

ORDINANCE NO. 2011-03

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 14-2 DEFINITIONS, 14-3 GENERAL PROVISIONS, 14-9 NON-RESIDENTIAL DISTRICTS, 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 December 22, 2010 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 November 26, 2010; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of December 22, 2010, 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 14-2 Definitions, 14-3 General Provisions, 14-9 Non-Residential Districts, and 14-39 Administrative Procedures of Chapter 14 of the Peoria City Code (1977 edition):

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

SECTION 1. Articles 14-2 Definitions, 14-3 General Provisions, 14-9 Non-Residential Districts, and 14-39 Administrative Procedures of Chapter 14 of the Peoria City Code (1977 edition) shall be amended to read as shown in Exhibit A.

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

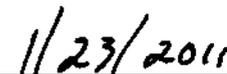
SECTION 3. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 18th day of January, 2011.



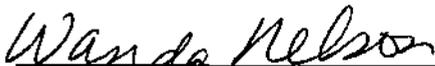
Bob Barrett, Mayor





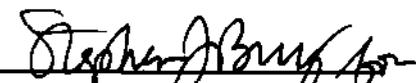
Date Signed

ATTEST:



Wanda Nelson, City Clerk

APPROVED AS TO FORM:



Stephen M. Kemp, City Attorney

Published in: Peoria Times

Pub. Dates: January 21, 2011, and January 28, 2011.

Effective Date: February 23, 2011

EXHIBIT A

ARTICLE 14-2

DEFINITIONS

CONTENTS

- 14-2-1 INTENT
- 14-2-2 DEFINITIONS

14-2-1 INTENT (Ord. No 02-68)

This Article 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.

14-2-2 DEFINITIONS

D. For the purpose of this Zoning Ordinance, certain words are hereby defined as follows (Ord. No. 02-68):

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 articles 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. (Ord. No. 00-28)

Permissible Consumer Fireworks means fireworks devices as defined by Arizona Revised Statutes Section 36-1601.5(a) and (b). (Ord. No. 11-##)

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.

ARTICLE 14-3 GENERAL PROVISIONS

(Ord. No. 02-85)

CONTENTS

14-3-1	INTENT
14-3-2	GENERAL USE PROVISIONS
14-3-3	ACCESSORY BUILDINGS AND USES
14-3-4	SCREENING
14-3-5	WALLS AND FENCES
14-3-6	PERFORMANCE STANDARDS
14-3-7	SATELLITE DISH ANTENNAE
14-3-8	MISCELLANEOUS PROVISIONS
14-3-9	HOME OCCUPATIONS
14-3-10	MANUFACTURED HOUSING
14-3-11	MOBILE HOMES, TRAVEL TRAILERS, HOUSE TRAILERS, AND RECREATIONAL VEHICLES
14-3-12	GROUP HOMES, DAY CARE GROUP HOMES, GROUP CARE FACILITIES AND COMMUNITY RESIDENTIAL SETTING FACILITIES
14-3-13	WIRELESS COMMUNICATION FACILITIES

14-3-9 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:

Ordinance No. 2011-03

- a. Changes or alterations to the exterior of the building(s) that are inconsistent with the residential character of the building(s) or with the character of the surrounding area shall not be allowed. Such changes or alterations include, but are not limited to, construction of parking areas or garages at a scale exceeding the scale of such structures in the surrounding area.
 - b. Signs advertising a home occupation shall be strictly prohibited.
 - c. Exterior display or storage of materials or equipment, or any other exterior indication of the home occupation, shall be prohibited.
 - d. Emissions of noise, light, dust, gas, vibration, odor, smoke, or any other noxious matter emanating from the home occupation at a scale greater than that normally associated with the residential use shall be prohibited.
 - e. The home occupation shall not involve more than one (1) business caller or visitor at a time and not more than two (2) visitors per hour, nor commercial deliveries or outside services beyond those normal and incidental to the residential uses in the district.
 - f. The home occupation shall be conducted by a resident or residents of the dwelling unit only. No outside employees shall be employed at the site and not more than one (1) employee may report to the site for off-site employment.
 - g. No unusual load shall be placed on power, sewer, water, or other utilities as a result of the home occupation use.
 - h. External activity resulting from the home occupation shall be limited to the hours between 7:00 A.M. and 10:00 P.M.
 - i. Storage of commercial vehicles used in conjunction with the home occupation is not permitted on the home occupation site. Up to two (2) commercial vehicles may be parked on the home occupation site if these commercial vehicles are used for both business and personal needs. Commercial vehicles must be parked in accordance with Article 14-23, "Parking," of this Ordinance.
 - j. All home occupations shall be subject to the standards contained herein and shall be approved by the City prior to the initiation of any business activity.
 - k. A valid City sales tax and/or business license shall be obtained for the home occupation use.
2. *Home Occupation as Conditional Use.* A Conditional Use Permit for a home occupation shall be required in cases where any of the following conditions may result
- a. The home occupation use requires or uses storage or space accessory to the principal residence, will utilize or require outdoor or open storage of materials

or will require or result in the construction or installation of additional parking on-site.

