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The Peoria Zoning Ordinance is now Chapter 21 of the Peoria City Code. Section locations have been reorganized for ease of use through this update process. Please consult the below table for further assistance.

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All previously Reserved articles of the Peoria Zoning Ordinance have been removed.
Introduction

21-101 Intent
The intent of this Section is to secure adequate light and air, to prevent the overcrowding of land and undue concentration of population, to secure safety from fire, panic and other dangers, to lessen or avoid congestion in the streets, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public facilities, and otherwise to promote the health, safety, morals, convenience and general welfare of the citizens of the City of Peoria, Arizona.

21-102 Conflicting Regulations
Wherever any provision of this Section imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Section shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Section, then provisions of such ordinance or law shall govern.

21-103 Private Agreements
It is the intent of this Section not to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between parties; provided, however, that whenever this Section imposes a greater restriction upon the use of buildings, structures or land, the provisions of this Section shall govern.

21-104 Vested Rights
This Section and any of the provisions herein established are not intended and shall not be construed to establish any vested rights in or on behalf of any person, firm or corporation, in respect to the continuation of any particular, use, zoning district classification or any activity occurring in connection therewith.

21-105 Statutory Exemptions
Nothing contained in this Section shall be construed as:

A. Unreasonably affecting existing uses of property or the right to its continued use or the reasonable repair or alteration thereof for the purpose for which used prior to the effective date of this Section.

B. Preventing, restricting or otherwise regulating the use or occupation of and improvements for railroad, metallurgical, grazing or general agricultural purposes, as herein defined, if the tract concerned is not less than two (2) contiguous acres. *1
21-106 Jurisdiction
The jurisdiction of this Section shall include all lands and waters within the corporate limits of the City of Peoria, Arizona.

21-107 Administration
Responsibility for the administration of this Section is hereby vested in the Zoning Inspector. Zoning, as a police power vested in the City, is a primary means of regulating the specific, current and immediate future use of land in the community. Zoning regulations must therefore be comprehensive and reasonable and must be adjusted and expanded as necessary to meet new and changing conditions. To this end, the Planning and Zoning Commission shall, from time to time as the need arises, undertake and carry out such special studies and make such revisions, modifications and amendments of zoning standards, requirements, regulations, procedures and maps as may be necessary to improve the effectiveness of this Section, and keep it responsive to Peoria's needs. The Commission shall be assisted in its duties by the Zoning Inspector, and by such outside consultants as the Council may retain for the purpose.

21-108 Enforcement
Responsibility for the enforcement of this Section as hereinafter provided is hereby vested in the office of the Zoning Inspector, who shall be a city official appointed by the Council.

A. Unless expressly stated otherwise, violations of this Section may be enforced alternatively by civil or criminal penalties; however, no person served with a notice charging a civil violation may be subject to criminal charge arising out of the same offense. However, prior civil determinations of responsibility for the same offense may be used to enhance penalties imposed upon a subsequent criminal conviction for an offense.

B. Civil violations of this Section shall be enforced as provided in Chapter 5 and Chapter 17, Section 17-51 of the City Code.

C. Criminal violations of this Section shall be enforced as provided in Chapter 5 and Chapter 17, Section 17-51 and pursuant to state statute.

D. In addition to other enforcement actions that may be taken pursuant to this code or ordinance, the City Manager or designee may issue an order of abatement pursuant to Chapter 17, Section 17-59 of the City Code.

E. Violations of this Ordinance are in addition to any other violation enumerated within the City ordinances or the City Code and in no way limits the penalties, actions or abatement procedures which may be taken by the City for any violation of this ordinance, which is also a violation of any other ordinance or Code provision of the City or statues of the State.

21-109 Amendments
References within this Ordinance to provisions, or Sections within this Ordinance shall be deemed to refer to said provision or Section as most recently amended, including cases in which such amendment may be located in a new or different Section of this Ordinance or be otherwise renumbered.

References
Adopted by Ord. No.: 2014-21

Previous Ordinances:
*1 03-25
*2 2014-21
Definitions

21-201 Intent *23
This Section is intended to clarify the meaning of any term used within the regulations and development standards for which the common definition may not serve the purpose of the regulations, or which is not a commonly used term outside of the context of this Zoning Ordinance.

21-202 Definitions *32
A. The word occupied and the word used shall be considered as meaning the same as the words intended, arranged, or designed to be used or occupied.
B. The word dwelling includes the word residence; the word lot includes the words plot or parcel.
C. Terms not herein defined shall have the meanings customarily assigned thereto.
D. For the purpose of this Zoning Ordinance, certain words are hereby defined as follows: *23

List of Defined Terms

0 - 10
207 Claim means a claim for just compensation, as permitted by A.R.S. §12-1136, as amended, for diminution in the fair market value of real property resulting from the enactment of a Land Use Law by the City that is not an Exempt Land Use Law, and that reduces Existing Rights to use, divide, sell, or possess private real property as of the date of the enactment. *30

A
Abutting means the condition of two adjoining properties having a common property line or boundary, including cases where two or more lots adjoin only a corner or corners, but not including cases where adjoining lots are separated by a street or alley.

Access or Access Way means the place, means or way by which pedestrians and vehicles shall have adequate and usable ingress and egress to a property or use as required by this Ordinance. *7

Adjoining, Adjacent means the condition of being near to or close to but not necessarily having a common dividing line, i.e., two properties, which are separated only by a street or alley, shall be considered as adjoining one another.

Adult Arcade means a commercial establishment wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per device at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas”. *14
Adult Bookstore, Adult Retail Store or Adult Video Store means a commercial establishment, which meets both provisions, 1 and 2 below: *14

1. A commercial establishment having as a substantial or significant portion of its stock in trade offering for sale or rental, for any form of consideration, any one or more of the following:
   a. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, video disks, computer animation or computer generated imaging which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; or
   b. Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities,” excluding condoms, diaphragms, contraceptive inserts, contraceptive medications and other birth control or disease prevention devices prescribed by a licensed medical doctor or osteopathic doctor.

   A commercial establishment may have other business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as an adult bookstore, adult retail store or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore, adult retail store, or adult video store.

2. Regularly excludes all minors from the premises or a separate defined section thereof because of the sexually explicit nature of the items sold, rented or displayed therein.

Adult Cabaret means a nightclub, bar, restaurant, or similar commercial establishment which during any part of any two or more days within a continuous thirty (30) day period features live performances or activities which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities”. Nothing in the definition of “adult cabaret” shall be construed to apply to the presentation, showing or performance of any play, drama or ballet in any theater, concert hall, fine arts academy, school, institution of higher learning or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purposes of advancing the economic welfare of a commercial or business enterprise. *14

Adult Motel means a hotel, motel or similar commercial establishment that: *14

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

2. Offers a sleeping room for rent for a period of time that is less than 10 hours; or

3. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours.
**Adult Motion Picture Theater** means a commercial establishment having as a substantial or significant portion of its stock, where for any form of consideration, films, motion pictures, video cassettes, slides, video disks, or similar photographic or video graphic reproductions are regularly shown as one of its business purposes and that are characterized by the depiction or description of specified sexual activities or specified anatomical areas. Nothing in the definition of “adult motion picture theater” shall be construed to apply to the presentation, showing or performance of any play, drama or ballet in any theater, concert hall, fine arts academy, school, institution of higher learning or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purposes of advancing the economic welfare of a commercial or business enterprise.  

**Adult Theater** means a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities. Nothing in the definition of adult theater shall be construed to apply to the presentation, showing or performance of any play, drama or ballet in any theater, concert hall, fine arts academy, school, institution of higher learning or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purposes of advancing the economic welfare of a commercial or business enterprise.

**Adult Use** means a commercial establishment whose business is distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas. The following uses as defined within this Section shall be designated as Adult Uses:

1. Adult Arcade  
2. Adult Bookstore, Adult Retail Store or Adult Video Store  
3. Adult Cabaret  
4. Adult Motel  
5. Adult motion picture theater  
6. Adult theater  
7. Nude Model Studio  
8. Sexual Encounter Center  
9. Any combination of classifications set forth in Subsection 1 through 8 above.

**Adverse Impact** means a negative consequence for the physical, social, or economic environment resulting from an action, use, or development.

**Agriculture, General** means the practice of growing soil crops in the customary manner in the open on tracts of land comprising at least two contiguous commercial acres, including grazing and such customary incidental activities as the raising of farm poultry and farm animals, the storage and processing of soil crops, the production of eggs and dairy products and the slaughter and processing of poultry and animals raised on the premises for use on the premises; provided, however, that farms primarily engaged in the production of special animal crops such as egg farms, chicken farms, hog ranches, fur farms, dairy farms and cattle feeding farms shall not be considered to be practicing general agriculture.
Alley means a dedicated public way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

B

Bed and Breakfast Inn means a house, or portion thereof, where short-term lodging rooms and meals are provided for a fee. The operator of the inn shall live on the premises or abutting premises. In no event shall a Bed and Breakfast Inn have for rent more than five (5) rooms. A Bed and Breakfast Inn does not include institutions for the care of alcoholics, drug addicts, and persons with mental illness or communicable diseases, group care homes, community residential setting facilities and recovery centers licensed by the State of Arizona. *16

Board means the Peoria Board of Adjustment.

Body Piercing Studio means a business that as one of its principal uses implants, perforates, or pierces the skin or other body part to make a hole, mark or scar for a non-medical purpose. A Body Piercing Studio shall not include a Jewelry Store, Boutique, Beauty Parlor or similar establishment that uses a mechanized, pre-sterilized ear piercing system that penetrates the outer perimeter or lobe of the ear or both as an accessory use to a principal use. *18

Building means any structure having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind, including, but not limited to, tents, awnings, carports, ramadas, mobile homes or vehicles situated on private property and used for purposes of a building.

1. Principal building means a building, or where the context so indicates, a group of buildings, within which is conducted the principal use of the lot on which the building is situated.

2. Accessory building means a subordinate building on the same lot with a principal building or use, the use of which is customarily accessory and incidental to the main use of the principal building or use. When attached to the principal building, such accessory building shall be considered as part of the principal building for purposes of setback and yard regulations.

Building Height means the vertical distance measured from grade to the highest point of the parapet for flat roofs, to the deck line of a mansard roof or to the ridgeline for gable, hip and gambrel roofs. *25

C

Carport means an accessory building, attached or detached, having one or more open sides used by occupants of the principal building.
Catering Establishment means an establishment where food is sold for consumption off-premises with no counters or tables for consumption of food on the premises. *26

Church, Synagogue Or Temple means a permanently affixed building, where one of the principal uses is for religious worship. *14

Citizen Participation Plan means a plan submitted by an applicant for a rezoning that specifies how the applicant intends to: (1) identify the persons who own property in the vicinity of or may be interested in or affected by the proposed rezoning; (2) identify the process for meeting with these persons; (3) identify how comments and concerns will be received at the meeting(s) or in communications and how they will be evaluated; and (4) prepare a report for submittal to the City regarding the results of the meeting(s) and communications. *27

Clinic means a building or part thereof in which the ambulatory patients are provided diagnostic, therapeutic or preventative medical, surgical, dental or optical treatment by a group of doctors acting conjointly, but not providing for overnight residence of patients.

College or University Campus means an educational or vocational institution on an area consisting of at least 10 acres and/or with multiple buildings. *28

College or University Facilities means an educational institution occupying less than 10 acres and without on-site housing offering academic courses beyond the high school level and awarding associates, baccalaureate or higher degrees. *28

Commercial Acre means an area of thirty-five thousand (35,000) square feet, being an approximation of the area left remaining after dedication of normal public street right-of-way from a full acre.

Commission means the Peoria Planning and Zoning Commission.

Community Residential Facility means a facility licensed by the State of Arizona for more than six (6) developmentally disabled persons. *10

A Complex/Center is a development defined by shared facilities including but not limited to circulation, parking, and utilities that services the complex/center.

Conditional Use means a use permitted in zoning district regulations, subject to a finding that all criteria imposed pursuant to this Ordinance will be met and including conditional use permits and special conditional use permits. *14

Condominium means a building or group of buildings in which units are owned individually and the structure; common areas and facilities are owned by all the owners on a proportional, undivided basis. Condominiums may be residential, commercial or industrial in nature. *3

Construction means all structures, driveways, parking, vehicle storage, nonnative landscaping, water surfaces, decks, walks, and improved recreation facilities on the subject property. *23
**DEFINITIONS**

**Construction Yard** means an area on or immediately adjacent to a major construction or demolition site used as a temporary basis for parking and storage of equipment used in the project, and the storage and preparation of materials and other items used in the project, including construction offices and shops.

**Convenience Food Restaurant** means an establishment whose principal business is the sale of foods, frozen desserts, or beverages to the consumer in a ready-to-eat state for consumption either on or off the premises and whose design or principal method of operation includes both of the following characteristics:

1. Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
2. The customer is not served food at his/her table by an employee but receives it at a counter, window, or similar facility for carrying to another location for consumption on or off the premises.

**Correctional Facility** means a facility operated by the Arizona Department of Corrections or Arizona Department of Youth Rehabilitation or private contractors with the above for the post-trial incarceration of juveniles and adult convicted felons. Such facilities are characterized by highly secured premises; restrictions on access and may include lodging and food service facilities. Such facilities do not include holding facilities or detention facilities as defined in this Section. *11

**Data Center** means a location housing one or more large computer systems and related equipment, concerned with building, maintaining or processing data and providing other data processing services. Data Center is also commonly know as a telecom hotel or carrier hotel. *22

**Day Care** means the care, supervision and guidance for compensation of four or less children unaccompanied by a parent, guardian or custodian, on a regular basis for periods less than 24 hours per day, in a place other than the child's or children's own home or homes. *6

**Day Care Center** means a facility in which day care is regularly provided for compensation for five or more persons not related to the proprietor. The care of four or less persons shall not be considered a day care center. *6

**Day Care Group Home** means a residential facility, certified by the Arizona Department of Health Services, in which day care is regularly provided for compensation for periods of less than 24 hours per day for not less than 5 full-time and part-time children, but no more than 10 full-time children through the age of 12 years. The principal use of the Day Care Group Home is a single-family dwelling unit designed as a unit for occupancy by one family. *6

**Deferred Presentment Services** means a transaction pursuant to a written agreement involving the following combination of activities in exchange for a fee:

1. Accepting a check dated on the date it was written; and
2. Holding the check for a period of time prior to presentment for payment or deposit. *36
Department means the Planning and Community Development Department, the entity charged with the responsibility for interpreting, administering and enforcing the City of Peoria Zoning Ordinance. *33

Detention Facility means a facility established by the county sheriff, juvenile court or a city or town or by a private contractor with any of the above for the pre-trial detention of persons unable to be released due to lack of funds or non-compliance with court conditions. Such facilities may include lodging and food service facilities. Detention facilities may be used for post-trial incarceration of juveniles and adults for a period not to exceed six months. Such facilities do not include holding or correctional facilities. *11

Development means the performance of any building or mining operation, the making of any material change in the use or appearance of any structure or land, the division of land into two (2) or more parcels, or the creation or termination of access rights, and shall include, but not limited to, such activities as the construction, reconstruction, or alteration of the size, or material change in the external appearance of a structure or land; commencement of mining excavation, trenching, or grading; demolition of a structure or removal of vegetation; deposit of refuse, solid waste or fill; alteration of a floodplain or bank of a water course. *23

Development Plan means a plan that becomes part of the zoning for a property. The plan depicts site characteristics and development information and provides guidance for site plans. *19

Directly Regulate means to expressly and unequivocally change or alter a right to use, divide, sell, or possess private real property that existed before the enactment of a Land Use Law by the City, and where the subject private real property is specifically referenced or described in the text of the Land Use Law. *30

District means a portion of the City within which certain regulations and requirements, or various combinations thereof, are applicable under the provisions of this Zoning Ordinance.

Donation Center means a center operated by an organization that collects and sells donated clothing and household items. All such merchandise shall be displayed and stored in an enclosed building. *26

Donation/Recycling Drop-off Box means any container, storage unit, or structure, other than a primary building, accessory building, or shed, that is used for the collection of charitable or for-profit donated items by the general public, including but not limited to clothing, household goods, toys, books, and newspapers.

Drive Access means that area between the curb of a street, or edge of the traveled portion of a street when no curb exists, and the right-of-way/property line over which the City will permit vehicular travel from the traveled portion of a street to an individual property, or off-street parking space(s). A physical break or cut of a curb (curb cut) may be necessary to create a Drive Access. *3

Drive-in Establishment means a business enterprise, activity or use of land consisting primarily of sales or services rendered to patrons who normally receive the products or utilize the services while
in motor vehicles upon the premises, including but not limited to gas service stations, drive-in
restaurants, drive-in laundry and dry cleaning pick-up stations.

**Drive-In Restaurant** means a restaurant, which provides food and beverage service directly to
patrons within parked vehicles for consumption primarily on the premises. *77

**Drive-Through Facility** means a business operation, which provides goods or services, passed
through exterior windows or mechanical devices to patrons within motor vehicles. Such business
may include, but not necessarily limited to financial institutions, restaurants and dry cleaning
establishments. Drive-through facility incidental to a permitted use is considered to be a permitted
accessory use. *22

**Drop-off Lane** means an on-site one-way queuing lane for dropping off or picking up passengers. *19

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

1. Dwelling, single-family, attached means a building containing dwelling units attached by
common walls without openings with each unit on a single fee simple lot. The term attached
single-family dwelling applies to non-vertically stacked dwelling units. *31

2. Dwelling, single-family, detached means a building containing one dwelling unit on one lot,
without attachment to any other dwelling and surrounded by open space or yards. *31

3. Dwelling, two-, three-, and four-family means a detached building containing two-, three-, or
four-dwelling unit developments on one lot. These types of dwelling units apply to duplexes,
triplexes, and fourplexes regardless of a lease or condominium structure. *31

4. Dwelling, multi-family means a building or buildings attached to each other and containing
three or more dwelling units on one lot with vertically stacked units. The term multi-family
dwelling applies to such dwelling types as apartments, stacked flats, carriage units, and
buildings where dwellings have their primary access to a common hallway, stairwell, or
corridor. *31

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

**Erected** means built, constructed, altered, reconstructed, moved upon; any physical operations on
premises which required construction, excavation, fill, drainage and the like, shall be considered
part of an erection.

**Essential Public Service** means the erection, construction, alteration or maintenance by a public
service corporation under the jurisdiction of the Arizona Corporation Commission or a political
subdivision of this state organized as a special taxing district of underground, surface or overhead
gas, electrical, steam, water transmission or distribution systems, poles, wires, mains, drains,
sewers, pipes, cables, fire alarm boxes, call boxes, traffic signals, hydrants and other similar
equipment and accessories in connection therewith reasonably necessary for the furnishing of
adequate service by such public utilities for the public health, safety or general welfare, not
including buildings, electrical substations and transmission towers. The provision of telecommunications services, including but not limited to the construction of wireless facilities by a public service corporation under the jurisdiction of the Arizona Corporation Commission or a political subdivision of this state, organized as a special taxing district is specifically deemed not to be an essential service and shall be subject to the provisions of the Zoning Ordinance. *12

**Excavation** means any breaking of ground, except agricultural soil tilling and grounds care.

**Exempt Land Use Law** means a Land Use Law that: *30

1. Limits or prohibits a use or division of private real property for the protection of the public’s health and safety, including rules and regulations relating to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution control, or relating to the protection of the current and planned missions of military airports and ancillary military facilities;

2. Limits or prohibits the use or division of private real property commonly and historically recognized as a public nuisance under common law, including any land use law that prohibits unreasonable interference with the exercise of a right common to the general public;

3. Is required by the State of Arizona, Maricopa County, Yavapai County, or other subdivisions or agencies thereof other than the City and over which the City has no legal control, or federal law;

4. Limits or prohibits the use or division of private real property for the purpose of housing sex offenders, selling illegal drugs, liquor control, or pornography, obscenity, nude or topless dancing, and other Adult Uses unless the Land Use Law has been determined to be inconsistent with the constitution of Arizona and the United States by a court of competent jurisdiction, after all appeals there from have been exhausted;

5. Establishes locations for utility facilities;

6. Does not directly regulate an owner’s private real property;

7. Was enacted before December 5, 2006; or

8. Is a law or regulation affecting real property that is not a Land Use Law.

**Existing Rights To Use, Divide, Sell Or Possess Private Real Property** are those statutory and/or common law rights to use, divide, sell, possess, or acquire title to real property that existed and were legally Vested Rights as of December 5, 2006. Speculative, inchoate, or merely reasonably-expected or anticipated (but not yet obtained and vested) rights are not and cannot be Existing Rights.

**Family** means: *10,*30

1. An individual or two or more Family Members and usual servants living together as a single housekeeping unit in a dwelling unit, or

2. A group of not more than ten persons who need not be Family Members, living together as a single housekeeping unit in a dwelling unit.
DEFINITIONS

**Family Member** means the spouse, emancipated or unemancipated child, parent, sibling, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the legal owner of private real property, an estate of any of the foregoing family members, a trust of which any of the foregoing family members is a beneficiary or are beneficiaries, or a legal entity owned by any one or combination of these family members or the legal owner of private real property.  

**Floor Area, Gross** means the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.  

**Floor Area, Net** means the total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.  

**G**

**Gas Service Station** means any facility or establishment retailing motor fuel on the premises, whether self-service or otherwise and whether or not service is performed from the premises as described in Section 21-505.A.5.  

**Grade** means the average level of the finished ground surfaces surrounding a building or structure, within a distance of twenty (20) feet.  

**Group Care Facility** means a facility licensed by the State of Arizona, other than a detention facility, state institution, foster home or Group Foster home for more than ten children, or unwed mothers and children.  

**Group Home** means a single residential dwelling unit shared as their primary residence by not more than ten qualified handicapped individuals living together as a single housekeeping unit, in which staff persons provide on-site care, training or support for the residents. Group homes include licensed and qualified Adult Residential Care homes pursuant to A.R.S. 36-448, Group Foster Homes, Supervisory Care Homes, Adult Foster Care Homes and Adult supportive Residential Living Centers. Group Homes shall not include boarding houses, roaming houses or similar enterprises, nursing homes, personal care homes, adult or juvenile detention facilities, recovery facilities, community residential setting facilities, group care facilities, adult day care facilities or Residential Development Disability Facilities regulated pursuant to A.R.S. 36-582.
**Guest House** means an attached or detached accessory building used to houseguests of the occupants of the principal building, and which is never rented or offered for rent. Any guesthouse providing cooking facilities shall be considered a dwelling unit.

**H**

**Handicapped** means a person whom:  
1. Has a physical or mental impairment that substantially limits one or more of such person's major life activities;  
2. Has a record of having such an impairment;  
3. Is regarded as having such impairment.

However, "handicapped" shall not include current use of or an addiction to a controlled substance as defined in A.R.S. §13 or U.S.C. §21.

**Holding Facility** means a facility established in conjunction with a law enforcement or public safety building, established for the temporary detention of adult or juvenile persons while being processed for arrest or detention by law enforcement. Such facilities do not include lodging or food service facilities to facilitate a stay longer than necessary for processing of the arrest. Holding facilities does not include detention, correctional or release facilities.  

**Home Occupation** means an occupation carried on solely by the occupant of the residence that is subordinate or incidental to the primary function of the principal residence or dwelling unit.

**Hospital** means a building or group of buildings in which sick or injured persons are given medical or surgical treatment, examination or care, including overnight residence, together with related facilities, e.g., laboratories, training facilities, staff residences, out-patient department and similar facilities which are an integral part of the principal use.

**Hotel or Motel** means a building or group of buildings used primarily for accommodation of transient guests in rooms or suites, excluding adult motels.

**I**

**Initiating Owner** means any person who has requested approval of a Land Use Law, pursuant to an application for which there is a noticed public hearing. If such person is not the legal or record owner of the subject private real property for which the application is made, then such person must provide written evidence that he or she is the authorized agent of the owner with authority to obligate and bind the owner with respect to the application and the property.

**J**

**Junk Yard** means an open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled; including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard includes automobile wrecking yards and any area of more than one hundred and twenty (120) square feet for storage, keeping or abandonment of junk, but does not include uses confined entirely within enclosed buildings.
K – L

**Land Use Law** means any ordinance or resolution adopted by the City that regulates the use or division of land or any interest in land or that regulates accepted farming or forestry practices. A Land Use Law also may be evidenced by approved written minutes of a noticed public meeting at which an application for approval of a Land Use Law is considered and acted upon by the City.

1. Land Use Law specifically includes (without limitation): approval of a general plan amendment or specific plan, a zoning change, a zoning text amendment, approval of a use permit, and adoption of an annexation ordinance.

2. Land Use Law specifically excludes (without limitation): administrative rules of the City not adopted by the City Council, development fees levied under the authority granted by A.R.S. §9-463.05, approval of a preliminary or final plat, approval of a site plan, approval of a zoning variance, Administrative Relief, design review approval, and conditions imposed upon and issuance of building, utility, fire, and engineering permits. *30

**Lattice or Trellis** means an open work structure of crossed strips or bars of wood, aluminum or plastic on which vines or other creeping plants may be trained. Specifically excludes chain link, corrugated, metal and similar metal materials or vinyl mesh. *17

**Loading Space** means the off-street area required for the receipt or distribution, by vehicles, of material or merchandise. *19

**Lot** means a place or parcel of land separated from every other piece or parcel by description, as in a subdivision or on a recorded survey map, or by metes and bounds, for purpose of sale or separate use.

1. Corner lot means a lot abutting on two or more intersecting streets having an interior angle of intersection not exceeding one hundred thirty-five degrees.

2. Interior lot means a lot having only one side abutting on a street.

3. Key lot means an interior lot, one side of which abuts the rear lot (line) of a corner lot, or is separated therefrom by an alley.

4. Double frontage lot means a lot abutting on two or more or less parallel streets.

5. Flag lot means an interior lot in which the buildable area is located to the rear of a lot abutting a street, and which has access to the same street by means of a narrow driveway. *24

**Lot Area** means the total area of a lot within the lot lines as measured on a horizontal plane.

**Lot Coverage** means the part or percentage of a lot occupied by a principal (and) or accessory buildings. *39
1. Calculations of lot coverage shall exclude up to the first two (2) feet of roof eave/overhang. There shall be no credit where less than a 2 foot eave/overhang exists.

2. Lattice or similar open air roof structures shall be calculated at fifty percent (50%) lot coverage for the area covered by the open air roof structure for a maximum coverage of two hundred (200) square feet. Anything over two hundred (200) square feet is counted at 100% covered (there would be a maximum of a 100 square foot reduction).

(Graphic: House, Accessory Structure, and Covered Porch counted at 100% excluding the 2 foot eave. Open air roof structures are counted at 50% for the first 200 square foot area and 100% after that.)

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

**Lot Line** means a line bounding a lot; synonymous with street line when a lot line coincides with a right-of-way line of an abutting street.

1. **Front lot line** means for interior lots, the lot line abutting on a street; for corner lots, the shorter lot line abutting on a street. When a corner lot or double frontage lot has nearly equal frontage on two streets, designation of the front line shall be at the discretion of the owner.

2. **Rear lot line** means the lot line opposite and farthest from the front lot line. For a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and farthest from the front lot line, not less than ten (10) feet long, and wholly within the lot.

3. **Side lot line** means any lot line other than a front or rear lot line; in the case of a corner lot, the lot line abutting the side street is termed an exterior side lot line; all other side lot lines are termed interior side lot lines.

**Lot of Record** means a lot which is part of a subdivision plat recorded in the Maricopa County Recorder’s office prior to February 9, 1971, or a lot or parcel described by metes and bounds and having its description recorded in the Maricopa County recorder’s office prior to February 9, 1971.

**Lot Width** means the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front lot line and the rear lot line. *24
**Definitions**

Manufacturing means the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. *19

Massage Establishment means any business or establishment where the practice of massage therapy is engaged pursuant to A.R.S. §32-4201, et. seq. *19, *38

Medical Marijuana Cardholder is a natural person who is a Qualifying Patient, Designated Caregiver or Nonprofit Medical Marijuana Dispensary Agent who has been issued and possesses a valid Registry Identification Card pursuant to A.R.S. §36-2801, et. seq. *35

Medical Marijuana Dispensary is a non-profit entity defined in A.R.S. §36-2801(11), that sells distributes, transmits, gives, dispenses, or otherwise provides Marijuana for Medical Use and related supplies to Qualifying Patients. Included is the manufacture and creation of products for individual sale where Marijuana is incorporated into the product for consumption by an individual who is a valid Medical Marijuana Cardholder. Additionally included is the sale of not more than twelve living Marijuana plants to an individual Medical Marijuana Cardholder authorized pursuant to A.R.S. §36-2801, et.seq. to cultivate not more than twelve Marijuana plants for their personal use in addressing a Debilitating Medical Condition as set forth in A.R.S. §36-2801, et.seq. *35

Medical Marijuana Manufacturing or Cultivation Facility is a building, structure, or premises where Marijuana is cultivated or stored and which is physically separate from a Medical Marijuana Dispensary. Such Medical Marijuana Manufacturing or Cultivation Facility may only provide Marijuana or Marijuana plants to Medical Marijuana Dispensaries for retail sales to qualified Medical Marijuana Cardholders. Requirements for Mixed Use Occupancy will be based upon the adopted building codes. *35

Medical Marijuana Statute is the Arizona Medical Marijuana Act codified at A.R.S. §36-28.1. All definitions set forth in the Medical Marijuana Statute are hereby incorporated by reference into the City of Peoria Zoning Ordinance and City Code (1992), unless specified otherwise. *35

Metallurgy means the reduction or extraction of metals from their ores by mechanical, physical or chemical methods, including their refinement and preparation for use as raw materials.

Mining means the extraction from the earth of gravel, stone, sand and metallic or non-metallic ore, and the crushing, washing, grading, storage and loading for transportation thereof.

Mixed Use Development means a tract of land, building, or structure developed for two or more different uses such as, but not limited to, residential, office, light manufacturing, retail, public, or entertainment. *19

Mobile Home means any vehicle, other than a self-propelled motor vehicle, which was originally designed to be drawn by a motor vehicle and which is used for human occupancy.

Mobile Home Lot means a portion of a mobile home subdivision used or intended to be used for the parking of one mobile home, including the land covered by the mobile home, adjacent open spaces.
and attached or detached accessory buildings and structures.

Mobile Home Park means a lot, parcel or tract of land having as its principal use the rental of space for occupancy by two or more mobile homes, including any accessory buildings, structures or uses customarily incidental thereto.

Mobile Home Subdivision means a subdivision comprising five or more mobile home lots platted for lease or sale to the public, and restricted to such use by covenant or deed restrictions.

N
Neighborhood Association means an incorporated or unincorporated group of individuals comprising a homeowner’s association, merchant’s association, community association or other group of individuals with similar interests due to their residence in a defined area and that has registered with the Planning and Community Development Department to receive notice of applicable proceedings.

Non-Conformity, Legal, means any use, building, structure, lot, or site that was legally established prior to the adoption or amendment of this Zoning Ordinance or annexation into the City, but which would be prohibited, regulated, or restricted differently under the terms of this Zoning Ordinance or future amendments thereof.

Non Chartered Financial Institution means a business, other than a state or federally chartered bank, credit union, mortgage lender or savings and loan association that offers check cashing services, vehicle title loans, and loans for payment of a percentage fee. Specifically included are check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument and “payday” loan businesses which make loans upon assignments of wages received, or businesses that function as deferred presentment services.

Nude Model Studio means any place where a person who appears in a state of nudity or displays “specified anatomical areas” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model studio shall not include a public or private educational institution consisting of community colleges; colleges; universities or private institution that is licensed by the State of Arizona or supported entirely or in part by public taxation and which maintains and operates a recognized educational program in which educational credits are issued to its students and are transferable to another public or private educational institution and complies with the following:

1. That has no signage visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
2. When in order to participate in a program, a student must enroll at least three days in advance of the class.

Nudity or a State of Nudity means:

1. The appearance of the cleft of the buttocks, anus, male genitals, female genitals, or areola of the female breast; or
2. A state of dress which fails to opaquely cover the cleft of the buttocks, anus, male genitals, female genitals, or areola of the female breast.

**Nursing or Convalescent Home** means a health care institution, other than a hospital or personal care home that is licensed by the Arizona Department of Health Services as a skilled nursing facility for two or more unrelated persons, excluding, however, institutions for the care of alcoholics, drug addicts and persons with mental or communicable diseases, group care homes, community residential setting facilities and recovery centers licensed by the State of Arizona. *10

**O**

**Off-street** means land which is not within the right-of-way of any street or alley.

**Oral Sexual Contact** means oral contact with the penis, vulva or anus. *14

**Outdoor Display** means display of retail merchandise and retail sales outside of an enclosed structure. *21

**Outdoor Storage** means exterior storage of material including items for sale, lease, processing and repair for a period greater than 24 hours. *26

**Overlay District** means a district established by ordinance to prescribe special regulations to be applied to one or more base zoning district(s); such regulations are intended to protect certain critical features and resources of the areas. *26

**Owner** means the person, persons, trust or other legal entity that is or are the legal or record owners of the undivided fee simple title to private real property at the time the City makes a final decision in regard to a Land Use Law affecting such property. *30

**P**

**Parking Area, Public** means an open area, other than a street or alley designated for use, or used, as temporary parking of four (4) or more vehicles when available for public use, whether free or for compensation or as an accommodation for clients or customers. *7

**Parking Lot** means an area other than for single-family dwellings used for the off-street parking of more than two motor vehicles, including parking spaces, access and maneuvering aisles.

**Parking Space, Off-street** means a space designated for the temporary parking of a motor vehicle not on the right-of-way or alley but accessible from a street or alley. *7

**Parties In Interest** means a term identifying the owners of property within one hundred fifty (150) feet, exclusive of street, or specified property.

**Paved Parking Space or Surface** means an area covered by an impervious dust free surface of asphalt or concrete designed to City specifications. *7

**Pawnshop** means any establishment in that is carried on the business of pawn brokerage, or the business of loaning money, receiving as security for payment thereof pawns or pledges of property,
or the business of purchasing personal property and reselling or agreeing to resell, trade or exchange such Sections to vendors, their personal representatives, or their assignees at a price agreed upon at or before the time of such purchase whether such business be the principal or sole business so carried on or be merely incidental to, or in connection with, or a branch or a department of some other business. *18

**Permissible Consumer Fireworks** means fireworks devices as defined by A.R.S. §36-1601.5(a) and (b). *34

**Planned Shopping Center** means a business development of two acres or more not divided by a street and characterized by an organized and concentrated grouping of retail and service outlets served by a common circulation and parking system.

**Planning Manager** means the director of the Department, or the director’s designee. *30

**Plans Review Committee** means that committee charged with the express intent to review and make recommendations on major site plans to the Commission, review and approve minor site plans and to review and approve other development plans as authorized by the City Council. The Plans Review Committee shall be composed of personnel assigned to the Department, or any other personnel as appointed by the Planning Manager or City Manager. *4, *30

**Plasma Center** means a business, which provides compensation to patrons for plasma drawn from the human body. *18

**Plot Plan** means a fully dimensioned line drawing of a specific site identifying the location of all proposed structures, including outdoor display, in relation to abutting streets and existing structures. *19

**Pre-existing Wireless Communication Facility** means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired. *12

**Private Garage** means an enclosed accessory building, attached or detached, used for storage of motor vehicles used by occupants of the principal building and providing no public shop or services in connection therewith.

**Public Park** means land owned and operated by a governmental entity for private and public recreation that is open to all citizens on an equal basis, requires no membership, and does not include facilities operated by a private or public entity providing goods or services for compensation similar to those provided by non-governmental businesses, regardless of property ownership. Examples of facilities providing goods or services for compensation similar to those provided by non-governmental businesses include (without limitation): *29

- Marina supply or services;
- Hotel or resorts;
- Race tracks;
- Aviation facilities; and
- Amusement parks.
**Definitions**

**Public Utility** means any person, firm, corporation, city or special taxing district authorized under state statute or city charter or code to provide to the public electricity, natural gas, steam, water, drainage, flood control, irrigation, or wastewater collection and treatment. The provision of telecommunications services by any provider of a public utility or by any person, firm, corporation or special taxing district is not a “Public Utility”. *12

**Q – R**

**Railroad Use** means the occupation and use of land, buildings and structures for purposes directly connected with rail transportation of Sections, goods and passengers, including such facilities as tracks, sidings, signal devices and structures, shops and yards for maintenance and storage of rail machinery, loading platforms, passenger and freight terminals, but excluding freight terminals and yards, and similar facilities, which are maintained and operated by the owning railroad or by a lessee for the purposes auxiliary to rail transportation; provided, however, that the operation of such facilities as a hobby or as part of an amusement business shall not be considered a railroad use.

**Reception Center** means an indoor or outdoor facility for the purpose of hosting meetings, weddings, receptions and/or luncheons. *16

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

**Recreational Vehicle** means a vehicular type unit as defined in A.R.S. §41-2142.30 specifically designed for recreational use, watercraft and trailers used to haul watercraft, horse trailers and similar recreation equipment. *13

**Recycling Collection Facility** means a facility used for the acceptance of recyclable materials from the public. Recyclable materials may be collected, sorted, bundled, bailed and/or temporarily stored prior to delivery to a permanent disposal site or shipment to others for reuse and/or processing. *20

**Recyclable Collection Point** means an accessory incidental structure or enclosed area that serves as a neighborhood drop-off point for recyclable material collection prior to delivery to a broker or user of such materials. No processing or compounding of materials is permitted.

**Recyclable Materials** means waste materials considered being reusable and intended for remanufacturing or reconstitution. These materials shall include the following, and similar materials: plastics, glass, paper, cardboard, chipboard, polystyrene, metals (e.g. aluminum cans, fixtures, wire), fabric, lawn clippings, leaves, and tree branches. Recyclable materials do not include junk, rubbish, refuse, corrosive, toxic or otherwise hazardous materials, as determined by the City of Peoria Fire Department. *20

**Release Facility** means a facility operated by the Arizona Department of Corrections or Arizona Department of Youth Rehabilitation or private contractors with the above for the post-trial incarceration of juveniles and adult convicted felons who are deemed appropriate for release upon completion of their assigned term in a Detention or Correctional Facility. Such facilities are
characterized by providing residential housing and restricted living settings to their residents. *11

**Religious Institution** means a permanently affixed building, where one of the principal uses is for religious worship such as that of a church, synagogue or temple. *19

**Remediation** means the action or measures taken, or to be taken, to lessen, clean-up, remove, or mitigate the existence of hazardous materials existing on the property to such standards, specifications, or requirements as may be established or required by federal, state, or county statute, rule or regulation. *19

**Repair Garage** means an establishment where the following services may include: those normal activities of a gas service station, general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision services such as body, frame or fender straightening and repair; general painting and undercoating of automobiles; high speed washing; auto, boat or trailer rental and general sales of auto parts or accessories.

**Restaurant** means any restaurant (except a drive-in establishment or a convenience food restaurant as defined in this Section), coffee shop, cafeteria, short-order cafe, luncheonette, sandwich stand, drugstore, and soda fountain serving food, and all other eating or drinking establishments provided that at least forty percent (40%) of the total sales are derived from the sale of food. *5

**Restaurant, Fast Food with Drive Through** means a restaurant provides food and beverage service directly to patrons within parked vehicles for consumption primarily on the premises or drive-through service. *19

**Retail Liquor Store** means a business that sells beer or intoxicating liquors in an unopened package for consumption off the premises of the business having a Series 9 license issued by the Arizona Department of Liquor License and Control and derive the majority of sales from beer and intoxicating liquors. Businesses which hold a Series 9 license and sell beer or intoxicating liquor accessory to another permitted principal or conditional use are not considered Retail Liquor Stores. *32

**Right-Of-Way** means a public way established or dedicated for public purposes by a duly recorded plat, deed, grant, governmental authority or by operation of the law. *7

**Rooming House** means a building other than a motel or hotel, where for compensation and by pre-arrangement for definite periods of time, lodging is provided for two or more individuals who are not members of a resident family. Rooming House does not include institutions for the care of alcoholics, drug addicts, and persons with mental or communicable diseases; group care homes, community residential setting facilities and recovery centers licensed by the State of Arizona. *10

S

**Schools, Business, Trade or Vocational** means a school, which may be operated as a commercial venture which, is primarily established to teach students skills to be used in a specific trade or occupation. Such facilities may not include lodging for students or faculty. *15

**Schools, Instructional** means a school or instructional institution established to provide instruction
in recreational or other types of instruction such as swimming, dance, music, martial arts, and similar craft-type activities. *15

**Schools, Private** means a private place of general instruction including but not limited to charter, parochial, religious or charitable institutions certified by the Arizona Department of Education, State Board of Charter Schools or Arizona Board of Regents including buildings, athletic fields, and all accessory or accompanying structures and areas used for educational purposes. Such facilities do not include trade or vocational schools. Such facilities may include lodging and services for students or faculty but shall not include day care centers, business, trade or vocational schools or instructional schools as defined herein. *15

**Schools, Public/Charter** means a public place of general instruction, including buildings, athletic fields, and all accessory or accompanying structures and areas used for educational purposes, providing primary or secondary instruction, certified by and meeting all of the compulsory education laws of the State of Arizona and the State Board for Charter Schools where applicable. Such facilities may include lodging and services for students or faculty but shall not include day care centers, business, trade or vocational schools or instructional schools as defined herein. *15

**Screen Wall** means a masonry wall, wood fence or slatted chain-link fence, so constructed as to completely block at least eighty-five percent (85%) of the view of enclosed activities or uses from adjacent real property that is approximately the same elevation as the activity or use. A wood fence does not include any manufactured material, including but not limited to plywood, pressboard, Sectionboard, chipboard or masonite. *78

**Service Clubs** means buildings and grounds used for and operated by non-profit organizations whose membership is open to any resident of the community, including YMCA, YWCA, Boy Scouts, Girl Scouts, Boys and Girls Club and any similar organization having as its primary objective the improvement of the district, neighborhood or community and its social welfare. Service Clubs shall not include Recreation and Social Clubs as herein defined. *14

**Setback** means the minimum horizontal distance between a lot line and nearest point of a building, structure or use, as the context indicates, located on a lot.

**Sexual Encounter Center** means a business or commercial enterprise that as one of its principal business purposes offers for any form of consideration: *14

1. Physical contact between persons of the opposite sex, when one or more of the persons is in a state of nudity in the forms of tumbling, wrestling, or other similar activities for the purpose of engaging or attempting to engage in specified sexual activities or oral sexual conduct; or,

2. Activities between male and female person and/or persons of the same sex when one or more of the persons is in a state of nudity for the purpose of engaging or attempting to engage in specified sexual activities or oral sexual conduct.

**Specified Anatomical Areas** means: *14

1. Human genitals in a state of sexual arousal;

2. The appearance of the cleft of the buttocks, anus, male or female genitals, or areola of the female breast; or

3. A state of dress that fails to opaquely cover the cleft of the buttocks, anus, male or female
genitals, or the areola of the female breast.

**Specified Sexual Activities** means and includes any of the following: *(14)*

1. The fondling or other erotic touching of the human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or
4. Urinary or excretory functions as part of or in connection with any activities set forth in 1 through 3 above.

**Story** means that portion of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the topmost floor and the roof having a usable floor area at least one half that of the floor immediately below. A basement shall be considered a story when fifty percent (50%) or more of its cubic content is above grade.

**Street** means a right-of-way, other than an alley, dedicated or otherwise legally established for public use, usually affording the principal means of access to abutting property. *(17)*

1. Street, arterial means a street with access control, signals at important intersections, stop signs on the side streets and restricted parking designed primarily to collect and distribute traffic to and from collector streets.
2. Street, collector means a street, which carries (collects) traffic from local streets and connects with minor or major arterial streets.
3. Street, local means a street designed to provide vehicular access to abutting properties and to discourage through traffic.
4. Street, public means any street, which has been dedicated or is otherwise publicly owned by the City. Any street not a public street shall be deemed a private street.

**Street Line** means a right-of-way line of a street, which abuts a lot line.

**Structure** means any constructed or erected material or combination of materials the use of which requires location on the ground or attachment to something located on the ground, including inter-alia buildings, stadiums, radio towers, sheds, storage bins and fences. *(11)*

**Swimming Pool** means any structure intended for swimming or recreational bathing that contains water over eighteen (18) inches in depth. This includes in-ground, above-ground and on-ground swimming pools, hot tubs, portable and non-portable spas and fixed-in-place wading pools. *(9)*

**T**

**Tattoo Studio** means a business that marks the skin with any indelible design, letter, scroll, figure, symbol or any other mark that is placed by the aid of needles or other instruments upon or under the skin with any substance that will leave color under the skin and that cannot be removed, repaired or reconstructed without a surgical procedure. A Tattoo Studio may or may not be operated in conjunction with a Body Piercing Studio. *(18)*
DEFINITIONS

Tavern, Bar, Lounge means a business that sells beer or intoxicating liquor for consumption on the premises and having a Liquor License with any of the following classifications: Bar License (Series #06) or Beer and Wine Bar License (Series #07) or the equivalent of such license, and excluding restaurants and recreation and social clubs. *32

Temporary Use or Building means a use or structure permitted under this Section to exist for a limited period of time.

Tobacco Retailer means a business which allows for the smoking of tobacco on- premise and sells tobacco and/or tobacco accessories. These businesses are also subject to the Smoke Free Arizona Act, A.R.S. §36-601.01 and R9-2-101 of the Arizona Administrative Code. Hookah, Tobacco, Cigar, and Shisha Lounges or Bars are considered Tobacco Retailers for the purposes of the Zoning Ordinance. *32

Tower Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad. *12

Townhouse or Rowhouse means a single dwelling unit arranged side by side with other such units in a multi-family dwelling completely independent of all other such units in the building by reason of separation therefrom by unpierced party walls.

Travel Trailer Park means a lot, parcel or tract of land, or a portion of a mobile home park, having as its principal use the rental of space for temporary, short term, transient occupancy by two or more travel trailers, including any accessory buildings, structures and uses customarily incidental thereto.

Usable Floor Area means a term used in computing parking requirements, meaning the aggregate area of a building measured to the interior face of exterior walls on the first story, and including the floor area, similarly measured, of each additional story which is connected to the floor area or all accessory buildings, measured similarly, but excluding that part of any floor area which is occupied by heating, ventilating or other permanently installed equipment required for the operation of the building and by unenclosed porches, light shafts, public corridors and public toilets. For uses not enclosed within a building, the area for sales, display or service shall be measured to determine equivalent usable floor area.

Use means the purpose, for which a building is arranged, designed or intended, or for which land or a building is or may be occupied.

1. Principal use means the main use to which the premises are devoted and the main purpose for which the premises exist.

2. Accessory use means a subordinate use to the principal use on a lot and used for purposes clearly incidental to those of the principal use.

Utility Trailer means a vehicle with or without motive power, other than a pole trailer and semitrailer, designed for carrying property and for being drawn by a motor vehicle. *13
Variance means a modification of the literal provisions of this Ordinance granted by the Board upon a finding that strict enforcement of the Section would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted.

Vested Rights means rights to use, divide, sell, possess, or acquire real property established pursuant to Arizona statutory and common law that the City or any other governmental entity may not violate without good cause or in the absence of any public necessity, including those rights recognized as vested pursuant to a Protected Development Rights Plan approved by the City.

Waiver of Proposition 207 means a voluntary contractual agreement executed and submitted to the City in conjunction with an application for approval of a Land Use Law made by an Initiating Owner or its authorized representative and the City, whereby the Initiating Owner agrees to certain enumerated conditions of approval and to waive its right to bring a 207 Claim under the Act regarding the Land Use Law that is the subject of the application and any other Land Use Law or administrative interpretation and application of a Land Use Law resulting in good faith from the approval of the application. The agreement shall be in a form drafted and approved by the City Attorney that is recorded, runs with the land, and will bind the Initiating Owner and any successors.

