

# ARTICLE 14-2

## DEFINITIONS

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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

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

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.

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.

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.

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.

# ARTICLE 14-3 GENERAL PROVISIONS

(Ord. No. 02-85)

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## 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
  - f. Sales of Permissible Consumer Fireworks
  - g. Medical Marijuana Dispensing

# ARTICLE 14-9 NON-RESIDENTIAL DISTRICTS

(Ord. No. 02-68)

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### 14-9-3 LAND USE MATRIX

The following land use matrix (Table 14-9-3) indicates uses which are permitted outright, conditionally permitted, or prohibited in specific non-residential zoning districts in the City of Peoria. The land use matrix is intended to serve as a guide for the convenience of the user of this zoning ordinance. Where the text of this zoning ordinance differs from the land use matrix, the text shall prevail. In the event of a specific use not being identified on the matrix, the Community Development Director or designee(s) shall determine the closest associated use based on the provisions of this ordinance. The City will permit any accessory use customarily incidental to a permitted principal use in the same zoning district.

**Table 14-9-3 Land Use Matrix**

| LAND USE  | O-1 | C-1 | PC-1 | PC-2 | C-2 | C-3 | C-4 | C-5 | BPI | PI-1 | I-1 | I-2 |
|---|-----|-----|------|------|-----|-----|-----|-----|-----|------|-----|-----|
| <b>General Retail</b>   |     |     |      |      |     |     |     |     |     |      |     |     |
| <u>Medical Marijuana Dispensary<sup>#</sup></u>                   | -   | -   | -    | -    | C   | -   | C   | C   | -   | -    | -   | -   |
| <b>General Industrial &amp; Manufacturing</b>                     |     |     |      |      |     |     |     |     |     |      |     |     |
| <u>Medical Marijuana Manufacturing or Cultivation<sup>#</sup></u> | -   | -   | -    | -    | -   | -   | -   | -   | C   | C    | C   | C   |

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

### 14-9-5 LIMITATIONS ON USES

- D. General Industrial & Manufacturing (Ord No. 11-##)
  - 1. Mini-storage warehouses, RV, Boat, and Trailer Storage, indoor and/or screened, shall be subject to the following additional requirements:
    - a. For the purposes of this section, an outdoor RV, Boat and Trailer Storage use shall be visibly screened from a public street by an architecturally integrated wall or structure consisting of a minimum height of ten (10) feet, or as otherwise approved by the Planning and Zoning Commission. Additional screening from elevated roadways may be required, such as canopies, berming, or other design solutions.

- b. Doors of the storage areas shall not front on any public street.
  - c. Only storage shall be permitted. No sale of goods, materials or other tangible or intangible property from the facility or any part thereof shall be permitted. No activities conducted on the premises, whether related to the stored items or otherwise. The sale of insurance by the operator on goods stored therein or the sale by the operator of items used in connection with the storage of goods at the site shall not be prohibited.
  - d. No hazardous or flammable materials, as defined in the Peoria City Building Code, shall be stored in such facility.
  - e. The City may exempt any structure from side and rear yard setbacks, except in circumstances where the site devoted to such use abuts a residential use or residentially-zoned vacant property. In such cases, the setback for the site boundary abutting the residential district shall be no less than thirty (30) feet.
  - f. All direct vehicular access shall be from an abutting arterial street.
  - g. The locations of the driveways, wall, landscaping, and buildings shall be so arranged as to minimize traffic disruptions.
  - h. A wall with a minimum height of six (6) feet and a landscaping buffer in accordance with Section 14-35-4.A.3, or as approved by the Planning and Zoning Commission, shall be constructed along the site boundary devoted to such use where abutting a residential use or residentially-zoned vacant property.
  - i. All vehicle storage shall be limited to hard surfaced areas.
  - j. Lighting shall be directed toward the site and shall not cause undesirable glare to nearby residential properties.
2. Recycling Collection Facility and similar establishments shall not be engaged in any processing or compounding to reform materials into a useable state. The Planning and Zoning Commission may require screening, landscaping, and the restriction of use/materials to enclosed structures.
3. Research Laboratories whose principal function is basic research, design and pilot or experimental product development shall have all activities conducted within a completely enclosed building.
4. Medical Marijuana Manufacturing or Cultivation Facility. For the purposes of this section, all distances shall be measured from the exterior wall of the building housing the use.
- a. Other than for delivery to an authorized Medical Marijuana Dispensary, distributing, transmitting, dispensing, giving, selling, or providing medical Marijuana is prohibited.

