 13, 2017, designated § 20-19 as reserved.

## **Sec. 20-20. Reserved.**

Editor's note(s)—Ord. No. [2017-25](#), § 57, adopted June 13, 2017, renumbered § 20-20 as § 3-57. Ord. No. [2017-32](#), § 5, adopted June 13, 2017, designated § 20-20 as reserved.

## **Sec. 20-21. Land Use Appeals; diminution in value; definitions.**

In this Chapter, the following terms shall be defined as follows:

- (a) "*Diminution in Value Claim*" means a claim submitted by the owner of real property that is subject to a land use law, other than an exempt land use law, adopted or enforced by the City that restricts the use of the owner's private real property in a manner that is alleged to result in a diminution in value of the real property from its fair market value.
- (b) "*Directly regulate*" means the definition provided in Section 21-202 of the Zoning Ordinance of the City of Peoria, Arizona.
- (c) "*Existing rights to use, divide, sell or possess private real property*" are those statutory rights to use, divide, sell, or acquire title to real property that were existing and vested as of December 5, 2006. Speculative, inchoate, private, or merely reasonably expected (but not yet obtained) rights are not and cannot become existing rights.
- (d) "*Owner*" means the definition provided in Section 21-202 of the Zoning Ordinance of the City of Peoria, Arizona.
- (e) "*Vested Rights*" means the definition provided in Section 21-202 of the Zoning Ordinance of the City of Peoria, Arizona.

(Ord. No. 07-30, 09/04/07, Enacted (SUPP 2007-4))

## **Sec. 20-22. Land Use Appeals; diminution in value of real property; procedures.**

- (a) The City Attorney's Office Claims Management Program shall serve upon the administrative hearing officer, the Director of Community Development and the Owner of Real Property that filed the claim a notice of referral of the claim and the claim for diminution in value of real property
- (b) The Community Development Department shall within twenty (20) days of receipt of the claim, write a report with a recommendation and forward the report and the claim to the administrative hearing officer and the Owner of Real Property that filed the claim for diminution in value of real property.
- (c) The Owner of Real Property that filed the claim for diminution of value of real property shall have twenty (20) days to file a response to the report and recommendation of the Community Development Director.
- (d) Within twenty days following the filing of the response by the Owner of Real Property that filed the claim, the Administrative hearing officer shall hold a hearing on the matter. The parties may stipulate and agree to additional time. All parties shall receive not less than ten (10) days notice of the hearing.
- (e) Once the matter is set for hearing, the City shall:
  - (1) Post on the City's website information related to the claim, including the name(s) of the Owner filing the claim, the location of the property, the regulation(s) identified in the claim, and the requested relief sought by the Owner of Real Property.
  - (2) Notify by e-mail or any reasonably practical means any neighborhood groups who have requested notification of land use matters pursuant to the zoning ordinance of the city.
  - (3) Notify all owners and occupants of property within 300 feet of the perimeter of the subject property.

(Ord. No. 07-30, 09/04/07, Enacted (SUPP 2007-4))

## **Sec. 20-23. Land Use Appeals; diminution in value of real property; hearings; decision.**

Administrative Hearing matters under this chapter are quasi-judicial. It shall be presumed that the regulation in question has not resulted in a diminution of value to real property. The Owner of the subject property shall have the burden of proving diminution in value of their real property by a preponderance of the evidence

- (a) Within Ten (10) days following the hearing the administrative hearing officer shall issue a decision. The decision shall determine whether the claim is:
  - (1) Denied in whole or in part;
  - (2) Upheld in whole or in part;

(b) The administrative hearing officer's determination shall be in writing and provide a factual and legal basis for the determination.

- (1) If a claim is denied in whole, the claim shall be deemed as denied pursuant to Section 2-52 of this code.
- (2) If a claim is upheld in whole or in part and the matter involves a non legislative matter, the decision shall be final and implemented by the City.
- (3) If a claim is upheld in whole or in part and the matter involves a legislative matter, the decision shall be forwarded to the City Council as a recommendation for action. The Council shall place the item on its next available agenda. The City Council may make such decisions as it legislatively determines to be in the public interest. The decision of the City Council shall be determined to be final for all purposes.

(Ord. No. 07-30, 09/04/07, Enacted (SUPP 2007-4))

#### **Sec. 20-24. Land Use Appeals; City Council decision; implementation.**

- (a) If the City Council rejects the recommendation of the administrative hearing officer and denies the claim, the claim shall be deemed as denied under Section 2-52 of this Code.
- (b) If the City Council adopts the recommendation of the administrative hearing officer and upholds the claim in whole or in part, the City Council shall direct the Office of the City Attorney to:
  - (1) Prepare for consideration by the City Council an ordinance removing or modifying the land use law in question in accordance with the Council action. Such an action shall run with the land to the extent required by law, or.
  - (2) Prepare for consideration by the City Council a determination on the amount of compensation that is due to the claimant as just compensation for the diminution in value to their real property. Such compensation shall only be paid to the claimant upon execution of a settlement agreement and release acceptable to the office of the City Attorney and providing for a full, complete and total release of the City, its officers and employees from any further claims, causes or action, damages or liability arising out of the land use law that resulted in the owner's claim for diminution in value to their real property.

(Ord. No. 07-30, 09/04/07, Enacted (SUPP 2007-4))

#### **Secs. 20-25—20-28. Reserved.**

(Ord. No. 91-18, 6/4/91, Enacted; Ord. No. 00-23, 5/16/00 (SUPP 2000-2); Ord. No. 02-57, 6/18/02, Repealing Ord. No. 00-23 (SUPP 2002-2); Ord. No. 02-58, 6/18/02, Enacted Sec. 20-29 (SUPP 2002-2); Ord. No. 07-30, 09/04/07, Enacted Sec. 20-21, 20-22, 20-23, 20-24 (SUPP 2007-4))

#### **Sec. 20-29. Reserved.**

(Ord. 02-58, 6/18/02, Enacted (SUPP 2002-2); Ord. 2014-19, 5/6/14, Repealed and Reserved (SUPP 2014-19))

#### **Sec. 20-30. Development fees; legislative intent and purpose.**

Sections 20-30 through 20-43 of this chapter are adopted for the purpose of promoting the health, safety and general welfare of the residents of Peoria by:

- (a) Requiring new development to pay its proportionate share of the costs incurred by the City that are associated with providing Necessary Public Services to new development;
- (b) Setting forth standards and procedures for creating and assessing development fees consistent with the requirements of A.R.S. § 9-463.05, including requirements pursuant to A.R.S. § 9-463.05, Subsection K, that on or before August 1, 2014, the City replace its development fees that were adopted prior to January 1, 2012 with development fees adopted pursuant to the requirements of A.R.S. § 9-463.05 as amended by the state legislature in SB 1525, Fiftieth Legislature, First Regular Session;
- (c) Setting forth procedures for administering the development fee program, including Offsets, Credits, and refunds of development fees. All development fee assessments, Offsets, Credits, or refunds must be administered in accordance with the provisions of this Chapter.

This Chapter shall not affect the City's zoning authority or its authority to adopt or amend its General Plan, provided that planning and zoning activities by the City may require amendments to development fees as provided in Section 20-35 of this Code.

(Ord. No. 02-59, 6/18/02, Enacted (SUPP 2002-2); Ord. No. 02-72, 8/20/02, Repealed (SUPP 2002-3); Ord. No. 2014-19, 5/6/14, Enacted (SUPP 2014-2))

#### **Sec. 20-31. Development fees; definitions.**

When used in this Chapter, the terms listed below shall have the following meanings unless the context requires otherwise. Singular terms shall include their plural.

*Applicant:* A person who applies to the City for a Building Permit or a Credit.

**Appurtenance:** Any fixed machinery or equipment, structure or other fixture, including integrated hardware, software or other components, associated with a Capital Facility that is necessary or convenient to the operation, use, or maintenance of a Capital Facility.

**Aquatic Center:** A facility primarily designed to host non-recreational competitive functions generally occurring within water, including, but not limited to, water polo games, swimming meets and diving events. Such facility may be indoors, outdoors, or any combination thereof, and includes all necessary supporting amenities, including but not limited to, locker rooms, offices, snack bars, bleacher seating and shade structures.

**Building Permit:** The permit required for construction as determined pursuant to Chapter 5 of the Peoria City Code (1992). For purposes of this chapter only, the term "building permit" shall include but not be limited to the approval of the site plan for a multi-family use, the purchase of a new water meter, or the purchase of a larger water meter to replace an existing water meter.

**Capital Facility:** An asset having a Useful Life of three or more years that is a component of one or more Categories of Necessary Public Service provided by the City. A Capital Facility may include any associated purchase of real property, architectural and engineering services leading to the design and construction of buildings and facilities, improvements to existing facilities, improvements to or expansions of existing facilities and associated financing and professional services.

**Category of Necessary Public Service:** A specific type of Necessary Public Services for which the City is authorized to assess development fees pursuant to A.R.S. § 9-463.05.T.5.

**Category of Development:** A specific type of residential, commercial, or industrial development against which a development fee is calculated and assessed. The City assesses development fees against the following types of development within each of the three broader categories of development: (i) for residential development, Single-Family Detached, Multi-Family and Mobile Home Park; (ii) for commercial development, Retail/Commercial, Hotel/Motel, Office and Public/Institutional; and (iii) for industrial, Industrial and Warehouse.

**City:** The City of Peoria, Arizona.

**Community Park:** As defined in the City of Peoria General Plan.

**Cost per Service Unit:** The total future capital costs identified in the Infrastructure Improvements Plan for a Category of Necessary Public Services as attributable to new development over a specified time period divided by the total new Service Units projected in a particular Service Area for that Category of Necessary Public Services over the same time period, less the Offset per Service Unit.

**Credit:** A reduction in an assessed development fee resulting from Developer contributions to, payments for, construction of, or dedications for Capital Facilities included in an Infrastructure Improvements Plan pursuant to Section 20-40 of this Chapter (or as otherwise permitted by this Chapter).

**Credit Agreement:** A written agreement between the City and the Developer(s) of a Subject Development that allocates Credits to the Subject Development pursuant to Section 20-40 of this Chapter.

**Credit Allocation:** A term used to describe when Credits are distributed to a particular development or parcel of land after execution of a Credit Allocation Agreement, but are not yet issued.

**Credit Issuance:** A term used to describe when the amount of an assessed development fee attributable to a particular development or parcel of land is reduced by applying a Credit allocation.

**Developer:** An individual, group of individuals, partnership, corporation, limited liability company, association, municipal corporation, state agency, or other person or entity undertaking land development activity, and their respective successors and assigns.

**Direct Benefit:** A benefit to a development resulting from a Capital Facility that: (a) addresses the need for a Necessary Public Service created in whole or in part by the development; and that (b) meets either of the following criteria: (i) the Capital Facility is located in the immediate area of the development and is needed in the immediate area of the development to maintain the Level of Service; or (ii) the Capital Facility substitutes for, or eliminates the need for a Capital Facility that would have otherwise have been needed in the immediate area of the development to maintain the City's Level of Service.

**Dwelling Unit:** A building or portion thereof, designed as a unit for occupancy by one family for cooking, living and sleeping purposes.

**Equipment:** Machinery, tools, materials, and other supplies, not including vehicles, that are needed by a Capital Facility to provide the applicable service.

**Excluded Park Facility:** Park and recreational improvements for which development fees may not be charged pursuant to A.R.S. § 9-463.05.T.7.(g), including amusement parks, aquariums, Aquatic Centers, auditoriums, arenas, arts and cultural facilities, bandstand and orchestra facilities, bathhouses, boathouses, clubhouses, community centers greater than 3,000 square feet in floor area, environmental education centers, equestrian facilities, golf course facilities, greenhouses, lakes, museums, theme parks, water reclamation or riparian areas, wetlands, or zoo facilities.

**Financing or Debt:** Any debt, bond, note, loan, interfund loan, fund transfer, or other debt service obligation used to finance the development or expansion of a Capital Facility or associated Appurtenances, Vehicles or Equipment.

***Fire Facilities:*** A Category of Necessary Public Services that includes fire stations, fire Equipment, fire Vehicles and all Appurtenances for fire stations. Fire Facilities do not include Vehicles or Equipment used to provide administrative services, or helicopters or airplanes. Fire Facilities do not include any facility that is used for training firefighters from more than one station or substation.

***General Plan:*** Refers to the overall land-use plan for the City establishing areas of the City for different purposes, zones and activities adopted by the City as may be amended from time to time.

***Gross Floor Area:*** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet. Any ground-level area or part thereof, attached to the principal outside faces of the exterior walls that is not enclosed, but is used to determine occupancy loads, is considered part of the overall square footage of the building (i.e. patio dining areas).

***Gross Development Fee:*** The total development fee to be assessed on a per unit basis, prior to subtraction of any Credits.

***Hotel/Motel:*** A building or group of buildings used primarily for accommodation of transient guests in rooms or suites.

***Industrial:*** Establishments primarily engaged in the fabrication, assembly or processing of goods.

***Infrastructure Improvements Plan:*** A document or series of documents that meet the requirements set forth in A.R.S. § 9-463.05, including those adopted pursuant to Section 20-37 of this Chapter to cover any Category or combination of Categories of Necessary Public Services.

***Interim Fee Schedule:*** Any development fee schedule established prior to January 1, 2012 in accordance with then-applicable law, and which shall expire not later than August 1, 2014 pursuant to Section 20-39 of this Chapter.

***Land Use Assumptions:*** Projections of changes in land uses, densities, intensities and population for a Service Area over a period of at least ten years as specified in Section 20-35 of this Chapter.

***Level of Service:*** A quantitative and/or qualitative measure of a Necessary Public Service that is to be provided by the City to development in a particular Service Area, defined in terms of the relationship between service capacity and service demand, accessibility, response times, comfort or convenience of use, or other similar measures or combinations of measures. Level of Service may be measured differently for different Categories of Necessary Public Services, as identified in the applicable Infrastructure Improvements Plan.

***Lot:*** A place or parcel of land separated from every other piece or parcel by description, as in a subdivision or on a recorded survey map, or by metes and bounds, for purpose of sale or separate use.

***Mini Park:*** As defined in the City of Peoria General Plan.

***Mixed-Use Impact Fee:*** A type of Development Fee that applies to qualifying projects that have an Approved Site Plan that includes no less than two (2) land use types, excluding religious facilities and schools, whereby each exceeds 2,500 square feet, and are one of the following classifications: retail/commercial, office, hospital/clinic, hotel/motel, or residential.

***Mobile Home Park:*** A lot, parcel or tract of land having as its principal use the rental of space for occupancy by two or more mobile homes, including any accessory buildings, structures or uses customarily incidental thereto.

***Multi-Family:*** A building or buildings containing multiple dwelling units.

***Necessary Public Services:*** Shall have the meaning prescribed in A.R.S. § 9-463.05, Subsection T, Paragraph 7.

***Neighborhood Park:*** As defined in the City of Peoria General Plan.

***Non-Residential:*** All land uses, except Single-Family Detached, Multi-Family and Mobile Home Park.

***Office:*** A building not located in a shopping center and exclusively containing establishments providing executive, management, administrative or professional services. An office use may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or child care facilities. Ground floor retail uses may also be included, but that space shall be assessed at the retail/commercial rate. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios; banks excluding drive-through only facilities; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; medical and dental offices and clinics, including veterinarian clinics and kennels; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations.

***Offset:*** An amount that is subtracted from the overall costs of providing Necessary Public Services to account for those Capital Facilities or associated debt that will be paid for by a development through taxes, fees (except for development fees), and other revenue sources, as determined by the City pursuant to Section 20-40 of this Chapter.

***Park Facilities:*** A Category of Necessary Public Services including but not limited to Mini Parks, Neighborhood Parks, Community Parks, Regional Parks, Special Use Parks, Swimming Pools and related facilities and Equipment located on real property not larger than 30 acres in area, as well as park facilities larger than 30 acres where such facilities provide a Direct Benefit. Park Facilities do not include Excluded Park Facilities, although Park Facilities may contain, provide access to, or otherwise support an Excluded Park Facility.

***Police Facilities:*** A Category of Necessary Public Services, including Vehicles and Equipment, that are used by law enforcement agencies to preserve the public peace, prevent crime, detect and arrest criminal offenders, protect the rights of persons and property, regulate and control motorized and pedestrian traffic, train sworn personnel, and/or provide and maintain police records, vehicles, equipment and communications systems. Police Facilities do not include Vehicles and Equipment used to provide administrative services, or helicopters or airplanes. Police Facilities do not include any facility that is used for training officers from more than one station or substation.

***Public/Institutional:*** A governmental or institutional use, or a non-profit recreational use, not located in a shopping center. Typical uses include elementary, secondary or higher educational establishments, day care centers, hospitals, mental institutions, nursing homes, assisted living facilities, group homes, adult care homes, fire stations, city halls, county court houses, post offices, jails, libraries, museums, places of religious worship, military bases, airports, bus stations, fraternal lodges, parks and playgrounds.

***Public School:*** An educational institution organized under A.R.S. Title 15, including some or all of the grades from kindergarten through 12th grade. The site may contain athletic, dining, assembly and recreation facilities.

***Qualified Professional:*** Any one of the following: (a) a professional engineer, surveyor, financial analyst or planner, or other licensed professional providing services within the scope of that person's education or experience related to city planning, zoning, or development fees and holding a license issued by an agency or political subdivision of the State of Arizona; (b) a financial analyst, planner, or other non-licensed professional who is providing services within the scope of the person's education or experience related to city planning, zoning, or development fees; or (c) any other person operating under the supervision of one or more of the above.

***Regional Park:*** As defined in the City of Peoria General Plan.

***Residential Land Use:*** A Single-Family Detached, Multi-Family or Mobile Home Park development.

***Retail/Commercial:*** An establishment engaged in the selling or rental of goods, services or entertainment to the general public. Such uses include, but are not limited to, shopping centers, discount stores, supermarkets, home improvement stores, pharmacies, restaurants, bars, nightclubs, automobile sales and service, drive-through banks, movie theaters, amusement arcades, bowling alleys, barber shops, laundromats, funeral homes, private vocational or technical schools, dance studios, health clubs and banquet halls.

***Service Area:*** Any specified area within the boundaries of the City within which: (a) the City will provide a Category of Necessary Public Services to development at a planned Level of Service; and (b) within which (i) a Substantial Nexus exists between the Capital Facilities to be provided and the development to be served, or (ii) in the case of a Park Facility larger than 30 acres, a Direct Benefit exists between the Park Facilities and the development to be served, each as prescribed in the Infrastructure Improvements Plan. Some or all of the Capital Facilities providing service to a Service Area may be physically located outside of that Service Area provided that the required Substantial Nexus or Direct Benefit is demonstrated to exist.

***Service Unit:*** A unit of demand within a particular Category of Necessary Public Services, defined in terms of a standardized measure of the demand that a unit of development in a Category of Development generates for Necessary Public Services.

***Single-Family Detached:*** A building containing one dwelling unit on one lot, without attachment to any other dwelling and surrounded by open space or yards.

***Special Use Park:*** As defined in the City of Peoria General Plan.

***Subject Development:*** A contiguous land area linked by a unified plan of development, in furtherance of which the developer has made a capital improvement or other contribution for which credit is requested.

***Substantial Nexus:*** A substantial nexus exists where the demand for Necessary Public Services that will be generated by a development can be reasonably quantified in terms of the burden it will impose on the available capacity of existing Capital Facilities, the need it will create for new or expanded Capital Facilities, and/or the benefit to the development from those Capital Facilities.

***Swimming Pool:*** A public facility primarily designed and/or utilized for recreational non-competitive functions generally occurring within water, including, but not limited to, swimming classes, open public swimming sessions and recreational league swimming/diving events. The facility may be indoors, outdoors, or any combination thereof, and includes all necessary supporting amenities.

***Transportation Facilities:*** A Category of Necessary Public Services consisting of City-owned arterial streets; and also includes traffic signals and improvements thereon; culverts, irrigation tiling, and storm drains serving such streets.

***Useful Life:*** The period of time in which an asset can reasonably be expected to be used under normal conditions, whether or not the asset will continue to be owned and operated by the City over the entirety of such period.

***Vehicle:*** Any device, structure, or conveyance utilized for transportation in the course of providing a particular Category of Necessary Public Services, excluding helicopters and other aircraft.

***Warehouse:*** Establishments primarily engaged in the display, storage and sale of goods to other firms for resale; activities involving movement and storage of products or equipment; or an enclosed storage facility containing independent, fully enclosed bays that are leased to persons for storage of their household goods or personal property.

*Wastewater Facilities:* A Category of Necessary Public Services including but not limited to sanitary sewer lines, lift stations, reclamation plants, wastewater treatment plants, and all other facilities for the collection, interception, transportation, treatment and disposal of wastewater, as well as for the distribution of reclaimed water, and any appurtenances for those facilities.

*Water Facilities:* A Category of Necessary Public Services including but not limited to those facilities necessary to provide for water services to development, including the acquisition, supply, transportation, treatment, purification and distribution of water, and any appurtenances to those facilities.

*Water Resources:* A Category of Necessary Public Services including but not limited to those agreements and contracts the city executes to acquire and control current and future surface water rights and allocations.

(Ord. No. 02-59, 6/18/02, Enacted (SUPP 2002-2); Ord. No. 02-72, 8/20/02, Renumbered to Section 2-121 (SUPP 2002-3); Ord. No. 2014-19, 5/6/14, Enacted (SUPP 2014-2); Ord. No. [2024-14](#), 10/1/24)

**Sec. 20-32. Development fees; applicability.**

- (a) The provisions of Sections 20-30—20-43 shall apply to the territory within the corporate limits of the City, as those may be amended from time to time, as follows:
  - (1) Development fees for Fire and Police Facilities shall be assessed on all new development within the City's corporate limits.
  - (2) Development fees for Transportation shall be assessed within the following two Service Areas:
    - a. The Central Service Area, defined as the area of the city north of Deer Valley Road, south of SR 74, and east of the Agua Fria River; and
    - b. The North Service Area, defined as the area of the city west of the Agua Fria River and south of SR 74.
  - (3) Development fees for Parks Facilities shall be assessed in the following six (6) Service Areas:
    - a. The Zone 0 Service Area, defined as the area of the city south of a line parallel to and one-half mile south of the centerline of Bell Road.
    - b. The Zone 1 Service Area, defined as the area of the city north of a line parallel to and one-half mile north of the centerline of Bell Road and south of Happy Valley Road.
    - c. The Zone 2 Service area, defined as the area of the city north of Happy Valley Road, south of SR 74, and east of the Agua Fria River.
    - d. The Zone 3 Service Area, defined as the area of the city west of the Agua Fria River and south of SR 74, exclusive of the Zone 4 Service Area.
    - e. The Zone 4 Service Area, defined as the whole Saddleback Heights Master Planned Community generally located in the area of the city west of the Agua Fria River and south of SR 74.
    - f. Development fees for Community Parks shall be assessed on all new development within the City's corporate limits.
  - (4) Development fees for Water shall be assessed in the following three Service Areas:
    - a. The South of Bell Road Service Area, defined as the area of the city south of Bell Road to the southern city municipal boundary.
    - b. The North of Bell Road Service area, defined as the area of the city north of Bell Road, south of SR 74, and east of the Agua Fria River.
    - c. The West of the Agua Fria River Service Area, defined as the area of the city west of the Agua Fria River, south of SR 74 and North of Bell Road.
  - (5) Development fees for Wastewater shall be assessed in the following two Service Areas:
    - a. The East of the Agua Fria Service Area, defined as the area of the city east of the Agua Fria River and south of SR 74 that consists of the following.
      - 1. East Service Area North of Beardsley Road inclusive of Ventana Lakes; and
      - 2. East Service Area South of Beardsley Road inclusive of Ventana Lakes.
    - b. The West of the Agua Fria Service area, defined as the area of the city west of the Agua Fria River, and south of SR 74.
  - (6) Development fees for Water Resources shall be assessed in the following Service Area:
    - a. The Off-Project Service Area, defined as the area of the city not served by the Salt River Valley Water Users' Association. Generally this area is north and east of the boundary created by the New

River up to the terminus of the Salt River Project Arizona Canal and south of SR 74.

- b. The On-Project Service Area, defined as the areas of the city served by the Salt River Valley Water Users' Association.

(Ord. No. 02-59, 6/18/02, Enacted (SUPP 2002-2); Ord. No. 02-72, 8/20/02, Renumbered to Section 2-122 (SUPP 2002-3); Ord. No. 2014-19, 5/6/14, Enacted (SUPP 2014-2); Ord. No. [2019-21](#), § 1, 8/13/19; Ord. No. [2024-14](#), 10/1/24)

### **Sec. 20-33. Development fees; authority and requirements.**

- (a) *Authority.* The City shall assess and collect a development fee per A.R.S. § 9-463.05, for costs of Necessary Public Services, including all professional services required for the preparation or revision of an Infrastructure Improvements Plan, development fee, and required reports or audits conducted pursuant to this Chapter.
- (b) *Requirements.* Development fees shall be subject to the following requirements:
  - (1) The City shall develop and adopt a written report of the Land Use Assumptions and Infrastructure Improvements Plan that analyzes and defines the development fees that may be charged in each Service Area for each Category of Necessary Public Service.
  - (2) Development fees shall be assessed against all new commercial, residential, and industrial developments, provided that the City may assess different amounts of development fees against specific Categories of Development based on the actual burdens and costs that are associated with providing Necessary Public Services to that Category of Development.
  - (3) No development fees shall be charged, or Credits issued, for any Capital Facility that does not fall within one of the Categories of Necessary Public Services for which development fees may be assessed as identified in Sections 20-30 through 20-43 of this Chapter.
  - (4) Costs for Necessary Public Services made necessary by new development shall be based on the same Level of Service provided to existing development in the same Service Area. Development fees may not be used to provide a higher Level of Service to existing development or to meet stricter safety, efficiency, environmental, or other regulatory standards to the extent that these are applied to existing Capital Facilities that are serving existing development.
  - (5) Development fees may not be used to pay the City's administrative, maintenance, or other operating costs.
  - (6) Projected interest charges and financing costs can only be included in development fees to the extent they represent principal and/or interest on the portion of any Financing or Debt used to finance the construction or expansion of a Capital Facility identified in the Infrastructure Improvements Plan.
  - (7) Except for any fees included on Interim Fee Schedules, all development fees charged by the City must be included in a "Fee Schedule" prepared and adopted pursuant to this Chapter.
  - (8) All development fees shall meet the requirements of A.R.S. § 9-463.05.
  - (9) If the City agrees to waive any development fees assessed on a development, the City shall reimburse the appropriate development fee account for the amount that was waived.
  - (10) The actual development fees to be assessed shall be disclosed and adopted in the form of development fee schedules in Tables 27-19(a)-(g).

(Ord. No. 02-59, 6/18/02, Enacted (SUPP 2002-2); Ord. No. 02-72, 8/20/02, Renumbered to Section 2-123 (SUPP 2002-3); Ord. No. 2014-19, 5/6/14, Enacted (SUPP 2014-2); Ord. No. [2019-21](#), § 2, 8/13/19)

### **Sec. 20-34. Development Fees; administration.**

- (a) *Separate Accounts.* Development fees collected pursuant to this Chapter shall be placed in separate, interest-bearing accounts for each Category of Necessary Public Services within each Service Area.
- (b) *Limitations on Use of Fees.* Development fees and any interest thereon collected pursuant to this Chapter shall be spent to provide Capital Facilities associated with the same Category of Necessary Public Services in the same Service Area for which they were collected, including costs of Financing or Debt used by the City to finance such Capital Facilities and other costs authorized by this Chapter that are included in the Infrastructure Improvements Plan.
- (c) *Time Limit.* Development fees collected after July 31, 2014 shall be used within ten (10) years of the date upon which they were collected for all Categories of Necessary Public Services except for Water and Wastewater Facilities. Development fees for Water and Wastewater Facilities collected after July 31, 2014 shall be used within fifteen (15) years of the date upon which they were collected.

(Ord. No. 02-59, 6/18/02, Enacted (SUPP 2002-2); Ord. No. 02-72, 8/20/02, Renumbered to Section 2-124 (SUPP 2002-3); Ord. No. 2014-19, 5/6/14, Enacted (SUPP 2014-2))

### **Sec. 20-35. Development fees; land use assumptions.**

The Infrastructure Improvements Plan shall be consistent with the City's current Land Use Assumptions for each Service

Area and each Category of Necessary Public Services as adopted by the City pursuant to A.R.S. § 9-463.05.

- (a) *Reviewing the Land Use Assumptions.* Prior to the adoption or amendment of an Infrastructure Improvements Plan, the City shall review and evaluate the Land Use Assumptions on which the Infrastructure Improvements Plan is to be based to ensure that the Land Use Assumptions within each Service Area conform to the General Plan.
- (b) *Evaluating Necessary Changes.* If the Land Use Assumptions upon which an Infrastructure Improvements Plan is based have not been updated within the last five (5) years, the City shall evaluate the Land Use Assumptions to determine whether changes are necessary. If, after general evaluation, the City determines that the Land Use Assumptions are still valid, the City shall issue the notice required in Section 20-41 of this Chapter.
- (c) *Required Modifications to Land Use Assumptions.* If the City determines that changes to the Land Use Assumptions are necessary in order to adopt or amend an Infrastructure Improvements Plan, it shall make such changes as necessary to the Land Use Assumptions prior to or in conjunction with the review and approval of the Infrastructure Improvements Plan pursuant to Section 20-37 of this Chapter.

(Ord. No. 02-59, 6/18/02, Amended (SUPP 2002-2); Ord. No. 2014-19, 5/6/14, Enacted (SUPP 2014-2))

## **Sec. 20-36. Development fees; Infrastructure Improvement Plan.**

- (a) *Infrastructure Improvements Plan Contents.* The Infrastructure Improvements Plan shall be developed by Qualified Professionals and may be based upon or incorporated within the City's Capital Improvements Plan. The Infrastructure Improvements Plan shall:
  - (1) Specify the Categories of Necessary Public Services for which the City will impose a development fee.
  - (2) Define and provide a map of one or more Service Areas within which the City will provide each Category of Necessary Public Services for which development fees will be charged. Each Service Area must be defined in a manner that demonstrates a Substantial Nexus between the Capital Facilities to be provided in the Service Area and the Service Units to be served by those Capital Facilities. For Libraries and for Parks larger than 30 acres, each Service Area must be defined in a manner that demonstrates a Direct Benefit between the Capital Facilities and the Service Units to be served by those Capital Facilities.

The City may cover more than one category of Capital Facilities in the same Service Area provided that there is an independent Substantial Nexus or Direct Benefit, as applicable, between each Category of Necessary Public Services and the Service Units to be served.
  - (3) Identify and describe the Land Use Assumptions upon which the Infrastructure Improvements Plan is based in each Service Area.
  - (4) Analyze and identify the existing Level of Service provided by the City to existing Service Units for each Category of Necessary Public Services in each Service Area.
  - (5) Identify the Level of Service to be provided by the City for each Category of Necessary Public Services in each Service Area based on the relevant Land Use Assumptions and any established City standards or policies related to required Levels of Service. If the City provides the same Category of Necessary Public Services in more than one Service Area, the Infrastructure Improvements Plan shall include a comparison of the Levels of Service to be provided in each Service Area.
  - (6) For each Category of Necessary Public Services, analyze and identify the existing capacity of the Capital Facilities in each Service Area, the utilization of those Capital Facilities by existing Service Units and the available excess capacity of those Capital Facilities to serve new Service Units including any existing or planned commitments or agreements for the usage of such capacity.
  - (7) Estimate the total number of existing and future Service Units within each Service Area based on the City's Land Use Assumptions.
  - (8) Based on the analysis in subsections (3)—(6) above, provide a summary table or tables describing the Level of Service for each Category of Necessary Public Services by relating the required Capital Facilities to Service Units in each Service Area, and identifying the applicable Service Unit factor associated with each Category of Development.
  - (9) For each Category of Necessary Public Services, analyze and identify the projected utilization of any available excess capacity in existing Capital Facilities, and all new or expanded Capital Facilities that will be required to provide and maintain the planned Level of Service in each Service Area as a result of the new projected Service Units in that Service Area, for a period not to exceed ten (10) years. Nothing in this Subsection shall prohibit the City from additionally including in its Infrastructure Improvements Plan projected utilization of, or needs for, Capital Facilities for a period longer than ten (10) years, provided that the costs of such Capital Facilities are excluded from the calculation of the Plan-Based Cost per Service Unit.
  - (10) For each Category of Necessary Public Services, estimate the total cost of any available excess capacity and/or new or expanded Capital Facilities that will be required to serve new Service Units, including costs of land acquisition, improvements, engineering and architectural services, studies leading to design, design, construction, financing, and administrative costs. Such total costs shall not include costs for ongoing operation and maintenance of Capital Facilities, nor for replacement of Capital Facilities to the extent that such

replacement is necessary to serve existing Service Units. If the Infrastructure Improvements Plan includes changes or upgrades to existing Capital Facilities that will be needed to achieve or maintain the planned Level of Service to existing Service Units, or to meet new regulatory requirements for services provided to existing Service Units, such costs shall be identified and distinguished in the Infrastructure Improvements Plan.

(11) Forecast the revenues from taxes, fees, assessments or other sources that will be available to fund the new or expanded Capital Facilities identified in the Infrastructure Improvements Plan, which shall include estimated state-shared revenue, highway users revenue, federal revenue, ad valorem property taxes, construction contracting or similar excise taxes and the capital recovery portion of utility fees attributable to development based on the approved Land Use Assumptions.

(12) Calculate required Offsets as follows:

- a. Identify those sources of revenue that: (i) are attributable to new development, and (ii) will contribute to paying for the capital costs of Necessary Public Services.
- b. For each source of revenue identified pursuant to paragraph a of this Subsection, calculate the relative contribution of new development paying for the capital costs of Necessary Public Services in each Service Area.
- c. Based on the relative contributions identified pursuant to paragraph b of this Subsection, for each Category of Necessary Public Services, calculate the total Offset per Service Unit to be provided in each Service Area.
- d. Beginning August 1, 2014, for purposes of calculating the required Offset, if the City imposes a construction, contracting, or similar excise tax rate in excess of the percentage amount of the transaction privilege tax rate that is imposed on the majority of other transaction privilege tax classifications in the City, the entire excess portion of the construction, contracting, or similar excise tax shall be treated as a contribution to the capital costs of Necessary Public Services provided to new development unless the excess portion is already utilized for such purpose pursuant to this Section.

(13) Calculate the Cost per Service Unit by:

- a. Dividing the total projected costs to provide Capital Facilities to new Service Units for each Category of Necessary Public Services in each Service Area as determined pursuant to Subsections 1 through 11 of this Section by the total number of new Service Units projected for that Service Area over a period not to exceed ten (10) years for each Category of Necessary Public Services.
- b. Subtracting the required Offset per Service Unit calculated pursuant to Subsection 12 of this Section.

(b) *Multiple Plans.* An Infrastructure Improvements Plan adopted pursuant to this Subsection may address one or more of the City's Categories of Necessary Public Services in any or all of the City's Service Areas. Each Capital Facility shall be subject to no more than one Infrastructure Improvements Plan at any given time.

(c) *Reserved Capacity.* The City may reserve capacity in an Infrastructure Improvements Plan to serve one or more planned future developments. All reservations of existing capacity must be identified in the Infrastructure Improvements Plan at the time it is adopted.

(Ord. No. 02-59, 6/18/02, Amended (SUPP 2002-2); Ord. No. 2014-19, 5/6/14, Enacted (SUPP 2014-2))

## **Sec. 20-37. Development fees; adopting infrastructure improvements plan; adopting fees; procedures.**

(a) *Adopting or Amending the Infrastructure Improvements Plan.* The Infrastructure Improvements Plan shall be adopted or amended subject to the following procedures:

(1) *Major Amendments to the Infrastructure Improvements Plan.* Except as provided in paragraph 2 of this Subsection, the adoption or amendment of an Infrastructure Improvements Plan shall occur at one or more public hearings according to the following schedule, and may occur concurrently with the adoption of an update of the City's Land Use Assumptions as provided in Section 20-35 of this Chapter:

- a. Sixty days before the first public hearing regarding a new or updated Infrastructure Improvements Plan, the City shall provide public notice of the hearing and post the Infrastructure Improvements Plan and the underlying Land Use Assumptions on its website; the City shall additionally make available to the public the documents used to prepare the Infrastructure Improvements Plan and underlying Land Use Assumptions and the amount of any proposed changes to the Cost per Service Unit.
- b. The City shall conduct a public hearing on the Infrastructure Improvements Plan and underlying Land Use Assumptions.
- c. The City shall approve or disapprove the Infrastructure Improvements Plan within 60 days, but no sooner than 30 days, after the public hearing. If the document was amended as a result of the public hearing, the revised Infrastructure Improvements Plan shall be posted on the City's public website at least 15 days prior to the meeting.

- (2) *Minor Amendments to the Infrastructure Improvements Plan.* Notwithstanding the other requirements of this Section, the City may update the Infrastructure Improvements Plan and/or its underlying Land Use Assumptions without a public hearing if all of the following apply:
- a. The changes in the Infrastructure Improvements Plan and/or the underlying Land Use Assumptions will not add any new Category of Necessary Public Services to any Service Area.
  - b. The changes in the Infrastructure Improvements Plan and/or the underlying Land Use Assumptions will not increase the Level of Service to be provided in any Service Area.

- c. Based on a written analysis, the changes in the Infrastructure Improvements Plan and/or the underlying Land Use Assumptions would not, individually or cumulatively with other amendments undertaken pursuant to this Subsection, have caused a development fee in any Service Area to have been increased by more than five (5) per cent above the development fee that is provided in the current development fee schedule.
- d. At least 30 days prior to the date that any amendment pursuant to this Section is adopted, the City shall post the proposed amendments on the City website.

(b) *Adopting or Amending the Fees.* Any adoption or amendment of a development fee schedule shall occur at one or more public hearings according to the following schedule:

- (1) The first public hearing on the fee schedule must be held at least 30 days after the adoption or approval of the Infrastructure Improvements Plan as provided in Subsection A of this Section. The City must give at least 30 days' notice prior to the hearing, provided that this notice may be given on the same day as the approval or disapproval of the Infrastructure Improvements Plan.
- (2) The City shall make the fee schedule available to the public on the City's website 30 days prior to the public hearing described in Paragraph 1 of this Subsection.
- (3) The fee schedule may be adopted by the City no sooner than 30 days, and no later than 60 days, after the hearing described in Paragraph 1 of this Subsection. If the fee schedule was amended as a result of the public hearing, the revised fee schedule shall be posted on the City's public website at least 15 days prior to the meeting.
- (4) The development fee schedule adopted pursuant to this Subsection shall become effective no earlier than 75 days after adoption of the fee schedule by the City.
- (5) The adopted development fee schedule set forth in the section is identified in Chapter 27, Tables 27-19 (a), 27-19 (b), 27-19 (c), 27-19 (d), 27-19 (e), 27-19 (f), and 27-19 (g).

(Ord. No. 02-59, 6/18/02, Amended (SUPP 2002-2); Ord. No. 2014-19, 5/6/14, Enacted (SUPP 2014-2); Ord. No [2017-32](#), § 6, 6-13-17; Ord. No. [2019-21](#), § 2, 8/13/19)

### **Sec. 20-38. Development fees; updates; schedules.**

- (a) *Updating the Infrastructure Improvements Plan.* Except as provided in Subsection B of this Section, not later than every five (5) years the City shall update the applicable Infrastructure Improvements Plan related to each Category of Necessary Public Services pursuant to Section 20-37 of this Chapter. Such five-year period shall be calculated from the date of the adoption of the Infrastructure Improvements Plan.
- (b) *Determination of No Changes.* Notwithstanding Subsection A of this Section, if the City determines that no changes to an Infrastructure Improvements Plan, underlying Land Use Assumptions, or fee schedules are needed, the City may elect to continue the existing Infrastructure Improvements Plan without amendment by providing notice as follows:
  - (1) Notice of the determination shall be published at least 180 days prior to the end of the five-year period described in Subsection A of this Section.
  - (2) The notice shall identify the Infrastructure Improvements Plan and fee schedule that shall continue in force without amendment.
  - (3) The notice shall provide a map and description of the Service Area(s) covered by such Infrastructure Improvements Plan and fee schedule.
  - (4) The notice shall identify an address to which any resident of the City may submit, within 60 days, a written request that the City update the Infrastructure Improvements Plan, underlying Land Use Assumptions, and/or fee schedule and the reasons and basis for the request.
- (c) *Response to Comments.* The City shall consider and respond within 30 days to any timely requests submitted pursuant to Paragraph 4 of Subsection (b) of this Section.

(Ord. No. 02-59, 6/18/02, Amended (SUPP 2002-2); Ord. No. 2014-19, 5/6/14, Enacted (SUPP 2014-2))

### **Sec. 20-39. Development fees; collection.**

(a) *Collection.* Development fees, together with any administrative charges assessed to defray the costs of administering Sections 20-30—20-43, shall be calculated and collected at issuance of permission to commence development; specifically:

(1) Development fees shall be paid at the time of issuance of a Building Permit according to the current development fee schedule for the applicable Service Area(s) as adopted pursuant to this code, or according to any other applicable development fee schedule as authorized in this Chapter.

a. The City shall determine the amount of each required development fee through the use of the applicable fee schedule.

b. The City shall determine the Category of Development for each development based on overall, long-term impact of the development. In general, impact fees shall be assessed based on the principal use of a building or lot. For example, a warehouse that contains an administrative office would be assessed at the warehouse rate for all of the square footage. Shopping centers shall be assessed at the retail/commercial rate, regardless of the type of tenants. For a true mixed-use development, as defined in Chapter 21 of the Peoria City Code, such as one that includes both residential and nonresidential development, the Development Fee shall be determined by adding up the fees that would be payable for each use as if it was a free-standing land use type pursuant to the fee schedule. For uses that cannot readily be designated under a particular Category of Development, the City Manager or his designee shall determine the category the particular use will be assigned based on which category has a daily trip generation rate most similar to the proposed use.

c. The City shall determine the water meter size for each lot based on the actual meter size installed on each lot. If the exact meter size is not listed in a table, then the City shall use the next largest meter size in such table. If a lot consists of two (2) or more separate areas with separate meters in each separate area, then the development fee shall be determined by adding up all the fees that would be applicable for each meter size in each separate area.

d. In assessing the development fees for Non-Residential land use types, square footage shall be measured in terms of Gross Floor Area, and any determination of square footage shall be in whole units, with any fractions thereof being rounded up to the next square foot.

e. Development fees for development projects involving an addition to or remodeling of an existing facility, change of use, change of housing type, change of meter size or other modification or redevelopment of a previously developed lot or building with a valid certificate of occupancy shall be calculated as follows: the applicable development fees for the proposed development as set forth in the current development fee schedules minus the applicable development fees for the previous development as set forth in the current development fee schedules. In the event that the difference is negative, no refund of previously paid development fees shall be made.

(2) If a Building Permit is not required for the development, but water connections are required, any and all development fees due shall be paid at the time the water service connection is purchased. If no Building Permit or water connection is required, all development fees shall be paid prior to development approval.

(3) In determining the amount of fees required for land included in a community facilities district established under A.R.S. Title 48, Chapter 4, Article 6, the City shall take into account any Capital Facilities provided by the district that are included in the Infrastructure Improvements Plan ("Included Capital Facilities") and the capital costs paid by the district for such Included Capital Facilities, and shall reduce development fees assessed within the community facilities district proportionally.

(4) No Building Permit, water or sewer connection, or certificate of occupancy shall be issued if a development fee is not paid as directed in the previous paragraphs.

(5) If the Building Permit is for a change in the type of building use, an increase in square footage, a change to land use, or an additional or upgraded point of demand to the water system, the development fee shall be assessed on the additional service units resulting from the expansion or change, and following the development fee schedule applicable to any new use type.

(6) For issued permits that expire or are voided, development fees and administrative charges shall be as follows:

a. If the original permittee is seeking to renew an expired or voided permit, and the development fees paid for such development have not been refunded, then the permittee shall pay the difference between any development fees paid at the time the permit was issued and those in the fee schedule at the time the permit is reissued or renewed.

b. If a new or renewed permit for the same development is being sought by someone other than the original permittee, the new permit Applicant shall pay the full development fees specified in the fee schedule in effect at the time that the permits are reissued or renewed. If the original permittee has assigned its rights under the permits to the new permit Applicant in writing, the new permit Applicant shall pay development fees as if it were the original permittee upon presentation of such written assignment to the City.

(b) *Exceptions.* Development fees shall not be owed under any of the following conditions.

- (1) Development fees have been paid for the development and the permit(s) which triggered the collection of the development fees have not expired or been voided.
- (2) The approval(s) that trigger the collection of development fees involve modifications to existing development that do not: (a) add new Service Units, (b) increase the impact of existing Service Units on existing or future Capital Facilities, or (c) change the land-use type of the existing development to a different Category of Development for which a higher development fee would have been due. To the extent that any modification does not meet the requirements of this paragraph, the development fee due shall be the difference between the development fee that was or would have been due on the existing development and the development fee that is due on the development as modified.
- (3) Public schools and charter schools shall be exempt from payment of Parks, Fire and Police development fees to the extent provided by law.
- (4) Temporary structures for which an administrative use permit is secured for use as a sales office and not for residential or other purposes and intended to be removed within the two-year period granted under the use permit shall be exempt from development fees. This exemption shall not apply where the temporary building is erected on a parcel of land upon which a permanent building with permanent facilities is to be constructed.

(c) *Temporary Exemptions from Development Fee Schedules.* New developments in the City shall be temporarily exempt from increases in development fees that result from the adoption of new or modified development fee schedules as follows:

- (1) *Single-Family Uses.* On or after the day that the first building permit is issued for a Single-Family Detached subdivision development, the City shall, at the permittee's request, provide the permittee with an applicable development fee schedule that shall be in force for a period of 24 months beginning on the day that the first building permit is issued for the subdivision, and which shall expire at the end of the first business day of the 25th month thereafter. During the effective period of the applicable development fee schedule, any building permit issued for the same Single-Family subdivision development shall not be subject to any new or modified development fee schedule, provided that if the City reduces the amount of an applicable development fee during the period that a grandfathered development fee schedule is in force, the City shall assess the lower development fee.
- (2) *Non-Residential and Multi-Family Uses.* On or after the day that the final approval is issued for a Non-Residential or Multi-Family development, the City shall provide an applicable development fee schedule that shall be in force for a period of 24 months beginning on the day that final development approval of a site plan and/or final commercial subdivision plat is given, whichever is earlier, and which shall expire at the end of the first business day of the 25th month thereafter. For the purpose of this paragraph, final approval shall mean the approval of a site plan or, if no site plan is required to be submitted for the development, the approval of a final subdivision plat. If no site plan or final subdivision plat is required, final approval shall mean the issuance of the first building permit on the property. During the effective period of the applicable development fee schedule, any building permit issued for the same development shall not be subject to any new or modified development fee schedule, provided that if the City reduces the amount of an applicable development fee during the period that a grandfathered development fee schedule is in force, the City shall assess the lower development fee.
- (3) *Other Development.* Any development not covered under paragraphs (1) and (2) of this Subsection shall pay development fees according to the fee schedule that is current at the time of collection as specified in Subsection A of this Section.
- (4) *Changes to Site Plans and Subdivision Plats.* Notwithstanding the other requirements of this Subsection, if changes are made to a development's final site plan or subdivision plat that will increase the number of service units after the issuance of a grandfathered development fee schedule, the City may assess any new or modified development fees against the additional service units.

(Ord. No. 02-59, 6/18/02, Amended (SUPP 2002-2); Ord. No. 2014-19, 5/6/14, Enacted (SUPP 2014-2); Ord. No.[2024-14](#), 10/1/24)

## **Sec. 20-40. Development fees; credits.**

(a) *Eligibility of Capital Facility.* All development fee Credits must meet the following requirements:

1. One of the following is true:
  - a. The Capital Facility or the financial contribution toward a Capital Facility that will be provided by the Developer and for which a Credit will be issued must be identified in an adopted Infrastructure Improvements Plan as a Capital Facility for which a development fee was assessed; or
  - b. The Applicant must demonstrate to the satisfaction of the City that, given the class and type of improvement, the subject Capital Facility should have been included in the Infrastructure Improvements Plan in lieu of a different Capital Facility that was included in the Infrastructure Improvements Plan and for which a development fee was assessed. If the subject Capital Facility is determined to be eligible for

a Credit in this manner, the City shall amend the Infrastructure Improvements Plan to (i) include the subject replacement facility and (ii) delete the facility that will be replaced. The decision of the City on such determinations is final and not subject to any appeal under this code.

2. Credits shall not be available for any Capital Facility provided by a Developer if the cost of such Capital Facility will be repaid to the Developer by the City through another agreement or mechanism. To the extent that the Developer will be paid or reimbursed by the City for any contribution, payment, construction, or dedication from any City funding source, any Credits claimed by the Developer shall be: (a) deducted from any amounts to be paid or reimbursed by the City; or (b) reduced by the amount of such payment or reimbursement.

(b) *Eligibility of Subject Development.* To be eligible for a Credit, the Subject Development must be located within the Service Area of the eligible Capital Facility.

(c) *Calculation of Credits.* With the exception of Parks Facilities Credits, Credits will be based on that portion of the costs for an eligible Capital Facility identified in the adopted Infrastructure Improvements Plan for which a development fee was assessed. If the Gross Development Fee for a particular Category of Necessary Public Service is adopted at an amount lower than the Cost per Service Unit, the amount of any Credit shall be reduced in proportion to the difference between the Cost per Service Unit and the Gross Development Fee adopted. A Credit shall not exceed the lesser of (1) the costs for an eligible Capital Facility as identified in the adopted Infrastructure Improvements Plan; or (2) the actual costs the Applicant incurred in providing the eligible Capital Facility; or (3) the amount of the applicable development fee for the Subject Development.

(d) *Calculation of Park Facilities Credits.* Park Facilities Credits will be based on that portion of the costs for an eligible Capital Facility identified in the adopted Infrastructure Improvements Plan for which a development fee was assessed. If the Gross Development Fee for a particular Category of Necessary Public Service is adopted at an amount lower than the Cost per Service Unit, the amount of any Credit shall be reduced in proportion to the difference between the Cost per Service Unit and the Gross Development Fee adopted. The Park Facilities Credit shall be the lesser of (1) the costs for an eligible Capital Facility identified in the adopted Infrastructure Improvements Plan; or (2) the actual costs the Applicant incurred in providing the eligible Capital Facility.

(e) *Allocation of Credits.* Before any Credit can be issued to a Subject Development (or portion thereof), the Credit must be allocated to that development as follows:

(1) The Developer and the City must execute a Credit Agreement including all of the following:

- a. The total amount of the Credits resulting from provision of an eligible Capital Facility.
- b. The estimated number of Service Units to be served within the Subject Development.
- c. The method by which the Credit values will be allocated within the Subject Development.

(2) It is the sole obligation of the Developer to request allocation of development fee Credits by the City through an application for a Credit Agreement.

(3) If a building permit is issued or a water connection is purchased, and a development fee is paid prior to execution of a Credit Agreement for the Subject Development, no Credits may be allocated retroactively to that permit or connection. Credits may be allocated to any remaining permits for the Subject Development in accordance with this Chapter.

(4) If the entity that provides an eligible Capital Facility sells or relinquishes a development (or portion thereof) that it owns or controls prior to execution of a Credit Agreement, Credits will only be allocated to the development if the entity legally assigns such rights and responsibilities to its successor(s) in interest for the Subject Development, together with an agreement for the assignment of and assumption of all duties between entity and the City pursuant to any agreements between the entity and City.

(5) If multiple entities jointly provide an eligible Capital Facility, all entities must enter into a single Credit Agreement with the City, and any request for the allocation of Credit within the Subject Development(s) must be made jointly by the entities that provided the eligible Capital Facility. Failure by any entity to enter into a Credit Agreement with the City shall be deemed a waiver of any rights to receive credits under this Chapter.

(6) No assignment or assumption of any Credit Agreement shall be recognized by the City unless such written assignment or assumption of the Credit Agreement is filed with the City Clerk of the City.

(f) *Credit Agreement.* Credits shall only be issued pursuant to a Credit Agreement executed in accordance with Subsection (e) of this Section. The City Council may authorize the City Manager to enter into a Credit Agreement as part of the approval of zoning and/or development agreements with the controlling entity of a Subject Development, subject to the following:

(1) The Developer requesting the Credit Agreement shall provide all information requested by the City to allow it to determine the value of the Credit to be applied.

(2) An application for a Credit Agreement shall be submitted to the City by the Developer not later than the one year anniversary of the date that the City accepted completion of and assumed ownership and/or control of the Capital Facility. Failure to submit an application for a Credit Agreement to the City shall be deemed a

waiver of any rights to receive credits under this Chapter.

(3) The City shall promulgate a form Credit Agreement that has been approved by the City Attorney pursuant to Article VIII, Section 1 of the Peoria City Charter. The Developer shall review and submit all of the information set forth in this paragraph (3) for review by the City. The Credit Agreement shall include, at a minimum, all of the following information and supporting documentation:

- a. A legal description and map depicting the location of the Subject Development for which Credit is being applied. The map shall depict the location of the Capital Facilities that have been or will be provided.
- b. An estimate of the total Service Units that will be developed within the Subject Development depicted on the map and described in the legal description.
- c. A list of the Capital Facilities, associated physical attributes and the related costs as stated in the Infrastructure Improvements Plan.
- d. Documentation showing the date(s) and letters of acceptance by the City, if the Capital Facilities have already been provided.
- e. The total amount of Credit to be applied within the Subject Development and the calculations leading to the total amount of Credit.
- f. The Credit amount to be applied to each Service Unit within the Subject Development for each Category of Necessary Public Services.

(4) The applicant shall pay the cost incurred by the City in making the determination as set forth in Chapter 2 of this Code. The City as a condition of proceeding with the application will require a deposit of the reasonably estimated cost. The City's determination of the Credit to be allocated is final and not subject to any further review.

(5) Upon execution of the Credit Agreement by the City and the Applicant, Credits shall be deemed allocated to the Subject Development and applied to development fee charges as incurred. No Credit Agreement shall give rise to any other financial obligation by the City other than the provision of credits against Development Fees in accordance with the terms of the Credit Agreement.

(6) Any amendment to a previously approved Credit Agreement must be initiated within two (2) years of the City's final acceptance of the eligible Capital Facility for which the amendment is requested or such right to request an amendment is deemed irrevocably waived.

(7) Development credits must be used within ten (10) years from the date of the Credit Agreement or are deemed irrevocably forfeited.

(g) *Issuance of Credits.* Credits allocated pursuant to Subsection (e) of this Section may be issued and applied toward the Gross Development Fees due from a development, subject to the following conditions:

- (1) Credits issued for an eligible Capital Facility may only be applied to the development fee due for the applicable Category of Necessary Public Services, and may not be applied to any fee due for another Category of Necessary Public Services.
- (2) Credits shall only be issued when the eligible Capital Facility from which the Credits were derived has been accepted by the City or acceptable forms of assurance are approved in writing by the City.
- (3) Where Credits have been issued pursuant to paragraph (2) of this Subsection, a development fee due at the time a building permit is issued shall be reduced by the Credit amount stated in or calculated from the executed Credit Agreement. Where Credits have not yet been issued, the Gross Development Fee shall be paid in full.
- (4) Credits, once issued, may not be rescinded or reallocated to another permit or parcel, except that Credits may be released for reuse on the same Subject Development if a building permit for which the Credits were issued has expired or been voided and is otherwise eligible for a refund under Section 20-32.(a)(2)(a) of this Chapter.

(h) *Allocation and issuance of Park Facilities Credits.* Park Facilities Credits shall be allocated and issued as set forth in Subsections (e) through (g) of this Section, but the following shall also apply to Park Facilities Credits:

- (1) Park Facilities Credits shall be allocated and issued based on the Development Fees collected and available from all Developments within the Service Area of the eligible Park Facility.
- (2) Park Facilities Credits shall be allocated and issued on a first come, first served basis. First come, first served means the priority for the allocation and issuance of Park Facilities Credits is given to Applicants according to the chronological order of the Credit Agreements received by the City and executed.
- (3) Park Facilities Credits shall continue to be issued to the Developer, as prioritized pursuant to Section 20-40.(h)(2), until such time that either of the following occurs:

- a. The Subject Development has not generated development fees within six (6) months of entering into a Credit Agreement with the City; or
- b. The Subject Development has not generated an adequate amount of development fees, as required by the Credit Agreement or as determined by the City in its sole discretion, within six (6) months of being issued a permit by the City; or
- c. The Developer has received all Park Facilities Credits it is entitled to pursuant to this Chapter 20 of the Peoria City Code and the terms of the Credit Agreement.

(4) If a Developer's priority right to collect Park Facilities Credits is terminated pursuant to Section 20-40.(h)(3) above, the priority of the allocation and issuance of Park Facilities Credits will then be reprioritized chronologically to the next Developer, and respective Credit Agreement, in the priority sequence established pursuant to Section 20-40.(h)(2).

(Ord. No. 02-59, 6/18/02, Amended (SUPP 2002-2); Ord. No. 2014-19, 5/6/14, Enacted (SUPP 2014-2); Ord. No. [2024-14](#), 10/1/24)

#### **Sec. 20-41. Development fees; appeals.**

A development fee determination by City staff may be appealed in accordance with the following procedures:

- (a) *Limited Scope.* An appeal shall be limited only to disputes regarding the calculation of the development fees for a specific development and/or permit and calculation of Service Units for the development. No other administrative actions of the City pursuant to Sections 20-30—20-43 of this code shall be subject to appeal.
- (b) *Form of Appeal.* An appeal shall be initiated on such written form as the City may prescribe and submitted to the Finance Director. The Applicant shall submit a written notice of appeal with a full statement of the grounds and an appeal fee as provided in Chapter 2 of this Code.
- (c) *Action by Hearing Officer.* The City shall assign the matter to a hearing officer, who shall consider the applicant's statement of the grounds and the City's response which shall be filed within ten calendar days following the applicant's appeal. The Hearing Officer shall act upon the appeal within 10 calendar days following the filing of the City's response. Failure to file a response shall be deemed a waiver of the right to respond. Continuances may only be granted by the hearing officer for good cause and all parties shall be notified of the decision in writing.
- (d) *Final Decision.* The Hearing Officer's decision regarding the appeal is final.
- (e) *Fees During Pendency.* Building permits may be issued during the pendency of an appeal if the Applicant (1) pays the full development fee calculated by the City at the time the appeal is filed or (2) provides the City with financial assurances in the form acceptable to the City Manager or authorized designee equal to the full amount of the development fee. Upon final disposition of an appeal, the fee shall be adjusted in accordance with the decision rendered, and a refund paid if warranted. If the appeal is denied by the Hearing Officer, and the Applicant has provided the City with financial assurances as set forth in clause (2) above, the Applicant shall deliver the full amount of the development fee to the City within ten days of the Hearing Officer's final decision on the appeal. If the Applicant fails to deliver the full amount of the development fees when required by this Subsection, the City may draw upon such financial assurance instrument(s) as necessary to recover the full amount of the development fees due from the Applicant.

(Ord. No. 02-59, 6/18/02, Amended (SUPP 2002-2); Ord. No. 2014-19, 5/6/14, Enacted (SUPP 2014-2))

#### **Sec. 20-42. Development fees; refunds.**

- (a) *Refunds.* A refund (or partial refund) will be paid to any current owner of property within the City who submits a written request to the City and demonstrates that:
  1. The permit(s) that triggered the collection of the development fee have expired or been voided prior to the commencement of the development for which the permits were issued and the development fees collected have not been expended, encumbered, or Pledged for the repayment of Financing or Debt; or
  2. The owner of the subject real property or its predecessor in interest paid a development fee for the applicable Category of Necessary Public Services on or after August 1, 2014, and one of the following conditions exists:
    - a. The Capital Facility designed to serve the subject real property has been constructed, has the capacity to serve the subject real property and any development for which there is reserved capacity and the service which was to be provided by that Capital Facility has not been provided to the subject real property from that Capital Facility or from any other Capital Facility.
    - b. After collecting the fee to construct a Capital Facility, the City fails to complete construction of the Capital Facility within the time period identified in the Infrastructure Improvements Plan, as it may be amended, and the corresponding service is otherwise unavailable to the subject real property from that Capital Facility or any other Capital Facility.
    - c. For a Category of Necessary Public Services other than Water Facilities, any part of a development

fee is not spent within ten (10) years of the City's receipt of the development fee.

d. Any part of a development fee for Water Facilities is not spent within fifteen (15) years of the City's receipt of the development fee.

e. The development fee was calculated and collected for the construction cost to provide all or a portion of a specific Capital Facility serving the subject real property and the actual construction costs as certified by the City Manager or his designee for the Capital Facility are less than the construction costs projected in the Infrastructure Improvements Plan by a factor of 10% or more. In such event, the current owner of the subject real property shall, upon request as set forth in this Section A, be entitled to a refund for the difference between the amounts of the development fee charged for and attributable to such construction cost and the amount the development fee would have been calculated to be if the actual construction cost had been included in the Infrastructure Improvements Plan. In performing the recalculation, the City may take into consideration actual construction costs for other improvements serving the subject real property that were included in the Infrastructure Improvements Plan for the same Category of Necessary Public Facilities. The refund contemplated by this Subsection shall relate only to the costs specific to the construction of the applicable Capital Facility and shall not include any related design, administrative, or other costs not directly incurred for construction of the Capital Facility that are included in the development fee as permitted by A.R.S. § 9-463.05.

(b) *Earned Interest.* A refund of a development fee shall include any interest actually earned on the refunded portion of the development fee by the City from the date of collection to the date of refund. All refunds shall be made to the record owner of the property at the time the refund is paid.

(c) *Refund to Government.* If a development fee was paid by a governmental entity, any refund shall be paid to that governmental entity.

(d) *Correction of Errors.* The City Manager or his designee is hereby authorized and directed to correct any error in the assessment and collection of development fees detected within twenty-four (24) months of the date of the payment of the development fees, including assessing additional development fee amounts or issuing a refund from the appropriate development fee fund(s), to the extent of their authority to do so. If such refund exceeds the authority of the City Manager, it shall be submitted to the City Council for a determination.

(e) *No Refund for Change of Development.* After a development fee has been paid pursuant to this Chapter, no refund of any part of such development fee shall be made if the development for which the development fee was paid is later demolished, destroyed, or is altered, reconstructed, or reconfigured so as to reduce the size of the development, the number of units in the development, or the number of Service Units.

(Ord. No. 02-59, 6/18/02, Amended (SUPP 2002-2); Ord. No. 2014-19, 5/6/14, Enacted (SUPP 2014-2))

#### **Sec. 20-43. Development fees; program oversight.**

(a) The Finance and Budget Department is authorized to make determinations regarding the application, administration and enforcement of the provisions of this Chapter.

(b) *Annual Report.* Within 90 days of the end of each fiscal year, the City shall file with the City Clerk an unaudited annual report accounting for the collection and use of the fees for each service area and shall post the report on its website in accordance with A.R.S. § 9-463.05, Subsections N and O, as amended.

(c) *Biennial Audit.* In addition to the Annual Report described in Subsection (b) of this Section, the City shall provide for a biennial, certified audit of the City's Land Use Assumptions, Infrastructure Improvements Plan and development fees.

(1) An audit pursuant to this Subsection shall be conducted by one or more Qualified Professionals who are not employees or officials of the City and who did not prepare the Infrastructure Improvements Plan. The Audit may be done in conjunction with the preparation of the City's Audit and Consolidated Annual Financial Report.

(2) The audit shall review the collection and expenditures of development fees for each project in the plan and provide written comments describing the amount of development fees assessed, collected and spent on capital facilities.

(3) The audit shall describe the Level of Service in each Service Area and evaluate any inequities in implementing the Infrastructure Improvements Plan or imposing the development fee.

(4) The City shall post the findings of the audit on the City's website and shall conduct a public hearing on the audit within 60 days of the release of the audit to the public.

(5) For purposes of this Section a certified audit shall mean any audit authenticated by one or more of the Qualified Professionals conducting the audit pursuant to paragraph 1 of this Subsection.

(Ord. No. 02-59, 6/18/02, Amended (SUPP 2002-2); Ord. No. 2014-19, 5/6/14, Enacted (SUPP 2014-2); Ord. No. [2024-14](#), 10/1/24)

#### **Sec. 20-44. Reserved.**

(Ord. No. 02-59, 6/18/02, Amended (SUPP 2002-2); Ord. No. 2014-19, 5/6/14, Repealed and Reserved (SUPP 2014-2))

**Sec. 20-45. Reserved.**

(Ord. No. 02-59, 6/18/02, Amended (SUPP 2002-2); Ord. No. 2014-19, 5/6/14, Repealed and Reserved (SUPP 2014-2))

**Sec. 20-46. Reserved.**

(Ord. No. 02-59, 6/18/02, Amended; (SUPP 2002-2); Ord. No. 2014-19, 5/6/14, Repealed and Reserved (SUPP 2014-2))

**Sec. 20-47. Reserved.**

(Ord. No. 02-59, 6/18/02, Amended (SUPP 2002-2); Ord. No. 2014-19, 5/6/14, Repealed and Reserved (SUPP 2014-2))

**Sec. 20-48. Reserved.**

(Ord. No. 02-59, 6/18/02, Amended (SUPP 2002-2); Ord. No. 2014-19, 5/6/14, Repealed and Reserved (SUPP 2014-2))

**Sec. 20-49. Reserved.**

(Ord. No. 00-23, 5/16/00, Enacted; Ord. No. 02-57, 6/18/02, Repealed (SUPP 2002-2))

**Sec. 20-50. Reserved.**

(Ord. No. 91-18, Enacted 6/4/91; Ord. No. 99-98, 9/1/99, Amended (SUPP 1999-3); Ord. No. 2014-19, 5/6/14, Repealed and Reserved (SUPP 2014-2))

**Sec. 20-51. Reserved.**

(Ord. No. 91-18, Enacted 6/4/91; Ord. No. 99-98, 9/1/99, Amended deleting (d) and (h) (SUPP 1999-3); Ord. No. 2014-19, 5/6/14, Repealed and Reserved (SUPP 2014-2))

**Sec. 20-52. Reserved.**

(Ord. No. 91-18, Enacted 6/4/91; Ord. No. 02-42, Amended (SUPP 2002-2); Ord. No. 05-31, 06/21/05 Amended (SUPP 2005-2); Ord. No. 2014-19, 5/6/14, Repealed and Reserved (SUPP 2014-2))

**Sec. 20-53. Reserved.**

(Ord. No. 91-18, Enacted 6/4/91; Ord. No. 99-98, 9/1/99, Amended (a), (b) and (c) (SUPP 1999-3); Ord. No. 01-164, 10/2/01, Amending Table 20-53; Ord. No. 04-09, 02/03/04, Amending Table 20-53 (SUPP 2004-1); Ord. No. 05-65, 11/15/05, Amending Table 20-53 (SUPP 2005-4); Ord. No. 07-43, 12/18/07, Amending Table 20-53 (SUPP 2007-4); Ord. No. 08-28, 08/26/08, Amending Table 20-53 (SUPP 2008-3); Ord. No. 2014-19, 5/6/14, Repealed and Reserved (SUPP 2014-2))

**Sec. 20-54. Reserved.**

(Ord. No. 91-18, Enacted 6/4/91; Ord. No. 99-98, 9/1/99, Amended (a), (d) and (e) (SUPP 1999-3); Ord. No. 2014-19, 5/6/14, Repealed and Reserved (SUPP 2014-2))

**Sec. 20-55. Reserved.**

(Ord. No. 91-18, Enacted 6/4/91; Ord. No. 99-98, 9/1/99, Amended deleting (a), (b) and (c) (SUPP 1999-3); Ord. No. 2014-19, 5/6/14, Repealed and Reserved (SUPP 2014-2))

**Sec. 20-56. Reserved.**

(Ord. No. 91-18, Enacted 6/4/91; Ord. No. 99-98, 9/1/99, Amended (SUPP 1999-3); Ord. No. 2014-19, 5/6/14, Repealed and Reserved (SUPP 2014-2))

**Sec. 20-57. Reserved.**

(Ord. No. 91-18, Enacted 6/4/91; Ord. No. 99-98, 9/1/99, Amended (b) (c) and (d) (SUPP 1999-3); Ord. No. 2014-19, 5/6/14, Repealed and Reserved (SUPP 2014-2))

**Sec. 20-58. Reserved.**

(Ord. No. 91-18, Enacted 6/4/91; Ord. No. 99-98, 9/1/99, Amended (a) and (b) (SUPP 1999-3); Ord. No. 2014-19, 5/6/14, Repealed and Reserved (SUPP 2014-2))

**Sec. 20-59. Reserved.**

(Ord. No. 94-57, 8/2/94; Ord. No. 97-99, 9/16/97; Ord. No. 98-114, 11/3/98; Ord. No. 99-98, 9/1/99, Enacted (SUPP 1999-3); Ord. No. 04-24, 5/18/04, Amended (SUPP 2004-2); Ord. No. 2014-19, 5/6/14, Repealed and Reserved (SUPP 2014-2))

**Sec. 20-60. Outdoor Light Control.**

- (a) The purpose of the City of Peoria Outdoor Light Control Code (hereinafter referred to as ("this code") is to create standards for outdoor artificial illuminating devices emitting undesirable rays into the night sky which have a detrimental affect on astronomical observations.

(b) All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this code, the Building Code, the Electrical Code and the Sign Code of the City, as applicable. Where any provision of federal, state, county or City statutes, codes or laws conflict with any provision of this code, the most restrictive shall govern.

(c) The provisions of this code are not intended to prevent the use of any design, material or method of installation not specifically prescribed by this code, provided any such alternative has been approved. The Community Development Director or their designee, or the Engineering Director or their designee may approve any such alternative, based on findings that the proposed design, material or method:

- (1) Provides approximate equivalence to the specific requirements of this code; or
- (2) Is otherwise satisfactory and complies with the intent of this code.

(Ord. No. 98-114, 11/3/98, enacted; Ord. No. 02-41, 6/4/2002, Amended (SUPP 2002-2))

#### **Sec. 20-61. Outdoor light control; definitions.**

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "*Outdoor Light Fixtures*" means outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to search, spot or floodlights for:

1. Building and structures;
2. Recreational areas;
3. Parking lot lighting;
4. Landscape lighting;
5. Billboards and other signage (advertising or other);
6. Street lighting.

(b) "*Fully Shielded*" means outdoor fixtures shall be shielded or constructed so that rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

(c) "*Partially Shielded*" means outdoor light fixtures shall be shielding or constructed so that the bottom edge of the shield is below the plane center line of the light source (lamp), minimizing light above the horizontal.

(d) "*Filtered*" means any outdoor light fixtures whose transmission is less than five percent (5%) total emergent flux at wavelengths less than thirty-nine hundred (3,900) angstroms. Total emergent flux is defined as that between three thousand (3,000) and seven thousand (7,000) angstrom units.

