



PLANNING AND ZONING COMMISSION STAFF REPORT

Date **May 6 2021**

To **Planning and Zoning Commission**

From **Jennifer Fostino**
Planner

Subject **Mobile Food Vendor Zoning Ordinance Text Amendment (TA20-02)**

PROPOSAL

The proposed Zoning Ordinance Amendment to Section 21-202 "Definitions", Section 21-503 "Land Use Matrix", and Section 21-505 "Limitations on Uses" are intended to better align the City's mobile vendor (food/merchandise) regulations with State requirements, streamline City requirements and balance the interests of the community.

APPLICATION INFORMATION

Case Numbers Zoning Ordinance Text Amendment (TA20-02)

Applicant City of Peoria

Request(s) Amend the following sections of the City of Peoria Zoning Ordinance:

1. Amend Section 21-202 "Definitions";
2. Amend Section 21-503 "Land Use Matrix"; and
3. Amend Section 21-505 "Limitations on Uses".

BACKGROUND

In May 2018, House Bill 2371 or the "Food Truck Freedom" bill was signed into law and established the state licensing scheme, minimum food safety regulations and inspection standards for mobile food vendors (or Food Trucks) to be administered by the Department of Health Services and county health departments. House Bill 2371 (or HB2371) also placed certain limitations on the governing power of local municipalities as noted below.

Key Highlights from HB2371 (Exhibit 1):

- Cities/towns may:
 - Prohibit operations within a residential zoning district or within two hundred and fifty (250) feet of an area zoned for residential use.
 - Regulate the number of parking spaces, vehicle size, parking duration, and the ability to occupy sites with insufficient parking capacity.

- Cities/towns may not:
 - Require a specific separation distance from the perimeter of an existing commercial establishments or restaurants, except as required by applicable building and fire codes.
 - Require a special permit that would not be required for other temporary or mobile vending businesses in the same zoning district.
 - Require inspection by the local fire department before operation if the mobile food unit passed a fire inspection by another city or town fire department within Arizona in the preceding twelve months.

Mobile Food Vendors have become an increasingly prevalent business in Peoria, the Phoenix metro area, and nationwide. Mobile vendors can provide necessary food or merchandise in locations and timeframes that are convenient for patrons. More recently, the mobile vendor format is seen as a nimble business format, which is conducive to start-up small businesses that are still determining market demands for their goods. While, a majority of cities across the valley have, to some degree, revised their regulations concerning mobile food vendors since the approval of HB 2371, these regulations continue to vary remarkably from city to city in terms of duration, operation limitations, setbacks, and required processes. Alternatively, in response to HB2371, the Arizona League of Cities proposed a model ordinance for possible consideration as well.

Given the lack of uniformity in regulatory practice, planning staff has been working diligently with all applicable City departments, under the guidance of the Council Subcommittee of Codes, to construct general regulations, duration options, and minimum setback considerations that would be appropriate for Peoria, while balancing the needs of businesses. An invitation to learn more about the proposed changes was sent out to stakeholders earlier this year, and staff held two study sessions with the Planning and Zoning Commission to review the methodology and then specifics of the new code. As a result of the guidance and feedback received, City staff is now bringing forward the Mobile Food Vendor Zoning Ordinance Amendment for formal consideration.

APPLICANT'S PROPOSAL

This City-initiated text amendment is intended comply with state regulations, and establishes relevant time, place, and manner restrictions within the City for all mobile vendors. In particular, this amendment introduces new definitions, along with modify applicable location and operational parameters in order to provide clear and balanced regulations while maintaining protections for the health, safety, and welfare of the community. The following summarizes the proposed changes to the Zoning Ordinance (Exhibit 2).

DEFINITIONS (SECTION 21-202)

The definitions identified below are included within the subject Zoning Ordinance Text Amendment and consistent with ARS §9-485.

- *Mobile Food Unit* meaning a food establishment that is licensed by the State of Arizona, that is readily moveable and that dispenses food or beverages for immediate service and

consumption and other incidental retail items from any vehicle.

- *Mobile Food Vendor* meaning any person who owns, controls, manages or leases a mobile food unit or contracts with a person to prepare foods and vend from, drive or operate a mobile food unit.

The proposed definitions identified below are included within the subject Zoning Ordinance Text Amendment and they are directly from the League of Arizona Cities and Towns Food Truck Model Ordinance.

