

ORDINANCE NO. 2017-33

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING AND RENUMBERING THE PEORIA CITY ZONING ORDINANCE (1977) AND BY AMENDING CHAPTER 21 OF THE PEORIA CITY CODE (1992) BY RENUMBERING SECTION 14-1-1 OF ARTICLE 14-1 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-101 OF THE CITY CODE PERTAINING TO INTENT; BY RENUMBERING SECTION 14-1-2 OF ARTICLE 14-1 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-102 OF THE CITY CODE PERTAINING TO CONFLICTING REGULATIONS; BY RENUMBERING SECTION 14-1-3 OF ARTICLE 14-1 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-103 OF THE CITY CODE PERTAINING TO PRIVATE AGREEMENTS; BY RENUMBERING SECTION 14-1-4 OF ARTICLE 14-1 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-104 OF THE CITY CODE PERTAINING TO VESTED RIGHTS; BY RENUMBERING SECTION 14-1-5 OF ARTICLE 14-1 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-105 OF THE CITY CODE PERTAINING TO STATUTORY EXEMPTIONS; BY RENUMBERING SECTION 14-1-6 OF ARTICLE 14-1 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-106 OF THE CITY CODE PERTAINING TO JURISDICTION; BY RENUMBERING SECTION 14-1-7 OF ARTICLE 14-1 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-107 OF THE CITY CODE PERTAINING TO ADMINISTRATION; BY AMENDING SECTION 14-1-8 OF ARTICLE 14-1 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-108 OF THE CITY CODE PERTAINING TO ENFORCEMENT; BY RENUMBERING SECTION 14-1-9 OF ARTICLE 14-1 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-109 OF THE CITY CODE PERTAINING TO AMENDMENTS; BY RENUMBERING SECTION 14-2-1 OF ARTICLE 14-2 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-201 OF THE CITY CODE PERTAINING TO INTENT; BY AMENDING SECTION 14-2-2 OF ARTICLE 14-2 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-202 OF THE

CITY CODE PERTAINING TO DEFINITIONS; BY RENUMBERING SECTION 14-37-1 OF ARTICLE 14-37 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-301 OF THE CITY CODE PERTAINING TO INTENT; BY RENUMBERING SECTION 14-37-2 OF ARTICLE 14-37 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-302 OF THE CITY CODE PERTAINING TO CITY COUNCIL; BY AMENDING SECTION 14-37-3 OF ARTICLE 14-37 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-303 OF THE CITY CODE PERTAINING TO PLANNING AND ZONING COMMISSION; BY RENUMBERING SECTION 14-37-4 OF ARTICLE 14-37 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-304 OF THE CITY CODE PERTAINING TO ZONING ADMINISTRATOR AND ENFORCEMENT OFFICIAL; BY AMENDING SECTION 14-37-5 OF ARTICLE 14-37 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-305 OF THE CITY CODE PERTAINING TO BOARD OF ADJUSTMENT; BY REPEALING SECTION 14-37-6 OF ARTICLE 14-37 OF THE PEORIA CITY ZONING ORDINANCE IN ITS ENTIRETY PERTAINING TO CITY COUNCIL DESIGN STANDARDS ADVISORY BOARD; BY AMENDING SECTION 14-37-7 OF ARTICLE 14-37 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-306 OF THE CITY CODE PERTAINING TO DESIGN REVIEW APPEALS BOARD; BY AMENDING SECTION 14-37-8 OF ARTICLE 14-37 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-307 OF THE CITY CODE PERTAINING TO HISTORIC PRESERVATION BOARD; BY AMENDING SECTION 14-37-9 OF ARTICLE 14-37 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-308 OF THE CITY CODE PERTAINING ADMINISTRATIVE HEARING OFFICER; BY RENUMBERING SECTION 14-37-10 OF ARTICLE 14-37 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-309 OF THE CITY CODE PERTAINING TO PLANNING AGENCY; BY RENUMBERING SECTION 14-39-1 OF ARTICLE 14-39 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-310 OF THE CITY CODE PERTAINING TO INTENT; BY AMENDING SECTION 14-39-2 OF ARTICLE 14-39 OF THE PEORIA CITY

ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-311 OF THE CITY CODE PERTAINING TO INTERPRETATION; BY RENUMBERING SECTION 14-39-3 OF ARTICLE 14-39 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-312 OF THE CITY CODE PERTAINING TO ENFORCEMENT; BY RENUMBERING SECTION 14-39-4 OF ARTICLE 14-39 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-313 OF THE CITY CODE PERTAINING TO VIOLATIONS; BY RENUMBERING SECTION 14-39-5 OF ARTICLE 14-39 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-314 OF THE CITY CODE PERTAINING TO FEES; BY RENUMBERING SECTION 14-39-6 OF ARTICLE 14-39 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-315 OF THE CITY CODE PERTAINING TO NOTICES; BY RENUMBERING SECTION 14-39-7 OF ARTICLE 14-39 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-316 OF THE CITY CODE PERTAINING TO EXPIRATION OF APPLICATIONS; BY AMENDING SECTION 14-39-8 OF ARTICLE 14-39 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-317 OF THE CITY CODE PERTAINING TO REZONINGS; BY RENUMBERING SECTION 14-39-9 OF ARTICLE 14-39 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-318 OF THE CITY CODE PERTAINING TO INITIAL ZONING UPON ANNEXATION; BY RENUMBERING SECTION 14-39-10 OF ARTICLE 14-39 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-319 OF THE CITY CODE PERTAINING TO ZONING ORDINANCE TEXT AMENDMENTS; BY AMENDING SECTION 14-39-11 OF ARTICLE 14-39 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-320 OF THE CITY CODE PERTAINING TO SITE PLAN REVIEW; BY AMENDING SECTION 14-39-12 OF ARTICLE 14-39 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-321 OF THE CITY CODE PERTAINING TO CONDITIONAL USE PERMIT; BY AMENDING SECTION 14-39-13 OF ARTICLE 14-39 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-322 OF THE CITY CODE PERTAINING TO TEMPORARY USE PERMITS; BY AMENDING SECTION 14-39-14 OF ARTICLE 14-39 OF THE PEORIA CITY ZONING

ORDINANCE AND RENUMBERING IT AS SECTION 21-323 OF THE CITY CODE PERTAINING TO APPEALS TO BOARD OF ADJUSTMENT; BY AMENDING SECTION 14-39-15 OF ARTICLE 14-39 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-324 OF THE CITY CODE PERTAINING TO ADMINISTRATIVE RELIEF; BY AMENDING SECTION 14-39-16 OF ARTICLE 14-39 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-325 OF THE CITY CODE PERTAINING TO HILLSIDE APPEALS; BY RENUMBERING SECTION 14-39-17 OF ARTICLE 14-39 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-326 OF THE CITY CODE PERTAINING TO DESIGN REVIEW APPEALS; BY RENUMBERING SECTION 14-4-1 OF ARTICLE 14-4 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-327 OF THE CITY CODE PERTAINING TO CLASSIFICATION OF ZONING DISTRICTS; BY AMENDING SECTION 14-4-2 OF ARTICLE 14-4 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-328 OF THE CITY CODE PERTAINING TO CLASSIFICATION OF ANNEXED AREAS; BY RENUMBERING SECTION 14-4-3 OF ARTICLE 14-4 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-329 OF THE CITY CODE PERTAINING TO CLASSIFICATION OF VACATED STREETS; BY AMENDING SECTION 14-4-4 OF ARTICLE 14-4 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-330 OF THE CITY CODE PERTAINING TO OFFICIAL ZONING DISTRICT MAP; BY RENUMBERING SECTION 14-19-1 OF ARTICLE 14-19 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-401 OF THE CITY CODE PERTAINING TO INTENT; BY AMENDING SECTION 14-19-2 OF ARTICLE 14-19 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-402 OF THE CITY CODE PERTAINING TO PERMITTED PRINCIPAL USES; BY AMENDING SECTION 14-19-3 OF ARTICLE 14-19 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-403 OF THE CITY CODE PERTAINING TO PERMITTED CONDITIONAL USES; BY RENUMBERING SECTION 14-19-4 OF ARTICLE 14-19 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-404 OF THE CITY CODE PERTAINING

TO PERMITTED ACCESSORY USES; BY AMENDING SECTION 14-19-5 OF ARTICLE 14-19 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-405 OF THE CITY CODE PERTAINING TO PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED USES AND CONDITIONAL USES; BY RENUMBERING SECTION 14-19-6 OF ARTICLE 14-19 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-406 OF THE CITY CODE PERTAINING TO PROPERTY DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS; BY RENUMBERING SECTION 14-19-7 OF ARTICLE 14-19 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-407 OF THE CITY CODE PERTAINING TO GENERAL REGULATIONS; BY RENUMBERING SECTION 14-19A-1 OF ARTICLE 14-19A OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-408 OF THE CITY CODE PERTAINING TO INTENT; BY AMENDING SECTION 14-19A-2 OF ARTICLE 14-19A OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-409 OF THE CITY CODE PERTAINING TO PERMITTED PRINCIPAL USES; BY AMENDING SECTION 14-19A-3 OF ARTICLE 14-19A OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-410 OF THE CITY CODE PERTAINING TO PERMITTED CONDITIONAL USES; BY AMENDING SECTION 14-19A-4 OF ARTICLE 14-19A OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-411 OF THE CITY CODE PERTAINING TO PERMITTED ACCESSORY USES; BY RENUMBERING SECTION 14-19A-5 OF ARTICLE 14-19A OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-412 OF THE CITY CODE PERTAINING TO PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED PRINCIPAL USES; BY AMENDING SECTION 14-19A-6 OF ARTICLE 14-19A OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-413 OF THE CITY CODE PERTAINING TO PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED CONDITIONAL USES; BY AMENDING SECTION 14-19A-7 OF ARTICLE 14-19A OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-414 OF THE CITY CODE PERTAINING TO PROPERTY

DEVELOPMENT STANDARDS FOR PERMITTED ACCESSORY BUILDINGS; BY RENUMBERING SECTION 14-5-1 OF ARTICLE 14-5 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-415 OF THE CITY CODE PERTAINING TO INTENT; BY AMENDING SECTION 14-5-2 OF ARTICLE 14-5 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-416 OF THE CITY CODE PERTAINING TO PERMITTED PRINCIPAL USES; BY AMENDING SECTION 14-5-3 OF ARTICLE 14-5 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-417 OF THE CITY CODE PERTAINING TO PERMITTED CONDITIONAL USES; BY AMENDING SECTION 14-5-4 OF ARTICLE 14-5 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-418 OF THE CITY CODE PERTAINING TO PERMITTED ACCESSORY USES; BY AMENDING SECTION 14-5-5 OF ARTICLE 14-5 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-419 OF THE CITY CODE PERTAINING TO GENERAL PROPERTY DEVELOPMENT STANDARDS; BY RENUMBERING SECTION 14-5-6 OF ARTICLE 14-5 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-420 OF THE CITY CODE PERTAINING TO PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED RESIDENTIAL USES; BY RENUMBERING SECTION 14-5-7 OF ARTICLE 14-5 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-421 OF THE CITY CODE PERTAINING TO PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED CONDITIONAL USES; BY RENUMBERING SECTION 14-5-8 OF ARTICLE 14-5 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-422 OF THE CITY CODE PERTAINING TO PROPERTY DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS; BY RENUMBERING SECTION 14-5-9 OF ARTICLE 14-5 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-423 OF THE CITY CODE PERTAINING EXCEPTIONS; BY RENUMBERING SECTION 14-6-1 OF ARTICLE 14-6 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-424 OF THE CITY CODE PERTAINING TO INTENT; BY AMENDING SECTION 14-6-2 OF ARTICLE 14-6 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-425 OF THE CITY CODE PERTAINING

TO PERMITTED PRINCIPAL USES; BY AMENDING SECTION 14-6-3 OF ARTICLE 14-6 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-426 OF THE CITY CODE PERTAINING TO PERMITTED CONDITIONAL USES; BY RENUMBERING SECTION 14-6-4 OF ARTICLE 14-6 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-427 OF THE CITY CODE PERTAINING TO PERMITTED ACCESSORY USES; BY RENUMBERING SECTION 14-6-5 OF ARTICLE 14-6 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-428 OF THE CITY CODE PERTAINING TO GENERAL REGULATIONS; BY AMENDING SECTION 14-6-6 OF ARTICLE 14-6 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-429 OF THE CITY CODE PERTAINING TO DEVELOPMENT STANDARDS; BY AMENDING SECTION 14-6-7 OF ARTICLE 14-6 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-430 OF THE CITY CODE PERTAINING TO SPECIAL REGULATIONS; BY RENUMBERING SECTION 14-7-1 OF ARTICLE 14-7 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-431 OF THE CITY CODE PERTAINING TO INTENT; BY AMENDING SECTION 14-7-2 OF ARTICLE 14-7 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-432 OF THE CITY CODE PERTAINING TO PERMITTED PRINCIPAL USES; AMENDING SECTION 14-7-3 OF ARTICLE 14-7 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-433 OF THE CITY CODE PERTAINING TO PERMITTED CONDITIONAL USES; BY RENUMBERING SECTION 14-7-4 OF ARTICLE 14-7 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-434 OF THE CITY CODE PERTAINING TO PERMITTED ACCESSORY USES; BY RENUMBERING SECTION 14-7-5 OF ARTICLE 14-7 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-435 OF THE CITY CODE PERTAINING TO PROPERTY DEVELOPMENT STANDARDS FOR MOBILE HOME SUBDIVISIONS; BY RENUMBERING SECTION 14-7-6 OF ARTICLE 14-7 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-436 OF THE CITY CODE PERTAINING TO PROPERTY DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS; BY RENUMBERING

SECTION 14-7-7 OF ARTICLE 14-7 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-437 OF THE CITY CODE PERTAINING TO GENERAL REGULATIONS; BY RENUMBERING SECTION 14-8-1 OF ARTICLE 14-8 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-438 OF THE CITY CODE PERTAINING TO INTENT; BY RENUMBERING SECTION 14-8-2 OF ARTICLE 14-8 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-439 OF THE CITY CODE PERTAINING TO DEFINITIONS; BY RENUMBERING SECTION 14-8-3 OF ARTICLE 14-8 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-440 OF THE CITY CODE PERTAINING TO PERMITTED PRINCIPAL USES; BY RENUMBERING SECTION 14-8-4 OF ARTICLE 14-8 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-441 OF THE CITY CODE PERTAINING TO PERMITTED CONDITIONAL USES; BY RENUMBERING SECTION 14-8-5 OF ARTICLE 14-8 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-442 OF THE CITY CODE PERTAINING TO PERMITTED ACCESSORY USES; BY AMENDING SECTION 14-8-6 OF ARTICLE 14-8 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-443 OF THE CITY CODE PERTAINING TO DEVELOPMENT STANDARDS; BY RENUMBERING SECTION 14-8-7 OF ARTICLE 14-8 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-444 OF THE CITY CODE PERTAINING TO USE OF RECREATIONAL VEHICLE SITES; BY RENUMBERING SECTION 14-8-8 OF ARTICLE 14-8 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-445 OF THE CITY CODE PERTAINING TO OCCUPANCY; BY RENUMBERING SECTION 14-8-9 OF ARTICLE 14-8 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-446 OF THE CITY CODE PERTAINING TO GENERAL REGULATIONS; BY RENUMBERING SECTION 14-9-1 OF ARTICLE 14-9 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-501 OF THE CITY CODE PERTAINING TO INTENT; BY RENUMBERING SECTION 14-9-2 OF ARTICLE 14-9 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-502 OF THE CITY CODE PERTAINING TO ZONING DISTRICTS; BY AMENDING SECTION 14-9-3 OF ARTICLE 14-9 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS



SECTION 21-503 OF THE CITY CODE PERTAINING TO LAND USE MATRIX; BY RENUMBERING SECTION 14-9-4 OF ARTICLE 14-9 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-504 OF THE CITY CODE PERTAINING TO GENERAL REGULATIONS FOR O-1, PC-1, PC-2, C-2 & C-3; BY AMENDING SECTION 14-9-5 OF ARTICLE 14-9 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-505 OF THE CITY CODE PERTAINING TO LIMITATIONS ON USES; BY AMENDING SECTION 14-9-6 OF ARTICLE 14-9 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-506 OF THE CITY CODE PERTAINING TO PROPERTY DEVELOPMENT STANDARDS; BY RENUMBERING SECTION 14-33-1 OF ARTICLE 14-33 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-601 OF THE CITY CODE PERTAINING TO INTENT; BY AMENDING SECTION 14-33-2 OF ARTICLE 14-33 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-602 OF THE CITY CODE PERTAINING TO GENERAL REQUIREMENTS AND STANDARDS; BY RENUMBERING SECTION 14-33-3 OF ARTICLE 14-33 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-603 OF THE CITY CODE PERTAINING TO APPLICATION; BY AMENDING SECTION 14-33-4 OF ARTICLE 14-33 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-604 OF THE CITY CODE PERTAINING TO AMENDMENTS TO APPROVED PLANNED AREA DEVELOPMENT; BY RENUMBERING SECTION 14-36-1 OF ARTICLE 14-36 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-605 OF THE CITY CODE PERTAINING TO INTENT; BY AMENDING SECTION 14-36-2 OF ARTICLE 14-36 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-606 OF THE CITY CODE PERTAINING TO GENERAL PROVISIONS; BY AMENDING SECTION 14-36-3 OF ARTICLE 14-36 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-607 OF THE CITY CODE PERTAINING TO APPLICATION REQUIREMENTS; BY AMENDING SECTION 14-36-4 OF ARTICLE 14-36 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-608 OF THE CITY CODE PERTAINING

TO APPLICATION PROCEDURES; BY AMENDING SECTION 14-36-5 OF ARTICLE 14-36 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-609 OF THE CITY CODE PERTAINING TO ADOPTION OF A PLANNED COMMUNITY DISTRICT; BY RENUMBERING SECTION 14-36-6 OF ARTICLE 14-36 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-610 OF THE CITY CODE PERTAINING TO FINDINGS; BY AMENDING SECTION 14-36-7 OF ARTICLE 14-36 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-611 OF THE CITY CODE PERTAINING TO FUTURE DEVELOPMENT; BY AMENDING SECTION 14-36-8 OF ARTICLE 14-36 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-612 OF THE CITY CODE PERTAINING TO AMENDMENTS TO AN APPROVED PC DISTRICT; BY RENUMBERING SECTION 14-36-9 OF ARTICLE 14-36 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-613 OF THE CITY CODE PERTAINING TO ADMINISTRATIVE DECISION APPEALS; BY AMENDING SECTION 14-36-10 OF ARTICLE 14-36 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-614 OF THE CITY CODE PERTAINING TO ADMINISTRATION AND ENFORCEMENT; BY RENUMBERING SECTION 14-36-11 OF ARTICLE 14-36 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-615 OF THE CITY CODE PERTAINING TO DEFINITIONS; BY RENUMBERING SECTION 14-22-1 OF ARTICLE 14-21 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-616 OF THE CITY CODE PERTAINING TO INTENT; BY AMENDING SECTION 14-22-2 OF ARTICLE 14-22 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-617 OF THE CITY CODE PERTAINING TO PERMITTED MINIMUM PROPERTY DEVELOPMENT STANDARDS; BY AMENDING SECTION 14-22-3 OF ARTICLE 14-22 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-618 OF THE CITY CODE PERTAINING TO REQUIRED CONDITIONS; BY RENUMBERING SECTION 14-42-1 OF ARTICLE 14-42 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-619 OF THE CITY CODE PERTAINING TO

INTENT; BY RENUMBERING SECTION 14-42-2 OF ARTICLE 14-42 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-620 OF THE CITY CODE PERTAINING TO GENERAL PROVISIONS; BY RENUMBERING SECTION 14-42-3 OF ARTICLE 14-42 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-621 OF THE CITY CODE PERTAINING TO ZONING DISTRICTS; BY AMENDING SECTION 14-42-4 OF ARTICLE 14-42 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-622 OF THE CITY CODE PERTAINING TO LAND USE MATRIX; BY RENUMBERING SECTION 14-42-5 OF ARTICLE 14-42 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-623 OF THE CITY CODE PERTAINING TO GENERAL REGULATIONS FOR NON-RESIDENTIAL USES; BY AMENDING SECTION 14-42-6 OF ARTICLE 14-42 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-624 OF THE CITY CODE PERTAINING TO PROPERTY DEVELOPMENT STANDARDS; BY RENUMBERING SECTION 14-38-1 OF ARTICLE 14-38 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-625 OF THE CITY CODE PERTAINING TO INTENT; BY RENUMBERING SECTION 14-38-2 OF ARTICLE 14-38 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-626 OF THE CITY CODE PERTAINING TO DEFINITIONS; BY AMENDING SECTION 14-38-3 OF ARTICLE 14-38 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-627 OF THE CITY CODE PERTAINING TO DESIGNATION OF LANDMARKS OR HISTORIC DISTRICTS; BY RENUMBERING SECTION 14-38-4 OF ARTICLE 14-38 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-628 OF THE CITY CODE PERTAINING TO CERTIFICATE OF APPROPRIATENESS; BY RENUMBERING SECTION 14-38-5 OF ARTICLE 14-38 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-629 OF THE CITY CODE PERTAINING TO APPLICATION FOR CERTIFICATE OF APPROPRIATENESS; BY RENUMBERING SECTION 14-38-6 OF ARTICLE 14-38 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-630 OF THE CITY CODE PERTAINING TO HEARING OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS; BY RENUMBERING

SECTION 14-38-7 OF ARTICLE 14-38 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-631 OF THE CITY CODE PERTAINING TO RELIEF FROM COMMISSION DECISION; BY AMENDING SECTION 14-38-8 OF ARTICLE 14-38 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-632 OF THE CITY CODE PERTAINING TO APPLICATION FOR FINDING OF HARDSHIP; BY RENUMBERING SECTION 14-38-9 OF ARTICLE 14-38 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-633 OF THE CITY CODE PERTAINING TO MAINTENANCE OF PROPERTIES AND LANDMARKS; BY RENUMBERING SECTION 14-38-10 OF ARTICLE 14-38 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-634 OF THE CITY CODE PERTAINING TO PENALTIES; BY RENUMBERING SECTION 14-38-11 OF ARTICLE 14-38 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-635 OF THE CITY CODE PERTAINING TO APPEALS; BY RENUMBERING SECTION 14-31-1 OF ARTICLE 14-31 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-701 OF THE CITY CODE PERTAINING TO INTENT; BY RENUMBERING SECTION 14-31-2 OF ARTICLE 14-31 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-702 OF THE CITY CODE PERTAINING TO USE REGULATIONS; BY RENUMBERING SECTION 14-31-3 OF ARTICLE 14-31 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-703 OF THE CITY CODE PERTAINING TO LOCATION; BY AMENDING SECTION 14-31-4 OF ARTICLE 14-31 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-704 OF THE CITY CODE PERTAINING TO SPECIAL PERMIT; BY RENUMBERING SECTION 14-31-5 OF ARTICLE 14-31 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-705 OF THE CITY CODE PERTAINING TO APPLICATION REQUIREMENTS; BY RENUMBERING SECTION 14-31-6 OF ARTICLE 14-31 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-706 OF THE CITY CODE PERTAINING TO HOMEOWNER'S ASSOCIATION; BY RENUMBERING SECTION 14-31-7 OF ARTICLE 14-31 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-707 OF THE CITY CODE PERTAINING TO OTHER REQUIREMENTS; BY RENUMBERING SECTION

14-31-8 OF ARTICLE 14-31 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-708 OF THE CITY CODE PERTAINING TO PRE-EXISTING RIGHTS; BY RENUMBERING SECTION 14-31-9 OF ARTICLE 14-31 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-709 OF THE CITY CODE PERTAINING TO ENFORCEMENT AND VIOLATIONS; BY AMENDING SECTION 14-22A-1 OF ARTICLE 14-22A OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-710 OF THE CITY CODE PERTAINING TO INTENT; BY RENUMBERING SECTION 14-22A-2 OF ARTICLE 14-22A OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-711 OF THE CITY CODE PERTAINING TO DEFINITIONS; BY AMENDING SECTION 14-22A-3 OF ARTICLE 14-22A OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-712 OF THE CITY CODE PERTAINING TO SLOPE DETERMINATION; BY RENUMBERING SECTION 14-22A-4 OF ARTICLE 14-22A OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-713 OF THE CITY CODE PERTAINING TO DENSITY; BY RENUMBERING SECTION 14-22A-5 OF ARTICLE 14-22A OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-714 OF THE CITY CODE PERTAINING TO GENERAL PROVISIONS FOR HILLSIDE LOTS; BY AMENDING SECTION 14-22A-6 OF ARTICLE 14-22A OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-715 OF THE CITY CODE PERTAINING TO HEIGHT AND APPEARANCES; BY AMENDING SECTION 14-22A-7 OF ARTICLE 14-22A OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-716 OF THE CITY CODE PERTAINING TO DISTURBED AREA CALCULATIONS FOR INDIVIDUAL HILLSIDE LOTS; BY RENUMBERING SECTION 14-22A-8 OF ARTICLE 14-22A OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-717 OF THE CITY CODE PERTAINING TO GRADING AND DRAINAGE; BY RENUMBERING SECTION 14-22A-9 OF ARTICLE 14-22A OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-718 OF THE CITY CODE PERTAINING TO DRIVEWAYS; BY AMENDING SECTION 14-22A-10 OF ARTICLE 14-22A OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-719 OF

THE CITY CODE PERTAINING TO PERIMETER WALLS, PRIVACY WALLS, RETAINING WALLS, SPILL SLOPES, AND EDGE TREATMENTS; BY RENUMBERING SECTION 14-22A-11 OF ARTICLE 14-22A OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-720 OF THE CITY CODE PERTAINING TO LIGHTING, SEWERS, UTILITIES; BY RENUMBERING SECTION 14-22A-12 OF ARTICLE 14-22A OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-721 OF THE CITY CODE PERTAINING TO MOUNTAIN RIDGE PROFILE; BY AMENDING SECTION 14-22A-13 OF ARTICLE 14-22A OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-722 OF THE CITY CODE PERTAINING TO SUBMITTAL REQUIREMENTS FOR CONSTRUCTION ON A HILLSIDE LOT; BY RENUMBERING SECTION 14-22A-14 OF ARTICLE 14-22A OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-723 OF THE CITY CODE PERTAINING TO INSPECTIONS; BY RENUMBERING SECTION 14-22A-15 OF ARTICLE 14-22A OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-724 OF THE CITY CODE PERTAINING TO ENFORCEMENT/COMPLIANCE; BY RENUMBERING SECTION 14-22B-1 OF ARTICLE 14-22B OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-725 OF THE CITY CODE PERTAINING TO INTENT; BY RENUMBERING SECTION 14-22B-2 OF ARTICLE 14-22B OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-726 OF THE CITY CODE PERTAINING TO APPLICABILITY; BY RENUMBERING SECTION 14-22B-3 OF ARTICLE 14-22B OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-727 OF THE CITY CODE PERTAINING TO DEFINITIONS; BY AMENDING SECTION 14-22B-4 OF ARTICLE 14-22B OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-728 OF THE CITY CODE PERTAINING TO REVIEW AND APPROVAL PROCESS; BY AMENDING SECTION 14-22B-5 OF ARTICLE 14-22B OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-729 OF THE CITY CODE PERTAINING TO CONSERVATION STANDARDS; BY RENUMBERING SECTION 14-22B-6 OF ARTICLE

14-22B OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-730 OF THE CITY CODE PERTAINING TO NATIVE PLANT PERMIT; BY RENUMBERING SECTION 14-22B-7 OF ARTICLE 14-22B OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-731 OF THE CITY CODE PERTAINING TO INSPECTIONS; BY RENUMBERING SECTION 14-22B-8 OF ARTICLE 14-22B OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-732 OF THE CITY CODE PERTAINING TO DESERT LAND CONSERVATION GUIDE; BY RENUMBERING SECTION 14-22B-9 OF ARTICLE 14-22B OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-733 OF THE CITY CODE PERTAINING TO ENFORCEMENT; BY RENUMBERING SECTION 14-22B-10 OF ARTICLE 14-22B OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-734 OF THE CITY CODE PERTAINING TO APPEALS; BY RENUMBERING SECTION 14-3-1 OF ARTICLE 14-3 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-801 OF THE CITY CODE PERTAINING TO INTENT; BY RENUMBERING SECTION 14-3-2 OF ARTICLE 14-3 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-802 OF THE CITY CODE PERTAINING TO GENERAL USE PROVISIONS; BY AMENDING SECTION 14-3-3 OF ARTICLE 14-3 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-803 OF THE CITY CODE PERTAINING TO ACCESSORY BUILDINGS AND USES; BY AMENDING SECTION 14-3-4 OF ARTICLE 14-3 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-804 OF THE CITY CODE PERTAINING TO SCREENING; BY AMENDING SECTION 14-3-5 OF ARTICLE 14-3 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-805 OF THE CITY CODE PERTAINING TO WALLS, FENCES AND ELECTRICAL FENCES; BY RENUMBERING SECTION 14-3-6 OF ARTICLE 14-3 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-806 OF THE CITY CODE PERTAINING TO PERFORMANCE STANDARDS; BY AMENDING SECTION 14-3-7 OF ARTICLE 14-3 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-807 OF THE CITY CODE PERTAINING TO SATELLITE DISH ANTENNAE; BY

AMENDING SECTION 14-3-8 OF ARTICLE 14-3 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-808 OF THE CITY CODE PERTAINING TO MISCELLANEOUS PROVISIONS; BY AMENDING SECTION 14-3-9 OF ARTICLE 14-3 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-809 OF THE CITY CODE PERTAINING TO HOME OCCUPATIONS; BY RENUMBERING SECTION 14-3-10 OF ARTICLE 14-3 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-810 OF THE CITY CODE PERTAINING TO MANUFACTURED HOUSING; BY RENUMBERING SECTION 14-3-11 OF ARTICLE 14-3 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-811 OF THE CITY CODE PERTAINING TO MOBILE HOMES, TRAVEL TRAILERS, HOUSE TRAILERS, AND RECREATIONAL VEHICLES; BY AMENDING SECTION 14-3-12 OF ARTICLE 14-3 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-812 OF THE CITY CODE PERTAINING TO GROUP HOMES, DAY CARE GROUP HOMES, GROUP CARE FACILITIES, AND COMMUNITY RESIDENTIAL SETTING FACILITIES; BY AMENDING SECTION 14-3-13 OF ARTICLE 14-3 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-813 OF THE CITY CODE PERTAINING TO WIRELESS COMMUNICATION FACILITIES; BY AMENDING SECTION 14-3-14 OF ARTICLE 14-3 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-814 OF THE CITY CODE PERTAINING TO DONATION/RECYCLING DROP-OFF BOXES; BY RENUMBERING SECTION 14-35-1 OF ARTICLE 14-35 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-815 OF THE CITY CODE PERTAINING TO INTENT; BY AMENDING SECTION 14-35-2 OF ARTICLE 14-3 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-816 OF THE CITY CODE PERTAINING TO INTERPRETATION AND SCOPE; BY RENUMBERING SECTION 14-35-3 OF ARTICLE 14-35 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-817 OF THE CITY CODE PERTAINING TO DEFINITIONS; BY AMENDING SECTION 14-35-4 OF ARTICLE 14-3 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION



21-818 OF THE CITY CODE PERTAINING TO GENERAL LANDSCAPE REQUIREMENTS; BY RENUMBERING SECTION 14-35-5 OF ARTICLE 14-35 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-819 OF THE CITY CODE PERTAINING TO LAKE PLEASANT PARKWAY SCENIC ROADWAY CORRIDOR; BY AMENDING SECTION 14-35-6 OF ARTICLE 14-3 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-820 OF THE CITY CODE PERTAINING TO PLAN SUBMITTAL REQUIREMENTS; BY AMENDING SECTION 14-35-7 OF ARTICLE 14-3 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-821 OF THE CITY CODE PERTAINING TO LANDSCAPE INSTALLATION AND MAINTENANCE; BY RENUMBERING SECTION 14-35-8 OF ARTICLE 14-35 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-822 OF THE CITY CODE PERTAINING TO PERMITS; BY RENUMBERING SECTION 14-23-1 OF ARTICLE 14-23 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-823 OF THE CITY CODE PERTAINING TO INTENT; BY RENUMBERING SECTION 14-23-2 OF ARTICLE 14-23 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-824 OF THE CITY CODE PERTAINING TO PLANS REQUIRED; BY AMENDING SECTION 14-23-3 OF ARTICLE 14-23 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-825 OF THE CITY CODE PERTAINING TO PARKING REQUIREMENTS; BY RENUMBERING SECTION 14-23-4 OF ARTICLE 14-23 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-826 OF THE CITY CODE PERTAINING TO OFF-STREET LOADING REQUIREMENTS; BY RENUMBERING SECTION 14-34-1 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-827 OF THE CITY CODE PERTAINING TO INDEX; BY AMENDING SECTION 14-34-2 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-828 OF THE CITY CODE PERTAINING TO INTENT; BY RENUMBERING SECTION 14-34-3 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-829 OF THE CITY CODE PERTAINING TO INTERPRETATION AND SCOPE; BY AMENDING SECTION 14-34-4 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING

ORDINANCE AND RENUMBERING IT AS SECTION 21-830 OF THE CITY CODE PERTAINING TO INTENT; BY AMENDING SECTION 14-34-5 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-831 OF THE CITY CODE PERTAINING TO REQUIREMENT OF CONFORMITY; BY AMENDING SECTION 14-34-6 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-832 OF THE CITY CODE PERTAINING TO SIGNAGE APPROVED AS PART OF SITE PLAN APPROVAL; BY AMENDING SECTION 14-34-7 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-833 OF THE CITY CODE PERTAINING TO DEFINITIONS; BY AMENDING SECTION 14-34-8 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-834 OF THE CITY CODE PERTAINING TO SIGN TYPES AND REQUIREMENTS; BY RENUMBERING SECTION 14-34-9 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-835 OF THE CITY CODE PERTAINING TO SIGNS PERMITTED FOR NON-RESIDENTIAL USES IN THE C-1, C-2, C-3, I-1, I-2, P.A.D., P.C., O-1, PC-1, PC-2, C-4, C-5, CCM, PI-1 AND BPI ZONING DISTRICTS; BY RENUMBERING SECTION 14-34-10 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-836 OF THE CITY CODE PERTAINING TO SIGNS PERMITTED FOR NON-RESIDENTIAL USES IN THE AG, FP, SU, R1-6, R1-7, R1-8, R1-10, R1-12, R1-18, R1-35, SR-35, SR-43, RM-1, RMH-1, RMH-2, RMH-3, CRM, P.A.D. AND P.C. RESIDENTIAL ZONING DISTRICTS; BY RENUMBERING SECTION 14-34-11 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-837 OF THE CITY CODE PERTAINING TO SIGNS PERMITTED FOR RESIDENTIAL USES IN ALL DISTRICTS; BY RENUMBERING SECTION 14-34-12 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-838 OF THE CITY CODE PERTAINING TO NONCONFORMING SIGNS; BY RENUMBERING SECTION 14-34-13 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-839 OF THE CITY CODE PERTAINING TO ABANDONED SIGNS; BY RENUMBERING SECTION 14-34-14 OF ARTICLE 14-

34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-840 OF THE CITY CODE PERTAINING TO LIABILITY OF DAMAGES; BY RENUMBERING SECTION 14-34-15 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-841 OF THE CITY CODE PERTAINING TO EFFECT OF AMENDMENT ON PENDING SUITS; BY RENUMBERING SECTION 14-34-16 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-842 OF THE CITY CODE PERTAINING TO PERMIT REQUIRED; BY RENUMBERING SECTION 14-34-17 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-843 OF THE CITY CODE PERTAINING TO PERMIT APPLICATION AND EXPIRATION; BY RENUMBERING SECTION 14-34-18 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-844 OF THE CITY CODE PERTAINING TO PERMIT FEES; BY RENUMBERING SECTION 14-34-19 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-845 OF THE CITY CODE PERTAINING TO REQUIREMENT OF PLANS; BY RENUMBERING SECTION 14-34-20 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-846 OF THE CITY CODE PERTAINING TO REVOCATION OF PERMITS; BY RENUMBERING SECTION 14-34-21 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-847 OF THE CITY CODE PERTAINING TO REMOVAL OF SIGNS; BY RENUMBERING SECTION 14-34-22 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-848 OF THE CITY CODE PERTAINING TO EMERGENCY REMOVAL OR REPAIR; BY RENUMBERING SECTION 14-34-23 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-849 OF THE CITY CODE PERTAINING TO ENFORCEMENT; BY RENUMBERING SECTION 14-34-24 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-850 OF THE CITY CODE PERTAINING TO INSPECTIONS; BY RENUMBERING SECTION 14-34-25 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-851 OF THE CITY CODE PERTAINING TO INSPECTION MARKINGS; BY RENUMBERING SECTION 14-34-26 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-852 OF THE CITY CODE PERTAINING TO SIGN

MAINTENANCE; BY RENUMBERING SECTION 14-34-27 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-853 OF THE CITY CODE PERTAINING TO DESIGN AND CONSTRUCTION SPECIFICATIONS; BY RENUMBERING SECTION 14-34-28 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-854 OF THE CITY CODE PERTAINING TO PERMITTED LIGHTING AND MOVEMENTS; BY RENUMBERING SECTION 14-34-29 OF ARTICLE 14-34 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-855 OF THE CITY CODE PERTAINING TO LOCATION REQUIREMENTS; BY RENUMBERING SECTION 14-41-1 OF ARTICLE 14-41 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-856 OF THE CITY CODE PERTAINING TO INTENT; BY AMENDING SECTION 14-41-2 OF ARTICLE 14-41 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-857 OF THE CITY CODE PERTAINING TO USES SUBJECT TO A SPECIAL USE PERMIT; BY AMENDING SECTION 14-41-3 OF ARTICLE 14-41 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-858 OF THE CITY CODE PERTAINING TO SPECIAL USE PERMIT APPLICATION PROCESS; BY AMENDING SECTION 14-41-4 OF ARTICLE 14-41 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-859 OF THE CITY CODE PERTAINING TO PERMIT LIMITATIONS; BY RENUMBERING SECTION 14-26-1 OF ARTICLE 14-26 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-860 OF THE CITY CODE PERTAINING TO INTENT; BY RENUMBERING SECTION 14-26-2 OF ARTICLE 14-26 OF THE PEORIA CITY ZONING ORDINANCE AS SECTION 21-861 OF THE CITY CODE PERTAINING TO ESTABLISHMENT OF LEGAL NON-CONFORMITY; BY AMENDING SECTION 14-26-3 OF ARTICLE 14-26 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-862 OF THE CITY CODE PERTAINING TO GENERAL PROVISIONS; BY AMENDING SECTION 14-26-4 OF ARTICLE 14-26 OF THE PEORIA CITY ZONING ORDINANCE AND RENUMBERING IT AS SECTION 21-863 OF THE CITY CODE PERTAINING TO EXCEPTIONS; IDENTIFYING CURRENT CHAPTER 21 OF THE PEORIA CITY CODE (1992)

TO BE RENUMBERED AND/OR AMENDED BY A  
SEPARATE ORDINANCE; AND PROVIDING FOR  
SEVERABILITY AND FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Article 14-1 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-1-1 as Section 21-101 of the Peoria City Code (1992) pertaining to Intent.

