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21-801 Intent ^{*33, *34, *37-40}

The purpose of the General Provisions Section is to set forth provisions that apply to all or various zoning districts. In the case of a conflict between provisions set forth in this Section and provisions for a specific zoning district, the stricter provision shall govern.

21-802 General Use Provisions

A. General Use Restrictions

1. Principal Uses

Only those uses and groups of uses specifically designated as permitted principal uses in zoning district regulations shall be permitted as principal uses; all other uses shall be prohibited, except as otherwise provided in this Ordinance.

2. Conditional Uses

Certain specified uses designated as permitted conditional uses may be permitted as principal uses subject to special conditions of location, design, construction, operation, and maintenance hereinafter specified in this ordinance or imposed by the City during the development review and approval process.

3. Accessory Uses

Uses normally accessory and incidental to permitted principal or conditional uses shall be permitted as hereinafter specified. No accessory use or structure shall be permitted in any zoning district until its principal use or structure is present or under construction with an approved building permit.

4. Temporary Uses

Certain temporary uses may be permitted by temporary use permit, subject to such special conditions as the City may impose in accordance with provisions of this Ordinance.

5. Unspecified Uses

The schedule of use listings within each zoning district is intended to establish the character of uses to be permitted, but may not include each and every allowable use. Unspecified uses may be permitted by the Community Development Director or designee thereof upon finding that such uses are similar in character to, and not typically more objectionable than, other uses specifically listed as permitted.

B. Restrictions on Occupation for Dwelling Purposes

1. No cellar, garage, tent, basement with unfinished structure above, or accessory building shall at any time be used as a dwelling unit. This provision shall not apply to guest houses or to quarters for night watchmen where such are allowed.

2. No mobile home or recreational vehicle outside an approved mobile home or recreational vehicle development shall be used as a dwelling unit at any time in any zoning district.

C. General Yard and Setback Requirements

1. Future Streets

When future street lines have been officially established by the City Council, all required setbacks along said streets shall be measured from such street lines. For private streets or private access-easements, setbacks shall be measured from the street easement or tract boundary.

2. Separate Space Requirements

No lot, yard, parking or loading area, building area, or other space nor any part thereof, that is required about, or in connection with, any building, shall be included as part of a yard, area, or space required for any other building.

3. Sight Distance Triangles

Sight distance triangles shall adhere to the provisions set forth in the Peoria Infrastructure Guidelines.

4. Cooling Units and Similar Devices in Non-Residential Districts

In non-residential zoning districts, compressor units, condensing units, cooling towers, evaporative condensers, and similar devices shall be located at a minimum distance of three (3) feet from any interior lot line, except as otherwise provided in this Ordinance. Air conditioning units may be located entirely within a required side or rear yard provided such device conforms to the provisions of the Building Code.

5. Projections into Required Yards in all Districts ^{*29}

Awnings, canopies, standard balconies, open fire balconies, fire escape stairs, exterior stairs and other architectural embellishments shall not project or extend more than five (5)

feet over any required yard, and shall be no closer than two (2) feet to any lot line.

6. Projections into Required Yards in Residential Districts

In residential zoning districts, projections shall meet the following standards:

- a. Any projection lying within three (3) feet of any lot line shall be subject to provisions of the International Residential Code (IRC), and shall be constructed with 1 Hour Protection as therein defined.
- b. Window type refrigeration units not exceeding one and one-half (1.5) tons or a one and one-half (1.5) horsepower rating, suspended or roof evaporative coolers, and forced air furnaces shall not project or extend more than five (5) feet into any required yard and shall be no closer than two (2) feet from any lot line. Air conditioning units may be located entirely within a required side or rear yard provided such device conforms to the provisions of the City’s Building Code. ^{*23}
- c. Cornices, eaves, and other overhangs shall not project more than three (3) feet over any required yard and shall be no closer than two (2) feet to any lot line; however, any projection within three (3) feet of any lot line shall be subject to provisions of the International Residential Code (IRC), and thereby be constructed with 1 Hour Protection as therein defined.
- d. Sills, leaders, belt courses, and similar ornamental features may project up to two (2) feet into any required yard provided that a minimum of five (5) feet remains in the side yard setback dimension.
- e. Building projections, such as bay windows, chimneys, pilasters, green house windows, vestibules, built-in bookshelf and entertainment center projections, and similar functional projections may project a maximum of two (2) feet into a required yard provided that said projection is no closer than three (3) feet to any lot line. The projection shall have a maximum width of ten (10) feet, paralleling the nearest lot line, with a maximum width of twenty (20) feet of projection allowed per facade. ^{*25}
- f. Terraces, patios, steps, or other similar un-roofed features not over three (3) feet in height above grade may project into any required yard provided that projections into required front yards shall not exceed ten (10) feet. Such projections shall be no closer than three (3) feet from any lot line.
- g. Arched masonry entry features may be constructed as part of a fence surrounding the front yard. Such features shall not exceed seven (7) feet in height and shall not exceed three (3) feet in width. Such features shall adhere to the side yard setbacks of the principal building. No more than one such feature shall be permitted on a given lot.
- h. A structure, which is a primary front entryway or porch may extend into a required front yard setback a maximum of three (3) feet, provided that such structure is not fully enclosed and is not more than eleven (11) feet in width.
- i. A trellis or similar type lattice structure for the purpose of training vegetation may project into any required side or rear yard under the following conditions:
 - 1) Lattice structures not higher than six (6) feet without an attached roof member may be placed on the property line and utilized in the same manner and under the same conditions as a property line fence.
 - 2) Lattice structures that are higher than six (6) feet but no higher than eight (8) feet,

with or without an attached roof member, may be located within three (3) feet of a side or rear property line.

- 3) Lattice structures over eight (8) feet high, with or without an attached roof member, must meet all minimum required yard setbacks for the principal structure.
- 4) For the purpose of this Section trellis and/or lattice structures shall meet the following dimensions:
 - a) Openings shall be no smaller than one (1) inch by one (1) inch and no longer than twelve (12) inches by twelve (12) inches.
 - b) Minimum dimensions of cross strips shall not exceed two (2) inches by two (2) inches.

D. Height Exceptions

1. Church spires, belfries, cupolas and domes not for human occupancy; monuments; water towers; and noncommercial radio or television antennas located in any zoning district may be erected to a height not exceeding one hundred (100) feet. ^{*15}
2. Height regulations established elsewhere in this Ordinance shall not apply to the following when located in industrial districts: chimneys; smokestacks; derricks; conveyors; grain elevators; or similar structures wherein the industrial process involved customarily requires a height greater than otherwise permitted in this Ordinance.
3. Religious institutions, schools, public buildings and other similar public assembly uses may exceed the maximum height established by a particular zoning district, provided that the minimum front, side and rear setbacks shall be increased by one additional foot for each foot by which the height of the building exceeds the maximum building height.

E. Trash Enclosures

A permanent concealing enclosure for temporary storage of garbage, refuse, and other waste materials shall be provided for every use, other than single-family dwellings, in every zoning district. Such enclosures shall adhere to provisions set forth in the City's Infrastructure Development Guidelines as most recently amended.

F. Exterior Lighting

1. Purpose

The Exterior Lighting regulations are intended to create awareness and maintain a high level of the City's physical and visual qualities by limiting light pollution, promoting energy conservation, reducing glare, and limiting pole height.

2. Applicability

All lighting within the Peoria City limits shall comply with the Dark Sky Ordinance set forth in the City Code, Chapter 20, Sections 20-60 through 20-67, and all amendments thereof. These regulations shall apply to all outdoor lighting including, but not limited to, search, spot, or floodlights for all structures, recreational areas, parking lots, landscape areas, or other outdoor lighting.

3. Allowable Height

The height of any freestanding light fixture shall not exceed sixteen (16) feet in a residential zoning district or twenty-five (25) feet in any other zoning district. Exempt from the height restrictions are the following uses: ^{*29}

- a. Baseball, softball, soccer, volleyball, or football fields or similar uses.
- b. Golf driving ranges.
- c. Outdoor arenas and amphitheaters.
- d. Public parks.

4. Adjacent to Residential Districts

Lighting in any non-residential zoning district shall be shielded in a manner in which the light source is not visible from, nor are there spillover effects into, the residential zoning district. Additionally, any outdoor light fixture in a non-residential zoning district shall be a minimum of ten (10) feet from any adjacent residential zoning district. ^{*29}

5. Within Residential Districts

Any lighting on residential properties shall be directed downward and shielded in a manner that the illumination source shall not be visible from any adjacent property.

6. Sign Lighting

Any lighting used to illuminate wall or ground mounted signs shall be directed downward and shielded in a manner that the illumination source shall not be visible from any adjacent property.

7. Submittal Requirements

All new development submittals shall include an outdoor lighting plan for the entire site that describes compliance with the standards of this ordinance and the Dark Sky Ordinance set forth in the City Code, Chapter 20, Sections 20-60 through 20-67.

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 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 ^{*29}

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 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.

21-804 Screening ^{*33}

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 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 in this Ordinance.

7. Parking

Parking screening requirements are provided in Section 21-815.

21-805 Walls and Fences ^{*39}

A. General Provisions ^{*4 *33}

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 shelf. (Figure A)

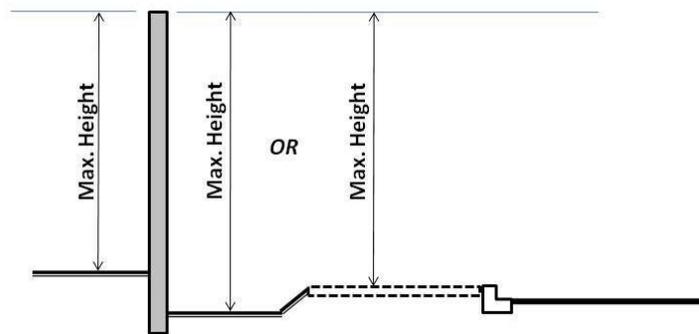


Figure A – Measuring Wall Height

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. ^{*22}

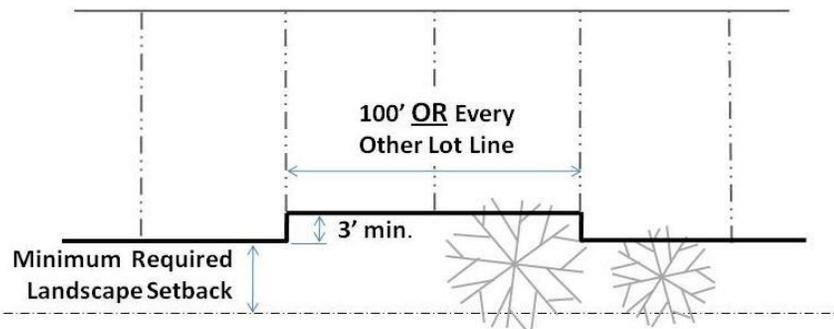


Figure B – Perimeter Wall Undulation

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 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 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.

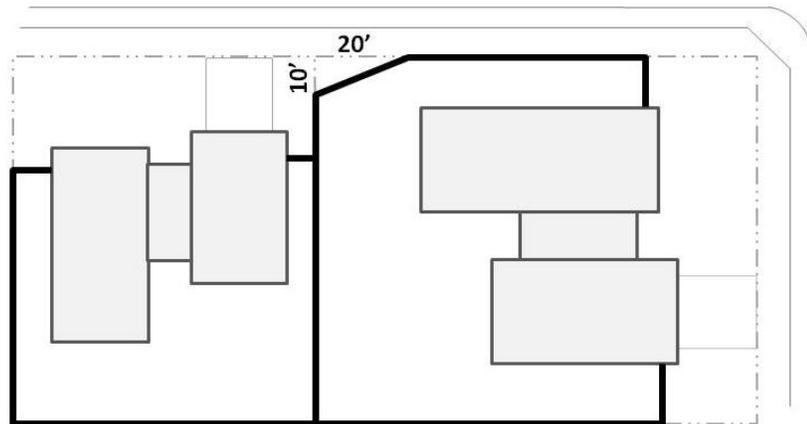


Figure C – Key Lots

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)

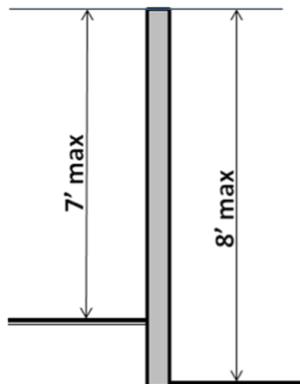


Figure D – Residential to Residential

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).