- *Mobile Merchandise Vendor* meaning any person who sells any type of tangible personal property at or adjacent to the person's mobile sales unit in which such tangible personal property is carried.
- *Mobile Merchandise Unit* meaning any vehicle used for carrying tangible personal property for sale at or adjacent to the vehicle in which such tangible personal property is carried.

The intent behind utilizing these standardized definitions is to allow for ease of understanding for vendors that have not yet operated in Peoria, and to provide continuity between Peoria and State regulations.

LAND USE MATRIX (SECTION 21-503)

The Land Use Matrix has been updated to reflect new definitions/land uses.

- *Mobile Food Unit* to replace *Food and Beverage Vendor Cart*.
- *Mobile Merchandise Unit* to replace *Small Merchandise Vendor Carts*.

LIMITATIONS ON USES (SECTION 21-505)

Modified operational parameters are proposed to ensure compatibility with surrounding commercial uses as well any adjacent residential uses. Subsequent to previous Planning and Zoning Commission study sessions, additional feedback was received from industry stakeholders asking for clarification and adjustments to certain provisions of the proposed code. After further analysis, refinements have been made and key operational parameters now include the following:

- Location
 - Temporary location on a site would no longer require a Temporary Use Permit. As proposed, the use would be permitted on private property with written permission from the property owner or authorized agent.
 - No part of the use shall be within 250 feet of any single-family residential use, not including common area tracts.
- Operation
 - The use shall not operate at the same site or center for more than eight (8) consecutive hours within a 24-hour period. This period includes time needed for set-up, operation and takedown.

- Unless a Temporary Use Permit has been obtain, the operation shall not occur between the hours of 10:00 pm and 7:00 am unless the mobile food unit is acting as an auxiliary kitchen for an existing bar, tavern, or restaurant. In this instance, the use shall be limited to the hours of operation for that primary business.
- Mobile restrooms are prohibited.
- Adequate lighting is required, but shall be directed downward and shielded in a manner that the illumination source shall not be visible from any adjacent property.

STAFF ANALYSIS

DISCUSSION AND ANALYSIS

As a matter of practice, mobile vendors seeking to locate on a site for a temporary basis for any length of time would be required to obtain a Temporary Use Permit (or TUP). The City's TUP process and restrictions do not necessarily align with food truck operations and vendors wanting to operate outside of seasonal timeframes. For example, a mobile vendor could only operate for a maximum of thirty (30) consecutive days and could be renewed for a total of three times per year, totaling ninety (90) days. While this mechanism is appropriate for events such as pumpkin patches, fireworks and Christmas tree lots, it was not intended or structured to sufficiently address the unique operational characteristics of mobile food and merchandise vendors. Thus, staff felt it prudent and appropriate to modernize the code while bringing it into conformance with the updated state law regulations.

As is typical and customary practice with text amendments to the Zoning Ordinance, staff conducted a benchmarking analysis of other local jurisdictional regulations for these type of uses. The resulting data collection illustrated a lack of uniformity in regulatory practice. Next, staff then evaluated the model ordinance from Arizona League of Cities and Towns and found it sufficiently structured to provide clarity and flexibility desired to address the unique aspects of Mobile Food / Merchandise Vendors while also providing appropriate protections for surrounding property owners and/or businesses. Using the model ordinance as a guide, staff then met with other city departments and the Council Subcommittee of Codes to review and refine specific code regulations associated with hours of operation, noise, light, etc. As a result of this collaboration, staff is proposing the code refinements as reflected in Exhibit 2, and more fully codified in Exhibits 3 and 4.

One of the key considerations in developing the proposed regulations was to define how long a vendor can operate at a site while still being considered "mobile". Staff believes the proposed eight-hour duration timeframe better aligns with industry practices, while allowing adequate time for setup, serving, and tear down without establishing it a permanent use. The amendment also includes safety standards to ensure Mobile Food / Merchandise Units do not obstruct the safe movement and circulation of pedestrians, bicycles, or vehicular traffic. Overall, staff believes the proposed amendment appropriately modifies the Peoria Zoning Ordinance, is in compliance with state law and provides the appropriate balance to meet the needs of the community.

COMMUNITY INVOLVEMENT

In order to provide a robust public input process beyond minimum notification requirements, City staff provided information about the text amendment on the City's Planning Department webpage. Additionally, Staff created and maintained a stakeholder list consisting of food truck operators operating within Peoria, along with all individuals who signed up to receive updates. An invitation to learn more about the proposed code changes was sent to the stakeholders in early February. They were encouraged to attend in person or watch the February 18, 2021 Planning and Zoning Commission meeting online, as well as sign up for the upcoming virtual open house held on February 23, 2021. Interested parties were notified via email and information was also included in the monthly economic briefs.

