

ORDINANCE NO. 2022-19

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 21-315 "NOTICES", SECTION 21-317 "REZONING", AND SECTION 21-320 "SITE PLAN"; AND PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Maricopa County, Arizona, held a public hearing on June 2, 2022 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 May 12, 2022; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of June 2, 2022 voted to recommend to the Mayor and Council of the City of Peoria, Arizona, that amendments be made to the Peoria City Code (1992 edition); 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 21-315 "Notices", Section 21-317 "Rezoning", And Section 21-320 "Site Plan" of Chapter 21 of the Peoria City Code (1992 edition):

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

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

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

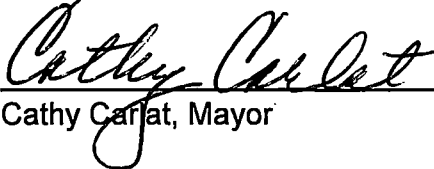
SECTION 2. Effective Date. This Ordinance shall become effective on the date provided by law.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of

competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

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

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 23<sup>rd</sup> day of August, 2022.

  
Cathy Carlat, Mayor

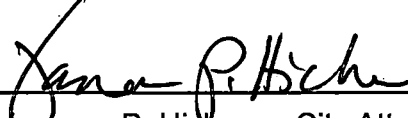
9-21-22  
Date Signed

ATTEST:

  
Lori Dyckman, City Clerk



APPROVED AS TO FORM:

  
Vanessa P. Hickman, City Attorney

Published in: Peoria Times Publication

Date: September 15, 2022

Effective Date: September 22, 2022

# Noticing Procedures - Text Amendment (TA22-01)

Amendment for Adoption to the Peoria City Code, Chapter 21 - Zoning

## HOW TO READ THIS DOCUMENT

Unless otherwise stated, provisions that are being deleted are shown in bold red strikethrough text, like this: ~~Provisions that are being deleted are shown with a bold red strikethroughs text.~~

Provisions that are being added are shown in double-underlined bold blue text, like this: Provisions that are being added are shown in double-underlined bold blue text.

Section 1. Amend Chapter 21 - Zoning, Administrative Procedures, Section 21-315 – Notices, as follows:

### Sec. 21-315 Notices 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 21-315.A., and in accordance with the method(s) specified.

Table 21-315-Notices

	<b>Notice of Application [Postcard] Property Owner Notification Distance Radius</b>	<b>Notice of Hearing [Postcard] Property Owner Notification Distance Radius</b>	<b>Newspaper Ad</b>	<b>Site Posting (Responsible Party)</b>	<b>Notice of Decision [Postcard] Property Owner Notification Distance</b>	<b>Notice of Neighborhood Meeting [Letter] Applicant's responsibility Notification Distance Radius</b>
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<b>Administrative Relief#</b>	<b>Abutting Properties only</b>	<b>N/A</b>	<b>No</b>	<b>No</b>	<b>Abutting Properties only</b>	<b>N/A</b>
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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

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◆ 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.

**Table 21-315.A. Notice Requirements<sup>1</sup>**

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

<u>Administrative Relief</u> <sup>6</sup>	<u>Abutting Properties only</u>	<u>N/A</u>	<u>No</u>	<u>No</u>	<u>Abutting Properties only</u>	<u>N/A</u>
<u>Hillside Appeal</u>	<u>No</u>	<u>300 FT</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
<u>Variance</u>	<u>No</u>	<u>300 FT</u>	<u>Yes</u>	<u>Yes<sup>2</sup></u>	<u>No</u>	<u>N/A</u>

**Notes:**

1. The Department shall provide the required notices and site postings unless Table 21-315.A. indicates that they are to be provided by the applicant.
2. The applicant is to provide the notice/site posting.
3. Notification distance for a site area less than forty (40) acres: 600 feet.
4. Notification distance for a site area greater than forty (40) acres: 1320 feet.
5. A sign shall be posted on the subject property for those temporary uses that operate during the qualifying hours specified in Section 21-322.E.
6. Subject to the notification requirements outlined in Section 21-324.E.

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

42 **1. The following notices shall be sent by first-class mail:**

- 43 **a. Notice of Application;**
- 44 **b. Notice of Neighborhood Meeting;**
- 45 **c. Notice of Hearing; and**
- 46 **d. Notice of Decision.**

47 **2. Each required notice shall be sent to the:**

- 48 **a. Owner of real property as last disclosed by County real estate tax records, situated**  
49 **wholly or partially within the notification distances for the application type specified in**  
50 **Table 21-315.A.;**
- 51 **b. Neighborhood Association(s) and Home Owners Association(s) that have registered**  
52 **with the City and is affiliated with a neighborhood located within a one (1) mile radius**  
53 **of the subject property; and**
- 54 **c. Interested persons.**

55 **3. Additional Notice Requirements for General Plan, Specific Area Plan and Rezoning**  
56 **Applications. In addition to the notices sent in accordance with subsection B.2. of this**  
57 **section, a Notice of Application and Notice of Hearing shall be sent electronically, or another**  
58 **method approved by the Zoning Administrator, to:**

- 59            a. The military airport or facility if the subject property is in the Territory in the Vicinity of  
60            the military airport or facility described in A.R.S. §28-8461, as amended;
- 61            b. The planning agency for the municipalities and unincorporated areas of counties whose  
62            corporate area is situated wholly or partially within one (1) mile of the subject property;  
63            and
- 64            c. Any other governmental agency, school district or public utility required by the Zoning  
65            Administrator.

