

# ARTICLE 14-3

## GENERAL PROVISIONS

(Ord. No. 02-85)

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### 14-3-1 INTENT

The purpose of the General Provisions Article is to set forth provisions that apply to all or various zoning districts. In the case of a conflict between provisions set forth in this Article and provisions for a specific zoning district, the stricter provision shall govern.

### 14-3-2 GENERAL USE PROVISIONS

#### A. General Use Restrictions

1. *Principal uses.* Only those uses and groups of uses specifically designated as permitted principal uses in zoning district regulations shall be permitted as principal uses; all other uses shall be prohibited, except as otherwise provided in this Ordinance.
2. *Conditional uses.* Certain specified uses designated as permitted conditional uses may be permitted as principal uses subject to special conditions of location, design, construction, operation, and maintenance hereinafter specified in this ordinance or imposed by the City during the development review and approval process.
3. *Accessory uses.* Uses normally accessory and incidental to permitted principal or conditional uses shall be permitted as hereinafter specified. No accessory use

or structure shall be permitted in any zoning district until its principal use or structure is present or under construction with an approved building permit.

4. *Temporary uses.* Certain temporary uses may be permitted by temporary use permit, subject to such special conditions as the City may impose in accordance with provisions of this Ordinance.
5. *Unspecified uses.* The schedule of use listings within each zoning district is intended to establish the character of uses to be permitted, but may not include each and every allowable use. Unspecified uses may be permitted by the Community Development Director or designee thereof upon finding that such uses are similar in character to, and not typically more objectionable than, other uses specifically listed as permitted.

**B. Restrictions On Occupation for Dwelling Purposes**

1. No cellar, garage, tent, basement with unfinished structure above, or accessory building shall at any time be used as a dwelling unit. This provision shall not apply to guest houses or to quarters for night watchmen where such are allowed.
2. No mobile home or recreational vehicle outside an approved mobile home or recreational vehicle development shall be used as a dwelling unit at any time in any zoning district.

**C. General Yard and Setback Requirements**

1. *Future streets.* When future street lines have been officially established by the City Council, all required setbacks along said streets shall be measured from such street lines. For private streets or private access-easements, setbacks shall be measured from the street easement or tract boundary.
2. *Separate space requirements.* No lot, yard, parking or loading area, building area, or other space nor any part thereof, that is required about, or in connection with, any building, shall be included as part of a yard, area, or space required for any other building.
3. *Sight distance triangles.* Sight distance triangles shall adhere to the provisions set forth in the Peoria Infrastructure Guidelines.
4. *Cooling units and similar devices in non-residential districts.* In non-residential zoning districts, compressor units, condensing units, cooling towers, evaporative condensers, and similar devices shall be located at a minimum distance of three (3) feet from any interior lot line, except as otherwise provided in this Ordinance. Air conditioning units may be located entirely within a required side or rear yard provided such device conforms to the provisions of the Building Code.
5. *Projections into required yards in all districts.* (Ord. No. 06-07)
  - a. Awnings, canopies, standard balconies, open fire balconies, fire escape stairs, exterior stairs and other architectural embellishments shall not project

or extend more than five (5) feet over any required yard, and shall be no closer than two (2) feet to any lot line.

6. *Projections into required yards in residential districts.*

In residential zoning districts, projections shall meet the following standards:

- a. Any projection lying within three (3) feet of any lot line shall be subject to provisions of the International Residential Code (IRC), and shall be constructed with 1 Hour Protection as therein defined.
- b. Window type refrigeration units not exceeding one and one-half (1.5) tons or a one and one-half (1.5) horsepower rating, suspended or roof evaporative coolers, and forced air furnaces shall not project or extend more than five (5) feet into any required yard and shall be no closer than two (2) feet from any lot line. Air conditioning units may be located entirely within a required side or rear yard provided such device conforms to the provisions of the City's Building Code. (Ord. No. 04-187)
- c. Cornices, eaves, and other overhangs shall not project more than three (3) feet over any required yard and shall be no closer than two (2) feet to any lot line; however, any projection within three (3) feet of any lot line shall be subject to provisions of the International Residential Code (IRC), and thereby be constructed with 1 Hour Protection as therein defined.
- d. Sills, leaders, belt courses, and similar ornamental features may project up to two (2) feet into any required yard provided that a minimum of five (5) feet remains in the side yard setback dimension.
- e. Building projections, such as bay windows, chimneys, pilasters, green house windows, vestibules, built-in bookshelf and entertainment center projections, and similar functional projections may project a maximum of two (2) feet into a required yard provided that said projection is no closer than three (3) feet to any lot line. The projection shall have a maximum width of ten (10) feet, paralleling the nearest lot line, with a maximum width of twenty (20) feet of projection allowed per facade. (Ord. No. 04-199)
- f. Terraces, patios, steps, or other similar un-roofed features not over three (3) feet in height above grade may project into any required yard provided that projections into required front yards shall not exceed ten (10) feet. Such projections shall be no closer than three (3) feet from any lot line.
- g. Arched masonry entry features may be constructed as part of a fence surrounding the front yard. Such features shall not exceed seven (7) feet in height and shall not exceed three (3) feet in width. Such features shall adhere to the side yard setbacks of the principal building. No more than one such feature shall be permitted on a given lot.
- h. A structure, which is a primary front entryway or porch may extend into a required front yard setback a maximum of three (3) feet, provided that such structure is not fully enclosed and is not more than eleven (11) feet in width.

- i. A trellis or similar type lattice structure for the purpose of training vegetation may project into any required side or rear yard under the following conditions:
  - 1) Lattice structures not higher than six (6) feet without an attached roof member may be placed on the property line and utilized in the same manner and under the same conditions as a property line fence.
  - 2) Lattice structures that are higher than six (6) feet but no higher than eight (8) feet, with or without an attached roof member, may be located within three (3) feet of a side or rear property line.
  - 3) Lattice structures over eight (8) feet high, with or without an attached roof member, must meet all minimum required yard setbacks for the principal structure.
  - 4) For the purpose of this section trellis and/or lattice structures shall meet the following dimensions:
    - a) Openings shall be no smaller than one (1) inch by one (1) inch and no longer than twelve (12) inches by twelve (12) inches.
    - b) Minimum dimensions of cross strips shall not exceed two (2) inches by two (2) inches.

