

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATIONS**

cc: 2C  
Amend No. \_\_\_\_\_

Date prepared: September 8, 2010

Council Meeting Date: October 5, 2010

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**TO:** Carl Swenson, City Manager

**THROUGH:** Susan J. Daluddung, AICP, Deputy City Manager 

**FROM:** Glen Van Nimwegen, AICP, Planning and Community Development Director 

**SUBJECT:** TA 10-0138, Amendments to Zoning Ordinance: Amend Article 14-19A, Suburban Ranch District (SR-43), and Article 14-19B, Suburban Ranch District (SR-35).

**RECOMMENDATION:**

The Mayor and City Council concur with the Planning and Zoning Commission's recommendation to adopt the attached Ordinance amending Article 14-19A and Article 14-19B, of the Peoria Zoning Ordinance as it pertains to the Suburban Ranch Zoning Districts SR-43 and SR-35.

**PLANNING & ZONING COMMISSION ACTION (September 2, 2010):**

On September 2, 2010, the Planning and Zoning Commission voted unanimously in favor of recommending approval of the request to amend Article 14-19A and Article 14-19B of the Zoning Ordinance. No one spoke in favor or against the request.

**SUMMARY OF AMENDMENTS:**

The Zoning Ordinance contains two districts classified as 'Suburban Ranch' – SR-43 which requires a minimum lot size of one-acre; and SR-35 which requires a somewhat smaller minimum lot size at 35,000 square feet. The Suburban Ranch districts are intended to facilitate and conserve rural and low-density residential uses in their present or desired character. Although the Suburban Ranch districts are classified as residential zoning districts (14-4-1.A), these districts allow additional traditional rural land uses (such as soil crops, poultry and egg farms, commercial kennels, and plant nurseries)

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**CITY CLERK USE ONLY:**

- Consent Agenda
- Carry Over to Date: \_\_\_\_\_
- Approved
- Unfinished Business (Date heard previous: \_\_\_\_\_)
- New Business
- Public Hearing: No Action Taken

ORD. # 2010-27 RES. # \_\_\_\_\_  
LCON# \_\_\_\_\_ LIC. # \_\_\_\_\_  
Action Date: \_\_\_\_\_

that are not permitted in the Single Family Residential districts (R1-43, R1-35, R1-18, R1-12, R1-10, R1-8 and R1-6).

The proposed amendment is intended to achieve the following objectives:

- Consolidate Article 14-19A (SR-43) and Article 14-19B (SR-35) into one section (new Article 14-19A) to reduce redundant content and enhance usability.
- Revise the list of permissible uses for the SR-35 and SR-43 Zoning Districts in order to increase clarity and ease of use.
- Revise the list of permissible uses for the SR-35 and SR-43 Zoning Districts to increase consistency with the permissible uses of the Single Family Residential Districts.

The supporting analysis and details of the proposed amendments are fully described on the attached staff report to the Planning and Zoning Commission.

**ATTACHMENTS:**

- September 2, 2010 Planning & Zoning Commission Staff Report with Exhibits
- Draft Ordinance

**CONTACT:** Melissa Sigmund, Planner, 623-773-7603



# **ZONING ORDINANCE TEXT AMENDMENT**

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## **REPORT TO THE PLANNING AND ZONING COMMISSION**

**CASE NUMBER:** TA 10-0138  
**DATE:** September 2, 2010  
**AGENDA ITEM:** 4R

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**Applicant:** City of Peoria

**Request:** Amend Suburban Ranch Articles 14-19A (SR-43) and 14-19B (SR-35), consolidating these articles as 14-19A; and updating the corresponding list of uses and development standards.

**Support / Opposition:** As of the date of this printing, Staff has not received any written or verbal support or opposition to this request.