*30

Wireless Communication Facility (WCF) means any structure or piece of equipment that is designed and constructed primarily for the purpose of sending or receiving wireless transmissions or supporting one or more antennas for telephone, radio, wireless data, and similar communication purposes, including self-supporting lattice towers, and monopole or similar towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, Alternate Design WCF, and similar facilities. The term also includes the structure and any support thereto. *12 *41

WCF Aerial Mounted Equipment means all above grade equipment that is associated with the wireless communication facility aside from ground mounted equipment and the pole or support structure anchoring the facility to the ground. This includes all appurtenances to the vertical structure of the wireless facility such as antennae, antenna arrays, microwave dishes, or similar equipment as well as materials mounted to vertical structures for colocation purposes. *41

WCF Alternate Design Wireless Communication Facility means the concealment or camouflage of a WCF that is in character with the surrounding area. Examples include, but are not limited to, a flagpole near a building, a spire at a place of worship, a palm tree in an area with mature palm trees, a pine tree in an area with mature pine trees or a saguaro cactus
in an area with other mature saguaro cacti. *41

**WCF Ground Mounted Equipment** means all equipment associated with the wireless facility located at or near the base of the vertical structure. This shall include equipment cabinets, generators, and any associated screening walls for said equipment. *41

**Y - Z**

**Yard** means an open space located between any portion of a building and the nearest lot line, or the nearest adjacent building or group of buildings, as the context indicates, unoccupied and unobstructed from the ground upward, except as otherwise provided for in this Section.

1. **Front yard** means a yard extending across the full width of the lot and having a depth equal to the horizontal distance between the nearest point of the principal building and the front lot line, measured at right angles to the front lot line.

2. **Rear yard** means a yard extending across the full width of a lot, and having a depth equal to the horizontal distance between the nearest point of the principal building and the rear lot line, measured at right angles to the rear lot line.

3. **Side yard** means a yard extending from the front yard to the rear yard between a side lot line and the principal building, and having a width equal to the horizontal distance between the nearest point of the principal building and the side lot line, measured at right angles to the side lot line.

**Yard, Non-Required** means any yard with dimensions exceeding those required herein.

**Yard, Required** means a yard having the minimum dimensions required herein.

**Zoning Administrator** means the Planning Manager. *39
Definitions

References
Adopted by Ord. No.: 2017-44

Previous Ordinances:
*1 79-72
*2 87-39
*3 88-09
*4 92-14
*5 93-06
*6 93-25
*7 94-74
*8 95-15
*9 96-21
*10 97-41
*11 97-100
*12 98-15
*13 98-18
*14 98-34A
*15 99-89
*16 99-101
*17 99-112
*18 00-28
*19 00-68
*20 01-26
*21 01-167
*22 02-21
*23 02-68
*24 03-158
*25 04-187
*26 04-188
*27 05-25
*28 05-58A
*29 06-16
*30 07-14
*31 07-22
*32 2010-23
*33 2010-24
*34 2011-03
*35 2011-05A
*36 2013-16
*37 2015-08
*38 2016-01
*39 2016-28
*40 2016-29
*41 2017-44
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Administrative and Decision Making Bodies

21-301 Intent
The intent of this Section is to outline the roles played by the decision-making bodies involved in the zoning processes, and to set forth the procedures for application, review, and approval of land development requests governed by this Ordinance.

21-302 City Council
A. Authority
Pursuant to provisions of the Peoria City Charter and limitations imposed by the State of Arizona, the Peoria City Council is vested with all the powers of the City.

B. General Powers and Duties
The organization, powers, and duties of the City Council shall be as prescribed in Section II of the City Charter with all amendments thereof. The Council exercises broad approval authority and approves many types of land-use proposals contained in this ordinance. The Council has the power to create or abolish boards, commissions, or committees and may grant to them such powers and duties as are consistent with the provisions of the City Code.

21-303 Planning and Zoning Commission
The City has established the Planning and Zoning Commission pursuant to Chapter 3, Section 3-47, of the Peoria City Code (1992).

21-304 Zoning Administrator and Enforcement Official
A. Authority
The Community Development Director or designee(s) thereof shall carry out all responsibilities or the office(s) of the Zoning Administrator and Enforcement Official as defined in A.R.S. §9-462 and as set forth hereafter.

B. General Powers and Duties
Powers and duties of the Community Development Director acting in capacity of the Zoning Administrator and Enforcement Official shall include, but not be limited to, the following:
1. Administration and interpretation of this ordinance, including clarification of the intent, review of land uses described and included in a zoning district, and delegation of responsibilities for administering procedures and requirements of the ordinance;
2. Preparation of application guidelines, forms, and administrative procedures; and,
3. Enforcement of this ordinance.

21-305 Board of Adjustment
The City has established the Board of Adjustment pursuant to A.R.S. §9-462 and the City Code, Chapter 20, Section 20-31, and all amendments thereof.

21-306 Design Review Board
The City has established the Design Review Appeals Board pursuant to the City Code, Chapter 3, Section 3-18, and all amendments thereof.

21-307 Historic Preservation Board
The City has established the Historic Preservation Commission pursuant to the City Code, Chapter 3, Section 3-23, and all amendments thereof.

21-308 Administrative Hearing Officer
A. Authority
   Pursuant to A.R.S. §9-462.08 and in accordance with Chapter 20, Section 20-41 of the City Code (1992), the City has the authority to establish administrative hearing officer(s) and delegate to the hearing officer(s) the authority to conduct hearings.

B. Appointment
   Hearing officers shall be appointed by the City Manager on the basis of technical training and experience which qualifies them to conduct hearings and make findings and conclusions on the matters heard.

C. Land Use Hearing Officer
   Pursuant to Subsection A of this Section, the City has established a Land Use Hearing Officer. The Land Use Hearing Officer shall hear appeals for the following:

   1. Decisions of the Community Development Department regarding administration of the requirements of the Hillside Development Overlay District as described in Section 21-710 and in accordance with Section 21-311 through Section 21-327.

   2. Determinations for exactions or dedications required by the City as a condition of granting approval for the use, improvement, or development of real property, in accordance with this Ordinance and all amendments thereto.

   3. Other matters as the Council may provide by Ordinance
21-309 Planning Agency

A. Establishment
The City has established the Community Development Department to carry out the functions of the Planning Agency, pursuant to A.R.S. §9-461-01 and the City Code, Chapter 20, Section 20-1, and further described herein.

B. General Powers and Duties
The Community Development Department shall perform but not be limited to, the following functions:

1. Develop and maintain a General Plan.
2. Develop such specific plans as may be necessary to implement the General Plan.
3. Develop and administer a zoning code which will serve as an implementation vehicle for the General Plan and specific area plans.
4. Perform such other planning functions as directed by the City Manager, Mayor and City Council.
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21-310 Intent
The intent of the Administrative Procedures Section of this Ordinance is to set forth the procedures used for application, review, and decision-making for land development request governed by this Ordinance.

21-311 Interpretation
A. The Department Director or designee thereof, shall interpret the provisions of this Ordinance, and shall interpret uses within each district as provided in the intent and regulations governing the subject district. The Director or designee shall respond in writing to written requests for Ordinance interpretations within forty-five (45) days from the date of receipt of the written request.

B. Ordinance interpretations may be appealed to the Board of Adjustment (BOA). Such appeals may be initiated by an office, department, board, or commission of the City or by any aggrieved party. The appeals shall be processed in accordance with Section 21-323 of this Ordinance.

21-312 Enforcement
A. General
The City of Peoria shall diligently enforce the provisions of this Ordinance to protect the health, safety, and welfare of the residents of the City of Peoria and to promote the City’s planning efforts.
1. Enforcement shall include but not be limited to the following:
   a. Receipt and examination of applications for zoning compliance certificates and occupancy permits, and issuance of said certificates and permits
   b. Inspections of buildings, structures, and premises as necessary for enforcing the provisions of this Ordinance
   c. Revocation of any zoning compliance certificate or occupancy permit wherein a use not permitted in the district or a structure not meeting the regulations of this Ordinance was erroneously authorized, in which case the certificate or permit shall be void
   d. Carrying out the orders of Boards issued in accordance with the provisions of this Ordinance

2. Enforcement of the provisions of this Ordinance shall in no case entail the following:
   a. Granting exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance
   b. Making changes in, or varying the terms of, this Ordinance
   c. Refusing to issue a zoning compliance certificate or occupancy permit when the applicant has complied with all provisions of this and other applicable Ordinances and codes, despite any violations of contracts, covenants, or private agreements which may result therefrom.

B. Occupancy Permits
   It is unlawful to use or occupy, or permit the use or occupancy of, any building or structure except a single-family residence, or to change or extend any use of land unless and until an occupancy permit has been issued.

1. Issuance of Occupancy Permits
   Within two (2) working days after receiving notice that the building, structure, premises, or part thereof has been completed and is ready for final use or occupancy, the City Staff shall make an inspection. An occupancy permit shall be issued to the owner upon determining that the construction has been completed in conformity with the provisions of this Ordinance.

2. Temporary Occupancy Permits
   The City may issue a temporary occupancy permit for a part of a building, structure, or use prior to completion of the entire building, structure, or use upon determining that said part is in conformity with all provisions of this Ordinance and is considered safe and suitable for use and occupancy. Such temporary occupancy permit shall remain in force until the entire building, structure, or use has been completed and inspected, and an occupancy permit has been issued.

C. Inspection Fees
   Prior to the issuance of a Zoning Compliance Certificate or Occupancy Permit, the applicant shall pay the applicable inspection fee(s) to the City.

21-313 Violations
   A. Any structure upon which construction is started or any structure which is altered, enlarged, or repaired, or any use of land which is begun or changed after enactment of this Ordinance and
which is in violation of any of its provisions, is hereby declared a nuisance per se. Any Court of 
competent jurisdiction shall order such nuisance abated and the owner or agent in charge of such 
building or premises shall be adjudged guilty of maintaining a nuisance per se.

B. Any person who violates any provision of the Ordinance shall be guilty of a separate offense, and 
upon conviction thereof, shall be liable to all applicable penalties of the City Code and other laws. 
For purposes of this Section, “person” shall include the owner of any structure or land or part 
thereof, and any person, architect, builder, contractor, plumber, or agent employed in connection 
therewith, who has assisted knowingly in the commission of any such violation.

21-314 Fees
Fees charged by the Department shall be as adopted in the City Code.

A. Waivers
   In cases where the applicant is the City Council, City Planning and Zoning Commission, 
   Department, or an official or agency of the City, County, State, or Federal government, fees for 
   administrative procedures associated with this Ordinance shall be waived.

B. Non-Profit Organizations
   For non-profit community organizations, the Department shall reduce fees to ten percent (10%) of 
   the fees required under this Ordinance. A non-profit community organization for purposes of this 
   Ordinance is defined as a corporation organized under the laws of the State of Arizona as a non-
   profit organization and having been certified by the United States Internal Revenue Service of 
   1986 as amended.

C. Hardship
   In cases where hardship exists and can be demonstrated to the satisfaction of the City Council, the 
   City Council shall have the authority to waive, reduce, or otherwise adjust the normal fee as it 
   deems appropriate.
### Table 21-316 Notices

<table>
<thead>
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</table>

- Specific site posting sign requirements are located in the Site Posting Requirements guide available from the Planning Division.
- If the property to be rezoned is less than 40 acres, the notification distance shall be six hundred (600) feet. In cases where the property to be rezoned is forty (40) acres or larger, the notification distance shall be 1320 feet.
- Site posting may be required per 21-322.E. If required, the City shall be responsible for posting signage on the subject property.

A. Notice of Application

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

B. Newspaper Ad

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

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

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

C. Notice of Hearing

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

2. In proceedings involving rezoning of land that abuts other municipalities or unincorporated areas of Maricopa or Yavapai County, or a combination thereof, the Department shall transmit copies of the notice of the public hearing to the planning agency of the applicable governmental unit. In proceedings involving land in the vicinity of a military airport, the Department shall mail a copy of the notice to the airport.

D. Site Posting

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

E. Notice of Decision

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

F. Notice of Neighborhood Meeting

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

2. For all rezoning cases, the applicant shall also send Notice of Neighborhood meeting to adjacent jurisdictions and affected school districts, public utilities, and state and federal agencies.

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

21-316 Expiration of Applications

A. All applications submitted to the Planning Division for staff review will expire and be deemed withdrawn if more than twelve (12) months pass from the latest date that staff has provided the applicant with review comments, unless a full re-submittal of case materials occurs. This includes, but is not limited to, applications for Rezoning, PAD Amendments, Zoning Ordinance Text Amendments, Site Plan Reviews, Major Site Plan Amendments, Conditional Use Permits, Temporary Use Permits, Requests for Administrative Relief, Requests for Variance, Hillside Ordinance Appeals, Design Review Appeals, Preliminary Plats, and Sign Permits. Prior to the date of expiration, the applicant may file a request for an extension. The Planning Manager may authorize a one-time, six (6) month extension. The Applicant contact of record shall be provided written notice no less than thirty (30) days prior to the date of application expiration.

21-317 Rezonings

A. General
   In accordance with the provisions of A.R.S. §9-462.01, The City Council may from time to time change the zoning of parcels of land within the municipality. These changes in zoning classification are intended to meet the land use needs of the residents of the City and conform to the City’s General Plan.

B. Applicability
   The procedures herein described shall apply to all rezone requests within the City of Peoria.

C. Mandatory Pre-Application Conference, Plan Submittal and Approval
   The applicant must attend a pre-application conference prior to applying for rezoning. The requirement for a Citizen Participation Plan and required meetings with the adjacent neighborhoods and interested persons will be reviewed at the conference.
D. Application for Rezoning

1. All applications for rezoning, except those involving a PAD, PCD, or detached or attached single-family units on individual lots, shall be accompanied by a Site Plan Review application prepared in accordance with this Section.

2. Rezonings may be initiated by the City Council, the Planning and Zoning Commission, the Department, or an owner or duly authorized agent of property proposed for rezoning. In the case of an application that includes property not owned by the applicant, and where the applicant is not the City Council, the Planning and Zoning Commission, or the Department, the application shall include the signatures of the real property owners representing at least seventy five percent (75%) of the land in the subject area.

3. Any person or entity who seeks a rezoning shall submit an application on the official form provided by the Department. Submittal requirements shall be as established administratively by the Department, and shall include but not be limited to the legal description of the property, the present zoning classification, the recommended use of the property in the City’s General Plan, a scaled diagram of the subject parcel and surrounding area, and a Citizen Participation Plan.

4. The applicant shall present evidence of ownership or the type of controlling interest in the property (e.g., option to purchase) to the Department. The applicant shall submit the application together with the applicable fee to the Department.

E. Citizen Participation Process

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

1. The applicant shall hold at least one neighborhood meeting with persons who may be affected or have an interest in the application; said persons shall be notified pursuant to Section 21-316. The neighborhood meeting shall be held in a neutral location within the general area of the request.

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

3. Timing of Citizen Participation Meetings and Communications. The required neighborhood meeting shall be conducted within forty-five (45) calendar days of submittal of the application. No hearing date shall be scheduled until the meeting report is submitted and validated by the Department.

F. Department Review

1. The Department shall review the application in accordance with provisions set forth in the Process Guide. After an application has been deemed complete by the Department, the application shall be routed to City Departments and affected external agencies for review. Upon the completion of each review, the Department shall transmit the comments to the applicant. The applicant shall then revise and resubmit the application materials to address
the outstanding issues and concerns raised in the comments. Upon final completion of the review or a determination by the Planning Manager, that the application is ready to proceed, the Department shall set a date for a public hearing with the Planning and Zoning Commission. The Department shall prepare and submit a written report and recommendation to the Commission.

2. The Planning Manager shall not approve or recommend approval of any rezoning unless the Planning Manager has received a Waiver of Proposition 207 from the Owner or Owners of the property that is the subject of the rezoning or has determined that the absence of such a waiver of Proposition 207 is consistent with the City’s General Plan and zoning goals and requirements. “

G. Planning and Zoning Commission Hearing and Recommendations

1. The Department shall refer all rezonings to the Planning and Zoning Commission for study and public hearing.

2. In its deliberations on the matter, the Commission shall consider oral or written statements from the applicant, the public, City staff, and its own members. The Commission shall recommend to the Council that the application be granted as requested, be denied, or be granted subject to specific conditions.

3. In its deliberations, the Commission may continue the public hearing concerning the application; however, the Commission shall not continue the public hearing more than three meetings in succession without again providing notice in the above prescribed manner.

H. City Council Hearing and Action

1. The City Council may adopt the Planning and Zoning Commission’s recommendations without holding a second public hearing unless: “

   a. The applicant (for the rezoning request), aggrieved party, member of the public, or a member of the City Council objects to adoption of the recommendation of the Planning and Zoning Commission without a City Council hearing. Said objection shall be filed in writing within ten (10) calendar days after the Commission renders its recommendations.

   b. The Planning and Zoning Commission has recommended approval of the proposed amendment and a written legal protest, as defined in A.R.S. §9-462.04.H., as amended or renumbered, has been filed.

2. Council Action

   The City Council, after receiving the report and recommendation of the Planning and Zoning Commission, may take action as follows:

   a. Affirm in whole or in part the action of the Commission;

   b. Reverse in whole or in part the action of the Commission;

   c. Modify any decision, determination, or requirement of the Commission; or

   d. Remand the matter back to the Commission for further consideration. “

3. Legal Protest

   A Legal Protest occurs when protests are filed in accordance with A.R.S. §9-462.04.H., as amended or renumbered. The protests must be filed in writing, with the Department, within ten (10) calendar days after the Commission renders its recommendations. Actions involving
Legal Protest require a supermajority vote of the City Council in accordance with A.R.S. §9-462.04.H., as amended or renumbered.  

4. Withdrawal of Objection, Protest, or Request for Public Hearing

To withdraw a protest, objection, or request for public hearing, the applicable party must provide a request in writing to the Department.  

I. Application Withdrawn or Denied

In the event that a rezoning amendment is denied by Council or is withdrawn after the Commission hearing, the Commission shall not reconsider an application for the same request, or any other application for the same zoning requirement that applies to the same property described in the original application or any part thereof, for a period of one year from the date of said denial, unless, as determined by the Department, the conditions upon which the original denial was based have changed.  

J. Conditions of Approval

As part of any rezoning approval, the Planning and Zoning Commission may recommend and the City Council may adopt conditions and/or schedules for the development of the property.

1. Conditions

The City Council may condition approval of a rezoning upon the occurrence of one or more of the following:

a. Development in accordance with a specific Site Plan and/or obtaining Site Plan approval in accordance with Section 21-320 of this Section.

b. Reduction in the otherwise applicable floor area ratio, lot coverage, building height, or density requirements.

c. Increases in the otherwise applicable building setback, lot area, parking space, landscaping, or open space requirements.

d. Public dedication of rights-of-way as streets, alleys, public ways, drainage, utility, and/or other public improvements, and/or the installation of off-site improvements as are reasonably required by or related to the effect of rezoning.

e. Such other conditions as may be allowed by law.

f. Completion of a re-use plan as determined by the Department.

2. Schedules

The City Council may require as part of a rezoning approval specific time schedules for any or all of the following:

a. Approval of a final site plan

b. Submission and approval of a preliminary plat for the subdivision of the subject property

c. Submission and approval of the final plat for the subdivision of the subject property

d. Application for and issuance of a building permit to commence construction of one or more buildings upon the subject property.

e. Commencement of on-site construction on the subject property in accordance with the final site plan as approved.
f. Completion of a specified percentage of construction on the subject property in accordance with the final site development plan.

3. Adoption of Ordinance
   The City Council shall set forth in the Zoning Ordinance any condition(s) or schedule(s) imposed pursuant to this Section.

4. Modification of Adopted Conditions and Schedules
   A request to modify the condition(s) or schedule(s) of approval adopted by Council is subject to the following:
   a. The applicant must file a written request with the Department, requesting a modification to the adopted requirements. The Department shall forward the request to the Commission for consideration and recommendation to the Council. The Council shall thereupon determine whether or not the modifications will be approved.

5. Failure to Comply with Adopted Conditions and Schedules
   If an applicant fails to comply with any condition(s) or schedule(s) adopted by Council upon the rezoning of the property, the applicant shall be subject to the following:
   a. The applicant may file a request with the Planning and Zoning Commission for an extension of the time schedule for meeting the adopted requirements. The Commission shall consider the request and submit a recommendation to the Council. The Council shall thereupon determine whether or not the extension will be approved.
   b. The Department Director, or designee thereof, may file an application with the Planning and Zoning Commission requesting reversion of the zoning, based upon the applicant’s failure to comply with the adopted conditions for the rezoning. The Commission shall consider the Director’s application and may accept, modify, or reject and shall thereupon recommend acceptance, modification, or rejection of the application to the City Council.
   c. Upon action by the Commission, the Director’s application together with the Commission’s recommendation shall be submitted to the City Council for final action. The Council may accept, reject, or modify the recommendations of the Commission in accordance with the foregoing, outlined above in Subsection J.

K. Change of Classification of Requested Zoning Districts
   In cases where an application is made to request a change from a more restrictive to a less restrictive zoning district, the City Council may elect to grant the amendment for a district that is more restrictive than the requested district but less restrictive than the current district. The City Council may take such action without requiring a new or amended application and with providing new or additional notice.

L. Right-of-Way Dedication
   Pursuant to A.R.S. §9-462.01, the City Council may require, as a condition to the change or zoning, the dedication of right-of-way necessary for roadways and other public improvements as a reasonably required by or related to the effect of the rezoning.

M. Effective Date of Rezoning
   Rezoning amendments shall become effective thirty (30) days after the date of adoption by the City Council.
N. Public Participation
Pursuant to A.R.S. §9-462.01, the City is required to establish a public participation process for rezoning applications that require a public hearing. The notice requirements set forth above shall constitute the City’s adopted Public Participation process.

21-318 Initial Zoning upon Annexation

A. Legal Requirements
Pursuant to A.R.S. §9-462.04 (E), the City shall consider areas annexed to the City of Peoria, until officially zoned by the City Council, to be zoned as shown on the official zoning map of the original jurisdiction at the time of the annexation. The original jurisdiction’s zoning shall be effective for a maximum of six (6) months after annexation. Pursuant to A.R.S. §9-462.04 (E) and §9-471 (L), the City shall, within six (6) months of the annexation, adopt zoning classifications which permit densities and uses no greater than those permitted by the County immediately before annexation.

B. Application
The Department shall file applications for the initial zoning of annexed land. Once filed, such applications shall be subject to the same procedures herein outlined for Rezonings, with the exception that a Notice of Application as described therein shall not be required. Changes in zoning of the annexed territory that occur after the initial zoning shall henceforth be subject to the Rezoning procedures contained herein. Citizen Participation Plans shall not be required for the initial zoning of property subsequent to annexation.

C. Building Permits
1. The City shall honor Maricopa County building permits, lawfully issued not more than sixty (60) days prior to the effective date of annexation. Within sixty (60) days after the effective date of annexation, the City shall issue a building permit when construction details conforming to City building codes and County zoning regulations, in effect at the time the County permit was issued, are provided to the City. Any fee paid to the County for the County permit shall apply towards the City permit fee, and only the balance shall be paid to the City before a City permit is issued.

2. A City building permit shall not be required for buildings legally under construction, with a building permit issued by Maricopa County prior to the effective date of annexation, in cases where exterior walls have been completed to the plate line or beyond. The City shall require that building construction be structurally safe and in conformance with pertinent County zoning regulations in effect at the time the County permit was issued.

21-319 Zoning Ordinance Text Amendments

A. General
The City Council may amend, change, repeal, or supplement the regulations established in this Ordinance.

B. Application
1. Changes or amendments to the text of regulations contained in this Ordinance may be initiated by the City Council, Planning and Zoning Commission, Board of Adjustment, City Staff, or any member of the public.
2. An applicant shall submit an application for a text amendment on the official form provided by the Department. Submittal requirements shall be as established administratively by the Department and are set forth in the Process Guide. The application shall include the existing language in the Ordinance that is proposed to be changed, the proposed language, and the reason for the requested amendment. The applicant shall submit the application materials together with the applicable fee to the Department.

C. Department Review
The application shall be reviewed by appropriate City Departments. After the review is complete, the Department shall set a date for a public hearing with the Planning and Zoning Commission. The Department shall prepare and submit a written report and recommendation to the Commission, prior to the date of the public hearing.

D. Planning and Zoning Commission Hearing and Recommendation
The Department shall refer all proposed text amendments to the Planning and Zoning Commission. The Commission shall conduct a public hearing, review the proposal, and forward a recommendation to the City Council for consideration.

E. City Council Hearing and Action
The City Council, after receiving the report and recommendation of the Planning and Zoning Commission, shall consider the proposal. If there is no protest related to the amendment, the Council may adopt the recommendation of the Commission without holding a second public hearing. In cases where there is written protest to an application for a text amendment, the Council shall hold a public hearing.

21-320 Site Plan

A. Purpose and Applicability

1. New development and existing developments which are proposing qualifying building additions, alterations and/or site improvements shall be subject to Section 21-320 of the Zoning Ordinance ("Site Plan Review"). Detached or attached single-family units on individual lots shall not be subject to the Site Plan process.

2. The Department is authorized by the provisions of the City Code to review site plan applications, and make a determination that the proposed project, or alterations and site improvements are in compliance with the underlying zoning and other applicable ordinances, codes, and regulatory requirements.

3. The regulations provided herein are intended to facilitate the orderly present and future development of the City by promoting the public health, safety, and general welfare, and aesthetic character of the community.

4. This Section establishes the application requirements, review procedures, and approval criteria utilized by the Department when considering an application for a Site Plan.

B. Application Requirements

An application for Site Plan Review must include all information required in the official process guide and application packet for Site Plan Review applications made available by the Department, in addition to other information required by the Planning Manager or designee based on the nature of the proposed development.
C. Approval Criteria

1. The Department shall review Site Plan applications in accordance with applicable Zoning Ordinance regulations, Peoria Design Review Manual, applicable City Code provisions, and other regulatory requirements.

2. Approval of a Site Plan application shall be given only when in the judgement of the City, such an approval is consistent with the intent and purpose of this Section, and it is determined that the proposed application is:
   a. Consistent with the health, safety, and welfare of the community;
   b. In harmony with the purposes and intent of this Ordinance, the General Plan, and any adopted plan for the area; and
   c. Will not cause traffic related concerns that cannot be mitigated as determined by the City Engineer.

D. Notice of Decision.

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

2. The Department shall provide notice of the site plan decision to all required parties identified within Section 21-315.E.

3. If no appeal is filed within the specified timeframe within Section 21-322.E, than the decision of the Department shall be final.

E. Appeal Criteria and Procedure

1. The Notice of Decision by the Department may be appealed by the applicant, or any City of Peoria property owner or property owners within the notification area identified within Section 21-315 Notices of the Zoning Ordinance.

2. The purpose of the appeal criteria provided herein is to fairly accommodate appeal rights of persons aggrieved by City decisions, while also ensuring that appeals are conducted fairly and expeditiously in a manner that protects the rights of all parties and ensures finality in land use decisions and development permitting.

3. An appeal of a Site Plan decision is limited to instances where the aggrieved party alleges there was an error in a decision or determination in the enforcement of the Zoning Ordinance or applicable regulatory requirements.

4. To initiate an appeal the Department’s decision regarding a site plan application:
   a. A written notice of appeal shall be submitted on a form prescribed by the Department and includes specific citations from the Zoning Ordinance or other regulatory documents in which the Appellant believes the Site Plan does not comply with; and
   b. Be received by the Department within fifteen (15) calendar days after the Notice of Decision has been issued. The deadline shall be extended to the end of the next business day when the deadline occurs on a non-business day.
5. The filing of an appeal will be considered complete upon receipt of the written appeal by the Department Director within the specified timeframe and meets all of the appeal criteria as specified within 21-322.E above.

F. Determination by Department Director

1. Appeals filed with the intent to contest the proposed land use, the zoning designation, or an approval of a conditional use permit shall be determined by the Department Director to be invalid and shall not be forwarded to an appeal body for consideration.

2. Upon receipt of a valid appeal, the Department Director shall make a determination as to the nature of the appeal and shall determine the appropriate Hearing Officer to hear the appeal.

3. Appeals of a technical nature, such as but not limited to utility locations, grading and drainage, or traffic mitigation measures shall be heard by the City Engineer, or designee thereof, acting in capacity of the Hearing Officer.

4. Appeals regarding exactions or dedications associated with the site plan shall be heard by the Land Use Hearing Officer, which shall be the City Manager or designee.

5. For all other types of appeals, they shall be heard by the Land Use Hearing Officer, which shall be the City Manager or designee.

G. Action of Hearing Officer

1. The Hearing Officer shall hold a hearing and provide the appellant, applicant, Department staff, and those property owners and registered homeowner’s associations within the required notification radius of the subject property an opportunity to present their position. Such hearings shall be informal and the rules of evidence and civil procedure shall not apply. The hearing officer shall have the authority to approve, deny, or modify the request.

2. The Hearing Officer’s decision shall be in writing and shall be provided to the appellant, applicant, the Department, and any property owners and homeowner’s association representatives who attended the hearing.

3. The decision of the Hearing Officer shall be final.

H. Building Permits Based upon Approved Site Plan

1. For all development subject to Site Plan review, an approved Site Plan and proper zoning are required prior to the commencement of any construction or development on the site.

2. The applicant shall obtain the necessary building and/or construction permits within eighteen (18) months of the date of approval of the Site Plan application, if not obtained within the eighteen (18) month time frame, the applicant may, prior to the date of expiration, file a request for an extension, whereupon the Planning Manager may authorize a one-time, six (6) month extension. If the time frame has expired, the applicant shall submit a new Site Plan, together with the applicable documents and fees as stipulated in the above provisions.

I. Amendments to Approved Site Plans

1. When a site plan has been previously approved and alterations to the proposed buildings or site improvements are desired, a site plan amendment will be required if those changes are deemed by the Planning Manager or designee to be substantial in nature.
2. Substantial changes may include, but not be limited to a ten (10) percent increase in a project gross land area, a building or buildings’ square footage, or a multi-family project’s density, or a material change to the project’s land use, or an alteration to the project’s circulation pattern.

3. A site plan amendments shall be submitted, reviewed and approved in accordance with the same Site Plan approval criteria as identified herein.

4. Any modification which does not substantially change the approved site plan, shall be not require the applicant to obtain new site plan approval and may be addressed through the building permit process.

21-321 Conditional Use Permits

A. Intent

1. Every zoning district contains certain buildings, structures, and uses of land which are normal and complementary to permitted principal uses in the district, but which, by reason of their physical or operational characteristics, influence on the traffic function of adjoining streets or similar conditions, are often unnecessarily incompatible with adjacent activities and uses. It is the intent of this Section to permit conditional uses in appropriate zoning districts, when designed and developed in a manner which ensures maximum compatibility with adjoining uses. It is the purpose of this Ordinance to establish principles and procedures for the development and control of such uses.

2. A Conditional Use Permit shall be issued for all designated conditional uses under the Peoria Zoning Ordinance.

B. General Regulations

1. Zoning district regulations established elsewhere in this Ordinance specify that certain buildings, structures, and uses of land may be allowed by the Commission as permitted conditional uses in a given district subject to the provisions of this Ordinance and to requirements set forth in the district regulations.

2. The Department shall consider any building, structure, or use existing on the effective date of this Ordinance as meeting the requirements and conditions of this Ordinance provided that the building, structure, or use is listed as a Permitted Conditional Use in the applicable zoning district. Continuance of the use shall not require the issuance of a new or additional Conditional Use Permit. However, the Department shall consider a building, structure, or use that fails to conform to the requirements of this Section as non-conforming as described in Section 21-860 and its continuance shall be governed by all non-conformity regulations stipulated in this Ordinance. *4.*22

3. When issued, a Conditional Use Permit shall be applicable only to the specific use and to the specific property for which it is issued. However, once all zoning and site development requirements imposed in connection with the permit have been satisfied and an occupancy permit has been issued, the Conditional Use Permit shall thereafter be transferable and shall run with the land. Thenceforth, maintenance of special conditions imposed by the permit, as well as compliance with other provisions of this Section, shall be the responsibility of the property owner.
4. A Conditional Use Permit shall terminate upon any interruption or cessation of the use authorized by the Conditional Use Permit for a period of one-hundred and eighty (180) days.

5. A Conditional Use Permit shall expire within eighteen (18) months of the date of approval of the application in the event that: (a) the use has not been exercised; or (b) a building permit or another regulatory permit, or demonstrable evidence to obtain such, is not obtained within this timeframe.  

C. Mandatory Pre-Application Conference

1. The applicant must attend a pre-application conference prior to applying for a Conditional Use Permit. Submittal requirements specific to the desired use will be discussed at the conference.

D. Application

An application for a Conditional Use Permit shall be submitted to the Department on an official form provided by the Department. The application shall satisfy the submittal requirements as provided in the Conditional Use Permit Process Guide. Submittal requirements shall be as outlined in the Process Guide and shall include, but not be limited to, the following:

1. Identification of impacts upon adjacent residential neighborhoods within one quarter mile, or such other distance deemed appropriate by the Planning Manager, from the subject site and of the means proposed to address the identified impacts.

2. Specific conditions proposed by the applicant to make the proposed use compatible with existing permitted principal and conditional uses.

3. Other data as may be required by the Planning Manager in order to determine whether the proposed use qualifies as a conditional use under the Zoning Ordinance and the City’s codes and guidelines.

E. Review

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

1. Whether the use is designated as a permitted Conditional Use within the zoning district in which the property is located.

2. Whether the use meets the locational and development standards provisions, as applicable for the Conditional Use Permit, for the zoning district in which the property is located.

3. Whether the use is consistent with the goals, policies, and intent of the General Plan and any adopted Specific Plan applicable to the site where the proposed use is located.

4. Whether the use is consistent with documentation and recommendations provided by reviewing City Departments.

5. Whether the use complies with all applicable City Codes, standards, and guidelines governing such use.

6. Whether the use will be materially detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the property, to the neighborhood, or to the public welfare; or if the use will unreasonably interfere with the use and enjoyment of nearby properties. Consideration shall include, but not be limited to, the following factors:
a. Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination;

b. Impact on surrounding areas resulting from an unusual volume or character of traffic;

c. Ingress and egress to the property and proposed structures;

d. Pedestrian and vehicular circulation with particular reference to fire protection;

e. Parking and loading; and,

f. Impact on public services, including schools, utilities, and recreation.

7. The Planning Manager shall not approve or recommend approval of any Conditional Use Permit unless the Department has received a Waiver of Proposition 207 from the Owner(s) of the property that is the subject of the Conditional Use Permit or has determined that the absence of such a Waiver of Proposition 207 is consistent with the City’s General Plan and zoning goals and regulations.

8. For Adult Uses

Whether the use complies with specific guidelines established by the Planning Manager for all Adult Uses. Such guidelines are designed to ensure compatibility with existing principal permitted uses and conditional uses and conform with the intent and purpose for which Conditional Use Permits are granted. Such guidelines must be in writing and on file before the date of the application of the Conditional Use Permit for the Adult Use and copies shall be on file with the Department, City Clerk Department, and Office of the City Attorney.

F. Citizen Participation Process

1. If written opposition to a Conditional Use Permit application is received by the Department within 21 days, a neighborhood meeting shall be required as part of the process of identifying and addressing potential impacts that the proposed use may impose on the surrounding area. The Citizen Participation Process (“CPP”) shall include the following:

a. The applicant shall hold at least one neighborhood meeting. The neighborhood meeting shall be held in a neutral location within the general area of the request.

b. At a minimum, the applicant shall send written notice to interested and affected persons; said parties shall be notified according to the requirements of Section 21-316.

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

G. Planning and Zoning Commission Public Meeting

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

a. If the Commission approves the application, the Department shall issue a Conditional Use Permit setting forth all conditions and requirements imposed pursuant to this Ordinance and adopted by the Commission as part of the approval governing such use.
b. If the Commission denies the application, the Commission will identify the basis for the denial and the specific criteria in this Ordinance that have not been met by the applicant.

c. Continuance. A continuance may be requested by City staff, the Planning and Zoning Commission, or the applicant. All requests for continuance shall be to a date certain, unless otherwise agreed to by the applicant.

2. The decision of the Commission is final and effective fifteen (15) calendar days following the date of decision unless an appeal is filed pursuant to this Section.

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

The Department shall set the hearing date for an appeal of a Conditional Use Permit no more than seventy-five (75) days after the date the appeal is filed.

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

2. Hearing
a. The City Council shall hold the hearing and shall reverse, affirm, or modify the decision of the Commission. The Council shall base its decision on the written findings previously issued by the Commission, applicable law, the review criteria stipulated in this Section, and guidelines promulgated by the Department.

b. If the City Council reverses or modifies the decision of the Commission, the Council shall direct the City Attorney to prepare written findings setting forth the basis for the reversal or modification.

3. Continuance
The matter shall not be continued except by written request of the applicant prior to the hearing or upon oral request of the applicant on the record at the hearing. The City Council may request a continuance as long as the applicant is in concurrence of said request.

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

1. Conditional Use Permits
a. The Planning Manager shall have continuing jurisdiction over all Conditional Use Permits and may recommend that a permit be revoked, modified, or suspended should any of the following occur:

1) The permit was obtained by fraud or misrepresentation;

2) The use authorized by the permit has been exercised in violation of the conditions of its approval;

3) A change in circumstances consisting of any of the following has occurred:
   a) Impacts from the approved conditional use to neighboring properties.
   b) Changes in aesthetic or environmental impacts such as noise, odors, or pollution.
4) The use authorized by the permit has been exercised in a manner that is detrimental to the public health, safety, or welfare of the community or in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the City.
   a) Notice and a public hearing shall be provided in the same manner as for Conditional Use Permit applications

5) Conditional Use Permits for Adult Uses. For proceedings to revoke, modify, or suspend the approval of a Conditional Use Permit for an Adult Use, the Commission shall consider no criteria other than the a) criteria set forth in this Section, criteria set forth in Section 21-500 pertaining to Adult Uses, and b) guidelines promulgated by the Planning Manager in accordance with said Sections.

J. Adult Uses
Applications for uses that are classified as Adult Uses, pursuant to Section 21-200 shall be made in the same manner as all other Conditional Uses; however, such uses shall be subject to the additional stipulations set forth in Section 21-500.

1. Conditions or Limitations
   When granting of a Conditional Use permit for any Adult Use, the Planning and Zoning Commission may impose only those conditions or limitation upon the establishment, location, construction, maintenance, or operation of the Adult Use specifically authorized in this Section or in Section 21-500.

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

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

21-322 Temporary Use Permits *24

A. Purpose and Applicability

1. In addition to regulating uses which are permanent in nature, it is the intent of Section 21-322 of the Zoning Ordinance, otherwise referred to as the Temporary Uses Section, or Section herein, to accommodate reasonable requests for interim or temporary uses for a limited period of time when such activities are appropriate.

2. The Temporary Use Section authorizes the City to allow short-term land uses if the use does not interfere with surrounding uses, or pose a threat to public health, safety, and welfare. Allowing temporary uses, as provided for herein is not intended to permanently establish or authorize uses otherwise prohibited by the Zoning Ordinance.

3. These regulations are intended to ensure that the temporary use is conducted in a manner to maintain compatibility between the temporary use and surrounding area. Any review or approval by the City is solely intended to address City ordinances and regulations, and is not intended to supersede applicable state or federal regulations.
4. Temporary uses shall be permitted on private property with the issuance of a Temporary Use Permit (TUP) as specified within this Section. Events or activities conducted on City of Peoria owned property, or within public streets or public right-of-way shall obtain a Special Event Permit, which is administered by the City.

5. This Section establishes the procedures, and criteria to be used by the Department when considering an application for a Temporary Use Permit.

B. Temporary Use Permit:

1. Temporary Uses Allowed, Permit Required

   The Temporary Uses identified below shall obtain a Temporary Use Permit pursuant to the procedures set forth in this Section. Temporary Uses shall mean events such as, but not limited to:

   a. Carnivals, circuses, craft shows, exhibitions, fairs, festivals, home and garden shows, temporary outdoor sales events, or similar special events not otherwise excluded within this Section.

   b. Donation/Recycling Drop-Off Boxes

   c. Outdoor concerts, and paid admission events.

   d. Events held on unimproved surfaces or lots.

   e. Such other uses as the City may deem to be within the Purpose and Applicability of this Section.

2. Temporary Use Permit Exemptions, No Permit Required

   All temporary uses identified below are not required to submit an application for a Temporary Use Permit, but are required to comply with Subsection 21-322.C (“General Requirements for All Temporary Uses”). Those events which do not comply with the exemptions provided herein shall obtain a Temporary Use Permit as provided within this Section.

   a. Events utilizing City property, public streets or public right-of-way, provided that the applicant shall coordinate the event with the City as part of the Special Event application process.

   b. Ancillary activities on residential properties, including but not limited to, residential garage or yard sales, open houses, etc.,

   c. HOA events or activities, intended for residents only, located on HOA property,

   d. On-site school events,

   e. Other intermittent activities deemed by the Department to be ancillary to the customary use of the property.

   f. Other uses not defined in 21-322.B.1 which meet all of the following criteria:

      1) Limited activity area:

         a) An activity area, which is limited to the following size requirements and summarized within the Table below:

            i. Four thousand (4,000) square feet or less on a site or center that is greater than one (1) acre, but less than five (5) acres in size, or
ii. Ten thousand (10,000) square feet or less on a site or center that is greater than or equal to five (5) acres in size.

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<tr>
<th>Minimum Site or Center Size</th>
<th>Maximum Exemption Area</th>
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<tr>
<td>≤ 1 acre</td>
<td>No Exemption</td>
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<tr>
<td>&gt; 1 &amp; &lt; 5 acres</td>
<td>≤4,000 square feet</td>
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<tr>
<td>≥ 5 acres</td>
<td>≤10,000 square feet</td>
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b) For the purposes of this Section, an activity area means the area housing the proposed use and any associated storage. The activity area does not take into account patron parking for the purposes of tabulating the square foot allowances identified above.

c) An improved surface without blocking primary drive aisles or site and building general or emergency access.

i. For the purposes of this Section, an improved site means a site with paved access to the grounds, including curb-cuts as necessary to access public rights-of-way, and paved or dust-proof surfaces for the area occupied by the subject temporary use and associated parking.

2) Uses which do not operate between the hours of 10:00 p.m. and 7:00 a.m., and do not occur for more than two (2) days within a thirty (30) day period, per site.

3) Uses which are located at least two hundred (200) feet away from a residential structure.

4) Uses which provide for all necessary pedestrian and vehicular queuing to occur outside of the right-of-way and outside of any primary or emergency drive aisles.

5) Events occurring within a designated Entertainment District. Such Entertainment Districts may be adopted by resolution from time to time by the City Council in accordance with A.R.S §4-207.

a) All boundaries of the temporary use must remain at least 200 feet away from Grand Avenue right-of-way.

b) There is no limit on activity area size to qualify as an exempt temporary use when the use is located within a designated Entertainment District.

C. General Requirements for all Temporary Uses. All temporary uses shall meet the following general requirements, unless otherwise specified in the Temporary Uses Section:

1. Structures utilized for the Temporary Uses of outdoor sales and/or displays that exceed seven (7) days in duration shall be limited only to the following: tents, canopies, and/or membrane structures.

2. Permanent alterations to the site are prohibited.

3. All temporary signs associated with the temporary use shall comply with Section 21-827 of the City Code, and all associated signs shall be removed upon completion of the activity.
4. The temporary use standards of this Section do not exempt the applicant or operator from any other required permits, such as health department permits.

5. If the property is undeveloped, it shall contain sufficient land area to support the temporary use, including but not limited to, adequate parking and traffic movement to support the event.

6. Tent and or generator permits shall be required for all uses in accordance with the applicable Fire or Building code, regardless of any Temporary Use Permit Exemptions identified within Subsection 21-322.B.

7. All uses shall comply with adopted City noise ordinances contained within the City Code.

8. All Temporary Uses shall prevent activity across improved landscape areas that would negatively impact the landscaped areas.

D. Application Requirements. An application for a Temporary Use Permit:

1. Must be submitted at least thirty (30) calendar days prior to the proposed commencement of the temporary use. Application made within 30 days of the start date of the event will not be accepted;

2. Must include all information required in the official process guide and application packet for Temporary Uses made available by the Department. The Planning Manager or designee may require additional information as necessary, based on the nature of the proposed temporary use.

3. Each occurrence of a non-exempt Temporary Use as defined within section 21-322.B shall require a separate submittal and approval of a Temporary Use Permit Application.

E. Posting

1. Temporary uses that will operate after 10:00pm or before 7:00am shall require notice to be posted on site. The notice shall contain the date, time, duration, location and brief description of the event. Notice shall be posted by the City within five (5) City business days.

F. Approval Criteria

1. Review of the Temporary Use Permit application requires reviews and approval from the Department in addition to other City Departments (e.g. Fire, Police, Building Division, etc.).

2. Approval of the Temporary Use Permit shall be given only when in the judgment of the City such approval is consistent with the intent and purpose of this section of this Ordinance, and it is determined that the use is compatible with nearby uses and will not:
   a. Impair the normal, safe, and effective operation of a permanent use on the same site;
   b. Create an traffic hazard or congestion;
   c. Adversely affect public health, safety, welfare, or convenience; or
   d. Interfere with the normal conduct of uses and activities in the vicinity.

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

G. Conditions of Approval. The Department may issue conditions of approval of a Temporary Use Permit as needed to make the determinations required in compliance with Section 21-833.E
Approval Criteria. These conditions of approval may be required to minimize effects on nearby uses, and may include, but not be limited to, standards for hours of operation, frequency of use, parking, traffic circulation, screening of use from off-site, and site restoration.

H. Restoration and Cleanup. A person engaging in a temporary use allowed in compliance with this Section shall remove all debris, litter, and other evidence of use from the site within 72 hours of cessation of the use or expiration of the permit, whichever occurs first. At such time, the site shall be restored to the same condition it was prior to commencement of the temporary use.

I. Permit Duration, Renewal and Revocation. All Temporary Use Permit approvals shall be subject to a time limit as set forth below:

1. Temporary Use Permits for off-site construction yards or residential sales trailers may be permitted for the duration of the project, or as determined by the City.

2. Temporary Use Permits for Donation/Recycling Drop-Off Boxes may be permitted for a renewable duration not to exceed twelve (12) months, or as determined by the City. Each renewal requires a new Temporary Use Permit application and fee.

3. All other Temporary Use Permits shall be limited to a maximum of thirty (30) consecutive days per event, and the cumulative total of all Temporary Uses shall not exceed ninety (90) days per calendar year per lot. Not more than twelve (12) Temporary Use Permits shall be granted per lot or complex per calendar year.

4. The Department may revoke a Temporary Use Permit at any time, if the use no longer satisfies the criteria required in compliance with Section 21-322 or poses a threat to public health, safety, and welfare.

J. Appeal of Decision. Upon receiving notification of the Department’s decision to approve or deny the application for a Temporary Use Permit, the applicant or any party of interest aggrieved by the decision may file an appeal to the Board of Adjustment pursuant to Section 21-323.I.

21-323 Appeals to Board of Adjustment

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

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

C. Limitations of Power
The Board of Adjustment shall be subject to the following limitations of power:

1. Under no circumstances shall the Board allow a use not permissible under the terms of this Ordinance, whether expressly or by implication, in the zoning district in which the property is located.
2. Every decision of the Board shall be based upon finding of fact, and every finding of fact shall be supported in the record of its proceedings. A mere finding of recitation of the enumerated conditions, unaccompanied by the findings of specific fact, shall not be deemed findings of fact and shall not be deemed in compliance with this Ordinance.