The reaction received from the stakeholders has been positive, which summarized at the March 18, 2021 Planning and Zoning Commission meeting and included herein (Exhibit 5). Immediately prior to the scheduled April 15, 2021 Commission meeting, staff received feedback from various industry stakeholders asking for additional clarification and refinement of proposed provisions. Given this new information, staff sought and was granted a continuation of this item to the May 6, 2021 meeting by the Planning and Zoning Commission. Subsequent to the April 15, 2021 Commission meeting, staff reviewed and made further refinements to the code provisions. These changes were then forwarded to the respective industry stakeholders for consideration. At the time of printing this report, no further comments have been received from the stakeholders; however, staff believes the proposed changes should appropriately address their specific concerns.

Public Noticing

The application was properly noticed pursuant to Section 21-315 of the Peoria Zoning Ordinance, which requires placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

Support / Opposition

After the legal ad was published within the Peoria Times, City staff has received no inquiries about the text amendment and no letters of opposition.

KEY FINDINGS

Staff finds that the subject amendment:

1. Complies with Arizona Revised Statutes codified within House Bill 2371; and
2. Provides for enhanced clarity and uniformity in regulating mobile vendors; and
3. Provides proper protections for existing businesses and adjacent residents.

RECOMMENDATION

Staff recommends that the Planning and Zoning Commission take the following action:

Recommend approval of Zoning Ordinance Text Amendment Case TA20-02 to the City Council.

STAFF CONTACT

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Conference Engrossed

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 286

HOUSE BILL 2371

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7.2; AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-269.20; AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 15; AMENDING TITLE 41, CHAPTER 3.1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-626; AMENDING SECTIONS 42-5074 AND 42-5102, ARIZONA REVISED STATUTES; AMENDING TITLE 42, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 42-6015; RELATING TO BUSINESS REGULATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, Arizona Revised Statutes, is amended
3 by adding article 7.2, to read:

4 ARTICLE 7.2. MOBILE FOOD VENDORS AND MOBILE FOOD UNITS

5 9-485. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "MOBILE FOOD UNIT" MEANS A FOOD ESTABLISHMENT THAT IS LICENSED
8 BY THIS STATE, THAT IS READILY MOVABLE AND THAT DISPENSES FOOD OR
9 BEVERAGES FOR IMMEDIATE SERVICE AND CONSUMPTION AND OTHER INCIDENTAL
10 RETAIL ITEMS FROM ANY VEHICLE AS DEFINED IN SECTION 28-101.

11 2. "MOBILE FOOD VENDOR" MEANS ANY PERSON WHO OWNS, CONTROLS,
12 MANAGES OR LEASES A MOBILE FOOD UNIT OR CONTRACTS WITH A PERSON TO PREPARE
13 FOODS AND VEND FROM, DRIVE OR OPERATE A MOBILE FOOD UNIT.

14 9-485.01. Mobile food vendors; mobile food units; operation

15 A. IN RELATION TO A MOBILE FOOD VENDOR OR MOBILE FOOD UNIT, A CITY
16 OR TOWN BY ORDINANCE OR RESOLUTION MAY:

17 1. PROHIBIT OR RESTRICT A MOBILE FOOD VENDOR FROM OPERATING AT A
18 PUBLIC AIRPORT OR PUBLIC TRANSIT FACILITY, IN AN AREA ZONED FOR
19 RESIDENTIAL USE OR WITHIN TWO HUNDRED FIFTY FEET OF AN AREA ZONED FOR
20 RESIDENTIAL USE.

21 2. CONTINUE TO ENACT AND ENFORCE REGULATIONS AND ZONING CODES ON
22 MOBILE FOOD UNITS OR MOBILE FOOD VENDORS THAT ARE NOT OTHERWISE PROHIBITED
23 BY LAW.

24 B. IN RELATION TO A MOBILE FOOD VENDOR OR MOBILE FOOD UNIT, A CITY
25 OR TOWN MAY NOT:

26 1. REQUIRE A MOBILE FOOD VENDOR, PROPERTY OWNER OR LESSEE OF A
27 PROPERTY TO APPLY FOR AND RECEIVE ANY SPECIAL PERMIT THAT IS NOT REQUIRED
28 FOR OTHER TEMPORARY OR MOBILE VENDING BUSINESSES IN THE SAME ZONING
29 DISTRICT.