SECTION 2. Article 14-1 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-1-2 as Section 21-102 of the Peoria City Code (1992) pertaining to Conflicting Regulations.

SECTION 3. Article 14-1 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-1-3 as Section 21-103 of the Peoria City Code (1992) pertaining to Private Agreements.

SECTION 4. Article 14-1 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-1-4 as Section 21-104 of the Peoria City Code (1992) pertaining to Vested Rights.

SECTION 5. Article 14-1 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-1-5 as Section 21-105 of the Peoria City Code (1992) pertaining to Statutory Exemptions.

SECTION 6. Article 14-1 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-1-6 as Section 21-106 of the Peoria City Code (1992) pertaining to Jurisdiction.

SECTION 7. Article 14-1 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-1-7 as Section 21-107 of the Peoria City Code (1992) pertaining to Administration.

SECTION 8. Article 14-1 of the Peoria City Zoning Ordinance is amended by amending Section 14-1-8 and renumbering it as Section 21-108 of the Peoria City Code (1992) pertaining to Enforcement and which shall read as follows:

~~14-1-8~~21-108 Enforcement.

Responsibility for the enforcement of this Section as hereinafter provided is hereby vested in the office of the Zoning Inspector, who shall be a city official appointed by the Council.

- A. 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 an offense.

- B. Civil violations of this Section shall be enforced as provided in Chapter 45 and Chapter 17, Section 17-51 of the City Code.
- C. Criminal violations of this Section shall be enforced as provided in Chapter 45 and Chapter 17, Section 17-51 and pursuant to state statute.
- D. 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.
- E. 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.

SECTION 9. Article 14-1 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-1-9 as Section 21-109 of the Peoria City Code (1992) pertaining to Amendments.

SECTION 10. Article 14-2 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-2-1 as Section 21-201 of the Peoria City Code (1992) pertaining to Intent.

SECTION 11. Article 14-2 of the Peoria City Zoning Ordinance is amended by amending Section 14-2-2 and renumbering it as Section 21-202 of the Peoria City Code (1992) pertaining to Definitions and which shall read as follows:

Sec. ~~14-2-221-202~~ 21-202 Definitions

- 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:

*List of Defined Terms*

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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.

**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.

**Alternative tower structure** means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**B**

**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.

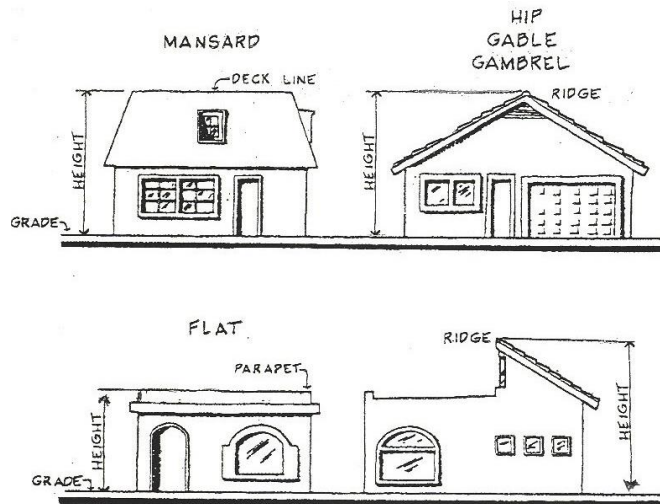
**Board** means the Peoria Board of Adjustment.

**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.

**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.

1. Principal building means a building, or where the context so indicates, a group of buildings, within which is conducted the principal use of the lot on which the building is situated.
2. Accessory building means a subordinate building on the same lot with a principal building or use, the use of which is customarily accessory and incidental to the main use of the principal building or use. When attached to the principal building, such accessory building shall be considered as part of the principal building for purposes of setback and yard regulations.

**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 building, attached or detached, having one or more open sides used by occupants of the principal building.

**Catering Establishment** means an establishment where food is sold for consumption off-premises with no counters or tables for consumption of food on the premises.

**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.

**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.

**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 know 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-In Restaurant** means a restaurant, which provides food and beverage

service directly to patrons within parked vehicles for consumption primarily on the premises.

**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.

**Dwelling Unit (DU)** means a building or portion thereof, designed as a unit for occupancy by one family for cooking, living and sleeping purposes.

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**

**Effective Date** means the date upon which this Section or any amendment hereto becomes effective.

**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 usual servants living together as a single housekeeping unit in a dwelling unit, or
2. A group of not more than ten persons who need not be Family Members, living together as a single housekeeping 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 of private real property, an estate of any of the foregoing family members, a trust of which any of the foregoing family members is a beneficiary or are beneficiaries, or a legal entity owned by any one or combination of these family members or the legal owner of private real property.

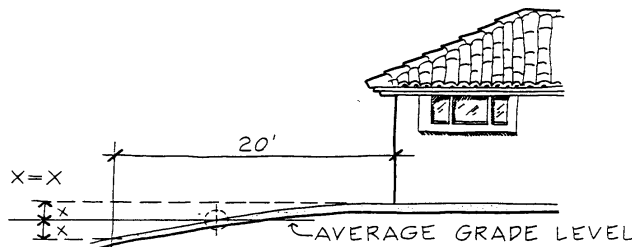
**Floor Area, Gross** means the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space 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.

**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 ~~14-10-3A~~ 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 house guests 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-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.

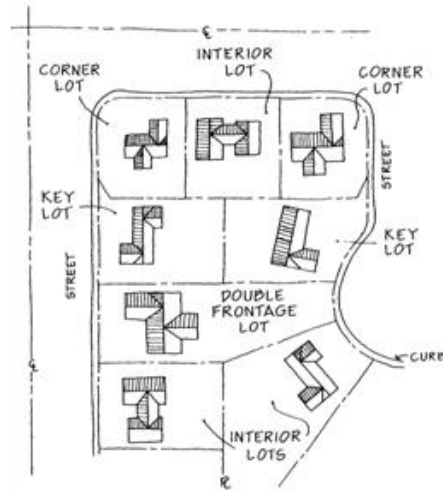
**Lattice or Trellis** means an open work structure of crossed strips or bars of wood, aluminum or plastic on which vines or other creeping plants may be trained. Specifically excludes chain link, corrugated, metal and similar metal materials or vinyl mesh.

**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.

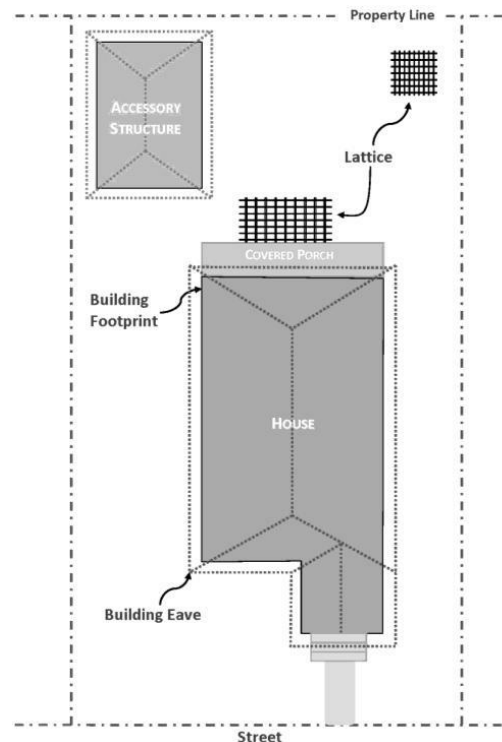
1. Corner lot means a lot abutting on two or more intersecting streets having an interior angle of intersection not exceeding one hundred thirty-five degrees.
2. Interior lot means a lot having only one side abutting on a street.
3. Key lot means an interior lot, one side of which abuts the rear lot (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. \*24



**Lot Area** means the portion or percentage 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 Coverage** means the part or percentage of a lot occupied by a principal (and) or

accessory buildings.

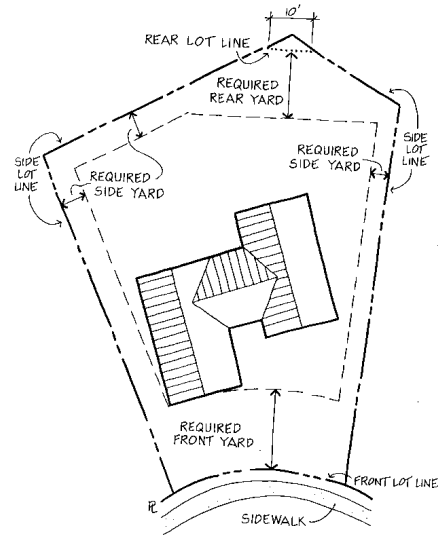
**Lot Depth** means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

**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.

**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 who has been issued and possesses a valid Registry Identification Card pursuant to A.R.S. §36-2801, et.seq.

**Medical Marijuana Dispensary** is a non-profit entity defined in A.R.S. §36-2801(11), that sells distributes, transmits, gives, dispenses, or otherwise provides Marijuana for Medical Use and related supplies to Qualifying Patients. Included is 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. Additionally included is 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. to cultivate not more than twelve Marijuana plants for their personal use in addressing a Debilitating Medical Condition as set forth in A.R.S. §36-2801, et.seq.

**Medical Marijuana Manufacturing or Cultivation Facility** is a building, structure, or premises where Marijuana is cultivated or stored and which is physically separate from a Medical Marijuana Dispensary. Such Medical Marijuana Manufacturing or Cultivation Facility may only provide Marijuana or Marijuana plants to Medical Marijuana Dispensaries for retail sales to qualified Medical Marijuana Cardholders. Requirements for Mixed Use Occupancy will be based upon the adopted building codes.

**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.

**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 a tract of land, building, or structure developed for two or more different uses such as, but not limited to, residential, office, light manufacturing, retail, public, or entertainment.

**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.

## **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 opaquely 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.

**Oral Sexual Contact** means oral contact with the penis, vulva or anus.

**Outdoor Display** means display of retail merchandise and retail sales outside of an enclosed structure.

**Outdoor Storage** means exterior storage of material including items for sale, lease, processing and repair for a period greater than 24 hours.

**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. <sup>\*7</sup>

**Pawnshop** means any establishment in that is carried on the business of pawn brokerage, or the business of loaning money, receiving as security for payment thereof pawns or pledges of property, or the business of purchasing personal property and reselling or agreeing to resell, trade or exchange such Sections to vendors, their personal representatives, or their assignees at a price agreed upon at or before the time of such purchase whether such business be the principal or sole business so carried on or be merely incidental to, or in connection with, or a branch or a department of some other business.

**Permissible Consumer Fireworks** means fireworks devices as defined by A.R.S. §36-1601.5(a) and (b).

**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.

**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 – 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** means an indoor or outdoor facility for the purpose of hosting meetings, weddings, receptions and/or luncheons.

**Recreation and Social Clubs** means buildings and grounds used for and operated by membership or fraternal organizations primarily for recreation and service of members and their guests and not primarily for profit, including but not limited to golf clubs, riding clubs, American Legion halls, Elks clubs, and similar facilities.

**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, baled 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** means any restaurant (except a drive-in establishment or a convenience food restaurant as defined in this Section), coffee shop, cafeteria, short-order cafe, luncheonette, sandwich stand, drugstore, and soda fountain serving food, and all other eating or drinking establishments provided that at least forty percent (40%) of the total sales are derived from the sale of food.

**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.

**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.

**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.

**Service Clubs** means buildings and grounds used for and operated by non-profit organizations whose membership is open to any resident of the community, including YMCA, YWCA, Boy Scouts, Girl Scouts, Boys and Girls Club and any similar organization having as its primary objective the improvement of the district, neighborhood or community and its social welfare. Service Clubs shall not include Recreation and Social Clubs as herein defined.

**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.

**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 that sells beer or intoxicating liquor for consumption on the premises and having a Liquor License with any of the following classifications: Bar License (Series #06) or Beer and Wine Bar License (Series #07) or the equivalent of such license, and excluding

restaurants and recreation and social clubs.

**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** 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 and similar communication purposes, including self-supporting lattice towers, guyed towers, and monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term also includes the structure and any support thereto.

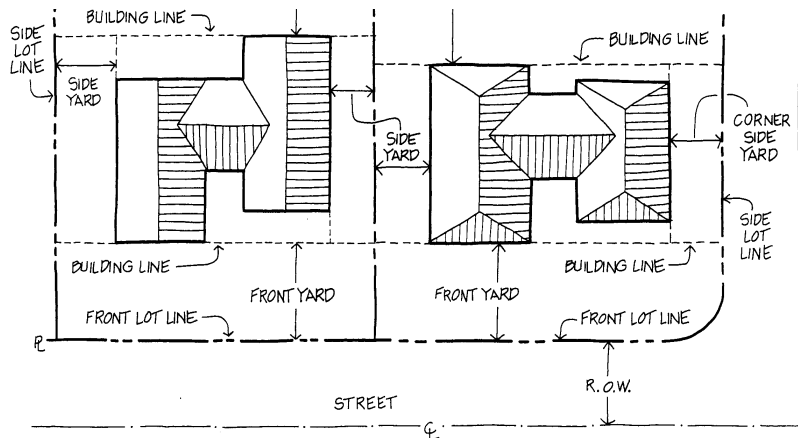
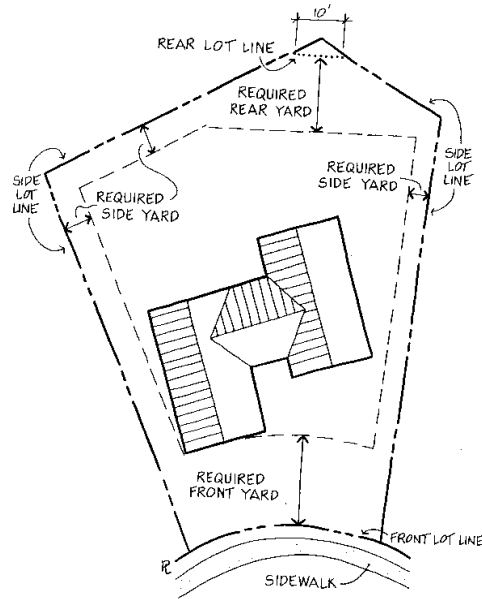
**Y - Z**

**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.

SECTION 12. Article 14-37 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-37-1 as Section 21-301 of the Peoria City Code (1992) pertaining to Intent.

SECTION 13. Article 14-37 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-37-2 as Section 21-302 of the Peoria City Code (1992) pertaining to City Council.

SECTION 14. Article 14-37 of the Peoria City Zoning Ordinance is amended by amending Section 14-37-3 and renumbering it as Section 21-303 of the Peoria City Code (1992) pertaining to Planning and Zoning Commission and which shall read as follows:

Sec. ~~14-37-3~~21-303 Planning and Zoning Commission

~~A. Establishment~~

~~The City has established the Planning and Zoning Commission pursuant to Chapter 203, Section ~~20-163-47~~, of the Peoria City Code (1992) and in accordance with A.R.S. §~~9-461~~.~~

~~B. Membership~~

~~The Planning and Zoning Commission shall be composed of seven members and one alternate who shall be appointed by the Mayor with the approval of the City Council in accordance with the provisions of the City Code.~~

~~C. General Powers and Duties~~

~~The Planning and Zoning Commission acts as an advisory board to the City Council on land use and zoning matters. The Planning and Zoning Commission shall hold public hearings as required by law and make recommendations to the City Council on all matters concerning or relating to General Plan amendments, zoning district map amendments, Zoning Ordinance text amendments, and other matters affecting land use and development within the City.~~

SECTION 15. Article 14-37 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-37-4 as Section 21-304 of the Peoria City Code (1992) pertaining to Zoning Administrator and Enforcement Official.

SECTION 16. Article 14-37 of the Peoria City Zoning Ordinance is amended by amending Section 14-37-5 and renumbering it as Section 21-305 of the Peoria City Code (1992) pertaining to Board of Adjustment and which shall read as follows:

Sec. ~~14-37-5~~21-305 Board of Adjustment

~~A. Establishment~~

The City has established the Board of Adjustment pursuant to A.R.S. §9-462 and the City Code, Chapter ~~203~~, Section ~~20-343-15~~, and all amendments thereof.

~~B. Membership~~

~~The board of Adjustment shall be composed of five (5) members and one alternate who shall be appointed by the Mayor with the approval of the City Council.~~

~~C. General Powers and Duties~~

~~The Board of Adjustment shall hear and decide appeals from decisions of the Community Development Department concerning the interpretation of provisions of this Ordinance and minor variances, shall hear appeals from decisions of administrative hearing officers, shall act on applications for temporary use permits and variances (other than those variances determined to be minor), and shall exercise such other powers as granted by Council.~~

SECTION 17. Article 14-37 of the Peoria City Zoning Ordinance is amended by repealing Section 14-37-6 in its entirety pertaining to Design Standards Advisory Board and which shall read as follows:

~~14-37-6 Design Standards Advisory Board~~

~~A. Establishment~~

~~The City has established the Design Standards Advisory Board pursuant to the City Code, Chapter 20, Section 20-76, and all amendments thereof.~~

~~B. Membership~~

~~The Design Standards Advisory Board shall be composed of five (5) members who shall be appointed by the Mayor with the approval of the City Council.~~

~~C. General Powers and Duties~~

~~The Design Standards Advisory Board shall review and make recommendations concerning review standards for non-residential and residential design, work with City staff and provide recommendations concerning the review process, and perform other duties as prescribed by City Council.~~

SECTION 18. Article 14-37 of the Peoria City Zoning Ordinance is amended by amending Section 14-37-7 and renumbering it as Section 21-306 of the Peoria City Code (1992) pertaining to Design Review Appeals Board and which shall read as follows:

~~Sec. 14-37-721-306 Design Review Appeals Board~~

~~A. Establishment~~

~~The City has established the Design Review Appeals Board pursuant to the City Code, Chapter ~~203~~, Section ~~20-753-18~~, and all amendments thereof.~~

~~B. Membership~~

~~The Design Review Appeals Board shall be composed of five (5) members who shall be appointed by the Mayor with the approval of the City Council.~~

~~C. General Powers and Duties~~

~~The Design Review Appeals Board shall hear and render a decision on all appeals of decisions of the Community Development Department of design review.~~

SECTION 19. Article 14-37 of the Peoria City Zoning Ordinance is amended by amending Section 14-37-8 and renumbering it as Section 21-307 of the Peoria City Code (1992) pertaining to Historic Preservation Board and which shall read as follows:

Sec. ~~14-37-8~~21-307 Historic Preservation Board

~~A. Establishment~~

~~The City has established the Historic Preservation Commission pursuant to the City Code, Chapter ~~20~~23, Section ~~20-303-23~~, and all amendments thereof.~~

~~B. Membership~~

~~The Historic Preservation Commission shall be composed of five (5) members who shall be appointed by the Mayor with the approval of the City Council.~~

~~C. General Powers and Duties~~

~~Pursuant to the City Code, Chapter 20, Section 20-34, and all amendments thereof, the Historic Preservation Commission shall review and make recommendations to the City Council on matters concerning significant historic, architectural, and cultural landmark's within the City.~~

SECTION 20. Article 14-37 of the Peoria City Zoning Ordinance is amended by amending Section 14-37-9 and renumbering it as Section 21-308 of the Peoria City Code (1992) pertaining to Administrative Hearing Officer and which shall read as follows:

Sec. ~~14-37-9~~21-308 Administrative Hearing Officer

A. Authority

Pursuant to A.R.S. §9-462.08 and in accordance with Chapter 20, Section 20-41 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 Community Development Department regarding administration of the requirements of the Hillside Development Overlay District as described in ~~Article 14-22A~~ Section 21-710 and in accordance with ~~Article 14-39~~ Sections 21-311 through 21-327, "Administrative Procedures," ~~Section 14-39-14~~ 21-325, "Hillside Appeals."
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

SECTION 21. Article 14-37 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-37-10 as Section 21-309 of the Peoria City Code (1992) pertaining to Planning Agency.

SECTION 22. Article 14-39 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-39-1 as Section 21-310 of the Peoria City Code (1992) pertaining to Intent.

SECTION 23. Article 14-39 of the Peoria City Zoning Ordinance is amended by amending Section 14-39-2 and renumbering it as Section 21-311 of the Peoria City Code (1992) pertaining to Interpretation and which shall read as follows:

Sec. ~~14-39-2~~ 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 14-39-14~~ 21-323 "Appeals to Board of Adjustment," of this Ordinance.

SECTION 24. Article 14-39 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-39-3 as Section 21-312 of the Peoria City Code (1992) pertaining to Enforcement.

SECTION 25. Article 14-39 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-39-4 as Section 21-313 of the Peoria City Code (1992) pertaining to Violations.

SECTION 26. Article 14-39 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-39-5 as Section 21-314 of the Peoria City Code (1992) pertaining to Fees.

SECTION 27. Article 14-39 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-39-6 as Section 21-315 of the Peoria City Code (1992) pertaining to Notices.

SECTION 28. Article 14-39 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-39-7 as Section 21-316 of the Peoria City Code (1992) pertaining to Expiration of Applications.

SECTION 29. Article 14-39 of the Peoria City Zoning Ordinance is amended by amending Section 14-39-8 and renumbering it as Section 21-317 of the Peoria City Code (1992) pertaining to Rezoning and which shall read as follows:

Sec. ~~14-39-8~~ 21-317 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.

C. Mandatory Pre-Application Conference, Plan Submittal and Approval

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 PAD, 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. Rezoning 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 Department. Submittal requirements shall be as established administratively by the 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 Plan.
4. The applicant shall present evidence of ownership or the type of controlling interest in the property (e.g., option to purchase) to the Department. The applicant shall submit the application together with the applicable fee to the Department.

#### E. Citizen Participation Process

A Citizen Participation Process shall accompany all rezone requests. 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 21-319 and minor amendments to approved Planned Area Developments and Planned Community Developments.

1. The applicant shall hold at least one neighborhood meeting with persons who may be affected or have an interest in the application; said persons shall be notified pursuant to Section ~~14-39-621-315~~, "Notices". The neighborhood meeting shall be held in a neutral location within the general area of the request.
2. The applicant shall prepare and submit a report to the 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.
3. Timing of Citizen Participation Meetings and Communications. <sup>\*9,\*13</sup> The required neighborhood meeting shall be conducted within forty-five (45) calendar days of submittal of the application. No hearing date shall be scheduled until the meeting report is submitted and validated by the Department.

#### F. Department Review

1. The 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 Planning Manager, 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 Planning Manager shall not approve or recommend approval of any rezoning unless the Planning Manager has received a Waiver of Proposition 207 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 Proposition 207 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 ten (10) 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  
The City Council, after receiving the report and recommendation of the Planning and Zoning Commission, may take action as follows:
  - a. Affirm in whole or in part the action of the Commission;
  - b. Reverse in whole or in part the action of the Commission;

- c. Modify any decision, determination, or requirement of the Commission; or
      - d. Remand the matter back to the Commission for further consideration.
  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 protests must be filed in writing, with the Department, within ten (10) calendar days after the Commission renders its recommendations. 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 14-39-14~~ 21-320, "Site Plan Review," 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 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 Department, requesting a modification to the adopted requirements. The 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 Department Director, 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 Director'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 Director'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 Sub-section J, "City Council Hearing and Action."
- 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.

SECTION 30. Article 14-39 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-39-9 as Section 21-318 of the Peoria City Code (1992) pertaining to Initial Zoning upon Annexation.

SECTION 31. Article 14-39 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-39-10 as Section 21-319 of the Peoria City Code (1992) pertaining to Zoning Ordinance Text Amendments.

SECTION 32. Article 14-39 of the Peoria City Zoning Ordinance is amended by amending Section 14-39-11 and renumbering it as Section 21-320 of the Peoria City Code (1992) pertaining to Site Plan Review and which shall read as follows:

Sec. ~~14-39-11~~ 21-320 Site Plan Review

- A. Applicability
  1. All development in the City of Peoria, except detached or attached single-family units on individual lots, shall be subject to Site Plan Review as provided in this Ordinance.

B. Application for Site Plan Review

An application for Site Plan Review 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 Site Plan and Design Review Process Guides. The application shall contain sufficient information for the City to determine whether the proposed development meets the development requirements of the City.

C. Plans Review

The City shall review Site Plan applications in accordance with the Process Guides. If the Department determines that the proposed Site Plan 1) is consistent with the health, safety, and welfare of the community; 2) is in harmony with the purposes and intent of this Ordinance, the General Plan, and any plan for the area; and 3) will not cause traffic related concerns that cannot be mitigated then the Department may grant Site Plan Approval and may impose such conditions and safeguards as the Department deems necessary to satisfy the provisions in this Ordinance. The Department may determine that the conditions required for approval do not exist and, thereupon, deny Site Plan approval. <sup>\*12, \*19</sup>

D. Appeals

The applicant or any member of the public may file a request to appeal: (a) the decision to approve or deny a site plan; (b) a site plan stipulation; or (c) an exaction or dedication associated with the site plan. <sup>\*7</sup>

1. Appeal to Planning and Zoning Commission

The Planning and Zoning Commission shall hear appeals related to decisions to approve or deny a site plan, and for site plan stipulations other than stipulations for exactions or dedications. The Commission may approve in whole or in part, modify, or deny the request, or continue the appeal. The decision of the Planning and Zoning Commission shall be final.

a. Filing

The appealing party shall file a written appeal, to the Planning and Zoning Commission, within fifteen (15) calendar days of the Notice of Decision. The filing of an appeal will be considered complete upon receipt of the appeal by the Department Director. The written appeal shall include the specific reasons for the appeal. If no appeal is filed within the fifteen (15) calendar days of the day the notice of decision was issued, the decision of the Department shall be final.

2. Appeal to Land Use Hearing Officer for Exactions or Dedications

The Land Use Hearing Officer shall hear appeals related to exactions or dedications associated with the site plan, in accordance with ~~Article 14-37 Sections 21-301 through 21-310~~, "Administrative and Decision Making Bodies," ~~Section 14-37-9.C 21-308(C)~~, "Land Use Hearing Officer."

E. 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 Planning Manager 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.

F. Amendments to Approved Site Plans

Any change or modification to an approved Site Plan shall be considered an amendment to the Site Plan. For all Site Plan amendments, revised Site Plans incorporating the changes shall be submitted to the Department. Site Plan amendments shall be classified as Major or Minor and processed accordingly.

1. Criteria for Major Amendments

Any modification which, as determined by the Department, substantially changes the approved site plan, shall be considered a major site plan amendment. The Department shall consider all amendments that would increase project gross land area, building square footage, or residential densities by more than ten (10) percent, materially change project land use, or alter circulation patterns to be Major Site Plan Amendments.

2. Criteria for Minor Amendments

Any modification which, as determined by the Department, does not substantially change the approved site plan, shall be considered a Minor Site Plan Amendment. The Department shall consider changes such as minor dimensional building configuration and landscape changes, as well as the addition of shade structures, to be Minor Site Plan Amendments.

3. Approval of Major Amendments

If the Department determines that an application is for a Major Site Plan Amendment, a new application form together with the revised Site Plan, associated materials, and the application fee shall be submitted to the Department and shall be subject to the Application, Site Plan Review, and Appeal processes as herein set forth.

4. Approval of Minor Amendments

If the Department determines that an application is for a Minor Site Plan Amendment, the Department shall approve or deny the application through the Building Permit process.

SECTION 33. Article 14-39 of the Peoria City Zoning Ordinance is amended by amending Section 14-39-12 and renumbering it as Section 21-321 of the Peoria City Code (1992) pertaining to Conditional Use Permit and which shall read as follows:

Sec. ~~14-39-12~~ 21-321 Conditional Use Permit

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 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 Ordinance specify that certain buildings, structures, and uses of land may be allowed by the 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 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 Department shall consider a building, structure, or use that fails to conform to the requirements of this Section as non-conforming as described in ~~Article 14-26~~ Section 21-859, "Legal-Non-Conformance," and its continuance shall be governed by all non-conformity regulations stipulated in this 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

1. 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 Planning Manager, 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 Planning Manager 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

The Department shall review applications for Conditional Use Permits and make a recommendation for approval or denial to the Planning and Zoning Commission based on the following criteria;

1. Whether the use is designated as a permitted Conditional Use within the zoning district in which the property is located.
2. Whether the use meets the locational and development standards provisions, as applicable for the Conditional Use Permit, for the zoning district in which the property is located.
3. Whether the use is consistent with the goals, policies, and intent of the General Plan and any adopted Specific Plan applicable to the site where the proposed use is located.



4. Whether the use is consistent with documentation and recommendations provided by reviewing City Departments.
5. Whether the use complies with all applicable City Codes, standards, and guidelines governing such use.
6. Whether the use will be materially detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the property, to the neighborhood, or to the public welfare; or if the use will unreasonably interfere with the use and enjoyment of nearby properties. Consideration shall include, but not be limited to the following factors:
  - a. Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination;
  - b. Impact on surrounding areas resulting from an unusual volume or character of traffic;
  - c. Ingress and egress to the property and proposed structures;
  - d. Pedestrian and vehicular circulation with particular reference to fire protection;
  - e. Parking and loading; and,
  - f. Impact on public services, including schools, utilities, and recreation.
7. The Planning Manager shall not approve or recommend approval of any Conditional Use Permit unless the Department has received a Waiver of Proposition 207 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 Proposition 207 is consistent with the City's General Plan and zoning goals and regulations.
8. For Adult Uses  
Whether the use complies with specific guidelines established by the Planning Manager for all Adult Uses. Such guidelines are designed to ensure compatibility with existing principal permitted uses and conditional uses and conform with the intent and purpose for which Conditional Use Permits are granted. Such guidelines must be in writing and on file before the date of the application of the Conditional Use Permit for the Adult Use and copies shall be on file with the Department, City Clerk Department, and Office of the City Attorney.

F. Citizen Participation Process

1. 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:
  - a. 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.

- b. 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 ~~14-39-6~~ 21-315 "Notices".
- c. 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.

G. Planning and Zoning Commission Public Meeting

1. The Planning and Zoning Commission shall consider a request for a Conditional Use Permit at a public meeting. The Commission Chair may choose to open a portion of the meeting to public comment if the Chair believes it is necessary to further address the health, safety and welfare of the neighborhood.
  - 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.
2. 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.

H. Appeal of Decision of Planning and Zoning Commission to City Council

Any member of the public, including the applicant, may appeal a decision of the Planning and Zoning Commission, regarding a Conditional Use Permit, to the City Council. The appeal must be in writing and filed with the Department, within fifteen (15) calendar days of the date of the decision. The filing of an appeal will be considered complete upon receipt by the Department Director.

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.

1. Notice

The Department shall ensure that notice is provided in the manner described above for the Planning and Zoning Commission hearing.

2. Hearing

- a. 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 Commission, applicable law, the review criteria stipulated in this Section, and guidelines promulgated by the Department.
- b. If the City Council reverses or modifies the decision of the Commission, the 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.

I. Continuing Jurisdiction and the Revocation, Modification, or Suspension of Permits

1. Conditional Use Permits

a. The Planning Manager 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.
  - a) Notice and a public hearing shall be provided in the same manner as for Conditional Use Permit applications
- 5) 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 ~~Article 14-9~~ Section 21-500 Section 21-500 "Non-Residential Districts" pertaining to Adult Uses, and b) guidelines promulgated by the Planning Manager in accordance with said Sections.

J. Adult Uses

Applications for uses that are classified as Adult Uses, pursuant to ~~Article 14-2 Sections 21-201 through 21-202~~, "Definitions" shall be made in the same manner as all other Conditional Uses; however, such uses shall be subject to the additional stipulations set forth in ~~Article 14-9 Section 21-500~~, "Non-Residential Districts."

1. Conditions or Limitations

When granting of a 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 in this Section or in ~~Article 14-9 Section 21-500~~, "Non-Residential Districts".

2. Denied Application

No application for a regulated use which has been denied in whole or in part shall be resubmitted for a period of one (1) year from the date of the denial.

3. Appeal

An applicant may appeal a denial of a Conditional Use permit by the City Council in accordance with A.R.S. §12-7.6.