**Recommendation:** **Approve** as requested.

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### **BACKGROUND**

1. The Zoning Ordinance contains two districts classified as 'Suburban Ranch' – SR-43 which requires a minimum lot size of one-acre; and SR-35 which requires a somewhat smaller minimum lot size at 35,000 square feet. Although both districts are classified as residential zoning districts (14-4-1.A), there is a distinction between these districts and general single-family residential districts (R1-43, R1-35, R1-18, R1-12, R1-10, R1-8 and R1-6).
2. Suburban Ranch districts are intended to facilitate and conserve rural and low-density residential uses in their present or desired character. Principally, they differ in character from the more general single-family residential districts. This distinction is apparent in the use listings. The Suburban Ranch districts conditionally permit more rural uses such as commercial breeding, poultry and egg farms, commercial kennels, and plant nurseries to name a few. Such uses are not permitted in the single-family residential districts.

3. The proposed amendment is intended to achieve the following objectives:
  - Consolidate Article 14-19A (SR-43) and Article 14-19B (SR-35) into one section (new Article 14-19) to reduce redundant content and enhance usability.
  - Revise the list of permissible uses for the SR-35 and SR-43 Zoning Districts in order to increase clarity and ease of use.
  - Revise the list of permissible uses for the SR-35 and SR-43 Zoning Districts to increase consistency with the permissible uses of the Single Family Residential Districts.

## **ANALYSIS AND DISCUSSION**

### *Suburban Ranch Districts (SR-43 and SR-35) – Articles 14-19A/B*

4. The City is proposing that Articles 14-19A and 14-19B (Suburban Ranch – SR-43/SR-35) be consolidated into one Article – Article 14-19A. Previously, the two articles were almost identical, consisting of the same permissible uses, although the precise order of listing varied. Consolidating the development standards for the two Suburban Ranch districts will make it easier for users to identify the features the two districts share (permissible uses), and where they differ (development standards).

### *14-19A-2 Permitted Principal Uses*

5. The “public parks” use has been expanded to be consistent with the nomenclature in Article 14-5 (Single Family Residential districts).
6. A reference to a non-existent article has been removed from the “churches” use.

### *14-19A-3 Permitted Conditional Uses*

7. The order of uses has been rearranged so that similar uses are grouped together for ease in navigating this section.
8. A reference to a non-existent article has been removed from the “plant nurseries” use.
9. Mobile homes have been removed from the list as a Conditional Use Permit. Mobile homes outside of the RMH-1 and RMH-2 Districts are regulated by Section 14-3-11 of General Provisions.
10. The “public buildings” use has been expanded to “public buildings providing cultural, educational, administrative, and fire and police protection services to

district residents; provided that all vehicular access shall be restricted to public streets” to be consistent with the nomenclature in Article 14-5.

11. The standards for golf courses contained in Article 14-5 (Single Family Residential districts) has been applied to the Suburban Ranch districts for consistency.
12. Private storm water control facilities have been removed from the list of Conditional Uses. Such facilities are regulated through permits issued by the Site Development/Engineering Division.
13. The wording for preschool and daycare centers has been revised to clarify the requirement that such uses must be in conjunction with a non-residential permitted principal use.

#### *14-19A-4 Permitted Accessory Uses*

14. The order of uses has been rearranged so that similar uses are together for ease of navigation.
15. Common language recognizing the allowance for “any accessory use, structure, or building customarily incidental to a permitted principal use” has been added for consistency.
16. Language has been added clarifying that day care and preschool uses with limited hours of operation are permitted as accessory uses. The Suburban Ranch districts already permit uses such as schools and religious facilities. Such uses commonly incorporate accessory day care and preschool functions.
17. A list of accessory residential uses with minor modifications (tool shed, ramada, outdoor swimming pool and similar recreation facilities....) has been added for consistency with Article 14-5 (Single-Family Residential districts).
18. The uses “model home”, “private garage”, and “fences” have been removed. These uses would be considered accessory uses/structures customarily incidental to a permitted principal use, and would therefore be allowed as such, so a separate listing is unnecessary.
19. “Temporary buildings and yards incidental to construction have been removed” from the list of accessory uses. Temporary construction offices and construction yards are permitted as Temporary Uses, regulated through the Temporary Use Permit process.