**D. Height Exceptions**

1. Church spires, belfries, cupolas and domes not for human occupancy; monuments; water towers; and noncommercial radio or television antennas located in any zoning district may be erected to a height not exceeding one hundred (100) feet. (Ord. No. 03-09)
2. Height regulations established elsewhere in this Ordinance shall not apply to the following when located in industrial districts: chimneys; smokestacks; derricks; conveyors; grain elevators; or similar structures wherein the industrial process involved customarily requires a height greater than otherwise permitted in this Ordinance.
3. Religious institutions, schools, public buildings and other similar public assembly uses may exceed the maximum height established by a particular zoning district, provided that the minimum front, side and rear setbacks shall be increased by one additional foot for each foot by which the height of the building exceeds the maximum building height.

**E. Trash Enclosures**

A permanent concealing enclosure for temporary storage of garbage, refuse, and other waste materials shall be provided for every use, other than single-family dwellings, in every zoning district. Such enclosures shall adhere to provisions set forth in the City's Infrastructure Development Guidelines as most recently amended.

**F. Exterior Lighting**

1. *Purpose.* The Exterior Lighting regulations are intended to create awareness and maintain a high level of the City's physical and visual qualities by limiting light pollution, promoting energy conservation, reducing glare, and limiting pole height.
2. *Applicability.* All lighting within the Peoria City limits shall comply with the Dark Sky Ordinance (Ord. No. 98-114) set forth in the City Code, Chapter 20, Sections 20-60 through 20-67, and all amendments thereof. These regulations shall apply to all outdoor lighting including, but not limited to, search, spot, or floodlights for all structures, recreational areas, parking lots, landscape areas, or other outdoor lighting.
3. *Allowable Height.* The height of any freestanding light fixture shall not exceed sixteen (16) feet in a residential zoning district or twenty-five (25) feet in any other zoning district. Exempt from the height restrictions are the following uses: (Ord. No. 06-07)
  - a. Baseball, softball, soccer, volleyball, or football fields or similar uses
  - b. Golf driving ranges
  - c. Outdoor arenas and amphitheaters
  - d. Public parks
4. *Adjacent to Residential Districts.* Lighting in any non-residential zoning district shall be shielded in a manner in which the light source is not visible from, nor are there spillover effects into, the residential zoning district. Additionally, any outdoor light fixture in a non-residential zoning district shall be a minimum of ten (10) feet from any adjacent residential zoning district. (Ord. No. 06-07)
5. *Within Residential Districts.* Any lighting on residential properties shall be directed downward and shielded in a manner that the illumination source shall not be visible from any adjacent property.
6. *Sign Lighting.* Any lighting used to illuminate wall or ground mounted signs shall be directed downward and shielded in a manner that the illumination source shall not be visible from any adjacent property.
7. *Submittal Requirements.* All new development submittals shall include an outdoor lighting plan for the entire site that describes compliance with the standards of this ordinance and the Dark Sky Ordinance set forth in the City Code, Chapter 20, Sections 20-60 through 20-67.

**14-3-3 ACCESSORY BUILDINGS AND USES****A. General Provisions**

1. When attached to a principal building or connected to the principal building by a covered passage-way, an accessory building shall be considered an integral part of the principal building for the purpose of determining building heights and setbacks.
2. No accessory building or use shall be constructed or established on a lot prior to the principal building or use being present.

**B. Swimming Pools**

1. Barriers and/or enclosures shall be provided for all swimming pools in accordance with Chapter 5, "Buildings and Building Regulations," of the City Code, and with any other applicable regulations.
2. Outdoor swimming pools, whether private, public, or commercial, shall not be located in any required front yard, and the water edge shall be a minimum of four (4) feet from the lot line.

**C. Sport Courts (Ord. No. 06-07)**

All Sport Courts, including but not limited to the following, tennis courts, pickle ball, tetherball, volleyball, basketball and other similar active recreational facilities, including the enclosure and lighting, may be built on a single family lot as follows:

1. Sport courts shall not be permitted in a required front yard.
2. Sport courts without lighting shall be set back five (5) feet from all side and rear lot lines, measured from the edge of the playing surface.
3. Sport courts with lighting shall be set back twenty (20) feet from all side and rear lot lines, measured from the edge of the playing surface and the base of the lighting standard.
4. Outdoor lights shall not be operated between 10:00 PM and sunrise and shall be shielded in accordance with Section 14-3-2, "General Use Provisions," Subsection F, "Exterior Lighting," of this Article.
5. Sport courts shall be fenced with a vinyl netting or coated/painted chain link – type fence, with a maximum height of sixteen (16) feet, to prevent tennis balls from landing on adjacent properties.
6. Plans for the construction of a sport court shall be submitted to the Community Development Department for a determination of zoning compliance. Sport court plans shall include setback dimensions from all property lines and the location and height of any walls, fences, or lighting related to the sport court.

**14-3-4 SCREENING**

## A. Intent

The intent of this Section of the Peoria Zoning Ordinance is to establish general development standards for screening between uses of differing character, density, or intensity and for screening certain uses and activities on a site from public view. The screening standards are intended to assure compatibility of uses, minimize deterioration of properties and property values, and to enhance the health and safety of the residents of Peoria.

## B. Use of Screening

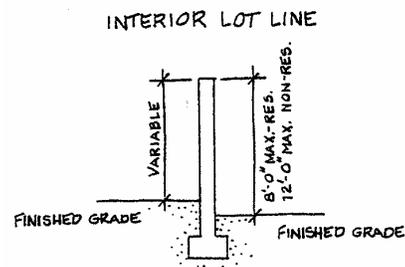
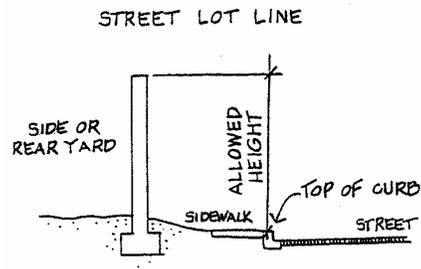
1. *Wall or Fence.* A masonry wall or fence a minimum of six (6) feet in height above grade, or as otherwise approved, shall be constructed and maintained between the following uses of differing intensity or character:
  - a. Single-family and multi-family developments
  - b. Different multi-family developments
  - c. Residential and non-residential uses
  - d. Different non-residential uses
  - e. Rear and/or side lot areas and adjacent public rights-of-way
  - f. Recreational vehicle or boat storage areas and areas with public rights-of-way, residential, or non-residential uses
2. *Educational and Municipal Facilities.* Public elementary and secondary and similar private educational facilities, as well as municipal facilities, are exempt from the screening provisions of this section.
3. *Loading and Delivery Bays.* All loading and delivery bays shall be screened from street view in accordance with provisions of Section 14-23-4.
4. *Outdoor Storage.* All outdoor storage for Commercial and Industrial uses, and for materials, equipment, vehicles, or other similar items, shall be screened from public view, public uses, and areas such as rivers, washes, equestrian and bike paths, parks, golf courses, and other public open spaces. Such screening shall consist of a wall or fence with a minimum height of six (6) feet, or a height that will adequately screen the stored items as determined by the Planning Manager during the Site Plan review process. Agriculturally related activities are exempt from this provision.
5. *Utilities.* All utility substations, wells, storage facilities, or other utilities shall be screened from public view. Such screening shall consist of a wall, fence, or landscape screen of a height adequate to screen the facility, as determined by the Planning Manager during the Site Plan review process.