3. The Board shall not hear any matter arising out of an exaction provided by a Zoning.

D. Hearing and Presentation of Evidence

1. Parties in interest shall have the right to present their case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination of witnesses as may be required for a full and true disclosure of the facts, in accordance with the following:

   a. The submission of documentary evidence shall not, by reason of its written form, prejudice the interest of any party.

   b. The Board shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence, and, in the furtherance of this policy, may limit cross-examination.

   c. A petition to the Board signed by persons not parties in interest to an appeal, as defined herein, shall not be considered documentary evidence and shall have no bearing on the Board’s decision, nor shall any person presenting such petition be considered the agent of its signers.

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

E. Jurisdiction

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

F. Appeal to Superior Court

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

G. Variance

1. General

The Board of Adjustment may grant a variance that departs from the terms of these zoning regulations pertaining to 1) height or width of structures, 2) size of yard and open spaces, or 3) other development standards where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape, or topography, and not as a result of the action of the applicant, the literal enforcement of this Ordinance would deprive the owner of the reasonable use of the land and/or building involved.

2. Application

A request for variance shall be made by filing an official application and development plan, together with the applicable fee, with the Department, at least thirty (30) days prior to the Board meeting. The application shall identify the exceptional conditions and the peculiar and
practical difficulties being claimed as a basis for the requested variance. The development plan shall contain sufficient information for the Board to consider the request and make a proper decision on the matter. Such additional materials required for submittal are described in greater detail in the Process Guide.

3. Evidence Required
   At the public hearing the applicant shall present a statement and adequate documentation to demonstrate the following:
   
   a. Special circumstances or conditions exist on the subject property that does not exist on other property in that zoning district.
   
   b. The literal interpretation of the provisions of this Ordinance would deprive the appellant of rights commonly enjoyed by other properties in the same zoning district.
   
   c. The alleged hardship caused by literal interpretation of the provisions of this Ordinance includes more than personal inconvenience and financial hardship and is not the result of actions by the appellant.
   
   d. Granting the variance will not confer upon the applicant any special privilege that is denied by this Ordinance to other land, parcels, structures, or buildings in the same zoning district.
   
   e. Granting the variance will not interfere with or substantially or permanently injure the appropriate use of adjacent conforming properties in the same zoning district.

4. Board of Adjustment Action
   
   a. Approval
      In the event the Board of Adjustment determines that the applicant demonstrates compliance with conditions set forth above in Subsection G.3, of this Section 21-323 it may approve or conditionally approve the variance. Approval may be granted only upon the affirmative vote of the majority of the Board members present.
   
   b. Findings
      In approving or conditionally approving the variance, the Board shall find that
      
      1) The reasons set forth in the appeal justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
      
      2) Granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
   
   c. Conditions of Approval
      In granting any variance, the Board may impose such conditions and safeguards as it deems appropriate to ensure that the purpose and intent of this Ordinance will be fulfilled and to ensure that the integrity and character of the zoning district is maintained.
   
   d. Considerations
      The Board shall not consider the following when considering grounds for granting a variance:
      
      1) Violations related to uses or structures in the same zoning district *22
2) Permitted uses or structures in other zoning districts
   e. Denied Application. In the event the Board of Adjustment denies an application for a variance, no permits shall be issued.

5. Propriety of Variance
   Every variance granted shall be personal to the appellant; however, the variance shall be transferable and run with the land after an occupancy permit for any authorized structure or structures has been issued.

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

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

8. Violations
   The violation of any condition under which a variance is granted shall cause the variance to cease to exist and any permit(s) therewith shall become null and void.

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

   2. Application
      Applications for an appeal of an interpretation shall be filed in writing, with the Department, within thirty (30) days after the action appealed from, together with the applicable fee, and shall specify the grounds thereof. An appeal concerning interpretation or administration of this Ordinance may be filed by any office, department, board, or commission of the City or by an aggrieved person(s), which for the purpose at hand shall be deemed to be any persons(s) who demonstrate to the BOA substantial interest in the appeal or who receive a particular and direct impact from the interpretation that is distinguishable from the effects or impacts upon the general public.

   3. Board of Adjustment Action
      Pursuant to A.R.S §9-462.02.G, the Board shall reverse or affirm, wholly or partly, or modify the order, requirement or decision of the Department being appealed, and make such order, requirement, decision, or determination as necessary.

C. Temporary Use Permit
   1. General
      The Board shall hear and act upon appeals for temporary use permits for those uses which are specifically authorized in this Ordinance. The applicant or any party in interest aggrieved by the decision of the Department concerning a Temporary Use Permit may file a notice of appeal with the Board of Adjustment.
2. Application
   An aggrieved person who shall be construed to be the applicant or any party in interest may file an appeal with the Board for a decision of the Department on a Temporary Use Permit. Applications for the appeal shall be filed in writing, with the Department, on the official form provided by the Department, together with the applicable fee, within seven (7) days after the Department’s decision, and shall specify the grounds for the appeal. The Department shall transmit to the Board all papers constituting the record upon which the action appealed from is taken.

3. Board of Adjustment Action
   a. Pursuant to A.R.S. §9-462.06, the Board shall reverse or affirm, wholly or partly, or modify the order, requirement, or decision of the Department being appealed, and make such order, requirement, decision, or determination as necessary.
   b. As part of the terms of any temporary use permit, the Board may stipulate certain restrictions and limitations in accordance with Section 21-322 of this Ordinance.

21-324 Administrative Relief *4

A. Applicability
   This Section pertains to minor deviations from property development standards as described in Section 21-415, Section 21-419, and Section 21-408, Section 21-412, and all amendments thereof.

B. General
   1. Requests for Administrative Relief shall fall into one of the following categories:
      a. Subdivision Plat
         A modification from the front, rear or side yard setbacks, as shown in a recorded subdivision plat, that are more restrictive than the corresponding setbacks required in the Peoria Zoning Ordinance. However, the modification shall not result in front, rear, or side yard setbacks that are less than those required in the Peoria Zoning Ordinance.
      b. Other than Subdivision Plat
         A modification, from the front, rear, or side yard set backs or from the maximum percentage of lot coverage, for an amount that is not greater than five percent (5%) of the setback or lot coverage required in the Peoria Zoning Ordinance.
   2. All other modifications shall be considered Variances and shall be forwarded to the Board of Adjustment for a hearing in accordance with procedures herein outlined in Section 21-323.G.
   3. Requests for Administrative Relief shall be acted upon by the Planning Manager and shall adhere to the procedures in this Section.

C. Conditions for Approval
   The Planning Manager may authorize Administrative Relief when a literal enforcement of any provision(s) of Section 21-415, Section 21-419, and all amendments thereof, pertaining to property development standards for permitted principal uses would result in unnecessary property hardship and when evidence is presented demonstrating to the satisfaction of the Planning Manager that all of the following conditions are fulfilled:
1. The request is not part of multiple applications from an individual homebuilder for a specific subdivision or planned community;

2. The requested modification will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general;

3. The granted Administrative Relief is the minimum development standard modification that will make possible the reasonable use of the land and/or structure; and

4. Appropriate and specific conditions as may be deemed necessary in order to fully carry out the intent of this Section have been stipulated by the Planning Manager.

D. Application for Administrative Relief

1. A request for Administrative Relief may be filed by any property owner, or any department, agency, or division of the City of Peoria, of Maricopa or Yavapai County, of the State of Arizona, or of the federal government.

2. An applicant shall submit an application for Administrative Relief to the Department on an official form provided by the Department, together with the applicable fee(s). The application shall specify the modifications from the zoning code that are being requested, the reason for the request, and the desired decision.

E. Protest

1. If no protest is received by the Department from any notified property owner within ten (10) days of the mailing date of notice, the Planning Manager shall act on the request.

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

F. Appeal

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

G. Null and Void

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

21-325 Hillside Appeals

A. Applicability

The Land Use Hearing Officer shall hear appeals from decisions of the Department arising from the administration of requirements contained in Section 21-710 (Hillside Development Overlay District). The applicant or any property owner within three hundred (300) feet of the subject property shall file such appeal. The Land Use Hearing Officer shall also consider applications for variance from the provisions of Section 21-710. The owner for the subject property shall file such application.
B. Filing
The applicant shall file an application for an appeal in writing, with the Department. The application shall 1) describe the basis of the variance request, 2) specifically set forth those provisions of Section 21-710 from which a variance is being sought, and 3) specifically set forth those decisions of the Department that are being appealed. The Department shall transmit a copy of the appeal to the Hearing Officer.

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

D. Action of Hearing Officer
1. The hearing officer shall hold a hearing and provide the applicant, Department staff, and owners of property located wholly or partially within three hundred (300) feet of the subject property an opportunity to present their position. Such hearings shall be informal and the rules of evidence and civil procedure shall not apply. The hearing officer shall have the authority to approve, deny, or modify the request.

2. The Hearing Officer’s decision shall be in writing and shall be provided to the applicant, the Department, and all property owners within three hundred (300) feet of the subject property.

E. Appeal to City Council
1. Any member of the public may appeal the decision of the hearing officer to the City Council. The appeal shall be in writing and shall specifically set forth the decision of the hearing officer that is being appealed. The appeal shall be filed with the Department Director within ten (10) days of the decision.

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

3. The City Council shall have the authority to affirm, overrule, or modify the decision of the hearing officer or remand the matter back to the hearing officer.

21-326 Design Review Appeals
A. Filing
1. The applicant may appeal a final decision of the Department on a design review submittal to the Design Review Board. Such appeal shall be filed on the official form provided by the Department, within ten (10) calendar days of the Department’s decision, to the Department, together with any applicable fee. The appeal shall specifically indicate those items of the final decision by the Department being appealed.
2. The Department shall submit any response to the appeal and relevant background material on file to the Design Review Board for the next scheduled meeting.

B. Action of the Design Review Board

The Design Review Board shall hear an appeal within thirty (30) calendar days of submission of the appeal. The Board shall make a decision on the date of the hearing, unless continued at the discretion of the Board, and shall transmit the decision to the applicant in writing. The decision of the Design Review Board shall be final.
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Establishment of Zoning Districts

21-327 Classification of Zoning Districts

The City of Peoria, Arizona is hereby divided into the following specific zoning districts as shown below. Each zoning district will have its own development standards to ensure a cohesive and compatible pattern of land use throughout the City. All buildings, structures, uses, lots, and developments shall comply with the requirements of their respective zoning district as set forth in this Zoning Ordinance.

A. Residential Districts

- R1-43 Single-family Residential
- R1-35 Single-family Residential
- R1-18 Single-family Residential
- R1-12 Single-family Residential
- R1-10 Single-family Residential
- R1-8 Single-family Residential
- R1-6 Single-family Residential
- RM-1 Multi-family Residential
- RMH-1 Mobile Home Subdivision
- RMH-2 Recreational Vehicle Resort
- SR-43 Suburban Ranch
- SR-35 Suburban Ranch

B. Non-Residential Districts

- O-1 Office Commercial
- C-1 Convenience Commercial
- PC-1 Planned Neighborhood Commercial
- PC-2 Planned Community Commercial
- C-2 Intermediate Commercial
- C-3 Central Commercial
- C-4 General Commercial
- C-5 Regional Commercial
- BPI Business Park Industrial
- PI-1 Planned Light Industrial
- I-1 Light Industrial
- I-2 Heavy Industrial

C. Special Districts

- AG General Agricultural
- FP Flood Plain
- SU Special Use
- PUD Planned Unit Development Option
- PAD Planned Area Development
- PCD Planned Community District
- OTMU Old Town Mixed-Use
21-328 Classification of Annexed Areas
Lands annexed into the City of Peoria shall be considered zoned as shown on the official zoning map of the original jurisdiction until the City adopts Initial Zoning for said lands in accordance with Section 21-319 and pursuant to A.R.S. §9-462.04.E.  "3

21-329 Classification of Vacated Streets
Whenever a public street or alley is vacated by official action of the council, the zoning districts adjoining each side of such street or alley shall automatically be extended to the centerline thereof, and all land area thus vacated shall then and henceforth be subject to all regulations of the extended districts.

21-330 Official Zoning District Map

A. Establishment
The areas and boundaries of zoning districts are hereby established as shown on the official zoning district map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Section.

B. Identification
The official zoning district map shall be identified by the signature of the Mayor attested by the City Clerk and bear the Seal of the City. Regardless of the existence of purported copies of the official zoning district map which may, from time to time, be made or published, the official zoning district map, which shall be located in the office of the City Clerk, shall be the final authority as to the current zoning status of land area, buildings and other structures in the city.

C. Changes
If, in accordance with the provisions of this Section, changes are made in district boundaries or in other matters portrayed on the official zoning district map, such changes shall be made on said map promptly after the amendment has been approved by the Council, together with an entry signed by the City Clerk certifying to the accuracy and date. No amendment to this Section which involves matter portrayed on the official zoning district map shall become effective until after such change and entry have been made on said map, and all conditions under Section 21-331.D have been fulfilled. No changes of any nature shall be made in the official zoning district map or matters shown thereon except in conformity with the provisions of this Section. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Section and punishable as hereinafter provided.

D. Notwithstanding the provisions of this Section of Chapter 21 of the Peoria City Code as it existed prior to the effective date of this Subsection, any zoning resulting in an amendment to the official zoning map of the City of Peoria, Arizona shall be deemed unconditional irrespective of whether the conditions of this Section have been met and such zoning shall be deemed unconditional and final in the event all other provisions of the Peoria City Code were complied with.  "1

E. Replacement
In the event that the official zoning district map becomes damaged, destroyed, lost or difficult to interpret due to the nature of number of changes and additions, the Council may, by resolution, adopt a new official zoning district map which shall supersede the former map. The new official zoning district map may correct drafting or other errors or omissions in the former map, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. The new official zoning district map shall be identified by the signature of
the Mayor attested by the City Clerk and bear the Seal of the City under the following words: "This is to certify that this official zoning district map supersedes and replaces the official zoning district map adopted October 26, 1976 as part of Chapter 14 of the City Code of Peoria, Arizona".

F. Interpretation
Where, due to scale, lack of detail or illegibility of the official zoning district map, there is an uncertainty, contradiction or conflict as to the intended location of any district boundary shown thereon, the exact location of such boundary shall be determined by the Board, after having received the recommendation of the Commission. The Board, in reaching its determination, shall apply the following standards:

a. Zoning district boundary lines are intended to follow lot lines or be parallel or perpendicular thereto, and centerline of streets, alleys, right-of-way, unless otherwise fixed by dimensions shown on the official zoning district map.

b. In subdivided property or where a zoning district boundary divides a lot, the exact locations of such boundary, unless otherwise indicated by dimensions shown on the official zoning district map, shall be determined by use of the map scales included thereon.

c. If, after application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary, the Board shall determine and fix the location of such boundary in accordance with the purposes and intent of this Section.
References

Adopted by Ord. No.: 2018-18

Previous Ordinances:

*1 90-60
*2 93-12
*3 02-80
*4 03-03
*5 03-06
*6 04-211
*7 05-19
*8 05-22
*9 05-25
*10 05-35
*11 06-16
*12 07-14
*13 07-22
*14 2010-24
*15 2011-03
*16 2012-05
*17 2012-16
*18 2013-16
*19 2014-21
*20 2015-08
*21 2016-08
*22 2016-29
*23 2018-17
*24 2018-18
General Agricultural

21-401 Intent
21-402 Permitted Principal Uses
21-403 Permitted Conditional Uses
21-404 Permitted Accessory Uses
21-405 Property Development Standards for Permitted Principal Uses and Conditional Uses
21-406 Property Development Standards for Accessory Buildings
21-407 General Regulations

Suburban Ranch (SR-43 and SR-35)

21-408 Intent
21-409 Permitted Principal Uses
21-410 Permitted Conditional Uses
21-411 Permitted Accessory Uses
21-412 Property Development Standards for Permitted Principal Uses
21-413 Property Development Standards for Permitted Conditional Uses
21-414 Property Development Standards for Permitted Accessory Buildings

Single Family Residential

R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, and R1-6

21-415 Intent
21-416 Permitted Principal Uses
21-417 Permitted Conditional Uses
21-418 Permitted Accessory Uses
21-419 General Property Development Standards
21-420 Property Development Standards for Permitted Principal Uses
21-421 Property Development Standards for Permitted Conditional Uses
21-422 Property Development Standards for Permitted Accessory Buildings
21-423 Exceptions

Multi-Family Residential

21-424 Intent
21-425 Permitted Principal Uses
21-426 Permitted Conditional Uses
21-427 Permitted Accessory Uses
21-428 General Regulations
21-429 Development Standards
21-430 Special Regulations
### Mobile Home Subdivision District (RMH-1)

- **21-431 Intent**
- **21-432 Permitted Principal Uses**
- **21-433 Permitted Conditional Uses**
- **21-434 Permitted Accessory Uses**
- **21-435 Property Development Standards for Mobile Home Subdivisions**
- **21-436 Property Development Standards for Accessory Buildings**
- **21-437 General Regulations**

### Recreational Vehicle Resort District (RMH-2)

- **21-438 Intent**
- **21-439 Definitions**
- **21-440 Permitted Principal Uses**
- **21-441 Permitted Conditional Uses**
- **21-442 Permitted Accessory Uses**
- **21-443 Development Standards**
- **21-444 Use of Recreational Vehicle Sites**
- **21-445 Occupancy**
- **21-446 General Regulations**
General Agricultural

21-401 Intent 1
21-402 Permitted Principal Uses 1
21-403 Permitted Conditional Uses 2
21-404 Permitted Accessory Uses 2
21-405 Property Development Standards for Permitted Principal Uses and Conditional Uses 3
21-406 Property Development Standards for Accessory Buildings 3
21-407 General Regulations 4

21-401 Intent *19
This district is intended to comprise lands devoted to agriculture related activities, and other open field uses. This district is further intended to constitute a “holding” district to retain land in less intensive use until the time is appropriate for more intensive development so as to prevent scattered development and the premature and costly extension of utility mains and services related thereto, and to regulate development of the town so that it occurs in stages according to market need and progresses contiguously outward from the developed urban area. Regulations are designed to limit uses to those which are compatible with agriculture, to prevent encroachment by more intensive uses and to preserve the open field characteristic of the district.

21-402 Permitted Principal Uses
A. Agricultural Uses
1. General agriculture on parcels not less than two contiguous commercial acres in area.
2. Soil Crops.
3. Commercial breeding, raising, training and feeding, principally by grazing of horses, cattle, sheep, goats and hogs provided that pens, buildings, corrals and yards other than open pastures are not closer than one hundred (100) feet to any street, highway or residential district.
4. Cattle and goat dairies; poultry and egg farms; fur farms; public stables, provided that pens, buildings and enclosures other than open pastures used for keeping of livestock are not closer than one hundred (100) feet to any street, highway or residential district.

B. General Uses
1. Guest ranches, on parcels having an area not less than ten (10) acres, providing that pens, buildings and yards other than open pastures used for the keeping of livestock are not closer than one hundred (100) feet to any street, highway or residential district.
2. Veterinary clinic, subject to provisions of Section 21-505.J.3. *32
3. One single family dwelling.

C. Public and Quasi-Public Uses
1. Water pumping plants and storage tanks.
2. Religious Institutions such as churches, synagogues, temples, chapels or similar places of worship, and related facilities, subject to review and approval of vehicular access by the City Engineer. *18

3. Public recreational uses.

4. Golf courses, subject to provisions of Section 21-415.3.D. *32

5. Public utility buildings, structures, equipment and uses.

D. Group Homes
   In accordance with Section 21-812.A. *21

E. Public/charter schools and private schools
   Provided that the facility shall have direct vehicular access to an arterial or collector street. Facilities for the repair or storage of vehicles and equipment shall be prohibited. *13

21-403 Permitted Conditional Uses

A. Day Care Group Homes
   With five (5) or more children, in accordance with Section 21-812.A provided that the residence is a single-family detached dwelling. *21

B. Group Care Facility or Community Residential Setting Facility
   In accordance with Section 21-812.C. *21

C. Colleges or University Facilities
   Such facilities shall have direct vehicular access to an arterial or collector street. Facilities for repair or storage of vehicles and equipment shall be prohibited. *31

D. Plant Nurseries and Greenhouses
   Including on-site retail sales, for the propagation, cultivation, sales and distribution of plants produced on the premises. *19

   1. Development of the plant nursery area shall require Site Plan Review in accordance with Section 21-320.

   2. A six (6) foot high solid (opaque) fence or wall shall be provided between all plant nursery area and adjacent properties.

   3. Development of the plant nursery shall be subject to completion of all improvements as recommended by the Traffic Impact Analysis approved by the City Engineer.

   4. Retail sales shall be limited to plants grown in the ground or pots on the premises.

21-404 Permitted Accessory Uses

A. Accessory buildings, structures and uses customarily incidental to permitted uses.

B. Employee housing, servant’s quarters, guest houses, farm labor camps.

C. Storage of petroleum products required for use on the premises, provided that such storage shall be above ground, not exceed one thousand gallons and shall be subject to all applicable health and safety laws.
D. Home occupations.

E. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992). *12

21-405 Property Development Standards for Permitted Principal Uses and Conditional Uses *22

<table>
<thead>
<tr>
<th>Use</th>
<th>Agriculture</th>
<th>Guest Ranches</th>
<th>Single Family Dwellings</th>
<th>Conditional Uses</th>
<th>Plant Nurseries &amp; Greenhouses</th>
<th>Colleges &amp; Universities</th>
<th>Public and Quasi Public Uses; Schools</th>
<th>Public and Quasi Public Uses; Schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>5 acres</td>
<td>10 acres</td>
<td>2 acres</td>
<td>2 acres</td>
<td>5 acres</td>
<td>5 acres</td>
<td>2 acres</td>
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</tr>
<tr>
<td>Min. Lot Width and Depth</td>
<td>300 feet</td>
<td>300 feet</td>
<td>200 feet</td>
<td>200 feet</td>
<td>300 feet</td>
<td>300 feet</td>
<td>250 feet</td>
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<tr>
<td>Min. Yard Setback Front</td>
<td>100 feet</td>
<td>100 feet</td>
<td>40 feet</td>
<td>40 feet</td>
<td>100 feet</td>
<td>100 feet</td>
<td>40 feet</td>
<td></td>
</tr>
<tr>
<td>Min. Yard Setbacks Side</td>
<td>100 feet</td>
<td>100 feet</td>
<td>20 feet</td>
<td>40 feet</td>
<td>100 feet</td>
<td>100 feet</td>
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<tr>
<td>Min. Yard Setback Rear</td>
<td>100 feet</td>
<td>100 feet</td>
<td>40 feet</td>
<td>40 feet</td>
<td>100 feet</td>
<td>100 feet</td>
<td>40 feet</td>
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</tr>
<tr>
<td>Min. Yard Setbacks Corner</td>
<td>100 feet</td>
<td>100 feet</td>
<td>40 feet</td>
<td>40 feet</td>
<td>100 feet</td>
<td>100 feet</td>
<td>40 feet</td>
<td></td>
</tr>
<tr>
<td>Max Building Height</td>
<td>30 feet</td>
<td>30 feet</td>
<td>30 feet</td>
<td>30 feet</td>
<td>30 feet</td>
<td>30 feet</td>
<td>30 feet *27</td>
<td></td>
</tr>
<tr>
<td>Max Lot Coverage</td>
<td>10%</td>
<td>15%</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
<td>15%</td>
<td>15%</td>
<td></td>
</tr>
<tr>
<td>Min. Space between Buildings</td>
<td>10 Feet</td>
<td>10 feet</td>
<td>100 feet</td>
<td>10 feet</td>
<td>10 feet</td>
<td>20 feet</td>
<td>10 feet</td>
<td></td>
</tr>
</tbody>
</table>

A. Fences. Fences in areas of actual agricultural uses, as defined by Section 21-402., in any district may use:

1. Barbed wire fences, or

2. Electric current or charge of electricity fences on other than property perimeters so long as transformer bears the underwriters laboratory seal of approval.

21-406 Property Development Standards for Accessory Buildings

A. Maximum Height
   Twenty-five (25) feet. *26

B. Minimum Space Between a Building Used for Sleeping or Living Purposes and any other Detached Building
   Twenty (20) feet.

C. Minimum Side and Rear Setbacks of Buildings Not Used for Keeping Poultry or Animals
   Twenty (20) feet.

D. Accessory Buildings
   Whether attached or detached, shall not be erected in any required front or side yard, except as otherwise provided in this Section.
21-407 General Regulations
Maintenance of stock-tight fences. All livestock and poultry shall be kept confined to the premises by erection and maintenance of a stock-tight fence and necessary cattle guards.
Suburban Ranch (SR-43 and SR-35)

21-408 Intent

The purpose of the Suburban Ranch Districts (SR-43 and SR-35) is to provide for and conserve existing rural and low-density residential uses in their present or desired character fostering orderly growth in rural areas.

21-409 Permitted Principal Uses

A. Single-Family Dwelling.
B. Publicly owned and operated parks, recreation areas, and centers.
C. Soil Crops.
D. Group Homes, in accordance with Section 21-812.C. **
E. Public/Charter Schools and Private Schools, provided that the facility shall have direct vehicular access to an arterial or collector street. Facilities for the repair or storage of vehicles and equipment shall be prohibited. **
F. Churches, Synagogues, Temples, Chapels, or similar places of worship, and related facilities. **
G. Public utility buildings, uses, structures, equipment and storm water retention areas; provided that repair or storage facilities in connection therewith are expressly prohibited. **

21-410 Permitted Conditional Uses

A. Commercial breeding, raising, training and feeding principally by grazing of horses, cattle, sheep and goats; provided that pens, buildings, corrals and yards other than open pastures are not closer than one hundred (100) feet to any property line.
B. Commercial poultry, bird and egg farms, provided that pens, buildings and enclosures are not closer than one hundred (100) feet to any property line.
C. Kennels, for the boarding and breeding of dogs and cats.
D. Plant Nurseries, including on-site retail sales, for the propagation, cultivation, sales and distribution of plants. **
   1. Development of the plant nursery area shall require Site Plan Review.
   2. A six (6) foot high solid (opaque) fence or wall shall be provided between all plant nursery areas and adjacent properties.
3. Development of the plant nursery shall be subject to completion of all improvements as recommended by the Traffic Impact Analysis approved by the City Engineer.

4. Retail Sales shall be limited to plants grown in the ground or pots on the premises.

E. Public buildings providing cultural, educational, administrative, fire, or police protection services to district residents; provided that all vehicular access shall be restricted to public streets.

F. Colleges or University Facilities, such facilities shall have direct vehicular access to an arterial or collector street. Facilities for repair or storage of vehicles and equipment shall be prohibited. *31

G. Golf Courses – including clubhouses, provided that:
   1. All direct vehicular access shall be from abutting arterial or collector streets.
   2. All principal and accessory buildings shall be located not less than fifty (50) feet from any property line adjoining any residential district.
   3. Any accessory restaurant or bar shall be an integral part of a principal building, shall have no public entrance except from within the building, and shall make no exterior display or advertising of any commercial activity.
   4. Golf greens and tees, swimming pools, tennis courts and similar outdoor recreation facilities shall be located not less than twenty-five (25) feet from any property line.

H. Group Care Facility or Community Residential Setting Facility in accordance with Section 21-812.C. *21

I. Day Care Group Homes with five (5) or more children, in accordance with Section 21-812.B. and provided that the residence is a single-family detached dwelling. *21

J. Bed and Breakfast Inn, subject to the following: *15
   1. Maximum building height shall be thirty (30) feet or two (2) stories, whichever is greater.
   2. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in lawns or landscaping.
   3. Short-term lodging, for the purposes of a Bed and Breakfast Inn, shall be for a period not exceeding fourteen (14) consecutive days in any calendar year.
   4. Meals shall be restricted to registered guests.

K. Preschool centers or day care centers in conjunction with a non-residential permitted principal or conditional use:
   1. The use shall be in accordance with State Department of Health Services regulations.
   2. All vehicular access shall be from an existing arterial or collector street.
   3. No on street parking or drop-off shall be permitted.
   4. Playgrounds or other outdoor activity area shall be separated from adjacent residential land uses by no less than twenty-five (25) feet.
   5. All playgrounds or outdoor activity areas shall be properly fenced using the following methods:
      a. Solid masonry wall no shorter than four feet, six inches (4'-6") or
b. Wrought-iron view fence no shorter than four feet, six inches (4'-6") with vertical members no greater than four inches (4") apart; or

c. Other fencing method approved by the Planning and Zoning Commission.

6. Hours of operation shall be between 6:00 a.m. and 7:00 p.m., or as otherwise established by the Planning and Zoning Commission.

7. Hours of outdoor activity shall be limited to between 8:00 a.m. and 6:00 p.m.

21-411 Permitted Accessory Uses

A. Any accessory use, structure, or building customarily incidental to a permitted principal use.

B. Accessory day care and pre-school uses operated in conjunction with a non-residential permitted principal use provided that:
   1. Day care / pre-school uses in conjunction with a religious institution shall only operate during service / worship times; or
   2. Day care / pre-school uses in conjunction with other non-residential uses shall only operate during regular business hours.

C. Animals per Chapter 16 of the Peoria City Code (1992) provided however that Section 4-9 (b) of the Peoria City Code shall not be applicable. *7

D. Non-commercial aviaries and apiaries, provided that buildings, pens, or hives are not closer than one hundred (100) feet to any neighboring residence and hives are limited to two (2) in number.

E. Non-commercial breeding, raising, training and feeding principally by grazing of horses, cattle, sheep and goats; provided that pens, corrals, and yards, including open pastures are set back a minimum of six (6) feet from any side or rear property line. However, the six (6) foot side and rear yard setback for corrals and yards including open pastures may be waived when adjoining property owners agree to establish joint use corrals, yards and open pastures for animals provided for herein.

F. Non-commercial poultry, bird and egg farms, provided that pens, buildings and enclosures are not closer than twenty (20) feet to any side or rear property line.

G. Day care for 4 or less children in conjunction with a residential use. *5

H. Greenhouse, tool shed, ramada, outdoor swimming pool and similar home recreational facilities; provided that such facilities are used solely by occupants of the premises and their guests.

I. Guest house.

J. Home occupations in accordance with Section 21-808. *21

K. Private or jointly owned community center recreational facilities, pools, tennis courts, and spas. *12

L. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992). *12
21-412 Property Development Standards for Permitted Principal Uses

A. The following property development standards shall apply in zoning districts SR-43 and SR-35:

<table>
<thead>
<tr>
<th>Property Development Standards</th>
<th>SR-43</th>
<th>SR-35</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area (square feet)</td>
<td>43,560</td>
<td>35,000</td>
</tr>
<tr>
<td>Minimum Lot Width (FT)</td>
<td>145</td>
<td>125</td>
</tr>
<tr>
<td>Maximum Lot Coverage (percentage)</td>
<td>25%</td>
<td>35%</td>
</tr>
<tr>
<td>Maximum Building Height (FT)</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Front Yard Setback (FT)</td>
<td>40</td>
<td>30</td>
</tr>
<tr>
<td>Side Yard Setback (FT)</td>
<td>20</td>
<td>10/20</td>
</tr>
<tr>
<td>Rear Yard Setback (FT)</td>
<td>20</td>
<td>20</td>
</tr>
</tbody>
</table>

21-413 Property Development Standards for Permitted Conditional Uses

Permitted Conditional Uses shall conform to the property development standards for Permitted Principal Uses of Section 21-412 except as otherwise specified in this Ordinance.

21-414 Property Development Standards for Permitted Accessory Buildings

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

These districts comprise single-family residential areas and certain land areas where such development is desirable. They provide for a range of single-family lot sizes and establish minimum property development standards directly related to such lot sizes. Each district is restricted to the same principal, accessory and conditional uses and affords each residential property a uniform degree of protection from encroachment and adverse influence, regardless of its price class or lot size. Regulations are designed to stabilize and protect the single-family character of the districts, to promote and encourage creation of a favorable environment for family life where most families include children and to prohibit all incompatible activities. Certain essential and complementary uses are also permitted under conditions and standards, which assure their compatibility with the character of the district.

21-416 Permitted Principal Uses

A. One detached single-family dwelling per lot. *4

B. Publicly-owned and operated parks and recreation areas and centers.

C. Group Homes, in accordance with provisions of Section 21-812.A. *21

D. Public/Charter Schools and Private Schools, provided that the facility shall have direct vehicular access to an arterial or collector street and that facilities for repair or storage of vehicles and equipment shall be prohibited. *13

E. Churches, synagogues, temples, chapels, or similar places of worship, and related facilities, subject to review and approval of vehicular access by the City Engineer. *17

F. Public utility buildings, uses, structures, equipment and storm water retention areas; provided that repair or storage facilities in connection therewith are expressly prohibited. *28

21-417 Permitted Conditional Uses

Any of the following uses may be permitted as principal uses subject to approval by the Commission of site development plans prepared in accordance with provisions of this Section and Section 21-321.

A. Public buildings providing cultural, educational, administrative, fire and police protection services to district residents; provided that all vehicular access shall be restricted to public streets.
B. Colleges or university facilities, such facilities shall have direct vehicular access to an arterial or collector street. Facilities for the repair or storage of vehicles and equipment shall be prohibited. *51

C. Non-commercial recreational uses provided that all direct vehicular access is from an arterial or collector street. *4

D. Golf courses, including clubhouses, provided that:
   1. All direct vehicular access shall be from abutting arterial or collector streets.
   2. All principal and accessory buildings shall be located not less than fifty (50) feet from any property line adjoining any residential district,
   3. Any accessory restaurant or bar shall be an integral part of a principal building, shall have no public entrance except from within the building, and shall make no exterior display or advertising of any commercial activity.
   4. Golf greens and tees, swimming pools, tennis courts and similar outdoor recreation facilities shall be located not less than twenty-five (25) feet from any property line.

E. Day Care Group Homes with five (5) or more children, in accordance with provision of Section 21-812.B., and upon a finding by the Planning and Zoning Commission, that such homes will be operated in a manner that is compatible with and not detrimental to, adjacent properties or the neighborhood in general: *21

F. Group Care Facility or Community Residential Setting Facility in accordance with provision of Section 21-812.C. *21

G. Preschool centers or day care centers in accordance with State Department of Health Care Services regulations provided that: *17
   1. The use shall be in conjunction with a non-residential principal or conditional use within this Section.
   2. All vehicular access shall be from an existing arterial or collector street.
   3. No on street parking or drop-off shall be permitted.
   4. Playgrounds or other outdoor activity area shall be separated from adjacent residential land uses by no less than twenty-five (25) feet.
   5. All playgrounds or outdoor activity areas shall be properly fenced using the following methods:
      a. Solid masonry wall no shorter than 4’–6” or
      b. Wrought-iron view fence no shorter than 4’-6” with vertical members no greater than 4” apart; or
      c. Other fencing method approved by the Planning and Zoning Commission.
   6. Hours of operation shall be between 6:00 a.m. and 7:00 p.m., or as otherwise established by the Planning and Zoning Commission
   7. Hours of outdoor activity shall be limited to between 8:00 a.m. and 6:00 p.m.

21-418 Permitted Accessory Uses

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

B. Off-street parking serving a permitted principal use, in accordance with Section 21-823.
C. Private garage or carport for storage or parking of vehicles.

D. Garden house, tool house, ramada, outdoor swimming pool and similar home recreational facilities; provided that such facilities are used solely by occupants of the premises and their guests.

E. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992). *12

F. Guest house or servant's quarters; subject to 21-423.B.

G. Home occupation, in accordance with Section 21-808, of this Ordinance. *21

H. Where the keeping of horses and other livestock is otherwise lawful, structures customarily accessory to such use. The provisions contained within Section 16-9 of the City Code shall apply to the keeping of horses and livestock.

I. Day care for four (4) or less children. *5

21-419 General Property Development Standards *12

A. On any lot, no structure shall exceed three (3) feet in height above grade within the required front setback area. *9

B. Side lot lines shall be substantially at right angles or radial to street lines, except where other treatment can be justified.

C. All Flag Lots, except as provided under Section 21-713, shall be subject to the following standards:

1. The access portion of the flag lot (“flag pole”) must be under the same ownership as the flag portion

2. Each flag lot shall have at least twenty (20) feet of street frontage and at least twenty (20) feet of width for the entire length of the flagpole.

3. The area of the flag pole portion of the flag lot shall not be included in the calculation of minimum lot area.

4. For flag lots, the Planning Manager shall determine which property line(s) shall constitute the front and rear lot lines for the purposes of compliance with yard and setback provisions of this ordinance.

5. Flag lots shall have the street address clearly visible from the street to identify a dwelling that is set back from the street.

6. The driveway providing access to the flag lot shall be placed as close as possible to an existing driveway on adjacent property.

7. The number of flag lots shall be limited per parcel or subdivision pursuant to the following schedule. No more than two (2) flag lots may be contiguous.
Table 21-419 Maximum Number of Flag Lots

<table>
<thead>
<tr>
<th>Size of Subdivision or Minor Land Division</th>
<th>Maximum Number or Percentage (%) of Flag Lots</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 or fewer lots</td>
<td>1 lot</td>
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<tr>
<td>11-50</td>
<td>10%</td>
</tr>
<tr>
<td>50+</td>
<td>5%</td>
</tr>
</tbody>
</table>

21-420 Property Development Standards for Permitted Principal Uses *

A. The following property development standards shall apply in zoning districts R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, R1-7 and R1-6: *6 *11 *23 *26

<table>
<thead>
<tr>
<th>Property Development Standards</th>
<th>R1-43</th>
<th>R1-35</th>
<th>R1-18</th>
<th>R1-12</th>
<th>R1-10</th>
<th>R1-8</th>
<th>R1-7♦</th>
<th>R1-6</th>
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</thead>
<tbody>
<tr>
<td>Minimum Lot Area (acreage)</td>
<td>43,560</td>
<td>35,000</td>
<td>18,000</td>
<td>12,000</td>
<td>10,000</td>
<td>8,000</td>
<td>7,000</td>
<td>6,000</td>
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<tr>
<td>Minimum Lot Width (FT)</td>
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<td>125</td>
<td>90</td>
<td>70</td>
<td>70</td>
<td>70</td>
<td>70</td>
<td>50</td>
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<tr>
<td>Minimum Lot Depth (FT)</td>
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<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
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</tr>
<tr>
<td>Maximum Lot Coverage (percentage)</td>
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<td>35%</td>
<td>35%</td>
<td>40%</td>
<td>45%</td>
<td>45%</td>
<td>45%</td>
<td>45%</td>
</tr>
<tr>
<td>Maximum Building Height FT</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Front Setback (FT)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side-entry garage (♦♦)</td>
<td>35</td>
<td>30</td>
<td>20</td>
<td>10 ●</td>
<td>10 ●</td>
<td>10 ●</td>
<td>10 ●</td>
<td>10 ●</td>
</tr>
<tr>
<td>Front-facing garage (o)</td>
<td>35</td>
<td>30</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Rear Setback (FT)</td>
<td>30</td>
<td>20</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
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<tr>
<td>Corner Setback (FT)</td>
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<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

Notes

● Not more than 60% of the total front-facing elevation shall occur at the 10-foot setback.

○ Where front-facing garages are present, a 10-foot front setback shall apply to the livable portion of the home provided that not more than 60% of the total front-facing elevation occurs at the 10-foot setback.

♦ Residential District R1-7 shall only apply to property zoned R1-7 on or before February 13, 1991. No property shall be re-zoned to the R1-7 district after February 13, 1991. *14

♦♦ Side-entry garages shall be prohibited on corner lots.

21-421 Property Development Standards for Permitted Conditional Uses

A. Maximum height of principal buildings conditionally permitted. Two stories of not more than thirty (30) feet, except as provided in Section 21-808 of this Ordinance. *26

B. Minimum setbacks. Every conditionally permitted principal and accessory building shall maintain required setbacks.
21-422 Property Development Standards for Permitted Accessory Buildings *26 *36

When not part of the principal building, accessory buildings shall be subject to the limitations contained in this Section and as otherwise set forth in the Peoria City Code. Accessory buildings attached to the principal building shall be subject to all applicable provisions of the Peoria City Code which would be applicable to the Principal building. Nothing herein is intended to relax the building code or other applicable City standards.

A. Maximum Height. The height of an accessory building shall not exceed twenty (20) feet in height except in the R1-18 and R1-35 zoning districts OR other zoning districts with minimum lot sizes 18,000 square feet or greater. Where a property is located in a zoning district with a minimum lot size of 18,000 square feet or greater, all accessory buildings shall have a maximum height of twenty-five (25) feet. *26

B. No accessory building shall be located in any front yard.

C. A detached accessory building, less than eight (8) feet in height and with a total floor area or projected roof area which does not exceed two hundred (200) square feet, may be located in the required side or rear yard adjacent to the property line provided the structure is not served by utilities and is screened from public view. *26

D. A detached accessory building between eight (8) and nine (9) feet in height or greater than two hundred (200) square feet in area, may be located a minimum of three (3) feet from the side or rear property line provided the structure is screened from public view. *30

E. Accessory buildings exceeding nine (9) feet in height and/or three hundred (300) square feet in area shall meet the required setbacks of the respective zoning district. Accessory buildings exceeding nine (9) feet in height and located along property lines abutting golf courses, water tanks, well sites, utility substations, water treatment plants and similar land uses as determined by the Planning Manager shall be allowed a three (3) foot side or rear setback provided that the height of the structure shall not exceed the height of the principal building. *26

F. Accessory buildings nine (9) feet in height or greater OR three hundred (300) square feet or greater shall conform to the City of Peoria Design Review Manual. *26

G. All structures shall be located in accordance with any applicable City building and/or fire code. *26

21-423 Exceptions *36

A. Side yards, interior lots of record. On each lot or record, having a width of fifty (50) feet or less, the least side yard shall have a width not less than three (3) feet, and the other side yard shall have a width not less that seven (7) feet, and the aggregate width of both side yards shall be not less than ten (10) feet upon adoption of this Ordinance.

B. Detached guesthouses or servant’s quarters. Detached guesthouses and servant’s quarters are permitted in any R1-35 and R1-18 districts; provided, however, that they shall conform to all yard requirements applicable to the accessory building.
Multi-Family Residential

21-424 Intent

This district is intended to fulfill the need for multi-family residences or attached single-family residences which are compatible with abutting single-family residential districts. Certain essential and complimentary uses are permitted under conditions and standards which assure protection of the character of the district.

21-425 Permitted Principal Uses

A. Attached Single-family dwellings.

B. Two-family dwellings.

C. Multi-family dwellings.

D. Group Homes, in accordance with provision of Section 21-812.A. provided that the residence is a pre-existing single family detached dwelling or attached dwelling. *21

E. Public/charter schools and private schools provided that the facilities have direct vehicular access to an arterial or collector street. Facilities for repair or storage of vehicles and equipment shall be prohibited. *13

F. Religious Institutions such as churches, synagogues, temples, chapels, or mosque, subject to review and approval of vehicular access by the City Engineer. *21

G. Public utility buildings, uses, structures, equipment and storm water retention areas; provided that repair or storage facilities in connection therewith are expressly prohibited. *28

21-426 Permitted Conditional Uses

The following uses may be permitted subject to Conditional Use Permit approval by the Planning and Zoning Commission.

A. Bed and Breakfast Inn, Subject to the following: *15

   1. Maximum building height shall be thirty feet (30’) or two (2) stories, which ever is greater.

   2. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in lawns or landscaping.

   3. Short-term lodging, for the purposes of a Bed and Breakfast Inn, shall be for a period not exceeding fourteen (14) consecutive days within one calendar year.
4. Meals shall be restricted to registered guests.

B. Colleges or university facilities, such facilities shall have direct vehicular access to an arterial or collector street. Facilities for the repair or storage of vehicles and equipment shall be prohibited. *31

C. Day Care Group Homes with five (5) or more children, in accordance with Section 21-812.B., provided that the residence is a single-family detached dwelling, and upon a finding by the Planning and Zoning Commission that such home will be operated in a manner that is compatible with, and not detrimental to, adjacent properties or the neighborhood in general. *21

D. Group Care Facilities or Community Residential Setting Facility in accordance with Section 21-812.C. *21

E. Hospitals, or similar health care facilities, provided access to the site shall be determined by a Traffic Impact Analysis (TIA) approved by the City Engineering Department and that the site contains a net land area totaling at least four (4) acres for the first one hundred beds or less, plus one additional acre for each additional twenty-five beds. *29

F. Nursing or convalescent home provided that all vehicular access is from an abutting arterial or non-residential collector street, and that the site contains a net land area of at least one (1000) thousand square feet per dwelling unit. *10

G. Preschool centers or day care centers in accordance with State Department of Health Care Services regulations.

H. Rooming house provided that the site contains a net land area of at least five hundred (500) square feet per resident.

I. Reception Center provided that all outdoor events between the hours of 10:00 p.m. and 12:00 a.m. have obtained a temporary use permit.

21-427 Permitted Accessory Uses *5

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

B. Day care for four (4) or less children.

C. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992). *12

21-428 General Regulations

A. All multi-family residential developments in the RM-1 Districts are subject to site plan approval as set forth in the provisions of this Ordinance. All design standards, including on-site parking, traffic circulation, and landscaping, shall be in accordance with the City of Peoria Design Review Manual and the Peoria Zoning Ordinance.

B. All off-site improvements shall be the responsibility of the developer and shall be accomplished in the same manner as is specified and required in the subdivision regulations of the City of Peoria, Chapter 24 of this Code.
21-429 Development Standards

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

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARDS</th>
<th>ATTACHED SINGLE-FAMILY BUILDINGS</th>
<th>TWO, THREE, FOUR-FAMILY AND MULTI-FAMILY BUILDINGS</th>
<th>MULTI-FAMILY BUILDINGS (FIVE-FAMILY DWELLING &amp; ABOVE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Lot Coverage by all structures (%)</td>
<td>60</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Minimum Lot Width (FT)</td>
<td>30</td>
<td>N/R</td>
<td>N/R</td>
</tr>
<tr>
<td>Maximum Density (du/ac – as calculated by Peoria General Plan)</td>
<td>8 ●</td>
<td>12 ●</td>
<td>18 ○</td>
</tr>
<tr>
<td>Maximum Principal Building Height (FT)</td>
<td>30</td>
<td>30</td>
<td>48 ♦</td>
</tr>
</tbody>
</table>

**MINIMUM BUILDING SETBACKS (FT)**

<table>
<thead>
<tr>
<th></th>
<th>Front Setback</th>
<th>Rear Setback</th>
<th>Side Setback</th>
<th>Corner Side</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>10</td>
<td>20</td>
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<td>15</td>
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<tr>
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<td>5 ♦♦</td>
<td>20 ♦♦</td>
<td>20 ♦♦</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>15</td>
</tr>
</tbody>
</table>

**Notes**

- **N/R** No minimum requirement
- ● Maximum density may be increased up to two (2) additional units per acre based on finding that the project incorporates additional amount of open space, recreational amenities, enhanced landscaping, enhanced project amenities, and/or pedestrian corridors.
- ○ Maximum density may be increased up to seven (7) additional units per acre based on finding that the project incorporates additional amounts of open space, recreational amenities, enhanced landscaping, enhanced project amenities, and/or pedestrian corridors.
- ♦ Building Height: Maximum thirty (30) feet high within thirty (30) feet of any Single-Family Residential District. The height may be increased by one (1) foot per each three (3) feet of additional setback to a maximum of 48-feet.
- ♦♦ For condominium and attached housing types, only building separation applies. No minimum building separation is required along common wall. **33**
B. Development Standards for Non-Residential Uses shall be as follows:

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARDS</th>
<th>NON-RESIDENTIAL BUILDINGS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Lot Coverage (%)</td>
<td>50</td>
</tr>
<tr>
<td>Maximum Principal Building Height (FT)</td>
<td>48</td>
</tr>
<tr>
<td><strong>SETBACKS (feet)</strong></td>
<td></td>
</tr>
<tr>
<td>Front (street line)</td>
<td>40</td>
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<tr>
<td>Rear</td>
<td>25</td>
</tr>
<tr>
<td>Side</td>
<td>25</td>
</tr>
<tr>
<td>Corner Side (from edge of pavement)</td>
<td>10</td>
</tr>
</tbody>
</table>

**Note**
- Provided that the minimum required side and rear setbacks shall be increased by three additional feet (3') for each one (1) foot by which the height of the structure exceeds thirty feet (30').