(e) "*Individual*" means any person, tenant, lessee, owner or commercial entity including, but not limited to companies, partnerships, joint ventures or corporations.

(f) "*Installed*" means the attachment or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture, following the effective date of this article, but not those installed prior to the effective date of this article.

(Ord. No. 98-114, 11/3/98, enacted)

#### **Sec. 20-62. Outdoor light control; general requirements.**

(a) All nonexempt outdoor artificial illuminating devices shall be fully and or partially shielded as required by the attached Table 20-60, Section 20-62(c).

(b) All nonexempt outdoor artificial illuminating devices shall be filtered as required by the attachedTable 20-60, Section 20-62(c).

(c) The requirements for shielding and filtering light emissions from outdoor light fixtures shall be as set forth in the attached Table 20-60, Section 20-62(c).

**Table 20-60**

FIXTURE LAMP STYLE	SHIELDED	FILTERED <sup>4</sup>
FIXTURE LAMP STYLE	SHIELDED	FILTERED <sup>4</sup>
Low Pressure Sodium <sup>1</sup>	Partially	None
High Pressure Sodium	Partially	None
Metal Halide	Fully	Yes

Florescent	Partially <sup>3</sup>	Yes <sup>5</sup>		
Quartz <sup>2</sup>	Partially	None		
Incandescent Greater than 150W	Partially	None		
Incandescent 150W or less	None	None		
Fossil Fuel	None	None		
Glass Tubes filled with Neon, Argon, Krypton	None	None		
Other Lamp Types	As approved by the Community Development/Public Works Director			
<b>Footnotes:</b>				
1. This is the preferred lamp type to minimize undesirable light into the night sky affecting astronomical observations.				
2. For the purposes of this Chapter, quartz lamps shall not be considered an iridescent light source.				
3. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding.				
4. Glass, acrylic, or translucent enclosures satisfy these filter requirements.				
5. Warm White and Natural Lamps are preferred to minimize detrimental effects.				

(Ord. No. 98-114, 11/3/98, enacted)

### **Sec. 20-63. Outdoor light control; procedures for compliance.**

(a) Application.

- (1) Any individual applying for a building or use permit required by any provision of the laws of the City, intending to install outdoor lighting fixtures shall submit (as part of the application permit) evidence that the proposed work will comply with this code.
- (2) All other individuals intending to install outdoor lighting fixtures shall submit an application to the Community Development Department evidencing the proposed work will comply with this code.
- (3) Utility companies entering into a duly approved contract with the City in which they agree to comply with the provisions of this code, shall be exempt from applying for and obtaining a permit for the installation of outdoor light fixtures, including residential security lighting.

(b) The application or submission shall contain, but not necessarily be limited to the following, of which all or part may be required in addition to the information required elsewhere in the building code for application of the required permit.

- (1) Plans indicating the location on the premises and the type of illumination devices, fixtures, lamps, supports, other devices, etc.
- (2) Description of the illuminating devices, fixtures, lamps, supports and other devices, etc. This description may include, but is not limited to manufacturers' catalog cuts and drawings (including specific sections where required).

The plans and descriptions required above shall be sufficiently complete to enable the Community Development Director to readily determine whether compliance with the requirements of this code will be secured. If such plans and descriptions cannot enable such ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall additionally submit as evidence of compliance, certified test reports performed by a recognized testing laboratory.

(c) Upon compliance with the requirements of this code, the Community Development Department shall issue a permit for installation of the outdoor lighting fixtures, to be installed as indicated on the approved application. In the event the application is part of a building permit application, the issuance of the building permit is contingent upon the applicant being in compliance with this code as well as other pertinent laws and regulations. The zoning regulations appeal process for decisions of the Community Development Director shall apply.

(Ord. No. 98-114, 11/3/98, enacted)

### **Sec. 20-64. Outdoor light control; prohibitions.**

- (a) The operation of searchlights for advertising purposes is prohibited between the hours of eleven o'clock (11 p.m.) and six o'clock (6 a.m.).
- (b) The installation of any mercury vapor fixtures are prohibited.

(Ord. No. 98-114, 11/3/98, enacted)

### **Sec. 20-65. Outdoor light control; permanent exemptions.**

(a) All outdoor light fixtures existing, fully installed and operable prior to the effective date of this code may remain indefinitely as "nonconforming"; provided, however, that no change in use, replacement (excluding bulb change), structural alteration or restoration after abandonment of an outdoor light fixtures shall be made without conforming to all applicable requirements of this code.

All outdoor recreational facility, public or private, shall not be illuminated by "nonconforming" means after eleven o'clock (11 p.m.) except a specific recreational or sporting event or any other activity conducted at a ball park, outdoor amphitheater, arena or similar facility in which the event was in progress prior to eleven o'clock (11 p.m.).

(b) Lighting produced by the combustion of natural gas or other utility-type fossil fuels are exempt. (This does not exempt lighting produced indirectly from combustion of natural gas or other utility-type fossil fuels, such as through the use of electricity to produce lighting.)

(c) Facilities and land owned, operated or protected by the federal government or the state are exempt from all requirements of this code. Voluntary compliance with the intent of this code at such facilities is encouraged.

(d) The Community Development Director may grant an exemption to the requirement of Section 20-62(c) of this code only upon written findings that there are extreme geographic or geometric conditions warranting the exemption and that there are no conforming fixtures that would suffice.

(e) Bottom-Mounted outdoor advertising lighting is exempt provided the lighting is equipped with a permanent automatic shutoff device and the lights shall not be operated between the hours of eleven o'clock (11 p.m.) and six o'clock (6 a.m.).

(Ord. No. 98-114, 11/3/98, enacted)

#### **Sec. 20-66. Outdoor light control; temporary exemptions.**

(a) Any individual may submit a written request to the Community Development Director for a temporary exemption to the requirements of this code. The request for temporary exemption shall be valid for thirty (30) days and renewable at the discretion of the director upon consideration of all the circumstances.

The request for temporary exemption shall at a minimum contain the following information:

- (1) Specific exemptions requested;
- (2) Type and use of exterior light involved;
- (3) Duration of time for requested exemption;
- (4) Type of lamp and calculated lumens;
- (5) Total wattage of lamp or lamps;
- (6) Proposed location of exterior light;
- (7) Previous temporary exemptions, if any;
- (8) Physical size of exterior light and type of shielding provided.

In addition to the above data the Community Development Director may require any additional information which would allow a reasonable evaluation of the temporary exemption request.

(b) The Community Development Director, shall within five (5) business days from the date of properly completed submission of the request for temporary exemption, in writing approve or disapprove the request. If the request for temporary exemption is disapproved, the individual making the request will have the right to appeal to the City Zoning Board of Adjustment for review, pursuant to the procedures applicable to any other appeal of a decision of the Community Development Director.

(Ord. No. 98-114, 11/3/98, enacted)

#### **Sec. 20-67. Outdoor light control; penalties.**

An individual found in violation of any provision of this ordinance shall be guilty of a class one misdemeanor and shall be fined not less than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed on each day during on or which a violation occurs or continues.

(Ord. No. 99-22, 5/4/99, enacted (SUPP 1999-2))

#### **Secs. 20-68, 20-69. Reserved.**

#### **Sec. 20-70. Design review; principles and guidelines.**

(a) The city manager or his designee shall promulgate a design review manual containing the principles and guidelines used for the implementing of design review within the city. Copies of the manual shall be available for public inspection in the office of the city attorney and the city clerk and community development departments.

(b) The design review process shall consist of requirements and considerations:

(1) Requirements: are mandatory standards contained in the city's comprehensive plan, city code, zoning ordinance, public works guidelines and design review manual. Requirements are not permissive and must be satisfied by any plan prior to design review approval. If a requirement cannot be satisfied or the applicant objects to a final staff decision rejecting or modifying the application, the final staff decision may be appealed to the Design Review Appeals Board pursuant to this chapter.

(2) Considerations: are guidelines listed in the adopted design review manual that an applicant shall consider in preparing a submittal. The inclusion or recognition of such considerations may result in the application receiving a higher overall score in the approval process.

(Ord. No. 97-99, 9/16/97, enacted; Ord. No. 08-27, 08/26/08, Amended Design Review Manual as Design Principles and Guidelines, August 2008 (SUPP 2008-03))

### **Sec. 20-71. Design review; process.**

(a) The design review process includes the following steps. The community development department may waive completion of any of the following steps if it determines such step will facilitate completion of the design review process.

(1) Pre-application conference with the community development department staff. (Mandatory)

(2) Submission of Development Application by the property owner or their agent which shall include the proposed site plan and design review submittal. (Mandatory)

(3) Staff review of the Development Application.

(4) Final action on the design review submittal by staff.

(5) Appeal and final decision on staff application.

(6) Approval of all other requirements in other city codes and guidelines.

(b) The design review submittal shall be accompanied by a fee as set forth in Chapter 2 of the city code. The city may charge additional fees for subsequent submittals and reviews as provided in Chapter 2 of the city code.

(c) The city shall notify persons who spoke in interest at the time of rezoning the property which is the subject of development review approval. These persons shall receive a copy of the design review submittal or in lieu of providing a copy of the design review submittal be invited to a meeting to review the design review submittal.

(d) The community development department shall refer the design review submittal to other city departments for review.

(e) The community development department shall take one of the following actions:

(1) Approve the design review submittal as submitted to the city.

(2) Modify the design review submittal to include additional requirements as determined by the community development department to be necessary to protect the public welfare, safety and health.

(3) Disapprove the design review submittal. If the design review submittal is disapproved, the community development department shall notify the applicant of the reasons for disapproval and may state the modifications necessary for approval of the design review submittal by the city.

(Ord. No. 97-99, 9/16/97, enacted)

### **Sec. 20-72. Design review; effect of submittal approval.**

(a) Approved design review submittals shall be binding upon the applicant and their successor or assigns and to the extent they are in conflict with previously approved plans shall supersede such previously approved plans. Copies of the approved design review submittal shall be included in any application for building permit approval. No building permit shall be issued for any building or structure not in accord with the approved design review submittal. The construction, location, use or operation of all land or structures within the site shall conform to all conditions and limitations set forth in the design review submittal. Evidence of design review approval in the form of a copy of the approved design review submittal must be available on the construction site.

(b) Temporary construction facilities shall be permitted upon the property for purposes of developing the project. In the case of a question, the community development department shall determine if such facilities qualify as temporary and related to construction. The decision of the department is final and not subject to appeal under this chapter. Such facilities shall be removed within 10 working days after completion of initial construction or prior to issuance of the certificate of occupancy, whichever first occurs.

(c) No structure, use or element of an approved design review submittal shall be eliminated, altered, or provided in another manner unless an amendment is approved in accordance with the standards for new reviews.

(d) The city shall inspect each project prior to issuance of the certificate of occupancy or a final utility clearance. No final certificate of occupancy or final utility clearance shall be issued if the project does not meet the requirements of the approved design review submittal. The community development department may issue conditional or temporary

certificates of occupancy in accordance with chapter 18 of this code and any uniform codes adopted pursuant thereto.

(e) Approved design review submittals shall be valid for a period of one year from final approval of all matters contained in the development application. If a building permit is not obtained and construction commenced on the project within the one year period, the approval shall terminate. Issuance of a building permit and the commencement of construction shall continue the approval of the design review submittal until the project is completed or until the building permit approval is terminated. Termination of a building permit shall result in automatic termination of design review submittal approval

(f) Upon written request by the applicant prior to the expiration of the approval period, the City may extend the approval period for a design review submittal by a period not to exceed one year from the original date of expiration.

(Ord. No. 97-99, 9/16/97, enacted)

### **Sec. 20-73. Design review; violations; penalties.**

(a) Design review submittals approved under this chapter shall be enforced by the community development department. Whenever the city finds that any proposed construction or occupancy or completed facility does not or will not comply with the approved design review submittal, they shall require the property owner to comply with the conditions of the design review submittal.

(b) Violations of Sections 20-70 through 20-73 shall be deemed to be a class one misdemeanor.

(c) Alternatively violations of sections 20-70 through 20-73 may be punished as a civil offense pursuant to chapter 5 of this code.

(d) The construction or occupancy of any structure or facility in violation of sections 20-70 through 20-73 is declared to be a nuisance. The city attorney, on behalf of the city or any person affected by the nuisance, may bring a civil action in the municipal court to abate the nuisance.

(Ord. No. 97-99, 9/16/97, enacted)

### **Sec. 20-74. Reserved.**

Editor's note(s)—Ord. No. [2017-25](#), § 19, adopted June 13, 2017, renumbered § 20-74 as § 3-19. Ord. No. [2017-32](#), § 7, adopted June 13, 2017, designated § 20-74 as reserved.

### **Sec. 20-75. Reserved.**

Editor's note(s)—Ord. No. [2017-25](#), § 20, adopted June 13, 2017, renumbered § 20-75 as § 3-20. Ord. No. [2017-32](#), § 8, adopted June 13, 2017, designated § 20-75 as reserved.

### **Sec. 20-76. Reserved.**

Editor's note(s)—Ord. No. [2017-32](#), § 9, adopted June 13, 2017, designated § 20-76 as reserved. Formerly, such section pertained to design standards advisory board; members and derived from Ord. No. 97-99, 9/16/97, enacted.

### **Sec. 20-77. Reserved.**

Editor's note(s)—Ord. No. [2017-32](#), § 10, adopted June 13, 2017, designated § 20-77 as reserved. Formerly, such section pertained to design standards advisory board; powers and duties and derived from Ord. No. 97-99, 9/16/97, enacted.

### **Secs. 20-78—20-99. Reserved.**

(Ord. No. 94-57, 8/2/94; Ord. No. 97-99, 9/16/97)

### **Sec. 20-100. Neighborhood preservation areas; definitions.**

In this chapter, unless the context otherwise requires:

- (a) "*Area of Operation*" means the area within the City of Peoria designated a Neighborhood Preservation Area.
- (b) "*Neighborhood Preservation Plan*" means a plan for the reconstruction and rehabilitation of a Target Area.
- (c) "*Neighborhood Preservation Project*" means any work or undertaking:
  - (1) To reduce or waive building permit fees on projects within a Target Area that will provide for the rehabilitation of housing, development of new housing and improvements to commercial property.
  - (2) To provide for use of sales tax revenues from new projects within the Target Area for public infrastructure improvements within the Target Area, such as sidewalks, curbs, gutters, paving and streetlights.
  - (3) To provide for reduction of waiver of impact and development fees in exchange for the construction of projects that promote infill, rehabilitation of declining property, completion of incomplete projects and subdivisions.
  - (4) To recommend to the Planning and Zoning Commission that it request adoption of special zoning and code standards for the City's land use codes that would promote Neighborhood Preservation and Redevelopment in the Target Area.
- (d) "*Person*" means any individual, firm, partnership, corporation, company association, joint stock association or

body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

(e) "Target Area" means an area characterized by deteriorating housing or buildings in need of repair; boarded up or uncompleted structures; areas with completed infrastructure, but no development; faulty lot layout; lack of accessibility or any combination of such factors that impairs sound growth or retards the provision of housing accommodations or constitutes an economic or social liability.

(Ord. No. 94-57, 8/2/94, enacted)

**Sec. 20-101. Necessity; resolution required; neighborhood preservation areas.**

- (a) The City shall exercise the powers granted by Section 20-100 by the City Council adopting a resolution finding that one or more Target Areas exist in the Area of Operation, and
- (b) That a Neighborhood Preservation Project in a target area is in the best interest of the public health, safety and welfare of the residents of the City, and
- (c) Upon adoption of the resolution establishing a Neighborhood Preservation Area, the resolution shall be recorded with the County Recorder of Maricopa County.

(Ord. No. 94-57, 8/2/94, enacted)

**Sec. 20-102. Neighborhood preservation; plan; hearings; adoption.**

- (a) The City shall not prepare a Neighborhood Preservation Plan for a Target Area until the City Council has by resolution pursuant to Section 20-101 declared a target area in need of Neighborhood Preservation.
- (b) The City may prepare or cause the Applicant to prepared a Neighborhood Preservation Plan. Such plan shall provide for without being limited to:
  - (1) A statement of the boundaries of the Target Area. The Target Area shall be a minimum of one acre in size.
  - (2) A Map or Inventory showing the existing uses and conditions of property located in the Neighborhood Preservation Area.
  - (3) A statement of proposed public infrastructure improvements within the Target Area such as sidewalks, curb, gutter, streetlights.
  - (4) A statement of proposed reductions or waivers of impact, development and permit fees.
- (c) Prior to action on the plan, the City Manager or his designee shall submit a Neighborhood Preservation Plan to the Planning Commission for review and recommendations. The Planning Commission shall submit its recommendations within thirty (30) days after receipt or if no recommendations are made, the matter may proceed to the City Council.
- (d) The City Council shall hold a public hearing on any Neighborhood Preservation Plan. The City shall publish a notice of the public hearing in a newspaper circulated in the target area for two consecutive weeks, the last publication to be at least ten days prior to the hearing. The notice shall describe the time, place and purpose of the public hearing and contain a map of the target area.
- (e) Following such hearing, the City Council may approve a Neighborhood Preservation Plan if it finds that the plan is feasible and makes the following findings:
  - (1) The proposed Neighborhood Preservation Plan will promote preservation, reconstruction and redevelopment of neighborhoods within the Target Area.
  - (2) The proposed Neighborhood Preservation Plan will promote one of more of the following: Infill of vacant property; encourage completion of incomplete buildings; rehabilitation of declining property; completion of incomplete projects and subdivisions; and is in the best interest of the public health, safety and welfare.

(Ord. No. 94-57, 8/2/94, enacted)

**Sec. 20-103. Neighborhood preservation; target areas; expiration.**

Designation of Target Areas for a Neighborhood Preservation Project pursuant to Sections 20-100 through 20-102 shall not be for a period longer than Ten (10) years. Upon the expiration of the period, the designation shall automatically expire.

(Ord. No. 94-57, 8/2/94, enacted)

**Sec. 20-104. Neighborhood preservation; powers supplemental.**

The powers conferred by Sections 20-100 through 20-103 shall be in addition and supplemental to the powers conferred by any other law.

(Ord. No. 94-57, 8/2/94, enacted)

**Secs. 20-105—20-199. Reserved.**

**Sec. 20-200. Floodplain management; statutory authorization.**

In A.R.S. § 48-3610, the Arizona State Legislature enabled the City of Peoria, an Arizona, municipal corporation to assume the powers and duties for floodplain management and adopt regulations in conformance with A.R.S. § 48-3609 designed to promote the public health, safety and general welfare of its citizenry.

(Ord. No. 98-102, 9/22/98, enacted; Ord. No. 02-41, 6/4/2002, Amended (SUPP 2002-2); Ord. No. 2013-15, 9/3/13, Amended (SUPP 2013-3); Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4); Ord. No. [2021-18](#), § 1, 6-15-21)

**State law reference(s)—Floodplain delineation; regulation of use, A.R.S. § 48-3609.**

**Sec. 20-201. Floodplain management; finding of fact.**

A. The Special Flood Hazard Areas of the City of Peoria are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses may be caused by the cumulative effect of obstructions in Special Flood Hazard Areas which increase flood heights and velocities and, when inadequately anchored, cause damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage, also contribute to the flood loss.

(Ord. No. 98-102, 9/22/98, enacted; Ord. No. 2013-15, 9/3/13, Amended (SUPP 2013-3); Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4); Ord. No. [2021-18](#), § 2, 6-15-21)

**State law reference(s)—Definitions, A.R.S. § 48-3601.**

**Sec. 20-202. Floodplain management; statement of purpose.**

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in Special Flood Hazard Areas;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize blight areas caused by flooding;
- G. Participate in and Maintain eligibility for disaster relief and flood insurance.

(Ord. No. 98-102, 9/22/98, enacted; Ord. No. 02-41, 6/4/2002, Amended (SUPP 2002-2); Ord. No. 2013-15, 9/3/13, Amended (SUPP 2013-3); Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4); Ord. No. [2021-18](#), § 3, 6-15-21)

**Sec. 20-203. Floodplain management; methods of reducing flood losses.**

These regulations take precedence over any less restrictive conflicting local laws, ordinances and codes. In order to accomplish its purposes, this ordinance includes methods and provisions to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Control filling, grading, dredging, and other development which may increase flood damage; and
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

(Ord. No. 98-102, 9/22/98, enacted; Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4))

**Sec. 20-204. Reserved.**

(Ord. No. 98-102, 9/22/98, enacted; Ord. No. 02-41, 6/4/2002, Amended (SUPP 2002-2); Ord. 2014-40, 11/25/14, Repealed and Reserved (SUPP 2014-4))

## **Sec. 20-205. Floodplain management; definitions.**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

*A zone.* See "Special Flood Hazard Area."

*Accessory structure.* A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes accessory structures used for parking and storage

*Appeal.* A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

*Area of shallow flooding.* A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard.* The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. These areas are designated as Zone A, AE, AR, AO, AH and A1-30 on the FIRM and other areas determined by the criteria adopted by the Director of the Arizona Department of Water Resources. See "Special flood hazard area")

*Base flood.* A flood which has a one (1) percent chance of being equaled or exceeded in any given year. This is also called the "100-year flood".

*Base flood elevation (BFE).* The computed elevation to which floodwater is anticipated to rise during the base flood.

*Basement.* Any area of the building having its floor sub-grade - i.e., below ground level - on all sides.

*Building.* See "Structure."

*CLOMR.* Conditional Letter Of Map Revision. A Federal Emergency Management Agency process for proposing changes to the Flood Insurance Rate Maps.

*Community.* Any state, area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization, which has authority to adopt and enforce floodplain management regulations for the area within its jurisdictional boundaries. For the purposes of this ordinance "Community" means the City of Peoria.

*Development.* Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or storage of equipment or materials.

*Dwelling Unit.* Any structure usable for residential purposes and which may be located in a single or multiple-dwelling building, which includes working, sleeping, eating, recreation facilities, or a combination thereof. This excepts structures used solely for storage purposes.

*Encroachment.* The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

*Erosion.* The process of the gradual wearing away of landmasses.

*FEMA.* The Federal Emergency Management Agency.

*FIA.* Federal Insurance Administration.

*Flood or flooding.* A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of floodwaters;
2. The unusual and rapid accumulation or runoff of surface waters from any source, and/or;
3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as flash flood or by some similarly unusual and unforeseeable event which results in flooding as defined elsewhere in this definition.

*Flood Hazard Area.* See "Special Flood Hazard Area".

*Flood Insurance Rate Map (FIRM).* The official map on which the Federal Emergency Management Agency (FEMA) has delineated both the Special Flood Hazards Areas and the risk premium zones applicable to the community.

*Flood Insurance Study (FIS).* The official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles, Flood Insurance Rate Maps, Flood Boundary and Floodway Maps and the water surface elevation of the base flood.

*Floodplain or flood-prone area.* Any land area susceptible to being inundated by water from any source. See "Flood or

flooding."

*Floodplain Administrator.* The community official designated by title to administer and enforce the floodplain management regulations.

*Floodplain Board.* The City Manager or his designee acting as the Floodplain Board, at such times as the Floodplain Board are engaged in the enforcement of this ordinance.

*Floodplain management.* The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

*Floodplain management regulations.* This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

*Floodproofing.* Any combination of structural and nonstructural additions, changes, or adjustments to non-residential structures which reduce or eliminate the risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents by means other than elevation.

*Flood-Related Erosion.* The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

*Floodway.* The area of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

*Functionally dependent use.* A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

*Governing body.* The local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

*Hardship.* As related to Sections 20-240 through 20-242 of this Code, meaning the exceptional hardship that would result from a failure to grant the requested variance. The City of Peoria requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

*Highest adjacent grade.* The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic structure.* Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - A. By an approved state program as determined by the Secretary of the Interior or
  - B. Directly by the Secretary of the Interior in states without approved programs.

*Lowest floor.* The lowest floor of the lowest enclosed area, including the basement. See "Basement." An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

*Manufactured home.* A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured

home" does not include a "recreational vehicle".

*Manufactured Home Park or Subdivision.* A parcel, or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

*Market value.* Replacement cost of a structure less depreciation since construction.

*Mean sea level.* For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

*New construction.* For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after December 31, 1974, the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

*Obstruction.* Including, but not limited to, any dam, wall, wharf, embankment, levee, dike, berm, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

*One-hundred-year flood or 100-year flood.* The flood having a one (1) percent chance of being equaled or exceeded in any given year. See "Base flood."

*Person.* An individual or the individual's agent, a firm, partnership, association or corporation, or an agent of the aforementioned groups, this state or its agencies or political subdivisions.

*Recreational vehicle.* A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Regulatory Flood Depth (RFD).* An elevation one (1) foot above the depth number on a Flood Insurance Rate Map (FIRM), or two (2) feet above the highest adjacent grade, if no depth number is shown on the FIRM.

*Regulatory Flood Elevation (RFE).* An elevation one (1) foot above the base flood elevation.

*Regulatory floodway.* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

*Riverine.* Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

*Sheet flow area.* See "Area of shallow flooding."

*Special flood hazard area (SFHA).* An area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. It is shown on a Flood Insurance Rate Map as Zone A, AE, AH, AO, AR, A1-A30 or A99.

*Start of construction.* The date the building permit was issued, for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date the permit was issued. The actual start means either the first placement of permanent construction of a structure, on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure.* A walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

*Substantial damage.* Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

*Substantial improvement.* Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which

equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, building, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**Variance.** A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

**Violation.** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**Water surface elevation.** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Watercourse.** A lake, river, creek, stream, wash, arroyo, channel, or other topographic feature, on or over which waters flow or pond at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(Ord. No. 98-102, 9/22/98, enacted; Ord. No. 02-41, 6/4/2002, Amended (SUPP 2002-2); Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4); Ord. No. [2021-18](#), § 4, 6-15-21)

**State law reference(s)—Cooperation in flood control projects, A.R.S. § 48-3624.**

#### **Sec. 20-206. Floodplain management; Lands to which this chapter applies.**

This chapter shall apply to all areas of Special Flood Hazards within the corporate limits of the City of Peoria.

(Ord. No. 98-102, 9/22/98, enacted; Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4); Ord. No. [2021-18](#), § 5, 6-15-21)

#### **Sec. 20-207. Floodplain management; basis for establishing the Special Flood Hazard Areas.**

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Maricopa County, Arizona and Incorporated Areas dated October 16, 2013, with accompanying Flood Insurance Rate Maps (FIRMs) dated October 16, 2013, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Floodplain Board by the Floodplain Administrator. The Floodplain Board, within its area of jurisdiction, shall delineate (or may, by rule, require developers of land to delineate) for areas where development is ongoing or imminent, and thereafter as development becomes imminent, floodplains consistent with the criteria developed by the Federal Emergency Management Agency and the Director of the Arizona Department of Water Resources. The FIS and FIRM panels are on file at the City of Peoria, Engineering Department, Peoria, Arizona.

(Ord. No. 98-102, 9/22/98, enacted; Ord. No. 2013-15, 9/3/13, Repealed and Reserved (SUPP 2013-3); Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4); Ord. No. [2021-18](#), § 6, 6-15-21)

#### **Sec. 20-208. Floodplain management; compliance.**

All development of land, construction of residential, commercial or industrial structures, or future development within Special Flood Hazard Areas is subject to the terms of this ordinance and other applicable regulations.

(Ord. No. 98-102, 9/22/98, enacted; Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4))

#### **Sec. 20-209. Floodplain management; abrogation and greater restrictions.**

This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 98-102, 9/22/98, enacted; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2); Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4))

**State law reference(s)—Authorization required for construction in watercourses; exceptions; enforcement, A.R.S. § 48-3613.**

#### **Sec. 20-210. Floodplain management; interpretation.**

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;

- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 98-102, 9/22/98, enacted; Ord. No. 2013-15, 9/3/13, Repealed and Reserved (SUPP 2013-3); Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4))

#### **Sec. 20-211. Floodplain management; disclaimer of liability.**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Peoria, any officer or employee thereof, the State of Arizona or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(Ord. No. 98-102, 9/22/98, enacted; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2); Ord. No. 2013-15, 9/3/13, amended (SUPP 2013-3); Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4); Ord. No. [2021-18](#), § 7, 6-15-21)

State law reference(s)—Sand and Gravel safety rules, A.R.S. § 27-441.

#### **Sec. 20-212. Floodplain management; statutory exceptions.**

- A. In accordance with A.R.S. § 48-3609(I), unless expressly provided, this and any regulation adopted pursuant to this article does not affect:

1. Existing legal uses of property or the right to continuation of such legal use. However, if a nonconforming use of land or a building or structure is discontinued for twelve months, or destroyed to the extent of 50 percent of its market value, as determined by a competent appraiser, any further use shall comply with this article and regulations of the (governing body);
2. Reasonable repair or alteration of property for the purposes for which the property was legally used on August 3, 1984, or on the date any regulations affecting such property takes effect, except that any alteration, addition, or repair to a nonconforming building or structure which would result in increasing its flood damage potential by 50 percent or more shall be either flood proofed or elevated to or above the Regulatory Flood Elevation;
3. Reasonable repair of structures constructed with the written authorization required by A.R.S. § 48-3613;
4. Facilities constructed or installed pursuant to a Certificate of Environmental Compatibility issued pursuant to A.R.S. Title 40, Chapter 2, Article 6.2.

- B. Before the following types of construction authorized by A.R.S. § 48-3613(B) begin, the responsible person must submit plans for the construction to the Floodplain Board for review and comment pursuant to A.R.S. § 48-3613(C):

1. The construction of bridges, culverts, dikes, and other structures necessary for the construction of public highways, roads, and streets intersecting or crossing a watercourse;
2. The construction of storage dams for watering livestock or wildlife, structures on banks of a watercourse to prevent erosion of or damage to adjoining land if the structure will not divert, retard, or obstruct the natural channel of the watercourse or dams for the conservation of floodwaters as permitted by A.R.S. Title 45, Chapter 6;
3. Construction of tailing dams and waste disposal areas for use in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations that will divert, retard, or obstruct the flow of waters in any watercourse from complying with and acquiring authorization from the Floodplain Board pursuant to regulations adopted by the Floodplain Board under this chapter;
4. Other construction upon determination by the Floodplain Board that written authorization is unnecessary;
5. Any flood control district, county, city, town, or other political subdivision from exercising powers granted to it under A.R.S. Title 48, Chapter 21, Article 1;
6. The construction of streams, waterways, lakes, and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision; and
7. The construction and erection of poles, towers, foundations, support structures, guy wires, and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision.

- C. In accordance with A.R.S. § 48-3613(D), in addition to other penalties or remedies otherwise provided by law, this state, a political subdivision or a person who may be damaged or has been damaged as a result of the unauthorized diversion, retardation, or obstruction of a watercourse has the right to commence, maintain, and prosecute any appropriate action or pursue any remedy to enjoin, abate, or otherwise prevent any person from violating or continuing to violate this section or regulations adopted pursuant to A.R.S. Title 48, Chapter 21, Article 1. If a person

is found to be in violation of this Section, the court shall require the violator to either comply with this Section if authorized by the Floodplain Board or remove the obstruction and restore the watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured parties resulting from the violation including reasonable costs and attorney fees.

(Ord. No. 98-102, 9/22/98; Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4); Ord. No.[2021-18](#), § 8, 6-15-21)

### **Sec. 20-213. Floodplain management; violations.**

A. It is unlawful for a person to engage in any development or to divert, retard or obstruct the flow of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by A.R.S. § 48-3613. Where the watercourse is a delineated floodplain, it is unlawful to engage in any development affecting the flow of waters without securing written authorization required by A.R.S. § 48-3613.

B. A person who violates Section 20-213 is guilty of a class 2 misdemeanor pursuant to A.R.S. § 48-3615.

C. A person who violates this Ordinance may be assessed a civil penalty not to exceed the fine chargeable for a class 2 misdemeanor, pursuant to A.R.S. § 48-3615, or, by agreement with the person in violation, a non-monetary penalty that serves the purposes of the community. Each day the violation continues constitutes a separate violation.

D. A person who without written authorization damages or interferes with a facility that is owned, operated, or otherwise under the jurisdiction of the community is liable for both of the following:

1. Any actual damages to persons or property that is caused by the damage or interference.
2. Payment of costs to the community for remediating the damage or interference.

E. Abatement of Violations. Within 30 days of discovery of a violation of this Ordinance, the Floodplain Administrator shall submit a report to the Floodplain Board which shall include all information available to the Floodplain Administrator which is pertinent to said violation. Within 30 days of receipt of this report, the Floodplain Board shall either:

1. Take any necessary action to the abatement of such violation; or
2. Issue a variance to this Chapter in accordance with the provisions of Section 20-241 herein; or
3. Order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such information must be provided to the Floodplain Administrator within 5 days of such order and the Floodplain Administrator shall submit an amended report to the Floodplain Board within 10 days. At the next regularly scheduled public meeting, the Floodplain Board shall either order the abatement of said violation or they shall grant a variance in accordance with the provisions of Section 20-241 herein; or
4. Submit to the Federal Emergency Management Agency a declaration for denial of insurance, stating that the property is in violation of a cited state or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.

(Ord. No. 98-102, 9/22/98; Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4); Ord. No.[2021-18](#), § 9, 6-15-21)

### **Sec. 20-214. Floodplain management; declaration of public nuisance statute.**

All development located or maintained within any Special Flood Hazard Area after August 8, 1973, in violation of floodplain regulations established by the Floodplain Board, and without written authorization from the Board, is a public nuisance per se and may be abated, prevented or restrained by action of this State or any of its political subdivisions.

(Ord. No. 98-102, 9/22/98; Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4); Ord. No.[2021-18](#), § 10, 6-15-21)

### **Sec. 20-215. Floodplain management; abatement of violations.**

Within 30 days of discovery of a violation of this ordinance, the Floodplain Administrator shall submit a report to the Floodplain Board which shall include all information available to the Floodplain Administrator which is pertinent to said violation. Within 30 days of receipt of this report, the Floodplain Board shall either:

- A. Take any necessary action to effect the abatement of such violation; or
- B. Issue a variance to this ordinance in accordance with the provisions of Sections 20-240 thru 20-242 herein; or
- C. Order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such information must be provided to the Floodplain Administrator within 30 days of such order and the Floodplain Administrator shall submit an amended report to the Floodplain Board within 20 days. At the next regularly scheduled public meeting, the Floodplain Board shall either order the abatement of said violation or they shall grant a variance in accordance with the provisions of Sections 20-240 thru 20-242 herein; or
- D. Submit to the Federal Emergency Management Agency a declaration for denial of insurance, stating that the property is in violation of a cited state or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.

**Sec. 20-216. Floodplain management; severability.**

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

(Ord. No. 98-102, 9/22/98, enacted; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2); Ord. No. 2013-15, 9/3/13, amended (SUPP 2013-3); Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4))

**State law reference(s)—Board of Review, A.R.S. § 48-3612.**

**Sec. 20-217. Reserved.**

(Ord. No. 98-102, 9/22/98, enacted; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2); Ord. 2014-40, 11/25/14, Repealed and Reserved (SUPP 2014-4))

**Sec. 20-218. Reserved.**

(Ord. No. 98-102, 9/22/98, enacted; Ord. 2014-40, 11/25/14, Repealed and Reserved (SUPP 2014-4))

**Sec. 20-219. Reserved.**

(Ord. No. 98-102, 9/22/98, enacted; Ord. No. 2013-15, 9/3/13, amended (SUPP 2013-3); Ord. 2014-40, 11/25/14, Repealed and Reserved (SUPP 2014-4))

**Sec. 20-220. Floodplain management; designation of the floodplain administrator.**

The Engineering Director is hereby appointed to administer, implement and enforce this ordinance by granting or denying development permits in accordance with its provisions.

(Ord. No. 98-102, 9/22/98, enacted; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2); Ord. 2014-40, 11/25/14, Repealed and Reserved (SUPP 2014-4))

**State law reference(s)—Violation; classification, A.R.S. § 48-3615.**

**Sec. 20-221. Floodplain management; duties and responsibilities of the floodplain administrator.**

Duties of the Floodplain Administrator shall include, but not be limited to:

A. *Permit Review.* Review all development permits to determine that:

1. The permit requirements of this ordinance have been satisfied;
2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from flooding;
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this ordinance, "adversely affect" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point.

B. *Substantial Improvement and Substantial Damage Procedures.* Review all development permits for improvements and/or damages to existing structures to determine if the application of the substantial improvement rules apply, including establishing a definition of market value determination and verifying that the estimated improvement and/or repair costs are less than 50% of the market value of the structure.

C. *Use of Other Base Flood Data.* When base flood elevation data has not been provided in accordance with Section 20-207, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Sections 20-230—20-236. Any such information shall be consistent with the requirements of the Federal Emergency Management Agency and the Director of the Arizona Department of Water Resources and shall be submitted to the Floodplain Board for adoption.

D. *Obtain and Maintain for Public Inspection.*

1. The certified regulatory flood elevation required in Section 20-230.C.1 and 20-234;
2. The flood proofing certification required in Section 20-230.C.2;
3. The flood vent certification required in Section 20-230.C.3.a;
4. The elevation certification required for additional development standards, including subdivisions, in Section 20-233.A.2;
5. The floodway encroachment certification required in Section 20-236.A;
6. Maintain a record of all variance actions, including justification for their issuance, and report such variances

issued;

E. *Notification of Other Entities.*

1. Whenever a watercourse is to be altered or relocated:
  - a. Notify adjacent communities and the Arizona Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency through appropriate notification means; and
  - b. Assure that the flood carrying capacity of the altered or relocated portion of said watercourse be maintained.
2. Base flood elevation and rate of flow due to physical alterations:
  - a. Base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
  - b. Within one hundred twenty (120) days after completion of construction of any flood control protective works which changes the rate of flow during the flood or the configuration of the floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the Director of the Arizona Department of Water Resources.
3. Corporate Boundary Changes:
  - a. Notify the Federal Emergency Management Agency of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

F. *Map Determinations.* Make interpretations, where needed, as to the exact location of the boundaries of the Special Flood Hazards Areas (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 20-240 through 20-242.

G. *Remedial Actions.* Take actions on violations of this ordinance as required in Section 20-215 herein.

(Ord. No. 98-102, 9/22/98, enacted; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2); Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4); Ord. No. [2021-18](#), § 11, 6-15-21)

**Sec. 20-222. Floodplain management; establishment of development permit.**

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in Section 20-207. Application for a Development Permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question, existing or proposed structures, fill, berms, fences, walls, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

- A. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures. In Zone AO, elevation of existing highest adjacent natural grade and proposed elevation of lowest floor of all structures;
- B. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed;
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 20-230.C.2;
- D. Base flood elevation data for subdivision proposals or other development greater than 50 lots or 5 acres; and
- E. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(Ord. No. 98-102, 9/22/98, enacted; Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4))

**Sec. 20-223. Floodplain management; sand and gravel operations.**

Sand and gravel operations are permitted within the floodplain subject to the following conditions:

- A. *Within the Floodway.* Sand and gravel operations may be conducted within the floodway upon a permit issued by the Engineering Director or his designee. The permit may contain such conditions as deemed appropriate by the Engineering Director or his designee to ensure compatibility of the sand and gravel operation with adjacent uses and developments and to ensure restoration of the floodway upon termination of the sand and gravel operation.

Operations within the floodway may be permitted provided that:

1. The operations are restricted to extraction of sand, gravel, mineral and rock products for commercial purposes; and
2. Excavations are not so located or configured nor of such depth as to present a hazard to other property or development, including, but not limited to roads, bridges, culverts, and utilities.
3. Stockpiling of material or tailings and placement or arrangement of equipment shall not obstruct, divert, or retard the flow of floodwaters within the floodway, except as reviewed and approved by the Engineering Director, on an individual permit basis.

B. *Outside of the Floodway.* Sand and gravel operations may be conducted within the floodplain, outside of the floodplain upon a permit issued by the Engineering Director or his designee. The permit may contain such conditions as deemed appropriate by the Engineering Director or his designee to ensure compatibility of the sand and gravel operation with adjacent uses and developments and to ensure restoration of the floodplain upon termination of the sand and gravel operation. Operations within the floodplain may be permitted provided that:

1. The operations are associated with extraction, processing and storing of sand, gravel, mineral and rock products for commercial purposes; and
2. Excavations are not so located or configured nor of such depth as to present a hazard to other property or development, including, but not limited to roads, bridges, culverts, and utilities.

Stockpiling of material or tailings and placement or arrangement of equipment shall not obstruct, divert, or retard the flow of floodwaters within the floodplain or adjacent floodway, except as reviewed and approved by the Engineering Director, on an individual permit basis.

(Ord. No. 98-102, 9/22/98, enacted; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2); Ord. No. 2013-15, 9/3/13, amended (SUPP 2013-3); Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4))

**Sec. 20-224. Reserved.**

(Ord. No. 98-102, 9/22/98, enacted; Ord. 2014-40, 11/25/14, Repealed and Reserved (SUPP 2014-4))

**Sec. 20-225. Reserved.**

(Ord. No. 98-102, 9/22/98, enacted; Ord. 2014-40, 11/25/14, Repealed and Reserved (SUPP 2014-4))

**Sec. 20-226. Reserved.**

(Ord. No. 98-102, 9/22/98, enacted; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2); Ord. No. 2013-15, 9/3/13, amended (SUPP 2013-3); Ord. 2014-40, 11/25/14, Repealed and Reserved (SUPP 2014-4))

**Sec. 20-227. Reserved.**

(Ord. No. 98-102, 9/22/98, enacted; Ord. No. 2013-15, 9/3/13, amended (SUPP 2013-3); Ord. 2014-40, 11/25/14, Repealed and Reserved (SUPP 2014-4))

**Sec. 20-228. Reserved.**

(Ord. No. 98-102, 9/22/98, enacted; Ord. No. 2013-15, 9/3/13, amended (SUPP 2013-3); Ord. 2014-40, 11/25/14, Repealed and Reserved (SUPP 2014-4))

**Sec. 20-229. Reserved.**

(Ord. No. 98-102, 9/22/98; Ord. 2014-40, 11/25/14, Repealed and Reserved (SUPP 2014-4))

**Sec. 20-230. Floodplain management; standards of construction.**

In all areas of special flood hazards the following standards are required:

A. *Anchoring.*

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
2. All manufactured homes shall meet the anchoring standards of section 20-234.B.

B. *Construction Materials and Methods.*

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;
3. All new construction, substantial improvement and other proposed new development shall be constructed

with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

4. Within Zones AH or AO, adequate drainage paths shall be constructed around structures on slopes to guide floodwaters around and away from proposed structures.

C. *Elevation and Floodproofing.*

1. *Residential construction.* Residential construction, new or substantial improvement, shall have the lowest floor, including basement,

- a. In an AO Zone, elevated to or above the regulatory flood elevation, or elevated at least two feet above the highest adjacent grade if no depth number is specified.
- b. In an A Zone where a BFE has not been determined, elevated to or above the regulatory flood elevation or be elevated in accordance with the criteria established in Section 20-221.C.
- c. In Zones AE, AH and A1-30, elevated to or above the regulatory flood elevation.

Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community's building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

2. *Nonresidential construction.* Nonresidential construction, new or substantial improvement, shall either be elevated to conform with Section 20-230.C.1 or together with attendant utility and sanitary facilities: basement,

- a. Be floodproofed below the elevation recommended under Section 20-230.C.1 so that the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- c. Be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. *Flood Openings.* All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for meeting this requirement must meet or exceed the following criteria:

- a. For non-engineering openings:

1. Have a minimum of two openings, on different sides of each enclosed area, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
2. The bottom of all openings shall be no higher than one foot above grade.
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater; or

- b. Engineered openings (or covers and devices) that are specifically designed and certified by a registered engineer or architect as meeting the required performance and design requirements.
- c. Engineered openings (or covers and devices) for which an Evaluation Report has been issued by the International Code Council (ICC) Evaluation Service, Inc. (ICC-ES), a subsidiary of the International Code Council, Inc.

4. *Manufactured homes.* Manufactured homes shall also meet the standards in Section 20-234.

5. *Garages and low cost accessory structures.*

- a. *Attached garages.*

1. A garage attached to a residential structure, constructed with the garage floor slab below the regulatory flood elevation, must be designed to allow for the automatic entry of flood waters. See Section 20-230.C.3.

Areas of the garage below the regulatory flood elevation must be constructed with flood resistant materials. See Section 20-230.B.

2. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed.

- b. *Detached garages and accessory structures.*

1. "Accessory structure" used solely for parking (2 car detached garages or smaller) or limited

storage (small, low-cost sheds), as defined in Section 20-205, may be constructed such that its floor is below the regulatory flood elevation, provided the structure is designed and constructed in accordance with the following requirements:

- a) Use of the accessory structure must be limited to parking or limited storage;
  - b) The portions of the accessory structure located below the regulatory flood elevation must be built using flood-resistant materials;
  - c) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
  - d) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the regulatory flood elevation;
  - e) The accessory structure must comply with floodplain encroachment provisions in Section 20-236; and
  - f) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 20-230.C.3.
2. Detached garages, storage structures and other accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 20-230.C.1.

(Ord. No. 98-102, 9/22/98; Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4); Ord. No.[2021-18](#), § 12, 6-15-21)

**Sec. 20-231. Floodplain management; standards for storage of materials and equipment.**

- A. The storage or processing of materials that could be injurious to human, animal or plant life if released due to damage from flooding is prohibited in Special Flood Hazard Areas.
- B. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

(Ord. No. 98-102, 9/22/98; Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4); Ord. No.[2021-18](#), § 13, 6-15-21)

**Sec. 20-232. Floodplain management; standards for water supply and waste disposal systems.**

- A. All new or replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
- B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- C. Waste disposal systems shall not be installed wholly or partially in a regulatory floodway.

(Ord. No. 98-102, 9/22/98; Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4); Ord. No.[2021-18](#), § 14, 6-15-21)

**Sec. 20-233. Floodplain management; additional development standards, including subdivisions.**

- A. All new subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions), greater than 50 lots or 5 acres, whichever is the lesser, shall:
  1. Identify the Special Flood Hazard Area and the elevation of the base flood
  2. Identify on the final plans the elevation(s) of the proposed structure(s) and pads. If the site is filled above the base flood elevation, the final lowest floor and grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
- B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
- C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- D. All subdivision proposals and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

(Ord. No. 98-102, 9/22/98; Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4); Ord. No.[2021-18](#), § 15, 6-15-21)

**Sec. 20-234. Floodplain management; standards for manufactured homes.**

All manufactured homes that are placed on site or substantially improved shall:

- A. Be elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is

lower, is at or above the regulatory flood elevation; and

- B. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(Ord. No. 98-102, 9/22/98; Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4))

### **Sec. 20-235. Floodplain management; standards for recreational vehicles.**

All recreational vehicles placed on site shall:

- A. Be on site for fewer than 180 consecutive days,
- B. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- C. Meet the permit requirements of Section 20-222 of this chapter and the elevation and anchoring requirements for manufactured homes in Sections 20-230 and 20-234.

(Ord. No. 98-102, 9/22/98; Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4); Ord. No.[2020-05](#), § 1, 6-2-20)

### **Sec. 20-236. Floodplain management; floodways.**

Located within Special Flood Hazard Areas established in Section 20-207 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements and other development, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If Section 20-236 is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this code.

(Ord. No. 98-102, 9/22/98; Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4); Ord. No.[2021-18](#), § 16, 6-15-21)

### **Sec. 20-237. Reserved.**

(Ord. No. 98-102, 9/22/98; Ord. 2014-40, 11/25/14, Reserved (SUPP 2014-4))

### **Sec. 20-238. Reserved.**

(Ord. No. 98-102, 9/22/98; Ord. 2014-40, 11/25/14, Reserved (SUPP 2014-4))

### **Sec. 20-239. Reserved.**

(Ord. No. 98-102, 9/22/98; Ord. 2014-40, 11/25/14, Reserved (SUPP 2014-4))

### **Sec. 20-240. Floodplain management; nature of variances.**

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owners.

It is the duty of the City of Peoria to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the regulatory flood elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(Ord. No. 98-102, 9/22/98; Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4))

### **Sec. 20-241. Floodplain management; appeal board.**

- A. The Floodplain Board of the City of Peoria shall hear and decide appeals and requests for variances from the requirements of this ordinance
- B. The Floodplain Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

C. In considering such applications, the Floodplain Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger of life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water system and streets and bridges.

D. Upon consideration of the factors of Section 20-241(C) and the purposes of this ordinance, the Floodplain Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

E. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance coverage, and
2. Such construction below the regulatory flood elevation increases risks to life and property.

F. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance and report such variances issued.

(Ord. No. 98-102, 9/22/98; Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4); Ord. No. [2021-18](#), § 17, 6-15-21)

#### **Sec. 20-242. Floodplain management; conditions for variances.**

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, provided the procedures of Sections 20-200, 20-221, 20-222, 20-230, 20-231, 20-232, 20-233, 20-234, 20-235 and 20-236 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, upon a determination that the proposed repair or rehabilitation will not preclude the structures continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;
2. Determination that failure to grant the variance would result in exceptional hardship to the applicant;
3. Showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 20-205 in the definition of "Functionally Dependent Use"; and,
4. Determination that the granting of a variance will not result in increased flood heights, additional threats to

public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(Ord. No. 98-102, 9/22/98; Ord. 2014-40, 11/25/14, Repealed and Enacted (SUPP 2014-4)

**Secs. 20-243—20-249. Reserved.**

(Ord. No. 98-102, 9/22/98; Ord. 2014-40, 11/25/14, Reserved (SUPP 2014-4)

**Sec. 20-250. Grading and drainage regulations; purpose.**

The purpose of sections 20-250 through 20-275 is to safeguard life, limb, property, and public health and welfare by establishing minimum requirements for regulating grading and drainage and procedures by which these requirements may be enforced.

All grading shall be performed in accordance with the provisions of this chapter but shall not be construed to prevent the enforcement of other laws which prescribe more restrictive limitations nor shall the provisions of this chapter be presumed to waive any limitations imposed by other statutes or ordinances.

(Ord. No. 98-95, enacted, 8/26/98)

**Sec. 20-251. Grading and drainage regulations; scope.**

Sections 20-250 through 20-275 set forth rules and regulations to control earthwork construction, fill, storage, stockpiling, including excavation embankments and drainage on property other than public street and alley right-of-way; establishes the administrative procedure for issuances of permits; and provides for approval of plans, specifications, and inspection of such construction.

(Ord. No. 98-95, enacted, 8/26/98)

**Sec. 20-252. Grading and drainage regulations; administration.**

- (a) The official charged with the enforcement of sections 20-250 through 20-275 is the Director of Engineering, or his designee.
- (b) It shall be unlawful to perform any work described in Section 20-251 without obtaining a permit from the City. Work described in Section 20-251 that proceeds without the required permit shall be subject to the investigation and remediation fee set forth in this Code.
- (c) Criminal Penalties: Violation of this ordinance shall constitute a class one misdemeanor and may be punishable by a penalty not to exceed six (6) months in jail and a fine not to exceed Two Thousand, Five Hundred dollars.
- (d) Alternative Penalties. The City may elect to seek a civil sanction for violation of sections 20-250 through 20-275 of this code. The violator shall be subject to a civil sanction of not more than Two Thousand, Five Hundred (\$2,500) dollars, plus any applicable surcharges. Each day that the violation continues, shall constitute a new violation. Jurisdiction over such civil sanctions is vested in the municipal court of the city which may issue such orders as it determines appropriate to abate such civil violations. However, no person shall be subject to a civil sanction and a criminal penalty out of the same matter.

(Ord. No. 98-95, enacted, 8/26/98; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2))

**Sec. 20-253. Grading and drainage regulations; minor variances.**

- (a) Minor variances to this chapter's provisions and amendments relating thereto may be granted in accordance with this section when there exists an unnecessary hardship substantially limiting the preservation and enjoyment of property rights and resulting from a literal interpretation of this chapter's provisions and amendments relating thereto. This minor variance shall not apply to NPDES, nor be authorized unless it is found that:
  - (1) Special circumstances or conditions apply to this permit application; and
  - (2) Authorizing of the minor variance is necessary for the preservation and enjoyment of substantial property rights (but will not create rights and interest where none such listed prior); and
  - (3) Authorizing of the minor variance will not be materially detrimental to the person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general; and
  - (4) Granting of the minor variance will be in harmony with the purposes sought to be attained by this chapter's provisions and amendments relating thereto.
- (b) Minor variances shall not be granted for final decisions on the administration of sections 20-250 through 20-275 of this code. Such final decisions may be subject to Appeal in accordance with section 20-254 of this code.
- (c) A request for a minor variance shall be filed in writing with the Director of Engineering. If in the reasonable judgment of the Engineering Director, the minor variance may impact on adjacent property owners, the Engineering Director may require notice to adjacent property owners. The request shall be acted on within twenty days and a written decision provided by the Director of Engineering.

(Ord. No. 98-95, enacted, 8/26/98; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2))

## **Sec. 20-254. Grading and drainage regulations; appeals.**

Appeals from a final decision of the Director of Engineering in administration of provisions of section 20-250 through 20-275 of this code may be taken to the Grading and Drainage Appeal Board which is hereby established to consist of: Deputy City Manager for Development and Community Services, and two additional members appointed by the Deputy City Manager for Development and Community Services with the approval of the City Manager. If in the reasonable judgment of the Deputy City Manager for Development and Community Services that the matter may impact adjacent property owners, the Deputy City Manager may require the applicant to notify adjacent property owners of the appeal. The Grading and Drainage Appeal Board shall make decisions on matters appealed to it. If the applicant is not satisfied with the recommendation and decision resulting from the appeal to the Grading and Drainage Appeal Board, the applicant may then appeal to the hearing officer appointed pursuant to A.R.S. § 9-500.12 in the manner provided by A.R.S. § 9-500.12.

(Ord. No. 98-95, enacted, 8/26/98; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2))

## **Sec. 20-255. Grading and drainage regulations; permits required and exceptions.**

(a) *Drainage.* No person shall obtain a building permit, required by the Building Code of the City of Peoria, for work in or over any natural water course, drainage way, canyon, ravine, arroyo or other potential flood hazard are without first having obtained a grading permit from the City. Where a 404/401 permit is required from the Corps of Engineers, a copy of the application/findings as a result of the application, and a letter of approval shall be submitted to the City Engineer for review, prior to the issuance of a grading permit.

(b) *Flood hazard area.* No person shall obtain a building permit, required by the Building Code of the City of Peoria, in an area of special flood hazard without first obtaining a grading permit from the City.

(c) Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate, or clay where established and provided by law.

(d) *Filling, excavating, stockpiling and storing.* No person shall do any grading without first obtained a grading permit from the City except for the following:

(1) A fill less than one foot (1') in depth and placed on natural terrain with a slope flatter than five horizontal to one vertical and which does not exceed 100 cubic yards on any one site and does not obstruct a drainage course.

(2) An excavation of one thousand (1,000) cubic yards or less or eight feet (8') or less below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet (5') after the completion of such structure.

(3) Excavation or deposition of earth materials within a property which is dedicated or used, or to be used for cemetery purposes not obstructing a water course except where such grading is within one hundred feet (100') of the property line or intended to support structures.

(4) Grading in an isolated, self-contained area if the Engineering Director or his designee finds that no apparent danger to private or public property can now or thereafter result from the grading operations.

(5) Grading in public right-of-way and easements done under a permit issued by the City Engineer.

(6) Grading by a public utility company in private easements which do not obstruct a natural water course.

(e) Notwithstanding Section 20-255(d)(2), no person shall commence or conduct any clearing, grubbing, and/or grading of land which is designated as hillside under the Zoning Ordinance of the City of Peoria, or which land has specific zoning or development stipulations attached to it which prohibits or controls grading, clearing or grubbing on said land, or which land is in a zoning district which prohibits or controls clearing, grubbing and/or grading of said land, without first having obtained a permit from the City.

(f) Notwithstanding the provisions of (d) above, the NPDES program may require a Storm Water Pollution Prevention Plan and impose additional requirements and prohibitions.

(g) Notwithstanding the provisions of (d) above, a copy of the Maricopa County Rule 310 permit shall be submitted and incorporated into the grading and drainage permit issued by the city.

(h) *Wall Permits.* For any property located north of Deer Valley Road, the Building Official shall require the issuance of a Wall Permit prior to the approval of any minor land division, site plan, subdivision plat, or individual plot plan. A Wall Permit shall require any fence or wall to be constructed in compliance with the drainage requirements contained in this Chapter and shall include such conditions as may be reasonably necessary to protect the life, limb, health, welfare, and property of others from damage of any kind. Upon a property owner's submittal of a written request to waive the requirement for a Wall Permit, the Engineering Director shall review the property owner's justification for such a waiver. The Engineering Director may waive in writing the Wall Permit requirement if in the opinion of the Director the fence or wall will have no drainage impacts

(Ord. No. 98-95, enacted, 8/26/98; Ord. No. 01-173, 11/6/01, Amended (SUPP 2001-4); Ord. No. 02-41, 6/7/02, Amended (SUPP 2002-2))

## **Sec. 20-256. Grading and drainage regulations; hazardous conditions.**

Whenever any existing excavation or embankment or fill has become a hazard to life and limb, or endangers property, or adversely affects the safety, use, or stability of a public way or drainage ways, such condition shall be deemed a nuisance and the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the City shall within the period specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of sections 20-250 through 20-275 of this code.

(Ord. No. 98-95, enacted, 8/26/98)

## **Sec. 20-257. Grading and drainage regulations; definitions.**

For the purposes of sections 20-250 through 20-275 of this code, the words and phrases herein defined shall be construed in accordance with the definitions set forth unless it is apparent from the content that a different meaning is intended.

*City Engineer* means the Engineering Director of the City of Peoria and/or any person designated by the City of Peoria as City Engineer or his designee.

*Supervising Engineer* means an engineer who is licensed by the state of Arizona and who has been employed to design or oversee work regulated by this chapter.

*Bedrock* is the solid, undisturbed bedrock in place whether at the ground surface or beneath surface deposits of gravel, sand or soil.

*Building Official* means the Building Official of the City of Peoria.

*Clearing or Grubbing* is defined as the removal, relocating or addition of any plant, bush, tree, cacti, or earth or rock.

*Excavation* means any act by which earth, sand, and gravel, rock, or other earthen materials is cut into, dug, uncovered, displaced or relocated, and shall include the conditions resulting therefrom.

*Existing Grade* is the grade or elevation of the existing ground surface prior to excavating, filing, and stockpiling, or storage.

*Fill* is deposits of soil, rock, or other materials placed by humans.

*Finish Grade* is the final grade or elevation of the ground surface after grading is completed.

*Grading* is any excavating or filing or combination thereof and shall include the conditions resulting from any excavation or fill including the natural drainage pattern.

*Infrastructure Development Guidelines* are policies and procedures developed and approved by the City Engineer, that provide the detail development standards of the City of Peoria.

*NPDES Program - National Pollution Discharge Elimination System* is the requirement of Federal Law pursuant to 22 U.S.C. § 1342 requiring a developer, public or private, to control or eliminate erosion and other forms of water pollution from a site.

*On-Lot Detention*. The detaining of storm water on an individual lot for a given design frequency, said area for use as detention on the lot being exclusive of public streets, alleys, or other land dedicated for public use.

*On-site Retention*. The retention of storm water volume that falls on the site for a given design frequency storm, said area for use as retention on the lot, being exclusive of public streets, alleys or other land dedicated for the public use.

*Outfall of Lot* is the lowest point of the lot (when final grading, drainage and other improvements are complete) that will provide for continuity of drain water disposal to the street, alley, or drainage channel or easement, public or private.

*Retaining Wall* is a vertical wall designed to retain earth or other material; a wall which supports earth higher on one side than the other side (measured from the top of the footing to the top of the retaining wall); a retaining wall over three (3) feet shall be designed by a civil or structural engineer and approved by the Community Development Department, Plans Review Division prior to construction.

*Rough Grade* is an approximate elevation of the ground surface conforming to the proposed design.

*Site* is any lot or parcel of the land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

*Soil* is all earth material of whatever origin that overlies bedrock.

(Ord. No. 98-95, enacted, 8/26/98; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2))

## **Sec. 20-258. Grading and drainage regulations; permit requirements.**

(a) *Application*. To obtain a grading permit, the applicant shall file in writing on a form furnished by the Engineering Director and obtain permit. A separate application shall be required for each site and may cover both excavation and filling. A separate haul route permit (for moving material off site), shall be obtained for 100 cubic yards. For volumes under 100 cubic yards, the route and destination shall be shown on the grading and drainage drawing.

Every such application shall:

- (1) Identify and describe the work to be covered by the permit for which application is made.
- (2) Describe the land on which the proposed work is to be done by lot, block, tract, or similar description that will identify readily and definitely locate the proposed work and give name and address of property owner.
- (3) Indicate the intended use for which the site is being prepared.
- (4) Give proposed location of deposit area and name and address of person who will receive excavated material and evidence that he is willing to receive the material (if offsite).
- (5) Be accompanied by plans, specifications and a soil and drainage report as required in Subsection (b) of this section and a Storm Water Pollution Prevention Plan (SWPPP) if required in subsection (e) of this section.
- (6) State the estimated quantities of earthwork involved.
- (7) Be signed by the permittee, or his authorized agent, who may be required to submit evidence to indicate such authority.
- (8) Locate all retaining walls (and state height) planned in the project.
- (9) Provide typical cross sections of retaining and privacy walls at all locations where a change in grade occurs along the perimeter of the entire project.
- (10) Obtain all applicable Maricopa County Air Quality Control permits and submit/incorporate it as part of the overall grading permit.
- (11) Give such other information as reasonably may be required by the Engineering Director.

(b) *Plans, Specifications and Soil and Drainage Report.* Each application for a grading permit shall be accompanied by four sets of plans, specifications and soil report, except when waived by the Engineering Director for minor or insignificant work. The plans, specifications and soil report shall be prepared and signed by a professional civil engineer, licensed by the State of Arizona. The drainage report shall be prepared and signed by a professional civil engineer, licensed by the State of Arizona. The methodology shall be in accordance with the Infrastructure Development Guidelines Manual.

**EXCEPTIONS:**

- (1) Plans and specifications need not be prepared by a licensed engineer if the Engineering Director waives such requirement because technical engineering is not required.
  - (2) When waived by the Engineering Director in cases where soils and geologic conditions are not significant factors in the design, a soil report need not be submitted.
  - (3) Plans, specifications and soil reports shall not be required by the Engineering Director for work in a legal subdivision or for work which is in an area under an approved site plan required by the zoning ordinance, provided such subdivision or site plan approval is granted subsequent to the effective date of this ordinance. The requirements of sections 20-250 through 20-275 of this code shall be fulfilled during the approval proves of the subdivision or site plan.
- (c) *Information on Plans and in Specification, Drainage Report and soil Report.* Plans shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this chapter and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and person by whom they were prepared. The plans shall show, but need not to be limited to, the following information:

- (1) General vicinity map of the proposed site.
- (2) Property limits and accurate contours (internal and external) of existing ground and details of terrain and area drainage. For slopes less than 10%, 1' contours; for slopes greater than or equal to 10%, 2' contours. All elevations shall be to U.S. Coast and Geodetic Survey Datum or City of Peoria datum.
- (3) Limiting dimensions, elevations, slopes and finish contours or elevations to be achieved by the grading, and proposed drainage channels and related construction.
- (4) Detailed plans of all surface and subsurface drainage devices, dry wells, walls, cribbing, dams and other protective devices to be constructed with, or as part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drainage system.
- (5) Location of any buildings or structures on the property where the work is to be performed and the location of any building or structures on land adjacent to the property which is within fifty feet (50') of the property or which may be affected by the proposed grading operations. A change over 2', is considered to be affected.
- (6) Any additional plans, drawings, specification or calculations reasonably required by the Engineering Director.
- (7) Provisions for on-site retention of storm water, unless waived by the Engineering Director, or otherwise not required by this chapter.

(8) In areas of special flood hazard, indicated the area of special flood hazard as delineated by the Federal Emergency Management Agency. Specifications shall contain information covering construction and material requirements. Plans and specifications shall be based on the soil report when such a report is required.

(9) Grading and drainage permits are valid for nine (9) months after issuance or from approval dates, whichever is less.

(d) The soil report shall show the information obtained from surface, subsurface and geological investigations necessary to provide information on which to base the design of the proposed project. The report shall include, but need not be limited to, pertinent data as applicable to the proposed project, concerning:

(1) The nature, distribution and strengths of existing soil and rock.

(2) Geologic factors affecting stability and safety.

(3) Conclusions and recommendations for grading requirements including the correction of weak and/or unstable conditions.

(4) Opinions and recommendations covering the adequacy of sites to be developed by the proposed grading operations.

(5) Retention basins shall drain within 36 hours. Basins should bleed off into a storm drain system where possible; if not, percolation data shall determine if drywalls are required.

(e) Storm Water Pollution Prevention Plan (SWPPP) as per the NPDES program, shall be submitted by the owner or his representative with the grading and drainage plan. The requirements of the erosion control plan are listed in the Infrastructure Development Guideline, as may be amended from time to time by the Department of Engineering.

(Ord. No. 98-95, enacted, 8/26/98; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2))

### **Sec. 20-259. Grading and drainage regulations; permit limitation and conditions.**

(a) *General.* The issuance of a grading permit shall constitute an authorization to do only that work which is described or illustrated on the application of the permit or on the site plans and specifications approved by the Engineering Director. Notwithstanding the issuance of a permit, the permit shall be invalid if there is a violation or deviation from this chapter or any other ordinance, law, rule, or regulation. A permit issued shall be invalid if, in the work completed, a violation of this chapter or deviation there from, ensued. When such violation occurs, the permit shall be deemed to be canceled and the ground restored to the condition it was in prior to start of the grading work. The issuance of a permit based upon drawings and specifications, shall not prevent the Engineering Director from thereafter requiring the correction of errors in said drawings and specifications or from stopping unlawful construction operations being carried on thereunder.

(b) *Jurisdiction of Other Agencies.* Permits issued under the requirements of this chapter shall not relieve the owner of the responsibility for securing required permits for work to be done which is regulated by any other ordinance, department, or division of the City of Peoria or other governing agency.

(c) *Time Limits.* The permittee shall fully perform and complete all of the work required to be done pursuant to the grading permit within the time limit specified. If no time limit is specified, the permittee shall complete the work within nine (9) months after the date of the issuance of the grading permit. If the permittee is unable to complete the work within the specified time, he shall, prior to the expiration of the permit, present in writing to the Engineering Director request for an extension of the time, setting forth the reasons for the requested extension. If, in the opinion of the Engineering Director, such an extension is warranted, he may grant additional time for the completion of the work.

(d) *Storm Drainage Precautions.* All persons performing any grading operations shall put into effect all safety precautions which are necessary in the opinion of the Engineering Director and provide adequate erosion control as per the NPDES Program, anti-erosion and/or drainage devices, debris basins, or other safety devices to protect the life, limb, health, and welfare and private and public property of others from damage of any kind.

(e) *Conditions of Approval.* In granting any permit under this ordinance, the Engineering Director may attach such conditions as may be reasonably necessary to prevent creation of a nuisance or hazard to public or private property. Such conditions may include, but shall not be limited to:

(1) Requirements for fencing of excavations or fills which would otherwise be hazardous.

(2) Improvements of any existing site condition to bring it up to the standards of this chapter.

(3) Salvage of protected native plant species prior to commencing grading operations.

(4) Temporarily fencing of protected hillside and desert preservation areas prior to commencing grading operations.

(f) *Liability.* Neither the issuance of a permit under the provisions of this ordinance nor the compliance with the provisions hereof, or with any conditions imposed in the permit issued hereunder, shall relieve any person or property, nor impose any liability upon the City for damage to other persons or property.

(g) *Revocation.* Should the Engineering Director find the work under any permit issued under these provisions is not

proceeding in accordance with the drawings, specifications, and details of the application upon which such permit was issued, and/or is proceeding in violation of this or any other ordinance of the City, or should he find that there has been any false statement or misrepresentation as to a material fact in the application, payment for said permit or plans on which the permit was based, the Engineering Director shall issue a stop work order and notify the person obtaining the permit and the owner that such work fails to conform to said permit, or that the permit was obtained by false representations and that such failure in obtaining the permit be corrected without delay. If the owner or person obtaining the permit fails or refuses to make such correction within the time specified in said notice, the Engineering Director shall revoke such permit and serve notice of such revocation upon such person to whom the permit was issued. Such notice shall be in writing and signed by the Engineering Director or his designee. It shall be unlawful for any person to proceed with any part of such work after such notice is served.

(Ord. No. 98-95, enacted, 8/26/98; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2))

### **Sec. 20-260. Grading and drainage regulations; denial of permit.**

(a) *Geological or Flood Hazard.* If, in the opinion of the Engineering Director, the land area for which grading is proposed is subject to geological or flood hazard to the extent that the proposed corrective work will not eliminate or sufficiently reduce the hazard to human life or property, the grading permit and the building permits for habitable structures shall be denied.

(b) *Unlawful Grading.* The Engineering Director shall not issue a permit in any case where he finds that the work as proposed by the applicant will endanger any private property or result in the deposition of debris on any public way or seriously interfere with any existing drainage course. However, if it can be shown to the satisfaction of the Engineering Director that the hazard would be essentially eliminated by the construction of retaining structures, buttress fills, drainage devices, or by other means, the Engineering Director may issue the permit after the applicant has complied with Section 20-250 through 20-275.

(c) *Noncompliance with the NPDES Program.* If, in the opinion of the Engineering Director, the activities covered by the permit would cause a violation of any aspect of the NPDES Program, a permit may be denied or may be granted subject to any requirements necessary to prevent or remedy the violation as expeditiously as practicable.

(Ord. No. 98-95, enacted, 8/26/98; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2))

### **Sec. 20-261. Grading and drainage regulations; permit fees and plan review fees.**

(a) Before issuance of a grading permit the Engineering Director shall collect the fees set forth in this Code. The application for permit shall state the quantity of excavation and fill involved. For excavation and fill on the same site, the fee shall be based on the gross volume of the excavation and the fill.

(b) The Engineering Director shall collect the fees set forth in as set forth in chapter 2 of this code before providing grading and drainage plan review services.

(Ord. No. 98-95, enacted, 8/26/98; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2))

### **Sec. 20-262. Grading and drainage regulations; necessity for completion of grading before occupation of building.**

(a) *Necessity for completion of improvements before occupation of building.*

(1) The Building Official shall deny final approval of any building permit or any clearance for occupation of any building, until all the required grading, retention and improvements including corrective work necessary to remove and eliminate any hazard, all as determined by the Engineering Director are completed and have been inspected and approved. The Engineering Director at his option may accept cash or a surety bond to guarantee the corrective work if occupancy is sought before the work is done if posted with the department in the form as provided by Subsection (b) or (c) herein.