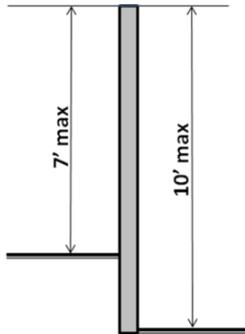


Figure E – Residential to Street

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.

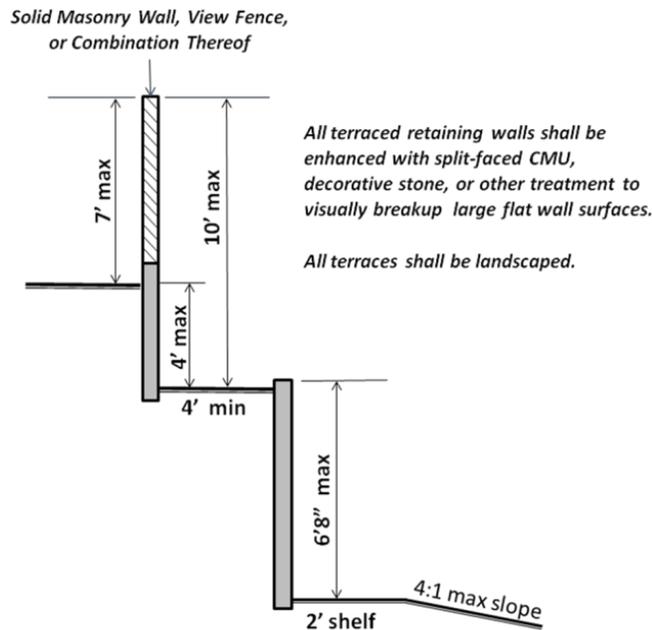


Figure F – Retaining Walls

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.

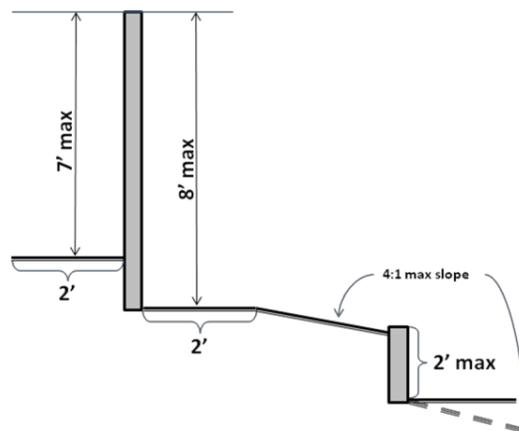


Figure G – Residential to Retention

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 Section 21-323 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. ^{*16 *37}

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).

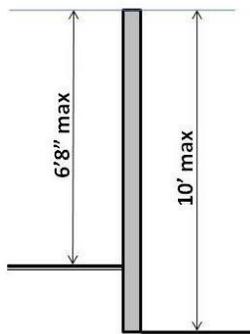


Figure H – Residential to Non-Residential

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 Section 21-710 of the Zoning Ordinance.

21-806 Performance Standards

All uses within the City shall conform to the performance standards set forth below, and shall be constructed, maintained, and operated so as not to be a nuisance or hazard to persons, animals, vegetation, or property located on adjacent or nearby properties or rights-of-way; or to interfere with the reasonable use or enjoyment of adjacent or nearby property by reason of noise, vibration, smoke, dust, or other particulate matter; toxic or noxious matters; odors, glare, heat or humidity; radiation, electromagnetic interference, tire or explosion hazard, liquid waste discharge or solid waste accumulation. Furthermore no use shall be carried out so as to create any nuisance or hazard which is in violation of any applicable Federal, State, or City laws.

A. Noise

No use shall create sound which is in violation of Chapter 13 of the City Code or any other applicable regulations.

B. Vibrations

No use shall create inherently and recurrently generated ground vibrations that are perceptible without instruments at any point at or beyond the property lines of the property on which the use is located.

C. Smoke, Dust, Dirt, or Other Particulate Matter

No use shall allow the emission of smoke, dust, dirt, or other particulate matter which may cause damage to property or vegetation, discomfort or harm to persons or animals, or prevent the reasonable use and enjoyment of property and rights-of-way, at or beyond the property lines of the property on which the use is located. Furthermore, no use shall be carried out so as to allow the emission of any substances in violation of any Federal, State, or City laws or permits governing the emission of such substances.

D. Odors and Fumes

No use shall be carried out so as to allow the emission of objectionable or offensive odors or fumes in such concentration as to be readily perceptible at any point at or beyond the boundary of the property.

E. Toxic or Noxious Matter

No use shall be carried out so as to allow the discharge of any toxic or noxious matter in such concentration as to cause damage to property or vegetation, discomfort or harm to persons or animals, or prevent the reasonable use and enjoyment of property or rights-of-way, at or beyond the property line of the property on which the use is located; or to contaminate any public waters or any groundwater.

F. Fire and Explosion Hazards

No use shall be carried out so as to create a fire or explosion hazard to adjacent or nearby property or rights-of-way, or any persons or property thereon. Furthermore, the storage, use, or production of flammable or explosive materials shall be in conformance with the provisions of the City Code, Chapter 9 and with all other applicable regulations.

G. Liquid Waste

No use shall be carried out so as to dispose of liquid waste of any type, quantity, or manner which is not in conformance with the provisions of the City Code, Chapter 25 and all other applicable regulations.

H. Solid Waste

No use shall be carried out so as to allow the accumulation or disposal of solid waste which is not in conformance with Chapter 22 of the City Code, or which would cause solid waste to be transferred in any manner to adjacent or nearby property or rights-of-way.

I. Electromagnetic Interference

No use shall be carried out so as to create electromagnetic radiation which causes abnormal degradation of performance of any electromagnetic receptor of quality and proper design as

defined by the principles and standards adopted by the Institute of Electrical and Electronics Engineers, or the Electronic Industries Association. Furthermore, no use shall be carried out so as to cause electromagnetic radiation which does not comply with the Federal Communications Commission regulations, or which causes objectionable electromagnetic interference with normal radio or television reception.

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 ^{*19}

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 Section 21-500.
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.

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 18, Section 18-6.

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.

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.

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 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. ^{*34}
 - g. Medical Marijuana Dispensing, Cultivation, of Manufacturing, except as provided in A.R.S. § 36-2801. ^{*35}
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.

21-810 Manufactured Housing

A. Applicability

Manufactured homes shall be homes built and manufactured in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974. ^{*43}

B. General Requirements

Manufactured homes may be installed in any single-family residential zoning district. Such installation must meet all requirements of the Peoria Zoning Ordinance and applicable State regulations. The Community Development Director or designee thereof may require such enclosures, roof overhang, and roofing or siding materials as may be necessary for compatibility with other residential structures in the area. ^{*1}

21-811 Mobile Homes, Travel Trailers, House Trailers, and Recreational Vehicles

A. Within RMH-1 and RMH-2 Districts

A mobile home, travel trailer, house trailer, or recreational vehicle may be placed, constructed, assembled, or used, whether for residential or any other purpose, exclusively in the RMH-1 or RMH-2 zoning districts, except as may be otherwise specifically allowed or permitted in this Ordinance.

B. Outside RMH-1 and RMH-2 Districts

1. Permits in I-1, I-2 and Agricultural Districts.

Mobile homes, travel trailers, recreational vehicles, or house trailers may be placed in zoning districts I-1, I-2, or Agriculture, provided a permit is obtained from the Community Development Director or designee thereof. Such permits shall not exceed one (1) year in duration and shall be renewable. No permit or renewal thereof shall be issued unless proof is presented that the mobile home, trailer, or vehicle is necessary for, or related to, the industrial or agricultural uses of the property.

2. Special Permits in Other Districts.

a. The Community Development Director may issue special permits for placement of travel trailers, house trailers, or mobile homes in other zoning districts for the following purposes: ^{*26}

- 1) Sales office for the sale of those products characterized as being “open” land uses, such as automobiles, mobile home, or travel trailer sales
- 2) Construction field office for use by contractors while a permanent building is under construction
- 3) Quarters for the night watchman or caretaker in industrial, commercial, or residential zones, provided no person other than the night watchman or caretaker shall occupy the unit
- 4) Quarters for the night watchman or caretaker in a mobile home sales lot, provided no person other than the night watchman or caretaker shall occupy the unit
- 5) Temporary place of business for the owner or lessee during the course of construction of a new building on the site
- 6) Temporary residence during reconstruction of a residential unit following damage by fire, flood, or other similar casualty

b. Fee

A fee established by the City Council shall be required for all permits issued pursuant to this Section; such fee shall be in addition to all other applicable fees.

3. Development Standards outside RMH-1 and RMH-2 Districts.

In addition to all other requirements of this Ordinance, travel trailers, house trailers, recreational vehicles, or mobile homes located outside an RMH-1 or RMH-2 district shall comply with the following:

- a. The unit shall be equipped with wheels that remain on the unit; however, the wheels may be blocked for stability.
- b. Setbacks shall be subject to all regulations of the applicable zoning district. ^{*26}
- c. No permanent room addition shall be attached to the unit nor shall the unit be attached to any permanent structure.
- d. The unit shall contain a water closet and lavatory connected with the City sewer, unless other acceptable sanitary provisions are made as set forth in the City Plumbing Code.
- e. The unit shall comply with the Uniform Electrical Code, and be connected with a minimum of one hundred (100) ampere service on a suitable temporary pole approved by the serving agent, observing all necessary wire clearances.
- f. Permit shall be approved for one (1) year and may be granted for a longer period of time as determined by the Community Development Director or designee. ^{*26}

- g. Any temporary or mobile structures shall be removed prior to Certificate of Occupancy.

*26

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 (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.
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 21-812C.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.

21-813 Wireless Communication Facilities ^{*5, *44}

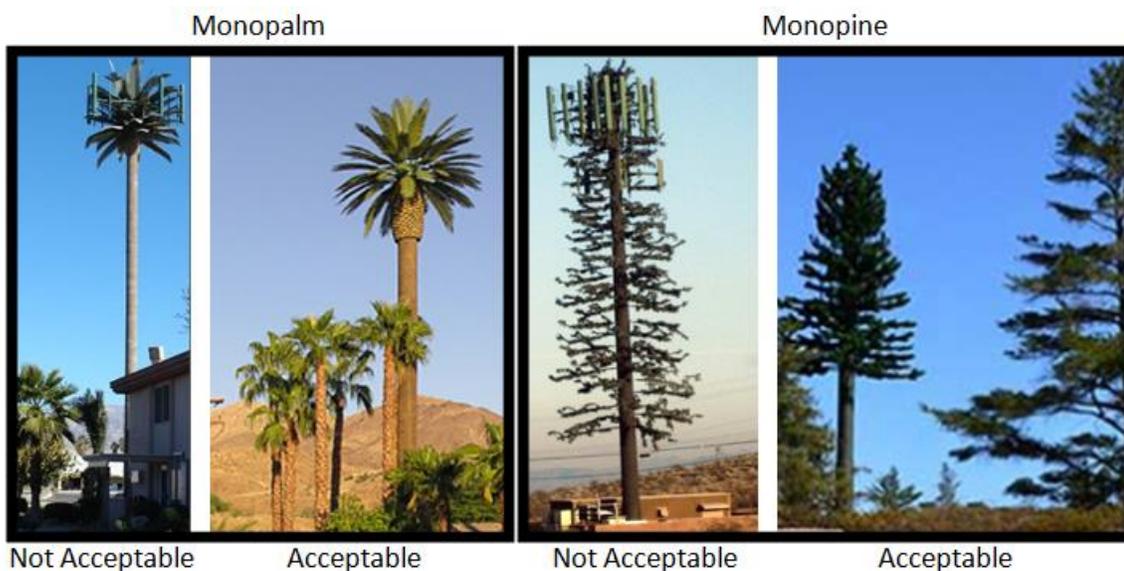
- A. General Requirements. All Wireless Communication Facilities, hereinafter referred to as WCF shall meet each of the following general requirements.
 1. WCFs must meet or exceed all current state and federal standards and regulations.
 2. WCFs shall be constructed, maintained, and modified in compliance with all adopted Peoria building codes.
 3. To ensure compliance with the National Environmental Policy Act (NEPA), a Finding of No Significant Impact (FONSI) issued by the FCC may be required for new WCFs and co-locations.
 4. A WCF shall be removed by the provider or the property owner within six (6) months of cessation of use, along with returning the area to its condition prior to the construction of

the WCF.