6. *Mechanical Equipment.* All roof mounted mechanical equipment, except for single-family uses, shall be fully screened from public view unless otherwise specified elsewhere this Ordinance.

**14-3-5 WALLS AND FENCES**

A. General Provisions (Ord. No. 95-15)

1. *Permit Required.* No persons, firm or corporation, except an agriculture activity shall hereafter construct, or cause to be constructed or erected within the City of Peoria any fence or wall over six (6) feet, eight (8) inches in height without first making an application for and securing a permit from the Community Development Department. In addition, no fence or walls shall be constructed within the street right-of-way without obtaining a permit from the Engineering Department.
2. *Locations.* All fences or walls shall be located entirely upon the private property of the persons, firms, or corporation constructing, or causing the construction of such fence unless the owner of the property adjoining agrees, in writing, that such fence or wall may be erected on the division line of the respective properties. This shall not apply to the initial wall construction by the homebuilder.
3. *Maintenance.* Every fence or wall shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair, damage, or unsightliness, or constitute a nuisance, public or private. Any such fence or wall which is, or has become, dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect is a public nuisance and the Code Compliance Officer shall commence proper proceedings for the abatement thereof. Any wall, or a portion of any wall, which is removed for any purpose or by any means whatsoever, shall be restored to its original or upgraded condition relative to construction, material and finish whenever exposed to any street or any adjoining property.
4. *Measuring Fence and Wall Height.* The height of any fence or wall shall be calculated to the uppermost points as follows:
  - a. In required yards abutting a street, the height of the fence shall be the height measured from the curb or finished grade on the street side of the fence or wall.
  - b. On non-street property lines, the height may be measured from the highest finished grade on either side of the fence or wall. However, in no case shall the height of the fence or wall on either side exceed eight (8) feet in height within or abutting a residential



district, or twelve (12) feet in the case of a non-residential district.

5. *Undulating Wall Required.* All fences and walls along arterial streets with a continuous length greater than two hundred (200) feet shall use an undulating pattern at minimum intervals of one hundred (100) feet or at every other side lot line, whichever is less in distance, to provide variety and visual interest. The undulation depth from the street line shall be minimum of three (3) feet. Alternate patterns to the above requirements may be approved during the Preliminary Plat or Site Plan Review Process. (Ord. No. 04-186)
6. *Finish Elevations.* Any fence or wall that is constructed to have only one elevation “finished”, which shall be defined as not having its supporting members significantly visible, shall be erected such that the finished elevation of the fence is exposed to the adjacent property or street.
7. *Exemptions.* Exempt from the height restriction to three (3) feet within or bounding the front yard, as set forth in Section 14-3-5, “Wall and Fences,” section (B)(1), “Residential Requirements,” are the following:
  - a. An agriculture activity
  - b. Uses in the Suburban Ranch Districts
  - c. Schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants.
  - d. Temporary construction sites which are enclosed for security purposes.
  - e. Temporary construction yards for off-site construction.
  - f. Arched, masonry entry features in accordance with Section 14-3-2 c(6)(g) of this Article.
8. *Barbed Wire Fences:* Barbed wire shall be prohibited in the City of Peoria except for the following:
  - a. Barbed wire shall be permitted in the General Agriculture and Suburban Ranch zoning districts.
  - b. Barbed wire shall be permitted for temporary construction sites or yards in all zoning districts provided that the barbed wire is located six (6) feet or more above grade.
  - c. Barbed wire shall be permitted for security purposes for commercial and industrial uses provided that the barbed wire is located six (6) feet or more above grade.

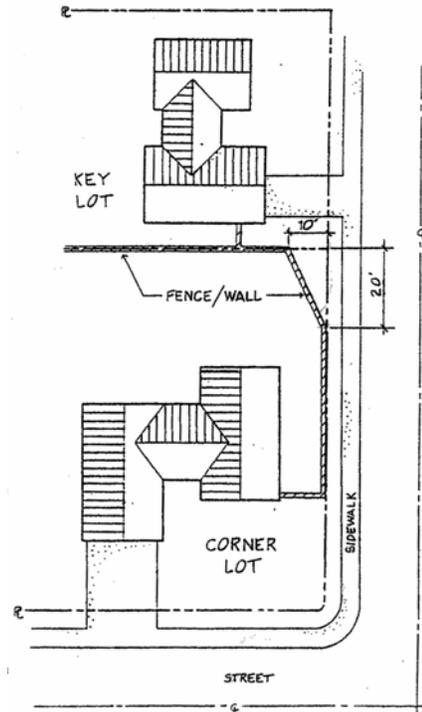
**B. Residential Requirements**

1. *Height of Fences and Walls.* In all Residential Districts, no fence or wall within or bounding the front yard shall exceed a height of three (3) feet, and no fence or

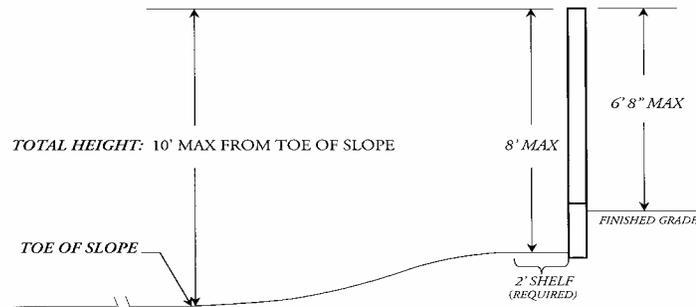
wall within or bounding a side or rear yard shall exceed a height of six (6) feet eight (8) inches, except as may be specified elsewhere within this Ordinance.