(2) The Cash or surety bond may be retained or called upon by the Engineering Director at any time as funds to be utilized for performing any work required to complete the required grading and improvements, if the Engineering Director finds that the required grading and improvements are not being completed to its satisfaction. The type of bond or assurance will be in accordance with section 23-53 Peoria City Code (1977) for all types of development.

(b) *Conditions.* Every bond shall include the conditions that the permittee shall:

(1) Comply with all of the provisions of this chapter, applicable laws, and ordinances.

(2) Comply with all of the terms and conditions of the permit for excavation or fill to the satisfaction of the Engineering Director.

(3) Complete all of the work contemplated under the permit within the time limit specified in the permit or in Section 20-259 (c). The Engineering Director may, for sufficient cause, extend the time specified in the permit but no such extension shall release the surety of the bond.

(4) The bond (cash or surety) shall include a penalty provision on a form approved by the City Attorney for failure to complete the work on schedule, with a surety authorized to do business in the State of Arizona and having a Best rating of not less than A-.

(c) *Failure to Complete Work.* The term of each bond shall begin upon the date of filing and shall remain in effect until the completion of the work to the satisfaction of the Engineering Director. In the event of failure to complete the work and failure to comply with all of the conditions and terms of the permit, the Engineering Director may have the work required by the permit to be completed to his satisfaction. The surety executing such bond or deposit shall continue to be firmly bound to have all work completed and provide for the payment of all necessary costs and expenses that may be incurred or expended by the governing agency in causing any and all such required work to be done. In the case of a case deposit, said deposit or any unused portion thereof shall be refunded to the permittee.

(Ord. No. 98-95, enacted, 8/26/98; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2)

**Sec. 20-263. Grading and drainage regulations; design standards for cuts.**

(a) *Maximum Slope.* Cuts shall not be steeper in slope than two horizontal to one vertical unless a retaining wall or other approved support is provided or unless the owner furnishes a soils engineering report proving to the satisfaction of the Engineering Director that the proposed derivation will be stable, will not endanger any property or result in the deposition of debris on any public way or interfere with any existing drainage course. The Engineering Director may require the excavation to be made with a cut face flatter in slope than two horizontal to one vertical if he considers it necessary for stability and safety.

(b) *Drainage Terraces.* Cut slopes exceeding forty feet (40') in vertical height shall be terraced. Drainage terraces are to be minimum of six feet (6') wide, paved, and must carry water to a safe disposal area. Terraces shall be cut at intervals not exceeding thirty feet (30') vertically. Where only one terrace is required, it shall be at mid height.

(Ord. No. 98-95, enacted, 8/26/98; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2))

**Sec. 20-264. Grading and drainage regulations; design standards for fills.**

(a) *Finishing.* All material placed as fill shall be bladed and graded to a uniform surface and shall not be left on the site as irregular dumping.

(b) *Compaction.* All fills shall be compacted to not less than the minimum densities as listed in the Maricopa Association of Governments Specifications, Section 601. Fills which will support the foundations of structures shall be constructed under the supervision of a registered Civil Engineer licensed by the State of Arizona.

**EXCEPTIONS:**

- (1) Fills in non-hillside areas that are made for yard purposes and which do not exceed 18" in depth need not be compacted.
- (2) Sanitary landfills and refuse disposal areas that hold a valid aquifer protection permit issued by the State and that regulated by the State and County.

When foundations of structures are not to be supported by the fill, the Engineering Director may allow deviations from the above requirements if he finds that their strict enforcement is unduly restrictive for the intended purpose.

(c) *Preparation of Ground.* The area over which fills are to be made shall be cleared of all trash, trees, stumps, timber, debris, or other material not suitable as a foundation for a fill. Where slopes are five horizontal to one vertical or steeper, scarifying or benching into sound bedrock or other competent material shall be required. Five feet (5') of the lower most bench shall be exposed beyond the toe of the fill. The bench shall be sloped for sheet overflow or a paved drain shall be provided.

(d) *Fill Slope.* No fill shall be made which creates an exposed surface steeper in slope than one and one-half horizontal to one vertical. The Engineering Director may require that the fill be constructed with an exposed surface flatter than one and one-half horizontal to one vertical if this is necessary for stability and safety.

(e) *Fill Material.* The material to be used for fill shall be approved by the engineer prior to use when the fill is to support the foundations of structures. No organic material shall be permitted in fills. When the fill material includes large rocky or hard lumps, such as hardpan or cemented gravel which cannot be broken readily, such material shall be well distributed throughout the fill. Sufficient earth or other fine material shall be placed around the larger material as it is deposited so as to fill the interstices and produce a dense, compact fill. However, such material shall not be placed within two feet (2') of the finished grade of the fill.

(f) *Drainage Terraces.* All fill slopes in excess of thirty feet (30') vertical height shall have paved drainage terraces at vertical intervals not exceeding twenty-five feet (25'). Where only one terrace is required, it shall be at mid-height. Such terraces shall drain into a paved gutter, pipe, or other watercourse adequate to convey the water in a safe disposal area. The terrace shall be at least six feet (6') wide.

(g) *Slopes to Receive Fill.* Fills toeing out on natural slopes which are steeper than two horizontal to one vertical will not be permitted.

(Ord. No. 98-95, enacted, 8/26/98; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2))

**Sec. 20-265. Grading and drainage regulations; design standards for setbacks.**

Cuts and fills shall be set back from property lines and buildings shall be set back from cut or fill slopes in accordance with the following:

- (a) *Top of Cut Slope.* The top of cut slopes shall not be made nearer to a site boundary line than one fifth of the vertical height of cut with a minimum of two feet (2') and a maximum of ten feet (10').
- (b) *Toe of Fill Slope.* The toe of fill slope shall be made nearer to the site boundary line than one half the height of the slope with a minimum of two feet (2') and a maximum of twenty feet (20'). Retaining walls may be used to reduce the required setback when approved by the Engineering Director. The setbacks given in this section are minimum and may be increased by the Engineering Director, if considered necessary for safety or stability or to prevent possible damage from water, soil, or debris, or when development standards contained in hillside overlay chapter of the Peoria Zoning Ordinance require an increase in setbacks.

(Ord. No. 98-95, enacted, 8/26/98; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2))

#### **Sec. 20-266. Grading and drainage regulations; design standards for drainage.**

- (a) *Existing Drainage Facilities.* No person shall alter any natural drainage course or existing drainage facility in such a way as to damage or endanger by flooding, erosion, or any other means, any public or private property or improvements.
- (b) *Disposal.* All drainage facilities shall be designed to carry surface waters to the nearest practical street, storm drain or natural or man made watercourse approved by the Engineering Director and any other governmental agency having jurisdiction as a safe place to deposit such waters.
- (c) *Erosion Prevention.* Adequate provision shall be made to prevent surface waters from damaging the face of an excavation or fill. All slopes shall be protected from surface water runoff from above by berms or swales.
- (d) *Terraces Drains.* All swales or ditches on drainage terraces shall be graded to provide suitable drainage and designed to prevent erosion and provide durability.

(Ord. No. 98-95, enacted, 8/26/98; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2))

#### **Sec. 20-267. Grading and drainage regulations; inspections and supervision.**

- (a) *Supervised Grading Required.* All fills used or intended to be used for the support of foundations of structures and, when required by the Engineering Director, all grading affecting stability of adjacent property, shall be performed under the supervision of an engineer registered in the State of Arizona and shall be designated "supervised grading." Grading not supervised in accordance with this section shall be designated "regular grading."
- (b) *Regular Grading Requirements.* The Engineering Director may inspect the work, and may require adequate inspection and compaction control by soils testing agency.
- (c) *Supervised Grading Requirements.* For supervised grading, it shall be the responsibility of the supervising engineer to supervise and coordinate all site inspection and testing during grading operations. Soils Reports shall also be required as specified in section 20-258. All necessary reports, compaction data, and soils engineering and engineering geological recommendations shall be submitted to the Engineering Director by the supervising Engineer. Soil reports certifying the compaction or acceptability of all fills shall be required except as exempted by Section 20-264(b). These shall include, but not be limited to, inspection of areas cleared, compacted, and otherwise prepared to receive fill; the placement and compaction of fill material; and the inspection or review of the construction of retaining walls, subdrains, drainage devices, buttress fills, and similar measures.
- (d) *Notification of Non-Compliance.* If, in the course of fulfilling his responsibility under this chapter, the supervising engineer finds that the work is not being done in conformance with this chapter or the plans approved by the Engineering Director, he shall immediately notify the person in charge of the grading work and Engineering Director in writing of the non-conformity and of the corrective measures to be taken.

(Ord. No. 98-95, enacted, 8/26/98; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2))

#### **Sec. 20-268. Grading and drainage regulations; safety precautions.**

- (a) If at any state of the work the Engineering Director determines by inspection that further grading as authorized will endanger any property or result in the deposition of debris on any public way or interfere with any existing drainage course, the Engineering Director shall require, as a condition to allowing the work to be completed, that such reasonable safety precautions be taken as he considers advisable to avoid such likely hood of damage. Notice to comply shall be submitted to the permittee and the owner in writing. After a notice to comply is written, a period of ten (10) days shall be allowed for the contractor to begin to make the corrections unless in the reasonable judgement of the Engineering director an imminent hazard exists, in which case the corrective work shall begin immediately.
- (b) If the Engineering Director finds an existing conditions not as stated in the granting permit or approved plans, he may refuse to approve further work until approval is obtained for a revised grading plan which will conform to the existing conditions.

(Ord. No. 98-95, enacted, 8/26/98; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2))

#### **Sec. 20-269. Grading and drainage regulations; responsibility of permittee.**

- (a) *Compliance with Plans and Requirements.* All permits issued hereunder shall be presumed to include the provision that the applicant, his agent, contractors, or employees, shall carry out the proposed work in accordance

with all the requirements of this chapter.

- (b) *Protection of Utilities.* During the grading operations, the permittee shall be responsible for the prevention of damage to any street or drainage facilities or to any public utilities or services.

This responsibility applies within the limits of grading and along any routes of travel of equipment.

- (c) *Protection of Adjacent Property.* The permittee is responsible for the prevention of damage to adjacent property and no person shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley, or other public or private property prior to supporting and protecting such property from settling, cracking, or other damage which might result.

(Ord. No. 98-95, enacted, 8/26/98)

**Sec. 20-270. Grading and drainage regulations; modification of approved plan.**

No modification of the approved grading plans may be made without the approval of the Engineering Director. All necessary soils and geological reports shall be submitted with the plans.

(Ord. No. 98-95, enacted, 8/26/98; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2))

**Sec. 20-271. Grading and drainage regulations; completion of work.**

- (a) *Final Reports.* Upon completion of the work, the Engineering Director may require the following reports:

- (1) Certification by the supervising engineer that all grading, lot drainage, and drainage facilities have been completed in conformance with the approved plans and this chapter.
- (2) A soils engineering report including certifications of soil bearing capacity of compacted fills, summaries of field and laboratory tests and locations of tests.
- (3) An engineering geology report based on the final construction. It shall include specific approval of the grading as affected by geological factors. Where necessary, a revised geologic map and cross sections, and any recommendations regarding building restrictions or foundation setbacks, shall be included.

- (b) *Notification of Completion.* The permittee or his agent shall notify the Engineering Director when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage structures and their protective devices, have been completed and required reports have been submitted.

(Ord. No. 98-95, enacted, 8/26/98; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2))

**Sec. 20-272. Grading and drainage regulations; Infrastructure Development Guidelines Manual.**

The Engineering Director shall develop, revise and publish an Infrastructure Development Guidelines Manual which shall contain, specifications and standards on procedures and practices necessary to establish compliance with this chapter. The infrastructure manual shall be amended from time to time by the Engineering Director as determined to be necessary. The Infrastructure Development Guidelines shall govern all drainage requirements for development, public and private, within the City of Peoria. The manual shall be available for public inspection in the Engineering Department, Department of the City Clerk and the Office of the City Attorney.

(Ord. No. 98-95, enacted, 8/26/98; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2))

**Sec. 20-273. Grading and drainage regulations; design standards for on-site retention of storm water.**

On-site retention of storm water shall be required for all developments equal to or exceeding 0.5 acres in size. The NPDES Program may require on-site retention for parcels less than 0.5 acres. The retention may be waived if the site is served by a channel or natural drainage way having an adequate outlet capacity from the development of a major drainage outfall such as, but not limited to a natural watercourse approved by the Engineering Director as a safe place to deposit such waters. On-site storm water retention areas shall be adequate to contain the volume of water required by the Infrastructure Manual. The tributary area used in the computation shall be the area of the site. The method of water volume computation shall be in accordance with the standards available to the public and on file with the Engineering Director.

**EXCEPTION:**

- (1) The requirement for on-site retention may be waived by the Engineering Director if he determines, based upon a written request, that said retention is impractical because of, but not limited to steep terrain, poor percolation, or incompatibility with existing or surrounding improvements. The Engineering Director may require additional drainage studies or reports in such cases to determine if a critical drainage problem will be created on adjacent or downstream properties. All developments shall not increase the 100-year two (2) hour peak runoff, change the time of the peak, nor increase the total runoff from its pre-development values.

(Ord. No. 98-95, enacted, 8/26/98; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2))

**Sec. 20-274. Grading and drainage regulations; design standards for on-lot detention of storm drainage.**

On-lot detention shall be granted based on the criteria established in the Infrastructure Guide on file with the City Clerk and Engineering Director.

(Ord. No. 98-95, enacted, 8/26/98; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2))

**Sec. 20-275. Grading and drainage regulations; hillside lots/mountain preserves.**

- (a) Lots in the hillside development area as regulated by the Subdivision Ordinance and Zoning Ordinance of the City Code shall have an individual grading and drainage plan per each lot. The grading and drainage plan shall be approved and permit issued before a house permit can be obtained.
- (b) All lots (or plats) adjacent to the Peoria preserve(s) shall show the boundary of the Peoria preserve(s) as determined by the survey prepared for the City of Peoria; conflicts between the private deed description and the City's survey shall be resolved prior to obtaining approval of the grading and drainage plan and/or building safety building permit.

(Ord. No. 98-95, enacted, 8/26/98)

## **Chapter 21**

### **ZONING**

Editor's note(s)—Printed herein is the Zoning Ordinance of the city, amended by Ordinance No. [2017-33](#), as adopted by the City Council on June 13, 2017. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

#### **Sec. 21-100.**

##### **Introductory Provisions and Administration**

**Sec. 21-101. Intent.**

**Sec. 21-102. Title.**

**Sec. 21-103. Structure.**

**Sec. 21-104. Types of Regulations.**

**Sec. 21-105. Relationship to the General Plan.**

**Sec. 21-106. General Rules for Applicability of Zoning Regulations.**

**Sec. 21-107. Severability.**

**Sec. 21-108. Vested Rights.**

**Sec. 21-109. Statutory Exemptions.**

**Sec. 21-110. Administration.**

**Sec. 21-111. Zoning Administrator.**

**Sec. 21-112. Interpretations and Decisions.**

**Sec. 21-113. Amendments.**

**Sec. 21-114. Enforcement Official.**

**Sec. 21-115. Establishment of Zoning Districts.**

**Sec. 21-116. Classification of Annexed Areas.**

**Sec. 21-117. Initial Zoning Upon Annexation.**

**Sec. 21-118. Classification of Vacated Streets.**

**Sec. 21-119. Official Zoning District Map.**

**Sec. 21-120. Legal Non-Conformance.**

**Sec. 21-121. Establishment of Legal Non-Conformance.**

**Sec. 21-122. General Provisions.**

**Sec. 21-123. Exceptions.**

**Secs. 21-124—21-129. Reserved.**

**Sec. 21-130. Decision-Making Officials and Bodies.**

**Sec. 21-131. Planning Agency.**

**Sec. 21-132. Administrative Hearing Officer.**

**Sec. 21-133. City Council.**

**Sec. 21-134. Planning and Zoning Commission.**

**Sec. 21-135. Board of Adjustment.**

**Sec. 21-136. Design Review Board.**

**Sec. 21-137. Historic Preservation Board.**

**Sec. 21-138. Zoning Administrator.**

**Sec. 21-139. Reserved.**

**Sec. 21-140. Development Applications and Procedures.**

**Sec. 21-141. Intent.**

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

**Sec. 21-143. Development Application Review.**

**Sec. 21-144. Fees.**

**Sec. 21-145. Application Expiration and Approval Extensions.**

**Sec. 21-146. Notification Requirements.**

**Secs. 21-147—21-149. Reserved.**

**Sec. 21-150. Specific Application Procedures.**

**Sec. 21-151. Annexation Procedure.**

**Sec. 21-152. General Plan Amendments.**

**Sec. 21-153. Rezoning.**

**Sec. 21-154. Zoning Ordinance Text Amendments.**

**Sec. 21-155. Conditional Use Permits.**

**Sec. 21-156. Site Plan.**

**Sec. 21-157. Special Use Permit.**

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

**Sec. 21-159. Permit Limitations.**

**Sec. 21-160. Temporary Use Permits.**

**Sec. 21-161. Variance.**

**Sec. 21-162. Appeal of Zoning Interpretation.**

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

**Sec. 21-164. Administrative Relief.**

**Sec. 21-165. Design Review.**

**Secs. 21-166—21-199. Reserved.**

**Sec. 21-200.**

**Definitions**

**Sec. 21-201. Intent.**

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

**Sec. 21-300.**

**General Provisions and Development Standards**

**Sec. 21-301. Purpose and Applicability.**

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

**Sec. 21-303. Performance Standards.**

**Sec. 21-304. Miscellaneous Provisions.**

**Secs. 21-305—21-309. Reserved.**

**Sec. 21-310. Screening and Walls.**

**Sec. 21-311. Screening.**

**Sec. 21-312. Walls and Fences.**

**Secs. 21-313—21-314. Reserved.**

**Sec. 21-315. Accessory Buildings and Uses.**

**Sec. 21-316. Accessory Dwelling Unit.**

**Secs. 21-317—21-319. Reserved.**

**Sec. 21-320. Home Occupations.**

**Sec. 21-321. Manufactured Housing.**

**Secs. 21-322—21-324. Reserved.**

**Sec. 21-325. Construction Trailers, Sales Office, and Mobile Homes.**

**Secs. 21-326—21-329. Reserved.**

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

**Secs. 21-331—21-339. Reserved.**

**Sec. 21-340. Antenna and Wireless Communication Facilities.**

**Sec. 21-341. Satellite Dish Antennae.**

**Sec. 21-342. Wireless Communication Facilities.**

**Secs. 21-343—21-349. Reserved.**

**Sec. 21-350. Donation/Recycling Drop-Off Boxes.**

**Sec. 21-400.**

**Residential Districts**

**Secs. 21-401—21-407. Reserved.**

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

**Sec. 21-409. Permitted Principal Uses.**

**Sec. 21-410. Permitted Conditional Uses.**

**Sec. 21-411. Permitted Accessory Uses.**

**Sec. 21-412. Property Development Standards for Permitted Principal Uses.**

**Sec. 21-413. Property Development Standards for Permitted Conditional Uses.**

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

**Sec. 21-415. Single Family Residential R1-41, R1-35, R1-18, R1-12, R1-10, R1-8, and R1-6.**

**Sec. 21-416. Permitted Principal Uses.**

**Sec. 21-417. Permitted Conditional Uses.**

**Sec. 21-418. Permitted Accessory Uses.**

**Sec. 21-419. General Property Development Standards.**

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

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

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

**Sec. 21-423. Reserved.**

**Sec. 21-424. Multi-Family Residential (RM-1).**

**Sec. 21-425. Permitted Principal Uses.**

**Sec. 21-426. Permitted Conditional Uses.**

**Sec. 21-427. Permitted Accessory Uses.**

**Sec. 21-428. General Regulations.**

**Sec. 21-429. Development Standards.**

**Sec. 21-430. Special Regulations.**

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

**Sec. 21-432. Permitted Principal Uses.**

**Sec. 21-433. Permitted Conditional Uses.**

**Sec. 21-434. Permitted Accessory Uses.**

**Sec. 21-435. Property Development Standards for Mobile Home Subdivisions.**

**Sec. 21-436. Property Development Standards for Accessory Buildings.**

**Sec. 21-437. General Regulations.**

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

**Sec. 21-439. Definitions.**

**Sec. 21-440. Permitted Principal Uses.**

**Sec. 21-441. Permitted Conditional Uses.**

**Sec. 21-442. Permitted Accessory Uses.**

**Sec. 21-443. Development Standards.**

**Sec. 21-444. Use of Recreational Vehicle Sites.**

**Sec. 21-445. Occupancy.**

**Sec. 21-446. General Regulations.**

**Secs. 21-447—21-449. Reserved.**

**Sec. 21-450. Optional Redevelopment of Qualified Obsolete Commercial Buildings.**

**Sec. 21-451. Obsolete Commercial Building Redevelopment.**

**Sec. 21-452. Multi-Family Residential Development Adaptive Reuse Cap and Tracking.**

**Sec. 21-500.**

**Non-Residential Districts**

**Sec. 21-501. Intent.**

**Sec. 21-502. Zoning Districts.**

**Sec. 21-503. Land Use Matrix.**

**Sec. 21-504. General Regulations for O-1, C-1, PC-1, PC-2, C-2 and C-3.**

**Sec. 21-505. Limitations on Uses.**

**Sec. 21-506. Property Development Standards.**

**Sec. 21-600.**

**Special Uses, Districts and Overlays**

**Sec. 21-601. Planned Area Development (PAD).**

**Sec. 21-602. Qualifying Standards.**

**Sec. 21-603. Development Standards and Supplemental Regulations.**

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

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

**Sec. 21-606. Amendments to an Approved Planned Area Development District.**

**Sec. 21-607. Appeals.**

**Sec. 21-608. Planned Community District (PCD).**

- Sec. 21-609. Qualifying Standards.**
- Sec. 21-610. Development Standards and Supplemental Regulations.**
- Sec. 21-611. Application Requirements and Review Process.**
- Sec. 21-612. Establishment of a Planned Community District.**
- Sec. 21-613. Amendments to an Approved Planned Community District.**
- Sec. 21-614. Appeals.**
- Sec. 21-615. Definitions.**
- Sec. 21-616. Planned Unit Development (PUD).**
- Sec. 21-617. Permitted Minimum Property Development Standards.**
- Sec. 21-618. Required Conditions.**
- Sec. 21-619. Downtown (D) District.**
- Sec. 21-620. Applicability.**
- Sec. 21-621. Zoning Sub-Districts.**
- Sec. 21-622. Downtown Land Use Matrix.**
- Sec. 21-623. Use Specific Standards for Downtown.**
- Sec. 21-624. Property Development Standards.**
- Sec. 21-625. Historic Preservation (HP).**
- Sec. 21-626. Definitions.**
- Sec. 21-627. Designation of Landmarks or Historic Districts.**
- Sec. 21-628. Certificate of Appropriateness.**
- Sec. 21-629. Application for Certificate of Appropriateness.**
- Sec. 21-630. Hearing of Application for Certificate of Appropriateness.**
- Sec. 21-631. Relief from Commission Decision.**
- Sec. 21-632. Application for Finding of Hardship.**
- Sec. 21-633. Maintenance of Properties and Landmarks.**
- Sec. 21-634. Penalties.**
- Sec. 21-635. Appeals.**
- Secs. 21-636—21-649. Reserved.**
- Sec. 21-650. Hillside Development Overlay District (HDOD).**
- Sec. 21-651. Definitions.**
- Sec. 21-652. Slope Determination.**
- Sec. 21-653. Density.**
- Sec. 21-654. General Provisions for Hillside Lots.**
- Sec. 21-655. Height and Appearances.**
- Sec. 21-656. Disturbed Area Calculations for Individual Hillside Lots.**
- Sec. 21-657. Grading and Drainage.**
- Sec. 21-658. Driveways.**
- Sec. 21-659. Perimeter Walls, Privacy Walls, Retaining Walls, and Edge Treatments.**
- Sec. 21-660. Lighting, Sewers, and Utilities.**
- Sec. 21-661. Mountain Ridge Profile.**
- Sec. 21-662. Submittal Requirements for Construction on a Hillside Lot.**
- Sec. 21-663. Inspections.**
- Sec. 21-664. Enforcement/Compliance.**
- Secs. 21-665—21-669. Reserved.**

**Sec. 21-670. Desert Lands Conservation Overlay (DLCO).**

**Sec. 21-671. Applicability.**

**Sec. 21-672. Definitions.**

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

**Sec. 21-674. Conservation Standards.**

**Sec. 21-675. Native Plant Permit.**

**Sec. 21-676. Inspections.**

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

**Sec. 21-678. Enforcement.**

**Sec. 21-679. Appeals.**

**Sec. 21-680. Special Use Permit.**

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

**Sec. 21-682. Process.**

**Sec. 21-683. General Agriculture.**

**Sec. 21-684. Permitted Principal Uses.**

**Sec. 21-685. Permitted Conditional Uses.**

**Sec. 21-686. Permitted Accessory Uses.**

**Sec. 21-687. Property Development Standards for Permitted Principal Uses and Conditional Uses.**

**Sec. 21-688. Property Development Standards for Accessory Buildings.**

**Sec. 21-689. General Regulations.**

**Sec. 21-700**

**Signage**

**Sec. 21-701. Applicability.**

**Sec. 21-702. Purpose.**

**Sec. 21-703. Severability.**

**Sec. 21-704. Nonconformity and Modification.**

**Sec. 21-705. Definitions.**

**Sec. 21-706. Prohibited Signs.**

**Sec. 21-707. Authorized Signs, All Zoning Districts—No Permit Required.**

**Sec. 21-708. General Provisions.**

**Sec. 21-709. Permanent Sign Types.**

**Sec. 21-710. Temporary Sign Types.**

**Sec. 21-711. Administration.**

**Sec. 21-800**

**Landscape**

**Secs. 21-801—21-814. Reserved.**

**Sec. 21-815. Intent.**

**Sec. 21-816. Interpretation and Scope.**

**Sec. 21-817. Definitions.**

**Sec. 21-818. General Landscape Requirements.**

**Sec. 21-819. Lake Pleasant Parkway Scenic Roadway Corridor.**

**Sec. 21-820. Plan Submittal Requirements.**

**Sec. 21-821. Landscape Installation and Maintenance.**

**Sec. 21-822. Permits.**

**Secs. 21-823—21-855. Reserved.**

**Sec. 21-900**

**Parking and Loading**

**Sec. 21-901. Intent.**

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

**Sec. 21-903. Parking Requirements.**

**Sec. 21-904. Off-Street Loading Requirements.**

**Sec. 21-100.**

**Introductory Provisions and Administration**

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**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.

(Ord. No. 2014-21, 6-17-14; Ord. No.[2017-33](#), § 1, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

**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.

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**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

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**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 21-101 et seq. 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 21-201 et seq. 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 21-401

et seq., 21-501 et seq. and 21-601 et seq.

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 21-301 et seq., 21-701 et seq., 21-801 et seq., and 21-901 et seq.

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### **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.

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### **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.

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.

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### **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.

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### **Sec. 21-108. 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.

(Ord. No. [2017-33](#), § 8, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### **Sec. 21-109. 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.

(Ord. No. 03-35, 6-4-03; Ord. No. [2017-33](#), § 9, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### **Sec. 21-110. Administration.**

## **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.

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

## **Sec. 21-112. Interpretations and Decisions.**

A. The Zoning Administrator or designee, 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 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.

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.

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.

(Ord. No. [2017-33](#), § 23, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

## **Sec. 21-113. Amendments.**

A. 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 shall, from time to time as the need arises, undertake and carry out such special studies and make such revisions, modifications and amendments of zoning standards, requirements, regulations, procedures and maps as may be necessary to improve the effectiveness of this Chapter, and keep it responsive to Peoria's needs. The Zoning Administrator shall be assisted in its duties by outside consultants as the City Council or the City of Peoria, through the procurement process, may retain for the purpose.

B. 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.

(Ord. No. [2017-33](#), § 9, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

## **Sec. 21-114. 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 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:

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

3. 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. 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. 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.

(Ord. No. [2017-33](#), § 8, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-115. 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)

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

Multi-family Residential (RM-1)

Mobile Home Subdivision (RMH-1)

Recreational Vehicle Resort (RMH-2)

##### *B. Non-Residential Districts.*

Office Commercial (O-1)

Convenience Commercial (C-1)

Planned Neighborhood Commercial (PC-1)

Planned Community Commercial (PC-2)

Intermediate Commercial (C-2)

Central Commercial (C-3)

General Commercial (C-4)

Regional Commercial (C-5)

Business Park Industrial (BPI)

Planned Light Industrial (PI-1)

Light Industrial (I-1)

Heavy Industrial (I-2)

##### *C. Special Districts and Overlay Districts.*

Planned Area Development (PAD)

Planned Community District (PCD)

Planned Unit Development (PUD)

Historic Preservation (HP)

General Agricultural (AG)

Flood Plain (FP)

Special Use (SU)

Downtown (D)

Special Use Permit (SP)

Hillside Development Overlay District (HDOD)

Desert Lands Conservation Overlay (DLCO)

(Ord. No. 93-12, 3-2-93; Ord. No. 06-16, 6-20-06; Ord. No. 2016-29, 9-20-16; Ord. No.[2017-33](#), § 39, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### **Sec. 21-116. 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 21-117 and pursuant to A.R.S. § 9-462.04.E.

(Ord. No. 02-80, 8-22-02; Ord. No.[2017-33](#), § 40, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17- 24)

### **Sec. 21-117. 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 .

#### 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.

#### 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.

(Ord. No. 05-25, 4-5-05; Ord. No.[2017-33](#), § 30, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17- 24)

### **Sec. 21-118. 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.

(Ord. No. [2017-33](#), § 41, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

### **Sec. 21-119. 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 21-119 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.

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. The Zoning Administrator, in reaching its determination, shall apply the following standards:

1. Zoning district boundary lines are intended to follow lot lines or be parallel or perpendicular thereto, and centerline of streets, alleys, right-of-way, unless otherwise fixed by dimensions shown on the official zoning district map.
2. In subdivided property or where a zoning district boundary divides a lot, the exact locations of such boundary, unless otherwise indicated by dimensions shown on the official zoning district map, shall be determined by use of the map scales included thereon.
3. If, after application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary, the Zoning Administrator shall determine and fix the location of such boundary in accordance with the purposes and intent of this Section.

(Ord. No. 90-60, 11-27-90; Ord. No. 02-80, 8-22-02; Ord. No. [2017-33](#), § 42, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### **Sec. 21-120. Legal Non-Conformance.**

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.

(Ord. No. 2016-29, 9-20-16; Ord. No. [2017-33](#), § 223, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### **Sec. 21-121. Establishment of Legal Non-Conformance.**

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.

(Ord. No. [2017-33](#), § 224, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### **Sec. 21-122. 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.

- 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.* 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.* 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 21-154.

(Ord. No. [2017-33](#), § 225, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-123. 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.

(Ord. No. [2017-33](#), § 226, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

#### **Secs. 21-124—21-129 Reserved.**

#### **Sec. 21-130. Decision-Making Officials and Bodies.**

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.

(Ord. No. 02-80, 8-22-02; Ord. No.[2017-33](#), § 12, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-131. 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 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.

(Ord. No. [2017-33](#), § 21, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-132. Administrative Hearing Officer.**

- A. *Authority.* Pursuant to A.R.S. § 9-462.08 and in accordance with Chapter 20, Section20-41 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 Department regarding administration of the requirements of the Hillside Development Overlay District as described in Section 21-640 and in accordance with Section 21-112 through Section 21-115.
  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.

(Ord. No. 03-03, 1-9-03; Ord. No.[2017-33](#), § 20, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17- 24)

#### **Sec. 21-133. 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.

(Ord. No. [2017-33](#), § 13, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-134. Planning and Zoning Commission.**

The City has established the Planning and Zoning Commission pursuant to Chapter 3 of the Peoria City Code.

(Ord. No. [2017-33](#), § 14, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-135. 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, and all amendments thereof.

A. *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.

B. *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.

(Ord. No. [2017-33](#), § 16, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-136. Design Review Board.**

The City has established the Design Review Appeals Board pursuant to the Chapter 3 of the Peoria City Code, and all amendments thereof.

(Ord. No. [2017-33](#), § 18, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-137. Historic Preservation Board.**

The City has established the Historic Preservation Commission pursuant to the Chapter 3 of the Peoria City Code, and all amendments thereof.

(Ord. No. [2017-33](#), § 19, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

#### **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.

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**Sec. 21-139. Reserved.**

**Sec. 21-140. Development Applications and Procedures.**

**Sec. 21-141. Intent.**

The intent of 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.

(Ord. No. 2011-03, 1-8-11; Ord. No. 2012-05, 2-7-12; Ord. No. 2012-16, 9-17-13; Ord. No. 2013-16, 9-17-13; Ord. No. 2014-21, 6-17-14; Ord. No. 2015-08, 4-7-15; Ord. No. 2016-08, 3-1-16; Ord. No. [2017-33](#), § 22, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**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 plant permits.

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**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. 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.
3. *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. 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.
- B. *Waivers.* In cases where the applicant is the City Council, 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.
- 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.

(Ord. No. [2017-33](#), § 26, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**Sec. 21-145. Application Expiration and Approval Extensions.**

- A. *Application Inactivity.*
  1. *Applicability.* This section is applicable to, but not limited to, applications for General Plan Amendments, Rezoning, PAD or PCD Amendments, Zoning Ordinance Text Amendments, Site Plan, Conditional Use Permits, Temporary Use Permits, Administrative Relief, Variance, Hillside Ordinance Appeals, Design Review including 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.
  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 may authorize a one-time, twelve (12) month extension upon receipt of an approval extension request and any applicable fee.
- 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.

(Ord. No. [2017-33](#), § 28, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### **Sec. 21-146. 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, and in accordance with the method(s) specified.

**Table 21-146 Notice Requirements<sup>1</sup>**

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
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**Table 21-146 Notice Requirements<sup>1</sup>**

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
Minor General Plan or Specific Area Plan Amendment	Yes <sup>3, 4</sup>	Yes <sup>3, 4</sup>	Yes	Yes <sup>2</sup>	No	Yes <sup>2, 3, 4</sup>
Zoning Ordinance Text Amendment	No	No	Yes	No	No	N/A
Zoning, Initial	No	Yes <sup>3, 4</sup>	Yes	Yes	No	N/A
Rezoning (non PAD/PCD)	Yes <sup>3, 4</sup>	Yes <sup>3, 4</sup>	Yes	Yes <sup>2</sup>	No	Yes <sup>2, 3, 4</sup>
PAD/PCD Minor Amendment	Map Amendments only (300 FT)	Yes <sup>3, 4</sup>	Text Amendments Only	No	No	N/A
PAD/PCD Major Amendment	Yes <sup>3, 4</sup>	Yes <sup>3, 4</sup>	Yes	Yes <sup>2</sup>	No	Yes <sup>2, 3, 4</sup>
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 <sup>2</sup>	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 <sup>5</sup>	No	N/A
Administrative Relief <sup>6</sup>	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 <sup>2</sup>	No	N/A

**Notes:**

1. The Department shall provide the required notices and site postings unless Table 21-146 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.E.
6. Subject to the notification requirements outlined in Section 21-164.E.

**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;
  - 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, 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, 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
    - 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, 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, 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. 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.* 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.

(Ord. No. 2010-24, 8-17-10; Ord. No. 2013-16, 9-17-13; Ord. No.[2017-33](#), § 27, 6-13-17; Ord. No.[2019-29](#), § 1(Exh. A), 11-12-19; Ord. No. [2022-19](#), § 2(Exh. A, § 1), 8-23-22; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

**Secs. 21-147—21-150 Reserved.**

**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.

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**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 Exhibit 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.

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**Sec. 21-153. 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. *Pre-Application Conference.* 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. Rezonings may be initiated by the City Council, the Planning and Zoning Commission, the Department, or an owner or duly authorized agent of property proposed for rezoning. In the case of an application that includes property not owned by the applicant, 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.
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.* 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 and minor amendments to approved Planned Area Developments (PADs) and Planned Community Districts (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.
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" 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. *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. *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. *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 determination by the Zoning Administrator, 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 shall not approve or recommend approval of any rezoning 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 rezoning, 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 requirements.

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

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) 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 eighty (180) days from the date of "Determined Completeness," pursuant to Sec. 21-143.D.

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 protest must be filed in writing and received by Peoria City Clerk within the specified time limit identified in A.R.S. § 9-462.04.H., as amended or renumbered. 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:

a. Development in accordance with a specific Site Plan and/or obtaining Site Plan approval in accordance with Section 21-156 of this Section.

b. Reduction in the otherwise applicable floor area ratio, lot coverage, building height, or density requirements.

c. Increases in the otherwise applicable building setback, lot area, parking space, landscaping, or open space requirements.

d. Public dedication of rights-of-way as streets, alleys, public ways, drainage, utility, and/or other public improvements, and/or the installation of off-site improvements as are reasonably required by or related to the effect of rezoning.

e. Such other conditions as may be allowed by law.

f. Completion of a re-use plan as determined by the Planning Department.

2. *Schedules.* The City Council may require as part of a rezoning approval specific time schedules for any or all of the following:

a. Approval of a final site plan.

b. Submission and approval of a preliminary plat for the subdivision of the subject property.

c. Submission and approval of the final plat for the subdivision of the subject property.

d. Application for and issuance of a building permit to commence construction of one or more buildings upon the subject property.

e. Commencement of on-site construction on the subject property in accordance with the final site plan as approved.

f. Completion of a specified percentage of construction on the subject property in accordance with the final site development plan.

3. *Adoption of Ordinance.* The City Council shall set forth in the 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, 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'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'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.

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. 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 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. *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.
- 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.

(Ord. No. [2017-33](#), § 31, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

## **Sec. 21-155. 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 Planing 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, "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.

C. *Mandatory Pre-Application Conference.* 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, 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 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 shall review applications for Conditional Use Permits and make a recommendation for approval or denial to the Planning and Zoning Commission based on the 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.

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.

G. *Citizen Participation Process.* 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:

1. 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. 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.
3. 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.

H. *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.

I. *Public Notice and Action by the Planning and Zoning Commission.*

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.
  - 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.
3. 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.

J. *Appeal of Decision of Planning and Zoning Commission to 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 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.
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.

K. *City Council Hearing.*

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. 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. 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.

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.

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

1. *Continuing Jurisdiction.*

- a. The Zoning Administrator 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. Notice and a public hearing shall be provided in the same manner as for Conditional Use Permit applications.
- d. *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 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.

M. *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.

**Sec. 21-156. 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 21-156 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 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 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, 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 21-146.
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.

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, 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 subsection

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.
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 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 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 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.

(Ord. No. 05-19, 3-22-05; Ord. No. 07-14, 4-17-07; Ord. No. 2014-21, 6-17-14; Ord. No.[2017-33](#), § 32, 6-13-17; Ord. No. [2018-17](#), § 1(Exh. A), 6-5-18; Ord. No.[2022-19](#), § 2(Exh. A, § 3), 8-23-22; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

**Sec. 21-157. Special Use Permit.**

A Special Use Permit is intended to provide a zoning overlay on conventional zoning districts for specific uses. Refer to Section 21-681 for a list of uses subject to a Special Use Permit.

(Ord. No. 03-25, 6-4-03; Ord. No. 2016-29, 9-20-16; Ord. No.[2017-33](#), § 219, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

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

A. *Application.*

1. An application for a Special Use Permit shall be submitted to the Planning Department on an official application provided by the Department. Submittal requirements shall be as outlined in the Special Use Permit Process Guide and shall include, but not be limited to, the following:
  - a. A detailed site plan prepared in accordance with the provisions set forth in Section 21-156 of this Ordinance.
  - b. A design review submittal in the City's Community Design Guidelines, 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. *Review.*

1. The Planning Department shall review the application in accordance with provisions set forth in the Site Plan and the Community Design Guidelines. 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 Planning Department will transmit the application to the applicable City Departments for formal review. The 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 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.

D. *Site Developments Standards.*

1. The Planning Commission or the City Council may establish additional or more stringent standards to mitigate the negative impacts that the proposed special use may have on the surrounding areas. These standards may include but not be limited to the following:
  - a. Site coverage, structure height and setback requirement;
  - b. Screening;
  - c. Off-street parking and loading specifications and improvements;
  - d. On-site and off-site street and drainage improvements;
  - e. Traffic circulation to include point of vehicular ingress and egress;
  - f. Landscaping;
  - g. Control of noise, vibration, odor, emissions, hazardous materials and other potentially dangerous or objectionable elements;
  - h. Hours of operation;
  - i. Time limits within which the Special Use Permit shall cease to exist;
  - j. Storm run-offs and water conservation measures; and
  - k. Hazardous materials handling.

E. *Findings.* In considering an application for a Special Use Permit or an Appeal of a decision denying a Special Use Permit, the Planning and Zoning Commission and City Council shall base the decision on the following findings:

1. The proposed use is consistent with the goals, policies, objectives and future land use map of the Peoria General Plan and specific elements of the General Plan and any adopted Specific Plan applicable to the site where the proposed special use is located.
2. The proposed use is in compliance with documentation and recommendations provided by reviewing City Departments.
3. The proposed use is in compliance with all applicable City Codes, standards and guidelines governing such use.
4. The proposed special use is adequately served by essential public services, such as street, drainage facilities, fire protection, and public water and sewer.
5. The proposed special use is designed and landscaped to preserve the character of the neighborhood and that it will not discourage appropriate development or use of surrounding properties.

6. The proposed special use will not generate adverse impacts on adjoining properties and land uses.
7. The proposed special use will not be injurious to the public health, safety and welfare of the community.
8. The Zoning Administrator shall not approve or recommend approval of any Special Use Permit 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 Special 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.

(Ord. No. 07-14, 4-17-07; Ord. No.[2017-33](#), § 221, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-159. Permit Limitations.**

- A. *Effective Date.* A Special Use Permit shall be in effect upon amendment to the City Zoning Map adopted by the City Council designating the approved use.
- B. *Expiration.* The expiration or termination of the Special Use Permit shall be in effect upon amendment to the City Zoning Map adopted by the City Council designating the approved use.
- C. *Modification.*
  1. The applicant to whom the Special Use Permit was granted may request a modification of the Permit in writing to the City of Peoria Community Development Department along with appropriate documents and fee.
  2. The Zoning Administrator 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 or designee(s) may approve the modification if the change(s) is insubstantial, is within the general purview of the original Special Use Permit, and is consistent with the requirements set forth in this Ordinance.
  4. If the requested change is substantial and is not within the general purview of the original Special Use Permit, or is not consistent with the requirements set forth in this Ordinance, then the matter shall be decided at a public hearing before both the Planning Commission and City Council. All public noticing procedures shall be given in the manner specified in Section 21-146.
- 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.

(Ord. No. [2017-33](#), § 222, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-160. 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 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.
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 21-160.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 21-160.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.

<b>Minimum Site or Center Size</b>	<b>Maximum Exemption Area</b>
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 into 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 21-710 of the City Code, and all associated signs shall be removed upon completion of the activity.

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 21-160.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 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 21-160.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 21-163.

(Ord. No. 03-03, 1-9-03; Ord. No. 04-211, 12-14-04; Ord. No. 05-22, 4-6-05; Ord. No. 2011-03, 1-18-11; Ord. No. [2017-33](#), § 34, 6-13-17; Ord. No. [2018-18](#), § 1(Exh. A), 6-5-18; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

## **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.
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 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.

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

#### **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 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.

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

#### **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.

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-164. 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.

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 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.
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.

C. *Conditions of Approval.* The Zoning Administrator 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.

**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.

**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'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'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's decision shall be appealed to the Board of Adjustment in accordance with procedures set forth in Section 21-162.
4. If the nature of the appeal goes beyond the conditions of approval outlined in Section 21-164.C., the Zoning Administrator shall determine the validity of the appeal to go before the Board of Adjustment.
5. To initiate an appeal of the Zoning Administrator'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.

(Ord. No. 03-03, 1-9-03; Ord. No.[2017-33](#), § 36, 6-13-17; Ord. No.[2019-29](#), § 1(Exh. A), 11-12-19; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

**Sec. 21-165. Design Review.**

- 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.
- 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.**

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) 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. 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.

(Ord. No. [2017-33](#), § 38, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**Secs. 21-166—21-199 Reserved.**

## **Sec. 21-200.**

### **Definitions**

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**Sec. 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.

(Ord. No. 02-68, 7-9-02; Ord. No. [2017-33](#), § 10, 6-13-17)

**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:

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*207 Claim* means a claim for just compensation, as permitted by A.R.S. §12-1136, as amended, for diminution in the fair market value of real property resulting from the enactment of a Land Use Law by the City that is not an Exempt Land Use Law, and that reduces Existing Rights to use, divide, sell, or possess private real property as of the date of the enactment.

**A**

*Abutting* means the condition of two adjoining properties having a common property line or boundary, including cases where two or more lots adjoin only a corner or corners, but not including cases where adjoining lots are separated by a street or alley.

*Access or Access Way* means the place, means or way by which pedestrians and vehicles shall have adequate and usable ingress and egress to a property or use as required by this Ordinance.

*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.

*Adjoining, Adjacent* means the condition of being near to or close to but not necessarily having a common dividing line, i.e., two properties, which are separated only by a street or alley, shall be considered as adjoining one another.

*Adult Arcade* means a commercial establishment wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to

show images to five or fewer persons per device at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

*Adult Bookstore, Adult Retail Store or Adult Video Store*means a commercial establishment, which meets both provisions, 1 and 2 below:

1. A commercial establishment having as a substantial or significant portion of its stock in trade offering for sale or rental, for any form of consideration, any one or more of the following:
  - a. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, video disks, computer animation or computer generated imaging which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
  - b. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities," excluding condoms, diaphragms, contraceptive inserts, contraceptive medications and other birth control or disease prevention devices prescribed by a licensed medical doctor or osteopathic doctor.

A commercial establishment may have other business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore, adult retail store or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore, adult retail store, or adult video store.

2. Regularly excludes all minors from the premises or a separate defined section thereof because of the sexually explicit nature of the items sold, rented or displayed therein.

*Adult Cabaret* means a nightclub, bar, restaurant, or similar commercial establishment which during any part of any two or more days within a continuous thirty (30) day period features live performances or activities which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities". Nothing in the definition of "adult cabaret" shall be construed to apply to the presentation, showing or performance of any play, drama or ballet in any theater, concert hall, fine arts academy, school, institution of higher learning or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purposes of advancing the economic welfare of a commercial or business enterprise.

*Adult Motel* means a hotel, motel or similar commercial establishment that:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than 10 hours; or
3. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours.

*Adult Motion Picture Theater* means a commercial establishment having as a substantial or significant portion of its stock, where for any form of consideration, films, motion pictures, video cassettes, slides, video disks, or similar photographic or video graphic reproductions are regularly shown as one of its business purposes and that are characterized by the depiction or description of specified sexual activities or specified anatomical areas. Nothing in the definition of "adult motion picture theater" shall be construed to apply to the presentation, showing or performance of any play, drama or ballet in any theater, concert hall, fine arts academy, school, institution of higher learning or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purposes of advancing the economic welfare of a commercial or business enterprise.

*Adult Theater* means a theater, concert hall, auditorium, or similar commercial establishment that regularly features person who appear in a state of nudity or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities. Nothing in the definition of adult theater shall be construed to apply to the presentation, showing or performance of any play, drama or ballet in any theater, concert hall, fine arts academy, school, institution of higher learning or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purposes of advancing the economic welfare of a commercial or business enterprise.

*Adult Use* means a commercial establishment whose business is distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas. The following uses as defined within this Section shall be designated as Adult Uses:

1. Adult Arcade
2. Adult Bookstore, Adult Retail Store or Adult Video Store
3. Adult Cabaret
4. Adult Motel

5. Adult motion picture theater
6. Adult theater
7. Nude Model Studio
8. Sexual Encounter Center
9. Any combination of classifications set forth in Subsection 1 through 8 above.

*Adverse Impact* means a negative consequence for the physical, social, or economic environment resulting from an action, use, or development.

*Agriculture, General* means the practice of growing soil crops in the customary manner in the open on tracts of land comprising at least two contiguous commercial acres, including grazing and such customary incidental activities as the raising of farm poultry and farm animals, the storage and processing of soil crops, the production of eggs and dairy products and the slaughter and processing of poultry and animals raised on the premises for use on the premises; provided, however, that farms primarily engaged in the production of special animal crops such as egg farms, chicken farms, hog ranches, fur farms, dairy farms and cattle feeding farms shall not be considered to be practicing general agriculture.

*Alley* means a dedicated public way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

## B

*Banquet and Conference Centers* means Facilities that are rented for short-term events such as weddings, receptions, banquets, and conferences, as a principal business activity (not accessory to another use such as a Place of Worship or Community Center).

*Bed and Breakfast Inn* means a house, or portion thereof, where short-term lodging rooms and meals are provided for a fee. The operator of the inn shall live on the premises or abutting premises. In no event shall a Bed and Breakfast Inn have for rent more than five (5) rooms. A Bed and Breakfast Inn does not include institutions for the care of alcoholics, drug addicts, and persons with mental illness or communicable diseases, group care homes, community residential setting facilities and recovery centers licensed by the State of Arizona.

*Board* means the Peoria Board of Adjustment.

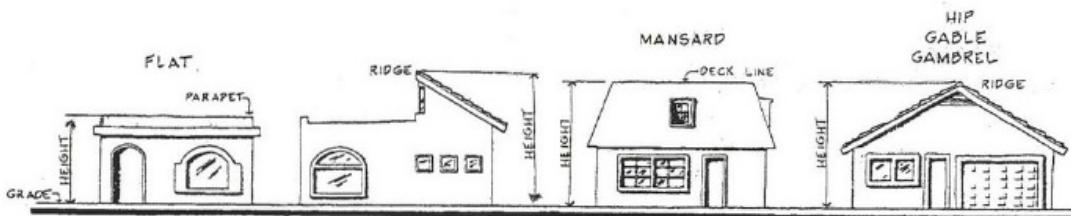
*Boat, Recreational Vehicle and Trailer Storage:* The parking, keeping, or placing of boats, recreational vehicles, or similar self-propelled or tow-behind vehicles, and associated equipment, such as but not limited to, utility trailers, jet skis, snow mobiles, and all-terrain vehicles for patrons. This classification is not applicable for contractor storage yards.

*Body Piercing Studio* means a business that as one of its principal uses implants, perforates, or pierces the skin or other body part to make a hole, mark or scar for a non-medical purpose. A Body Piercing Studio shall not include a Jewelry Store, Boutique, Beauty Parlor or similar establishment that uses a mechanized, pre-sterilized ear piercing system that penetrates the outer perimeter or lobe of the ear or both as an accessory use to a principal use.

*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.

*Building Height* means the vertical distance measured from grade to the highest point of the parapet for flat roofs, to the deck line of a mansard roof or to the ridgeline for gable, hip and gambrel roofs.



## 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.

*Catering Service Establishment* means an establishment where food is sold for consumption off-premises with no counters or tables for consumption of food on the premises. This definition shall not refer to catering services provided as an ancillary use to a restaurant, banquet, conference centers, or similar use.

*Church, Synagogue Or Temple* means a permanently affixed building, where one of the principal uses is for religious worship.

*Citizen Participation Plan* means a plan submitted by an applicant for a rezoning that specifies how the applicant intends to: (1) identify the persons who own property in the vicinity of or may be interested in or affected by the proposed rezoning; (2) identify the process for meeting with these persons; (3) identify how comments and concerns will be received at the meeting(s) or in communications and how they will be evaluated; and (4) prepare a report for submittal to the City regarding the results of the meeting(s) and communications.

*Clinic* means a building or part thereof in which the ambulatory patients are provided diagnostic, therapeutic or preventative medical, surgical, dental or optical treatment by a group of doctors acting conjointly, but not providing for overnight residence of patients.

*College or University Campus* means an educational or vocational institution on an area consisting of at least 10 acres and/or with multiple buildings.

*College or University Facilities* means an educational institution occupying less than 10 acres and without on-site housing offering academic courses beyond the high school level and awarding associates, baccalaureate or higher degrees.

*Commercial Acre* means an area of thirty-five thousand (35,000) square feet, being an approximation of the area left remaining after dedication of normal public street right-of-way from a full acre.

*Commercial Entertainment* means the provision of spectator entertainment to the general public including live and motion picture theaters and concert halls. This category excludes cabarets, nightclubs, and similar establishments providing entertainment incidental to food or beverage sales.

*Commercial Recreation* means the provision of participant or spectator recreation to the general public, excluding public parks and recreation facilities.

1. *Small-Scale, Commercial Recreation:* This classification includes small, generally indoor facilities, that occupy less than 50,000 square feet of building area, such as billiard parlors, bowling centers, card rooms, dance studios, exercise studios, health clubs, yoga studios, dance halls, small tennis club facilities, poolrooms, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.
2. *Large-Scale, Commercial Recreation:* This classification includes large, generally outdoor facilities such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, driving ranges, golf courses (daily fee), as well as indoor facilities with more than 50,000 square feet in building area, including fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; archery or indoor shooting ranges; riding stables; campgrounds; stables, etc. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

*Community Center* means any noncommercial facility established primarily for the benefit and service of the population of the community in which it is located. Examples include youth centers and senior centers. This classification excludes community facilities operated in conjunction with an approved residential or commercial use that are not generally available to the public.

*Community Garden* means an area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. The area may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

*Clubs and Lodges* means a meeting space, or recreational or social facilities operated by a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, fraternal organizations and social clubs.

*Commission* means the Peoria Planning and Zoning Commission.

*Community Residential Facility* means a facility licensed by the State of Arizona for more than six (6) developmentally disabled persons.

A *Complex/Center* is a development defined by shared facilities including but not limited to circulation, parking, and utilities that services the complex/center.

*Conditional Use* means a use permitted in zoning district regulations, subject to a finding that all criteria imposed pursuant to this Ordinance will be met and including conditional use permits and special conditional use permits.

*Condominium* means a building or group of buildings in which units are owned individually and the structure; common areas and facilities are owned by all the owners on a proportional, undivided basis. Condominiums may be residential, commercial or industrial in nature.

*Construction* means all structures, driveways, parking, vehicle storage, nonnative landscaping, water surfaces, decks, walks, and improved recreation facilities on the subject property.

*Construction Yard* means an area on or immediately adjacent to a major construction or demolition site used as a temporary basis for parking and storage of equipment used in the project, and the storage and preparation of materials and other items used in the project, including construction offices and shops.

*Convenience Food Restaurant* means an establishment whose principal business is the sale of foods, frozen desserts, or beverages to the consumer in a ready-to-eat state for consumption either on or off the premises and whose design or principal method of operation includes both of the following characteristics:

1. Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
2. The customer is not served food at his/her table by an employee but receives it at a counter, window, or similar facility for carrying to another location for consumption on or off the premises.

*Correctional Facility* means a facility operated by the Arizona Department of Corrections or Arizona Department of Youth Rehabilitation or private contractors with the above for the post- trial incarceration of juveniles and adult convicted felons. Such facilities are characterized by highly secured premises; restrictions on access and may include lodging and food service facilities. Such facilities do not include holding facilities or detention facilities as defined in this Section.

*Cultivate and Cultivation of Marijuana* means to propagate, breed, grow, prepare, and package marijuana.

## D

*Data Center* means a location housing one or more large computer systems and related equipment, concerned with building, maintaining or processing data and providing other data processing services. Data Center is also commonly known as a telecom hotel or carrier hotel.

*Day Care* means the care, supervision and guidance for compensation of four or less children unaccompanied by a parent, guardian or custodian, on a regular basis for periods less than 24 hours per day, in a place other than the child's or children's own home or homes.

*Day Care Center* means a facility in which day care is regularly provided for compensation for five or more persons not related to the proprietor. The care of four or less persons shall not be considered a day care center.

*Day Care Group Home* means a residential facility, certified by the Arizona Department of Health Services, in which day care is regularly provided for compensation for periods of less than 24 hours per day for not less than 5 full-time and part-time children, but no more than 10 full- time children through the age of 12 years. The principal use of the Day Care Group Home is a single-family dwelling unit designed as a unit for occupancy by one family.

*Deferred Presentment Services* means a transaction pursuant to a written agreement involving the following combination of activities in exchange for a fee:

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

*Department* means the Planning and Community Development Department, the entity charged with the responsibility for interpreting, administering and enforcing the City of Peoria Zoning Ordinance.

*Detention Facility* means a facility established by the county sheriff, juvenile court or a city or town or by a private contractor with any of the above for the pre-trial detention of persons unable to be released due to lack of funds or non-compliance with court conditions. Such facilities may include lodging and food service facilities. Detention facilities may be used for post-trial incarceration of juveniles and adults for a period not to exceed six months. Such facilities do not include holding or correctional facilities.

*Development* means the performance of any building or mining operation, the making of any material change in the use or appearance of any structure or land, the division of land into two (2) or more parcels, or the creation or termination of access rights, and shall include, but not limited to, such activities as the construction, reconstruction, or alteration of the size, or material change in the external appearance of a structure or land; commencement of mining excavation, trenching, or grading; demolition of a structure or removal of vegetation; deposit of refuse, solid waste or fill; alteration of a floodplain or bank of a water course.

*Development Plan* means a plan that becomes part of the zoning for a property. The plan depicts site characteristics and development information and provides guidance for site plans.

*Directly Regulate* means to expressly and unequivocally change or alter a right to use, divide, sell, or possess private real property that existed before the enactment of a Land Use Law by the City, and where the subject private real property is specifically referenced or described in the text of the Land Use Law.

*District* means a portion of the City within which certain regulations and requirements, or various combinations thereof, are applicable under the provisions of this Zoning Ordinance.

*Donation Center* means a center operated by an organization that collects and sells donated clothing and household items. All such merchandise shall be displayed and stored in an enclosed building.

*Donation/Recycling Drop-off Box* means any container, storage unit, or structure, other than a primary building, accessory building, or shed, that is used for the collection of charitable or for- profit donated items by the general public, including but not limited to clothing, household goods, toys, books, and newspapers.

*Drive Access* means that area between the curb of a street, or edge of the traveled portion of a street when no curb exists,

and the right-of-way/property line over which the City will permit vehicular travel from the traveled portion of a street to an individual property, or off-street parking space(s). A physical break or cut of a curb (curb cut) may be necessary to create a Drive Access.

*Drive-in Establishment* means a business enterprise, activity or use of land consisting primarily of sales or services rendered to patrons who normally receive the products or utilize the services while in motor vehicles upon the premises, including but not limited to gas service stations, drive-in restaurants, drive-in laundry and dry cleaning pick-up stations.

*Drive-Through Facility* means a business operation, which provides goods or services, passed through exterior windows or mechanical devices to patrons within motor vehicles. Such business may include, but not necessarily limited to financial institutions, restaurants and dry cleaning establishments. Drive-through facility incidental to a permitted use is considered to be a permitted accessory use.

*Drop-off Lane* means an on-site one-way queuing lane for dropping off or picking up passengers.

*Dual Licensee* means an entity that holds both a non-profit medical marijuana dispensary registration and a marijuana establishment license.

*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.

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**

*Eating and Drinking Establishments* means a business primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

*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.

*Erected* means built, constructed, altered, reconstructed, moved upon; any physical operations on premises which required construction, excavation, fill, drainage and the like, shall be considered part of an erection.

*Essential Public Service* means the erection, construction, alteration or maintenance by a public service corporation under the jurisdiction of the Arizona Corporation Commission or a political subdivision of this state organized as a special taxing district of underground, surface or overhead gas, electrical, steam, water transmission or distribution systems, poles, wires, mains, drains, sewers, pipes, cables, fire alarm boxes, call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities for the public health, safety or general welfare, not including buildings, electrical substations and transmission towers. The provision of telecommunications services, including but not limited to the construction of wireless facilities by a public service corporation under the jurisdiction of the Arizona Corporation Commission or a political subdivision of this state, organized as a special taxing district is specifically deemed not to be an essential service and shall be subject to the provisions of the Zoning Ordinance.

*Excavation* means any breaking of ground, except agricultural soil tilling and grounds care.

*Exempt Land Use Law* means a Land Use Law that:

1. Limits or prohibits a use or division of private real property for the protection of the public's health and safety, including rules and regulations relating to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution control, or relating to the protection of the current and planned missions of military airports and ancillary military facilities;
2. Limits or prohibits the use or division of private real property commonly and historically recognized as a public nuisance under common law, including any land use law that prohibits unreasonable interference with the exercise of a right common to the general public;
3. Is required by the State of Arizona, Maricopa County, Yavapai County, or other subdivisions or agencies thereof other than the City and over which the City has no legal control, or federal law;
4. Limits or prohibits the use or division of private real property for the purpose of housing sex offenders,

selling illegal drugs, liquor control, or pornography, obscenity, nude or topless dancing, and other Adult Uses unless the Land Use Law has been determined to be inconsistent with the constitution of Arizona and the United States by a court of competent jurisdiction, after all appeals there from have been exhausted;

5. Establishes locations for utility facilities;
6. Does not directly regulate an owner's private real property;
7. Was enacted before December 5, 2006; or
8. Is a law or regulation affecting real property that is not a Land Use Law.

*Existing Rights To Use, Divide, Sell Or Possess Private Real Property* are those statutory and/or common law rights to use, divide, sell, possess, or acquire title to real property that existed and were legally Vested Rights as of December 5, 2006. Speculative, inchoate, or merely reasonably- expected or anticipated (but not yet obtained and vested) rights are not and cannot be Existing Rights.

## 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; or,
2. A group of not more than five persons who need not be Family Members, living together as a single 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.

*Floor Area, Gross* means the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

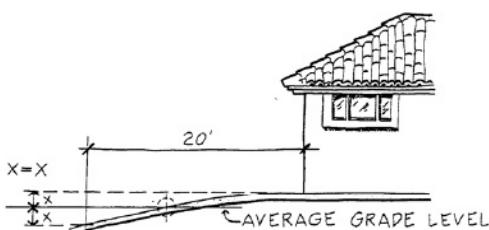
*Floor Area, Net* means the total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

*Food Truck*. See Mobile Food Unit.

## G

*Gas Service Station* means any facility or establishment retailing motor fuel on the premises, whether self-service or otherwise and whether or not service is performed from the premises as described in Section 21-505.A.5.

*Grade* means the average level of the finished ground surfaces surrounding a building or structure, within a distance of twenty (20) feet.



*Group Care Facility* means a facility licensed by the State of Arizona, other than a detention facility, state institution, foster home or Group Foster home for more than ten children, or unwed mothers and children.

*Group Home* means a single residential dwelling unit shared as their primary residence by not more than ten qualified handicapped individuals living together as a single housekeeping unit, in which staff persons provide on-site care, training or support for the residents. Group homes include licensed and qualified Adult Residential Care homes pursuant to A.R.S. 36-448, Group Foster Homes, Supervisory Care Homes, Adult Foster Care Homes and Adult supportive Residential Living Centers. Group Homes shall not include boarding houses, rooming houses or similar enterprises, nursing homes, personal care homes, adult or juvenile detention facilities, recovery facilities, community residential setting facilities, group care facilities, adult day care facilities or Residential Development Disability Facilities regulated pursuant to A.R.S. 36-582.

*Guest House* means an attached or detached accessory building used to houseguests of the occupants of the principal building, and which is never rented or offered for rent. Any guesthouse providing cooking facilities shall be considered a dwelling unit.

## H

*Handicapped* means a person whom:

1. Has a physical or mental impairment that substantially limits one or more of such person's major life activities;
2. Has a record of having such an impairment;
3. Is regarded as having such impairment.

However, "handicapped" shall not include current use of or an addiction to a controlled substance as defined in A.R.S. § 13 or U.S.C. § 21.

*Holding Facility* means a facility established in conjunction with a law enforcement or public safety building, established for the temporary detention of adult or juvenile persons while being processed for arrest or detention by law enforcement. Such facilities do not include lodging or food service facilities to facilitate a stay longer than necessary for processing of the arrest. Holding facilities does not include detention, correctional or release facilities.

*Home Occupation* means an occupation carried on solely by the occupant of the residence that is subordinate or incidental to the primary function of the principal residence or dwelling unit.

*Hospital* means a building or group of buildings in which sick or injured persons are given medical or surgical treatment, examination or care, including overnight residence, together with related facilities, e.g., laboratories, training facilities, staff residences, out-patient department and similar facilities which are an integral part of the principal use.

*Hotel or Motel* means a building or group of buildings used primarily for accommodation of transient guests in rooms or suites, excluding adult motels.

## I

*Initiating Owner* means any person who has requested approval of a Land Use Law, pursuant to an application for which there is a noticed public hearing. If such person is not the legal or record owner of the subject private real property for which the application is made, then such person must provide written evidence that he or she is the authorized agent of the owner with authority to obligate and bind the owner with respect to the application and the property.

## J

*Junk Yard* means an open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled; including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard includes automobile wrecking yards and any area of more than one hundred and twenty (120) square feet for storage, keeping or abandonment of junk, but does not include uses confined entirely within enclosed buildings.

## K

*Kiosk* means a free-standing vendor space or stall located within a public space that is established with the intent to help foster small business development.

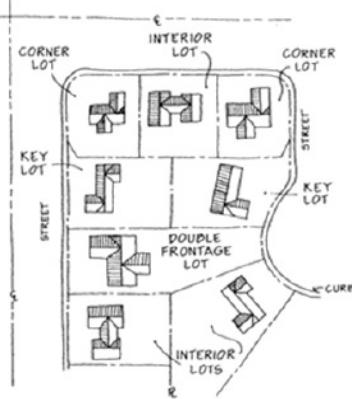
## L

*Land Use Law* means any ordinance or resolution adopted by the City that regulates the use or division of land or any interest in land or that regulates accepted farming or forestry practices. A Land Use Law also may be evidenced by approved written minutes of a noticed public meeting at which an application for approval of a Land Use Law is considered and acted upon by the City.

1. Land Use Law specifically includes (without limitation): approval of a general plan amendment or specific plan, a zoning change, a zoning text amendment, approval of a use permit, and adoption of an annexation ordinance.
2. Land Use Law specifically excludes (without limitation): administrative rules of the City not adopted by the City Council, development fees levied under the authority granted by A.R.S. § 9-463.05, approval of a preliminary or final plat, approval of a site plan, approval of a zoning variance, Administrative Relief, design review approval, and conditions imposed upon and issuance of building, utility, fire, and engineering permits.

*Lattice or Trellis* means an open work structure of crossed strips or bars of wood, aluminum or plastic on which vines or other creeping plants may be trained. Specifically excludes chain link, corrugated, metal and similar metal materials or vinyl mesh.

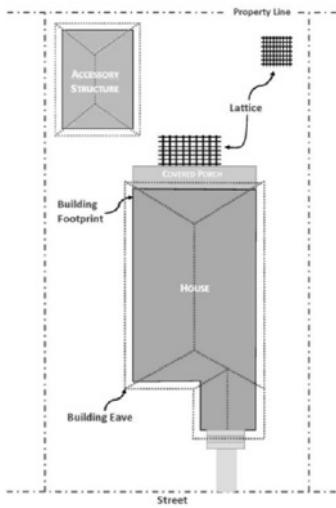
*Loading Space* means the off-street area required for the receipt or distribution, by vehicles, of material or merchandise.



*Lot* means a place or parcel of land separated from every other piece or parcel by description, as in a subdivision or on a recorded survey map, or by metes and bounds, for purpose of sale or separate use.

1. Corner lot means a lot abutting on two or more intersecting streets having an interior angle of intersection not exceeding one hundred thirty-five degrees.
2. Interior lot means a lot having only one side abutting on a street.
3. Key lot means an interior lot, one side of which abuts the rear lot (line) of a corner lot, or is separated therefrom by an alley.
4. Double frontage lot means a lot abutting on two or more or less parallel streets.
5. Flag lot means an interior lot in which the buildable area is located to the rear of a lot abutting a street, and which has access to the same street by means of a narrow driveway.

*Lot Area* means the total area of a lot within the lot lines as measured on a horizontal plane.



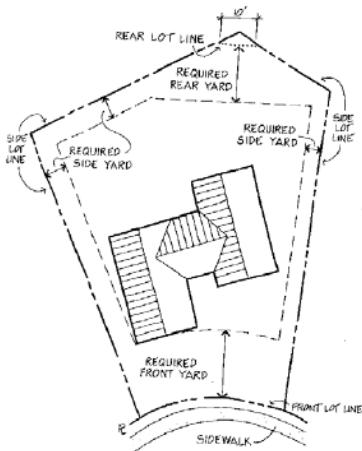
*Lot Coverage* means the portion of a lot occupied by a principal (and) or accessory building's roof structure.

1. Calculations of lot coverage shall exclude up to the first two (2) feet of roof eave/overhang. There shall be no credit where less than a 2 foot eave/overhang exists.
2. Lattice or similar open air roof structures shall be calculated at fifty percent (50%) lot coverage for the area covered by the open air roof structure for a maximum coverage of two hundred (200) square feet. Anything over two hundred (200) square feet is counted at 100% covered (there would be a maximum of a 100 square foot reduction).

(Graphic: House, Accessory Structure, and Covered Porch counted at 100% excluding the 2 foot eave. Open air roof structures are counted at 50% for the first 200 square foot area and 100% after that.)

*Lot Depth* means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

*Lot Line* means a line bounding a lot; synonymous with street line when a lot line coincides with a right-of-way line of an abutting street.



1. *Front lot line* means for interior lots, the lot line abutting on a street; for corner lots, the shorter lot line abutting on a street. When a corner lot or double frontage lot has nearly equal frontage on two streets, designation of the front line shall be at the discretion of the owner.
2. *Rear lot line* means the lot line opposite and farthest from the front lot line. For a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and farthest from the front lot line, not less than ten (10) feet long, and wholly within the lot.
3. *Side lot line* means any lot line other than a front or rear lot line; in the case of a corner lot, the lot line abutting the side street is termed an exterior side lot line; all other side lot lines are termed interior side lot lines.

*Lot of Record* means a lot which is part of a subdivision plat recorded in the Maricopa County Recorder's office prior to February 9, 1971, or a lot or parcel described by metes and bounds and having its description recorded in the Maricopa County recorder's office prior to February 9, 1971.

*Lot Width* means the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front lot line and the rear lot line.

## M

*Manufacturing* means the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

*Marijuana Manufacturing* means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.

*Marijuana Manufacturing, or Cultivation Facility* is a Marijuana Establishment, as defined in A.R.S. § 36-2850, licensed by the State of Arizona that is located in a building, structure, or premises where Marijuana is cultivated or stored and which is physically separate from a Qualifying Marijuana Dispensary. Such Marijuana Manufacturing or Cultivation Facility may only provide Marijuana or Marijuana Products to Qualifying Marijuana Dispensaries. Requirements for mixed-use occupancy will be based upon the adopted building codes.

*Marijuana Testing Facility* is an entity licensed by the State of Arizona to analyze the potency of marijuana and test marijuana for harmful contaminants.