5. A WCF shall not be located within one thousand three hundred and twenty (1,320) feet of a City, State, or Nationally designated historical site.
 6. Commercial advertising or signage on the WCF or associated aerial or ground mounted equipment is prohibited.
 7. Artificial lighting of a WCF is prohibited, unless required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC).
 8. WCFs located within a residential zoning district shall be allowed a single microwave dish not in excess of twenty-four (24) inches in diameter. WCF located within non-residential zoning districts shall be allowed a maximum of two (2) microwave dishes which shall not exceed forty-eight (48) inches in diameter per microwave dish unless otherwise approved through a Conditional Use Permit. Such dishes shall be appropriately integrated into concealment efforts to minimize the visual presence of the microwave equipment.
 9. Screening of ground mounted equipment shall adhere to the rules and regulations set forth in accordance with the screening provisions found in Section 21-804.
 10. Colors and materials of the WCF shall be compatible with the surrounding environment as determined by the City, except as otherwise required by the FAA;
 11. One (1) parking space is required per WCF and shall be designed to meet City standards; this includes maneuvering and access.
 12. A WCF shall not Alter the Mountain Top Ridge Line as defined in Section 21-711.
 13. A WCF located in the right-of-way shall be exempt from the standards contained within this ordinance; however they must comply with all standards and practices established by the Engineering Director including but not limited to all applicable agreements and permits.
 14. Co-locations on a utility pole not located in the right-of-way or co-locations located on a public/quasi-public property shall not be required to meet the setback requirements set forth in this section; provided that the ground equipment does not expand the perimeter of the utility facilities. Quasi-public property includes, but is not limited to:
 - a. Schools, to include private, public, charter;
 - b. College or University Campus;
 - c. Power substations; or,
 - d. Water pumping plants and storage tanks.
- B. Development Standards
1. Permitted Principal Use
 - a. A Facility shall be deemed a Permitted Principal Use if the following development standards are met:

Development Standards	Zoning District	Distance to Residential Property Line	Maximum Height ^c	Distance to Non-Residential Property Line	Equipment Enclosure	Antenna Distance from Pole	Alternate Design WCF ^d
Permitted Principal Use	Residential ^b	>110% ^a	50'	>50% ^a	450 SF	6% ^a	Required
	Non-Residential	>130% ^a	65'				

- ^a Percentage (%) figures listed shall be based on the height of the pole from adjacent finished grade. Distance is measured from the edge of the tower.
- ^b In instances where residential and non-residential uses occupy the same footprint, residential standards shall apply.
- ^c If facility WCF is located on or within a height exempt structure per Section 21-8802, the height will be measured to the top of the antennae. For ground mounted WCFs height shall be measured from finished grade to the top of the structure including any associated concealment materials.
- ^d Fronds, branches, or other methods of concealment shall completely conceal any antennae or other associated Aerial Mounted Equipment.



- b. Rooftop and wall-mounted equipment:
 - 1) Shall follow the height restrictions as listed in the above permitted principal use development standards table; unless otherwise permitted in the height exception provision of Section 21-802;
 - 2) Shall be integrated into the design of the building;
 - 3) Shall be fully screened from public view.
- c. The co-location of aerial mounted equipment on an existing WCF:
 - 1) Shall not constitute a substantial change unless otherwise identified within Section 21-813.C of the City Code;
 - 2) Shall not be more than an overall height of eighty (80) feet;

3) Shall not otherwise inhibit stealth aesthetics.

2. Permitted Conditional Use

a. Any facility which does not meet the Permitted Principal development standards shall require a Conditional Use Permit, and shall be in accordance with the following development standards:

Development Standards ^d	Zoning District	Distance to Residential Property Line	Maximum Height ^c	Distance to Non-Residential Property Line	Distance Between Non-Alternate Design WCF (Monopole)
Permitted Conditional Use	Residential ^b	>110% ^a	65'	>5'	1,320'
	Non-Residential	>130% ^a	80'		

^a Percentage (%) figures listed shall be based on the height of the pole from adjacent finished grade. Distance is measured from the edge of the tower.

^b In instances where residential and non-residential occupy the same footprint, residential standards shall apply.

^c If facility is located on or within a height exempt structure per Section 21-802, the height will be measured to the top of the antennae. For ground mounted WCFs height shall be measured from finished grade to the top of the structure including any associated concealment materials.

^d All conditions not specifically identified within this section shall be approved through the Conditional Use Permit process.

b. Rooftop and wall-mounted equipment:

1) Shall follow the height restrictions as listed in the above conditional use development standards table; unless otherwise permitted in the height exception provision of Section 21-802;

2) Shall be integrated into the design of the building;

3) Shall be fully screened from public view.

c. All monopoles shall be constructed to allow for co-location by other wireless providers. The applicant shall demonstrate that the engineering of the tower and the placement of ground mounted facilities will not preclude other providers. The owner of the proposed tower must certify in writing that the tower will be available for use by other wireless communication providers on an economically reasonable and non-discriminatory basis.

d. The co-location of aerial mounted equipment on an existing WCF:

1) Shall not constitute a substantial change unless otherwise identified within Section 21-813.C of the City Code;

2) Shall not be more than an overall height of ninety-five (95) feet;

3) Shall not otherwise inhibit stealth aesthetics.

C. Administrative Procedures

1. Permitted Principal Use

- a. All facilities categorized as a permitted principal use are subject to site plan review process as set forth in Section 21-321.

2. Permitted Conditional Use

- a. All facilities categorized as a permitted conditional use are subject to the following processes as set forth in Section 21-321 and Section 21-322:

- 1) Site Plan Review; and,
- 2) Conditional Use Permit.

- b. The Applicant shall be provided the opportunity to execute a Waiver of Proposition 207 as to only the property leased 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.

3. The following criteria shall identify what constitutes a substantial change to a facility. All modifications deemed substantial shall refer to 21-813.B Development Standards:

- a. An increase in the originally approved WCF height by more than twenty (20) feet or ten percent (10%), whichever amount is greater;
- b. An increase in the Width more than twenty (20) feet from the Edge of the Tower to the Face of the Antennae.
- c. An increase in the height of Ground Mounted Equipment by more than ten percent (10%) or ten (10) feet, whichever amount is greater;
- d. An increase in the Width of a non-tower structure by six (6) feet or more;
- e. The installation of more than the standard number of Equipment Cabinets needed, not to exceed four (4);
- f. Excavation outside the current boundaries of the WCF;
- g. Proposed changes that would defeat the existing concealment elements of the WCF; and,
- h. Proposed changes that do not comply with prior approval of the WCF unless the non-compliance is within the thresholds outlined in this section.

4. Any proposed facility that does not meet the standards identified within this section shall be prohibited.

5. No facility shall be installed, erected, modified, repaired, or altered without receiving all necessary permit approvals.

D. Exemptions from Section 21-320 and Section 21-321:

- 1. Routine maintenance of a WCF; and,
- 2. Modifications to a WCF that are not considered a substantial change as specified in Section 21-813.A.
- 3. WCFs that are owned and operated by a governmental entity for the purposes of public safety or governmental operations.

21-814 Donation/Recycling Drop-Off Boxes ^{*40}

- 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 Section 21-312 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.

Donation Box Allotment			
Lots or Complexes/Centers Size	1 Acre	1-3 Acres	3 + Acres
Number of Boxes Allowed	1 Box	2 Boxes ^a	4 Boxes ^a

^a No more than two (2) Donation Bins shall be clustered together in any one location.

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

- K. 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.
- L. 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.
- M. 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).
- N. 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.
- O. 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 of the Peoria City Code and may be removed pursuant to those provisions.
- P. 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.

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Landscape Requirements

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21-815 Intent ^{*2 *9 *38}

- A. The process of development, with its alteration of the natural topography and vegetation and creation of impervious cover can have a negative effect on the ecological balance of an area by causing increases in air temperatures and accelerating the processes of runoff, erosion, and sedimentation. The economic base of the City can and should be protected through the preservation and enhancement of the unique natural beauty and vegetative space. Recognizing that the general objectives of this Section are to promote and protect the health, safety, and welfare of the public, these landscaping regulations are adopted for the following specific purposes:
1. To aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge and storm water runoff retardation, while at the same time aiding in noise, glare and heat abatement;
 2. To provide visual buffering between land uses of differing character;
 3. To enhance the beautification of the City;
 4. To protect the character and stability of residential, business, institutional and industrial areas;
 5. To preserve the value of land and building; and,
 6. To conserve energy and other natural resources.

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 Section 21-320. ^{*11}
 2. Signs pursuant to Section 21-827 of this Ordinance where landscaping is required.
 3. Subdivisions pursuant to Chapter 24 of the Peoria City Code. ^{*14}
- B. Notwithstanding the application of Section 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 Section 21-320 unless such site plan amendments will: ^{*11}
 - 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.

21-817 Definitions

Cacti: Any family of plants that have fleshy stems and branches with scales or spines instead of leaves and is capable of storing water and requiring no supplemental irrigation.

Caliper: The diameter of the trunk of a tree measured six (6) inches above ground level up to and including four (4) inch caliper size, and measured twelve (12) inches above ground level if the measurement taken at six (6) inches above ground level exceeds four (4) inches. If a tree is of a multi-trunk variety, the caliper of the tree is the average caliper of its two (2) largest trunks.

Evergreen Tree or Shrub: A tree or shrub of a species which normally retains its leaves/needles throughout the year.

Ground Cover: Natural mulch or plants of species which normally reach a height of less than two (2) feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

Landscape Architect: A person registered to practice landscape architecture in the State of Arizona.

Landscape Buffer: A landscape area that serves to screen the visual impacts caused by the differences in use, such buffer shall be located on the perimeter of the site.

Landscape Materials: Materials used for the purpose of landscape improvements which include any or all of the following: lawn or grass areas; trees, shrubs, ground cover or other plantings; irrigation systems; decorative rock, natural or man-made; decorative lighting; detention and retention ponds; waterfalls and man-made streams; and berms or mounds. ^{*20}

Landscape Plan: A graphic representation of the landscape development of a site indicating the location of all existing and proposed landscape improvements to be present on the site at the completion of the construction of the project.

Landscaping: An exterior improvement of property in accordance with an approved landscape plan and utilizing approved landscape materials.

Palm Tree: For the purpose of this Section means a vertical palm that can reach twenty (20) feet or greater in height upon maturity.

