ARTICLE 14-2
DEFINITIONS

(Amended by Ord. No's. 2011-03, 2011-05A, 2013-16)

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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

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 (Ord. No. 02-68):

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. (Ord. No. 07-14)

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. (Ord. No. 94-74)

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." (Ord. No. 98-34A)

Adult Bookstore, Adult Retail Store or Adult Video Store means a commercial establishment, which meets both provisions, 1 and 2 below: (Ord. No. 98-34A)

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. (Ord. No. 98-34A)

Adult Motel means a hotel, motel or similar commercial establishment that: (Ord. No. 98-34A)

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 subrent 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. (Ord. No. 98-34A)

Adult Theater means a theater, concert hall, auditorium, or similar commercial establishment that regularly features person 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. (Ord. No. 98-34A)

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 Article shall be designated as Adult Uses: (Ord. No. 98-34A)

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. (Ord. No. 02-68)

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.

Alternative tower structure means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. (Ord. No. 98-15)

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. (Ord. No. 99-101)

Board means the Peoria Board of Adjustment.

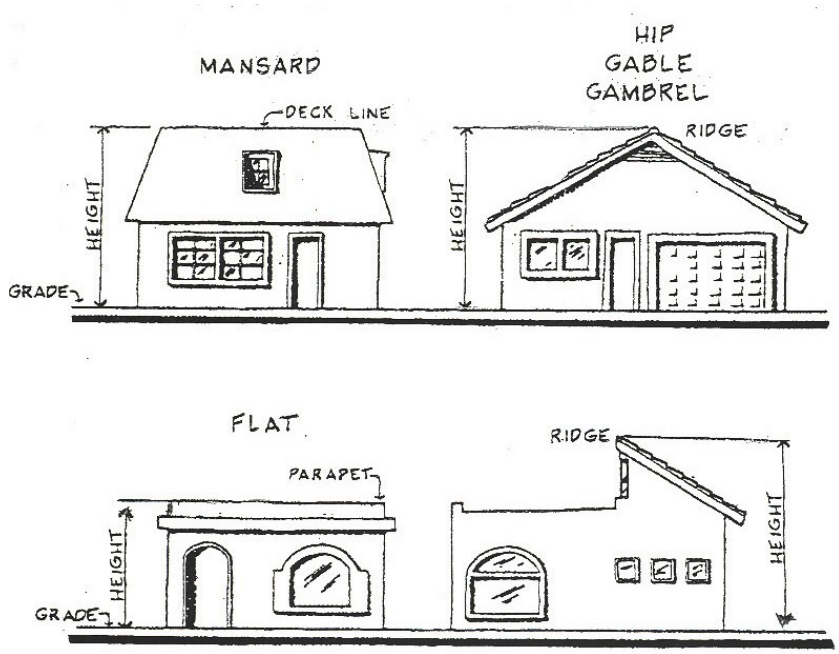
Body Piercing Studio means a business that as one of its principal uses implants, perforates, or pierces the skin or other body part to make a hole, mark or scar for a non-medical purpose. A Body Piercing Studio shall not include a Jewelry Store, Boutique, Beauty Parlor or similar establishment that 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. (Ord. No. 00-28)

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. (Ord. No. 04-187)



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. (Ord. No. 04-188)

Church, synagogue or temple means a permanently affixed building, where one of the principal uses is for religious worship. (Ord. No. 98-34A)

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. (Ord. No. 05-25)

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. (Ord. No. 05-58A)

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. (Ord. No. 05-58A)

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. (Ord. No. 97-41)

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. (Ord. No. 98-34A)

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. (Ord. No. 88-09)

Construction means all structures, driveways, parking, vehicle storage, nonnative landscaping, water surfaces, decks, walks, and improved recreation facilities on the subject property. (Ord. No. 02-68)

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 chapter. (Ord. No. 97-100)

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. (Ord. No. 02-21)

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. (Ord. No. 93-25)

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. (Ord. No. 93-25)

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. (Ord. No. 93-25)

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. (Ord. No. 2013-16)

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. (Ord. No.10-24)

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. (Ord. No. 97-100)

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. (Ord. No. 02-68)