*Massage Establishment* means any business or establishment where the practice of massage therapy is engaged pursuant to A.R.S. § 32-4201, et seq.

*Medical Marijuana Cardholder* is a natural person who is a Qualifying Patient, Designated Caregiver or Nonprofit Medical Marijuana Dispensary Agent or an independent third-party laboratory agent who has been issued and possesses a valid Registry Identification Card pursuant to A.R.S. § 36-2801, et seq.

*Medical Marijuana Statute* is the Arizona Medical Marijuana Act codified at A.R.S. § 36-28.1. All definitions set forth in the Medical Marijuana Statute are hereby incorporated by reference into the City of Peoria Zoning Ordinance and City Code (1992), unless specified otherwise.

*Metallurgy* means the reduction or extraction of metals from their ores by mechanical, physical or chemical methods, including their refinement and preparation for use as raw materials.

*Microbrewery, Microwinery, or Craft Distillery* means an establishment in possession of a valid state license to produce small quantities of alcohol in conjunction with a restaurant or tasting room. All on-site manufacturing and processing of alcohol associated with the microbrewery, microwinery, or craft distillery shall occur wholly within an enclosed building.

*Mining* means the extraction from the earth of gravel, stone, sand and metallic or non-metallic ore, and the crushing, washing, grading, storage and loading for transportation thereof.

*Mixed Use Development* means the development of a parcel(s) of land, building(s) or structure(s) with more than one (1)

type of land use, such as residential, office, retail, public, or entertainment, where the different land uses on the parcel or parcels form a cohesive development with shared vehicular and pedestrian access and parking areas between the parcels, different land uses or both.

1. *Horizontal Mixed-Use*: A project that includes two (2) or more attached or detached single-story buildings with a combination of land uses (e.g. residential and commercial).
2. *Vertical Mixed-Use*: A project that includes one or more attached or detached multiple-story buildings containing both non-residential and residential dwelling units which are functionally integrated by the use of shared vehicular and pedestrian access and parking areas.

*Mobile Food Unit* means a food establishment that is licensed by the State of Arizona, that is readily movable and that dispenses food or beverages for immediate service and consumption and other incidental retail items from any vehicle, except as provided in Section 14-107(a) of the Peoria City Code.

*Mobile Food Vendor* means any person who owns, controls, manages or leases a mobile food unit or contracts with a person to prepare foods and vend from, drive or operate a mobile food unit.

*Mobile Home* means any vehicle, other than a self-propelled motor vehicle, which was originally designed to be drawn by a motor vehicle and which is used for human occupancy.

*Mobile Home Lot* means a portion of a mobile home subdivision used or intended to be used for the parking of one mobile home, including the land covered by the mobile home, adjacent open spaces and attached or detached accessory buildings and structures.

*Mobile Home Park* means a lot, parcel or tract of land having as its principal use the rental of space for occupancy by two or more mobile homes, including any accessory buildings, structures or uses customarily incidental thereto.

*Mobile Home Subdivision* means a subdivision comprising five or more mobile home lots platted for lease or sale to the public, and restricted to such use by covenant or deed restrictions.

*Mobile Merchandise Unit* means any vehicle used for carrying tangible personal property for sale at or adjacent to the vehicle in which such tangible personal property is carried.

*Mobile Merchandise Vendor* means any person who sells any type of tangible personal property at or adjacent to the person's mobile sales unit in which such tangible personal property is carried.

## N

*Neighborhood Association* means an incorporated or unincorporated group of individuals comprising a homeowner's association, merchant's association, community association or other group of individuals with similar interests due to their residence in a defined area and that has registered with the Planning and Community Development Department to receive notice of applicable proceedings.

*Non-Conformity, Legal*, means any 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 or future amendments thereof.

*Non Chartered Financial Institution* means a business, other than a state or federally chartered bank, credit union, mortgage lender or savings and loan association that offers check cashing services, vehicle title loans, and loans for payment of a percentage fee. Specifically included are check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument and "payday" loan businesses which make loans upon assignments of wages received, or businesses that function as deferred presentment services.

*Nude Model Studio* means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model studio shall not include a public or private educational institution consisting of community colleges; colleges; universities or private institution that is licensed by the State of Arizona or supported entirely or in part by public taxation and which maintains and operates a recognized educational program in which educational credits are issued to its students and are transferable to another public or private educational institution and complies with the following:

1. That has no signage visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
2. When in order to participate in a program, a student must enroll at least three days in advance of the class.

*Nudity or a State of Nudity* means:

1. The appearance of the cleft of the buttocks, anus, male genitals, female genitals, or areola of the female breast; or
2. A state of dress which fails to opaque cover the cleft of the buttocks, anus, male genitals, female genitals, or areola of the female breast.

*Nursing or Convalescent Home* means a health care institution, other than a hospital or personal care home that is licensed

by the Arizona Department of Health Services as a skilled nursing facility for two or more unrelated persons, excluding, however, institutions for the care of alcoholics, drug addicts and persons with mental or communicable diseases, group care homes, community residential setting facilities and recovery centers licensed by the State of Arizona.

## O

*Off-street* means land which is not within the right-of-way of any street or alley.

*Open-Air Markets*, commonly referred to as a *Farmers Market* or *Craft Market*, means a market held in an open area where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, locally produced arts and crafts items (excluding second-hand items). The display and sale of hand-crafted artisan items may be considered as an accessory activity, provided the principal activity remains the sale of the food- or produce-related items.

*Oral Sexual Contact* means oral contact with the penis, vulva or anus.

*Outdoor Display* means an outdoor display or sale of goods which is conducted within an adjoining space, or in close proximity to a principally permitted business on the same parcel of property (or within the same commercial center) upon which the outdoor display is located.

*Outdoor Storage* means screened exterior storage of material, goods, or equipment with restricted public access. Vehicle Dealerships, Vehicle Rental Facilities, Self-Storage Facilities, and Boat and Recreational Vehicle and Trailer Storage are excluded from this classification.

*Overlay District* means a district established by ordinance to prescribe special regulations to be applied to one or more base zoning district(s); such regulations are intended to protect certain critical features and resources of the areas.

*Owner* means the person, persons, trust or other legal entity that is or are the legal or record owners of the undivided fee simple title to private real property at the time the City makes a final decision in regard to a Land Use Law affecting such property.

## P

*Parking Area, Public* means an open area, other than a street or alley designated for use, or used, as temporary parking of four (4) or more vehicles when available for public use, whether free or for compensation or as an accommodation for clients or customers.

*Parking Lot* means an area other than for single-family dwellings used for the off-street parking of more than two motor vehicles, including parking spaces, access and maneuvering aisles.

*Parking Space, Off-street* means a space designated for the temporary parking of a motor vehicle not on the right-of-way or alley but accessible from a street or alley.

*Parties In Interest* means a term identifying the owners of property within one hundred fifty (150) feet, exclusive of street, or specified property.

*Paved Parking Space or Surface* means an area covered by an impervious dust free surface of asphalt or concrete designed to City specifications.

*Pawnbroker* means a person who is engaged in the business of advancing money on the security of pledged goods or is engaged in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed or variable price within a fixed or variable period of time.

*Pawnshop* means the location or premises at which a Pawnbroker is licensed to regularly conduct the pawnbroker's business.

*Pawn Transaction* means either the act between the Pawnbroker and a person pledging tangible personal property or extending credit on the security of pledged goods or the act of purchasing tangible personal property with an express or implied agreement or understanding that it may be redeemed or repurchased by the seller for a fixed or variable price within a fixed or variable period of time, except that a good faith outright purchase of tangible personal property is not a pawn transaction.

*Permissible Consumer Fireworks* means fireworks devices as defined by A.R.S. § 36-1601.5(a) and (b).

*Personal Cultivation or Processing* means cultivating or processing of not more than six marijuana plants for personal use at an individual's primary residence, or not more than twelve plants where two or more individuals reside at one time. In this instance, individual shall mean a person of at least twenty-one years of age.

*Planned Shopping Center* means a business development of two acres or more not divided by a street and characterized by an organized and concentrated grouping of retail and service outlets served by a common circulation and parking system.

*Planning Manager* means the director of the Department, or the director's designee.

*Plans Review Committee* means that committee charged with the express intent to review and make recommendations on major site plans to the Commission, review and approve minor site plans and to review and approve other development plans as authorized by the City Council. The Plans Review Committee shall be composed of personnel assigned to the Department, or any other personnel as appointed by the Planning Manager or City Manager.

*Plasma Center* means a business, which provides compensation to patrons for plasma drawn from the human body.

*Plot Plan* means a fully dimensioned line drawing of a specific site identifying the location of all proposed structures, including outdoor display, in relation to abutting streets and existing structures.

*Pre-existing Wireless Communication Facility* means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

*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.

*Private Garage* means an enclosed accessory building, attached or detached, used for storage of motor vehicles used by occupants of the principal building and providing no public shop or services in connection therewith.

*Public Park* means land owned and operated by a governmental entity for private and public recreation that is open to all citizens on an equal basis, requires no membership, and does not include facilities operated by a private or public entity providing goods or services for compensation similar to those provided by non-governmental businesses, regardless of property ownership. Examples of facilities providing goods or services for compensation similar to those provided by non-governmental businesses include (without limitation):

- Marina supply or services;
- Hotel or resorts;
- Race tracks;
- Aviation facilities; and
- Amusement parks.

*Public Utility* means any person, firm, corporation, city or special taxing district authorized under state statute or city charter or code to provide to the public electricity, natural gas, steam, water, drainage, flood control, irrigation, or wastewater collection and treatment. The provision of telecommunications services by any provider of a public utility or by any person, firm, corporation or special taxing district is not a "Public Utility".

## **Q**

*Qualifying Marijuana Dispensary* means:

1. A non-profit Marijuana Dispensary defined in A.R.S. § 36-2801(12) that sells, distributes, transmits, gives, dispenses, or otherwise provides Marijuana for medical use and related supplies to Qualifying Patients. Included in the manufacture and creation of products for individual sale where Marijuana is incorporated into the product for consumption by an individual who is a valid Medical Marijuana Cardholder and the sale of not more than twelve living Marijuana plants to an individual Medical Marijuana Cardholder authorized pursuant to A.R.S. § 36-2801, et seq.; or
- 2) A dispensary operated pursuant to A.R.S. § 36-2858 by a Dual License as defined by A.R.S. § 36-2850 and Section 11-75 of the City Code which sells, distributes, transmits, gives, dispenses, or otherwise provides Marijuana and Marijuana Products and related supplies for (1) medical use to Qualifying Patients; and (2) for general non-medicinal use to individuals who are at least twenty-one years of age as permitted by A.R.S. § 36-2852.

## **R**

*Railroad Use* means the occupation and use of land, buildings and structures for purposes directly connected with rail transportation of Sections, goods and passengers, including such facilities as tracks, sidings, signal devices and structures, shops and yards for maintenance and storage of rail machinery, loading platforms, passenger and freight terminals, but excluding freight terminals and yards, and similar facilities, which are maintained and operated by the owning railroad or by a lessee for the purposes auxiliary to rail transportation; provided, however, that the operation of such facilities as a hobby or as part of an amusement business shall not be considered a railroad use.

*Reception Center* see *Banquet and Conference Centers*.

*Recreation and Social Clubs* see *Clubs and Lodges* definition.

*Recreational Vehicle* means a vehicular type unit as defined in A.R.S. § 41-2142.30 specifically designed for recreational use, watercraft and trailers used to haul watercraft, horse trailers and similar recreation equipment.

*Recycling Collection Facility* means a facility used for the acceptance of recyclable materials from the public. Recyclable materials may be collected, sorted, bundled, bailed and/or temporarily stored prior to delivery to a permanent disposal site or shipment to others for reuse and/or processing.

*Recyclable Collection Point* means an accessory incidental structure or enclosed area that serves as a neighborhood drop-off point for recyclable material collection prior to delivery to a broker or user of such materials. No processing or compounding of materials is permitted.

*Recyclable Materials* means waste materials considered being reusable and intended for remanufacturing or reconstitution. These materials shall include the following, and similar materials: plastics, glass, paper, cardboard, chipboard, polystyrene, metals (e.g. aluminum cans, fixtures, wire), fabric, lawn clippings, leaves, and tree branches. Recyclable materials do not include junk, rubbish, refuse, corrosive, toxic or otherwise hazardous materials, as determined by the City of Peoria Fire Department.

*Release Facility* means a facility operated by the Arizona Department of Corrections or Arizona Department of Youth Rehabilitation or private contractors with the above for the post-trial incarceration of juveniles and adult convicted felons who are deemed appropriate for release upon completion of their assigned term in a Detention or Correctional Facility. Such facilities are characterized by providing residential housing and restricted living settings to their residents.

*Religious Institution* means a permanently affixed building, where one of the principal uses is for religious worship such as that of a church, synagogue or temple.

*Remediation* means the action or measures taken, or to be taken, to lessen, clean-up, remove, or mitigate the existence of hazardous materials existing on the property to such standards, specifications, or requirements as may be established or required by federal, state, or county statute, rule or regulation.

*Repair Garage* means an establishment where the following services may include: those normal activities of a gas service station, general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision services such as body, frame or fender straightening and repair; general painting and undercoating of automobiles; high speed washing; auto, boat or trailer rental and general sales of auto parts or accessories.

*Restaurant, Drive-In or Drive-Up*, means a restaurant that provides food and beverage service directly to patrons within vehicles primarily either for consumption on the premises in a parked vehicle or to take away subsequent to retrieval from a drive-through service.

*Restaurant, Full Service*, means a restaurant providing sit-down table service to patrons who order and are served food prior to receiving a bill. Carry-Out Services may occur as an accessory use.

*Restaurant, Fast Food with Drive Through*means a restaurant provides food and beverage service directly to patrons within parked vehicles for consumption primarily on the premises or drive-through service.

*Restaurant, Limited Service*, means a Restaurant where patrons order and pay before food or drink is consumed on or off premise.

*Restaurant, Walk-Up*, means a restaurant with a walk-up service window. Food and drink is customarily carried off-site for consumption.

*Retail Liquor Store* means a business that sells beer or intoxicating liquors in an unopened package for consumption off the premises of the business having a Series 9 license issued by the Arizona Department of Liquor License and Control and derive the majority of sales from beer and intoxicating liquors. Businesses which hold a Series 9 license and sell beer or intoxicating liquor accessory to another permitted principal or conditional use are not considered Retail Liquor Stores.

*Right-Of-Way* means a public way established or dedicated for public purposes by a duly recorded plat, deed, grant, governmental authority or by operation of the law.

*Rooming House* means a building other than a motel or hotel, where for compensation and by pre-arrangement for definite periods of time, lodging is provided for two or more individuals who are not members of a resident family. Rooming House does not include institutions for the care of alcoholics, drug addicts, and persons with mental or communicable diseases; group care homes, community residential setting facilities and recovery centers licensed by the State of Arizona.

## S

*Schools, Business, Trade or Vocational*means a school, which may be operated as a commercial venture which, is primarily established to teach students skills to be used in a specific trade or occupation. Such facilities may not include lodging for students or faculty. ;b1; *Schools, Instructional* means a school or instructional institution established to provide instruction in recreational or other types of instruction such as swimming, dance, music, martial arts, and similar craft-type activities.

*Schools, Private* means a private place of general instruction including but not limited to charter, parochial, religious or charitable institutions certified by the Arizona Department of Education, State Board of Charter Schools or Arizona Board of Regents including buildings, athletic fields, and all accessory or accompanying structures and areas used for educational purposes. Such facilities do not include trade or vocational schools. Such facilities may include lodging and services for students or faculty but shall not include day care centers, business, trade or vocational schools or instructional schools as defined herein.

*Schools, Public/Charter* means a public place of general instruction, including buildings, athletic fields, and all accessory or accompanying structures and areas used for educational purposes, providing primary or secondary instruction, certified by and meeting all of the compulsory education laws of the State of Arizona and the State Board for Charter Schools where applicable. Such facilities may include lodging and services for students or faculty but shall not include day care centers, business, trade or vocational schools or instructional schools as defined herein.

*Screen Wall* means a masonry wall, wood fence or slatted chain-link fence, so constructed as to completely block at least eighty-five percent (85%) of the view of enclosed activities or uses from adjacent real property that is approximately the same elevation as the activity or use. A wood fence does not include any manufactured material, including but not limited to

plywood, pressboard, Sectionboard, chipboard or masonite.

*Self-Storage, Indoor and Drive-Up* often referred to as Mini-Storage, these facilities offer storage for patrons, which may be accessed through internalized controlled entry within the building or through controlled drive-up access within the facility. Facility shall refer to a building or group of buildings that contain varying sizes of individual, compartmentalized, and/or enclosed stalls or lockers for the storage of customers' goods or wares.

*Setback* means the minimum horizontal distance between a lot line and nearest point of a building, structure or use, as the context indicates, located on a lot.

*Sexual Encounter Center* means a business or commercial enterprise that as one of its principal business purposes offers for any form of consideration:

1. Physical contact between persons of the opposite sex, when one or more of the persons is in a state of nudity in the forms of tumbling, wrestling, or other similar activities for the purpose of engaging or attempting to engage in specified sexual activities or oral sexual conduct; or
2. Activities between male and female person and/or persons of the same sex when one or more of the persons is in a state of nudity for the purpose of engaging or attempting to engage in specified sexual activities or oral sexual conduct.

*Specified Anatomical Areas* means:

1. Human genitals in a state of sexual arousal;
2. The appearance of the cleft of the buttocks, anus, male or female genitals, or areola of the female breast; or
3. A state of dress that fails to opaquely cover the cleft of the buttocks, anus, male or female genitals, or the areola of the female breast.

*Specified Sexual Activities* means and includes any of the following:

1. The fondling or other erotic touching of the human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or
4. Urinary or excretory functions as part of or in connection with any activities set forth in 1 through 3 above.

*Story* means that portion of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the topmost floor and the roof having a usable floor area at least one half that of the floor immediately below. A basement shall be considered a story when fifty percent (50%) or more of its cubic content is above grade.

*Street* means a right-of-way, other than an alley, dedicated or otherwise legally established for public use, usually affording the principal means of access to abutting property.

1. *Street, arterial* means a street with access control, signals at important intersections, stop signs on the side streets and restricted parking designed primarily to collect and distribute traffic to and from collector streets.
2. *Street, collector* means a street, which carries (collects) traffic from local streets and connects with minor or major arterial streets.
3. *Street, local* means a street designed to provide vehicular access to abutting properties and to discourage through traffic.
4. *Street, public* means any street, which has been dedicated or is otherwise publicly owned by the City. Any street not a public street shall be deemed a private street.

*Street Line* means a right-of-way line of a street, which abuts a lot line.

*Structure* means any constructed or erected material or combination of materials the use of which requires location on the ground or attachment to something located on the ground, including inter-alia buildings, stadiums, radio towers, sheds, storage bins and fences.

*Swap Meet*, commonly referred to as an *Flea Market* or *Bazaar*, means a marketspace where groups of sellers rent space to display, barter or sell goods to the public. The marketspace is composed of semi-enclosed or outdoor stalls, stands or spaces, and is distinguished from a farmer's market or craft fair in that the principal items sold, displayed or bartered are used or previously owned items, and are not fresh produce items, art items or handicrafts. This definition does not include Outdoor Displays, retail sidewalk sales, or garage sales.

*Swimming Pool* means any structure intended for swimming or recreational bathing that contains water over eighteen (18) inches in depth. This includes in-ground, above-ground and on-ground swimming pools, hot tubs, portable and non-portable spas and fixed-in-place wading pools.

**T**

*Tattoo Studio* means a business that marks the skin with any indelible design, letter, scroll, figure, symbol or any other mark that is placed by the aid of needles or other instruments upon or under the skin with any substance that will leave color under the skin and that cannot be removed, repaired or reconstructed without a surgical procedure. A Tattoo Studio may or may not be operated in conjunction with a Body Piercing Studio.

*Tavern, Bar, Lounge* means a business serving beverages for consumption on the premises as a primary use including on-sale service of alcohol including beer, wine, or mixed drinks, and businesses that do not meet the definition of *Full Service* or *Limited Service Restaurant*.

*Temporary Use or Building* means a use or structure permitted under this Section to exist for a limited period of time.

*Tobacco Retailer* means a business which allows for the smoking of tobacco on-premise and sells tobacco and/or tobacco accessories. These businesses are also subject to the Smoke Free Arizona Act, A.R.S. § 36-601.01 and R9-2-101 of the Arizona Administrative Code. Hookah, Tobacco, Cigar, and Shisha Lounges or Bars are considered Tobacco Retailers for the purposes of the Zoning Ordinance.

*Tower Height* means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad.

*Townhouse or Rowhouse* means a single dwelling unit arranged side by side with other such units in a multi-family dwelling completely independent of all other such units in the building by reason of separation therefrom by unpierced party walls.

*Travel Trailer Park* means a lot, parcel or tract of land, or a portion of a mobile home park, having as its principal use the rental of space for temporary, short term, transient occupancy by two or more travel trailers, including any accessory buildings, structures and uses customarily incidental thereto.

**U**

*Usable Floor Area* means a term used in computing parking requirements, meaning the aggregate area of a building measured to the interior face of exterior walls on the first story, and including the floor area, similarly measured, of each additional story which is connected to the floor area or all accessory buildings, measured similarly, but excluding that part of any floor area which is occupied by heating, ventilating or other permanently installed equipment required for the operation of the building and by unenclosed porches, light shafts, public corridors and public toilets. For uses not enclosed within a building, the area for sales, display or service shall be measured to determine equivalent usable floor area.

*Use* means the purpose, for which a building is arranged, designed or intended, or for which land or a building is or may be occupied.

1. *Principal use* means the main use to which the premises are devoted and the main purpose for which the premises exist.
2. *Accessory use* means a subordinate use to the principal use on a lot and used for purposes clearly incidental to those of the principal use.

*Utility Trailer* means a vehicle with or without motive power, other than a pole trailer and semitrailer, designed for carrying property and for being drawn by a motor vehicle.

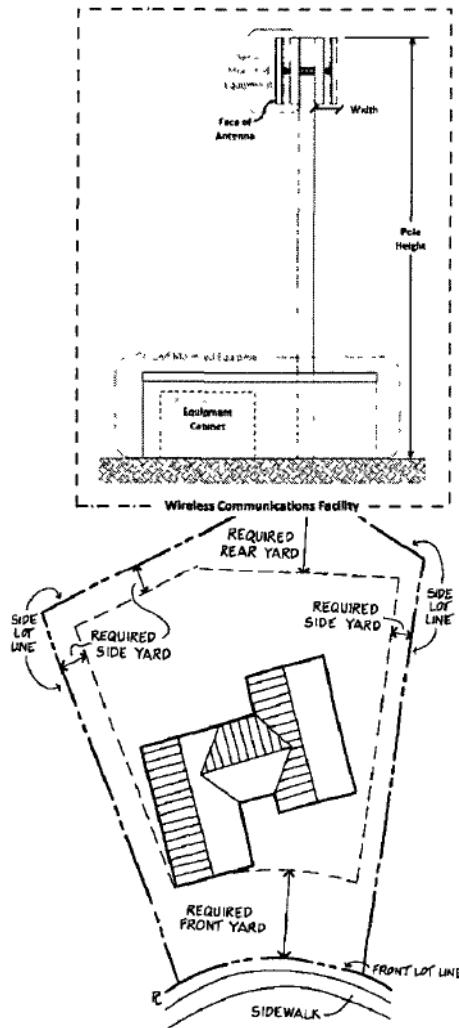
**V**

*Variance* means a modification of the literal provisions of this Ordinance granted by the Board upon a finding that strict enforcement of the Section would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted.

*Vested Rights* means rights to use, divide, sell, possess, or acquire real property established pursuant to Arizona statutory and common law that the City or any other governmental entity may not violate without good cause or in the absence of any public necessity, including those rights recognized as vested pursuant to a Protected Development Rights Plan approved by the City.

**W**

*Waiver of Proposition 207* means a voluntary contractual agreement executed and submitted to the City in conjunction with an application for approval of a Land Use Law made by an Initiating Owner or its authorized representative and the City, whereby the Initiating Owner agrees to certain enumerated conditions of approval and to waive its right to bring a 207 Claim under the Act regarding the Land Use Law that is the subject of the application and any other Land Use Law or administrative interpretation and application of a Land Use Law resulting in good faith from the approval of the application. The agreement shall be in a form drafted and approved by the City Attorney that is recorded, runs with the land, and will bind the Initiating Owner and any successors.



**Wireless Communication Facility (WCF)** means any structure or piece of equipment that is designed and constructed primarily for the purpose of sending or receiving wireless transmissions or supporting one or more antennas for telephone, radio, wireless data, and similar communication purposes, including self-supporting lattice towers, and monopole or similar towers. The term includes radio and television transmission towers, microwave towers, common- carrier towers, cellular telephone towers, Alternate Design WCF, and similar facilities. The term also includes the structure and any support thereto.

**WCF Aerial Mounted Equipment** means all above grade equipment that is associated with the wireless communication facility aside from ground mounted equipment and the pole or support structure anchoring the facility to the ground. This includes all appurtenances to the vertical structure of the wireless facility such as antennae, antenna arrays, microwave dishes, or similar equipment as well as materials mounted to vertical structures for co-location purposes.

**WCF Alternate Design Wireless Communication Facility** means the concealment or camouflage of a WCF that is in character with the surrounding area. Examples include, but are not limited to, a flagpole near a building, a spire at a place of worship, a palm tree in an area with mature palm trees, a pine tree in an area with mature pine trees or a saguaro cactus in an area with other mature saguaro cacti.

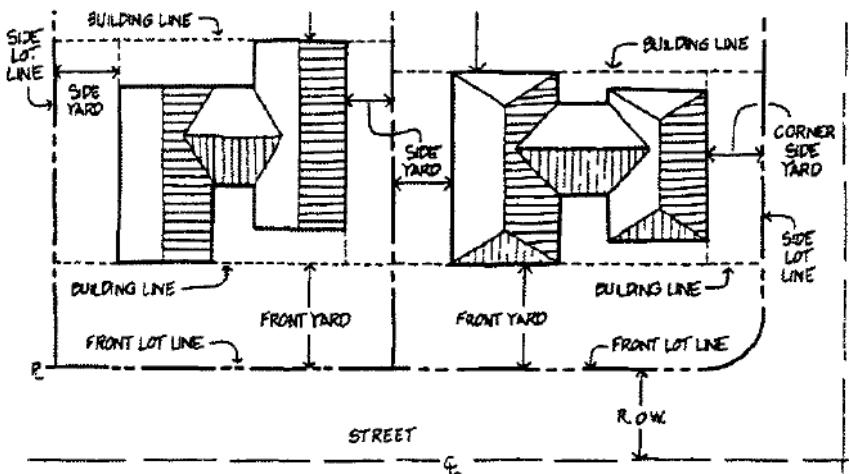
**WCF Ground Mounted Equipment** means all equipment associated with the wireless facility located at or near the base of the vertical structure. This shall include equipment cabinets, generators, and any associated screening walls for said equipment.

## Y, Z

**Yard** means an open space located between any portion of a building and the nearest lot line, or the nearest adjacent building or group of buildings, as the context indicates, unoccupied and unobstructed from the ground upward, except as otherwise provided for in this Section.

1. *Front yard* means a yard extending across the full width of the lot and having a depth equal to the horizontal distance between the nearest point of the principal building and the front lot line, measured at right angles to the front lot line.
2. *Rear yard* means a yard extending across the full width of a lot, and having a depth equal to the horizontal distance between the nearest point of the principal building and the rear lot line, measured at right angles to the rear lot line.
3. *Side yard* means a yard extending from the front yard to the rear yard between a side lot line and the

principal building, and having a width equal to the horizontal distance between the nearest point of the principal building and the side lot line, measured at right angles to the side lot line.



*Yard, Non-Required* means any yard with dimensions exceeding those required herein.

*Yard, Required* means a yard having the minimum dimensions required herein.

*Zoning Administrator* means the Planning Manager.

(Ord. No. 79-72, 11-27-79; Ord. No. 87-39, 8-25-87; Ord. No. 88-09, 1-26-88; Ord. No. 92-14, 3-17-92; Ord. No. 93-06, 1-19-93; Ord. No. 93-25, 5-25-93; Ord. No. 94-74, 11-1-94; Ord. No. 95-15, 3-21-95; Ord. No. 96-21, 4-16-96; Ord. No. 97-41, 8-4-97; Ord. No. 97-100, 9-16-97; Ord. No. 98-15, 3-3-98; Ord. No. 98-18, 3-17-98; Ord. No. 98-34A, 5-19-98; Ord. No. 99-89, 7-20-99; Ord. No. 99-101, 10-5-99; Ord. No. 99-112, 12-15-99; Ord. No. 00-28, 6-20-00; Ord. No. 00-68; Ord. No. 01-26, 7-10-01; Ord. No. 01-167, 10-16-01; Ord. No. 02-21, 4-2-02; Ord. No. 02-68, 7-9-02; Ord. No. 03-158, 7-1-03; Ord. No. 04-187, 8-26-04; Ord. No. 04-188, 8-24-04; Ord. No. 05-25, 4-5-05; Ord. No. 05-58A, 12-13-05; Ord. No. 06-16, 6-20-06; Ord. No. 07-14, 4-17-07; Ord. No. 07-22, 7-10-07; Ord. No. 2010-23, 8-17-10; Ord. No. 2010-24, 8-17-10; Ord. No. 2011-03, 1-18-11; Ord. No. 2011-05A, 2-15-11; Ord. No. 2013-16, 9-17-13; Ord. No. 2015-08, 4-7-15; Ord. No. 2016-01, 1-5-16; Ord. No. 2016-28, 9-20-16; Ord. No. 2016-29, 9-20-16; Ord. No. 2016-28, 9-20-16; Ord. No. 2016-29, 9-20-16; Ord. No. [2017-33](#), § 11, 6-13-17; Ord. No. [2017-44](#), § 1(Exh. A), 11-7-17; Ord. No. [2018-12](#), § 1(Exh. A), 6-5-18; Ord. No. [2021-06](#), § 1(Exh. A), 3-2-21; Ord. No. [2021-17](#), § 1(Exh. A), 6-1-21; Ord. No. [2023-01](#), § 2(Exh. 1), 1-24-23; Ord. No. [2024-05](#), § 2(Exh. A), 4-16-24; Ord. No. [2024-20](#), § 2(Exh. A), 12-17-24; Ord. No. [2025-01](#), § 2(Exh. A), 1-14-25)

## Sec. 21-300.

### General Provisions and Development Standards

#### Sec. 21-301. Purpose and Applicability.

- 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 21-401 et seq. Residential, 21-501 et seq. Non-Residential and Section 21-601 et seq., 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. General Use Provisions.**

### **A. General Use Restrictions.**

1. *Principal Uses.* Only those uses and groups of uses specifically designated as permitted principal uses in zoning district regulations shall be permitted as principal uses; all other uses shall be prohibited, except as otherwise provided in this Ordinance.
2. *Conditional Uses.* Certain specified uses designated as permitted conditional uses may be permitted as principal uses subject to special conditions of location, design, construction, operation, and maintenance hereinafter specified in this ordinance or imposed by the City during the development review and approval process.
3. *Accessory Uses.* Uses normally accessory and incidental to permitted principal or conditional uses shall be permitted as hereinafter specified. No accessory use or structure shall be permitted in any zoning district until its principal use or structure is present or under construction with an approved building permit.
4. *Temporary Uses.* Certain temporary uses may be permitted by temporary use permit, subject to such special conditions as the City may impose in accordance with provisions of this Ordinance.
5. *Unspecified Uses.* The schedule of use listings within each zoning district is intended to establish the character of uses to be permitted, but may not include each and every allowable use. Unspecified uses may be permitted by the Community Development Director or designee thereof upon finding that such uses are similar in character to, and not typically more objectionable than, other uses specifically listed as permitted.

### **B. Restrictions on Occupation for Dwelling Purposes.**

1. No cellar, garage, tent, basement with unfinished structure above, or accessory building shall at any time be used as a dwelling unit. This provision shall not apply to guest houses or to quarters for night watchmen where such are allowed.
2. No mobile home or recreational vehicle outside an approved mobile home or recreational vehicle development shall be used as a dwelling unit at any time in any zoning district.

### **C. General Yard and Setback Requirements.**

1. *Future Streets.* When future street lines have been officially established by the City Council, all required setbacks along said streets shall be measured from such street lines. For private streets or private access-easements, setbacks shall be measured from the street easement or tract boundary.
2. *Separate Space Requirements.* No lot, yard, parking or loading area, building area, or other space nor any part thereof, that is required about, or in connection with, any building, shall be included as part of a yard, area, or space required for any other building.
3. *Sight Distance Triangles.* Sight distance triangles shall adhere to the provisions set forth in the Peoria Infrastructure Guidelines.
4. *Cooling Units and Similar Devices in Non-Residential Districts.* In non-residential zoning districts, compressor units, condensing units, cooling towers, evaporative condensers, and similar devices shall be located at a minimum distance of three (3) feet from any interior lot line, except as otherwise provided in this Ordinance. Air conditioning units may be located entirely within a required side or rear yard provided such device conforms to the provisions of the Building Code.
5. *Projections into Required Yards in 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 (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 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.
  - 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.

(Ord. No. 03-09, 3-19-03; Ord. No. 04-187, 8-26-04; Ord. No. 04-199, 10-6-04; Ord. No. 06-07, 3-21-06; Ord. No.[2017-33](#), § 13, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### **Sec. 21-303. 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 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.

(Ord. No. [2017-33](#), § 14, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-304. 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 standards, including but not limited to setback, height, and landscaping requirements, for the given zoning district.

(Ord. No. [2017-33](#), § 15, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

#### **Secs. 21-305—21-309 Reserved.**

#### **Sec. 21-310. Screening and Walls.**

#### **Sec. 21-311. 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 et seq.

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 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 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 et seq.

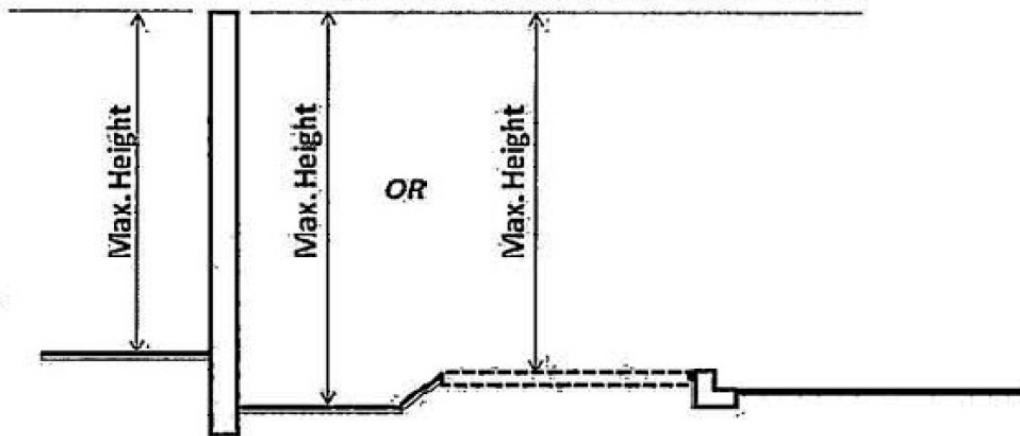
(Ord. No. 2011-02, 1-4-11; Ord. No. [2017-33](#), § 23, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

## **Sec. 21-312. 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:

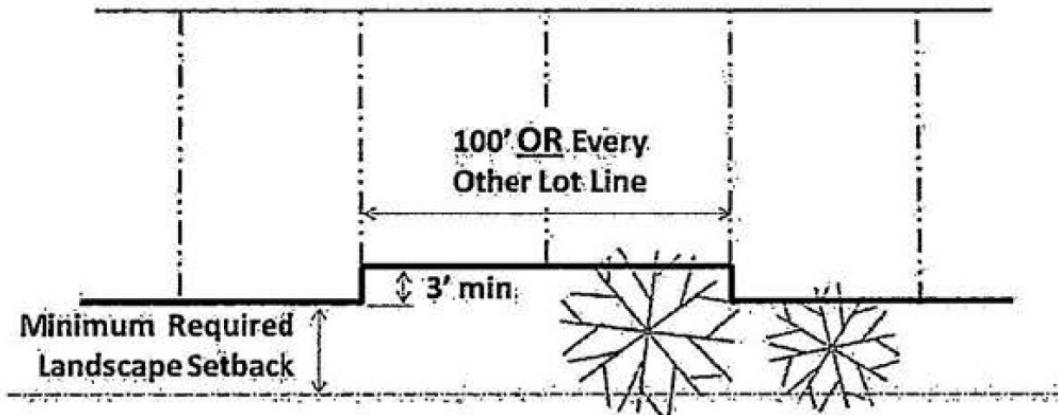
- a. In required yards abutting a street, sidewalk, or trail, the height of the fence shall be measured from the required two (2) foot shelf at the base of the wall or from the top of curb or the top of sidewalk, path, or trail when such element is at a higher elevation than the shelf. (Figure A)



**Figure A - Measuring Wall Height**

**Figure A - Measuring Wall Height**

5. *Undulating Wall Required.* All fences and walls along arterial and collector streets with a continuous length greater than two hundred (200) feet shall use an undulating pattern at minimum intervals of one hundred (100) feet or at every other side lot line, whichever is less, to provide variety and visual interest. The undulation depth from the street line shall be minimum of three (3) feet. (Figure B) Alternative options may be approved during the Preliminary Plat or Site Plan Review Process.



**Figure B - Perimeter Wall Undulation**

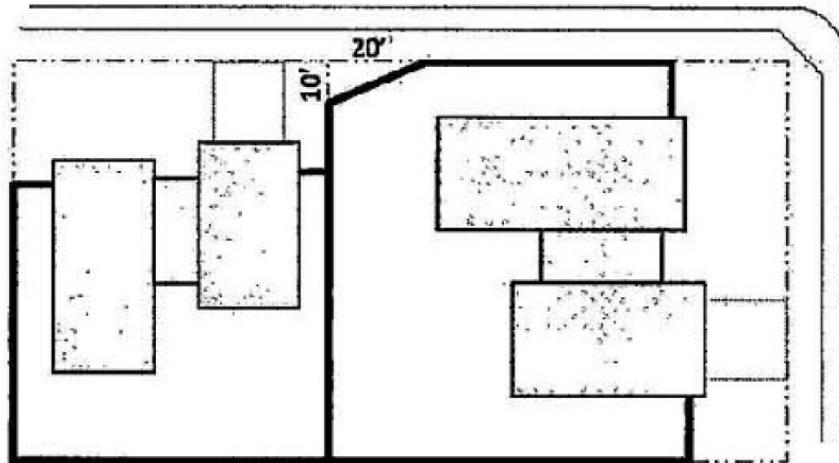
**Figure B - Perimeter Wall Undulation**

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 21-312.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 21-312 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.**

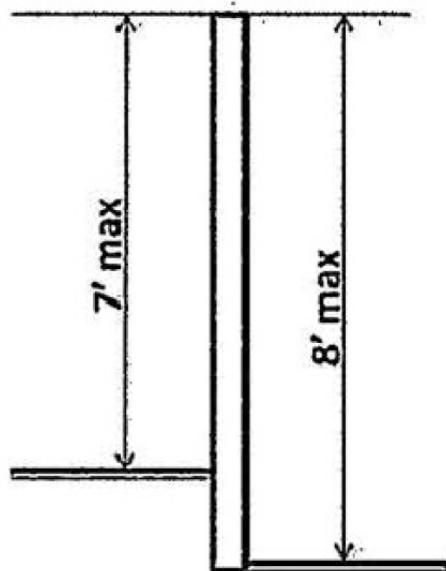
1. *Height of Fences and Walls.* In all Residential Districts, no fence or wall within or bounding the front yard shall exceed a height of three (3) feet, and no fence or wall within or bounding a side or rear yard shall exceed a height of seven (7) feet, except as specified elsewhere within this Ordinance.
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



## 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)

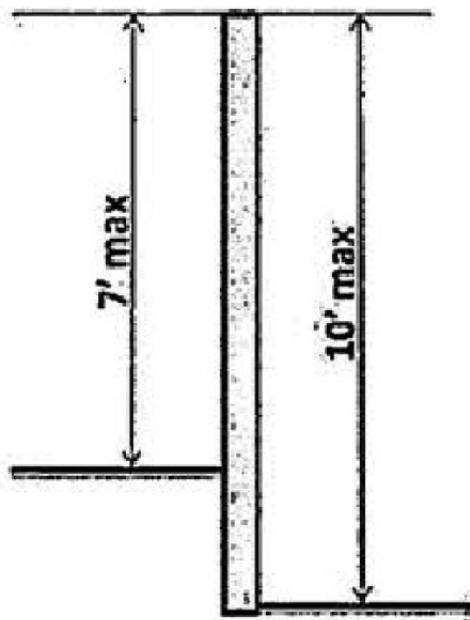


ZONING

## Figure D - Residential to Residential

### 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).

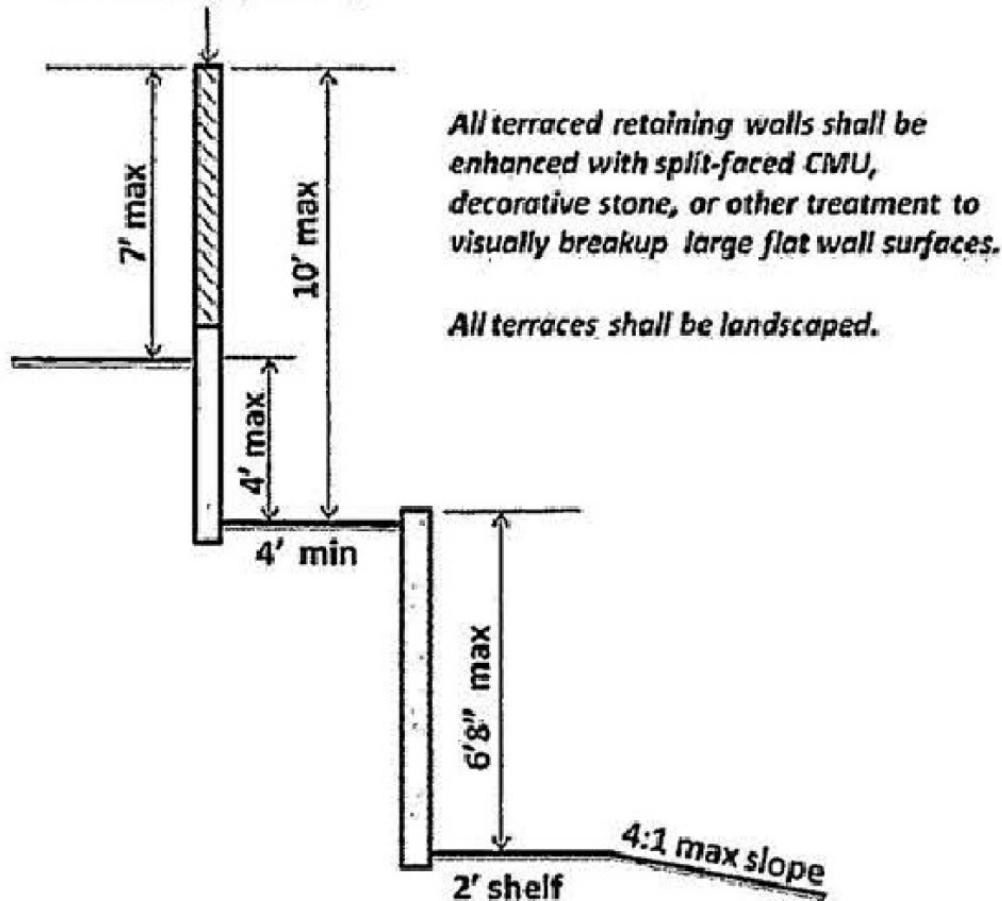


**Figure E - Residential to Street**

**Figure E - Residential to Street**

5. *Retaining Walls.* For the purpose of this ordinance, any wall retaining a minimum of twelve (12) inches of earth shall be considered a retaining wall. If retaining requirements exceed ten (10) feet in height, then terracing shall be required. When terracing walls, the first wall at grade level shall not exceed 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.

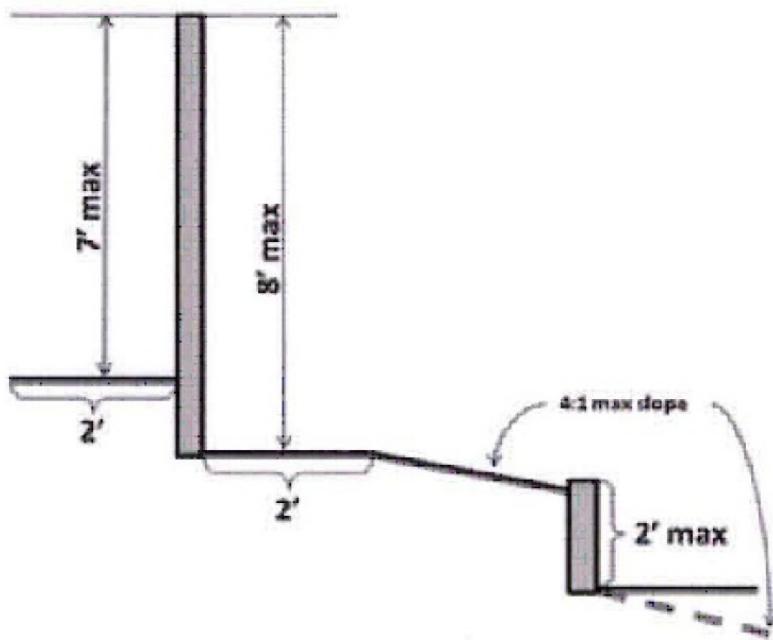
**Solid Masonry Wall, View Fence,  
or Combination Thereof**



**Figure F - Retaining Walls**

**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 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.



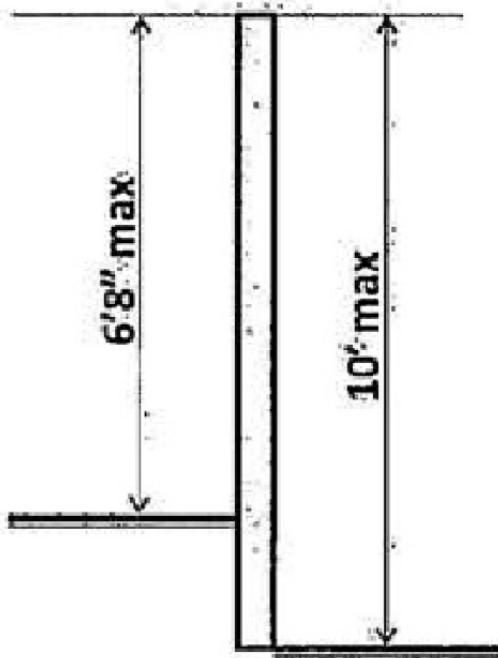
**Figure G - Residential to Retention**

**Figure G - Residential to Retention**

7. *Wall Waivers.* Waivers from the wall requirements may be granted by the Zoning Administrator 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 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, the applicant can file a Variance Request to be heard by the Board of Adjustment, in accordance with Section 21-161 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.

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.
  - 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.

**Secs. 21-313—21-314 Reserved.**

**Sec. 21-315. 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. *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 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.
2. No accessory building shall be located in any front yard.
3. 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.
4. 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.
5. 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.
6. 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.
7. All structures shall be located in accordance with any applicable City building and/or fire code.

D. *Performance Standards.*

- I. *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. *Swimming Pools.*

- a. 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. 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. *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. Sport courts shall not be permitted in a required front yard.
  - b. 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. 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. Outdoor lights shall not be operated between 10:00 PM and sunrise and shall be shielded in accordance with Section 21-302.F., of this Ordinance.
  - e. 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. As part of the construction plans submittal for the sport court, the plans shall be routed to the Planning Department for a determination of zoning compliance. Sport court plans shall include:
    - 1) Setback dimensions from all property lines; and
    - 2) The location and height of any walls, fences, or lighting related to the sport court; and
    - 3) Lighting cutsheet and photometric plan.

(Ord. No. 06-07, 3-21-06; Ord. No. 2017-33, § 166, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12- 17-24; Ord. No.[2024-20](#), § 2(Exh. A), 12-17-24)

### **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 determine that a site plan conforms with applicable zoning regulations.

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

#### **C. Eligibility as a Permitted Use.**

1. *Permitted Use.* Subject to this Section and the City of Peoria's building codes, fire codes, and public health and safety regulations, the following is a permitted use with adequate public utility services:
  - a. No more than one (1) attached accessory dwelling unit and one (1) detached accessory dwelling unit on a single-family dwelling lot; or
  - b. No more than one (1) attached accessory dwelling unit and two (2) detached accessory dwelling units on a single-family dwelling lot that is one (1) acre or more in size, but only if at least one(1) of the detached accessory dwelling units is a "restricted-affordable dwelling unit."
2. *Eligibility.* For the purpose of this Section, an accessory dwelling unit shall only be constructed on a single-family lot or parcel, and shall not exceed seventy-five (75) percent of the gross floor area of the existing single-family dwelling on the same lot or parcel, or one thousand (1,000) square feet, whichever is less.
3. *Appeals.* If an application for a proposed accessory dwelling unit is denied or deemed to not be a permitted use, the applicant can appeal the Zoning Administrator's decision to the Board of Adjustment as defined in Section 21-162.

**D. Development Standards.** Except as provided in state law, this Section, or the Peoria's building codes, fire codes, and public health and safety regulations, an accessory dwelling unit that is proposed on the same lot or parcel as a single-family dwelling that includes its own sleeping and sanitation facilities is eligible for the following deviations from the zoning regulations:

1. *Location.*
  - a. An accessory dwelling unit may be constructed where the zoning allows for a single-family dwelling on the lot or parcel.
  - b. An accessory dwelling unit is not permitted on the same lot or parcel as a duplex or other multiple-family development.
  - c. 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:
  - a. The minimum rear and side building setback shall be five (5) feet from the property line.
  - b. 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 non permitted 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.*
  - a. 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.
  - b. 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.
  - c. 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.

**Secs. 21-317—21-319 Reserved.**

**Sec. 21-320. Home Occupations.**

A. *General.* A Home Occupation is an accessory use of the primary dwelling unit permitted either by-right or by conditional use permit. Home occupations are generally conducted and located such that the average neighbor, under normal circumstances, would not be aware of their existence. The home occupation is generally carried on by a member of a family, residing on the premises, and is clearly incidental to the use of the structure for dwelling purposes and does not change the exterior character of the premises in any way.

B. *Standards.* The standards set forth in this Section are intended to ensure compatibility of the Home Occupation use with the residential character of the neighborhood. The proposed use shall be clearly accessory or incidental to the residential use of the main building to qualify as a home occupation use under this Section.

1. *Home Occupation as Permitted Accessory Use.* A home occupation where permitted, except for Day Care Group Homes, shall be considered a permitted accessory use when it complies with the following regulations:

- a. Changes or alterations to the exterior of the building(s) that are inconsistent with the residential character of the building(s) or with the character of the surrounding area shall not be allowed. Such changes or alterations include, but are not limited to, construction of parking areas or garages at a scale exceeding the scale of such structures in the surrounding area.
- b. Signs advertising a home occupation shall be strictly prohibited.
- c. Exterior display or storage of materials or equipment, or any other exterior indication of the home occupation, shall be prohibited.
- d. Emissions of noise, light, dust, gas, vibration, odor, smoke, or any other noxious matter emanating from the home occupation at a scale greater than that normally associated with the residential use shall be prohibited.
- e. The home occupation shall not involve more than one (1) business caller or visitor at a time and not more than two (2) visitors per hour, nor commercial deliveries or outside services beyond those normal and incidental to the residential uses in the district.
- f. The home occupation shall be conducted by a resident or residents of the dwelling unit only. No outside employees shall be employed at the site and not more than one (1) employee may report to the site for off-site employment.
- g. No unusual load shall be placed on power, sewer, water, or other utilities as a result of the home occupation use.
- h. External activity resulting from the home occupation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- i. Storage of commercial vehicles used in conjunction with the home occupation is not permitted on the home occupation site. Up to two (2) commercial vehicles may be parked on the home occupation site if these commercial vehicles are used for both business and personal needs. Commercial vehicles must be parked in accordance with Section 21-900 et seq. 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.
- 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.

(Ord. No. 2011-03, 1-18-11; Ord. No. 2011-05A, 2-15-11; Ord. No.[2017-33](#), § 172, 6-13-17; Ord. No.[2021-06](#), § 1(Exh. A), 3-2-21; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### **Sec. 21-321. 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.

(Ord. No. 82-36, 8-10-82; P.L. 93-383, as amended by P.L. 95-128, 95-557, 96-153 and 96-339; Ord. No[2017-33](#), § 173, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### **Secs. 21-322—21-324 Reserved.**

### **Sec. 21-325. Construction Trailers, Sales Office, and Mobile Homes.**

A. *Outside RMH-1 and RMH-2 Districts.*

1. *I-1, I-2 and Agricultural Districts.* Construction trailers and mobile homes 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. 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, is necessary for, or related to, the industrial or agricultural uses of the property.

2. *All Other Districts.*

a. The Zoning Administrator may issue a Temporary Use Permit (TUP) for placement of 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.
- 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, 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.

(Ord. No. 05-22, 4-6-05; Ord. No.[2017-33](#), § 174, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

**Secs. 21-326—21-329 Reserved.**

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

A. *Group Homes (SFR, RM-1, AG, SR-43, SR-35).* Group Homes shall comply with the following:

1. The single-family residential character of the structure shall be maintained, and additions, alterations, modifications, or accessory uses shall be subject to the same requirements as individual single family detached dwelling units.
2. The applicant, owner, or proprietor shall file a Certificate of Registration with the Community Development Department, and the Community Development Director or designee, after ascertaining compliance with all applicable regulations, shall administratively approve the Certificate.
3. The property line of the lot on which the Home is located shall be a minimum of one thousand, three hundred twenty (1,320) feet, measured in a straight line in any direction, from the property line of a lot where any other similar residential facility is located.
4. In the event that the appropriate State licensing agency revokes or terminates an applicant's license, the Certificate of Registration filed with the City shall be deemed to be revoked as of the date of said revocation or termination.

B. *Day Care Group Homes (SFR, RM-1, RMH-1, AG, SR-43, SR-35).* Day Care Group Homes with five (5) or more children shall comply with the following:

1. Provide evidence of certification by the Arizona Department of Health Services to the Community Development Department.
2. Provide no identification that is visible from a public street, by signage, graphics, display, or other visual means.
3. Provide a six (6) foot high solid (opaque) fence or wall between all outdoor play areas and adjacent properties.
4. To avoid any over concentration of group homes and similar facilities in a particular neighborhood, ensure adequate spacing between any existing and proposed facilities in accordance with the following:
  - a. Provide a separation by a distance of at least six hundred (600) feet measured along the right-of-way line on either street frontage; or
  - b. If significant physical features such as arterial streets, canals, parks, or similar features exist between the proposed facility and any other existing or proposed facility of a similar nature, then the Planning manager may determine that adequate spacing exists to meet the intent of the spacing requirements.
5. The Planning and Zoning Commission may waive the requirements of Subsection B.4 above if sufficient mitigating measures are provided to eliminate potential adverse impacts on adjacent properties and to preserve the existing character of the residential neighborhood.

C. *Group Care Facilities and Community Residential Setting Facilities (SFR, RM-1, AG, SR-43, SR-35).* Group Care Facilities and Community Residential Setting Facilities shall comply with the following:

1. Group Care Facilities and Community Residential Setting Facilities located in an Office District (O-1) shall adhere to the following provisions:
  - a. All vehicular access to the facility shall be from arterial or collector streets.
  - b. The property line of the lot on which the Home is located shall be a minimum of one thousand, three hundred twenty (1,320) feet, measured in a straight line in any direction from the property line of a lot where any other similar residential facility is located.
  - c. In the event that the appropriate State licensing agency revokes or terminates an applicant's license, the conditional use permit issued by the City shall be deemed to be revoked as of the date of the license revocation or termination.
2. Group Care Facilities and Community Residential Setting Facilities located in Single Family Residential Districts (R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, and R1-6), Multi-Family Residential District (RM-1), General Agricultural District (AG), Suburban Ranch District (SR-43), or Suburban Ranch District (SR-35) shall comply with all provisions set forth above in Section 21-812C.1, and the following provisions:
  - a. Provide no identification that is visible from a public street by signage, graphics, display, or other visual means.
  - b. Provide a six (6) foot high solid (opaque) fence or wall between all outdoor recreation areas and adjacent properties.

(Ord. No. [2017-33](#), § 175, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**Secs. 21-331—21-339 Reserved.**

**Sec. 21-340. Antenna and Wireless Communication Facilities.**

**Sec. 21-341. 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.
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.

(Ord. No. 03-174, 10-20-03; Ord. No. [2017-33](#), § 170, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**Sec. 21-342. 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.
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:
  - 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:

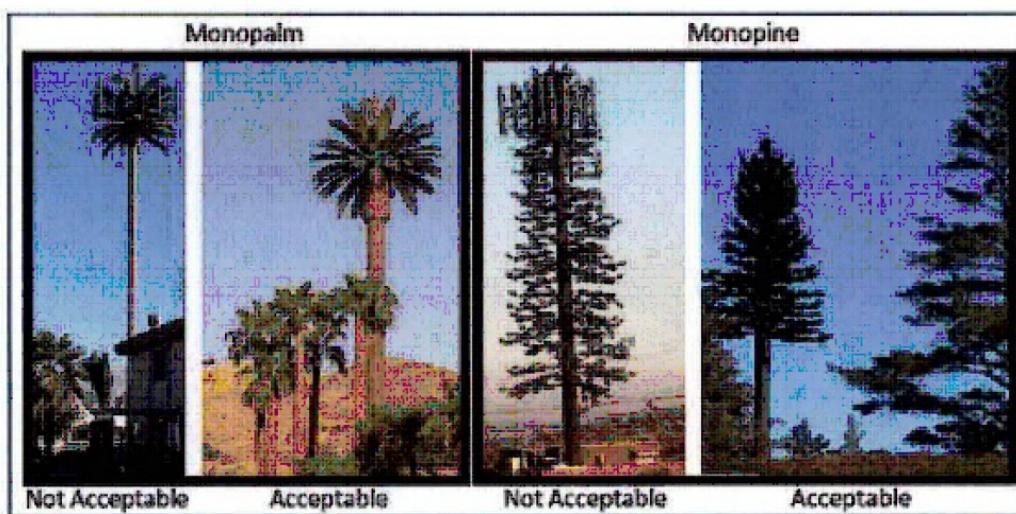
Development Standards	Zoning District	Distance to Residential Property Line	Maximum Height <sup>c</sup>	Distance to Nonresidential Property Line	Equipment Enclosure	Antenna Distance from Pole	Alternate Design WCF <sup>d</sup>
Permitted Principal Use	Residential <sup>b</sup>	> 110% <sup>a</sup>	50'	>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

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 21-302, 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.



- 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 21-302.
  - 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 21-340.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 <sup>d</sup>	Zoning District	Distance to Residential Property Line	Maximum Height <sup>c</sup>	Distance to Nonresidential Property Line	Distance Between Non-Alternate Design WCF (Monopole)
Permitted Conditional Use	Residential <sup>b</sup>	> 110% <sup>a</sup>	65'	> 5'	1,320'
	Non-Residential	> 130% <sup>a</sup>	80'		

- 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 21-302, 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 21-302.
  - 2) Shall be integrated into the design of the building.
  - 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 21-340.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 21-156.
- 2. *Permitted Conditional Use.*
  - a. All facilities categorized as a permitted conditional use are subject to the following processes as set forth in Section 21-155 and Section 21-156:
    - 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 21-340.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,
  - 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 21-155 and Section 21-156.*

1. Routine maintenance of a WCF; and,
2. Modifications to a WCF that are not considered a substantial change as specified in Section 21-340.A.
3. WCFs that are owned and operated by a governmental entity for the purposes of public safety or governmental operations.

(Ord. No. 98-15, 3-3-98; Ord. No. 98-110, 10-13-98; Ord. No. 98-111, 10-13-98; Ord. No. 07-14, 4-17-07, eff. May 17, 2007; Ord. No. [2017-33](#), § 176, 6-13-17; Ord. No.[2017-44](#), § 1(Exhs. B, C), 11-7-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

**Secs. 21-343—21-349 Reserved.**

**Sec. 21-350. 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 21-160 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 <sup>a</sup>	4 Boxes <sup>a</sup>
a No more than two (2) Donation Bins shall be clustered together in any one location.			

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.

(Ord. No. 2015-08, 4-7-15; Ord. No.[2017-33](#), § 177, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

## **Sec. 21-400.**

### **Residential Districts**

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**Secs. 21-401—21-407 Reserved.**

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

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.

(Ord. No. 2010-27, 10-5-10; Ord. No.[2017-33](#), § 50, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

**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.
- 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.

(Ord. No. 99-89, 7-20-99; Ord. No. 02-55, 6-18-02; Ord. No. 02-85, 10-3-02; Ord. No. 04-207, 11-16-04; Ord. No. 2010-27, 10-5-10; Ord. No.[2017-33](#), § 51, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

**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.
  - 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 21-330.

I. Day Care Group Homes with five (5) or more children, in accordance with Section 21-330. 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
  - 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.

(Ord. No. 99-101, 10-5-99; Ord. No. 02-55, 6-18-02; Ord. No. 02-85, 10-3-02; Ord. No. 05-58A, 12-13-05; Ord. No. [2017-33](#), § 52, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

#### **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.
- 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. Day care for four (4) or less children in conjunction with a residential use.
- F. Home occupations in accordance with Section 21-320.
- G. Private or jointly owned community center recreational facilities, pools, tennis courts, and spas.
- H. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992).

(Ord. No. 93-25, 5-25-93; Ord. No. 95-10, 2-21-95; Ord. No. 98-18, 3-17-98; Ord. No. 02-85, 10-3-02; Ord. No. [2017-33](#), § 53, 6-13-17; Ord. No. [2024-20](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-412. Property Development Standards for Permitted Principal Uses.**

- A. The following property development standards shall apply in zoning districts SR-43 and SR-35:

<b>Property Development Standards</b>	<b>SR-43</b>	<b>SR-35</b>
<b>Property Development Standards</b>	<b>SR-43</b>	<b>SR-35</b>
Minimum Lot Area (square feet)	43,560	35,000
Minimum Lot Width (FT)	145	125
Maximum Lot Coverage (percentage)	25%	35%
Maximum Building Height (FT)	30	30
Front Yard Setback (FT)	40	30
Side Yard Setback (FT)	20	10/20
Rear Yard Setback (FT)	20	20

(Ord. No. 90-55, 11-13-90; Ord. No. [2017-33](#), § 54, 6-13-17)

#### **Sec. 21-413. Property Development Standards for Permitted Conditional Uses.**

Permitted Conditional Uses shall conform to the property development standards for Permitted Principal Uses of Section 21-412 except as otherwise specified in this Ordinance.

(Ord. No. [2017-33](#), § 55, 6-13-17)

#### **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. 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.

(Ord. No. 04-187, 8-26-04; Ord. No. [2017-33](#), § 56, 6-13-17; Ord. No. [2024-20](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-415. Single Family Residential R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, and R1-6.**

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.

(Ord. No. 93-12, 3-2-93; Ord. No. 2011-13, 7-5-11; Ord. No. [2017-33](#), § 57, 6-13-17; Ord. No. [2024-20](#), § 2(Exh. A), 12-17-24)

#### **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.
- 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.

(Ord. No. 93-12, 3-2-93; Ord. No. 99-89, 7-20-99; Ord. No. 02-19, 4-2-02; Ord. No. 02-85, 10-3-02; Ord. No. 04-207, 11-16-04; Ord. No. [2017-33](#), § 58, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

#### **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.

- 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 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 21-330, 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 21-330.

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.

(Ord. No. 93-12, 3-2-93; Ord. No. 02-19, 4-2-02; Ord. No. 02-85, 10-3-02; Ord. No. 05-58A, 12-13-05; Ord. No. [2017-33](#), § 59, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-418. Permitted Accessory Uses.**

- A. Any accessory dwelling unit, building, structure and use customarily incidental to a permitted use.
- B. Off-street parking serving a permitted principal use, in accordance with Section 21-900.
- 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.

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

G. Day care for four (4) or less children.

(Ord. No. 93-25, 5-25-93; Ord. No. 98-18, 3-17-98; Ord. No. 02-85, 10-3-02; Ord. No. [2017-33](#), § 60, 6-13-17; Ord. No. [2024-20](#), § 2(Exh. A), 12-17-24)

#### **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, shall be subject to the following standards:

1. The access portion of the flag lot ("flag pole") must be under the same ownership as the flag portion
2. Each flag lot shall have at least twenty (20) feet of street frontage and at least twenty (20) feet of width for the entire length of the flagpole.
3. The area of the flag pole portion of the flag lot shall not be included in the calculation of minimum lot area.
4. For flag lots, the Zoning Administrator 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**

<b>Size of Subdivision or Minor Land Division</b>	<b>Maximum Number or Percentage (%) of Flag Lots</b>
10 or fewer lots	1 lot
11—50	10%
50+	5%

(Ord. No. 95-72, 10-3-95; Ord. No. 98-18, 3-17-98; Ord. No. [2017-33](#), § 61, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

#### **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 Δ	R1-6
Property Development Standards	R1-43	R1-35	R1-18	R1-12	R1-10	R1-8	R1-7 Δ	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 (ΔΔ)	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) (ΔΔΔ)	10	10	10	10	10	10	10	10

#### 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.

Δ 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.

ΔΔ Side-entry garages shall be prohibited on corner lots.

ΔΔΔ 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

(Ord. No. 89-36, 11-21-89; Ord. No. 93-42, 10-19-93; Ord. No. 97-95, 9-16-97; Ord. No. 99-92, 8-3-99; Ord. No. 03-158, 7-1-03; Ord. No. 04-187, 8-26-04; Ord. No. [2017-33](#), § 62, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### 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 21-304 of this Ordinance.
- B. Minimum setbacks. Every conditionally permitted principal and accessory building shall maintain required setbacks.

(Ord. No. 04-187, 8-26-04; Ord. No. [2017-33](#), § 63, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### 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.

(Ord. No. 04-187, 8-26-04; Ord. No. 05-51, 9-7-05; Ord. No. 2016-29, 9-20-16; Ord. No. [2017-33](#), § 64, 6-13-17; Ord. No. [2024-20](#), § 2(Exh. A), 12-17-24)

### Sec. 21-423. Reserved.

### Sec. 21-424. Multi-Family Residential (RM-1).

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.

(Ord. No. 02-83, 9-23-02; Ord. No. [2017-33](#), § 66, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### 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 21-330 provided that the residence is a 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.

(Ord. No. 99-89, 7-20-99; Ord. No. 02-85, 10-3-02; Ord. No. 04-207, 11-16-04; Ord. No. [2017-33](#), § 67, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### 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:

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 21-330, provided that the residence is a single-family detached dwelling, and upon a finding by the Planning and Zoning Commission that such home will be operated in a manner that is compatible with, and not detrimental to, adjacent properties or the neighborhood in general.
- D. Group Care Facilities or Community Residential Setting Facility in accordance with Section 21-330.
- 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. Nursing or convalescent home provided that all vehicular access is from an abutting arterial or non-residential collector street, and that the site contains a net land area of at least one (1000) thousand square feet per dwelling unit.
- 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.

(Ord. No. 97-41, 8-4-97; Ord. No. 99-101, 10-5-99; Ord. No. 02-85, 10-3-02; Ord. No. 05-36, 7-6-05; Ord. No. 05-58A, 12-13-05; Ord. No. [2017-33](#), § 68, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

#### **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.
- 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.

(Ord. No. 93-25, 5-25-93; Ord. No. 98-18, 3-17-98; Ord. No. [2017-33](#), § 69, 6-13-17; Ord. No. [2024-20](#), § 2(Exh. A), 12-17-24)

#### **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 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.

(Ord. No. [2017-33](#), § 70, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

#### **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)
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 Δ
<b>MINIMUM BUILDING SETBACKS (FT)</b>			
Front Setback	10	20	20
Rear Setback	15	15	15
Side Setback	5 ΔΔ	20 ΔΔ	20 ΔΔ
Corner Side (ΔΔΔ)	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.

Δ 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.

ΔΔ For condominium and attached housing types, only building separation applies. No minimum building separation is required along common wall.

ΔΔΔ 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.

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

DEVELOPMENT STANDARDS	NON-RESIDENTIAL BUILDINGS
DEVELOPMENT STANDARDS	NON-RESIDENTIAL BUILDINGS
Maximum Lot Coverage (%)	50
Maximum Principal Building Height (FT) ·	48
<b>SETBACKS (feet)</b>	
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.

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
<b>MINIMUM BUILDING SETBACKS (FT)</b>		
Front	10	20
Rear	5	10
Side	8	10

**Note**

- Thirty feet (30') maximum height for Clubhouse

(Ord. No. 04-23, 5-20-04; Ord. No. 07-22, 7-10-07; Ord. No.[2017-33](#), § 71, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

**Sec. 21-430. Special Regulations.**

The intent of this Section is to provide for the registration and vesting of the detached single-family dwelling use which existed within the RM-1 zoning district prior to April 1, 1993. This Section is also intended to provide that properties not registered and vested in accordance with this Section shall be subject to all the provisions of Chapter 14 of the Peoria City Code (1977) as amended and effective after April, 1993.

- A. Notwithstanding any other provisions contained within this Section all undeveloped and unsubdivided parcels of property within the City containing an RM-1 zoning or Planned Unit Development (P.U.D.) zoning with RM-1 zoning designation prior April 1, 1993 shall be governed by the provisions of this Section, in addition to all other applicable provisions of the City Code (1992) and Chapter 14 of the Peoria City Code (1977 Edition).
- B. On or before October 4, 1996, any undeveloped and unsubdivided property having an RM-1 zoning or P.U.D. zoning with RM-1 zoning designation prior to April 1, 1993 may register and vest the use of detached single-family dwelling by complying with all of the provisions contained in this Section. Compliance with the registration and vesting requirements of this Section shall result in the continuation of the principal permitted use status of detached single-family dwelling that existed prior to April 1, 1993.
- C. In order to register the principal permitted use status of detached single-family dwelling on undeveloped and unsubdivided property having an RM-1 zoning or P.U.D. zoning with RM-1 zoning designation, the following requirement must be met:
  1. Submission of a complete Preliminary Plat application prior to October 6, 1995. Submission of a complete Preliminary Plat application shall constitute registration of the subject property.
- D. In order to vest the principal permitted use status of detached single-family dwelling on undeveloped and unsubdivided property having an RM-1 zoning or P.U.D. zoning with RM-1 zoning designation and registered as provided in Section 21-430, all of the following requirements shall be met prior to October 4, 1996:
  1. Approval of the Preliminary Plat for the subject property.
  2. Approval and recordation of the Final Plat for the subject property.
  3. Completion and acceptance by the City of all off-site improvements required under the Final Plat.
  4. Application and issuance of a building permit for one or more detached single-family dwelling(s) within the subject property.
- E. All detached single-family dwelling uses vested and developed between April 1, 1993 and October 4, 1996 shall comply with all of the following standards:
  1. Minimum lot size of four thousand five hundred (4,500) square feet.
  2. Minimum front setback of twenty (20) feet.
  3. Minimum side yard setback of five (5) feet, with at least one side yard being a minimum of eight (8) feet.
  4. Minimum rear setback of fifteen (15) feet.
  5. Maximum lot coverage not to exceed forty-five percent (45%).
  6. Minimum front lot footage of forty-five (45) feet.
  7. Maximum building height of twenty-five (25) feet.
  8. The building setback of a principal building for a corner side yard shall be ten (10) feet.

