

ORDINANCE NO. 08-10

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1977 EDITION), BY AMENDING ARTICLES 14-9 "NON-RESIDENTIAL DISTRICTS", 14-19 "AG GENERAL", 14-34 "SIGNS", 14-35 "GENERAL LANDSCAPE REQUIREMENTS", AND 14-39 "ADMINISTRATIVE PROCEDURES" OF THE PEORIA ZONING ORDINANCE; PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Maricopa County, Arizona, held a public hearing on April 17, 2008 to consider a proposed amendment to the Peoria City Code, after notice in the manner provided by law; and

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance, and manner provided by law including publication of such in the Peoria Times on March 28, 2008; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of April 17, 2008, voted to recommend to the Mayor and Council of the City of Peoria, Arizona, that amendments be made to the Peoria City Code (1977 edition) and Chapter 24 of the Peoria City Code; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, have considered the recommendation of the Planning and Zoning Commission of the City of Peoria, Arizona, and deem it to be in the best interest of the public health, safety and welfare of the residents of the City of Peoria, Arizona to amend Articles 14-9 "Non-Residential Districts", 14-19 "AG General", 14-34 "Signs", 14-35 "General landscape Requirements", and 14-39 "Administrative Procedures" of Chapter 14 of the Peoria City Code (1977 edition); and

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

SECTION 1. Articles 14-9 "Non-Residential Districts", 14-19 "AG General", 14-34 "Signs", 14-35 "General landscape Requirements", and 14-39 "Administrative Procedures" of Chapter 14 of the Peoria City Code (1977 edition) shall be amended to read as indicated on Exhibit A.

SECTION 2. Effective Date. This Ordinance shall become effective on the date provided by law.

SECTION 3. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 6th day of May, 2008.



Bob Barrett, Mayor

MAY 10, 2008

Date Signed

ATTEST:



Mary Jo Kief, City Clerk



APPROVED AS TO FORM:



Stephen M. Kemp, City Attorney

Published in: Peoria Times Pub. Dates: May 9 and May 16, 2008

Effective Date: June 10, 2008

Exhibit A

Article 14-9 (Non-Residential Districts)

14-9-3 LAND USE MATRIX

Table 14-9-3 Land Use Matrix

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
GENERAL INDUSTRIAL & MANUFACTURING												
Mini-Storage Warehouses, RV, Boat, & Trailer Storage indoor, <u>and/or screened</u> only (Ord. No. 05-58A) [#]	-	-	-	C	C	-	C	C	P	P	P	P
Moving Company Storage & Transfer Facility (Ord. No. 05-58A)	-	-	-	-	-	-	P*	-	-	P*	P*	P*
Moving Truck, Trailer & Equipment Rental (Ord. No. 05-58A)	-	-	-	-	-	-	P*	P*	-	P*	P*	P*
Outdoor Automobile, RV, Boat, & Trailer Storage (Ord. No. 05-58A)	-	-	-	-	-	-	-	-	-	P	P	P
Outdoor Storage, <u>including Automobile, RV, Boat and Trailer Storage</u>	-	-	-	-	-	-	C	C	-	P	P	P

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
GENERAL RETAIL - CONTINUED												
Candy and Ice Cream Store	P	P	P	P	P	P	P	P	-	-	-	-
Carpet and Floor Covering Store	-	-	-	-	P	P	P	P	-	-	-	-
Copy Center	P	P	P	P	P	P	P	P	P	P	P	P
Donation Center [#] (Ord. No. 03-171)	-	-	-	-	C	-	C	C	P	P	P	P
Florist	P	P	P	P	P	P	P	P	-	-	-	-
Gift, Novelty and Souvenir Shop	P	P	P	P	P	P	P	P	-	-	-	-
Hobby, Stamp and Coin Shop	P	P	P	P	P	P	P	P	-	-	-	-
Newsstand (Ord. No. 05-58A)	P	P	P	P	P	P	P	P	P	A	A	A
Pawn Shop [#]	-	-	-	-	C	-	C	C				
Pet Shop [#] (Ord. No. 05-51)	-	-	P	P	P	P	P	P	-	-	-	-
Plumbing, Heating & Air-conditioning Sales and Service	-	-	-	-	-	-	P	-	-	P	P	P
Retail Decorative Rock Sales	-	-	-	-	C	-	P	-	-	P	P	P
Retail Sales of New & Used Merchandise, Indoor, excluding Sale of Automobile, Boats RVs and Motorcycles (Ord. No. 05-36)	-	P	P	P	P	P	P	P	<u>A*</u>	-	-	-
Retail Liquor Store [#]	-	-	-	-	C	-	C	C	-	-	-	-
Small Merchandise Vendor Carts [#] (Ord. No. 05-36)	A	A	A	A	A	A	A	A	A	A	A	A
Video Rental Store	P	P	P	P	P	P	P	P	-	-	-	-
Water and Ice Store	-	P	P	P	P	P	P	P	-	-	-	-

