

CHAPTER 20 - PLANNING AND DEVELOPMENT

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.

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(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