*Public Notice*

20. Public notice of this proposed amendment to the Zoning Ordinance was provided in the manner prescribed under Article 14-39. The time, date, and place of the hearing have been published at least once in a newspaper of general circulation in the City at least fifteen (15) days prior to the hearing. The notice included the text of the proposed amendment and a general description of any regulations proposed to be amended.

**FINDINGS AND RECOMMENDATION**

21. Based on the following findings:
- The proposed amendment constitutes an improvement to the Zoning Ordinance by increasing its accuracy, clarifying inferences, and improving the overall usability.
  - The amendment also updates the language of the Zoning Ordinance to maintain relevancy.
  - Upon review of the application, the Planning Manager has determined that a Proposition 207 waiver is not required for this application.

**It is recommended that the Planning and Zoning Commission take the following action:**

Recommend to the Mayor and City Council approval of Case TA 10-0138, a request to amend the Peoria Zoning Ordinance as contained in Exhibits A and B.

**ATTACHMENTS:**

Exhibit A Proposed changes to Article 14-19A

Exhibit B Proposed changes to Article 14-19B

(deletions/additions shown as ~~strike~~/underscore)

Prepared by: Melissa Sigmund  
Planner

# ARTICLE 14-19A

## SUBURBAN RANCH DISTRICTS

### (SR-43 AND SR-35)

#### CONTENTS

- 14-19A-1 INTENT
- 14-19A-2 PERMITTED PRINCIPAL USES
- 14-19A-3 PERMITTED CONDITIONAL USES
- 14-19A-4 PERMITTED ACCESSORY USES
- 14-19A-5 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED PRINCIPAL USES
- 14-19A-6 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED CONDITIONAL USES
- 14-19A-7 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED ACCESSORY BUILDINGS

#### **14-19A-1 INTENT** (Ord. No. 90-55, Ord. No. 10-XX)

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.

#### **14-19A-2 PERMITTED PRINCIPAL USES** (Ord. No. 02-55, Ord. No. 10-XX)

- A. Single-Family Dwelling.
- B. ~~Public Parks.~~ Publicly owned and operated parks, recreation areas, and centers.
- C. Soil Crops.
- D. Group Homes, in accordance with Article 14-3, General Provisions, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (A), Group Homes. (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)
- F. Churches, Synagogues, Temples, Chapels, or similar places of worship, and related facilities, ~~subject to review and approval of vehicular access by the City Engineer. Appeals from the application of these requirements may be made following the provisions of Section 14-32-5.~~ (Ord. No. 01-166, amended by Ord. No. 10-XX)

- G. Public utility buildings, uses, structures, equipment and storm water retention areas; provided that repair or storage facilities in connection therewith are expressly prohibited. (Ord. No. 04-207)

**14-19A-3 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.D. Kennels, for the boarding and breeding of dogs and cats.

D.L.—Plant Nurseries, including on-site retail sales, for the propagation, cultivation, sales and distribution of plants. (Ord. No. 02-55)

1. Development of the plant nursery area shall require a site plan review—in accordance with Article 14-32 of this chapter.
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. Mobile Homes, for purposes provided in Sections 14-3-20B and 14-3-20C.~~

E.F.—Public Buildings. 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.

E.G.—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. (Ord. No. 05-58A)

G.H.—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.