2. *Corner Lots and Key Lots.*

- a. On a corner lot contiguous to a key lot a fence or wall over three (3) feet in height may be placed on the property line except within a triangle measured ten (10) feet from the street line along the common lot line, and twenty (20) feet along the property line extending from the common lot line towards the front of the corner lot.
- b. On a key lot contiguous to a corner lot, a fence or wall not exceeding six (6) feet eight (8) inches may be erected along that portion of a key lot contiguous with the rear yard of the corner lot, but such fence or wall shall not come closer to the front line of the key lot than ten (10) feet.

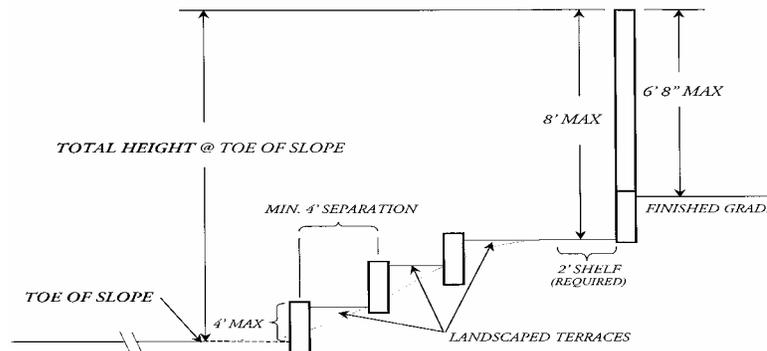


- 3. *Street Side Lots.* The lot side of a wall shall not exceed six (6) feet eight (8) inches in height, measured from finished grade. The Street side shall not exceed ten (10) feet in height, measured from top of curb. Terracing shall be permitted. Terrace walls shall not exceed four (4) feet in height, measured from finished grade and shall be separated by no less than four (4) feet except as specifically provided elsewhere in this Ordinance. Terraces are to be landscaped. All terracing requirements shall be subject to review by the City Engineer and the Building Safety Division. Wall height requests above ten (10) feet shall be reviewed for approval by the City Engineer. Nothing herein is intended to relax the building code or other applicable city standards.
- 4. *Retention Lot.* Walls adjacent to planned or natural retention areas, waterways, or natural trails shall be constructed according to Figure A. The non-lot side of the wall will be referred to as the retention side of the wall. This illustration shows the top of wall measuring a maximum of six (6) feet eight (8) inches from finished grade on the lot side of the wall and a maximum of eight (8) feet from the required bench on the retention side of the wall. Note the Total Height is a maximum of ten (10) feet from the toe of the slope. A contiguous grade shall extend a minimum horizontal distance of six (6) feet from the toe of the slope in order to use the toe as a point of measurement.



**FIGURE A**  
N.T.S.

If the Total Height exceeds ten (10) feet, all affected walls shall be constructed according to Figure B. Terrace walls shall not exceed four (4) feet in height, measured from finished grade and shall be separated by no less than four (4) feet. Terraces are to be landscaped. Wall standards for these walls will be applied to terrace walls. Terracing requirements shall be subject to review by the City Engineer and the Building Safety Division. All retaining walls are subject to review by the City Engineer. Nothing herein is intended to relax the building code or other applicable city standards.



**FIGURE B**  
N.T.S.

5. **Exceptions.** Waivers from the wall requirements may be granted by the Planning Manager if the applicant for the waiver has provided a Waiver of Proposition 207. A wall plan and narrative shall be submitted to the Planning Manager for review. Waivers may be granted based on the following:
  - a. Topography prohibits walls from conforming to wall requirements.
  - b. Waiver will not be detrimental to present or future surrounding property owners.
  - c. City Engineer recommends approval of waiver.

(Section 14-3-5 amended by Ordinance No. 07-14, enacted and effective April \_\_\_\_, 2007.)

If the waiver request is denied by the Planning Manager, the applicant can file a Variance Request to be heard by the Board of Adjustment, in accordance with Article 14-39 of this Ordinance.

6. *Gates Required.* In those instances where a fence or wall is erected as an enclosure which restricts access from the front to the rear yard, a gate with a minimum of three (3) feet in width shall be included to provide access. The location of such ingress points shall be positioned at any point paralleling the front lot line between the side lot line and the principal structure.
7. *Noise Attenuation Walls Required.* Where adjacent to a transportation corridor a masonry noise attenuation wall eight (8) feet in height constructed of a minimum of six (6) inch (thick) concrete block, or as otherwise approved by the City Engineer, shall be placed adjacent to the transportation corridor for any residential subdivisions recorded after the effective date of this Ordinance. A transportation corridor shall be defined as all arterial streets, truck routes north of Union Hills Drive, Lake Pleasant Parkway, Loop 101, Loop 303, State Route 74, and the Santa Fe Railroad. (Ord. No. 03-11)

C. Commercial and Industrial Requirements.

1. Fences and walls in all Commercial and Industrial Districts shall not exceed ten (10) feet in height except that boundary line fences abutting Residential Districts shall not be greater than six (6) feet eight (8) inches in height, or except as specifically required as a condition of an approved Site Plan or Preliminary Plat or as otherwise specified in this Ordinance.
2. In industrial zoning districts, walls and fences on local streets except when adjacent to a Residential District, may exceed three (3) feet in height in the front and corner side yard building setback when located no closer than ten (10) feet to the street line except as may be specified elsewhere in this Ordinance.

**14-3-6 PERFORMANCE STANDARDS**

All uses within the City shall conform to the performance standards set forth below, and shall be constructed, maintained, and operated so as not to be a nuisance or hazard to persons, animals, vegetation, or property located on adjacent or nearby properties or rights-of-way; or to interfere with the reasonable use or enjoyment of adjacent or nearby property by reason of noise, vibration, smoke, dust, or other particulate matter; toxic or noxious matters; odors, glare, heat or humidity; radiation, electromagnetic interference, tire or explosion hazard, liquid waste discharge or solid waste accumulation. Furthermore no use shall be carried out so as to create any nuisance or hazard which is in violation of any applicable Federal, State, or City laws.