30 2. REQUIRE A MOBILE FOOD VENDOR OR MOBILE FOOD UNIT TO OPERATE A
31 SPECIFIC DISTANCE FROM THE PERIMETER OF AN EXISTING COMMERCIAL
32 ESTABLISHMENT OR RESTAURANT, EXCEPT AS REQUIRED BY APPLICABLE BUILDING,
33 FIRE, STREET AND SIDEWALK CODES.

34 3. PROHIBIT OR RESTRICT A MOBILE FOOD VENDOR OR MOBILE FOOD UNIT
35 FROM USING ANY LEGAL PARKING SPACE, INCLUDING METERED PARKING, EXCEPT TO
36 RESTRICT THE NUMBER OF SPACES, VEHICLE SIZE AND PARKING DURATION AND THE
37 ABILITY TO OCCUPY SITES WITH INSUFFICIENT PARKING CAPACITY AS PRESCRIBED
38 BY A LOCAL ZONING ORDINANCE OF THE CITY OR TOWN OR AS OTHERWISE PROHIBITED
39 BY FEDERAL LAW.

40 4. REQUIRE A MOBILE FOOD UNIT TO BE INSPECTED BY A CITY OR TOWN
41 FIRE DEPARTMENT BEFORE OPERATION IF THE MOBILE FOOD VENDOR PROVIDES
42 EVIDENCE THAT THE MOBILE FOOD UNIT PASSED A FIRE INSPECTION BY ANOTHER
43 CITY OR TOWN FIRE DEPARTMENT IN THIS STATE WITHIN THE PRECEDING TWELVE
44 MONTHS.

1 C. A CITY OR TOWN WITH A POPULATION OF MORE THAN FIFTY THOUSAND
2 PERSONS SHALL MAKE AVAILABLE ALL APPLICABLE LICENSE APPLICATIONS IN AN
3 ELECTRONIC FORMAT THAT IS AVAILABLE ONLINE AND MAY NOT REQUIRE A MOBILE
4 FOOD VENDOR TO APPLY IN PERSON.

5 9-485.02. Insurance requirement prohibited

6 A CITY OR TOWN MAY NOT REQUIRE A MOBILE FOOD VENDOR TO MAINTAIN AN
7 INSURANCE POLICY THAT NAMES THE CITY OR TOWN AS AN ADDITIONAL INSURED
8 UNLESS THE MOBILE FOOD VENDOR IS ATTENDING AN EVENT SPONSORED BY THAT CITY
9 OR TOWN OR IS OPERATING ON PUBLIC PROPERTY, INCLUDING THE RIGHT-OF-WAY OR
10 PROPERTY OWNED BY THE CITY OR TOWN.

11 Sec. 2. Title 11, chapter 2, article 4, Arizona Revised Statutes,
12 is amended by adding section 11-269.20, to read:

13 11-269.20. Mobile food vendors; mobile food units; operation;
14 insurance requirement prohibited; definitions

15 A. IN RELATION TO A MOBILE FOOD VENDOR OR MOBILE FOOD UNIT, A
16 COUNTY BOARD OF SUPERVISORS BY ORDINANCE OR RESOLUTION MAY:

17 1. IMPOSE OPERATING HOURS ONLY IF THEY ARE THE SAME AS THE
18 OPERATING HOURS IMPOSED ON RESTAURANTS IN THAT COUNTY.

19 2. RESTRICT THE OPERATION OF NOISEMAKING DEVICES DURING SPECIFIC
20 TIMES OF DAY.

21 3. RESTRICT OR PROHIBIT THE OPERATION OF A MOBILE FOOD UNIT IN AN
22 AREA THAT IS ZONED AS RESIDENTIAL ONLY.

23 4. PROHIBIT A MOBILE FOOD UNIT THAT IS OPERATING ON PRIVATE
24 PROPERTY FROM BLOCKING INGRESS TO AND EGRESS FROM THAT PROPERTY.

25 5. PROHIBIT A MOBILE FOOD UNIT FROM BLOCKING OR INHIBITING THE USE
26 OF A PUBLIC SIDEWALK.

27 6. PROHIBIT A MOBILE FOOD VENDOR OR MOBILE FOOD UNIT FROM BLOCKING
28 VEHICULAR TRAFFIC ON PUBLIC STREETS AND ROADS.

29 7. REQUIRE A MOBILE FOOD VENDOR TO OBTAIN CONSENT FROM A PRIVATE
30 PROPERTY OWNER OR LESSEE OR THE OWNER'S OR LESSEE'S AGENT BEFORE BEGINNING
31 OPERATION ON THAT PROPERTY.