66 **C. Notice Timeframes and Additional Requirements.**

67            **1. Notice of Application.** When the notice is required in Table 21-315.A., it shall be mailed  
68            prior to the completion of the Department's first review of an application

69            **2. Notice of Neighborhood Meeting and Notice of Public Hearing.**

70            **a.** When the notice is required in Table 21-315.A., it shall be sent at least fifteen (15)  
71            calendar days prior to a meeting and public hearing. The number of days stated herein  
72            excludes the day that the mailing is sent, and the day of the neighborhood meeting and  
73            public hearing.

74            **b.** The notice shall provide:

75            **1)** A general description of the purpose of the application and property location map;

76            **2)** Contact information (mailing address, telephone number, and email address) for  
77            City Staff and the applicant; and

78            **3)** The time, date, and place or method (e.g. electronic virtual meeting or hearing)  
79            that the meeting or hearing will be held.

80            **3. Notice of Decision.** When the notice is required in Table 21-315.A., it shall be mailed within  
81            fourteen (14) calendar days of the last action on the application.

82            **4. Newspaper Ad.**

83            **a.** When a newspaper notice is required in Table 21-315.A., it shall be published in a  
84            newspaper of general circulation in the city at least fifteen (15) calendar days prior to  
85            the hearing. The number of days stated herein excludes the day of the publication and  
86            the day of the hearing. The notice shall provide:

87            **1)** A general description of the purpose of the application and property location;

88            **2)** Contact information (mailing address, telephone number, and email address) for  
89            City Staff and the applicant; and

90            **3)** The time, date, and place or method (e.g. electronic virtual hearing) that the  
91            hearing will be held.

92            **b.** Zoning Ordinance Text Amendment. The notice shall be a "display ad" covering not less  
93            than one-eighth (1/8) of a full-page. The proposed text of the amendment shall be  
94            provided in the notice or available on the City's website.

95            **c.** All Other Applications. The notice shall be a "display ad" covering not less than one-  
96            eighth (1/8) of a full-page. The notice may be combined with other notices to be heard  
97            at the same hearing.



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5. Site Posting.

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a. The subject property shall be posted in a conspicuous location with a minimum of one sign when it is required in Table 21-315.A. The Zoning Administrator may require additional signs for an application that is greater than 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.

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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 stated herein.

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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.

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A. Notice of Application.

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1. ~~For all cases requiring a Notice of Application within three (3) working days of the submittal date of the application, the Department shall send notice by first class mail to each owner of real property as last disclosed by County real estate tax records, situated wholly or partially within the notification distances specified in Table 21-316 and to each Neighborhood Association and Home Owners Association that has registered with the City and is affiliated with a neighborhood located within a one (1) mile radius of the subject site.~~

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B. Newspaper Ad.

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1. ~~For all cases requiring a newspaper ad, notice shall be published at least once in a newspaper of general circulation in the city. The notice shall include a general description of the subject property and a statement of the proposed application.~~

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a. ~~For cases involving a public hearing, the ad shall be published at least fifteen (15) days prior to the hearing. Such public notice may be combined with public notice for other matters to be heard at the same public hearing.~~

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b. ~~Newspaper ads for Zoning Ordinance Text Amendment cases shall also include a general description of any regulations proposed to be amended. The text of the proposed amendment shall be provided either in the newspaper ad or through the City's website.~~

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C. Notice of Hearing.

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1. ~~For all cases requiring a Notice of Hearing, at least 15 days prior to the hearing, the Department shall send notice by first class mail to each owner of real property as last disclosed by County real estate tax records, situated wholly or partially within the notification distances specified in Table 21-316 21-315 and to each Neighborhood Association and Home Owners Association that has registered with the City and is affiliated with a neighborhood located within a one (1) mile radius of the subject site.~~

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2. ~~In proceedings involving rezoning of land that abuts other municipalities or unincorporated areas of Maricopa or Yavapai County, or a combination thereof, the Department shall~~

140 transmit copies of the notice of the public hearing to the planning agency of the applicable  
141 governmental unit. In proceedings involving land in the vicinity of a military airport, the  
142 Department shall mail a copy of the notice to the airport.