INSTITUTIONAL												
Art Gallery	P	P	P	P	P	P	P	P	-	-	-	-
Cultural Institutions	P	P	P	P	P	P	P	P	P	-	-	-
Day Care Centers or Pre-school Centers *	P	P	P	P	P	P	P	-	-	-	-	-
Group Care Facility or Community Residential Facility * (Ord. No. 05-58A)	-	-	-	-	C	-	P	P	-	-	-	-
Homeless Shelter & similar uses	-	-	-	-	-	-	-	-	-	-	P	P
Libraries and Museums	P	P	P	P	P	P	P	P	-	-	-	-
Non-profit Social services *	P	P	P	P	P	P	P	P	P	P	P	P
Nursing or Convalescent Home, Long term Care Facility *	-	-	-	-	C	-	P	P	-	-	-	-
Public Buildings *	P	P	P	P	P	P	P	P	P	P	P	P
Public/Private Schools, College and University Facilities excluding College & University Campuses* (Ord. No. 05-58A)	P	P	P	P	P	P	P	P	P	P	P	P
Public Utility Buildings, Structures, Uses, Facilities and Equipment *	P	P	P	P	P	P	P	P	P	P	P	P
Religious Institutions & similar places of worship *	P	P	P	P	P	P	P	-	-	-	-	-
Substance Abuse Detoxification & Treatment Centers	-	-	-	-	-	-	C	-	-	P	P	P

- P = Permitted Use
- C = Permitted Conditional Use. Conditional Use Permit required. See Article 14-39-10.
- A = Accessory use
- = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit (Ord. No. 05-58A)
- * = Subject to special limitations (see the following section 14-9-5)
- = Not Permitted

Section 14-9-5

D. General Industrial & Manufacturing

1. Mini-storage warehouses, RV, Boat, & 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 & 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 that in all cases where the conditional use abuts any residential district on its side or rear lot lines, there shall be a side yard of not less than twenty-five (25) feet and a rear yard of not less than twenty-five (25) 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 screen buffer in accordance with Section 14-35-4.A.3, or all 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 on the side and/or rear property lines of a conditional use which abuts any residential district.
- 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.

E. General Retail (Ord. No. 03-171)

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: (Ord. No. 06-16)
 - 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. (Ord. No. 06-16)
 - 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. (Ord. No. 06-16)

3. Indoor retail sales of new & 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.

Article 14-19 (AG General)

14-19-2 PERMITTED PRINCIPAL USES

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. (Ord. No. 02-21)
3. Public recreational uses.
4. Golf courses, subject to provisions of Article 14-5, Section 14-5-3.D. (Ord. No. 06-16)

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

- D. *Group Homes.* In accordance with Article 14-3, General Provisions, Section 14-3-12 "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities "subsection 14-3-12 (A) "Group Homes". (Ord. No. 02-85)
- 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. (Ord. No. 99-89)

Article 14-34 (Signs)

14-34-4 EXCEPTIONS

A. The provisions of Article 14-34 shall not apply to:

1. Tablets, grave markers, headstones, statuary or remembrances of persons or events noncommercial in nature.
2. Works of fine arts when not displayed in conjunction with a commercial enterprise which may derive direct commercial gain from such display.
3. Signs not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way or thoroughfare, providing that such sign does not constitute a traffic hazard.
4. The erection, construction and maintenance of official traffic, fire and police signs, signals and devices that are markings of the State of Arizona and the City of Peoria or other authorized public agency, nor the posting of notices as required by law.