32 8. PROHIBIT OR RESTRICT A MOBILE FOOD VENDOR FROM OPERATING AT A
33 PUBLIC AIRPORT.

34 9. REQUIRE A MOBILE FOOD VENDOR WITH A STATE LICENSE THAT IS NOT
35 ISSUED BY THAT COUNTY TO APPLY FOR A PERMIT IN ORDER TO CONDUCT BUSINESS
36 WITHIN THE COUNTY. THE COUNTY MAY CHARGE A FEE FOR THE PERMIT. THE
37 PERMIT SHALL BE MADE AVAILABLE IN AN ELECTRONIC FORMAT THAT IS AVAILABLE
38 ONLINE. THE ORDINANCE OR RESOLUTION MAY NOT REQUIRE A MOBILE FOOD VENDOR
39 WITH A STATE LICENSE TO BE INSPECTED AS A CONDITION OF RECEIVING THE
40 PERMIT.

41 10. PROHIBIT OR RESTRICT A MOBILE FOOD VENDOR FROM OPERATING AT A
42 COUNTY PUBLIC PARK.

43 B. IN RELATION TO A MOBILE FOOD VENDOR OR MOBILE FOOD UNIT, A
44 COUNTY BOARD OF SUPERVISORS MAY NOT:

1 1. RESTRICT HOW LONG A MOBILE FOOD VENDOR OR MOBILE FOOD UNIT MAY
2 OPERATE AT A PRIVATE PROPERTY LOCATION, EXCEPT THAT A MOBILE FOOD VENDOR
3 MAY NOT OPERATE AT A PRIVATE PROPERTY LOCATION FOR MORE THAN NINETY-SIX
4 CONSECUTIVE HOURS.

5 2. REQUIRE A MOBILE FOOD VENDOR TO OPERATE A SPECIFIC DISTANCE FROM
6 THE PERIMETER OF AN EXISTING COMMERCIAL ESTABLISHMENT OR RESTAURANT,
7 EXCEPT AS REQUIRED FOR PUBLIC SAFETY PURPOSES.

8 3. PROHIBIT OR RESTRICT A MOBILE FOOD VENDOR FROM USING ANY LEGAL
9 PARKING SPACE, INCLUDING METERED PARKING, TO THE SAME EXTENT AS ANY OTHER
10 COMMERCIAL VEHICLE.

11 4. REQUIRE A MOBILE FOOD VENDOR TO MAINTAIN AN INSURANCE POLICY
12 THAT NAMES THE COUNTY AS AN ADDITIONAL INSURED UNLESS THE MOBILE FOOD
13 VENDOR IS ATTENDING AN EVENT SPONSORED BY THAT COUNTY OR IS OPERATING ON
14 PUBLIC PROPERTY.

15 5. REQUIRE A MOBILE FOOD VENDOR TO BE FINGERPRINTED.

16 C. A COUNTY WITH A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND
17 PERSONS SHALL MAKE AVAILABLE A BUSINESS LICENSE APPLICATION IN AN
18 ELECTRONIC FORMAT THAT IS AVAILABLE ONLINE AND MAY NOT REQUIRE A MOBILE
19 FOOD VENDOR TO APPLY IN PERSON.

20 D. FOR THE PURPOSES OF THIS SECTION:

21 1. "MOBILE FOOD UNIT" MEANS A FOOD ESTABLISHMENT THAT IS LICENSED
22 BY THIS STATE, THAT IS READILY MOVABLE AND THAT DISPENSES FOOD OR
23 BEVERAGES FOR IMMEDIATE SERVICE AND CONSUMPTION AND OTHER INCIDENTAL
24 RETAIL ITEMS FROM ANY VEHICLE AS DEFINED IN SECTION 28-101.

25 2. "MOBILE FOOD VENDOR" MEANS ANY PERSON WHO OWNS, CONTROLS,
26 MANAGES OR LEASES A MOBILE FOOD UNIT OR CONTRACTS WITH A PERSON TO PREPARE
27 FOODS AND VEND FROM, DRIVE OR OPERATE A MOBILE FOOD UNIT.

28 Sec. 3. Title 36, Arizona Revised Statutes, is amended by adding
29 chapter 15, to read:

30 CHAPTER 15

31 MOBILE FOOD VENDORS AND MOBILE FOOD UNITS

32 ARTICLE 1. GENERAL PROVISIONS

33 36-1751. Definitions

34 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

35 1. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

36 2. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF HEALTH
37 SERVICES.