~~I. Private Storm Water Control Facilities.~~

~~H.J. Group Care Facility or Community Residential Setting Facility in accordance with Article 14-3, General Provisions, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (C), Group Care Facilities and Community Residential Setting Facilities." (Ord. No. 02-85)~~

~~I.C. Day Care Group Homes with five (5) or more children, in accordance with Article 14-3, General Provisions, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (B) Day Care Group Homes" and provided that the residence is a single-family detached dwelling. (Ord. No. 02-85)~~

~~J.K. Bed and Breakfast Inn, subject to the following: (Ord. No. 99-101)~~

- ~~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.M. Preschool centers or day care centers in conjunction with a non-residential permitted principal or conditional use: Licensed Day Care and Pre-School Facilities on the premises of religious institutions or other like uses. These facilities may be in addition to accessory day care and pre-school facilities which may be operated during service/worship times or regular business hours and must meet the following requirements: (Ord. No. 03-12)~~

- ~~1. The use shall be in conjunction with a non-residential principal or conditional use within Article 14-19A-2-E and F, in accordance with State Department of Health Care 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.

**14-19A-4 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/ preschool uses in conjunction with other non-residential uses shall only operate during regular business hours.

C.D. Animals per Chapter 4 of the Peoria City Code (1992 Edition), provided however that Section 4-9 (b) of the Peoria City Code shall not be applicable. (Ord. No. 95-10)

D.G. 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.H. 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.I. 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.

**ARTICLE 19A**

**SUBURBAN RANCH (SR-43)**

~~G.A.~~ Day care for 4 or less children in conjunction with a residential use. (Ord. No. 93-25)

~~B.~~ Greenhouse.

~~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.

~~L.G.~~ Guest house.

~~J.E.~~ Home occupations in accordance with Article 14-3, "General Provisions", Section 14-3-8, "Home Occupations," of this Ordinance. (Ord. No. 02-85)

~~F.~~ Model home.

K. Private or jointly owned community center recreational facilities, pools, tennis courts, and spas. (Ord. No. 98-18)

~~L.O.~~ Other buildings and structures customarily accessory to single family dwellings.

~~J.~~ Private garage or carport.

~~L.~~ Fences per Section 14-3-5. (Ord. No. 95-10)

~~M.~~ Tool sheds for storage and domestic supplies.

~~N.~~ Temporary buildings and yards incidental to construction work per Section 14-25-3.

~~L.P.~~ Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992 Edition). (Ord. No. 98-18)

**14-19A-5 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED PRINCIPAL USES (Ord. No. 90-55)**

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

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

- ~~A. Minimum Lot Area. 43,560 square feet~~
- ~~B. Minimum District Size. Ten (10) acres~~
- ~~C. Minimum Lot Width. One hundred forty five (145) feet.~~
- ~~D. Minimum Setback and Yards.~~
  - ~~1. Front Yard. Forty (40) feet.~~
  - ~~2. Side Yard. Twenty (20) feet.~~
  - ~~3. Street Side Yard. Twenty (20) feet.~~
  - ~~4. Rear Yard. Twenty (20) feet.~~
- ~~E. Maximum Building Height. Thirty (30) feet. (Ord. No. 04-187)~~
- ~~F. Maximum Lot Coverage. Twenty five percent (25%). (Ord. No. 95-10)~~

**14-19A-6 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED  
CONDITIONAL USES**

Permitted Conditional Uses shall conform to the property development standards for Permitted Principal Uses of Section 14-19A-5 except as otherwise specified in this Ordinance.

**14-19A-7 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED  
ACCESSORY BUILDINGS**

Permitted Accessory Buildings shall conform to the property development standards for Accessory Buildings as specified in Article 14-5 except as otherwise provided by this Ordinance, and except buildings which house mammals and fowl which shall conform to the principal building setback or the setbacks as specified in Sections 14-19A-3 and 14-19A-4, whichever is greater. (Ord. No. 04-187)

# ~~SECTION 14-19B~~ ~~SUBURBAN RANCH DISTRICT (SR-35)~~

~~(Ord. No. 95-10)~~

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- ~~14-19B-5 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED PRINCIPAL USES~~
- ~~14-19B-6 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED CONDITIONAL USES~~
- ~~14-19B-7 PROPERTY DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS~~