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. (Ord. No. 00-68)

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. (Ord. No. 07-14)

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. (Ord. No. 04-188)

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. (Ord. No. 88-09)

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. (Ord. No. 94-74)

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. (Ord. No. 02-21)

Drop-off Lane means an on-site one-way queuing lane for dropping off or picking up passengers. (Ord. No. 00-68)

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. (Ord. No. 07-22)

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. (Ord. No. 07-22)

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. (Ord. No. 07-22)

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. (Ord. No. 07-22)

Effective Date means the date upon which this Chapter 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. (Ord. No. 98-15)

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

Exempt Land Use Law means a Land Use Law that: (Ord. No. 07-14)

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: (Ord. No. 97-41; Ord. No. 07-14)

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.

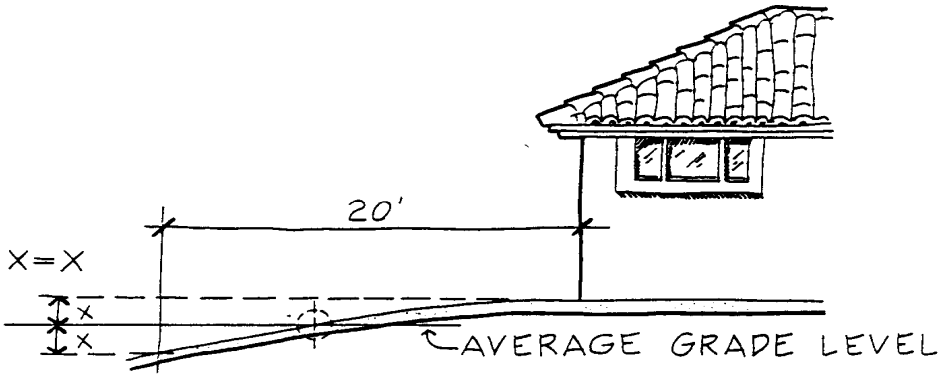
Family Member means the spouse, emancipated or unemancipated child, parent, sibling, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the legal owner of private real property, an 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. (Ord. No. 07-14)

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. (Ord. No. 94-74)

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. (Ord. No. 94-74)

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 14-10-3A. (Ord. No. 87-39)

Grade means the average level of the finished ground surfaces surrounding a building or structure, within a distance of twenty (20) feet. (Ord. No. 94-74)



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. (Ord. No. 97-41)

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, rooming 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. (Ord. No. 97-41)

GuestHouse 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.

Handicapped means a person whom: (Ord. No. 97-41)

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 Title 13, Arizona Revised Statutes or Title 21, United State Code.

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. (Ord. No. 97-100)

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. (Ord. No. 00-68)

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. (Ord. No. 98-34A)

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. (Ord. No. 07-14)

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.

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. (Ord. No. 07-14)

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. (Ord. No. 99-112)

Loading Space means the off-street area required for the receipt or distribution, by vehicles, of material or merchandise. (Ord. No. 00-68)

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.

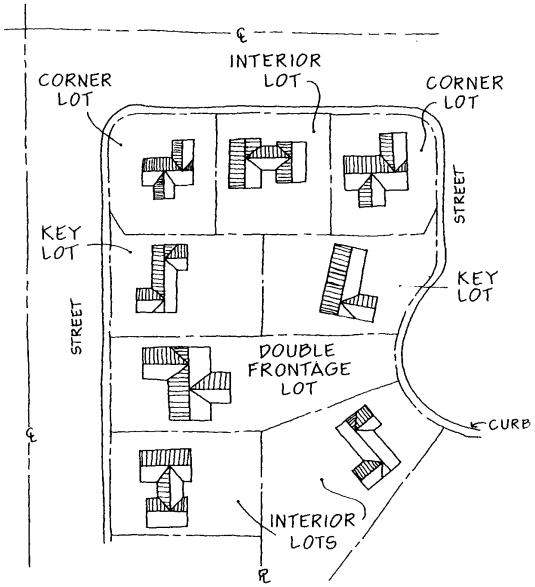
1. Corner lot means a lot abutting on two or more intersecting streets having an interior angle of intersection not exceeding one hundred thirty-five degrees.