A. Noise

No use shall create sound which is in violation of Chapter 13, "Miscellaneous Provisions and Offenses," of the City Code or any other applicable regulations.

**B. Vibrations**

No use shall create inherently and recurrently generated ground vibrations that are perceptible without instruments at any point at or beyond the property lines of the property on which the use is located.

**C. Smoke, Dust, Dirt, or Other Particulate Matter**

No use shall allow the emission of smoke, dust, dirt, or other particulate matter which may cause damage to property or vegetation, discomfort or harm to persons or animals, or prevent the reasonable use and enjoyment of property and rights-of-way, at or beyond the property lines of the property on which the use is located. Furthermore, no use shall be carried out so as to allow the emission of any substances in violation of any Federal, State, or City laws or permits governing the emission of such substances.

**D. Odors and Fumes**

No use shall be carried out so as to allow the emission of objectionable or offensive odors or fumes in such concentration as to be readily perceptible at any point at or beyond the boundary of the property.

**E. Toxic or Noxious Matter**

No use shall be carried out so as to allow the discharge of any toxic or noxious matter in such concentration as to cause damage to property or vegetation, discomfort or harm to persons or animals, or prevent the reasonable use and enjoyment of property or rights-of-way, at or beyond the property line of the property on which the use is located; or to contaminate any public waters or any groundwater.

**F. Fire and Explosion Hazards**

No use shall be carried out so as to create a fire or explosion hazard to adjacent or nearby property or rights-of-way, or any persons or property thereon. Furthermore, the storage, use, or production of flammable or explosive materials shall be in conformance with the provisions of the City Code, Chapter 9, "Fire Prevention and Protection," and with all other applicable regulations.

**G. Liquid Waste**

No use shall be carried out so as to dispose of liquid waste of any type, quantity, or manner which is not in conformance with the provisions of the City Code, Chapter 25, "Water, Sewers, and Sewage Disposal," and all other applicable regulations.

**H. Solid Waste**

No use shall be carried out so as to allow the accumulation or disposal of solid waste which is not in conformance with Chapter 22, "Solid Waste," of the City Code, or

which would cause solid waste to be transferred in any manner to adjacent or nearby property or rights-of-way.

I. Electromagnetic Interference

No use shall be carried out so as to create electromagnetic radiation which causes abnormal degradation of performance of any electromagnetic receptor of quality and proper design as defined by the principles and standards adopted by the Institute of Electrical and Electronics Engineers, or the Electronic Industries Association. Furthermore, no use shall be carried out so as to cause electromagnetic radiation which does not comply with the Federal Communications Commission regulations, or which causes objectionable electromagnetic interference with normal radio or television reception.

**14-3-7 SATELLITE DISH ANTENNAE**

A. Intent

The intent of the regulations set forth in this Section, "Satellite Dish Antennae," is to protect and promote the health, safety, and welfare of the residents of the City of Peoria and the aesthetic quality of life as set forth in the goals, objectives, and policies of the Peoria General Plan, while at the same time not unduly restricting the placement of equipment and hence access to communications provided by Satellite Dish Antennae.

B. Definition

For purposes of this Section, a *Satellite Dish Antenna* shall mean a dish antenna that is usually a parabolic, spherical, conical, bowl, disc, or saucer –shaped accessory structure, which includes the main dish and covering, feedhorn, low noise amplifier, structural supports, and all other components thereof, for the purpose of transmitting and/or receiving communications via electromagnetic waves by line of sight with a geosynchronous orbiting satellite.

C. Applicability

These regulations shall apply to all satellite dish equipment situated in the City of Peoria except as may be otherwise provided in the Telecommunications Act of the Federal Communications Commission.

D. All Residential Zoning Districts (Ord. No. 03-174)

1. General

- a. A maximum of one (1) satellite dish shall be permitted on the premises of any one single-family residential lot.
- b. The satellite dish shall only be utilized for the personal enjoyment of the occupants of the dwelling unit.

- c. The satellite dish shall not be utilized for any commercial purpose.
2. Satellite dishes measuring twenty (20) inches or less in diameter may be mounted on the roof or side of the residence or accessory building, or on the ground, and shall be exempt from screening requirements.
3. Satellite equipment measuring more than twenty (20) inches shall be subject to the following:
  - a. Issuance of a Conditional Use Permit
  - b. Shall not be placed in front yards or corner side yards
  - c. Shall be placed in rear or side yards only and shall be set back from the lot line by a distance equal to or greater than the diameter of the dish
  - d. Shall be screened so as to not be visible from any public street or right-of-way, or from adjacent property

**E. Non-Residential Districts**

Satellite dish equipment in non-residential zoning districts shall comply with the following requirements:

1. Satellite dish equipment in Non-Residential Districts shall be considered a permitted accessory use and subject to all provisions thereof, in accordance with Article 14-9, "Non-Residential Districts."
2. Satellite dishes measuring twenty (20) inches or less in diameter may be mounted on the roof or side of a principal or accessory building or on the ground and shall be exempt from screening requirements.
3. Satellite dishes measuring twenty (20) inches or more shall be screened in a manner so as not to be visible from a public street, public right-of-way, or any adjacent property. All screening shall be consistent with provisions set forth in the City's Design Review Manual.

**14-3-8 MISCELLANEOUS PROVISIONS****A. Unsuitable Site**

If the City determines a site to be an "Unsuitable Site" for a given development, for reasons of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low percolation rate or bearing strength, erosion susceptibility, or any other adverse features, transfer of density shall be permitted in accordance with the density formula established in the Peoria General Plan.

**B. Moving of Buildings**

No building or structure which has been wholly or partially erected on any premises located within or outside the city, shall be moved to or be placed upon any other premises within the City until a permit for such removal and a zoning compliance certificate for such relocation shall have been issued by the Community Development Director or designee thereof. Any such building or structure shall conform to all provisions of this Ordinance in the same manner as any new building or structure. No such building or structure shall be used or occupied until an occupancy permit shall have been issued as herein provided. The moving of any building or structure shall, furthermore, comply with requirements of the City Code, Chapter 5, Section 5-6, "Moving of Buildings."

C. Dumping or Disposal

The use of land for the dumping of scrap iron, junk, garbage, rubbish or other refuse or of ashes, slag or other industrial wastes or by-products shall be prohibited in every zoning district, except as may be otherwise provided in this Ordinance or other applicable regulations, and pursuant to provisions of the City Code, Chapter 17, "Nuisances."