- F. All detached single-family dwelling uses vested and developed prior to April 1, 1993 shall comply with all of the following standards:

1. Minimum lot size of four thousand (4,000) square feet.
2. Minimum front setback of fifteen (15) feet.
3. Minimum side yard setback of three (3) feet.
4. Minimum rear setback of fifteen (15) feet.
5. Maximum lot coverage not to exceed fifty percent (50%).
6. Minimum lot width of forty (40) feet.

7. The setback between buildings shall be ten (10) feet.

G. Failure by the owner of any parcel having an RM-1 zoning or P.U.D. zoning with RM-1 zoning designation prior to April 1, 1993, to comply with the provisions of this Section by registration of the property by October 6, 1995, and vesting by October 4, 1996 of the detached single-family dwelling use and compliance with all the requirements of this Section shall be deemed to subject the owners of such parcels to all the requirements of Chapter 14 of the Peoria City Code (1977 Edition) as amended and effective on April 1, 1993.

H. Within a master planned community, which is defined as a community consisting of not less than two hundred (200) acres and which is being developed by a single developer or its successors in interest and which is characterized by the existence of enhanced recreational facilities such as lakes or golf courses which are funded by the assessments against individual residents within the master planned community, those parcels within a master planned community meeting this definition and having an RM-1 zoning designation prior to April 1, 1993 shall be deemed having vested the principal permitted use status of detached single-family dwelling that existed prior to April 1, 1993.

(Ord. No. 95-30, 5-23-95; Ord. No. 05-36, 7-6-05; Ord. No. 05-58A, 12-13-05; Ord. No.[2017-33](#), § 72, 6-13-17)

#### **Sec. 21-431. Mobile Home Subdivision District (RMH-1).**

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.

(Ord. No. [2017-33](#), § 73, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

#### **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.

(Ord. No. 01-166, 10-19-01; Ord. No.[2017-33](#), § 74, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12- 17-24)

#### **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, and provided that the residence is a single-family detached dwelling.

(Ord. No. 02-85, 10-3-02; Ord. No.[2017-33](#), § 75, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17- 24)

#### **Sec. 21-434. Permitted Accessory Uses.**

- A. One attached carport, one attached cabana, ramada or covered patio, one detached storage room per mobile home, and day care for four (4) or less children.
- B. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of Peoria City Code (1992).

(Ord. No. [2017-33](#), § 76, 6-13-17)

#### **Sec. 21-435. Property Development Standards for Mobile Home Subdivisions.**

- A. *Minimum Lot Size.* Seven thousand (7,000) square feet.
- B. *Minimum Lot Width.* Sixty (60) feet.
- C. *Minimum Setback of any Building or Mobile Home from District Boundary Line or Street Abutting the Subdivision.* Twenty-five (25) feet.
- D. *Minimum Front Setback from Interior Streets.* Twenty (20) feet.
- E. *Minimum Rear Yard.* Thirty (30) feet.
- F. *Minimum Side Yard.* Four (4) feet least single side yard, thirteen (13) feet total side yards.

(Ord. No. [2017-33](#), § 77, 6-13-17)

#### **Sec. 21-436. Property Development Standards for Accessory Buildings.**

- A. *Maximum Height.* Fifteen (15) feet above grade.

- B. *Accessory Buildings.* Whether attached or detached, shall not be erected in any required front or side yard, except as otherwise provided in this Section.
- C. *Corner Lot.* On a corner lot adjoining a key lot and not separated there from by an alley, any detached accessory building shall be set back from the rear lot line a distance not less than the width of the least required side yard applicable to the principal building. On a corner lot having its rear lot line abutting an alley line, detached accessory buildings shall be set back from the rear lot line not less than three (3) feet.

(Ord. No. [2017-33](#), § 78, 6-13-17)

**Sec. 21-437. General Regulations.**

- A. Rezoning procedure. Requests for rezoning to RMH-1 mobile home subdivision district shall be accompanied by application for preliminary plat approval prepared in accordance with this Section and Chapter 24 Subdivision. Approval of rezoning to RMH-I shall be contingent on approval of the proposed preliminary plat; provided further that such rezoning shall become null and void and revert to the original zoning in the event preliminary plat approval expires prior to filing of a final plat.
- B. No accessory building on a mobile home lot shall be used for sleeping or living purposes.
- C. Expandable sections of mobile homes shall be considered as part of the mobile home proper.
- D. Every mobile home shall be permanently connected to electric power, water supply, sewage disposal, gas and telephone service lines in compliance with applicable City Codes, and all utility distribution and service lines shall be installed underground.

(Ord. No. 03-06, 3-13-03; Ord. No. [2017-33](#), § 79, 6-13-17)

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

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.

(Ord. No. 88-16, 3-8-88; Ord. No. [2017-33](#), § 80, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**Sec. 21-439. Definitions.**

*Carport.* An attached structure with one or more open sides.

*Covered Patio.* An attached covered use area with one or more open sides used for casual living and supplied only with normal lawn furniture and equipment.

*Temporary Utility Storage Room.* A storage building not exceeding one hundred and twenty (120) square feet in area, anchored to the ground or a concrete slab, park model carport or patio. No storage room shall be used for sleeping or living purposes.

*Raised Deck or Porch.* A wooden platform raised above the ground to a level at or below the floor level of the park model or other recreational vehicle, attached or unattached thereto and enclosed only by a railing.

*Enclosed Patio Room.* An all-weather structure attached or unattached to a recreational vehicle or park model, enclosed by doors, screening, and/or openable widows, used for incidental living purposes, but not including bath, laundry or kitchen facilities.

*Landscaping.* Permanent or semi-permanent organic or inorganic materials designed to enhance the appearance and livability of the site.

*Recreational Vehicle Resort.* A development designed and intended for the placement and occupancy of recreational vehicles on a temporary or semi-permanent basis, along with the amenities and support facilities necessary and desirable for the operation and maintenance of the facility.

*Recreational Vehicle.* A camper, travel trailer, motor home or park model as the same are further defined herein.

*Camper.* A model living unit designed to be mounted upon or conveyed by another vehicle.

*Travel Trailer.* A mobile living unit not exceeding eight (8) feet in width and thirty-three (33) feet in length designed to be towed behind another and separate vehicle.

*Motor Home.* A self-propelled mobile living unit.

*Park Model.* A commercially manufactured living unit not exceeding four hundred (400) square feet in area, capable of being moved on its own wheels and placed on a site in a recreational vehicle resort in a semi-permanent manner.

(Ord. No. [2017-33](#), § 81, 6-13-17)

**Sec. 21-440. Permitted Principal Uses.**

- A. One recreational vehicle or park model per site.
- B. Recreational vehicle resort subject to Maricopa County Health Department Regulations and to Development Standards set forth herein.

(Ord. No. [2017-33](#), § 82, 6-13-17)

#### **Sec. 21-441. Permitted Conditional Uses.**

- A. Recreation areas and facilities, laundries, rest rooms, administrative offices, service buildings and storage yards, subject to the approval of the Commission or proposed site development plans, provided that the only purpose of any such use is service to residents and guests of the resort.
- B. The recreational vehicle resort developer may apply for approval of the recreational vehicle resort in compliance with all State regulations and file and record a recreational vehicle resort plat containing individual report vehicle sites and common recreational use sites and areas. The developer must obtain prior City approval of declaration of covenants, conditions and restrictions or common scheme rules and regulations.

(Ord. No. [2017-33](#), § 83, 6-13-17)

#### **Sec. 21-442. Permitted Accessory Uses.**

- A. One carport, one covered patio, one temporary utility storage room.
- B. One raised deck or porch.
- C. One enclosed patio room.
- D. Landscaping.

(Ord. No. [2017-33](#), § 84, 6-13-17)

#### **Sec. 21-443. Development Standards.**

- A. *Minimum Area.* Ten (10) acres undivided by a public street except as provided in Section 21-440 of this Ordinance and based on full acre including street easements.
- B. *Minimum Area Per Recreational Vehicle Site.* One thousand seven hundred and fifty (1,750) square feet.
- C. *Minimum Recreational Vehicle Site Width.* Thirty-five (35) feet.
- D. *Minimum Recreational Vehicle Site Depth.* Fifty (50) feet.
- E. *Minimum Setback for Recreational Vehicle Park.* Fifteen (15) feet from any public street.
- F. *Minimum Setback for Private Access Streets.* Thirty-two (32) feet measured between curb faces.
- G. *Maximum Building Height.* Two stories or twenty-five (25) feet, whichever is less.
- H. *Recreation and Open Space Area.* Ten percent (10%) of area less private streets shall be devoted to recreation and open space.
- I. *Recreational Vehicle Storage Area.* Fifty (50) square feet of area for each recreational vehicle site shall be provided for the storage of recreational vehicles not in use, boats, utility trailers and the like. Such area shall be within the resorts.

(Ord. No. [2017-33](#), § 85, 6-13-17)

#### **Sec. 21-444. Use of Recreational Vehicle Sites.**

- A. No recreational vehicle or accessory structure shall be placed over any existing utility easements.
- B. Minimum setbacks for recreational vehicles and accessory structures:
  1. Four (4) feet from any private access street.
  2. Ten (10) feet from any adjacent district boundary or property line.
  3. Fifteen (15) feet from any public street.
  4. Three (3) feet from the side line of the site.
  5. Five (5) feet from the rear line of the site.
  6. Fifteen (15) feet between recreational vehicles or park models on adjacent sites.
- C. On-site parking shall be provided for one vehicle in addition to the recreational vehicle.

(Ord. No. [2017-33](#), § 86, 6-13-17)

#### **Sec. 21-445. Occupancy.**

A. Development plans for the recreational vehicle resort shall be submitted to the Commission for its review and recommendation and shall require approval of the City Council prior to the issuance of building permits.

B. No recreational vehicle shall be occupied within the recreational vehicle resort except in compliance with the terms of this Section and the required permits and approvals of the City of Peoria, the County of Maricopa and the State of Arizona.

(Ord. No. [2017-33](#), § 87, 6-13-17)

**Sec. 21-446. General Regulations.**

A. All direct vehicular access shall be from abutting arterial streets.

B. Original development of each space within a proposed park shall be valued at One Thousand Dollars per space. A building permit is required for said space development. Permits must be obtained for additions, alterations, canopies, carports, storage and detached refrigeration units. Fees for which are set by the Uniform Building Code (Section 8-1) and Uniform Mechanical Code (Section 9-4).

C. It shall be unlawful for any person, firm, corporation or agency to turn on or allow to be turned on any gas or electric service without an inspection and clearance from the Department of Building Safety, City of Peoria.

D. It shall be the responsibility of the park owners or managers of rental parks to see that all sections of this Section are complied with, including requirements relative to required permits.

(Ord. No. [2017-33](#), § 88, 6-13-17)

**Secs. 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:
  - o An area designated as a district of historical significance pursuant to A.R.S. § 9-462.01(a)(10);
  - o A site or building with Historic Preservation Overlay Zoning pursuant to Section 21-625;
  - o A site or building listed on the National Register of Historic Places;
  - o Land in the territory in the vicinity of a military airport or ancillary military facility as defined in A.R.S.

§ 28-8461; or

- o 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.

(Ord. No. [2024-21](#), § 2(Exh. A), 12-17-24)

**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 21-903 ("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 21-903 ("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.

(Ord. No. [2024-21](#), § 2(Exh. A), 12-17-24)

**Sec. 21-500.**

**Non-Residential Districts**

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**Sec. 21-501. Intent.**

The non-residential districts are intended to collectively facilitate the development and operation of all types of employment-generating uses, including, but not limited to, retail and service establishments, neighborhood convenience stores, business parks and professional offices, research and development centers, storage warehouses and other light-industrial uses in a manner consistent with the Peoria General Plan.

(Ord. No. [2017-33](#), § 89, 6-13-17)

**Sec. 21-502. Zoning Districts.**

- A. *Office Commercial District (O-1).* The O-1 District is intended to provide an environment conducive to the establishment of professional offices, medical and legal services, and ancillary retail uses. Certain other types of uses are permitted under conditions and standards that ensure their compatibility with surrounding uses as well as nearby residential districts. The O-1 Districts provide for land use transition between more intensive commercial developments and the less intensive residential neighborhoods.
- B. *Convenience Commercial District (C-1).* The C-1 District is intended to accommodate neighborhood-scale retail and service establishments that provide the incidental daily necessities for the local residential areas. This district constitutes the secondary level of neighborhood commercial development. In order to prevent the undesirable "strip" commercial development, it is intended that each development be contiguous and limited in scale. The C-1 Districts should generally be restricted to the intersection of major arterial streets while providing one-mile separation from other non-adjacent commercial districts. The regulations and development standards are designed to preserve adjacent residential amenities and to prohibit encroachment by more intensive commercial uses.
- C. *Planned Neighborhood Commercial District (PC-1).* The PC-1 District is intended to accommodate small-scale retail and service establishments that provide the incidental daily necessities for the local residential areas. This district allows for planned neighborhood shopping centers typically having a principal tenant (i.e. supermarket) and an accompanying trade area generally limited to adjacent neighborhoods. It is further intended that PC-1 Districts be restricted to the intersection of selected arterial streets while generally providing one-mile separation from other non-adjacent commercial districts. The regulations and development standards are designed to preserve adjacent residential amenities and to prohibit encroachment by more intensive commercial uses.
- D. *Planned Community Commercial District (PC-2).* The PC-2 District is intended to accommodate large-scale planned commercial complexes providing comparison shopping goods and services to a community wide and regional trade area. It is further intended that such commercial centers shall be planned, developed and managed as integrated complexes under unified or condominium ownership.
- E. *Intermediate Commercial District (C-2).* The C-2 District is intended to provide a shopping center for the sale of convenience goods and personal services. In order to prevent the establishment of undesirable "strip" commercial development, it is intended that each development be contiguous and limited in scale. The C-2 districts should generally be restricted to the intersection of major arterial streets while providing one-mile separation from other non-adjacent commercial districts. The regulations and development standards are designed to preserve adjacent residential amenities and to prohibit encroachment by more intensive commercial uses.
- F. *Central Commercial District (C-3).* The C-3 District is intended to accommodate retail and service establishments in the original plat of Peoria, what is now called the 'Old Town' area. While the C-3 District is intended for buildings to be grouped together in compact arrangements in order to provide maximum shopping convenience and efficient use of off-street parking, the development standards contained herein recognize the existing characteristics of individually

owned, small-lot business establishments. The regulations and development standards are designed to preserve adjacent residential amenities and to prohibit encroachment by more intensive commercial uses.

G. *General Commercial District (C-4)*. The C-4 District is intended to facilitate a wide range of retail, office, service establishments, and other uses not suitable to be located adjacent to residential zones but necessary to accommodate the larger community. This district is particularly suitable along Grand Avenue and Bell Road where uses are primarily related to auto-borne clientele and by nature, create a high degree of turning movement.

H. *Regional Commercial District (C-5)*. The C-5 District is intended to accommodate large- scale commercial establishments or developments that provide goods and services to a community-wide and regional trade area. These districts are typically located along major arterials (typically 110' of right-of-way) or other regional transportation corridors.

I. *Business Park Industrial District (BPI)*. The BPI District is intended to accommodate the development of office parks, support retail services, warehousing and certain light industrial uses in a comprehensively planned and attractive setting. The regulations and development standards contained within this district include generous screening, landscape buffering and performance standards to ensure compatibility with neighboring districts, particularly when located near residential districts.

J. *Planned Light Industrial District (PI-1)*. The PI-1 District is intended to accommodate certain industrial structures and uses having physical and operational characteristics that might have potential adverse impacts on adjacent properties. The regulations and development standards are designed to permit those industrial uses which can be operated in a relatively clean, quiet and safe manner, and are compatible with adjoining industrial uses without causing adverse impacts, danger or hazard to nearby non-industrial uses.

K. *Light Industrial District (I-1)*. The I-1 District is intended to accommodate certain light industrial developments such as manufacturing uses which can be operated in a relatively clean, quiet and safe manner without causing adverse psychological influence or nuisance effects on surrounding property or similar reasons. The regulations and development standards are designed to accommodate, control and limit such special uses for their own protection as well as for protection of the character of surrounding districts.

L. *Heavy Industrial District (I-2)*. The I-2 District is intended to accommodate certain industrial structures and uses, including large-scale or very specialized industrial operations, having potential adverse environmental impacts on adjoining residential and commercial developments, and, to some extent, the nearby light industrial districts. The regulations and development standards are structured to permit uses involve processing of raw materials and the manufacturing, processing and compounding of semi-finished or finished products.

(Ord. No. 94-27, 6-7-94; Ord. No.[2017-33](#), § 90, 6-13-17)

## **Sec. 21-503. Land Use Matrix.**

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. "P" 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, to 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
<b>P = Permitted Use</b>												
<b>C = Permitted Conditional Use. Conditional Use Permit required. See Section 21-321.</b>												
<b>A = Accessory use</b>												
<b>Δ = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit</b>												
<b># = Subject to special limitations (see the following Section 21-505)</b>												
<b>- = Not Permitted</b>												
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
<b>P = Permitted Use</b>												
<b>C = Permitted Conditional Use. Conditional Use Permit required. See Section 21-321.</b>												
<b>A = Accessory use</b>												
<b>Δ = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit</b>												
<b># = Subject to special limitations (see the following Section 21-505)</b>												
<b>- = Not Permitted</b>												
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
<b>Administrative &amp; Financial</b>												
Automatic Teller Machine (ATM)	P	P	P	P	P	P	P	P	P	P	P	P
Banks and Financial Institution	P	P	P	P	P	P	P	P	-	-	-	-
Bonding Companies & Non-Chartered Financial	-	-	-	-	C	C	C	-	C	C	C	-
Professional, Administrative or Business Offices	P	P	P	P	P	P	P	P	P	P	P	P
<b>Automobile Related</b>												
Auto Auction	-	-	-	-	-	-	C	-	-	P	P	P
Auto Dismantling, Scrap Dealers, Recycling Centers	-	-	-	-	-	-	-	-	-	-	-	C
Auto Parking Lot or Garage as Principal Use	P	-	P	P	P	P	P	P	P	P	-	-
Auto Parts and Accessory Store	-	-	P	P	P	P	P	P	-	-	-	-
Auto Sound System Installation, Auto Glass Tinting and Repair and similar uses #	-	-	-	-	C	C	P	P	P	P	P	P
Autobody Repair and Painting Facilities #	-	-	-	-	-	-	P	-	-	P	P	P

Automobile Dealerships, Boat, RV, or Motorcycle Sales, including Outdoor Sales and Rental	-	-	-	-	-	-	P Δ	P Δ	-	-	P Δ	P Δ
Automobile Diagnostic and/or Service Establishment, include engine and transmission overhaul, repair facilities and similar services#	-	-	-	-	C	C	P Δ	P Δ	-	P Δ	P Δ	P Δ
Automobile Rental Facility, limit to six (6) vehicles #	-	-	C	C	C	C	P	P	-	-	-	-
Automobile Towing and Impound Facilities	-	-	-	-	-	-	C	-	-	P Δ	P Δ	P Δ
Boat & RV Repair	-	-	-	-	-	-	C	C	-	C	C	P
Car Wash, Automated; Self Service	-	-	-	-	C	C	C	C	-	P	P	P
Emissions Testing Facility	-	-	-	-	-	-	P	-	P	P	P	P
Gas Service Station #	-	-	C	C	C	C	C	C	-	-	-	-
Parking Space with Electric Vehicle Charging Equipment	A	A	A	A	A	A	A	A	A	A	A	A
Tire Sales, Repair and Mounting #	-	-	-	-	C	C	C	C	-	-	-	-
Truck Stop, including Wash	-	-	-	-	-	-	P Δ	-	-	-	-	P Δ

#### **Eating & Drinking Establishments**

Catering Establishment	P	P	P	P	P	P	P	P	P	P	P	P
Mobile Food Unit #	A	A	A	A	A	A	A	A	A	A	A	A
Outdoor Dining and Seating Areas#	C	C	C	C	C	C	C	C	C	C	C	C
Restaurants, Drive Through or Drive-Up#	-	P Δ	P Δ	P Δ	P Δ	-	P Δ	P Δ	-	-	-	-
Restaurants	P	P	P	P	P	P	P	P	A	A	A	A
Tavern, Bar, Lounge#	-	-	C	C	C	C	C	C	-	-	-	-

#### **Entertainment and Recreation**

Adult Uses #	-	-	-	C	C	-	C	C	-	C	C	C
Convention, Exhibition Centers and similar uses	-	-	-	-	C	C	C	C	C	-	-	-
Dance, Theatrical, Art, Music Studio and similar uses	-	-	P	P	P	P	P	P	P	P	P	P
Golf Courses	-	-	-	-	C	-	P	P	-	-	-	-
Health and Exercise Center#	P	P	P	P	P	P	P	P	P	P	P	P
Indoor Recreation/Entertainment include Bowling Alleys, Game Rooms, Video Arcades, Ice & Roller Skating Rinks, Shooting Ranges, Pool & Dance Halls, Bingo Halls, and similar uses. Excludes Adult Uses; Taverns Bars, and Lounges	-	-	P	P	P	P	P	P	-	-	-	-
Recreation and Social Clubs #	-	-	P	P	P	P	P	P	P	-	-	-
Resorts	-	-	-	-	P	P	P	P	-	-	-	-
Outdoor Recreation including Tennis, Racquet Clubs, Miniature Golf and similar uses	-	-	-	-	C	-	P	P	-	-	-	-
Theater, indoor	-	-	P	P	P	P	P	P	-	-	-	-
Wedding and Reception Center#	C	C	-	C	C	C	C	C	-	-	-	-
Recreation and Social Clubs #	-	-	P	P	P	P	P	P	-	-	-	-
<b>General Industrial &amp; Manufacturing</b>												
Boat, Recreational Vehicle (RV) & Trailer Storage	-	-	-	-	-	-	PΔ	PΔ	-	PΔ	PΔ	-

Bulk Fuel Sales and Storage	-	-	-	-	-	-	-	-	-	-	-	P Δ
Call Center	-	-	-	-	-	-	C	P	P	P	P	P
Cement and Asphaltic Concrete Batch Plants	-	-	-	-	-	-	-	-	-	-	-	C
Commercial Laundry and Dying Plant	-	-	-	-	-	-	-	-	-	P	P	P
Commercial Livestock Feeding, Hog Ranches, Poultry Hatcheries, Dairy Farms, Cattle Sales and Livestock Auctions	-	-	-	-	-	-	-	-	-	-	-	C
Commercial Slaughtering, Lard & Tallow Rendering, Meat Packing, Poultry & Game Dressing and Packing	-	-	-	-	-	-	-	-	-	-	-	C
Cotton Ginning and Baling, Wood Preserving by pressure impregnation, Rubber or Oil Reclaiming	-	-	-	-	-	-	-	-	-	-	-	C
Data Center	-	-	-	-	-	-	-	-	P	P	P	P
Drilling, Production, Refining of Petroleum, Gas or Hydrocarbons	-	-	-	-	-	-	-	-	-	-	-	C
Electric Power Generating Plants, Transformer Stations and Substations, Gas Pumping Plants	-	-	-	-	-	-	-	-	-	-	-	P
Environmental Remediation Facility	-	-	-	-	-	-	-	-	-	-	C	C
Essential Public Service or Utility Installation	P	P	P	P	P	P	P	P	P	P	P	P
Incineration or Reduction of offal, garbage or refuse when conducted entirely within an approved enclosed facility	-	-	-	-	-	-	-	-	-	-	-	C
Machine Shops	-	-	-	-	-	-	-	-	P	P	P	P
Manufacturing, Fabrication and Processing of Goods	-	-	-	-	-	-	-	-	P	P	P	P
Manufacturing of chemical and allied products, petroleum and coal products, leather and tanning, wool pulling/scouring, explosives, fertilizers, detergents, soaps and animal fat by-products, sugar, starches, serums, toxins and viruses, oils and fats, animal and vegetable	-	-	-	-	-	-	-	-	-	-	-	C
Manufacturing of lumber and wood products, primary metal industries, fabricating metal products, machinery, and transportation equipment excluding ore reduction and smelting, production or refining of petroleum, gas or hydrocarbons	-	-	-	-	-	-	-	-	-	-	-	P
Marijuana Manufacturing or Cultivation Facility#	-	-	-	-	-	-	-	-	C	C	C	C
Marijuana Testing Facility	-	-	-	-	-	-	-	-	C	C	C	C
Moving Company Storage and Transfer Facility	-	-	-	-	-	-	P Δ	-	-	P Δ	P Δ	P Δ
Moving Truck, Trailer and Equipment Rental#	-	-	-	A	A	-	P Δ	P Δ	-	P Δ	P Δ	P Δ
Outdoor Storage	-	-	-	-	-	-	C	C	-	P Δ	P Δ	P Δ
Parcel Delivery Service	-	-	-	-	-	-	-	-	P	P	P	P
Printing and Publishing Facilities	-	-	-	-	-	-	-	P	P	P	P	P
Processing and Compounding to reform recyclable materials into a useable state	-	-	-	-	-	-	-	-	-	-	-	C
Railroad Shops and similar heavy service facilities	-	-	-	-	-	-	-	-	-	-	-	P
Recycling Collection Facility #	-	-	-	-	-	-	-	-	C	C	C	

Donation/Recycling Drop- Off Boxes #	-	A	A	A	A	A	A	A	-	-	-	-
Research Laboratories #	-	-	-	-	-	-	-	-	P	P	P	P
Self-Storage, Indoor and Drive-Up	-	-	-	-	C	-	P Δ	P Δ	-	P	P	-
Storage, Processing, and Sale of scrap metal and junk	-	-	-	-	-	-	-	-	-	-	-	P
Wholesaling, Warehousing, Distributing, Repair, Rental and Servicing of any commodity. Excludes live animals, explosives and storage of flammable liquids and gases.	-	-	-	-	-	-	-	-	P	P	P	P
<b>General Retail</b>												
Antiques, Crafts, and Collectibles Sales	-	-	P	P	P	P	P	P	-	-	-	-
Bait and Tackle Shops	-	-	P	P	P	P	P	P	-	-	-	-
Book, Stationery and Greeting Card Store	P	P	P	P	P	P	P	P	-	-	-	-
Candy and Ice Cream Store	P	P	P	P	P	P	P	P	-	-	-	-
Carpet and Floor Covering Store	-	-	-	-	P	P	P	P	-	-	-	-
Copy Center	P	P	P	P	P	P	P	P	P	P	P	P
Donation Center#	-	-	-	-	C	-	C	C	P	P	P	P
Florist	P	P	P	P	P	P	P	P	-	-	-	-
Gift, Novelty and Souvenir Shop	P	P	P	P	P	P	P	P	-	-	-	-
Hobby, Stamp and Coin Shop	P	P	P	P	P	P	P	P	-	-	-	-
Newsstand	P	P	P	P	P	P	P	P	P	A	A	A
Pawn Shop #	-	-	-	-	C	-	C	C				
Permissible Consumer Fireworks Sales#	-	P	P	P	P	P	P	P	-	-	-	-
Pet Shop#	-	-	P	P	P	P	P	P	-	-	-	-
Plumbing, Heating, and Air-conditioning Sales and Service	-	-	-	-	-	-	P	-	-	P	P	P
Retail Decorative Rock Sales	-	-	-	-	C	-	P	-	-	P	P	P
Retail Sales of New and Used Merchandise, Indoor. Excludes Sale of Automobile, Boats RVs and Motorcycles	-	P	P	P	P	P	P	P	A#	-	-	-
Retail Liquor Store #	-	-	-	-	C	-	C	C	-	-	-	-
Mobile Merchandise Unit#	A	A	A	A	A	A	A	A	A	A	A	A
Tobacco Retailer	-	P	-	-	P	P	P	P	-	-	-	-
Video Rental Store	P	P	P	P	P	P	P	P	-	-	-	-
Water and Ice Store	-	P	P	P	P	P	P	P	-	-	-	-
<b>Institutional</b>												
Art Gallery	P	P	P	P	P	P	P	P	-	-	-	-
Cultural Institutions	P	P	P	P	P	P	P	P	P	-	-	-
Day Care Centers or Pre- school Centers #	P	P	P	P	P	P	P	P	-	-	-	-
Group Care Facility or Community Residential Facility#	-	-	-	-	C	-	P	P	-	-	-	-
Homeless Shelter and similar uses	-	-	-	-	-	-	-	-	-	-	P	P
Libraries and Museums	P	P	P	P	P	P	P	P	-	-	-	-

Non-profit Social services #	P	P	P	P	P	P	P	P	P	P	P	P
Nursing or Convalescent Home, Long term Care Facility #	P	P	-	-	C	-	P	P	-	-	-	-
Public Buildings#	P	P	P	P	P	P	P	P	P	P	P	P
Public/Private Schools, Charter Schools, College and University Facilities excluding College and University Campuses#	P	P	P	P	P	P	P	P	P	P	P	P
Public Utility Buildings, Structures, Uses, Facilities and Equipment#	P	P	P	P	P	P	P	P	P	P	P	P
Religious Institutions and similar places of worship#	P	P	P	P	P	P	P	-	-	-	-	-
Substance Abuse Detoxification and Treatment Centers	-	-	-	-	-	-	C	-	-	P	P	P
<b>Intense Retail</b>												
Appliance, Furniture, and Household Equipment Sales and Rentals	-	-	P	P	P	P	P	P	P	-	-	-
Accessory Outdoor Garden Centers		P Δ	P Δ	P Δ	P Δ	P Δ	P Δ	P Δ	P Δ			
Commercial Service Establishments combining retail, showroom with workshop#	-	-	-	C	C	C	P	P	-	-	-	-
Department Store	-	-	P	P	P	P	P	P	-	-	-	-
Equipment Sales, Rental and Storage Yard	-	-	-	-	-	-	P	P	P	P	P	P
Farmers Markets	-	-	-	-	-	-	P	-	-	P	P	P
Hardware and Home Improvement Store		P	P	P	P	P	P	P				
Hardware and Home Improvement Store with outdoor storage and/or garden center	-	-	C	C	C	C	C	C	-	-	-	-
Large-Scale Retail#	-	-	-	-	C	-	C	C	-	-	-	-
Qualifying Marijuana Dispensary#	-	-	-	-	C	-	C	C	-	-	-	-
Mobile Home Sales	-	-	-	-	-	-	C	-	-	P	P	P
Monument Sales and Engraving Shop	-	-	-	-	P	P	P	P	P	P	P	P
Office Supply and Machine Sales & Service	-	-	P	P	P	P	P	P	P	-	-	-
Outdoor Sales and Display Area#	P	P	P	P	P	P	P	P	-	P	P	P
Plant Nursery, Retail	-	-	-	-	C	-	P	-	-	P	P	P
Plant Nursery, Wholesale	-	-	-	-	-	-	P	-	-	P	P	P
Retail Sales of lumber and Building Materials #	-	-	-	-	-	-	C	-	-	P	P	P
Sales and Storage of grain, feed, seed, fertilizer, farm and garden supplies	-	-	-	-	C	C	P Δ	-	-	P Δ	P Δ	P Δ
Swap Meet, indoor	-	-	-	-	-	-	P	-	-	-	-	-
Swimming Pool and Spa Sales	-	-	-	-	C	-	P	-	P	P	P	P
Upholstery Shop	-	-	-	-	-	P	P	-	-	P	P	P
Wholesale Produce Storage or Market	-	-	-	-	-	-	C	-	C	P	P	P
<b>Lodging and Adaptive Reuse</b>												
Bed and Breakfast Inn #	-	-	-	-	-	C	-	-	-	-	-	-
Hotel or Motel #	-	-	-	P	P	P	P	P	P	-	-	-
Living quarter for night guards	-	-	-	-	-	A	-	A	A	A	A	A

Multi-Family Residential Development Adaptive Reuse	P	P	P	P	P	P	P	P	-	-	-	-	-
<b>Medical</b>													
Ambulance Service Facility	-	-	-	-	C	C	P	P	-	P	P	P	P
Emergency Medical Care Facility#	-	-	-	-	C	C	P	P	-	P	P	P	P
Hospitals	-	-	-	-	-	-	-	P	-	-	-	-	-
Medical, Dental, Optician or Health, Clinics and Laboratories	P	P	P	P	P	P	P	P	P	P	P	P	P
Veterinary Hospital#	-	-	-	-	C	C	C	C	P	P	P	P	P
Veterinary Offices and Clinics, excluding animal boarding#	-	-	-	-	C	C	C	C	P	P	P	P	P
<b>Personal Services</b>													
Animal Shelter	-	-	-	-	-	-	C	-	-	C	C	C	C
Appliance Repair	-	-	-	-	-	-	P	-	-	P	P	P	P
Auction Houses and Estate Sales	-	-	-	-	-	-	P	-	-	P	P	P	P
Blueprint Shop	-	-	-	-	-	-	P	P	P	P	P	P	P
Boarding and Training Kennels#	-	-	-	-	C	-	C	-	-	C	C	C	C
Cabinet and Carpentry Shop	-	-	-	-	-	-	P	-	-	P	P	P	P
Custom Dressmaking, Furrier, Millinery or Tailor Shop #	-	-	-	-	-	-	P	P	P	P	P	P	P
Day Labor Hiring Centers	-	-	-	-	-	-	C	-	-	C	C	C	C
Dry Cleaning and Laundry Establishment	-	P	P	P	P	P	P	P	P	P	P	P	P
Employment Agencies, not including Day Labor Hiring Centers	-	-	P	P	P	P	P	P	P	P	P	P	P
Laundromat, self-service	-	P	P	P	P	P	P	P	P	-	-	-	-
Locksmith	-	-	P	P	P	P	P	P	P	P	P	P	P
Massage Establishment #	P	P	P	P	P	P	P	P	P	-	-	-	-
Messenger Delivery Service	P	P	P	P	P	P	P	P	P	-	-	-	-
Palm Readers, Phrenologists, Fortune Tellers and Astrologers	-	-	P	P	P	P	P	P	P	-	-	-	-
Pest Control Service	-	-	-	-	-	-	P	-	-	P	P	P	P
Pet Grooming Shop#	-	-	P	P	P	P	P	P	P	-	-	-	-
Photographic Developing and Printing	P	P	P	P	P	P	P	P	P	P	P	P	P
Photographic Studio	-	-	P	P	P	P	P	P	P	-	-	-	-
Plasma Center, Tattoo & Body Piercing Studio #	-	-	-	-	C	-	C	C	-	C	-	-	-
Radio and Television Sales and Service	-	-	P	P	P	P	P	P	P	-	-	-	-
Recording Studio	-	-	-	P	P	P	P	P	P	P	P	P	P
Remote Mail Service	P	P	P	P	P	P	P	P	P	-	-	-	-
Shoe Service & Clothing Alteration	-	-	P	P	P	P	P	P	P	-	-	-	-
Sightseeing Tour Companies	-	-	P	P	P	P	P	P	P	P	P	P	P
Tanning Salon, Nail Salon, Barber Shop, Beauty Parlor and similar uses	-	-	P	P	P	P	P	P	P	P	P	P	P
Ticket and Travel Agency	P	P	P	P	P	P	P	P	P	-	-	-	-

Watch and Clock Repair Shop	-	-	-	-	P	P	P	P	P	P	P	P
<b>Transportation</b>												
Aviation uses such as Aircraft Repair, Aircraft Sales and Air Charter Services	-	-	-	-	-	-	-	-	-	P Δ	P Δ	P Δ
Bus Terminals	-	-	-	-	C	C	C	-	-	P Δ	P Δ	P Δ
Marine Fuel Facility	-	-	-	-	-	-	-	-	-	-	-	P Δ
Rail and Motor Freight Terminals and Facilities	-	-	-	-	-	-	P	-	-	P	P	P
School Bus Parking and Maintenance Facilities#	C	C	C	C	C	C	C	C	P Δ	P Δ	P Δ	P Δ

(Ord. No. 02-21, 4-2-02; Ord. No. 03-171, 9-17-03; Ord. No. 05-16, 3-1-05; Ord. No. 05-36, 7-6-05; Ord. No. 05-51, 9-7-05; Ord. No. 05-58A, 12-13-05; Ord. No. 06-07, 3-21-06; Ord. No. 07-22, 7-10-07; Ord. No. 07-36, 11-6-07; Ord. No. 2010-23, 8-17-10; Ord. No. 2011-03, 1-18-11; Ord. No. 2011-05A, 2-15-11; Ord. No. 2015-12, 6-16-15; Ord. No. 2015-21, 10-6-15; Ord. No. [2017-33](#), § 91, 6-13-17; Ord. No. [2018-35](#), § 1(Exh. A), 11-13-18; Ord. No. [2021-06](#), § 1(Exh. A), 3-2-21; Ord. No. [2021-17](#), § 1(Exh. A), 6-1-21; Ord. No. [2023-01](#), § 2, 1-24-23; Ord. No. [2024-05](#), § 2(Exh. A), 4-16-24; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24; Ord. No. [2024-21](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-504. General Regulations for O-1, C-1, PC-1, PC-2, C-2 and C-3.**

In Zoning Districts O-1, C-1, PC-1, PC-2, C-2, and C-3, the following general regulations shall apply:

- A. All activities, except as otherwise permitted herein, shall be conducted entirely within enclosed buildings.
- B. Outdoor storage of goods and materials shall be prohibited.
- C. Warehousing or indoor storage of goods or material beyond that normally incidental to permitted uses shall be prohibited.

(Ord. No. [2017-33](#), § 92, 6-13-17)

#### **Sec. 21-505. Limitations on Uses.**

##### **A. Automobile Related.**

1. Automotive Diagnostic and/or Service Establishments, including those that perform automotive repairs, engine and transmission overhaul, lubrication; tire repair and/or replacement and wheel balancing and alignment; muffler repair or replacement; brake service, repair or replacement; shall be subject to the following additional requirements:
  - a. No outdoor displays or storage shall be permitted, except for merchandise normally sold from the premises that is displayed during normal business hours. No temporary parking of vehicles waiting for repair shall be permitted except in the garage or in C-4, C-5, PI-1, I-1, and I-2 zoning districts. The parking area shall be fully screened from public view.
  - b. All activities shall be performed entirely within an enclosed building. High-speed washing, body repair, machining of auto parts, painting, vehicle or trailer rental shall be expressly prohibited.
  - c. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in landscaping. All exterior design shall be compatible with surrounding developments.
2. Autobody Repair and Painting, Tire Sales, Repair and Mounting, and Auto Sound System Installation, Auto Window Tinting, Auto Glass Repair and similar uses shall have no outdoor displays other than merchandise normally sold from the premises that is displayed during normal business hours. No outdoor storage shall be permitted.
3. Auto Sound System Installation, Auto Window Tinting, Auto Glass Repair and similar uses shall be conducted within enclosed buildings.
4. Automobile Rental Facility, excluding moving truck, trailer and equipment rental, shall be subject to all of the following additional requirements:
  - a. No more than six (6) vehicles shall be stored on site in association with the office location.
  - b. The facility shall be located within a developed commercial center or building.
  - c. Automobile storage shall be limited to hard surfaced areas.
  - d. The automobile storage area shall not occupy required parking spaces or access lanes.

5. Gas Service Stations shall be subject to all of the following additional requirements:
  - a. Minimum frontage of one hundred-eighty (180) feet on one arterial street is required.
  - b. No part of any canopy, fuel dispenser, or fuel storage tank shall be within 200 feet of any single-family residentially zoned lot, not including common area tracts.
  - c. A minimum of 500 feet of separation is required between gas service stations located on the same side of the street. Gas Service Stations separated by arterial streets are not subject to this requirement.
  - d. All of the following development standards shall apply:
    - 1) All fuel pump mechanism and any accessory equipment dispensing fuel shall be covered by canopies.
    - 2) Under canopy mounted lights shall be flush with the underside of the canopy.
    - 3) Fuel tanks larger than 1,000 gallons must be located underground. Above ground tanks shall be screened from street view, shall not exceed 6-feet in height, and shall be setback at least 25-feet from any public street.

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.
    - 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 21-155, 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.
  - 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 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.

C. Entertainment & Recreation.

1. Adult Uses, which are subject to the provisions of Special Conditional Use Permits section of this Ordinance shall be subject to all of the following additional requirements:

In the development and execution of this Section, the City recognizes that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area. Adult Uses subject to these regulations and development standards are as follows:

Adult Arcade

Adult Bookstore, Adult Retail Store or Adult Video Store

Adult Cabaret

Adult Motel

Adult Motion Picture Theater

Adult Theater

Nude Model Studio

Sexual Encounter Center

Any combination of classifications listed above.

- a. Any person who intends to establish any of the Adult Uses shall submit an application in the same manner as all other Conditional Uses.
- b. For purposes of this Section, the maintenance of two or more Adult Uses in a single building that are not at least 51% owned by the same entity shall be treated as two separate Adult Uses for purposes of applying the locational provisions of this Section.
- c. An Adult Use shall meet the locational criteria prescribed in this Section. The Board of Adjustment shall not have the jurisdiction to grant variances from these locational criteria. For the purpose of measuring separation distances required in this Section, the measurements shall be taken in a straight line from the closest exterior building walls of an Adult Use to the affected structures, property line or district boundary line, as the context indicates, without regard to intervening structures, objects, or jurisdictional boundaries.
- d. The exterior building wall of Adult Use shall not be located within one thousand (1,000) feet of the exterior property lines of any one or more of the following uses:

- 1) Preschool, kindergarten, elementary, or secondary school.
  - 2) Public library, service club, neighborhood or community public park, or publicly owned and operated swimming or aquatics facility.
  - 3) A state designated Local Alcohol Reception Center.
  - 4) A community residential facility or release facility.
  - 5) Tavern, bar, lounge or an establishment that sells beer or intoxicating liquor for consumption on the premises.
  - 6) Vacant land acquired and owned by the state or a political subdivision for one of the purposes identified in (1) to (5) of this Subsection.
- e. The exterior building wall of an Adult Use shall not be located within five hundred (500) feet of an existing residential district boundary line. A residential district for the purposes of this Section shall include the following zoning districts: AG, SR-43, SR-35, R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, R1-7, R1-6, RM-1, RMH-1, RMH-2, or residentially designated property within a P.A.D., P.U.D. or P.C. zoning district.
- f. An Adult Use shall not be located within one thousand (1,000) feet of any other Adult Use, measured from exterior building wall to exterior building wall.
- g. An Adult Use lawfully operating is not rendered in violation of these provisions by the subsequent location of a preschool, kindergarten, elementary, or secondary school, public library, service club, neighborhood or community public park publicly owned and operated swimming or aquatics facility; community residential facility or release facility. An Adult Use lawfully operating is not rendered in violation of these provisions by the subsequent rezoning of land to a residential zoning district.
- h. For the purposes of calculating the locational requirements in this Section, the distance shall be measured from the exterior surface of the walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted to a point which is the required distance apart, in a straight line, not taking into account any buildings, natural or artificial obstructions or structures including the rights-of-way of any public or private roadway or easements.
- i. For the purposes of calculating the locational requirements in this Section, the distance measured shall include those areas of unincorporated Maricopa County that are entirely surrounded by the City of Peoria or the City of Peoria and some other incorporated City. The locational requirements in this Section shall also apply to the itemized list of sensitive uses regardless of whether their distance from a proposed Adult Use places them within a county island of unincorporated Maricopa County, unincorporated Maricopa County or an adjacent incorporated City.
- j. Prior to the granting of a Special Conditional Use permit for any Adult Use, the Planning and Zoning Commission may impose only those conditions or limitation upon the establishment, location, construction, maintenance or operation of the Adult Use specifically authorized under Section 21-321 and this Section.
- k. No person may resubmit an application for an Adult Use which City has been denied in whole or in part for a period of one (1) year from the date of the denial.
- l. An applicant may appeal a denial of a Special Conditional Use permit by the City Council in accordance with A.R.S. § 12-7.6.
2. Health and Exercise Center shall be subject to the following conditions:
- a. The total building floor area shall not exceed 5,000 square feet in the O-1, C-1, PC-1, and PC-2 Districts.
  - b. Hours of operation in the O-1, C-1, PC-1, and PC-2 shall be limited to 5:00 a.m. to 7:00 p.m.
3. Recreation, Social Clubs and similar establishments shall have vehicular access to the site only from arterial or collector streets.
4. Wedding Reception Centers shall be subject to both of the following additional requirements:
- a. Maximum building height shall be thirty (30) feet or two (2) stories, whichever is greater.
  - b. Outdoor events between the hours of 10:00 p.m. and 7:00 a.m. shall require a temporary use permit.

D. *General Industrial & Manufacturing.*

1. Mini-storage warehouses, RV, Boat, and Trailer Storage, indoor and/or screened, shall be subject to the following additional requirements:
  - a. Applicability: These use-specific standards herein shall be applicable to facilities in all zoning districts including in Planned Area Development (PAD) and Planned Community Development (PCD)

districts where the approved land use table refers to a City underlying Non-Residential Zoning District.

b. Maximum Acreage: Self-Storage, Indoor and Drive-Up facilities are limited to a maximum five (5) gross acres in size.

c. Location Siting Requirements:

1) Vehicular access shall only be from a street classified on the City's General Plan Circulation Map as an arterial or collector. No access is permitted onto streets classified as local, or Limited Access Parkway and above.

2) Minimum separation distance from another Boat and RV Storage or Self-Storage facility is one (1) mile as measured from the site property line.

3) Minimum distance from an Arterial/Arterial intersection is six hundred sixty (660) feet as measured from the center of the radius of the intersection curb return.

d. Development Standards and Design Requirements: The following development standards and requirements are in addition to the underlying zoning district requirements only for those standards noted below.

1) When the facility is abutting a residentially-zoned lot, windows fronting onto the residential area shall be clerestory (or faux windows).

2) Doors of the storage areas shall not front on, or be visible from, any public street.

e. Operational Requirements:

1) All Self-Storage uses must be conducted entirely within the facility, with no outside storage or display allowed regardless of screening.

2) Conducting sales or operating a business from the storage area or unit is prohibited.

3) Residing within an RV or Self-Storage unit is prohibited; however, a single caretaker residence for the facility is allowed as an accessory use.

4) Vehicle maintenance is prohibited on site.

5) A detailed operations plan shall be provided which outlines:

i. Operational Hours;

ii. Security;

iii. Lighting;

iv. Odor mitigation from any dumping stations;

v. General clean-up of the site; and

vi. Procedures on addressing improper behavior, dumping of trash, and other nuisance concerns.

f. 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.

2. Recycling Collection Facility and similar establishments shall not be engaged in any processing or compounding to reform materials into a useable state. The Planning and Zoning Commission may require screening, landscaping, and the restriction of use/materials to enclosed structures.

3. Research Laboratories whose principal function is basic research, design and pilot or experimental product development shall have all activities conducted within a completely enclosed building.

4. Moving Truck, Trailer, and Equipment Rental shall be subject to the following additional requirements:

a. In the C-2 and PC-2 Zoning Districts, Moving Truck, Trailer, and Equipment Rental shall be allowed as an Accessory Use to Mini-Storage Warehouses-, RV, Boat, and Trailer Storage indoor, and/or screened only, Hardware and Home Improvement Store, and Hardware and Home Improvement Store with outdoor storage and/or garden center.

1) No more than six (6) vehicles shall be stored on site in association with the Moving Truck, Trailer, and Equipment Use.

2) Outdoor storage of vehicles and equipment associated with the Moving Truck, Trailer, and Equipment rental shall be fully screened from public view or located a minimum of 200 feet from the right of way.

3) Outdoor storage of vehicles and equipment associated with the Moving Truck, Trailer, and

Equipment rental shall not occupy required parking spaces or access lanes.

- 4) Moving trucks, trailers, and equipment shall be stored in a designated area of the site. For multi-tenant sites, or sites with multiple uses, the designated area shall be proximate to the associated principal use.
- 5) No fueling shall occur on-site in conjunction with this use.
- 6) Moving trucks and trailers which require a Commercial Drivers License for their operation shall be prohibited.
- 7) A Site Plan application (or Site Plan Amendment application for sites with a previously approved Site Plan) shall be required.

**E. General Retail.**

1. Donation Centers shall be subject to the following conditions:
  - a. Donation drop off shall be limited to business hours only.
  - b. Drop off location shall be at the rear of the building and shall be fully screened from view.
  - c. No drop off items shall be stored outside the screened area.
2. Pet Shops, including commonly associated accessory uses such as grooming, veterinary care, training, pet day camp services and the boarding of household pets, shall be subject to the following conditions:
  - a. Veterinarian and grooming services shall be restricted to the care and treatment of small animals during regular business hours.
  - b. The commercial breeding of animals shall be prohibited.
  - c. All activities shall be completely contained within enclosed buildings; the building shall be designed and constructed to achieve a Sound Transmission Control Value of 50 or greater.
  - d. All refuse shall be stored within a completely enclosed building.
  - e. Outdoor runs or exercise pens shall be prohibited.
  - f. Overnight boarding services for household pets may be operated as an accessory use, provided no more than twenty-five percent (25%) of the total square footage of the establishment may be used as sleeping quarters for the boarded pets; and the area shall be constructed, maintained or operated so that the smell of the boarded animals does not create a nuisance off- site.
3. Indoor retail sales of new and used merchandise excluding sale of automobiles, boats, RVs, and motorcycles as an Accessory Use within the BPI Zoning District shall be no greater than 20% of the overall gross floor area (G.F.A.) of the establishment and shall not exceed 1,000 square feet in area.
4. Permissible consumer Fireworks Sales shall be subject to the following conditions:
  - a. Signage shall be displayed at the point-of-sale in accordance with Peoria City Code Section 9-421-50.
  - b. Sales may only occur in buildings classified with a mercantile building occupancy code.

**F. Institutional Uses.**

1. Day Care Centers or Pre-school Centers shall be permitted in accordance with State Department of Health Care Services regulations.
2. Group Care Facility or Community Residential Setting Facility in accordance with Section 21-330.
3. Non-profit Social Services shall be permitted provided that their primary activities are administrative and clerical rather than residential in nature.
4. Nursing or Convalescent Home, Long Term Care Facility and Hospices shall have all vehicular access from an abutting arterial or non-residential collector street. The site shall contain a net land area of at least one thousand (1,000) square feet per dwelling unit.
5. Public utility buildings, water pumping plants and storage tanks and electric substations wherein service to district residents requires location within the district shall have no repair or storage facilities.
6. Religious institutions, similar places of worship and related facilities shall have vehicular access reviewed and approved by the City Engineer.
7. Public/charter schools, private schools, colleges, universities or instructional, business, technical or vocational schools shall have direct vehicular access to an arterial or collector street.

**G. Large-Scale Retail (LSR).** Large-scale retail must adhere to all requirements of this Section in addition to all other

applicable requirements of this Ordinance. In the event of conflicting requirements, the more restrictive shall govern.

1. *Definitions.*

- a. *Large-Scale Retail (LSR)* means the following:
  - 1) *Single Establishment.* Any retail establishment accommodating one-hundred thousand (100,000) square feet (G.F.A.) or more for either a single tenant or for multiple tenants sharing a common building entrance and common interior space; and/or
  - 2) *Site.* A site containing multiple retail establishments with more than five-hundred thousand (500,000) square feet (G.F.A.) of interior space in the aggregate.
- b. *Site* means that area as shown on the site plan for which the Conditional Use Permit is issued, inclusive of all amendments.
- c. *Vacancy* means ceasing of the type and/or level of use as established in the Conditional Use Permit. Said vacancy shall apply to the principal LSR establishment, and/or any portion thereof, and/or accessory facilities or operations.

2. *Applicability of Provisions.*

- a. Provisions of this ordinance shall apply to 1) any single LSR establishment, as defined above, and 2) the entire site on which any LSR meeting the criteria set forth above for "Single Establishment" LSR or "Site" in the LSR definition.
- b. Except as provided above, in Subsection 2.a., provisions herein do not apply to the following buildings, so long as said buildings are not accessory to a Single Establishment LSR, as defined above: individual pad buildings, shop buildings, or similar commercial establishments.
3. *Location.* Large-Scale Retail development is permitted only with a Conditional Use Permit in only those areas with a Land Use designation of Community Commercial (CC) or Regional Commercial (RC) in the General Plan.
4. *Vacancy.* During any period of vacancy, the property owner must maintain the property in a safe, sanitary, and aesthetically pleasing condition.
  - a. All landscaping must be maintained professionally.
  - b. The site must remain externally lit in the same manner as when the facility was fully operational, to maintain the premises in a safe condition and to avoid the appearance of neglect.
  - c. All architectural elements, including but not limited to building exteriors, roofs, signs, walkways, accessory structures, monuments, etc., must be maintained in good repair and functional condition as when the facility was fully operational.
  - d. Within thirty (30) days of vacating a facility, all signage for said facility must be removed from the building(s) and premises. Any walls or areas behind signs must be repainted; or, in the case of internally lit monument signs, a blank panel must be used as a temporary sign replacement.

H. *Intense Retail.*

1. Commercial Service Establishment combining retail, office, showroom with workshop, such as interior decorator, custom dressmaking or tailor, photographer, minor household appliance repair and similar activities shall be subject to the following conditions:
  - a. Maximum size of building shall not exceed 15,000 thousand square feet. No more than fifty percent (50%) of the usable floor area shall be used for workshop activities.
2. Outdoor Display and Sales Area shall be subject to all the following requirements:
  - a. No merchandise shall be located beyond eight (8) feet from the principal building of the business.
  - b. A four (4) foot unobstructed walkway containing at least seven (7) feet of vertical clearance shall be maintained at all times.
  - c. Outdoor Display shall not be located in or interfere with any landscaped area, setback area, required yard, required parking space, parking aisle, easement or drainage facility.
  - d. Outdoor Display shall be limited to products and services sold or provided inside the principal building.
  - e. Outdoor Display shall be limited to an area equal to 10% of the gross floor area of the principal building.
  - f. The setback of an outdoor display area from any residentially-zoned property shall be twenty five (25) feet. Such setback shall include a six (6) feet block wall at the property line separating the commercial and residential use districts.

g. All merchandise and equipment used in an outdoor display shall be removed and stored inside the principal building at the close of business.

h. Outdoor Display in the Old Town Mixed Use Districts (OTMU) shall be subject to the following additional conditions:

- 1) Outdoor Display may be conducted on a public sidewalk where the principal building of the use is located immediately adjacent to the public sidewalk, subject to the liability and insurance requirements of the City Engineer.

- 2) Evidence of insurance shall be submitted and approved by the City Engineer prior to placement of any merchandise or materials in the public right-of-way.

- 3) No merchandise shall be located beyond three (3) feet from the principal building of the business.

i. Swimming Pool and Spa Sales with outdoor swimming pool display shall be subject to the following conditions:

- 1) All outdoor swimming pool and spa models shall be displayed on a horizontal position.

- 2) No models displayed outdoor shall be located in the required setback or landscaped areas.

- 3) All sales services shall be conducted in the principal building.

- 4) Outdoor storage and display of equipment and pool supplies are prohibited.

3. Retail Sales of Lumber and Building Materials shall have no outdoor storage, repair, processing or manufacturing activities.

*I. Lodging.*

1. Bed and Breakfast Inns shall be subject to all the following additional requirements:

- a. Maximum building height shall be thirty (30) feet or two (2) stories, whichever is greater.

- b. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in lawns or landscaping.

- c. Short-term lodging for the purposes of a Bed and Breakfast Inn shall be for a period not exceeding fourteen (14) consecutive days.

- d. Meals shall be restricted to registered guests.

2. Hotels and Motels shall be subject to all of the following additional requirements:

- a. All direct vehicular access shall be from an abutting arterial or collector street.

- b. Paved areas shall be reduced to the smallest area commensurate with the efficient operation and function of the site.

*J. Medical.*

1. Emergency Medical Care Facilities shall have all direct vehicular access from an abutting arterial street. The site shall contain a net land area totaling at least four (4) acres for the first one hundred beds or less, plus one additional acre for each additional twenty-five beds.

2. Veterinary Hospitals shall have no outdoor runs, pens or enclosures. Veterinary Hospitals shall not be located closer than one hundred (100) feet to any street, residential district or existing restaurant, hotel or motel.

3. Veterinary Offices and Clinics (excluding animal boarding) shall be subject to all of the following additional requirements:

- a. Clinic activities shall be restricted to the medical care and treatment of small animals during regular office hours. The confinement of such animals on the premises shall be limited to essential and occasional overnight care.

- b. The boarding and breeding of animals shall be prohibited.

- c. Clinic activities shall be completely contained within enclosed buildings; the building or suite containing the clinic shall be designed and constructed to achieve a Sound Transmission Control Value of 50 or greater.

- d. All refuse shall be stored within a completely enclosed building.

- e. Outdoor runs or exercise pens shall be prohibited.

*K. Personal Services.*

1. Body Piercing Studios, Tattoo Studios, Retail Liquor Stores, Plasma Center, Non Chartered Financial Institutions, and Pawnshops shall be subject to all of the following additional requirements:
  - a. All vehicular access shall be from arterial streets.
  - b. The uses shall not be located on a lot with a property line within one thousand (1,000) feet measured in a straight line in any direction of the lot line of a Body Piercing Studio, Non Chartered Financial Institution, Pawnshop, Retail Liquor Store, Plasma Center and Tattoo Studio, Adult Use, Correctional Facility or State Local Alcohol Reception Center.
  - c. For purposes of calculating the locational requirements of this Subsection, the distance shall include those areas of Maricopa County surrounded by the City of Peoria and some other city on three or more sides. The locational requirements shall also apply to the uses regardless of whether their distance from such other use includes area within Maricopa County or some other incorporated city and regardless of whether the other use is located in Maricopa County of some other incorporated city.

2. Pet Grooming Shop.

- a. The building or suite containing the pet grooming shop shall be designed and constructed to achieve a Sound Transmission Control Value of 50 or greater.

3. Boarding and Training Kennels. In the C-2 Zoning District, the following limitations shall apply:

- a. Boarding shall be limited to household pets.
  - b. The commercial breeding of animals shall be prohibited.
  - c. The hours of operation for outdoor areas shall be limited to between the hours of 6:00 a.m. and 7:00 p.m.
  - d. All indoor facilities shall be completely enclosed and buildings shall be designed and constructed to achieve a Sound Transmission Control Value of 50 or greater.
  - e. All refuse shall be stored within an airtight container, or within a completely enclosed building.
  - f. Facilities shall be constructed, maintained, and operated so that the smell of boarded animals does not create a nuisance off-site.
  - g. A Boarding Facility Management Plan shall be provided with the Conditional Use Permit Application indicating the specific operational plans for the facility, including management of noise and odor on the site.

4. Massage Establishment.

- a. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m.

L. *Transportation.*

1. School bus parking and maintenance facilities shall provide primary access from an arterial or collector street. Parking areas for school buses shall be screened from adjacent streets or property lines by an eight-foot high solid wall.

M. *Qualifying Marijuana Dispensaries and Marijuana Manufacturing or Cultivation, and Testing Facilities.*

1. *General Requirements.*

- a. For the purposes of measuring separation distances, the measurements will be taken in a straight line from the exterior wall of the building, suite, or premises housing the use without regard to intervening buildings or political boundaries.
  - b. Marijuana remnants or by-products shall be disposed of according to an approved plan and not placed within the facility's exterior refuse containers.
  - c. There shall be no inordinate emission of dust, fumes, vapors or odors into the environment from the premises.
  - d. Signage for Qualifying Marijuana Dispensaries and/or Marijuana Manufacturing, Cultivation, and Testing facilities shall be limited to the name of the business only, and no advertising of the goods and/or services shall be permitted.
  - e. Qualifying Marijuana Dispensaries and/or Manufacturing, Cultivation, and Testing Facilities shall be located in a permanent building on an established foundation adhering to Peoria building codes and shall not include any temporary, portable, or self-powered mobile facilities.
  - f. An active Security Management Plan shall be approved by the Police Department. The Plan shall include, but is not limited to, the following:
    - 1) Security cameras shall be installed and maintained in good condition, and used in an on-

going manner. Recordings shall be retained for a minimum of 60 days and comply with any additional standards defined by the Security Management Plan.

- 2) The business space shall be alarmed with an alarm system that is operated and maintained by a recognized security company.
- 3) A security guard shall be provided at the main entrance during all hours of operation. For the purposes of this Section, "security guard" shall mean licensed and duly bonded security personnel registered pursuant to A.R.S. § 32-601.
- 4) Before commencing marijuana delivery operations, a qualifying marijuana dispensary shall obtain approval of a new or updated security management plan from the Police Department addressing its marijuana delivery procedures.

g. For the purposes of this section, qualifying zoning districts for Qualifying Marijuana Dispensaries, Manufacturing, Cultivation, and Testing Facilities does not include Planned Area Development (PAD) or Planned Community District (PCD) that points to or references such standard zoning districts identified herein.

h. The operation of a licensed Marijuana Establishment for retail sales is prohibited in the City except as a Dual Licensee, pursuant to Section 11-75 of the City Code (1992).

2. *Qualifying Marijuana Dispensaries.*

- a. Operations for the dispensing of Medical Marijuana, and related supplies, to qualified patients and the sale of non-medicinal Marijuana and Marijuana Products shall be conducted cooperatively in a shared location.
- b. Vehicular access into the center or site containing the dispensary shall be from an arterial roadway as identified on the Peoria General Plan.
- c. The use shall not be located within 2,640 feet of another Qualifying Marijuana Dispensary or Marijuana Manufacturing, Cultivation, and Testing Facility.
- d. The use shall not be located within 1,000 feet of the property line of Day-Care Facilities, Pre-Schools, Public/Charter or Private Schools.
- e. The use shall not be located within 1,000 feet of a Retail Liquor Store; Tavern, Bar or Lounge; Adult Use; Substance Abuse Treatment Centers; or State Local Alcohol Reception Center.
- f. The use shall not be located within 500 feet of the property line of a residentially-zoned property.
- g. The product offered for retail sales shall be inaccessible to the public entering the Qualifying Marijuana Dispensary. All product provided for retail sales shall be located behind a counter staffed by a Marijuana Dispensary or Facility Agent registered by the State of Arizona.
- h. The Dispensary shall have operating hours not earlier than 7:00 a.m. and not later than 10:00 p.m.
- i. The manufacturing, cultivation, and testing of Marijuana is prohibited.
- j. Drive-through services and sales are prohibited.
- k. Alcoholic beverages shall not be sold, stored, distributed or consumed on the premises.
- l. The Dispensary shall not have outdoor seating areas, but shall have adequate indoor seating to prevent outside loitering.
- m. The business entrance and all window areas shall be illuminated during evening hours and shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etc.
- n. The windows and/or entrances shall not be obstructed and must maintain a clear view into the premises during business hours.
- o. No consumption of Marijuana or any product containing Marijuana shall occur on the premises of a Qualifying Marijuana Dispensary.
- p. The Tenant improvement Plan shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes.

3. *Marijuana Manufacturing, Cultivation, or Testing Facility.*

- a. Other than for delivery to an authorized Qualifying Marijuana Dispensary, distributing, transmitting, dispensing, giving, selling, or providing Marijuana is prohibited.
- b. All cultivation, manufacturing, testing and storage of Marijuana and Marijuana plants shall occur within secured, enclosed buildings and structures.

- c. The use shall not be located within 2,640-feet of another Marijuana Manufacturing, Cultivation, or Testing Facility.
- d. The use shall not be located within 1,000-feet of the property line of Day-Care Facilities, Pre-Schools, Public/Charter or Private Schools.
- e. The use shall not be located within 500-feet of the property line of a residentially-zoned property.
- f. There shall be no signage advertising the location of Qualifying Marijuana Dispensaries or retail sales of Marijuana on the premises.
- g. The Zoning Administrator may require additional ventilation and air filtration necessary to ensure compatibility with adjacent uses.

(Ord. No. 83-16, 3-22-83; Ord. No. 97-41, 8-4-97; Ord. No. 98-34, 5-19-98; Ord. No. 99-89, 7-20-99; Ord. No. 99-101, 10-5-99; Ord. No. 00-28, 6-20-00; Ord. No. 02-85, 10-3-02; Ord. No. 03-171, 9-17-03; Ord. No. 04-188, 8-24-04; Ord. No. 05-16, 3-1-05; Ord. No. 05-36, 7-6-05; Ord. No. 05-51, 9-7-05; Ord. No. 06-07, 3-21-06; Ord. No. 06-16, 6-20-06; Ord. No. 07-22, 7-10-07; Ord. No. 2010-23, 8-17-10; Ord. No. 2011-03, 1-18-11; Ord. No. 2011-05A, 2-15-11; Ord. No. 2016-01, 1-5-16; Ord. No. [2017-33](#), § 93, 6-13-17; Ord. No. [2018-35](#), § 1(Exh. A), 11-13-18; Ord. No. [2021-06](#), § 1(Exh. A), 3-2-21; Ord. No. [2021-17](#), § 1(Exh. A), 6-1-21; Ord. No. [2023-01](#), § 3, 1-24-23; Ord. [2023-13](#), § 2(Exh. A, § 1), 8-15-23; Ord. No. [2024-05](#), § 2(Exh. A), 4-16-24; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

## **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
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 <sup>a</sup>	48	48 <sup>a</sup>	60
Front Setback (FT)	15	15	60	120	15	N/R	15	40
Corner Setback (FT) ( $\Delta$ )	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)	·	·	·	·	·	·	·	·

N/R No minimum requirements

<sup>a</sup> 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.

Δ 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 21-903 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
Property Development Standards	BPI	PI-1	I-1	I-2
<b>Minimum Size of Lot by Use</b>				
Area (acreage)	N/R	N/R	N/R	N/R
Width (FT)	80	80	80	80
<b>Minimum Setbacks for Principal Buildings</b>				

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) (Δ)	20	20	20	30
Setback from Residential Zoning Districts (FT) <sup>a</sup>	30	50	50	50
<b>Maximum Lot Coverage</b>				
Percentage - by all Buildings	N/R	40%	N/R	N/R
<b>Maximum Building Height</b>				
Principal Building Height (FT)	48 <sup>b</sup>	48 <sup>b</sup>	48 <sup>b</sup>	60 <sup>b</sup>
Accessory Building Height and Setbacks (FT)	.	.	.	.

N/R No minimum requirements.

<sup>a</sup> 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.

<sup>b</sup> 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.

(Δ) 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.

(Ord. No. 02-21, 4-2-02; Ord. No. 04-23, 5-20-04; Ord. No. 04-188, 8-24-04; Ord. No. 05-58A, 12-13-05; Ord. No. [2017-33](#), § 94, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

## **Sec. 21-600.**

### **Special Uses, Districts and Overlays**

#### **Sec. 21-601. Planned Area Development (PAD).**

A. *Intent.* The Planned Area Development District (PAD) 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 may include any development having one or more principal uses or structures on a single parcel of ground or contiguous parcels. The PAD 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:

*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.

*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.

(Ord. No. 88-29, 6-28-88; Ord. No. 05-64, 11-15-05; Ord. No. [2017-33](#), § 95, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

## **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.

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

## **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.
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.

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

## **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.
  - 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.

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

## **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.

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

## **Sec. 21-606. Amendments to an Approved Planned Area Development District.**

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

B. *Applicability.* Amendments to the approved PAD 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 shall be determined to be either a major or minor amendment by the Zoning Administrator using the criteria noted below.

2. *Major Amendments.* If the Zoning Administrator determines the amendment to be a major amendment, the amendment request shall be processed in the manner set forth in Sections 21-604 and 21-605. An amendment shall be deemed major if it involves any one of the following:

a. A change in the overall PAD District Boundary;

b. An increase in the total number of approved dwelling units or gross leasable area (GLA) by 10% or more for the overall PAD District;

c. A significant change to the approximate boundary of one or more "development unit(s)" from that approved in the PAD, as determined by the Zoning Administrator. 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";

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% percent within the overall PAD District;

e. 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;

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; or,

g. Any other proposed change that substantively alters one or more components of the, PAD as determined by the Zoning Administrator.

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 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 may administratively act on the amendment and attach stipulations or conditions of approval thereto, to protect the public health, safety and welfare.

D. *Notice.* Major and minor PAD amendments shall be noticed in accordance with Section 21-146 of the Zoning Ordinance.

(Ord. No. 07-14, 4-17-07; Ord. No. [2017-33](#), § 100, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

## **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.

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

- a. Appeals shall be in writing on a form provided by the Planning Department and shall include only the specific items being appealed.
- b. The Planning 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 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.

**C. Appeal of Planning and Zoning Commission decision to Council.** An action or decision by the Planning and Zoning Commission 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 Department and shall include the specific items being appealed and the nature upon which the decision was in error.
- b. The Planning 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.

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**Sec. 21-608. Planned Community District (PCD).**

The Planned Community 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 PCD "Development Plan" and "Standards & Guidelines Report".

F. To assure that the PCD is developed in accordance with a PCD "Development Plan" and "Standards & Guidelines Report". The 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.

(Ord. No. 01-146, 7-10-01; Ord. No.[2017-33](#), § 102, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12- 17-24)

### **Sec. 21-609. Qualifying Standards.**

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.

(Ord. No. 07-14, 4-17-07; Ord. No.[2017-33](#), § 103, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12- 17-24)

### **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.

#### *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.

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

## **Sec. 21-611. 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.

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.

(Ord. No. 02-80, 8-22-02; Ord. No. [2017-33](#), § 105, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12- 17-24)

## **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. That the development proposed is in conformance with the General 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 PCD;
  - 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.*

1. The Planned Community District shall be adopted in accordance with procedures set forth in Section 21-153. The Commission and Council shall consider the PCD "Development Plan" and "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 "Development Plan" and "Standards & Guidelines Report."
2. At the time a PCD 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 established by the City on the property. All future development within the adopted PCD shall thereafter be in conformity with the "Development Plan" and "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 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.