### ~~14-19B-1 INTENT~~

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

### ~~14-19B-2 PERMITTED PRINCIPAL USES~~

- ~~A. Single family dwelling.~~
- ~~B. Public Parks.~~
- ~~C. Soil Crops.~~
- ~~D. Group Homes, in accordance with Article 14-3, General Provisions, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (A) "Group Home". (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)~~
- ~~F. Churches, Synagogues, Temples, Chapels, or similar places of worship, and related facilities, subject to review and approval of vehicular access by the City Engineer. Appeals from the application of these requirements may be made following the provisions of Section 14-32-5. (Ord. No. 01-166)~~

~~G. Public Utility Buildings, uses, structures, equipment and storm water retention areas; provided that repair or storage facilities in connection therewith are expressly prohibited. (Ord. No. 04-207)~~

**~~14-19B-3 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. Day Care Group Homes with five (5) or more children, in accordance with Article 14-3, General Provisions, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (B), Day Care Group Homes." (Ord. No. 02-85)~~

~~D. Kennels for the boarding and breeding of dogs and cats.~~

~~E. Mobile Homes for the purposes of Sections 14-3-20.B and 14-3-20.C.~~

~~F. Public Buildings.~~

~~G. 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. (Ord. No. 05-58A)~~

~~H. Golf Courses.~~

~~I. Private storm water control facilities.~~

~~J. Group Care Facility or Community Residential Setting Facility in accordance with Article 14-3, General Provisions, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (C), "Group Care Facilities and Community Residential Setting Facilities." (Ord. No. 02-85)~~

~~K. Bed and Breakfast Inn, subject to the following: (Ord. No. 99-101)~~

- ~~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.~~

**~~14-19B-4 PERMITTED ACCESSORY USES~~**

~~A. Day Care for four (4) or less children.~~

~~B. Greenhouse.~~

~~C. Guest House.~~

~~D. Animals, per Chapter 4 of the Peoria City Code (1992 Edition).~~

~~E. Home Occupations in accordance with Article 14-3, General Provisions, Section 14-3-8, "Homes Occupations," of this Ordinance. (Ord. No. 02-85)~~

~~F. Model Home.~~

~~G. 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.~~

~~H. 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.~~

~~I. 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.~~

~~J. Private Garage or Carport.~~

~~K. Private or jointly owned community center recreational facilities; pools, tennis courts, spas.~~

~~L. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992 Edition). (Ord. No. 98-18)~~

~~M. Fences, per Sections 14-3-14 and 14-3-15.~~

~~N. Tool Sheds for storage and domestic supplies.~~

~~O. Temporary Buildings and Yards incidental to construction work per Section 14-25-3.~~

~~P. Other buildings and structures, customarily accessory to single family dwellings.~~

**~~14-19B-5 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED PRINCIPAL USES~~**

- ~~A. Minimum Lot Area. Thirty five thousand (35,000) square feet.~~
- ~~B. Minimum District Size. Five (5) acres.~~
- ~~C. Minimum Lot Width. One hundred twenty five (125) feet.~~
- ~~D. Minimum Setbacks and Yards.~~
  - ~~1. Front Yard forty (40) feet.~~
  - ~~2. Side Yard fifteen (15) feet.~~
  - ~~3. Street Side Yard fifteen (15) feet.~~
  - ~~4. Rear Yard twenty (20) feet.~~
- ~~E. Maximum Building Height. Thirty (30) feet. (Ord. No. 04-187)~~
- ~~F. Maximum Lot Coverage. Thirty percent (30%).~~

**~~14-19B-6 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED CONDITIONAL USES~~**

- ~~A. Permitted Conditional Uses shall conform to the property development standards for Permitted Principal Uses of Section 14-19B-5, except as otherwise specified in this ordinance.~~