38 3. "MOBILE FOOD UNIT" MEANS A FOOD ESTABLISHMENT THAT IS LICENSED
39 BY THIS STATE, THAT IS READILY MOVABLE AND THAT DISPENSES FOOD OR
40 BEVERAGES FOR IMMEDIATE SERVICE AND CONSUMPTION AND OTHER INCIDENTAL
41 RETAIL ITEMS FROM ANY VEHICLE AS DEFINED IN SECTION 28-101.

42 4. "MOBILE FOOD VENDOR" MEANS ANY PERSON WHO OWNS, CONTROLS,
43 MANAGES OR LEASES A MOBILE FOOD UNIT OR CONTRACTS WITH A PERSON TO PREPARE
44 FOODS AND VEND FROM, DRIVE OR OPERATE A MOBILE FOOD UNIT.

ARTICLE 2. LICENSURE AND REGULATION

36-1761. Mobile food vendors; mobile food units; rules; health and safety licensing standards

A. THE DIRECTOR SHALL ADOPT RULES THAT DO ALL OF THE FOLLOWING:

1. ESTABLISH HEALTH AND SAFETY LICENSING STANDARDS FOR MOBILE FOOD VENDORS AND MOBILE FOOD UNITS THAT APPLY ON A STATEWIDE BASIS. THE LICENSING STANDARDS SHALL:

(a) INCLUDE THREE CATEGORIES OF MOBILE FOOD UNITS THAT ARE BASED ON THE TYPE OF FOOD DISPENSED AND THE AMOUNT OF HANDLING AND PREPARATION REQUIRED.

(b) INCLUDE GENERAL PHYSICAL AND OPERATION REQUIREMENTS OF A MOBILE FOOD UNIT, INCLUDING:

(i) INSTALLATION OF COMPRESSORS, GENERATORS AND SIMILAR MECHANICAL UNITS THAT ARE NOT AN INTEGRAL PART OF THE FOOD PREPARATION OR STORAGE EQUIPMENT.

(ii) NECESSARY COMMISSARY OR OTHER SERVICING AREA AGREEMENTS.

(iii) VEHICLE AND EQUIPMENT CLEANING REQUIREMENTS.

(iv) WASTE DISPOSAL REQUIREMENTS DURING AND AFTER OPERATION ON PUBLIC OR PRIVATE PROPERTY, WHICH MAY NOT INCLUDE THE SIZE OR DIMENSIONS OF ANY REQUIRED SOLID WASTE RECEPTACLE.

2. ESTABLISH STATEWIDE INSPECTION STANDARDS THAT ARE BASED ON OBJECTIVE FACTORS FOR USE BY THE COUNTY HEALTH DEPARTMENTS.

3. ESTABLISH A LICENSING PROCESS FOR MOBILE FOOD UNITS THAT DOES ALL OF THE FOLLOWING:

(a) REQUIRES A SEPARATE LICENSE FOR EACH MOBILE FOOD UNIT.

(b) REQUIRES A LICENSE TO BE RENEWED ANNUALLY.

(c) DELEGATES TO THE COUNTY HEALTH DEPARTMENT IN THE COUNTY WHERE THE MOBILE FOOD VENDOR'S COMMISSARY IS LOCATED THE LICENSING AND HEALTH AND SAFETY INSPECTION FOR STATE LICENSURE USING THE STATEWIDE INSPECTION STANDARDS ADOPTED PURSUANT TO THIS SECTION. THE LICENSING PROCESS SHALL REQUIRE RANDOM INSPECTIONS BY COUNTY HEALTH DEPARTMENTS AT NO ADDITIONAL COST EXCEPT AS PROVIDED IN SECTION 11-269.20. A MOBILE FOOD UNIT LICENSE ISSUED BY A COUNTY HEALTH DEPARTMENT PURSUANT TO THIS SECTION SHALL HAVE RECIPROCITY IN EACH COUNTY OF THIS STATE. A COUNTY HEALTH DEPARTMENT MAY ENFORCE THE STATEWIDE INSPECTION STANDARDS REGARDLESS OF WHERE THE LICENSE WAS ISSUED.

(d) REQUIRES ALL EMPLOYEES OF A MOBILE FOOD VENDOR TO HAVE A VALID FOOD HANDLER CARD OR A CERTIFICATE FROM AN ACCREDITED FOOD HANDLER TRAINING CLASS AS SPECIFIED IN RULE BY THE DEPARTMENT.