- b. The home occupation use will produce or make noticeable the appearance of a non-residential use or will cause the emission of noise, light, dust, gas, vibration, odor, smoke, or other noxious matter from the premise.
 - c. The home occupation will have more than one (1) business caller or visitor at any one time, more than two (2) visitors per hour, or more than one (1) commercial delivery per business day.
 - d. Pedestrian or vehicular traffic will increase beyond what is considered normal and incidental to the zoning district in which the use is located.
 - e. An increased load will be placed on any of the power, water, sewer or other utilities.
 - f. The home occupation use will require the services of a single employee or assistant who is not a resident of the household.
3. *Prohibited Home Occupations* Home occupations expressly prohibited shall include, but not be limited to, the following:
- a. Personal service offices such as physicians, dentists, massage therapists, and barber and beauty shops
 - b. Animal services such as commercial stables, dog grooming, veterinary offices, hospitals, and kennels
 - c. Permanent real estate offices
 - d. Restaurants
 - e. Vehicle services such as repairing, painting, storage, washing, or sales, where vehicle is defined as any motorized or non-motorized means of transportation
 - f. Sales of Permissible Consumer Fireworks
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.

ARTICLE 14-9 NON-RESIDENTIAL DISTRICTS

(Ord. No. 02-68)

CONTENTS

14-9-3 LAND USE MATRIX

The following land use matrix (Table 14-9-3) 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 14-9-3 Land Use Matrix

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BP	PI-1	I-1	I-2
GENERAL RETAIL												
Antiques, Crafts, and Collectibles Sales	-	-	P	P	P	P	P	P	-	-	-	-
Bait and Tackle Shops	-	-	P	P	P	P	P	-	-	-	-	-
Book, Stationery & Greeting Card Store	P	P	P	P	P	P	P	P	-	-	-	-
Candy and Ice Cream Store	P	P	P	P	P	P	P	P	-	-	-	-
Carpet and Floor Covering Store	-	-	-	-	P	P	P	P	-	-	-	-
Copy Center	P	P	P	P	P	P	P	P	P	P	P	P
Donation Center * (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				
Permissible Consumer Fireworks Sales*	-	P	P	P	P	P	P	P	-	-	-	-
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	A*	-	-	-
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	-	-	-	-

- 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

14-9-5 LIMITATIONS ON USES

E. General Retail (Ord. No. 03-171 and 11-##)

- 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 and used merchandise excluding sale of automobiles, boats, RVs, and motorcycles as an Accessory Use within the BPI Zoning District shall be no greater than 20% of the overall gross floor area (G.F.A.) of the establishment and shall not exceed 1,000 square feet in**

area.

4. Permissible Consumer Fireworks Sales shall be subject to the following conditions:

- a. Signage shall be displayed at the point-of-sale in accordance with Peoria City Code Section 9-49.
- b. Sales may only occur in buildings classified with a Mercantile building occupancy code.

ARTICLE 14-39

ADMINISTRATIVE PROCEDURES

(Ord. No. 02-80)

CONTENTS

14-39-11 TEMPORARY USE PERMITS

14-39-11 TEMPORARY USE PERMITS

A. *Intent.*

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

B. *General.* Every Temporary use shall require a Temporary Use Permit as herein stipulated.

C. *Permitted Temporary Uses.* The City may grant a Temporary Use Permit for any of the following uses.

1. Carnivals, circuses, or similar special events.
2. Christmas tree sales, pumpkin sales, or similar holiday-related events.
3. Outdoor fireworks sales. (Ord. No. 11-###)
34. Temporary municipal uses. (Ord. No. 05-22)
45. Off-site retail sales of souvenirs, gifts, and food incidental to a sporting or cultural event.
56. Tent revival or fellowship meetings.
67. Craft shows, home and garden shows, festivals, or similar events.

Ordinance No. 2011-03

78. Outdoor concerts, paid admission events, and events involving the distribution of alcoholic beverages.

89. Such other uses as the City may deem to be within the intent and purpose of this Section.