- b. All cultivation, manufacturing, and storage of Marijuana and Marijuana plants shall occur within secured, enclosed buildings and structures.
  - c. An active security management plan shall be approved by the Police Department.
  - d. The use shall be prohibited within 200-feet of the property line of residential zoned property.
  - e. The use shall not be located within 2,640-feet of another Medical Marijuana Manufacturing or Cultivation Facility.
  - f. The use shall not be located within 1,000-feet of the property line of Day-Care Facilities, Pre-Schools, Public/Charter or Private Schools.
  - g. There shall be no signage advertising the location of Medical Marijuana Dispensaries or Retail Sales of Marijuana on premises at any location.
  - h. The Community Development Director may require additional ventilation and air filtration necessary to ensure compatibility with adjacent uses.
- E. General Retail (Ord. No. 03-171, 11-##, and 11-##)
1. Donation Centers shall be subject to the following conditions:
    - a. Donation drop off shall be limited to business hours only.
    - b. Drop off location shall be at the rear of the building and shall be fully screened from view.
    - c. No drop off items shall be stored outside the screened area.
  2. Pet Shops, including commonly associated accessory uses such as grooming, veterinary care, training, pet day camp services and the boarding of household pets, shall be subject to the following conditions: (Ord. No. 06-16)
    - a. Veterinarian and grooming services shall be restricted to the care and treatment of small animals during regular business hours.
    - b. The commercial breeding of animals shall be prohibited. (Ord. No. 06-16)
    - c. All activities shall be completely contained within enclosed buildings; the building shall be designed and constructed to achieve a Sound Transmission Control Value of 50 or greater.
    - d. All refuse shall be stored within a completely enclosed building.
    - e. Outdoor runs or exercise pens shall be prohibited.
    - f. Overnight boarding services for household pets may be operated as an accessory use, provided no more than twenty-five percent (25%) of the total

square footage of the establishment may be used as sleeping quarters for the boarded pets; and the area shall be constructed, maintained or operated so that the smell of the boarded animals does not create a nuisance off-site. (Ord. No. 06-16)

3. Indoor retail sales of new and used merchandise excluding sale of automobiles, boats, RVs, and motorcycles as an Accessory Use within the BPI Zoning District shall be no greater than 20% of the overall gross floor area (G.F.A.) of the establishment and shall not exceed 1,000 square feet in area.
4. Permissible Consumer Fireworks Sales shall be subject to the following conditions:
  - a. Signage shall be displayed at the point-of-sale in accordance with Peoria City Code Section 9-49.
  - b. Sales may only occur in buildings classified with a Mercantile building occupancy code.
5. Medical Marijuana Dispensary. For the purposes of this section, all distances shall be measured from the exterior wall of the building housing the use.
  - a. All vehicular access shall be from arterial streets.
  - b. Cultivation of Marijuana is prohibited.
  - c. Delivery services are prohibited
  - d. Drive Through sales are prohibited.
  - e. An active security management plan shall be approved by the Police Department.
  - f. The product offered for Retail Sales to Medical Marijuana Cardholders shall be inaccessible to the public entering the Medical Marijuana Dispensary. All product provided for Retail Sales shall be located behind a counter staffed by a Nonprofit Medical Marijuana Dispensary Agent as defined by A.R.S. § 36-2801.et.seq.
  - g. The use shall be prohibited within 200-feet of the property line of residential zoned property.
  - h. The use shall not be located within 2,640-feet of another Medical Marijuana Dispensary or Medical Marijuana Manufacturing or Cultivation Facility.
  - i. The use shall not be located within 1,000-feet of the property line of Day-Care Facilities, Pre-Schools, Public/Charter or Private Schools.
  - j. The use shall not be located within 1,000-feet of a Retail Liquor Store; Tavern, Bar or Lounge; Adult Use; Substance Abuse Treatment Centers; or State Local Alcohol Reception Center.

- k. The use shall provide a plan to ensure that no consumption of Marijuana or any product containing Marijuana occurs on the premises of a Medical Marijuana Dispensary.
- l. Parking and traffic plan shall be required to ensure compatibility with adjacent uses.
- m. Tenant improvement plan shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted buildings codes.