(Ord. No. [2017-33](#), §§ 103, 104, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

### **Sec. 21-613. Amendments to an Approved Planned Community District.**

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

B. *Applicability.* Amendments to the approved PCD 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 Department, the Zoning Administrator shall determine if the proposed amendment constitutes a major or minor amendment using the criteria noted below.
  2. Major Amendments, If the Zoning Administrator determines the amendment to be a major, the amendment request shall be processed in the manner set forth in Sections 21-611 and 21-612. An amendment will be deemed Major if it involves any one of the following:
    - a. A change in the overall PCD Boundary;
    - b. An increase in the total number of approved dwelling units or gross leasable area (GLA) by 10% or more for the overall PCD;
    - c. A significant change to the approximate boundary of one or more "development unit(s)" from that approved in the PCD, as determined by the Zoning Administrator. 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;"
    - 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;
    - 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;
    - 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; or,
    - g. Any other proposed change which substantively alters one or more components of the PCD as determined by the Zoning Administrator.

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 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 is determined to be invalid pursuant to Section 21-614, then the Zoning Administrator may administratively act on the amendment and attach stipulations or conditions of approval thereto, to protect the public health, safety and welfare.

D. *Notice.* Major and minor PCD amendments shall be noticed in accordance with Section 21-146 of the Zoning Ordinance.

(Ord. No. [2017-33](#), § 106, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

### **Sec. 21-614. 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.

B. *Appeal of a Planning Department Decision.* An action or decision by the Planning Department on minor amendments may be appealed by the applicant within ten (10) calendar days from the date of the Zoning Administrator's decision.

1. Appeals shall be in writing on a form provided by the Planning Department and shall include only the specific items being appealed.
2. The Planning 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 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.

C. *Appeal of Planning and Zoning Commission Decision to Council.* An action or decision by the Planning and Zoning Commission 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 Department and shall include the specific items being appealed and the nature upon which the decision was in error.
2. The Planning 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.

(Ord. No. [2017-33](#), § 107, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**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 boundary containing singular or multiple designated land use and zoning classifications. Multiple classifications or mixed-use classifications may be permitted in the PCD 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.

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

(Ord. No. [2017-33](#), § 109, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**Sec. 21-616. Planned Unit Development (PUD).**

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

(Ord. No. 79-49, 9-11-79; Ord. No.[2017-33](#), § 110, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12- 17-24)

#### **Sec. 21-617. Permitted Minimum Property Development Standards.**

District <sup>a, b</sup>	Maximum Permissible Dwelling Units Per Gross Acre	Maximum % Lot Coverage by All Buildings	Minimum Setbacks for Principal Buildings
RI-35	1.00	15%	.
RI-12	2.90	30%	.
RI-8	4.09	30%	.

<sup>a</sup> Where a development proposal is not submitted as a proposed subdivision, and therefore not subject to subdivision regulation procedures, the site plan approval requirements of Section 21-428 applicable to multi-family developments shall apply.

<sup>b</sup> Lands in one FP flood plain district which are included as a part of that proposed to be provided as permanent recreation open space may be so credited at the discretion of the Commission and Council, provided that all requirements of this section are met.

- The minimum development standards applicable to multi-family residential development in Section 21-429 shall apply.

(Ord. No. [2017-33](#), § 111, 6-13-17)

#### **Sec. 21-618. Required Conditions.**

- A. For each square foot of land gained for permanent open space through reduction of lot sized below minimum requirements established in Section 21-415, an equal amount of land shall be either dedicated to the common use of the residents in the development in a manner to be approved by the Council or, subject to the approval of the Council, dedicated to the City for public park purposes.
- B. Sites to be dedicated for either public park or resident recreation purposes shall be so located and dimensioned as to be usable and developable for such purposes and shall be subject to approval by the City as part of either the subdivision plat or site plan approval process. The sponsor shall dedicate the total proposed park area at the same time a final plat is filed for all or any portion of the subdivision or upon application for a building permit for an approved site plan.
- C. Sites dedicated for public park purposes shall abut a public street on at least one side and shall be at least four (4) acres in net area and not divided by a street, alley, canal or other physical barrier.
- D. When the open space is dedicated to a property owner's association, such park area shall be held, improved and maintained in accordance with a homeowners' agreement satisfactory to the Council, and such agreement shall be recorded as a part of the initial plat or approved site plan. In the event of any default in terms of such agreement, the open space shall, at the discretion of the City, either be conveyed to the City or the property owners who are party to the agreement shall be assessed equally as a tax lien to correct the deficiency.

(Ord. No. [2017-33](#), § 112, 6-13-17)

#### **Sec. 21-619. Downtown (D) District.**

- A. Originally referred to as the Old Town Mixed Use (OTMU) District and the Old Town Core Area, the "Downtown Area" has been envisioned and planned as a vibrant, walkable, mixed-use area for civic, historic, residential, commercial and employment uses. This concentration of complimentary uses and community interests are located within a small geographic area comprised of the sub-districts identified herein.
- B. The purpose of this Downtown (D) District is intended to provide the necessary land use regulations and development standards to implement the goals and policies as set forth in the Peoria General Plan, along with support the principles and guidelines within the Peoria Community Design Guidelines in furtherance of these objectives.
- C. To support the desired high quality, walkable urban development pattern within the "Downtown Area", the Downtown District regulations and standards provided herein are intended to:
  1. Promote and protect the character of the diverse collection of vibrant mixed-use pedestrian-oriented sub-districts;
  2. Promote an enhanced, pedestrian-oriented, streetscape environment on key streets within the Downtown Area;
  3. Encourage economic niches which may include a variety of commercial and residential uses that activate

the streetscape.

4. Encourage development which creates a compacted pedestrian environment and promote pedestrian activities that would balance day and night uses.
5. Incorporate contextually sensitive planning, architecture and urban design;
6. Promote arts and culture as a key component within streetscapes and public gathering areas; and
7. Encourage new development or redevelopment to be compatible with adjacent historic or culturally significant structures in scale, massing, building materials, and orientation.

(Ord. No. [2025-01](#), § 2(Exh. A), 1-14-25)

#### **Sec. 21-620. Applicability.**

- A. The "Downtown Area" is bounded by 85th Avenue on the west, Peoria Avenue on the north, and Grand Avenue on the east. The southern boundary follows along Monroe Street from 85th Avenue to 83rd Avenue, where it then proceeds southward on 83rd Avenue until it meets Cotton Crossing. From there, the boundary proceeds northeasterly until it reaches Grand Avenue. Refer to Exhibit 21-620.A which graphically illustrates the "Downtown Area."
- B. The Downtown (D) District regulations and standards shall only be applied to property located within the "Downtown Area" as defined above and illustrated within Exhibit 21-620.A.
- C. All uses shall be subject to the applicable provisions of the Zoning Ordinance. However, where the regulations and standards established by the Downtown District conflict with other provisions of the ordinance, the regulations and standards set forth in the Downtown District shall govern.

#### **Exhibit 21-620.A Downtown Area**

**Exhibit 21-620.A Downtown Area**



(Ord. No. [2025-01](#), § 2(Exh. A), 1-14-25)

#### **Sec. 21-621. Zoning Sub-Districts.**

The Downtown District is composed of the following sub-zoning districts:

- A. *Downtown/Commercial Mixed-Use (D/CM)*. The Downtown/Commercial Mixed-Use designation allows for retail and service businesses mixed with residential, cultural, educational, community, recreational, entertainment uses. Architecturally enhanced parking structure, street level office, business, or community uses that create a pedestrian friendly environment are strongly encouraged.
- B. *Downtown/Residential Mixed-Use (D/RM)*. The Downtown/Residential Mixed-Use designation allows for primarily single-family and multi-family residential uses. Limited types of non-residential uses adapted to the residential structures are permitted in the Residential Mixed-Use area. Non-residential uses may include small-scale entrepreneurial, pedestrian-oriented goods and services, family-owned business, bed and breakfast establishments,

and small professional or home business whose business is primarily oriented to users in the Downtown area.

(Ord. No. [2025-01](#), § 2(Exh. A), 1-14-25)

## **Sec. 21-622. Downtown Land Use Matrix.**

Table 21-622.A indicates land uses allowed within the base Downtown Zoning District. Specific uses are further defined in Section 21-200, Definitions.

### A. *Explanation of Table Abbreviations.*

#### 1. *Permitted Uses.*

- a. "P" 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, along with compliance with the Peoria Community Design Guidelines.
- b. "P" indicates that the use is allowed by right, unless it is located within two hundred (200) feet of a residential use, then 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" indicates that in the respective zoning district, the use is allowed only if reviewed and approved in accordance with the procedures of Section 21-321, Conditional Use Permits. Conditional uses are subject to all other applicable regulations of this Zoning Ordinance, including the use-specific standards, 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 21-321, Conditional Use Permits.

#### 3. *Prohibited Uses.* "-" indicates that the use is prohibited in the respective zoning district.

#### 4. *Accessory and Temporary Uses.* The "A" designation indicates the use is permitted within the zoning district as an accessory to a primary use. In those instances where a permanent use is not defined or present, the "T" designation indicates the subject use may be installed on a temporary basis, subject to applicable specific standards.

#### 5. *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 21-622, 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. Therefore, the "use categories" are intended merely as an indexing tool and are not regulatory.

C. *Use for Other Purposes is Prohibited.* Approval of a use listed in Table 21-622, 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 21-622 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 21-622, the following procedure shall be followed:

1. The Zoning Administrator shall provide an interpretation of the Ordinance in accordance with Section 21-311 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; 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 21-622 Downtown Land Use Matrix**

LAND USE CLASSIFICATIONS	D/CM	D/RM	USE SPECIFIC STANDARDS
Table 21-622 Downtown Land Use Matrix			
LAND USE CLASSIFICATIONS	D/CM	D/RM	USE SPECIFIC STANDARDS
<b>A. Residential Uses</b>			
Multi-Family Residential	P	P	See 21-623.A
Single-Family Residential	-	P	See 21-623.A
<b>B. Commercial and Retail Uses</b>			
Automobile/Vehicle Repair, Minor	C	-	See 21-623.B
Commercial Service Establishments	P	-	See 21-505.H
Eating & Drinking Establishments			
Catering Service	P	-	See 21-200
Microbrewery, Microwinery, or Distillery	P	-	See 21-623.B
Outdoor Dining and Seating Areas	P/A	-	See 21-623.B
Restaurants, Drive through/Drive-up	-	-	See 21-623.B
Restaurants, Full Service	P	P	See 21-623.B
Restaurants, Limited Service	P	-	See 21-623.B
Restaurants, Walk-Up	P/A	-	See 21-623.B
Tavern, Bar, Lounge	P	-	See 21-505.B
Entertainment And Recreation			
Banquet and Conference Centers	P	C	See 21-505.C
Commercial Entertainment, Small-Scale	P	-	See 21-623.B
Commercial Recreation, Small-Scale	P	P	See 21-623.B
Financial Institution and Services	P	-	See 21-623.B
General Retail, Indoor	P	P	See 21-623.B
Kiosk	T	-	See 21-623.B
Lodging			
Bed And Breakfast Inn	P	P	See 21-505.I
Hotel Or Motel	P	-	See 21-505.I
Maintenance and Repair Services, Indoor	P	P	See 21-623.B
Personal Services			
Body Piercing and Tattoo Studios	C	-	See 21-505.K
Dry Cleaning or Laundry Service	P	-	See 21-623.B
General Personal Services	P	-	See 21-623.B
Office and Business Services			
Business or Professional Offices	P	P	
Business Services	P	P	
Medical or Dental Offices	P	P	See 21-505.J
Open-Air Market	P/T	-	See 21-623.B
<b>C. Public, Civic and Institutional Uses</b>			
Clubs and Lodges	P	P	See 21-505.C
Community Garden	A/T	A/T	See 21-623.C
Cultural and Educational Institutions	P	P	See 21-505.F
Day Care Centers and Pre-School Centers	C	C	See 21-505.F
Government Buildings and Public Facilities	P	P	See 21-505
Group Care Facility	C	C	See 21-812.C
Group Homes, Less Than 10 Residents	P	P	See 21-812.C
Park/Open Space	P	P	
Parking Lot, Garage, and Parking Structure	P/T	P/T	See 21-623.C
Places of Worship	P	P	See 21-505.F

D. Accessory Uses				
Outdoor Sales and Display Area	A	A	See 21-623.C	

(Ord. No. [2025-01](#), § 2(Exh. A), 1-14-25)

### **Sec. 21-623. Use Specific Standards for Downtown.**

In the D/CM and D/RM Zoning Sub-Districts, uses identified in Table 21-622 are subject to limitations outlined in Sections 21-505 of the Peoria Zoning Ordinance except as modified herein:

#### A. Residential Land Uses.

1. Residential uses are prohibited on the first floor of all buildings located along or abutting Washington Street and 83rd Avenue.
2. Accessory buildings for single-family residences shall be subject to the limitations contained in Section 21-315 of this Ordinance.

#### B. Commercial and Retail Uses.

1. Within the D/CM and D/RM district, all of the following shall apply:
  - a) All Drive Through and/or Drive-Up Services are prohibited. Drive Through and/or Drive-Up Services include, but are not limited to services offered by a Restaurant, Financial Institution, Pharmacy, Dry Cleaning or Laundry Service, Convenient Stores, etc.
  - b) Warehousing or indoor storage of goods and material beyond that normally incidental to permitted uses shall be prohibited.

#### 2. Automobile Related.

- a) Automotive Uses shall be limited to developments with arterial street frontages and to properties having a Certificate of Occupancy as of July 1, 2005.

#### 3. Eating & Drinking Establishments.

- a) *Microbrewery, Microwinery, or Distillery.*
  - i. The restaurant or serving area operating in conjunction with the Microbrewery or Distillery shall occupy a minimum of 25% of the total floor area.
- b) *Outdoor Dining and Patio Areas* are subject to the following additional provisions:
  - i. Hours of operation shall be limited to the hours of operation of the associated primary use.
  - ii. A four (4) foot unobstructed walkway containing at least seven (7) feet of vertical clearance shall be maintained at all times.
  - iii. Outdoor seating areas shall not obstruct pedestrian circulation, 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.

#### c) *Restaurant, Full Service.*

- i. Full Service and Limited Service Restaurants located in Downtown/Residential Mixed-Use (D/RM) shall not exceed 2,000 square feet of gross floor area for kitchen preparation, serving area, and outdoor dining.
- ii. Drive-through services are not permitted as referenced herein (see Sec.21-623.B.1).

#### d) *Restaurant, Limited Service.*

- i. Full Service and Limited Service Restaurants located in Downtown/Residential Mixed-Use (D/RM) shall not exceed 2,000 square feet of gross floor area for kitchen preparation, serving area, and outdoor dining.
- ii. Drive-through services are not permitted as referenced herein (see Sec.21-623.B.1).

#### e) *Restaurant, Walk-up.*

- i. The maximum floor area of the restaurant shall be limited to 250 square feet when operating as a stand-alone business.
- ii. The maximum floor area of the Walk-Up restaurant does not apply when operating as an accessory use to an existing Full Service or Limited Service Restaurants.

#### 4. Entertainment and Recreation.

a) The total gross floor area of a Commercial Entertainment or Commercial Recreation use shall not exceed 5,000 square feet in the D/CM and D/RM sub-district. The area restriction excludes a Public, Civic and Institutional uses and amenity areas for a multi-family residential development.

5. *Financial Institution and Services.*

a) Automated Teller Machines (ATMs) are permitted as a walk-up or walk-in ancillary use to principally permitted use. Standalone ATMs are not permitted.

b) As referenced in Sec. 21-623.B.1, drive-through services are not permitted.

6. *General Retail, Indoor.*

a) Refer to Sec 21-505.E for special limitations on General Retail except as modified herein.

7. *Kiosk.*

a) Operators shall secure a lease agreement to operate on City property.

8. Maintenance and Repair Services, Indoor, means the on-site maintenance or repair of office machines, household appliances, furniture, and similar items.

a) This classification excludes maintenance and repair of vehicles or boats and personal apparel (See Personal Services).

9. *Personal Services.*

a) Refer to Sec 21-505.K for special limitations on Body Piercing and Tattoo Studios.

b) Pursuant to Sec. 21-623.B, drive-through services are not permitted.

10. *Open-Air Markets.*

a) Open-air market shall occur wholly within a property (or properties) without interference of fire lanes, creation of a cause hazardous conditions, or constitute a threat to the public health, safety and welfare.

C. *Public, Civic and Institutional Uses.*

1. *Clubs and Lodges.*

a) Refer to Sec 21-505.C for special limitations on Recreation, Social Clubs.

2. *Community Garden.*

a) Mobile restrooms are prohibited.

b) Community Garden may operate as an Accessory Use in conjunction with a non-residential or multi-family residential principal use on the subject site or adjoining lot.

c) When operating as a temporary use, a Community Gardens shall secure a Temporary permits from the City.

i. Temporary Use permits for a Community Garden shall be limited to a maximum duration of twelve (12) months per approval.

ii. Temporary Use permits for a Community Garden may be renewable provided the Community Garden is in good-standing and the cumulative allowance of gardening operation on the lot does not exceed three (3) consecutive years.

iii. Each renewal requires a new Temporary Use Permit application and fee.

3. *Day Care Centers and Pre-School Centers.*

a) Refer to Sec 21-505.F for special limitations.

4. *Group Care Facility.*

a) The identified provisions in Sec 21-812.C for special limitations that shall similarly be applied within the D/RM and D/CM zoned districts.

5. *Group Homes, Less Than 10 Residents.*

a) The identified provisions in Sec 21-812.C for special limitations that shall similarly be applied within the D/RM and D/CM zoned districts.

6. *Parking Lot, Garage or Structure.*

a) A street frontage landscape buffer with a minimum width of 15 feet is required for any parking structure.

b) Parking spaces within the front setback areas are discouraged.

**D. Accessory Uses.**

1. The following uses are prohibited as Accessory Uses within the D/CM and D/RM sub-district:
  - a) Permanent Outdoor Storage. Permanent and/or persistent outdoor storage of goods and materials is prohibited.
  - b) Storage or parking of recreational vehicles and utility trailers.
  - c) Moving Truck, Trailer, and Equipment Rental.
  - d) Donation/Recycling Drop-Off Boxes.
2. Within the D/CM and D/RM sub-district, uses that are customarily incidental to a permitted principal use on the site are allowed to occur as an Accessory Use on the site when operating in compliance with all other applicable city requirements.
3. Outdoor Displays and Sales Area are permitted accessory uses to subject to the special limitations identified in Section 21-505, and as modified herein:
  - a) No merchandise shall be located beyond eight (8) feet from the building frontage.
  - b) A four (4) foot unobstructed walkway containing at least seven (7) feet of vertical clearance shall be maintained at all times.
  - c) 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.
  - d) The site shall be restored to its previous condition after each use. Permanent alterations to the site are prohibited.

(Ord. No. [2025-01](#), § 2(Exh. A), 1-14-25)

**Sec. 21-624. Property Development Standards.**

- A. *Parking Facilities.* There is no minimum requirement for parking spaces in the Downtown Area. To promote the urban form outlined in Section 21-619, developments are encouraged to locate parking facilities behind buildings and structures, and/or offer shared or joint parking arrangements.
- B. *Landscape Requirements.* There are no minimum on-site landscape requirements. However, all portions of the development not occupied by buildings, structures, vehicular access, and parking shall be landscaped in accordance with Section 21-818.
- C. *Downtown District Standards.* The development standards provided herein are applicable to all subzones within the Downtown District. Table 21.624.D.1. is applicable when only non-residential uses are proposed, or they are proposed in combination with residential uses. For residential (only) projects, utilize Table 21.624.D.2.

**Table 21-624.D.1. Non-Residential Uses and Mixed-Use Projects**

Development Standard	All Districts
<b>Table 21-624.D.1. Non-Residential Uses and Mixed-Use Projects</b>	
Development Standard	All Districts
Setbacks (FT)	
Front, Minimum	0 FT
Front, Maximum	15 FT
Rear, Minimum	0 FT
Side, Minimum	0 FT
Corner, Minimum	0 FT
Maximum Building Height (FT)	60 FT

**Table 21-624.D.2. Residential Projects**

Development Standard	Multi – Family Residential	Single – Family Residential
<b>Table 21-624.D.2. Residential Projects</b>		
Development Standard	Multi – Family Residential	Single – Family Residential

Minimum Setbacks		
Front	10 FT	10 FT
Rear	5 FT	5 FT
Side	5 FT	5 FT*
Corner	8	8 FT
Maximum Building Height	30	30 FT
Maximum Lot Coverage	-	45 %

Notes:  
\*Not required along common wall for attached product.

(Ord. No. [2025-01](#), § 2(Exh. A), 1-14-25)

### **Sec. 21-625. Intent.**

A. The protection, enhancement and perpetuation of landmarks and historic districts are necessary to promote the economic, cultural, educational, and general welfare of the citizens of the City of Peoria. The identity of a people is founded in its past, and inasmuch as the City of Peoria has significant historic, cultural, and architectural resources which constitute its heritage, this Section is intended to:

1. Protect and enhance the historic resources, landmarks, and historic districts which represent distinctive elements of Peoria's historic, architectural, and cultural heritage;
2. Foster civic pride in accomplishments of the past;
3. Protect and enhance Peoria's attractiveness to visitors and the support and stimulus to the economy thereby provided; and,
4. Enhance and implement the General Plan for the City of Peoria.

(Ord. No. 02-59, 6-21-02; Ord. No. 2011-12, 4-5-11; Ord. No. [2017-33](#), § 119, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### **Sec. 21-626. Definitions.**

The following definitions shall apply to the provisions of this Section.

*Alteration.* Any construction or change of the exterior of a building, object, site, or structure or of an interior space designated a landmark. For buildings, objects or structures, alteration shall include, but is not limited to, changing paint color, changing of roofing or siding materials and changing, eliminating, or adding doors, door frames, windows, window frames, shutters, fences, railings, porches, balconies, swings, or other ornamentation. Alteration shall not include ordinary repair and maintenance as defined herein.

*Archaeologist.* A person engaged in the study of human activity, primarily through the study of its material remains, which includes structures still standing, and who meets the requirements of the Secretary of the Interior's guidelines for professional archaeologists.

*Archaeological Resource.* Material remains of past human activity and life which are at least fifty (50) years old and are of archaeological interest including, but not limited to, pottery, basketry, bottles, weapon projectiles, tools, structures, pit houses, rock paintings and carvings, graves, human skeletal materials, or any portion thereof.

*Archaeological Site.* A geographic location that contains an archaeological resource.

*Building.* A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex, such as a courthouse and jail or a house and barn.

*Cemetery.* Any site that contains at least one burial, marked or previously marked, and considered a dedicated cemetery under Arizona State Statutes, even though the site has not been maintained and exhibits evidence of neglect and disrepair.

*Certified Local Government (CLG).* A local government that has been certified or approved by the State Historic Preservation Office (SHPO), and given the authority and responsibility to oversee various aspects of historic preservation within the municipality.

*Construction.* The act of adding an addition to a structure or the erection of a new principal or accessory structure on a lot or property, which requires a building permit.

*Contributing Significance.* A classification applied to a building site, structure or object within a historic district, but without having exceptional significance as defined below.

*Cultural Resources.* A broad assortment of assets, which includes buildings, sites, structures, objects, and districts that are of historic, cultural, architectural, or archaeological significance. Examples of such resources include petroglyphs, jewelry, textiles, pottery, projectiles, tools, irrigation canals, and pit houses. This includes artifacts, records, and material remains related to such resources. These assets may be included in or eligible for inclusion in the National Register.

*Demolition.* Any act or process that partially or totally disassembles or remakes a landmark or a structure within a historic district.

*Design Guideline.* A specific type of design criteria approved by the Commission that may be used in conjunction with other approved design criteria in reviewing alteration, construction, removal, or demolition activities in relation to landmarks and historic districts.

*Exceptional Significance.* A classification applied to a building, site, structure, or object signifying the individual contribution that the resource brings to the community in representation of the qualities that give the community cultural, historic, architectural, or archeological distinction. Exceptional significance can be applied to either a landmark or to those resources within a historic district that are of individual importance.

*Exterior Architectural Appearance.* The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design and character of all architectural details and elements, including, but not limited to, windows, doors, walls, roofs, overhangs, signs and yards and/or open spaces.

*Historic District.* An area with definable boundaries designated by the City Council and in which a substantial number of the properties, sites, structures, or objects have a high degree of cultural, historic, architectural, or archaeological significance and integrity, many of which may qualify as landmarks. The historic district may also have within its boundaries other properties, sites, structures or objects which, while not of such cultural, historic, architectural or archaeological significance to qualify as landmarks, nevertheless contribute to the overall visual characteristics of the significant properties, sites, structures or objects located within it.

*Historic Landmark.* See "Landmark".

*Historic Preservation Zoning Overlay.* Also termed "Historic Preservation Overlay Zoning," a type of zoning regulation placed on a property in addition to the underlying land use regulations. The overlay is designed to protect historic resources from harm or neglect.

*Historic Property or Historic Resource.* A property, building, site, structure, object, or district that is generally at least fifty (50) years old; and which has significant historic, architectural, cultural, or archaeological value as part of the heritage or history of Peoria, the State of Arizona, or the nation.

*Interior Architectural Design.* The architectural character and general composition of the interior of a structure, including but not limited to, room design and configuration, materials. The design also includes the type, pattern and character of all architectural details and elements, including, but not limited to staircases, doors, hardware, moldings, trim, plaster work, light fixtures and wall coverings.

*Landmark.* A property, site, structure, or object that is individually designated by the City Council that is worthy of rehabilitation, restoration, and preservation because of its exceptional historic, cultural, architectural, or archaeological significance to the City of Peoria.

*National Register of Historic Places.* The National Register is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Register is managed by the National Park Service.

*Non-contributing.* A designation applied to a site, structure or object within a historic district indicating that it is not a representation of the qualities that give the historic district cultural, historic, architectural, or archaeological significance as embodied in the criteria for designating a historic district.

*Ordinary Maintenance and Repair.* Regular, customary or usual care, reconstruction or renewal of any part of an existing building, structure or object, for the purposes of preserving said property and maintaining it in a safe and sanitary condition.

*Property.* Land and improvements identified as a separate lot for purposes of the City of Peoria subdivision and zoning regulations.

*Repair.* Any change that is not an alteration, construction, removal or demolition.

*Structure.* Anything constructed or erected the use of which requires a permanent or semi-permanent location on or in the ground, including without limitation, buildings, garages, fences, gazebos, advertising signs, billboards, antennas, satellite sending or receiving dishes, and swimming pools.

(Ord. No. [2017-33](#), § 120, 6-13-17)

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

A. The Historic Preservation Commission may recommend to the City Council that an individual property be designated as a landmark if it:

1. Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation;
2. Is identified with historic personages;
3. Embodies the distinguishing characteristics of an architectural style;

4. Is the work of a designer whose work has significantly influenced an age; or
5. Because of a unique location or singular physical characteristic, represents and established and familiar visual feature of the neighborhood.

B. The Historic Preservation Commission may recommend to the City Council that a group of properties in an identifiable area be designated as an historic district if:

1. The area contains several properties that meet one or more of the criteria for designation of a landmark;
2. By reason of possessing such qualities, the area constitutes a historic district of the City; or,
3. A majority owner(s) of the properties concur with the designation.

The boundaries of each historic district shall be specified by legal description and map and shall be filed in the City Clerk's Office for public inspection. Properties designated as landmarks or as a part of a historic district shall receive Historic Preservation Overlay Zoning.

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.

D. The Historic Preservation Commission shall hold a public hearing prior to designation of any landmark or historic district. The testimony or documentary evidence at the hearing will become part of a record regarding the historic, architectural, or cultural importance of the proposed landmark or historic district. The record may also contain staff reports, public comments, or other evidence offered outside of the hearing. The report and recommendation of the Historic Preservation Commission shall then be forwarded to the Planning and Zoning Commission for review and public hearing. Any recommendation of approval may be subject to such conditions as the commission deems applicable in order to fully carry out the provisions and intent of this Section.

E. After receiving the reports and recommendations of the Historic Preservation Commission and the Planning and Zoning Commission, the City Council shall make a final determination in the designation of any landmark or historic district. The City Council may take action as follows:

1. Approve the request;
2. Deny the request;
3. Modify the recommendations of the Historic Preservation Commission and/or the Planning and Zoning Commission and adopt the request as modified; or,
4. Remand the matter back to the Planning and Zoning Commission or the Historic Preservation Commission for further consideration.

(Ord. No. [2017-33](#), § 121, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-628. Certificate of Appropriateness.**

A. No person shall perform any work that alters the exterior of any landmark or changes the appearance of any property within an historic district, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley without first obtaining a Certificate of Appropriateness or a Finding of Hardship from the Peoria Historic Preservation Commission. This includes, but is not limited to, exterior alteration, restoration, reconstruction, demolition, new construction, or relocation of such buildings, structures, and elements.

(Ord. No. [2017-33](#), § 122, 6-13-17)

#### **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 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.

(Ord. No. [2017-33](#), § 123, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

#### **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;
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.

(Ord. No. [2017-33](#), § 124, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**Sec. 21-631. Relief from Commission Decision.**

- A. An applicant that has an application for Certificate of Appropriateness denied for a proposed demolition may apply for relief on the grounds of hardship. In order to prove the existence of hardship, the applicant shall establish that:
1. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and,
  2. The property cannot be adapted for any other use, whether by the current owner or by a purchaser interested in acquiring the property and preserving it have failed.

(Ord. No. [2017-33](#), § 125, 6-13-17)

**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 Department. The Commission's decision shall state findings and reasons for granting or denying the hardship application.

(Ord. No. [2017-33](#), § 126, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**Sec. 21-633. Maintenance of Properties and Landmarks.**

- A. Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district that does not involve a change in design, material, color or outward appearance.
- B. No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into a serious state of disrepair. A serious state of disrepair is evidenced by the deterioration of any exterior architectural feature which would, in the judgment of the Historic Preservation Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. A serious state of disrepair includes, but is not limited to, the following conditions:

1. Deterioration of exterior walls or other vertical supports;
2. Deterioration of roofs or other horizontal members;
3. Deterioration of exterior chimneys;
4. Deterioration or crumbling of exterior stucco or mortar;
5. Ineffective waterproofing of exterior walls, roofs, or foundations,
6. Including broken windows or doors; or,
7. Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

(Ord. No. [2017-33](#), § 127, 6-13-17)

#### **Sec. 21-634. Penalties.**

- A. Any person found guilty of violating any provision of this ordinance shall be guilty of a class one (1) misdemeanor.
- B. Any person who demolishes, alters, constructs or permits a designated property to fall into a serious state of disrepair in violation of this ordinance shall be required to restore the property and its site to its appearance prior to the violation. Any action to enforce this Subsection may be brought by the City Attorney or any individual. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

(Ord. No. [2017-33](#), § 128, 6-13-17)

#### **Sec. 21-635. Appeals.**

Any person aggrieved by a decision of the Historic Preservation Commission relating to a Finding of Hardship or Certificate of Appropriateness may, within fifteen (15) days of the decision, file a written application with the City Council for review of the decision.

(Ord. No. [2017-33](#), § 129, 6-13-17)

#### **Secs. 21-636—21-649 Reserved.**

#### **Sec. 21-650. Hillside Development Overlay District (HDOD).**

- 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.

**Table 21-650 Hillside Determination**

< 10% slope	Non-Hillside Regulations Apply
10% slope	Hillside Regulations Apply
5 acres with <50% of site with slopes 10%	Non-Hillside Regulations Apply
5 acres with 50% of site with slopes 10%	Hillside Regulations Apply
5 acres with < 50% of site with slopes 10%	Hillside Regulations Apply only to those areas with slopes greater than 10%

- 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 Standards & Guidelines Report and Development Plan.

- D. Conservation features identified in Section 21-671 shall be preserved in accordance with that Section.

(Ord. No. 99-105, 11-2-99; Ord. No. 02-27, 4-16-02; Ord. No. 04-201, 10-6-04; Ord. No. 2011-08, 3-22-11; Ord. No. 2014-21, 6-17-14; Ord. No. [2017-33](#), § 139, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-651. Definitions.**

*Alter the Mountain Top Ridge Line.* Means to alter or change the view or appearance of an established ridge line or ridge line of significance with cuts, fills or structures when viewed from a distance.

*Construction Envelope.* A specific area defined by the sum of the maximum allowable disturbed area plus the maximum

coverage allowed for the lot or parcel.

*Cut.* The land surface which is shaped through the removal of soil, rock, or other materials.

*Disturbed Area.* That area of natural ground that has been or is proposed to be altered through grading, cut and fill, removal of natural vegetation, placement of material, trenching, or by any means that causes a change in the undisturbed natural surface of the land or natural vegetation.

*Fill.* The deposit of soil, rock, or other materials placed by man.

*Finished Grade.* The final grade and elevation of the ground surface after grading is completed.

*Grading.* Any excavating, or filling or combination thereof, including the conditions resulting from any excavation or fill.

*Hillside Development Area.* Building areas, other than sloped areas within washes and rivers, with a building site slope of ten percent (10%) or greater, measured as a vertical rise of ten (10) feet in a horizontal distance of one hundred (100) feet.

*Natural Grade.* The grade and elevation of the ground surface in its natural undisturbed state.

*Natural Open Space.* Areas dedicated for public ownership or retained in private ownership containing naturally occurring conservation features in the Sonoran Desert that have not been altered except to allow decomposed granite trails (private or public) in accordance with ADA guidelines, roadways and utility easements as necessary.

*Retaining Wall.* A retaining wall is a wall used solely to retain more than twelve (12) inches of material but not to support or to provide a foundation or wall for a building.

*Site Disturbance Activity.* Any action which results in a cutting of the natural soil grade, creation of an un-natural soil fill or movement of a significant natural landscape feature. A Site Disturbance Activity may include, but not be limited to the following activities: digging, trenching, filling, drilling, grading or clearing.

*Slope Category Determination Study.* A detailed study of the topography and slope of a development site, parcel or property. The study shall include a detailed graphic showing all slope areas on the site utilizing the methodologies established in this Section and shall be composed of both graphical, numerical and textual information.

*Spill.* To cause or allow earth or other material to fall, flow or run down a slope, thereby creating a change in the natural appearance and topography.

*Transitional Area.* A landscaped area consisting of open backyards, commercial and public areas, streetscapes and common areas where use of Arid Zone plants is generally limited to 30% by area and where a buffer of Native Sonoran Zone plants is required at the perimeter of the lot or parcel or between the Disturbed Area and Natural Open Space.

(Ord. No. [2017-33](#), § 140, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

## **Sec. 21-652. 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. A written waiver request shall be submitted to the Zoning Administrator 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 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 regarding the property that 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 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. 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, the slope analysis is not acceptable, the applicant shall utilize one of the adopted methodologies contained herein. Appeals of the Zoning Administrator decision pursuant to this paragraph may be heard by the Administrative Hillside Hearing Officer subject to the provisions of Section 21-132 of this Ordinance.

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

1. Manual Slope Determination Method

- a. Utilize a topographic map at a scale of two hundred (200) feet or less to the inch and with contours shown at two (2) foot intervals. Applicant may utilize maps containing contours at five (5) foot intervals for grades of more than twenty percent (20%). All contour lines shall be extended onto adjacent properties to a distance that establishes the overall slope of the land but in no case shall they be extended less than fifty (50) feet onto the adjacent properties.
- b. The Hillside Development Area shall commence at the midpoint of the one hundred (100) foot horizontal dimensions used to determine the slope as illustrated by Figure 2, attached hereto and by this reference made a part hereof. The one hundred (100) foot slope determination lines shall be located perpendicular to the site or property contour bands. Those properties containing multiple slope planes should provide slope information for all such planes.
- c. To determine those locations where slopes of ten percent (10%), fifteen percent (15%), twenty percent (20%), twenty-five percent (25%), thirty percent (30%), and thirty-five percent (35%) begin by the application of one hundred (100) foot straight lines that fall within each category. The one hundred (100) foot slope determination lines shall be extended onto adjacent properties to a distance that establishes the overall slope of the land but in no case shall they be extended less than fifty (50) feet onto the adjacent properties.
- d. Connect the midpoints of each series of one hundred (100) foot lines of the same slope category to establish the limits of that slope category.
- e. Measure the areas resulting between each series of straight lines to determine the areas in each slope category.
- f. Figure 2, attached hereto and by this reference made a part hereof, illustrates the method used in calculating the slope categories.

2. Computer Generated Slope Determination Method.

- a. Utilize digital topographic information with contours shown at a maximum of two (2) foot intervals, except as established herein. Areas known or shown to contain slopes of more than twenty percent (20%) may utilize digital topographic information with contours shown at five (5) foot intervals.
- b. Utilizing a slope generating software application, slope categories shall be determined utilizing the slope categories established in Section 21-651 of this Ordinance.
- c. Computer generated slope analyses shall be prepared utilizing the following modeling parameters:
  - 1) Maximum two (2) foot slope contour intervals for slopes less than twenty percent (20%);
  - 2) Maximum five (5) foot slope contour intervals for slopes more than twenty percent (20%);
  - 3) The slope analysis shall utilize the above noted slope contour intervals through the modeling basis of grid evaluation to determine slope facets or contours;
  - 4) The analysis shall utilize a twenty-five (25) foot grid system.
- d. All data generated through the use of a computer generated slope determination shall be presented in both chart and graphical formats. Graphical slope information shall be presented in a clear and easily understandable format.
- e. The final map shall be plotted at a minimum scale of 1" = 200' and submitted to the Department for review. If found acceptable, the final slope determination map shall be approved. The Department may reject the analysis and require correction(s) to the digitized slope category lines to more accurately reflect the generalized slope conditions of the property or other revisions necessary to ensure compliance with this Section. Appeals from the decision of the Department may be filed for disposition by the Administrative Hillside Hearing Officer pursuant to Section 21-311 of this Ordinance.
3. The Final Slope Category Map resulting from this Section shall be utilized in determining allowable densities, lot area, lot disturbance and lot coverage requirements. Preliminary Plats shall reflect proposed disturbance/coverage envelopes for each lot and shall contain tabular information necessary to determine

compliance with this Section.

(Ord. No. 05-44, 8-25-05; Ord. No. 07-14, 4-17-07; Ord. No. 2011-08, 3-22-11; Ord. No.[2017-33](#), § 141, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**Sec. 21-653. Density.**

- A. For all major and minor sub-divisions and for multifamily residential developments, the maximum number of residential lots or units permitted within hillside development areas shall be the sum of the number of lots allowed by the zoning district, or the sum of the number of lots allowed in each slope category of land as shown by Table 2, whichever is the lesser number.
- B. For all non-residential developments or single-lot construction where density allocation does not apply, the applicant shall comply with all other applicable portions of this Section.

**TABLE 2 DENSITY ALLOCATION**

<b>Slope of Land</b>	<b>Maximum Number of Lots Per Gross Acre</b>
<b>TABLE 2 DENSITY ALLOCATION</b>	
<b>Slope of Land</b>	<b>Maximum Number of Lots Per Gross Acre</b>
0%-10%	Underlying Zoning
10% to 15%	1.50 #
15% to 20%	1.00 #
20% to 25%	0.70 #
25% to 30%	0.50 #
30% to 35%	0.30
35% to 40%	0.20
40% and Over	0.10

# The allowable density of these slope categories may exceed the Maximum Number of Lots per Gross Acre shown above when density is transferred from a higher slope category. In no case shall the density exceed the sum of the number of lots allowed by the zoning district and in no case shall units be transferred to a location of higher elevation within the project. Plateau geographical features shall be addressed according to slope category and not according to elevation.

C. Transfer Rate: Disturbance and dwelling units/development rights that are allowed within preserved public and private open space may be transferred to other parcels within the same development. When all of the allowable dwelling units are transferred from a Hillside Development Area above the ten percent (10%) slope line to a non-hillside development area, resulting in a minimum fifty (50) acre undisturbed area above the ten percent (10%) slope line, the density transfer from the Hillside Development Area to the non-hillside development area may occur at a rate of 1:1.25 allowable dwelling units.

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. 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.

(Ord. No. [2017-33](#), § 142, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**Sec. 21-654. General Provisions for Hillside Lots.**

A. Minimum lot sizes in hillside areas shall be limited as shown in Table 3. Lot sizes in areas of 10% slope or greater may be reduced by up to twenty percent (20%) provided that all dwelling units/development rights have been transferred off of slope categories greater than twenty percent (20%).

**Table 3**

<b>Slope Category</b>	<b>Minimum Lot Size</b>
<b>Table 3</b>	
<b>Slope Category</b>	<b>Minimum Lot Size</b>
0% to 10%	Underlying Zoning
10% to 15%	10,000 square feet

15% to 20%	32,000 square feet
20% to 25%	43,560 square feet
25% to 30%	75,000 square feet
Over 30%	Same as Table 1

B. No residential lot within the Hillside Development Overlay District and having slope areas in excess of fifteen percent (15%) shall have a front lot width less than seventy-five (75) feet. The front lot width of all flag lots located within the Hillside Development Overlay District shall be measured from the point at which the drive access intersects with the main body of the lot or at a point not to exceed two hundred and fifty (250) feet from the front lot line of the flag lot.

C. Building setbacks shall be as required by the zoning district.

D. Maximum lot coverage by the main building and all accessory buildings shall not occupy more than that permitted by the zoning district or Table 4, whichever is the lesser area.

E. All hillside lots shall provide an individual analysis of each lot or parcel shall be prepared prior to recording the final plat or minor land division. For existing lots of record as of the date of adoption of this ordinance, an individual site analysis shall be submitted prior to the approval of any development permits or entitlements. Following review and approval of the Slope Category Determination Study by the Department, the individual site analysis shall be submitted in conjunction with a grading and drainage plan. No building permit shall be issued prior to approval of the grading and drainage plan and individual site analysis.

F. All lots or parcels which abut a dedicated public open space or preserve area shall provide a one (1) foot non-vehicular access easement along the common property line.

(Ord. No. [2017-33](#), § 143, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### **Sec. 21-655. Height and Appearances.**

For development within hillside areas, the height of structures shall be determined by the following Sections and not by the definitions described in Section 21-202 of this Ordinance.

- A. No part of any structure shall penetrate an imaginary plane, the height of which complies with the underlying zoning district measured vertically from any point outside of the building where the face of the building or support intersects natural ground (see Figure 4).
- B. Where natural grade is not restored back against the building, no exposed face in any vertical plane shall exceed a height of thirty (30) feet measured from the lowest exposed base.
- C. Materials used for exterior surfaces of all structures shall blend in color, hue and tone with the surrounding natural setting to avoid high contrasts.
  - 1. Structures, walls, roofs and fences shall blend with the surrounding terrain and there shall be no material or colors used which have an LRV (Light Reflecting Value) greater than forty percent (40%). Mirror surfaces, or any treatment which changes ordinary glass into a mirror surface is prohibited. Bright untarnished copper or other metallic surfaces shall be treated at the time of installation so they are non-reflective.
  - 2. All electrical service equipment and subpanels and all mechanical equipment including, but not limited to, air conditioning and pool equipment, shall not be visible from outside the property when viewed from the same or a lower elevation. For the sake of functionality, solar panels and solar water heaters shall be exempt from screening requirements. It is recommended, however, that to the extent feasible, the frames and support structures for these elements should be painted to match the principal building on the property or be integrated into the building and/or landscape design.
  - 3. Water storage facilities, pumping station, and related facilities shall be designed to minimize their visual impact. All such facilities shall be painted to match the predominant color of the natural terrain, disturbed terrain shall be dyed to blend with surrounding area, and walls shall be contextually sensitive in terms of color and materials. Additional screening techniques are provided in order of preference in the list below. Final designs must be approved by the Public Works Director or designee.
    - a. Subterranean design.
    - b. Partially subterranean design.
    - c. Restricted height equal to or less than that of the perimeter site wall.
    - d. Design tank and walls to follow natural topography.
    - e. Context-sensitive berthing/screening.
    - f. Vegetative screening.

D. Principal and accessory buildings, excluding chimneys, shall not exceed forty (40) feet from the highest point of

the building to the lowest exposed base of a supporting structure (see Figure 4). The subterranean portion of a structure is not included in the total height calculation.

(Ord. No. [2017-33](#), § 144, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-656. Disturbed Area Calculations for Individual Hillside Lots.**

Lots shall be developed to provide for the minimum amount of ground disturbance during the time of construction so as to prevent rock slides and falls, erosion and seepage. At final construction, disturbed areas shall be hidden or supported by retaining walls, buildings, finished surfaces or restored and landscaped to its original natural condition to the extent possible. All cut and fill areas visible from off-site locations shall be treated with a natural staining or aging agent.

- A. Hillside properties north of Pinnacle Peak Road must also comply with Section 21-726 Desert Lands Conservation Overlay.
- B. All buildings, structures, and roads shall to the fullest extent practicable, utilize the natural contours of the land so as to minimize the disturbed area.
- C. Disturbed areas may be reclaimed if they are restored to their natural contours, vegetation and colors, and shall reflect the natural condition as depicted in historical aerial photos and site photos taken prior to the development of the site.
- D. The maximum height of any cut or fill used to establish a building site or a driveway shall not exceed fifteen (15) feet and must comply with the provisions of the Peoria Building Codes. The maximum height of any cut or fill used to establish a road or roadway shall not exceed thirty (30) feet. All areas of cut or fill necessary to establish a public or private roadway and falling outside of the public right-of-way or private roadway easement shall be counted against the total disturbed lot area of the individual lot or parcel. All roadway cuts shall be re-vegetated and all roadway fills shall utilize retaining walls to minimize spill areas. All spill slope areas shall be re-vegetated and all retaining walls shall be designed to minimize their visual impacts.
- E. The limits of construction and proposed disturbed areas shall be clearly delineated on the property prior to and during construction with visible roping and shall conform to the approved individual site analysis plan. No disturbance outside the designated area shall take place.
- F. All lots less than 18,000 square feet net area are eligible for mass grading.
- G. All lots equal to or greater than 18,000 square feet net area shall establish a construction envelope equal to the combined area of the maximum disturbed area and maximum lot coverage from Table 4, below.
- H. All surplus excavated material shall be removed from the lot.
- I. Up to ten percent (10%) of the gross land area above the ten percent (10%) slope line may be used for roadways (public and private) that shall not be included in disturbed area calculations. The disturbed area and roadways and driveways (that exceed the 10% roadway allowance), storm water retention areas and accessory use areas, shall not exceed the total disturbed area as set forth in Table 4.

**Table 4**

Slope Category	Disturbed Area	Maximum Lot Coverage	Total Disturbed Area
<b>Table 4</b>			
Slope Category	Disturbed Area	Maximum Lot Coverage	Total Disturbed Area
10% to 15%	25%	30%	55%
15% to 20%	20%	25%	45%
20% to 25%	20%	20%	40%
25% to 30%	15%	15%	30%
30% to 35%	12%	10%	22%
35%+	10%	7.5%	17.5%

#### J. Calculation of Disturbed Area (Table 4):

1. The Total Disturbed Area for each individual development or development parcel shall be the sum of the amount of Disturbed Area allowed within each of the individual slope categories found on the development parcel and the Maximum Coverage.
2. Disturbed Area accounts for site elements such as driveways, non-natural/un-restored landscaping, pool areas, walkways, uncovered patios, etc.
3. Maximum Lot Coverage refers to any under-roof site element and shall include principal and accessory buildings.

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 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 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.

#### **Figure 1 - Overview of Steps For Hillside Development**

##### **Step 1:**

Identify slope categories and square footage of each category on property

##### **Step 2:**

Calculate density, permitted disturbed area and lot coverage per category using Tables 2 and 4

##### **Step 3:**

Develop property accordingly OR Proceed to Step 4

##### **Step 4:**

Transfer density or Total Lot Coverage to lower slope categories until such categories are at capacity

##### **Step 5:**

Combine Disturbed Area and Lot Coverage (in square feet) within the 10-15%, 15-20% and 20-25% slope categories to create a virtual "bucket"

##### **Step 6:**

Distribute the "bucket" as needed with in the 10-15%, 15-20% and 20-25% slope categories

L. In those cases where an increase in the maximum lot coverage is desired due to a transfer of density, the maximum lot coverage shall only be increased on the parcels receiving density transferred from a higher slope area. In those cases where all of the density has been transferred from a higher slope category to lower slope areas, all parcels or portions thereof within those slope categories may utilize the increased lot coverage allowance.

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 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.

(Ord. No. [2017-33](#), § 145, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-657. Grading and Drainage.**

All proposed development within a Hillside Development Area shall be required to submit for and receive Grading and Drainage Plan approval through the City of Peoria Engineering Department prior to the commencement of any development or Site Disturbance Activities.

(Ord. No. [2017-33](#), § 146, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-658. Driveways.**

- A. If any portion of a driveway grade is more than twenty percent (20%), the entire residence and all accessory buildings over one hundred twenty (120) square feet of roof area shall be protected with an approved fire sprinkling system.
- B. Driveways with turning radii of less than forty (40) feet may be used provided all structures are protected with an approved fire sprinkling system.
- C. To reduce the visual impact of driveways the following is intended to be an incentive to preserve the natural mountain views. Driveways surfaced with paving bricks, colored concrete or with exposed aggregate, colored to blend with existing native color of the site, shall only be included in disturbed area calculations at seventy-five (75) percent of the driveway area. For calculation purposes, driveway shall mean drive access, or area between edge of a street, or edge of the traveled portion of a street when no curb exists, permitting vehicular travel to the residence and accessory buildings on the property. Parking areas, turnabouts and entrance circles are excluded from the driveway area.
- D. Any driveway cut greater than eight (8) feet in depth shall not have a length greater than one hundred (100) feet; and the maximum height of any cut or fill used to establish a driveway shall not exceed fifteen (15) feet.

(Ord. No. [2017-33](#), § 147, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-659. Perimeter Walls, Privacy Walls, Retaining Walls, and Edge Treatments.**

##### *Retaining Walls*

- A. The design of all retaining walls shall be prepared by a registered engineer or architect and shall be designed to blend with the surrounding environment and/or development in color, materials and style.
- B. Raw spill slopes are prohibited.
- C. All exposed disturbed area fill shall be contained behind retaining walls or covered with a natural rock veneer and treated with an aging agent and landscaped with indigenous plant material.
- D. No single retaining wall in any front yard shall exceed four (4) feet in height in residential districts or six (6) feet in height in non-residential districts.
- E. No first-tier side or rear yard retaining wall shall exceed six feet eight inches (6'-8") in height in residential districts or ten (10) feet non-residential districts.
- F. Additional retaining height may be achieved through the use of offset retaining walls and terraces: such walls shall be offset a minimum of four (4) feet and all terraces shall be landscaped appropriately for the width of the offset. Retaining walls shall incorporate weep holes for drainage and sleeves for irrigation.
- 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 provided that the retaining wall contains unique design and materials or other amenity features that, in the determination of the Zoning Administrator, mitigate the impact of the additional height.
- H. The total vertical wall face (including view fencing) visible from any street, adjacent property line or publically-accessible open space for any single lot shall not exceed twenty-five (25) feet in height. Terraced walls shall be constructed with decorative products and terraces shall be landscaped to minimize their visual impact. Terracing shall be conducted in accordance with Section 21-805 of this Ordinance.

##### *Perimeter & Privacy Walls/Fences (interior to lot line)*

- I. Fences or walls on lots within a hillside district shall be restricted to privacy walls attached to or directly screening a portion of the main residence. Privacy walls shall not exceed six (6) feet in height, shall be architecturally compatible with the main residence and shall be limited to the development envelope area only.

##### *Edge Treatment*

J. Hillside development shall receive edge treatments that soften the appearance of an abrupt transition between the built and natural environments. Such treatments shall consist of alternative perimeter fencing (type and/or materials), offset, or staggered rear lot lines, transitional landscaping or other similar elements intended to soften the transition.

K. Perimeter walls and fences surrounding a lot, tract, or parcel shall be prohibited except as provided elsewhere within this Section. Privacy walls shall not be erected on a retaining wall and shall be offset a minimum of four (4) feet when utilized.

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 for review and action. In conjunction with the submittal of the Wall Plan to the Zoning Administrator, 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, and following the review and approval of the Wall Plan by the Engineering Division/Site Planning Division, the Zoning Administrator may approve the Wall Plan. Wall Plans may be approved by the Zoning Administrator 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 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 if the wall is for the purpose of screening non-residential uses.

(Ord. No. [2017-33](#), § 148, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### **Sec. 21-660. Lighting, Sewers, and Utilities.**

- A. All outdoor lighting concepts, fixture types, lamps and wattage shall be indicated on the site plan. All outdoor lighting shall be Dark Sky compliant.
- B. Connection to a public sewer system is required in connection with Chapter 25 of the City Code where available.
- C. Private individual lot sewer systems shall be designed by a registered engineer.
- D. All on-site utilities shall be placed underground.

(Ord. No. [2017-33](#), § 149, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### **Sec. 21-661. 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 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
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.

(Ord. No. [2017-33](#), § 150, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### **Sec. 21-662. 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" x 36" sheet presenting the total lot and a twenty (20)

foot area beyond the property line shall be submitted with the application. This map shall show existing and proposed finished contours at two (2) foot intervals within a twenty (20) foot perimeter from any proposed building, five (5) foot intervals elsewhere. Existing contours shall be shown with dashed lines. This map shall show limits of excavation and fill, slope of cut and fill, total cubic yards of excavation and fill. The location and area of the sewage disposal systems, if public sewers are not provided.

2. Detailed site plans and landscape plans at an appropriate scale, shall be submitted with each application and shall include, but not be limited to, the following: grade and slope in percent at all disturbed areas. Dimensions and calculations of all cut and fill for the building site, roads, drives, swimming pools, septic systems and the method of concealment for each fill or exposed cut. Dimensions of length and height of retaining walls, fences and other attachments; the location and grade of all drainage channels, swales, drain pipes, etc. The amount and degree of surface disturbance, destruction or removal of natural vegetation. Protected desert vegetation shall be preserved in an appropriate manner 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.
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, 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 may also require a model if determined necessary to evaluate the project. The model may be a three dimensional physical model or it may be a computer generated model in a three dimensional format and presented by a series of prints or by a disc that can be viewed on a monitor. The rendering and the model will remain in the custody of the Zoning Administrator 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.
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.

(Ord. No. 05-44, 8-25-05; Ord. No.[2017-33](#), § 151, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-663. Inspections.**

- A. Inspections to ensure compliance with this Section are required and shall occur prior to issuance of the first certificate of occupancy or equivalent.
- B. The applicant shall request from the City a preliminary inspection before commencing construction. This inspection shall document the original condition of the site through photos which shall be compared against historic aerial photos to ensure no disturbance has occurred prior to permitting.

(Ord. No. [2017-33](#), § 152, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-664. 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.

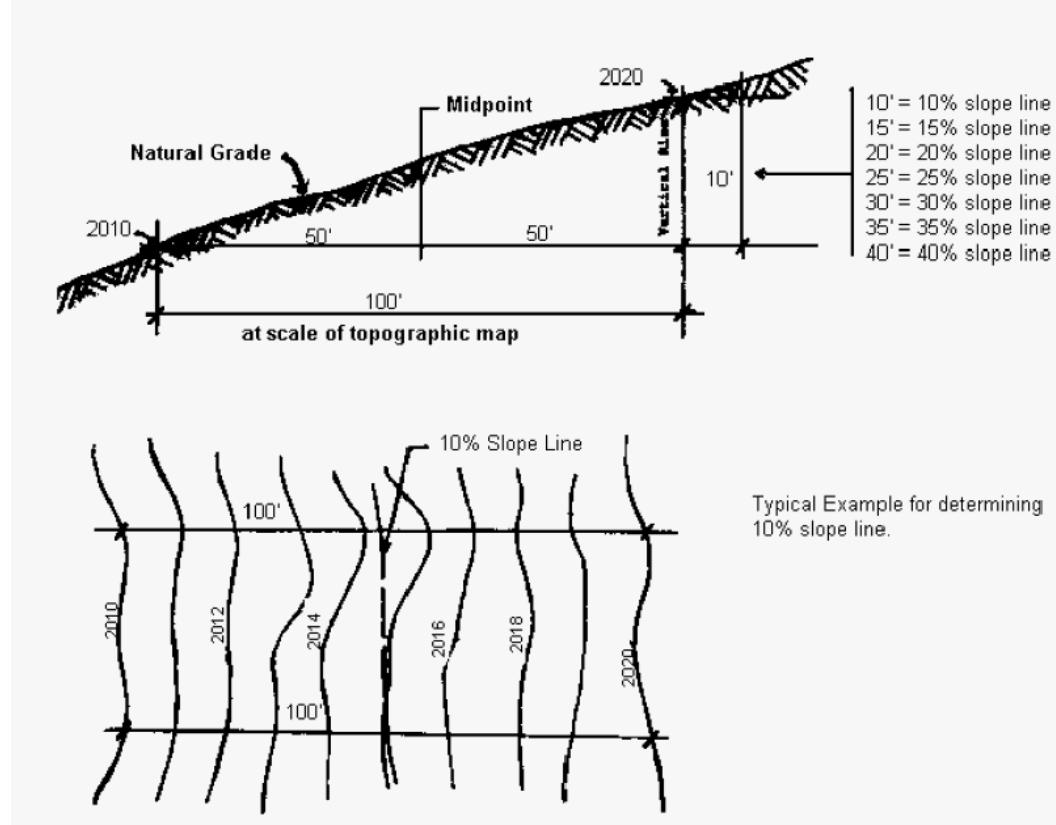


Figure 2 SLOPE CALCULATION

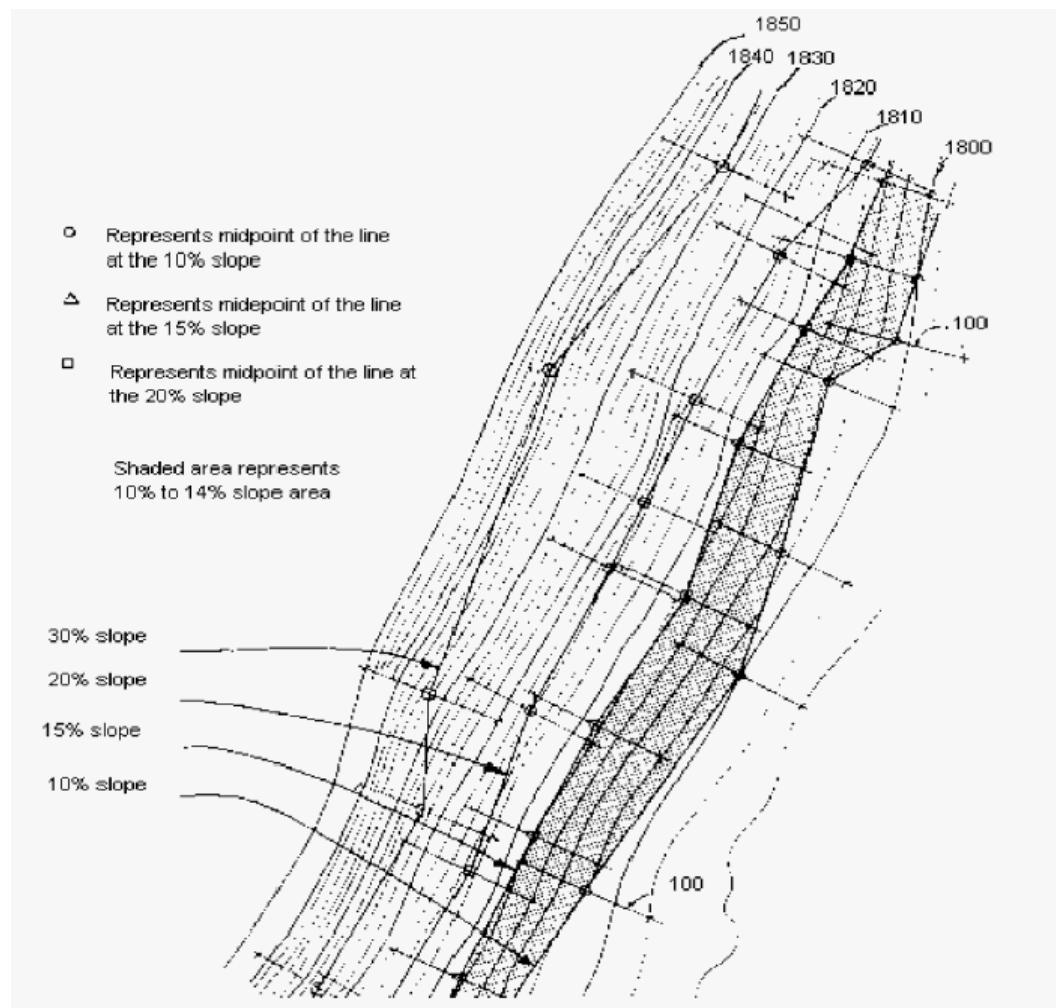


Figure 3 HILLSIDE DEVELOPMENT



**Figure 4**

(Ord. No. [2017-33](#), § 153, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**Secs. 21-665—21-669 Reserved.**

**Sec. 21-670. Desert Lands Conservation Overlay (DLCO).**

The purpose of the Desert Lands Conservation Overlay (DLCO) is to identify and protect the unique and environmentally sensitive Sonoran Desert lands in the City and to promote the public health, safety and welfare by providing appropriate and reasonable controls for the development of such lands. Specifically the lands are located north of Pinnacle Peak Road. The DLCO is intended to:

- A. Identify sensitive desert conservation features and resources.
- B. Protect and preserve Peoria's distinctive desert landscapes and wildlife habitats for the enjoyment of current and future generations.
- C. Protect people and property from hazardous conditions characteristic of environmentally sensitive lands and their development.
- D. Integrate conservation design into the development of sensitive desert lands and employ development standards and guidelines that equitably balance conservation and development objectives.

In addition, the DLCO is intended to implement the goal, policies and objectives of the Desert Lands Conservation Master Plan (DLCMP). The overlay establishes a holistic approach to evaluating the environmental conditions of each site that allows both City staff and the development community a better basis for determining conservation areas. The overlay also establishes criteria for determining conservation priorities based on the potential to expand or extend a regional open space corridor, the opportunity to provide a link to an existing or future trail system, the possibility of expanding an existing open space, or the possibility of creating a buffer zone between different intensities of uses.

The DLCO not only preserves sensitive and unique desert features, but also native plants and plant communities in order to enhance the City's aesthetic appeal by conserving distinctive scenic character. Native plant communities are also preserved because they thrive in the local desert environment and provide soil stabilization to fragile desert soils, stabilization that is lost after development activity that disturbs plants and top soil layers. Canopied plants such as mesquite provide nurturing shade and protection for lower level plants. Native plants identified for preservation are chosen on the basis of their slow growth habit, the fact that the plant alone or in combination with others provides unique wildlife habitat and soil stabilization support, its rarity in this environment, and its proven success rate for salvage in this region.

Finally, the DLCO establishes standards and design guidelines for development within desert areas and adjacent to conservation areas. These regulations and guidelines vary by landform type in order to address the three distinctive types of geography (Desert Floor, Bajada and Hillside) found in the Peoria desert areas. The classification system assumes a single vegetation type in Peoria, Lower Sonoran, consisting of creosote, bursage, and saltbush associations. The DLCO is to be applied in conjunction with the 2003 International Urban-Wildland Interface Code (IUWIC). In cases where there is conflicting provisions, the IUWIC will take precedence.

(Ord. No. 04-201, 10-6-04; Ord. No. [2017-33](#), § 154, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**Sec. 21-671. Applicability.**

- A. The Desert Lands Conservation Overlay (DLCO) establishes a special overlay zoning district, which applies to

specific resources and environmental conditions north of Pinnacle Peak Road. In order to accomplish the purpose of this district, the City of Peoria shall apply these provisions to these lands that contain any of the following special conservation features and resources:

B. *Conservation Features:*

1. *Cultural Resource.* Prehistoric and historic sites identified according to standards established by the State Historic Preservation Office. Includes artifacts such as rock walls, etc.
2. *Isolated Peak.* The prominent peaks which jut out of a typically flatland area. These are landmark features whose rugged vertical form contrasts sharply with the horizontal ground plain.
3. *Mountainous Area.* Areas such as the Hieroglyphic Mountain Range which include numerous peaks, rugged topography, steep slopes and small v-bottomed washes flowing out of the area. The limits of a mountainous area is established when more than 60% of the area has slopes of 25% or greater.
4. *Plateau.* An extensive land area characterized by slopes leading to a relatively level surface and situated at a uniformly higher elevation than adjacent land on at least one side.
5. *Primary Peak.* Prominent peaks that are visual landmarks from various points of view and rise at least 400 feet above the surrounding base elevation.
6. *Riparian Vegetation.* Native vegetation that grows where there is a concentration of sustainable drainage water resulting in larger plants, greater species diversity and greater density. Generally lines washes, rivers, tanks and springs.
7. *Riverine Area.* Environmentally diverse riparian areas associated with the New River and Aqua Fria Rivers and Major Washes.
8. *Rock/Boulder Formation.* Formations including escarpments, cliffs or pinnacles which consist of exposed rock faces with limited vegetative cover.
9. *Significant Vegetation Area.* A stand of Sonoran Desert vegetation that is thirty percent more concentrated than the general aspect of the immediate context area and difficult to salvage due to slope, rocky soil conditions or exposed roots due to an adjacent wash. Generally located adjacent to a wash or other source of water and maintains the character of the site best when protected in place.
10. *Significant Vegetation Specimen.* A native tree with an 8" or greater caliper trunk and multi-trunk in good health, a saguaro over 20 feet in height and/or multiple arms or crest or other unusual configuration in good health, or other mature protected species, such as Ocotillo.
11. *Skyline Ridge.* Ridge lines and ridge line complexes which are visible from existing and/or planned collector and arterial roads, have an elevation difference of a maximum of three hundred (300) vertical feet from the property line of the subject parcel, have a vertical height increase of more than three hundred (300) feet as measured from the point of the ten percent (10%) slope line of the ridge or ridge complex, are composed primarily of a cliff face with a total height of at least 50 feet measured from the base of the cliff, or are determined by Staff to be significant during the site analysis process.
12. *Spring.* A permanent small stream or source of water coming out of the ground.
13. *Talus Slope.* A slope strewn with a layer of loose rock debris, usually over unconsolidated soils.
14. *Unstable Slope.* A slope that exhibits one or more of the following conditions, boulder collapse, boulder rolling, rock falls, slope collapse and talus slopes.
15. *Wash, Major.* Washes that by their size are more riverine in character than washes. They are characterized by extraordinary depth and width, strewn rock and vegetative rubble, diversity, density and sizes of vegetation and volumes of water that they can accommodate. Major washes include Morgan City Wash, Big Spring Wash and Twin Buttes Wash. Maximum flow capacity exceeds 500 cubic feet per second.
16. *Wash, Primary.* Wide, sand bottom washes that carry drainage from a relatively broad watershed and are fed by a number of smaller tributary washes. These washes generally have dense thickets of tree and shrub vegetation along their edges and are easily identified from aerial photographs. Maximum flow capacities are between 20 and 500 cubic feet per second.
17. *Wash, Secondary.* Tributaries to the significant washes and the rivers. The majority of these washes are the finger washes, which occur between slopes in the rugged areas. They have narrow sand bottoms or are V-shaped. There is increased vegetation density along these washes but the vegetation is more in the large shrub category. Maximum flow capacities are up to 20 cubic feet per second.
18. *Wildlife Corridor.* Pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, and other natural factors in combination with urbanization, and which 1) permit animals to move between remaining habitats allowing depleted populations to be replenished and promoting genetic exchange; 2) provide escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events, such as fire or disease,

will result in population or species extinction; 3) serve as travel paths for individual animals as they wander throughout their home ranges in search of food, water, mates, and other needs, or for dispersing juveniles in search of new home ranges.

19. *Wildlife Habitat.* Locations where native wildlife has a tendency to congregate due to provision of food, shelter and/or water.

(Ord. No. [2017-33](#), § 155, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

## **Sec. 21-672. Definitions.**

*Archaeologist.* A person engaged in the study of human activity, primarily through the study of its material remains, which includes structures still standing, and has received certification from the Register of Professional Archaeologists.

*Alter.* Change or modify natural vegetation and/or topography by removal, cuts, fills, grading or the building of structures.

*Conservation Features or Areas.* Individual conservation features, defined above, and/or areas of the highest significance and preservation priority.

*Cut.* A land surface, which is shaped through the removal of soil, rock, or other materials.

*Desert Lands Conservation Report (DLCR).* A submittal required with any development application to the City for property within the Desert Lands Conservation Overlay, and which contains the following individual documents: Project Identification and Descriptive Data, Project Narrative and Overview, and Existing Conditions Data Report.

*Destroy.* To kill, or cause the death of any protected native plant by any means.

*Developer.* The property owner or his representative that is undertaking the development of land subject to the Desert Lands Conservation Overlay District.

*Disturbed Area.* That area of natural ground that has been or is proposed to be altered through grading, construction, cut and fill, removal of natural vegetation, placement of material, trenching, or by any means that causes a change in the undisturbed natural surface of the land or natural vegetation. The Disturbed Area is coterminous with the Disturbed Area identified in the Hillside Development Overlay District of this code and shall be subject to the same requirements of that Section.

*Disturbed Area, Reclaimed.* Disturbed areas that have been restored to their natural contours, vegetation and colors to the satisfaction of the City of Peoria.

*Fill.* The deposition of soil, rock or other materials place by man.

*Finished Grade.* The final grade and elevation of the ground surface after grading is completed.

*Grade, Natural.* The elevation through any section of a site on an undisturbed lot at the time of adoption of this overlay by City Council. On lots that have been disturbed previously, the natural grade is the pre-existing grade if it can be determined; otherwise it shall be determined by an average of off-site elevations at points taken around the boundary of the site. All determinations shall have been made by an engineer or land surveyor licensed to practice in the state of Arizona.

*Grading.* Any excavating, or filling or combination thereof, including the conditions resulting from an excavation or fill.

*Habitat Value.* The suitability of the landscape to support wildlife, considering site conditions. Suitability shall be ascertained by comparing similar sites and conditions and may require returning the habitat as closely to its original condition as possible when natural conditions have been changed.

*Landform Type.*

- *Bajada Landform Type.* Characterized as the irregular terrain near or at the base of mountain ridges or isolated mountain outcrops. This area is located in the transition zone between the Desert Floor and the Hillside landform types and exhibits relatively high vegetation density and diversity. The lower portions of alluvial fans dominated by palo verde and mixed cacti vegetation typify this area, such as the bases of low mountain ranges. Saguaro is a visually dominant and important component of this area. Higher density and diversity of vegetation results in higher wildlife density and diversity that is dispersed between both wash and upland areas. It is comprised primarily of bedrock materials with land slopes generally in the range of ten (10) to fifteen (15) percent. Drainage courses are typically well incised. Typical hazards include boulder rolling, rock falls, debris movement and general slope instability. The surface movement of materials occurs as a result of both gravity and water transport. The surface material size includes large boulders, rocks and gravel, as well as grainy soil materials.