C. Development Standards for Accessory uses shall be as follows:

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARDS</th>
<th>TWO, THREE, FOUR-FAMILY DWELLING AND MULTI-FAMILY</th>
<th>NON-RESIDENTIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Building Height (FT)</td>
<td>20 ●</td>
<td>20</td>
</tr>
<tr>
<td><strong>MINIMUM BUILDING SETBACKS (FT)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>Rear</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>Side</td>
<td>8</td>
<td>10</td>
</tr>
</tbody>
</table>

**Note**
- Thirty feet (30’) maximum height for Clubhouse

21-430 Special Regulations

The intent of this Section is to provide for the registration and vesting of the detached single-family dwelling use which existed within the RM-1 zoning district prior to April 1, 1993. This Section is also intended to provide that properties not registered and vested in accordance with this Section shall be subject to all the provisions of Chapter 14 of the Peoria City Code (1977) as amended and effective after April, 1993.

A. Notwithstanding any other provisions contained within this Section all undeveloped and unsubdivided parcels of property within the City containing an RM-1 zoning or Planned Unit Development (P.U.D.) zoning with RM-1 zoning designation prior April 1, 1993 shall be governed by the provisions of this Section, in addition to all other applicable provisions of the City Code (1992) and Chapter 14 of the Peoria City Code (1977 Edition).

B. On or before October 4, 1996, any undeveloped and unsubdivided property having an RM-1 zoning or P.U.D. zoning with RM-1 zoning designation prior to April 1, 1993 may register and vest the use of detached single-family dwelling by complying with all of the provisions contained in this
Section. Compliance with the registration and vesting requirements of this Section shall result in the continuation of the principal permitted use status of detached single-family dwelling that existed prior to April 1, 1993.

C. In order to register the principal permitted use status of detached single-family dwelling on undeveloped and unsubdivided property having an RM-1 zoning or P.U.D. zoning with RM-1 zoning designation, the following requirement must be met:
   1. Submission of a complete Preliminary Plat application prior to October 6, 1995. Submission of a complete Preliminary Plat application shall constitute registration of the subject property.

D. In order to vest the principal permitted use status of detached single-family dwelling on undeveloped and unsubdivided property having an RM-1 zoning or P.U.D. zoning with RM-1 zoning designation and registered as provided in Section 21-430, all of the following requirements shall be met prior to October 4, 1996:
   1. Approval of the Preliminary Plat for the subject property.
   2. Approval and recordation of the Final Plat for the subject property.
   3. Completion and acceptance by the City of all off-site improvements required under the Final Plat.
   4. Application and issuance of a building permit for one or more detached single-family dwelling(s) within the subject property.

E. All detached single-family dwelling uses vested and developed between April 1, 1993 and October 4, 1996 shall comply with all of the following standards:  
   1. Minimum lot size of four thousand five hundred (4,500) square feet.
   2. Minimum front setback of twenty (20) feet.
   3. Minimum side yard setback of five (5) feet, with at least one side yard being a minimum of eight (8) feet.
   4. Minimum rear setback of fifteen (15) feet.
   5. Maximum lot coverage not to exceed forty-five percent (45%).
   6. Minimum front lot footage of forty-five (45) feet.
   8. The building setback of a principal building for a corner side yard shall be ten (10) feet.

F. All detached single-family dwelling uses vested and developed prior to April 1, 1993 shall comply with all of the following standards:  
   1. Minimum lot size of four thousand (4,000) square feet.
   2. Minimum front setback of fifteen (15) feet.
   3. Minimum side yard setback of three (3) feet.
   4. Minimum rear setback of fifteen (15) feet.
   5. Maximum lot coverage not to exceed fifty percent (50%).
   6. Minimum lot width of forty (40) feet.
7. The setback between buildings shall be ten (10) feet.

G. Failure by the owner of any parcel having an RM-1 zoning or P.U.D. zoning with RM-1 zoning designation prior to April 1, 1993, to comply with the provisions of this Section by registration of the property by October 6, 1995, and vesting by October 4, 1996 of the detached single-family dwelling use and compliance with all the requirements of this Section shall be deemed to subject the owners of such parcels to all the requirements of Chapter 14 of the Peoria City Code (1977 Edition) as amended and effective on April 1, 1993.

H. Within a master planned community, which is defined as a community consisting of not less than two hundred (200) acres and which is being developed by a single developer or its successors in interest and which is characterized by the existence of enhanced recreational facilities such as lakes or golf courses which are funded by the assessments against individual residents within the master planned community, those parcels within a master planned community meeting this definition and having an RM-1 zoning designation prior to April 1, 1993 shall be deemed having vested the principal permitted use status of detached single-family dwelling that existed prior to April 1, 1993.
Mobile Home Subdivision District (RMH-1)

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>21-431</td>
<td>Intent</td>
</tr>
<tr>
<td>21-432</td>
<td>Permitted Principal Uses</td>
</tr>
<tr>
<td>21-433</td>
<td>Permitted Conditional Uses</td>
</tr>
<tr>
<td>21-434</td>
<td>Permitted Accessory Uses</td>
</tr>
<tr>
<td>21-435</td>
<td>Property Development Standards for Mobile Home Subdivisions</td>
</tr>
<tr>
<td>21-436</td>
<td>Property Development Standards for Accessory Buildings</td>
</tr>
<tr>
<td>21-437</td>
<td>General Regulations</td>
</tr>
</tbody>
</table>

**21-431 Intent**
This district comprises areas suitable for placement and occupancy of mobile homes for residential purposes on individually owned lots in mobile home subdivisions. Regulations are designed to stabilize and protect the residential character of the district and to promote compatibility with adjacent districts.

**21-432 Permitted Principal Uses**

A. One mobile home per lot.

B. Churches, synagogues, temples, chapels, or similar places of worship, and related facilities, subject to review and approval of vehicular access by the City Engineer. Appeals from the application of these requirements may be made following the provisions of Section 21-320.

**21-433 Permitted Conditional Uses**

A. Any use permitted in any R1-8 single-family residential district, in accordance with all regulations pertaining hereto in such district.

B. Recreational areas, facilities and buildings; offices; service buildings and yards, subject to approval by the Commission of the proposed site development plans; provided that the primary purpose of any such use is service to residents of the subdivision.

C. Day Care Group Homes with five (5) or more children, in accordance with Section 21-812.B., and provided that the residence is a single-family detached dwelling.

**21-434 Permitted Accessory Uses**

A. One attached carport, one attached cabana, ramada or covered patio, one detached storage room per mobile home, and day care for four (4) or less children.

B. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of Peoria City Code (1992).

**21-435 Property Development Standards for Mobile Home Subdivisions**

A. Minimum Lot Size
Seven thousand (7000) square feet.
B. Minimum Lot Width
   Sixty (60) feet.

C. Minimum Setback of any Building or Mobile Home from District Boundary Line or Street Abutting the Subdivision
   Twenty-five (25) feet.

D. Minimum Front Setback from Interior Streets
   Twenty (20) feet.

E. Minimum Rear Yard
   Thirty (30) feet.

F. Minimum Side Yard
   Four (4) feet least single side yard, thirteen (13) feet total side yards.

21-436 Property Development Standards for Accessory Buildings

A. Maximum Height
   Fifteen (15) feet above grade.

B. Accessory Buildings
   Whether attached or detached, shall not be erected in any required front or side yard, except as otherwise provided in this Section.

C. Corner Lot
   On a corner lot adjoining a key lot and not separated there from by an alley, any detached accessory building shall be set back from the rear lot line a distance not less than the width of the least required side yard applicable to the principal building. On a corner lot having its rear lot line abutting an alley line, detached accessory buildings shall be set back from the rear lot line not less than three (3) feet.

21-437 General Regulations

A. Rezoning procedure
   Requests for rezoning to RMH-1 mobile home subdivision district shall be accompanied by application for preliminary plat approval prepared in accordance with this Section and Chapter 24 Subdivision. Approval of rezoning to RMH-I shall be contingent on approval of the proposed preliminary plat; provided further that such rezoning shall become null and void and revert to the original zoning in the event preliminary plat approval expires prior to filing of a final plat.

B. No accessory building on a mobile home lot shall be used for sleeping or living purposes.

C. Expandable sections of mobile homes shall be considered as part of the mobile home proper.

D. Every mobile home shall be permanently connected to electric power, water supply, sewage disposal, gas and telephone service lines in compliance with applicable City Codes, and all utility distribution and service lines shall be installed underground.
Recreational Vehicle Resort District (RMH-2)

21-438 Intent
This district provides for the development of areas designed and intended for use and temporary occupancy as recreational vehicle resorts as defined herein. Regulations are designed to protect and enhance the public health, safety, welfare and the environment by requiring adequate utilities and facilities and proper development standards to ensure the quality of uses within the district, and to promote compatibility with adjacent districts.

21-439 Definitions

- **Carport.** An attached structure with one or more open sides.
- **Covered Patio.** An attached covered use area with one or more open sides used for casual living and supplied only with normal lawn furniture and equipment.
- **Temporary Utility Storage Room.** A storage building not exceeding one hundred and twenty (120) square feet in area, anchored to the ground or a concrete slab, park model carport or patio. No storage room shall be used for sleeping or living purposes.
- **Raised Deck or Porch.** A wooden platform raised above the ground to a level at or below the floor level of the park model or other recreational vehicle, attached or unattached thereto and enclosed only by a railing.
- **Enclosed Patio Room.** An all-weather structure attached or unattached to a recreational vehicle or park model, enclosed by doors, screening, and/or openable widows, used for incidental living purposes, but not including bath, laundry or kitchen facilities.
- **Landscaping.** Permanent or semi-permanent organic or inorganic materials designed to enhance the appearance and livability of the site.
- **Recreational Vehicle Resort.** A development designed and intended for the placement and occupancy of recreational vehicles on a temporary or semi-permanent basis, along with the amenities and support facilities necessary and desirable for the operation and maintenance of the facility.
- **Recreational Vehicle.** A camper, travel trailer, motor home or park model as the same are further defined herein.
- **Camper.** A model living unit designed to be mounted upon or conveyed by another vehicle.
Travel Trailer. A mobile living unit not exceeding eight (8) feet in width and thirty-three (33) feet in length designed to be towed behind another and separate vehicle.

Motor Home. A self propelled mobile living unit.

Park Model. A commercially manufactured living unit not exceeding four hundred (400) square feet in area, capable of being moved on its own wheels and placed on a site in a recreational vehicle resort in a semi-permanent manner.

21-440 Permitted Principal Uses

A. One recreational vehicle or park model per site.
B. Recreational vehicle resort subject to Maricopa County Health Department Regulations and to Development Standards set forth herein.

21-441 Permitted Conditional Uses

A. Recreation areas and facilities, laundries, rest rooms, administrative offices, service buildings and storage yards, subject to the approval of the Commission or proposed site development plans, provided that the only purpose of any such use is service to residents and guests of the resort.
B. The recreational vehicle resort developer may apply for approval of the recreational vehicle resort in compliance with all State regulations and file and record a recreational vehicle resort plat containing individual report vehicle sites and common recreation al use sites and areas. The developer must obtain prior City approval of declaration of covenants, conditions and restrictions or common scheme rules and regulations.

21-442 Permitted Accessory Uses

A. One carport, one covered patio, one temporary utility storage room.
B. One raised deck or porch.
C. One enclosed patio room.
D. Landscaping.

21-443 Development Standards

A. Minimum Area
   Ten (10) acres undivided by a public street except as provided in Section 21-440 of this Ordinance and based on full acre including street easements.
B. Minimum Area Per Recreational Vehicle Site
   One thousand seven hundred and fifty (1,750) square feet.
C. Minimum Recreational Vehicle Site Width
   Thirty-five (35) feet.
D. Minimum Recreational Vehicle Site Depth
   Fifty (50) feet.
E. Minimum Setback for Recreational Vehicle Park
   Fifteen (15) feet from any public street.

F. Minimum Setback for Private Access Streets
   Thirty-two (32) feet measured between curb faces.

G. Maximum Building Height
   Two stories or twenty-five (25) feet, which ever is less.

H. Recreation and Open Space Area
   Ten percent (10%) of area less private streets shall be devoted to recreation and open space.

I. Recreational Vehicle Storage Area
   Fifty (50) square feet of area for each recreational vehicle site shall be provided for the storage of recreational vehicles not in use, boats, utility trailers and the like. Such area shall be within the resorts.

21-444 Use of Recreational Vehicle Sites

A. No recreational vehicle or accessory structure shall be placed over any existing utility easements.

B. Minimum setbacks for recreational vehicles and accessory structures:
   1. Four (4) feet from any private access street.
   2. Ten (10) feet from any adjacent district boundary or property line.
   3. Fifteen (15) feet from any public street.
   4. Three (3) feet from the side line of the site.
   5. Five (5) feet from the rear line of the site.
   6. Fifteen (15) feet between recreational vehicles or park models on adjacent sites.

C. On-site parking shall be provided for one vehicle in addition to the recreational vehicle.

21-445 Occupancy

A. Development plans for the recreational vehicle resort shall be submitted to the Commission for its review and recommendation and shall require approval of the City Council prior to the issuance of building permits.

B. No recreational vehicle shall be occupied within the recreational vehicle resort except in compliance with the terms of this Section and the required permits and approvals of the City of Peoria, the County of Maricopa and the State of Arizona.

21-446 General Regulations

A. All direct vehicular access shall be from abutting arterial streets.

B. Original development of each space within a proposed park shall be valued at One Thousand Dollars per space. A building permit is required for said space development. Permits must be obtained for additions, alterations, canopies, carports, storage and detached refrigeration units.
Fees for which are set by the Uniform Building Code (Section 8-1) and Uniform Mechanical Code (Section 9-4).

C. It shall be unlawful for any person, firm, corporation or agency to turn on or allow to be turned on any gas or electric service without an inspection and clearance from the Department of Building Safety, City of Peoria.

D. It shall be the responsibility of the park owners or managers of rental parks to see that all sections of this Section are complied with, including requirements relative to required permits.
References

Adopted by Ord. No.: 2016-29

Previous Ordinances:
*1  88-16
*2  89-36
*3  90-55
*4  93-12
*5  93-25
*6  93-42
*7  95-10
*8  95-30
*9  95-72
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   - Convenience Commercial (C-1)
   - Planned Neighborhood Commercial (PC-1)
   - Planned Community Commercial (PC-2)
   - Intermediate Commercial (C-2)
   - Central Commercial (C-3)
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   - Planned Light Industrial (Pl-1)
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Non-Residential Districts

21-501 Intent
The non-residential districts are intended to collectively facilitate the development and operation of all types of employment-generating uses, including, but not limited to, retail and service establishments, neighborhood convenience stores, business parks and professional offices, research and development centers, storage warehouses and other light-industrial uses in a manner consistent with the Peoria General Plan.

21-502 Zoning Districts
A. Office Commercial District (O-1)
The O-1 District is intended to provide an environment conducive to the establishment of professional offices, medical and legal services, and ancillary retail uses. Certain other types of uses are permitted under conditions and standards that ensure their compatibility with surrounding uses as well as nearby residential districts. The O-1 Districts provide for land use transition between more intensive commercial developments and the less intensive residential neighborhoods.

B. Convenience Commercial District (C-1)
The C-1 District is intended to accommodate neighborhood-scale retail and service establishments that provide the incidental daily necessities for the local residential areas. This district constitutes the secondary level of neighborhood commercial development. In order to prevent the undesirable "strip" commercial development, it is intended that each development be contiguous
and limited in scale. The C-1 Districts should generally be restricted to the intersection of major arterial streets while providing one-mile separation from other non-adjacent commercial districts. The regulations and development standards are designed to preserve adjacent residential amenities and to prohibit encroachment by more intensive commercial uses.

C. Planned Neighborhood Commercial District (PC-1)
The PC-1 District is intended to accommodate small-scale retail and service establishments that provide the incidental daily necessities for the local residential areas. This district allows for planned neighborhood shopping centers typically having a principal tenant (i.e. supermarket) and an accompanying trade area generally limited to adjacent neighborhoods. It is further intended that PC-1 Districts be restricted to the intersection of selected arterial streets while generally providing one-mile separation from other non-adjacent commercial districts. The regulations and development standards are designed to preserve adjacent residential amenities and to prohibit encroachment by more intensive commercial uses.

D. Planned Community Commercial District (PC-2)
The PC-2 District is intended to accommodate large-scale planned commercial complexes providing comparison shopping goods and services to a community wide and regional trade area. It is further intended that such commercial centers shall be planned, developed and managed as integrated complexes under unified or condominium ownership.

E. Intermediate Commercial District (C-2)
The C-2 District is intended to provide a shopping center for the sale of convenience goods and personal services. In order to prevent the establishment of undesirable "strip" commercial development, it is intended that each development be contiguous and limited in scale. The C-2 districts should generally be restricted to the intersection of major arterial streets while providing one-mile separation from other non-adjacent commercial districts. The regulations and development standards are designed to preserve adjacent residential amenities and to prohibit encroachment by more intensive commercial uses.

F. Central Commercial District (C-3)
The C-3 District is intended to accommodate retail and service establishments in the original plat of Peoria, what is now called the ‘Old Town’ area. While the C-3 District is intended for buildings to be grouped together in compact arrangements in order to provide maximum shopping convenience and efficient use of off-street parking, the development standards contained herein recognize the existing characteristics of individually owned, small-lot business establishments. The regulations and development standards are designed to preserve adjacent residential amenities and to prohibit encroachment by more intensive commercial uses.

G. General Commercial District (C-4)
The C-4 District is intended to facilitate a wide range of retail, office, service establishments, and other uses not suitable to be located adjacent to residential zones but necessary to accommodate the larger community. This district is particularly suitable along Grand Avenue and Bell Road where uses are primarily related to auto-borne clientele and by nature, create a high degree of turning movement.

H. Regional Commercial District (C-5)
The C-5 District is intended to accommodate large-scale commercial establishments or developments that provide goods and services to a community-wide and regional trade area. These districts are typically located along major arterials (typically 110’ of right-of-way) or other regional transportation corridors.
I. Business Park Industrial District (BPI)
The BPI District is intended to accommodate the development of office parks, support retail services, warehousing and certain light industrial uses in a comprehensively planned and attractive setting. The regulations and development standards contained within this district include generous screening, landscape buffering and performance standards to ensure compatibility with neighboring districts, particularly when located near residential districts.

J. Planned Light Industrial District (PI-1)
The PI-1 District is intended to accommodate certain industrial structures and uses having physical and operational characteristics that might have potential adverse impacts on adjacent properties. The regulations and development standards are designed to permit those industrial uses which can be operated in a relatively clean, quiet and safe manner, and are compatible with adjoining industrial uses without causing adverse impacts, danger or hazard to nearby non-industrial uses.

K. Light Industrial District (I-1)
The I-1 District is intended to accommodate certain light industrial developments such as manufacturing uses which can be operated in a relatively clean, quiet and safe manner without causing adverse psychological influence or nuisance effects on surrounding property or similar reasons. The regulations and development standards are designed to accommodate, control and limit such special uses for their own protection as well as for protection of the character of surrounding districts.

L. Heavy Industrial District (I-2)
The I-2 District is intended to accommodate certain industrial structures and uses, including large-scale or very specialized industrial operations, having potential adverse environmental impacts on adjoining residential and commercial developments, and, to some extent, the nearby light industrial districts. The regulations and development standards are structured to permit uses involve processing of raw materials and the manufacturing, processing and compounding of semi-finished or finished products.
21-503 Land Use Matrix

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

Table 21-503 Land Use Matrix

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>O-1</th>
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<td>Indoor Recreation/Entertainment include Bowling Alleys, Game Rooms, Video Arcades, Ice &amp; Roller Skating Rinks, Shooting Ranges, Pool &amp; Dance Halls, Bingo Halls, and similar uses. Excludes Adult Uses; Taverns Bars, and Lounges</td>
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| **LODGING**                                                             |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Bed and Breakfast Inn #                                                 | -   | -   | -   | -   | -   | C   | -   | -   | -   | -   | -   | -   | -   |
| Hotel or Motel #                                                        | -   | -   | P   | P   | P   | P   | P   | P   | -   | -   | -   | -   | -   |
| Living quarter for night guards                                        | -   | -   | -   | -   | -   | -   | A   | A   | A   | A   | A   | A   | A   |

| **MEDICAL**                                                             |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Ambulance Service Facility                                              | -   | -   | -   | -   | C   | C   | P   | P   | -   | P   | P   | P   | P   |
| Emergency Medical Care Facility #                                       | -   | -   | -   | -   | C   | C   | P   | P   | -   | P   | P   | P   | P   |
| Hospitals                                                               | -   | -   | -   | -   | -   | -   | -   | C   | -   | -   | -   | -   | -   |
| Medical, Dental, Optician or Health, Clinics and Laboratories           | P   | P   | P   | P   | P   | P   | P   | P   | P   | P   | P   | P   | P   |
| Veterinary Hospital # *16                                               | -   | -   | -   | -   | C   | C   | C   | C   | P   | P   | P   | P   | P   |
| Veterinary Offices and Clinics, excluding animal boarding # *16         | -   | -   | -   | -   | C   | C   | C   | C   | P   | P   | P   | P   | P   |

P = Permitted Use  
C = Permitted Conditional Use. Conditional Use Permit required. See Section 21-322.  
A = Accessory use  
♦ = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit *17  
# = Subject to special limitations (see the following Section 21-505)  
- = Not Permitted
## PERSONAL SERVICES

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### TRANSPORTATION

- Aviation uses such as Aircraft Repair, Aircraft Sales and Air Charter Services #1
  - - - - - - - - - P* P* P*
- Bus Terminals #1
  - - - - C C C - - P* P* P*
- Marine Fuel Facility #1
  - - - - - - - - - - - P*
- Rail and Motor Freight Terminals and Facilities #1
  - - - - - - P - - P P P
- School Bus Parking and Maintenance Facilities #1
  C C C C C C C P* P* P*

P = Permitted Use
C = Permitted Conditional Use. Conditional Use Permit required. See Section 21-322.
A = Accessory use
♦ = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit #1
# = Subject to special limitations (see the following Section 21-505)
- = Not Permitted
NON-RESIDENTIAL DISTRICTS

21-504 General Regulations for O-1 C-1, PC-1, PC-2, C-2 and C-3

In Zoning Districts O-1, C-1, PC-1, PC-2, C-2, and C-3, the following general regulations shall apply:

A. All activities, except as otherwise permitted herein, shall be conducted entirely within enclosed buildings.

B. Outdoor storage of goods and materials shall be prohibited.

C. Warehousing or indoor storage of goods or material beyond that normally incidental to permitted uses shall be prohibited.

21-505 Limitations on Uses

A. Automobile Related

1. Automotive Diagnostic and/or Service Establishments, including those that perform automotive repairs, engine and transmission overhaul, lubrication; tire repair and/or replacement and wheel balancing and alignment; muffler repair or replacement; brake service, repair or replacement; shall be subject to the following additional requirements:

   a. No outdoor displays or storage shall be permitted, except for merchandise normally sold from the premises that is displayed during normal business hours. No temporary parking of vehicles waiting for repair shall be permitted except in the garage or in C-4, C-5, PI-1, I-1, and I-2 zoning districts. The parking area shall be fully screened from public view.

   b. All activities shall be performed entirely within an enclosed building. High-speed washing, body repair, machining of auto parts, painting, vehicle or trailer rental shall be expressly prohibited.

   c. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in landscaping. All exterior design shall be compatible with surrounding developments.

2. Autobody Repair and Painting, Tire Sales, Repair and Mounting, and Auto Sound System Installation, Auto Window Tinting, Auto Glass Repair and similar uses shall have no outdoor displays other than merchandise normally sold from the premises that is displayed during normal business hours. No outdoor storage shall be permitted.

3. Auto Sound System Installation, Auto Window Tinting, Auto Glass Repair and similar uses shall be conducted within enclosed buildings.

4. Automobile Rental Facility, excluding moving truck, trailer and equipment rental, shall be subject to all of the following additional requirements:

   a. No more than six (6) vehicles shall be stored on site in association with the office location.

   b. The facility shall be located within a developed commercial center or building.

   c. Automobile storage shall be limited to hard surfaced areas.

   d. The automobile storage area shall not occupy required parking spaces or access lanes.

5. Gas Service Stations shall be subject to all of the following additional requirements: *11, *22

   a. Minimum frontage of one hundred-eighty (180) feet on one arterial street is required.
b. No part of any building, canopy, fuel dispenser, or accessory equipment shall be within 200 feet of any residentially zoned property.

c. A minimum of 500 feet of separation is required between gas service stations located on the same side of the street. Gas Service Stations separated by arterial streets are not subject to this requirement.

d. All of the following development standards shall apply:

1) The minimum side and rear building setback including canopies, from a property line abutting a residential zoning district: thirty (30) feet.

2) The minimum side and rear building setbacks including canopies, from a property line abutting a non-residential zoning district: ten (10) feet.

3) The minimum street setback for buildings, fuel dispensers, accessory equipment, and canopies: twenty-five (25) feet.

4) All fuel pump mechanism and any accessory equipment dispensing fuel shall be covered by canopies.

5) Under canopy mounted lights shall be flush with the underside of the canopy.

6) Fuel tanks larger than 1,000 gallons must be located underground. Above ground tanks shall be screened from street view, shall not exceed 6-feet in height, and shall be setback at least 25-feet from any public street.

B. Eating & Drinking Establishments

1. Food and Beverage Vendor Cart and Small Merchandise Vendor Cart shall be subject to the following additional requirements: 

   a. The use must be part of an existing permitted principal development.

   b. The use shall not occupy any required parking stalls of the principal development.

   c. The use shall not be located within any right-of-ways or interfere with traffic circulation.

   d. The use shall not interfere with pedestrian access ways, fire lanes, driveways, or traffic visibility at driveways or street intersections.

2. Restaurants with Drive-Through:

   a. All drive-through lanes, menu boards, speaker box, and other related elements shall be located at least 50 feet from any residentially zoned property or use. Speakers at a drive-through shall not be audible from residentially zoned property. Sound shall be mitigated through the use of sound attenuation walls, landscaping, or other measures.

   b. The drive-through lane shall be separated from parking areas and driving lanes by a minimum 5-foot wide landscaping island or other alternative as approved by the Planning Manager.

   c. Drive-through canopies and other appurtenances shall be architecturally compatible with the principal building.

   d. Through the Conditional Use Permit (CUP) process, the conditions considered for imposition by the Planning and Zoning Commission may include, but are not limited to, a restriction on operating hours, additional screening, relocation of the drive-through,
modification of the minimum drive-through stacking requirements, noise and visual mitigation, and other measures appropriate to the relevant circumstances.

3. Outdoor Dining and Seating Areas: *18, *22
   a. Such areas shall be located immediately adjacent to the restaurant or establishment to which it is an accessory use.
   b. The use shall not interfere with pedestrian access, fire lanes, driveways, or traffic visibility at driveways or street intersections.
   c. Such areas shall not exceed 25% of the gross floor area (GFA) of the establishment. The Planning and Zoning Commission may waive this requirement if it is found that sufficient mitigating measures are provided to eliminate potential adverse impacts on adjacent properties.
   d. Through the Conditional Use Permit (CUP) process, the conditions considered for imposition by the Planning and Zoning Commission may include, but is not limited to, a restriction on operating hours, additional screening, relocation of the outdoor dining and seating area, noise and visual mitigation and other measures appropriate to the relevant circumstances.

4. Tavern, Bar, or Lounge:
   a. The exterior building wall shall not be located within one-thousand (1,000) feet of the property lines of a state designated Local Alcohol Reception Center.
   b. The exterior building walls of the use shall be located at least two-hundred (200) feet from a residentially zoned property.
   c. Through the Conditional Use Permit (CUP) process, the conditions considered for imposition by the Planning and Zoning Commission may include, but are not limited to, a restriction on operating hours, additional screening, relocation of any outdoor patio areas, live entertainment standards, noise and visual mitigation, and other measures appropriate to the relevant circumstances.

C. Entertainment & Recreation

1. Adult Uses, which are subject to the provisions of Special Conditional Use Permits section of this Ordinance *4 shall be subject to all of the following additional requirements:

   In the development and execution of this Section, the City recognizes that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area. Adult Uses subject to these regulations and development standards are as follows:

   Adult Arcade
   Adult Bookstore, Adult Retail Store or Adult Video Store
   Adult Cabaret
   Adult Motel
Adult Motion Picture Theater
Adult Theater
Nude Model Studio
Sexual Encounter Center
Any combination of classifications listed above.

a. Any person who intends to establish any of the Adult Uses shall submit an application in the same manner as all other Conditional Uses.

b. For purposes of this Section, the maintenance of two or more Adult Uses in a single building that are not at least 51% owned by the same entity shall be treated as two separate Adult Uses for purposes of applying the locational provisions of this Section.

c. An Adult Use shall meet the locational criteria prescribed in this Section. The Board of Adjustment shall not have the jurisdiction to grant variances from these locational criteria. For the purpose of measuring separation distances required in this Section, the measurements shall be taken in a straight line from the closest exterior building walls of an Adult Use to the affected structures, property line or district boundary line, as the context indicates, without regard to intervening structures, objects, or jurisdictional boundaries.

d. The exterior building wall of Adult Use shall not be located within one thousand (1,000) feet of the exterior property lines of any one or more of the following uses:

1) Preschool, kindergarten, elementary, or secondary school.
2) Public library, service club, neighborhood or community public park, or publicly owned and operated swimming or aquatics facility.
3) A state designated Local Alcohol Reception Center.
4) A community residential facility or release facility.
5) Tavern, bar, lounge or an establishment that sells beer or intoxicating liquor for consumption on the premises.
6) Vacant land acquired and owned by the state or a political subdivision for one of the purposes identified in (1) to (5) of this Subsection.

e. The exterior building wall of an Adult Use shall not be located within five hundred (500) feet of an existing residential district boundary line. A residential district for the purposes of this Section shall include the following zoning districts: AG, SR-43, SR-35, R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, R1-7, R1-6, RM-1, RMH-1, RMH-2, or residentially designated property within a P.A.D., P.U.D. or P.C. zoning district.

f. An Adult Use shall not be located within one thousand (1,000) feet of any other Adult Use, measured from exterior building wall to exterior building wall.

g. An Adult Use lawfully operating is not rendered in violation of these provisions by the subsequent location of a preschool, kindergarten, elementary, or secondary school, public library, service club, neighborhood or community public park publicly owned and operated swimming or aquatics facility; community residential facility or release facility. An Adult Use lawfully operating is not rendered in violation of these provisions by the subsequent rezoning of land to a residential zoning district.
h. For the purposes of calculating the locational requirements in this Section, the distance shall be measured from the exterior surface of the walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted to a point which is the required distance apart, in a straight line, not taking into account any buildings, natural or artificial obstructions or structures including the rights-of-way of any public or private roadway or easements.

i. For the purposes of calculating the locational requirements in this Section, the distance measured shall include those areas of unincorporated Maricopa County that are entirely surrounded by the City of Peoria or the City of Peoria and some other incorporated City. The locational requirements in this Section shall also apply to the itemized list of sensitive uses regardless of whether their distance from a proposed Adult Use places them within a county island of unincorporated Maricopa County, unincorporated Maricopa County or an adjacent incorporated City.

j. Prior to the granting of a Special Conditional Use permit for any Adult Use, the Planning and Zoning Commission may impose only those conditions or limitation upon the establishment, location, construction, maintenance or operation of the Adult Use specifically authorized under Section 21-321 and this Section.

k. No person may resubmit an application for an Adult Use which City has been denied in whole or in part for a period of one (1) year from the date of the denial.

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

2. Health and Exercise Center shall be subject to the following conditions: ¹¹¹
   a. The total building floor area shall not exceed 5,000 square feet in the O-1, C-1, PC-1, and PC-2 Districts.
   b. Hours of operation in the O-1, C-1, PC-1, and PC-2 shall be limited to 5:00 a.m. to 7:00 p.m. ¹¹³

3. Recreation, Social Clubs and similar establishments shall have vehicular access to the site only from arterial or collector streets.

4. Wedding Reception Centers shall be subject to both of the following additional requirements:
   a. Maximum building height shall be thirty (30) feet or two (2) stories, whichever is greater.
   b. Outdoor events between the hours of 10:00 p.m. and 7:00 a.m. shall require a temporary use permit.

D. General Industrial & Manufacturing

   1. Mini-storage warehouses, RV, Boat, and Trailer Storage, indoor and/or screened, shall be subject to the following additional requirements:
      a. For the purposes of this Section, an outdoor RV, Boat and Trailer Storage use shall be visibly screened from a public street by an architecturally integrated wall or structure consisting of a minimum height of ten (10) feet, or as otherwise approved by the Planning and Zoning Commission. Additional screening from elevated roadways may be required, such as canopies, berming, or other design solutions.
      b. Doors of the storage areas shall not front on any public street.
c. Only storage shall be permitted. No sale of goods, materials or other tangible or intangible property from the facility or any part thereof shall be permitted. No activities conducted on the premises, whether related to the stored items or otherwise. The sale of insurance by the operator on goods stored therein or the sale by the operator of items used in connection with the storage of goods at the site shall not be prohibited.

d. No hazardous or flammable materials, as defined in the Peoria City Building Code, shall be stored in such facility.

e. The City may exempt any structure from side and rear yard setbacks, except in circumstances where the site devoted to such use abuts a residential use or residentially-zoned vacant property. In such cases, the setback for the site boundary abutting the residential district shall be no less than thirty (30) feet.

f. All direct vehicular access shall be from an abutting arterial street.

g. The locations of the driveways, wall, landscaping, and buildings shall be so arranged as to minimize traffic disruptions.

h. A wall with a minimum height of six (6) feet and a landscaping buffer in accordance with Section 21-818.A.3, or as approved by the Planning and Zoning Commission, shall be constructed along the site boundary devoted to such use where abutting a residential use or residentially-zoned vacant property.

i. All vehicle storage shall be limited to hard surfaced areas.

j. Lighting shall be directed toward the site and shall not cause undesirable glare to nearby residential properties.

2. Recycling Collection Facility and similar establishments shall not be engaged in any processing or compounding to reform materials into a useable state. The Planning and Zoning Commission may require screening, landscaping, and the restriction of use/materials to enclosed structures.

3. Research Laboratories whose principal function is basic research, design and pilot or experimental product development shall have all activities conducted within a completely enclosed building.

4. Moving Truck, Trailer, and Equipment Rental shall be subject to the following additional requirements:

   a. In the C-2 and PC-2 Zoning Districts, Moving Truck, Trailer, and Equipment Rental shall be allowed as an Accessory Use to Mini-Storage Warehouses-, RV, Boat, and Trailer Storage indoor, and/or screened only, Hardware and Home Improvement Store, and Hardware and Home Improvement Store with outdoor storage and/or garden center.

      1) No more than six (6) vehicles shall be stored on site in association with the Moving Truck, Trailer, and Equipment Use.

      2) Outdoor storage of vehicles and equipment associated with the Moving Truck, Trailer, and Equipment rental shall be fully screened from public view or located a minimum of 200 feet from the right of way.

      3) Outdoor storage of vehicles and equipment associated with the Moving Truck, Trailer, and Equipment rental shall not occupy required parking spaces or access lanes.
4) Moving trucks, trailers, and equipment shall be stored in a designated area of the site. For multi-tenant sites, or sites with multiple uses, the designated area shall be proximate to the associated principal use.

5) No fueling shall occur on-site in conjunction with this use.

6) Moving trucks and trailers which require a Commercial Drivers License for their operation shall be prohibited.

7) A Site Plan application (or Site Plan Amendment application for sites with a previously approved Site Plan) shall be required.

E. General Retail *11, *23

1. Donation Centers shall be subject to the following conditions:
   a. Donation drop off shall be limited to business hours only.
   b. Drop off location shall be at the rear of the building and shall be fully screened from view.
   c. No drop off items shall be stored outside the screened area.

2. Pet Shops, including commonly associated accessory uses such as grooming, veterinary care, training, pet day camp services and the boarding of household pets, shall be subject to the following conditions: *19
   a. Veterinarian and grooming services shall be restricted to the care and treatment of small animals during regular business hours.
   b. The commercial breeding of animals shall be prohibited. *19
   c. All activities shall be completely contained within enclosed buildings; the building shall be designed and constructed to achieve a Sound Transmission Control Value of 50 or greater.
   d. All refuse shall be stored within a completely enclosed building.
   e. Outdoor runs or exercise pens shall be prohibited.
   f. Overnight boarding services for household pets may be operated as an accessory use, provided no more than twenty-five percent (25%) of the total square footage of the establishment may be used as sleeping quarters for the boarded pets; and the area shall be constructed, maintained or operated so that the smell of the boarded animals does not create a nuisance off-site. *19

3. Indoor retail sales of new and used merchandise excluding sale of automobiles, boats, RVs, and motorcycles as an Accessory Use within the BPI Zoning District shall be no greater than 20% of the overall gross floor area (G.F.A.) of the establishment and shall not exceed 1,000 square feet in area.

4. Permissible consumer Fireworks Sales shall be subject to the following conditions: *23
   a. Signage shall be displayed at the point-of-sale in accordance with Peoria City Code Section 9-421-50
   b. Sales may only occur in buildings classified with a mercantile building occupancy code.

F. Institutional Uses

1. Day Care Centers or Pre-school Centers shall be permitted in accordance with State Department of Health Care Services regulations. *11
2. Group Care Facility or Community Residential Setting Facility in accordance with Section 21-812.C. *10

3. Non-profit Social Services shall be permitted provided that their primary activities are administrative and clerical rather than residential in nature.

4. Nursing or Convalescent Home, Long Term Care Facility and Hospices shall have all vehicular access from an abutting arterial or non-residential collector street. The site shall contain a net land area of at least one thousand (1,000) square feet per dwelling unit. *3

5. Public utility buildings, water pumping plants and storage tanks and electric substations wherein service to district residents requires location within the district shall have no repair or storage facilities.

6. Religious institutions, similar places of worship and related facilities shall have vehicular access reviewed and approved by the City Engineer.

7. Public/charter schools, private schools, colleges, universities or instructional, business, technical or vocational schools shall have direct vehicular access to an arterial or collector street. *5

G. Large-Scale Retail (LSR) *14

Large-scale retail must adhere to all requirements of this Section in addition to all other applicable requirements of this Ordinance. In the event of conflicting requirements, the more restrictive shall govern.

1. Definitions
   a. Large-Scale Retail (LSR) means the following:
      1) Single Establishment. Any retail establishment accommodating one-hundred thousand (100,000) square feet (G.F.A.) or more for either a single tenant or for multiple tenants sharing a common building entrance and common interior space; and/or
      2) Site. A site containing multiple retail establishments with more than five-hundred thousand (500,000) square feet (G.F.A.) of interior space in the aggregate.
   b. Site means that area as shown on the site plan for which the Conditional Use Permit is issued, inclusive of all amendments.
   c. Vacancy means ceasing of the type and/or level of use as established in the Conditional Use Permit. Said vacancy shall apply to the principal LSR establishment, and/or any portion thereof, and/or accessory facilities or operations.

   a. Provisions of this ordinance shall apply to 1) any single LSR establishment, as defined above, and 2) the entire site on which any LSR meeting the criteria set forth above for “Single Establishment” LSR or “Site” in the LSR definition.
   b. Except as provided above, in Subsection 2.a., provisions herein do not apply to the following buildings, so long as said buildings are not accessory to a Single Establishment LSR, as defined above: individual pad buildings, shop buildings, or similar commercial establishments.
3. Location. Large-Scale Retail development is permitted only with a Conditional Use Permit in only those areas with a Land Use designation of Community Commercial (CC) or Regional Commercial (RC) in the General Plan.

4. Vacancy. During any period of vacancy, the property owner must maintain the property in a safe, sanitary, and aesthetically pleasing condition.
   a. All landscaping must be maintained professionally.
   b. The site must remain externally lit in the same manner as when the facility was fully operational, to maintain the premises in a safe condition and to avoid the appearance of neglect.
   c. All architectural elements, including but not limited to building exteriors, roofs, signs, walkways, accessory structures, monuments, etc., must be maintained in good repair and functional condition as when the facility was fully operational.
   d. Within thirty (30) days of vacating a facility, all signage for said facility must be removed from the building(s) and premises. Any walls or areas behind signs must be repainted; or, in the case of internally lit monument signs, a blank panel must be used as a temporary sign replacement.

H. Intense Retail

1. Commercial Service Establishment combining retail, office, showroom with workshop, such as interior decorator, custom dressmaking or tailor, photographer, minor household appliance repair and similar activities shall be subject to the following conditions: *11
   a. Maximum size of building shall not exceed 15,000 thousand square feet. No more than fifty percent (50%) of the usable floor area shall be used for workshop activities.

2. Outdoor Display and Sales Area shall be subject to all the following requirements: *20
   a. No merchandise shall be located beyond eight (8) feet from the principal building of the business.
   b. A four (4) foot unobstructed walkway containing at least seven (7) feet of vertical clearance shall be maintained at all times.
   c. Outdoor Display shall not be located in or interfere with any landscaped area, setback area, required yard, required parking space, parking aisle, easement or drainage facility.
   d. Outdoor Display shall be limited to products and services sold or provided inside the principal building.
   e. Outdoor Display shall be limited to an area equal to 10% of the gross floor area of the principal building.
   f. The setback of an outdoor display area from any residentially-zoned property shall be twenty five (25) feet. Such setback shall include a six (6) feet block wall at the property line separating the commercial and residential use districts.
   g. All merchandise and equipment used in an outdoor display shall be removed and stored inside the principal building at the close of business.
   h. Outdoor Display in the Old Town Mixed Use Districts (OTMU) shall be subject to the following additional conditions: *20
1) Outdoor Display may be conducted on a public sidewalk where the principal building of the use is located immediately adjacent to the public sidewalk, subject to the liability and insurance requirements of the City Engineer.

2) Evidence of insurance shall be submitted and approved by the City Engineer prior to placement of any merchandise or materials in the public right-of-way.

3) No merchandise shall be located beyond three (3) feet from the principal building of the business.

i. Swimming Pool and Spa Sales with outdoor swimming pool display shall be subject to the following conditions: 

   1) All outdoor swimming pool and spa models shall be displayed on a horizontal position.
   2) No models displayed outdoor shall be located in the required setback or landscaped areas.
   3) All sales services shall be conducted in the principal building.
   4) Outdoor storage and display of equipment and pool supplies are prohibited.

3. Retail Sales of Lumber and Building Materials shall have no outdoor storage, repair, processing or manufacturing activities.

I. Lodging

1. Bed and Breakfast Inns shall be subject to all the following additional requirements: 

   a. Maximum building height shall be thirty (30) feet or two (2) stories, whichever is greater.
   b. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in lawns or landscaping.
   c. Short-term lodging for the purposes of a Bed and Breakfast Inn shall be for a period not exceeding fourteen (14) consecutive days.
   d. Meals shall be restricted to registered guests.

2. Hotels and Motels shall be subject to all of the following additional requirements:

   a. All direct vehicular access shall be from an abutting arterial or collector street.
   b. Paved areas shall be reduced to the smallest area commensurate with the efficient operation and function of the site.

J. Medical

1. Emergency Medical Care Facilities shall have all direct vehicular access from an abutting arterial street. The site shall contain a net land area totaling at least four (4) acres for the first one hundred beds or less, plus one additional acre for each additional twenty-five beds.

2. Veterinary Hospitals shall have no outdoor runs, pens or enclosures. Veterinary Hospitals shall not be located closer than one hundred (100) feet to any street, residential district or existing restaurant, hotel or motel.

3. Veterinary Offices and Clinics (excluding animal boarding) shall be subject to all of the following additional requirements:
a. Clinic activities shall be restricted to the medical care and treatment of small animals during regular office hours. The confinement of such animals on the premises shall be limited to essential and occasional overnight care.

b. The boarding and breeding of animals shall be prohibited.

c. Clinic activities shall be completely contained within enclosed buildings; the building or suite containing the clinic shall be designed and constructed to achieve a Sound Transmission Control Value of 50 or greater. *16

d. All refuse shall be stored within a completely enclosed building.

e. Outdoor runs or exercise pens shall be prohibited.

K. Personal Services *16 *28

1. Body Piercing Studios, Tattoo Studios, Retail Liquor Stores, Plasma Center, Non Chartered Financial Institutions, and Pawnshops shall be subject to all of the following additional requirements: *7

a. All vehicular access shall be from arterial streets.

b. The uses shall not be located on a lot with a property line within one thousand (1,000) feet measured in a straight line in any direction of the lot line of a Body Piercing Studio, Non Chartered Financial Institution, Pawnshop, Retail Liquor Store, Plasma Center and Tattoo Studio, Adult Use, Correctional Facility or State Local Alcohol Reception Center.

c. For purposes of calculating the locational requirements of this Subsection, the distance shall include those areas of Maricopa County surrounded by the City of Peoria and some other city on three or more sides. The locational requirements shall also apply to the uses regardless of whether their distance from such other use includes area within Maricopa County or some other incorporated city and regardless of whether the other use is located in Maricopa County of some other incorporated city.

2. Pet Grooming Shop *16

a. The building or suite containing the pet grooming shop shall be designed and constructed to achieve a Sound Transmission Control Value of 50 or greater.

3. Boarding and Training Kennels

In the C-2 Zoning District, the following limitations shall apply:

a. Boarding shall be limited to household pets.

b. The commercial breeding of animals shall be prohibited.

c. The hours of operation for outdoor areas shall be limited to between the hours of 6:00 a.m. and 7:00 p.m.

d. All indoor facilities shall be completely enclosed and buildings shall be designed and constructed to achieve a Sound Transmission Control Value of 50 or greater.

e. All refuse shall be stored within an airtight container, or within a completely enclosed building.

f. Facilities shall be constructed, maintained, and operated so that the smell of boarded animals does not create a nuisance off-site.
g. A Boarding Facility Management Plan shall be provided with the Conditional Use Permit Application indicating the specific operational plans for the facility, including management of noise and odor on the site.