(e) REQUIRES THAT THE LICENSE BE DISPLAYED IN THE MOBILE FOOD VENDOR'S OPERATING LOCATION IN A CONSPICUOUS LOCATION FOR PUBLIC VIEW.

B. THE RULES ADOPTED PURSUANT TO THIS SECTION MAY NOT DO EITHER OF THE FOLLOWING:

1 1. REQUIRE A MOBILE FOOD VENDOR OR MOBILE FOOD UNIT TO OPERATE A
2 SPECIFIC DISTANCE FROM THE PERIMETER OF AN EXISTING COMMERCIAL
3 ESTABLISHMENT OR RESTAURANT.

4 2. ADDRESS THE OPERATING HOURS OF A MOBILE FOOD UNIT.

5 C. EXCEPT AS OTHERWISE SPECIFIED IN THIS CHAPTER, THE DIRECTOR MAY
6 ADOPT RULES THAT ARE SUBSTANTIVELY THE SAME AS THE REGULATIONS THAT ARE IN
7 PLACE ON THE EFFECTIVE DATE OF THIS SECTION IN MARICOPA COUNTY REGARDING
8 MOBILE FOOD ESTABLISHMENTS.

9 D. THIS SECTION DOES NOT PRECLUDE A CITY, TOWN OR COUNTY FROM
10 REQUIRING A MOBILE FOOD VENDOR TO BE LICENSED IF THE LICENSING SYSTEM
11 INCLUDES A BACKGROUND CHECK OR IDENTIFICATION AND FINGERPRINTING OF THE
12 OWNER OF THE MOBILE FOOD VENDING OPERATION.

13 Sec. 4. Title 41, chapter 3.1, article 1, Arizona Revised Statutes,
14 is amended by adding section 41-626, to read:

15 41-626. Mobile food vendors; insurance requirement
16 prohibition; definition

17 A. THIS STATE OR ANY DEPARTMENT OR AGENCY OF THIS STATE MAY NOT
18 REQUIRE A MOBILE FOOD VENDOR TO MAINTAIN AN INSURANCE POLICY THAT NAMES
19 THIS STATE AS AN ADDITIONAL INSURED UNLESS THE MOBILE FOOD VENDOR IS
20 ATTENDING AN EVENT SPONSORED BY THIS STATE.

21 B. FOR THE PURPOSES OF THIS SECTION, "MOBILE FOOD VENDOR" MEANS ANY
22 PERSON WHO OWNS, CONTROLS, MANAGES OR LEASES A MOBILE FOOD UNIT OR
23 CONTRACTS WITH A PERSON TO PREPARE FOODS AND VEND FROM, DRIVE OR OPERATE A
24 MOBILE FOOD UNIT.

25 Sec. 5. Section 42-5074, Arizona Revised Statutes, is amended to
26 read:

27 42-5074. Restaurant classification

28 A. The restaurant classification is comprised of the business of
29 operating restaurants, dining cars, dining rooms, lunchrooms, **MOBILE FOOD**
30 **UNITS**, lunch stands, soda fountains, catering services or similar
31 establishments where articles of food or drink are sold for consumption on
32 or off the premises.

33 B. The tax base for the restaurant classification is the gross
34 proceeds of sales or gross income derived from the business. The gross
35 proceeds of sales or gross income derived from the following shall be
36 deducted from the tax base:

37 1. Sales to a person engaged in business classified under the
38 restaurant classification if the items sold are to be resold in the
39 regular course of the business.

40 2. Sales by a congressionally chartered veterans organization of
41 food or drink prepared for consumption on the premises leased, owned or
42 maintained by the organization.

43 3. Sales by churches, fraternal benefit societies and other
44 nonprofit organizations, as these organizations are defined in the federal
45 internal revenue code (26 United States Code section 501), that do not

1 regularly engage or continue in the restaurant business for the purpose of
2 fund-raising.

3 4. Sales by a nonprofit organization that is exempt from taxation
4 under section 501(c)(3), 501(c)(4) or 501(c)(6) of the internal revenue
5 code if the organization is associated with a major league baseball team
6 or a national touring professional golfing association and no part of the
7 organization's net earnings inures to the benefit of any private
8 shareholder or individual.

9 5. Sales at a rodeo featuring primarily farm and ranch animals in
10 this state by a nonprofit organization that is exempt from taxation under
11 section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7) or 501(c)(8) of the
12 internal revenue code ~~and~~ IF no part of the organization's net earnings
13 inures to the benefit of any private shareholder or individual.