**~~14-19B-7 PROPERTY DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS~~**

- ~~A. Permitted Accessory Buildings shall conform to the Property Development Standards for Accessory Buildings as specified in Article 14-5 except as otherwise provided by the ordinance, and except buildings which house mammals and fowl which shall conform to the principal building setback or the setbacks specified in Sections 14-19B-3 and 14-19B-4. (Ord. No. 04-187)~~

ORDINANCE NO. 2010-27

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 14-19A "SUBURBAN RANCH DISTRICT (SR-43)"; AND 14-19B "SUBURBAN RANCH DISTRICT (SR-35)"; 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 September 2, 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 August 13, 2010; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of September 2, 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 14-19A "Suburban Ranch District (SR-43)"; and 14-19B "Suburban Ranch District (SR-35)" 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. 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 5<sup>th</sup> day of October, 2010.

\_\_\_\_\_  
Bob Barrett, Mayor

\_\_\_\_\_  
Date Signed

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen M. Kemp, City Attorney

Published in: Peoria Times

Pub. Dates:

Effective Date:

## EXHIBIT A

# ARTICLE 14-19A SUBURBAN RANCH DISTRICTS (SR-43 AND SR-35)

(Amended by Ord. XX-XXX)

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- 14-19A-3 PERMITTED CONDITIONAL USES
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- 14-19A-5 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED PRINCIPAL USES
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- 14-19A-7 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED ACCESSORY BUILDINGS

#### **14-19A-1 INTENT** (Ord. No. 90-55, Ord. No. 10-XX)

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.

#### **14-19A-2 PERMITTED PRINCIPAL USES** (Ord. No. 02-55, Ord. No. 10-XX)

- A. Single-Family Dwelling.
- B. ~~Public Parks.~~ Publicly owned and operated parks, recreation areas, and centers.
- C. Soil Crops.
- D. Group Homes, in accordance with Article 14-3, General Provisions, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (A), Group Homes. (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)
- F. Churches, Synagogues, Temples, Chapels, or similar places of worship, and related facilities, ~~subject to review and approval of vehicular access by the City Engineer.~~

~~Appeals from the application of these requirements may be made following the provisions of Section 14-32-5. (Ord. No. 01-166, amended by Ord. No. 10-XX)~~

- G. Public utility buildings, uses, structures, equipment and storm water retention areas; provided that repair or storage facilities in connection therewith are expressly prohibited. (Ord. No. 04-207)

### **14-19A-3 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.D.~~ Kennels, for the boarding and breeding of dogs and cats.

~~D.L.~~—Plant Nurseries, including on-site retail sales, for the propagation, cultivation, sales and distribution of plants. (Ord. No. 02-55)

- ~~1. Development of the plant nursery area shall require a site plan review in accordance with Article 14-32 of this chapter.~~
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.~~ Mobile Homes, for purposes provided in Sections 14-3-20B and 14-3-20C.

~~E.F.~~—Public Buildings, 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.

~~E.G.~~—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. (Ord. No. 05-58A)

~~G.H.~~—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.

~~I. Private Storm Water Control Facilities.~~

~~H.J.~~ Group Care Facility or Community Residential Setting Facility in accordance with Article 14-3, General Provisions, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (C), Group Care Facilities and Community Residential Setting Facilities." (Ord. No. 02-85)

~~I.G.~~ Day Care Group Homes with five (5) or more children, in accordance with Article 14-3, General Provisions, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (B) Day Care Group Homes" and provided that the residence is a single-family detached dwelling. (Ord. No. 02-85)

~~J.K.~~ Bed and Breakfast Inn, subject to the following: (Ord. No. 99-101)

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.M.~~ Preschool centers or day care centers in conjunction with a non-residential permitted principal or conditional use: ~~Licensed Day Care and Pre-School Facilities on the premises of religious institutions or other like uses. These facilities may be in addition to accessory day care and pre-school facilities which may be operated during service/worship times or regular business hours and must meet the following requirements:~~ (Ord. No. 03-12)

1. The use shall be ~~in conjunction with a non-residential principal or conditional use within Article 14-19A-2-E and F.~~ in accordance with State Department of Health Care 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.