SECTION 34. Article 14-39 of the Peoria City Zoning Ordinance is amended by amending Section 14-39-13 and renumbering it as Section 21-322 of the Peoria City Code (1992) pertaining to Temporary Use Permits and which shall read as follows:

Sec. ~~14-39-13~~ 21-322 Temporary Use Permits

A. Intent

1. In addition to regulating uses which are permanent in nature, it is the intent of this Ordinance to provide for certain temporary uses for limited periods of time. Allowing temporary uses, as herein provided for, is not intended to permit uses otherwise prohibited by the Zoning Ordinance or to allow permanent uses to be established.
2. The purpose of this Section is to establish the procedures and outline the review criteria to be used by the Department when considering an application for a Temporary Use Permit. All Temporary Uses shall be conducted so as not to be detrimental to the surrounding properties and shall be subject to the standards and regulations contained herein. The Department shall not grant a Temporary Use Permit until adequate assurances have been provided ensuring compliance with the provisions of this Ordinance and all other applicable City Codes.

B. General

Every Temporary use on private property shall require a Temporary Use Permit as herein stipulated.

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. \*4

C. Permitted Temporary Uses

The City may grant a Temporary Use Permit for any of the following uses.

1. Carnivals, circuses, or similar special events.
2. Outdoor sales events, such as Christmas tree sales, pumpkin sales, or similar holiday-related events.
3. Outdoor sales of consumer permissible fireworks. \*4
4. Temporary municipal uses. \*8
5. Off-site retail sales of souvenirs, gifts, and food incidental to a sporting or cultural event.
6. Tent revival or fellowship meetings.
7. Craft shows, home and garden shows, festivals, or similar events.
8. Outdoor concerts, paid admission events, and events involving the distribution of alcoholic beverages.
9. Such other uses as the City may deem to be within the intent and purpose of this Section.
10. Donation/Recycling Drop-Off Boxes

D. Application

A property owner or duly authorized agent may submit an application for a Temporary Use Permit. The applicant shall obtain the official application materials from the Department. Submittal requirements shall be as outlined on the official form and any other requirements that the Department deems necessary to understand the proposal, including Site Plans prepared in accordance with ~~Section 14-39-14~~ 21-320, "Site Plan Review," of this Section. The applicant shall submit the official application and associated materials, together with the applicable fee, to the Department.

E. Posting

Temporary Uses which, in the opinion of the Department, meet all the following criteria shall not require posting:

1. The use and/or structure complies with all applicable codes and Ordinances;
2. The use and/or structure does not interfere with pedestrian access ways, fire lanes, driveway entrances, or traffic visibility at driveways or street intersections;
3. Parking on the property is adequate to serve any existing permanent use and the temporary use;
4. The temporary use shall not be conducted between the hours of 10:00 p.m. and 7:00 a.m., excluding Donation/Recycling Drop-Off Boxes; and,

5. The City Engineer or designee thereof, approves vehicular access for the proposed temporary use.
2. Temporary uses which, in the opinion of the Department, do not meet all of the above criteria shall be posted. For such temporary uses, the City shall post the subject property within five (5) working days following submittal of the application

F. Review and Approval

1. Application for a Temporary Use Permit shall be reviewed by the Department who shall approve, conditionally approve, or disapprove the application. Approval shall be given only when in the judgment of the City such approval is consistent with the intent and purpose of this section of this Ordinance.

In considering the application, the Department may include, but are not be limited to, the following conditions:

- a. Regulation of parking, dust control measures, and site lighting.
  - b. Regulation of hours of operation.
  - c. Regulation of site ingress and egress.
  - d. Assurance of compliance with building, fire, electrical, and all other appropriate codes.
  - e. Such other conditions deemed necessary to carry out the intent and purpose of this Section.
  - f. All signage proposed for the temporary use or event shall be in compliance with ~~Article 14-34~~ Section 21-827, "Signs." All signage shall obtain a separate sign permit. \*6
2. 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.
  3. Issuance of Permits  
To be issued a permit, the applicant shall sign an agreement with the City stating that within 72 hours of cessation of the use or expiration of the permit, whichever occurs first, the site shall be restored to the same condition prior to commencement of the temporary use.
  4. Time Limits and Renewal of Permits  
All Temporary Use Permit approvals shall be subject to a time limit as set forth by the Department.
    - a. Temporary Use Permits for off-site construction yards or residential sales may be permitted for the duration of the project, or as determined by the City.
    - b. Temporary Use Permits for Donation/Recycling Drop-Off Boxes may be permitted for a renewable duration not to exceed twelve (12)

months, or as determined by the City. Each renewal requires a new Temporary Use Permit application and fee.

- c. All other Temporary Use Permits shall be limited to a maximum of thirty (30) consecutive days per event, and the cumulative total of all Temporary Uses shall not exceed ninety (90) days per calendar year per lot. Not more than twelve (12) Temporary Use Permits shall be granted per lot or complex per calendar year.
- d. Each occurrence of a Temporary Use and each distinct Temporary Use on a property shall require separate submittal and approval of a Temporary Use Permit Application.

G. Appeal of Decision to Board of Adjustment

1. Upon receiving notification of the Department's decision to approve or deny the application for a Temporary use Permit, the applicant or any party in interest, aggrieved by the decision may file an appeal to the Board of Adjustment. Such appeal shall be filed in writing, within seven (7) calendar days of the decision. Any appeal to the Board of Adjustment shall follow the procedures outlined in ~~this Article, Section 14-39-14, "Appeals to Board of Adjustment," Sub-section I,~~ Section 21-324(l) "Temporary Use Permit."
2. Upon appeal, the Department shall file all material on the matter with the Board of Adjustment. The Board shall review the case based on the material filed by the Department and on information presented at the hearing. The Board shall uphold the action of the Department, remand the matter back to the Department with instructions for further review, or overturn the action of the Department.

SECTION 35. Article 14-39 of the Peoria City Zoning Ordinance is amended by amending Section 14-39-14 and renumbering it as Section 21-323 of the Peoria City Code (1992) pertaining to Appeals to Board of Adjustment and which shall read as follows:

Sec. ~~14-39-14~~21-323 Appeals to Board of Adjustment

A. General

The Board of Adjustment shall 1) hear and decide appeals from decisions of the Department concerning the interpretation of provisions of the Ordinance; 2) hear appeals from decisions of administrative hearing officers; 3) act on applications for temporary use permits, and 4) act on applications for variances (other than those variances determined to be minor).

B. Stay of Proceedings

Upon filing of an appeal by the appellant, all proceedings in the matter shall be stayed, unless the Department Director or designee certifies to the Board, after receipt of such appeal, that a stay would cause imminent peril to life and property and the Board issues an order.

C. 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 Zoning.

D. 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.
2. No order of the Board permitting the erection or alteration of a building shall be valid for a period longer than 18 months, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is commenced and proceeding toward completion in accordance with the terms specified by the Board. <sup>\*5</sup>

E. Jurisdiction

The Department Director or designee may request the opinion of the Office of the City Attorney as to the jurisdiction of the Board. The Board shall consider the opinion of the Office of the City Attorney prior to the accepting jurisdiction and hearing the matter.

F. Appeal to Superior Court

Pursuant to A.R.S. §12-7.6., an affected party may file an appeal to a decision of the Board of Adjustment to the Superior Court.

G. Variance



1. 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.

2. 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.

3. Evidence Required

At the public hearing the applicant shall present a statement and adequate documentation to demonstrate the following:

- a. Special circumstances or conditions exist on the subject property that does not exist on other property in that zoning district.
- b. 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.
- c. 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.
- d. 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.
- e. Granting the variance will not interfere with or substantially or permanently injure the appropriate use of adjacent conforming properties in the same zoning district.

4. Board of Adjustment Action

a. Approval

In the event the Board of Adjustment determines that the applicant demonstrates compliance with conditions set forth above in Sub-section (G)(3), "Evidence Required," of this Section ~~14-39-14~~ 21-323 "Appeals to Board of Adjustment," 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.

b. Findings

In approving or conditionally approving the variance, the Board shall find that

- 1) 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
- 2) 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.

c. 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.

d. Considerations

The Board shall not consider the following when considering grounds for granting a variance:

- 1) Violations related to uses or structures in the same zoning district
- 2) Permitted uses or structures in other zoning districts

e. Denied Application. In the event the Board of Adjustment denies an application for a variance, no permits shall be issued.

5. 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.

6. Time Limits

If a variance is granted, the applicant shall obtain site plan approval, where applicable, or a building permit in cases where no site plan is required within eighteen (18) months of the date of approval of the variance.

7. Guarantees

The Board of Adjustment may require guarantees in such form as it deems suitable to ensure compliance with any conditions of approval

8. 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.

H. Interpretation

1. General

The Board shall hear and decide any appeal in which it is alleged there is an error in an order, requirement, or decision made by the Department in the administration or enforcement of the Peoria Zoning Ordinance.

2. 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.

3. Board of Adjustment Action

Pursuant to A.R.S §9-462.02.G, 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.

I. Temporary Use Permit

1. General

The Board 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.

2. 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.

3. Board of Adjustment Action

a. 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.

b. As part of the terms of any temporary use permit, the Board may stipulate certain restrictions and limitations in accordance with Section ~~14-39-13~~ 21-322, "Temporary Use Permits," of this Ordinance.

SECTION 36. Article 14-39 of the Peoria City Zoning Ordinance is amended by amending Section 14-39-15 and renumbering it as Section 21-324 of the Peoria City Code (1992) pertaining to Administrative Relief and which shall read as follows:

Sec. ~~14-39-15~~21-324 Administrative Relief

A. Applicability

This "Administrative Relief" section pertains to minor deviations from property development standards as described in ~~Article 14-5, "Single Family Residential Districts," Section 14-5-5, "Property Development Standards for Permitted Residential Uses," and Article 14-19A "Suburban Ranch Districts (SR-43 and SR-35), Section 14-19A-5, "Property Development Standards for Permitted Principal Uses" Section 21-415, Section 21-419, Section 21-408, Section 21-412,~~ and all amendments thereof.

B. General

1. Requests for Administrative Relief shall fall into one of the following categories:

a. Subdivision Plat

A modification from the front, rear or side yard setbacks, as shown in a recorded subdivision plat, that are more restrictive than the corresponding setbacks required in the Peoria Zoning Ordinance. However, the modification shall not result in front, rear, or side yard setbacks that are less than those required in the Peoria Zoning Ordinance.

b. Other than Subdivision Plat

A modification, from the front, rear, or side yard setbacks or from the maximum percentage of lot coverage, for an amount that is not greater than five percent (5%) of the setback or lot coverage required in the Peoria Zoning Ordinance.

2. All other modifications shall be considered Variances and shall be forwarded to the Board of Adjustment for a hearing in accordance with procedures herein outlined in ~~Section 14-39-14, "Appeals to Board of Adjustment," Sub-section C, "Variance."~~ 21-323(G).

3. Requests for Administrative Relief shall be acted upon by the Planning Manager and shall adhere to the procedures in this Section.

C. Conditions for Approval

The Planning Manager may authorize Administrative Relief when a literal enforcement of any provision(s) of ~~Article 14-5, Section 14-5-5, Section 21-415, Section 21-419,~~ and all amendments thereof, pertaining to property development standards for permitted principal uses would result in unnecessary property hardship and when evidence is presented demonstrating to the satisfaction of the Planning Manager that all of the following conditions are fulfilled:

1. The request is not part of multiple applications from an individual homebuilder for a specific subdivision or planned community;
2. The requested modification will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general;
3. The granted Administrative Relief is the minimum development standard modification that will make possible the reasonable use of the land and/or structure; and
4. 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, or any department, agency, or division of the City of Peoria, of Maricopa or Yavapai County, of the State of Arizona, or of the federal government.
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. Protest

1. If no protest is received by the Department from any notified property owner within ten (10) days of the mailing date of notice, the Planning Manager shall act on the request.
2. If a protest is received by the Department from any notified property owner within ten (10) days of the mailing date of notice, the matter shall be reclassified as a Variance and submitted to the Board of Adjustment. In these cases, no additional filing fees will be charged.

F. Appeal

If the decision of the Planning Manager is not satisfactory to the applicant, the applicant may appeal the decision to the Board of Adjustment in accordance with procedures set forth in ~~14-39-14, "Appeals to Board of Adjustment."~~ Section 21-323.

G. Null and Void

A violation of any condition stipulated by the Planning Manager shall be a violation of this Section and such a violation shall render the granted Administrative Relief null and void. An approval shall also be null and void if the use has not commenced or if a building permit has not been obtained within sixty (60) days of authorizing the variance or within any greater or lesser time stipulated by the Planning Manager, not to exceed one (1) year.

SECTION 37. Article 14-39 of the Peoria City Zoning Ordinance is amended by amending Section 14-39-16 and renumbering it as Section 21-325 of the Peoria City Code (1992) pertaining to Hillside Appeals and which shall read as follows:

Sec. ~~14-39-16~~21-325 Hillside Appeals

A. Applicability

The Land Use Hearing Officer shall hear appeals from decisions of the Department arising from the administration of requirements contained in ~~Article 14-22A, Section 21-710~~ (Hillside Development Overlay District). The applicant or any property owner within three hundred (300) feet of the subject property shall file such appeal. The Land Use Hearing Officer shall also consider applications for variance from the provisions of ~~Article 14-22A, "Hillside Development Overlay District."~~ Section 21-710. The owner for the subject property shall file such application.

B. Filing

The applicant shall file an application for an appeal in writing, with the Department. The application shall 1) describe the basis of the variance request, 2) specifically set forth those provisions of ~~Article 14-22A, Section 21-710~~ from which a variance is being sought, and 3) specifically set forth those decisions of the Department that are being appealed. The Department shall transmit a copy of the appeal to the Hearing Officer.

C. Determination of Hearing Officer

Upon receipt of an appeals application, the Department Director shall make a determination as to the nature of the appeal and shall determine the appropriate appeal hearing officer to hear the case. Those appeals of a technical nature such as utility locations, final grading and drainage, or heights of cut and fill shall be heard by the City Engineer, or designee thereof, acting in the capacity of hearing officer. All other appeals including slope category determination, allowable densities, lot coverage, and disturbance calculations shall be heard by the Land Use Hearing Officer. The Land Use Hearing Officer shall be the City Manager or designee.

D. Action of Hearing Officer

1. The hearing officer shall hold a hearing and provide the applicant, Department staff, and owners of property located wholly or partially within three hundred (300) feet 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 applicant, the Department, and all property owners within three hundred (300) feet of the subject property.

E. Appeal to City Council

1. Any member of the public 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 that is being appealed. The appeal shall be filed with the Department Director within ten (10) days of the decision.

2. The Department shall transmit to the City Council a copy of the appeal letter, the decision of the hearing officer, and supporting material. At a regularly scheduled Council meeting, the applicant and the hearing officer shall present their positions. Owners of property located wholly or partially within three hundred (300) feet of the subject property shall also be provided an opportunity to present their position.
3. The City Council shall have the authority to affirm, overrule, or modify the decision of the hearing officer or remand the matter back to the hearing officer.

SECTION 38. Article 14-39 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-39-17 as Section 21-326 of the Peoria City Code (1992) pertaining to Design Review Appeals.

SECTION 39. Article 14-4 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-4-1 as Section 21-327 of the Peoria City Code (1992) pertaining to Classification of Zoning Districts.

SECTION 40. Article 14-4 of the Peoria City Zoning Ordinance is amended by amending Section 14-4-2 and renumbering it as Section 21-328 of the Peoria City Code (1992) pertaining to Classification of Annexed Areas and which shall read as follows:

Sec. 14-4-221-328 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 ~~Article 14-39, Section 14-39-7, "Initial Zoning,"~~ Section 21-319 and pursuant to A.R.S. §9-462.04E.

SECTION 41. Article 14-4 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-4-3 as Section 21-329 of the Peoria City Code (1992) pertaining to Classification of Vacated Streets.

SECTION 42. Article 14-4 of the Peoria City Zoning Ordinance is amended by amending Section 14-4-4 and renumbering it as Section 21-330 of the Peoria City Code (1992) pertaining to Official Zoning District Map and which shall read as follows:

Sec. 14-4-421-330 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 14-4-5-D~~ 21-311(D) 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 ~~14~~ 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. The new 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 under the following words: "This is to certify that this official zoning district map supersedes and replaces the official zoning district map adopted October 26, 1976 as part of Chapter 14 of the City Code of Peoria, Arizona".

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 Board, after having received the recommendation of the Commission. The Board, 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 Board shall determine and fix the location of such boundary in accordance with the purposes and intent of this Section.

SECTION 43. Article 14-19 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-19-1 as Section 21-401 of the Peoria City Code (1992) pertaining to Intent.

SECTION 44. Article 14-19 of the Peoria City Zoning Ordinance is amended by amending Section 14-19-2 and renumbering it as Section 21-402 of the Peoria City Code (1992) pertaining to Permitted Principal Uses and which shall read as follows:

Sec. ~~14-19-2~~21-402 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 14-9-5.J.3.~~ 21-503.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 ~~Article 14-5, Section 14-5-3.D~~ Section 21-415.3.D.
5. Public utility buildings, structures, equipment and uses.

D. Group Homes

In accordance with ~~Article 14-3, General Provisions, Section 14-3-12 "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities"~~ subsection 14-3-12 (A) "Group Homes". Section 21-812.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.

SECTION 45. Article 14-19 of the Peoria City Zoning Ordinance is amended by amending Section 14-19-3 and renumbering it as Section 21-403 of the Peoria City Code (1992) pertaining to Permitted Conditional Uses and which shall read as follows:

~~14-19-3~~ 21-403 Permitted Conditional Uses

A. Day Care Group Homes

With five (5) or more children, in accordance with ~~Article 14-3, General Provisions, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities,"~~ subsection 14-3-12 (A) "Group Homes" Section 21-812.A. provided that the residence is a single-family detached dwelling.

B. Group Care Facility or Community Residential Setting Facility

In accordance with ~~Article 14-3, General Provisions, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities,"~~ subsection 14-3-12 (C), "Group Care Facilities and Community Residential Setting Facilities". Section 21-812.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 14-39-9~~ 21-320.
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.

SECTION 46. Article 14-19 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-19-4 as Section 21-404 of the Peoria City Code (1992) pertaining to Permitted Accessory Uses.

SECTION 47. Article 14-19 of the Peoria City Zoning Ordinance is amended by amending Section 14-19-5 and renumbering it as Section 21-405 of the Peoria City Code (1992) pertaining to Property Development Standards for Permitted Principal Uses and Conditional Uses and which shall read as follows:

Sec. ~~14-19-5~~21-405 Property Development Standards for Permitted Principal Uses and Conditional Uses \*

Use	Agriculture	Guest Ranches	Single Family Dwellings	Conditional Uses	Plant Nurseries & Greenhouses	Colleges & Universities	Public and Quasi Public Uses; Schools <sup>*25</sup>
Minimum Lot Size	5 acres	10 acres	2 acres	2 acres	5 acres	5 acres	2 acres
Min. Lot Width and Depth	300 feet	300 feet	200 feet	200 feet	300 feet	300 feet	250 feet
Min. Yard Setback Front	100 feet	100 feet	40 feet	40 feet	100 feet	100 feet	40 feet
Min. Yard Setbacks Side	100 feet	100 feet	20 feet	40 feet	100 feet	100 feet	40 feet
Min. Yard Setback Rear	100 feet	100 feet	40 feet	40 feet	100 feet	100 feet	40 feet
Min. Yard Setbacks	100 feet	100 feet	40 feet	40 feet	100 feet	100 feet	40 feet

Corner							
Max Building Height *23	30 feet	30 feet	30 feet	30 feet	30 feet	30 feet	30 feet *27
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 14-19-2A of this chapter~~ 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.

SECTION 48. Article 14-19 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-19-6 as Section 21-406 of the Peoria City Code (1992) pertaining to Property Development Standards for Accessory Buildings.

SECTION 49. Article 14-19 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-19-7 as Section 21-407 of the Peoria City Code (1992) pertaining to General Regulations.

SECTION 50. Article 14-19A of the Peoria City Zoning Ordinance is amended by renumbering Section 14-19A-1 as Section 21-408 of the Peoria City Code (1992) pertaining to Intent.

SECTION 51. Article 14-19A of the Peoria City Zoning Ordinance is amended by amending Section 14-19A-2 and renumbering it as Section 21-409 of the Peoria City Code (1992) pertaining to Permitted Principal Uses and which shall read as follows:

Sec. ~~14-19A-2~~ 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 ~~Article 14-3, General Provisions, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (A), Group Homes~~ Section 21-812.C.
- 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.

SECTION 52. Article 14-19A of the Peoria City Zoning Ordinance is amended by amending Section 14-19A-3 and renumbering it as Section 21-410 of the Peoria City Code (1992) pertaining to Permitted Conditional Uses and which shall read as follows:

~~Sec. 14-19A-3~~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 ~~Article 14-3, General Provisions, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (C), Group Care Facilities and Community Residential Setting Facilities."~~ Section 21-812.C.
- I. Day Care Group Homes with five (5) or more children, in accordance with ~~Article 14-3, General Provisions, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (B) Day Care Group Homes"~~ Section 21-812.B 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.

SECTION 53. Article 14-19A of the Peoria City Zoning Ordinance is amended by amending Section 14-19A-4 and renumbering it as Section 21-411 of the Peoria City Code (1992) pertaining to Permitted Accessory Uses and which shall read as follows:

Sec. ~~14-19A-4~~21-411 Permitted Accessory Uses

- A. Any accessory 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 (1992) provided however that Section ~~416-9~~ (b) of the Peoria City Code shall not be applicable.
- 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. Non-commercial breeding, raising, training and feeding principally by grazing of horses, cattle, sheep and goats; provided that pens, corrals, and yards, including open pastures are set back a minimum of six (6) feet from any side or rear property line. However, the six (6) foot side and rear yard setback for corrals and yards including open pastures may be waived when adjoining property owners agree to establish joint use corrals, yards and open pastures for animals provided for herein.
- F. Non-commercial poultry, bird and egg farms, provided that pens, buildings and enclosures are not closer than twenty (20) feet to any side or rear property line.
- G. Day care for 4 or less children in conjunction with a residential use.
- H. Greenhouse, tool shed, ramada, outdoor swimming pool and similar home recreational facilities; provided that such facilities are used solely by occupants of the premises and their guests.
- I. Guest house.

- J. Home occupations in accordance with ~~Article 14-3, "General Provisions", Section 14-3-8, "Home Occupations,"~~ Section 21-808.
- K. Private or jointly owned community center recreational facilities, pools, tennis courts, and spas.
- L. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992).

SECTION 54. Article 14-19A of the Peoria City Zoning Ordinance is amended by renumbering Section 14-19A-5 as Section 21-412 of the Peoria City Code (1992) pertaining to Property Development Standards for Permitted Principal Uses.

SECTION 55. Article 14-19A of the Peoria City Zoning Ordinance is amended by amending Section 14-19A-6 and renumbering it as Section 21-413 of the Peoria City Code (1992) pertaining to Property Development Standards for Permitted Conditional Uses and which shall read as follows:

Sec. ~~14-19A-6~~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 ~~14-19A-5~~ 21-412 except as otherwise specified in this Ordinance.

SECTION 56. Article 14-19A of the Peoria City Zoning Ordinance is amended by amending Section 14-19A-7 and renumbering it as Section 21-414 of the Peoria City Code (1992) pertaining to Property Development Standards for Permitted Accessory Uses and which shall read as follows:

Sec. ~~14-19A-7~~21-414 Property Development Standards for Permitted Accessory Buildings.

Permitted Accessory Buildings shall conform to the property development standards for Accessory Buildings as specified in Section 21-415 except as otherwise provided by this Ordinance, and except buildings which house mammals and fowl which shall conform to the principal building setback or the setbacks as specified in Sections ~~14-19A-3 and 14-19A-4~~ 21-410 and 21-411, whichever is greater.

SECTION 57. Article 14-5 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-5-1 as Section 21-415 of the Peoria City Code (1992) pertaining to Intent.

SECTION 58. Article 14-5 of the Peoria City Zoning Ordinance is amended by amending Section 14-5-2 and renumbering it as Section 21-416 of the Peoria City Code (1992) pertaining to Permitted Principal Uses and which shall read as follows:

Sec. ~~14-5-2~~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 ~~Article 14-3, General Provisions Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities and Community Residential Setting Facilities," Subsection 14-3-12(A).~~ Section 21-812.A.
- 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.

SECTION 59. Article 14-5 of the Peoria City Zoning Ordinance is amended by amending Section 14-5-3 and renumbering it as Section 21-417 of the Peoria City Code (1992) pertaining to Permitted Conditional Uses and which shall read as follows:

Sec. ~~14-5-3~~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 ~~Article 12-24~~ Section 21-321.

- 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 ~~Article 14-3, General Provision, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities,"~~ subsection ~~14-3-12 (B), "Day Care Group Homes" Section 21-812.B.~~, 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 ~~Article 14-3, General Provision, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities,"~~ subsection ~~14-3-12 (C) "Group Care Facilities and Community Residential Setting Facilities" Section 21-812.C.~~
- 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.

SECTION 58. Article 14-5 of the Peoria City Zoning Ordinance is amended by amending Section 14-5-4 and renumbering it as Section 21-418 of the Peoria City Code (1992) pertaining to Permitted Accessory Uses and which shall read as follows:

Sec. ~~14-5-4~~21-418 Permitted Accessory Uses

- A. Any accessory use customarily incidental to a permitted principal use.

- B. Off-street parking serving a permitted principal use, in accordance with Section 21-823.
- C. Private garage or carport for storage or parking of vehicles.
- D. Garden house, tool house, ramada, outdoor swimming pool and similar home recreational facilities; provided that such facilities are used solely by occupants of the premises and their guests.
- 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. Guest house or servant's quarters; subject to ~~14-5-9B~~ 21-423.B.
- G. Home occupation, in accordance with ~~Article 14-3, General Provision, Section 14-3-8, "Homes Occupations," Section 21-808,~~ of this Ordinance.
- H. Where the keeping of horses and other livestock is otherwise lawful, structures customarily accessory to such use. The provisions contained within ~~Article 4-9~~ Section 416-9 of the City Code shall apply to the keeping of horses and livestock.
- I. Day care for four (4) or less children.

SECTION 61. Article 14-5 of the Peoria City Zoning Ordinance is amended by amending Section 14-5-5 and renumbering it as Section 21-419 of the Peoria City Code (1992) pertaining to General Property Development Standards and which shall read as follows:

Sec. ~~14-5-5~~ 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 ~~14-22A-4~~ 21-713, 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 Planning Manager 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.

<b>Table 21-419 Maximum Number of Flag Lots</b>	
<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%

SECTION 62. Article 14-5 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-5-6 as Section 21-420 of the Peoria City Code (1992) pertaining to Property Development Standards for Permitted Residential Uses.

SECTION 63. Article 14-5 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-5-7 as Section 21-421 of the Peoria City Code (1992) pertaining to Property Development Standards for Permitted Conditional Uses.

SECTION 64. Article 14-5 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-5-8 as Section 21-422 of the Peoria City Code (1992) pertaining to Property Development Standards for Accessory Buildings.

SECTION 65. Article 14-5 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-5-9 as Section 21-423 of the Peoria City Code (1992) pertaining to Exceptions.

SECTION 66. Article 14-6 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-6-1 as Section 21-424 of the Peoria City Code (1992) pertaining to Intent.

SECTION 67. Article 14-6 of the Peoria City Zoning Ordinance is amended by amending Section 14-6-2 and renumbering it as Section 21-425 of the Peoria City Code (1992) pertaining to Permitted Principal Uses and which shall read as follows:

Sec. ~~14-6-2~~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 ~~Article 14-3, General Provision, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities,"~~ subsection

~~14-3-12 (A) "Group Homes"~~ Section 21-812.A. 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.

SECTION 68. Article 14-6 of the Peoria City Zoning Ordinance is amended by amending Section 14-6-3 and renumbering it as Section 21-426 of the Peoria City Code (1992) pertaining to Permitted Conditional Uses and which shall read as follows:

Sec. ~~14-6-3~~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, which ever 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 ~~Article 14-3, General Provisions, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (B), Day Care Group Homes,"~~ Section 21-812.B., 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 ~~Article 14-3, General Provisions, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (C), Group Care Facilities and Community Residential Setting Facilities."~~ Section 21-812.C.
- 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.

SECTION 69. Article 14-6 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-6-4 as Section 21-427 of the Peoria City Code (1992) pertaining to Permitted Accessory Uses.

SECTION 70. Article 14-6 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-6-5 as Section 21-428 of the Peoria City Code (1992) pertaining to General Regulations.

SECTION 71. Article 14-6 of the Peoria City Zoning Ordinance is amended by amending Section 14-6-6 and renumbering it as Section 21-429 of the Peoria City Code (1992) pertaining to Development Standards and which shall read as follows:

Sec. ~~14-6-6~~21-429 Development Standards

- A. Development Standard for Permitted Residential Uses shall be as follows:

<b>DEVELOPMENT STANDARDS</b>	<b>ATTACHED SINGLE-FAMILY BUILDINGS</b>	<b>TWO, THREE, FOUR-FAMILY AND MULTI-FAMILY BUILDINGS</b>	<b>MULTI-FAMILY BUILDINGS (FIVE-FAMILY DWELLING &amp; ABOVE)</b>
Maximum Lot Coverage	60	50	50

by all structures (%)			
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 ◆
<b>MINIMUM BUILDING SETBACKS (FT)</b>			
Front Setback	10	20	20
Rear Setback	15	15	15
Side Setback	5 ◆◆	20 ◆◆	20 ◆◆
Corner Side	10	15	15

**Notes**

- 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.
- ◆ 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.
- ◆◆ For condominium and attached housing types, only building separation applies. No minimum building separation is required along common wall.

n/r No minimum requirement

B. Development Standards for Non-Residential Uses shall be as follows:

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:

Accessory building development standards for Attached Single-Family shall conform to the regulations set forth in Section ~~14-5-8~~ 21-422.

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

SECTION 72. Article 14-6 of the Peoria City Zoning Ordinance is amended by amending Section 14-6-7 and renumbering it as Section 21-430 of the Peoria City Code (1992) pertaining to Special Regulations and which shall read as follows:

Sec. ~~14-6-7~~ 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.

- 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).
- 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 14-6-9.C, 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.

SECTION 73. Article 14-7 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-7-1 as Section 21-431 of the Peoria City Code (1992) pertaining to Intent.

SECTION 74. Article 14-7 of the Peoria City Zoning Ordinance is amended by amending Section 14-7-2 and renumbering it as Section 21-432 of the Peoria City Code (1992) pertaining to Permitted Principal Uses and which shall read as follows:

Sec. ~~14-7-2~~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. Appeals from the application of these requirements may be made following the provisions of Section ~~14-32-5~~ 21-320.

SECTION 75. Article 14-7 of the Peoria City Zoning Ordinance is amended by amending Section 14-7-3 and renumbering it as Section 21-433 of the Peoria City Code (1992) pertaining to Permitted Conditional Uses and which shall read as follows:

Sec. ~~14-7-3~~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 ~~Article 14-3, General Provisions, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (B), Day Care Group Homes" Section 21-812.B.,~~ and provided that the residence is a single-family detached dwelling.

SECTION 76. Article 14-7 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-7-4 as Section 21-434 of the Peoria City Code (1992) pertaining to Permitted Accessory Uses.

SECTION 77. Article 14-7 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-7-5 as Section 21-435 of the Peoria City Code (1992) pertaining to Property Development Standards for Mobile Home Subdivisions.

SECTION 78. Article 14-7 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-7-6 as Section 21-436 of the Peoria City Code (1992) pertaining to Property Development Standards for Accessory Buildings.

SECTION 79. Article 14-7 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-7-7 as Section 21-437 of the Peoria City Code (1992) pertaining to General Regulations.

SECTION 80. Article 14-8 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-8-1 as Section 21-438 of the Peoria City Code (1992) pertaining to Intent.

SECTION 81. Article 14-8 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-8-2 as Section 21-439 of the Peoria City Code (1992) pertaining to Definitions.

SECTION 82. Article 14-8 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-8-3 as Section 21-440 of the Peoria City Code (1992) pertaining to Permitted Principal Uses.

SECTION 83. Article 14-8 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-8-4 as Section 21-441 of the Peoria City Code (1992) pertaining to Permitted Conditional Uses.

SECTION 84. Article 14-8 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-8-5 as Section 21-442 of the Peoria City Code (1992) pertaining to Permitted Accessory Uses.

SECTION 85. Article 14-8 of the Peoria City Zoning Ordinance is amended by amending Section 14-8-6 and renumbering it as Section 21-443 of the Peoria City Code (1992) pertaining to Development Standards and which shall read as follows:

Sec. ~~14-8-6~~21-443 Development Standards

A. Minimum Area

Ten (10) acres undivided by a public street except as provided in ~~14-8-3 (b-6)~~ 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 (1750) 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, which ever 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.

SECTION 86. Article 14-8 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-8-7 as Section 21-444 of the Peoria City Code (1992) pertaining to Use of Recreational Vehicle Sites.

SECTION 87. Article 14-8 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-8-8 as Section 21-445 of the Peoria City Code (1992) pertaining to Occupancy.

SECTION 88. Article 14-8 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-8-9 as Section 21-446 of the Peoria City Code (1992) pertaining to General Regulations.

SECTION 89. Article 14-9 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-9-1 as Section 21-501 of the Peoria City Code (1992) pertaining to Intent.

SECTION 90. Article 14-9 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-9-2 as Section 21-502 of the Peoria City Code (1992) pertaining to Zoning Districts.

SECTION 91. Article 14-9 of the Peoria City Zoning Ordinance is amended by amending Section 14-9-3 and renumbering it as Section 21-503 of the Peoria City Code (1992) pertaining to Land Use Matrix and which shall read as follows:

Sec. ~~14-9-3~~21-503 Land Use Matrix.

The following Land Use Matrix (Table 21-503) indicates uses which are permitted outright, conditionally permitted, or prohibited in specific non-residential zoning districts in the City of Peoria. The Land Use Matrix is intended to serve as a guide for the convenience of the user of this Zoning Ordinance. Where the text of this Zoning Ordinance differs from the Land Use Matrix, the text shall prevail. In the event of a specific use not being identified on the matrix, the Community Development Director or designee(s) shall determine the closest associated use based on the provisions of this ordinance. The City will permit any accessory use customarily incidental to a permitted principal use in the same zoning district.