- *Desert Floor Landform Type.* Characterized in general by level plains and expanses that typically occupy the broad lowlands floodplains between desert mountain ranges. The area is dominated by low growing shrubs, such as creosote and bursage, and supports larger shrubs and trees, such as palo verde and ironwood, and cacti, such as saguaro. Because the uplands support a greater diversity and density of plants, wildlife density and diversity are higher and important wildlife resources occur in both wash and upland areas. The terrain is relatively flat, with typical slopes of less than five (5) percent, although the slope of this landform classification extends up to ten (10) percent. Soils are generally deep and alluvial. The more numerous smaller washes that are found in more sloped areas are consolidated into fewer, but larger washes. Because of the flatter terrain, streambeds are typically sandy bottomed, wide braided channels that carry high volumes of floodwaters.

- *Hillside Landform Type*. Consists of the higher elevation rugged areas, with relatively steep slope and high vegetation density and diversity. These areas include mountains, hills, buttes, or escarpments predominantly composed of bedrock materials. The slope is greater than fifteen (15) percent, and in many cases is greater than thirty-five (35) percent. Upper portions of alluvial fans and the foothills of low mountains dominated by palo verde and mixed cacti vegetation typify this area. The saguaro is a visually dominant and important component of this area and higher density and diversity of vegetation results in higher wildlife density and diversity. Streambeds are typically narrow, rocky and incised. Drainage courses are relatively poorly defined on the slopes, but collect into deep canyon bottom courses strewn with large-sized rubble. Typical hazards include boulder rolling, rock falls, debris movement and general slope instability. Soils are generally shallow and rocky. Cultural resource sites are smaller and more scattered. There are a greater number of petroglyphs and few sites related to prehistoric agricultural uses.

*Landscape Character Zone*. An association of plants that create an identifiable landscape character, and further defined by specific plant palettes found in the Desert Lands Conservation Guide.

- *Native Sonoran Zone*. Landscape character zone that represents indigenous plants typically found in the desert of the northern Phoenix metropolitan areas.
- *Sonoran Character Zone*. Landscape character zone with an associated plant list which represents plants that are generally native to the southwest deserts or have the appearance of being native to those deserts.
- *Arid Character Zone*. Landscape character zone where plants are generally compatible with the look of an arid landscape. The associated plant list is a broader representation of drought tolerant plants and includes non-natives that are considered appropriate for the area.
- *Exotic Zone*. Landscape character zone where plants are permitted which are not included on the other landscape character zone lists, as long as they are not on the prohibited plants list. The use of these plants is limited to Oasis Landscape Development Areas and areas included in the Disturbed Area.

*Landscape Development Areas*. Areas within a site with different recommended plant palettes based on their proximity to natural open space, soil stabilization attributes and the desired visual character for the area.

- *Oasis Area*. A landscaped area consisting of enclosed courtyards, similar semi-private areas and other areas located within the Disturbed Area where the use of Native Sonoran, Sonoran Character and Arid Zone plants are strongly encouraged, but where Exotic Zone plants are also allowed.
- *Transitional Areas*. A landscaped area consisting of open backyards, commercial and public areas, streetscapes and common areas where use of Arid Zone plants is limited to 30% by area and where a buffer of Native Sonoran Zone plants is required at the perimeter of the lot or parcel or between the Disturbed Area and Natural Open Space.
- *Buffer Area*. A landscaped area consisting of open areas adjacent to preserved wash corridors and natural open space areas where the use of plants is limited to the Native Sonoran Zone palette.

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

*Mature Trees*. Healthy, full-bodied trees with a shape characteristic of the species and of the following minimum sizes: Ten (10) feet-twelve (12) feet height times six (6) inches-eight (8) inches wide or two-inch single trunk caliper or one-inch average trunk caliper for a multiple trunk tree.

*Mutilate*. To deface, maim, damage or disfigure any protected native plant by shooting, chopping, pushing over, burning, cutting or any other means.

*Native Plant Permit*. A permit issued by the city pursuant to the provisions of this Section for the purpose of removing from the premises, relocating on the premises, or destroying any protected native plant.

*Native Plant Preservation Plan*. A development plan specifying the proposed treatment of plants with Protected Plant Status for which a native plant permit is required.

*Natural Open Space*. Areas dedicated for public ownership or retained in private ownership containing naturally occurring conservation features and accreted Sonoran Desert that have not been altered except to allow decomposed granite trails (private or public) in accordance with ADA guidelines, roadways and utility easements as necessary.

*Plant Protection*. Any project which affects any indigenous plant from the specified Protected Native Plant List is required to submit a Native Plant Preservation Plan detailing the existing location and proposed treatment of each protected plant. Protected plants should, at the most optimal situation, remain in place.

*Plant Salvaging*. Those plants which must be disturbed due to construction are required to be salvaged unless the applicant can demonstrate how conditions such as poor health or orientation make successful relocation impossible. Salvaged plants are to be replanted within the project.

*Private Buffer*. An area located adjacent to a public or private preserve open space edge that is used as an undisturbed or enhanced landscape setback. The buffer may be platted as common open space for the development or as individual lots. The area shall contain no improvements or be used for any purpose other than a landscaped setback.

*Protected Plant Status.* Native cacti which are three (3) feet or greater in height and native trees which are four (4) inches or greater in caliper.

*Relocate.* To transplant a protected native plant to another location on the premises.

*Remove.* To transport a protected native plant from the premises on which it has been growing.

*Restore.* To replant areas of burned, damaged or disturbed naturally occurring Sonoran Desert vegetation and topographical features with trees and plants of the same species, size, density and placement as the surrounding area; and re-contour, if necessary, to appear similar to nearby slopes.

*Retaining Wall.* A wall used solely to retain more than eighteen inches (18") of material but not to support or to provide a foundation or wall for a building.

*Ridge Line.* That line running along the highest elevation between mountain peaks.

*Rip Rap.* A bank protection measure composed of fractured rock of differing sizes. Undisturbed natural desert: Naturally occurring Sonoran Desert vegetation and topographical features, including washes, are not altered except to allow decomposed granite natural trails or as necessary for utility easements. Vegetation is not pruned or removed and allows natural habitat for native animal species. Dead trees or cacti also form an integral part of the wildlife habitat.

*Spill.* To cause or allow earth or other material to fall, flow or run down a slope, thereby creating a change in the natural appearance and topography.

*Unique Feature.* A unique and identifiable feature that varies from the immediate surroundings, such as springs, tanks, saddles, expansive saguaro or cholla forests, etc.

*Unsalvageable Plant.* A protected native plant that cannot be successfully relocated due to any of the following:

- Deteriorated health from disease, infestation, or natural causes; or
- Physical constraints related to plant location, orientation, or general condition which obstruct and/or prevent the application of approved relocation techniques.

(Ord. No. [2017-33](#), § 156, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

### **Sec. 21-673. Review and Approval Process.**

A. *Exemption for Single Lot Construction.* The development of a single-family custom home shall not require a Desert Lands Conservation Report or Master Conservation Plan. The developer of a single-family custom home shall indicate on the site plan the location of conservation features to be preserved.

B. *Properties Located North of Pinnacle Peak Road without Conservation Features.* Owners of properties containing no conservation features shall submit a statement and aerial photo confirming this information.

C. *Pre-Application Conference; Timing of Submittals.*

1. A pre-application conference is required prior to submittal of any application for development approval for property containing Conservation Features or Natural Open Space to discuss environmental characteristics of the site. Developments of 10 acres or less shall be exempt from the pre-application meeting requirement but shall be subject to all other applicable requirements in this Section.

2. Submittal of the reports listed below are subject to the type of planning action involved as shown in Table 1. Submittals for one type of action need not be duplicated for another type of action.

**Table 1**

Type of Permitting Action	DLCR	MCP	Native Plant Inventory	Archaeological Site Review and/or Survey	Native Plant Preservation Plan
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**Table 1**

Type of Permitting Action	DLCR	MCP	Native Plant Inventory	Archaeological Site Review and/or Survey	Native Plant Preservation Plan
Rezoning	X	X		X	
Rezoning (PCD or PAD greater than 100 acres, more than one plat)		X (Location of Conservation Areas and Habitat Only)		X	
Minor Land Division		X	X	X	
Preliminary Plat	X	X	X	X	

Preliminary Plat (10 acres or less)		X	X	X	
Final Plat		X	X	X	
Grading Permit	X	X	X	X	X
Site Plan	X	X	X	X	
Building Permit	X	X	X	X	X

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 shall determine what information, if any, needs to be updated.

A request to modify some or all of the submittal requirements listed in this Section may be submitted to and approved by the Zoning Administrator 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.

E. *Master Conservation Plan.* In addition to the DLCR, a Master Conservation Plan (MCP) shall be submitted at the time of site plan or preliminary subdivision plat review and shall consist of the following items. For phased projects, submittal requirements shall correspond to the areas included in each phase. For projects of 10 acres or less submitting only the MCP, identification and descriptive data required for the DLCR and Projective Narrative and Overview shall also be included. Submittal requirements for the MCP are found in the Desert Lands Conservation Guide.

F. *Site Inspection.* For those sites with particularly complex conditions, the City may arrange for a site inspection of the property by the City. The applicant shall distribute copies of the Existing Conditions Data Report for the on-site meeting. Applicants, their site designers, and the landowner will participate in the site inspection. The purpose of this visit is to review the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the prioritization of conservation features, and possible locations for buildings and street alignments.

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 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 shall determine the continued sufficiency of the MCP for future development planning applications. The Zoning Administrator shall not approve or recommend approval of any DLCR and/or MCP 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 DLCR and/or MCP 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.

(Ord. No. 05-44, 8-25-05; Ord. No. 07-14, 4-17-07; Ord. No. [2017-33](#), § 157, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-674. Conservation Standards.**

In order to protect the public health, safety and welfare, preserve sensitive environmental conditions, retain and protect meaningful desert open space, and conserve ecological and aesthetic resources; all development within the DLCO shall be subject to requirements for the preservation of Natural Open Space and native plants. In Hillside Areas, requirements of the Hillside Overlay District and the DLCO shall be coordinated as specified below. Individual residential lot developments not part of any subdivision, or part of a subdivision with final plat approval prior to September 14, 2004, shall be exempt from the requirements of the following NOS Slope/Landform Matrix. The NOS area shall not exceed the percentages shown in the following NOS Slope/Landform Matrix.

##### **A. Natural Open Space.**

1. Natural Open Space (NOS) within each development shall be preserved according to slope and landform type as provided in the following NOS Slope/Landform Matrix:

**Table 2**

NOS SLOPE/LANDFORM MATRIX			
LANDFORM TYPE	SLOPE RANGE	MAXIMUM REQUIRED NOS	MINIMUM REQUIRED NOS*
Table 2			
NOS SLOPE/LANDFORM MATRIX			
LANDFORM TYPE	SLOPE RANGE	MAXIMUM REQUIRED NOS	MINIMUM REQUIRED NOS*
Desert Floor	0%-10%	25%	Minimum NOS requirements for all zoning districts shall be 15%.
Bajada	10%-15%	45%	
Hillside	15%-20%	55%	
	20%-25%	60%	
	25%-30%	70%	
	30%-35%	80%	
	35%+	85%	

Note:

- Usable Open Space requirements of this Section may be satisfied by NOS containing dedicated trails, floodway areas or reserved or dedicated steep slope areas.

2. The required NOS shall be comprised of the conservation features listed and defined in this Section. If the total acreage of these elements does not meet the minimum NOS requirements, then areas with 25% or greater slope shall be added in such a manner as to expand or extend the NOS until the required percentage is achieved. If after incorporating all areas with slopes of 25% or greater and the minimum NOS requirement is still not met, then additional open space shall be provided in the following priority:

- a. Expands or extends a regional open space corridor;
- b. Increases the size of an existing or adjacent open space area;
- c. Creates a linkage to an existing or planned trail; or,
- d. Provides a public access point to existing or planned natural open space.

3. In the event that the combined area of all required NOS exceeds the maximum required acreage, the following criteria listed in priority order shall be used to guide the determination of which features shall be preserved:

- a. Conservation Features;
- b. Land that expands or extends a regional open space or drainage corridor;
- c. Land that abuts existing and/or planned open space;
- d. Land that allows opportunity to provide a link to existing or future trail systems; and,
- e. Land that provides a non-motorized access route from the nearest public right-of-way to an open space area.

4. The minimum contiguous area for NOS is 7,500 square feet, provided that not more than 15% of the required NOS shall be included in areas less than 10,000 square feet.

5. The minimum horizontal dimension for NOS is seventy-five (75) feet.

6. Where the minimum finished lot size is twenty-four thousand (24,000) square feet or less, NOS shall not be allowed on individual lots and must be placed in common tracts.

7. If land designated as NOS is located in a common tract owned by a homeowners association, the property shall be maintained through a common maintenance agreement.

8. Any NOS being considered for dedication to the City of Peoria, regardless of size and location, will be reviewed by the Community Services Director and staff for a recommendation as to the acceptance or rejection of the dedication.

9. Whether the NOS is located on individual lots or in common tracts, the boundaries of Disturbed Areas shall be delineated in the field with permanent markers in order to prevent encroachment into NOS areas.

10. Areas not specifically identified as Disturbed Area or NOS shall be considered Transition Areas.

11. Identification of NOS shall be coordinated with the Peoria Hillside Overlay District, Section 21-710, and the planning of NOS shall specifically consider transfer of density and disturbed area. For Hillside Areas, NOS shall be located in areas planned to be undisturbed.

12. Within areas identified as NOS, no grading or other disturbance shall occur except the minimum grading required for trails, roadways and utility easements. No walls are permitted within the NOS. Restoration of the Disturbed Area not used to support buildings or Oasis or Transitional Landscape Areas is mandatory and shall follow plans reviewed and approved by the City.

13. For residential lots, the area between the buildings and the street and, for lots in excess of 24,000 square feet in size, side yard setback areas not utilized for driveways or parking areas shall be improved with landscaping using indigenous plant materials and groundcovers in addition to the NOS. In addition:

a. Perimeter walls or privacy walls shall be allowed in accordance with the provisions of Section 21-710; and,

b. The location of all buildings shall be within the delineated boundaries of the Disturbed Area.

14. Developments abutting any public NOS shall provide an access plan for public entry onto the NOS. The plan may take into consideration all points of visual and physical access to the NOS from any public or private property. A minimum of 40% of the linear distance along the edge of any public NOS shall consist of one or a combination of the following:

a. A public or private street;

b. A public or private improved open space having public access with minimum dimensions of 100 feet in length and 75 feet in depth along the NOS;

c. A minimum length of 100 feet along the frontage of a public or private street directly connecting the NOS to the street;

d. A termination of a public or private street in a configuration that provides on-street parking for four (4) vehicles and sufficient width for maneuvering; or,

e. An equivalent creative alternative as approved by the City that provides visual and physical access and results in diversity of the edge treatment.

15. The total length of lots backing up to the NOS shall not exceed 1,000 feet without incorporating one of the edge treatments described in this Section or providing a trail access point to the NOS.

**B. Rivers and Washes.**

1. All Washes shall be preserved in an undisturbed condition and the habitat value preserved in its original condition. Secondary Washes having no vegetation or plants being preserved in place may be altered or eliminated.

2. An undisturbed area of twenty-five (25) feet measured from the edge of riparian vegetation or the floodplain, whichever is greater, shall be preserved on both sides of a Wash that has a one hundred-year peak flow greater than seven hundred (700) cfs.

3. If a Wash has a one hundred-year peak flow of less than seven hundred (700) cfs, the area to remain undisturbed should be determined by a width sufficient to allow for wildlife passage outside of the incised wash.

4. No major structural changes or improvements shall be allowed in preserved Washes. Protected plants shall be left in place except as follows:

a. To prevent erosion from channelization or combination of smaller washes;

b. To allow wash crossings of roadways, trails and utility easements. Trails and utilities may cross washes, but in no way shall they be placed in the wash bed running within and parallel to the wash bottom. Public utility easements shall be restored when construction is completed;

c. To prevent wash migration, where structures are placed behind the required wash setback; and,

d. To allow discharge from adjacent retention or drainage facilities, as approved by the City Engineer as part of a drainage system improvement plan resulting from a drainage study performed by an engineer registered in the state of Arizona.

**C. Wildlife Habitat.**

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

2. Linear utility lines shall be placed parallel to, but just outside, the conserved wash and associated upland buffer to provide a more gradual transition to developed areas. Utility lines shall be buried in accordance with the City of Peoria Infrastructure Development Guidelines and restored using indigenous plants so that there is no net loss of habitat function or value.

D. *Scenic Resources.*

1. A scenic corridor of 100 feet, measured from the edge of floodplain, shall be established along both sides of the Agua Fria River within which the immediate foreground is kept intact with native or enhanced desert vegetation and no structures are permitted, except for those associated with utilities, stormwater management, and roadways.
2. Scenic corridor buffers, measured from edge of right-of-way, of 50 feet within the Rural Section, 30 feet within the Suburban Section, and 15 feet within the Urban Section, shall be established along both sides of the Lake Pleasant Parkway Corridor within which the immediate foreground is kept intact with native or enhanced desert vegetation and no structures are permitted, except those associated with utilities, stormwater management, and roadways. The limits of the Rural, Suburban, and Urban Sections are shown on Figure 4, Development Section Map, of The Lake Pleasant Parkway Corridor Specific Area Plan dated March 6, 2000, as may be amended.

E. *Cultural Resources.*

1. *Preliminary Archaeological Site Review.* Provide a letter report, to be submitted with the Existing Conditions Data Report, from the Arizona State Museum, the State Historic Preservation Office (SHPO), or an Archaeologist that reviews all of the available archaeological information for the site. This record check shall: determine whether the site has been field surveyed for cultural resources;
  - a. Identify any previously-recorded archaeological or historic resources known to exist on the property;
  - b. State the probability that buried archaeological resources not visible from the surface would be discovered on the site; and,
  - c. Make a recommendation as to whether an archaeological survey of the site is needed.
2. *Archaeological Survey; Duties of the Archaeologist.* If an archaeological survey of the site is recommended then the following tasks shall be completed by an Archaeologist.
  - a. Complete a field survey and submit the results with the Existing Conditions Data Report. Any cultural resources identified shall be entered by the Archaeologist making the discovery into the Arizona State Museum site file system.
  - b. Describe and map archaeological and historic sites identified on the property in either the records check or the field survey. Detailed location maps of such sites should not be included in the site analysis, but should be available from the Archaeologist for staff review as necessary.
  - c. The Archaeologist shall complete an archaeological report that:
    - i. Determines the significance of the reported cultural resource(s);
    - ii. Assesses the impact of the proposed development on the cultural resource(s). If the resource cannot be preserved in place or protected by acceptable means, it must be mitigated;
    - iii. Makes a determination that the cultural resource must be either preserved/protected or mitigated;
    - iv. Identifies mitigation measures and a mitigation plan that have been reviewed and approved by the City and/or SHPO.

3. Any proposed mitigation measures shall be reviewed and approved by SHPO, having primary responsibility, and/or the City, as the Certified Local Government with jurisdiction, prior to the commencement of any activity on the site.

F. *Native Plants.*

1. No person shall destroy, mutilate, remove from the premises, or relocate to another place on the premises any protected native plant on land that is subject to the provisions of this Section without first obtaining a Native Plant Permit.
2. Minimum size requirements necessary to establish Protected Plant Status include 4 inch caliper or greater for trees, 5 feet diameter or greater branch reach for shrubs, and 3 feet tall or greater for cacti. Creosote (*Larrea tridentata*) shall be exempt from designation as a Protected Plant.
3. Protected Native Plant List. The rationale for inclusion on the Protected Plant List includes one or more of the following:
  - a. Preservation of the plant enhances the City's aesthetic appeal by conserving unique scenic

character;

- b. The plant is slow growing and therefore it is difficult and cost prohibitive to find comparable nursery-grown stock for replacement;
- c. The plant alone or in combination with others provides unique wildlife habitat; and
- d. The proven success rate in the region of salvaging plants of a certain size.

PROTECTED NATIVE PLANT LIST	
Botanical Name	Common Name
PROTECTED NATIVE PLANT LIST	
Botanical Name	Common Name
<b>TREES</b>	
<i>Cercidium floridum</i>	Blue Palo Verde
<i>Cercidium microphyllum</i>	Foothills Palo Verde
<i>Chilopis linearis</i>	Desert Willow
<i>Juniperus mono sperma</i>	One-Seeded Juniper
<i>Olneya tesota</i>	Ironwood
<i>Populus fremontii</i>	Fremont Cottonwood
<i>Prosopis velutina</i>	Velvet Mesquite
<b>SHRUBS</b>	
<i>Acacia constricta</i>	Whitethorn Acacia
<i>Acacia greggii</i>	Catclaw Acacia
<i>Celtis pallida</i>	Desert Hackberry
<b>CACTI/SUCCULENTS/ACCENTS</b>	
<i>Carnegiea gigantean</i>	Saguaro
<i>Ferocactus species</i>	Barrel Cactus
<i>Fouquieria splendens</i>	Ocotillo
<i>Peniocereus greggii</i>	Desert Night-Blooming Cereus
<i>Yucca baccata</i>	Banana Yucca/Blue Yucca/Datil Yucca
<i>Yucca elata</i>	Soaptree Yucca

4. Native Sonoran Desert vegetation should not be pruned or removed from areas identified as Natural Open Space unless demonstrated to the City that a health, safety or welfare issue exists. This includes removal of dead trees or cacti.
5. Plants specified on the prohibited plant species list shall not be allowed. Certain plants that do well in this region present a distinctly non-desert appearance and/or pose potential hazards to the native vegetation, wildlife and landscape due to their invasive nature. The following plants exhibit these characteristics:

PROHIBITED PLANT SPECIES LIST	
Botanical Name	Common Name
PROHIBITED PLANT SPECIES LIST	
Botanical Name	Common Name
<b>TREES</b>	
<i>Brachychiton populneus</i>	Bottle Tree
Eucalyptus sp. (except those specifically identified in Arid Character Zone - see Desert Lands Conservation Guide)	Eucalyptus
<i>Olea sp.</i>	Olive Tree
<i>Parkinsonia aculeata</i>	Jerusalem Thorn/Mexican Palo Verde
<i>Pinus sp.</i>	All species of Pine
<i>Prosopis chilensis</i> (prohibited in parking areas only)	Chilean Mesquite

Rhus lancea	African Sumac
Washingtonia sp.	Fan Palm
SHRUBS	
Oleander sp. (except petite varieties)	Oleander
Thevetia peruviana	Yellow Oleander
<b>GROUNDCOVERS, ANNUALS, PERENNIALS, VINES, ETC.</b>	
Cenchrus ciliaris or Pennisetum ciliare	Buffel Grass
Cynodon dactylon (except in private backyards, enclosed courtyards, and public use areas buffered from Native Sonoran Zones by Sonoran Character Zones - see Desert Lands Conservation Guide)	Common Bermuda Grass
Eragrostis lehmanniana	Lehmann's Lovegrass
Gutierrezia sarothrae	Snakeweed
Hordeum jubatum	Foxtail Barley
Pennisetum sp.	Fountain Grass

6. The prohibited plant species list shall be provided by the Developer to all purchasers of property within the development. Exceptions to the Prohibited Plant Species List may be approved by the Zoning Administrator or designee subject to a report from a registered landscape architect and a satisfactory recommendation from the Community Services Department.

7. In areas designated as NOS, where a portion has been burned or previously damaged, the area shall be restored by the property owner. Restoration shall be typical of the surrounding area, i.e., tree-lined washes shall be restored with trees of the same species, size, density and placement; graded slopes shall be re-contoured similar to nearby slopes, etc. The property owner shall be responsible for the management of private restored areas. Where this occurs at the edge between public and private development, the public open space shall be restored by the owner of property immediately adjacent to the public open space at the same time as the private open space.

(Ord. No. 05-44, 8-25-05; Ord. No.[2017-33](#), § 158, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-675. Native Plant Permit.**

The process of preparing a site for development that contains native plants is authorized by a Native Plant Permit and guided by a Native Plant Preservation Plan (NPPP). The entire site development process shall be managed by the person that prepares the NPPP. The builder of a single family dwelling on an individual lot not part of a subdivision or part of a subdivision plat approved prior to September 14, 2004 shall not be required to prepare a NPPP, but shall be required to perform plant salvaging and transplanting tasks for Protected Plants.

A. The Native Plant Preservation Plan shall be prepared by a botanist that has received a formal education in Botany, Biology or Ecology, a Licensed Landscape Architect or other professional with similar training and that has experience working with plants and ecosystems of the Sonoran Desert. The plan shall contain information and procedures regarding the following tasks:

1. Plant Inventory;
2. Plant tagging;
3. Plant salvaging;
4. Establishing and managing the temporary salvage plant nursery; and
5. Transplanting the salvaged plants.

B. The Native Plant Permit authorizes a process for preservation and salvaging of native plants. The process includes the following activities:

1. Preparation of a Native Plant Preservation Plan;
2. Plant Inventory;
3. Acquisition of a Native Plant Permit;
4. Tagging of all native plants as to disposition;
5. Establish the temporary native plant nursery;
6. Move native plants to be salvaged to the nursery;
7. Transplant the salvaged plants; and

8. Termination of the temporary native plant nursery and restoration of the nursery site.

C. *Submittal Requirements.* Any submittals made for a Native Plant Permit shall comply with the requirements contained in this Section. The developer of a single family custom home shall not require a Native Plant Permit. Submittals must be complete and submitted to the Planning 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;
- g. Number of protected plants to be destroyed;
- h. Total number of protected plants disturbed;
- i. Brief description of your project including estimated timing of salvaging and relocation of plants, plant nursery location, transplanting activities and any other relevant information.

2. Three (3) copies of the site plan aerial with plat overlay indicating the location by tag number each plant which is required to be protected per the Protected Native Plant List (from the NPPP).

3. Three (3) copies of the plant inventory performed by a City of Peoria Approved Salvage Contractor (which corresponds to the tag number on the site plan) indicating the following (from the NPPP):

- a. Plant type;
- b. Plant size in caliper inches;
- c. Plant salvageability (Any plant that is determined to be unsalvageable must have an explanation of the present status of the plant material.);
- d. Whether the plant will remain in place, be moved to another location or be destroyed. (Any plant that is destroyed must have an explanation detailing why the plant cannot remain in place or be moved.)
- e. Current market value by species and size for all plants identified for salvage.

4. Temporary project nursery location shown on a map, in a written description or as an address (from the NPPP). Notice of when plant materials have been tagged in the field for City Staff review.

5. Letter of Authorization from the property owner identifying the city-approved salvage contractor for the project and verifying that all plants are to be replanted on site (from the NPPP).

6. A copy of the form notifying the Arizona Department of Agriculture, Native Plant Section, of the intent to destroy plant materials protected by state statutes (from the NPPP).

D. *Responsibility for obtaining permit.* A Native Plant Permit may be obtained by the property owner of record or by another party acting as agent upon presentation of written authorization by the property owner of record.

E. *Action on applications.* Applications may be approved, approved conditionally, or denied. Where the Zoning Administrator 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.

F. *Timing of Permit approval.* No Native Plant Permit shall be issued unless an application is submitted in conjunction with an existing or proposed development that requires administrative approval, Planning and Zoning Commission approval, City Council approval, Board of Adjustment approval, or approval of a plat as determined by the City Manager or designee. For proposed development, the Native Plant Permit shall not be issued until the necessary development approvals have been secured.

G. *Modification.* It shall be unlawful to modify, alter, or amend an approved Native Plant Permit or an accompanying Native Plant Preservation Plan without reapplication for a Native Plant Permit according to the provisions of this 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. 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 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.

I. *Exemptions.* Governmental agencies shall be exempted from the payment of fees herein required, provided that only such property occupied, operated, and maintained for government purposes by the above-mentioned agencies shall be so exempted. All other provisions of this Section shall apply to these agencies.

J. *Plants to be tagged; requirements.*

1. All plants with Protected Plant Status scheduled to remain in place or authorized for destruction or relocation by the approved Native Plant Permit must be tagged and numbered prior to permit submittal. Tags shall be color-coded according to the following schedule so that the status of each plant affected by the development proposal may be easily identified:

- a. Plants proposed for destruction shall be tagged with blue plastic tape;
- b. Plants proposed for relocation shall be tagged with red plastic tape;
- c. Plants proposed to remain shall be tagged with white plastic tape.

2. Tags required by this Section shall be affixed in a visible and uniform location (preferably the north side) on the plant. Once affixed, the tags shall not be removed until the plants are removed, relocated, or destroyed in compliance with the Native Plant Permit and a final inspection has been made.

3. Tag numbers shall correspond to the site plan and the plant inventory.

4. Tag numbers shall be transferred to the side of the box when site boxing is completed.

K. *Timing of work authorized by this 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 or designee agrees to allow preliminary at-risk grading. Such decision will be based on a report by a registered landscape architect providing an assessment of the salvageability given the time of year, and concurrence from the Community Services Department.

L. *Compliance with approved permit; revocation.* All work authorized by a permit issued in conformance with the terms of this Section shall be completed as authorized. Failure to comply with the conditions of permit approval or the approved Native Plant Preservation Plan shall constitute a violation of the Native Plant Permit and may be punishable by permit revocation and/or citation under the authority of this Section.

M. *Inspections.* All aspects of the work performed as a result of a Native Plant Permit issued under the provisions of this Section shall be subject to inspection by the City. Specific Inspections shall be performed 1) following completion of tagging, 2) following completion of relocation of plants to the plant nursery, and 3) following completion of all transplanting and removal of the nursery. Inspections may be performed by City personnel or may be required of the developer. Developer's inspections shall be signed and certified by one of the professionals listed as responsible for preparation or assisting in the preparation of the Native Plant Preservation Plan.

N. *Penalties.*

1. *Generally.* Any violation of this 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 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 or designee regarding a restoration program shall be heard by the Hearing Officer appointed by the City Manager. Appeal of a decision made by the Hearing Officer regarding a restoration program may be made to the City Council in accordance with the rules and procedures established in this 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.

(Ord. No. [2017-33](#), § 159, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-676. Inspections.**

- A. In order to ensure compliance with this Section, inspections may be made by the Zoning Administrator or designee consistent with law.
- B. If such inspection reveals that any property or portion of a project is not in compliance with the requirements of this Section, the Zoning Administrator 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.

(Ord. No. [2017-33](#), § 160, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-677. Desert Lands Conservation Guide.**

The City Manager or his designee shall promulgate a Desert Lands Conservation Guide containing the principles and guidelines used for the implementing of desert lands conservation within the Desert Lands Conservation Overlay district. Considerations contained within the Desert Lands Conservation Guide may be used in design of methods used in desert development projects.

(Ord. No. [2017-33](#), § 161, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-678. Enforcement.**

- A. *Enforcement Authority.* The DLCO shall be enforced by the Zoning Administrator, or designee.

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.

(Ord. No. 05-44, 8-25-05; Ord. No.[2017-33](#), § 162, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

**Sec. 21-679. Appeals.**

A. *Appeals to the Hearing Officer.*

1. Decisions of the Planning Department 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 Department that is being appealed. The appeal shall be filed with the Planning Department.
2. A copy of the appeal and complete file shall be transmitted to the Hearing Officer. The Hearing Officer shall hold a hearing and provide the applicant and Planning Department staff an opportunity to present their position. Such hearings shall be informal and the rules of evidence and civil procedure shall not apply. Such hearings shall be noticed in accordance with the following provisions.
3. The Hearing Officer shall act upon an appeal within ten (10) days after filing and shall submit their decision in writing to the applicant and the Planning Department.

B. *Appeals to the City Council.*

1. An applicant or the City may appeal the decision of the Hearing Officer to the City Council. The appeal shall be in writing and shall specifically set forth the decision of the Hearing Officer which is being appealed. The appeal shall be filed with the Planning Department.
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 Planning Department shall be responsible for mailing such notices.
3. A copy of the appeal letter, decision of the Hearing Officer and supporting material shall be transmitted to the City Council. During the City Council meeting in which the appeal is heard, the applicant and the Hearing Officer shall present their positions.
4. The City Council shall act upon the appeal within thirty (30) days after the appeal is filed with the Planning Department, or at the next regularly scheduled City Council meeting, whichever date is later.

(Ord. No. [2017-33](#), § 163, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

**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, to 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.

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

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

The following uses may be permitted as a special use in any zoning districts unless otherwise indicated in this ordinance.

A. *Cemetery, Crematorium, Mausoleum, Funeral Home, Mortuary, and Columbarium.* These uses shall be subject to the following additional requirements:

1. Access: Access to the site shall be directly from an arterial street. All access points must be designed to minimize traffic congestion.
  2. Screening: When the development site abuts a residentially zoned property or a residential alley, the property boundaries shall be screened with a minimum of an eight-foot (8') high masonry wall.
- B. *College or University Campus.*
- C. *Commercial Radio and Television Transmission Tower, excluding wireless communication facilities.*
- D. *Correction, Detention, Holding and Release Facility.* These uses shall be subject to the following additional

requirements:

1. *Location*: All facilities shall be located only in areas designated as 'Industrial' on the Land Use Map of the Peoria General Plan.
2. *Access*: Access to the site shall be directly from an arterial street. All access points must be designed to minimize traffic congestion.
3. *Setback*: All facilities shall maintain a minimum setback of two hundred feet (200') from all property lines. A minimum setback of a one-quarter mile ( $\frac{1}{4}$ ) is required when such facilities abut schools, parks, churches and similar uses and when abut any residentially zoned districts. The City Council may require additional landscaping and screening of the facilities in order to protect the aesthetic character of the area.
4. *Building Height*: The maximum height for such facilities is fifty feet (50').
5. *License requirements*: All such facilities are required to be licensed by the State, and shall comply with all Federal, State and local rules, regulations and standards.

E. *Marina and Boat Charter*.

F. *Outdoor Recreational/Entertainment, including Commercial Sporting Complex, Concert Facility, Stadium, Drive-in Theater, Amusement Park, Commercial Racetrack, and similar uses*. These uses shall be subject to the following additional requirements:

1. *Access*: All access to the site shall be directly from an arterial street, and all points of ingress and egress shall be designed in order to minimize traffic congestion. Temporary traffic signals may be required as a condition for approval.
2. *Queuing Space*: When necessary, sufficient off-street vehicular queuing space shall be provided at the entrance to accommodate vehicular traffic as determined by the City Engineer.
3. *Building Setbacks*: Every building shall maintain a minimum of a fifty feet (50') setback from any street that provides access to the site. When uses abut any residentially zoned and developed properties, a minimum of a two hundred-foot (200') setback is required.
4. *Screening*: Planning Commission and/or the City Council may require additional landscaping and screening of the facilities in order to protect the nearby properties.
5. For Drive-in Theaters, any movie screen located within five hundred feet (500') from a street shall be placed and/or shielded so that the screen is not visible from such street.

G. *Public/Private Airport, Heliport, or Helistop and similar uses shall be subject to the following additional requirements*:

1. The applicants shall provide a copy of the Notification of Landing Area Proposal with the Federal Aviation Administration (FAA), and demonstrate compliance with all FAA's requirements.
2. For Heliport proposals, development review will be based on analysis of general conformance with FAA regulations.
3. As part of the Special Use Permit submittal, the applicant shall provide an airport environmental impact assessment to include, at a minimum, the noise, air quality, water, social and cultural impacts, and proposed mitigation measures to minimize such impacts.

H. *Religious Retreat Facility*.

I. *Sand and Gravel, Rock Quarrying, and similar mining uses*: Sand and Gravel, Rock Quarrying, and similar mining uses are exempt from design review and landscaping requirements in the site plan approval process; however such uses shall be subject to the following requirements listed below. If the proposed operation is within the State Trust Land area, the City and the State Land Department may enter into an Intergovernmental Agreement to establish the regulatory requirements in lieu of the provisions of this Section. Such Intergovernmental Agreement shall become effective upon approval by the City Council and State Land Commissioner.

1. *Required submittals*: The Special Use Permit application shall include an operation plan, a re-use plan, a closure plan, and an accompanying financial guarantee in accordance with the following guidelines:

a. *Operation plan*: An operation plan shall, at a minimum, consist of the following information:

- 1) *Traffic*: There shall be safe means of ingress and egress to the site. All access roads from mining operations to public highways, roads or streets, or to adjoining property, shall be paved or otherwise maintained to control dust. Measures shall be taken to ensure no unauthorized public access to the site.
- 2) *Mitigation Measures*: All operations shall comply with applicable Federal, State and County air pollution regulations. Mitigation measures shall be taken to control noise, dust, lighting, night operations and other potential nuisances on adjacent properties.

- 3) *Hours of operation:* All normal hours of operation shall be established in the Special Use Permit. The Community Development Director or designee may authorize a temporary operation schedule deviating from normal operating hours.
- b. *Re-use plan:* The re-use plan shall include a conceptual plan for post-mining land use for excavated areas intended to be established upon abandonment of the site or cessation of the operation. The re-use plan may reflect alternative post-mining land uses. Each proposed post- mining land use shall be in compliance with existing zoning regulations. The re-use plan shall include a feasibility study for the use(s) proposed to be developed on the property upon abandonment of the site or cessation of the aggregate mining operation.
- c. *Closure plan:* The closure plan shall indicate the time frame and methods to carry out the closure requirements upon cessation of the operation or the abandonment of the site. The plan shall provide for reclamation measures equivalent to the standards set forth in A.R.S. § 27-953. The closure requirements may be modified by the City Council to provide for site-specific conditions.
- d. *Regulatory Permits:* When the proposed operation requires a 404 and/or Stormwater and/or Rivercourse Permits, the applicant shall provide copies of the required submittals to the designated agencies together with their approvals before starting mining operations.
- e. *Financial Guarantee:* To ensure that operators abide by the closure plan and the proposed re-use plan, a financial security shall be posted prior to the issuance of the Special Use Permit. The applicant shall provide a financial security satisfactory to the Chief Financial Officer of the City and the City Attorney and in an amount sufficient in the opinion of the Community Development Director, or designee(s), to secure the performance of the closure requirements and the re-use plan.
2. *Size:* The minimum size for any operation is five acres (5 ac).
3. *Setbacks or mitigation:* All operations shall provide detailed narrative and engineering plans illustrating or describing all proposed mitigation measures for any adverse impacts, including but not limited to the considerations of visual, sound, vibration, and traffic. Absent of such mitigation, the minimum setback for equipment directly involved in the production process, except conveyor belts or tubes, shall be no less than three hundred feet (300') from a property line abutting or adjacent to a residential development or district and the prescribed corresponding setback of an adjacent or abutting non-residential district or development.
4. *Setback for Blasting:* Blasting or the use of explosives shall be prohibited within one half (½) mile of any perimeter property line.
5. The minimum setback for the haul road, scale house, offices, and other structures shall be one-hundred (100) feet from abutting or adjacent residential developments or districts and the prescribed corresponding setback of an adjacent or abutting non-residential district or development.
6. The maximum height of any building or structure shall be twenty-eight (28) feet.
7. The minimum acreage of the operation and applicable setback requirements may be reduced by the City Council in conjunction with the Special Use Permit.
8. *Existing Operations:* Any operations existing at the time of the adoption of these requirements shall submit an application to register the pre-existing use to the Community Development Department no later than June 30, 2007. Thereafter, any non-registered existing operation shall be subject to the requirements for new operations as outlined in Section 21-681.
- a. The application shall contain the following:
- 1) Information required to be included in an application for a Community Notice pursuant to A.R.S. § 27-442.
  - 2) A legal description of the operation boundaries.
- b. The Community Development Department shall review the information for completeness and shall notify the applicant within 15 business days when the registration is accepted.
- c. The boundaries of the registered area shall be consistent with the boundaries as set forth in the Community Notice pursuant to A.R.S. § 27-442. Any expansion of a legal non- conformity beyond the registered operation area shall be subject to the Special Use Permit process and all requirements set forth in this Special Use Permits Section, Section 21-681 on Sand and Gravel and similar operations.
- d. Modification within a registered operation area involving a new and significant type of aggregate mining that has never been conducted at the aggregate mining operation site shall be subject to the provisions set forth in this Special Use Permits, Section 21-681 on Sand and Gravel and similar operations. Modification to the Community Notice shall not constitute an approval of modification within a registered operation area.

#### J. Sanitary Landfill.

1. No such facility shall be approved without a complete report from the applicant detailing all known and potential impacts and hazards, or without certified compliance with applicable Federal, State and County laws.
2. In addition to the Special Use Permit application, the applicant shall also submit detailed information about the planned reclamation of the site, including proposed grading, drainage patterns, establishment of vegetation, and characteristics of the land upon completion of the reclamation activity. This shall include accurate analysis of the limitations of the completed site for re-use and development, including limitations on future land use which may be caused by physical instability of the disposal site; by the release of gases or seepage of liquid materials from the landfill; or because of any characteristics of any substance disposed of thereon.

K. *Swap Meet and similar outdoor sales uses.*

L. *Zoo.*

(Ord. No. 2016-29, 9-20-16; Ord. No.[2017-33](#), § 220, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

**Sec. 21-682. Process.**

Refer to Section 21-157 for the process associated with Special Use Permits.

(Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

**Sec. 21-683. General Agriculture.**

This district is intended to comprise lands devoted to agriculture related activities, and other open field uses. This district is further intended to constitute a "holding" district to retain land in less intensive use until the time is appropriate for more intensive development so as to prevent scattered development and the premature and costly extension of utility mains and services related thereto, and to regulate development of the town so that it occurs in stages according to market need and progresses contiguously outward from the developed urban area. Regulations are designed to limit uses to those which are compatible with agriculture, to prevent encroachment by more intensive uses and to preserve the open field characteristic of the district.

(Ord. No. 02-55, 6-18-02; Ord. No.[2017-33](#), § 43, 6-13-17; Ord. No.[2024-20](#), § 2(Exh. A), 12-17-24)

**Sec. 21-684. Permitted Principal Uses.**

A. *Agricultural Uses.*

1. General agriculture on parcels not less than two contiguous commercial acres in area.
2. Soil Crops.
3. Commercial breeding, raising, training and feeding, principally by grazing of horses, cattle, sheep, goats and hogs provided that pens, buildings, corrals and yards other than open pastures are not closer than one hundred (100) feet to any street, highway or residential district.
4. Cattle and goat dairies; poultry and egg farms; fur farms; public stables, provided that pens, buildings and enclosures other than open pastures used for keeping of livestock are not closer than one hundred (100) feet to any street, highway or residential district.

B. *General Uses.*

1. Guest ranches, on parcels having an area not less than ten (10) acres, providing that pens, buildings and yards other than open pastures used for the keeping of livestock are not closer than one hundred (100) feet to any street, highway or residential district.
2. Veterinary clinic, subject to provisions of Section 21-505.J.3.
3. One single family dwelling.

C. *Public and Quasi-Public Uses.*

1. Water pumping plants and storage tanks.
2. Religious Institutions such as churches, synagogues, temples, chapels or similar places of worship, and related facilities, subject to review and approval of vehicular access by the City Engineer.
3. Public recreational uses.
4. Golf courses, subject to provisions of Section 21-417.3.D.
5. Public utility buildings, structures, equipment and uses.

D. *Group Homes. In accordance with Section 21-330.A.*

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.

(Ord. No. 99-89, 7-20-99; Ord. No. 02-21, 4-2-02; Ord. No. 02-85, 10-3-02; Ord. No. 06-16, 6-20-06; Ord. No. 2017-33, § 44, 6-13-17; Ord. No. 2024-20, § 2(Exh. A), 12-17-24)

**Sec. 21-685. Permitted Conditional Uses.**

- A. *Day Care Group Homes.* With five (5) or more children, in accordance with Section 21-330.A provided that the residence is a single-family detached dwelling.
  - B. *Group Care Facility or Community Residential Setting Facility.* In accordance with Section 21-330.C.
  - C. *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.
  - D. *Plant Nurseries and Greenhouses.* Including on-site retail sales, for the propagation, cultivation, sales and distribution of plants produced on the premises.
    - 1. Development of the plant nursery area shall require Site Plan Review in accordance with Section 21-156.
    - 2. A six (6) foot high solid (opaque) fence or wall shall be provided between all plant nursery area and adjacent properties.
    - 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.

(Ord. No. 02-55, 6-18-02; Ord. No. 02-85, 10-3-02; Ord. No. 05-58A, 12-8-04; Ord. No.2017-33, § 45, 6-13-17; Ord. No. 2024-20, § 2(Exh. A), 12-17-24)

### **Sec. 21-686. 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.
  - 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.

(Ord. No. 98-18, 3-17-98; Ord. No. [2017-33](#), § 46, 6-13-17; Ord. No. [2024-20](#), § 2(Exh. A), 12-17-24)

**Sec. 21-687. Property Development Standards for Permitted Principal Uses and Conditional Uses.**

Max Lot Coverage	10%	15%	10%	10%	10%	15%	15%
Min. Space between Buildings	10 Feet	10 feet	100 feet	10 feet	10 feet	20 feet	10 feet

A. Fences. Fences in areas of actual agricultural uses, as defined by Section 21-402., in any district may use:

1. Barbed wire fences, or
2. Electric current or charge of electricity fences on other than property perimeters so long as transformer bears the underwriters laboratory seal of approval.

(Ord. No. 04-176, 6-15-04; Ord. No. 04-187, 8-26-04; Ord. No. 04-189A, 12-8-04; Ord. No.[2017-33](#), § 47, 6-13-17; Ord. No. [2024-20](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-688. Property Development Standards for 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.

(Ord. No. 04-187, 8-26-04; Ord. No.[2017-33](#), § 48, 6-13-17; Ord. No.[2024-20](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-689. General Regulations.**

Maintenance of stock-tight fences. All livestock and poultry shall be kept confined to the premises by erection and maintenance of a stock-tight fence and necessary cattle guards.

(Ord. No. [2017-33](#), § 49, 6-13-17; Ord. No.[2024-20](#), § 2(Exh. A), 12-17-24)

### **Sec. 21-700.**

## **Signage**

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#### **Sec. 21-701. Applicability.**

Any sign erected, altered, or maintained after the effective date of this Section, referred to herein as the Sign Code or Section, shall conform to the following regulations within Sections 21-701 through 21-711 of the Zoning Ordinance. Where other regulations apply, such as property located within an approved Planned Area Development (PAD) or Planned Community District (PCD), or where property is subject to an approved Comprehensive Sign Plan (CSP) existing at the time of the adoption of this Ordinance, the time, place and manner provisions of said PAD, PCD, or CSP shall apply. Whenever an approved PAD, PCD or CSP is silent on a matter relating to signage, the provisions of this Section shall apply to the extent that such provisions are not in conflict with the provisions of the approved PAD, PCD, or CSP.

(Ord. No. [2025-01](#), § 2(Exh. A), 1-14-25)

#### **Sec. 21-702. Purpose.**

Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public; however; they may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation.

- A. The purpose of this Section is to regulate the size, color, illumination, movement, materials, location, height and condition of signs placed on private property for exterior observation, thus ensuring the stability of the community, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens, and encouraging economic development. This Section allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This Section must be interpreted in a manner consistent with the First Amendment guarantee of free speech.
- B. The intent of this Section is to regulate signs within the City of Peoria to ensure that they are appropriate for their context, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City of Peoria.
- C. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this Section is to establish limitations on signs in order to ensure they are appropriate to the building, use, or status of the land to which they are appurtenant and are adequate for their intended purpose while balancing individual and community interests.
- D. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and

attractive condition.

E. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City of Peoria. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

F. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

G. These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by the government of the United States, the State of Arizona, or the City of Peoria. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.

H. Graphical representations are often used throughout this Section to further clarify the intent of the text and serve as examples. However, whenever there is a conflict between the text and the illustration, the language of the text shall prevail.

(Ord. No. [2025-01](#), § 2(Exh. A), 1-14-25)

### **Sec. 21-703. Severability.**

A. If there is a conflict between provisions of this Section and other provisions of the Zoning Ordinance or other regulations/ordinances of the City of Peoria, the more restrictive provisions shall apply.

B. The provisions of this Section shall apply to the erection, design, construction, alteration, use, location and maintenance of all signs within the City of Peoria, except as specified in this Section.

(Ord. No. [2025-01](#), § 2(Exh. A), 1-14-25)

### **Sec. 21-704. Nonconformity and Modification.**

A sign lawfully in existence on the date of adoption of this Section, and which does not conform to the provisions of this Sign Code, but which was in compliance with applicable regulations at the time it was constructed, erected, affixed or maintained shall be regarded as a legal nonconforming sign.

A. Reasonable repairs may be made to legal nonconforming signs. However, to the extent any legal nonconforming sign is: 1) damaged in any manner and that damage exceeds fifty percent (50%) of the reproduction cost according to an appraisal by licensed appraisers or fair market cost, 2) is destroyed, or 3) is removed by any means whatsoever, including acts of God or other calamities, then such sign may be restored, reconstructed, or altered only in conformance with the provisions of this Sign Code.

B. Any sign which does not fall within the provisions of 21-704 shall be brought immediately into compliance with all provisions of this Sign Code.

(Ord. No. [2025-01](#), § 2(Exh. A), 1-14-25)

### **Sec. 21-705. Definitions.**

Words and terms used in this Sign Code shall have the meanings given here, or in Section 21-202, Definitions if not defined herein. Unless expressly stated otherwise, any pertinent word or term not part of this listing or Section 21-202, but vital to the interpretation of this Section, shall be construed to have its legal definition, or in absence of a legal definition, their commonly accepted meaning, unless its context makes clear otherwise.

#### **List of Defined Terms**

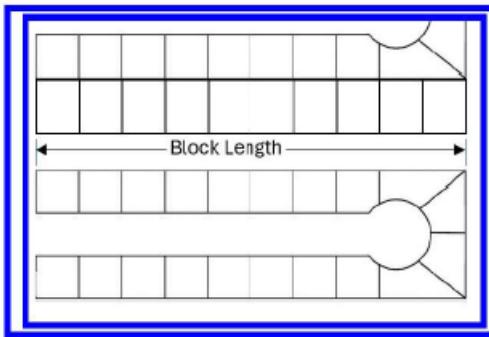
##### **A - B**

*Awning Sign.* See "Canopy Sign" Definition.

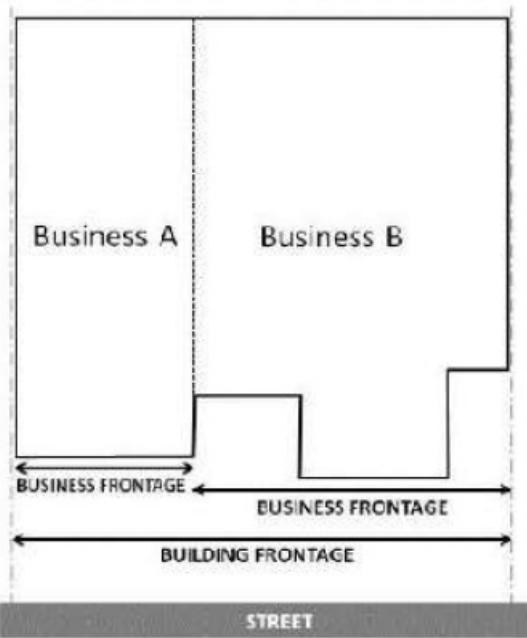
*Backlit Sign.* Also described as a sign that is internally illuminated, or has indirect lighting. A sign that is illuminated by a light source hidden by the sign itself so that illumination shines from behind the sign, creating a halo around the sign. Reverse pan-channel letters are an example of a backlit sign.

*Blade Sign.* A sign attached to a thin or narrow architectural feature of a building façade that projects from the building façade, typically at a ninety-degree (90°) angle. Blade signs are generally used as a tenant signage.

*Block Length.* The distance along a street between the centerline of two intersecting through-streets. Intersecting alleys or cul-de-sacs shall not be considered through streets.



**Building Frontage.** Means the total linear business frontage associated with multiple "in-line" suites or business that are attached by sharing one or more walls, but have a separate entrance for each business.



**Business.** The word "business" includes organizations and other entities, whether for-profit or non-profit that may occupy a building or suite within a building.

**Business Frontage.** Means the lineal distance of the building space (suite or whole building) occupied by the particular business or use measured on a straight line parallel to the street. In the event that a business fronts on two (2) or more streets, the property owner shall be given the option of selecting one (1) street frontage for the purpose of computing allowable sign area. Where a business does not parallel a street, the frontage shall be measured along the exterior of the building space occupied by the particular business or use.

## C - D

**Cabinet Sign.** A sign that contains all sign copy within a single enclosed cabinet that is mounted to a wall or other surface.

**Canopy Sign.** A sign installed, attached, or otherwise applied to or located directly on the roof of a canopy or awning.

**Changeable Copy Sign.** A sign that is static and changes messages by any means, including electronic process or remote control.

**Commercial Campus.** Refer to "Commercial Center" definition.

**Commercial Center.** Means one or more parcels which contains a combination of individual pads, and/or multi-tenant buildings, that together have a common branding or location specific name which is generally understood by the public to refer that specific group of properties and/or buildings. Characteristics that define the Commercial Center may include shared ingress and egress driveways, parking areas, and/or common street frontage.

1. *Commercial Center, Small* means a Commercial Center that occupies less than 20 acres. Typically these centers may contain a collection of smaller commercial or retail uses, which may be anchored by a single medium to large sized commercial/ retail user.
2. *Commercial Center, Large* means a Commercial Center that occupies 20 acres or larger. Typically these centers may contain a combination of small, medium and up to multiple large sized commercial, retail or

employment users.

## **E - F**

*Electric Sign.* Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

*Electronic Message Center or Board.* A sign that is static and changes messages by any electronic process or remote control.

*Flag.* A piece of fabric or other flexible material attached to a permanently installed pole, which may be ground mounted or affixed to a building or other structure.

*Flashing Sign.* Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Sign Code, a message change no more frequently than twice per day is not considered flashing for electronic message boards.

*Freestanding Sign.* A sign erected and maintained on its own self-supporting permanent structure or base, not attached to any building.

*Freeway Monument Sign.* A freestanding sign with a monument base (width of base is at least 50% width of the sign) that is erected and maintained on property adjacent to and within the view of motorists who are driving on a freeway recognized by the City of Peoria.

## **G - H**

*Government Sign.* A sign that is constructed, placed, maintained, or required by law by the federal, state, county, or city government either directly or to enforce a property owner's rights.

*Graffiti.* Any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the City.

*Grand Opening/New Business Sign.* A sign displayed at a new business, store, shopping center, office, or other use, or one that has changed ownership, within the first six months of receiving a valid business license.

*Hanging Sign.* A sign that is attached to and suspended entirely under a covered porch, covered walkway, or awning. Hanging signs are generally used as tenant storefront signage and hung perpendicular or parallel to the face of the building.

## **I - L**

(None)

## **M - N**

*Monument Sign.* A freestanding sign with a base that is at least 50 percent of the width of the sign.

*Mural.* See "Original Art Display" definition.

## **O - P**

*Original Art Display.* A hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An original art display does not include mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.

*Permanent Sign.* Any sign that is intended to be, and is constructed to remain unchanged in character and position and affixed to features such as the ground, a wall, or building for one (1) year or more. A temporary sign left in place for one (1) year or more does not become a permanent sign.

*Portable Sign.* Any structure without a permanent foundation or otherwise not permanently attached to a fixed location. This does not include Vehicle Signs.

*Projecting Sign.* A sign that is attached to or supported by a building or other structure, column, awning, or other building feature. The primary sign faces of a projecting sign are generally perpendicular and are not parallel to the wall from which it projects.

## **Q - R**

*Roof-Mounted Sign.* A sign located on or above the roof of any building, but does not include a false mansard roof, canopy, or other fascia. Signs located on these elements shall not project above the roof or the roofline.

## **S - T**

*Sign.* A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street, shall not be considered a sign. Each display surface of a

sign or sign face shall be considered to be a sign.

*Sign Area.* The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure. Where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers, or design, including any background panel or distinctively painted area installed as a background for the sign.

# Sign Area Calculation

*Sign Copy.* The words, letters, symbols, illustrations, or graphic characters used to convey the message of a sign.

*Sign Face.* The entire display surface area of a sign upon, against or through which copy is placed.

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

*Street Frontage.* See "Lot Line" definition in Section 21-202 of the Zoning Ordinance.

*Temporary Sign.* A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time.

## U - Z

*Vehicle Sign.* A sign that can be carried, towed, hauled or driven and is primarily designed to be mobile rather than be limited to a fixed location regardless of modifications that limit its mobility. This includes, but is not limited to signs mounted, attached, or painted on trailers, boats, or vehicles, or any sign attached to or displayed on a vehicle.

(Ord. No. [2025-01](#), § 2(Exh. A), 1-14-25)

## Sec. 21-706. Prohibited Signs.

The following signs are unlawful and are prohibited unless constructed pursuant to a valid building permit when required under this Sign Code, or are otherwise specifically authorized under this Sign Code:

- A. All signs mounted on, or applied to trees, utility poles, rocks, or City owned property, except as otherwise provided herein this Section.
- B. Any sign placed on private property by someone other than the property owner or their authorized representative without the property owner's written approval.
- C. Billboards.
- D. Cabinet signs over six (6) square feet in area, unless cabinet is a stylized, non-rectangular shape to accommodate the sign copy.
- E. Changeable copy signs, except as otherwise specifically permitted by this ordinance.
- F. Any exposed light bulbs or unshielded tube lighting such as neon, unless otherwise permitted herein this Section. Light Emitting Diodes (LEDs) are not considered to be light bulbs.
- G. Freestanding signs within public utility easements, unless otherwise approved by the City Engineer.
- H. Portable signs that do not comply with the location, size, or use restrictions of this Sign Code.
- I. Pylon or pole signs (without pole cover) over 3 feet in height.
- J. Roof mounted signs.
- K. Signs in the existing and future public right-of-way, as defined in the Peoria General Plan or the Peoria Street Classification map, whichever is more restrictive, except as may otherwise be provided in this Ordinance.
- L. Signs that have blinking, flashing or fluttering lights, or other illuminating devices that exhibit movement.
- M. Signs of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device, or which hide from view any traffic or street sign or signal.
- N. Signs which contain or consist of balloons, banners, beacons, flags, inflatable signs, pennants, posters, ribbons, search lights, strobe lights, streamers, strings of light bulbs, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure, except as otherwise provided. These devices when not part of any sign are similarly prohibited, except as otherwise specifically permitted by this ordinance.

O. Vehicle signs. Vehicle signs are exempt if the vehicle is consistently used in the normal daily conduct of the business (e.g. delivery or service vehicle). The vehicle shall be operable, properly licensed, and parked in a lawful manner. The intent of these regulations is to prohibit the use of vehicle signs as permanent freestanding signs in order to protect the aesthetic qualities of the City's built environment and promote the effectiveness of permitted signs as provided for in this Section.

(Ord. No. [2025-01](#), § 2(Exh. A), 1-14-25)

**Sec. 21-707. Authorized Signs, All Zoning Districts – No Permit Required.**

The following signs are authorized within the City:

A. Government Signs. The signs described herein, are an important component of measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic safety, serving the requirements of emergency response and protecting property rights or the rights of persons on property. Government signs, including, but not limited to the following:

1. Address Signs. Numerals that identify the street address of a property for public safety purposes as required and regulated by applicable Building and Fire Codes adopted by the City of Peoria.
2. Emergency or Warning Signs. Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property.
3. Government Flags. Flags that have been adopted by the federal government, this State, or the City of Peoria may be displayed as provided under the law that adopts or regulates its use.
  - a. The flags described in this Section are permitted to serve a compelling governmental interest in promoting the rule of law by establishing symbolic representations of the governments who pass, protect and preserve those laws.
4. Traffic Signs. Traffic signs and traffic control devices installed and maintained in compliance with the regulations of an authorized public agency.
5. Official Notices or advertisements posted or displayed by or under the direction of any public or court officer in performance of official or directed duties; provided that all such signs must be removed by the property owner no more than ten (10) days after their purpose has been accomplished or as otherwise required by law.

B. Grave markers, headstones, statuary, or similar remembrances of persons.

C. Holiday and Seasonal Decorations. Temporary, non-commercial decorations or displays associated with the celebration of a particular civic, patriotic, or religious holiday or season. Such decorations shall be displayed for a maximum of 60 days total during the relevant season, and must be maintained in good condition (e.g. not torn, soiled, or faded). Such decorations shall not be displayed in such a manner as to constitute a hazard to pedestrian or vehicular traffic.

D. Interior Signs. Signs located inside a building, or other enclosed facility, which are not intended to be viewed from the outside.

E. Memorials, public monuments, or historical identification signs installed in accordance with all applicable regulations, including historical markers up to three (3) sq. ft. in area.

F. Original Art Displays approved by the Peoria Arts Commission or other authorized City of Peoria department or agency.

G. Signs not located in an enclosed building and not visible to the naked eye from a street or public right of way so long as the signs do not pose a hazard.

H. Temporary Signs for Exterior Sales where the property is one (1) acre or greater in size. Signs located on the premises where most of the business is conducted, or items are displayed, in an open exterior area in compliance with all City Codes.

For this allowance, temporary signs may include banners, balloons (under 24 inches in diameter), flags, streamers, or pennants. These signs shall be limited in duration from Friday through Sunday, and on recognized holidays. Such signs shall meet all other General Requirements for Temporary Signs (Section 21-710.A).

I. Utility Signs. Signs installed or required by utilities, including traffic, safety, railroad crossings signs, as well as, identification or directional signs for public facilities and public parking.

J. Vending Machine Signs. Signs integral to a legally located vending machine.

(Ord. No. [2025-01](#), § 2(Exh. A), 1-14-25)

**Sec. 21-708. General Provisions.**

A. *Noncommercial Speech.* Signs containing noncommercial speech are permitted anywhere that other signs are permitted, and are subject to the same regulations applicable to such signs.

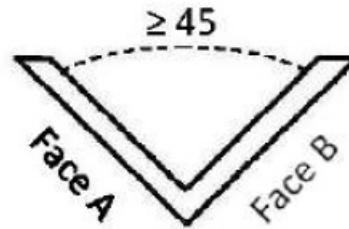
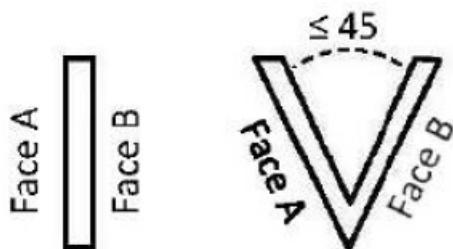
B. *Sign Area Calculations.*

1. *Building Wall Signage.* A building owner may choose to have the entirety of a building used for computing sign area, even if it is divided into multiple suites occupied by separate tenants. In this case, it is the responsibility of the building owner to determine the percentage of total allowable signage that shall be allocated to every business/tenant. Signage for individual businesses/tenants in buildings where signage is approved on a whole-building basis may be placed on any facade otherwise meeting the regulations of this Sign Code, regardless of the location of the tenant's main entrance. Whole building calculations shall afford a minimum of 20 SF of signage to each business/tenant.

2. *Multiple Sign Faces.* Calculating the sign area shall be based on the number of sign faces as described below. Architectural embellishments are not considered as sign area, so long as they do not constitute an area that is more than twenty (20) percent of the total sign area.

a. One (1) face - Area of the single face only.

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



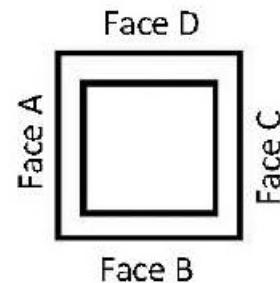
Sign Area = Area of Face A

Sign Area = Area of Face A or B

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

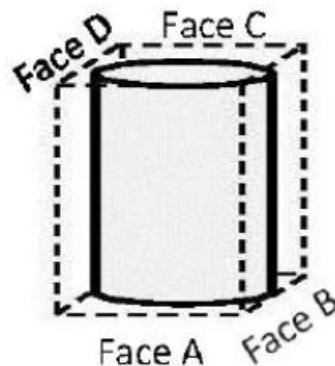


Sign Area =  
Area of Face A + B + C, etc



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

Sign Area =  
Area of Face A + B + C + D



C. *Sign Height Calculations, Freestanding Signs.*

1. The height of freestanding signs shall be measured from the existing grade within two (2) feet of the proposed sign location to the top of the sign structure.

2. In instances where the existing grade of the proposed sign location is lower than the adjacent roadway, the sign height shall be measured from the top of curb, or crown of roadway where no curb exists, to the top of the sign structure.

D. *Street Designations.* When the sign standards refer to a specific street, or the functional classification of street (e.g. Parkway), this shall mean the corresponding street alignment or street classification as designated on the City's Street Classification Map.

E. *Signage Placement, Multi-Story Buildings.* The building owner(s) shall be responsible for designating the allowable areas where signs may be placed on the building façade. For multi-story buildings, the allowable areas may be located anywhere on the building façade, so long as the signage does not project above the roof of the building.

F. *Signage Projection.* Building Wall Signage may extend up to fourteen (14) inches away from the building. For buildings constructed on or near a property line that abuts a public right-of-way or public access easement (e.g. where no building setback exists), the projection may encroach into the public right-of-way or public access easement provided such signs are located higher than eight (8) feet above ground level.

(Ord. No. [2025-01](#), § 2(Exh. A), 1-14-25)

## **Sec. 21-709. Permanent Sign Types.**

*General standards:*

A. *Authorized Signs.* Authorized Permanent Signs are noted on the following pages, and comprise of the following Tables:

Table 1: Building Sign Specifications

Table 2: Freestanding Sign Specifications

Table 3: Other Sign Type Specifications

B. *Accessory Use.* All permanent signs are considered ancillary, or accessory, uses. As such, a principal use must be legally established and developed on a property in order for a permanent sign to be allowed on the property.

C. *Changeable Copy.* Electronic message centers may be utilized for permanent signs where changeable copy is permitted.

D. *Design and Integration.* All permanent signs shall be fully integrated with the design of the building and the site development, reflecting the architecture, building materials and landscape elements of the project.

1. The means of integrating freestanding monument signs within the architecture of the building shall be achieved through replication of architectural embellishments, colors, building materials, texture and other elements exhibited in the building design.

2. In no case shall any sign be secured with wires such as guy wires or strips of wood which are visible and not an integral part of the sign.

3. Signs shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

E. *Illumination:*

1. In residential zoning districts, illuminated signs for permitted non-residential uses within two hundred (200) feet of residential uses or undeveloped residentially zoned property, whether directly adjacent or across a road, shall go dark between the hours of 10 p.m. and 5 a.m. or when the establishment is closed, unless otherwise permitted within this Section.

2. All signs with exposed LED illumination shall be limited to a brightness of 0.3 foot candles above ambient lighting. All other internally illuminated signs shall be limited to a brightness of 0.6 foot candles above ambient lighting.

3. Signs allowed to be illuminated may utilize internal illumination (direct or backlit) or external illumination, unless otherwise specified in Tables 1 and 2.

4. External illumination shall be compliant with Dark Sky light control requirements, including the requirements in Chapter 20 of the Peoria City Code.

5. Within the Downtown/Commercial Mixed Use (D/CM) District, signage with neon shall:

i. Be equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions.

ii. Where signs directly face properties zoned D/RM or a single-family residential use, whether directly adjacent or across a road, the sign shall be equipped with a sensor or other device that automatically

adjusts the brightness of the lighting to comply the limitation of 0.3 foot candles above ambient light between the hours of 11 p.m. and 5 a.m., or when the establishment is closed, whichever is more restrictive.

iii. The lighting level shall have a smooth transition at a constant rate between daylight to nighttime brightness.

iv. At no time shall lighting on the sign blink, flash or flutter.

F. *Landscaping*. All permanent freestanding signs shall be located with the base of the sign in a landscape area. This landscape area shall be equal to a minimum of 4 square feet for each square foot of sign area.

G. *Location*. All design and structural components of a freestanding sign (e.g. the footer, base, etc.) shall be setback a minimum of one (1) foot from the edge of the street right-of-way.

H. *Monument Sign Base Material*. All permanent freestanding signs greater than three (3) feet in height shall have a masonry base (e.g. brick, CMU, stone) that is consistent with the site's architectural/thematic design.

I. *Standard Abbreviations*. Standard abbreviations used within the tables are identified below:

#### Standard Abbreviations

Adj. - Adjacent                  FT - Feet or foot

IN - Inches                  LF - Linear Feet or Linear Foot

N/A - Not applicable or not allowed                  SF - Square feet or square foot

SVT - Sight visibility triangle                  ROW - Right-of-Way

Rd. - Road                  Pkwy. - Parkway

Min - Minimum                  Max - Maximum

> - Greater Than                   $\geq$  Greater Than or Equal To

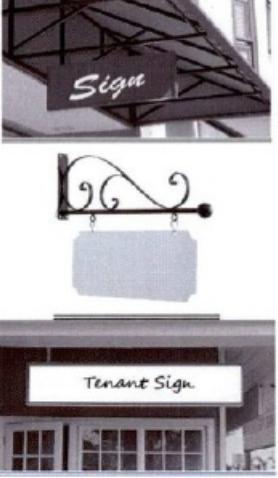
< - Less than                   $\leq$  Less than or equal to

**Table 1: Building Sign Specifications**

**Table 1: Building Sign Specifications**

<b>A. ADDRESS SIGN Permit: No</b>			
	<b>Description</b>	Numerals that identify the street address of a property for public safety purposes.	
	<b>Residential Uses &amp; Non-Residential Uses</b>	Permitted in compliance with Building and Fire Code requirements.	
	<b>Notes:</b> None		
<b>B. AWNING AND ATTACHED CANOPY SIGN Permit: Yes</b>			
	<b>Description:</b>	A sign which is printed, painted, or affixed to an awning or canopy which is attached to a building.	
	<b>Residential Uses</b>	Total Sign Area Allowed	N/A
	<b>Non-Residential Uses</b>	Max Quantity	N/A
		Max Height	1st Floor awnings only #
		Illumination Allowed	Internal, backlit, external
	Max Sign Area Allowed	2 SF per 1 LF of an awning ♦	
<b>Notes:</b>			
# Signs may be mounted on or extend above attached canopy as long as they do not extend above the roof line.			
♦ Sign allowance is in addition to the total area permitted for all Wall Signs.			

**C. BLADE AND HANGING SIGNS Permit: Yes**

	Description	A pedestrian-oriented sign that is attached to and supported by a building or other structure. (See <i>Blade Sign</i> and <i>Hanging Sign</i> Definition)	
	<b>Residential Uses</b>	N/A	
	<b>Non-Residential Uses</b>	Min Height	8 FT above adjacent sidewalks and/or ground level
		Min Projection	14 IN from Building
		Max Projection #	3 FT from wall or less than awning/ canopy depth if attached
		Illumination Allowed	Externally illuminated and backlit only
		Max Sign Area Allowed	12 SF ♦
	<b>Notes:</b> # Maximum projection is based on attachment type. ♦ Sign allowance is in addition to total area permitted for all Wall Signs		

#### D. BUILDING WALL SIGN (e.g. Band Signs) Permit: Yes

	Description	A permanent sign attached to, painted on, or otherwise assembled against the wall or fascia of a building with the exposed face of the sign parallel to the face of the wall or fascia.	
	Residential uses	N/A	
	Non- Residential Uses	Max Quantity	N/A
		Max Projection	14 IN
		Illumination Allowed	Internal, backlit, external
		Max Sign Area Allowed (Per Sign)	Based on Business Frontage ♦ Ratio is 2 SF per 1 LF, up to Max If Business Frontage LF is: < 20,000 SF = 125 SF Max 20,000-50,000 = 250 SF Max > 50,000 SF = 400 SF Max
Notes: ♦ Sign allowance included in the total area permitted for all Wall Signs.			