Useable Open Space: An improved area that enables or provides opportunities for residents to congregate or recreate. ^{*30}

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: ^{*22}

On-Site Landscaped Areas	Multi-Family & Non-Residential	Industrial	Single Family Residential	Schools
Required Area ^a				
Percentage of Net Site Area	20	10 ^b	●	20
1 tree/ 5 shrubs per	400 SQFT	400 SQFT	1000 SQFT	800 SQFT
Street Frontage Area ^c				
Arterial Streets FT	15	10	10 ^d	15
Collector and Local Streets FT	15	10	8 ^d	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. ^{*20}

^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. ^{*20}

^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. ^{*29}

● 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. ^{*20}

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. ^{*20 *22}

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. ^{*20}

- 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 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. ^{*13}



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

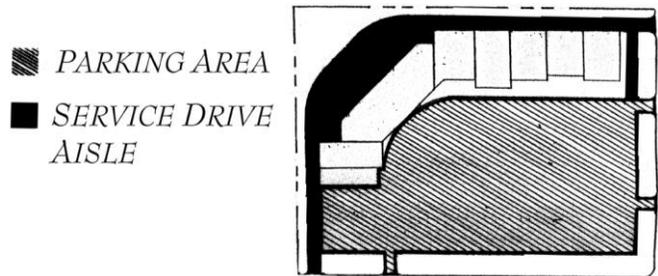
Landscape Material	Density	Minimum Size at Planting
Trees	3 per 1,000 sq. ft.	24 inch box
Shrubs	5 per 1,000 sq. ft.	5 gallon
Vegetative Groundcover	20% of area	1 gallon
Inert Groundcover	100% of area	¾" (if DG)

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 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. *29

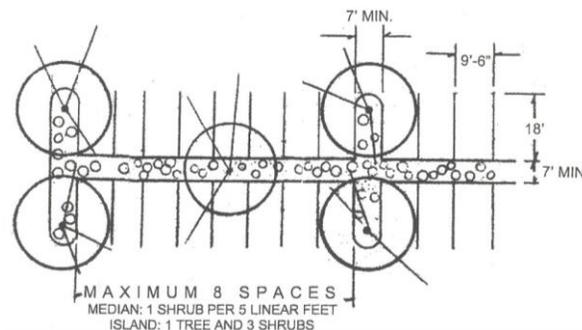


All surface parking areas shall incorporate the following elements:

- 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. *20
- 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. *29

- 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 21-818.A.1. The parking area tree palette shall only include species that provide adequate shading and minimal litter. *20
 - 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. ^{*20} 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 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. ^{*29}

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 21-818A.2. ^{*20}

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. ^{*20}

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. ^{*13}

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 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. ^{*38}

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. ^{*8}

21-819 Lake Pleasant Parkway Scenic Roadway Corridor

Lake Pleasant Parkway is a unique roadway corridor that traverses areas of recognized scenic quality and natural desert beauty. Sensitive development standards guided by preservation and quality of life objectives provide direction for location of streets and buildings within this corridor. Special standards for development within the corridor reflect the need for sensitive encroachment into the natural desert environment.

A. Scenic Roadway Established

A Scenic Roadway Corridor is established encompassing a width of ¼ mile (1,320 feet) on either side of the centerlines of the following streets:

1. Lake Pleasant Parkway, from Rose Garden Lane to the Carefree Highway
 2. Carefree Highway, from Lake Pleasant Parkway to SR 74
 3. SR 74, from Carefree Highway to the western limits of the City of Peoria
- B. Urban, Suburban and Rural Environments
1. Urban Sector
The Urban Sector shall extend from Rose Garden Lane to Happy Valley Road.
 2. Suburban Sector
The Suburban Sector shall extend from Happy Valley Road to the Agua Fria River crossing on SR 74.
 3. Rural Sector
The Rural Sector shall extend from the Agua Fria River crossing on SR 74 to the western limits of the City.
- C. Development Standards
1. Special landscape setbacks to open view corridors adjacent to the roadways are established as follows. Landscape setbacks are in addition to required street landscaping requirements for the various zoning districts established elsewhere in this ordinance.
 - a. The landscape setback for Urban Sector areas shall be 15 feet.
 - b. The landscape setback for Suburban Sector areas shall be 30 feet.
 - c. The landscape setback for Rural Sector areas shall be 50 feet.
 2. Driveways within the special setback areas shall not exceed 20% of the setback.
 3. Landscape materials located within the special setback areas shall consist of native plant materials and treatments consistent with the planting context of natural desert areas in the vicinity

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 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.

21-821 Landscape Installation and Maintenance

A. Landscape Completion

1. Except as otherwise provided in Section 21-821.A.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 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 21-821.B.2. above, the following conditions shall have been satisfied:
- a. A separate landscape and irrigation plan, prepared in accordance with Section 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.

21-822 Permits

Permits for landscape and irrigation installation are required for backflow prevention, electrical connections, and all work performed within the public right-of-way.

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Parking and Loading Requirements

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21-823 Intent ^{*3, *36, *37}

It is the intent of this Section to regulate and ensure the provision of adequate motor vehicle parking and loading spaces for each land use. The purpose of the regulations and development standards set forth in this ordinance aims to alleviate traffic congestion and vehicular/pedestrian conflicts.

21-824 Plans Required

Applications for a building permit for new construction, additions, alterations or change in use shall include a site plan at an appropriate scale that clearly shows proposed site improvements relating to parking as required by this Section. All plans shall show the location, arrangement and dimensions of off-street parking area(s), parking spaces, parking lanes, aisles/driveways, points of ingress and egress, walls, landscaping and barriers. Sidewalks, pedestrian ways, bicycle facilities and their access shall also be shown. The access or driveway locations, width and spacing as well as sight lines and distances, the arrangement of spaces, stall dimensions, surfacing, striping and lighting shall be in compliance with adopted City standards.

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 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. ^{*28}

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.

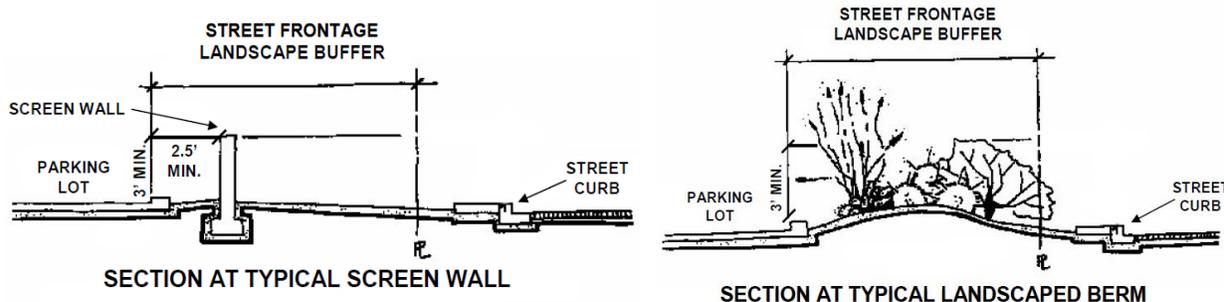
9. Circulation Between Bays

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. ^{*18}

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 Section 21-815 of this Ordinance. ^{*30}



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 Section 21-827.
18. Parking Canopies, Non-Residential and Multi-Family Residential Land Uses ^{*21, *36}
 - 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 ten feet (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 fifteen feet (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 ^a
Three-family	2.0 spaces / unit	2.0 spaces / unit ^a
Multi-family ^b		
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

- ^a In addition to the required spaces, .25 guest spaces per unit shall be included.
- ^b In addition to the required spaces, one (1) guest space for each ten (10) units shall be included.
- ^c MF Standards ^{*32}

a. Additional Residential Parking Requirements ^{*37}

- 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. ^{*28}
- 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. ^{*28}
- 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
ADMINISTRATIVE & FINANCIAL		
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 ^{*24}
	Financial institutions with drive-through facilities	a) Sixty (60) linear feet of stacking space per lane exclusive of drive aisles and parking spaces ^{*32}
Unspecified Office Use (Shell Building) ^{*27}		a) One (1) space per one hundred seventy-five (175) SF of floor area
AUTOMOBILE RELATED		
Auto Services ^{*18}	Facilities providing general vehicle service or repair, and similar services	a) A queuing space of one hundred (100) linear feet exclusive of drive aisles and parking spaces. ^{*18}
		b) Three (3) spaces per service bay ^{*24} , plus
		c) One (1) space per three hundred (300) SF of gross floor area excluding service bay. ^{*24}
Automobile Rentals or Dealerships	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)	a) One (1) space per one thousand (1000) SF of gross floor area, plus
		b) One (1) space per six thousand (6000) SF outdoor vehicle display area ^{*24}
Automobile Towing and Impound Facilities	Facilities for towing, dismantling, recycling, impound and storage of junk vehicles, to include sanitary landfills and similar uses	a) One (1) space per one thousand (1000) SF of floor area
		b) Minimum of four (4) spaces ^{*24}
Car Washes	Facilities for the cleaning of vehicles	a) One (1) space per three hundred (300) SF office floor area ^{*24} , plus
		b) A queuing space of one hundred (100) linear feet exclusive of drive aisles and parking spaces.
	Self service facilities for the cleaning of vehicles ^{*18}	a) Minimum of four (4) spaces ^{*24}

USE	DESCRIPTIONS	PARKING RATIO
EATING & DRINKING ESTABLISHMENTS		
Restaurants ^{*28}	Eating establishments providing self-services or with high turnover rate and similar services	a) One (1) space per fifty (50) SF of serving area, plus b) One (1) space per two hundred (200) SF for preparation area ^{*24}
	- with drive-through services	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 ^{*32} b) Eighty (80) linear feet of stacking space from the menu board to the pickup window. ^{*32}
	- with outdoor seating	a) One (1) space per one hundred (100) SF of serving area
Taverns, Bars, Pubs and Lounges	Establishments licensed to sell alcoholic beverages to be consumed on the premises, often with limited food service	a) One (1) space per fifty (50) SF of serving area, plus b) One (1) space per two hundred (200) SF for preparation area ^{*24}
ENTERTAINMENT & RECREATION		
Adult Uses	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	a) One (1) space per fifty (50) SF floor area ^{*24}
	Adult specialty shops for purchase of adult books, video, and similar products	a) One (1) space per three hundred (300) SF floor area
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, theatre and similar places, excluding taverns, bars, pubs, lounges and adult uses ^{*24}	a) One (1) space per two hundred (200) SF of floor area, or b) One (1) space per four (4) fixed seats of design capacity ^{*24}
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 ^{*24} , plus b) Two (2) spaces per billiard table, plus c) One (1) space per each five visitor gallery seats

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USE	DESCRIPTIONS	PARKING RATIO
ENTERTAINMENT & RECREATION		
Outdoor Amusement and Receptions	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 ^{*24}
	Golf course and driving range	a) One (1) space per two hundred (200) SF of main building floor area, plus
		b) One (1) space per every two (2) practice tees in driving range, plus
		c) Four (4) spaces per each green in the playing area
GENERAL INDUSTRIAL & MANUFACTURING		
Intense Manufacturing and processing	Facilities that include the use of chemicals, heavy equipment and machinery for the fabrication and processing of goods.	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 ^{*24}
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	a) One (1) space per five hundred (500) SF of warehouse area, plus
		b) One (1) space per three hundred (300) SF office floor area ^{*24}
Outdoor storage	Facilities providing exterior storage of construction equipment and materials, recyclable material, and similar uses	a) One (1) space per five thousand (5000) SF of designated outdoor area ^{*24} , plus
		b) One (1) space per three hundred (300) SF office floor area ^{*24}
		c) Minimum of four (4) spaces
Unspecified Industrial Use (Shell Building) ^{*24}		a) One (1) space per five hundred (500) SF of floor area

USE	DESCRIPTIONS	PARKING RATIO
GENERAL INDUSTRIAL & MANUFACTURING		
Warehousing	Facilities providing warehousing of material and goods and similar uses	a) One (1) space per one thousand (1000) SF of warehouse area ^{*24} , plus b) One (1) space per three hundred (300) SF office floor area
	Mini-storage facilities and similar uses ^{*24}	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 ^{*24}
GENERAL RETAIL		
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. ^{*32}
	Establishments providing general retail sales and services in a shopping centers (a commercial establishment planned, developed, owned or managed as a unit and more than 50,000 SF)	a) One (1) space per two hundred-fifty (250) SF of floor area. Note: for any center with 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) ^{*27}		a) One (1) space per two hundred fifty (250) SF of floor area

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USE	DESCRIPTIONS	PARKING RATIO
INSTITUTIONAL		
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 ^{*24}	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 ^{*18}	a) Two (2) spaces per classroom, plus
		b) One (1) space per employee, plus
Secondary Education	Public or private facilities providing education in a college, university, trade or vocational school, and similar institutions	a) Five (5) spaces per classroom, plus ^{*18}
		b) One (1) space per three (3) fixed seats of auditorium based on design capacity
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 ^{*24}
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
INTENSE RETAIL		
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 stores, furniture shops, monument engraving shops, swap meet farmers markets and similar intense retails with outdoor sales operations	a) One (1) space per three hundred (300) SF of sales floor area ^{*24}
Commercial Service Establishments combining retail, showroom with workshop. ^{*18}	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
LODGING		
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
MEDICAL		
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 ^{*42}

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USE	DESCRIPTIONS	PARKING RATIO
MEDICAL		
Hospitals	Facilities providing medical or surgical care, emergency medical and similar services	<ul style="list-style-type: none"> a) Two (2) spaces per bed ^{*24}, 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	<ul style="list-style-type: none"> a) One (1) space per one hundred fifty (250) SF of floor area ^{*42}
PERSONAL SERVICES		
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	<ul style="list-style-type: none"> a) One (1) space per two hundred (200) SF of floor area ^{*24}
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 services	<ul style="list-style-type: none"> a) One (1) space per one hundred fifty (150) SF of floor area ^{*24}
Pet Care	Establishments for sheltering, and grooming of animals	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> c) One (1) space per two hundred (200) office floor area
Water Travel	Facilities providing boat charters, marinas, marina fuel and similar services	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> a) One (1) space per every three (3) fixed seats in main viewing rooms based on design capacity ^{*24}, 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.