4. Massage Establishment *28
   a. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m.

L. Transportation
   1. School bus parking and maintenance facilities shall provide primary access from an arterial or collector street. Parking areas for school buses shall be screened from adjacent streets or property lines by an eight-foot high solid wall. *11

M. Medical Marijuana Dispensaries and Manufacturing or Cultivation Facilities *24
   1. General Requirements
      a. For the purposes of measuring separation distances, the measurements will be taken in a straight line from the exterior wall of the building or suite housing the use without regard to intervening buildings or political boundaries.
      b. Medical Marijuana remnants or by-products shall be disposed of according to an approved plan and not placed within the facility's exterior refuse containers.
      c. There shall be no emission of dust, fumes, vapors or odors into the environment from the premise.
      d. Signage for Dispensary and/or Medical Marijuana Cultivation facilities shall be limited to the name of the business only, and no advertising of the goods and/or services shall be permitted.
      e. Medical Marijuana Dispensaries and Cultivation Facilities shall be located in a permanent building on an established foundation adhering to Peoria building codes and shall not include any temporary, portable, or self-powered mobile facilities.
      f. An active Security Management Plan shall be approved by the Police Department. The Plan shall include, but is not limited to, the following:
         1) Security cameras shall be installed and maintained in good condition, and used in an on-going manner. Recordings shall be retained for a minimum of 60 days and comply with any additional standards defined by the Security Management Plan.
         2) The business space shall be alarmed with an alarm system that is operated and maintained by a recognized security company.
         3) A security guard shall be provided at the main entrance during all hours of operation. For the purposes of this Section, “security guard” shall mean licensed and duly bonded security personnel registered pursuant to A.R.S. §32-601.
   2. Medical Marijuana Dispensaries
      a. Vehicular access into the center or site containing the dispensary shall be from an arterial roadway.
      b. The use shall not be located within 2,640-feet of another Medical Marijuana Dispensary or Medical Marijuana Manufacturing or Cultivation Facility.
c. The use shall not be located within 1,000-feet of the property line of Day-Care Facilities,
Pre-Schools, Public/Charter or Private Schools.
d. The use shall not be located within 1,000-feet of a Retail Liquor Store; Tavern, Bar or
Lounge; Adult Use; Substance Abuse Treatment Centers; or State Local Alcohol Reception
Center.
e. The use shall not be located within 500-feet of the property line of a residentially-zoned
property.
f. The product offered for retail sales to Medical Marijuana Cardholders shall be inaccessible
to the public entering the Medical Marijuana Dispensary. All product provided for retail
sales shall be located behind a counter staffed by a Nonprofit Medical Marijuana
Dispensary Agent as defined by A.R.S. §36-2801.et.seq.
g. The Dispensary shall have operating hours not earlier than 8:00 a.m. and not later than
9:00 p.m.
h. The Cultivation of Marijuana is prohibited.
i. Delivery services are prohibited.
j. Drive-through services and sales are prohibited.
k. Alcoholic beverages shall not be sold, stored, distributed or consumed on the premises.
l. The Dispensary shall not have outdoor seating areas, but shall have adequate indoor
seating to prevent outside loitering.
m. The business entrance and all window areas shall be illuminated during evening hours and
shall comply with the City’s lighting standards regarding fixture type, wattage, illumination
levels, shielding etc.
n. The windows and/or entrances shall not be obstructed and must maintain a clear view
into the premises during business hours.
o. The use shall provide a plan to ensure that no consumption of Marijuana or any product
containing Marijuana occurs on the premises of a Medical Marijuana Dispensary.
p. Tenant improvement plan shall ensure that ventilation, air filtration, building and design
standards are compatible with adjacent uses and the requirements of adopted building
codes.

3. Medical Marijuana Manufacturing or Cultivation Facility.
a. Other than for delivery to an authorized Medical Marijuana Dispensary, distributing,
transmitting, dispensing, giving, selling, or providing medical Marijuana is prohibited.
b. All cultivation, manufacturing, and storage of Marijuana and Marijuana plants shall occur
within secured, enclosed buildings and structures.
c. The use shall not be located within 2,640-feet of another Medical Marijuana
Manufacturing or Cultivation Facility.
d. The use shall not be located within 1,000-feet of the property line of Day-Care Facilities,
Pre-Schools, Public/Charter or Private Schools.
e. The use shall not be located within 500-feet of the property line of a residentially-zoned property.

f. There shall be no signage advertising the location of Medical Marijuana Dispensaries or retail sales of Medical Marijuana on the premises.

g. The Community Development Director may require additional ventilation and air filtration necessary to ensure compatibility with adjacent uses.

21-506 Property Development Standards

A. The following property development standards shall apply in zoning districts O-1, C-1, PC-1, PC-2, C-2, C-3, C-4 and C-5:

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<th>PC-1</th>
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N/R  No minimum requirements

* Building Height: Maximum thirty 30 feet high within thirty 30 feet of any residential district. The height may be increased by one 1 foot per each three 3 feet of additional setback to a maximum of forty-eight 48 feet. *17

● All regulations and development standards applicable to the principal building shall apply, except for covered parking canopies which shall comply with the standards established in Section 21-825 of the Zoning Ordinance. *12
B. The following property development standards shall apply in zoning districts BPI, PI-1, I-1, and I-2:

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<td><strong>Minimum Size of Lot by Use</strong></td>
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<td>Width (FT)</td>
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<td>Rear Setback (FT)</td>
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<td>Corner Side (FT)</td>
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<td>Setback from Residential Zoning Districts (FT) (^a)</td>
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<td><strong>Maximum Lot Coverage</strong></td>
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<td>Percentage - by all Buildings</td>
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<td><strong>Maximum Building Height</strong></td>
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<td>Principal Building Height (FT)</td>
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<td>48(^b)</td>
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N/R No minimum requirements.

\(^a\) The setback shall be applied to sides which abut or are adjacent to a residential zoning district, as established in Section 21-415.A. or as designated residential on a PAD or PCD. Where a side is adjacent to a residential zoning district, said setback shall be applied when the abutting right-of-way is a collector or lower classification as identified on the Peoria General Plan and Street Classification Map.

\(^b\) Building Height: Where a setback from residential zoning district applies, the building shall be limited to a maximum height of thirty 30 feet at the setback line. The building height may be increased by one (1) foot per each three 3 feet of additional setback to the maximum height as prescribed by the applicable district.

● All regulations and development standards applicable to the principal building shall apply, except for covered parking canopies which shall comply with the standards established in Section 21-825 of the Zoning Ordinance. \(^*12\)
References

Adopted by Ord. No.: 2016-01

Previous Ordinances:
*1 83-16
*2 94-27
*3 97-41
*4 98-34
*5 99-89
*6 99-101
*7 00-28
*8 02-21
*9 02-68
*10 02-85
*11 03-171
*12 04-23
*13 04-188
*14 05-16
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*16 05-51
*17 05-58A
*18 06-07
*19 06-16
*20 07-22
*21 07-36
*22 2010-23
*23 2011-03
*24 2011-05A
*25 2015-08
*26 2015-12
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### SPECIAL DISTRICTS AND DESIGNATIONS

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Planned Area Development (PAD)

21-601 Intent

A. The Planned Area Development District (P.A.D.) is intended to provide an alternative zoning district to the conventional zoning and development approaches and processes in the City of Peoria, Arizona in order that within this designated District the following goals may be achieved:

1. To enhance the City’s development growth in order that the public health, safety, and general welfare be enhanced as Peoria increasingly urbanizes;
2. To encourage innovations in residential, commercial, and industrial development so that greater opportunities for better housing, recreation, shopping and employment, may extend to all citizens and residents of Peoria;
3. To reflect changes in the technology of land development;
4. To encourage a more creative approach in the utilization of land in order to accomplish a more efficient, aesthetic, and desirable development which may be characterized by special features of the geography, topography, size or shape of a particular property; and,
5. To provide a compatible and stable developed environment, in harmony with that of the surrounding area.

The P.A.D. may include any development having one or more principal uses or structures on a single parcel of ground or contiguous parcels. The P.A.D. shall consist of a compatible selection of uses and groupings of buildings, parking areas, circulation and open spaces, and shall be designed as an integrated unit, in such manner as to constitute a safe, efficient, and convenient urban area development.

21-602 General Requirements and Standards

A. Conformance with the Peoria General Plan

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

B. P.A.D. Regulations

1. All Planned Area Developments shall be between ten (10) and six-hundred (600) acres in size. The minimum total P.A.D. shall be no less than ten (10) acres unless the applicant can show that the minimum P.A.D. requirements should be waived because the waiver would be in the public interest and that one or more of the following conditions exist:

   a. Unusual physical features of the property itself or of the surrounding area are such that
development under the standard provisions of this Ordinance would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community.

b. The property is adjacent to or across the street or alley from property which has been developed under the provisions of this Section and will contribute to the amenities of the area.

c. The use of the P.A.D. concept will encourage the use of otherwise undevelopable property, particularly in the case of small undeveloped parcels surrounded or partially surrounded by developed property.

d. The property is located within the Infill Incentive District. *11

2. Waivers of the ten (10) acre minimum requirement may be recommended by the Planning and Zoning Commission, upon a finding that one or more of the above conditions enumerated in paragraph B.1 of this Section exist.

C. Uses in a P.A.D.

Any use or combination of uses may be allowed in a P.A.D. provided it is consistent with the Peoria General Plan, provided such uses are identified as permitted uses upon approval of the P.A.D. *11

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

1. Residential development in a P.A.D. may provide for a variety of housing types allowed in any one of the basic residential zoning districts. In addition, the number of dwelling units allowed may be flexible relative to the number of dwelling unit per acre that would be permitted by the zoning regulations otherwise applicable to the site. However, the total number of dwelling units and the resulting density allowed in a P.A.D. shall be consistent with the Land Use Plan of the City's General Plan and the target density framework described therein. *11

E. More Than One Building Per Lot

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

F. One Housing Type Not Inconsistent With Intent

A P.A.D., which only incorporates one housing type such as all detached or all attached units shall not be considered inconsistent with the stated purposes and objectives of this Section and shall not be the sole basis for denial or approval. *11

G. Architectural Style, Appearance

Architectural style of buildings shall not solely be a basis for denial or approval of a plan. However, the overall appearance and compatibility of individual buildings to other site elements or to surrounding development may be considered during P.A.D. review by the Planning and Zoning Commission and Council. *11

H. Phasing of Development

1. Any P.A.D. plan proposed to be constructed in phases shall include full details relating thereto, and the City Council may approve or modify, where necessary, any such proposals.

2. The phasing shall include the projected time for beginning and completion of each phase.
Such timing may be modified by the City on the showing of good cause by the developer. "11

3. The land owner or developer shall make such easements, covenants, and other arrangements and shall furnish such financial or other guarantees as may be determined by the City to be reasonably required to assure performance in accordance with the Plan and to protect the public.

I. Street Utilities, Services and Public Facilities
The uniqueness of each proposal for a P.A.D. may allow specifications and standards for streets, utilities and services to be subject to minor modifications of the specifications and standards established in this and other City ordinances. The plans and profiles of all streets, utilities and services shall be reviewed by the City Engineer prior to the final approval of the P.A.D.

J. Additional Standards
Development within a P.A.D. shall conform to all conditions and standards agreed upon by the applicant and the City at time of P.A.D. approval.

K. Each P.A.D. standards and guidelines submittal consistent with the definitions and standards in this code shall address the placement of community residential setting facilities, group homes and group care facilities in a manner consistent with state law and the federal fair housing act amendments of 1988. "3

21-603 Application

A. The applicant is encouraged to meet with appropriate City staff prior to making application for P.A.D. approval to discuss the development concept, the review and approval process, and the submittal requirements.

B. The applicant shall obtain the necessary application forms from the Planning Manager or designee. Application forms properly completed and accompanied by the required fee shall be submitted to the Planning Manager or designee. Conceptual Development Plan exhibits shall accompany the application. "11

C. Conceptual Development Plan
A Conceptual Development Plan illustrating the general development framework shall be submitted with the P.A.D. application. At a minimum, the following items shall accompany the Conceptual Development Plan: "11

1. Legal description of property (written and electronic form); and,

2. A generalized location map showing surrounding land use, zoning and traffic circulation patterns.

3. Site Condition. An analysis of the existing site conditions which indicates at a minimum:
   a. Topographic contours with intervals of no more than two (2) feet, to a distance of one hundred (100) feet beyond the property boundary;
   b. Location and extent of major vegetative cover (if any);
   c. Location and extent of perennial or intermittent streams and water ponding areas;
   d. Existing drainage and irrigation patterns; and,
   e. Other information considered relevant by the applicant or City staff.
4. Proposed allocations of land use expressed as a percentage of the total area, as well as in acres. Uses to be indicated include:
   a. Arterial Streets;
   b. Open Space (public);
   c. Open Space (private);
   d. Residential (if appropriate);
   e. A stratification of residential uses in terms of single family detached units, patio homes, townhouses, garden apartments, etc.;
   f. Commercial (if appropriate); and,
   g. Industrial (if appropriate).

5. A land use plan at a scale not smaller than one (1) inch equals one hundred (100) feet, indicating land uses, acres and development densities of each land use and the most nearly equivalent zoning categories; all arterial and collector street circulation elements, pedestrian and/or bicycle circulation elements, exact perimeter locations of any/all arterial streets and major collector streets; open spaces; and recreational areas.

6. Plans indicating the approximate alignment and sizing of waterlines, sanitary sewers, and storm sewers (if any), as well as easements for all utilities, if necessary. Also indicated should be proposed surface drainage patterns.

7. Conceptual architectural renderings indicating the elevations and exterior wall finishes of proposed buildings types.

8. A Traffic Impact Analysis or Statement, if deemed necessary by the City.

9. Phasing Plan, if development is to take more than two (2) years.

D. P.A.D. Standards and Guidelines Report
   A Standards and Guidelines Report meeting the content requirements as specified by the Planning Manager shall be submitted with the application. The Report shall function as the development standards framework and shall identify all deviations, standards, references and bulk requirements thereto; where the P.A.D. is silent on a requirement, the applicable Zoning provision, as determined by the Planning Manager, shall control. No provision in the Standards and Guidelines Report shall be construed to negate any applicable provision in the Infrastructure Guidelines or any life safety code requirements as mandated by the Building Safety Manager and Fire Marshal. *11

21-604 Amendments to an Approved Planned Area Development *11

A. General
   Amendments to an approved P.A.D. may be requested by the applicant or its successors.

B. Applicability
   Amendments to the approved P.A.D. may be limited to one or more "development units" and any proposed change will not affect development units not included in the proposed amendment.
C. Major or Minor Amendments
Amendments to the approved P.A.D. shall be delineated as major or minor amendments. Upon receipt of an amendment application to the Planning Division, the Planning Manager shall determine if the proposed amendment constitutes a major or minor amendment.

D. Major Amendments
If the Planning Manager determines the amendment to be a major amendment, the amendment request shall be processed in the manner set forth in Section 21-603. An amendment shall be deemed major if it involves any one of the following:

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

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

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

   b. Other
      If the amendment proposes any other change to the Final Development Plan, including but not limited to, text changes or changes to the development standards, notice of the minor amendment shall be published in a newspaper of general circulation.
2. Protest
   a. Protest Received
      If written protest to any minor amendment is received from any notified property owner
      within ten (10) days of the notification mailing date in the case of mailed notice, or within
      ten (10) days of the final date of advertising in the case of published notification, and such
      protest cannot be resolved, then the Minor Amendment shall be reclassified as a Major
      Amendment. No additional application shall be required; however, all provisions
      governing Major Amendments shall then apply.
   b. Protest Not Received
      If written protest is not received as described above, the Planning Manager shall render a
      decision on the minor amendment request. The Planning Division decision shall be final
      unless appealed under Subsection F, set forth below. The Planning Manager or assigned
      designee shall send copies of the decision to the applicant, interested parties of record,
      and members of the Planning and Zoning Commission.

F. Appeals
   1. Appeal of Planning Division decision to Planning and Zoning Commission
      An action or decision by the Planning Division on minor amendments may be appealed by the
      applicant within ten (10) calendar days from the date of the Planning Manager’s decision.
      a. Appeals shall be in writing on a form provided by the Planning Division and shall include
         only the specific items being appealed.
      b. The Planning Division will submit a report and any background material regarding the
         appeal to the Planning and Zoning Commission for its next scheduled meeting. Any
         persons associated with the action being appealed shall be informed by the Planning
         Division of the date, time, and location of the appeal hearing.
      c. The Planning and Zoning Commission’s decision on the appeal will be sent out (in writing)
         to the applicant. The decision of the Planning and Zoning Commission will be final, unless
         the applicant initiates an appeal to the City Council.
   2. Appeal of Planning and Zoning Commission decision to Council
      An action or decision by the Planning and Zoning Commission on Minor Amendments may be
      appealed by the applicant within ten (10) calendar days after the date of the Commission
      decision.
      a. Appeals shall be in writing on a form provided by the Planning Division and shall include
         the specific items being appealed and the nature upon which the decision was in error.
      b. The Planning Division shall transmit to the City Council a transcript, with exhibits, of the
         Planning and Zoning Commission’s hearing. The City Council shall review the transcript
         and exhibits and may, at their discretion, hear further oral or written comments.
      c. The City Council may affirm the decision of the Planning and Zoning Commission; or
         remand the matter for further proceedings before the Planning and Zoning Commission;
         or reverse or modify the Planning and Zoning Commission’s decision.
Planned Community District (PCD)

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**21-605 Intent**

The Planned Community (P.C.) District is intended to accommodate large-scaled, yet unified, comprehensively planned developments which conform with and enhance the policies and programs contained within the Peoria General Plan. This district is intended to provide an alternative zoning district and development process to accommodate substantial developments for residential, commercial, professional, industrial or other activities, including combinations of uses appropriately requiring flexibility under controlled conditions, not otherwise attainable under conventional zoning districts so that the following goals may be achieved:

A. To enhance the City's development and to promote the public health, safety, and general welfare.

B. To provide within such areas a combination of land uses, which may include a variety of residential types, commercial, industrial, public and semi-public areas, arranged and designed in accordance with sound site planning principles and development techniques; and in such a manner as to be properly related to each other, the immediate surrounding area, the planned thoroughfare system, and other public facilities such as water and sewer systems, parks, schools and utilities.

C. To encourage a more creative approach in the utilization of land in order to accomplish an efficient, aesthetic, and desirable development which may be characterized by special features of the geography, topography, size or shape of a particular property.

D. To establish planning and development control parameters tailored to the opportunities and constraints of the property while allowing sufficient flexibility to permit final detailed planning and the precise distribution of the approved density and intensity of the project at the time of site plan or subdivision application submittal.

E. To provide reasonable assurances to the City and land developer that the proposed development may be planned and carried out in one or more phases over an extended period of time, in accordance with an approved P.C. “Development Plan” and “Standards Report”.

F. To assure that the P.C. District is developed in accordance with a P.C. "Development Plan" and "Standards Report". The P.C. "Development Plan" and "Standards Report shall be designed to fulfill the goals established by the General Plan, provide development standards promoting an
appropriate balance of land uses, and promote the planning of public facilities designed to serve the projected population.

21-606 General Provisions

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

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

C. Minimum P.C. District Area
1. The minimum area required for a planned community district is six hundred (600) contiguous acres held under single ownership at the time of application submittal or under multiple ownership within a partnership as expressed through written correspondence and signatures provided with the P.C. application.
2. Areas within rights-of-way may be included in the computation of the minimum six hundred (600) acres.

D. Property Development Standards
All land uses in a P.C. District shall be established within planned "development units". The P.C. District is intended to be combined with the general property development standards of various zoning districts in the Peoria Zoning Ordinance or as modified in the approved P.C. “Development Plan” and “Standards Report”.
1. The proposed P.C. District shall comply with overlay districts of general applicability including, but not limited to, the Hillside Development Overlay and Floodplain Districts, except where modifications are expressly authorized through an approved Standards Report and Development Plan;
2. The proposed P.C. District shall comply with the Subdivision Regulations and other adopted policies, codes and ordinances of general applicability;
3. The proposed P.C. District may include modified property development standards (contained within the Zoning Ordinance) to address defined opportunities and constraints related to the property, including, but not limited to, building placement and height, minimum lot size and parking area landscaping.

E. Permitted Uses
Any use may be permitted in any specific “development unit” within a proposed P.C. district provided such use shall be specifically listed as a permitted use and shall be located and conducted in accordance with the approved “Development Plan” and “Standards Report” and other applicable regulations.
F. Conditional Uses

Any use may be established as a conditional use in any specific development unit within a proposed P.C. district provided such use shall be specifically listed as a conditional use subject to the provisions of Section 21-321 and shall be located and conducted in accordance with the approved “Development Plan” and “Standards Report” and other applicable regulations.

21-607 Application Requirements

In addition to complying with the provisions of Section 21-316 each application for a P.C. District shall be accompanied by a “Standards Report,” “Development Plan” and “Development Schedule”. The “Standards Report” and "Development Plan" shall, as approved by the City Council, become a part of the applicable zoning regulations within the respective P.C. District. Subsequent changes to the “Development Plan” shall be made in accordance with Section 21-612. *6

A. Standards Report

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

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

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

1. Submittal of a Development Plan Map divided into approximate development sub-areas or development units. The proposed Development Plan Map(s) shall be drawn to a suitable scale and include at least the following:
   a. The boundary of the proposed P.C. District;
   b. The existing and proposed topographic character of the land;
   c. The approximate location of each proposed land use development unit;
   d. The general location of all proposed major and minor arterial streets, including their proposed connections to major streets identified on the Circulation Map in the Peoria General Plan;
   e. Major drainage elements;
   f. All proposed public schools, parks and open space areas;
   g. Any trails and/or bikeways, including their proposed connections to conceptual trail locations identified in the Peoria Trails Master Plan and other relevant documents; and,
   h. Conceptual location of any significant historical, cultural and archaeological features of the site, including proposed methods to incorporate and preserve such features into the proposed project.


5. A Cost Impact Analysis of the proposed public facilities and infrastructure, prepared by a competent person or firm with experience in the preparation of such studies. The study shall provide the specific detailed accounting of the financing structure for the development of required facilities for parks, law enforcement, fire protection, public services, municipal government, and other necessary governmental services.

6. Such additional information as the Planning Manager may prescribe as necessary, to facilitate review and action on the application by the Planning and Zoning Commission and the City Council.

C. Development Schedule

The following schedule submitted with the application for a P.C. District shall include the following:

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

21-608 Application Procedures

A. The applicant is encouraged to meet with the Planning Manager prior to making an application for a P.C. District to discuss the development concept, the review and approval process, and the submittal requirements.

B. The applicant shall obtain the necessary application forms from the Planning Division. Application forms when properly completed and accompanied by the required fee and required material shall be submitted to the Planning Division.

C. If the application request requires an amendment of the City's adopted General Plan and/or an adopted Specific Plan, the applicant shall submit an application to amend the General Plan or adopted Specific Plan prior to or simultaneously with the application for a P.C. District.

D. The Planning Division shall distribute the P.C. application and supporting materials pursuant to Section 21-607, and other relevant documentation to each responsible department for review and comment.

E. Written responses shall be obtained by the applicant from public or quasi-public agencies identified by the Planning Manager as being stakeholders in the outcome of the development proposal within the timeframe defined above. The Planning Manager or assigned designee shall compile all of the comments and recommendations and submit a written report to the applicant.

F. The revised P.C. “Development Plan” and “Standards Report” shall be resubmitted to the Planning Division for further evaluation by the Planning Manager and the reviewing agencies.

G. A development agreement between the applicant and the City may be prepared and reviewed concurrently to afford resolution to issues and concerns identified through agency review.

21-609 Adoption of a Planned Community District

A. The Planned Community District shall be adopted in accordance with procedures set forth in Section 21-318. The Commission and Council shall consider the P.C. “Development Plan” and “Standards Report” as part of the rezoning application and all provisions and protocols therein set forth in Section 21-318 shall apply to said “Development Plan” and “Standards Report”.

B. At the time a P.C. District is approved by the City Council, the associated “Development Plan” and “Standards Report” shall become an integral part of the Peoria zoning regulations for the P.C. District established by the City on the property. All future development within the adopted P.C. District shall thereafter be in conformity with the “Development Plan” and “Standards Report”.

21-610 Findings
Before approval or adoption of an application for a P.C. District, the Planning and Zoning Commission and the City Council shall find:

A. That the development proposed is in conformance with the General Plan.
B. That the streets and thoroughfares proposed are in conformance with the General Plan Circulation Map and will be adequate to serve the proposed uses.

C. The Planning and Zoning Commission and City Council shall further find:
   1. In the case of proposed residential development, that the development will promote compatible buildings and uses and that it will be compatible with the character of the surrounding area;
   2. That the conceptual site locations proposed for public facilities such as schools, fire protection, law enforcement, water, wastewater, streets, public services and parks, are adequate to serve the anticipated population within the P.C. District;
   3. In the case of proposed commercial, industrial, institutional, recreational and other non-residential uses or mixed-uses, that such development will be appropriate in area, location and overall planning for the purpose intended; and,
   4. That the development is fiscally sound, as demonstrated in the Cost Impact Analysis, and is consistent with adopted policies, infrastructure plans and applicable Capital Improvement Programs (CIP).

21-611 Future Development
Upon adoption of the P.C. District, the applicant may then proceed with the development of the property in accordance with the “Standards Report” and “Development Plan” by filing subdivision plats for any portion of the P.C. District in accordance with Chapter 24 of the Peoria City Code (1977), which constitutes the City's Subdivision Regulations; or a site plan, pursuant to Section 21-320 of the Peoria Zoning Ordinance. Legal descriptions for each affected development unit must be provided with subdivision plats or site plan applications. The Planning and Zoning Commission will not take any subsequent approval action on a project within thirty (30) days of the City Council’s adoption of the P.C. District.

21-612 Amendments to an Approved P.C. District
A. Amendments to the P.C. District "Development Plan" or “Standards Report" may be requested by the applicant or its successors. Amendments to the approved P.C. District shall be delineated as major or minor amendments. Amendments to the approved P.C. "Development Plan” and “Standards Report" may be limited to one or more "development units" and any proposed change will not affect development units not included in the proposed amendment.

B. Upon receipt of an amendment application to the Planning Division, the Planning Manager shall determine if the proposed amendment constitutes a major or minor amendment.

C. Major Amendments
   If the Planning Manager determines the amendment to be a major, the amendment request shall be processed in the manner set forth in Sections 21-608 and 21-609.

D. An amendment will be deemed Major if it involves any one of the following:
   1. A change in the overall P.C. District Boundary;
   2. An increase in the total number of approved dwelling units or gross leasable area (GLA) for the overall P.C. District;
3. A significant change to the approximate boundary of one or more "development unit(s)" from that approved in the P.C. District, as determined by the Planning Manager. A change to an individual development unit generally shall be deemed to be significant if it represents a ten percent (10%) increase to the approximate gross area of the development unit as approved in the P.C. District;

4. An increase of ten percent (10%) or more of the approved number of projected dwelling units or gross leasable area (GLA) for an individual development unit;

5. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the City Engineer;

6. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the P.C. District or to the overall major street system as determined by the City Engineer; or,

7. Any other proposed change to the “Development Plan” and/or “Standards Report” which substantively alters one or more components of the P.C. District as determined by the Planning Manager.

E. Minor Amendments

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

1. If the amendment proposes a change to the Development Plan Map, notice of the proposed minor amendment shall be mailed to each owner of property as last disclosed by County Assessor records, situated wholly or partly within three hundred (300) feet of the affected development unit(s) to which the amendment relates. For purposes of giving mailed notice, the Planning Manager shall require the applicant to furnish the names and addresses and stamped/addressed envelopes of all affected property owners as determined above. If the amendment proposes any other change to the “Development Plan” or “Standards Report”, including but not limited to, text changes or changes to the development standards of the “Standards Report”, notice of the minor amendment shall be published within a newspaper of general circulation.

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

3. If written protest is not received as described above, the Planning Manager shall render a decision on the minor amendment request. The Planning Division decision shall be final unless appealed under Section 21-613. The Planning Manager or assigned designee shall send copies of the decision to the applicant, interested parties of record and members of the Planning and Zoning Commission.
21-613 Administrative Decision Appeals

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

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

2. The Planning Division will submit a report and any background material regarding the appeal to the Planning and Zoning Commission for its next scheduled meeting. Any persons associated with the action being appealed shall be informed by the Planning Division of the date, time, and location of the appeal hearing.

3. The Planning and Zoning Commission’s decision on the appeal will be sent out (in writing) to the applicant. The decision of the Planning and Zoning Commission will be final, unless the applicant initiates an appeal to the City Council.

B. Appeal to Council

An action or decision by the Planning and Zoning Commission on minor amendments may be appealed by the applicant within ten (10) calendar days after the date of the Commission decision.

1. Appeals shall be in writing on a form provided by the Planning Division and shall include the specific items being appealed and the nature upon which the decision was in error.

2. The Planning Division shall transmit to the City Council a transcript, with exhibits, of the Planning and Zoning Commission’s hearing. The City Council shall review the transcript and exhibits and may, at their discretion, hear further oral or written comments.

3. The City Council may affirm the decision of the Planning and Zoning Commission; or remand the matter for further proceedings before the Planning and Zoning Commission; or reverse or modify the Planning and Zoning Commission’s decision.

21-614 Administration and Enforcement

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

B. In the event that the applicant has failed to comply with the conditions adopted by the City Council in conjunction with the approved P.C. District and the P.C. "Development Plan” and “Standards Report”, the City may proceed in accordance with Section 21-318.J.5. of the Peoria Zoning Ordinance.

21-615 Definitions

**Development Unit:** An approximate “subarea” within a specifically defined PC boundary containing singular or multiple designated land use and zoning classifications. Multiple
classifications or mixed-use classifications may be permitted in the PC District in conformance with the General Plan. A development unit in text or table format is the same area as referenced on a map but describes the area in more specific detail. The City Council may approve a particular definition of “subarea” or “development unit” for any individual PC District.

**Standards Report:** Consists of a narrative report, existing conditions map and background information describing the characteristics, components and timing of the proposed PC District by development unit(s). The Standards Report includes a development unit matrix describing density, projected employment, intended FAR’s, zoning districts and applicable development standards.

**Development Plan:** Is a multi-faceted development plan, organized by development unit, demonstrating how the Standards Report will be implemented. The Development Plan will illustrate the proposal’s relationship and conformity with adjacent land uses, circulation systems and the provision of utilities and other public services.
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Planned Unit Development (PUD)

21-616 Intent

It is the intent of this Section to assist the City in planning large tract areas to insure proper design of water, sewer and utility services. This option can be filed with the City to determine basic land use needs and density requirements, for the purpose of achieving a Master Plan Concept, and to assist a developer in density requirements when the developer elects to leave large, open space areas for recreational use. The final zoning shall not be reflected on the zoning map until the developer has submitted individual plot plans of each phase before the Council, with exact metes and bounds descriptions. Upon Council approval, the City Zoning Map shall be assigned permanent zoning as approved. Under this portion of the option, the maximum gross population density and building intensity of the overall development shall not exceed that permitted under conventional single-family standards. *1

21-617 Permitted Minimum Property Development Standards

<table>
<thead>
<tr>
<th>District a, b</th>
<th>Maximum Permissible Dwelling Units Per Gross Acre</th>
<th>Maximum % Lot Coverage by All Buildings</th>
<th>Minimum Setbacks for Principal Buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td>RI-35</td>
<td>1.00</td>
<td>15%</td>
<td>●</td>
</tr>
<tr>
<td>RI-12</td>
<td>2.90</td>
<td>30%</td>
<td>●</td>
</tr>
<tr>
<td>RI-8</td>
<td>4.09</td>
<td>30%</td>
<td>●</td>
</tr>
</tbody>
</table>

a Where a development proposal is not submitted as a proposed subdivision, and therefore not subject to subdivision regulation procedures, the site plan approval requirements of Section 21-428 applicable to multi-family developments shall apply.

b Lands in one FP flood plain district which are included as a part of that proposed to be provided as permanent recreation open space may be so credited at the discretion of the Commission and Council, provided that all requirements of this section are met.

● The minimum development standards applicable to multi-family residential development in Section 21-429 shall apply.

21-618 Required Conditions

A. For each square foot of land gained for permanent open space through reduction of lot sized below minimum requirements established in Section 21-415, an equal amount of land shall be either dedicated to the common use of the residents in the development in a manner to be approved by the Council or, subject to the approval of the Council, dedicated to the City for public park purposes.

B. Sites to be dedicated for either public park or resident recreation purposes shall be so located and dimensioned as to be usable and developable for such purposes and shall be subject to approval by the City as part of either the subdivision plat or site plan approval process. The sponsor shall dedicate the total proposed park area at the same time a final plat is filed for all or any portion of the subdivision or upon application for a building permit for an approved site plan.
C. Sites dedicated for public park purposes shall abut a public street on at least one side and shall be at least four (4) acres in net area and not divided by a street, alley, canal or other physical barrier.

D. When the open space is dedicated to a property owner's association, such park area shall be held, improved and maintained in accordance with a homeowners' agreement satisfactory to the Council, and such agreement shall be recorded as a part of the initial plat or approved site plan. In the event of any default in terms of such agreement, the open space shall, at the discretion of the City, either be conveyed to the City or the property owners who are party to the agreement shall be assessed equally as a tax lien to correct the deficiency.
21-619 Intent

A. The Old Town Mixed-Use Districts are intended to facilitate the revitalization of Old Town Peoria by encouraging a mixture of appropriate uses to be established within the same development or on the same lot. The design for the mixtures of uses intends to promote pedestrian activities and to create economic niches in the Old Town area. The Old Town Mixed-Use Districts implement the goals and policies set forth in the Central Peoria Revitalization Plan and the Peoria General Plan. The design of the Old Town Mixed-Use Districts aims to promote the following land uses:

1. High-quality office, storefront retail, restaurant and entertainment to integrate with various residential components in order to create an urban center where people live, work, and entertain.

2. Developments that create a compacted pedestrian environment and promote pedestrian activities that would balance day and night uses.

3. Innovative integration of compatible uses through the conversion of existing buildings and the development of new buildings in a manner that fosters sensitive and sustainable site design and architectural style.

21-620 General Provisions

A. The Old Town Mixed-Use Districts are designed to direct development in the Peoria central core area by allowing complimentary mixtures of commercial, specialized retail, office, and various types of residential developments. Development standards are modified to enhance the urban setting and to encourage private investment. All uses shall be subject to the applicable provisions of the Zoning Ordinance. However, where the regulations and standards established by the Old Town Mixed-Use Districts conflict with other provisions of the ordinance, the regulations and standards set forth in the Old Town Mixed-Use Districts shall govern.

21-621 Zoning Districts

A. The Old Town Mixed-Use Districts encompass an area within the original town plat of Peoria with Grand Ave to the east, Monroe Street to the south, 85th Ave to the west and Peoria Ave to the north. The Old Town Mixed-Use Districts compose of three zoning districts: Core Commercial Mixed-Use (CCM), Core Residential Mixed-Use (CRM), and Park/Open Space (PO).
1. Core Commercial Mixed-Use (CCM)
The Commercial Mixed-Use designation allows for retail and service businesses mixed with residential, cultural, educational, community, recreational, entertainment uses. Architecturally enhanced parking structure, street level office, business, or community uses that create a pedestrian friendly environment are strongly encouraged.

2. Core Residential Mixed-Use (CRM)
The Residential Mixed-Use designation allows for primarily single-family residential uses. Limited types of non-residential uses adapted to the residential structures are permitted in the Residential Mixed-Use area. Non-residential uses may include small-scale entrepreneurial, pedestrian-oriented goods and services, family-owned business, bed and breakfast establishments, and small professional or home business whose business is primarily oriented to users in the Old Town area.

3. Park/Open Space (PO)
The Park/Open Space designation is reserved for open space, passive recreational activities and support facilities. The Park and Open Space designation also provides venues for seasonal activities and short-term events such as arts and crafts sales, farmers’ markets, out-door performances and similar uses in an urban park-like setting.

21-622 Land Use Matrix

A. Uses permitted in specific zoning districts within the Old Town Mixed-Use Districts as permitted by right, permitted subject to a Conditional Use Permit, and permitted as an accessory to a principal use on the same lot are established in the Mixed Use Land Use Matrix (Table 21-622). In the event of a specific use not being identified on the matrix, the Community Development Director or designee(s) shall determine the closest associated use based on the provisions of this ordinance. The City will permit any accessory use customarily incidental to a permitted principal use on the same lot.

<table>
<thead>
<tr>
<th>LAND USE TYPES</th>
<th>CCM</th>
<th>CRM</th>
<th>PO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Family Residence</td>
<td>P</td>
<td>P</td>
<td>-</td>
</tr>
<tr>
<td>Single-Family Residence</td>
<td>P</td>
<td>P</td>
<td>-</td>
</tr>
<tr>
<td><strong>ADMINISTRATIVE &amp; FINANCIAL</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automatic Teller Machine (ATM)</td>
<td>P</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Medical, Dental or Health Offices</td>
<td>P</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Professional, Administrative or Business Offices</td>
<td>P</td>
<td>P</td>
<td>-</td>
</tr>
<tr>
<td><strong>AUTOMOTIVE USES</strong> #</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automobile Diagnostic and/or Service Establishment, including engine and transmission overhaul, repair facilities and similar services #</td>
<td>C</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

P = Permitted Use
C = Permitted Conditional Use. Conditional Use Permit required. See Section 21-311 through Section 21-327.
A = Accessory use
* = Due to potential traffic impacts, residential use shall be the primary use in these categories
# = Subject to special limitations as set forth in Section 21-505.
<table>
<thead>
<tr>
<th>Special Districts and Designations 600</th>
</tr>
</thead>
</table>

| **Table 21-622** |  |
|---|---|---|
| **EATING & DRINKING ESTABLISHMENTS** | P | - | - |
| Catering Establishment | P | - | - |
| Coffee Shop | P | - | - |
| Coffee Shop less than 2,000 square feet and without a drive-thru | P | P |
| Outdoor Dining and Seating Areas *15 | C | C |
| Restaurants and Cafeterias | P | - | - |
| Tavern, Bar, Lounge or establishment that sells alcoholic beverages for consumption on premise, excluding restaurants # | C | - | - |

| **ENTERTAINMENT AND RECREATION** | P | P | - |
| Dance, Theatrical, Arts, Music Studio and similar uses *10 | P | P |
| Health and Exercise Center | P | - | - |
| Wedding and Reception Center # | C | C | C |

| **GENERAL INDUSTRIAL & MANUFACTURING** | P | P | P |
| Essential Public Service or Utility Installation | P | P |
| Recycling Collection Point | A | A | A |

| **GENERAL RETAIL** | P | P | - |
| Antiques, Crafts, and Collectibles Sales | P | P |
| Book, Stationery and Greeting Card Store | P | P |
| Candy and Ice Cream Store | P | P |
| Florist | P | P |
| Gift, Novelty and Souvenir Shop | P | P |
| Hobby, Stamp and Coin Shop | P | P |

| **GENERAL RETAIL** | P | P | - |
| Newsstand | P | P |
| Retail Sales of New and Used Merchandise, Indoor | P | P |
| Video Rental Store | P | P |
| Water and Ice Store | P | P |

| **INSTITUTIONAL** | P | P | - |
| Art Gallery | P | P |
| Day Care Centers or Pre-School Centers # | C | C | - |
| Group Care Facility or Community Residential Facility # | C | C | - |
| Group Homes, less than 10 handicapped residents | P | P |
| Nursing or Convalescent Home, Long Term Care Facility # | C | C | - |
| Performance Arts Center and similar uses *10 | P | - | - |
| Public Buildings # | P | P | P |
| Public Utility Buildings, Structures, Uses, Facilities and Equipment # | P | P | P |
| Religious Institutions and similar places of worship # | P | P | - |

| **LODGING** | P | C | - |
| Bed and Breakfast Inn # | P | C |
| Living quarter for night guards | A | A | A |

| **TRANSPORTATION** | P | P | - |
| Parking lots or structures | A | - | - |

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**C** = Permitted Conditional Use. Conditional Use Permit required. See Section 21-311 through Section 21-327.  
**A** = Accessory use  
**•** = Due to potential traffic impacts, residential use shall be the primary use in these categories  
**#** = Subject to special limitations as set forth in Section 21-505.
Table 21-622

<table>
<thead>
<tr>
<th>Intense Retail</th>
<th>P</th>
<th>-</th>
<th>-</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appliance, Furniture, and Household Equipment Sales and Rentals</td>
<td>P</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Commercial Service Establishments combining retail, showroom with workshop #</td>
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<td>-</td>
</tr>
<tr>
<td>Farmer’s and Crafts Markets</td>
<td>C</td>
<td>-</td>
<td>C</td>
</tr>
<tr>
<td>Outdoor Sales and Display Area #</td>
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<td>-</td>
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</table>

<table>
<thead>
<tr>
<th>Personal Services</th>
<th>P</th>
<th>P•</th>
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</thead>
<tbody>
<tr>
<td>Custom Dressmaking, Furrier, Millinery or Tailor Shop #</td>
<td>P</td>
<td>P•</td>
<td>-</td>
</tr>
<tr>
<td>Dry Cleaning and Laundry Establishment</td>
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<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Laundromat, self-service</td>
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<td>-</td>
</tr>
<tr>
<td>Locksmith</td>
<td>P</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Palm Readers, Phrenologists, Fortune Tellers and Astrologers</td>
<td>P</td>
<td>P•</td>
<td>-</td>
</tr>
<tr>
<td>Photographic Studio</td>
<td>P</td>
<td>P•</td>
<td>-</td>
</tr>
<tr>
<td>Shoe Sales and Service, Clothing Alteration</td>
<td>P</td>
<td>P•</td>
<td>-</td>
</tr>
<tr>
<td>Ticket and Travel Agency</td>
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<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Watch and Clock Repair Shop</td>
<td>P</td>
<td>P•</td>
<td>-</td>
</tr>
</tbody>
</table>

P = Permitted Use  
C = Permitted Conditional Use. Conditional Use Permit required. See Section 21-311 through Section 21-327.  
A = Accessory use  
• = Due to potential traffic impacts, residential use shall be the primary use in these categories  
# = Subject to special limitations as set forth in Section 21-505.

21-623 General Regulations for Non-Residential Uses

A. All activities, except as otherwise permitted herein, shall be conducted entirely within enclosed buildings.

B. Outdoor storage of goods and materials shall be prohibited.

C. Warehousing or indoor storage of goods and material beyond that normally incidental to permitted uses shall be prohibited.

D. Automotive Uses shall be limited to developments with arterial street frontages and to properties having a Certificate of Occupancy as of July 1, 2005. *9

21-624 Property Development Standards *13

A. All mixed-use developments integrating a residential component in the CCM District shall be consistent with the Non-Residential Design Standards (Design Review).

B. All mixed-use developments integrating a non-residential component in the CRM District shall be consistent with the Residential Design Standards (Design Review).

C. Parking Facilities *9

1. There is no minimum requirement for parking spaces in the Old Town Mixed-Used Districts. To promote the urban form outlined in Section 21-619, developments are encouraged to locate parking facilities behind buildings and structures, and/or offer shared or joint parking arrangements.
D. Landscape Requirements

1. There are no minimum on-site landscape requirements. However, all portions of the development not occupied by buildings, structures, vehicular access and parking shall be landscaped or finished with a natural topping material which may include, but is not limited to, turf (subject to Section 21-818.B.2., ground cover, decomposed granite (at a minimum size of ¾” minus and at a depth of 2”), river run rock, expanded shale or bark. A pre-emergent herbicide shall be applied to the ground prior to and after the initial installation of natural surface materials in any landscaped area to prevent weed growth.

E. CCM and PO District Standards:

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARDS</th>
<th>CCM</th>
<th>PO</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SETBACKS a (FT)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Minimum b</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Front Maximum c</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Rear</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Side</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Interior</td>
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<tr>
<td><strong>MAXIMUM BUILDING HEIGHT</strong></td>
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<td>30</td>
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<tr>
<td><strong>LANDSCAPE BUFFER ABUTTING RESIDENTIAL ZONES</strong></td>
<td>10</td>
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</tr>
<tr>
<td><strong>ACCESSORY BUILDING</strong></td>
<td>●</td>
<td>●</td>
</tr>
</tbody>
</table>

N/R: No minimum requirement

a: The Planning Commission and City Council may require additional setback requirements to mitigate potential adverse impacts of proposed uses on adjoining developments.

b: A street frontage landscape buffer with a minimum width of 15 feet is required for any parking structure developed within the Old Town Mixed-Use District. *9

c: Activities within the front setback areas shall be associated with the primary use of the building. Parking spaces within the front setback areas are discouraged. *9

●: All regulations and development standards applicable to the principal building shall apply.

F. CRM District Standards:

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARDS</th>
<th>Single-Family Residence as the Primary Use</th>
<th>Multi-Family Residence as the Primary Use</th>
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<tr>
<td><strong>MINIMUM SETBACKS a (FT) a</strong></td>
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<tr>
<td>Front</td>
<td></td>
<td></td>
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<tr>
<td>Rear</td>
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</tr>
<tr>
<td>Side c</td>
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<td>5 b</td>
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<tr>
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<td>8</td>
</tr>
<tr>
<td><strong>MAXIMUM LOT COVERAGE (%)</strong></td>
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<td>N/R</td>
</tr>
<tr>
<td><strong>MAXIMUM BUILDING HEIGHT (FT)</strong></td>
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<td>30</td>
</tr>
<tr>
<td><strong>ACCESSORY BUILDING</strong></td>
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<td>●</td>
</tr>
</tbody>
</table>

N/R: No minimum requirement

a: The Planning Commission and City Council may require additional setback requirements to mitigate potential adverse impacts of proposed uses on adjoining developments.

b: No minimum building separation along common wall. *9

●: Accessory buildings shall be subject to the limitations contained in Section 21-422 of this Ordinance.
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Historic Preservation (HP)

21-625 Intent

A. The protection, enhancement and perpetuation of landmarks and historic districts are necessary to promote the economic, cultural, educational, and general welfare of the citizens of the City of Peoria. The identity of a people is founded in its past, and inasmuch as the City of Peoria has significant historic, cultural, and architectural resources which constitute its heritage, this Section is intended to:

1. Protect and enhance the historic resources, landmarks, and historic districts which represent distinctive elements of Peoria’s historic, architectural, and cultural heritage;

2. Foster civic pride in accomplishments of the past;

3. Protect and enhance Peoria’s attractiveness to visitors and the support and stimulus to the economy thereby provided; and,

4. Enhance and implement the General Plan for the City of Peoria.

21-626 Definitions

The following definitions shall apply to the provisions of this Section.

**Alteration.** Any construction or change of the exterior of a building, object, site, or structure or of an interior space designated a landmark. For buildings, objects or structures, alteration shall include, but is not limited to, changing paint color, changing of roofing or siding materials and changing, eliminating, or adding doors, door frames, windows, window frames, shutters, fences, railings, porches, balconies, swings, or other ornamentation. Alteration shall not include ordinary repair and maintenance as defined herein.

**Archaeologist.** A person engaged in the study of human activity, primarily through the study of its material remains, which includes structures still standing, and who meets the requirements of the Secretary of the Interior’s guidelines for professional archaeologists.

**Archaeological Resource.** Material remains of past human activity and life which are at least fifty (50) years old and are of archaeological interest including, but not limited to, pottery, basketry,
bottles, weapon projectiles, tools, structures, pit houses, rock paintings and carvings, graves, human skeletal materials, or any portion thereof.

**Archaeological Site.** A geographic location that contains an archaeological resource.

**Building.** A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex, such as a courthouse and jail or a house and barn.

**Cemetery.** Any site that contains at least one burial, marked or previously marked, and considered a dedicated cemetery under Arizona State Statutes, even though the site has not been maintained and exhibits evidence of neglect and disrepair.

**Certified Local Government (CLG).** A local government that has been certified or approved by the State Historic Preservation Office (SHPO), and given the authority and responsibility to oversee various aspects of historic preservation within the municipality.

**Construction.** The act of adding an addition to a structure or the erection of a new principal or accessory structure on a lot or property, which requires a building permit.

**Contributing Significance.** A classification applied to a building site, structure or object within a historic district, but without having exceptional significance as defined below.

**Cultural Resources.** A broad assortment of assets, which includes buildings, sites, structures, objects, and districts that are of historic, cultural, architectural, or archaeological significance. Examples of such resources include petroglyphs, jewelry, textiles, pottery, projectiles, tools, irrigation canals, and pit houses. This includes artifacts, records, and material remains related to such resources. These assets may be included in or eligible for inclusion in the National Register.

**Demolition.** Any act or process that partially or totally disassembles or remakes a landmark or a structure within a historic district.