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>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	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	-	-	-	-	C	C	P	P	P	P	P	P

uses #												
Autobody Repair and Painting Facilities #	-	-	-	-	-	-	P	-	-	P	P	P
Automobile Dealerships, Boat, RV, or Motorcycle Sales, including Outdoor Sales and Rental *17	-	-	-	-	-	-	P♦	P♦	-	-	P♦	P♦
Automobile Diagnostic and/or Service Establishment , include engine and transmission overhaul, repair facilities and similar services# *17	-	-	-	-	C	C	P♦	P♦	-	P♦	P♦	P♦
Automobile Rental Facility, limit to six (6) vehicles #	-	-	C	C	C	C	P	P	-	-	-	-
Automobile Towing and Impound Facilities *17	-	-	-	-	-	-	C	-	-	P♦	P♦	P♦
Boat & RV Repair	-	-	-	-	-	-	C	C	-	C	C	P
Car Wash, Automated; Self Service	-	-	-	-	C	C	C	C	-	-	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 *22	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 *17	-	-	-	-	-	-	-	P♦	-	-	-	P♦

**P** = Permitted Use

**C** = Permitted Conditional Use. Conditional Use Permit required. See ~~Article 14-39-10~~ Section 21-322.

**A** = Accessory use

♦ = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit \*17

# = Subject to special limitations (see the following ~~section 14-9-5~~ 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>EATING &amp; DRINKING ESTABLISHMENTS</b>												
Catering Establishment *11	P	P	P	P	P	P	P	P	P	P	P	P
Food and Beverage Vendor Cart #	A	A	A	A	A	A	A	A	A	A	A	A
Outdoor Dining and Seating Areas # *18	C	C	C	C	C	C	C	C	C	C	C	C
Restaurants, Drive Through or Drive-Up# *22	-	P♦	P♦	P♦	P♦	-	P♦	P♦	-	-	-	-
Restaurants *18	P	P	P	P	P	P	P	P	A	A	A	A
Tavern, Bar, Lounge # *22	-	-	C	C	C	C	C	C	-	-	-	-
<b>ENTERTAINMENT AND RECREATION</b>												
Adult Uses #	-	-	-	C	C	-	C	C	-	C	C	C

Convention, Exhibition Centers and similar uses <sup>*17</sup>	-	-	-	-	C	C	C	C	C	-	-	-
Dance, Theatrical, Art, Music Studio and similar uses <sup>*17</sup>	-	-	P	P	P	P	P	P	P	P	P	P
Golf Courses	-	-	-	-	C	-	P	P	-	-	-	-
Health and Exercise Center # <sup>*11</sup>	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 <sup>*11</sup>	-	-	-	-	C	-	P	P	-	-	-	-
Theater, indoor	-	-	P	P	P	P	P	P	-	-	-	-
Wedding and Reception Center # <sup>*8</sup>	C	C	-	C	C	C	C	C	-	-	-	-
Recreation and Social Clubs #	-	-	P	P	P	P	P	P	P	-	-	-
<b>GENERAL INDUSTRIAL &amp; MANUFACTURING</b>												
Bulk Fuel Sales and Storage <sup>*17</sup>	-	-	-	-	-	-	-	-	-	-	-	P♦
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
Contractors Storage Yard, including outdoor storage of construction equipment & materials <sup>*17</sup>	-	-	-	-	-	-	C	-	-	P♦	P♦	P♦
Cotton Ginning and Baling, Wood Preserving by pressure impregnation, Rubber or Oil Reclaiming	-	-	-	-	-	-	-	-	-	-	-	C

**P** = Permitted Use

**C** = Permitted Conditional Use. Conditional Use Permit required. See Article 14-39-10 Section 21-322.

**A** = Accessory use

◆ = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit <sup>\*17</sup>

# = Subject to special limitations (see the following ~~section 14-9-5~~ 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>GENERAL INDUSTRIAL &amp; MANUFACTURING - CONTINUED</b>												
Data Center <sup>*8</sup>	-	-	-	-	-	-	-	-	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 <sup>*17</sup>	-	-	-	-	-	-	-	-	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
Medical Marijuana Manufacturing or Cultivation <sup>#*24</sup>	-	-	-	-	-	-	-	-	C	C	C	C
Mini-Storage Warehouses, RV, Boat, and Trailer Storage indoor, and/or screened only <sup>*17#</sup>	-	-	-	C	C	-	C	C	P	P	P	P
Moving Company Storage and	-	-	-	-	-	-	P◆	-	-	P◆	P◆	P◆



Transfer Facility <sup>*17</sup>													
Moving Truck, Trailer and Equipment Rental <sup>*17, *26 #</sup>	-	-	-	A	A	-	P♦	P♦	-	P♦	P♦	P♦	
Outdoor Storage, including Automobile, RV, Boat, and Trailer Storage.	-	-	-	-	-	-	C	C	-	P	P	P	
Parcel Delivery Service <sup>*17</sup>	-	-	-	-	-	-	-	-	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	
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	

**P** = Permitted Use

**C** = Permitted Conditional Use. Conditional Use Permit required. See ~~Article 14-39-10~~ Section 21-322.

**A** = Accessory use

♦ = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit <sup>\*17</sup>

# = Subject to special limitations (see the following ~~section 14-9-5~~ 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>GENERAL RETAIL</b>												
Antiques, Crafts, and Collectibles Sales	-	-	P	P	P	P	P	P	-	-	-	-
Bait and Tackle Shops	-	-	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 # <sup>*11</sup>	-	-	-	-	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 * <sup>17</sup>	P	P	P	P	P	P	P	P	P	A	A	A
Pawn Shop #	-	-	-	-	C	-	C	C				
Permissible Consumer Fireworks Sales# * <sup>23</sup>	-	P	P	P	P	P	P	P	-	-	-	-
Pet Shop # * <sup>16</sup>	-	-	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 * <sup>15</sup>	-	P	P	P	P	P	P	P	A#	-	-	-
Retail Liquor Store #	-	-	-	-	C	-	C	C	-	-	-	-
Small Merchandise Vendor Carts # * <sup>15</sup>	A	A	A	A	A	A	A	A	A	A	A	A
Tobacco Retailer * <sup>22</sup>	-	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	-	-	-	-	-
Group Care Facility or Community Residential Facility # * <sup>17</sup>	-	-	-	-	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# * <sup>22</sup>	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

**P** = Permitted Use

**C** = Permitted Conditional Use. Conditional Use Permit required. See Article 14-39-10 Section 21-322.

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# = Subject to special limitations (see the following ~~section 14-9-5~~ 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>INTENSE RETAIL</b>												
Appliance, Furniture, and Household Equipment Sales and Rentals <sup>*20</sup>	-	-	P	P	P	P	P	P	P	-	-	-
Accessory Outdoor Garden Centers <sup>*20</sup>		P◆	P◆	P◆	P◆	P◆	P◆	P◆				
Commercial Service Establishments combining retail, showroom with workshop # <sup>*11</sup>	-	-	-	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 <sup>*20</sup>		P	P	P	P	P	P	P				
Hardware and Home Improvement Store with outdoor storage and/or garden center <sup>*11</sup>	-	-	C	C	C	C	C	C	-	-	-	-
Large-Scale Retail # <sup>*14</sup>	-	-	-	-	C	-	C	C	-	-	-	-
Medical Marijuana Dispensary# <sup>*24</sup>	-	-	-	-	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 # <sup>*8</sup> <sup>*15</sup>	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 <sup>*17</sup>	-	-	-	-	C	C	P◆	-	-	P◆	P◆	P◆
Swap Meet, indoor	-	-	-	-	-	-	P	-	-	-	-	-
Swimming Pool and Spa Sales <sup>*21</sup>	-	-	-	-	C	-	P	-	P	P	P	P
Upholstery Shop <sup>*17</sup>	-	-	-	-	-	P	P	-	-	-	P	P
Wholesale Produce Storage or Market	-	-	-	-	-	-	C	-	C	P	P	P
<b>LODGING</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
<b>MEDICAL</b>												
Ambulance Service Facility	-	-	-	-	C	C	P	P	-	P	P	P
Emergency Medical Care Facility #	-	-	-	-	C	C	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
Veterinary Hospital # *16	-	-	-	-	C	C	C	C	P	P	P	P
Veterinary Offices and Clinics, excluding animal boarding # *16	-	-	-	-	C	C	C	C	P	P	P	P

**P** = Permitted Use

**C** = Permitted Conditional Use. Conditional Use Permit required. See ~~Article 14-39-10~~ Section 21-322.

**A** = Accessory use

◆ = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit \*17

# = Subject to special limitations (see the following ~~section 14-9-5~~ 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	-	-	-	-	-	-	C	-	-	C	C	C
Appliance Repair	-	-	-	-	-	-	P	-	-	P	P	P
Auction Houses and Estate Sales	-	-	-	-	-	-	P	-	-	P	P	P
Blueprint Shop	-	-	-	-	-	-	P	P	P	P	P	P
Boarding and Training Kennels # *11, *27	-	-	-	-	C	-	C	-	-	C	C	C
Cabinet and Carpentry Shop	-	-	-	-	-	-	P	-	-	P	P	P
Custom Dressmaking, Furrier, Millinery or Tailor Shop #	-	-	-	-	-	-	P	P	P	P	P	P
Day Labor Hiring Centers *17	-	-	-	-	-	-	C	-	-	C	C	C
Dry Cleaning and Laundry Establishment	-	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
Laundromat, self-service	-	P	P	P	P	P	P	P	-	-	-	-
Locksmith	-	-	P	P	P	P	P	P	P	P	P	P
Massage Establishment #	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	-	-	-	-

Pest Control Service	-	-	-	-	-	-	-	P	-	-	P	P	P
Pet Grooming Shop # <sup>*16</sup>	-	-	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 <sup>*17</sup>	P	P	P	P	P	P	P	P	P	-	-	-	-
Shoe Service & Clothing Alteration <sup>*11</sup>	-	-	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	P	-	-	-
Watch and Clock Repair Shop	-	-	-	-	P	P	P	P	P	P	P	P	P
<b>TRANSPORTATION</b>													
Aviation uses such as Aircraft Repair, Aircraft Sales and Air Charter Services <sup>*17</sup>	-	-	-	-	-	-	-	-	-	-	P♦	P♦	P♦
Bus Terminals <sup>*17</sup>	-	-	-	-	C	C	C	-	-	-	P♦	P♦	P♦
Marine Fuel Facility <sup>*17</sup>	-	-	-	-	-	-	-	-	-	-	-	-	P♦
Rail and Motor Freight Terminals and Facilities <sup>*17</sup>	-	-	-	-	-	-	P	-	-	-	P	P	P
School Bus Parking and Maintenance Facilities # <sup>*17</sup>	C	C	C	C	C	C	C	C	C	C	P♦	P♦	P♦

**P** = Permitted Use

**C** = Permitted Conditional Use. Conditional Use Permit required. See ~~Article 14-39-10~~ Section 21-322.

**A** = Accessory use

♦ = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit<sup>\*17</sup>

# = Subject to special limitations (see the following ~~section 14-9-5~~ Section 21-505)

- = Not Permitted

SECTION 92. Article 14-9 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-9-4 as Section 21-504 of the Peoria City Code (1992) pertaining to General Regulations for O-1, C-1, PC-1, C-2 & C-3.

SECTION 93. Article 14-9 of the Peoria City Zoning Ordinance is amended by amending Section 14-9-5 and renumbering it as Section 21-505 of the Peoria City Code (1992) pertaining to Limitations on Uses and which shall read as follow:

Sec. ~~44-9-521-505~~ 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: <sup>\*11</sup>
  - 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 building, canopy, fuel dispenser, or accessory equipment shall be within 200 feet of any residentially zoned property.
- 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) The minimum side and rear building setback including canopies, from a property line abutting a residential zoning district: thirty (30) feet.
  - 2) The minimum side and rear building setbacks including canopies, from a property line abutting a non-residential zoning district: ten (10) feet.
  - 3) The minimum street setback for buildings, fuel dispensers, accessory equipment, and canopies: twenty-five (25) feet.
  - 4) All fuel pump mechanism and any accessory equipment dispensing fuel shall be covered by canopies.
  - 5) Under canopy mounted lights shall be flush with the underside of the canopy.
  - 6) 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. Food and Beverage Vendor Cart and Small Merchandise Vendor Cart shall be subject to the following additional requirements: <sup>\*15</sup>
  - a. The use must be part of an existing permitted principal development.
  - b. The use shall not occupy any required parking stalls of the principal development.
  - c. The use shall not be located within any right-of-ways or interfere with traffic circulation. <sup>\*18</sup>
  - d. The use shall not interfere with pedestrian access ways, fire lanes, driveways, or traffic visibility at driveways or street intersections.
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 Planning Manager.
  - 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. Such areas shall be located immediately adjacent to the restaurant or establishment to which it is an accessory use.
  - b. The use shall not interfere with pedestrian access, fire lanes, driveways, or traffic visibility at driveways or street intersections.
  - c. Such areas shall not exceed 25% of the gross floor area (GFA) of the establishment. The Planning and Zoning Commission may waive this requirement if it is found that sufficient mitigating measures are provided to eliminate potential adverse impacts on adjacent properties.
  - 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 PC 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 ~~Sections 14-24-1, 14-24-4 of Article 14-24~~ 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. For the purposes of this Section, an outdoor RV, Boat and Trailer Storage use shall be visibly screened from a public street by an architecturally integrated wall or structure consisting of a minimum height of ten (10) feet, or as otherwise approved by the Planning and Zoning Commission. Additional screening from elevated roadways may be required, such as canopies, berming, or other design solutions.
    - b. Doors of the storage areas shall not front on any public street.
    - c. Only storage shall be permitted. No sale of goods, materials or other tangible or intangible property from the facility or any part thereof shall be permitted. No activities conducted on the premises, whether related to the stored items or otherwise. The sale of insurance by the

operator on goods stored therein or the sale by the operator of items used in connection with the storage of goods at the site shall not be prohibited.

- d. No hazardous or flammable materials, as defined in the Peoria City Building Code, shall be stored in such facility.
  - e. The City may exempt any structure from side and rear yard setbacks, except in circumstances where the site devoted to such use abuts a residential use or residentially-zoned vacant property. In such cases, the setback for the site boundary abutting the residential district shall be no less than thirty (30) feet.
  - f. All direct vehicular access shall be from an abutting arterial street.
  - g. The locations of the driveways, wall, landscaping, and buildings shall be so arranged as to minimize traffic disruptions.
  - h. A wall with a minimum height of six (6) feet and a landscaping buffer in accordance with ~~Section 14-35-4.A.3~~ 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.
  - i. All vehicle storage shall be limited to hard surfaced areas.
  - j. Lighting shall be directed toward the site and shall not cause undesirable glare to nearby residential properties.
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 ~~Article 14-3, General Provision, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (C), Group Care Facilities and Community Residential Setting Facilities."~~ Section 21-812.C.
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: <sup>\*20</sup>
    - 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. Medical Marijuana Dispensaries and Manufacturing or Cultivation 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 or suite housing the use without regard to intervening buildings or political boundaries.
- b. Medical 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 emission of dust, fumes, vapors or odors into the environment from the premise.
- d. Signage for Dispensary and/or Medical Marijuana Cultivation facilities shall be limited to the name of the business only, and no advertising of the goods and/or services shall be permitted.
- e. Medical Marijuana Dispensaries and Cultivation 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.

2. Medical Marijuana Dispensaries

- a. Vehicular access into the center or site containing the dispensary shall be from an arterial roadway.
- b. The use shall not be located within 2,640-feet of another Medical Marijuana Dispensary or Medical Marijuana Manufacturing or Cultivation Facility.
- c. 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.
- d. 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.
- e. The use shall not be located within 500-feet of the property line of a residentially-zoned property.
- f. The product offered for retail sales to Medical Marijuana Cardholders shall be inaccessible to the public entering the Medical Marijuana Dispensary. All product provided for retail sales shall be located behind a counter staffed by a Nonprofit Medical Marijuana Dispensary Agent as defined by A.R.S. §36-2801.et.seq.
- g. The Dispensary shall have operating hours not earlier than 8:00 a.m. and not later than 9:00 p.m.
- h. The Cultivation of Marijuana is prohibited.
- i. Delivery services are 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. The use shall provide a plan to ensure that no consumption of Marijuana or any product containing Marijuana occurs on the premises of a Medical Marijuana Dispensary.

- p. 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. Medical Marijuana Manufacturing or Cultivation Facility.
- a. Other than for delivery to an authorized Medical Marijuana Dispensary, distributing, transmitting, dispensing, giving, selling, or providing medical Marijuana is prohibited.
  - b. All cultivation, manufacturing, 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 Medical Marijuana Manufacturing or Cultivation 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 Medical Marijuana Dispensaries or retail sales of Medical Marijuana on the premises.
  - g. The Community Development Director may require additional ventilation and air filtration necessary to ensure compatibility with adjacent uses.

SECTION 94. Article 14-9 of the Peoria City Zoning Ordinance is amended by amending Section 14-9-6 and renumbering it as Section 21-506 of the Peoria City Code (1992) pertaining to Property Development Standards and which shall read as follow:

Sec. ~~14-9-6~~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
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)	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) <sup>*17</sup>	30	30	30	120	30	n/r	30	120
Accessory Building Height and Setbacks (FT) <sup>*8</sup>	(●)	(●)	(●)	(●)	(●)	(●)	(●)	(●)

<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. <sup>\*17</sup>

n/r No minimum requirements

(●) 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 ~~14-23-3~~ 21-825 of the Zoning Ordinance. <sup>\*12</sup>

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
<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 <sup>*13</sup>	n/r	n/r	n/r	n/r
Rear Setback FT	25	25	25	40
Corner Side FT	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 <sup>*8</sup>	(●)	(●)	(●)	(●)

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 ~~14-4-1.A~~ 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.

- (●) 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 ~~14-23-3~~ 21-825 of the Zoning Ordinance. \*12

SECTION 95. Article 14-33 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-33-1 as Section 21-601 of the Peoria City Code (1992) pertaining to Intent.

SECTION 96. Article 14-33 of the Peoria City Zoning Ordinance is amended by amending Section 14-33-2 and renumbering it as Section 21-602 of the Peoria City Code (1992) pertaining to General Requirements and Standards and which shall read as follow:

Sec. ~~14-33-2~~ 21-602 General Requirements and Standards.

A. Conformance with the Peoria General Plan

The land uses and design of the proposed P.A.D. shall be consistent with the Peoria General Plan. The Planning Manager shall not approve or recommend approval of any P.A.D. unless the Planning Manager has received a Waiver of Proposition 207 from the Owner or Owners of the property that is the subject of the P.A.D. or has determined that the absence of such a Waiver of Proposition 207 is consistent with the City's General Plan and zoning goals and regulations.

(Section ~~14-33-2~~ 21-602 , enacted April 17 and effective May 17, 2007.)

B. P.A.D. Regulations

1. All Planned Area Developments shall be between ten (10) and six-hundred (600) acres in size. The minimum total P.A.D. shall be no less than ten (10) acres unless the applicant can show that the minimum P.A.D. 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 P.A.D. 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. Waivers of the ten (10) acre minimum requirement 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.

C. Uses in a P.A.D.

Any use or combination of uses may be allowed in a P.A.D. provided it is consistent with the Peoria General Plan, provided such uses are identified as permitted uses upon approval of the P.A.D.

D. Residential Density in P.A.D.s

1. Residential development in a P.A.D. may provide for a variety of housing types allowed in any one of the basic residential zoning districts. In addition, the number of dwelling units allowed may be flexible relative to the number of dwelling unit per acre that would be permitted by the zoning regulations otherwise applicable to the site. However, the total number of dwelling units and the resulting density allowed in a P.A.D. shall be consistent with the Land Use Plan of the City's General Plan and the target density framework described therein.

E. More Than One Building Per Lot

More than one building may be placed on one platted or recorded lot in any P.A.D. Areas for single family detached dwellings or other housing types providing privately owned lots must comply with the City's Subdivision Ordinance in all respects not specifically noted in Section ~~14-33-2~~ 21-602 as appropriate variances or waivers.

F. One Housing Type Not Inconsistent With Intent

A P.A.D., which only incorporates one housing type such as all detached or all attached units shall not be considered inconsistent with the stated purposes and objectives of this Section and shall not be the sole basis for denial or approval.

G. Architectural Style, Appearance

Architectural style of buildings shall not solely be a basis for denial or approval of a plan. However, the overall appearance and compatibility of individual buildings to other site elements or to surrounding development may be considered during P.A.D. review by the Planning and Zoning Commission and Council.

H. Phasing of Development

1. Any P.A.D. plan proposed to be constructed in phases shall include full details relating thereto, and the City Council may approve or modify, where necessary, any such proposals.
2. The phasing shall include the projected time for beginning and completion of each phase. Such timing may be modified by the City on the showing of good cause by the developer.
3. The land owner or developer shall make such easements, covenants, and other arrangements and shall furnish such financial or other



guarantees as may be determined by the City to be reasonably required to assure performance in accordance with the Plan and to protect the public.

- I. Street Utilities, Services and Public Facilities  
The uniqueness of each proposal for a P.A.D. may allow specifications and standards for streets, utilities and services to be subject to minor modifications of the specifications and standards established in this and other City ordinances. The plans and profiles of all streets, utilities and services shall be reviewed by the City Engineer prior to the final approval of the P.A.D.
- J. Additional Standards  
Development within a P.A.D. shall conform to all conditions and standards agreed upon by the applicant and the City at time of P.A.D. approval.
- K. Each P.A.D. standards and guidelines submittal consistent with the definitions and standards in this code shall address the placement of community residential setting facilities, group homes and group care facilities in a manner consistent with state law and the federal fair housing act amendments of 1988.

SECTION 97. Article 14-33 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-33-3 as Section 21-603 of the Peoria City Code (1992) pertaining to Application.

SECTION 98. Article 14-33 of the Peoria City Zoning Ordinance is amended by amending Section 14-33-4 and renumbering it as Section 21-604 of the Peoria City Code (1992) pertaining to Amendments to Approved Planned Area Development and which shall read as follow:

Sec. ~~14-33-4~~21-604 Amendments to Approved Planned Area Development.

- A. General  
Amendments to an approved P.A.D. may be requested by the applicant or its successors.
- B. Applicability  
Amendments to the approved P.A.D. may be limited to one or more "development units" and any proposed change will not affect development units not included in the proposed amendment.
- C. Major or Minor Amendments  
Amendments to the approved P.A.D. shall be delineated as major or minor amendments. Upon receipt of an amendment application to the Planning Division, the Planning Manager shall determine if the proposed amendment constitutes a major or minor amendment.
- D. Major Amendments  
If the Planning Manager determines the amendment to be a *major amendment*, the amendment request shall be processed in the manner set

forth in Section ~~14-33-3~~ 21-603. An amendment shall be deemed *major* if it involves any *one* of the following:

1. A change in the overall P.A.D. District Boundary; or
2. An increase in the total number of approved dwelling units or gross leasable area (GLA) for the overall P.A.D. District; or
3. A significant change to the approximate boundary of one or more "development unit(s)" from that approved in the P.A.D. District, as determined by the Planning Manager. A change to an individual development unit generally shall be deemed to be significant if it represents a 10% increase to the approximate gross area of the development unit as approved for the P.A.D.;
4. An increase of 10% or more of the approved number of projected dwelling units or gross leasable area (GLA) for an individual development unit;
5. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the City Engineer;
6. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the P.A.D. or to the overall major street system as determined by the City Engineer;
7. Any other proposed change to the Final Development Plan that substantively alters one or more components of the P.A.D. as determined by the Planning Manager.

E. Minor Amendments

Amendments not meeting one or more of the criteria listed above in subsection "D" shall be considered *minor*. If the Planning Manager determines the amendment to be *minor*, the Planning Manager may administratively act on the amendment and attach stipulations or conditions of approval thereto, to protect the public health, safety and welfare.

1. Notice

a. Map

If the amendment proposes a change to the map for the Final Development Plan, notice of the proposed minor amendment shall be mailed to each owner of property as last disclosed by County Assessor records, situated wholly or partly within three hundred (300) feet of the affected development unit(s) to which the amendment relates. For purposes of giving mailed notice, the Planning Manager shall require the applicant to furnish the names and addresses and stamped/addressed envelopes of all affected property owners as determined above.

b. Other

If the amendment proposes any other change to the Final Development Plan, including but not limited to, text changes or

changes to the development standards, notice of the minor amendment shall be published in a newspaper of general circulation.

2. Protest

a. Protest Received

If written protest to any minor amendment is received from any notified property owner within ten (10) days of the notification mailing date in the case of mailed notice, or within ten (10) days of the final date of advertising in the case of published notification, and such protest cannot be resolved, then the Minor Amendment shall be reclassified as a Major Amendment. No additional application shall be required; however, all provisions governing Major Amendments shall then apply.

b. Protest Not Received

If written protest is not received as described above, the Planning Manager shall render a decision on the minor amendment request. The Planning Division decision shall be final unless appealed under subsection F, "Appeals," set forth below. The Planning Manager or assigned designee shall send copies of the decision to the applicant, interested parties of record, and members of the Planning and Zoning Commission.

F. Appeals

1. Appeal of Planning Division decision to Planning and Zoning Commission

An action or decision by the Planning Division on *minor* amendments may be appealed by the applicant within ten (10) calendar days from the date of the Planning Manager's decision.

a. Appeals shall be in writing on a form provided by the Planning Division and shall include only the specific items being appealed.

b. The Planning Division 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 Division 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.

2. Appeal of Planning and Zoning Commission decision to Council  
An action or decision by the Planning and Zoning Commission on *Minor Amendments* 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 Division and shall include the specific items being appealed and the nature upon which the decision was in error.
  - b. The Planning Division 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.

SECTION 99. Article 14-36 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-36-1 as Section 21-605 of the Peoria City Code (1992) pertaining to Intent.

SECTION 100. Article 14-36 of the Peoria City Zoning Ordinance is amended by amending Section 14-36-2 and renumbering it as Section 21-606 of the Peoria City Code (1992) pertaining to General Provisions and which shall read as follows:

Sec. ~~14-36-2~~21-606 General Provisions.

A. Conformance with the General Plan

The proposed PC District shall be in general conformance with the Peoria General Plan. The Planning Manager shall not approve or recommend approval of any PC District unless the Planning Manager has received a Waiver of Proposition 207 from the Owner or Owners of the property that is the subject of the PC District or has determined that the absence of such a Waiver of Proposition 207 is consistent with the City's General Plan and zoning goals and regulations.

(Section ~~14-36-2~~21-606, enacted April 17, 2007 and effective May 17, 2007.)

B. Location of PC District

PC Districts may be established on large parcels of land which, because of their ownership, size, topography, or exceptional or unusual locational characteristics, are suitable for planned development in a manner consistent with the purposes of this Section.

C. Minimum PC District Area

1. The minimum area required for a planned community district is six hundred (600) contiguous acres held under single ownership at the time

of application submittal or under multiple ownership within a partnership as expressed through written correspondence and signatures provided with the PC application.

2. Areas within rights-of way may be included in the computation of the minimum six hundred (600) acres.

D. Property Development Standards

All land uses in a PC District shall be established within planned "development units." The PC District is intended to be combined with the general property development standards of various zoning districts in the Peoria Zoning Ordinance or as modified in the approved PC "Development Plan" and "Standards Report."

1. The proposed PC District shall comply with overlay districts of general applicability including, but not limited to, the Hillside Development Overlay and Floodplain Districts, except where modifications are expressly authorized through an approved Standards Report and Development Plan;
2. The proposed PC District shall comply with the Subdivision Regulations and other adopted policies, codes and ordinances of general applicability;
3. The proposed PC District may include modified property development standards (contained within the Zoning Ordinance) to address defined opportunities and constraints related to the property, including, but not limited to, building placement and height, minimum lot size and parking area landscaping.

E. Permitted Uses

Any use may be permitted in any specific "development unit" within a proposed PC district provided such use shall be specifically listed as a permitted use and shall be located and conducted in accordance with the approved "Development Plan" and "Standards Report" and other applicable regulations.

F. Conditional Uses

Any use may be established as a conditional use in any specific development unit within a proposed PC district provided such use shall be specifically listed as a conditional use subject to the provisions of ~~Article 14-24~~ Section 21-321 ('Conditional Use Permits') and shall be located and conducted in accordance with the approved "Development Plan" and "Standards Report" and other applicable regulations.

SECTION 101. Article 14-36 of the Peoria City Zoning Ordinance is amended by amending Section 14-36-3 and renumbering it as Section 21-607 of the Peoria City Code (1992) pertaining to Application Requirements and which shall read as follows:

Sec. ~~14-36-3~~ 21-607 Application Requirements.

In addition to complying with the provisions of ~~Article 14-39, Section 14-39-6, Section 21-317~~ "Rezoning," each application for a PC District shall be accompanied by a "Standards Report," "Development Plan" and "Development Schedule." The "Standards Report" and "Development Plan" shall, as approved by the City Council, become a part of the applicable zoning regulations within the respective PC District. Subsequent changes to the "Development Plan" shall be made in accordance with ~~Section 14-36-8 & 21-612.~~

A. Standards Report

The "Standards Report" shall describe the purpose, nature and characteristics of the proposed PC district including, but not limited to, the proposed development unit use or uses to be conducted in the district in a manner sufficient to enable preparation and consideration of regulations governing permitted and conditional uses, site use and other development regulations which may be appropriate to govern development, use, and maintenance of the sites included within the PC district. The "Standards Report" shall include the following:

1. Contact listing of key project team representatives including the contact, owner, and developer.
2. Vicinity Map.
3. Legal description of the district boundary.
4. A statement by the applicant demonstrating the necessity of the application for the PC district, including information demonstrating compliance with the findings contained within ~~Section 14-36-6 & 21-612.~~
5. Existing conditions map drawn to a suitable scale showing the use and general condition of the land within the proposed PC district boundary and adjacent lands for one mile. The map will provide the total gross acreage, overall density proposed and a delineation of major physical constraints or opportunities, major environmental features, topography, existing roads, trails, utilities, generalized location of any hundred (100) year floodway and mapped stormwater drainage conditions.
6. The delineation of development units including a parcel matrix inclusive of each proposed development unit indicating as appropriate: the approximate unit size in acres, proposed allocation of land uses, the proposed zoning district(s) (either an existing zoning district or a modified proposed district as further defined within the Standards Report), the projected number of employees, the maximum number of potential dwelling units, and intended floor area ratios (FAR) for the project.
7. The parcel matrix shall also indicate the projected number of residential units or non-residential square footage for each development unit to guide the preparation of supporting infrastructure studies outlined herein.
8. Such additional information as the Planning Manager may prescribe as necessary, to facilitate review and action on the application by the Planning and Zoning Commission and the City Council.

B. Development Plan

The "Development Plan" must include a land use and circulation system concept that is consistent with the goals and policies of the General Plan, compatible with the environment, and capable of being served by existing and planned public facilities and utilities. The "Development Plan" submitted with the application for the PC District shall include the following, unless waived by the Planning Manager:

1. Submittal of a Development Plan Map divided into approximate development sub-areas or development units. The proposed Development Plan Map(s) shall be drawn to a suitable scale and include at least the following:
  - a. The boundary of the proposed PC District;
  - b. The existing and proposed topographic character of the land;
  - c. The approximate location of each proposed land use development unit;
  - d. The general location of all proposed major and minor arterial streets, including their proposed connections to major streets identified on the Circulation Map in the Peoria General Plan;
  - e. Major drainage elements;
  - f. All proposed public schools, parks and open space areas;
  - g. Any trails and/or bikeways, including their proposed connections to conceptual trail locations identified in the Peoria Trails Master Plan and other relevant documents;
  - h. Conceptual location of any significant historical, cultural and archaeological features of the site, including proposed methods to incorporate and preserve such features into the proposed project.
2. Master Drainage and Hydrology Report, prepared by an Arizona registered engineer.
3. Master Water and Sewer System Report, prepared by an Arizona registered engineer.
4. Traffic Impact Analysis Engineering Report, prepared by an Arizona registered engineer.
5. A Cost Impact Analysis of the proposed public facilities and infrastructure, prepared by a competent person or firm with experience in the preparation of such studies. The study shall provide the specific detailed accounting of the financing structure for the development of required facilities for parks, law enforcement, fire protection, public services, municipal government, and other necessary governmental services.
6. Such additional information as the Planning Manager may prescribe as necessary, to facilitate review and action on the application by the Planning and Zoning Commission and the City Council.

C. Development Schedule

The following schedule submitted with the application for a PC District shall include the following:

1. A schedule, indicating to the best of the applicant's knowledge, the approximate timeframe in which construction or development is expected to begin, the duration of time required for completion of the development; and,
2. Proposed phasing if the project will not be developed as one (1) unit, including a plan for the interim use and management of the undeveloped phase or phases.

SECTION 102. Article 14-36 of the Peoria City Zoning Ordinance is amended by amending Section 14-36-4 and renumbering it as Section 21-608 of the Peoria City Code (1992) pertaining to Application Procedures and which shall read as follows:

Sec. ~~14-36-4~~21-608 Application Procedures.

- A. The applicant is encouraged to meet with the Planning Manager prior to making an application for a PC District to discuss the development concept, the review and approval process, and the submittal requirements.
- B. The applicant shall obtain the necessary application forms from the Planning Division. Application forms when properly completed and accompanied by the required fee and required material shall be submitted to the Planning Division.
- C. If the application request requires an amendment of the City's adopted General Plan and/or an adopted Specific Plan, the applicant shall submit an application to amend the General Plan or adopted Specific Plan prior to or simultaneously with the application for a PC District.
- D. The Planning Division shall distribute the PC application and supporting materials pursuant to Section ~~14-36-3~~21-607, and other relevant documentation to each responsible department for review and comment.
- E. Written responses shall be obtained by the applicant from public or quasi-public agencies identified by the Planning Manager as being stakeholders in the outcome of the development proposal within the timeframe defined above. The Planning Manager or assigned designee shall compile all of the comments and recommendations and submit a written report to the applicant.
- F. The revised PC "Development Plan" and "Standards Report" shall be resubmitted to the Planning Division for further evaluation by the Planning Manager and the reviewing agencies.
- G. A development agreement between the applicant and the City may be prepared and reviewed concurrently to afford resolution to issues and concerns identified through agency review.



SECTION 103. Article 14-36 of the Peoria City Zoning Ordinance is amended by amending Section 14-36-5 and renumbering it as Section 21-609 of the Peoria City Code (1992) pertaining to Adoption of a Planned Community District and which shall read as follows:

Sec. ~~14-36-5~~21-609 Adoption of a Planned Community District.

- A. The Planned Community District shall be adopted in accordance with procedures set forth in ~~Article 14-39, Section 14-39-6,~~ Section 21-317, "Rezoning." The Commission and Council shall consider the PC "Development Plan" and "Standards Report" as part of the rezoning application and all provisions and protocols therein set forth in Section ~~14-39-6~~ 21-317 shall apply to said "Development Plan" and "Standards Report."
- B. At the time a PC District is approved by the City Council, the associated "Development Plan" and "Standards Report" shall become an integral part of the Peoria zoning regulations for the PC District established by the City on the property. All future development within the adopted PC District shall thereafter be in conformity with the "Development Plan and Standards Report."

SECTION 104. Article 14-36 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-36-6 as Section 21-610 of the Peoria City Code (1992) pertaining to Findings.

SECTION 105. Article 14-36 of the Peoria City Zoning Ordinance is amended by amending Section 14-36-7 and renumbering it as Section 21-611 of the Peoria City Code (1992) pertaining to Future Development and which shall read as follows:

Sec. ~~14-36-7~~21-611 Future Development.

Upon adoption of the PC District, the applicant may then proceed with the development of the property in accordance with the "Standards Report" and "Development Plan" by filing subdivision plats for any portion of the PC District in accordance with Chapter 24 of the Peoria City Code (1977), which constitutes the City's Subdivision Regulations; or a site plan, pursuant to ~~Article 14-39, Section 14-39-9~~ Section 21-320 of the Peoria Zoning Ordinance. Legal descriptions for each affected development unit must be provided with subdivision plats or site plan applications.

The Planning and Zoning Commission will not take any subsequent approval action on a project within thirty (30) days of the City Council's adoption of the PC District.

SECTION 106. Article 14-36 of the Peoria City Zoning Ordinance is amended by amending Section 14-36-8 and renumbering it as Section 21-612 of the Peoria City Code (1992) pertaining to Amendments to an Approved PC District and which shall read as follows:

Sec. ~~14-36-4~~21-612 Amendments to an Approved PC District.

- A. Amendments to the PC District "Development Plan" or "Standards Report" may be requested by the applicant or its successors. Amendments to the approved PC District shall be delineated as *major* or *minor* amendments. Amendments to the approved PC "Development Plan" and "Standards Report" may be limited to one or more "development units" and any proposed change will not affect development units not included in the proposed amendment.
- B. Upon receipt of an amendment application to the Planning Division, the Planning Manager shall determine if the proposed amendment constitutes a *major* or *minor* amendment.
- C. Major Amendments  
If the Planning Manager determines the amendment to be a *major*, the amendment request shall be processed in the manner set forth in Sections ~~14-36-4~~ & 21-608 and 21-609.
- D. An amendment will be deemed *Major* if it involves any *one* of the following:
1. A change in the overall PC District Boundary; or
  2. An increase in the total number of approved dwelling units or gross leasable area (GLA) for the overall PC District; or
  3. A significant change to the approximate boundary of one or more "development unit(s)" from that approved in the PC District, as determined by the Planning Manager. A change to an individual development unit generally shall be deemed to be significant if it represents a ten percent (10%) increase to the approximate gross area of the development unit as approved in the PC District;
  4. An increase of ten percent (10%) or more of the approved number of projected dwelling units or gross leasable area (GLA) for an individual development unit;
  5. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the City Engineer;
  6. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PC District or to the overall major street system as determined by the City Engineer;
  7. Any other proposed change to the "Development Plan" and/or "Standards Report" which substantively alters one or more components of the PC District as determined by the Planning Manager.
- E. Minor Amendments  
Amendments not meeting one or more of the criteria listed in subsection (D) shall be considered minor. If the Planning Manager determines the amendment to be minor, the Planning Manager may administratively act on the amendment and attach stipulations or conditions of approval thereto, to protect the public health, safety and welfare.