21-826 Off-Street Loading Requirements

A. General Provisions

1. Unless otherwise specified in this Ordinance, loading spaces or berths shall be at least forty-five (45) feet in length and all loading berths shall be at least twelve (12) feet in width and fourteen (14) feet in height, exclusive of aisle and maneuvering space and required parking space.
2. Loading berths of thirty (30) feet by ten (10) feet for office use, motels and hotels, restaurants, day care centers, long term care facilities, and other similar facilities may be provided for all or part of the required loading berths if approved through the site plan approval process.
3. Such space may occupy all or any part of any required yard space, except front and corner side yards, and shall not be located closer than fifty (50) feet to any residential zoning district unless screened by a masonry wall not less than ten (10) feet in height. Loading spaces located in side yards shall not be visible from a public street. ^{*12}
4. Sufficient room for turning and maneuvering vehicles shall be provided on the site so that vehicles shall cross a property line only by driving forward.
5. Each loading berth shall be accessible from a street, alley or from an aisle or drive connecting with a street or alley, without traversing a residential district.
6. The loading area, aisles, and access drives shall be paved so as to provide a durable dust-proof surface and shall be so graded and drained so as to dispose of surface water without damage to private or public properties, streets, or alleys.
7. Bumper rails shall be provided at locations where needed for safety or to protect property.
8. If the loading area is illuminated, lighting shall be deflected down and/or away from abutting residential sites so as to not cause any annoying glare.
9. No regular repair work or servicing of vehicles shall be conducted in a loading area.
10. Off-street loading facilities shall be located on the same site with the use for which the berths are required.
11. If more than one use is located on a site, the number of loading berths provided shall be equal to the sum of the requirements prescribed in this Section for each use. If more than one use is located on a site and the gross floor area of each use is less than the minimum for which loading berths are required but the aggregate gross floor area is greater than the minimum for which loading berths are required, off-street loading berths shall be provided as if the aggregate gross floor area were used for the use requiring the greatest number of loading berths.
12. Off-street loading facilities for a single use shall not be considered as providing required off-street facilities for any other use.
13. At the time of initial occupancy, major alterations or enlargement of a site, or of completion of construction of a structure or of a major alteration or enlargement of a structure, there shall be provided off-street loading berth requirements. The number of loading berths provided for a major alteration or enlargement of a site or structure shall be in addition to the number existing prior to the alteration or enlargement.

14. Space allocated to any off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facility.

B. Number of Spaces Required

Unless otherwise provided in this Ordinance every office, hotel, restaurant, department store, freight terminal or railroad yard, hospital, industrial plant, manufacturing establishment, retail establishment, storage warehouse or wholesale establishments, and all other structures devoted to similar mercantile or industrial pursuits, which has an aggregate gross floor area of five thousand (5,000) square feet or more shall provide off-street truck loading or unloading berths in accordance with the following table:

Square Feet of Aggregate Gross Floor Area Devoted to Such Use	Required No. of Berths
5,000 SF up to and including 40,000	1
40,001 SF up to and including 100,000	2
100,001 SF up to and including 160,000	3
160,001 SF up to and including 240,000	4
240,001 SF up to and including 320,000	5
320,001 SF up to and including 400,000	6
400,001 SF up to and including 490,000	7
For each additional 100,000 SF	1 additional

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Sign Code ^{*45}

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21-827 Applicability

Any sign erected, altered, or maintained after the effective date of this Section, referred to herein as the Sign Code or Section, shall conform to the following regulations within Sections 21-827 through 21-837 of the Zoning Ordinance. Where other regulations apply, such as property located within an approved Planned Area Development (PAD) or Planned Community District (PCD), or where property is subject to an approved Comprehensive Sign Plan (CSP) existing at the time of the adoption of this Ordinance, the time, place and manner provisions of said PAD, PCD, or CSP shall apply. Whenever an approved PAD, PCD or CSP is silent on a matter relating to signage, the provisions of this Section shall apply to the extent that such provisions are not in conflict with the provisions of the approved PAD, PCD, or CSP.

21-828 Purpose

Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public; however; they may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation.

- A. The purpose of this Section is to regulate the size, color, illumination, movement, materials, location, height and condition of signs placed on private property for exterior observation, thus ensuring the stability of the community, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens, and encouraging economic development. This Section allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This Section must be interpreted in a manner consistent with the First Amendment guarantee of free speech.
- B. The intent of this Section is to regulate signs within the City of Peoria to ensure that they are appropriate for their context, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City of Peoria.

- C. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this Section is to establish limitations on signs in order to ensure they are appropriate to the building, use, or status of the land to which they are appurtenant and are adequate for their intended purpose while balancing individual and community interests.
- D. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- E. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City of Peoria. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- F. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.
- G. These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by the government of the United States, the State of Arizona, or the City of Peoria. The inclusion of “government” in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.
- H. Graphical representations are often used throughout this Section to further clarify the intent of the text and serve as examples. However, whenever there is a conflict between the text and the illustration, the language of the text shall prevail.

21-829 Severability

- A. If there is a conflict between provisions of this Section and other provisions of the Zoning Ordinance or other regulations/ordinances of the City of Peoria, the more restrictive provisions shall apply.
- B. The provisions of this Section shall apply to the erection, design, construction, alteration, use, location and maintenance of all signs within the City of Peoria, except as specified in this Section.

21-830 Nonconformity and Modification

A sign lawfully in existence on the date of adoption of this Section, and which does not conform to the provisions of this Sign Code, but which was in compliance with applicable regulations at the time it was constructed, erected, affixed or maintained shall be regarded as a legal nonconforming sign.

- A. Reasonable repairs may be made to legal nonconforming signs. However, to the extent any legal nonconforming sign is: 1) damaged in any manner and that damage exceeds fifty percent (50%) of the reproduction cost according to an appraisal by licensed appraisers or fair market cost, 2) is destroyed, or 3) is removed by any means whatsoever, including acts of God or other calamities,

then such sign may be restored, reconstructed, or altered only in conformance with the provisions of this Sign Code.

- B. Any sign which does not fall within the provisions of 21-830 shall be brought immediately into compliance with all provisions of this Sign Code.

21-831 Definitions

Words and terms used in this Sign Code shall have the meanings given here, or in Section 21-202, Definitions if not defined herein. Unless expressly stated otherwise, any pertinent word or term not part of this listing or Section 21-202, but vital to the interpretation of this Section, shall be construed to have its legal definition, or in absence of a legal definition, their commonly accepted meaning, unless its context makes clear otherwise.

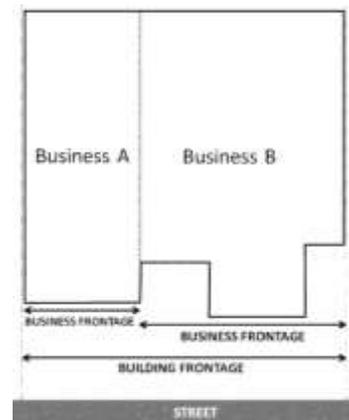
List of Defined Terms

A – B

Backlit Sign. Also described as a sign that is internally illuminated, or has indirect lighting. A sign that is illuminated by a light source hidden by the sign itself so that illumination shines from behind the sign, creating a halo around the sign. Reverse pan-channel letters are an example of a backlit sign.

Business. The word “business” includes organizations and other entities, whether for-profit or non-profit that may occupy a building or suite within a building.

Business Frontage. Means the lineal distance of the building space (suite or whole building) occupied by the particular business or use measured on a straight line parallel to the street. In the event that a business 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 does not parallel a street, the frontage shall be measured along the exterior of the building space occupied by the particular business or use.



C – D

Cabinet Sign. A sign that contains all sign copy within a single enclosed cabinet that is mounted to a wall or other surface.

Changeable Copy Sign. A sign that is static and changes messages by any means, including electronic process or remote control.

E – F

Electric Sign. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

Electronic Message Board. A sign that is static and changes messages by any electronic process or remote control.

Flag. A piece of fabric or other flexible material attached to a permanently installed pole, which may be ground mounted or affixed to a building or other structure.

Flashing Sign. Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Sign Code, a message change no more frequently than twice per day is not considered flashing for electronic message boards.

Freestanding Sign. A sign erected and maintained on its own self-supporting permanent structure or base, not attached to any building.

Freeway Monument Sign. A freestanding sign with a monument base (width of base is at least 50% width of the sign) that is erected and maintained on property adjacent to and within the view of motorists who are driving on a freeway recognized by the City of Peoria.

G – H

Government Sign. A sign that is constructed, placed, maintained, or required by law by the federal, state, county, or city government either directly or to enforce a property owner's rights.

Graffiti. Any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the City.

Grand Opening/New Business Sign. A sign displayed at a new business, store, shopping center, office, or other use, or one that has changed ownership, within the first six months of receiving a valid business license.

I – L

(None)

M – N

Monument Sign. A freestanding sign with a base that is at least 50 percent of the width of the sign.

O – P

Original Art Display. A hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An original art display does not include mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.

Permanent Sign. Any sign that is intended to be, and is constructed to remain unchanged in character and position and affixed to features such as the ground, a wall, or building for one (1) year or more. A temporary sign left in place for one (1) year or more does not become a permanent sign.

Portable Sign. Any structure without a permanent foundation or otherwise not permanently attached to a fixed location. This does not include Vehicle Signs.

Projecting Sign. A sign that is attached to and supported by a building or other structure, which projects more than 14 inches beyond the building. The primary sign faces of a projecting sign are generally perpendicular and are not parallel to the wall from which it projects.

Q–R

Roof-Mounted Sign. A sign located on or above the roof of any building, but does not include a false mansard roof, canopy, or other fascia. Signs located on these elements shall not project above the roof or the roofline.

S–T

Sign. A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street, shall not be considered a sign. Each display surface of a sign or sign face shall be considered to be a sign.

Sign Area. The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure. Where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers, or design, including any background panel or distinctively painted area installed as a background for the sign.

Sign Area Calculation

Sign Copy. The words, letters, symbols, illustrations, or graphic characters used to convey the message of a sign.

Sign Face. The entire display surface area of a sign upon, against or through which copy is placed.

Sign Walker. 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.

Temporary Sign. A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time.

U–Z

Vehicle Sign. A sign that can be carried, towed, hauled or driven and is primarily designed to be mobile rather than be limited to a fixed location regardless of modifications that limit its mobility. This includes, but is not limited to signs mounted, attached, or painted on trailers, boats, or vehicles, or any sign attached to or displayed on a vehicle.