D. Essential Services Permitted

Nothing in this Ordinance shall prevent the location of a public utility facility for any essential services herein defined. Such facility shall adhere to all development standards, including but not limited to setback, height, and landscaping requirements, for the given zoning district.

### **14-3-9 HOME OCCUPATIONS**

A. General

A Home Occupation is an accessory use of the primary dwelling unit permitted either by-right or by conditional use permit. Home occupations are generally conducted and located such that the average neighbor, under normal circumstances, would not be aware of their existence. The home occupation is generally carried on by a member of a family, residing on the premises, and is clearly incidental to the use of the structure for dwelling purposes and does not change the exterior character of the premises in any way.

B. Standards

The standards set forth in this Section are intended to ensure compatibility of the Home Occupation use with the residential character of the neighborhood. The proposed use shall be clearly accessory or incidental to the residential use of the main building to qualify as a home occupation use under this Section.

1. *Home Occupation as Permitted Accessory Use.* A home occupation where permitted, except for Day Care Group Homes, shall be considered a permitted accessory use when it complies with the following regulations:

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

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

**14-3-10 MANUFACTURED HOUSING****A. Applicability**

Manufactured homes shall be homes built and manufactured in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974 (P.L. 93-383, as amended by P.L. 95-128, 95-557, 96-153 and 96-339).

**B. General Requirements**

Manufactured homes may be installed in any single-family residential zoning district. Such installation must meet all requirements of the City's Zoning Code and applicable State regulations. The Community Development Director or designee thereof may require such enclosures, roof overhang, and roofing or siding materials as may be necessary for compatibility with other residential structures in the area. (Ord. No. 82-36)

**14-3-11 MOBILE HOMES, TRAVEL TRAILERS, HOUSE TRAILERS, AND RECREATIONAL VEHICLES****A. Within RMH-1 and RMH-2 Districts**

A mobile home, travel trailer, house trailer, or recreational vehicle may be placed, constructed, assembled, or used, whether for residential or any other purpose, exclusively in the RMH-1 or RMH-2 zoning districts, except as may be otherwise specifically allowed or permitted in this Ordinance.

**B. Outside RMH-1 and RMH-2 Districts****1. Permits in I-1, I-2 and Agricultural Districts.**

Mobile homes, travel trailers, recreational vehicles, or house trailers may be placed in zoning districts I-1, I-2, or Agriculture, provided a permit is obtained from the Community Development Director or designee thereof. Such permits shall not exceed one (1) year in duration and shall be renewable. No permit or renewal thereof shall be issued unless proof is presented that the mobile home, trailer, or vehicle is necessary for, or related to, the industrial or agricultural uses of the property.

**2. Special Permits in Other Districts.**

a. The Community Development Director may issue special permits for placement of travel trailers, house trailers, or mobile homes in other zoning districts for the following purposes (Ord. No. 05-22):

- 1) Sales office for the sale of those products characterized as being "open" land uses, such as automobiles, mobile home, or travel trailer sales
- 2) Construction field office for use by contractors while a permanent building is under construction
- 3) Quarters for the night watchman or caretaker in industrial, commercial, or residential zones, provided no person other than the night watchman or caretaker shall occupy the unit

- 4) Quarters for the night watchman or caretaker in a mobile home sales lot, provided no person other than the night watchman or caretaker shall occupy the unit
- 5) Temporary place of business for the owner or lessee during the course of construction of a new building on the site
- 6) Temporary residence during reconstruction of a residential unit following damage by fire, flood, or other similar casualty

b. Fee

A fee established by the City Council shall be required for all permits issued pursuant to this section; such fee shall be in addition to all other applicable fees.

3. Development Standards outside RMH-1 and RMH-2 Districts.

In addition to all other requirements of this Ordinance, travel trailers, house trailers, recreational vehicles, or mobile homes located outside an RMH-1 or RMH-2 district shall comply with the following:

- a. The unit shall be equipped with wheels that remain on the unit; however, the wheels may be blocked for stability.
- b. Setbacks shall be subject to all regulations of the applicable zoning district. (Ord. No. 05-22)
- c. No permanent room addition shall be attached to the unit nor shall the unit be attached to any permanent structure.
- d. The unit shall contain a water closet and lavatory connected with the City sewer, unless other acceptable sanitary provisions are made as set forth in the City Plumbing Code.
- e. The unit shall comply with the Uniform Electrical Code, and be connected with a minimum of one hundred (100) ampere service on a suitable temporary pole approved by the serving agent, observing all necessary wire clearances.
- f. Permit shall be approved for one (1) year and may be granted for a longer period of time as determined by the Community Development Director or designee. (Ord. No. 05-22)
- g. Any temporary or mobile structures shall be removed prior to Certificate of Occupancy. (Ord. No. 05-22)

**14-3-12 GROUP HOMES, DAY CARE GROUP HOMES, GROUP CARE FACILITIES, AND COMMUNITY RESIDENTIAL SETTING FACILITIES****A. Group Homes (SFR, RM-1, AG, SR-43, SR-35)**

Group Homes shall comply with the following:

1. The single-family residential character of the structure shall be maintained, and additions, alterations, modifications, or accessory uses shall be subject to the same requirements as individual single family detached dwelling units.
2. The applicant, owner, or proprietor shall file a Certificate of Registration with the Community Development Department, and the Community Development Director or designee, after ascertaining compliance with all applicable regulations, shall administratively approve the Certificate.
3. The property line of the lot on which the Home is located shall be a minimum of one thousand, three hundred twenty (1320) feet, measured in a straight line in any direction, from the property line of a lot where any other similar residential facility is located.
4. In the event that the appropriate State licensing agency revokes or terminates an applicant's license, the Certificate of Registration filed with the City shall be deemed to be revoked as of the date of said revocation or termination.

**B. Day Care Group Homes (SFR, RM-1, RMH-1, AG, SR-43, SR-35)**

Day Care Group Homes with five (5) or more children shall comply with the following:

1. Provide evidence of certification by the Arizona Department of Health Services to the Community Development Department.
2. Provide no identification that is visible from a public street, by signage, graphics, display, or other visual means.
3. Provide a six (6) foot high solid (opaque) fence or wall between all outdoor play areas and adjacent properties.
4. To avoid any over concentration of group homes and similar facilities in a particular neighborhood, ensure adequate spacing between any existing and proposed facilities in accordance with the following:
  - a. Provide a separation by a distance of at least six hundred (600) feet measured along the right-of-way line on either street frontage; or
  - b. If significant physical features such as arterial streets, canals, parks, or similar features exist between the proposed facility and any other existing or proposed facility of a similar nature, then the Planning manager may determine that adequate spacing exists to meet the intent of the spacing requirements.