#### **14-19A-4 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/ preschool uses in conjunction with other non-residential uses shall only operate during regular business hours.

C.D. Animals per Chapter 4 of the Peoria City Code (1992 Edition), provided however that Section 4-9 (b) of the Peoria City Code shall not be applicable. (Ord. No. 95-10)

D.G. 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.H. 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.

E.I. 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.A. Day care for 4 or less children in conjunction with a residential use. (Ord. No. 93-25)

~~B. Greenhouse.~~

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.C. Guest house.

J.E. Home occupations in accordance with Article 14-3, "General Provisions", Section 14-3-8, "Home Occupations," of this Ordinance. (Ord. No. 02-85)

~~F. Model home.~~

K. Private or jointly owned community center recreational facilities, pools, tennis courts, and spas. (Ord. No. 98-18)

~~L.O. Other buildings and structures customarily accessory to single-family dwellings.~~

~~J. Private garage or carport.~~

~~L. Fences per Section 14-3-5. (Ord. No. 95-10)~~

~~M. Tool sheds for storage and domestic supplies.~~

~~N. Temporary buildings and yards incidental to construction work per Section 14-25-3.~~

L.P. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992 Edition). (Ord. No. 98-18)

**14-19A-5 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED PRINCIPAL USES (Ord. No. 90-55)**

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

<u>Property Development Standards</u>	<u>SR-43</u>	<u>SR-35</u>
<u>Minimum Lot Area (square feet)</u>	<u>43,560</u>	<u>35,000</u>
<u>Minimum Lot Width (ft)</u>	<u>145</u>	<u>125</u>
<u>Maximum Lot Coverage (percentage)</u>	<u>25%</u>	<u>35%</u>
<u>Maximum Building Height (ft)</u>	<u>30</u>	<u>30</u>
<u>Front Yard Setback (ft)</u>	<u>40</u>	<u>30</u>

<u>Side Yard Setback (ft)</u>	<u>20</u>	<u>10/20</u>
<u>Rear Yard Setback (ft)</u>	<u>20</u>	<u>20</u>

~~A. Minimum Lot Area. 43,560 square feet~~

~~B. Minimum District Size. Ten (10) acres~~

~~C. Minimum Lot Width. One hundred forty-five (145) feet.~~

~~D. Minimum Setback and Yards.~~

~~1. Front Yard. Forty (40) feet.~~

~~2. Side Yard. Twenty (20) feet.~~

~~3. Street Side Yard. Twenty (20) feet.~~

~~4. Rear Yard. Twenty (20) feet.~~

~~E. Maximum Building Height. Thirty (30) feet. (Ord. No. 04-187)~~

~~F. Maximum Lot Coverage. Twenty-five percent (25%). (Ord. No. 95-10)~~

**14-19A-6 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED  
CONDITIONAL USES**

Permitted Conditional Uses shall conform to the property development standards for Permitted Principal Uses of Section 14-19A-5 except as otherwise specified in this Ordinance.

**14-19A-7 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED  
ACCESSORY BUILDINGS**

Permitted Accessory Buildings shall conform to the property development standards for Accessory Buildings as specified in Article 14-5 except as otherwise provided by this Ordinance, and except buildings which house mammals and fowl which shall conform to the principal building setback or the setbacks as specified in Sections 14-19A-3 and 14-19A-4, whichever is greater. (Ord. No. 04-187)

# ~~SECTION 14-19B~~

## ~~SUBURBAN RANCH DISTRICT (SR-35)~~

~~(Ord. No. 95-10)~~

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~~14-19B-5 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED PRINCIPAL USES~~

~~14-19B-6 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED CONDITIONAL USES~~