21-832 Prohibited Signs

The following signs are unlawful and are prohibited unless constructed pursuant to a valid building permit when required under this Sign Code, or are otherwise specifically authorized under this Sign Code:

- A. All signs mounted on, or applied to trees, utility poles, rocks, or City owned property, except as otherwise provided.
- B. Any sign placed on private property by someone other than the property owner or their authorized representative without the property owner's written approval.
- C. Billboards.
- D. Cabinet signs over six (6) square feet in area, unless cabinet is a stylized, non-rectangular shape to accommodate the sign copy.
- E. Changeable copy signs, except as otherwise specifically permitted by this ordinance.
- F. Any exposed light bulbs or unshielded tube lighting such as neon. Light Emitting Diodes (LEDs) are not considered to be light bulbs.
- G. Freestanding signs within public utility easements, unless otherwise approved by the City Engineer.
- H. Portable signs that do not comply with the location, size, or use restrictions of this Sign Code.
- I. Pylon or pole signs (without pole cover) over 3 feet in height.
- J. Roof mounted signs.
- K. Signs in the existing and future public right-of-way, as defined in the Peoria General Plan or the Peoria Street Classification map, whichever is more restrictive, except as may otherwise be provided in this Ordinance.
- L. Signs that have blinking, flashing or fluttering lights, or other illuminating devices that exhibit movement.
- M. Signs of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.
- N. Signs which contain or consist of balloons, banners, beacons, flags, inflatable signs, pennants, posters, ribbons, search lights, strobe lights, streamers, strings of light bulbs, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure, except as otherwise provided. These devices when not part of any sign are similarly prohibited, except as otherwise specifically permitted by this ordinance.
- O. Vehicle signs. Vehicle signs are exempt if the vehicle is consistently used in the normal daily conduct of the business (e.g. delivery or service vehicle). The vehicle shall be operable, properly licensed, and parked in a lawful manner. The intent of these regulations is to prohibit the use of vehicle signs as permanent freestanding signs in order to protect the aesthetic qualities of the City's built environment and promote the effectiveness of permitted signs as provided for in this Section.

21-833 Authorized Signs, All Zoning Districts – No Permit Required

The following signs are authorized within the City:

- A. Government Signs. The signs described herein, are an important component of measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic safety, serving the requirements of emergency response and protecting property rights or the rights of persons on property. Government signs, including, but not limited to the following:
 - 1. Address Signs. Numerals that identify the street address of a property for public safety purposes as required and regulated by applicable Building and Fire Codes adopted by the City of Peoria.
 - 2. Emergency or Warning Signs. Where a federal, state or local law requires a property owner to post a sign on the owner’s property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property.
 - 3. Government Flags. Flags that have been adopted by the federal government, this State, or the City of Peoria may be displayed as provided under the law that adopts or regulates its use.
 - a. The flags described in this Section are permitted to serve a compelling governmental interest in promoting the rule of law by establishing symbolic representations of the governments who pass, protect and preserve those laws.
 - 4. Traffic Signs. Traffic signs and traffic control devices installed and maintained in compliance with the regulations of an authorized public agency.
 - 5. Official Notices or advertisements posted or displayed by or under the direction of any public or court officer in performance of official or directed duties; provided that all such signs must be removed by the property owner no more than ten (10) days after their purpose has been accomplished or as otherwise required by law.
- B. Grave markers, headstones, statuary, or similar remembrances of persons.
- C. Holiday and Seasonal Decorations. Temporary, non-commercial decorations or displays associated with the celebration of a particular civic, patriotic, or religious holiday or season. Such decorations shall be displayed for a maximum of 60 days total during the relevant season, and must be maintained in good condition (e.g. not torn, soiled, or faded). Such decorations shall not be displayed in such a manner as to constitute a hazard to pedestrian or vehicular traffic.
- D. Interior Signs. Signs located inside a building, or other enclosed facility, which are not intended to be viewed from the outside.
- E. Memorials, public monuments, or historical identification signs installed in accordance with all applicable regulations, including historical markers up to three (3) sq. ft. in area.
- F. Original Art Displays approved by the Peoria Arts Commission or other authorized City of Peoria department or agency.
- G. Signs not located in an enclosed building and not visible to the naked eye from a street or public right of way so long as the signs do not pose a hazard.
- H. Temporary Signs for Exterior Sales where the property is one (1) acre or greater in size. Signs located on the premises where most of the business is conducted, or items are displayed, in an open exterior area in compliance with all City Codes. For this allowance, temporary signs may

include banners, balloons (under 24 inches in diameter), flags, streamers, or pennants. These signs shall be limited in duration from Friday through Sunday, and on recognized holidays. Such signs shall meet all other General Requirements for Temporary Signs (Section 21-836.A).

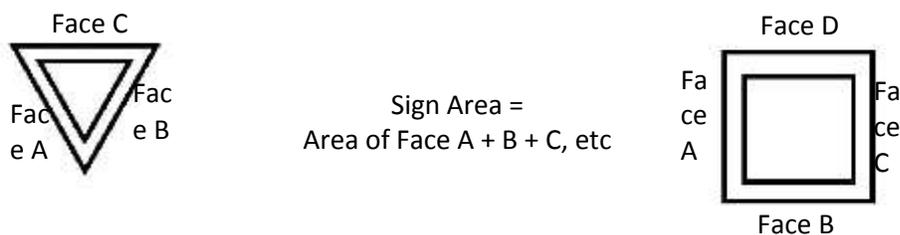
- I. Utility Signs. Signs installed or required by utilities, including traffic, safety, railroad crossings signs, as well as, identification or directional signs for public facilities.
- J. Vending Machine Signs. Signs integral to a legally located vending machine.

21-834 General Provisions

- A. Noncommercial Speech. Signs containing noncommercial speech are permitted anywhere that other signs are permitted, and are subject to the same regulations applicable to such signs.
- B. Sign Area Calculations.
 - 1. Building Wall Signage. A building owner may choose to have the entirety of a building used for computing sign area, even if it is divided into multiple suites occupied by separate tenants. In this case, it is the responsibility of the building owner to determine the percentage of total allowable signage that shall be allocated to every business/tenant. Signage for individual businesses/tenants in buildings where signage is approved on a whole-building basis may be placed on any facade otherwise meeting the regulations of this Sign Code, regardless of the location of the tenant's main entrance. Whole building calculations shall afford a minimum of 20 SF of signage to each business/tenant.
 - 2. Multiple Sign Faces. Calculating the sign area shall be based on the number of sign faces as described below. Architectural embellishments are not considered as sign area, so long as they do not constitute an area that is more than twenty percent (20%) of the total sign area.
 - a. One (1) face - Area of the single face only.
 - b. Two (2) faces - If the interior angle between the two faces is 45 degrees or less, the area will be the area of one (1) face only; if the interior angle between the two (2) sign faces is greater than 45 degrees, the sign area will be the sum of the areas of the two (2) faces.

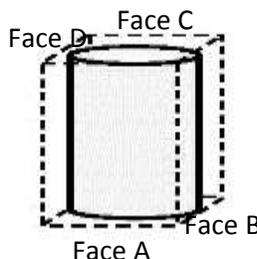


- c. Three (3) or more faces - The sign area will be the sum of the areas of each of the faces.



- d. Spherical, free-form, sculptural, other non-planar signs - Sign area will be the sum of the area using only the four (4) vertical sides of the smallest cube that will encompass the sign.

Sign Area =
Area of Face A + B + C + D



- C. Sign Height Calculations, Freestanding Signs.
 - 1. The height of freestanding signs shall be measured from the existing grade within two (2) feet of the proposed sign location to the top of the sign structure.
 - 2. In instances where the existing grade of the proposed sign location is lower than the adjacent roadway, the sign height shall be measured from the top of curb, or crown of roadway where no curb exists, to the top of the sign structure.
- D. Street Designations. When the sign standards refer to a specific street, or the functional classification of street (e.g. Parkway), this shall mean the corresponding street alignment or street classification as designated on the City’s Street Classification Map.
- E. Signage Placement, Multi-Story Buildings. The building owner(s) shall be responsible for designating the allowable areas where signs may be placed on the building façade. For multi-story buildings, the allowable areas may be located anywhere on the building façade, so long as the signage does not project above the roof of the building.
- F. Signage Projection. Building Wall Signage may be extend up to fourteen (14) inches away from the building. For buildings constructed on or near a property line that abuts a public right-of-way or public access easement (e.g where no building setback exists), the projection may encroach into the public right-of-way or public access easement provided such signs are located higher than eight (8) feet above ground level.

21-835 Permanent Sign Types

General Standards:

- A. Authorized Signs. Authorized Permanent Signs are noted on the following pages, and comprise of the following Tables:
 - Table 1: Building Sign Specifications
 - Table 2: Freestanding Sign Specifications
 - Table 3: Other Sign Type Specifications
- B. Accessory Use. All permanent signs are considered ancillary, or accessory, uses. As such, a principal use must be legally established and developed on a property in order for a permanent sign to be allowed on the property.
- C. Changeable Copy. Electronic message centers may be utilized for permanent signs where changeable copy is permitted.

- D. Design and Integration. All permanent signs shall be fully integrated with the design of the building and the site development, reflecting the architecture, building materials and landscape elements of the project.
1. The means of integrating freestanding monument signs within the architecture of the building shall be achieved through replication of architectural embellishments, colors, building materials, texture and other elements exhibited in the building design.
 2. In no case shall any sign be secured with wires such as guy wires or strips of wood which are visible and not an integral part of the sign.
 3. Signs shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
- E. Illumination:
1. In residential zoning districts, illuminated signs for permitted non-residential uses within two hundred (200) feet of residential uses or undeveloped residentially zoned property, whether directly adjacent or across a road, shall go dark between the hours of 10 pm and 5 am or when the establishment is closed.
 2. All signs with exposed LED illumination shall be limited to a brightness of 0.3 foot candles above ambient lighting. All other internally illuminated signs shall be limited to a brightness of 0.6 foot candles above ambient lighting.
 3. Signs allowed to be illuminated may utilize internal illumination (direct or backlit) or external illumination, unless otherwise specified in Tables 1 and 2.
 4. External illumination shall be compliant with Dark Sky light control requirements, including the requirements in Chapter 20 of the Peoria City Code.
- F. Landscaping. All permanent freestanding signs shall be located with the base of the sign in a landscape area. This landscape area shall be equal to a minimum of 4 square feet for each square foot of sign area.
- G. Location. All design and structural components of a freestanding sign (e.g. the footer, base, etc) shall be setback a minimum of one (1) foot from the edge of the street right-of-way.
- H. Monument Sign Base Material. All permanent freestanding signs greater than three (3) feet in height shall have a masonry base (e.g. brick, CMU, stone) that is consistent with the site's architectural/thematic design.
- I. Standard Abbreviations. Standard abbreviations used within the tables are identified below:

Standard Abbreviations

Adj.	Adjacent	Rd.	Road
FT	Feet or Foot	Pkwy.	Parkway
IN	Inches	Min	Minimum
LF	Linear Feet or Linear Foot	Max	Maximum
N/A	Not Applicable or Not Allowed	>	Greater Than
SF	Square Feet or Square Foot	≥	Greater Than or Equal To
SVT	Sight Visibility Triangle	<	Less Than
ROW	Right-of-Way	≤	Less Than or Equal To

Table 1: Building Sign Specifications

A. ADDRESS SIGN		Permit: No		
	Description	Numerals that identify the street address of a property for public safety purposes		
	Residential Uses & Non-Residential Uses	Permitted in compliance with Building and Fire Code requirements		
	Notes: None			
B. AWNING AND ATTACHED CANOPY SIGN		Permit: Yes		
	Description:	A sign which is printed, painted, or affixed to an awning or canopy which is attached to a building		
	Residential Uses	<i>Total Sign Area Allowed</i>	N/A	
	Non-Residential Uses	<i>Max Quantity</i>	N/A	
		<i>Max Height</i>	1 st Floor awnings only #	
		<i>Illumination Allowed</i>	Internal, backlit, external	
		<i>Max Sign Area Allowed</i>	2 SF per 1 LF of <u>Business Frontage</u> ♦	
Notes: # Signs may be mounted on or extend above attached canopy as long as they do not extend above the roof line. ♦ Sign allowance includes all Awning and Building Wall Signs				
C. BUILDING WALL SIGN (e.g. Band Signs)		Permit: Yes		
	Description	A permanent sign attached to, painted on, or otherwise assembled against the wall or fascia of a building with the exposed face of the sign parallel to the face of the wall or fascia.		
	Residential uses	N/A		
	Non-Residential Uses	<i>Max Quantity</i>	N/A	
		<i>Max Projection</i>	14 IN	
		<i>Illumination Allowed</i>	Internal, backlit, external	
		<i>Max Sign Area Allowed</i>	Based on <u>Business Frontage</u> ● Ratio is 2 SF per 1 LF, up to Max If Business Frontage LF is: <20,000SF = 125 SF Max 20,000-50,000 = 250 SF Max >50,000SF = 400SF Max	
Notes: ● Sign allowance includes all Awning and Building Wall Signs				