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. (Ord. No. 03-158)



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.

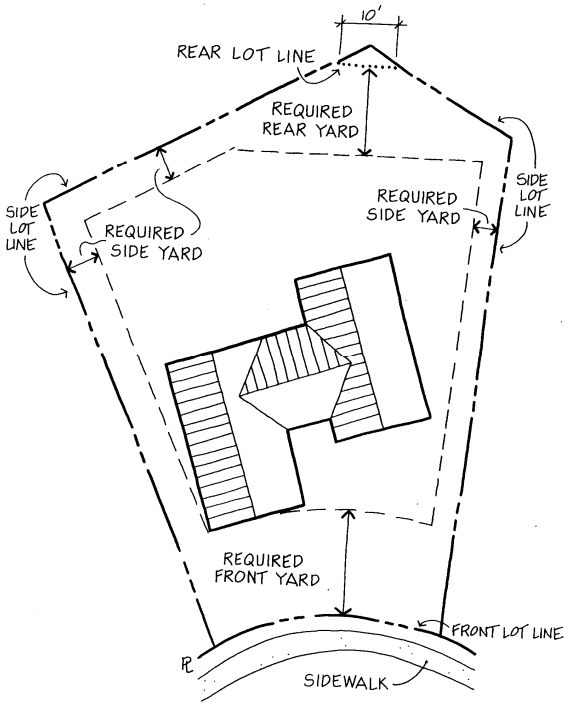
Lot Depth means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

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. (Ord. No. 03-158)

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. (Ord. No. 00-68)

Massage Establishment means any building, room, place, or establishment, other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor or osteopath with or without the use of therapeutic, electrical, mechanical or bathing devices. A Massage Establishment shall also include any bathing establishment operated in conjunction with the business. Massage establishments, as established herein, shall not include uses including but not limited to beauty parlors, salons, spas and health and exercise facilities where massage services may be available as an accessory use to a permitted principal use. (Ord. No. 00-28)

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. (Ord. No. 2011-05A)

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. (Ord. No. 2011-05A)

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. (Ord. No. 2011-05A)

Medical Marijuana Statute is the Arizona Medical Marijuana Act codified at A.R.S., Title 36, Chapter 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. (Ord. No. 2011-05A)

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. (Ord. No. 00-68)

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.

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. (Ord. No. 10-24)

Non-Conforming Use means any building, structure, premise, or use lawfully existing at the time of the adoption of this Zoning Ordinance, or lawfully established at such time as the Ordinance is amended, but does not conform with the regulations of the zone in which it is located. (Ord. No. 00-68)

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. (Ord. No. 00-28) (Ord. No. 2013-16)

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: (Ord. No. 98-34A)

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: (Ord. No. 98-34A)

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. (Ord. No. 97-41)

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. (Ord. No. 98-34A)

Outdoor Display means display of retail merchandise and retail sales outside of an enclosed structure. (Ord. No. 01-167)

Outdoor Storage means exterior storage of material including items for sale, lease, processing and repair for a period greater than 24 hours. (Ord. No. 04-188)

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. (Ord. No. 04-188)

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. (Ord. No. 07-14)

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. (Ord. No. 94-74)

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. (Ord. No. 94-74)

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. (Ord. No. 94-74)

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. 2011-03)

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. (Ord. No. 07-14)

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. (Ord. No. 92-14; Ord. No. 07-14)

Plasma Center means a business, which provides compensation to patrons for plasma drawn from the human body. (Ord. No. 00-28)

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. . (Ord. No. 00-68)

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. (Ord. No. 98-15)

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): (Ord. No. 06-16)

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

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.” (Ord. No. 98-15)

Railroad Use means the occupation and use of land, buildings and structures for purposes directly connected with rail transportation of articles, 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. (Ord. No. 99-101)

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. (Ord. No. 98-18)

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. (Ord. No. 01-26)

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. (Ord. No. 01-26)

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. (Ord. No. 97-100)

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. (Ord. No. 00-68)

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. (Ord. No. 00-68)

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. (Ord. No. 93-06)

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. (Ord. No. 00-68)

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. (Ord. No. 2010-23)

