

ORDINANCE NO. 2026-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING THE PEORIA CITY CODE, CHAPTER 21, BY AMENDING SECTION 21-503 (“LAND USE MATRIX”) AND SECTION 21-505 (“LIMITATIONS ON USES”); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Maricopa County, Arizona, held a public hearing on February 19, 2026, to consider proposed amendments to the Peoria City Code (1992 edition), regarding Animal Shelter regulations, 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 January 29, 2026; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of February 19, 2026, 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) regarding Animal Shelter regulations; and

WHEREAS, in accordance with Arizona Revised Statute 9-462.01.E, the Mayor and Council of the City of Peoria finds that the subject ordinance would not have a direct impact on the cost to construct housing for sale or rent within the City of Peoria.

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

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

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

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

SECTION 3. Effective Date. This Ordinance shall become effective on the date provided by law.

SECTION 4. 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 5. 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 3<sup>rd</sup> day of March, 2026.

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Jason Beck, Mayor

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Date Signed

ATTEST:

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Agnes Goodwine, City Clerk

APPROVED AS TO FORM:

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Emily Jurmu, City Attorney

Published in: Peoria Times

Publication Date:

Effective Date:

# TA25-03 Animal Shelters City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

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## HOW TO READ THIS DOCUMENT

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# Exhibit A

## City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

***Section 1. Amend Chapter 21 - Zoning, Section 21-503 Land Use Matrix, only as follows, leaving all other sections and subsections not specifically referenced unchanged:***

**Sec. 21-503. Land Use Matrix.**

**Table 21-503 Land Use Matrix**

P = Permitted Use C = Permitted Conditional Use. Conditional Use Permit required. See Section 21-321 A = Accessory Use Δ = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit. # = Subject to special limitations (see the following Section 21-505) - = Not Permitted												
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>Personal Services</b>												
Animal Shelter #	-	-	-	-	- <u>P</u>	-	C	-	-	C	C	C

***Section 2. Amend Sec. 21-505 Limitations on Uses, K. Personal Services, only as follows, leaving all other sections and subsections not specifically referenced unchanged:***

**Sec. 21-505 Limitations on Uses**

**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. Animal Shelters and Boarding and Training Kennels: ~~in~~ in the C-2 Zoning District, shall comply with the following limitations: ~~shall apply:~~
- a. Boarding shall be limited to household pets.
  - b. The commercial breeding of animals shall be prohibited.
  - c. Operation of any outdoor play areas for the animals shall not occur between 7:00 p.m. and 6:00 a.m. ~~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 necessary improvements shall be made to the ~~indoor facilities shall be completely enclosed and building(s) to ensure that it shall be designed and constructed to~~ achieve a Sound Transmission Control Value of 50 or greater.
  - e. Any solid waste containers utilized shall have lids that remain closed at all times except to dispose of items within the dumpster. ~~All refuse shall be stored within an airtight container, or within a completely enclosed building. f.~~
  - f. Solid waste resulting from the animals shall be picked up, double bagged, and disposed of immediately.
  - g. All outdoor play areas shall be sprayed down twice a day (both midday and at the end of the day) with a solution designed to neutralize the odor resulting from animal waste.
  - h. The walls of any exterior animal play areas shall be constructed of masonry block to a minimum height of six (6) feet.
  - i.  Kenneling animals in exterior play areas shall be prohibited.
  - j. No animals shall be permitted in the exterior play areas without staff supervision.
  - ~~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.



# PLANNING & ZONING COMMISSION

## STAFF REPORT

Meeting Date: 2/19/2026

Agenda Item(s): 5R

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**TO:** Planning and Zoning Commission  
**THROUGH:** Chris M. Jacques, AICP, Planning Director  
**FROM:** Eric Cook, Planner II  
**SUBJECT:** Code Amendment: Chapter 21 (Zoning), Animal Shelters (TA25-03)

### ***PURPOSE***

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This is an applicant requested code amendment to City of Peoria Zoning Ordinance Sections 21-503 “*Land Use Matrix*” and 21-505 “*Limitations on Uses*” to allow for the operation of Animal Shelters within the Intermediate Commercial (C-2) Zoning District, subject to limitations on use. The proposed modifications in each of these Sections are summarized below:

- Amend Section 21-503 “*Land Use Matrix*” to add animal shelters as a principally permitted use within the Intermediate Commercial (C-2) Zoning District.
- Section 21-505 “*Limitations on Uses*” to create standard use limitations for animal shelters within the Intermediate Commercial (C-2) Zoning District within.

Staff believe these code modifications are in alignment with the intent of the C-2 Zoning District and consistent with the variety of animal uses already commonly found within existing commercial centers. If approved, this adjustment would unify operational regulations for similar types of animal uses, and allow for smaller non-profit organizations to purchase or rent commercial spaces, thus expanding their outreach to the community.

### ***BACKGROUND***

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The applicant is Barb’s Animal Rescue, which is a non-profit animal rescue that offers dog boarding, adoption facilities, grooming services, as well as pet thrift store. Within the Zoning Ordinance, animal rescue centers are classified as an “animal shelter”, which is a conditionally permitted use in General Commercial (C-4) and most industrial zoning districts within Peoria. With this proposal, the applicant is seeking to amend the Zoning Ordinance to allow “animal shelters” within the Intermediate Commercial (C-2) Zoning District, subject to meeting specific operational requirements.