Table 1: Building Sign Specifications (continued)

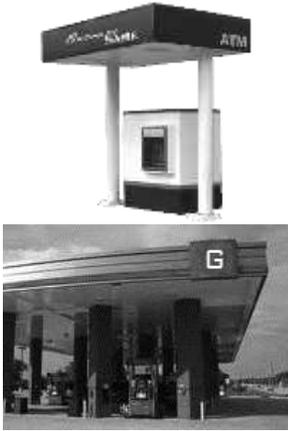
D. ENTRY SIGN		Permit: No		
	Description	A sign located adjacent to an entry door.		
	Residential Uses & Non-Residential Uses	<i>Max Quantity</i>	1 per dwelling unit or 1 per business	
		<i>Max Height</i>	15 FT from door threshold	
		<i>Max Projection</i>	4 IN	
		<i>Illumination Allowed</i>	External or backlit illumination only	
		<i>Max Sign Area Allowed</i>	2 SF per sign	
	Notes: None			
E. FREE STANDING CANOPY SIGN		Permit: Yes		
	Description	Signs on freestanding canopies, such as fuel canopies, and shade structures.		
	Residential Uses	N/A		
	Non-Residential Uses	<i>Max Quantity</i>	N/A	
		<i>Illumination Allowed</i>	Internal, backlit, external	
		<i>Max Sign Area Allowed</i>	12 SF per side	
Notes: None				
F. PROJECTING SIGN (e.g. Blade/Shingle Signs)		Permit: Yes		
	Description	A pedestrian-oriented sign that is attached to and supported by a building or other structure. (See <i>Projecting Sign</i> in 21-833 Definitions)		
	Residential Uses	N/A		
	Non-Residential Uses	<i>Min Height</i>	8 FT above adjacent sidewalks and/or ground level	
		<i>Min Projection</i>	14 IN from Building	
		<i>Max Projection #</i>	3 FT from wall or less than awning/canopy depth if attached	
		<i>Illumination Allowed</i>	Externally illuminated and backlit only	
		<i>Max Sign Area Allowed</i>	12 SF	
Notes: # Maximum projection is based on attachment type.				

Table 2: Freestanding Sign Specifications

Sign Type Option	
Residential Uses	
Single-Family	N/A
Multi-Family	Either Primary Monument Sign OR Perimeter Wall Sign
Non-Residential Uses *	
Allowed either Primary/Secondary Monument(s) OR Perimeter Wall Sign	

A. FREEWAY SIGN		Permit: Yes							
	Description	A freestanding monument sign located on property adjacent to a freeway (See <i>Freeway Sign</i> in 21-833 Definitions) #							
	Residential uses	N/A							
	Non-Residential Uses	<i>Max Quantity</i> (Based on Freeway Frontage)	<table border="0"> <tr> <td>≥ 660 LF</td> <td>= 1</td> </tr> <tr> <td>> 1,320 LF</td> <td>= 2</td> </tr> <tr> <td>> 2,640 LF</td> <td>= 3</td> </tr> </table>	≥ 660 LF	= 1	> 1,320 LF	= 2	> 2,640 LF	= 3
		≥ 660 LF	= 1						
		> 1,320 LF	= 2						
		> 2,640 LF	= 3						
		<i>Illumination Allowed</i>	Internal, backlit, external						
<i>Max Height</i>	60 FT + 3 FT for architectural detail								
<i>Max Sign Area Allowed</i>	250 SF								
Notes:									
# Sign must be located along the qualifying freeway frontage. Signs are only permitted for non-residential zoned properties. Base of sign must be at least 35% of the full sign width. Minimum Separation: 200 feet separation from other Freeway Signs, 50 feet from non-freeway lot lines, and 200 feet from residentially zoned property.									

B.1 PRIMARY MONUMENT SIGN (<i>Residential Uses</i>)		Permit: Yes		
	Description	A freestanding monument sign adjacent to a residential development (See <i>Freestanding Sign</i>).		
	Residential uses			
	<i>Single-family</i>	N/A		
	<i>Multi-family #</i>	<i>Max Quantity</i>	1 per street frontage	
		<i>Max Height</i>	A designated pkwy., Bell Rd. & Grand Ave	12 FT
			Other Major Arterials	10 FT
	All Other Roads	8 FT		
	<i>Max Sign Area Allowed</i>	48 SF		
Notes				
# Only allowed either Primary Monument(s) or Perimeter Wall Sign				

Table 2: Freestanding Sign Specifications (continued)

B.2 PRIMARY MONUMENT SIGN (Non-Residential Uses)		Permit: Yes		
	Description	A freestanding monument located adjacent to a non-residential development (See <i>Freestanding Sign</i>).		
	Non-Residential Uses * <i>Standards are based on the entire center or campus where applicable #</i>	Max Quantity ♦ (Based on length of street frontage)	0 - 599 LF = 1 600 LF - 1,000 LF = 2 > 1,000 LF = 3	LF calculated separately for each street where property has frontage
		Max Height	A designated pkwy, Bell Rd. & Grand Ave. 16 FT Other Major Arterials 12 FT All Other Roads 8 FT	
		Max Sign Area Allowed ●	A designated pkwy., Bell Rd. & Grand Ave. 72 SF Other Major Arterials 60 SF All Other Roads 48 SF	
	Notes ♦ Sign must be located along the qualifying street frontage. # Only allowed either Primary Monument(s) OR Perimeter Wall sign ● All Primary Monument Signs shall be located a minimum of 60 FT away from all other Primary and Secondary Monument signs.			
C. SECONDARY MONUMENT SIGN		Permit: Yes		
	Description	A freestanding monument located adjacent to a non-residential development (See <i>Freestanding Sign</i>).		
	Residential uses	N/A		
	Non-Residential Uses <i>Standards are based on the entire center or campus where applicable</i>	Max Quantity (Based on amount of street frontage)	0 LF - 599 LF = 1 > 1,000 LF = 1 for every 300 LF > 1,000 LF	LF calculated separately for each street where property has frontage
		Max Height	Designated Pkwy 12 FT Major Arterials 8 FT All Other Roads 6 FT	
		Max Sign Area ●	A designated pkwy., Bell Rd. & Grand Ave. 48 SF Other Major Arterials 32 SF All Other Roads 24 SF	
Notes: ● All Secondary Monument Signs shall be located a minimum of 60 FT away from all other Primary and Secondary Monument signs located in the same center or parcel.				

Table 2: Freestanding Sign Specifications (continued)

D. INTERNAL CENTER SIGN		Permit: No	
	Description	Internal freestanding signage within a non-residential center.	
	Residential uses	N/A	
	Non-Residential Uses <i>Standards are based on the entire center or campus where applicable</i>	<i>Max Quantity</i>	1 sign per parcel, or 1 sign per acre, whichever is greater. Individual parceled pads within a center <u>are</u> eligible for internal center signs.
		<i>Max Height</i>	3 FT
		<i>Max Sign Area Allowed</i>	6 SF
Notes: Must be located internal to a site, outside of all street frontage landscape areas and buffers.			
E. PERIMETER WALL / SCREEN WALL SIGNS		Permit: Yes	
	Description	A sign consisting of individually mounted characters on a perimeter or screen wall surrounding a development.	
	Residential Uses <i>Single-Family Developments (2 or more lots)</i> And <i>Multi-Family Developments</i>	<i>Max Quantity</i>	2 per street frontage providing direct access to development.
		<i>Max Height</i>	8 FT or wall height, whichever is less.
		<i>Max Projection</i>	14 IN
		<i>Illumination Allowed</i>	External or backlit illumination only
		<i>Max Sign Area Allowed</i>	32 SF per sign
	Non-Residential Uses *	<i>Max Quantity</i>	1 per street frontage
		<i>Illumination Allowed</i>	External or backlit illumination only
		<i>Max Sign Area Allowed</i>	48 SF per sign or < 50% of wall area, whichever is less.
Notes: * Only allowed either Primary Monument, Secondary Monument(s) OR Perimeter Wall sign.			

Table 3: Other Sign Type Specifications

A. DRIVE-THROUGH SIGN		Permit: Yes		
	Description	Signage for uses with a drive-through. #		
	Residential uses	N/A		
	Non-Residential Uses	<i>Max Quantity</i>	2 signs per drive-through lane	
		<i>Max Height</i>	6 FT	
		<i>Max Sign Area Allowed</i>	36 SF per sign	
Notes: # Must be located adjacent to drive-through lanes. Changeable copy is permitted.				
B. GAS STATION MONUMENT SIGN		Permit: Yes		
	Description	Monument sign for a property containing a gas station/fuel service station. #		
	Residential uses	N/A		
	Non-Residential uses	<i>Max Height</i>	8 FT	
		<i>Max Sign Area Allowed</i>	32 SF, including 16 SF changeable copy	
		Notes: # In accordance with Arizona Administrative Code, gas station monument signs shall be permitted in lieu of a primary or secondary monument for stand-alone gas stations, maximum 1 per frontage. Commercial centers containing gas stations shall be allowed Gas Station Monuments in addition to Primary and Secondary Monuments.		
C. FLAGS		Permit: No*		
	Description	See Definitions.		
	Residential uses	<i>Max Quantity</i>	3 Flags, 1 pole	
		<i>Max Height #*</i>	30 FT	
		<i>Max Sign Area Allowed</i>	24 SF per flag	
	Non-Residential uses	<i>Max Quantity</i>	1 flag per 25 LF street frontage, up to 6 total per premises	
		<i>Max Height #*</i>	50 FT	
<i>Max Sign Area Allowed</i>		36 SF		
Notes: # Flags must meet minimum principal building setbacks and shall not be located in any required utility easements. * Depending on the height, a building permit may be required.				

Table 3: Other Sign Type Specifications (*continued*)

D. WINDOW SIGN		Permit: No	
	Description	Signs placed on or within 3 FT of windows so as to attract the attention of persons outside of the building where the sign is placed.	
	Residential uses	<i>Limitations</i>	No limit, non-commercial messages only
	Non-Residential Uses #	<i>Max Sign Area Allowed*</i>	25% of the total window area on any one side of a building.
		<i>Illumination Allowed</i>	Max of 2 signs may be internally illuminated, up to 2 SF per sign
Notes: # Window signage is prohibited above the ground floor of the building. * When window signage is displayed on two or more sides of a building, each side shall comply with the maximum sign area provisions.			

21-836 Temporary Sign Types

A. General Requirements

1. In order to ensure structural stability and safety, freestanding signs seven (7) feet or greater in height shall be constructed to standards required for a permanent sign as described by the Arizona Sign Association.
2. Signs seven (7) feet or greater in height require a sign permit.
3. Temporary Signs shall be located outside of the visibility triangles, as shown in Figure 1.
4. Signs shall be maintained in good condition and shall be removed if torn, soiled, or faded.
5. Signs shall be weighted and/or secured to resist displacement by wind or similar disturbances.
6. Temporary signs shall not be illuminated.
7. Contact information of the party responsible for the sign shall be listed on the back of all temporary signs, except those located on developed single family residential lots.
8. 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 subject to removal by the City in accordance with state statutes.