5. The Planning and Zoning Commission may waive the requirements of subsection (B) (4) (above) if sufficient mitigating measures are provided to eliminate potential adverse impacts on adjacent properties and to preserve the existing character of the residential neighborhood.

C. Group Care Facilities and Community Residential Setting Facilities (SFR, RM-1, AG, SR-43, SR-35)

Group Care Facilities and Community Residential Setting Facilities shall comply with the following:

1. Group Care Facilities and Community Residential Setting Facilities located in an Office District (O-1) shall adhere to the following provisions:
  - a. All vehicular access to the facility shall be from arterial or collector streets.
  - b. The property line of the lot on which the Home is located shall be a minimum of one-thousand, three-hundred-twenty (1,320) feet, measured in a straight line in any direction from the property line of a lot where any other similar residential facility is located.
  - c. In the event that the appropriate State licensing agency revokes or terminates an applicant's license, the conditional use permit issued by the City shall be deemed to be revoked as of the date of the license revocation or termination.
2. Group Care Facilities and Community Residential Setting Facilities located in Single Family Residential Districts (R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, and R1-6), Multi-Family Residential District (RM-1), General Agricultural District (AG), Suburban Ranch District (SR-43), or Suburban Ranch District (SR-35) shall comply with all provisions set forth above in section (C) (1) and the following provisions:
  - a. Provide no identification that is visible from a public street by signage, graphics, display, or other visual means.
  - b. Provide a six (6) foot high solid (opaque) fence or wall between all outdoor recreation areas and adjacent properties.

**14-3-13 WIRELESS COMMUNICATION FACILITIES (Ord. No. 98-15)**

It is the intent of this Section to promote the use of appropriate wireless communication facilities while encouraging co-location and design techniques that minimize the impacts of such facilities on the community. The City of Peoria encourages providers to explore all co-location options, locations on existing municipal facilities or locations on existing vertical elements prior to the application for a new facility. The City further encourages applicants to explore all camouflaging and screening options available to reduce the visual and environmental impacts of such facilities to the community.

A wireless communication facility, as defined in Article 14-2, shall be a permitted principal or permitted conditional use in all zoning districts subject to the limitations herein contained in this Article and as otherwise set forth in the Peoria City Code.

A. *General Requirements.* All wireless communication facilities (hereinafter referred to as facility) shall meet the following general requirements regardless of whether they are a permitted principal use or a permitted conditional use.

1. *Inventory of Existing Sites.* Each applicant for a facility shall provide to the City an inventory of its existing facilities or sites approved for facilities that are located either within the City of Peoria, City of Peoria planning area boundary or a county island within the City of Peoria. In addition to showing all existing and approved sites, inventories shall show all other wireless communications sites located within one mile of the proposed site, regardless of jurisdictional location. Each inventory shall include general information about the location, height, and design of each tower. The City may share such information with other applicants applying for administrative approvals or conditional use permits under this ordinance or other organizations seeking to locate antennas within the City; provided however, that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
2. *State or Federal Requirements.* All facilities must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring facilities and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
3. *Building Code Safety Standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
4. *Measurement.* For the purpose of determining separation distances, distances from property lines or districts, and setback distances, distance shall be measured from the closest portion of the pole to the property line, district or pole in question. Tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Peoria, irrespective of municipal and

county jurisdictional boundaries. Minimum setbacks for equipment panels shall conform with the International Building Code.

5. *Franchises or licenses.* Owners and/or operators of wireless facilities shall certify that all franchises or licenses required by law for the construction and/or operation of a wireless communication system in the City of Peoria have been obtained and shall file a copy of all required franchises or licenses with the City.
6. *Pre-existing towers.* Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (routine maintenance does not include replacement with a new tower of like construction and height) and construction related to the use of the pole for the purposes of adding additional carriers shall be permitted on such pre-existing towers. New construction, including replacement of an existing tower, other than routine maintenance on a pre-existing tower, shall comply with the requirements of this ordinance.
7. *Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas.* Notwithstanding this ordinance, bona fide nonconforming towers or antennas that are damaged or destroyed shall not be rebuilt without first obtaining administrative approval or a conditional use permit and meeting the separation requirements specified in this ordinance. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained, or if said permit expires, the tower or antenna shall be deemed abandoned as specified in this ordinance.
8. *Abandonment of Towers or Facilities.* A facility shall be deemed abandoned when such facility is not in use for a period of twelve (12) consecutive months. The owner of the facility shall remove the same within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

B. Permitted Principal Use.

A wireless communication facility shall be a permitted principal use when the facility complies with the following minimum development standards:

1. The antennas or towers are located on: property owned or otherwise controlled by the City of Peoria, provided a license, lease or revocable permit authorizing such antenna or tower has been approved by the City Manager or his designee; property owned by a school district and approved by the appropriate school board or their designee (for purposes of this Article, school district shall not include private schools or charter schools); an existing wireless communications facility; existing utility poles; or are located on existing poles within the existing walls of an electrical substation owned, leased or otherwise controlled by a public utility;