For context, the Intermediate Commercial (C-2) Zoning District is the most common commercial zoning district within Peoria and is generally located around major intersections. Additionally, the C-2 zoning district provides the greatest range and access to goods and services to adjacent residential areas. Currently, there are several animal-related services / uses allowed within the C-2 Zoning District, as will be discussed in more depth below.

### ***PROPOSED REGULATIONS***

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As identified in Exhibit A, the applicant proposes that “animal shelters” and “boarding kennels” be permitted to operate within the Intermediate Commercial (C-2) Zoning District, subject to the following limitations:

1. Boarding shall be limited to household pets.
  2. The commercial breeding of animals shall be prohibited.
  3. Operation of any outdoor play areas for the animals shall not occur between 7:00 p.m. and 6:00 a.m.
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## CODE AMENDMENT: CHAPTER 21 (ZONING), ANIMAL SHELTERS (TA25-03)

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4. All necessary improvements shall be made to the building(s) to ensure that it achieves a Sound Transmission Control Value of 50 or greater.
5. Any dumpster on site shall have a fully functioning lid that remains closed at all times except to dispose of items within the dumpster.
6. Solid waste resulting from the animals shall be picked up, double bagged, and disposed of immediately.
7. All outdoor play areas shall be sprayed down twice a day (both midday and at the end of the day) with a solution designed to neutralize the odor resulting from animal waste.
8. The walls of any exterior animal play areas shall be constructed of masonry block to a minimum height of six (6) feet.
9. No animals shall be kenneled in the exterior play areas.
10. No animals shall be permitted in the exterior play areas without staff supervision.

### **ANALYSIS**

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Currently within the C-2 Zoning District the following animal-related land uses are either “permitted by-right” or are “conditionally permitted” via obtaining a Conditional Use Permit (CUP) as noted below:

- Animal or Doggie Daycare (CUP);
- Boarding Kennel (CUP);
- Pet Shop (Permitted), and
- Vet Clinic (CUP)

In reviewing the operational characteristics of animal shelters, they have significant similarity to boarding kennels, which are allowed to operate in the C-2 Zoning District upon first obtaining a conditional use permit (CUP). While boarding kennels have specific use limitations identified within the Zoning Ordinance, conversely, animal shelters do not have any limitations identified. However, both types of facilities generate the same concerns when they are located adjacent to residential areas. Given their similarities, staff concurs that both animal shelters and boarding kennels should have similar use limitations.

When analyzing the question on whether an “animal shelter” should be permitted by right, or need to obtain a conditional use permit, it is essential to remember that conditional uses are effectively ‘*allowed uses*’, but subject to a slightly higher level of scrutiny through a separate process. This higher level of scrutiny may be necessitated by a greater intensity level compared to normal, the specific nature or type of use itself, or another operational facet that warrants potentially mitigation. In analyzing other animal related businesses/services within the C-2 Zoning District, staff observed all of them generally allowed the same levels of activity, except duration may be different between the uses. In particular, most to all allow animal adoption, grooming, vet services, and small animal daycare as ancillary or primary uses within retail establishments. Given this factor, the use of animal shelter, in and of itself, does not warrant an additional level of scrutiny through a conditional use permit process if the operational regulations sufficiently address potential concerns.

In this situation, staff believes the proposed operational limitations for both boarding kennels and animal shelters, as shown in Exhibit A, sufficiently addresses noise and odor, especially given potential adjacency to residential areas. As such, staff concurs with the proposed changes as presented.

## **CODE AMENDMENT: CHAPTER 21 (ZONING), ANIMAL SHELTERS (TA25-03)**

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### ***KEY FINDINGS***

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- Similarly related animal uses, boarding and training kennels, have been previously found to be appropriate uses for the Intermediate Commercial (C-2) Zoning District and thus have been allowed within the zoning district specific limitations on use.
- Animal shelters being akin to boarding and training kennels would also be an appropriate use within the Intermediate Commercial (C-2) Zoning District, with the same limitations on use applied with additional limitations to ensure safe, healthy, and responsible operation.

### ***COMMUNITY INVOLVEMENT***

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#### *Public Meetings:*

- Planning and Zoning Commission Study Session on February 5, 2026.

#### *Public Noticing:*

The application was properly noticed pursuant to Section 21-146 of the Peoria Zoning Ordinance, which includes placing a legal ad in the Peoria Times at least 15 days prior to the Public Hearing.

#### *Support / Opposition:*

There have been no submittals in support or opposition of this proposal.

### ***POSSIBLE ACTIONS / OPTIONS***

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

### ***RECOMMENDATION***

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

**Recommend approval of Case TA25-03 to the City Council as proposed in Exhibit A.**

### ***STAFF CONTACT***

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Eric Cook  
Planner II  
(623)773-7651  
[Eric.Cook@peoriaaz.gov](mailto:Eric.Cook@peoriaaz.gov)

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