1. If the amendment proposes a change to the Development Plan Map, notice of the proposed minor amendment shall be mailed to each owner of property as last disclosed by County Assessor records, situated wholly or partly within three hundred (300) feet of the affected development unit(s) to which the amendment relates. For purposes of giving mailed notice, the Planning Manager shall require the applicant to furnish the names and addresses and stamped/addressed envelopes of all affected property owners as determined above. If the amendment proposes any other change to the "Development Plan" or "Standards Report", including but not limited to, text changes or changes to the development standards of the "Standards Report," notice of the minor amendment shall be published within a newspaper of general circulation.
2. If written protest to any minor amendment is received from any notified property owner within ten (10) days of the notification mailing date in the case of mailed notice, or within ten (10) days of the final date of advertising in the case of published notification, and such protest cannot be resolved, then the Minor Amendment shall be reclassified as a Major Amendment. No additional application shall be required; however, all provisions governing Major Amendments shall then apply.
3. If written protest is not received as described above, the Planning Manager shall render a decision on the minor amendment request. The Planning Division decision shall be final unless appealed under Section ~~14-36-9~~21-613. The Planning Manager or assigned designee shall send copies of the decision to the applicant, interested parties of record and members of the Planning and Zoning Commission.

SECTION 107. Article 14-36 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-36-9 as Section 21-613 of the Peoria City Code (1992) pertaining to Administrative Decision Appeals.

SECTION 108. Article 14-36 of the Peoria City Zoning Ordinance is amended by amending Section 14-36-10 and renumbering it as Section 21-614 of the Peoria City Code (1992) pertaining to Administration and Enforcement and which shall read as follows:

Sec. ~~14-36-10~~21-614 Administration and Enforcement.

- A. While ownership of a project may subsequently be transferred (in whole or in part), PC District zoning will continue to be implemented and maintained on the total acreage of the PC District zoned project. It is the responsibility of the owner to notify all prospective purchasers of the existence of the PC District and the PC "Development Plan" and "Standards Report". It is also the responsibility of the owner to initiate a dialogue with the Planning Manager to ensure the program of development can be administered to comply with all of the processing time frames and hearing schedules required.

B. In the event that the applicant has failed to comply with the conditions adopted by the City Council in conjunction with the approved PC District and the PC "Development Plan" and "Standards Report", the City may proceed in accordance with Section ~~14-4-6B~~21-317(J)(5) of the Peoria Zoning Ordinance.

SECTION 109. Article 14-36 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-36-11 as Section 21-615 of the Peoria City Code (1992) pertaining to Definitions.

SECTION 110. Article 14-22 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-22-1 as Section 21-616 of the Peoria City Code (1992) pertaining to Intent.

SECTION 111. Article 14-22 of the Peoria City Zoning Ordinance is amended by amending Section 14-22-2 and renumbering it as Section 21-617 of the Peoria City Code (1992) pertaining to Permitted Minimum Property Development Standards and which shall read as follows:

Sec. ~~14-22-2~~21-617 Permitted Minimum Property Development Standards.

District <sup>a</sup> <sub>b</sub>	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 ~~14-6-8~~ 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 ~~14-6-5, 14-6-6 and 14-6-7~~ 21-429 shall apply.

SECTION 112. Article 14-22 of the Peoria City Zoning Ordinance is amended by amending Section 14-22-3 and renumbering it as Section 21-618 of the Peoria City Code (1992) pertaining to Required Conditions and which shall read as follows:

Sec. ~~14-22-3~~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 ~~Article 14-5~~ 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.

SECTION 113. Article 14-42 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-42-1 as Section 21-619 of the Peoria City Code (1992) pertaining to Intent.

SECTION 114. Article 14-42 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-42-2 as Section 21-620 of the Peoria City Code (1992) pertaining to General Provisions.

SECTION 115. Article 14-42 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-42-3 as Section 21-621 of the Peoria City Code (1992) pertaining to Zoning Districts.

SECTION 116. Article 14-42 of the Peoria City Zoning Ordinance is amended by amending Section 14-42-4 and renumbering it as Section 21-622 of the Peoria City Code (1992) pertaining to Land Use Matrix and which shall read as follows:

Sec. ~~14-42-4~~21-622 Land Use Matrix.

- A. Uses permitted in specific zoning districts within the Old Town Mixed-Use Districts as permitted by right, permitted subject to a Conditional Use Permit, and permitted as an accessory to a principal use on the same lot are established in the Mixed Use Land Use Matrix (Table ~~14-42-4.a~~ 21-622). In

the event of a specific use not being identified on the matrix, the Community Development Director or designee(s) shall determine the closest associated use based on the provisions of this ordinance. The City will permit any accessory use customarily incidental to a permitted principal use on the same lot.

<b>Table 21-622</b>			
<b>LAND USE TYPES</b>	<b>CCM</b>	<b>CRM</b>	<b>PO</b>
Multi-Family Residence	P	P	-
Single-Family Residence	P	P	-
<b>ADMINISTRATIVE &amp; FINANCIAL</b>			
Automatic Teller Machine (ATM)	P	-	-
Medical, Dental or Health Offices	P	-	-
Professional, Administrative or Business Offices	P	P	-
<b>AUTOMOTIVE USES <sup>*9</sup></b>			
Automobile Diagnostic and/or Service Establishment, including engine and transmission overhaul, repair facilities and similar services #	C		
<b>EATING &amp; DRINKING ESTABLISHMENTS</b>			
Catering Establishment	P	-	-
Coffee Shop	P	-	-
Coffee Shop less than 2,000 square feet and without a drive-thru <sup>*9</sup>	P	P	
Outdoor Dining and Seating Areas <sup>*15</sup>	C	C	
Restaurants and Cafeterias	P	-	-
Tavern, Bar, Lounge or establishment that sells alcoholic beverages for consumption on premise, excluding restaurants #	C	-	-
<b>ENTERTAINMENT AND RECREATION</b>			
Dance, Theatrical, Arts, Music Studio and similar uses <sup>*10</sup>	P	P	-
Health and Exercise Center	P	-	-
Wedding and Reception Center #	C	C	C
<b>GENERAL INDUSTRIAL &amp; MANUFACTURING</b>			
Essential Public Service or Utility Installation	P	P	P
Recycling Collection Point	A	A	A
<b>GENERAL RETAIL</b>			
Antiques, Crafts, and Collectibles Sales	P	P•	-
Book, Stationery and Greeting Card Store	P	P•	-
Candy and Ice Cream Store	P	P•	-
Florist	P	P•	-
Gift, Novelty and Souvenir Shop	P	P•	-
Hobby, Stamp and Coin Shop	P	P•	-

**P** = Permitted Use

**C** = Permitted Conditional Use. Conditional Use Permit required. See Section ~~14-39~~ 21-322.

**A** = Accessory use

● = Due to potential traffic impacts, residential use shall be the primary use in these categories

# = Subject to special limitations as set forth in ~~Article 14-9 Section 14-9-5~~ Section 21-505 .

<b>TABLE 21-622</b>			
<b>GENERAL RETAIL</b>			
Newsstand	<b>P</b>	<b>P•</b>	-
Retail Sales of New and Used Merchandise, Indoor	<b>P</b>	<b>P•</b>	-
Video Rental Store	<b>P</b>	<b>P•</b>	-
Water and Ice Store	<b>P</b>	<b>P•</b>	-
<b>INSTITUTIONAL</b>			
Art Gallery	<b>P</b>	<b>P</b>	-
Day Care Centers or Pre-School Centers #	<b>C</b>	<b>C</b>	-
Group Care Facility or Community Residential Facility #	<b>C</b>	<b>C</b>	-
Group Homes, less than 10 handicapped residents	<b>P</b>	<b>P</b>	
Nursing or Convalescent Home, Long Term Care Facility #	<b>C</b>	<b>C</b>	-
Performance Arts Center and similar uses *10	<b>P</b>	-	-
Public Buildings #	<b>P</b>	<b>P</b>	<b>P</b>
Public Utility Buildings, Structures, Uses, Facilities and Equipment #	<b>P</b>	<b>P</b>	<b>P</b>
Religious Institutions and similar places of worship #	<b>P</b>	<b>P</b>	-
<b>INTENSE RETAIL</b>			
Appliance, Furniture, and Household Equipment Sales and Rentals	<b>P</b>	-	-
Commercial Service Establishments combining retail, showroom with workshop #	<b>P</b>	-	-
Farmer's and Crafts Markets	<b>C</b>	-	<b>C</b>
Outdoor Sales and Display Area #	<b>P</b>	-	-
<b>LODGING</b>			
Bed and Breakfast Inn #	<b>P</b>	<b>C</b>	-
Living quarter for night guards	<b>A</b>	<b>A</b>	<b>A</b>
<b>PERSONAL SERVICES</b>			
Custom Dressmaking, Furrier, Millinery or Tailor Shop #	<b>P</b>	<b>P•</b>	-
Dry Cleaning and Laundry Establishment	<b>P</b>	-	-
Laundromat, self-service	<b>P</b>	-	-
Locksmith	<b>P</b>	-	-
Palm Readers, Phrenologists, Fortune Tellers and Astrologers	<b>P</b>	<b>P•</b>	-
Photographic Studio	<b>P</b>	<b>P•</b>	-
Shoe Sales and Service, Clothing Alteration	<b>P</b>	<b>P•</b>	-
Ticket and Travel Agency	<b>P</b>	-	-
Watch and Clock Repair Shop	<b>P</b>	<b>P•</b>	-
<b>TRANSPORTATION</b>			
Parking lots or structures	<b>A</b>	-	-

- P** = Permitted Use
- C** = Permitted Conditional Use. Conditional Use Permit required. See ~~Section 14-39~~ 21-322.
- A** = Accessory use
- = Due to potential traffic impacts, residential use shall be the primary use in these categories
- # = Subject to special limitations as set forth in ~~Article 14-9 Section 14-9-5~~ Section 21-505.

SECTION 117. Article 14-42 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-42-5 as Section 21-623 of the Peoria City Code (1992) pertaining to General Regulations for Non-Residential Uses.

SECTION 118. Article 14-42 of the Peoria City Zoning Ordinance is amended by amending Section 14-42-6 and renumbering it as Section 21-624 of the Peoria City Code (1992) pertaining to Property Development Standards and which shall read as follows:

Sec. ~~14-42-6~~ 21-624 Property Development Standards

- A. All mixed-use developments integrating a residential component in the CCM District shall be consistent with the *Non-Residential Design Standards* (Design Review).
- B. All mixed-use developments integrating a non-residential component in the CRM District shall be consistent with the *Residential Design Standards* (Design Review).
- C. Parking Facilities
  - 1. There is no minimum requirement for parking spaces in the Old Town Mixed-Used Districts. To promote the urban form outlined in ~~Section 14-42-4~~ 21-619, developments are encouraged to locate parking facilities behind buildings and structures, and/or offer shared or joint parking arrangements.
- D. Landscape Requirements
  - 1. 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 or finished with a natural topping material which may include, but is not limited to, turf (subject to ~~Section 14-35-4.B.2.~~ 21-818.B.2., ground cover, decomposed granite (at a minimum size of 3/4" minus and at a depth of 2"), river run rock, expanded shale or bark. A pre-emergent herbicide shall be applied to the ground prior to and after the initial installation of natural surface materials in any landscaped area to prevent weed growth.
- E. CCM and PO District Standards:

DEVELOPMENT STANDARDS	CCM	PO
SETBACKS <sup>a</sup> (FEET)		



Front Minimum <sup>b</sup>	0	0
Front Maximum <sup>c</sup>	10	0
Rear	0	0
Side	0	0
Interior	0	0
<b>MAXIMUM BUILDING HEIGHT</b>	60	30
<b>LANDSCAPE BUFFER ABUTTING RESIDENTIAL ZONES</b>	10	n/r
<b>ACCESSORY BUILDING</b>	●	●

- a The Planning Commission and City Council may require additional setback requirements to mitigate potential adverse impacts of proposed uses on adjoining developments.
  - b A street frontage landscape buffer with a minimum width of 15 feet is required for any parking structure developed within the Old Town Mixed-Use District. <sup>\*9</sup>
  - c Activities within the front setback areas shall be associated with the primary use of the building. Parking spaces within the front setback areas are discouraged. <sup>\*9</sup>
- n/r No minimum requirement
- (●) All regulations and development standards applicable to the principal building shall apply.

F. CRM District Standards:

DEVELOPMENT STANDARDS	Single-Family Residence as the Primary Use	Multi-Family Residence as the Primary Use
<b>MINIMUM SETBACKS <sup>a</sup> (FEET) <sup>*4</sup></b>		
Front	10	10
Rear	5	5
Side <sup>*9</sup>	5	5 <sup>b</sup>
Corner Side <sup>*12</sup>	8	8
<b>MAXIMUM LOT COVERAGE (%)</b>	45	n/r
<b>MAXIMUM BUILDING HEIGHT (FEET)</b>	25	30
<b>ACCESSORY BUILDING</b>	●	●

- a The Planning Commission and City Council may require additional setback requirements to mitigate potential adverse impacts of proposed uses on adjoining developments.
  - b No minimum building separation along common wall. <sup>\*9</sup>
- n/r No minimum requirement
- Accessory buildings shall be subject to the limitations contained in Section 14-5-8 21-422 of this Ordinance.

SECTION 119. Article 14-38 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-38-1 as Section 21-625 of the Peoria City Code (1992) pertaining to Intent.

SECTION 120. Article 14-38 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-38-2 as Section 21-626 of the Peoria City Code (1992) pertaining to Definitions.

SECTION 121. Article 14-38 of the Peoria City Zoning Ordinance is amended by amending Section 14-38-3 and renumbering it as Section 21-627 of the Peoria City Code (1992) pertaining to Designation of Landmarks or Historic Districts and which shall read as follows:

~~Sec. 14-38-3~~ 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; or
  2. Is identified with historic personages; or
  3. Embodies the distinguishing characteristics of an architectural style; or
  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 an 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; and
  2. By reason of possessing such qualities, the area constitutes a historic district of the City, and
  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 ~~Article 14-39 "Administrative Procedures"~~ Sections 21-311 through 21-327.

- 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;
  4. Remand the matter back to the Planning and Zoning Commission or the Historic Preservation Commission for further consideration.

SECTION 122. Article 14-38 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-38-4 as Section 21-628 of the Peoria City Code (1992) pertaining to Certificate of Appropriateness.

SECTION 123. Article 14-38 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-38-5 as Section 21-629 of the Peoria City Code (1992) pertaining to Application for Certificate of Appropriateness.

SECTION 124. Article 14-38 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-38-6 as Section 21-630 of the Peoria City Code (1992) pertaining to Hearing of Application for Certificate of Appropriateness.

SECTION 125. Article 14-38 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-38-7 as Section 21-631 of the Peoria City Code (1992) pertaining to Relief from Commission Decision.

SECTION 126. Article 14-38 of the Peoria City Zoning Ordinance is amended by amending Section 14-38-8 and renumbering it as Section 21-632 of the Peoria City Code (1992) pertaining to Application for Finding Hardship and which shall read as follows:

Sec. ~~14-38-8~~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 14-37-7 3-20 above of the Peoria City Code.
- 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 and Community Development Department. The Commission's decision shall state findings and reasons for granting or denying the hardship application.

SECTION 127. Article 14-38 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-38-9 as Section 21-633 of the Peoria City Code (1992) pertaining to Maintenance of Properties and Landmarks.

SECTION 128. Article 14-38 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-38-10 as Section 21-634 of the Peoria City Code (1992) pertaining to Penalties.

SECTION 129. Article 14-38 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-38-11 as Section 21-635 of the Peoria City Code (1992) pertaining to Appeals.

SECTION 130. Article 14-31 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-31-1 as Section 21-701 of the Peoria City Code (1992) pertaining to Intent.

SECTION 131. Article 14-31 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-31-2 as Section 21-702 of the Peoria City Code (1992) pertaining to Use Regulations.

SECTION 132. Article 14-31 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-31-3 as Section 21-703 of the Peoria City Code (1992) pertaining to Location.

SECTION 133. Article 14-31 of the Peoria City Zoning Ordinance is amended by amending Section 14-31-4 and renumbering it as Section 21-704 of the Peoria City Code (1992) pertaining to Special Permit and which shall read as follows:

Sec. ~~14-31-4~~21-704 Special Permit.

Temporary occupancy not in compliance with Section ~~14-31-2~~ 21-702, by reason of any exceptional or unusual situation, shall be subject to issuance of a use permit in accordance with Section ~~14-28-5-G~~, 21-305(C) of this Ordinance.

SECTION 134. Article 14-31 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-31-5 as Section 21-705 of the Peoria City Code (1992) pertaining to Application Requirements.

SECTION 135. Article 14-31 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-31-6 as Section 21-706 of the Peoria City Code (1992) pertaining to Homeowner’s Association.

SECTION 136. Article 14-31 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-31-7 as Section 21-707 of the Peoria City Code (1992) pertaining to Other Requirements.

SECTION 137. Article 14-31 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-31-8 as Section 21-708 of the Peoria City Code (1992) pertaining to Pre-Existing Rights.

SECTION 138. Article 14-31 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-31-9 as Section 21-709 of the Peoria City Code (1992) pertaining to Enforcement and Violations.

SECTION 139. Article 14-22A of the Peoria City Zoning Ordinance is amended by amending Section 14-22A-1 and renumbering it as Section 21-710 of the Peoria City Code (1992) pertaining to Intent and which shall read as follows:

Sec. ~~14-22A-1~~ 21-710 Intent

- 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.

<b>Table 1 Hillside Determination</b>	
< 10% slope	Non-Hillside
≥ 10% slope	Hillside
≤ 5 acres with 50% or more of the site	Hillside

in Hillside	
≥ 5 acres with less than 50% of the site in Hillside	Only areas greater than 10% considered Hillside

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 PC or PAD District Standards/Guidelines Report and Development Plan.

D. Conservation features identified in ~~Article 14-22B~~ Section 21-726 shall be preserved in accordance with that Section.

SECTION 140. Article 14-22A of the Peoria City Zoning Ordinance is amended by renumbering Section 14-22A-2 as Section 21-711 of the Peoria City Code (1992) pertaining to Definitions.

SECTION 141. Article 14-22A of the Peoria City Zoning Ordinance is amended by amending Section 14-22A-3 and renumbering it as Section 21-712 of the Peoria City Code (1992) pertaining to Slope Determination and which shall read as follows:

Sect. ~~14-22A-3~~ 21-712 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 Planning Manager. A written waiver request shall be submitted to the Planning Manager 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 Planning Manager 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 Proposition 207 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 Planning Manager 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.

(Section ~~14-22A-3~~ 21-712 Enacted April 17, 2007 and effective May 17, 2007.)

- D. Applicants may prepare a Slope Category Determination Study utilizing a methodology differing from those outlined in this Section, if acceptable to the Planning Manager. 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 Planning Manager, the slope analysis is not acceptable, the applicant shall utilize one of the adopted methodologies contained herein. Appeals of the Planning Manager decision pursuant to this paragraph may be heard by the Administrative Hillside Hearing Officer subject to the provisions of ~~Article 14-39~~ Section 21-311 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 14-22A-2~~ Section 21-711 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 ~~Article 14-39~~ 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.

SECTION 142. Article 14-22A of the Peoria City Zoning Ordinance is amended by renumbering Section 14-22A-4 as Section 21-713 of the Peoria City Code (1992) pertaining to Density.

SECTION 143. Article 14-22A of the Peoria City Zoning Ordinance is amended by renumbering Section 14-22A-5 as Section 21-714 of the Peoria City Code (1992) pertaining to General Provisions for Hillside Lots.

SECTION 144. Article 14-22A of the Peoria City Zoning Ordinance is amended by amending Section 14-22A-6 and renumbering it as Section 21-715 of the Peoria City Code (1992) pertaining to Height and Appearances and which shall read as follows:

Sec. ~~14-22A-6~~21-715 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 ~~14-2-21-202~~ 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 berming / 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.

SECTION 145. Article 14-22A of the Peoria City Zoning Ordinance is amended by amending Section 14-22A-7 and renumbering it as Section 21-716 of the Peoria City Code (1992) pertaining to Disturbed Area Calculations for Individual Hillside Lots and which shall read as follows:

Sec. ~~14-22A-7~~21-716 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 ~~Article 14-22B~~ 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

<b>Slope Category</b>	<b>Disturbed Area</b>	<b>Maximum Lot Coverage</b>	<b>Total Disturbed Area</b>
10% to 15%	25%	30%	<b>55%</b>
15% to 20%	20%	25%	<b>45%</b>
20% to 25%	20%	20%	<b>40%</b>
25% to 30%	15%	15%	<b>30%</b>
30% to 35%	12%	10%	<b>22%</b>
35% +	10%	7.5%	<b>17.5%</b>

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 Planning Manager 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 within 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 Planning Manager 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.

SECTION 146. Article 14-22A of the Peoria City Zoning Ordinance is amended by renumbering Section 14-22A-8 as Section 21-717 of the Peoria City Code (1992) pertaining to Grading and Drainage.

SECTION 147. Article 14-22A of the Peoria City Zoning Ordinance is amended by renumbering Section 14-22A-9 as Section 21-718 of the Peoria City Code (1992) pertaining to Driveways.

SECTION 148. Article 14-22A of the Peoria City Zoning Ordinance is amended by amending Section 14-22A-10 and renumbering it as Section 21-719 of the Peoria City Code (1992) pertaining to Perimeter Walls, Privacy Walls, Retaining Walls, Spill Slopes, and Edge Treatments and which shall read as follows:

Sec. ~~14-22A-10~~21-719 Perimeter Walls, Privacy Walls, Retaining Walls, Spill Slopes, 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 Planning Manager provided that the retaining wall contains unique design and materials or other amenity

features that, in the determination of the Planning Manager, 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 ~~Article 14-3-5~~ 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 Planning Manager for review and action. In conjunction with the submittal of the Wall Plan to the Planning Manager, 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 Planning Manager, and following the review and approval of the Wall Plan by the Engineering Division / Site Planning Division, the Planning Manager may approve the Wall Plan. Wall Plans may be approved by the Planning Manager 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 Planning Manager 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 Planning Manager if the wall is for the purpose of screening non-residential uses.

SECTION 149. Article 14-22A of the Peoria City Zoning Ordinance is amended by renumbering Section 14-22A-11 as Section 21-720 of the Peoria City Code (1992) pertaining to Lighting, Sewers, Utilities.

SECTION 150. Article 14-22A of the Peoria City Zoning Ordinance is amended by renumbering Section 14-22A-12 as Section 21-721 of the Peoria City Code (1992) pertaining to Mountain Ridge Profile.

SECTION 151. Article 14-22A of the Peoria City Zoning Ordinance is amended by amending Section 14-22A-13 and renumbering it as Section 21-722 of the Peoria City Code (1992) pertaining to Submittal Requirements for Construction on a Hillside Lot and which shall read as follows:

Sec. ~~14-22A-13~~21-722 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. \*5
  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 ~~14-22A-9~~ 21-721.

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 Planning Manager, or their designee, may require an accurate oblique view architectural rendering in color; showing the appearance of the building, lot, landscaping, and skyline. The Planning Manager 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 Planning Manager 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 ~~14-22A-4.B~~ 21-713.B.
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.

SECTION 152. Article 14-22A of the Peoria City Zoning Ordinance is amended by renumbering Section 14-22A-14 as Section 21-723 of the Peoria City Code (1992) pertaining to Inspections.

SECTION 153. Article 14-22A of the Peoria City Zoning Ordinance is amended by renumbering Section 14-22A-15 as Section 21-724 of the Peoria City Code (1992) pertaining to Enforcement / Compliance.

SECTION 154. Article 14-22B of the Peoria City Zoning Ordinance is amended by renumbering Section 14-22B-1 as Section 21-725 of the Peoria City Code (1992) pertaining to Intent.

SECTION 155. Article 14-22B of the Peoria City Zoning Ordinance is amended by renumbering Section 14-22B-2 as Section 21-726 of the Peoria City Code (1992) pertaining to Applicability.

SECTION 156. Article 14-22B of the Peoria City Zoning Ordinance is amended by renumbering Section 14-22B-3 as Section 21-727 of the Peoria City Code (1992) pertaining to Definitions.

SECTION 157. Article 14-22B of the Peoria City Zoning Ordinance is amended by amending Section 14-22B-4 and renumbering it as Section 21-728 of the Peoria City Code (1992) pertaining to Review and Approval Process and which shall read as follows:

Sec. ~~14-22B-4~~21-728 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.

<b>Table 1</b>					
<b>Type of Permitting Action</b>	<b>DLCR</b>	<b>MCP</b>	<b>Native Plant Inventory</b>	<b>Archaeological Site Review and/or Survey</b>	<b>Native Plant Preservation Plan</b>
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 Planning Manager 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 Planning Manager 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 Planning Manager 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 Planning Manager shall determine the continued sufficiency of the MCP for future development planning applications. The Planning Manager shall not approve or recommend approval of any DLCR and/or MCP unless the Planning Manager has received a Waiver of Proposition 207 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 Proposition 207 is consistent with the City's General Plan and zoning goals and regulations.

(Section ~~14-22B-4~~ 21-728 \*6 Enacted April 17, 2007 and effective May 17, 2007.)

SECTION 158. Article 14-22B of the Peoria City Zoning Ordinance is amended by amending Section 14-22B-5 and renumbering it as Section 21-729 of the Peoria City Code (1992) pertaining to Conservation Standards and which shall read as follows:

Sec. ~~14-22B-5~~ 21-729 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:

<b>Table 2 *5</b>			
<b>NOS SLOPE/LANDFORM MATRIX</b>			
<b>LANDFORM TYPE</b>	<b>SLOPE RANGE</b>	<b>MAXIMUM REQUIRED NOS</b>	<b>MINIMUM REQUIRED NOS</b>
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 ordinance 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, ~~Article 14-22A~~ 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 ~~Article 14-22A~~ 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. \*5
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 (*larea tridentada*) 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.

<b>PROTECTED NATIVE PLANT LIST</b>	
<b><i>Botanical Name</i></b>	<b><i>Common Name</i></b>
<b>TREES</b>	
Cercidium floridum	Blue Palo Verde
Cercidium microphyllum	Foothills Palo Verde
Chilopsis linearis	Desert Willow
Juniperus mono sperma	One-Seeded Juniper
Olneya tesota	Ironwood
Populus fremontii	Fremont Cottonwood
Prosopis velutina	Velvet Mesquite
<b>SHRUBS</b>	
Acacia constricta	Whitethorn Acacia
Acacia greggii	Catclaw Acacia
Celtis pallida	Desert Hackberry
<b>CACTI/SUCCULENTS/ACCENTS</b>	
Carnegieia gigantean	Saguaro
Ferocactus species	Barrel Cactus
Fouquieria splendens	Ocotillo
Peniocereus greggii	Desert Night-Blooming Cereus
Yucca baccata	Banana Yucca/Blue Yucca/Datil Yucca
Yucca elata	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:

<b>PROHIBITED PLANT SPECIES LIST</b>	
<b>Botanical Name</b>	<b>Common Name</b>
<b>TREES</b>	
Brachychiton populneus	Bottle Tree
Eucalyptus sp. (except those specifically identified in Arid Character Zone – see Desert Lands Conservation Guide)	Eucalyptus
Olea sp.	Olive Tree
Parkinsonia aculeata	Jerusalem Thorn/Mexican Palo Verde
Pinus sp.	All species of Pine
Prosopis chilensis (prohibited in parking areas only)	Chilean Mesquite
Rhus lancea	African Sumac
Washingtonia sp.	Fan Palm
<b>SHRUBS</b>	
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 Planning Manager 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.

SECTION 159. Article 14-22B of the Peoria City Zoning Ordinance is amended by renumbering Section 14-22B-6 as Section 21-730 of the Peoria City Code (1992) pertaining to Native Plant Permit.

SECTION 160. Article 14-22B of the Peoria City Zoning Ordinance is amended by renumbering Section 14-22B-7 as Section 21-731 of the Peoria City Code (1992) pertaining to Inspections.

SECTION 161. Article 14-22B of the Peoria City Zoning Ordinance is amended by renumbering Section 14-22B-8 as Section 21-732 of the Peoria City Code (1992) pertaining to Desert Lands Conservation Guide.

SECTION 162. Article 14-22B of the Peoria City Zoning Ordinance is amended by renumbering Section 14-22B-9 as Section 21-733 of the Peoria City Code (1992) pertaining to Enforcement.

SECTION 163. Article 14-22B of the Peoria City Zoning Ordinance is amended by renumbering Section 14-22B-10 as Section 21-734 of the Peoria City Code (1992) pertaining to Appeals.

SECTION 164. Article 14-3 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-3-1 as Section 21-801 of the Peoria City Code (1992) pertaining to Intent.

SECTION 165. Article 14-3 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-3-2 as Section 21-802 of the Peoria City Code (1992) pertaining to General Use Provisions.

SECTION 166. Article 14-3 of the Peoria City Zoning Ordinance is amended by amending Section 14-3-3 and renumbering it as Section 21-803 of the Peoria City Code (1992) pertaining to Accessory Buildings and Uses and which shall read as follows:

Sec. ~~14-3-3~~21-803 Accessory Buildings and Uses.

A. 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.

B. Swimming Pools

1. Barriers and/or enclosures shall be provided for all swimming pools in accordance with Chapter 18, "Buildings and Building Regulations," of the City Code, and with any other applicable regulations.
2. 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.

C. 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:

1. Sport courts shall not be permitted in a required front yard.
2. 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.
3. 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.
4. Outdoor lights shall not be operated between 10:00 PM and sunrise and shall be shielded in accordance with Section ~~14-3-2, "General Use Provisions," Subsection F, "Exterior Lighting,"~~ 21-802.F., of this Ordinance.
5. 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.
6. Plans for the construction of a sport court shall be submitted to the Community Development Department for a determination of zoning compliance. Sport court plans shall include setback dimensions from all property lines and the location and height of any walls, fences, or lighting related to the sport court.

SECTION 167. Article 14-3 of the Peoria City Zoning Ordinance is amended by amending Section 14-3-4 and renumbering it as Section 21-804 of the Peoria City Code (1992) pertaining to Screening and which shall read as follows:

~~14-3-4~~21-804 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 ~~14-23-4~~ 21-826.

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 Planning Manager 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 Planning Manager 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 ~~Article 14-35.C Landscape Requirements~~ Section 21-815.

SECTION 168. Article 14-3 of the Peoria City Zoning Ordinance is amended by amending Section 14-3-5 and renumbering it as Section 21-805 of the Peoria City Code (1992) pertaining to Walls, Fences and Electrical Fences and which shall read as follows:

~~14-3-5~~ 21-805 Walls, Fences and Electrical 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

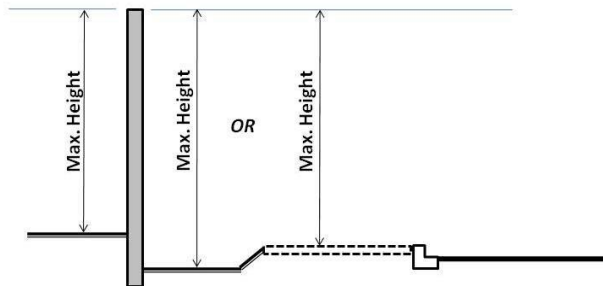


Figure A – Measuring Wall Height shelf. (Figure A)

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. <sup>\*22</sup>

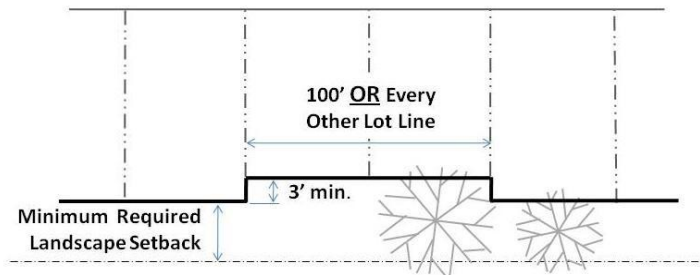


Figure B – Perimeter Wall Undulation



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 14-3-5.B.1.~~ 21-805.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 14-3-2 e(6)(g)~~ 21-802 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.

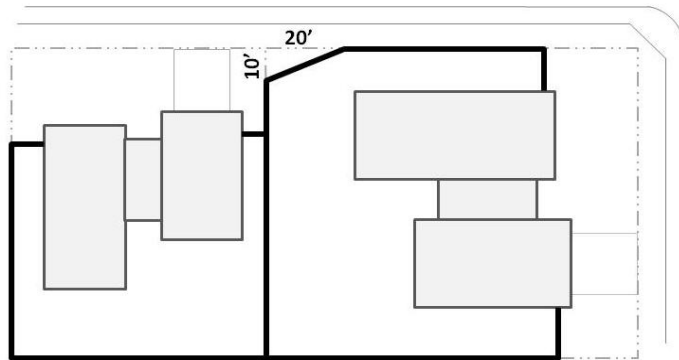


Figure C – Key Lots

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)

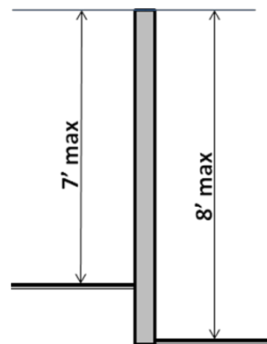
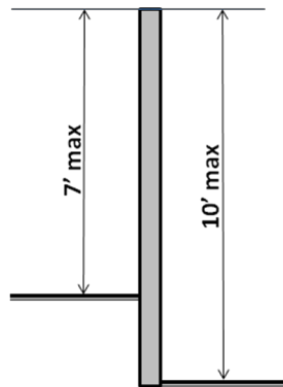


Figure D – Residential to Residential

4. Lots Adjacent to Streets

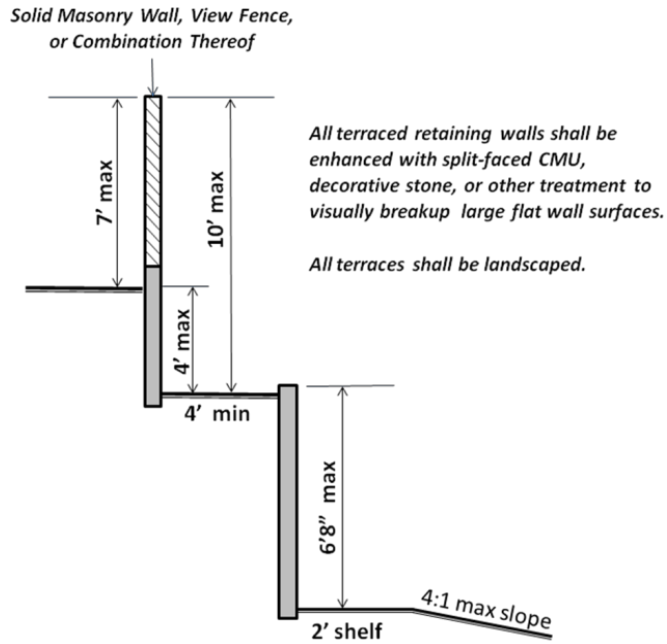
The lot side of a wall shall not exceed seven (7) feet in height. The Street side shall not exceed ten (10) feet in height (Figure E).