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. (Ord. No. 94-74)

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. (Ord. No. 97-41)

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. (Ord. No. 99-89)

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. (Ord. No. 99-89)

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. (Ord. No. 99-89)

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. (Ord. No. 99-89)

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, particleboard, chipboard or masonite. (Ord. No. 95-15)

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. (Ord. No. 98-34A)

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: (Ord No. 98-34A)

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: (Ord. No. 98-34A)

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: (Ord. No. 98-34A)

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. (Ord. No. 94-74)

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. (Ord. No. 79-72)

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. (Ord. No. 96-21)

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. (Ord. No. 00-28)

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. (Ord. No. 2010-23)

Temporary Use or Building means a use or structure permitted under this chapter 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. (Ord. No. 2010-23)

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. (Ord. No. 98-15)

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. (Ord. No. 98-18)

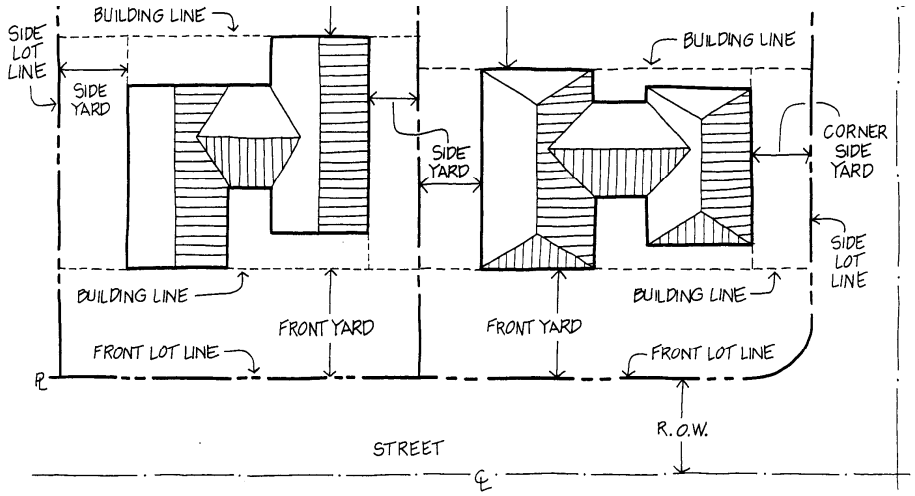
Variance means a modification of the literal provisions of this chapter granted by the Board upon a finding that strict enforcement of the chapter would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted.

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. (Ord. No. 07-14)

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. (Ord. No. 07-14)

Wireless Communication Facility 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 and similar communication purposes, including self-supporting lattice towers, guyed towers, and monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term also includes the structure and any support thereto. (Ord. No. 98-15)

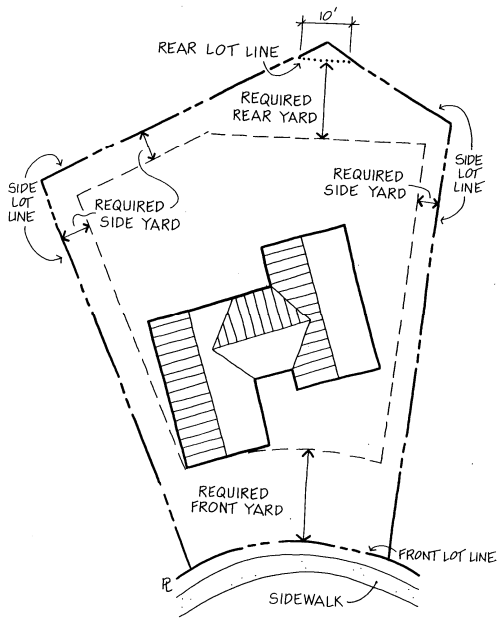
Yard means an open space located between any portion of a building and the nearest lot line, or the nearest adjacent building or group of buildings, as the context indicates, unoccupied and unobstructed from the ground upward, except as otherwise provided for in this chapter.



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 Inspector means the Planning Manager.

(Section 14-2-2 amended by Ordinance No. 2010-23, enacted August 17, 2010 and effective September 22, 2010.)