**Design Guideline.** A specific type of design criteria approved by the Commission that may be used in conjunction with other approved design criteria in reviewing alteration, construction, removal, or demolition activities in relation to landmarks and historic districts.

**Exceptional Significance.** A classification applied to a building, site, structure, or object signifying the individual contribution that the resource brings to the community in representation of the qualities that give the community cultural, historic, architectural, or archeological distinction. Exceptional significance can be applied to either a landmark or to those resources within a historic district that are of individual importance.

**Exterior Architectural Appearance.** The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design and character of all architectural details and elements, including, but not limited to, windows, doors, walls, roofs, overhangs, signs and yards and/or open spaces.

**Historic District.** An area with definable boundaries designated by the City Council and in which a substantial number of the properties, sites, structures, or objects have a high degree of cultural, historic, architectural, or archaeological significance and integrity, many of which may qualify as landmarks. The historic district may also have within its boundaries other properties, sites, structures or objects which, while not of such cultural, historic, architectural or archaeological significance to qualify as landmarks, nevertheless contribute to the overall visual characteristics of the significant properties, sites, structures or objects located within it.
Historic Landmark. See “Landmark”

Historic Preservation Zoning Overlay. Also termed “Historic Preservation Overlay Zoning,” a type of zoning regulation placed on a property in addition to the underlying land use regulations. The overlay is designed to protect historic resources from harm or neglect.

Historic Property or Historic Resource. A property, building, site, structure, object, or district that is generally at least fifty (50) years old; and which has significant historic, architectural, cultural, or archaeological value as part of the heritage or history of Peoria, the State of Arizona, or the nation.

Interior Architectural Design. The architectural character and general composition of the interior of a structure, including but not limited to, room design and configuration, materials. The design also includes the type, pattern and character of all architectural details and elements, including, but not limited to staircases, doors, hardware, moldings, trim, plaster work, light fixtures and wall coverings.

Landmark. A property, site, structure, or object that is individually designated by the City Council that is worthy of rehabilitation, restoration, and preservation because of its exceptional historic, cultural, architectural, or archaeological significance to the City of Peoria.

National Register of Historic Places. The National Register is the official list of the Nation’s historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Register is managed by the National Park Service.

Non-contributing. A designation applied to a site, structure or object within a historic district indicating that it is not a representation of the qualities that give the historic district cultural, historic, architectural, or archaeological significance as embodied in the criteria for designating a historic district.

Ordinary Maintenance and Repair. Regular, customary or usual care, reconstruction or renewal of any part of an existing building, structure or object, for the purposes of preserving said property and maintaining it in a safe and sanitary condition.

Property. Land and improvements identified as a separate lot for purposes of the City of Peoria subdivision and zoning regulations.

Repair. Any change that is not an alteration, construction, removal or demolition.

Structure. Anything constructed or erected the use of which requires a permanent or semi-permanent location on or in the ground, including without limitation, buildings, garages, fences, gazebos, advertising signs, billboards, antennas, satellite sending or receiving dishes, and swimming pools.

21-627 Designation of Landmarks or Historic Districts

A. The Historic Preservation Commission may recommend to the City Council that an individual property be designated as a landmark if it:

1. Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation;

2. Is identified with historic personages;
3. Embodies the distinguishing characteristics of an architectural style;
4. Is the work of a designer whose work has significantly influenced an age, or,
5. Because of a unique location or singular physical characteristic, represents and established and familiar visual feature of the neighborhood.

B. The Historic Preservation Commission may recommend to the City Council that a group of properties in an identifiable area be designated as an historic district if:
1. The area contains several properties that meet one or more of the criteria for designation of a landmark;
2. By reason of possessing such qualities, the area constitutes a historic district of the City; or,
3. A majority owner(s) of the properties concur with the designation.

The boundaries of each historic district shall be specified by legal description and map and shall be filed in the City Clerk’s Office for public inspection. Properties designated as landmarks or as a part of a historic district shall receive Historic Preservation Overlay Zoning.

C. Notice of a proposed designation and all associated hearings shall be provided in the manner required for Rezoning applications as described in Section 21-311 through Section 21-326.

D. The Historic Preservation Commission shall hold a public hearing prior to designation of any landmark or historic district. The testimony or documentary evidence at the hearing will become part of a record regarding the historic, architectural, or cultural importance of the proposed landmark or historic district. The record may also contain staff reports, public comments, or other evidence offered outside of the hearing. The report and recommendation of the Historic Preservation Commission shall then be forwarded to the Planning and Zoning Commission for review and public hearing. Any recommendation of approval may be subject to such conditions as the commission deems applicable in order to fully carry out the provisions and intent of this Section.

E. After receiving the reports and recommendations of the Historic Preservation Commission and the Planning and Zoning Commission, the City Council shall make a final determination in the designation of any landmark or historic district. The City Council may take action as follows:
1. Approve the request;
2. Deny the request;
3. Modify the recommendations of the Historic Preservation Commission and/or the Planning and Zoning Commission and adopt the request as modified; or,
4. Remand the matter back to the Planning and Zoning Commission or the Historic Preservation Commission for further consideration.

21-628 Certificate of Appropriateness

A. No person shall perform any work that alters the exterior of any landmark or changes the appearance of any property within an historic district, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley without first obtaining a Certificate of Appropriateness or a Finding of Hardship from the Peoria Historic Preservation Commission.
Commission. This includes, but is not limited to, exterior alteration, restoration, reconstruction, demolition, new construction, or relocation of such buildings, structures, and elements.

21-629 Application for Certificate of Appropriateness

A. Prior to the commencement of any work requiring a Certificate of Appropriateness the property owner shall file an application for such a certificate on the official form provided by with the Planning and Community Development Department.

B. No building permit shall be issued for such a proposed work until the Historic Preservation Commission has first issued a Certificate of Appropriateness. The Certificate of Appropriateness required by this act shall be in addition to and not in lieu of any building permit that may be required by any other ordinance or the City of Peoria.

21-630 Hearing of Application for Certificate of Appropriateness

A. The Commission shall hold a public hearing for each application for a Certificate of Appropriateness. The hearing shall be posted and noticed in accordance with A.R.S. §9-462.04 of the Arizona Revised Statutes.

B. The Commission shall approve, deny, or approve the permit with modifications.

C. In its review and consideration of an application for a Certificate of Appropriateness, the Historic Preservation Commission shall not consider changes to interior spaces, unless they are open to the public, or to architectural features that are not visible from a public street or alley.

D. The Commission’s decision shall be based upon the following principles:

1. Properties which contribute to the character of the historic district shall be retained, with their historic features altered as little as possible;

2. Any alteration of existing historic landmark properties shall be compatible with their historic character. Any alteration of existing properties within a historic district shall be compatible with their historic character as well as with the surrounding district; and,

3. New construction shall be compatible with the district in which it is located.

E. In applying the principle of compatibility, the Commission shall consider the following factors:

1. The general design character and appropriateness to the property of the proposed alteration or new construction;

2. The scale of proposed alteration or new construction in relation to the property itself, surrounding properties and the neighborhood;

3. Texture, materials, and color and their relation to similar features of other properties in the neighborhood;

4. Visual compatibility with surrounding properties, including proportion of the property’s front facade, proportion and arrangement of windows and other openings with the facade, roof shape, and the rhythm of spacing of properties on streets, including setback; and,

5. The importance of historic, architectural or other features to the significance of the property.
F. The Commission shall utilize the Secretary of the Interior’s Standards for Rehabilitation (1990 edition) as a guide for its decisions with respect to review of applications for Certificate of Appropriateness.

G. All decisions of the Commission shall be in writing. A copy shall be sent to the applicant within ten (10) days after the Commission’s decision by mail. A copy shall be made available for public inspection at the Planning and Community Development Department. The Commission’s decision shall state findings and reasons for denying or modifying any application.

21-631 Relief from Commission Decision

A. An applicant that has an application for Certificate of Appropriateness denied for a proposed demolition may apply for relief on the grounds of hardship. In order to prove the existence of hardship, the applicant shall establish that:

1. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and,

2. The property cannot be adapted for any other use, whether by the current owner or by a purchaser interested in acquiring the property and preserving it have failed.

21-632 Application for Finding of Hardship

A. An applicant shall submit an application for Finding of Hardship within thirty (30) days after the Commission’s decision to deny the Certificate of Appropriateness. No building permit or demolition permit shall be issued unless the Commission makes a finding that a hardship exists.

B. The Commission shall hold a public hearing on the hardship application in accordance with the procedures specified in Section 21-307 above.

C. The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.

D. All decisions of the Commission shall be in writing. A copy of the decision shall be sent to the applicant by mail. A copy shall be made available for public inspection at the Planning and Community Development Department. The Commission’s decision shall state findings and reasons for granting or denying the hardship application.

21-633 Maintenance of Properties and Landmarks

A. Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district that does not involve a change in design, material, color or outward appearance.

B. No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into a serious state of disrepair. A serious state of disrepair is evidenced by the deterioration of any exterior architectural feature which would, in the judgment of the Historic Preservation Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. A serious state of disrepair includes, but is not limited to, the following conditions:
1. Deterioration of exterior walls or other vertical supports;
2. Deterioration of roofs or other horizontal members;
3. Deterioration of exterior chimneys;
4. Deterioration or crumbling of exterior stucco or mortar;
5. Ineffective waterproofing of exterior walls, roofs, or foundations,
6. Including broken windows or doors; or,
7. Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

21-634 Penalties

A. Any person found guilty of violating any provision of this ordinance shall be guilty of a class one (1) misdemeanor.

B. Any person who demolishes, alters, constructs or permits a designated property to fall into a serious state of disrepair in violation of this ordinance shall be required to restore the property and its site to its appearance prior to the violation. Any action to enforce this Subsection may be brought by the City Attorney or any individual. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

21-635 Appeals

Any person aggrieved by a decision of the Historic Preservation Commission relating to a Finding of Hardship or Certificate of Appropriateness may, within fifteen (15) days of the decision, file a written application with the City Council for review of the decision.
References

Adopted by Ord. No.: 2011-12

Previous Ordinances:

*1 79-49
*2 88-29
*3 97-41
*4 01-146
*5 02-59
*6 02-80
*7 03-06
*8 04-19
*9 05-36
*10 05-58A
*11 05-64
*12 06-06
*13 06-16
*14 07-14
*15 07-22
*16 2011-12
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21-701 Intent
The Senior Citizen (SC) Overlay Zoning District is intended to provide for planned residential development designed specifically for residency by persons of advanced age.

21-702 Use Regulations
A. The Senior Citizen Overlay Zoning District is an overlay zone and shall be combined with any residential zoning district and not with any other zoning district. No parcel of land, or any part thereof, affected by deed restrictions limiting occupancy of dwellings thereon on the basis of any age restrictions, may be included within any Senior Citizen Overlay Zoning District.

B. The regulations which apply to property in any zone with which the Senior Citizen Overlay District is combined shall remain the same, except as to the matters specified in this Section. The provisions of this Section shall apply in addition to the corresponding regulations of such zone with which the Senior Citizen Overlay Zoning District is combined.

C. Each dwelling unit, if occupied, shall be occupied by at least one (1) person not less than forty-five (45) years of age and no person who is under eighteen (18) years of age shall reside in any such dwelling unit for a period of time exceeding ninety (90) days to be in the aggregate.

21-703 Location
The Senior Citizen Overlay Zoning District shall only be established on parcels of forty (40) or more acres; provided, however, that for a period of two (2) years from the effective date of this Section, the Senior Citizen Overlay District may be established on parcels of less than forty (40) acres, but in no event less than fifteen (15) acres; and further provided, however, that notwithstanding the effective date of this Section, for a period of two (2) years from and after annexation, the Senior Citizen Overlay Zoning District may be established on parcels so annexed which are less than forty (40) acres but in no event less than fifteen (15) acres. Any acreage upon which the Senior Citizen Overlay Zoning District is overlaid shall be contiguous acres.
21-704 Special Permits
Temporary occupancy not in compliance with Section 21-702, by reason of any exceptional or unusual situation, shall be subject to issuance of a use permit in accordance with Section 21-305.C. of this Ordinance.

21-705 Application Requirements
An application for Senior Citizen Overlay Zoning District shall be accompanied by a non-refundable filing fee in the amount of seventy dollars ($70.00) and will be considered only after submission of:

A. A petition signed by one hundred percent (100%) of the owners of property within the proposed district; or,

B. Evidence establishing that all of the property within the proposed district has been developed, advertised, and sold or rented under specific age restrictions.

21-706 Homeowner’s Association
No application will be accepted or considered unless such application is made by an association of owners of the property sought to be included within the Senior Citizen Overlay Zoning District. Such association shall remain in existence pending consideration of the application, evidence sufficient to establish authority to bind and represent the owners of the property. If pending consideration of any such application such Association shall for any reason cease to exist, the application shall be considered as withdrawn from further consideration.

21-707 Other Requirements

A. Within ten (10) days after approval of the Senior Citizen Overlay Zoning District by the City, the Applicant shall pay to the City an amount equal to the cost to the City for purchase of signs, which signs shall in such number and design, and shall be located within the Senior Citizen Overlay Zoning District as may be required by the Zoning Inspector. Such signs shall be designed and installed for the purpose of advising visitors, potential tenants, lessees, and buyers, and other interested persons that such persons are present within a Senior Citizen Overlay Zoning District.

B. In addition to the payment required under Subsection A above, within such period of time as the Zoning Inspector may require after determining the locations within the Senior Citizen Overlay Zoning District upon which the signs will be located, the Applicant shall deliver to the Zoning Inspector such rights, including but not limited to easements and rights-of-way, as may be necessary in order that the City may install and maintain such signs and shall advise the Zoning Inspector of the date such signs have been installed.

C. The provisions of this Section shall not be effective as to any Senior Citizen Overlay District until ten (10) days after the Zoning Inspector has received notification of installation of such signs as referred to in Subsection B above.

D. Prior to approval by the Council of any application, the Applicant shall deliver to the Zoning Inspector such documentation and shall take such actions as the Zoning Inspector may reasonably require in order that if the application is approved, such documentation may be recorded with the County Recorder of Maricopa County, Arizona to indicate that the affected land has been made part of a Senior Citizen Overlay District.
E. In the selling, renting or leasing of property within any Senior Citizen Overlay District, a notarized signed statement will be obtained by the owner from the buyer, renter or lessee stating that the buyer, renter or lessee is aware of the senior citizen overlay zoning in that area. This statement will include the legal description of the property and be given to the Zoning Inspector within five (5) days of such sale, rental or lease.

21-708 Pre-Existing Rights

A. Notwithstanding any provision of this Section to the contrary, any occupancy of any dwelling which is not in conformance with the provisions of this Section on the date that the overlay zoning district becomes applicable within the development where said dwelling is located, those persons so occupying that dwelling shall not be affected hereby and shall not be affected for the period said persons occupy said dwelling. Further, and thereafter, said dwelling shall further be exempt from the provisions of this Section until such time as said dwelling is either; (1) unoccupied for a period of one hundred eighty (180) days, or, (2) sold or rented to persons who occupy the unit and whose occupancy is in compliance with this Section.

B. Further, and notwithstanding the foregoing, in the event that any such dwelling is occupied by persons whose occupancy is in compliance with this Section and thereafter, said persons so occupying the dwelling have children by birth or adoption who are born or adopted after the effective date of this Section as to such dwelling, or are granted custody by order of a court of competent jurisdiction after the effective date of this Section as to such dwelling, said restrictions shall not be construed as preventing occupancy by said children.

C. Further and notwithstanding the foregoing, in the event that occupancy of a dwelling is in compliance with this Section and thereafter, by reason of the death of an occupant or by reason of the dissolution of the marriage or legal separation of the occupants, the occupancy by the person or persons remaining occupying the dwelling (remaining occupants) is not in compliance, the continuing occupancy by such remaining occupants shall not be in violation of this Section. The foregoing shall apply with regard to the occupancy by remaining occupants only and no other individual.

21-709 Enforcement and Violations

Any person who shall violate any provision of this Section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not to exceed $100.00 for each violation, and each day of violation continued shall be a separate offense, punishable as described in this Section.
Hillside Development Overlay District (HDOD)

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21-710 Intent *2, *4, *7, *8

A. It is the purpose of this Section to establish regulations which recognize that development of hillside areas involves special considerations which result from the slope of the land. These considerations include but are not limited to increased hazards to development from rock falls, storm water runoff, geologic hazards, increased limitations on vehicular travel, and increased difficulties in providing public services. In addition, steeply sloped lands introduce design limitations to roadways, cuts and fills, and building sites.

B. The Hillside Development Overlay District is an overlay district that applies to all land wherever the natural terrain of any lot or parcel or any portion thereof has a slope of ten percent (10%) or greater. The application of the Hillside Development Overlay district shall be as depicted below in Table 1, Hillside Determination.

<table>
<thead>
<tr>
<th>Table 1</th>
<th>Hillside Determination</th>
</tr>
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<tbody>
<tr>
<td>&lt; 10% slope</td>
<td>Non-Hillside</td>
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<tr>
<td>≥ 10% slope</td>
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</tr>
<tr>
<td>≤ 5 acres with 50% or more of the site in Hillside</td>
<td>Hillside</td>
</tr>
<tr>
<td>≥ 5 acres with less than 50% of the site in Hillside</td>
<td>Only areas greater than 10% considered Hillside</td>
</tr>
</tbody>
</table>

C. All rezoning applications to Planned Community District (PCD) and Planned Area Developments (PAD) shall conform with the provisions of this Section unless expressly modified through an approved PC or PAD District Standards/Guidelines Report and Development Plan. *3
D. Conservation features identified in Section 21-726 shall be preserved in accordance with that Section.

21-711 Definitions

**Alter the Mountain Top Ridge Line.** Means to alter or change the view or appearance of an established ridge line or ridge line of significance with cuts, fills or structures when viewed from a distance.

**Construction Envelope.** A specific area defined by the sum of the maximum allowable disturbed area plus the maximum coverage allowed for the lot or parcel.

**Cut.** The land surface which is shaped through the removal of soil, rock, or other materials.

**Disturbed Area.** That area of natural ground that has been or is proposed to be altered through grading, cut and fill, removal of natural vegetation, placement of material, trenching, or by any means that causes a change in the undisturbed natural surface of the land or natural vegetation.

**Fill.** The deposit of soil, rock, or other materials placed by man.

**Finished Grade.** The final grade and elevation of the ground surface after grading is completed.

**Grading.** Any excavating, or filling or combination thereof, including the conditions resulting from any excavation or fill.

**Hillside Development Area.** Building areas, other than sloped areas within washes and rivers, with a building site slope of ten percent (10%) or greater, measured as a vertical rise of ten (10) feet in a horizontal distance of one hundred (100) feet.

**Natural Grade.** The grade and elevation of the ground surface in its natural undisturbed state.

**Natural Open Space.** Areas dedicated for public ownership or retained in private ownership containing naturally occurring conservation features in the Sonoran Desert that have not been altered except to allow decomposed granite trails (private or public) in accordance with ADA guidelines, roadways and utility easements as necessary.

**Retaining Wall.** A retaining wall is a wall used solely to retain more than twelve (12) inches of material but not to support or to provide a foundation or wall for a building.

**Site Disturbance Activity.** Any action which results in a cutting of the natural soil grade, creation of an un-natural soil fill or movement of a significant natural landscape feature. A Site Disturbance Activity may include, but not be limited to the following activities: digging, trenching, filling, drilling, grading or clearing.

**Slope Category Determination Study.** A detailed study of the topography and slope of a development site, parcel or property. The study shall include a detailed graphic showing all slope areas on the site utilizing the methodologies established in this Section and shall be composed of both graphical, numerical and textual information.

**Spill.** To cause or allow earth or other material to fall, flow or run down a slope, thereby creating a change in the natural appearance and topography.

**Transitional Area.** A landscaped area consisting of open backyards, commercial and public areas, streetscapes and common areas where use of Arid Zone plants is generally limited to 30% by area
and where a buffer of Native Sonoran Zone plants is required at the perimeter of the lot or parcel or between the Disturbed Area and Natural Open Space.

21-712 Slope Determination

A. A Slope Category Determination Study shall be required prior to the initiation of any Site Disturbance Activities for all land with slopes of 10% or greater. *7

B. A property owner subject to Subsection A above shall prepare a Slope Category Determination Study utilizing one of the two methodologies outlined in this Section. A property owner or authorized agent shall submit to the Department a Slope Category Determination Study pursuant to this Section, as follows:
   1. Simultaneously with a rezoning application;
   2. If a rezoning action is not required, simultaneously with a preliminary plat or site plan; or,
   3. If a rezoning, plat, site plan, or minor land division is not required, prior to the issuance of any building permit or site grading permit.

C. Applicants seeking a waiver from the provisions of this Section may request a waiver of the requirements for a Slope Category Determination Study to the Planning Manager. A written waiver request shall be submitted to the Planning Manager with an explanation of why a waiver is warranted and shall include such supporting materials as follows:
   1. Site photographs;
   2. Site specific topography information;
   3. All other such information which may provide information on the request.

The Planning Manager may approve or deny an application as submitted or may request additional information if necessary. In addition to any other grounds the City may have, the City expressly reserves the right to reject the waiver request in the event the Owner is unwilling to enter into a Waiver of Proposition 207 regarding the property that is the subject of the waiver request. It shall be the sole burden of the applicant requesting such a waiver to show that the subject property does not qualify as a Hillside Development Area under this Section. The Planning Manager may grant the requested waiver upon a finding that reasonable evidence exists that the subject site does not contain potential slope area that would qualify as a Hillside Development Area. *6

D. Applicants may prepare a Slope Category Determination Study utilizing a methodology differing from those outlined in this Section, if acceptable to the Planning Manager. Applicants seeking to utilize an alternative methodology shall provide both a written explanation of the proposed alternative methodology and a graphical example of its use. If, upon review of the proposed alternative Slope Category Determination Study by the Planning Manager, the slope analysis is not acceptable, the applicant shall utilize one of the adopted methodologies contained herein. Appeals of the Planning Manager decision pursuant to this paragraph may be heard by the Administrative Hillside Hearing Officer subject to the provisions of Section 21-310 through Section 21-326 of this Ordinance. *5

E. To determine parcel density and the location and extent of slope categories, carry out one of the following procedures:
   1. Manual Slope Determination Method
a. Utilize a topographic map at a scale of two hundred (200) feet or less to the inch and with contours shown at two (2) foot intervals. Applicant may utilize maps containing contours at five (5) foot intervals for grades of more than twenty percent (20%). All contour lines shall be extended onto adjacent properties to a distance that establishes the overall slope of the land but in no case shall they be extended less than fifty (50) feet onto the adjacent properties.

b. The Hillside Development Area shall commence at the midpoint of the one hundred (100) foot horizontal dimensions used to determine the slope as illustrated by Figure 2, attached hereto and by this reference made a part hereof. The one hundred (100) foot slope determination lines shall be located perpendicular to the site or property contour bands. Those properties containing multiple slope planes should provide slope information for all such planes.

c. To determine those locations where slopes of ten percent (10%), fifteen percent (15%), twenty percent (20%), twenty-five percent (25%), thirty percent (30%), and thirty-five percent (35%) begin by the application of one hundred (100) foot straight lines that fall within each category. The one hundred (100) foot slope determination lines shall be extended onto adjacent properties to a distance that establishes the overall slope of the land but in no case shall they be extended less than fifty (50) feet onto the adjacent properties.

d. Connect the midpoints of each series of one hundred (100) foot lines of the same slope category to establish the limits of that slope category.

e. Measure the areas resulting between each series of straight lines to determine the areas in each slope category.

f. Figure 2, attached hereto and by this reference made a part hereof, illustrates the method used in calculating the slope categories.

2. Computer Generated Slope Determination Method

a. Utilize digital topographic information with contours shown at a maximum of two (2) foot intervals, except as established herein. Areas known or shown to contain slopes of more than twenty percent (20%) may utilize digital topographic information with contours shown at five (5) foot intervals.

b. Utilizing a slope generating software application, slope categories shall be determined utilizing the slope categories established in Section 21-711 of this Ordinance.

c. Computer generated slope analyses shall be prepared utilizing the following modeling parameters:
   1) Maximum two (2) foot slope contour intervals for slopes less than twenty percent (20%);
   2) Maximum five (5) foot slope contour intervals for slopes more than twenty percent (20%);
   3) The slope analysis shall utilize the above noted slope contour intervals through the modeling basis of grid evaluation to determine slope facets or contours;
   4) The analysis shall utilize a twenty-five (25) foot grid system.
d. All data generated through the use of a computer generated slope determination shall be presented in both chart and graphical formats. Graphical slope information shall be presented in a clear and easily understandable format.

e. The final map shall be plotted at a minimum scale of 1” = 200’ and submitted to the Department for review. If found acceptable, the final slope determination map shall be approved. The Department may reject the analysis and require correction(s) to the digitized slope category lines to more accurately reflect the generalized slope conditions of the property or other revisions necessary to ensure compliance with this Section. Appeals from the decision of the Department may be filed for disposition by the Administrative Hillside Hearing Officer pursuant to Section 21-310 through Section 21-326 of this Ordinance.5

3. The Final Slope Category Map resulting from this Section shall be utilized in determining allowable densities, lot area, lot disturbance and lot coverage requirements. Preliminary Plats shall reflect proposed disturbance/coverage envelopes for each lot and shall contain tabular information necessary to determine compliance with this Section.

21-713 Density

A. For all major and minor sub-divisions and for multifamily residential developments, the maximum number of residential lots or units permitted within hillside development areas shall be the sum of the number of lots allowed by the zoning district, or the sum of the number of lots allowed in each slope category of land as shown by Table 2, whichever is the lesser number.

B. For all non-residential developments or single-lot construction where density allocation does not apply, the applicant shall comply with all other applicable portions of this Section.

<table>
<thead>
<tr>
<th>Slope of Land</th>
<th>Maximum Number of Lots Per Gross Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>0%-10%</td>
<td>Underlying Zoning</td>
</tr>
<tr>
<td>10% to 15%</td>
<td>1.50 #</td>
</tr>
<tr>
<td>15% to 20%</td>
<td>1.00 #</td>
</tr>
<tr>
<td>20% to 25%</td>
<td>0.70 #</td>
</tr>
<tr>
<td>25% to 30%</td>
<td>0.50 #</td>
</tr>
<tr>
<td>30% to 35%</td>
<td>0.30</td>
</tr>
<tr>
<td>35% to 40%</td>
<td>0.20</td>
</tr>
<tr>
<td>40% and Over</td>
<td>0.10</td>
</tr>
</tbody>
</table>

# The allowable density of these slope categories may exceed the Maximum Number of Lots per Gross Acre shown above when density is transferred from a higher slope category. In no case shall the density exceed the sum of the number of lots allowed by the zoning district and in no case shall units be transferred to a location of higher elevation within the project. Plateau geographical features shall be addressed according to slope category and not according to elevation.
C. Transfer Rate: Disturbance and dwelling units/development rights that are allowed within preserved public and private open space may be transferred to other parcels within the same development. When all of the allowable dwelling units are transferred from a Hillside Development Area above the ten percent (10%) slope line to a non-hillside development area, resulting in a minimum fifty (50) acre undisturbed area above the ten percent (10%) slope line, the density transfer from the Hillside Development Area to the non-hillside development area may occur at a rate of 1:1.25 allowable dwelling units.

D. The transfer of density within a Hillside Development Area shall not be an assumed right and in no case shall a transfer of density occur without the approval of the Planning Manager. Approvals of a density transfer shall be made only upon a finding that the proposed transfer will not be detrimental to the intent of the Hillside Development Overlay District and upon a finding that the transfer will advance the City’s interests in protecting a Hillside Development Area.

21-714 General Provisions for Hillside Lots

A. Minimum lot sizes in hillside areas shall be limited as shown in Table 3. Lot sizes in areas of 10% slope or greater may be reduced by up to twenty percent (20%) provided that all dwelling units / development rights have been transferred off of slope categories greater than twenty percent (20%).

<table>
<thead>
<tr>
<th>Slope Category</th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>0% to 10%</td>
<td>Underlying Zoning</td>
</tr>
<tr>
<td>10% to 15%</td>
<td>10,000 square feet</td>
</tr>
<tr>
<td>15% to 20%</td>
<td>32,000 square feet</td>
</tr>
<tr>
<td>20% to 25%</td>
<td>43,560 square feet</td>
</tr>
<tr>
<td>25% to 30%</td>
<td>75,000 square feet</td>
</tr>
<tr>
<td>Over 30%</td>
<td>Same as Table 1</td>
</tr>
</tbody>
</table>

B. No residential lot within the Hillside Development Overlay District and having slope areas in excess of fifteen percent (15%) shall have a front lot width less than seventy-five (75) feet. The front lot width of all flag lots located within the Hillside Development Overlay District shall be measured from the point at which the drive access intersects with the main body of the lot or at a point not to exceed two hundred and fifty (250) feet from the front lot line of the flag lot.

C. Building setbacks shall be as required by the zoning district.

D. Maximum lot coverage by the main building and all accessory buildings shall not occupy more than that permitted by the zoning district or Table 4, whichever is the lesser area.

E. All hillside lots shall provide an individual analysis of each lot or parcel shall be prepared prior to recording the final plat or minor land division. For existing lots of record as of the date of adoption of this ordinance, an individual site analysis shall be submitted prior to the approval of any development permits or entitlements. Following review and approval of the Slope Category Determination Study by the Department, the individual site analysis shall be submitted in conjunction with a grading and drainage plan. No building permit shall be issued prior to approval of the grading and drainage plan and individual site analysis.
F. All lots or parcels which abut a dedicated public open space or preserve area shall provide a one (1) foot non-vehicular access easement along the common property line.

21-715 Height and Appearances
For development within hillside areas, the height of structures shall be determined by the following Sections and not by the definitions described in Section 21-202 of this Ordinance.

A. No part of any structure shall penetrate an imaginary plane, the height of which complies with the underlying zoning district measured vertically from any point outside of the building where the face of the building or support intersects natural ground (see Figure 4).

B. Where natural grade is not restored back against the building, no exposed face in any vertical plane shall exceed a height of thirty (30) feet measured from the lowest exposed base.

C. Materials used for exterior surfaces of all structures shall blend in color, hue and tone with the surrounding natural setting to avoid high contrasts.

1. Structures, walls, roofs and fences shall blend with the surrounding terrain and there shall be no material or colors used which have an LRV (Light Reflecting Value) greater than forty percent (40%). Mirror surfaces, or any treatment which changes ordinary glass into a mirror surface is prohibited. Bright untarnished copper or other metallic surfaces shall be treated at the time of installation so they are non-reflective.

2. All electrical service equipment and subpanels and all mechanical equipment including, but not limited to, air conditioning and pool equipment, shall not be visible from outside the property when viewed from the same or a lower elevation. For the sake of functionality, solar panels and solar water heaters shall be exempt from screening requirements. It is recommended, however, that to the extent feasible, the frames and support structures for these elements should be painted to match the principal building on the property or be integrated into the building and / or landscape design.

3. Water storage facilities, pumping station, and related facilities shall be designed to minimize their visual impact. All such facilities shall be painted to match the predominant color of the natural terrain, disturbed terrain shall be dyed to blend with surrounding area, and walls shall be contextually sensitive in terms of color and materials. Additional screening techniques are provided in order of preference in the list below. Final designs must be approved by the Public Works Director or designee.
   a. Subterranean design
   b. Partially subterranean design
   c. Restricted height equal to or less than that of the perimeter site wall
   d. Design tank and walls to follow natural topography
   e. Context-sensitive berming / screening
   f. Vegetative screening

D. Principal and accessory buildings, excluding chimneys, shall not exceed forty (40) feet from the highest point of the building to the lowest exposed base of a supporting structure (see Figure 4). The subterranean portion of a structure is not included in the total height calculation.
21-716 Disturbed Area Calculations for Individual Hillside Lots

Lots shall be developed to provide for the minimum amount of ground disturbance during the time of construction so as to prevent rock slides and falls, erosion and seepage. At final construction, disturbed areas shall be hidden or supported by retaining walls, buildings, finished surfaces or restored and landscaped to its original natural condition to the extent possible. All cut and fill areas visible from off-site locations shall be treated with a natural staining or aging agent.

A. Hillside properties north of Pinnacle Peak Road must also comply with Section 21-726 Desert Lands Conservation Overlay.

B. All buildings, structures, and roads shall to the fullest extent practicable, utilize the natural contours of the land so as to minimize the disturbed area.

C. Disturbed areas may be reclaimed if they are restored to their natural contours, vegetation and colors, and shall reflect the natural condition as depicted in historical aerial photos and site photos taken prior to the development of the site.

D. The maximum height of any cut or fill used to establish a building site or a driveway shall not exceed fifteen (15) feet and must comply with the provisions of the Peoria Building Codes. The maximum height of any cut or fill used to establish a road or roadway shall not exceed thirty (30) feet. All areas of cut or fill necessary to establish a public or private roadway and falling outside of the public right-of-way or private roadway easement shall be counted against the total disturbed lot area of the individual lot or parcel. All roadway cuts shall be re-vegetated and all roadway fills shall utilize retaining walls to minimize spill areas. All spill slope areas shall be re-vegetated and all retaining walls shall be designed to minimize their visual impacts.

E. The limits of construction and proposed disturbed areas shall be clearly delineated on the property prior to and during construction with visible roping and shall conform to the approved individual site analysis plan. No disturbance outside the designated area shall take place.

F. All lots less than 18,000 square feet net area are eligible for mass grading.

G. All lots equal to or greater than 18,000 square feet net area shall establish a construction envelope equal to the combined area of the maximum disturbed area and maximum lot coverage from Table 4, below.

H. All surplus excavated material shall be removed from the lot.

I. Up to ten percent (10%) of the gross land area above the ten percent (10%) slope line may be used for roadways (public and private) that shall not be included in disturbed area calculations. The disturbed area and roadways and driveways (that exceed the 10% roadway allowance), storm water retention areas and accessory use areas, shall not exceed the total disturbed area as set forth in Table 4.

<table>
<thead>
<tr>
<th>Slope Category</th>
<th>Disturbed Area</th>
<th>Maximum Lot Coverage</th>
<th>Total Disturbed Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>10% to 15%</td>
<td>25%</td>
<td>30%</td>
<td>55%</td>
</tr>
<tr>
<td>15% to 20%</td>
<td>20%</td>
<td>25%</td>
<td>45%</td>
</tr>
<tr>
<td>20% to 25%</td>
<td>20%</td>
<td>20%</td>
<td>40%</td>
</tr>
<tr>
<td>25% to 30%</td>
<td>15%</td>
<td>15%</td>
<td>30%</td>
</tr>
<tr>
<td>30% to 35%</td>
<td>12%</td>
<td>10%</td>
<td>22%</td>
</tr>
<tr>
<td>35% +</td>
<td>10%</td>
<td>7.5%</td>
<td>17.5%</td>
</tr>
</tbody>
</table>
J. Calculation of Disturbed Area (Table 4)

1. The Total Disturbed Area for each individual development or development parcel shall be the sum of the amount of Disturbed Area allowed within each of the individual slope categories found on the development parcel and the Maximum Coverage.

2. Disturbed Area accounts for site elements such as driveways, non-natural / un-restored landscaping, pool areas, walkways, uncovered patios, etc.

3. Maximum Lot Coverage refers to any under-roof site element and shall include principal and accessory buildings.

K. Transfer of Disturbed Area and dwelling units / development rights to a lower slope category shall be subject to the following conditions:

1. Permitted Lot Coverage and Disturbed Area from a higher slope category may be transferred to the next lower slope category within the site / parcel provided the transferred-to category does not exceed its allowable disturbed area. In the event that the transfer would cause the lower category to exceed its allowable disturbed area, the remaining portion of the transferred square footage may be transferred to the next lower category. This pattern may be repeated until all hillside categories have attained their respective allowable disturbed area. Transfers below the 10% slope line are not permitted.

2. Permitted Disturbed Areas shall not be transferred from the 0-10% slope category to any other category.

3. After any applicable transfers of Disturbed Areas have been calculated, the Total disturbed Area, which includes Lot Coverage, within the 10% - 25% slope categories as indicated in Table 4, may be combined to produce a “bucket” of disturbable square footage. This “bucket” may be distributed throughout the 10% - 25% slope categories at the applicant’s discretion (Figure 1).

4. Approvals of a disturbed area transfer shall be made only upon a finding that the proposed transfer will not be detrimental to the intent of the Hillside Development Overlay District and upon a finding that the transfer will advance the City’s interests in protecting a Hillside Development Area.

5. The location of the Disturbed Area and the allocation of Disturbed Area among parcels or lots shall require approval of the Planning Manager or designee; such approval shall be made upon a finding that:
   a. The proposed location will not be detrimental to the intent of the Hillside Development Overlay District and, to the maximum extent feasible, is located in the lowest slope categories;
   b. The difference of allocated Disturbed Area does not vary by more than twenty percent (20%) among lots of comparable size and location;
   c. The resulting change in Disturbed Area on an individual lot does not interfere with the preservation of Natural Open Space;
   d. The resulting change in Disturbed Area does not result in more cuts into hillside slopes above the twenty percent (20%) slope line or changes in contours that will remain unrestored;
e. The location will advance the City’s interest in protecting a Hillside Development Area; and
f. The development or development parcel is otherwise in compliance with this Section.

Figure 1 – Overview of Steps For Hillside Development

**Step 1:**
Identify slope categories and square footage of each category on property

**Step 2:**
Calculate density, permitted disturbed area and lot coverage per category using Tables 2 and 4

**Step 3:**
Develop property accordingly OR Proceed to Step 4

**Step 4:**
Transfer density or Total Lot Coverage to lower slope categories until such categories are at capacity

**Step 5:**
Combine Disturbed Area and Lot Coverage (in square feet) within the 10-15%, 15-20% and 20-25% slope categories to create a virtual “bucket”

**Step 6:**
Distribute the “bucket” as needed with in the 10-15%, 15-20% and 20-25% slope categories

L. In those cases where an increase in the maximum lot coverage is desired due to a transfer of density, the maximum lot coverage shall only be increased on the parcels receiving density transferred from a higher slope area. In those cases where all of the density has been transferred from a higher slope category to lower slope areas, all parcels or portions thereof within those slope categories may utilize the increased lot coverage allowance.

M. A Disturbed Area (up to 50% over Table 3, for slope areas over 10%) may be excluded from Disturbed Area calculations when the applicant has committed to comply with the following restoration conditions:

1. The restored area shall be re-contoured to match pre-existing contours.
2. The restored area shall be re-vegetated to its pre-development condition utilizing native plant types arranged and placed at a density matching the surrounding native desert.
3. The restoration area shall be treated with an aging agent approved by the Planning Manager and restored with indigenous desert material.
4. The restoration plan and process shall be prepared by a registered engineer or landscape architect and shall be approved prior to issuance of a building permit.

**21-717 Grading and Drainage**
All proposed development within a Hillside Development Area shall be required to submit for and receive Grading and Drainage Plan approval through the City of Peoria Engineering Department prior to the commencement of any development or Site Disturbance Activities.
21-718 Driveways

A. If any portion of a driveway grade is more than twenty percent (20%), the entire residence and all accessory buildings over one hundred twenty (120) square feet of roof area shall be protected with an approved fire sprinkling system.

B. Driveways with turning radii of less than forty (40) feet may be used provided all structures are protected with an approved fire sprinkling system.

C. To reduce the visual impact of driveways the following is intended to be an incentive to preserve the natural mountain views. Driveways surfaced with paving bricks, colored concrete or with exposed aggregate, colored to blend with existing native color of the site, shall only be included in disturbed area calculations at seventy-five (75) percent of the driveway area. For calculation purposes, driveway shall mean drive access, or area between edge of a street, or edge of the traveled portion of a street when no curb exits, permitting vehicular travel to the residence and accessory buildings on the property. Parking areas, turnabouts and entrance circles are excluded from the driveway area.

D. Any driveway cut greater than eight (8) feet in depth shall not have a length greater than one hundred (100) feet; and the maximum height of any cut or fill used to establish a driveway shall not exceed fifteen (15) feet.

21-719 Perimeter Walls, Privacy Walls, Retaining Walls, and Edge Treatments

Retaining Walls

A. The design of all retaining walls shall be prepared by a registered engineer or architect and shall be designed to blend with the surrounding environment and/or development in color, materials and style.

B. Raw spill slopes are prohibited.

C. All exposed disturbed area fill shall be contained behind retaining walls or covered with a natural rock veneer and treated with an aging agent and landscaped with indigenous plant material.

D. No single retaining wall in any front yard shall exceed four (4) feet in height in residential districts or six (6) feet in height in non-residential districts.

E. No first-tier side or rear yard retaining wall shall exceed six feet eight inches (6'-8") in height in residential districts or ten (10) feet non-residential districts.

F. Additional retaining height may be achieved through the use of offset retaining walls and terraces: such walls shall be offset a minimum of four (4) feet and all terraces shall be landscaped appropriately for the width of the offset. Retaining walls shall incorporate weep holes for drainage and sleeves for irrigation.

G. View fences not exceeding six (6) feet in height above the highest part of adjacent natural grade may be added to a retaining wall. Increases in the height of view fences may be granted by the Planning Manager provided that the retaining wall contains unique design and materials or other amenity features that, in the determination of the Planning Manager, mitigate the impact of the additional height.

H. The total vertical wall face (including view fencing) visible from any street, adjacent property line or publically-accessible open space for any single lot shall not exceed twenty-five (25) feet in
height. Terraced walls shall be constructed with decorative products and terraces shall be landscaped to minimize their visual impact. Terracing shall be conducted in accordance with Section 21-805 of this Ordinance.

Perimeter & Privacy Walls / Fences (interior to lot line)

I. Fences or walls on lots within a hillside district shall be restricted to privacy walls attached to or directly screening a portion of the main residence. Privacy walls shall not exceed six (6) feet in height, shall be architecturally compatible with the main residence and shall be limited to the development envelope area only.

Edge Treatment

J. Hillside development shall receive edge treatments that soften the appearance of an abrupt transition between the built and natural environments. Such treatments shall consist of alternative perimeter fencing (type and / or materials), offset, or staggered rear lot lines, transitional landscaping or other similar elements intended to soften the transition.

K. Perimeter walls and fences surrounding a lot, tract, or parcel shall be prohibited except as provided elsewhere within this Section. Privacy walls shall not be erected on a retaining wall and shall be offset a minimum of four (4) feet when utilized.

L. Within the ten to fifteen percent (10-15%) slope category only, exceptions to the limitations on fences or walls may be permitted. In those instances where an exception is desired, applicants shall submit a detailed Wall Plan to the Planning Manager for review and action. In conjunction with the submittal of the Wall Plan to the Planning Manager, the applicant shall submit a copy of the Wall Plan to the appropriate City department(s) for review and approval for conformance with all City Grading and Drainage requirements. Wall Plans shall indicate the proposed locations of walls or fences, the proposed materials, colors and design of any wall or fence, and fence construction and disturbance mitigation measures. Such plans shall be accompanied by a narrative explaining the reasons why such an exception should be made. Upon completion of the review of the Wall Plan by the Planning Manager, and following the review and approval of the Wall Plan by the Engineering Division / Site Planning Division, the Planning Manager may approve the Wall Plan. Wall Plans may be approved by the Planning Manager upon a finding that the proposed location and design of the wall(s) is in accordance with this Section and further that the proposed wall will not be contrary to the intent and purpose of this Section.

M. Perimeter walls or fences approved by the Planning Manager within the ten to fifteen percent (10-15%) slope category and abutting an open space area or tract, shall be a maximum of six feet eight inches (6’-8”) in height with no more than three (3) feet being constructed of a solid or opaque material. That portion of the wall or fence not constructed of a solid or opaque material shall be open in design and may not include chain-link or wood materials. Notwithstanding the foregoing, walls exceeding six (6) feet eight inches in height and constructed of solid or opaque material may be approved by the Planning Manager if the wall is for the purpose of screening non-residential uses.

21-720 Lighting, Sewers, and Utilities

A. All outdoor lighting concepts, fixture types, lamps and wattage shall be indicated on the site plan. All outdoor lighting shall be Dark Sky compliant.
B. Connection to a public sewer system is required in connection with Chapter 25 of the City Code where available.

C. Private individual lot sewer systems shall be designed by a registered engineer.

D. All on-site utilities shall be placed underground.

21-721 Mountain Ridge Profile

A. Within areas above the twenty percent (20%) slope line, no construction shall occur which will alter the mountain top profile and no building or structure shall be constructed which will project above a ridge line of significance when viewed from adjacent properties. Ridge lines of significance shall be identified in the hillside analysis accompanying the project submittal for a subdivision or shall be shown on the individual site analysis plan for individual lots. Upon review of the project submittal, the Planning Manager or designee shall determine the ridges of significance for the site. Ridge lines of significance shall include, but not be limited to the following, and may include ridge lines or ridge line complexes which meet the criteria listed below:

1. Ridge lines and ridge line complexes which are visible from existing and/or planned collector and arterial roadways,

2. Ridge lines and ridge line complexes which are visible from surrounding vantage points when viewed from a location with an elevation difference of a maximum of three hundred (300) vertical feet from the property line of the subject parcel / structure,

3. Ridge lines and ridge line complexes which have a vertical height increase of more than three hundred (300) feet as measured from the point of the ten percent (10%) slope line of the ridge or ridge complex, and

4. Other significant ridge lines or ridge line complexes as determined during the site analysis process.

B. Prior to the issuance of any building permits, cross-sections shall be submitted showing the relationship of the proposed development with established mountain top ridge lines and ridge lines of significance when applicable.

21-722 Submittal Requirements for Construction on a Hillside Lot

A. In addition to drawings, plans, specifications and details necessary to obtain a building permit, the following shall be provided for staff review:

1. A topographic map at an appropriate scale on a 24" x 36" sheet presenting the total lot and a twenty (20) foot area beyond the property line shall be submitted with the application. This map shall show existing and proposed finished contours at two (2) foot intervals within a twenty (20) foot perimeter from any proposed building, five (5) foot intervals elsewhere. Existing contours shall be shown with dashed lines. This map shall show limits of excavation and fill, slope of cut and fill, total cubic yards of excavation and fill. The location and area of the sewage disposal systems, if public sewers are not provided.
2. Detailed site plans and landscape plans at an appropriate scale, shall be submitted with each application and shall include, but not be limited to, the following: grade and slope in percent at all disturbed areas. Dimensions and calculations of all cut and fill for the building site, roads, drives, swimming pools, septic systems and the method of concealment for each fill or exposed cut. Dimensions of length and height of retaining walls, fences and other attachments; the location and grade of all drainage channels, swales, drain pipes, etc. The amount and degree of surface disturbance, destruction or removal of natural vegetation. Protected desert vegetation shall be preserved in an appropriate manner in accordance with the Desert Lands Conservation Overlay district.

3. Cross sections at 1:1 scale, at two (2) or more locations perpendicular to the contours through the building site. Location of the cross-sections shall be clearly shown on the topographic map. Properties impacting ridge lines shall provide additional cross-sections indicating their relation and impact on such ridge lines as established in Section 21-721.

4. An overall excavation, grading and drainage plan shall be prepared in accordance with sound professional engineering practices and to address minimum standards adopted by the City. Said plans shall be prepared and certified by a professional engineer registered in the State of Arizona. If any drainage structures or culverts are involved, it will be necessary to include calculations for peak flows for a 100 year storm to establish appropriate drainage facilities, cross-sections and details. Storm water diverted from its original drainage pattern shall be returned to its natural course before leaving the property.

5. Where possible and appropriate on less complex lots and lots with acceptable site conditions, the combining of the above maps into one drawing may be acceptable.