2. The facility is developed as an Alternative Tower Structure and meets all other provisions of this code;
3. The maximum height of a facility, except for rooftop or wall mounted facilities, facilities co-locating on an existing wireless communications facility, facilities locating on existing utility poles, or facilities locating on existing vertical structures on school or municipal property, is sixty-five (65) feet, provided however, if the facility is located within any residential district or within one hundred (100) feet of the property line of a residential use or district, the maximum height is fifty (50) feet; (Ord. 98-111)
4. An installation co-locating on an existing wireless communications facility may not increase the overall pole height by more than fifteen (15) feet, and the antennas shall not exceed a maximum height of eighty (80) feet or sixty-five (65) feet in any residential district. Installations co-locating on existing utility poles may increase the height of the pole by not more than fifteen (15) feet. Installations locating on existing vertical structures on school or municipal property shall follow the non-residential height requirements; (Ord. 98-111)
5. The facility replacing an existing pole on school or park grounds does not increase the original pole circumference by more than a 2:1 ratio;
6. Facilities located within a residential zoning district shall not have antennas other than panel antennas and/or whip antennas. Such facilities shall be allowed a single microwave dish not in excess of twenty four (24) inches in diameter;
7. The pole shall be setback from all adjacent residential zoning districts or residential land use property lines a minimum of two hundred percent (200%) of the height of the tower or pole. The pole shall be setback from all non-residential zoning districts or non-residential property lines and all street property lines a minimum of one hundred and ten percent (110%) of the height of the tower or pole;
8. Facilities co-locating on utility poles, facilities within the right-of-way, or facilities located on school or City property, including supporting equipment and cabinets, shall not be required to meet the setbacks requirements set forth above;
9. The freestanding building or equipment structure contains four hundred and fifty (450) square feet or less of gross floor area and is twelve (12) feet or less in height, except when a facility utilizes co-location, the building or equipment structure may contain nine hundred (900) square feet or less of gross floor area. Where ground-mounted cabinets are utilized, they shall not exceed eight (8) feet in height or an area greater than two hundred and fifty (250) square feet;
10. The facility is screened in conformance with Section 14-3-4, "Screening," subsection 14-3-4 (B) (6), of this Article.
11. The rooftop or wall mounted facility is hidden from off-site views and shall be screened to the extent possible by screen walls and/or the building parapet;

12. The colors and texture of the facility shall be compatible with the surrounding environment as determined by the City, except as otherwise required by the FAA;
  13. No commercial advertising or signage is allowed on site;
  14. The facility has at least one (1) parking space designed to City standards. This requirement includes maneuvering areas and access drives. This requirement may be waived when sufficient hard surfaced parking exists;
  15. The rooftop mounted facility is fifteen (15) feet or less in height as measured from the surrounding rooftop height to the top of all appurtenances;
  16. The wall mounted antennae are eight (8) feet or less in height. Wall mounted facilities shall be mounted so as not to extend above the roof-line of the building and shall not project more than twelve (12) inches from the building face;
  17. The facility shall not be artificially lighted, unless required by the FAA or other applicable authority;
  18. The facility is not located within the Hillside Development Overlay District or within thirteen hundred and twenty (1320) feet of a City or state designated historical site; and
  19. The minimum separation between facilities, except for approved alternative tower structures, rooftop or wall mounted facilities, facilities located within the industrial zoning districts, and facilities located on existing vertical structures on school or municipal property, is one thousand three hundred and twenty (1320) feet. (Ord 98-110)
- C. *Permitted Conditional Use.* A wireless communication facility which does not meet the conditions specified above for "Permitted Principal Use," subsection 14-12-11 (B) of this Article, shall be a permitted conditional use and processed in accordance with Article 14-39, Administrative Procedures, Section 14-39-10, Conditional and Special Conditional Use Permits," of this Ordinance. All permitted conditional uses shall meet the following minimum development standards:
1. The maximum height of the facility, except for rooftop or wall mounted facilities, facilities co-locating on an existing wireless communications facility, facilities locating on existing utility poles, or facilities located on existing vertical structures on school or municipal property, shall be eighty (80) feet, provided however, if the facility is located in any residential district or within seventy-five (75) feet of the property line of a residential use or district, the maximum height shall be sixty-five (65) feet; (Ord. 98-111)
  2. An installation co-locating on an existing facility shall not increase the overall pole height by more than fifteen (15) feet, and the antennas shall not exceed a maximum height of ninety-five (95) feet or sixty-five (65) feet in any residential district. Installations co-locating on existing utility poles may increase the height of the pole by not more than fifteen (15) feet. Installations locating on existing vertical structures on school or municipal property shall follow the non-residential height requirements; (Ord. 98-111)

3. The facility replacing an existing pole on school or park grounds does not increase the original pole circumference by more than is necessary to accommodate the additional structural requirements;
4. Such facilities located within a residential zoning district shall not have antennas other than panel antennas and/or whip antennas. Such facilities shall be allowed a single microwave dish not in excess of twenty four (24) inches in diameter;
5. The pole shall be setback from all adjacent residential zoning district or residential land use property lines a minimum of one hundred and ten percent (110%) of the height of the tower or pole. The pole shall be setback from all non-residential zoning district or non-residential property lines a minimum of five (5) feet and shall be setback from all street property lines equal to or greater than the building setback for the district in which the pole is located;
6. Facilities co-locating on utility poles, facilities within the right-of-way, or facilities located on school or City property shall not be required to meet the setbacks requirements set forth above;
7. The facility shall be screened in conformance with Section 14-3-4 of this Article.
8. A rooftop or wall mounted facility shall be hidden from off-site views and shall be screened to the extent possible by screen walls and/or the building parapet;
9. The colors and texture of the facility shall be compatible with the surrounding environment as determined by the City, except as otherwise required by the FAA;
10. No commercial advertising or signage shall be allowed on-site;
11. A facility shall have at least one (1) parking space designed to City standards. This requirement shall also include maneuvering areas and access drives. This requirement shall be waived when sufficient hard surfaced parking exists;
12. A rooftop mounted facility shall be twenty-five (25) feet or less in height as measured from the surrounding rooftop height to the top of all appurtenances;
13. A wall mounted facility shall be twelve (12) feet or less in height. Wall mounted facilities shall be mounted so as not to extend above the roof-line of the building and shall not project more than twelve (12) inches from the building face;
14. The facility shall not be artificially lighted, unless required by the FAA or other applicable authority;
15. A facility may not be allowed within the Hillside Development Overlay District or within thirteen hundred and twenty (1320) feet of a City or state designated historical site; and
16. The minimum separation between facilities, except for approved alternative tower structures, rooftop or wall mounted facilities, facilities located within the industrial zoning districts, and facilities locating on existing vertical structures on school or

municipal property, shall be one thousand (1000) feet, unless otherwise approved by the City Council. (Ord. 98-111)

17. The Applicant shall be provided the opportunity to execute a Waiver of Proposition 207 as to only the property leased or licensed by the Applicant. In addition to any other grounds the City may have, the City expressly reserves the right to recommend denial of such applications in the event the Applicant elects not to execute a Waiver of Proposition 207.

(Section 14-3-13 amended by Ordinance No. 07-14, enacted April 17, 2007 and effective May 17, 2007.)