*Figure E – Residential to Street*

#### 5. Retaining Walls

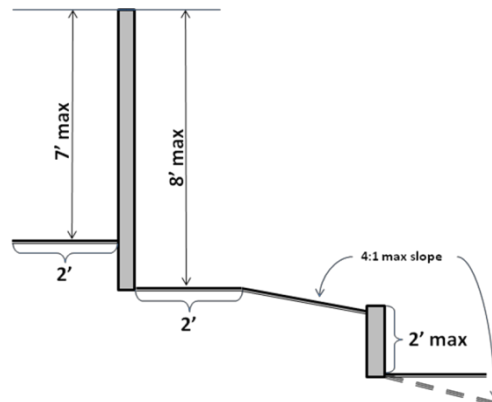
For the purpose of this ordinance, any wall retaining a minimum of twelve (12) inches of earth shall be considered a retaining wall. If retaining requirements exceed ten (10) feet in height, then terracing shall be required. When terracing walls, the first wall at grade level shall not exceed seven (7) 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.



*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*

7. Wall Waivers

Waivers from the wall requirements may be granted by the Planning Manager if the applicant for the waiver has provided a Waiver of Proposition 207. A wall plan and narrative shall be submitted to the Planning Manager 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 Planning Manager, the applicant can file a Variance Request to be heard by the Board of Adjustment, in accordance with ~~Article 14-39~~ Section 21-324 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.

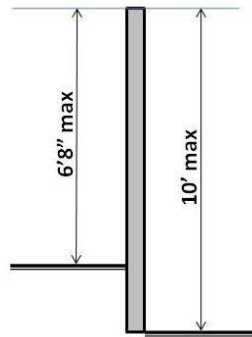
9. Noise Attenuation Walls Required

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 ~~Article 14-22A~~ Section 21-710 of the Zoning Ordinance.

SECTION 169. Article 14-3 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-3-6 as Section 21-806 of the Peoria City Code (1992) pertaining to Performance Standards and which shall read as follows:

SECTION 170. Article 14-3 of the Peoria City Zoning Ordinance is amended by amending Section 14-3-7 and renumbering it as Section 21-807 of the Peoria City Code (1992) pertaining to Satellite Dish Antennae and which shall read as follows:

Sec. ~~14-3-7~~ 21-807 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 ~~Article 14-9~~ Section 21-500, "Non-Residential Districts."



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 Design Review Manual.

SECTION 171. Article 14-3 of the Peoria City Zoning Ordinance is amended by amending Section 14-3-8 and renumbering it as Section 21-808 of the Peoria City Code (1992) pertaining to Miscellaneous Provisions and which shall read as follows:

Sec. ~~14-3-8~~21-808 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 ~~5-18~~, Section ~~5-6~~ 18-6, "Moving of Buildings."

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, "Nuisances."

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.

SECTION 172. Article 14-3 of the Peoria City Zoning Ordinance is amended by amending Section 14-3-9 and renumbering it as Section 21-809 of the Peoria City Code (1992) pertaining to Home Occupations and which shall read as follows:

Sec. ~~14-3-9~~21-809 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 ~~Article 14-23~~ "Parking", Section 21-823 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. Medical Marijuana Dispensing, Cultivation, of Manufacturing, except as provided in A.R.S. § 36-2801.

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.

SECTION 173. Article 14-3 of the Peoria City Zoning Ordinance is amended by renumbered Section 14-3-10 as Section 21-810 of the Peoria City Code (1992) pertaining to Manufactured Housing.

SECTION 174. Article 14-3 of the Peoria City Zoning Ordinance is amended by renumbered Section 14-3-11 as Section 21-811 of the Peoria City Code (1992) pertaining to Mobile Homes, Travel Trailers, House Trailers and Recreational Vehicles.

SECTION 175. Article 14-3 of the Peoria City Zoning Ordinance is amended by amending Section 14-3-12 and renumbering it as Section 21-812 of the Peoria City Code (1992) pertaining to Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities and which shall read as follows:

Sec. ~~14-3-12~~21-812 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 (1320) 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 (C) (1)~~ Section 21-812.C.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.

SECTION 176. Article 14-3 of the Peoria City Zoning Ordinance is amended by amending Section 14-3-13 and renumbering it as Section 21-813 of the Peoria City Code (1992) pertaining to Wireless Communication Facilities and which shall read as follows:

Sec. ~~14-3-13~~21-813 Wireless Communication Facilities.

It is the intent of this Section to promote the use of appropriate wireless communication facilities while encouraging co-location and design techniques that minimize the impacts of such facilities on the community. The City of Peoria encourages providers to explore all co-location options, locations on existing municipal facilities or locations on existing vertical elements prior to the application for a new facility. The City further encourages applicants to explore all camouflaging and screening options available to reduce the visual and environmental impacts of such facilities to the community.

A wireless communication facility, as defined in ~~Article 14-2~~ Section 21-202, shall be a permitted principal or permitted conditional use in all zoning districts subject to the limitations herein contained in this Section and as otherwise set forth in the Peoria City Code.

A. General Requirements.

All wireless communication facilities (hereinafter referred to as facility) shall meet the following general requirements regardless of whether they are a permitted principal use or a permitted conditional use.

1. Inventory of Existing Sites

Each applicant for a facility shall provide to the City an inventory of its existing facilities or sites approved for facilities that are located either within the City of Peoria, City of Peoria planning area boundary or a county island within the City of Peoria. In addition to showing all existing and approved sites, inventories shall show all other wireless communications sites located within one mile of the proposed site, regardless of jurisdictional location. Each inventory shall include general information about the location, height, and design of each tower. The City may share such information with other applicants applying for administrative approvals or conditional use permits under this ordinance or other organizations seeking to locate antennas within the City; provided however, that the City is not, by sharing such information, in any way representing or warranting that such sites are available or

suitable.

2. State or Federal Requirements

All facilities must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring facilities and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

3. Building Code Safety Standards

To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

4. Measurement

For the purpose of determining separation distances, distances from property lines or districts, and setback distances, distance shall be measured from the closest portion of the pole to the property line, district or pole in question. Tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Peoria, irrespective of municipal and county jurisdictional boundaries. Minimum setbacks for equipment panels shall conform with the International Building Code.

5. Franchises or Licenses

Owners and/or operators of wireless facilities shall certify that all franchises or licenses required by law for the construction and/or



operation of a wireless communication system in the City of Peoria have been obtained and shall file a copy of all required franchises or licenses with the City.

6. Pre-Existing Towers

Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (routine maintenance does not include replacement with a new tower of like construction and height) and construction related to the use of the pole for the purposes of adding additional carriers shall be permitted on such pre-existing towers. New construction, including replacement of an existing tower, other than routine maintenance on a pre-existing tower, shall comply with the requirements of this ordinance.

7. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas

Notwithstanding this ordinance, bona fide nonconforming towers or antennas that are damaged or destroyed shall not be rebuilt without first obtaining administrative approval or a conditional use permit and meeting the separation requirements specified in this ordinance. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained, or if said permit expires, the tower or antenna shall be deemed abandoned as specified in this ordinance.

8. Abandonment of Towers or Facilities

A facility shall be deemed abandoned when such facility is not in use for a period of twelve (12) consecutive months. The owner of the facility shall remove the same within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

B. Permitted Principal Use

A wireless communication facility shall be a permitted principal use when the facility complies with the following minimum development standards:

1. The antennas or towers are located on: property owned or otherwise

controlled by the City of Peoria, provided a license, lease or revocable permit authorizing such antenna or tower has been approved by the City Manager or his designee; property owned by a school district and approved by the appropriate school board or their designee (for purposes of this Section, school district shall not include private schools or charter schools); an existing wireless communications facility; existing utility poles; or are located on existing poles within the existing walls of an electrical substation owned, leased or otherwise controlled by a public utility;

2. The facility is developed as an Alternative Tower Structure and meets all other provisions of this code;
3. The maximum height of a facility, except for rooftop or wall mounted facilities, facilities co-locating on an existing wireless communications facility, facilities locating on existing utility poles, or facilities locating on existing vertical structures on school or municipal property, is sixty-five (65) feet, provided however, if the facility is located within any residential district or within one hundred (100) feet of the property line of a residential use or district, the maximum height is fifty (50) feet;
4. An installation co-locating on an existing wireless communications facility may not increase the overall pole height by more than fifteen (15) feet, and the antennas shall not exceed a maximum height of eighty (80) feet or sixty-five (65) feet in any residential district. Installations co-locating on existing utility poles may increase the height of the pole by not more than fifteen (15) feet. Installations locating on existing vertical structures on school or municipal property shall follow the non-residential height requirements;
5. The facility replacing an existing pole on school or park grounds does not increase the original pole circumference by more than a 2:1 ratio;
6. Facilities located within a residential zoning district shall not have antennas other than panel antennas and/or whip antennas. Such facilities shall be allowed a single microwave dish not in excess of twenty four (24) inches in diameter;
7. The pole shall be setback from all adjacent residential zoning districts or residential land use property lines a minimum of two hundred percent (200%) of the height of the tower or pole. The pole shall be setback from all non-residential zoning districts or non-residential property lines and all street property lines a minimum of one hundred and ten percent (110%) of the height of the tower or pole;

8. Facilities co-locating on utility poles, facilities within the right-of-way, or facilities located on school or City property, including supporting equipment and cabinets, shall not be required to meet the setbacks requirements set forth above;
9. The freestanding building or equipment structure contains four hundred and fifty (450) square feet or less of gross floor area and is twelve (12) feet or less in height, except when a facility utilizes co-location, the building or equipment structure may contain nine hundred (900) square feet or less of gross floor area. Where ground-mounted cabinets are utilized, they shall not exceed eight (8) feet in height or an area greater than two hundred and fifty (250) square feet;
10. The facility is screened in conformance with ~~Section 14-3-4, "Screening," subsection 14-3-4 (B) (6), 21-804.B.6.,~~ of this Section.
11. The rooftop or wall mounted facility is hidden from off-site views and shall be screened to the extent possible by screen walls and/or the building parapet;
12. The colors and texture of the facility shall be compatible with the surrounding environment as determined by the City, except as otherwise required by the FAA;
13. No commercial advertising or signage is allowed on site;
14. The facility has at least one (1) parking space designed to City standards. This requirement includes maneuvering areas and access drives. This requirement may be waived when sufficient hard surfaced parking exists;
15. The rooftop mounted facility is fifteen (15) feet or less in height as measured from the surrounding rooftop height to the top of all appurtenances;
16. The wall mounted antennae are eight (8) feet or less in height. Wall mounted facilities shall be mounted so as not to extend above the roof-line of the building and shall not project more than twelve (12) inches from the building face;
17. The facility shall not be artificially lighted, unless required by the FAA or other applicable authority;
18. The facility is not located within the Hillside Development Overlay District or within thirteen hundred and twenty (1,320) feet of a City or state designated historical site; and,
19. The minimum separation between facilities, except for approved alternative tower structures, rooftop or wall mounted facilities, facilities

located within the industrial zoning districts, and facilities located on existing vertical structures on school or municipal property, is one thousand three hundred and twenty (1,320) feet.

C. Permitted Conditional Use

A wireless communication facility which does not meet the conditions specified above for ~~“Permitted Principal Use,” subsection 14-12-11 (B) of this Article Section 21-813.B.~~ shall be a permitted conditional use and processed in accordance with ~~Article 14-39, Administrative Procedures, Section 14-39-10, Conditional and Special Conditional Use Permits,” Section 21-322~~ of this Ordinance. All permitted conditional uses shall meet the following minimum development standards:

1. The maximum height of the facility, except for rooftop or wall mounted facilities, facilities co-locating on an existing wireless communications facility, facilities locating on existing utility poles, or facilities located on existing vertical structures on school or municipal property, shall be eighty (80) feet, provided however, if the facility is located in any residential district or within seventy-five (75) feet of the property line of a residential use or district, the maximum height shall be sixty-five (65) feet;
2. An installation co-locating on an existing facility shall not increase the overall pole height by more than fifteen (15) feet, and the antennas shall not exceed a maximum height of ninety-five (95) feet or sixty-five (65) feet in any residential district. Installations co-locating on existing utility poles may increase the height of the pole by not more than fifteen (15) feet. Installations locating on existing vertical structures on school or municipal property shall follow the non-residential height requirements;<sup>\*7</sup>
3. The facility replacing an existing pole on school or park grounds does not increase the original pole circumference by more than is necessary to accommodate the additional structural requirements;
4. Such facilities located within a residential zoning district shall not have antennas other than panel antennas and/or whip antennas. Such facilities shall be allowed a single microwave dish not in excess of twenty four (24) inches in diameter;
5. The pole shall be setback from all adjacent residential zoning district or residential land use property lines a minimum of one hundred and ten percent (110%) of the height of the tower or pole. The pole shall be setback from all non-residential zoning district or non-residential property lines a minimum of five (5) feet and shall be setback from all street property lines equal to or greater than the building

- setback for the district in which the pole is located;
6. Facilities co-locating on utility poles, facilities within the right-of-way, or facilities located on school or City property shall not be required to meet the setbacks requirements set forth above;
  7. The facility shall be screened in conformance with ~~Section 14-3-4~~ 21-804 of this Ordinance.
  8. A rooftop or wall mounted facility shall be hidden from off-site views and shall be screened to the extent possible by screen walls and/or the building parapet;
  9. The colors and texture of the facility shall be compatible with the surrounding environment as determined by the City, except as otherwise required by the FAA;
  10. No commercial advertising or signage shall be allowed on-site;
  11. A facility shall have at least one (1) parking space designed to City standards.
  12. This requirement shall also include maneuvering areas and access drives. This requirement shall be waived when sufficient hard surfaced parking exists;
  13. A rooftop mounted facility shall be twenty-five (25) feet or less in height as measured from the surrounding rooftop height to the top of all appurtenances;
  14. A wall mounted facility shall be twelve (12) feet or less in height. Wall mounted facilities shall be mounted so as not to extend above the roof-line of the building and shall not project more than twelve (12) inches from the building face;
  15. The facility shall not be artificially lighted, unless required by the FAA or other applicable authority;
  16. A facility may not be allowed within the Hillside Development Overlay District or within thirteen hundred and twenty (1,320) feet of a City or state designated historical site; and
  17. The minimum separation between facilities, except for approved alternative tower structures, rooftop or wall mounted facilities, facilities located within the industrial zoning districts, and facilities locating on existing vertical structures on school or municipal property, shall be one thousand (1,000) feet, unless otherwise approved by the City Council.

18. The Applicant shall be provided the opportunity to execute a Waiver of Proposition 207 as to only the property leased or licensed 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.

(Section ~~14-3-13~~ 21-813 enacted April 17, 2007 and effective May 17, 2007.)

SECTION 177. Article 14-3 of the Peoria City Zoning Ordinance is amended by amending Section 14-3-14 and renumbering it as Section 21-814 of the Peoria City Code (1992) pertaining to Donation / Recycling Drop-off Boxes and which shall read as follows:

Sec. ~~14-3-14~~ 21-814 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 ~~Article 14-39~~ Section 21-322 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.

<b>Donation Box Allotment</b>			
<b>Lots or Complexes/Centers Size</b>	<b>1 Acre</b>	<b>1-3 Acres</b>	<b>3 + Acres</b>
<b>Number of Boxes Allowed</b>	<b>1 Box</b>	<b>2 Boxes <sup>a</sup></b>	<b>4 Boxes <sup>a</sup></b>
<sup>a</sup> No more than two (2) Donation Bins shall be clustered together in any one location.			

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.

- G. 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.
- H. Donation/Drop-Off Boxes shall have a capacity no greater than six (6) cubic yards.
- I. 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.
- J. 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.
- K. 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.
- L. 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).
- M. 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.

- N. 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 "Nuisances", of the Peoria City Code and may be removed pursuant to those provisions.
- O. 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.

SECTION 178. Article 14-35 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-35-1 as Section 21-815 of the Peoria City Code (1992) pertaining to Donation / Recycling Drop-off Boxes.

SECTION 179. Article 14-35 of the Peoria City Zoning Ordinance is amended by amending Section 14-35-2 and renumbering it as Section 21-816 of the Peoria City Code (1992) pertaining to Interpretation and Scope and which shall read as follows:

Sec. ~~14-35-2~~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 ~~Article 14-39, Section 14-39-9, Site Plan Review Section 21-320.~~
  - 2. Signs pursuant to ~~Article 14-34, Section 21-827~~ of this Ordinance where landscaping is required.
  - 3. Subdivisions pursuant to Chapter 24 of the Peoria City Code.
- B. Notwithstanding the application of ~~Section 14-35-2-A, 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 ~~Article 14-39, Section 14-39-9, "Site Plan Review,"~~ 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.

SECTION 180. Article 14-35 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-35-3 as Section 21-817 of the Peoria City Code (1992) pertaining to Definitions.

SECTION 181. Article 14-35 of the Peoria City Zoning Ordinance is amended by amending Section 14-35-4 and renumbering it as Section 21-818 of the Peoria City Code (1992) pertaining to General Landscape Requirements and which shall read as follows:

~~Sec. 14-35-4~~ 21-818 General Landscape Requirements

A. Required Landscape Areas

No part of any landscape area shall be used for any other use such as parking or display, except for required on-site retention areas or when such use is shown on the approved landscape plan except as otherwise provided in Chapter 14.

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 standards and requirements:

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/ 5 shrubs per	400 sq ft	400 sq ft	1000 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

- a 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.
- b Mini-storage facilities and similar uses shall be considered industrial developments for the purposes of landscape requirements regardless of zoning designation. <sup>\*20</sup>
- 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. <sup>\*20</sup>
- 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. <sup>\*29</sup>
- (●) 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 improved with temporary landscaping, and maintained weed and dust free in such a manner as may be approved by the Community Development Director or designee.
- 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 maintenance issues.

- 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 five (5) shrubs for every twenty-five (25) feet of street frontage, and vegetative ground cover. The shrubs and ground cover shall occupy a minimum of sixty percent (60%) 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 five (5) foot wide planter area, or within the front fifteen (15) feet of the required on-site landscape areas, and shall be designed and located to enhance the proposed development project and the streetscape.
- c. Such planting requirements shall be in addition to the landscape requirements in Section ~~14-35-4-A.1.~~ 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 Community Development Director or designee.



### 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	5 per 1,000 sq. ft.	5 gallon

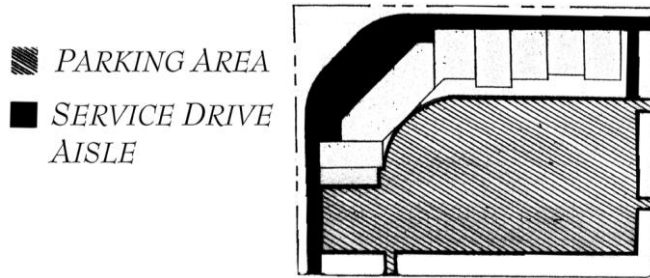
Vegetative Groundcover	20% of area	1 gallon
Inert Groundcover	100% of area	¾" (if DG)

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 Planning Manager.

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 14-9-3~~ 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.



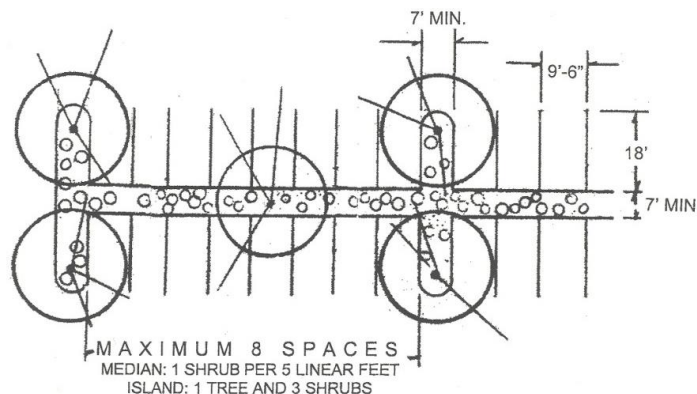
All surface parking areas shall incorporate the following elements:

- 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

- c. For projects that utilize multiple level parking structures, a minimum ten (10) foot landscape area shall be located around the perimeter of the structure.
  - d. 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 ~~14-35-4.A.1.~~ 21-818.A.1. The parking area tree palette shall only include species that provide adequate shading and minimal litter. <sup>\*20</sup>
- 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 completely landscaped with plantings and ground surface materials. Such landscaping shall provide for erosion protection while allowing for 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. <sup>\*20</sup> A deviation or alternative to this requirement may be considered by the Planning Manager or designee.

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 ~~14-35-4.A.1.~~ 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 Planning Manager or designee provided the intent of the building foundation planter is satisfied.

## B. Design Standards

### 1. Minimum Size of Trees and Shrubs

Unless otherwise specified herein, all required trees shall be a minimum of fifteen (15) gallon in size and at least fifty percent (50%) of those trees must be twenty-four (24) inch box or larger in size. A development may substitute thirty-six (36) inch box trees in place of fifteen (15) gallon trees at a substitution rate of 1.5 trees for every 1 required fifteen (15) gallon tree. All shrubs shall be a minimum of five (5) gallon in size to satisfy the landscape requirements in Section ~~14-35-4.A.2.~~ 21-818.A.2.

All trees shall be of a size at the time of installation to conform with the standards established in the Arizona Nursery Association Grower's Committee Recommended Tree Specifications.

### 2. Limitation On Use of Turf

Development projects shall limit the use of turf (lawn) to a maximum of twenty percent (20%) of the lot area. This provision may be waived for those projects as determined by the Site Plan Review process that require a greater amount of turf due to the nature of their use (i.e. schools, parks, golf courses etc.) or those projects that irrigate their landscaping with a reclaimed or private water source.

### 3. Substitution of Ground Covers

Upon approval of the Community Development Director or designee, the installation of twenty (20) square feet of vegetative ground cover in any landscaped area shall substitute for one (1) required shrub, up to a maximum of twenty percent (20%) of the required shrubs in any particular landscaped area. No substitution shall be made for the required shrubs along any street frontage.

### 4. 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 14-35-4-B.2.~~ 21-818.B.2., ground cover, planting, 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.

5. 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.

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 Mater Plans shall include landscaping and hardscape materials as determined by the Community Services Department.

11. Acceptable Landscape Materials

- a. Plant materials utilized in landscaped areas in the right-of-way must be included on the most recent edition of the *Phoenix Active Management Area Low Water Using Plant List*.
- 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.

SECTION 182. Article 14-35 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-35-5 as Section 21-819 of the Peoria City Code (1992) pertaining to Lake Pleasant Parkway Scenic Roadway Corridor.

SECTION 183. Article 14-35 of the Peoria City Zoning Ordinance is amended by amending Section 14-35-6 and renumbering it as Section 21-820 of the Peoria City Code (1992) pertaining to Plan Submittal Requirements and which shall read as follows:

Sec. ~~14-35-6~~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 ~~Article 14-39-9~~ Section 21-320, 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 Community Development 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 Community Development 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.

SECTION 184. Article 14-35 of the Peoria City Zoning Ordinance is amended by amending Section 14-35-7 and renumbering it as Section 21-821 of the Peoria City Code (1992) pertaining to Landscape Installation and Maintenance and which shall read as follows:

Sec. ~~14-35-7~~21-821 Landscape Installation and Maintenance.

A. Landscape Completion

1. Except as otherwise provided in Section ~~14-35-7-A.2~~ 21-821A.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 \*20

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 ~~14-35-7-B.3~~ 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 ~~14-35-7-B.2~~ 21-821.B.2 above, the following conditions shall have been satisfied:
- a. A separate landscape and irrigation plan, prepared in accordance with Section ~~14-35-6-B~~ 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.

SECTION 185. Article 14-35 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-35-8 as Section 21-822 of the Peoria City Code (1992) pertaining to Permits.

SECTION 186. Article 14-23 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-23-1 as Section 21-823 of the Peoria City Code (1992) pertaining to Intent.

SECTION 187. Article 14-23 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-23-2 as Section 21-824 of the Peoria City Code (1992) pertaining to Plans Required.

SECTION 188. Article 14-23 of the Peoria City Zoning Ordinance is amended by amending Section 14-23-3 and renumbering it as Section 21-825 of the Peoria City Code (1992) pertaining to Parking Requirements and which shall read as follows:

Sec. ~~14-23-3~~21-825 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 ~~14-23-3.B~~ 21-825.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 1992 Peoria City Code.

4. Parking Stall Dimensions

The following shall be the minimum parking stall size:

Type	Width	Length ♦
Standard	9.5 feet	20 feet
Handicapped	16 feet	20 feet
Compact	8 feet	16 feet
Parallel	8 feet	24 feet

- ♦ 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

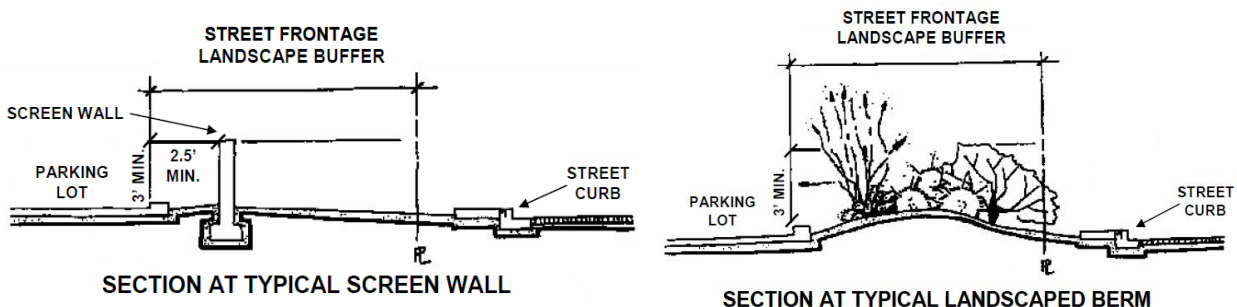
Parking lots used during hours of darkness shall be illuminated. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light down and/or away from adjoining property, abutting residential uses and public rights-of-way and shall be a maximum of twenty-five (25) 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 ~~Article 14-35~~ 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 ~~Article 14-34~~ Section 21-827.

18. Parking Canopies, Non-Residential and Multi-Family Residential Land Uses

- a. 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 10' from grade and the structures shall drain onto the property on which they are located.
- b. The height of parking canopies not within the required side or rear building setbacks shall be limited to 15' from grade.
- c. All parking canopies are subject to the Design Review Manual.
- d. Setbacks are measured from property line to nearest edge of canopy.
- e. All required landscaping, parking or otherwise, shall be provided.
- f. 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	
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>
Multi-family <sup>b</sup>		
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. <sup>\*28</sup>
- 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. <sup>\*28</sup>
- 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
<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>		



<p>Auto Services</p>	<p>Facilities providing general vehicle service or repair, and similar services</p>	<p>a) A queuing space of one hundred (100) linear feet exclusive of drive aisles and parking spaces.</p> <hr/> <p>b) Three (3) spaces per service bay , plus</p> <hr/> <p>c) One (1) space per three hundred (300) SF of gross floor area excluding service bay.</p>
<p>Automobile Rentals or Dealerships</p>	<p>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)</p>	<p>a) One (1) space per one thousand (1000) SF of gross floor area, plus</p> <hr/> <p>b) One (1) space per six thousand (6000) SF outdoor vehicle display area</p>
<p>Automobile Towing and Impound Facilities</p>	<p>Facilities for towing, dismantling, recycling, impound and storage of junk vehicles, to include sanitary landfills and similar uses</p>	<p>a) One (1) space per one thousand (1000) SF of floor area</p> <hr/> <p>b) Minimum of four (4) spaces</p>
<p>Car Washes</p>	<p>Facilities for the cleaning of vehicles</p> <hr/> <p>Self service facilities for the cleaning of vehicles</p>	<p>a) One (1) space per three hundred (300) SF office floor area, plus</p> <hr/> <p>b) A queuing space of one hundred (100) linear feet exclusive of drive aisles and parking spaces.</p> <hr/> <p>a) Minimum of four (4) spaces</p>

USE	DESCRIPTIONS	PARKING RATIO
<b>EATING &amp; DRINKING ESTABLISHMENTS</b>		
Restaurants <sup>*28</sup>	<p>Eating establishments providing self- services or with high turnover rate and similar services</p> <hr/> <p>- with drive-through services</p> <hr/> <p>- with outdoor seating</p>	<p>a) One (1) space per fifty (50) SF of serving area, plus</p> <hr/> <p>b) One (1) space per two hundred (200) SF for preparation area</p> <hr/> <p>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</p> <hr/> <p>b) Eighty (80) linear feet of stacking space from the menu board to the pickup window.</p> <hr/> <p>a) One (1) space per one hundred (100) SF of serving area</p>
Taverns, Bars, Pubs and Lounges	Establishments licensed to sell alcoholic beverages to be consumed on the premises, often with limited food service	<p>a) One (1) space per fifty (50) SF of serving area, plus</p> <hr/> <p>b) One (1) space per two hundred (200) SF for preparation area</p>
<b>ENTERTAINMENT &amp; RECREATION</b>		
Adult Uses	<p>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</p> <hr/> <p>Adult specialty shops for purchase of adult books, video, and similar products</p>	<p>a) One (1) space per fifty (50) SF floor area</p> <hr/> <p>a) One (1) space per three hundred (300) SF floor area</p>
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,	<p>a) One (1) space per two hundred (200) SF of floor area, or</p> <hr/> <p>b) One (1) space per four (4) fixed seats of design</p>

	theatre and similar places, excluding taverns, bars, pubs, lounges and adult uses *24	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 *24	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

USE	DESCRIPTIONS	PARKING RATIO
<b>ENTERTAINMENT &amp; RECREATION</b>		
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

		<p>b) One (1) space per every two (2) practice tees in driving range, plus</p> <p>c) Four (4) spaces per each green in the playing area</p>
<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.	<p>a) One (1) space per one thousand (1000) SF of warehouse area, plus</p> <p>b) One (1) space per three hundred (300) SF office floor area</p>
Light Industrial and Manufacturing *24	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	<p>a) One (1) space per five hundred (500) SF of warehouse area, plus</p> <p>b) One (1) space per three hundred (300) SF office floor area</p>
Outdoor storage	Facilities providing exterior storage of construction equipment and materials, recyclable material, and similar uses	<p>a) One (1) space per five thousand (5000) SF of designated outdoor area , plus</p> <p>b) One (1) space per three hundred (300) SF office floor area</p> <p>c) Minimum of four (4) spaces</p>
Unspecified Industrial Use (Shell Building) *24		a) One (1) space per five hundred (500) SF of floor area

USE	DESCRIPTIONS	PARKING RATIO
<b>GENERAL INDUSTRIAL &amp; MANUFACTURING</b>		
Warehousing	Facilities providing warehousing of material and goods and similar uses	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
	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 (1000) 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	a) One (1) space per two hundred-fifty (250) SF of floor area. Note: for any center with

	establishment planned, developed, owned or managed as a unit and more than 50,000 SF)	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

USE	DESCRIPTIONS	PARKING RATIO
<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	<p>a) Two (2) spaces per classroom, plus</p> <p>b) One (1) space per employee, plus</p> <p>c) One (1) space per three (3) fixed seats of auditorium based on design capacity plus</p> <p>d) Minimum of ten (10) spaces for visitors parking.</p>
Secondary Education	Public or private facilities providing education in a college, university, trade or vocational school, and similar institutions	<p>a) Five (5) spaces per classroom, plus</p> <p>b) One (1) space per three (3) fixed seats of auditorium based on design capacity</p>
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

USE	DESCRIPTIONS	PARKING RATIO
<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	a) One (1) space per three hundred (300) SF of sales floor area

	stores, furniture shops, monument engraving shops, swap meet farmers markets and similar intense retails with outdoor sales operations	
Commercial Service Establishments combining retail, showroom with workshop. <sup>*18</sup>	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 one hundred fifty (200) SF of floor area

<b>USE</b>	<b>DESCRIPTIONS</b>	<b>PARKING RATIO</b>
<b>MEDICAL</b>		
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 one 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	a) One (1) space per one hundred fifty (150) SF of floor area

services		
Pet Care	Establishments for sheltering, and grooming of animals	a) One (1) space per two hundred (200) SF of floor area
TRANSPORTATION		
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 b) One (1) space per five hundred (500) SF of maintenance floor area, plus
Road Travel	Facilities providing bus, rail and motor freight, and school bus transportation, parking and maintenance in terminals, and similar facilities	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
OTHER		
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.

SECTION 189. Article 14-23 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-23-4 as Section 21-826 of the Peoria City Code (1992) pertaining to Off-Street Loading Requirements.

SECTION 190. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-1 as Section 21-827 of the Peoria City Code (1992) pertaining to Index.

SECTION 191. Article 14-34 of the Peoria City Zoning Ordinance is amended by amending Section 14-34-2 and renumbering it as Section 21-828 of the Peoria City Code (1992) pertaining to Index and which shall read as follows:

Sec. ~~14-34-2~~21-828 Intent.

The intent of this ~~Article 14-34~~ Section is to regulate the type, placement, and physical dimensions of signs located in the City of Peoria. It is in the public interest and desired by the citizens of the City of Peoria, as stated in the Peoria Comprehensive Master Plan, to regulate signs for the following reasons:

- To promote the public health, safety and welfare within the City of Peoria by protecting the public from damage and injury which may be caused by the faulty and uncontrolled construction of signs.
- To promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the City of Peoria.
- To protect pedestrians, motorists, and property owners of the City of Peoria from damage or injury caused, or partially attributed to, the distractions and obstructions of signs, which are improperly situated, sized and designed.
- To promote the effectiveness of signs by preventing their over concentration, improper placement and excessive size.
- To protect and preserve property values in the City of Peoria by precluding the visual and physical intrusion of incompatible, unsafe and undesirable signs in industrial, commercial and residential areas throughout the City of Peoria.
- To promote, encourage and preserve the existing and developing natural and man-made beauty of the City of Peoria.
- To promote economic development by creating an aesthetically attractive, natural and man-made image that will induce industrial, commercial and residential users to locate in the City of Peoria.

SECTION 192. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-3 as Section 21-829 of the Peoria City Code (1992) pertaining to Interpretation and Scope.

SECTION 193. Article 14-34 of the Peoria City Zoning Ordinance is amended by amending Section 14-34-4 and renumbering it as Section 21-830 of the Peoria City Code (1992) pertaining to Exceptions and which shall read as follows:

Sec. ~~14-34-4~~21-830 Exceptions.

A. The provisions of ~~Article 14-34~~ Section 21-829 shall not apply to:

1. Tablets, grave markers, headstones, statuary or remembrances of persons or events noncommercial in nature.
2. Works of fine arts when not displayed in conjunction with a commercial enterprise which may derive direct commercial gain from such display.
3. Signs not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way or thoroughfare, providing that such sign does not constitute a traffic hazard.
4. The erection, construction and maintenance of official traffic, fire and police signs, signals and devices that are markings of the State of Arizona and the City of Peoria or other authorized public agency, nor the posting of notices as required by law.
5. Advertising on bus passenger shelters located within the public right-of-way and on private property adjacent to the public -right-of-way as approved by City Council and Contract Number L.C.O.N.4989 on June 27, 1989 as amended and modified from time to time. (Ord. No. 89-21)
6. City of Peoria municipal uses. (Ord. No. 99-87)
7. Portable electronic signs used by the City of Peoria for special events. (Ord. No. 03-01)

SECTION 194. Article 14-34 of the Peoria City Zoning Ordinance is amended by amending Section 14-34-5 and renumbering it as Section 21-831 of the Peoria City Code (1992) pertaining to Requirement of Conformity and which shall read as follows:

Sec. ~~14-34-5~~21-831 Requirement of Conformity.

