

ORDINANCE NO. 2019-29

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 21 OF THE PEORIA CITY CODE, BY AMENDING SECTION 21-102 "CONFLICTING REGULATIONS", SECTION 21-315 "NOTICES", AND SECTION 21-324 "ADMINISTRATIVE RELIEF" OF THE PEORIA CITY CODE; PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Maricopa County, Arizona, held a public hearing on October 17, 2019 to consider proposed amendments to the Peoria City Code, after notice in the manner provided by law; and

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance, and manner provided by law including publication of such in the Peoria Times on August 29, 2019; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of October 17, 2019 voted to recommend to the Mayor and Council of the City of Peoria, Arizona, that amendments be made to the Peoria City Code; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, have considered the recommendation of the Planning and Zoning Commission of the City of Peoria, Arizona, and deem it to be in the best interest of the public health, safety and welfare of the residents of the City of Peoria, Arizona to amend Section 21-102 ("Conflicting Regulations"), Section 21-315 ("Notices"), and Section 21-324 ("Administrative Relief") of Chapter 21 of the Peoria City Code:


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

SECTION 1. Chapter 21 of the Peoria City Code shall be amended to read as indicated on Exhibit A.


SECTION 2. Effective Date. This Ordinance shall become effective on the date provided by law.

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

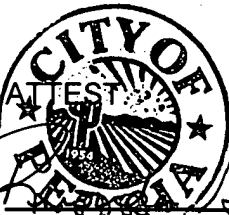

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,
Maricopa County, Arizona this 12th day of November, 2019.



Cathy Carlat, Mayor

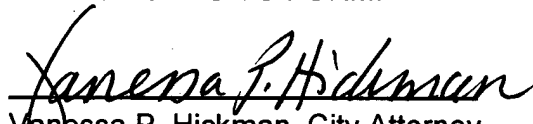


Date Signed

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:



Vanessa P. Hickman, City Attorney

Published in: Peoria Times

Publication Date: November 21, 2019

Effective Date: 12-19-19

Exhibit A

Case TA19-02

Introduction

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21-101 Intent ²

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.

21-102 Conflicting Regulations

A. Relation to Other Regulations

Wherever any provision of this Section imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Section shall govern.

B. Applicability to Property

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

21-103 Private Agreements

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

Administrative Procedures

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21-310 Intent ^{*15-21}

The intent of the Administrative Procedures 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.

21-311 Interpretation

- A. The Department Director or designee thereof, shall interpret the provisions of this Ordinance, and shall interpret uses within each district as provided in the intent and regulations governing the subject district. The Director or designee shall respond in writing to written requests for Ordinance interpretations within forty-five (45) days from the date of receipt of the written request.
- B. Ordinance interpretations may be appealed to the Board of Adjustment (BOA). Such appeals may be initiated by an office, department, board, or commission of the City or by any aggrieved party. The appeals shall be processed in accordance with Section 21-323 of this Ordinance.

21-312 Enforcement

A. General

The City of Peoria shall diligently enforce the provisions of this Ordinance to protect the health, safety, and welfare of the residents of the City of Peoria and to promote the City's planning efforts.

1. Enforcement shall include but not be limited to the following:

21-315 Notices *14,*18

Table 21-316 Notices

	Notice of Application [Postcard] Property Owner Notification Distance Radius	Notice of Hearing [Postcard] Property Owner Notification Distance Radius	Newspaper Ad	Site Posting (Responsible Party)	Notice of Decision [Postcard] Property Owner Notification Distance	Notice of Neighborhood Meeting [Letter] Applicant's responsibility Notification Distance Radius
Administrative Relief #	Abutting Properties only	N/A	No	No	Abutting Properties only	N/A
Conditional Use Permits	600 FT	600 FT	Yes	Yes (Applicant)	No	If meeting is required, 600 FT
Hillside Appeals	No	300 FT	Yes	Yes (City)	No	N/A
PAD/PCD Major Amendment	o	o	Yes	Yes (Applicant)	No	o
PAD/PCD Minor Amendment	Map Amendments only (300 FT)	o	Text Amendments only	No	No	N/A
Rezoning	o	o	Yes	Yes (Applicant)	No	o
Site Plans	300 FT	If appealed, 300 FT	If appealed	No	300 FT	N/A
Site Plan Major Amendment	300 FT	If appealed, 300 FT	No	No	300 FT	N/A
Temporary Use Permits	No	If BOA hearing is required, 300 FT	If BOA hearing is required	♦	No	N/A
Zoning Ordinance Text Amendment	No	No	Yes	No	No	N/A
Variance	No	300 FT	Yes	Yes (Applicant)	No	N/A
Zoning, Initial	No	o	Yes	Yes (City)	No	N/A

- Specific site posting sign requirements are located in the Site Posting Requirements guide available from the Planning Division.
- o If the property to be rezoned is less than 40 acres, the notification distance shall be six hundred (600) feet. In cases where the property to be rezoned is forty (40) acres or larger, the notification distance shall be 1320 feet.
- ♦ Site posting may be required per 21-322.E. If required, the City shall be responsible for posting signage on the subject property.
- # Subject to the notification requirements outlined in Section 21-324.E.

21-324 Administrative Relief*⁴, *²⁵

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 Planning Manager and shall adhere to the procedures in this Section.
3. A property owner may seek Administrative Relief for both setback and lot coverage, to be evaluated by the Planning Manager.
4. Requests to deviate from the development standards of the zoning district that do not meet the above criteria shall not be considered a minor deviation available for Administrative Relief, but to be considered a Variance as outlined in Section 21-325.

C. Conditions of Approval

The Planning Manager may authorize Administrative Relief when all of the following conditions are fulfilled:

1. The requested modification is the minimum modification for the reasonable use and enjoyment of the land and/or structure;
2. The relief shall not be contrary to the purpose and intent of this Ordinance;
3. Any proposed improvement is for the accommodation of a use designated as a permitted principal, conditional, or accessory use within the zoning district in which the property is located;
4. The request is filed for the use and enjoyment of the current property owner, and is not part of multiple applications from an individual homebuilder for a specific subdivision or planned community;
5. The requested modification will not unduly impact the peace and enjoyment of abutting properties; and

6. Appropriate and specific conditions as may be deemed necessary in order to fully carry out the intent of this Section have been stipulated by the Planning Manager.

D. Application for Administrative Relief

1. A request for Administrative Relief may be filed by any property owner within the City of Peoria.
2. An applicant shall submit an application for Administrative Relief to the Department on an official form provided by the Department, together with the applicable fee(s). The application shall specify the modifications from the zoning code that are being requested, the reason for the request, and the desired decision.

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 Planning Manager's decision to each owner of real property that abuts the subject property requesting an Administrative Relief.

F. Appeal Criteria and Procedure

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

G. Allowance. The granted Administrative Relief shall run with the land.