6. The Planning Manager, or their designee, may require an accurate oblique view architectural rendering in color; showing the appearance of the building, lot, landscaping, and skyline. The Planning Manager may also require a model if determined necessary to evaluate the project. The model may be a three dimensional physical model or it may be a computer generated model in a three dimensional format and presented by a series of prints or by a disc that can be viewed on a monitor. The rendering and the model will remain in the custody of the Planning Manager until a Certificate of Occupancy is issued. On the rendering or attached thereto, the applicant shall list all colors depicted on the exterior of all structures according to Section 21-713.B.

7. Plans for any structure to be constructed on any land governed by these Hillside Regulations shall be sealed by a registered engineer or architect.

8. The plans for any hillside development of any kind or nature whatsoever, must be approved by the staff and appropriate permit(s) issued, before any grading, bulldozing, blasting, or movement of earth is commenced.

21-723 Inspections

A. Inspections to ensure compliance with this Section are required and shall occur prior to issuance of the first certificate of occupancy or equivalent.

B. The applicant shall request from the City a preliminary inspection before commencing construction. This inspection shall document the original condition of the site through photos
which shall be compared against historic aerial photos to ensure no disturbance has occurred prior to permitting.

21-724 Enforcement / Compliance

A. Violations should be reported by the City to the property owner, together with a Compliance Order describing the measures required to correct the violation(s). Failure to comply with the terms of a Compliance Order shall constitute a violation of this Section.

B. In those instances where a Site Disturbance Activity has commenced within a Hillside Development Area without an approved Slope Category Determination Study or where another violation of this Section has occurred, the City may issue a Stop Work Order to terminate immediately all development or construction related Site Disturbance Activity on the site, parcel or property. In addition, the City may revoke any or all of the permits issued by the City for the site, parcel or property. Upon the issuance of a Stop Work Order, the responsible party shall immediately terminate all activities on the site and then contact the City of Peoria Planning Division regarding what measures should be taken to eliminate any problems resulting from the development activity. Failure to comply with the terms of a Stop Work Order shall be a violation of this Section.

C. Violations of this Section are subject to prosecution by the City of Peoria under the City Code and shall be punishable as provided by law.
21-725 Intent

The purpose of the Desert Lands Conservation Overlay (DLCO) is to identify and protect the unique and environmentally sensitive Sonoran Desert lands in the City and to promote the public health, safety and welfare by providing appropriate and reasonable controls for the development of such lands. Specifically the lands are located north of Pinnacle Peak Road. The DLCO is intended to:

A. Identify sensitive desert conservation features and resources.

B. Protect and preserve Peoria’s distinctive desert landscapes and wildlife habitats for the enjoyment of current and future generations.

C. Protect people and property from hazardous conditions characteristic of environmentally sensitive lands and their development.

D. Integrate conservation design into the development of sensitive desert lands and employ development standards and guidelines that equitably balance conservation and development objectives.

In addition, the DLCO is intended to implement the goal, policies and objectives of the Desert Lands Conservation Master Plan (DLCMP). The overlay establishes a holistic approach to evaluating the environmental conditions of each site that allows both City staff and the development community a better basis for determining conservation areas. The overlay also establishes criteria for determining conservation priorities based on the potential to expand or extend a regional open space corridor, the opportunity to provide a link to an existing or future trail system, the possibility of expanding an existing open space, or the possibility of creating a buffer zone between different intensities of uses.

The DLCO not only preserves sensitive and unique desert features, but also native plants and plant communities in order to enhance the City’s aesthetic appeal by conserving distinctive scenic character. Native plant communities are also preserved because they thrive in the local desert environment and provide soil stabilization to fragile desert soils, stabilization that is lost after development activity that disturbs plants and top soil layers. Canopied plants such as mesquite provide nurturing shade and protection for lower level plants. Native plants identified for preservation are chosen on the basis of their slow growth habit, the fact that the plant alone or in
combination with others provides unique wildlife habitat and soil stabilization support, its rarity in this environment, and its proven success rate for salvage in this region.

Finally, the DLCO establishes standards and design guidelines for development within desert areas and adjacent to conservation areas. These regulations and guidelines vary by landform type in order to address the three distinctive types of geography (Desert Floor, Bajada and Hillside) found in the Peoria desert areas. The classification system assumes a single vegetation type in Peoria, Lower Sonoran, consisting of creosote, bursage, and saltbush associations. The DLCO is to be applied in conjunction with the 2003 International Urban-Wildland Interface Code (IUWIC). In cases where there is conflicting provisions, the IUWIC will take precedence.

21-726 Applicability

A. The Desert Lands Conservation Overlay (DLCO) establishes a special overlay zoning district, which applies to specific resources and environmental conditions north of Pinnacle Peak Road. In order to accomplish the purpose of this district, the City of Peoria shall apply these provisions to these lands that contain any of the following special conservation features and resources:

B. Conservation Features:

1. Cultural Resource. Prehistoric and historic sites identified according to standards established by the State Historic Preservation Office. Includes artifacts such as rock walls, etc.

2. Isolated Peak. The prominent peaks which jut out of a typically flatland area. These are landmark features whose rugged vertical form contrasts sharply with the horizontal ground plain.

3. Mountainous Area. Areas such as the Hieroglyphic Mountain Range which include numerous peaks, rugged topography, steep slopes and small v-bottomed washes flowing out of the area. The limits of a mountainous area is established when more than 60% of the area has slopes of 25% or greater.

4. Plateau. An extensive land area characterized by slopes leading to a relatively level surface and situated at a uniformly higher elevation than adjacent land on at least one side.

5. Primary Peak. Prominent peaks that are visual landmarks from various points of view and rise at least 400 feet above the surrounding base elevation.

6. Riparian Vegetation. Native vegetation that grows where there is a concentration of sustainable drainage water resulting in larger plants, greater species diversity and greater density. Generally lines washes, rivers, tanks and springs.

7. Riverine Area. Environmentally diverse riparian areas associated with the New River and Aqua Fria Rivers and Major Washes.

8. Rock/Boulder Formation. Formations including escarpments, cliffs or pinnacles which consist of exposed rock faces with limited vegetative cover.

9. Significant Vegetation Area. A stand of Sonoran Desert vegetation that is thirty percent more concentrated than the general aspect of the immediate context area and difficult to salvage due to slope, rocky soil conditions or exposed roots due to an adjacent wash. Generally located adjacent to a wash or other source of water and maintains the character of the site best when protected in place.
10. **Significant Vegetation Specimen.** A native tree with an 8” or greater caliper trunk and multi-trunk in good health, a saguaro over 20 feet in height and/or multiple arms or crest or other unusual configuration in good health, or other mature protected species, such as Ocotillo.

11. **Skyline Ridge.** Ridge lines and ridge line complexes which are visible from existing and/or planned collector and arterial roads, have an elevation difference of a maximum of three hundred (300) vertical feet from the property line of the subject parcel, have a vertical height increase of more than three hundred (300) feet as measured from the point of the ten percent (10%) slope line of the ridge or ridge complex, are composed primarily of a cliff face with a total height of at least 50 feet measured from the base of the cliff, or are determined by Staff to be significant during the site analysis process.

12. **Spring.** A permanent small stream or source of water coming out of the ground.

13. **Talus Slope.** A slope strewn with a layer of loose rock debris, usually over unconsolidated soils.

14. **Unstable Slope.** A slope that exhibits one or more of the following conditions: boulder collapse, boulder rolling, rock falls, slope collapse and talus slopes.

15. **Wash, Major.** Washes that by their size are more riverine in character than washes. They are characterized by extraordinary depth and width, strewn rock and vegetative rubble, diversity, density and sizes of vegetation and volumes of water that they can accommodate. Major washes include Morgan City Wash, Big Spring Wash and Twin Buttes Wash. Maximum flow capacity exceeds 500 cubic feet per second.

16. **Wash, Primary.** Wide, sand bottom washes that carry drainage from a relatively broad watershed and are fed by a number of smaller tributary washes. These washes generally have dense thickets of tree and shrub vegetation along their edges and are easily identified from aerial photographs. Maximum flow capacities are between 20 and 500 cubic feet per second.

17. **Wash, Secondary.** Tributaries to the significant washes and the rivers. The majority of these washes are the finger washes, which occur between slopes in the rugged areas. They have narrow sand bottoms or are V-shaped. There is increased vegetation density along these washes but the vegetation is more in the large shrub category. Maximum flow capacities are up to 20 cubic feet per second.

18. **Wildlife Corridor.** Pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, and other natural factors in combination with urbanization, and which 1) permit animals to move between remaining habitats allowing depleted populations to be replenished and promoting genetic exchange; 2) provide escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events, such as fire or disease, will result in population or species extinction; 3) serve as travel paths for individual animals as they wander throughout their home ranges in search of food, water, mates, and other needs, or for dispersing juveniles in search of new home ranges.

19. **Wildlife Habitat.** Locations where native wildlife has a tendency to congregate due to provision of food, shelter and/or water.
21-727 Definitions

**Archaeologist.** A person engaged in the study of human activity, primarily through the study of its material remains, which includes structures still standing, and has received certification from the Register of Professional Archaeologists.

**Alter.** Change or modify natural vegetation and/or topography by removal, cuts, fills, grading or the building of structures.

**Conservation Features or Areas.** Individual conservation features, defined above, and/or areas of the highest significance and preservation priority.

**Cut.** A land surface, which is shaped through the removal of soil, rock, or other materials.

**Desert Lands Conservation Report (DLCR).** A submittal required with any development application to the City for property within the Desert Lands Conservation Overlay, and which contains the following individual documents: Project Identification and Descriptive Data, Project Narrative and Overview, and Existing Conditions Data Report.

**Destroy.** To kill, or cause the death of any protected native plant by any means.

**Developer.** the property owner or his representative that is undertaking the development of land subject to the Desert Lands Conservation Overlay District.

**Disturbed Area.** That area of natural ground that has been or is proposed to be altered through grading, construction, cut and fill, removal of natural vegetation, placement of material, trenching, or by any means that causes a change in the undisturbed natural surface of the land or natural vegetation. The Disturbed Area is coterminous with the Disturbed Area identified in the Hillside Development Overlay District of this code and shall be subject to the same requirements of that Section.

**Disturbed Area, Reclaimed.** Disturbed areas that have been restored to their natural contours, vegetation and colors to the satisfaction of the City of Peoria.

**Fill.** The deposition of soil, rock or other materials place by man.

**Finished Grade.** The final grade and elevation of the ground surface after grading is completed.

**Grade, Natural.** The elevation through any section of a site on an undisturbed lot at the time of adoption of this overlay by City Council. On lots that have been disturbed previously, the natural grade is the pre-existing grade if it can be determined; otherwise it shall be determined by an average of off-site elevations at points taken around the boundary of the site. All determinations shall have been made by an engineer or land surveyor licensed to practice in the state of Arizona.

**Grading.** Any excavating, or filling or combination thereof, including the conditions resulting from an excavation or fill.

**Habitat Value.** the suitability of the landscape to support wildlife, considering site conditions. Suitability shall be ascertained by comparing similar sites and conditions and may require returning the habitat as closely to its original condition as possible when natural conditions have been changed.

**Landform Type.**

- **Bajada Landform Type.** Characterized as the irregular terrain near or at the base of mountain ridges or isolated mountain outcrops. This area is located in the transition zone between the
Desert Floor and the Hillside landform types and exhibits relatively high vegetation density and diversity. The lower portions of alluvial fans dominated by palo verde and mixed cacti vegetation typify this area, such as the bases of low mountain ranges. Saguaro is a visually dominant and important component of this area. Higher density and diversity of vegetation results in higher wildlife density and diversity that is dispersed between both wash and upland areas. It is comprised primarily of bedrock materials with land slopes generally in the range of ten (10) to fifteen (15) percent. Drainage courses are typically well incised. Typical hazards include boulder rolling, rock falls, debris movement and general slope instability. The surface movement of materials occurs as a result of both gravity and water transport. The surface material size includes large boulders, rocks and gravel, as well as grainy soil materials.

- **Desert Floor Landform Type.** Characterized in general by level plains and expanses that typically occupy the broad lowlands floodplains between desert mountain ranges. The area is dominated by low growing shrubs, such as creosote and bursage, and supports larger shrubs and trees, such as palo verde and ironwood, and cacti, such as saguaro. Because the uplands support a greater diversity and density of plants, wildlife density and diversity are higher and important wildlife resources occur in both wash and upland areas. The terrain is relatively flat, with typical slopes of less than five (5) percent, although the slope of this landform classification extends up to ten (10) percent. Soils are generally deep and alluvial. The more numerous smaller washes that are found in more sloped areas are consolidated into fewer, but larger washes. Because of the flatter terrain, streambeds are typically sandy bottomed, wide braided channels that carry high volumes of floodwaters.

- **Hillside Landform Type.** Consists of the higher elevation rugged areas, with relatively steep slope and high vegetation density and diversity. These areas include mountains, hills, buttes, or escarpments predominantly composed of bedrock materials. The slope is greater than fifteen (15) percent, and in many cases is greater than thirty-five (35) percent. Upper portions of alluvial fans and the foothills of low mountains dominated by palo verde and mixed cacti vegetation typify this area. The saguaro is a visually dominant and important component of this area and higher density and diversity of vegetation results in higher wildlife density and diversity. Streambeds are typically narrow, rocky and incised. Drainage courses are relatively poorly defined on the slopes, but collect into deep canyon bottom courses strewn with large-sized rubble. Typical hazards include boulder rolling, rock falls, debris movement and general slope instability. Soils are generally shallow and rocky. Cultural resource sites are smaller and more scattered. There are a greater number of petroglyphs and few sites related to prehistoric agricultural uses.

**Landscape Character Zone.** An association of plants that create an identifiable landscape character, and further defined by specific plant palettes found in the Desert Lands Conservation Guide.

- **Native Sonoran Zone.** Landscape character zone that represents indigenous plants typically found in the desert of the northern Phoenix metropolitan areas.

- **Sonoran Character Zone.** Landscape character zone with an associated plant list which represents plants that are generally native to the southwest deserts or have the appearance of being native to those deserts.

- **Arid Character Zone.** Landscape character zone where plants are generally compatible with the look of an arid landscape. The associated plant list is a broader representation of drought tolerant plants and includes non-natives that are considered appropriate for the area.
OVERLAY DISTRICTS

- **Exotic Zone.** Landscape character zone where plants are permitted which are not included on the other landscape character zone lists, as long as they are not on the prohibited plants list. The use of these plants is limited to Oasis Landscape Development Areas and areas included in the Disturbed Area.

**Landscape Development Areas.** Areas within a site with different recommended plant palettes based on their proximity to natural open space, soil stabilization attributes and the desired visual character for the area.

- **Oasis Area.** A landscaped area consisting of enclosed courtyards, similar semi-private areas and other areas located within the Disturbed Area where the use of Native Sonoran, Sonoran Character and Arid Zone plants are strongly encouraged, but where Exotic Zone plants are also allowed.

- **Transitional Areas.** A landscaped area consisting of open backyards, commercial and public areas, streetscapes and common areas where use of Arid Zone plants is limited to 30% by area and where a buffer of Native Sonoran Zone plants is required at the perimeter of the lot or parcel or between the Disturbed Area and Natural Open Space.

- **Buffer Area.** A landscaped area consisting of open areas adjacent to preserved wash corridors and natural open space areas where the use of plants is limited to the Native Sonoran Zone palette.

**Master Conservation Plan (MCP).** A submittal required with any site plan or subdivision plat application to the City for property within the Desert Lands Conservation Overlay, and which contains the identification of conservation features, native plants to be preserved, development areas, and conservation areas.

**Mature Trees.** Healthy, full-bodied trees with a shape characteristic of the species and of the following minimum sizes: Ten (10) feet-twelve (12) feet height times six (6) inches-eight (8) inches wide or two-inch single trunk caliper or one-inch average trunk caliper for a multiple trunk tree.

**Mutilate.** To deface, maim, damage or disfigure any protected native plant by shooting, chopping, pushing over, burning, cutting or any other means.

**Native Plant Permit.** A permit issued by the city pursuant to the provisions of this Section for the purpose of removing from the premises, relocating on the premises, or destroying any protected native plant.

**Native Plant Preservation Plan.** A development plan specifying the proposed treatment of plants with Protected Plant Status for which a native plant permit is required.

**Natural Open Space.** Areas dedicated for public ownership or retained in private ownership containing naturally occurring conservation features and accreted Sonoran Desert that have not been altered except to allow decomposed granite trails (private or public) in accordance with ADA guidelines, roadways and utility easements as necessary.

**Plant Protection.** Any project which affects any indigenous plant from the specified Protected Native Plant List is required to submit a Native Plant Preservation Plan detailing the existing location and proposed treatment of each protected plant. Protected plants should, at the most optimal situation, remain in place.

**Plant Salvaging.** Those plants which must be disturbed due to construction are required to be salvaged unless the applicant can demonstrate how conditions such as poor health or orientation
make successful relocation impossible. Salvaged plants are to be replanted within the project.

**Private Buffer.** An area located adjacent to a public or private preserve open space edge that is used as an undisturbed or enhanced landscape setback. The buffer may be platted as common open space for the development or as individual lots. The area shall contain no improvements or be used for any purpose other than a landscaped setback.

**Protected Plant Status.** Native cacti which are three (3) feet or greater in height and native trees which are four (4) inches or greater in caliper.

**Relocate.** To transplant a protected native plant to another location on the premises.

**Remove.** To transport a protected native plant from the premises on which it has been growing.

**Restore.** To replant areas of burned, damaged or disturbed naturally occurring Sonoran Desert vegetation and topographical features with trees and plants of the same species, size, density and placement as the surrounding area; and re-contour, if necessary, to appear similar to nearby slopes.

**Retaining Wall.** A wall used solely to retain more than eighteen inches (18") of material but not to support or to provide a foundation or wall for a building.

**Ridge Line.** That line running along the highest elevation between mountain peaks.

**Rip Rap.** A bank protection measure composed of fractured rock of differing sizes. Undisturbed natural desert: Naturally occurring Sonoran Desert vegetation and topographical features, including washes, are not altered except to allow decomposed granite natural trails or as necessary for utility easements. Vegetation is not pruned or removed and allows natural habitat for native animal species. Dead trees or cacti also form an integral part of the wildlife habitat.

**Spill.** To cause or allow earth or other material to fall, flow or run down a slope, thereby creating a change in the natural appearance and topography.

**Unique Feature.** A unique and identifiable feature that varies from the immediate surroundings, such as springs, tanks, saddles, expansive saguaro or cholla forests, etc.

**Unsalvageable Plant.** means a protected native plant that cannot be successfully relocated due to any of the following:

- Deteriorated health from disease, infestation, or natural causes; or
- Physical constraints related to plant location, orientation, or general condition which obstruct and/or prevent the application of approved relocation techniques.

**21-728 Review and Approval Process**

**A. Exemption for Single Lot Construction**

The development of a single-family custom home shall not require a Desert Lands Conservation Report or Master Conservation Plan. The developer of a single-family custom home shall indicate on the site plan the location of conservation features to be preserved.

**B. Properties Located North of Pinnacle Peak Road without Conservation Features**

Owners of properties containing no conservation features shall submit a statement and aerial photo confirming this information.
C. Pre-Application Conference; Timing of Submittals

1. A pre-application conference is required prior to submittal of any application for development approval for property containing Conservation Features or Natural Open Space to discuss environmental characteristics of the site. Developments of 10 acres or less shall be exempt from the pre-application meeting requirement but shall be subject to all other applicable requirements in this Section.

2. Submittal of the reports listed below are subject to the type of planning action involved as shown in Table 1. Submittals for one type of action need not be duplicated for another type of action.

<table>
<thead>
<tr>
<th>Type of Permitting Action</th>
<th>DLCR</th>
<th>MCP</th>
<th>Native Plant Inventory</th>
<th>Archaeological Site Review and/or Survey</th>
<th>Native Plant Preservation Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rezoning</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Rezoning (PCD or PAD greater than 100 acres, more than one plat)</td>
<td>X</td>
<td>(Location of Conservation Areas and Habitat Only)</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Minor Land Division</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Preliminary Plat</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Preliminary Plat (10 acres or less)</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Final Plat</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Grading Permit</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Site Plan</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Building Permit</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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</tbody>
</table>

D. Desert Lands Conservation Report

A comprehensive report shall be submitted as part of a rezoning, platting site plan or building permit request that reviews existing conditions and site and project characteristics. For projects larger than 10 acres, this shall be the Desert Lands Conservation Report (DLCR). Projects of 10 acres or less may submit a Master Conservation Plan (MCP), as specified in this Section in order to meet this requirement. If a development request is being proposed on a property for which an existing DLCR is on file with the City, the Planning Manager shall determine what information, if any, needs to be updated.

A request to modify some or all of the submittal requirements listed in this Section may be submitted to and approved by the Planning Manager based upon a finding that sufficient information will be provided to make a determination as to compliance with the provisions of the DLCO.

A narrative description of the proposed development and information included on exhibits shall be submitted as the essential document of the report. The DLCR shall contain information specified in the Desert Lands Conservation Guide.
E. Master Conservation Plan

In addition to the DLCR, a Master Conservation Plan (MCP) shall be submitted at the time of site plan or preliminary subdivision plat review and shall consist of the following items. For phased projects, submittal requirements shall correspond to the areas included in each phase. For projects of 10 acres or less submitting only the MCP, identification and descriptive data required for the DLCR and Projective Narrative and Overview shall also be included. Submittal requirements for the MCP are found in the Desert Lands Conservation Guide. *5

F. Site Inspection

For those sites with particularly complex conditions, the City may arrange for a site inspection of the property by the City. The applicant shall distribute copies of the Existing Conditions Data Report for the on-site meeting. Applicants, their site designers, and the landowner will participate in the site inspection. The purpose of this visit is to review the property’s existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the prioritization of conservation features, and possible locations for buildings and street alignments.

G. Approval Process

The Planning and Zoning Commission or the City Council shall review and either approve or disapprove any DLCR and/or MCP that is submitted as part of a development request requiring approval by the Planning and Zoning Commission or the City Council. The Planning Manager or his/her designee shall review and either approve or disapprove a DLCR and/or MCP for development request requiring building permit, site plan or subdivision plat approval. Appeals of the decision(s) regarding a DLCR and/or MCP will be addressed in the same manner as the development request which it accompanies. Approvals of the DLCR shall be valid for the same period of time accorded to the accompanying development request. After a period of one year from the submittal date of the MCP the Planning Manager shall determine the continued sufficiency of the MCP for future development planning applications. The Planning Manager shall not approve or recommend approval of any DLCR and/or MCP unless the Planning Manager has received a Waiver of Proposition 207 from the Owner or Owners of the property that is the subject of the DLCR and/or MCP or has determined that the absence of such a Waiver of Proposition 207 is consistent with the City’s General Plan and zoning goals and regulations. *6

21-729 Conservation Standards

In order to protect the public health, safety and welfare, preserve sensitive environmental conditions, retain and protect meaningful desert open space, and conserve ecological and aesthetic resources; all development within the DLCO shall be subject to requirements for the preservation of Natural Open Space and native plants. In Hillside Areas, requirements of the Hillside Overlay District and the DLCO shall be coordinated as specified below. Individual residential lot developments not part of any subdivision, or part of a subdivision with final plat approval prior to September 14, 2004, shall be exempt from the requirements of the following NOS Slope/Landform Matrix. The NOS area shall not exceed the percentages shown in the following NOS Slope/Landform Matrix.

A. Natural Open Space

1. Natural Open Space (NOS) within each development shall be preserved according to slope and landform type as provided in the following NOS Slope/Landform Matrix:
## Table 2

<table>
<thead>
<tr>
<th>LANDFORM TYPE</th>
<th>SLOPE RANGE</th>
<th>MAXIMUM REQUIRED NOS</th>
<th>MINIMUM REQUIRED NOS ●</th>
</tr>
</thead>
<tbody>
<tr>
<td>Desert Floor</td>
<td>0% - 10%</td>
<td>25%</td>
<td></td>
</tr>
<tr>
<td>Bajada</td>
<td>10% - 15%</td>
<td>45%</td>
<td></td>
</tr>
<tr>
<td>Hillside</td>
<td>15% - 20%</td>
<td>55%</td>
<td>Minimum NOS requirements for all zoning districts shall be 15%.</td>
</tr>
<tr>
<td></td>
<td>20% - 25%</td>
<td>60%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>25% - 30%</td>
<td>70%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>30% - 35%</td>
<td>80%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>35%+</td>
<td>85%</td>
<td></td>
</tr>
</tbody>
</table>

**Note**

- Usable Open Space requirements of this Section may be satisfied by NOS containing dedicated trails, floodway areas or reserved or dedicated steep slope areas.

2. The required NOS shall be comprised of the conservation features listed and defined in this Section. If the total acreage of these elements does not meet the minimum NOS requirements, then areas with 25% or greater slope shall be added in such a manner as to expand or extend the NOS until the required percentage is achieved. If after incorporating all areas with slopes of 25% or greater and the minimum NOS requirement is still not met, then additional open space shall be provided in the following priority:
   a. Expands or extends a regional open space corridor;
   b. Increases the size of an existing or adjacent open space area;
   c. Creates a linkage to an existing or planned trail; or,
   d. Provides a public access point to existing or planned natural open space.

3. In the event that the combined area of all required NOS exceeds the maximum required acreage, the following criteria listed in priority order shall be used to guide the determination of which features shall be preserved:
   a. Conservation Features;
   b. Land that expands or extends a regional open space or drainage corridor;
   c. Land that abuts existing and/or planned open space;
   d. Land that allows opportunity to provide a link to existing or future trail systems; and,
   e. Land that provides a non-motorized access route from the nearest public right-of-way to an open space area.

4. The minimum contiguous area for NOS is 7,500 square feet, provided that not more than 15% of the required NOS shall be included in areas less than 10,000 square feet.

5. The minimum horizontal dimension for NOS is seventy-five (75) feet.

6. Where the minimum finished lot size is twenty-four thousand (24,000) square feet or less, NOS shall not be allowed on individual lots and must be placed in common tracts.
7. If land designated as NOS is located in a common tract owned by a homeowners association, the property shall be maintained through a common maintenance agreement.

8. Any NOS being considered for dedication to the City of Peoria, regardless of size and location, will be reviewed by the Community Services Director and staff for a recommendation as to the acceptance or rejection of the dedication.

9. Whether the NOS is located on individual lots or in common tracts, the boundaries of Disturbed Areas shall be delineated in the field with permanent markers in order to prevent encroachment into NOS areas.

10. Areas not specifically identified as Disturbed Area or NOS shall be considered Transition Areas.

11. Identification of NOS shall be coordinated with the Peoria Hillside Overlay District, Section 21-710, and the planning of NOS shall specifically consider transfer of density and disturbed area. For Hillside Areas, NOS shall be located in areas planned to be undisturbed.

12. Within areas identified as NOS, no grading or other disturbance shall occur except the minimum grading required for trails, roadways and utility easements. No walls are permitted within the NOS. Restoration of the Disturbed Area not used to support buildings or Oasis or Transitional Landscape Areas is mandatory and shall follow plans reviewed and approved by the City.

13. For residential lots, the area between the buildings and the street and, for lots in excess of 24,000 square feet in size, side yard setback areas not utilized for driveways or parking areas shall be improved with landscaping using indigenous plant materials and groundcovers in addition to the NOS. In addition:
   a. Perimeter walls or privacy walls shall be allowed in accordance with the provisions of Section 21-710; and,
   b. The location of all buildings shall be within the delineated boundaries of the Disturbed Area.

14. Developments abutting any public NOS shall provide an access plan for public entry onto the NOS. The plan may take into consideration all points of visual and physical access to the NOS from any public or private property. A minimum of 40% of the linear distance along the edge of any public NOS shall consist of one or a combination of the following:
   a. A public or private street;
   b. A public or private improved open space having public access with minimum dimensions of 100 feet in length and 75 feet in depth along the NOS;
   c. A minimum length of 100 feet along the frontage of a public or private street directly connecting the NOS to the street;
   d. A termination of a public or private street in a configuration that provides on-street parking for four (4) vehicles and sufficient width for maneuvering; or,
   e. An equivalent creative alternative as approved by the City that provides visual and physical access and results in diversity of the edge treatment.

15. The total length of lots backing up to the NOS shall not exceed 1,000 feet without incorporating one of the edge treatments described in this Section or providing a trail access point to the NOS.
B. Rivers and Washes

1. All Washes shall be preserved in an undisturbed condition and the habitat value preserved in its original condition. Secondary Washes having no vegetation or plants being preserved in place may be altered or eliminated.

2. An undisturbed area of twenty-five (25) feet measured from the edge of riparian vegetation or the floodplain, whichever is greater, shall be preserved on both sides of a Wash that has a one hundred-year peak flow greater than seven hundred (700) cfs.

3. If a Wash has a one hundred-year peak flow of less than seven hundred (700) cfs, the area to remain undisturbed should be determined by a width sufficient to allow for wildlife passage outside of the incised wash.

4. No major structural changes or improvements shall be allowed in preserved Washes. Protected plants shall be left in place except as follows:
   a. To prevent erosion from channelization or combination of smaller washes;
   b. To allow wash crossings of roadways, trails and utility easements. Trails and utilities may cross washes, but in no way shall they be placed in the wash bed running within and parallel to the wash bottom. Public utility easements shall be restored when construction is completed;
   c. To prevent wash migration, where structures are placed behind the required wash setback; and,
   d. To allow discharge from adjacent retention or drainage facilities, as approved by the City Engineer as part of a drainage system improvement plan resulting from a drainage study performed by an engineer registered in the state of Arizona.

C. Wildlife Habitat

1. Corridors shall be established along both sides of washes identified for conservation which include the estimated 100-year floodplain and an additional upland buffer of 25 feet or the outer edge of the erosion hazard zone, if identified in a map as part of a drainage system improvement plan resulting from a drainage study performed by an engineer registered in the state of Arizona, whichever is greater. Non-motorized trails shall be permitted within the upland buffer.

2. Linear utility lines shall be placed parallel to, but just outside, the conserved wash and associated upland buffer to provide a more gradual transition to developed areas. Utility lines shall be buried in accordance with the City of Peoria Infrastructure Development Guidelines and restored using indigenous plants so that there is no net loss of habitat function or value.

D. Scenic Resources

1. A scenic corridor of 100 feet, measured from the edge of floodplain, shall be established along both sides of the Agua Fria River within which the immediate foreground is kept intact with native or enhanced desert vegetation and no structures are permitted, except for those associated with utilities, stormwater management, and roadways.

2. Scenic corridor buffers, measured from edge of right-of-way, of 50 feet within the Rural Section, 30 feet within the Suburban Section, and 15 feet within the Urban Section, shall be established along both sides of the Lake Pleasant Parkway Corridor within which the
immediate foreground is kept intact with native or enhanced desert vegetation and no structures are permitted, except those associated with utilities, stormwater management, and roadways. The limits of the Rural, Suburban, and Urban Sections are shown on Figure 4, Development Section Map, of The Lake Pleasant Parkway Corridor Specific Area Plan dated March 6, 2000, as may be amended.

E. Cultural Resources

1. Preliminary Archaeological Site Review
   Provide a letter report, to be submitted with the Existing Conditions Data Report, from the Arizona State Museum, the State Historic Preservation Office (SHPO), or an Archaeologist that reviews all of the available archaeological information for the site. This record check shall:
   a. Identify any previously-recorded archaeological or historic resources known to exist on the property;
   b. State the probability that buried archaeological resources not visible from the surface would be discovered on the site; and,
   c. Make a recommendation as to whether an archaeological survey of the site is needed.

2. Archaeological Survey; Duties of the Archaeologist
   If an archaeological survey of the site is recommended then the following tasks shall be completed by an Archaeologist.
   a. Complete a field survey and submit the results with the Existing Conditions Data Report. Any cultural resources identified shall be entered by the Archaeologist making the discovery into the Arizona State Museum site file system.
   b. Describe and map archaeological and historic sites identified on the property in either the records check or the field survey. Detailed location maps of such sites should not be included in the site analysis, but should be available from the Archaeologist for staff review as necessary.
   c. The Archaeologist shall complete an archaeological report that:
      i. Determines the significance of the reported cultural resource(s);
      ii. Assesses the impact of the proposed development on the cultural resource(s). If the resource cannot be preserved in place or protected by acceptable means, it must be mitigated;
      iii. Makes a determination that the cultural resource must be either preserved/ protected or mitigated;
      iv. Identifies mitigation measures and a mitigation plan that have been reviewed and approved by the City and/or SHPO.

3. Any proposed mitigation measures shall be reviewed and approved by SHPO, having primary responsibility, and/or the City, as the Certified Local Government with jurisdiction, prior to the commencement of any activity on the site.
F. Native Plants

1. No person shall destroy, mutilate, remove from the premises, or relocate to another place on the premises any protected native plant on land that is subject to the provisions of this Section without first obtaining a Native Plant Permit.

2. Minimum size requirements necessary to establish Protected Plant Status include 4 inch caliper or greater for trees, 5 feet diameter or greater branch reach for shrubs, and 3 feet tall or greater for cacti. Creosote (Larrea tridentata) shall be exempt from designation as a Protected Plant.

3. Protected Native Plant List
   The rationale for inclusion on the Protected Plant List includes one or more of the following:
   a. Preservation of the plant enhances the City's aesthetic appeal by conserving unique scenic character;
   b. The plant is slow growing and therefore it is difficult and cost prohibitive to find comparable nursery-grown stock for replacement;
   c. The plant alone or in combination with others provides unique wildlife habitat; and
   d. The proven success rate in the region of salvaging plants of a certain size.

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TREES</strong></td>
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<tr>
<td>Cercidium floridum</td>
<td>Blue Palo Verde</td>
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<tr>
<td>Cercidium microphyllum</td>
<td>Foothills Palo Verde</td>
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<tr>
<td>Chilopsis linearis</td>
<td>Desert Willow</td>
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<tr>
<td>Juniperus monosperma</td>
<td>One-Seed Juniper</td>
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<tr>
<td>Olneya tesota</td>
<td>Ironwood</td>
</tr>
<tr>
<td>Populus fremontii</td>
<td>Fremont Cottonwood</td>
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<tr>
<td>Prosopis velutina</td>
<td>Velvet Mesquite</td>
</tr>
<tr>
<td><strong>SHRUBS</strong></td>
<td></td>
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<tr>
<td>Acacia constricta</td>
<td>Whitethorn Acacia</td>
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<tr>
<td>Acacia greggii</td>
<td>Catclaw Acacia</td>
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<td>Celtis pallida</td>
<td>Desert Hackberry</td>
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<td><strong>CACTI/SUCCEULENTS/ACCENTS</strong></td>
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<td>Saguaro</td>
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<td>Ferocactus species</td>
<td>Barrel Cactus</td>
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<td>Fouquieria splendidens</td>
<td>Ocotillo</td>
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<td>Peniocereus greggii</td>
<td>Desert Night-Blooming Cereus</td>
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<tr>
<td>Yucca baccata</td>
<td>Banana Yucca/Blue Yucca/Datil Yucca</td>
</tr>
<tr>
<td>Yucca elata</td>
<td>Soaptree Yucca</td>
</tr>
</tbody>
</table>

4. Native Sonoran Desert vegetation should not be pruned or removed from areas identified as Natural Open Space unless demonstrated to the City that a health, safety or welfare issue exists. This includes removal of dead trees or cacti.
5. Plants specified on the prohibited plant species list shall not be allowed. Certain plants that do well in this region present a distinctly non-desert appearance and/or pose potential hazards to the native vegetation, wildlife and landscape due to their invasive nature. The following plants exhibit these characteristics:

<table>
<thead>
<tr>
<th>PROHIBITED PLANT SPECIES LIST</th>
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</thead>
<tbody>
<tr>
<td><strong>Botanical Name</strong></td>
</tr>
<tr>
<td><strong>TREES</strong></td>
</tr>
<tr>
<td>Brachychiton populneus</td>
</tr>
<tr>
<td>Eucalyptus sp. (except those specifically identified in Arid Character Zone – see Desert Lands Conservation Guide)</td>
</tr>
<tr>
<td>Olea sp.</td>
</tr>
<tr>
<td>Parkinsonia aculeata</td>
</tr>
<tr>
<td>Pinus sp.</td>
</tr>
<tr>
<td>Prosopis chilensis (prohibited in parking areas only)</td>
</tr>
<tr>
<td>Rhus lancea</td>
</tr>
<tr>
<td>Washingtonia sp.</td>
</tr>
<tr>
<td><strong>SHRUBS</strong></td>
</tr>
<tr>
<td>Oleander sp. (except petite varieties)</td>
</tr>
<tr>
<td>Thevetia peruviana</td>
</tr>
<tr>
<td><strong>GROUNDCOVERS, ANNUALS, PERENNIALS, VINES, ETC.</strong></td>
</tr>
<tr>
<td>Cenchrus ciliaris or Pennisetum cileare</td>
</tr>
<tr>
<td>Cynodon dactylon (except in private backyards, enclosed courtyards, and public use areas buffered from Native Sonoran Zones by Sonoran Character Zones - see Desert Lands Conservation Guide)</td>
</tr>
<tr>
<td>Eragrostis lehmanniana</td>
</tr>
<tr>
<td>Gutierrezia sarothrae</td>
</tr>
<tr>
<td>Hordeum jubatum</td>
</tr>
<tr>
<td>Pennisetum sp.</td>
</tr>
</tbody>
</table>

6. The prohibited plant species list shall be provided by the Developer to all purchasers of property within the development. Exceptions to the Prohibited Plant Species List may be approved by the Planning Manager or designee subject to a report from a registered landscape architect and a satisfactory recommendation from the Community Services Department.

7. In areas designated as NOS, where a portion has been burned or previously damaged, the area shall be restored by the property owner. Restoration shall be typical of the surrounding area, i.e., tree-lined washes shall be restored with trees of the same species, size, density and placement; graded slopes shall be re-contoured similar to nearby slopes, etc. The property owner shall be responsible for the management of private restored areas. Where this occurs at the edge between public and private development, the public open space shall be restored.
by the owner of property immediately adjacent to the public open space at the same time as the private open space.

21-730 Native Plant Permit
The process of preparing a site for development that contains native plants is authorized by a Native Plant Permit and guided by a Native Plant Preservation Plan (NPPP). The entire site development process shall be managed by the person that prepares the NPPP. The builder of a single family dwelling on an individual lot not part of a subdivision or part of a subdivision plat approved prior to September 14, 2004 shall not be required to prepare a NPPP, but shall be required to perform plant salvaging and transplanting tasks for Protected Plants.

A. The Native Plant Preservation Plan shall be prepared by a botanist that has received a formal education in Botany, Biology or Ecology, a Licensed Landscape Architect or other professional with similar training and that has experience working with plants and ecosystems of the Sonoran Desert. The plan shall contain information and procedures regarding the following tasks:
   1. Plant Inventory,
   2. Plant tagging,
   3. Plant salvaging,
   4. Establishing and managing the temporary salvage plant nursery, and
   5. Transplanting the salvaged plants.

B. The Native Plant Permit authorizes a process for preservation and salvaging of native plants. The process includes the following activities:
   1. Preparation of a Native Plant Preservation Plan,
   2. Plant Inventory,
   3. Acquisition of a Native Plant Permit,
   4. Tagging of all native plants as to disposition,
   5. Establish the temporary native plant nursery,
   6. Move native plants to be salvaged to the nursery,
   7. Transplant the salvaged plants, and
   8. Termination of the temporary native plant nursery and restoration of the nursery site.

C. Submittal Requirements
Any submittals made for a Native Plant Permit shall comply with the requirements contained in this Section. The developer of a single family custom home shall not require a Native Plant Permit. Submittals must be complete and submitted to the Community Development Department with the appropriate fee.

1. Native Plant Preservation Plan containing:
   a. Project name and address;
   b. Owner name, address, and phone number;
   c. Proposed salvage contractor, cacti salvage contractor, and tax license number;
d. Quarter Section Number;

e. Prior Peoria case numbers;

f. Number of protected plants to be relocated;

g. Number of protected plants to be destroyed;

h. Total number of protected plants disturbed;

i. Brief description of your project including estimated timing of salvaging and relocation of plants, plant nursery location, transplanting activities and any other relevant information.

2. Three (3) copies of the site plan aerial with plat overlay indicating the location by tag number each plant which is required to be protected per the Protected Native Plant List (from the NPPP).

3. Three (3) copies of the plant inventory performed by a City of Peoria Approved Salvage Contractor (which corresponds to the tag number on the site plan) indicating the following (from the NPPP):

a. Plant type;

b. Plant size in caliper inches;

c. Plant salvageability (Any plant that is determined to be unsalvageable must have an explanation of the present status of the plant material.);

d. Whether the plant will remain in place, be moved to another location or be destroyed (Any plant that is destroyed must have an explanation detailing why the plant cannot remain in place or be moved.);

e. Current market value by species and size for all plants identified for salvage.

4. Temporary project nursery location shown on a map, in a written description or as an address (from the NPPP). Notice of when plant materials have been tagged in the field for City Staff review.

5. Letter of Authorization from the property owner identifying the city-approved salvage contractor for the project and verifying that all plants are to be replanted on site (from the NPPP).

6. A copy of the form notifying the Arizona Department of Agriculture, Native Plant Section, of the intent to destroy plant materials protected by state statutes (from the NPPP).

D. Responsibility for obtaining permit.

A Native Plant Permit may be obtained by the property owner of record or by another party acting as agent upon presentation of written authorization by the property owner of record.

E. Action on applications.

Applications may be approved, approved conditionally, or denied. Where the Planning Manager or designee determines that the application is in conformance with the provisions of this Section, a permit shall be issued, with such conditions attached as necessary to insure that the Native Plant Preservation Plan is successfully accomplished. Where it is determined that the application is not in conformance with the provisions of this Section, the application shall be denied. Action taken on applications may be appealed to the hearing officer appointed by the City Manager according to the procedures specified in this Section.
F. Timing of Permit approval

No Native Plant Permit shall be issued unless an application is submitted in conjunction with an existing or proposed development that requires administrative approval, Planning and Zoning Commission approval, City Council approval, Board of Adjustment approval, or approval of a plat as determined by the City Manager or designee. For proposed development, the Native Plant Permit shall not be issued until the necessary development approvals have been secured.

G. Modification

It shall be unlawful to modify, alter, or amend an approved Native Plant Permit or an accompanying Native Plant Preservation Plan without reapplication for a Native Plant Permit according to the provisions of this Section.

H. Expiration

1. Every permit issued by the City under the provisions of this Section shall expire and become null and void if the work authorized under the provisions of this Section is not commenced within ninety (180) days from the date of issuance, unless otherwise specified as a condition of the permit approval or if the work authorized under the provisions of this Section is suspended or abandoned for a period of ninety (90) days. Before such work can be recommenced, a new permit shall be obtained to do so pursuant to the provisions of this Section.

2. Work shall be completed within the time period specified on the Native Plant Permit. The Planning Manager or designee shall have the authority to grant a ninety (90) day extension of the time limit for completion of the work upon written request of the applicant. Failure to comply with the time limitation without an extension authorized by the city shall require application for a new permit pursuant to the provisions of this Section.

I. Exemptions

Governmental agencies shall be exempted from the payment of fees herein required, provided that only such property occupied, operated, and maintained for government purposes by the above-mentioned agencies shall be so exempted. All other provisions of this Section shall apply to these agencies.

J. Plants to be tagged; requirements.

1. All plants with Protected Plant Status scheduled to remain in place or authorized for destruction or relocation by the approved Native Plant Permit must be tagged and numbered prior to permit submittal. Tags shall be color-coded according to the following schedule so that the status of each plant affected by the development proposal may be easily identified:
   a. Plants proposed for destruction shall be tagged with blue plastic tape;
   b. Plants proposed for relocation shall be tagged with red plastic tape;
   c. Plants proposed to remain shall be tagged with white plastic tape.

2. Tags required by this Section shall be affixed in a visible and uniform location (preferably the north side) on the plant. Once affixed, the tags shall not be removed until the plants are removed, relocated, or destroyed in compliance with the Native Plant Permit and a final inspection has been made.

3. Tag numbers shall correspond to the site plan and the plant inventory.

4. Tag numbers shall be transferred to the side of the box when site boxing is completed.
K. Timing of work authorized by this Section.

Time periods shall commence on the date of permit issuance. This requirement shall not apply to those native plants deemed to be unsalvageable by the City and noted as such on the permit.

1. Plants with Protected Plant Status authorized for destruction under the provisions of this Section shall not be destroyed within a time period specified as follows:
   a. One (1) to five (5) plants with Protected Plant Status to be destroyed, fifteen (15) days;
   b. Six (6) to fifteen (15) plants with Protected Plant Status to be destroyed, thirty (30) days;
   c. Sixteen (16) or more plants with Protected Plant Status to be destroyed, sixty (60) days.

2. In no instance shall destruction of plants with Protected Plant Status occur prior to issuance of a Native Plant Permit by the City unless the Planning Manager or his/her designee agrees to allow preliminary at-risk grading. Such decision will be based on a report by a registered landscape architect providing an assessment of the salvageability given the time of year, and concurrence from the Community Services Department.

L. Compliance with approved permit; revocation.

All work authorized by a permit issued in conformance with the terms of this Section shall be completed as authorized. Failure to comply with the conditions of permit approval or the approved Native Plant Preservation Plan shall constitute a violation of the Native Plant Permit and may be punishable by permit revocation and/or citation under the authority of this Section.

M. Inspections.

All aspects of the work performed as a result of a Native Plant Permit issued under the provisions of this Section shall be subject to inspection by the City. Specific Inspections shall be performed 1) following completion of tagging, 2) following completion of relocation of plants to the plant nursery, and 3) following completion of all transplanting and removal of the nursery. Inspections may be performed by City personnel or may be required of the developer. Developer’s inspections shall be signed and certified by one of the professionals listed as responsible for preparation or assisting in the preparation of the Native Plant Preservation Plan.

N. Penalties.

1. Generally. Any violation of this Section is a Class 1 misdemeanor which, upon conviction, may be punishable by a fine not exceeding two thousand five hundred dollars ($2,500.00), or by imprisonment for a term not to exceed six (6) months, or by both such fine and imprisonment, at the discretion of the city magistrate. Each day this violation continues shall constitute a separate offense.

2. A Native Plant Permit shall not be issued after a violation resulting in destruction, removal, or relocation of plants with Protected Plant Status has been discovered until such time as a restoration program has been approved and the property has been restored with plants included on the Protected Native Plant List of equivalent type, size, density, distribution, and condition as existed on the property prior to the violation. A program for restoration of the site shall be approved by the Planning Manager or designee and shall be based on the expected type, size, density, distribution, and condition of plants with Protected Plant Status within the vegetation communities in which the violation occurred. Appeal of a decision made by the Planning Manager or designee regarding a restoration program shall be heard by the Hearing Officer appointed by the City Manager. Appeal of a decision made by the Hearing
OFFERLAY DISTRICTS

Section 7

Officer regarding a restoration program may be made to the City Council in accordance with
the rules and procedures established in this Section.

3. Waiver of restoration requirement generally.
The City Manager or designee may waive the restoration requirement in this Section when it
will further the purpose of this Section and be in the best interest of the community, and
when it is demonstrated that development of the property is imminent as determined by the
following criteria:

a. A development proposal is submitted for approval by a development review board within
   ten (10) days of the notice of violation.

b. The general plan designation of the property is consistent with the proposed
development.

c. The zoning of the property is consistent with the proposed development.

d. Infrastructure improvements are in place, which can support the proposed development.

4. Granting of waiver; cost of replacing and maintaining native plant materials.

a. If a waiver is granted, a sum of money shall be paid to the City for the purpose of replacing
   and maintaining native plant materials. The development review board shall determine
   the sum of money to be paid to the city from the following schedule:

   1) Protected native trees. Three hundred dollars ($300.00) per caliper inch
      (measured one (1) foot above ground level).