143 **D. ~~Site Posting.~~**

144 ~~1. For all cases requiring site posting, the responsible party identified in Table 21-316 shall~~  
145 ~~post the site in a conspicuous location on the subject property. The sign shall be designed~~  
146 ~~and constructed in accordance with the adopted administrative guidelines for such signs. If~~  
147 ~~the applicant is responsible for the posting, they shall provide the City with a photo exhibit~~  
148 ~~and affidavit attesting to such posting at least fifteen (15) days prior to the hearing.~~

149 **E. ~~Notice of Decision.~~**

150 ~~1. For all cases requiring a Notice of Decision, the Department shall send notice by first class~~  
151 ~~mail to each owner of real property as last disclosed by County real estate tax records,~~  
152 ~~situated wholly or partially within the notification distances specified in Table 21-316 21-~~  
153 ~~315 and to each Neighborhood Association and Home Owners Association that has~~  
154 ~~registered with the City and is affiliated with a neighborhood located within a one (1) mile~~  
155 ~~radius of the subject site.~~

156 **F. ~~Notice of Neighborhood Meeting.~~**

157 ~~1. For all cases requiring a Notice of Neighborhood Meeting, the applicant shall send written~~  
158 ~~notice by first class mail to interested and affected persons no later than ten (10) days prior~~  
159 ~~to the neighborhood meeting, including but not limited to, each owner of real property as~~  
160 ~~last disclosed by County real estate tax records, situated wholly or partially within the~~  
161 ~~notification distances specified in Table 21-316, and each Neighborhood Association,~~  
162 ~~Condominium Association, Home Owners Association, and apartment management office~~  
163 ~~that has registered with the City and is affiliated with a neighborhood located within a one~~  
164 ~~(1) mile radius of the subject site. The notice shall provide a description and map of the~~  
165 ~~request, a mailing address, telephone number, and email address where comments~~

166 **G. D. Failure to Receive Notice.**

167 1. In accordance with A.R.S. § 9-462.04.A.7, notwithstanding the notice requirements herein set  
168 forth, the failure of any person or entity to receive notice shall not constitute grounds for any  
169 court to invalidate the action for which the notice was given.

171 **Section 2. Amend Chapter 21 - Zoning, Administrative Procedures, Section 21-317 Rezoning,**  
172 **subsection E. Citizen Participation Process, as follows:**

174 **Sec. 21-317 Rezoning**

175 E. Citizen Participation Process. A Citizen Participation Process shall accompany all rezone requests.  
176 The purpose of the Citizen Participation Process is to provide a forum for public involvement and  
177 resolution of concerns prior to the formal public hearing process. The Citizen Participation Process  
178 ("CPP") shall not be required for initial zoning cases per 21-319 and minor amendments to approved  
179 Planned Area Developments and Planned Community Developments.

180 1. The applicant shall hold at least one neighborhood meeting with persons who may be affected  
181 impacted or have an interest in the application; said persons shall be notified pursuant to  
182 Section 21-315. The neighborhood meeting shall be held in person in at a neutral location  
183 within the general area of the ~~request request~~, unless an alternative meeting method,  
184 including but not limited to an electronic virtual meeting or similar method, is approved or  
185 required by the Zoning Administrator. The Zoning Administrator may approve, or require the  
186 use of, an alternative meeting method in place of, or in addition to, an in person meeting. The  
187 notice of the neighborhood meeting and the format and manner of an alternative meeting  
188 method shall conform with the neighborhood meeting guide available from the Department.

189 2. The applicant shall prepare and submit a report to the Department that describes the meeting,  
190 numbers in attendance, any comments received at the meeting or any other form of  
191 communication received regarding the application, how these comments will be evaluated, and  
192 any mitigation issues identified as a result of the comments and concerns received.

193 3. Timing of ~~Citizen Participation Meetings and Communications~~ Neighborhood Meeting(s). The  
194 required neighborhood meeting shall be conducted ~~within forty five (45) calendar days of after~~  
195 the applicant receives notice that the Department has completed its review of the first  
196 submittal of the application, and before the applicant's second submittal of the application.  
197 Upon completion of the Department's review of the first submittal of an application, if the  
198 Zoning Administrator determines that a subsequent application submittal is not required, the  
199 applicant shall conduct a neighborhood meeting at least thirty (30) calendar days before the  
200 Planning and Zoning Commission's first public hearing. No A hearing date shall not be  
201 scheduled until the applicant has held the neighborhood meeting and the applicant's Citizen  
202 Participation report Report is has been submitted and validated by the Department.

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204 Section 3. Amend Chapter 21 - Zoning, Administrative Procedures, Section 21-320. – Site Plan.,  
205 subsection D. Notice of Decision, as follows:

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207 **Sec. 21-320 Site Plan**

208 **D. Notice of Decision.**

209 1. The Department shall notify the applicant, in writing, of the decision to approve or deny the  
210 application, and shall state any conditions for approval or reasons for denial in said letter.

211 2. The Department shall provide notice of the ~~site plan~~ decision ~~to all required parties identified~~  
212 in accordance with the provisions of within Section 21-315.E, 21-315.F.

213 3. If no appeal is filed within the ~~specified~~ timeframe ~~within Section 21-322.E. than specified in~~  
214 subsection E.4.b. of this section, then the decision of the Department shall be final.