#### E. ENTRY SIGN Permit: No

	Description	A sign located adjacent to an entry door.	
	Residential Uses & Non-Residential Uses	Max Quantity	1 per dwelling unit or 1 per business
		Max Height	15 FT from door threshold
		Max Projection	4 IN
		Illumination Allowed	External or backlit illumination only
		Max Sign Area Allowed	2 SF per sign
	Notes: None		

**F. FREE STANDING CANOPY SIGN Permit: Yes**

 	<b>Description</b>	Signs on freestanding canopies, such as fuel canopies, and shade structures.	
	<b>Residential Uses</b>	N/A	
	<b>Non-Residential Uses</b>	Max Quantity	N/A
		Illumination Allowed	Internal, backlit, external
		Max Sign Area Allowed	12 SF per side
<b>Notes:</b> None			

**G. PROJECTING SIGN Permit: Yes**

 	Description	A pedestrian-oriented sign that is attached to and supported by a building or other structure. (See Projecting Sign in Section 21-705 Definitions)	
	Residential Uses	N/A	
	Non-Residential Uses	Min Height	8 FT above adjacent sidewalks and/or ground level
		Max Projection #	None ♦
		Illumination Allowed	Internal, Externally illuminated, and backlit. Δ
		Max Sign Area Allowed ●	Outside Downtown (D) District = 12 SF
			In D/CM facing D/RM or single-family residential use = 16 SF
	<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>● Sign allowance included in total area permitted for all Wall Signs.</li> <li>♦ Projection signs shall not extend past the property line, unless within the Downtown (D) District when approved as part of a license agreement.</li> <li>Δ Neon in D/CM is allowed subject to provisions of Section 21-709.E.</li> </ul>		

**Table 2: Freestanding Sign Specifications**

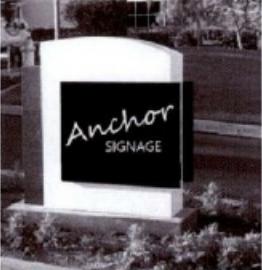
**Table 2: Freestanding Sign Specifications**

Sign Type Option			
<b>Residential Uses</b>			
Single-Family	N/A		
Multi-Family	Either Primary Monument Sign OR Perimeter Wall Sign.		
Non-Residential Uses*	Allowed either Primary/Secondary Monument(s) OR Perimeter Wall Sign.		
<b>A. FREEWAY SIGN Permit: Yes</b>			
	Description	A freestanding monument sign located on property adjacent to a freeway (See Freeway Sign in Section 21-705 Definitions) #	
	Residential uses	N/A	
	Non-Residential Uses	Max Quantity (Based on Freeway Frontage)	$\geq 660 \text{ LF} = 1$
			$> 1,320 \text{ LF} = 2$
			$> 2,640 \text{ LF} = 3$
		Illumination Allowed	Internal, backlit, external
		Max Height	60 FT + 3 FT for architectural detail
	Max Sign Area Allowed	250 SF	
<p>Notes: # Sign must be located along the qualifying freeway frontage. Signs are only permitted for non-residential zoned properties. Base of sign must be at least 35% of the full sign width. Minimum Separation: 200 feet separation from other Freeway Signs, 50 feet from non-freeway lot lines, and 200 feet from residentially zoned property.</p>			
<b>B.1 PRIMARY MONUMENT SIGN (Residential Uses) Permit: Yes</b>			
	Description	A freestanding monument sign adjacent to a residential development (See Freestanding Sign).	
	Residential uses		
	Single-family	N/A	
	Multi-family #	Max Quantity	1 per street frontage
		Max Height	A designated pkwy., Bell Rd. & Grand Ave 12 FT
			Other Major Arterials 10 FT
			All Other Roads 8 FT
		Max Sign Area Allowed	48 sf.
<p>Notes # Only allowed either Primary Monument(s) or Perimeter Wall Sign.</p>			

**B.2 PRIMARY MONUMENT SIGN (Non-Residential Uses) Permit: Yes**

	Description	A freestanding monument sign within Large Centers (See Freestanding Sign and Large Center).
	<b>Non-Residential Uses *</b> Standards are based on the entire center or campus where applicable #	Max Quantity ♦ (Based on length of street frontage)
		0 - 599 LF = 1
		600 LF - 1,000 LF = 2
		> 1,000 LF = 3
		LF calculated separately for each street where property has frontage
	Max Height	A designated pkwy, Bell Rd. & Grand Ave. 16 FT
		Other Major Arterials 12 FT
		All Other Roads 8 FT
	Max Sign Area Allowed●	A designated pkwy., Bell Rd. & Grand Ave. 72 SF
		Other Major Arterials 60 SF
		All Other Roads 48 SF
<b>Notes</b>		
♦Sign must be located along the qualifying street frontage.		
# Only allowed either Primary Monument(s) OR Perimeter Wall sign.		
●All Primary Monument Signs shall be located a minimum of 60 FT away from all other Primary and Secondary Monument signs.		

**C. SECONDARY MONUMENT SIGN Permit: Yes**

 	<b>Description</b>	A freestanding monument sign for a Small Center or at secondary entrances of a Large Center (See Freestanding Sign and Large Center).
	<b>Residential uses</b>	N/A
	<b>Non-Residential Uses</b> Standards are based on the entire center or campus where applicable	Max Quantity (Based on amount of street frontage)
		0 LF - 599 LF = 1  $> 1,000 \text{ LF} = 1 \text{ for every } 300 \text{ LF}$
		LF calculated separately for each street where property has frontage
	Max Height	Designated Pkwy 12 FT  Major Arterials 8 FT  All Other Roads 6 FT
	Max Sign Area●	A designated pkwy., Bell Rd. & Grand Ave. 48 SF  Other Major Arterials 32 SF  All Other Roads 24 SF
Notes: ● All Secondary Monument Signs shall be located a minimum of 60 FT away from all other Primary and Secondary Monument signs located in the same center or parcel.		

**D. INTERNAL CENTER SIGN Permit: No**

 	<b>Description</b>	Internal freestanding signage within a non-residential center.	
	<b>Residential uses</b>	N/A	
	<b>Non-Residential Uses</b> Standards are based on the entire center or campus where applicable	Max Quantity	1 sign per parcel, or 1 sign per acre, whichever is greater. Individual parceled pads within a center are eligible for internal center signs.
		Max Height	3 FT
		Max Sign Area Allowed	6 SF
Notes: Must be located internal to a site, outside of all street frontage landscape areas and buffers.			

**E. PERIMETER WALL/SCREEN WALL SIGNS Permit: Yes**

	<b>Description</b>	A sign consisting of individually mounted characters on a perimeter or screen wall surrounding a development.	
	<b>Residential Uses</b>	Max Quantity	2 per street frontage providing direct access to development.
	Single-Family Developments (2 or more lots) and Multi-Family Developments	Max Height	8 FT or wall height, whichever is less.
		Max Projection	14 IN
		Illumination Allowed	External or backlit illumination only
		Max Sign Area Allowed	32 SF per sign
	<b>Non-Residential Uses*</b>	Max Quantity	1 per street frontage
		Illumination Allowed	External or backlit illumination only
		Max Sign Area Allowed	48 SF per sign or <50% of wall area, whichever is less.
	<b>Notes:</b> * Only allowed either Primary Monument, Secondary Monument(s) OR Perimeter Wall sign.		

**Table 3: Other Sign Type Specifications**

**Table 3: Other Sign Type Specifications**

<b>A. DRIVE-THROUGH SIGN Permit: Yes</b>			
	<b>Description</b>	Signage for uses with a drive-through. #	
	<b>Residential uses</b>	N/A	
	<b>Non-Residential Uses</b>	Max Quantity	2 signs per drive-through lane
		Max Height	6 FT
		Max Sign Area Allowed	36 SF per sign
<b>Notes:</b>			
# Must be located adjacent to drive-through lanes. Changeable copy is permitted.			

**B. GAS STATION MONUMENT SIGN Permit: Yes**

	<b>Description</b>	Monument sign for a property containing a gas station/fuel service station. #	
	<b>Residential uses</b>	N/A	
	<b>Non-Residential uses</b>	Max Height	8 FT
		Max Sign Area Allowed	32 SF, including 16 SF changeable copy
<b>Notes:</b> # In accordance with Arizona Administrative Code, gas station monument signs shall be permitted in lieu of a primary or secondary monument for stand-alone gas stations, maximum 1 per frontage. Commercial centers containing gas stations shall be allowed Gas Station Monuments in addition to Primary and Secondary Monuments.			

**C. FLAGS Permit: No\***

	<b>Description</b>	See Definitions.	
	<b>Residential uses</b>	Max Quantity	3 Flags, 1 pole
		Max Height #*	30 FT
		Max Sign Area Allowed	24 SF per flag
	<b>Non-Residential uses</b>	Max Quantity	1 flag per 25 LF street frontage, up to 6 total per premises
		Max Height #*	50 FT
		Max Sign Area Allowed	36 SF
	<b>Notes:</b> # Flags must meet minimum principal building setbacks and shall not be located in any required utility easements. * Depending on the height, a building permit may be required.		

**D. WINDOW SIGN Permit: No**

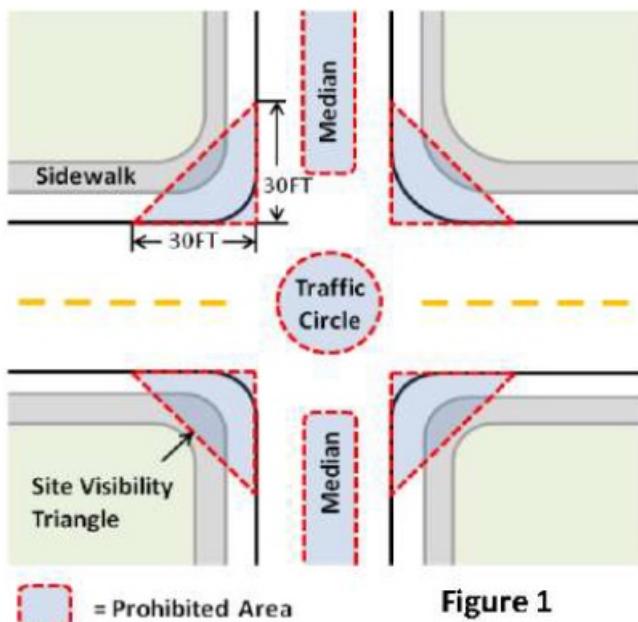
	Description	Signs placed on or within 3 FT of windows so as to attract the attention of persons outside of the building where the sign is placed.	
	Residential uses	Limitations	No limit, non-commercial messages only
	Non-Residential Uses #	Max Sign Area Allowed*	25% of the total window area on any one side of a building.
		Illumination Allowed	Max of 2 signs may be internally illuminated, up to 2 SF per sign
<b>Notes:</b> # Window signage is prohibited above the ground floor of the building. * When window signage is displayed on two or more sides of a building, each side shall comply with the maximum sign area provisions.			

(Ord. No. [2025-01](#), § 2(Exh. A), 1-14-25)

**Sec. 21-710. Temporary sign types.**

**A. General Requirements.**

1. In order to ensure structural stability and safety, freestanding signs seven (7) feet or greater in height shall be constructed to standards required for a permanent sign as described by the Arizona Sign Association.
2. Signs seven (7) feet or greater in height require a sign permit.
3. Temporary Signs shall be located outside of the visibility triangles, as shown in Figure 1.



**Figure 1**

4. Signs shall be maintained in good condition and shall be removed if torn, soiled, or faded.
5. Signs shall be weighted and/or secured to resist displacement by wind or similar disturbances.
6. Temporary signs shall not be illuminated.
7. Contact information of the party responsible for the sign shall be listed on the back of all temporary signs,

except those located on developed single family residential lots.

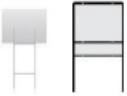
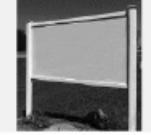
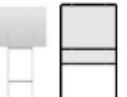
8. Such signs which are deemed to be unsafe, defective, or which create an immediate hazard to persons or property, or are not in compliance with the provisions of this Section, shall be declared to be a public nuisance and subject to removal by the City in accordance with state statutes.

B. *Duration.* The following temporary signs are authorized for the durations noted in Table 4.

C. *Standard Abbreviations.* The standard abbreviations for Tables 1-3 are applicable to Table 4.

**Table 4: Temporary Sign Type Specifications**

**Table 4: Temporary Sign Type Specifications**

<b>A. UNDEVELOPED PROPERTIES</b>					
Sign Type	Quantity	Max Sign Area	Max Height	Duration	Permit
<b>1. Parcels ≤1 ac</b> 	1	Residential Use: 6 SF Non- Residential Use: 16SF	Residential: 5 FT Non- Residential: 8 FT	Up to 1 Year	Yes, if ≥ 7 FT in Height
<b>Limitations:</b> • N/A					
<b>2. Parcels &gt;1 acre</b> 	1 sign + 1 additional sign for every 600 LF of street frontage	32 SF	8 FT	Up to 1 Year, and may be renewed 2x for 3 years total	Yes
<b>Limitations:</b> • Placed >30 FT from any intersection or driveway, and 100 FT from all signs >6 SF.					
<b>B. RESIDENTIAL PROPERTIES</b>					
Sign Type	Quantity	Max Sign Area	Max Height	Duration	Permit
<b>1. Yard Sign</b> 	1	6 SF	5 FT	Up to 3 Months	No
<b>Limitations:</b> • Located on a developed residential lot.					

<b>B. RESIDENTIAL PROPERTIES</b>					
Sign Type	Quantity	Max Sign Area	Max Height	Duration	Permit
2. Neighborhood 	1 sign per neighborhood entrance	6 SF	5 FT	Up to 2 Weeks	No
Limitations: • Located within neighborhood common area.					
3. New Subdivision 	1 sign per street frontage	32 SF/sign* *Development $\geq$ 150 AC: Interior Streets = 32 SF Perimeter Streets = 96 SF	16 FT	Up to 3 years	Yes
Limitations: • Must be removed once all lots in subdivision are sold.					
4. Subdivision Flags 	6 flags	15 SF/flag	30 FT	Up to 3 years	No
Limitations:					
• For new subdivisions and/or new developments only.					
• Max Quantity is per new development or per model complex.					
• Must be identified in Model Home Complex Building Permit.					

C. NON-RESIDENTIAL PROPERTIES					
Sign Type	Quantity	Max Sign Area	Max Height	Duration	Permit
1. Entry A-frame 	1 A-frame or T-frame sign per business	6 SF	3 FT	Only during business hours	Yes*
<b>Limitations:</b>					
<ul style="list-style-type: none"> <li>• Signs shall not be allowed with a public right-of-way, unless the business is located within the D/CM District.</li> <li>• Signs shall be located within eight (8) FT of the business entry unless the business is located within the D/CM Zoning District, then the sign may be located along the Building Frontage.</li> <li>• A minimum of four (4) FT must be maintained to allow unobstructed pedestrian access, and vehicular circulation, and a minimum of one (1) FT shall be maintained between the sign and the edge of the street curb.</li> <li>• Signs cannot be placed within required parking.</li> <li>• A minimum separation of twenty (20) FT shall be provided between all A-Frame or T-Frame signs.</li> </ul>					
<b>Notes:</b>					
* Signs located within the D/CM District and within the public right-of-way require a permit be obtained prior to installation of the sign.					
2. Grand Opening/ New Business 	Includes Banners, Balloons, Flags, Pennants and, Streamers	N/A	N/A	60 days	No
<b>Limitations:</b>					
<ul style="list-style-type: none"> <li>• See Definition for Grand Opening/New Business.</li> <li>• Must be obtained within 6 months of receiving a valid business license.</li> <li>• Not permitted for Home Occupations.</li> <li>• Merchandise may be displayed adjacent to business if a minimum of 4 FT clearance is maintained, allowing unobstructed pedestrian access and vehicular circulation.</li> </ul>					

### C. NON-RESIDENTIAL PROPERTIES

Sign Type	Quantity	Max Sign Area	Max Height	Duration	Permit
3. Special Promotion  	2 Wall-Mounted Banners	32 SF Total	N/A	Maximum 30 days per installation Maximum 4x per year	Yes, For Each Install
	2 Pole Mounted Banners "Swooper Signs"	32 SF per sign	15 FT		
	1 A-frame or T-frame sign portable sign	6 SF	3 FT		
	Limitations: • Maximum Width is 3 FT for Pole Mounted or Swooper Signs.				

### D. SPECIAL CONDITIONS - In addition to temporary signage permitted by use/development character, the following signs are allowed when special conditions occur.

Sign Type	Quantity	Max Sign Area	Max Height	Duration	Permit
<b>1. Property Offered For Sale, Lease, or Rent</b>					
a. Parcels ≤ 1 acre    	1 Sign *See Limitations For Quantity	6 SF	Freestanding: 5 FT Other: *See Limitations For Placement	*See Limitations	No
	Limitations:				
	<ul style="list-style-type: none"> <li>• Quantity: A residential property abutting an arterial or collector roadway may have one (1) additional sign, maximum four (4) SF in size. The additional sign shall be placed in a manner where it is visible from the abutting roadway.</li> </ul>				
	<ul style="list-style-type: none"> <li>• Placement: Where freestanding signage is not possible or prohibited, the sign may be displayed within a window of the subject property.</li> </ul>				
b. Parcels > 1 acre  	1 sign + 1 additional sign for every 600 LF street of frontage	32 SF	Freestanding Sign: 8 FT Other Signs: N/A	While property is offered.	Yes, ≥ 7 FT in Height
	<p>Limitations:</p> <ul style="list-style-type: none"> <li>• Minimum spacing of 150 LF between signs.</li> </ul>				

Sign Type	Quantity	Max Sign Area	Max Height	Duration	Permit
<b>2. Property Under Construction</b>					
	1	32 SF	8 FT	From Issuance until Close of 'Building Permit'	No
<b>Limitations:</b> <ul style="list-style-type: none"> <li>An active Building Permit is required.</li> </ul>					
<b>3. Temporary Use</b>					
	1 Banner and 3 A-frame or T-frame Portable Signs	Banner: 24 SF A-frame: 6 SF	Banner: N/A A-Frame: 3 FT	For the duration of the approved Temporary Use Permit	Temp. Use Permit
<b>Limitations:</b> <ul style="list-style-type: none"> <li>An active Building Permit is required.</li> </ul>					
<b>4. Right-of-Way Signage</b>					
<b>a. Residential Roadway Signs</b> 	1 sign per turning movement within radius * See Limitations	6 SF	3 FT	3 hours before and 3 hours after an event	No
<b>Limitations:</b> <ul style="list-style-type: none"> <li>Radius: These signs are only allowed in right-of-ways adjacent to residential zoned property, and shall be located a maximum one (1) mile radius from the subject owner's/resident's property within the City of Peoria.</li> </ul>					
<ul style="list-style-type: none"> <li>Signs may be placed by owners of residential property in Peoria, residents of Peoria, or agents of either party.</li> </ul>					
<ul style="list-style-type: none"> <li>Subject to same Placement Limitations as noted in Election Season Signs below.</li> </ul>					

Sign Type	Quantity	Max Sign Area	Max Height	Duration	Permit
b. Election Season, Non-Commercial Messages 	Not limited	Adjacent to Rural or Local Road: 16 SF Other: 32 SF	<7 FT	90 days prior to Primary Election and up to 15 days after General Election	No
Limitations:					
<ul style="list-style-type: none"> <li>• Signs can be placed in the public right-of-way, and on private property if the owner or their appointed agent grants permission.</li> </ul>					
<ul style="list-style-type: none"> <li>• Except as provided herein, such signs shall not be located on City-owned property, buildings, or structures.</li> </ul>					
<ul style="list-style-type: none"> <li>• Contact information of the party responsible for the sign must be listed on the back of the sign.</li> </ul>					
<ul style="list-style-type: none"> <li>• Placement Limitations. Per ARS § 16-1019, such signs may be located within the City right-of-way provided they are not:</li> </ul>					
1. Hazardous to public safety;					
2. Within a roadway median or traffic circle;					
3. Affixed to any City-owned utility pole, traffic control device or safety barrier;					
4. Located in a manner that interferes with the requirements of the Americans with Disabilities Act;					
5. Located in a designated commercial tourism, commercial resort, and hotel sign-free zone designated by the City Council pursuant to ARS § 16-1019 including the Sports Complex Commercial Tourism Zone pursuant to Resolution No. 2012-39; and					
6. Otherwise in violation of a requirement found in this Section.					
5. Sign Walker 	N/A	12 SF	6 FT	Daylight hours	No
Limitations:					
<ul style="list-style-type: none"> <li>• Maximum width shall be 6 feet.</li> </ul>					
<ul style="list-style-type: none"> <li>• Shall not be located adjacent to local or collector roads in Residential Zoning Districts.</li> </ul>					
<ul style="list-style-type: none"> <li>• Shall be at least thirty (30) feet away from any street intersection or driveway entrance.</li> </ul>					
<ul style="list-style-type: none"> <li>• Shall not be located in any drive aisle, parking stall, driveway, or on sidewalks in a manner that provides less than a four (4) foot free and clear pathway for pedestrians.</li> </ul>					
<ul style="list-style-type: none"> <li>• Shall not be located within a median or on a street.</li> </ul>					
<ul style="list-style-type: none"> <li>• Shall not be located on walls, boulders, planters, other signs, vehicles, utility facilities, or any structure.</li> </ul>					
<ul style="list-style-type: none"> <li>• Shall not compromise public safety in any manner.</li> </ul>					

(Ord. No. [2025-01](#), § 2(Exh. A), 1-14-25)

## Sec. 21-711. Administration.

A. *Permit Application.* For signs requiring permits as described in this Section, a Sign Permit application shall be submitted to the Department, together with the required materials, and applicable fee, on an official form provided by the Department. The application shall satisfy the submittal requirements of the associated Process Guide for the appropriate sign type.

B. *Permit Expiration.* Permits issued by the City under the provisions of this Sign Code shall expire and become void if the work authorized by such permit is not completed within 180 days from the date of issuance of said permit.

C. *Permit Revocation.* The Department Director or designee shall have continuing jurisdiction over all permits issued under the provisions of this Sign Code and may revoke a permit if it was obtained by fraud or misrepresentation.

1. Notice of the City's decision to revoke a sign permit shall be provided to the property owner by first class mail, or delivered in person to any person responsible for the premises on which the sign is located, or if no responsible party can be identified, by affixing a copy of the notice in a conspicuous location at the entrance to the premises.

D. *Nuisance.* No permit issued under the provisions of this Sign Code shall be deemed to constitute permission or authorization to maintain a public or private nuisance, nor shall such permit constitute a defense in an action to abate a nuisance.

(Ord. No. [2025-01](#), § 2(Exh. A), 1-14-25)

## **Sec. 21-800.**

### **Landscape**

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**Secs. 21-801—21-814 Reserved.**

**Sec. 21-815. Intent.**

A. The process of development, with its alteration of the natural topography and vegetation and creation of impervious cover can have a negative effect on the ecological balance of an area by causing increases in air temperatures and accelerating the processes of runoff, erosion, and sedimentation. The economic base of the City can and should be protected through the preservation and enhancement of the unique natural beauty and vegetative space. Recognizing that the general objectives of this Section are to promote and protect the health, safety, and welfare of the public, these landscaping regulations are adopted for the following specific purposes:

1. To aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge and storm water runoff retardation, while at the same time aiding in noise, glare and heat abatement;
2. To provide visual buffering between land uses of differing character;
3. To enhance the beautification of the City;
4. To protect the character and stability of residential, business, institutional and industrial areas;
5. To preserve the value of land and building; and,
6. To conserve energy and other natural resources.

(Ord. No. 93-22, 4-20-93; Ord. No. 01-177, 12-11-01; Ord. No. 2014-21, 6-17-14; Ord. No. [2017-33](#), § 178, 6-13-17)

**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.
2. Signs pursuant to Section 21-701 of this Ordinance where landscaping is required.
3. Subdivisions pursuant to Chapter 24 of the Peoria City Code.

B. Notwithstanding the application of Section 21-816.A. above, these provisions shall not apply to the following:

1. An individual lot containing single family or duplex residence
2. Lots or sites within an approved Planned Area Development (P.A.D.) which have been approved with its own landscape plan prior to the adoption of this ordinance. However, these provisions shall be used as the basis for determining the landscaping plans for future P.A.D.'s and such P.A.D. landscaping plans shall meet or exceed the standards of these landscape regulations.
3. Restoration of a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind. For purposes of this paragraph, "restoration" means the act of putting back into a former or original state.
4. Site Plans that included landscaping that were approved prior to the adoption of this ordinance.
5. Lots or sites subject to the provisions governing amendment to approved site plans, set forth in Section 21-320 unless such site plan amendments will:

- a. Increase the number of stories in a building on the lot;
- b. Increase by more than ten percent (10%) or ten thousand (10,000) square feet, whichever is less, the combined floor areas of all buildings on the lot; or
- c. Increase the building or parking coverage on the lot by more than two thousand (2,000) square feet.

(Ord. No. 02-80, 8-22-02; Ord. No. 03-06, 3-13-03; Ord. No.[2017-33](#), § 179, 6-13-17; Ord. No.[2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-817. Definitions.**

*Cacti:* Any family of plants that have fleshy stems and branches with scales or spines instead of leaves and is capable of storing water and requiring no supplemental irrigation.

*Caliper:* The diameter of the trunk of a tree measured six (6) inches above ground level up to and including four (4) inch caliper size, and measured twelve (12) inches above ground level if the measurement taken at six (6) inches above ground level exceeds four (4) inches. If a tree is of a multi-trunk variety, the caliper of the tree is the average caliper of its two (2) largest trunks.

*Evergreen Tree or Shrub:* A tree or shrub of a species which normally retains its leaves/needles throughout the year.

*Ground Cover:* Natural mulch or plants of species which normally reach a height of less than two (2) feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

*Landscape Architect:* A person registered to practice landscape architecture in the State of Arizona.

*Landscape Buffer:* A landscape area that serves to screen the visual impacts caused by the differences in use, such buffer shall be located on the perimeter of the site.

*Landscape Materials:* Materials used for the purpose of landscape improvements which include any or all of the following: lawn or grass areas; trees, shrubs, ground cover or other plantings; irrigation systems; decorative rock, natural or man-made; decorative lighting; detention and retention ponds; waterfalls and man-made streams; and berms or mounds.

*Landscape Plan:* A graphic representation of the landscape development of a site indicating the location of all existing and proposed landscape improvements to be present on the site at the completion of the construction of the project.

*Landscaping:* An exterior improvement of property in accordance with an approved landscape plan and utilizing approved landscape materials.

*Palm Tree:* For the purpose of this Section means a vertical palm that can reach twenty (20) feet or greater in height upon maturity.

*Useable Open Space:* An improved area that enables or provides opportunities for residents to congregate or recreate.

(Ord. No. 03-182, 12-16-03; Ord. No. 06-16, 6-20-06; Ord. No.[2017-33](#), § 180, 6-13-17)

#### **Sec. 21-818. General Landscape Requirements.**

A. *Required Landscape Areas.* No part of any landscape area shall be used for any other use, including but not limited to, parking or display, except for required on-site retention areas and useable open space when such use is shown on the approved landscape plan.

1. *On-Site Landscaped Areas.* All development projects requiring an approved landscape plan shall provide on-site landscaped areas located in accordance with the following schedule:

On-Site Landscaped Areas	Multi-Family & Non-Residential	Industrial	Single Family Residential	Schools
<b>Required Area<sup>a</sup></b>				
Percentage of Net Site Area	20	10 <sup>b</sup>	.	20
1 tree/3 shrubs per	500 SQ FT	500 SQ FT	1,000 SQ FT	800 SQ FT
<b>Street Frontage Area<sup>c</sup></b>				
Arterial Streets FT	15	10	10 <sup>d</sup>	15
Collector and Local Streets FT	15	10	8 <sup>d</sup>	10

<sup>a</sup> Water storage facilities, wireless communication facilities and similar land uses shall be exempt from the on-site landscape area requirements with the exception that street frontage landscaping shall be required.

<sup>b</sup> Mini-storage facilities and similar uses shall be considered industrial developments for the purposes of landscape requirements regardless of zoning designation.

c A landscaped area along all street frontages shall be established and maintained between the street right-of-way and any building, on-site parking area, residential property line or perimeter screen wall. The area of this landscape strip may be used to satisfy, to the extent provided, the on-site landscaped area set forth in this Section. Public utility facilities providing an essential service may be exempt from this standard as determined by the Planning Manager, provided that the development includes the required plantings as set forth in this Section. Single-family residential subdivisions may provide an average of the frontage requirement along arterial roadways to accommodate wall undulation.

d All such landscaped areas shall be held within a tract unless determined otherwise by the Planning Manager. Front lot lines are exempt from the street frontage landscaping requirement.

• For all single-family subdivisions, on-site landscaped areas shall consist of street frontage landscaping, required retention and useable open space areas. The required amount of useable open space shall be determined per the Design Review Manual.

a. All portions of the development site not occupied by buildings, structures, vehicle access and parking areas, loading and unloading areas, and approved storage areas shall be landscaped in accordance with the provisions of this Section. Future building pads within a phased development shall be maintained weed and dust free.

b. All required useable open space areas as defined by the Design Review Manual may be included within the on-site landscaped areas.

c. For the purposes of calculating required landscape area, net site area shall exclude rights-of-way, school playfields, and any required landscape buffer.

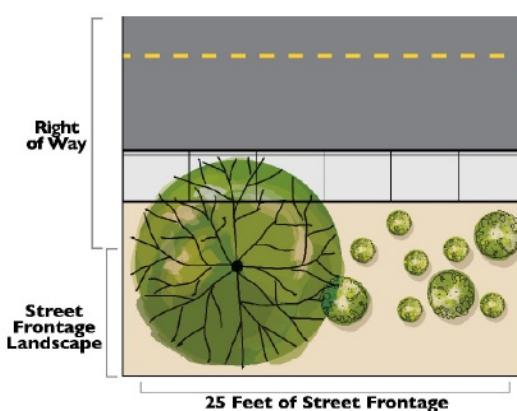
2. *Street Frontages and Rights-of-Way*. All street rights-of-way classified as collector or higher contiguous with the proposed development or located within the interior of a development not used for street pavement, curbs, gutters, sidewalks, or driveways shall be landscaped in addition to the required on-site landscaped areas listed above. Right-of-way landscaping shall be designed to minimize water usage and maintenance obligations.

a. The installation of street trees, shrubs, and vegetative ground cover shall be required for projects in an amount equal to or greater than one (1) tree and three (3) shrubs for every twenty-five (25) feet of street frontage, and vegetative ground cover. The shrubs and ground cover shall occupy a minimum of thirty percent (30%) of the total street frontage landscaped area at maturity. Residential subdivisions shall be exempt from this provision where lots front onto a street.

b. The required plantings shall be located in the street right-of-way landscaped area within a minimum seven (7) foot wide planter area, or within the required right-of-way, and street frontage landscape areas.

c. Such planting requirements shall be in addition to the landscape requirements in Section 21-818.A.1. All additional plantings in excess of the requirement may be used to satisfy the on-site landscaping requirements.

d. Future phases of contiguous development shall include street frontage and right-of-way landscaping with the first phase of development. The area and plantings provided for subsequent phases shall count only towards the landscape requirements for the future development. This requirement may be modified for large-scaled projects as approved by the Zoning Administrator.



3. *Landscape Buffers*. A landscape buffer shall be provided in the manner, context and density specified below:

Landscape Buffer	Single Family Residential District	Multi-Family & other Residential Districts
Non-Residential Districts (O-1, C-1)	20'	20'
Non-Residential Districts (all other)	30'	30'
Multi-Family District (RM-1)	20'	n/r

Landscape Material	Density	Minimum Size at Planting
Trees	3 per 1,000 sq. ft.	24 inch box
Shrubs	3 per 1,000 sq. ft.	5 gallon
Inert Groundcover	100% of area	¾" (if DG)

For the purposes of this Section, the buffer utilized when adjacent to a PAD or PCD development unit or site will be determined on the basis of the land use scheduled or utilized for said area or as otherwise determined by the Zoning Administrator.

#### 4. *Parking Area Landscaping.*

a. *Surface Parking.* For all developments exceeding fifteen thousand (15,000) square feet of gross floor area, ten percent (10%) of all parking lot areas, exclusive of service drive aisles, shall be landscaped. The requirement for general industrial and manufacturing developments as delineated in Table 21-503 or for developments containing fifteen thousand (15,000) square feet or less shall be five percent (5%) of the parking lot area. The parking landscape area shall be located entirely within the exterior curbs of the surface parking area. All surface parking areas shall incorporate the following elements:



- 1) One (1) parking lot island with raised concrete or decorative curbing shall be provided for every eight (8) parking spaces. In addition, landscape islands shall be provided at the end of each parking row.
- 2) Each landscape island shall be a minimum width of seven (7) feet, measured from back of curb to back of curb and equal the length of the parking stall(s).
- 3) Landscaped medians shall be provided for all double rows of parking which exceed thirty (30) total spaces. Each median shall be a minimum width of seven (7) feet of which a two (2) foot parking overhang on both sides may be included. Curb breaks may be provided to accommodate drainage flows. A deviation or alternative to this requirement may be considered by the Planning Manager or designee provided the intent of the landscape median is satisfied.

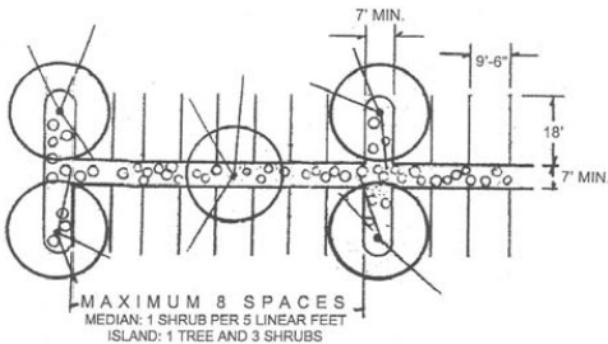
#### b. *Multi-level Parking Structures.*

- 1) For projects that utilize multiple level parking structures, a minimum ten (10) foot landscape area shall be located around the perimeter of the structure.
- 2) For projects that utilize both surface and multi-level parking structures, the required parking area landscape shall be the combined requirements of the above.

#### 5. *Parking Landscape Improvements.*

##### a. *Surface Parking.*

- 1) Surface parking areas shall contain one (1) tree and three (3) shrubs for every parking island (one stall in length).
- 2) Landscaped parking medians shall contain one (1) shrub for every five (5) linear feet of landscaping. A minimum of one (1) tree shall be provided between landscape islands. Adequate planter area shall be provided to accommodate full tree maturity.
- 3) All plantings within surface parking areas may be used to satisfy the landscape requirements in Section 21-818.A.1. The parking area tree palette shall only include species that provide adequate shading and minimal litter.
- 4) Shrubs within a landscape island or median shall be maintained to a maximum height of three (3) feet, and all trees at maturity within such planters shall maintain a minimum clearance of six (6) feet from the lowest branch to the adjacent grade elevation.



- b. *Multi-level Parking Structures.* The landscape area provided at the perimeter of multiple level parking structures shall contain one (1) tree and three (3) shrubs for every twenty (20) feet of structure perimeter.
6. *Drainage Facilities (Public and Private).* Drainage facilities shall be landscaped with desert-adapted plantings and ground surface materials providing for erosion protection and the efficient utilization of the structure.
7. *Building Foundation.* Non-residential and multi-family residential buildings shall include a landscape foundation planter with a minimum width of five (5) feet between the building and parking lot. This foundation planter area shall comprise a minimum of fifty percent (50%) of the façade(s) length and may count towards the on-site landscape area requirements. A deviation or alternative to this requirement may be considered by the Zoning Administrator.

Building foundation planter areas shall include one (1) shrub for every five (5) linear feet. All plantings within building foundation planter areas may be used to satisfy the landscape requirements in Section 21-818.A.1. A deviation or alternative to this requirement, including but not limited to, raised planters with seatwalls, decorative planter boxes, potted trees/shrubs, may be considered by the Zoning Administrator or designee provided the intent of the building foundation planter is satisfied.

#### B. Design Standards.

- Minimum Size of Trees and Shrubs.* Unless otherwise specified herein, all required trees shall be a minimum of fifteen (15) gallons in size and at least fifty percent (50%) of those trees must be twenty-four (24) inch box or larger in size. All shrubs shall be a minimum of five (5) gallons in size to satisfy the landscape requirements in Section 21-818A.2.
- Limitation On Use of Turf.* The use of turf (lawn) shall be limited to a maximum of ten percent (10%) of the site. This provision may be waived by the Zoning Administrator for those projects that require a greater amount of turf due to the nature of their use (i.e. schools, parks, etc.). Turf areas that are not accessible via a sidewalk, pathway, or trail, or those that occupy slopes in excess of 6:1 shall be prohibited. Turf areas within the right-of-way or any space less than 8 feet in length or width shall be prohibited.
- Canopy Separation.* The maximum separation between the canopy coverage of trees, shrubs, or ground cover shall not exceed ten (10) feet in any direction as measured at maturity. Greater separations may be approved through site plan approval in the Desert Lands Conservation Overlay areas as identified in Section 21-726 to be consistent with the natural undisturbed desert plant densities in the immediate vicinity of the development.
- Ground Surface Treatment.* All landscaped areas shall be finished with a natural topping material which may include, but not limited to, the following: turf (subject to Section 21-818.B.2, ground cover, planting,  $\frac{3}{4}$ " screened decomposed granite (or as approved by plan review) at a 2" minimum depth, river rock, expanded shale, or bark. A pre-emergent herbicide shall be applied to the ground prior to and after the placement of natural surface materials (decomposed granite, river run rock, etc.) in any landscaped area to prevent weed growth.
- Irrigation Standards.* All landscaped areas shall be supported by an automatic irrigation system which may be a spray, flood, or drip type system. A backflow prevention device as approved by the City shall be required with the installation of all irrigation systems. All irrigation systems and landscaped areas shall be designed, constructed, and maintained to promote water conservation and prevent water overflow or seepage onto the street, sidewalk, or parking areas. Such irrigation systems shall also comply with the Landscaping and Irrigation Policy Guide.

A separate water meter shall be installed for landscaping that is installed within the right-of-way and maintained by the City. For developments in which the property owner is to maintain the right-of-way landscaping, the right-of-way irrigation system shall be separated or isolated from the on-site irrigation system.

6. *Obstructions to Visibility.* All landscaping and landscaped materials established in close proximity to a driveway or street intersection shall be installed and maintained in compliance with the City's visibility triangle requirements. All ground covers within surface parking areas shall be designed to minimize interference with surveillance capabilities or vehicular and pedestrian circulation.
7. *Protection of Landscaped Areas from Vehicular Damage.* Permanent containment barriers (concrete curbs or bumper guards) shall be installed and properly secured within or adjacent to all proposed parking areas and along all driveways and vehicular access ways to prevent the destruction of landscape materials by vehicles. All trees and shrubs shall be installed a minimum of two and one-half (2.5) feet from back of curb.
8. *Obstructions of Fire Hydrants.* All plant materials shall be planted so that at maturity the edge of the plant will be no closer than three (3) feet to any fire hydrant or fire suppression device.
9. *Landscape Screening.* All mechanical equipment, electrical meters and similar utility devices shall be screened from public view with appropriate plantings.
10. *Trails.* All trails required by the Rivers and Trails Master Plans shall include landscaping and hardscape materials as determined by the Community Services Master Plan unless otherwise addressed within the Zoning Ordinance.

11. *Acceptable Landscape Materials.*

- a. Plant materials utilized in landscaped areas shall be included on the most recent edition of the Phoenix Active Management Area Low Water Use Plant List, unless otherwise approved by the Zoning Administrator.
- b. No artificial plant materials may be used to satisfy the requirements of this Section.
- c. Palm trees shall not be installed within the right-of-way unless the maintenance for the palm trees is provided by the owner.
- d. Pollen producing vegetation such as the Mulberry tree (*Morus Alba*) or Olive tree (*Olea Europea*) shall be prohibited.

(Ord. No. 00-20, 5-16-00; Ord. No. 02-95, 12-11-02; Ord. No. 03-182, 12-16-03; Ord. No. 04-186, 8-24-04; Ord. No. 06-07, 3-21-06; Ord. No. 2014-21, 6-17-14; Ord. No. [2017-33](#), § 181, 6-13-17; Ord. No. [2022-24](#), § 2(Exh. 1), 11-15-22)

**Sec. 21-819. Lake Pleasant Parkway Scenic Roadway Corridor.**

Lake Pleasant Parkway is a unique roadway corridor that traverses areas of recognized scenic quality and natural desert beauty. Sensitive development standards guided by preservation and quality of life objectives provide direction for location of streets and buildings within this corridor. Special standards for development within the corridor reflect the need for sensitive encroachment into the natural desert environment.

A. *Scenic Roadway Established.* A Scenic Roadway Corridor is established encompassing a width of  $\frac{1}{4}$  mile (1,320 feet) on either side of the centerlines of the following streets:

1. Lake Pleasant Parkway, from Rose Garden Lane to the Carefree Highway.
2. Carefree Highway, from Lake Pleasant Parkway to SR 74.
3. SR 74, from Carefree Highway to the western limits of the City of Peoria.

B. *Urban, Suburban and Rural Environments.*

1. *Urban Sector.* The Urban Sector shall extend from Rose Garden Lane to Happy Valley Road.
2. *Suburban Sector.* The Suburban Sector shall extend from Happy Valley Road to the Agua Fria River crossing on SR 74.
3. *Rural Sector.* The Rural Sector shall extend from the Agua Fria River crossing on SR 74 to the western limits of the City.

C. *Development Standards.*

1. Special landscape setbacks to open view corridors adjacent to the roadways are established as follows. Landscape setbacks are in addition to required street landscaping requirements for the various zoning districts established elsewhere in this ordinance.
  - a. The landscape setback for Urban Sector areas shall be 15 feet.
  - b. The landscape setback for Suburban Sector areas shall be 30 feet.
  - c. The landscape setback for Rural Sector areas shall be 50 feet.
2. Driveways within the special setback areas shall not exceed 20% of the setback.
3. Landscape materials located within the special setback areas shall consist of native plant materials and

treatments consistent with the planting context of natural desert areas in the vicinity.

(Ord. No. [2017-33](#), § 182, 6-13-17)

## **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, 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 Department.
3. *Plans Review.* Conceptual Landscape Plans shall be reviewed for compliance and approved in accordance with the requirements of this Section.

### B. *Final Landscape Plan Review.*

1. *Plan Format and Content.* Final landscape plans shall conform to the guidelines of the Final Landscape Plan Review Process Guide available from the Planning Department. Final irrigation plans shall be included with the submittal.
2. *Final Landscape Plan Review.*
  - a. The final landscape plans for multi-family and non-residential development projects shall be submitted with the building permit application and shall be approved prior to the issuance of building permits.
  - b. Final landscape plans for subdivisions shall be reviewed by the Planning Division at the time of off-site improvement plan review. Landscaping installation with the public right-of-way shall be subject to the bonding requirements as established by the City.
3. *Plans Review.* The City shall review final landscape plans for conformance with the approved conceptual landscape plans.

### C. *Landscape Plan(s) Preparation.* All landscape plans submitted to the City for review shall be prepared and sealed by a registered Arizona Landscape Architect. Such regulations are governed by the State of Arizona Board of Technical Registration.

(Ord. No. [2017-33](#), § 183, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

## **Sec. 21-821. Landscape Installation and Maintenance.**

### A. *Landscape Completion.*

1. Except as otherwise provided in Section 21-821.A.2. below, all landscaping must be completed in accordance with the approved landscape plan before a Certificate of Occupancy may be issued for any building on the lot.
2. If the property owner provides the Community Development Director documented assurance that the landscaping will be completed within six (6) months, the City may issue one (1), six (6) month temporary Certificate of Occupancy and permit the property owner to complete the landscaping during the six (6) month period. For purposes of this Subsection, "documented assurance" means a cash bond, cash deposit, or irrevocable letter of credit in an amount equal to 110% of the cost to install the landscaping and irrigation system.

### B. *Landscape Maintenance.*

#### 1. *Owner Maintenance.*

- a. The property owner and/or Lessee shall maintain all landscape materials both on-site and in the adjacent right-of-way in accordance with the approved landscape plan(s).
- b. Required landscaping must be maintained in a healthy, growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all planting as needed. Any plant that dies must be replaced with another living plant that complies with the approved landscape plan within thirty (30) days after notification by the City.
- c. Any damage to utility lines resulting from the negligence of the property owner or his agents or

employees in the installation and maintenance of required landscaping in a utility easement or public right-of-way is the responsibility of the property owner. If a public utility disturbs a landscaped area in a utility easement, it shall make every reasonable effort to preserve the landscaping materials and return them to their prior locations after the utility work. If, nonetheless, some plant materials die, it is the obligation of the property owner to replace the plant materials.

d. Any public land landscaping that does not meet the criteria of Section 21-821.B.3. shall be maintained by the owners of the adjacent properties.

2. City Maintenance of Public Lands. The City may accept responsibility for the maintenance and operation of landscaping and appurtenances as described by one of the following categories:

- a. Equestrian trails and multi-use paths along the AC/DC canal, CAP canal, New River, Agua Fria River, and Skunk Creek corridors.
- b. Street rights-of-way abutting municipal public facilities.
- c. Flood control facilities which have been accepted for operation and maintenance by the City.
- d. Areas identified for City maintenance by the City Council.

3. Conditions for Accepting Maintenance. Prior to the City accepting for maintenance any landscaping and appurtenances as described in Section 21-821.B.2. above, the following conditions shall have been satisfied:

- a. A separate landscape and irrigation plan, prepared in accordance with Section 21-820.B., shall be prepared and approved for any area to be considered for City Maintenance. The plans may be part of the same submittal, but on different sheets than landscape and irrigation plans for areas to be maintained by the private property owner.
- b. Prior to construction of landscaped areas to be maintained by the City, the owner/developer shall provide cash, certified check, or negotiable bond in an amount sufficient to provide the installation of the landscaping and irrigation system.
- c. The landscaping shall be inspected and approved by the City for compliance with the approved landscape plan.
- d. The subsequent completion of a ninety (90) day maintenance period wherein the developer shall be responsible for all watering, weeding, and replacement of all dead or dying plant materials.
- e. A final inspection called by the developer or his representative at the completion of the ninety (90) day maintenance period resulting in final approval and acceptance by the City.

(Ord. No. 03-182, 12-16-03; Ord. No. [2017-33](#), § 184, 6-13-17)

#### **Sec. 21-822. Permits.**

Permits for landscape and irrigation installation are required for backflow prevention, electrical connections, and all work performed within the public right-of-way.

(Ord. No. [2017-33](#), § 185, 6-13-17)

#### **Secs. 21-823—21-855. Reserved.**

## **Sec. 21-900.**

### **Parking and Loading**

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#### **Sec. 21-901. Intent.**

It is the intent of this Section to regulate and ensure the provision of adequate motor vehicle parking and loading spaces for each land use. The purpose of the regulations and development standards set forth in this ordinance aims to alleviate traffic congestion and vehicular/pedestrian conflicts.

(Ord. No. 94-74, 11-1-94; Ord. No. 2011-25, 12-6-11; Ord. No. 2013-16, 9-17-13; Ord. No. [2017-33](#), § 186, 6-13-17; Ord. No. [2024-19](#), § 2(Exh. A), 12-17-24)

#### **Sec. 21-902. Plans Required.**

Applications for a building permit for new construction, additions, alterations or change in use shall include a site plan at an appropriate scale that clearly shows proposed site improvements relating to parking as required by this Section. All plans shall show the location, arrangement and dimensions of off-street parking area(s), parking spaces, parking lanes, aisles/driveways, points of ingress and egress, walls, landscaping and barriers. Sidewalks, pedestrian ways, bicycle facilities and their access shall also be shown. The access or driveway locations, width and spacing as well as sight lines and distances, the arrangement of spaces, stall dimensions, surfacing, striping and lighting shall be in compliance with adopted City standards.

**Sec. 21-903. 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 21-903.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 Peoria City Code.
4. *Parking Stall Dimensions.* The following shall be the minimum parking stall size:

Type	Width	Length $\Delta$
Standard	9.5 feet	20 feet
Accessible	16 feet	20 feet
Compact	8 feet	16 feet
Parallel	8 feet	24 feet

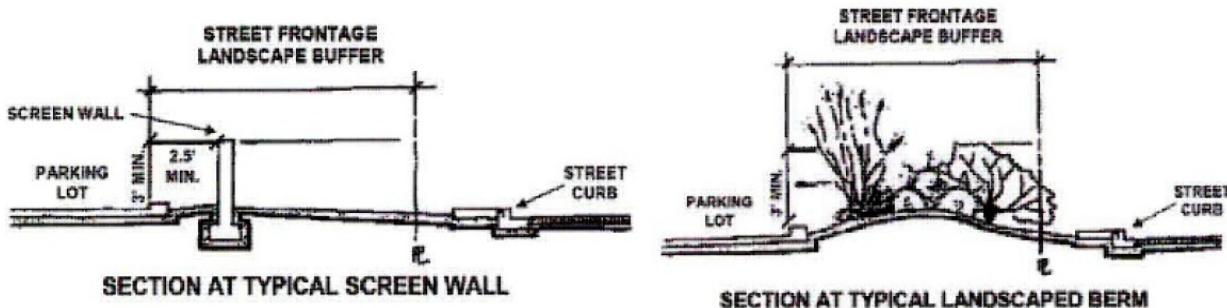
$\Delta$  The front of the parking space may overhang two (2) feet into a landscape strip or pedestrian walkway, however, any parking spaces protruding over a pedestrian walkway shall maintain at least a four (4) foot wide clearance for pedestrian access.

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.



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 21-701.
18. *Parking Canopies, Non-Residential and Multi-Family Residential Land Uses.*
- 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.
  - The height of parking canopies not within the required side or rear building setbacks shall be limited to fifteen feet (15') from grade.
  - All parking canopies are subject to the Community Design Guidelines.
  - Setbacks are measured from property line to nearest edge of canopy.
  - All required landscaping, parking or otherwise, shall be provided.
  - This portion of the Zoning Ordinance is not intended to supersede approved zoning stipulations or conditions of approval.

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

1. *Residential Uses.*

Parking Spaces Required		
Dwelling Type	With On-Street Parking	Without On-Street Parking
<b>Parking Spaces Required</b>		
Dwelling Type	With On-Street Parking	Without On-Street Parking
Single-family	2.0 spaces/unit	3.0 spaces/unit

Mobile Homes	2.0 spaces/unit	3.0 spaces/unit
Two-family	2.0 spaces/unit	2.0 spaces/unit <sup>a</sup>
Three-family	2.0 spaces/unit	2.0 spaces/unit <sup>a</sup>
<b>Multi-family<sup>b</sup></b>		
Efficiency/Studio	1.0 spaces/unit	1.0 spaces/unit
One Bedroom	1.5 spaces/unit	1.5 spaces/unit
Two or More Bedrooms	2.0 spaces/unit	2.0 spaces/unit

<sup>a</sup> In addition to the required spaces, .25 guest spaces per unit shall be included.

<sup>b</sup> In addition to the required spaces, one (1) guest space for each ten (10) units shall be included.

<sup>c</sup> MF Standards

a. *Additional Residential Parking Requirements.*

- 1) An improved residential driveway shall be provided between a public or private street or alley and a garage, carport or other parking space. The driveway shall consist of concrete, asphalt, sealed aggregate pavement, or masonry. Crushed rock or aggregate is an acceptable driveway surface as long as it is a minimum of three inches deep and contained by a permanent border.
- 2) The driveway within the front yard setback for single family, mobile homes, two family and three family residential occupancies, may be applied against the required off-street parking requirement provided the parking area occurs on an improved, dustproof parking surface as specified herein and meets the minimum dimensional requirement for standard parking stalls.
- 3) All standard front-entry garage and carport entrances shall be setback a minimum of twenty (20) feet from the street right-of-way line. In no case shall a standard front-entry garage or carport be located closer than eighteen (18) feet from the street right-of-way line, access easement or private roadway tract.
- 4) It shall be unlawful to park or store any vehicle within the front or side yard of a single family residence use unless such parking or storage is on an improved, dustproof-parking surface such as concrete or asphalt, "chip seal", or crushed rock or aggregate that is a minimum of three inches thick. All crushed rock or aggregate shall be contained by a permanent border. Parking within the front yard of a single residence use shall be on or contiguous to a driveway as specified herein. All parking and vehicle storage shall be parallel with the driveway's prime orientation, excluding side entry garage layouts.
- 5) The maximum or total defined driveway width may be expanded to accommodate floor plans that offer a combination of both front and side loading garages.
- 6) The total cumulative parking and/or maximum width of the driveway within the front yard for lots that are eighty-five (85) feet wide or less shall be thirty (30) feet or fifty percent (50%) of the lot width, whichever is less.
- 7) For lots that exceed eighty-five (85) feet in width, the total cumulative parking and/or maximum width of the driveway within the front yard shall be forty (40) feet. In no case shall the front yard exceed a total of forty-five percent (45%) of driveway or parking area. Lots that exceed eighty-five (85) feet in width may incorporate a front yard circular drive provided the maximum total driveway width is forty (40) feet. The front yard should not exceed a total of forty-five (45) percent of improved surface (concrete, asphalt or masonry).
- 8) The Planning Manager may approve additional paved areas, not to exceed fifty percent (50%), on irregularly shaped lots resulting from curvilinear streets, topography or other unique conditions so long as the intent and purposes of this Ordinance are preserved.
- 9) All areas not utilized as the driveway, or designated as parking or vehicle storage shall be landscaped. In no instance shall parking or vehicle storage occur in any front yard on landscaped area.

2. *Non-Residential Uses.*

USE	DESCRIPTIONS	PARKING RATIO
USE	DESCRIPTIONS	PARKING RATIO
<b>Administrative &amp; Financial</b>		

Professional Offices	Facilities for general office work providing professional, business administrative, informational services, or facilities that house governmental agencies and similar uses	a) One (1) space per two hundred (200) SF of floor area
Financial Services	Institutions providing financial advice and services in a bank, or similar financial institutions, to include accessory office building, automatic teller machine and similar uses	a) One (1) space per one hundred fifty (150) SF of floor area
	Financial institutions with drive- through facilities	a) Sixty (60) linear feet of stacking space per lane exclusive of drive aisles and parking spaces
Unspecified Office Use (Shell Building)		a) One (1) space per one hundred seventy-five (175) SF of floor area
<b>Automobile Related</b>		
Auto Services	Facilities providing general vehicle service or repair, and similar services	a) A queuing space of one hundred (100) linear feet exclusive of drive aisles and parking spaces.
		b) Three (3) spaces per service bay
		c) One (1) space per three hundred (300) SF of gross floor area excluding service bay.
Automobile Rentals or Dealerships	Facilities for sale or rental of new or used auto, boat, RV, truck, trailer, camper, motor home or Motorcycle. (Outdoor vehicle display spaces are not required to meet dimensional requirements of this Section)	a) One (1) space per one thousand (1000) SF of gross floor area, plus
		b) One (1) space per six thousand (6000) SF outdoor vehicle display area
Automobile Towing and Impound Facilities	Facilities for towing, dismantling, recycling, impound and storage of junk vehicles, to include sanitary landfills and similar uses	a) One (1) space per one thousand (1000) SF of floor area
		b) Minimum of four (4) spaces
Car Washes	Facilities for the cleaning of vehicles	a) One (1) space per three hundred (300) SF office floor area, plus
		b) A queuing space of one hundred (100) linear feet exclusive of drive aisles and parking spaces.
	Self service facilities for the cleaning of vehicles	a) Minimum of four (4) spaces
<b>Eating &amp; Drinking Establishments</b>		
Restaurants	Eating establishments providing self- services or with high turnover rate and similar services	a) One (1) space per fifty (50) SF of serving area, plus
		b) One (1) space per two hundred (200) SF for preparation area
	- with drive-through services	a) Eighty (80) linear feet of stacking space from the entrance of the drive-through lane to the menu board exclusive of drive aisle and parking spaces, plus  b) Eighty (80) linear feet of stacking space from the menu board to the pickup window.
Taverns, Bars, Pubs and Lounges	- with outdoor seating	a) One (1) space per one hundred (100) SF of serving area
		a) One (1) space per fifty (50) SF of serving area, plus
	Establishments licensed to sell alcoholic beverages to be consumed on the premises, often with limited food service	b) One (1) space per two hundred (200) SF for preparation area
<b>Entertainment &amp; Recreation</b>		

Adult Uses	Establishments for adult entertainment that emphasize adult oriented uses and services in an adult motion picture theater, arcade, adult cabaret, adult motel, nude studio and similar facilities	a) One (1) space per fifty (50) SF floor area
	Adult specialty shops for purchase of adult books, video, and similar products	a) One (1) space per three hundred (300) SF floor area
Indoor Public Assembly	Facilities providing a variety of indoor public assemblies in a convention or reception center, meeting hall, social or private club, music hall, theatre and similar places, excluding taverns, bars, pubs, lounges and adult uses	a) One (1) space per two hundred (200) SF of floor area, or  b) One (1) space per four (4) fixed seats of design capacity
Indoor Recreation	Facilities providing a variety of indoor health and sports activities in a sporting complex, stadium, skating rinks, pool hall, dance hall, tennis and racquet clubs, game room, video arcade, bingo hall, community center, fitness center and similar indoor facilities	a) One (1) space per two hundred (200) SF of floor area
	Bowling alleys	a) Two (2) spaces per lane, plus  b) Two (2) spaces per billiard table, plus  c) One (1) space per each five visitor gallery seats
Outdoor Amusement and Recreations	Facilities providing a variety of outdoor amusement, entertainment, and similar activities in an amusement park, fairground, zoo, auditorium and similar places, to include special outdoor events such as carnivals or outdoor concerts. Outdoor recreations include a variety of outdoor health and sport activities in a racetrack, stables, rodeo ground, outdoor shooting range, swimming and tennis clubs, miniature golf and similar places	a) One (1) space per one thousand (1000) SF activity area
	Golf course and driving range	a) One (1) space per two hundred (200) SF of main building floor area, plus  b) One (1) space per every two (2) practice tees in driving range, plus  c) Four (4) spaces per each green in the playing area
<b>General Industrial &amp; Manufacturing</b>		
Intense Manufacturing and processing	Facilities that include the use of chemicals, heavy equipment and machinery for the fabrication and processing of goods.	a) One (1) space per one thousand (1000) SF of warehouse area, plus
		b) One (1) space per three hundred (300) SF office floor area
Light Industrial and Manufacturing	Facilities providing light manufacturing and assembly services in printing and publishing plants, computer processing centers, research laboratories, mail order stores, parcel delivery plants, commercial dry cleaning and laundry plants, environmental facilities, radio, T.V and other communications facilities, and similar facilities	a) One (1) space per five hundred (500) SF of warehouse area, plus
		b) One (1) space per three hundred (300) SF office floor area
Outdoor storage	Facilities providing exterior storage of construction equipment and materials, recyclable material, and similar uses	a) One (1) space per five thousand (5000) SF of designated outdoor area, plus
		b) One (1) space per three hundred (300) SF office floor area
		c) Minimum of four (4) spaces
Unspecified Industrial Use (Shell Building)		a) One (1) space per five hundred (500) SF of floor area
	Facilities providing warehousing of material and	a) One (1) space per one thousand (1000) SF of warehouse area, plus

Warehousing	goods and similar uses	b) One (1) space per three hundred (300) SF office floor area
	Mini-storage facilities and similar uses	a) One (1) space per fifty (50) units
Wholesale, distribution	Facilities providing wholesale or distribution of trucks, trailers, boats, new and used cars, bulk fuel, machines, appliances, equipment, building material, lumber, plant nurseries, produce and similar merchandise in indoor or outdoor storage areas to include machine shops, lumberyards, import/export shops, moving, rental, or storage companies, market sales yards, and similar facilities	a) One (1) space per five hundred (500) SF of sales or display area, plus b) One (1) space per one thousand (1,000) SF of indoor storage area, plus c) One (1) space per two hundred (200) SF of retail or office floor area
<b>General Retail</b>		
Retail, Rentals and Sales	Establishments providing general retail sales and services for art, music, sports supplies, clothing, grocery, drug, video rentals and sales, electronic equipment, gift and souvenir, furniture, appliance, household equipment, hardware, and similar products in a single store on a single lot, not part of a shopping center (less than 50,000 SF)	a) One (1) space per three hundred (300) SF of floor area
	Establishments providing drive-through services including liquor stores, laundries and dry cleaners, pharmacies and similar services	a) One hundred (100) linear feet of stacking space exclusive of drive aisles and parking spaces.
	Establishments providing general retail sales and services in a shopping centers (a commercial establishment planned, developed, owned or managed as a unit and more than 50,000 SF)	a) One (1) space per two hundred-fifty (250) SF of floor area. Note: for any center with more than fifteen percent (15%) of floor area in public assembly uses, including theaters, restaurants, schools, health spas, bars or cocktail lounges, there shall be required, in addition to these standards, ten (10) spaces per one thousand (1000) SF of public area within these uses
Unspecified Retail Use (Shell Building)		a) One (1) space per two hundred fifty (250) SF of floor area
<b>Institutional</b>		
Child care	Facilities providing daily care of children in a nursery, day care or pre- school center	a) One (1) space per four hundred (400) SF of floor area
Public, social and cultural services	Facilities providing public, social, non-profit, or institutional services in a library, museum, art gallery, post office, treatment, detention, or release center, halfway house, employment agency, shelter, and similar civic/public, cultural, and social institution (excluding group home)	a) One (1) space per two hundred (200) SF of floor area
Religious assembly	Facilities providing religious worship or study in a church, temple, synagogues and similar places	a) One (1) space per four (4) seats in main assembly area based on design capacity
School	Public, charter or private educational institutions for Elementary and Junior High	a) One (1) space per three (3) fixed seats of auditorium based on design capacity plus
		b) Minimum of ten (10) spaces for visitors parking
	Senior High	a) Two (2) spaces per classroom, plus
		b) One (1) space per employee, plus
		c) One (1) space per three (3) fixed seats of auditorium based on design capacity plus
		d) Minimum of ten (10) spaces for visitors parking.
		a) Five (5) spaces per classroom, plus

Secondary Education	Public or private facilities providing education in a college, university, trade or vocational school, and similar institutions	b) One (1) space per three (3) fixed seats of auditorium based on design capacity
Senior care	Facilities providing long-term care for seniors in a nursing or convalescent home, hospices or similar care facility (excluding group home)	a) One (1) space per three (3) beds
Utility	Structures, equipment, or facilities providing for public/private utility and services, including radio, television, communication transmission, tower and similar structures	a) One (1) space per use
<b>Intense Retail</b>		
Commercial Sales (with or without outdoor sales and display area)	Establishments providing heavy retail sales, rentals and services for mobile homes, appliances, machines, equipment, hardware, lumber and building material, upholstery, grain, feed, seed, fertilizer, farm and garden supplies and similar products in store with outdoor storage such as home improvement stores, furniture shops, monument engraving shops, swap meet farmers markets and similar intense retail with outdoor sales operations	a) One (1) space per three hundred (300) SF of sales floor area
Commercial Service Establishments combining retail, showroom with workshop.	Establishment combining retail, office, showroom with workshop, such as interior decorator, custom dressmaking or tailor, photographer, minor household appliance repair and similar activities.	a) One (1) space per five hundred (500) SF floor area
<b>Lodging</b>		
Hotels or Motels	Places for lodging with ancillary facilities to include sleeping rooms, restaurants, lounges, resorts, meeting rooms and similar uses	a) One (1) space per room, plus
		b) One (1) space per one hundred (100) SF of restaurant and bar serving area, plus
		c) One (1) space per one hundred (100) SF of outdoor seating serving area
		d) Ten (10) minimum spaces for visitors parking, plus
		e) One (1) space per two hundred (200) SF of meeting room floor area
Lodging Accommodations	Establishments providing accommodation in a bed and breakfast, lodge, to include fraternity, sorority, and similar facilities	a) One (1) space per room
Recreational Resorts	Facilities providing overnight stops in Recreational Vehicle Park, travel trailer park, overnight camp ground and similar places	a) One (1) space per two hundred (200) SF of gross activity area, or
		b) One (1) space per RV or trailer
<b>Medical</b>		
Health Clinics	Facilities providing medical, dental, optical care or preventative medicine and clinical research studies in a clinic or laboratory, including accessory offices	a) One (1) space per two hundred (200) SF of floor area
Hospitals	Facilities providing medical or surgical care, emergency medical and similar services	a) Two (2) spaces per bed, plus
		b) One (1) space per employee
		c) Minimum thirty (30) spaces for emergency services
Veterinarian Hospitals or Clinics	Establishments for medical, surgical, and emergency care of animal, to include veterinary office and clinics without animal boarding	a) One (1) space per two hundred fifty (250) SF of floor area
<b>Personal Services</b>		

General Professional Services	Establishments providing general professional services such as appliances repair, cabinet and carpentry making, custom dressmaking and alteration, watch and clock repair, dry cleaning and laundry, locksmith, messenger delivery, pest control, photographic developing and printing, blueprint production, travel information and similar professional services	a) One (1) space per two hundred (200) SF of floor area
Personal Improvement	Establishments providing personal services such as tanning, massage therapy, manicure, hair and beauty treatment, tattoo and body piercing, palm reading, fortune tellers, and similar services	a) One (1) space per one hundred fifty (150) SF of floor area
Pet Care	Establishments for sheltering, and grooming of animals	a) One (1) space per two hundred (200) SF of floor area
<b>Transportation</b>		
Air Travel	Facilities providing aviation transport and services in an airport, heliport, or helistop to include aircraft repair and sales, and similar services	a) One (1) space per one hundred (150) SF of waiting room floor area, plus
Road Travel	Facilities providing bus, rail and motor freight, and school bus transportation, parking and maintenance in terminals, and similar facilities	b) One (1) space per five hundred (500) SF of maintenance floor area, plus c) One (1) space per two hundred (200) office floor area
Water Travel	Facilities providing boat charters, marinas, marina fuel and similar services	a) One (1) space per one hundred fifty (150) SF of waiting room floor area, plus b) One (1) space per two hundred (200) SF of office floor area
<b>Other</b>		
Funeral Services	Facilities providing burial preparation and/or funeral services in a cemetery, crematorium, mausoleum, funeral home and chapel, mortuaries and similar facilities	a) One (1) space per every three (3) fixed seats in main viewing rooms based on design capacity, plus b) One (1) space per funeral vehicle

3. *Calculating Spaces.* In case of fractional results in calculating parking requirements, the required numbers of the sum for the various uses shall be rounded up to the nearest whole number if the fraction is 0.5 or greater.

4. *Joint Use Parking.*

a. Up to fifty percent (50%) of the parking facilities required by this Section for a religious institution, cultural center or an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities by the following daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing, wholesale and similar uses.

b. Other joint use of parking on adjacent commercial uses to reduce total parking spaces may be allowed with a parking study submittal by a Registered Professional Engineer, to be approved through the site plan approval process.

c. *Conditions Required for Joint Use:*

- 1) The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within three hundred (300) feet of such parking facilities;
- 2) The applicant shall show that there is no substantial conflict in the operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed;
- 3) A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the City Attorney shall be filed with the City Clerk and recorded with the County Recorder.

5. *Off-Site Parking.*

a. Any off-site parking which is used to meet the requirements of this Section shall be regulated by this Ordinance and shall be subject to the conditions listed below:

- 1) Off-site parking shall be developed and maintained in compliance with all requirements and standards of this Section;
  - 2) Reasonable access from off-site parking facilities to the use being served shall be provided;
  - 3) The site used for meeting the off-site parking requirements of this Section shall be under the same ownership as the principal use being served, under public ownership, or shall have guaranteed permanent use by virtue of a perpetual lease filed with the City Clerk and County Recorder;
  - 4) Off-site parking for multiple-family dwellings shall not be located more than two hundred (200) feet from any commonly used entrance of the principal use served, unless approved through the site plan approval process;
  - 5) Off-site parking for non-residential uses shall not be located more than three hundred (300) feet from the primary entrance of the principal use being used, unless approved through the site plan approval process.
6. The loading area, aisles, and access drives shall be paved so as to provide a durable dust-proof surface and shall be so graded and drained so as to dispose of surface water without damage to private or public properties, streets, or alleys.
7. Bumper rails shall be provided at locations where needed for safety or to protect property.
8. If the loading area is illuminated, lighting shall be deflected down and/or away from abutting residential sites so as to not cause any annoying glare.
9. No regular repair work or servicing of vehicles shall be conducted in a loading area.
10. Off-street loading facilities shall be located on the same site with the use for which the berths are required.
11. If more than one use is located on a site, the number of loading berths provided shall be equal to the sum of the requirements prescribed in this Section for each use. If more than one use is located on a site and the gross floor area of each use is less than the minimum for which loading berths are required but the aggregate gross floor area is greater than the minimum for which loading berths are required, off-street loading berths shall be provided as if the aggregate gross floor area were used for the use requiring the greatest number of loading berths.
12. Off-street loading facilities for a single use shall not be considered as providing required off-street facilities for any other use.
13. At the time of initial occupancy, major alterations or enlargement of a site, or of completion of construction of a structure or of a major alteration or enlargement of a structure, there shall be provided off-street loading berth requirements. The number of loading berths provided for a major alteration or enlargement of a site or structure shall be in addition to the number existing prior to the alteration or enlargement.
14. Space allocated to any off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facility.
- B. *Number of Spaces Required.* Unless otherwise provided in this Ordinance every office, hotel, restaurant, department store, freight terminal or railroad yard, hospital, industrial plant, manufacturing establishment, retail establishment, storage warehouse or wholesale establishments, and all other structures devoted to similar mercantile or industrial pursuits, which has an aggregate gross floor area of five thousand (5,000) square feet or more shall provide off-street truck loading or unloading berths in accordance with the following table:

<b>Square Feet of Aggregate Gross Floor Area Devoted to Such Use</b>	<b>Required No. of Berths</b>
<b>Square Feet of Aggregate Gross Floor Area Devoted to Such Use</b>	<b>Required No. of Berths</b>
5,000 SF up to and including 40,000	1
40,001 SF up to and including 100,000	2
100,001 SF up to and including 160,000	3
160,001 SF up to and including 240,000	4
240,001 SF up to and including 320,000	5
320,001 SF up to and including 400,000	6
400,001 SF up to and including 490,000	7
For each additional 100,000 SF	1 additional