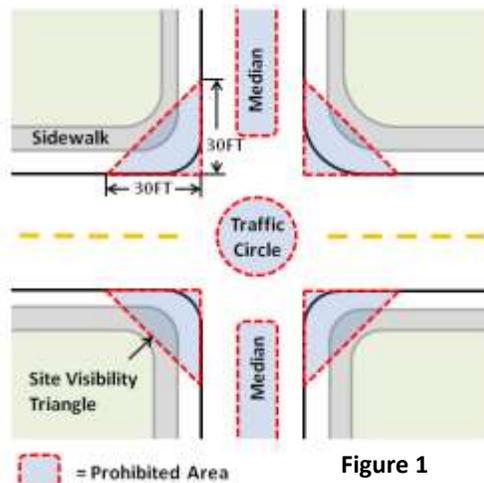


Figure 1

B. Duration: The following temporary signs are authorized for the durations noted in Table 4.

C. Standard Abbreviations. The standard abbreviations for Tables 1-3 are applicable to Table 4.

Table 4: Temporary Sign Type Specifications

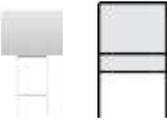
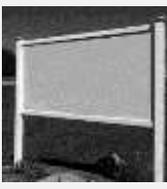
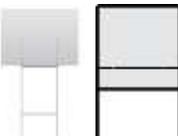
A. UNDEVELOPED PROPERTIES					
Sign Type	Quantity	Max Sign Area	Max Height	Duration	Permit
1. Parcels ≤1 ac 	1	Residential Use: 6 SF Non-Residential Use: 16SF	Residential: 5 FT Non-Residential: 8 FT	Up to 1 Year	Yes, if ≥7 FT in Height
Limitations: <ul style="list-style-type: none"> N/A 					
2. Parcels >1 acre 	1 sign + 1 additional sign for every 600 LF of street frontage	32 SF	8 FT	Up to 1 Year, and may be renewed 2x for 3 years total	Yes
Limitations: <ul style="list-style-type: none"> Placed > 30 FT from any intersection or driveway, and 100 FT from all signs > 6 SF. 					
B. RESIDENTIAL PROPERTIES					
Sign Type	Quantity	Max Sign Area	Max Height	Duration	Permit
1. Yard Sign 	1	6 SF	5 FT	Up to 3 Months	No
Limitations: <ul style="list-style-type: none"> Located on a developed residential lot 					
2. Neighborhood 	1 sign per neighborhood entrance	6 SF	5 FT	Up to 2 Weeks	No
Limitations: <ul style="list-style-type: none"> Located within neighborhood common area 					
3. New Subdivision 	1 sign per street frontage	32 SF/sign* *Development ≥150 AC: Interior Streets = 32 SF Perimeter Streets = 96SF	16 FT	Up to 3 years	Yes
Limitations: <ul style="list-style-type: none"> Must be removed once all lots in subdivision are sold 					
4. Subdivision Flags 	6 flags	15 SF / flag	30 FT	Up to 3 years	No
Limitations: <ul style="list-style-type: none"> For new subdivisions and/or new developments only. Max Quantity is per new development or per model complex Must be identified in Model Home Complex Building Permit 					

Table 4: Temporary Sign Type Specifications (continued)

C. NON-RESIDENTIAL PROPERTIES					
Sign Type	Quantity	Max Sign Area	Max Height	Duration	Permit
1. Entry A-frame 	1 A-frame or T-frame sign	6 SF	3 FT	Only during business hours	No
Limitations: <ul style="list-style-type: none"> • Signs shall be located within 8 FT of the business entry. • A minimum of 4 FT must be maintained to allow unobstructed pedestrian access, and vehicular circulation. • Signs cannot be placed within required parking. 					
2. Grand Opening/ New Business 	Includes Banners, Balloons, Flags, Pennants and, Streamers	N/A	N/A	60 days	No
Limitations: <ul style="list-style-type: none"> • See Definition for <i>Grand Opening/ New Business</i> • Must be obtained within 6 months of receiving a valid business license • Not permitted for Home Occupations. • Merchandise may be displayed adjacent to business if a minimum of 4 FT clearance is maintained, allowing unobstructed pedestrian access and vehicular circulation. 					
3. Special Promotion 	2 Wall-Mounted Banners	32 SF Total	N/A	Maximum 30 days per installation Maximum 4x per year	Yes, For Each Install
	2 Pole Mounted Banners "Swooper Signs"	32 SF per sign	15 FT		
	1 A-frame or T-frame sign portable sign	6 SF	3 FT		
Limitations: <ul style="list-style-type: none"> • Maximum Width is 3 FT for Pole Mounted or Swooper Signs 					

Table 4: Temporary Sign Type Specifications (continued)

D. SPECIAL CONDITIONS – In addition to temporary signage permitted by use/development character, the following signs are allowed when special conditions occur.					
Sign Type	Quantity	Max Sign Area	Max Height	Duration	Permit
1. Property Offered For Sale, Lease, or Rent					
a. Parcels ≤ 1 acre					
	1 Sign *See Limitations For Quantity	6 SF	Freestanding: 5 FT Other: *See Limitations For Placement	*See Limitations	No
Limitations: <ul style="list-style-type: none"> Quantity: A residential property abutting an arterial or collector roadway may have one (1) additional sign, maximum four (4) SF in size. The additional sign shall be placed in a manner where it is visible from the abutting roadway. Placement: Where freestanding signage is not possible or prohibited, the sign may be displayed within a window of the subject property. Duration is limited to while the property is offered for sale, lease or rent until 10 days after completion or execution of a lease, sale, or rental transaction. 					
b. Parcels > 1 acre					
	1 sign + 1 additional sign for every 600 LF street of frontage	32 SF	Freestanding Sign: 8 FT Other Signs: N/A	While property is offered.	Yes, if ≥7 FT in Height
Limitations: <ul style="list-style-type: none"> Minimum spacing of 150 LF between signs. 					
2. Property Under Construction					
	1	32 SF	8 FT	From Issuance until Close of 'Building Permit'	No
Limitations: <ul style="list-style-type: none"> An active Building Permit is required. 					
3. Temporary Use					
	1 Banner and 3 A-frame or T-frame Portable Signs	Banner: 24 SF A-frame: 6 SF	Banner: N/A A-Frame: 3 FT	For the duration of the approved Temporary Use Permit	Temp. Use Permit
Limitations: <ul style="list-style-type: none"> An active Building Permit is required. 					

Table 4: Temporary Sign Type Specifications (continued)

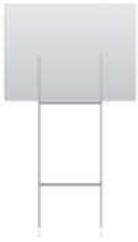
D. SPECIAL CONDITIONS <i>(continued)</i>					
Sign Type	Quantity	Max Sign Area	Max Height	Duration	Permit
4. Right-of-Way Signage					
a. Residential Roadway Signs 	1 sign per turning movement within radius * See Limitations	6 SF	3 FT	3 hours before and 3 hours after an event	No
Limitations: <ul style="list-style-type: none"> Radius: These signs are only allowed in right-of-ways adjacent to residential zoned property, and shall be located a maximum one (1) mile radius from the subject owner's/resident's property within the City of Peoria. Signs may be placed by owners of residential property in Peoria, residents of Peoria, or agents of either party. Subject to same Placement Limitations as noted in Election Season Signs below. 					
b. Election Season, Non-Commercial Messages 	Not limited	Adjacent to Rural or Local Road: 16 SF Other: 32 SF	< 7 FT	90 days prior to Primary Election and up to 15 days after General Election	No
Limitations: <ul style="list-style-type: none"> Signs can be placed in the public right-of-way, and on private property if the owner or their appointed agent grants permission. Except as provided herein, such signs shall not be located on City-owned property, buildings, or structures. Contact information of the party responsible for the sign must be listed on the back of the sign. Placement Limitations. Per ARS § 16-1019, such signs may be located within the City right-of-way provided they are not: <ol style="list-style-type: none"> Hazardous to public safety; Within a roadway median or traffic circle; Affixed to any City-owned utility pole, traffic control device or safety barrier; Located in a manner that interferes with the requirements of the Americans with Disabilities Act; Located in a designated commercial tourism, commercial resort, and hotel sign-free zone designated by the City Council pursuant to ARS §16-1019 including the Sports Complex Commercial Tourism Zone pursuant to Resolution 2012-39 ; and Otherwise in violation of a requirement found in this Section. 					

Table 4: Temporary Sign Type Specifications *(continued)*

E. SPECIAL CONDITIONS <i>(continued)</i>					
Sign Type	Quantity	Max Sign Area	Max Height	Duration	Permit
5. Sign Walker 	N/A	12 SF	6 FT	Daylight hours	No
Limitations: <ul style="list-style-type: none"> • Maximum width shall be 6 feet. • Shall not be located adjacent to local or collector roads in Residential Zoning Districts. • Shall be at least thirty (30) feet away from any street intersection or driveway entrance. • Shall not be located in any drive aisle, parking stall, driveway, or on sidewalks in a manner that provides less than a four (4) foot free and clear pathway for pedestrians. • Shall not be located within a median or on a street. • Shall not be located on walls, boulders, planters, other signs, vehicles, utility facilities, or any structure. • Shall not compromise public safety in any manner. 					

21-837 Administration

- A. **Permit Application.** For signs requiring permits as described in this Section, a Sign Permit application shall be submitted to the Department, together with the required materials, and applicable fee, on an official form provided by the Department. The application shall satisfy the submittal requirements of the associated Process Guide for the appropriate sign type.
- B. **Permit Expiration.** Permits issued by the City under the provisions of this Sign Code shall expire and become void if the work authorized by such permit is not completed within 180 days from the date of issuance of said permit.
- C. **Permit Revocation.** The Department Director or designee shall have continuing jurisdiction over all permits issued under the provisions of this Sign Code and may revoke a permit if it was obtained by fraud or misrepresentation.
 - 1. Notice of the City’s decision to revoke a sign permit shall be provided to the property owner by first class mail, or delivered in person to any person responsible for the premises on which the sign is located, or if no responsible party can be identified, by affixing a copy of the notice in a conspicuous location at the entrance to the premises.
- D. **Nuisance.** No permit issued under the provisions of this Sign Code shall be deemed to constitute permission or authorization to maintain a public or private nuisance, nor shall such permit constitute a defense in an action to abate a nuisance.

Special Use Permit

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21-856 Intent ^{*17 *41}

The Special Use Permits allow for uses, which would otherwise be prohibited in the conventional zoning districts. These special uses usually do not conform to traditional use groupings, and because of their unique characteristics, and nature of operation, require specific safeguards or design constraint to be in place prior to their development. In addition, a special use shall be permitted only when adequate mitigation measures have been provided to eliminate or reduce any potential negative impacts the use may have on surrounding properties. A Special Use Permit is intended to provide a zoning overlay on conventional zoning districts for specific uses.

21-857 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 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.
*41
 - 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 21-856.I on Sand and Gravel and similar operations. *41
 - 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 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

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 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 Section 21-318.

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.^{*31}

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 Section 21-318.

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.

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Legal Non-Conformity

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21-860 Intent ^{*41}

This Section establishes provisions for the regulation of non-conforming uses, buildings, structures, lots, and sites. These regulations are designed to identify legal non-conforming rights, but discourage their perpetuation and expansion.

21-861 Establishment of Legal Non-Conformity

Legal non-conforming status is the result of a 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. The burden of establishing lawfulness of a non-conformity shall be upon the owner.

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 Section 21-320.

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 Section 21-838.

References

Adopted by Ord. No.: 2018-08

Previous Ordinances:

- *1 82-36
- *2 93-22
- *3 94-74
- *4 95-15
- *5 98-15
- *6 98-110
- *7 98-111
- *8 00-20
- *9 01-177
- *10 02-67
- *11 02-80
- *12 02-85
- *13 02-95
- *14 03-06
- *15 03-09
- *16 03-11
- *17 03-25
- *18 03-170
- *19 03-174
- *20 03-182
- *21 04-23
- *22 04-186
- *23 04-187
- *24 04-198
- *25 04-199
- *26 05-22
- *27 05-36
- *28 05-51
- *29 06-07
- *30 06-16
- *31 07-14
- *32 07-22
- *33 2011-02
- *34 2011-03
- *35 2011-05A
- *36 2011-25
- *37 2013-16
- *38 2014-21
- *39 2014-39
- *40 2015-08
- *41 2016-29
- *42 2016-33
- *43 P.L. 93-383, as amended by P.L. 95-128, 95-557, 96-153 and 96-339
- *44 2017-44
- *45 2018-08