5. Advertising on bus passenger shelters located within the public right-of-way and on private property adjacent to the public -right-of-way as approved by City Council and Contract Number L.C.O.N.4989 on June 27, 1989 as amended and modified from time to time. (Ord. No. 89-21)
6. City of Peoria municipal uses for ~~public notices and/or temporary special events~~. (Ord. No. 99-87)
7. Portable electronic signs used by the City of Peoria for special events. Such signs shall be restricted to traffic control copy. (Ord. No. 03-01)

Section 14-34-8.A Sign Types and Requirements

4. Banner Sign/Promotional Display Sign. A temporary sign which is painted or displayed upon cloth or other flexible material, used for the promotion of goods or services for a specified period of time. (Ord. No. 02-56)
 - a. Special Events. A sign used for a special sales event or product promotion.
 - 1) For the purpose of this regulation, special event signs shall include sign banners, balloons, flags, streamers, and pennants. Vehicle mounted signs, flashing lights, search lights and portable signs are prohibited, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)
 - 2) Signs used to promote special sales or product promotions shall be limited to a maximum total square footage of twenty-four (24) square feet.
 - 3) Signs shall be allowed four (4) times per year for a maximum period of fourteen (14) consecutive days. A minimum of thirty (30) days shall pass between each such sale.
 - 4) All such signs shall include wind cuts to reduce sign billowing or sailing and shall be securely fastened to a building or other permanent structure. Such signs and/or banners shall not be mounted to trees or other landscaping elements.
 - 5) Individual balloons and balloon arches/clusters shall be allowed provided they are securely fastened to permanent structures and setback from all streets and driveways a distance equal to the tether of the balloon.
 - 6) Sign permit required.
 - b. Exterior Sales. A sign for the sale of merchandise where most of the business is conducted, or items are displayed, in an open exterior area in compliance with all City Codes. (Ord. No. 03-09)
 - 1) Exterior sales promotions are allowed however shall be restricted to Friday, Saturday, and Sunday or federally recognized holidays.
 - 2) For the purpose of this regulation, exterior sales signs shall include sign banners, balloons, flags, streamers, pennants or merchandise. Vehicle mounted signs, flashing lights, search lights, and portable signs are prohibited except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)

- 3) Streamers, pennants and flags shall contain no advertising copy, but may include a symbol, logo or replica of a flag on a pennant. (Ord. No. 03-09)
 - 4) Inflatable structures are allowed by separate permit. Such structures shall be permitted only twice per year at three-day intervals. Inflatable structures shall not be roof-mounted and shall be securely fastened to permanent structures and/or proper ground staking.
 - 5) Individual balloons and balloon arches/clusters shall be allowed provided they are securely fastened to permanent structures and setback from all streets and driveways a distance equal to the tether of the balloon.
 - 6) All banner signs shall include wind cuts to reduce sign billowing or sailing and shall be securely fastened to a building, private light standard or other permanent structure. Such banners shall not be mounted to trees or other landscaping elements. The total allowable square footage of all banner signs shall not exceed one hundred fifty (150) square feet.
 - 7) Uses eligible for exterior sales signs shall not be eligible for special ~~sales event~~ signs.
 - 8) Torn, faded or soiled exterior sales signs shall be prohibited.
 - 9) No permit required, except for inflatable structures.
- c. Civic Events. Signs used to advertise, promote public entertainment uses including carnivals, circuses, street fairs, concerts, cultural events, home and garden shows, parades, community events and similar uses.
- 1) For the purpose of this regulation, civic event signs ~~exterior sales signs~~ shall include sign banners, balloons, flags, streamers, and pennants. Vehicle mounted signs, flashing lights, search lights and portable signs are prohibited, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)
 - 2) No off premise signs, strobe lights or search lights are permitted, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)
 - 3) All banner signs shall include wind cuts to reduce sign billowing or sailing and shall be securely fastened to a building, private light standard or other permanent structure. Such banners shall not be mounted to trees or other landscaping elements.
 - 4) Size and quantity of signs are not regulated; however signs shall not be displayed for more than seven (7) days prior to the event and shall be removed within forty-eight (48) hours after the event.
 - 5) Inflatable structures are allowed by separate permit. Inflatable structures shall not be roof-mounted and shall be securely fastened to permanent structures and/or proper ground staking.
 - 6) Torn, faded or ~~solid~~ soiled exterior sales signs shall be prohibited.
 - 7) Light standard banner advertisement is allowed within one mile of the event as approved by the Public Works Director.
 - 8) No permit required, except for inflatable structures.