It shall be illegal for a sign to be placed or maintained in the City of Peoria except as provided in this ~~Article 14-34~~ Section after the effective date of adoption of Ordinance 89-07 of the City of Peoria, Arizona.

- A. All signs maintained contrary to the provisions of this ~~Article 14-34~~ Section are declared to be nuisances, and such nuisances may be abated as provided by law,
- B. Any person, firm or corporation violating any provisions of this ~~Article 14-34~~ Section, or failing to comply with any order or regulations made

hereunder, shall be subject to the penalty provisions of Chapter 45 and Chapter 17, Section 45-71 of the City Code.

- C. Placement and/or the location of all signs shall be in accordance with the sight distance requirements for arterial and collector streets as described in the City of Peoria Infrastructure Guidelines. (Ord. No. 00-30)

SECTION 195. Article 14-34 of the Peoria City Zoning Ordinance is amended by amending Section 14-34-6 and renumbering it as Section 21-832 of the Peoria City Code (1992) pertaining to Signage Approved as part of Site Plan Approval and which shall read as follows:

Sec. ~~14-34-6~~21-832 Signage Approved as part of Site Plan Approval.

For all developments requiring Site Plan Approval and Design Review Approval, a sign package of the proposed design and location of all permanent and temporary signs for the life of the project, subject to the guidelines presented herein, shall be submitted for review and approval according to the site plan review procedures outlined in ~~Article 14-39, Section 14-39-9 "Site Plan Review."~~ Section 21-320. A sign permit to erect, install, repair or move a sign, if such permit is required, shall not be issued unless sign approval has been given as part of the above site plan approval, for any development requiring such site plan approval. (Ord. No. 02-80)

SECTION 196. Article 14-34 of the Peoria City Zoning Ordinance is amended by amending Section 14-34-7 and renumbering it as Section 21-833 of the Peoria City Code (1992) pertaining to Definitions and which shall read as follows:

Sec. ~~14-34-7~~21-833 Definitions.

All words in this Section shall be first defined as provided herein and, if not defined herein, shall be defined as in the definition of terms of ~~Chapter 14 of the Peoria City Code Section 21-202~~ and, if not defined therein, shall be defined as in The Illustrated Book of Development Definitions by Harvey S. Moskowitz and Carl G. Lindbloom, 1981, and if not defined in The Illustrated Book of Development Definitions, shall have their customary dictionary definitions.

Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular. The word "shall" is always mandatory.

- A. *Sign*. Any device providing identifications, advertising or directional information for specific business, service, product, person, organization, place or building. Included in this definition of signs are graphic devices such as logos, attention attracting media such as logo-shaped sculpture, sculpture used to advertise products or businesses, fascia colored to advertise the logo or trademark of products or businesses, or architectural elements, banners, balloons, streamers, search lights, strobe lights, flags,

inflatable structures, merchandise displays, accessory lights and other attention attracting media and devices.

- B. *Sign Copy.* The words, letters, symbols, illustrations, or graphic characters used to convey the message of a sign.
- C. *Abandoned Sign.* A sign is presumed to have been abandoned when it is located on property which becomes vacant and unoccupied for a period of six (6) or more months.
- D. *Advertising Sign.* A sign which includes sign copy relating to any service, product, person, business, place, activity or organization in addition to simple identification.
- E. *Agricultural Product Sales Sign.* A sign which is erected or mounted on its own self-supporting permanent structure or base, advertising the sale of an agricultural product produced and sold on site. (Ord. No. 97-27)
- F. *Area of Sign.* (Ord. No. 96-88)
  - 1. Total sign area will include the area of all signs on the premises. Furthermore, computation of total sign area includes all existing signs on the premises, whether such signs be conforming or non-conforming under the terms of this Section The only exceptions to the total sign area allowed are free standing monument signs, directional signs and street addresses, signs necessary for safety (e.g., stop engine, no smoking) that do not exceed two (2) square feet in area, and Freestanding Municipal Recreation/Entertainment Facility Identification Signs.
  - 2. For a sign having more than one component (e.g., a service station identification/price sign combination on a monument base, mounted on the same surface), the sign area shall be measured as the sum of the smallest rectangles that encompass the several components of the sign.
  - 3. A sign mounted or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign, shall be measured as the area contained within the outside dimensions of the



background panel or surface.

- 4. A sign mounted as individual letters and/or graphics against a wall or fascia of a building, wall fence or other structure that has not been painted, textured or otherwise altered to provide a distinctive background

for the sign shall be measured as the sum of the smallest rectangles that will enclose the sign.

5. A sign mounted or painted on an illuminated surface, illuminated architectural element of a building, or if the sign is the actual illuminated surface itself, shall be measured as the entire surface or illuminated architectural element which contains the sign.
6. A sign integrated into, built, made or part of the actual structure of a wall, building fascia, wall, fence or other type of structure, regardless of whether the sign is of the same color, texture or material than the entire structure, shall be measured as the sum of the smallest rectangles that will enclose the sign.
7. Where there are one (1) or more sign faces, the area shall be defined as follows:
  - a. One (1) face - Area of the single face only, two (2) faces - If the interior angle between the two faces is 45 degrees or less, the area will be the area of one face only; if the interior angle between the two sign faces is greater than 45 degrees, the sign area will be the sum of the areas of the two faces.
  - b. Three (3) or more faces - The sign area will be the sum of the areas of each of the faces.
  - c. Spherical, free-form, sculptural, other non-planar signs - Signs area will be the sum of the area using only the four (4) vertical sides of the smallest cube that will encompass the sign.
  - d. Architectural embellishments shall not be considered as sign area, and may not constitute more than twenty percent (20%) of the total sign area.
- G. *Building Front Foot.* Means the maximum width of the building measured on a straight line parallel to the street. In the event that a building 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 building does not parallel a street, the front foot shall be measured along the exterior of the building space from points projected perpendicular to the street from the corners of the building face fronting the street.
- H. *Business Front Foot.* Means the lineal distance of the building space occupied by the particular business or use measured on a straight line parallel to the street. In the event that a business or use 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 or use does not parallel a street, the front foot shall be measured along the exterior of the building space occupied by the particular business or use.
- I. *Building-Mounted Wall Signs.* A sign attached to, painted on, or erected against the wall or fascia of a building with the exposed face of the sign in a plane parallel to the face of the wall or fascia.
  - J. *Complexes/Centers.* See "Multiple Tenant Commercial Building."
  - K. *Comprehensive Sign Plan.* A plan for the utilization of signs intended to encourage flexible signage opportunities which are greater than that allowed under the existing requirements of the sign code. (Ord. No. 97-21)
  - L. *Eave Line.* The point on a wall projected perpendicular to the wall from the bottom of an eave.
  - M. *Emergency.* Immediate action necessary for purposes of protection of the public's health, safety and welfare.
  - N. *Fascia.* The horizontal piece between the plate line or eave line and the spring point of a sloped roof or the top of a flat roof.
  - O. *Fascia Sign.* A sign which is permanently affixed to the fascia of a building.
  - P. *Flag.* A piece of fabric or other flexible material that contains the current or historical seal, insignia, symbol, logo, emblem or distinctive colors of this nation or any other nation, or the seal, insignia, symbol, logo or emblem of any political subdivision of this nation or any other nation, or the seal, insignia, symbol, logo or emblem of any religious, not for profit or corporate entity or expressing advocacy speech. References to the number of flags and flagpoles and flag dimensions refer to both vertical flagpoles and mast arm flagpoles. (Ord. No. 03-09)
  - Q. *Flag-Mounted Sign.* A sign on a pole which projects from the roof or wall of a building.
  - R. *Freestanding Monument Sign.* A sign which is erected, or mounted on its own self-supporting permanent structure or base, and is detached from any supporting elements of a building.
  - S. *Freestanding Wall Sign.* Same as a freestanding monument sign except erected or mounted on a wall that is detached from, but architecturally integrated with a building.
  - T. *Freeway Monument Sign.* A freestanding monument sign erected to identify a single or multiple on-site use(s), on property abutting, or part of a

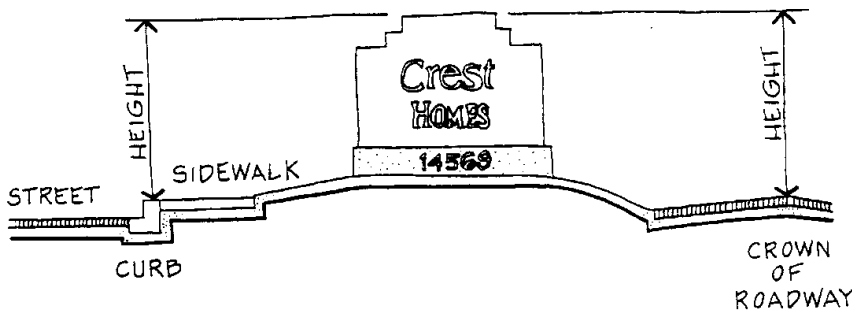
complex/center abutting the Agua Fria Freeway. (Ord. No. 97-16)

U. *Grand Opening.* The introduction, promotion, announcement of a new business, store, shopping center, office or the announcement, introduction, promotion of an established business changing ownership.

V. *Ground Level.* The finished grade of an existing sidewalk or, where there is no sidewalk, six (6) inches above street grade.

W. *Height of Sign.*

1. Freestanding Monument Sign and Freestanding Wall Sign. Height shall be the distance from the top of the sign structure to the top of curb or crown of roadway where no curb exists. For freestanding monument signs, the height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height. Freestanding wall signs shall not exceed five (5) feet in height.



2. Building-Mounted Wall signs. Height shall be the distance from the top of the sign structure to the top of curb or crown of road where no curb exists.

X. *Identification Sign.* A sign that includes as sign copy only the name of the business, place, organization, building, or person it identifies.

Y. *Illuminated Sign.* A sign whose surface is lit, internally or externally, and which identifies, advertises or attracts attention to a use or activity on the premises.

Z. *Indirect Lighting - Externally Illuminated.* Means a source of external illumination located a distance away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign from any normal position of view.

AA. *Indirect Lighting - Internally Illuminated.* Means a source of illumination entirely within the sign which makes the sign visible at night by means of lighting the background upon which the free standing character is mounted. The character itself typically is opaque, and thus is silhouetted

against the background. The source of illumination shall not be visible.

**BB. *Internal Lighting.*** Means of source of illumination entirely within the sign which makes the contents of the sign visible at night by means of the light being transmitted through a translucent material but wherein the source of the illumination is not visible.

**CC. *Landscape Area.*** An area reserved for the addition or augmentation of lawns, trees, plants and other natural and decorative features to land.

**DD. *Maintenance.*** Means the replacing or repairing of a part or portion of a sign made unusable by ordinary wear, tear or damage beyond the control of the owner or the reprinting of existing sign copy without changing the wording, composition or color of said copy.

**EE. *Multiple Tenant Commercial Building.*** A commercial development in which there exists a number of separate commercial activities, in which there are appurtenant shared facilities (such as parking or pedestrian mall), and which is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a multiple tenant commercial building may, but need not, include common ownership of the real property upon which the center is located, common-wall construction, and multiple-occupant commercial use of a single structure.

**FF. *Multi-Tenant Sign.*** A sign that includes as copy, only the names of two (2) or more businesses, places, organizations, buildings or persons it identifies.

**GG. *Non-Conforming Sign.*** A sign erected which does not conform to all of the requirements of this Section, but which, when first constructed, was legally allowed by the City of Peoria or the political subdivision then having the control and regulation over construction of signs.

**HH. *Off-Premise Sign.*** A structure which bears a sign which is not appurtenant to the use of the premises where the sign is located, or a structure which advertises a product or a service offered upon the premises other than where the sign is located.

**II. *Parapet Wall.*** A wall extending above the plate line of a building.

**JJ. *Permanent Sign.*** Any sign which is intended to be and is so constructed as to be lasting and enduring, remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall or building.

**KK. *Plate Line.*** The point at which any part of the main roof structure first touches or bears upon external wall.

LL. *Portable Sign.* Any sign which is not permanently affixed to any structure on a site or permanently ground-mounted. Includes A-frame / sandwich board signs.

MM. *Premises* - A lot, parcel, tract or plot of land together with the buildings and structures thereon.

NN. *Roof-Mounted Sign.* A sign which is secured, mounted or attached to a roof or which projects above the highest point of a parapet or fascia of a building.

OO. *Roof Line.* Means the highest point of the main roof structure or highest point on a parapet but shall not include cupolas, pylons, projections or minor raised portions of the roof.

PP. *Sign Package.* A detailed description, including, but not limited to, type, size, color and location of all signage.

QQ. *Soffit Sign.* A sign which is suspended from the underside of a lintel, arch or other overhead spanning member and is hung perpendicular to a vertical wall surface.

RR. *Spring Point.* The point at the edge of a roof where the slope of the roof is less than 90 degrees but more than 0 degrees.

SS. *Street Grade.* The elevation of the top of the curb of a street, or the elevation of the crown of the roadway where no curb exists.

TT. *Temporary Sign.* A sign established for a fixed period of time with the intent to discontinue the use of such sign upon the expiration of the time period.

UU. *Master Planned Development.* A development which meets one or more of the following criteria: (Ord. No. 91-28)

1. Residential developments which exceed 300 acres in area.
2. Four (4) or more residential subdivisions of a combined area which exceeds three hundred (300) acres.
3. Mixed-use developments which exceed 150 acres in area.

SECTION 197. Article 14-34 of the Peoria City Zoning Ordinance is amended by amending Section 14-34-8 and renumbering it as Section 21-834 of the Peoria City Code (1992) pertaining to Sign Types and Requirements and which shall read as follows:

Sec. ~~14-34-8~~21-834 Sign Types and Requirements.

A. Permitted Signs. The following signs are permitted, subject to the criteria listed under each sign:

1. Address Sign. A sign consisting of numerals and/or letters identifying a property address.
  - a. Letter and numeral height shall not exceed twelve (12) inches;
  - b. No sign permit required.
2. Agricultural Product Sales Signs. Any temporary sign erected to advertise the seasonal sale of agricultural food products produces on-site. (Ord. No. 97-27)
  - e. Such signs may only be located on-site and shall be limited to the following information: the type of product for sale, directional information and pricing information;
  - f. Such signs shall be prohibited on lots less than 43,560 square feet;
  - g. Such signs shall not utilize illumination of any kind;
  - h. One (1) sign per parcel shall be allowed with an additional sign allowed for each one hundred (100) feet of linear street frontage up to a maximum of four (4) signs; a maximum of one (1) sign shall be allowed when the sales activity is located in or within one hundred (100) feet of a developed residential area;
  - i. Such signs, including their supporting structures, shall be no more than six (6) square feet in area within a developed residential area and no more than thirty-two (32) square feet in area as otherwise permitted and shall be no more than six (6) feet in height measured from grade level;
  - j. Such signs shall be displayed for a period not to exceed 90 days during any calendar year without a sign permit. Signs may be displayed for a period exceeding 90 days upon approval of a temporary sign permit by the City;
  - k. Such signs shall not be located in the public right-of-way and shall not be located so as to impair traffic visibility or traffic circulation;
  - l. Such signs shall be permitted to be displayed only during sales periods occurring during the active growing season;
  - m. Such signs shall be constructed and supported in such a manner so as not to pose a hazard to pedestrians or vehicles;
  - n. Agricultural product sales signs shall not include signs otherwise prohibited by this Section;
  - o. No sign permit required unless otherwise specified.
3. Awning/Canopy Sign. A sign which is printed, painted, or affixed to an

awning or canopy.

- a. Sign copy, including logo, shall not exceed twelve (12) square feet or fifty percent (50%) of an awning face area, whichever is less;
  - b. Such sign shall only be displayed on the ground floor awnings;
  - c. Flashing or intermittent illumination of awnings is prohibited;
  - d. Sign permit required.
4. Banner/Special Event Sign. A temporary sign which is used for the promotion of goods, services, or events for a specified period of time.  
(Ord. No. 2011-01)
- a. Special Events. Sign used to promote a sale or special event.
    - 1) For the purpose of this regulation, special event signs shall include sign banners, balloons, flags, streamers, and pennants. Vehicle mounted signs, flashing lights, search lights and portable signs are prohibited, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)
    - 2) Banner signs shall be limited to a maximum total square footage of thirty-two (32) square feet.
    - 3) Signs shall be allowed four (4) times per year within a one year period for a maximum of thirty (30) consecutive days for each occurrence.
    - 4) Advertising Flags – In addition to allowable banner, streamer, and pennant signage, establishments may have two (2) pole-mounted advertising flag signs, such as the types of signs commonly referred to as a “swooper flag”, feather flag”, or “teardrop flag”. Each sign shall not exceed a total of fifteen (15) feet in height including mounting hardware, three (3) feet in width, nor thirty-two (32) square feet in sign area. All such signs shall be securely fastened to resist displacement by wind or similar disturbances and shall only be displayed during the hours the business / establishment is open. For establishments located in multi-tenant buildings or complexes, such signs may be placed at the perimeter of the complex with the property owner’s consent.
    - 5) Portable A-frame signs - Establishments may also have one (1) portable “A-frame” (or similar) sign, provided that the sign shall not exceed thirty-six (36) inches in height nor a total of six (6) square feet in area. Such signs shall be weighted to resist displacement by wind or similar disturbances and shall only be displayed during the hours the business / establishment is open.

For establishments located in multi-tenant buildings or complexes, such signs may be placed at the perimeter of the complex with the property owner's consent.

- 6) All such signs shall be placed on private property and shall not impede pedestrian or vehicular visibility or traffic.
  - 7) All such signs shall include wind cuts as necessary to reduce sign billowing or sailing and shall be securely fastened to the building or other permanent structure attached to the building containing the subject establishment. Such signs and/or banners shall not be mounted to trees or other landscaping elements.
  - 8) Individual balloons and balloon arches/clusters shall be allowed provided they are securely fastened to permanent structures and setback from all streets and driveways a distance equal to the tether of the balloon. Individual balloons shall not exceed twenty-four (24) inches in diameter. Balloons and balloon arches / clusters shall be tethered at a height that does not exceed the height of the building containing the subject establishment. Balloons exceeding twenty-four (24) inches in diameter shall be considered inflatable structures and shall require a separate permit.
  - 9) Torn, faded, or soiled signs shall be prohibited.
  - 10) Sign permit required for each display period.
  - 11) The sign permit number, and responsible party's / applicant's name and phone number shall be clearly written on the sign. If the permit numbers or contact information becomes defaced, illegible or outdated, they shall be immediately replaced.
- b. Exterior Sales. A sign for the sale of merchandise where most of the business is conducted, or items are displayed, in an open exterior area in compliance with all City Codes. (Ord. No. 03-09)
- 1) Exterior sales promotions are allowed however shall be restricted to Friday, Saturday, and Sunday or Federally recognized holidays.
  - 2) For the purpose of this regulation, exterior sales signs shall include sign banners, balloons, flags, streamers, pennants or merchandise. Vehicle mounted signs, flashing lights, search lights, and portable signs are prohibited.
  - 3) Streamers, pennants and flags shall contain no written message, but may include a symbol, logo or replica of a flag on a pennant. (Ord. No. 03-09)

- 4) Inflatable structures are allowed by separate permit. Such structures shall be permitted only twice per year at three-day intervals. Inflatable structures shall not be roof-mounted and shall be securely fastened to permanent structures and/or proper ground staking. Inflatable structures shall be placed on private property and shall not impede pedestrian or vehicular visibility or traffic.
  - 5) Individual balloons and balloon arches/clusters shall be allowed provided they are securely fastened to permanent structures and setback from all streets and driveways a distance equal to the tether of the balloon. Individual balloons shall not exceed twenty-four (24) inches in diameter. Balloons and balloon arches / clusters shall be tethered at a height that does not exceed the height of the building containing the subject establishment. Balloons exceeding twenty-four (24) inches in diameter shall be considered inflatable structures and shall require a separate permit.
  - 6) All banner signs shall include wind cuts as necessary to reduce sign billowing or sailing and shall be securely fastened to a building, private light standard or other permanent structure. Such banners shall not be mounted to trees or other landscaping elements. The total allowable square footage of all banner signs shall not exceed one hundred fifty (150) square feet.
  - 7) Uses eligible for exterior sales signs shall not be eligible for special event signs.
  - 8) Torn, faded or soiled exterior sales signs shall be prohibited.
  - 9) No permit required, except for inflatable structures.
- c. Civic Events. Signs used to advertise, promote public entertainment uses including carnivals, circuses, street fairs, concerts, cultural events, home and garden shows, parades, community events and similar uses.
- 1) For the purpose of this regulation, civic event signs shall include sign banners, balloons, flags, streamers, and pennants. Vehicle mounted signs, flashing lights, search lights and portable signs are prohibited, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)
  - 2) No off premise signs, strobe lights or search lights are permitted, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)



- 3) All banner signs shall include wind cuts as necessary to reduce sign billowing or sailing and shall be securely fastened to a building, private light standard or other permanent structure. Such banners shall not be mounted to trees or other landscaping elements.
  - 4) Size and quantity of signs are not regulated, however signs shall not be displayed for more than seven (7) days prior to the event and shall be removed within forty-eight (48) hours after the event.
  - 5) Inflatable structures are allowed by separate permit. Inflatable structures shall not be roof-mounted and shall be securely fastened to permanent structures and/or proper ground staking. Inflatable structures shall be placed on private property and shall not impede pedestrian or vehicular traffic or visibility.
  - 6) Torn, faded, or soiled civic event signs shall be prohibited.
  - 7) Light standard banner advertisement is allowed within one mile of the event as approved by the Public Works Director.
  - 8) No permit required, except for inflatable structures.
5. Building-Mounted Wall Sign. A permanent sign attached to, painted on, or erected against the wall or fascia of a building with the exposed face of the sign in a plane parallel to the face of the wall or fascia.
- a. Primary identification signs located on buildings over three (3) stories in height shall be placed only in the top twenty-five (25) percent of the wall to which it is attached, and shall not project above the roofline; (Ord. No. 00-30)
  - b. The area of such signs is dependent on the zoning district in which a use is permitted as specified in this Section. However, in no case shall the total area of one such sign exceed two hundred (200) square feet.
  - c. Such signs may identify the individual business, building, or building complex only by name, logo, or by name and principal service where the name does not identify the principle services offered; (Ord. No. 97-31)
  - d. Buildings in excess of three (3) stories shall only be identified by the building name, or the name or logo of the business or company occupying the building; (Ord. No. 97-31)
  - e. Sign copy shall be permitted only to describe the general nature of the business. Sign copy shall not include phone numbers, web addresses, web symbols, or product information, such as price of merchandise. (Ord. No. 00-30)

- f. Such signs shall not project more than fourteen (14) inches from a wall or fascia;
  - g. Such signs may be erected on a parapet wall or fascia that is on three sides of a four or more sided building. Such signs may be erected on buildings with one parapet wall only if the building existed on the date of adoption of this Section. Such signs may not extend above the top of the parapet or fascia.
  - h. Such signs may be illuminated only by internal or externally indirect lighting;
  - i. The average height of all sign characters shall not exceed six (6) feet with no individual characters exceeding eight (8) feet in height; (Ord. No. 97-31)
  - j. For buildings constructed on the property line of a parcel which abuts a public right-of-way or easement (e.g. no building setback), building mounted wall signs may extend fourteen (14) inches in the public right-of-way or public easement provided such signs are located higher than eight (8) feet above ground level.
  - k. Sign permit required.
6. Changeable Sign Copy/Marquee Sign. A sign which utilizes changeable letters or sign copy and is intended to display factual information about activities on the premises (not including service station price component signs).
- a. Such signs shall be allowed only for government uses, institutional use, schools, churches and theaters;
  - b. There shall be only one such sign on each lot or parcel of land;
  - c. Such signs may be either building-mounted wall or freestanding monument types only. Freestanding and wall changeable sign copy/marquee signs are prohibited.
  - d. Freestanding monument changeable copy/marquee signs are subject to the same requirements as all freestanding signs. However, a maximum of two-thirds of the allowable area of such signs shall be utilized for changeable copy/marquee purposes.
- 1) A public school marquee sign shall conform to all provisions of this Section, except for the following: (Ord. No. 90-41)
    - a) The height of a freestanding monument/marquee sign for a public school shall be permitted to a height not to exceed fourteen (14) feet.

- b) The masonry base for free standing monument/marquee signs over eight (8) feet in height, but less than fourteen (14) feet in height shall not be required.
  - c) All sign heights as referenced in (a) and (b) above are to be measured from the top of the sign structure to the top of the adjacent curb.
  - e. Building-mounted wall changeable copy/marquee signs shall be a maximum of sixty-four (64) square feet and are subject to the same height and landscaping requirements as all wall or fascia-mounted signs.
  - f. Such signs may be illuminated only by internal lighting or by externally indirect lighting.
  - g. Sign permit required.
7. Construction Sign. A sign which identifies the parties included in an "in-process" construction project.
- a. a. Such signs shall only be displayed on the actual construction site;
  - b. Such sign shall not exceed eight (8) feet in height nor thirty-two (32) square feet in area;
  - c. All such signs shall be removed prior to the issuance of a Certificate of Occupancy for the site;
  - d. All construction signs shall be constructed and installed to standards defined by the Department.
  - e. No sign permit required, but such signs shall be constructed to standards required for a permanent sign as described by the Arizona Sign Association.
8. Directional Sign. A permanent, on-site sign which includes sign copy restricted to directional information for the purpose of assisting in the flow of vehicular or pedestrian traffic.
- a. Such signs shall not exceed three (3) feet in height nor six (6) square feet in area;
  - b. Such signs may include a business logo but no other sign copy;
  - c. Such signs may be free standing monument signs only;
  - d. Such signs are permitted in all zoning districts;
  - e. No sign permit required.

9. Directory Sign. A sign listing name, use and/or location within a building, building complex or multiple-tenant commercial building.
  - a. Such signs may be utilized in all Zoning Districts;
  - b. Such signs shall not exceed six (6) feet in height nor six (6) square feet in area;
  - c. Such signs shall only identify the name of business or use and location within a building or complex for which the sign is intended;
  - d. No sign permit required unless such directory sign will be visible from off premises.
10. Flags. (Ord. No. 03-09)
  - a. Flag poles shall not exceed thirty-five (35) feet in height, except for those displaying the flags of the United States of America or the State of Arizona which may be erected to a height not to exceed one hundred (100) feet; (Ord. No. 03-09)
  - b. Any flag flown in conjunction with the United States and/or State of Arizona Flag shall be flown beneath them and shall not exceed them in size;
  - c. No more than three (3) flagpoles shall be placed on any one (1) site, unless a request is approved in the same manner as a comprehensive sign plan pursuant to this Section. No more than (2) flags shall be flown on any one flagpole. (Ord. No. 03-09)
    - 1) On officially recognized United States and Arizona Holidays, there shall be no maximum flag size or number or other limitations on display, however, flag displays on officially recognized United States and Arizona Holidays shall meet all other requirements of this Section. (Ord. No. 03-09)
  - d. Flags of corporate entities shall only be permitted in the Commercial and Industrial Zoning Districts, unless a request is approved in the same manner as a comprehensive sign plan pursuant to this Section. The maximum size of any corporate entity flag shall not exceed fifteen (15) square feet, with no one dimension to exceed six (6) feet in any direction; (Ord. No. 03-09)
  - e. Residential developments may display a maximum of six (6) flags which do not include sign copy along the street frontage containing the development's main entry. The maximum size of such flags shall not exceed fifteen (15) square feet, with no one dimension to exceed six (6) feet in any direction. For residential subdivisions, such signs

may be maintained for a period of three (3) years, or until all the lots in the subdivision are sold, whichever occurs first. Extensions to the three (3) year time limit may be requested from the Planning Manager. (Ord. No. 2011-01)

- f. All such flag poles shall be located a minimum of one (1) foot from the edge of street right-of-way. (Ord. No. 03-09)
  - g. Except as otherwise provided by this Section or the United States Flag Code, all flags shall be displayed on flagpoles. Display of the American Flag shall be in accordance with the United States Flag Code. (Ord. No. 03-09)
  - h. Torn, faded, or soiled flags shall be prohibited.
  - i. No sign permits required unless otherwise noted. (Ord. No. 03-09)
11. Freestanding Monument Signs. A sign which is erected, or mounted on its own self-supporting permanent structure or base detached from any supporting elements of a building or wall. (Ord. No. 97-39)
- a. Such signs, including their supporting structures, shall not exceed eight (8) feet in height except when abutting Grand Avenue or Bell Road. Single-user freestanding monument signs abutting Grand Avenue and Bell Road shall not exceed twelve (12) feet in height and Multi-tenant freestanding monument signs abutting Grand Avenue and Bell Road shall not exceed fourteen (14) feet in height.
  - b. Such signs, for individual businesses or noncommercial establishments not abutting Grand Avenue or Bell Road, whether part of a complex or center, shall not exceed thirty-two (32) square feet in area, unless otherwise provided herein. Signs for multiple tenant commercial buildings, complexes or centers, whether commercial or not and not abutting Grand Avenue or Bell Road, shall not exceed forty-eight (48) square feet in area, unless otherwise provided herein. For individual businesses or non-commercial establishments, abutting Grand Avenue or Bell Road, whether part of a complex or center, such signs shall not exceed forty-eight (48) square feet in area, unless otherwise provided herein. Signs for multiple tenant commercial buildings, complexes or center, whether commercial or not, abutting Grand Avenue or Bell Road, shall not exceed seventy-two (72) square feet in area.
  - c. All such signs shall have monument-type bases of masonry construction. A comparable alternate basic material may be used upon approval by the City;

- d. All such signs shall require a landscape area equal to four (4) square feet for each square foot of sign area. This landscape area shall be located around the base of the sign.
- e. All such signs shall be located a minimum of one (1) foot from the edge of street right-of-way;
- f. Such signs shall only identify the name of the business, the center/complex, or place for which the sign is intended unless otherwise permitted in this Section;
- g. Such signs may be illuminated only by externally illuminated indirect or internal lighting;
- h. Address numerals shall be included on all freestanding sign structures. The numerals shall be no smaller than six (6) inches in height and no larger than twelve (12) inches in height;
- i. Sign permit required.

12. Freestanding Municipal Recreation/Entertainment Facility Identification Sign. A sign which is erected, or mounted on its own self-supporting permanent structure or base which is utilized to identify and advertise municipal recreation/ entertainment facilities and events. (Ord. No. 94-09)

- a. One such sign shall be allowed for a facility which is comprised of one hundred (100) gross acres or more;
- b. Such signs, including their supporting structures, shall not exceed thirty-five (35) feet in height and two hundred square (200) feet in area. A minimum of fifty percent (50%) of the total sign area shall be limited to the facility name and/or logo. The sign area for such signs shall not be included in the total sign area allowed for the facility;
- c. Such signs may contain advertising panels and/or electronic devices such as reader boards utilized for advertising on-site and off-site events, services and products, including but not limited to municipal events;
- d. All such signs shall be located a minimum of five (5) feet from the street property line.
- e. Such signs may be located on-site or off-site, however, off-site signs must be erected within one-half (1/2) mile of the recreation/entertainment facility and off-site signs shall not be closer than fifty (50) feet to any neighboring building;
- f. Such signs may be illuminated; however, off-site signs shall not be illuminated if located within two hundred (200) feet of a residential

use or residential zoning district;

g. Sign permit required.

13. Freestanding Wall Sign. A sign consisting of individual letters on a wall which is detached from, but architecturally integrated with the building.

a. Such signs shall not exceed five feet (5') in height and must be a minimum of one foot (1') above ground level.

b. For individual businesses less than 50,000 square feet in area or non-commercial establishments, whether or not part of a complex or center, such signs shall not exceed thirty-two square feet (32') in area, unless otherwise provided herein and must not cover more than fifty percent (50%) of the wall surface. For individual businesses greater than 50,000 square feet, multiple tenant commercial buildings, complexes or centers, whether commercial or non-commercial, such signs must be no larger than ninety-six square feet (96'), unless otherwise provided here in, and must not cover more than fifty percent (50%) of the wall surface;

c. Such signs shall be located a minimum of five feet (5') from the street property line.

d. Such signs shall consist of only the name of the business building complex for which the sign is intended unless otherwise permitted in this Section.

e. All such signs shall require a landscaped area equal to four (4) square feet for each square foot of sign area. This landscaped area shall be located around the base of the sign;

f. Address numerals shall be included on all freestanding wall signs. The numerals shall be no smaller than four inches (4") in height and no larger than twelve inches (12") in height;

g. Such signs may be illuminated only by indirect or internal lighting;

h. Such signs shall be located only in a landscape area which extends the full distance of a property's street frontage on which a freestanding wall sign is located. The area shall be a minimum of twenty feet (20') in depth from the property line and may be penetrated by access drives.

i. Sign permit required.

14. Freeway Monument Sign. A freestanding single user or multi-tenant sign identifying an on-premise use, on property abutting or part of a complex/center abutting the Agua Fria Freeway right-of-way, oriented to

and intended to be read from the freeway. For the purposes of this Section a center/complex shall further be defined to include those projects under a common zoning case or development without regard to property ownership or individual parcel use. (Ord. No. 97-16)

a. General Requirements.

- 1) Freeway Monument Signs shall be allowed only on properties zoned for commercial or industrial uses;
- 2) For every 1,320 linear feet of freeway frontage, one (1) freeway monument sign shall be allowed per site, development, project, or center with a maximum of three (3) freeway monument signs per site, development, project or center. Such signs shall not be located off-premise, except that a multi-tenant complex/center sign may identify users within the complex/center located on separate parcels; (Ord. No. 00-30)
- 3) Buildings in excess of three (3) stories shall be identified only by a Freeway Monument Sign or a Building Mounted Wall Sign and shall not be eligible for the construction of or inclusion on both types of signs.
- 4) For the purposes of this Section, the height of all Freeway Monument Signs shall be measured as the vertical distance from the finished grade of the site to the highest point of the sign structure;
- 5) Freeway monument signs shall not be counted as a portion of the total sign area of the user(s);
- 6) All such signs shall be required to provide an architecturally enhanced treatment for the sign base, pole cover and supports compatible with the individual business or the complex/center. Pole covers and sign base shall be a minimum of thirty five percent (35%) of the full sign width; (Ord. No. 00-30)
- 7) All such signs shall require a landscaped area equal to four (4) square feet of landscaping for each square foot of sign area and shall be located around the base of the sign;
- 8) For the purposes of this Section, such signs shall only identify the name of the business, the center/complex, or the place for which the sign is intended;
- 9) Such signs may be illuminated by externally illuminated indirect or internal lighting;



- 10) Freeway Monument Signs shall not be allowed within a natural or manmade watercourse;
  - 11) Freeway Monument Signs shall be subject to all applicable Arizona Department of Transportation sign regulation standards;
  - 12) Sign permits required.
- b. Single Tenant Signs: In addition to Subsection A, General Requirements, the following additional requirements shall apply to single tenant freeway monument signs:
- 1) Such signs shall not exceed thirty-five (35) feet in height and one hundred and forty (140) square feet in sign area;
  - 2) All such signs shall maintain a minimum of two hundred (200) foot spacing from any other freeway monument sign;
  - 3) All such signs shall be located a minimum of fifty (50) feet from any non-freeway lot line and a minimum of one hundred (100) feet from any residentially zoned property;
  - 4) All such signs shall be allowed an extra three (3) feet in height for architectural embellishments where architectural embellishments are defined as elements of a sign incorporating architectural features of the associated building or development. Embellishments shall not include any feature, figure or emblem conveying a commercial message and may not constitute more than twenty percent (20%) of sign area.
- c. Multi-tenant Signs. In addition to Subsection A, General Requirements, the following additional requirements shall apply to multi-tenant freeway monument signs:
- 1) Such signs shall not exceed forty-five (45) feet in height and two hundred (200) square feet in total sign area;
  - 2) For the purpose of this Section, Multi-tenant freeway monument signs shall be allowed an extra twenty percent (20%) of sign area for identification of the center/complex;
  - 3) All such signs shall maintain a minimum of two hundred (200) foot spacing from any other freeway monument sign;
  - 4) All such signs shall be located a minimum of fifty (50) feet from any non-freeway lot line and a minimum of two hundred (200) feet from any residentially zoned property;
  - 5) All such signs shall be allowed an extra three (3) feet in height for

architectural embellishments where architectural embellishments are defined as elements of a sign incorporating architectural features of the associated building or development. Embellishments shall not include any feature, figure or emblem conveying a commercial message and may not constitute more than twenty percent (20%) of the sign area.