   2) Protected native cacti. Two hundred dollars ($200.00) per foot.

   3) Maximum per plant. Ten thousand dollars ($10,000.00).

b. Determination of the sum of money to be paid to the City pursuant to this Section shall be
   based upon the type, size, density, distribution, and condition of plant materials that
   existed on the property prior to the violation, or upon inspection of the remains of plant
   materials or other physical evidence as may be available. Appeal of a decision of the
   Hearing Officer regarding this determination may be made to City Council in accordance
   with the rules and procedures established in this Section.

c. The sum of money required by this Subsection shall be used to replace removed or
   damaged plant materials whose retention is required by a Native Plant Preservation Plan
   approved in conjunction with the development proposal specified in this Section and to
   maintain replacement plant materials for a period of three (3) years. Additionally, fifteen
   (15) percent of the total amount payable shall be kept by the City as payment for the
   enforcement of these regulations and administration of the agreement specified in this
   Section.

d. Prior to issuance of any permits for construction on or development of the property, the
   property owner shall provide a mechanism acceptable to the City for replacement of plant
   materials for a period of three (3) years.
21-731 Inspections
A. In order to ensure compliance with this Section, inspections may be made by the Planning Manager or his or her duly authorized representative consistent with law.
B. If such inspection reveals that any property or portion of a project is not in compliance with the requirements of this Section, the Planning Manager or his or her duly authorized representative shall report the discrepancy to the property owner, developer or their representative and shall order work on the project stopped or corrective action taken as appropriate.

21-732 Desert Lands Conservation Guide
The City Manager or his designee shall promulgate a Desert Lands Conservation Guide containing the principles and guidelines used for the implementing of desert lands conservation within the Desert Lands Conservation Overlay district. Considerations contained within the Desert Lands Conservation Guide may be used in design of methods used in desert development projects.

21-733 Enforcement
A. Enforcement Authority
   The DLCO shall be enforced by the Community Development Director of the City of Peoria, or his or her duly authorized representative.
B. Interference with Enforcement Personnel
   It shall be unlawful for any person to willfully interfere with, hinder or obstruct enforcement personnel in the discharge of their duties pursuant to this Section.
C. Penalties
   A violation of any provision of this Section shall be subject to the violation and penalty provisions of the Zoning Ordinance.
D. Notices
   Notices to adjacent property owners shall be sent prior to a hearing or determination on an application for a waiver. Letters containing information regarding the waiver application shall be mailed to property owners within 300 feet of the property that is subject to the waiver request not less than ten (10) days prior to the day scheduled for the waiver decision. The applicant for the waiver shall supply the City a list of all property owners within 300 feet of the property and stamped addressed envelopes for each address.

21-734 Appeals
A. Appeals to the Hearing Officer
   1. Decisions of the Community Development Department Staff arising from the administration of the requirements contained in this Section may be appealed to the hearing officer, which shall be appointed by the City Manager to hear such appeals. The appeals shall be in writing and set forth the specific decision of the Community Development Department staff that is being appealed. The appeal shall be filed with the Community Development Director.
   2. A copy of the appeal and complete file shall be transmitted to the hearing officer. The hearing officer shall hold a hearing and provide the applicant and Community Development staff an
opportunity to present their position. Such hearings shall be informal and the rules of evidence and civil procedure shall not apply. Such hearings shall be noticed in accordance with the following provisions.

3. The hearing officer shall act upon an appeal within ten (10) days after filing and shall submit his or her decision in writing to the applicant and the Community Development Director.

B. Appeals to the City Council

1. An applicant or the City may appeal the decision of the hearing officer to the City Council. The appeal shall be in writing and shall specifically set forth the decision of the hearing officer which is being appealed. The appeal shall be filed with the Community Development Director.

2. A notice of the appeal shall be mailed at least ten (10) days prior to the council meeting in which the appeal is heard to each property owner situated wholly or partially within three hundred (300) feet of the property to which the plan relates. The applicant shall provide the Community Development staff with the names and addresses and addressed and stamped envelopes for all property owners within three hundred (300) feet of the property. The Community Development staff shall be responsible for mailing such notices.

3. A copy of the appeal letter, decision of the hearing officer and supporting material shall be transmitted to the City Council. At a regularly scheduled Council meeting the applicant and the hearing officer shall present their positions.

4. The City Council shall act upon the appeal within thirty (30) days after the appeal is filed with the Community Development Director, or at the next regularly scheduled City Council meeting, whichever date is later.
References
Adopted by Ord. No.: 2014-21

Previous Ordinances:
*1  86-10
*2  99-105
*3  02-27
*4  04-201
*5  05-44
*6  07-14
*7  2011-08
*8  2014-21
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<tr>
<td>21-801</td>
<td>Intent</td>
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<td>21-802</td>
<td>General Use Provisions</td>
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<td>Accessory Buildings and Uses</td>
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<td>Performance Standards</td>
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<td>Miscellaneous Provisions</td>
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<td>21-810</td>
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<td>Mobile Homes, Travel Trailers, House Trailers, and Recreational Vehicles</td>
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<td>21-812</td>
<td>Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities</td>
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<td>21-813</td>
<td>Wireless Communication Facilities</td>
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### 21-801 Intent

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

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

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:
   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 this Ordinance.

7. Parking
   Parking screening requirements are provided in Section 21-815.

21-805 Walls and Fences

A. General Provisions

1. Permit Required
   No persons, firm or corporation, shall hereafter construct, or cause to be constructed or erected within the City of Peoria any fence or wall exceeding seven (7) feet in height without first making an application for and securing a permit from the City. In addition, no fence or walls shall be constructed within the street right-of-way without obtaining a permit from the Engineering Department. Wall height requests above eight (8) feet shall be reviewed for approval by the City Engineer.

2. Locations
   All fences, walls, and gates shall be located entirely upon the private property of the persons, firms, or corporation constructing, or causing the construction of such fence unless the owner of the property adjoining agrees, in writing, that such fence or wall may be erected on the
division line of the respective properties. This shall not apply to the initial wall construction by the homebuilder. Pedestrian gates may be installed by a private property owner to provide access to public open space with written approval from the Community Services Department.

3. Maintenance
Every fence or wall shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair, damage, or unsightliness, or constitute a nuisance, public or private. Any such fence or wall which is, or has become, dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect is a public nuisance and the Code Compliance Officer shall commence proper proceedings for the abatement thereof. Any wall, or a portion of any wall, which is removed for any purpose or by any means whatsoever, shall be restored to its original or upgraded condition relative to construction, material and finish whenever exposed to any street or any adjoining property.

4. Measuring Fence and Wall Height
The height of any fence or wall shall be calculated to the uppermost points as follows:

a. In required yards abutting a street, sidewalk, or trail, the height of the fence shall be measured from the required two (2) foot shelf at the base of the wall or from the top of curb or the top of sidewalk, path, or trail when such element is at a higher elevation than the shelf. (Figure A)

![Figure A – Measuring Wall Height](image)

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
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](image)

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](image)
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](image)

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](image)
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.

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](image)

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

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:
   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 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:  

   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.  
   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.  

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

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

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

<table>
<thead>
<tr>
<th>Permitted Principal Use</th>
<th>Zoning District</th>
<th>Distance to Residential Property Line</th>
<th>Maximum Height (^c)</th>
<th>Distance to Non-Residential Property Line</th>
<th>Equipment Enclosure</th>
<th>Antenna Distance from Pole</th>
<th>Alternate Design WCF(^d)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential b(^b)</td>
<td>&gt;110% (^a)</td>
<td>50'</td>
<td>&gt;50% (^a)</td>
<td>450 SF</td>
<td>6% (^a)</td>
<td>Required</td>
<td></td>
</tr>
<tr>
<td>Non-Residential</td>
<td>&gt;130% (^a)</td>
<td>65'</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^a\) 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.

### 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.

### 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:

<table>
<thead>
<tr>
<th>Development Standards d</th>
<th>Zoning District</th>
<th>Distance to Residential Property Line</th>
<th>Maximum Height c</th>
<th>Distance to Non-Residential Property Line</th>
<th>Distance Between Non-Alternate Design WCF (Monopole)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Conditional Use</td>
<td>Residential b</td>
<td>&gt;110% a</td>
<td>65’</td>
<td>&gt;5’</td>
<td>1,320’</td>
</tr>
<tr>
<td>Non-Residential</td>
<td>&gt;130% a</td>
<td>80’</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

   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.

<table>
<thead>
<tr>
<th>Lots or Complexes/Centers Size</th>
<th>1 Acre</th>
<th>1-3 Acres</th>
<th>3 + Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Boxes Allowed</td>
<td>1 Box</td>
<td>2 Boxes a</td>
<td>4 Boxes a</td>
</tr>
</tbody>
</table>

* 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

21-815 Intent

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.

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.

B. Not withstanding 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: “
   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.

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

<table>
<thead>
<tr>
<th>On-Site Landscaped Areas</th>
<th>Multi-Family &amp; Non-Residential</th>
<th>Industrial</th>
<th>Single Family Residential</th>
<th>Schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required Area a</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage of Net Site Area</td>
<td>20</td>
<td>10 b</td>
<td></td>
<td>20</td>
</tr>
<tr>
<td>1 tree/ 5 shrubs per</td>
<td>400 SQFT</td>
<td>400 SQFT</td>
<td>1000 SQFT</td>
<td>800 SQFT</td>
</tr>
<tr>
<td>Street Frontage Area c</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arterial Streets FT</td>
<td>15</td>
<td>10</td>
<td>10 d</td>
<td>15</td>
</tr>
<tr>
<td>Collector and Local Streets FT</td>
<td>15</td>
<td>10</td>
<td>8 d</td>
<td>10</td>
</tr>
</tbody>
</table>

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. *20
● 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:
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 Master 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
   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.

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.
Parking and Loading Requirements

21-823 Intent 43
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 43
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 43
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:

<table>
<thead>
<tr>
<th>Type</th>
<th>Width</th>
<th>Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard</td>
<td>9.5 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Handicapped</td>
<td>16 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Compact</td>
<td>8 feet</td>
<td>16 feet</td>
</tr>
<tr>
<td>Parallel</td>
<td>8 feet</td>
<td>24 feet</td>
</tr>
</tbody>
</table>

* 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:

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>One-Way Aisle</th>
<th>Two-Way Aisle</th>
</tr>
</thead>
<tbody>
<tr>
<td>90 degree</td>
<td>24 feet</td>
<td>24 feet</td>
</tr>
<tr>
<td>60 degree</td>
<td>18 feet</td>
<td>22 feet</td>
</tr>
<tr>
<td>45 degree</td>
<td>15 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>30 degree</td>
<td>13 feet</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Dwelling Type</th>
<th>With On-Street Parking</th>
<th>Without On-Street Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>2.0 spaces / unit</td>
<td>3.0 spaces / unit</td>
</tr>
<tr>
<td>Mobile Homes</td>
<td>2.0 spaces / unit</td>
<td>3.0 spaces / unit</td>
</tr>
<tr>
<td>Two-family</td>
<td>2.0 spaces / unit</td>
<td>2.0 spaces / unit a</td>
</tr>
<tr>
<td>Three-family</td>
<td>2.0 spaces / unit</td>
<td>2.0 spaces / unit a</td>
</tr>
<tr>
<td>Multi-family b</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Efficiency / Studio</td>
<td>1.0 spaces / unit</td>
<td>1.0 spaces / unit</td>
</tr>
<tr>
<td>One Bedroom</td>
<td>1.5 spaces / unit</td>
<td>1.5 spaces / unit</td>
</tr>
<tr>
<td>Two or More Bedrooms</td>
<td>2.0 spaces / unit</td>
<td>2.0 spaces / unit</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>USE</th>
<th>DESCRIPTIONS</th>
<th>PARKING RATIO</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ADMINISTRATIVE &amp; FINANCIAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional Offices</td>
<td>Facilities for general office work providing professional, business administrative, informational services, or facilities that house governmental agencies and similar uses</td>
<td>a) One (1) space per two hundred (200) SF of floor area</td>
</tr>
<tr>
<td>Financial Services</td>
<td>Institutions providing financial advice and services in a bank, or similar financial institutions, to include accessory office building, automatic teller machine and similar uses</td>
<td>a) One (1) space per one hundred fifty (150) SF of floor area *24&lt;br&gt;b) Sixty (60) linear feet of stacking space per lane exclusive of drive aisles and parking spaces *32</td>
</tr>
<tr>
<td>Financial institutions with drive-through facilities</td>
<td></td>
<td>a)</td>
</tr>
<tr>
<td>Unspecified Office Use (Shell Building) *27</td>
<td></td>
<td>a) One (1) space per one hundred seventy-five (175) SF of floor area</td>
</tr>
<tr>
<td><strong>AUTOMOBILE RELATED</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auto Services *18</td>
<td>Facilities providing general vehicle service or repair, and similar services</td>
<td>a) A queuing space of one hundred (100) linear feet exclusive of drive aisles and parking spaces. *18&lt;br&gt;b) Three (3) spaces per service bay *24, plus&lt;br&gt;c) One (1) space per three hundred (300) SF of gross floor area excluding service bay. *24</td>
</tr>
<tr>
<td>Automobile Rentals or Dealerships</td>
<td>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)</td>
<td>a) One (1) space per one thousand (1000) SF of gross floor area, plus&lt;br&gt;b) One (1) space per six thousand (6000) SF outdoor vehicle display area *24</td>
</tr>
<tr>
<td>Automobile Towing and Impound Facilities</td>
<td>Facilities for towing, dismantling, recycling, impound and storage of junk vehicles, to include sanitary landfills and similar uses</td>
<td>a) One (1) space per one thousand (1000) SF of floor area&lt;br&gt;b) Minimum of four (4) spaces *24</td>
</tr>
<tr>
<td>Car Washes</td>
<td>Facilities for the cleaning of vehicles</td>
<td>a) One (1) space per three hundred (300) SF office floor area *24, plus&lt;br&gt;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&lt;br&gt;a) Minimum of four (4) spaces *24</td>
</tr>
</tbody>
</table>
## Eating & Drinking Establishments

<table>
<thead>
<tr>
<th>USE</th>
<th>DESCRIPTIONS</th>
<th>PARKING RATIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurants</td>
<td>Eating establishments providing self-services or with high turnover rate and similar services</td>
<td>a) One (1) space per fifty (50) SF of serving area, plus&lt;br&gt;b) One (1) space per two hundred (200) SF for preparation area</td>
</tr>
<tr>
<td>- with drive-through services</td>
<td>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&lt;br&gt;b) Eighty (80) linear feet of stacking space from the menu board to the pickup window.</td>
<td></td>
</tr>
<tr>
<td>- with outdoor seating</td>
<td>a) One (1) space per one hundred (100) SF of serving area</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>USE</th>
<th>DESCRIPTIONS</th>
<th>PARKING RATIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taverns, Bars, Pubs and Lounges</td>
<td>Establishments licensed to sell alcoholic beverages to be consumed on the premises, often with limited food service</td>
<td>a) One (1) space per fifty (50) SF of serving area, plus&lt;br&gt;b) One (1) space per two hundred (200) SF for preparation area</td>
</tr>
</tbody>
</table>

## Entertainment & Recreation

<table>
<thead>
<tr>
<th>USE</th>
<th>DESCRIPTIONS</th>
<th>PARKING RATIO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Uses</td>
<td>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</td>
<td>a) One (1) space per fifty (50) SF floor area</td>
</tr>
<tr>
<td>Adult specialty shops for purchase of adult books, video, and similar products</td>
<td>a) One (1) space per three hundred (300) SF floor area</td>
<td></td>
</tr>
<tr>
<td>Indoor Public Assembly</td>
<td>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</td>
<td>a) One (1) space per two hundred (200) SF of floor area, or&lt;br&gt;b) One (1) space per four (4) fixed seats of design capacity</td>
</tr>
<tr>
<td>Indoor Recreation</td>
<td>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</td>
<td>a) One (1) space per two hundred (200) SF of floor area&lt;br&gt;b) Two (2) spaces per lane, plus&lt;br&gt;c) Two (2) spaces per billiard table, plus&lt;br&gt;c) One (1) space per each five visitor gallery seats</td>
</tr>
<tr>
<td>USE</td>
<td>DESCRIPTIONS</td>
<td>PARKING RATIO</td>
</tr>
<tr>
<td>----------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Outdoor Amusement and</td>
<td>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.</td>
<td>a) One (1) space per one thousand (1000) SF activity area  *24</td>
</tr>
<tr>
<td>Recreation</td>
<td></td>
<td>b) One (1) space per two hundred (200) SF of main building floor area, plus</td>
</tr>
<tr>
<td></td>
<td>Golf course and driving range</td>
<td>c) One (1) space per every two (2) practice tees in driving range, plus</td>
</tr>
<tr>
<td></td>
<td></td>
<td>d) Four (4) spaces per each green in the playing area</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intense Manufacturing and</td>
<td>Facilities that include the use of chemicals, heavy equipment and machinery for the fabrication and processing of goods.</td>
<td>a) One (1) space per one thousand (1000) SF of warehouse area, plus</td>
</tr>
<tr>
<td>processing</td>
<td></td>
<td>b) One (1) space per three hundred (300) SF office floor area  *24</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Light Industrial and</td>
<td>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</td>
<td>a) One (1) space per five hundred (500) SF of warehouse area, plus</td>
</tr>
<tr>
<td>Manufacturing *24</td>
<td></td>
<td>b) One (1) space per three hundred (300) SF office floor area  *24</td>
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<tr>
<td></td>
<td></td>
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</tr>
<tr>
<td>Outdoor storage</td>
<td>Facilities providing exterior storage of construction equipment and materials, recyclable material, and similar uses</td>
<td>a) One (1) space per five thousand (5000) SF of designated outdoor area  *24, plus</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b) One (1) space per three hundred (300) SF office floor area  *24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>c) Minimum of four (4) spaces</td>
</tr>
<tr>
<td>Unspecified Industrial Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Shell Building) *24</td>
<td></td>
<td>a) One (1) space per five hundred (500) SF of floor area</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>USE</td>
<td>DESCRIPTIONS</td>
<td>PARKING RATIO</td>
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</tr>
<tr>
<td><strong>GENERAL INDUSTRIAL &amp; MANUFACTURING</strong></td>
<td></td>
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</tr>
</tbody>
</table>
| 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 |
<p>| Unspecified Retail Use (Shell Building) (^{27}) | | a) One (1) space per two hundred fifty (250) SF of floor area |</p>
<table>
<thead>
<tr>
<th>USE</th>
<th>DESCRIPTIONS</th>
<th>PARKING RATIO</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INSTITUTIONAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child care</td>
<td>Facilities providing daily care of children in a nursery, day care or pre-</td>
<td>a) One (1) space per four hundred (400) SF of floor area</td>
</tr>
<tr>
<td></td>
<td>school center</td>
<td></td>
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<tr>
<td>Public, social and</td>
<td>Facilities providing public, social, non-profit, or institutional services in</td>
<td>a) One (1) space per two hundred (200) SF of floor area</td>
</tr>
<tr>
<td>cultural services</td>
<td>a library, museum, art gallery, post office, treatment, detention, or release</td>
<td></td>
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<td></td>
<td>center, halfway house, employment agency, shelter, and similar civic/public,</td>
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<tr>
<td></td>
<td>cultural, and social institution (excluding group home)</td>
<td></td>
</tr>
<tr>
<td>Religious assembly</td>
<td>Facilities providing religious worship or study in a church, temple,</td>
<td>a) One (1) space per four (4) seats in main assembly area based on design capacity</td>
</tr>
<tr>
<td></td>
<td>synagogues and similar places</td>
<td></td>
</tr>
<tr>
<td>School</td>
<td>Public, charter or private educational institutions for Elementary and Junior</td>
<td>a) One (1) space per three (3) fixed seats of auditorium based on design capacity plus</td>
</tr>
<tr>
<td></td>
<td>High ^24</td>
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</tr>
<tr>
<td></td>
<td>a) Two (2) spaces per classroom, plus</td>
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<tr>
<td></td>
<td>b) One (1) space per employee, plus</td>
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<td></td>
<td>c) One (1) space per three (3) fixed seats of auditorium based on design</td>
<td></td>
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<tr>
<td></td>
<td>capacity plus</td>
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</tr>
<tr>
<td></td>
<td>d) Minimum of ten (10) spaces for visitors parking</td>
<td></td>
</tr>
<tr>
<td>Senior High ^18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secondary Education</td>
<td>Public or private facilities providing education in a college, university,</td>
<td>a) Five (5) spaces per classroom, plus ^18</td>
</tr>
<tr>
<td></td>
<td>trade or vocational school, and similar institutions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) One (1) space per three (3) fixed seats of auditorium based on design</td>
<td></td>
</tr>
<tr>
<td></td>
<td>capacity</td>
<td></td>
</tr>
<tr>
<td>Senior care</td>
<td>Facilities providing long-term care for seniors in a nursing or convalescent</td>
<td>a) One (1) space per three (3) beds ^24</td>
</tr>
<tr>
<td></td>
<td>home, hospices or similar care facility (excluding group home)</td>
<td></td>
</tr>
<tr>
<td>Utility</td>
<td>Structures, equipment, or facilities providing for public/private utility and</td>
<td>a) One (1) space per use</td>
</tr>
<tr>
<td></td>
<td>services, including radio, television, communication transmission, tower and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>similar structures</td>
<td></td>
</tr>
<tr>
<td>USE</td>
<td>DESCRIPTIONS</td>
<td>PARKING RATIO</td>
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<tr>
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<td>--------------</td>
</tr>
<tr>
<td><strong>INTENSE RETAIL</strong></td>
<td></td>
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<tr>
<td>Commercial Sales (with or without outdoor sales and display area)</td>
<td>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</td>
<td>a) One (1) space per three hundred (300) SF of sales floor area *24</td>
</tr>
<tr>
<td>Commercial Service Establishments combining retail, showroom with workshop. *18</td>
<td>Establishment combining retail, office, showroom with workshop, such as interior decorator, custom dressmaking or tailor, photographer, minor household appliance repair and similar activities.</td>
<td>a) One (1) space per five hundred (500) SF floor area</td>
</tr>
<tr>
<td><strong>LODGING</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotels or Motels</td>
<td>Places for lodging with ancillary facilities to include sleeping rooms, restaurants, lounges, resorts, meeting rooms and similar uses</td>
<td>a) One (1) space per room, plus</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b) One (1) space per one hundred (100) SF of restaurant and bar serving area, plus</td>
</tr>
<tr>
<td></td>
<td></td>
<td>c) One (1) space per one hundred (100) SF of outdoor seating serving area</td>
</tr>
<tr>
<td></td>
<td></td>
<td>d) Ten (10) minimum spaces for visitors parking, plus</td>
</tr>
<tr>
<td></td>
<td></td>
<td>e) One (1) space per two hundred (200) SF of meeting room floor area</td>
</tr>
<tr>
<td>Lodging Accommodations</td>
<td>Establishments providing accommodation in a bed and breakfast, lodge, to include fraternity, sorority, and similar facilities</td>
<td>a) One (1) space per room</td>
</tr>
<tr>
<td><strong>MEDICAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health Clinics</td>
<td>Facilities providing medical, dental, optical care or preventative medicine and clinical research studies in a clinic or laboratory, including accessory offices</td>
<td>a) One (1) space per one hundred fifty (200) SF of floor area *42</td>
</tr>
</tbody>
</table>
## SUPPLEMENTAL REGULATIONS

<table>
<thead>
<tr>
<th>USE</th>
<th>DESCRIPTIONS</th>
<th>PARKING RATIO</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MEDICAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospitals</td>
<td>Facilities providing medical or surgical care, emergency medical and similar services</td>
<td>a) Two (2) spaces per bed (^{24}), plus</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b) One (1) space per employee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>c) Minimum thirty (30) spaces for emergency services</td>
</tr>
<tr>
<td>Veterinarian Hospitals or Clinics</td>
<td>Establishments for medical, surgical, and emergency care of animal, to include veterinary office and clinics without animal boarding</td>
<td>a) One (1) space per one hundred fifty (250) SF of floor area (^{24})</td>
</tr>
<tr>
<td><strong>PERSONAL SERVICES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Professional Services</td>
<td>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</td>
<td>a) One (1) space per two hundred (200) SF of floor area (^{24})</td>
</tr>
<tr>
<td>Personal Improvement</td>
<td>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</td>
<td>a) One (1) space per one hundred fifty (150) SF of floor area (^{24})</td>
</tr>
<tr>
<td>Pet Care</td>
<td>Establishments for sheltering, and grooming of animals</td>
<td>a) One (1) space per two hundred (200) SF of floor area</td>
</tr>
<tr>
<td><strong>TRANSPORTATION</strong></td>
<td></td>
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</tr>
<tr>
<td>Air Travel</td>
<td>Facilities providing aviation transport and services in an airport, heliport, or helistop to include aircraft repair and sales, and similar services</td>
<td>a) One (1) space per one hundred (150) SF of waiting room floor area, plus</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b) One (1) space per five hundred (500) SF of maintenance floor area, plus</td>
</tr>
<tr>
<td></td>
<td></td>
<td>c) One (1) space per two hundred (200) office floor area</td>
</tr>
<tr>
<td>Road Travel</td>
<td>Facilities providing bus, rail and motor freight, and school bus transportation, parking and maintenance in terminals, and similar facilities</td>
<td>a) One (1) space per one hundred fifty (150) SF of waiting room floor area, plus</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b) One (1) space per two hundred (200) SF of office floor area</td>
</tr>
<tr>
<td>Water Travel</td>
<td>Facilities providing boat charters, marinas, marina fuel and similar services</td>
<td>a) One (1) space per one hundred fifty (150) SF of waiting room floor area, plus</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b) One (1) space per two hundred (200) SF of office floor area</td>
</tr>
<tr>
<td><strong>OTHER</strong></td>
<td></td>
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<tr>
<td>Funeral Services</td>
<td>Facilities providing burial preparation and/or funeral services in a cemetery, crematorium, mausoleum, funeral home and chapel, mortuaries and similar facilities</td>
<td>a) One (1) space per every three (3) fixed seats in main viewing rooms based on design capacity (^{24}), plus</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b) One (1) space per funeral vehicle</td>
</tr>
</tbody>
</table>
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.

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:

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

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.

<table>
<thead>
<tr>
<th>Face A</th>
<th>Face B</th>
<th>≤ 45</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign Area = Area of Face A or B</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Face A</th>
<th>Face B</th>
<th>≥ 45</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign Area = Area of Face A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Face C</th>
<th>Face A</th>
<th>Face B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign Area = Area of Face A + B + C, etc</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Face D</th>
<th>Face A</th>
<th>Face C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign Area = Area of Face A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Face B</th>
<th>Face C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign Area = Area of Face A</td>
<td></td>
</tr>
</tbody>
</table>

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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.

\[
\text{Sign Area} = \text{Area of Face A + B + C + D}
\]

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:

<table>
<thead>
<tr>
<th>Standard Abbreviations</th>
<th>Rd.</th>
<th>Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adj.</td>
<td>Rd.</td>
<td>Road</td>
</tr>
<tr>
<td>FT</td>
<td>FT</td>
<td>Feet or Foot</td>
</tr>
<tr>
<td>IN</td>
<td>IN</td>
<td>Inches</td>
</tr>
<tr>
<td>LF</td>
<td>LF</td>
<td>Linear Feet or Linear Foot</td>
</tr>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>Not Applicable or Not Allowed</td>
</tr>
<tr>
<td>SF</td>
<td>SF</td>
<td>Square Feet or Square Foot</td>
</tr>
<tr>
<td>SVT</td>
<td>SVT</td>
<td>Sight Visibility Triangle</td>
</tr>
<tr>
<td>ROW</td>
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<td>Right-of-Way</td>
<td></td>
</tr>
</tbody>
</table>
### Table 1: Building Sign Specifications

#### A. ADDRESS SIGN

<table>
<thead>
<tr>
<th>Description</th>
<th>Permit: No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Numerals that identify the street address of a property for public safety purposes</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Residential Uses &amp; Non-Residential Uses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted in compliance with Building and Fire Code requirements</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:** None

#### B. AWNING AND ATTACHED CANOPY SIGN

<table>
<thead>
<tr>
<th>Description</th>
<th>Permit: Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>A sign which is printed, painted, or affixed to an awning or canopy which is attached to a building</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Residential Uses</th>
<th>Non-Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Sign Area Allowed</strong></td>
<td><strong>Max Quantity</strong></td>
</tr>
<tr>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Max Height</strong></th>
<th><strong>Illumination Allowed</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Floor awnings only #</td>
<td>Internal, backlit, external</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Max Sign Area Allowed</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>2 SF per 1 LF of Business Frontage ♦</td>
</tr>
</tbody>
</table>

**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)

<table>
<thead>
<tr>
<th>Description</th>
<th>Permit: Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Residential uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Non-Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Max Quantity</strong></td>
</tr>
<tr>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Max Projection</strong></th>
<th><strong>Illumination Allowed</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>14 IN</td>
<td>Internal, backlit, external</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Max Sign Area Allowed</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Based on Business Frontage ♦</td>
</tr>
<tr>
<td>Ratio is 2 SF per 1 LF, up to Max</td>
</tr>
</tbody>
</table>
| 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)

<table>
<thead>
<tr>
<th>D. ENTRY SIGN</th>
<th>Permit: No</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description</strong></td>
<td>A sign located adjacent to an entry door.</td>
</tr>
<tr>
<td><strong>Residential Uses &amp; Non-Residential Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Max Quantity</td>
<td>1 per dwelling unit or 1 per business</td>
</tr>
<tr>
<td>Max Height</td>
<td>15 FT from door threshold</td>
</tr>
<tr>
<td>Max Projection</td>
<td>4 IN</td>
</tr>
<tr>
<td>Illumination Allowed</td>
<td>External or backlit illumination only</td>
</tr>
<tr>
<td>Max Sign Area Allowed</td>
<td>2 SF per sign</td>
</tr>
<tr>
<td><strong>Notes:</strong></td>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E. FREE STANDING CANOPY SIGN</th>
<th>Permit: Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description</strong></td>
<td>Signs on freestanding canopies, such as fuel canopies, and shade structures.</td>
</tr>
<tr>
<td><strong>Residential Uses</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Non-Residential Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Max Quantity</td>
<td>N/A</td>
</tr>
<tr>
<td>Illumination Allowed</td>
<td>Internal, backlit, external</td>
</tr>
<tr>
<td>Max Sign Area Allowed</td>
<td>12 SF per side</td>
</tr>
<tr>
<td><strong>Notes:</strong></td>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>F. PROJECTING SIGN (e.g. Blade/Shingle Signs)</th>
<th>Permit: Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description</strong></td>
<td>A pedestrian-oriented sign that is attached to and supported by a building or other structure. (See Projecting Sign in 21-833 Definitions)</td>
</tr>
<tr>
<td><strong>Residential Uses</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Non-Residential Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Min Height</td>
<td>8 FT above adjacent sidewalks and/or ground level</td>
</tr>
<tr>
<td>Min Projection</td>
<td>14 IN from Building</td>
</tr>
<tr>
<td>Max Projection #</td>
<td>3 FT from wall or less than awning/canopy depth if attached</td>
</tr>
<tr>
<td>Illumination Allowed</td>
<td>Externally illuminated and backlit only</td>
</tr>
<tr>
<td>Max Sign Area Allowed</td>
<td>12 SF</td>
</tr>
<tr>
<td><strong>Notes:</strong></td>
<td># Maximum projection is based on attachment type.</td>
</tr>
</tbody>
</table>
### Table 2: Freestanding Sign Specifications

<table>
<thead>
<tr>
<th>Sign Type Option</th>
<th>Residential Uses</th>
<th>Non-Residential Uses *</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Family</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Multi-Family</td>
<td>Either Primary Monument Sign OR Perimeter Wall Sign</td>
<td></td>
</tr>
<tr>
<td>Non-Residential Uses</td>
<td>Allowed either Primary/Secondary Monument(s) OR Perimeter Wall Sign</td>
<td></td>
</tr>
</tbody>
</table>

#### A. FREEWAY SIGN

<table>
<thead>
<tr>
<th>Description</th>
<th>Permit: Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>A freestanding monument sign located on property adjacent to a freeway (See Freeway Sign in 21-833 Definitions) #</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Residential uses</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Residential Uses</td>
<td>Max Quantity (Based on Freeway Frontage)</td>
</tr>
<tr>
<td></td>
<td>≥ 660 LF = 1</td>
</tr>
<tr>
<td></td>
<td>&gt; 1,320 LF = 2</td>
</tr>
<tr>
<td></td>
<td>&gt; 2,640 LF = 3</td>
</tr>
<tr>
<td>Illumination Allowed</td>
<td>Internal, backlit, external</td>
</tr>
<tr>
<td>Max Height</td>
<td>60 FT + 3 FT for architectural detail</td>
</tr>
<tr>
<td>Max Sign Area Allowed</td>
<td>250 SF</td>
</tr>
</tbody>
</table>

**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 (Residential Uses)

<table>
<thead>
<tr>
<th>Description</th>
<th>Permit: Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>A freestanding monument sign adjacent to a residential development (See Freestanding Sign).</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Residential uses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>N/A</td>
</tr>
<tr>
<td>Multi-family #</td>
<td>Max Quantity</td>
</tr>
<tr>
<td></td>
<td>1 per street frontage</td>
</tr>
<tr>
<td>Max Height</td>
<td>A designated pkwy., Bell Rd. &amp; Grand Ave 12 FT</td>
</tr>
<tr>
<td></td>
<td>Other Major Arterials 10 FT</td>
</tr>
<tr>
<td></td>
<td>All Other Roads 8 FT</td>
</tr>
<tr>
<td>Max Sign Area Allowed</td>
<td>48 SF</td>
</tr>
</tbody>
</table>

**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)

<table>
<thead>
<tr>
<th>Description</th>
<th>Max Quantity</th>
<th>Permit: Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>A freestanding monument located adjacent to a non-residential development (See Freestanding Sign).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Non-Residential Uses *</th>
<th>Max Quantity (Based on length of street frontage)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 599 LF</td>
<td>= 1</td>
<td></td>
</tr>
<tr>
<td>600 LF - 1,000 LF</td>
<td>= 2</td>
<td></td>
</tr>
<tr>
<td>&gt; 1,000 LF</td>
<td>= 3</td>
<td></td>
</tr>
</tbody>
</table>

LF calculated separately for each street where property has frontage

<table>
<thead>
<tr>
<th>Max Height</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A designated pkwy, Bell Rd. &amp; Grand Ave.</td>
<td>16 FT</td>
</tr>
<tr>
<td>Other Major Arterials</td>
<td>12 FT</td>
</tr>
<tr>
<td>All Other Roads</td>
<td>8 FT</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Max Sign Area Allowed •</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A designated pkwy., Bell Rd. &amp; Grand Ave.</td>
<td>72 SF</td>
</tr>
<tr>
<td>Other Major Arterials</td>
<td>60 SF</td>
</tr>
<tr>
<td>All Other Roads</td>
<td>48 SF</td>
</tr>
</tbody>
</table>

#### 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

<table>
<thead>
<tr>
<th>Description</th>
<th>Permit: Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>A freestanding monument located adjacent to a non-residential development (See Freestanding Sign).</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Residential uses</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Residential Uses</td>
<td>Max Quantity (Based on amount of street frontage)</td>
</tr>
<tr>
<td></td>
<td>0 LF - 599 LF = 1 for every 300 LF &gt; 1,000 LF</td>
</tr>
<tr>
<td></td>
<td>&gt; 1,000 LF = 1 for every 300 LF &gt; 1,000 LF</td>
</tr>
<tr>
<td></td>
<td>LF calculated separately for each street where property has frontage</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Max Height</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Designated Pkwy</td>
<td>12 FT</td>
</tr>
<tr>
<td>Major Arterials</td>
<td>8 FT</td>
</tr>
<tr>
<td>All Other Roads</td>
<td>6 FT</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Max Sign Area •</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A designated pkwy., Bell Rd. &amp; Grand Ave.</td>
<td>48 SF</td>
</tr>
<tr>
<td>Other Major Arterials</td>
<td>32 SF</td>
</tr>
<tr>
<td>All Other Roads</td>
<td>24 SF</td>
</tr>
</tbody>
</table>

#### 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)

<table>
<thead>
<tr>
<th>D. INTERNAL CENTER SIGN</th>
<th>Permit: No</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description</strong></td>
<td>Internal freestanding signage within a non-residential center.</td>
</tr>
<tr>
<td><strong>Residential uses</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Non-Residential Uses</strong></td>
<td><strong>Max Quantity</strong> 1 sign per parcel, or 1 sign per acre, whichever is greater. Individual parceled pads within a center are eligible for internal center signs.</td>
</tr>
<tr>
<td></td>
<td><strong>Max Height</strong> 3 FT</td>
</tr>
<tr>
<td></td>
<td><strong>Max Sign Area Allowed</strong> 6 SF</td>
</tr>
</tbody>
</table>

**Notes:**
Must be located internal to a site, outside of all street frontage landscape areas and buffers.

<table>
<thead>
<tr>
<th>E. PERIMETER WALL / SCREEN WALL SIGNS</th>
<th>Permit: Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description</strong></td>
<td>A sign consisting of individually mounted characters on a perimeter or screen wall surrounding a development.</td>
</tr>
<tr>
<td><strong>Residential Uses</strong></td>
<td><strong>Max Quantity</strong> 2 per street frontage providing direct access to development.</td>
</tr>
<tr>
<td></td>
<td><strong>Max Height</strong> 8 FT or wall height, whichever is less.</td>
</tr>
<tr>
<td></td>
<td><strong>Max Projection</strong> 14 IN</td>
</tr>
<tr>
<td></td>
<td><strong>Illumination Allowed</strong> External or backlit illumination only</td>
</tr>
<tr>
<td></td>
<td><strong>Max Sign Area Allowed</strong> 32 SF per sign</td>
</tr>
<tr>
<td></td>
<td><strong>Non-Residential Uses</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Illumination Allowed</strong> External or backlit illumination only</td>
</tr>
<tr>
<td></td>
<td><strong>Max Sign Area Allowed</strong> 48 SF per sign or &lt; 50% of wall area, whichever is less.</td>
</tr>
</tbody>
</table>

**Notes:**
* Only allowed either Primary Monument, Secondary Monument(s) OR Perimeter Wall sign.
### Table 3: Other Sign Type Specifications

<table>
<thead>
<tr>
<th>A. DRIVE-THROUGH SIGN</th>
<th>Permit: Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description</strong></td>
<td>Signage for uses with a drive-through. #</td>
</tr>
<tr>
<td>Residential uses</td>
<td>N/A</td>
</tr>
<tr>
<td>Non-Residential Uses</td>
<td><strong>Max Quantity</strong> 2 signs per drive-through lane</td>
</tr>
<tr>
<td></td>
<td><strong>Max Height</strong> 6 FT</td>
</tr>
<tr>
<td></td>
<td><strong>Max Sign Area Allowed</strong> 36 SF per sign</td>
</tr>
</tbody>
</table>

**Notes:**
# Must be located adjacent to drive-through lanes.
Changeable copy is permitted.

<table>
<thead>
<tr>
<th>B. GAS STATION MONUMENT SIGN</th>
<th>Permit: Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description</strong></td>
<td>Monument sign for a property containing a gas station/fuel service station. #</td>
</tr>
<tr>
<td>Residential uses</td>
<td>N/A</td>
</tr>
<tr>
<td>Non-Residential uses</td>
<td><strong>Max Height</strong> 8 FT</td>
</tr>
<tr>
<td></td>
<td><strong>Max Sign Area Allowed</strong> 32 SF, including 16 SF changeable copy</td>
</tr>
</tbody>
</table>

**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.

<table>
<thead>
<tr>
<th>C. FLAGS</th>
<th>Permit: No*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description</strong></td>
<td>See Definitions.</td>
</tr>
<tr>
<td>Residential uses</td>
<td><strong>Max Quantity</strong> 3 Flags, 1 pole</td>
</tr>
<tr>
<td></td>
<td><strong>Max Height #</strong> 30 FT</td>
</tr>
<tr>
<td></td>
<td><strong>Max Sign Area Allowed</strong> 24 SF per flag</td>
</tr>
<tr>
<td>Non-Residential uses</td>
<td><strong>Max Quantity</strong> 1 flag per 25 LF street frontage, up to 6 total per premises</td>
</tr>
<tr>
<td></td>
<td><strong>Max Height #</strong> 50 FT</td>
</tr>
<tr>
<td></td>
<td><strong>Max Sign Area Allowed</strong> 36 SF</td>
</tr>
</tbody>
</table>

**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)

<table>
<thead>
<tr>
<th>D. WINDOW SIGN</th>
<th>Permit: No</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Residential uses</strong></td>
<td><strong>Limitations</strong></td>
</tr>
<tr>
<td><strong>Non-Residential Uses #</strong></td>
<td><strong>Max Sign Area Allowed</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Illumination Allowed</strong></td>
</tr>
</tbody>
</table>

**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.

**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

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Quantity</th>
<th>Max Sign Area</th>
<th>Max Height</th>
<th>Duration</th>
<th>Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Parcels ≤1 ac</td>
<td>1</td>
<td>Residential Use: 6 SF</td>
<td>Residential: 5 FT</td>
<td>Up to 1 Year</td>
<td>Yes, if ≥7 FT in Height</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Non-Residential Use: 16 SF</td>
<td>Non-Residential: 8 FT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limitations:</td>
<td></td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 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: | | Placed > 30 FT from any intersection or driveway, and 100 FT from all signs > 6 SF. | | | |

#### B. RESIDENTIAL PROPERTIES

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Quantity</th>
<th>Max Sign Area</th>
<th>Max Height</th>
<th>Duration</th>
<th>Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Yard Sign</td>
<td>1</td>
<td>6 SF</td>
<td>5 FT</td>
<td>Up to 3 Months</td>
<td>No</td>
</tr>
<tr>
<td>Limitations:</td>
<td></td>
<td>Located on a developed residential lot</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 2. Neighborhood | 1 sign per neighborhood entrance | 6 SF | 5 FT | Up to 2 Weeks | No |
| Limitations: | | Located within neighborhood common area | | | |

| 3. New Subdivision | 1 sign per street frontage | 32 SF/sign* | 16 FT | Up to 3 years | Yes |
| Limitations: | | Development ≥150 AC: Interior Streets = 32 SF Perimeter Streets = 96SF | | | |

| 4. Subdivision Flags | 6 flags | 15 SF / flag | 30 FT | Up to 3 years | No |
| Limitations: | | 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 | | | |
### C. NON-RESIDENTIAL PROPERTIES

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

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Quantity</th>
<th>Max Sign Area</th>
<th>Max Height</th>
<th>Duration</th>
<th>Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Entry A-frame</td>
<td>1 A-frame or T-frame sign</td>
<td>6 SF</td>
<td>3 FT</td>
<td>Only during business hours</td>
<td>No</td>
</tr>
<tr>
<td><strong>Limitations:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Signs shall be located within 8 FT of the business entry.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• A minimum of 4 FT must be maintained to allow unobstructed pedestrian access, and vehicular circulation.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Signs cannot be placed within required parking.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Grand Opening/ New Business</td>
<td>Includes Banners, Balloons, Flags, Pennants and, Streamers</td>
<td>N/A</td>
<td>N/A</td>
<td>60 days</td>
<td>No</td>
</tr>
<tr>
<td><strong>Limitations:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• See Definition for Grand Opening/ New Business</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Must be obtained within 6 months of receiving a valid business license</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Not permitted for Home Occupations.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Merchandise may be displayed adjacent to business if a minimum of 4 FT clearance is maintained, allowing unobstructed pedestrian access and vehicular circulation.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Special Promotion</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Limitations:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Maximum Width is 3 FT for Pole Mounted or Swooper Signs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### 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.

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Quantity</th>
<th>Max Sign Area</th>
<th>Max Height</th>
<th>Duration</th>
<th>Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Property Offered For Sale, Lease, or Rent</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Parcels ≤ 1 acre</td>
<td>1 Sign</td>
<td>6 SF</td>
<td>Freestanding: 5 FT</td>
<td>*See Limitations For Placement</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>*See Limitations For Quantity</td>
<td>6 SF</td>
<td>Other: *See Limitations For Placement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limitations:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 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.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Placement: Where freestanding signage is not possible or prohibited, the sign may be displayed within a window of the subject property.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 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.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Parcels &gt; 1 acre</td>
<td>1 sign + 1 additional sign for every 600 LF street of frontage</td>
<td>32 SF</td>
<td>Freestanding Sign: 8 FT</td>
<td>While property is offered.</td>
<td>Yes, if ≥7 FT in Height</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Other Signs: N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limitations:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Minimum spacing of 150 LF between signs.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 2. Property Under Construction

| | 1 | 32 SF | 8 FT | From Issuance until Close of ‘Building Permit’ | No |
| Limitations: | | | | | |
| • An active Building Permit is required. | | | | | |

#### 3. Temporary Use

| 1 Banner and 3 A-frame or T-frame Portable Signs | Banner: 24 SF | Banner: N/A | For the duration of the approved Temporary Use Permit | Temp. Use Permit |
| | A-frame: 6 SF | A-frame: 3 FT |

**Limitations:**

- An active Building Permit is required.
### Table 4: Temporary Sign Type Specifications (continued)

#### D. SPECIAL CONDITIONS (continued)

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Quantity</th>
<th>Max Sign Area</th>
<th>Max Height</th>
<th>Duration</th>
<th>Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Right-of-Way Signage</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Residential Roadway Signs</td>
<td>1 sign per turning movement within radius * See Limitations</td>
<td>6 SF</td>
<td>3 FT</td>
<td>3 hours before and 3 hours after an event</td>
<td>No</td>
</tr>
</tbody>
</table>

**Limitations:**
- 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.

<table>
<thead>
<tr>
<th>b. Election Season, Non-Commercial Messages</th>
<th>Adjacent to Rural or Local Road: 16 SF</th>
<th>&lt; 7 FT</th>
<th>90 days prior to Primary Election and up to 15 days after General Election</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Other: 32 SF</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Limitations:**
- 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:
  1. Hazardous to public safety;
  2. Within a roadway median or traffic circle;
  3. Affixed to any City-owned utility pole, traffic control device or safety barrier;
  4. Located in a manner that interferes with the requirements of the Americans with Disabilities Act;
  5. 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
  6. Otherwise in violation of a requirement found in this Section.
Table 4: Temporary Sign Type Specifications *continued*

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Quantity</th>
<th>Max Sign Area</th>
<th>Max Height</th>
<th>Duration</th>
<th>Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Sign Walker</td>
<td></td>
<td>12 SF</td>
<td>6 FT</td>
<td>Daylight hours</td>
<td>No</td>
</tr>
</tbody>
</table>

Limitations:
- 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

21-856 Intent

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 reuse 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 21-856.1.

   a. The application shall contain the following:
      
      1) Information required to be included in an application for a Community Notice pursuant to A.R.S. §27-442.
      2) A legal description of the operation boundaries.

   b. The Community Development Department shall review the information for completeness and shall notify the applicant within 15 business days when the registration is accepted.

   c. The boundaries of the registered area shall be consistent with the boundaries as set forth in the Community Notice pursuant to State Statute §27-442. Any expansion of a legal non-conformity beyond the registered operation area shall be subject to the Special Use Permit process and all requirements set forth in this Special Use Permits Section, Section 21-856.1 on Sand and Gravel and similar operations.

   d. Modification within a registered operation area involving a new and significant type of aggregate mining that has never been conducted at the aggregate mining operation site shall be subject to the provisions set forth in this Special Use Permits, Section 21-856.1 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

21-860 Intent
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.
Supplemental Regulations

References
Adopted by Ord. No.: 2017-44

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
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*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