Section 14-34-8.B Prohibited Signs. Signs that are not specifically authorized are expressly prohibited. Prohibited signs include, but are not limited to the following:

1. Any non-public signs in existing and future public right-of-way, as defined in the Peoria Comprehensive Plan or the Peoria Master Street/Right-of-way Map, whichever is more restrictive, or on public property, except as may otherwise be provided in this Ordinance. The City may install signs on its own property to identify public buildings and uses, and to provide necessary traffic control;
2. Sign permits required for signs as specified in Section 14-34-8;

Section 14-34-9 **SIGNS PERMITTED FOR NON-RESIDENTIAL USES IN THE C-0, C-1, C-2, C-3, I-1, I-2, P.A.D., P.C., O-1, PC-1, PC-2, C-4, C-5, CCM, PI-1 AND BPI NON-RESIDENTIAL ZONING DISTRICTS. (Ord. No. 96-03/96-88)**

Section 14-34-10 **SIGNS PERMITTED FOR NON-RESIDENTIAL USES IN THE AG, FP, SU, R1-6, R1-7, R1-8, R1-10, R1-12, R1-18, R1-35, SR-35, SR-43, RM-1, RMH-1, RMH-2, RMH-3, CRM, P.A.D. AND P.C. RESIDENTIAL ZONING DISTRICTS (Ord. No. 96-88)**

- A. Sign permits required for signs specified in Section 14-34-8.
- B. An identification or multi-tenant sign may display only the name of the building or tenant business with a total maximum sign area not exceeding thirty-two (32) square feet. Such sign may be wall-mounted with a maximum height of ten (10) feet on facades abutting residential uses, or it may be freestanding according to the following requirements.
 1. One freestanding identification or multi-tenant sign shall be permitted with a maximum height of five (5) feet. A second such freestanding sign shall be permitted for a property having greater than eighty (80) linear feet of frontage. Where two (2) freestanding signs are permitted, they shall be located at least sixty (60) feet apart;
 2. A freestanding identification or multi-tenant sign shall be located at least five (5) feet from any property line;
 3. A landscaped area shall be provided on-site along the street frontage at the base of the freestanding sign, with said landscaped area to have a minimum area of four (4) square feet for each one (1) square foot of sign area;
- C. In addition to the above, each tenant may be allowed two (2) square feet of non-illuminated sign area, identifying his business, to be located on the wall immediately next to the entry of the tenant's business.
 1. No permit required.
- D. In addition to the above, directory with a maximum area of six (6) square feet and a maximum height of six (6) feet may be permitted behind the required front yard setback.
 1. No permit required unless such sign is visible from off-premises.

- E. All wall or fascia-mounted signs for individual businesses shall be uniform in terms of colors, shapes, and maximum vertical dimension with all other such signs in the center or as otherwise provided for in a sign package approved by the Plans Review Committee.

Article 14-35

14-35-4 GENERAL LANDSCAPE REQUIREMENTS

A. Required Landscape Areas

7. Building Frontages Foundation

~~Non-residential and multi-family residential buildings shall include a five (5) foot minimum landscape planter between the building and parking area which may include a two (2) foot parking overhang. 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 encompass comprise a minimum of fifty percent (50%) of the facade(s) front footage length and may count towards the on-site landscape area requirements. (Ord. No. 03-182) A deviation or alternative to this requirement may be considered by the Planning Manager or designee.~~

Building frontage foundation planter areas shall include one (1) shrub for every five (5) linear feet. All plantings within building frontage foundation planter areas may be used to satisfy the landscape requirements in Section 14-35-4-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 frontage foundation planter is satisfied. (Ord. No. 06-07)

Article 14-39

Section 14-39-16 Expiration of Applications

A. All applications submitted to the Community Development 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 or designee thereof 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.