15. Future Development Sign. A sign which announces the proposed development of property, prior to the issuance of building permit.

- a. Such signs shall include sign copy identifying the name(s) of the project architect, developer and contractor, and relevant project information;
- b. Such signs shall not exceed thirty-two (32) square feet in area nor eight (8) feet in height;
- c. Such signs may be maintained for a period not to exceed twelve (12) months prior to obtaining building permits for a development and shall be removed prior to issuance of a Certificate of Occupancy;
- d. Such signs shall not be internally illuminated;
- e. All such signs shall be located on the development site;
- f. Only one (1) sign shall be displayed per street frontage;
- g. Sign permit required.

16. Gasoline Service Station Signs.

- a. Service Station Identification/Price Sign. A permanently mounted, two component sign displaying business identification and the retail cost of a gallon of gas/diesel on the premises of the service station.
  - 1) One such sign per street frontage;
  - 2) Such sign shall not exceed thirty-two (32) square feet in area nor eight (8) feet in height measured from top of finished grade or top of curb whichever is greater
  - 3) The price component of the sign shall not exceed six (6) feet in height measured from top of finished grade or top of curb whichever is greater;
  - 4) The price component of the sign shall not exceed sixteen (16) square feet in area;
  - 5) The sign shall have a landscape area at the base of each sign equal to at least four (4) square feet for each square foot of sign area;

- 6) The sign shall have a monument base of masonry construction. A comparable alternate base material may be used, upon written approval of the Planning Director;
- 7) Sign permit required.
- b. Pump-Topper Sign. A sign which is affixed to the top or sides of an operable, fuel dispensing pump.
  - 1) Such signs shall not exceed three (3) square feet in area;
  - 2) No sign permit required
17. Grand Opening Signs. A sign used for the introduction or promotion of a new business, store, shopping center, office or the announcement of an established business changing ownership. (Ord. No. 08-07)
  - a. All businesses shall be permitted to display Grand Opening Signs on a one time basis for a maximum of sixty (60) consecutive days within the first six (6) months upon receipt of a valid business license.
  - b. Portable A-frame (or similar design) signs shall be permitted, provided that each sign shall be placed on private property, shall not impede pedestrian or vehicular traffic, and shall not exceed thirty-six (36) inches in height or a total of six (6) square feet in area.
  - c. For the purposes of this regulation, Grand Opening Signs shall include sign banners, balloons, streamers, search lights, flags, pennants, inflatable structures, merchandise or other attention attracting media and devices. Vehicle mounted signs, flashing lights and portable signs are prohibited except as may otherwise be provided in this Ordinance.
  - d. No sign permit required.
18. Holiday Decorations. Items or objects used to embellish and ornament physical features in celebration of a particular holiday.
  - a. Holiday decorations may be displayed for civic, patriotic or religious holidays;
  - b. Such decorations shall not be displayed in such a manner as to constitute a traffic hazard;
  - c. Such decorations shall not be displayed more than twenty-eight (28) days prior to the specified holiday and must be removed nineteen (19) days after the specified holiday;
  - d. No sign permit required.
19. Lead-In Signs. A temporary sign used to direct pedestrian or vehicular

traffic to a new residential development or non-residential complex or development within the City of Peoria. (Ord. No. 98-06)

- a. Such signs shall not exceed three (3) feet in height nor four (4) square feet in area, including any additional sign copy or sign additions;
- b. No more than fifteen (15) such signs shall be allowed for each approved residential subdivision. No more than four (4) such signs shall be displayed for all other residential and non-residential complexes or developments;
- c. Such signs advertising the sale of new units within an approved subdivision may not be installed before 5:00 p.m. on Friday and must be removed before 8:00 a.m. on the following Monday, except when a legal holiday occurs on a Monday, signs may be removed by 8:00 a.m. the following Tuesday;
- d. All such signs shall be located within 2 miles of the subject property and no illumination shall be permitted;
- e. The back of each individual sign shall contain the permit number and the name of the sign company or developer/builder responsible for the proper installation of the sign; (Ord. No. 00-30)
- f. No such sign, regardless of subdivision ownership, shall be located within twenty (20) feet of another subdivision lead-in sign;
- g. No more than two (2) such signs advertising the same development shall be located at any one street intersection;
- h. Such signs utilizing in-ground sleeves are prohibited;
- i. No sign shall be attached to any traffic control device, light pole, utility pole, traffic barrier, bridge, tree, landscaping, natural fixture, specifically placed in or touching any plant, shrub, ground cover or plant irrigation system, and such signs shall not be located within twenty (20) feet of an irrigation box, utility cabinet or fire hydrant; (Ord. No. 00-30)
- j. Such signs shall not be placed in any island median, within ten (10) feet of the edge of pavement where no curb exists, or between the sidewalk and the curb. Such signs may not be located such that the sign causes an obstruction to a public sidewalk, bicycle way or trail nor shall such signs be placed on private property without written permission of the property owner;
- k. 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 the sign code shall be declared to be a public nuisance and shall be subject to immediate abatement and disposal by the City. Additionally, signs advertising projects located outside of the City of Peoria shall be removed and disposed of by the City;

- l. The person, party or parties responsible for the erection or distribution of any such signs in violation of the City of Peoria Zoning Ordinance will be subject to issuance of a City Code violation citation and shall be held jointly and severally liable for damages to property caused by such signs including damage done to landscaping or landscape irrigation systems; (Ord. No. 00-30)
- m. A sign permit shall be required for each approved residential subdivision utilizing such signs. Applicants shall provide to the City a plan showing the locations of all such signs. Any changes to an approved sign plan shall be approved by the City.

20. Master Planned Development Marketing Sign. A temporary marketing identification sign listing participating developers/builders within a Master Planned Development. (Ord. No. 91-28)

- a. Such signs are only allowed for Master Planned Developments as defined herein;
- b. Such signs shall not exceed sixteen (16) feet in height nor ninety-six (96) square feet in area;
- c. Only one (1) such sign shall be displayed per street frontage (perimeter), with a maximum of four (4) such signs per Master Planned Development;
- d. Master Planned signs shall be required for Master Planned Developments in lieu of On-Site Subdivision Advertising Signs; (Ord. No. 00-30)
- e. Such signs shall be in accordance with the sight distance requirements for arterial and collector streets as described in the City of Peoria Infrastructure Guidelines.

21. Menu Board. A permanently mounted sign advertising the bill of fare for a restaurant, drive-in, or drive-through restaurant.

- a. Menu Boards shall not exceed six (6) feet in height nor thirty (30) square feet in area and shall not exceed a maximum of two (2) per restaurant; (Ord. No. 00-30)
- b. Freestanding menu Boards shall have a monument base of masonry

construction and shall have a landscape area at the base of the sign equal to at-least two (2) square feet for each square foot of sign area. A comparable alternate base material may be used upon written approval of the Planning Director;

- c. All signs shall be located a minimum of forty-five (45) feet from the street property line; (Ord. No. 00-30)
- d. The sign area for a menu board shall not be counted in the total aggregate sign area for the business;
- e. Sign permit required.

22. Nameplate Signs. A sign to identify occupants of residences, offices, businesses, or other types of uses.

- a. Such signs shall include only the name of the resident, business, agency or other establishment occupying premises and times of occupancy.
- b. Only one nameplate sign per parcel or lot is allowed.
- c. Such signs shall be freestanding wall mounted or building mounted only and shall be placed no higher than five (5) feet above the ground.
- d. Such sign shall not exceed two (2) square feet in area.
- e. No sign permit required.

23. Off-Site Master Planned Development Directional Sign. A temporary sign to provide travel direction to a Master Planned Development. (Ord. No. 02-96)

- a. Such signs are only allowed for Master Planned Developments as defined herein;
- b. Such signs may be used in lieu of Off-Site Subdivision Directional signs for all subdivisions within the Master Planned Development;
- c. Such signs shall not exceed fourteen (14) feet in height;
- d. A maximum of eight (8) such signs may be erected per Master Planned Development;
- e. The total aggregate sign area of all such signs for a Master Planned development shall be two hundred fifty-six (256) square feet. The total aggregate area may be increased one (1) square foot for each one (1) acre the Master Planned Development exceeds two hundred fifty-six (256) acres, not to exceed a maximum of six hundred (600) square feet. The total area of one such sign shall not exceed two

hundred (200) square feet;

- f. Such signs shall be located only on major or minor arterial streets identified in the Peoria Comprehensive Master Plan;
- g. Such signs must be located within a four (4) mile radius of the Master Planned Development;
- h. Such signs shall maintain a minimum one-half (1/2) mile separation from any other sign on the same street frontage for the same development. Such signs shall maintain a minimum one-fourth (1/4) mile separation from any other such sign on a different street frontage which advertises the same development.
- i. Such signs shall be placed only on undeveloped property not within a public right-of-way or easement. Placement on property not owned by the applicant requires written permission of the property owner of record;
- j. Sign copy shall be permitted to provide the name of the Master Planned Development, travel directions and describe the type of product offered (e.g. single-family townhome, etc.), and the home builder(s) or subdivision(s) name.
- k. Such signs may not be illuminated;
- l. Such signs may be maintained for a period of five (5) years, or until all the lots within the Master Planned Development are sold, whichever occurs first; extensions to the five (5) year time limit may be requested from the Planning and Zoning Commission;
- m. Sign permit required.

24. Off-Site Subdivision Directional Sign. A temporary sign not located on the premises, used to advertise a recorded subdivision. (Ord. No. 98-06)

- a. Such signs may be maintained for a period of three (3) years, or until all the lots in the subdivision are sold, whichever occurs first; extensions to the three (3) year time limit may be requested from the Planning and Zoning Commission;
- b. Such signs may not be illuminated;
- c. A maximum of two (2) such signs may be erected per recorded subdivision;
- d. Such signs must be erected within two (2) miles of the subdivision for which the sign is advertising;
- e. Total signage area for each sign shall not exceed thirty-two (32)

square feet including any snipe signs or sign additions. The maximum height of such signs shall not exceed eight (8) feet;

- f. Such signs shall maintain a minimum seventy-five (75) foot visibility triangle at street intersections, a minimum thirty-three (33) foot visibility triangle at driveways, shall not be located less than ten (10) feet behind the edge of pavement and shall not be located so as to create a hazard to pedestrian or vehicular traffic as determined by City Staff;
  - g. The use of portable signs and in-ground sleeves for such signs is prohibited;
  - h. Such signs shall be placed only on undeveloped property not within a public right-of-way or public easement; placement on private property requires written permission of the property owner; such signs shall not be located within one hundred (100) feet of any existing structure;
  - i. Sign copy shall be permitted to provide travel directions and to describe the type of product offered (e.g. single-family, townhome, etc.);
  - j. Final design and location submitted as part of a signage package to be reviewed and approved by the City;
  - k. Sign permit required.
25. On-Site Master Planned Development Directional Sign. A temporary or permanent sign used to provide directional information to residential, commercial, recreational and other amenities within the interior of the development. (Ord. No. 91-28)
- a. Such signs are only allowed for Master Planned Developments as defined herein;
  - b. Such signs shall not exceed six (6) feet in height nor thirty-two (32) square feet in area;
  - c. Four (4) such signs may be erected per Master Planned Development, however, the Planning Director may authorize permits for more than four (4) signs if the Director determines that all of the following exists:
    - 1) Existence of additional intersections consisting of arterial and major/primary collector roadways as defined in the Comprehensive Master Plan.
    - 2) Need for additional identification of amenities or subdivisions within the Master Planned Development.



- 3) Will not negatively impact upon public health, safety and welfare.
  - d. Such signs must be located within the interior of the project, a minimum of two hundred (200) feet from any perimeter street of the development;
  - e. Such signs shall be placed on property not within a public right-of-way or easement. Placement on property not owned by the applicant requires written permission of the property owner of record:
  - f. Permanent signs shall only identify amenities within the Master Planned Development and may be illuminated:
  - g. Temporary signs may identify individual subdivisions and may be maintained for a period of three (3) years, or until all lots within the subdivision are sold, whichever occurs first. Extensions to the three (3) year time limit may be requested from the Planning and Community Development Director or designee. Such signs shall not be illuminated;
  - h. Sign permit required.
26. On-Site Subdivision Advertising. A temporary sign used to advertise a recorded subdivision. The sign is located on premises.
- a. Such signs may be maintained for a period of three (3) years, or until all the lots in the subdivision are sold, whichever occurs first; extensions to the three (3) year time limit may be requested from the Planning and Community Development Director or designee.
  - b. Such signs may be externally indirectly illuminated only, but shall not be located within one hundred (100) feet of any existing structure;
  - c. Only one such sign shall be displayed per street frontage (perimeter), with a maximum of two (2) such signs per recorded subdivision;
  - d. Total signage area for all subdivision advertising signs per recorded subdivision shall not exceed ninety-six (96) square feet; maximum height shall be sixteen (16) feet; (Ord. No. 97-31)
  - e. Final design and location submitted as part of a signage package to be reviewed and approved by the Plans Review Committee;
  - f. Such signs shall be in accordance with the sight distance requirements for arterial and collector streets as described in the City of Peoria Infrastructure Guidelines. (Ord. No. 00-30)
  - g. Sign permit required.

27. Permanent Master Planned Development Identification Sign. A

permanent sign used to identify a Master Planned Development. (Ord. No. 91-28)

- a. Such signs are only allowed for Master Planned Developments as defined herein;
- b. Such signs shall not exceed eight (8) feet in height nor eighty (80) square feet in area;
- c. A maximum of eight (8) such signs may be erected per Master Planned Development;
- d. Such signs shall only be located on major or minor arterial streets identified in the Comprehensive Master Plan;
- e. Such signs shall be located on property which was included in the original rezoning area or subdivision for the development. The applicant shall be responsible for furnishing documentation of the original rezoning area or subdivision plat;
- f. Such signs shall be placed on property not within a public right-of-way or easement. Placement on property not owned by the applicant requires written permission of the property owner of record;
- g. Such signs shall consist of only the name and/or logo of the Master Planned Development. The name of the project may include such words as "A Master Planned Community". Such signs may not identify a specific development or use within the project;
- h. Such signs shall be wall mounted and shall include a landscape area equal to eight (8) square feet for each square foot of sign area;
- i. Such signs may be illuminated;
- j. Sign permit required.

28. Permanent Subdivision Identification Signs. A permanent sign used to identify a recorded subdivision. (Ord. No. 96-03)

- a. Such signs shall not exceed sixty-four (64) square feet in area. A sixty-four (64) square foot sign may be displayed on one or both sides of a street providing direct access to the subdivision and serving as a major entry;
- b. Such signs shall be wall mounted and shall include a landscape area equal to at least four (4) square feet for each square foot of sign area;
- c. Such signs shall not exceed six (6) feet in height if the sign is a freestanding monument sign; such signs may be located on

perimeter walls higher than six (6) feet as provided by Section ~~14-3-14~~ 21-805;

- d. Such signs shall consist of only the name of the subdivision for which the sign is intended;
- e. Such signs may be only externally illuminated. No internal lighting allowed. (Ord. No. 96-03)
- f. Sign permit required.

29. Political Signs. Except as otherwise provided by A.R.S. §16-1019, a temporary sign used to support or oppose the candidacy of an individual or ballot proposition/issue, or to encourage citizens to vote. Such signs shall be permitted within all zoning districts. (Ord. No. 97-40) (Ord. No. 2012-06)

- a. Such signs may be located within the City right-of-way provided they are not:
  - 1) hazardous to public safety;
  - 2) within a required visibility triangle, or clear vision area;
  - 3) within a roadway median or traffic circle;
  - 4) affixed to any City-owned utility pole, traffic control device or safety barrier;
  - 5) located in a manner that interferes with the requirements of the Americans with Disabilities Act;
  - 6) located in any designated commercial tourism, commercial resort, and hotel sign-free zones designated by the City Council pursuant to A.R.S. §16-1019; and
  - 7) otherwise in violation of a requirement found in this Section. (Ord. No. 04-02) (Ord. No. 2012-06)
- b. Except as provided herein, such signs shall not be located on City-owned property, buildings, or structures;
- c. Such signs shall be located on property with the owner's permission. It shall be presumed the property owner has given permission unless the property owner notifies the city otherwise; (Ord. No. 04-02)
- d. Such signs shall be installed no sooner than ninety (90) days prior to a primary election day. For candidates not advancing to the general election, such signs shall be removed within fifteen (15) days after the primary election day. For candidates advancing to the general election, such signs shall be removed within fifteen (15) days following the general election day;

- e. Signs shall not exceed thirty-two (32) square feet in area or eight (8') feet in height, except for signs located in the right-of-way along Local or Rural classified roadways in residential zoning districts, which shall not exceed 16 square feet in area or eight (8) feet in height. When free-standing, political signs shall be constructed to Arizona Sign Association Sign Standards;
  - f. Such signs shall contain the name and telephone number of the candidate or campaign committee contact person. The person, party or parties responsible for the erection or distribution of any such signs shall be jointly and severally liable for the removal of such signs;
  - g. 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 shall be subject to removal by the City in accordance with state statutes; (Ord. No. 04-02) (Ord. No. 2012-06)
  - h. No sign permit required.
30. Sale, Lease, or Rent Sign. A temporary sign used to advertise the availability of real property. (Ord. No. 02-66)
- a. For properties 15 acres or less, such signs shall not exceed six (6) square feet in area and five (5) feet in height;
  - b. For properties greater than 15 acres:
    - 1) Signs fronting on a Freeway, Lake Pleasant Parkway, Bell Road and Grand Avenue shall not exceed sixty-four (64) total square feet and twelve (12) feet in height.
    - 2) Signs fronting on all other streets shall not exceed thirty-two (32) total square feet in area and ten (10) feet in height.
  - c. Such signs shall only be displayed on the property for which they pertain. Only one sign shall be displayed per street frontage;
  - d. Such signs shall not be illuminated;
  - e. Sign permit required for signs greater than six (6) square feet in area.
31. Sign Walkers. 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.

a. General Provisions:

- 1) Signs shall be held, worn, or balanced at all times.
- 2) The following elements shall be prohibited: Any form of animation or illumination, including flashing, blinking or rotating lights; mirrors or other reflective materials; and attachments, including but not limited to balloons, ribbons, or speakers.
- 3) Sign walkers may only operate during the hours the business, event, or sales office is open.
- 4) No sign displayed by a sign walker shall exceed six (6) feet in any one direction and twelve (12) square feet in area per sign face.
- 5) Sign permit required. Said permit shall be renewed no later than one (1) year upon receipt. A copy of the approved sign permit must be held on person during use.
- 6) Signage displayed for charitable events shall meet the general and locational requirements contained herein. No permit is required for charitable events.

b. Location:

- 1) Sign Walkers shall not operate within thirty (30) feet from any street intersection, and at least thirty (30) feet from any vehicular ingress or egress point into a complex/center, establishment, or residential development. No Sign Walker shall be permitted to display within a median or on a street. Sign Walkers may be located within the public right-of-way, but may not obstruct pedestrian/vehicular traffic.
- 2) Sign Walkers shall not locate or operate in drive aisles, parking stalls, driveways, or on sidewalks in a manner that provides less than a minimum of four (4) feet free and clear for pedestrian passage and/or causes a hazard to pedestrian traffic.
- 3) Sign Walkers and any accompanying display shall not be located on walls, boulders, planters, other signs, vehicles, utility facilities, or any structure.

c. Non-Residential Centers/Districts

- 1) Signage may be located on the frontage(s) upon which the business public entry is oriented to. In the event that a business is interior to a center/complex and does not front immediately on a street, that business may place a sign walker within the frontage for the complex/center.

- 2) A maximum of one (1) such sign shall be permitted per establishment. Such signage may be displayed for a period of one calendar year from the date of approval. A new permit may be obtained upon the expiration of the previous permit.

d. Residential Development

- 1) Sign Walkers shall be located on the nearest arterial roadway of the residential subdivision or multi-family development to which the sign pertains.
- 2) One (1) Sign Walker shall be permitted per subdivision or residential development. Such signage may be displayed for a period of one calendar year from the date of approval. A new permit may be obtained upon the expiration of the previous permit.

32. Temporary Event Sign. A sign not intended or designed for permanent display. Signs established for a fixed period of time with the intent to discontinue the use of such sign upon the expiration of the time period. Temporary Event Signs shall include but shall not be limited to Yard Sales, Garage Sales, Open House, Christmas Tree and Pumpkin Patch sales lots, and signs identifying the premises of, or announcing the activities conducted by a religious institution, school, civic organization, or similar institutional facilities. (Ord. No. 02-16)

- a. Such signs may be located in the public right-of-way but shall not be placed on a street, on a median dividing a street, or in a manner that obstructs pedestrian or vehicular traffic. Such signs, which may include "A-Frame" and other removable signs shall not be affixed to or otherwise obstruct the use and visual identity of any landscaping, natural features, telephone poles, utility poles, fire hydrant, traffic barrier, or traffic control devices. Such signs shall be secured or weighted so as to resist displacement by wind, inadvertent contact by passerby and similar disturbances;
- b. Such signs shall not exceed three (3) feet in height and six (6) square feet in area, except as may otherwise be provided in this Ordinance. However, one (1) banner sign not exceeding twenty-four (24) square feet in area and eight (8) feet in height may be permitted on the premises to which the event pertains. All such signs shall include wind cuts to reduce sign billowing or sailing and shall be securely fastened to a building, wall or fence on the premises; (Ord. No. 03-01)
- c. A maximum of four (4) signs shall be allowed per event;

- d. Temporary Event Signs may be installed no sooner than forty-eight (48) hours prior to the event and must be removed within twelve (12) hours upon the completion of the event;
  - e. Such signs shall not be illuminated, animated, or emit any artificial light, except as may otherwise be provided in this Ordinance; (Ord. No. 03-01)
  - f. Such signs shall only be located within a two-mile radius of the premises to which the event pertains;
  - g. No sign permit required.
33. Window Signs. A sign or signage placed in windows so as to attract the attention of persons outside of the building where the sign or signage is placed.
- a. Window signage shall be limited to twenty-five percent (25%) of the total window area in which it is placed;
  - b. Window signage shall not be placed above the ground floor of the building;
  - c. No sign permit required.
- B. Prohibited Signs. Signs that are not specifically authorized are expressly prohibited. Prohibited signs include, but are not limited to the following:
1. Any non-public signs in existing and future public right-of-way, as defined in the Peoria General Plan or the Peoria Street Classification Map, whichever is more restrictive, or on public property, except as may otherwise be provided in this Ordinance. The City may install signs on its own property to identify public buildings and uses, and to provide necessary traffic control;
  2. All roof-mounted signs;
  3. All off-premise signs not designated as temporary or otherwise allowed by this Ordinance. (Ord. No. 94-09)
  4. All portable signs, except as otherwise provided. Portable signs shall include, but are not limited to, signs which are mounted, attached, or painted on trailers, boats or vehicles when used as additional signage on or near the business premises. Business vehicles displaying signage or advertising shall be parked in an assigned parking space, a minimum of fifteen feet (15') from any street right of way line; (Ord. No. 00-30)
  5. Flag-mounted signs, except as otherwise provided;
  6. All signs having intermittent or flashing illuminations, signs having

animated or moving parts, or that emit sound except as may otherwise be provided in this Ordinance; (Ord. No. 03-01)

7. Freestanding wall changeable copy/marquee signs:
8. All banners, pennants, streamers, balloons, flags, search lights, strobe lights, beacons, inflatable signs, except as otherwise provided;
9. Any sign imitating an official traffic control sign, device, or obscuring such signs or devices, except as may otherwise be provided in this Ordinance; (Ord. No. 03-01)
10. All signs mounted on, or applied to trees, utility poles, rocks or City owned property, except as otherwise provided;
11. Any sign placed on private property without the property owner's written approval;
12. Temporary or permanent "A-frame" sandwich signs, except as otherwise permitted herein; (Ord. No. 98-07)
13. Signs that are illegally displayed on City right-of-way or on City property; and,
14. Any sign which interferes with or confuses traffic, or presents a traffic hazard. (Ord. No. 98-07)

C. Comprehensive Sign Plan. The Comprehensive Sign Plan is intended to provide a flexible approach to allow signage not in strict compliance with the provisions of this Section. The purpose of the Comprehensive Sign Plan is to provide for the establishment of sign criteria tailored to a specific development or location that promotes superior design through architectural integration of the buildings, site and signs. The Comprehensive Sign Plan will be appropriate for the development, provide adequate identification and information, encourage a good visual environment, promote traffic safety and regulate to the extent necessary to be consistent with the purpose and intent of the City of Peoria Sign Code. The provisions set forth in this Section shall apply to both existing and proposed developments. (Ord. No. 97-21)

1. The Comprehensive Sign Plan is intended to allow increased sign height and area as provided for in this Section. The application of this plan shall be limited to the following conditions:
  - a. The Comprehensive Sign Plan may propose signage which in height and area is no more than twenty-five (25) percent greater than is permitted in the Zoning District in which the use is located;
  - b. The Comprehensive Sign Plan shall not propose signage of a type



- that is otherwise prohibited by this Section except off-site directional signs. All proposed off-site directional signs shall be reviewed against the criteria set forth herein with a maximum of two (2) off-site signs per plan each a maximum of twenty-four (24) square feet. No off-site signage shall exceed eight (8) feet in height;
- c. The Comprehensive Sign Plan shall be limited to those projects which individually or collectively exceed twenty-five (25) gross acres in size and meet the locational criteria set forth in Subsection B.2 below;
  - d. The additional height and area allowances of the Comprehensive Sign Plan shall not be applied to freeway monument signs;
2. The Comprehensive Sign Plan option shall be available only in the locations listed below.
    - a. Areas designated and developed as Community Commercial or Business Park Industrial on the Land Use Plan of the Comprehensive Master Plan;
    - b. Stadiums, race tracks and similar recreation and entertainment facilities;
    - c. Hospitals;
    - d. Regional Parks;
    - e. Designated Redevelopment Areas;
    - f. Resort Developments;
    - g. Centers for Higher Education.
  3. The applicant shall submit all of the documents, information, data, and other requirements for Comprehensive Sign Plan approval to the City. The applicant shall be responsible for furnishing any additional information and materials relevant to the application that the City reasonably believes is necessary in order to understand the application and to ensure compliance with the requirements of City Codes.
  4. Application for the review and approval of a Comprehensive Sign Plan shall be submitted and reviewed concurrently with a site plan or preliminary subdivision plat.
    - a. Fees for the submittal and review of Comprehensive Sign Plans shall be as set forth by the City Council.
    - b. The construction and placement of individual signs contained in the approved Comprehensive Sign Plan shall be subject to the issuance

of a sign permit in accordance with this Section.

5. Comprehensive Sign Plans shall be evaluated based upon the following criteria.
  - a. Size and Height: All proposed signage shall be no larger than necessary or allowed for sufficient visibility and legibility. Factors to be considered in determining appropriate size and height include topography, traffic volumes, traffic speeds, visibility ranges, impact on adjacent properties, and copy size.
  - b. Location and Orientation: All proposed signage shall respect both the developed and undeveloped surrounding environment. Signs should be located and oriented appropriately to allow sufficient visibility and legibility. Factors that may be considered in reviewing the appropriateness of the sign location and orientation may include; location relative to the surrounding streets, traffic volumes and access points, visibility angles and topographic features.
  - c. Colors, Materials and Types of Illumination: Signs proposed under the Comprehensive Sign Plan shall be compatible with the architecture and theme of the specific development in which the signs are located. Compatibility with the specific development shall include color, materials and architectural style. Signage should compliment and enhance the character of the project. Signage illumination and movement shall conform to this Section of this Ordinance.
6. All amendments to an approved Comprehensive Sign Plan shall be processed in accordance with the following procedures. Fees for the submittal and review of Comprehensive Sign Plan amendments shall be as set forth by the City Council.
  - a. Minor Amendments: Minor Amendments shall include any change which does not increase the number of signs nor increase the size or height of any sign beyond what was approved under the original Comprehensive Sign Plan Approval. All changes processed under the Minor Amendment procedures shall comply with all provisions of this Section and shall not deviate from the information provided in the original approval. Minor amendments shall be approved administratively by staff.
  - b. Major Amendments: Major Amendments shall be defined as those amendments not meeting the criteria set forth above to qualify as a Minor Comprehensive Sign Plan Amendment. Major Amendments shall be processed and approved in the same manner as the initial

Comprehensive Sign Plan submittal.

SECTION 198. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-9 as Section 21-835 of the Peoria City Code (1992) pertaining to Signs Permitted for Non-Residential Uses in the C-1, C-2, C-3, I-1, I-2, P.A.D., P.C., O-1, PC-1, PC-2, C-4, C-5, CCM, PI-1 and BPI Zoning Districts.

SECTION 199. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-10 as Section 21-836 of the Peoria City Code (1992) pertaining to Signs Permitted for Non-Residential Uses in the AG, FP, SU, R1-6, R1-7, R1-8, R1-10, R1-12, R1-18, R1-35, SR-35, SR-43, RM-1, RMH-1, RMH-2, RMH-3, CRM, P.A.D. and P.C. Residential Zoning Districts.

SECTION 200. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-11 as Section 21-837 of the Peoria City Code (1992) pertaining to Signs Permitted for Residential Uses in all Districts.

SECTION 201. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-12 as Section 21-838 of the Peoria City Code (1992) pertaining to Nonconforming Signs.

SECTION 202. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-13 as Section 21-839 of the Peoria City Code (1992) pertaining to Abandoned Signs.

SECTION 203. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-14 as Section 21-840 of the Peoria City Code (1992) pertaining to Liability of Damages.

SECTION 204. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-15 as Section 21-841 of the Peoria City Code (1992) pertaining to Effect of Amendment on Pending Suits.

SECTION 205. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-16 as Section 21-842 of the Peoria City Code (1992) pertaining to Permit Required.

SECTION 206. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-17 as Section 21-843 of the Peoria City Code (1992) pertaining to Permit Application and Expiration.

SECTION 207. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-18 as Section 21-844 of the Peoria City Code (1992) pertaining to Permit Fees.

SECTION 208. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-19 as Section 21-845 of the Peoria City Code (1992) pertaining to Requirement of Plans.

SECTION 209. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-20 as Section 21-846 of the Peoria City Code (1992) pertaining to Revocation of Permits.

SECTION 210. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-21 as Section 21-847 of the Peoria City Code (1992) pertaining to Removal of Signs.

SECTION 211. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-22 as Section 21-848 of the Peoria City Code (1992) pertaining to Emergency Removal or Repair.

SECTION 212. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-23 as Section 21-849 of the Peoria City Code (1992) pertaining to Enforcement.

SECTION 213. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-24 as Section 21-850 of the Peoria City Code (1992) pertaining to Inspections.

SECTION 214. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-25 as Section 21-851 of the Peoria City Code (1992) pertaining to Inspection Markings.

SECTION 215. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-26 as Section 21-852 of the Peoria City Code (1992) pertaining to Sign Maintenance.

SECTION 216. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-27 as Section 21-853 of the Peoria City Code (1992) pertaining to Design and Construction Specifications.

SECTION 217. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-28 as Section 21-854 of the Peoria City Code (1992) pertaining to Permitted Lighting and Movements.

SECTION 218. Article 14-34 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-34-29 as Section 21-855 of the Peoria City Code (1992) pertaining to Location Requirements.

SECTION 219. Article 14-41 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-41-1 as Section 21-856 of the Peoria City Code (1992) pertaining to Intent.

SECTION 220. Article 14-41 of the Peoria City Zoning Ordinance is amended by amending Section 14-41-2 and renumbering it as Section 21-857 of the Peoria City Code (1992) pertaining to Uses Subject to a Special Permit and which shall read as follows:

Sec. ~~14-41-221-857~~ 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 (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 (1/2) 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 ~~14-41-2.I.~~ 21-856.I.
  - 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 State Statute §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 ~~14-41-2.I.~~ 21-856.I. 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 ~~14-41-2.I.~~ 21-856.I. 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

SECTION 221. Article 14-41 of the Peoria City Zoning Ordinance is amended by amending Section 14-41-3 and renumbering it as Section 21-858 of the Peoria City Code (1992) pertaining to Special Use Permit Application Process and which shall read as follows:

Sec. ~~14-41-3~~21-858 Special Use Permit Application Process.

A. Application

1. An application for a Special Use Permit shall be submitted to the Community Development 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 ~~Article 14-39 Section 14-39-9. "Site Plan Review,"~~ Section 21-320 of this Ordinance.
  - b. A design review submittal in accordance with Chapter 20 of the Peoria City Code (1992) and the City's Design Review Manual, 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. Application Review

1. The Community Development Department shall review the application in accordance with provisions set forth in the Site Plan and Design Review Process Guide. 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 Community Development Department will transmit the application to the applicable City Departments for formal review. The Community Development 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 Community Development 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 ~~Article 14-39 "Administrative Procedures", Section 14-39-6 "Rezoning"~~ Section 21-317.

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 Planning Manager shall not approve or recommend approval of any Special Use Permit unless the Planning Manager has received a Waiver of Proposition 207 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 Proposition 207 is consistent with the City's General Plan and zoning goals and regulations.

(~~Section 14-41-3~~ 21-857, enacted April 17, 2007 and effective May 17, 2007.)

SECTION 222. Article 14-41 of the Peoria City Zoning Ordinance is amended by amending Section 14-41-4 and renumbering it as Section 21-859 of the Peoria City Code (1992) pertaining to Permit Limitations and which shall read as follows:

Sec. ~~14-41-4~~21-859 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 Community Development Director 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 Community Development Director 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 ~~Article 14-39 "Administrative Procedure"~~, ~~Section 14-39-6 "Rezoning"~~ Section 21-317.

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.

SECTION 223. Article 14-26 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-26-1 as Section 21-860 of the Peoria City Code (1992) pertaining to Intent.

SECTION 224. Article 14-26 of the Peoria City Zoning Ordinance is amended by renumbering Section 14-26-2 as Section 21-861 of the Peoria City Code (1992) pertaining to Establishment of Legal Non-Conformity.

SECTION 225. Article 14-26 of the Peoria City Zoning Ordinance is amended by amending Section 14-26-3 and renumbering it as Section 21-862 of the Peoria City Code (1992) pertaining to General Provisions and which shall read as follows:

Sec. ~~14-26-3~~ 21-862 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

1. 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

1. 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 ~~Article 14-39~~ Section 21-321.

SECTION 226. Article 14-26 of the Peoria City Zoning Ordinance is amended by amending Section 14-26-4 and renumbering it as Section 21-863 of the Peoria City Code (1992) pertaining to Exceptions and which shall read as follows:

Sec. ~~14-26-4~~21-863 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 ~~Article 14-34~~ Section 21-838.


References


Adopted by Ord. No.: 2016-33

SECTION 227. The current sections of Chapter 21 of the Peoria City Code (1992) will be renumbered and/or amended by way of a separate ordinance to be submitted to the Mayor and City Council for approval.

SECTION 228. This Ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,  
Arizona, this 13<sup>th</sup> day of June, 2017.

  
\_\_\_\_\_  
Cathy Carlat, Mayor

  
\_\_\_\_\_  
Date Signed

ATTEST:

  
\_\_\_\_\_  
Rhonda Geriminsky, City Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Stephen Burg, City Attorney

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