~~14-19B-7 PROPERTY DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS~~

### ~~14-19B-1 INTENT~~

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

### ~~14-19B-2 PERMITTED PRINCIPAL USES~~

~~A. Single family dwelling.~~

~~B. Public Parks.~~

~~C. Soil Crops.~~

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

~~F. Churches, Synagogues, Temples, Chapels, or similar places of worship, and related facilities, subject to review and approval of vehicular access by the City Engineer. Appeals from the application of these requirements may be made following the provisions of Section 14-32-5. (Ord. No. 01-166)~~

~~G. Public Utility Buildings, uses, structures, equipment and storm water retention areas; provided that repair or storage facilities in connection therewith are expressly prohibited. (Ord. No. 04-207)~~

### ~~14-19B-3 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. Day Care Group Homes with five (5) or more children, in accordance with Article 14-3, General Provisions, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (B), Day Care Group Homes." (Ord. No. 02-85)~~

~~D. Kennels for the boarding and breeding of dogs and cats.~~

~~E. Mobile Homes for the purposes of Sections 14-3-20.B and 14-3-20.C.~~

~~F. Public Buildings.~~

~~G. 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. (Ord. No. 05-58A)~~

~~H. Golf Courses.~~

~~I. Private storm water control facilities.~~

~~J. Group Care Facility or Community Residential Setting Facility in accordance with Article 14-3, General Provisions, Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities," subsection 14-3-12 (C), "Group Care Facilities and Community Residential Setting Facilities." (Ord. No. 02-85)~~

~~K. Bed and Breakfast Inn, subject to the following: (Ord. No. 99-101)~~

- ~~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.~~

#### **~~14-19B-4 PERMITTED ACCESSORY USES~~**

~~A. Day Care for four (4) or less children.~~

~~B. Greenhouse.~~

~~C. Guest House.~~

~~D. Animals, per Chapter 4 of the Peoria City Code (1992 Edition).~~

~~E. Home Occupations in accordance with Article 14-3, General Provisions, Section 14-3-8, "Homes Occupations," of this Ordinance. (Ord. No. 02-85)~~

~~F. Model Home.~~

~~G. 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.~~

~~H. 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.~~

~~I. 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.~~

~~J. Private Garage or Carport.~~

~~K. Private or jointly owned community center recreational facilities; pools, tennis courts, spas.~~

~~L. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992 Edition). (Ord. No. 98-18)~~

~~M. Fences, per Sections 14-3-14 and 14-3-15.~~

~~N. Tool Sheds for storage and domestic supplies.~~

~~O. Temporary Buildings and Yards incidental to construction work per Section 14-25-3.~~

~~P. Other buildings and structures, customarily accessory to single family dwellings.~~

**~~14-19B-5 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED PRINCIPAL USES~~**

~~A. Minimum Lot Area. Thirty five thousand (35,000) square feet.~~

~~B. Minimum District Size. Five (5) acres.~~

~~C. Minimum Lot Width. One hundred twenty five (125) feet.~~

~~D. Minimum Setbacks and Yards.~~

~~1. Front Yard forty (40) feet.~~

~~2. Side Yard fifteen (15) feet.~~

~~3. Street Side Yard fifteen (15) feet.~~

~~4. Rear Yard twenty (20) feet.~~

~~E. Maximum Building Height. Thirty (30) feet. (Ord. No. 04-187)~~

~~F. Maximum Lot Coverage. Thirty percent (30%).~~

**~~14-19B-6 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED CONDITIONAL USES~~**

~~A. Permitted Conditional Uses shall conform to the property development standards for Permitted Principal Uses of Section 14-19B-5, except as otherwise specified in this ordinance.~~

**~~14-19B-7 PROPERTY DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS~~**

~~A. Permitted Accessory Buildings shall conform to the Property Development Standards for Accessory Buildings as specified in Article 14-5 except as otherwise provided by the ordinance, and except buildings which house mammals and fowl which shall conform to the principal building setback or the setbacks specified in Sections 14-19B-3 and 14-19B-4. (Ord. No. 04-187)~~