14 6. Sales by any nonprofit organization organized and operated
15 exclusively for charitable purposes and recognized by the United States
16 internal revenue service under section 501(c)(3) of the internal revenue
17 code.

18 7. Sales to qualifying hospitals as defined in section 42-5001.

19 8. Sales to a qualifying health care organization as defined in
20 section 42-5001 if the tangible personal property is used by the
21 organization solely to provide health and medical related educational and
22 charitable services.

23 9. Sales of food, drink and condiment for consumption within the
24 premises of any prison, jail or other institution under the jurisdiction
25 of the state department of corrections, the department of public safety,
26 the department of juvenile corrections or a county sheriff.

27 10. Sales of articles of prepared or unprepared food, drink or
28 condiment and accessory tangible personal property to a school district or
29 charter school if the articles and accessory tangible personal property
30 are served to persons for consumption on the premises of a public school
31 in the school district or charter school during school hours.

32 11. Prepared food, drink or condiment donated by a restaurant to a
33 nonprofit charitable organization that has qualified under section
34 501(c)(3) of the internal revenue code and that regularly serves meals to
35 the needy and indigent on a continuing basis at no cost.

36 12. Sales of articles of food and drink at low or reduced prices to
37 eligible elderly, ~~disabled~~ or homeless persons ~~OR PERSONS WITH A~~
38 ~~DISABILITY~~ by a restaurant that contracts with the department of economic
39 security and that is approved by the food and nutrition services of the
40 United States department of agriculture pursuant to the supplemental
41 nutrition assistance program established by the food and nutrition act of
42 2008 (P.L. 110-246; 122 Stat. 1651; 7 United States Code sections 2011
43 through 2036a), if the purchases of the articles of food and drink are
44 made with the benefits issued pursuant to the supplemental nutrition
45 assistance program.

1 C. The tax imposed on the restaurant classification pursuant to
2 this section does not apply to the gross proceeds of sales or gross income
3 from tangible personal property sold to a commercial airline consisting of
4 food, beverages and condiments and accessories used for serving the food
5 and beverages, if those items are to be provided without additional charge
6 to passengers for consumption in flight. For the purposes of this
7 subsection, "commercial airline" means a person holding a federal
8 certificate of public convenience and necessity or foreign air carrier
9 permit for air transportation to transport persons, property or United
10 States mail in intrastate, interstate or foreign commerce.

11 D. The department shall separately account for revenues collected
12 under the restaurant classification for the purposes of section 42-5029,
13 subsection D, paragraph 4, subdivision (b).

14 E. For THE purposes of section 42-5032.01, the department shall
15 separately account for revenues collected under the restaurant
16 classification from businesses operating restaurants, dining rooms,
17 lunchrooms, lunch stands, soda fountains, catering services or similar
18 establishments:

19 1. On the premises of a multipurpose facility that is owned or
20 operated by the tourism and sports authority pursuant to title 5, chapter
21 8 for consumption on or off the premises.

22 2. At professional football contests that are held in a stadium
23 located on the campus of an institution under the jurisdiction of the
24 Arizona board of regents.

25 Sec. 6. Section 42-5102, Arizona Revised Statutes, is amended to
26 read:

27 42-5102. Tax exemption for sales of food; nonexempt sales

28 A. Except for the gross proceeds of sales or gross income from the
29 sale of food for consumption on the premises, the taxes imposed by this
30 chapter do not apply to the gross proceeds of sales or gross income from
31 sales of food by any of the following:

32 1. A retailer who conducts an eligible grocery business.

33 2. A retailer who conducts a business whose primary business is not
34 the sale of food but who sells food which is displayed, packaged and sold
35 in a similar manner as an eligible grocery business.

36 3. A retailer who sells food and does not provide or make available
37 any facilities for the consumption of food on the premises.

38 4. A retailer who conducts a delicatessen business either from a
39 counter which is separate from the place and cash register where taxable
40 sales are made or from a counter which has two cash registers which are
41 used to record taxable and tax exempt sales or a retailer who conducts a
42 delicatessen business and who uses a cash register which has at least two
43 tax computing keys which are used to record taxable and tax exempt sales.

44 5. A retailer who is a street or sidewalk vendor and who uses a
45 pushcart, ~~mobile facility, motor vehicle or other such conveyance.~~

1 6. Vending machines and other types of automatic retailers.

2 B. The taxes imposed by this chapter do not apply to the gross
3 proceeds of sales or gross income from sales of food by a state university
4 or community college or its designee on its campuses to students using a
5 validated meal ticket or to patients purchasing or consuming food at the
6 Arizona health sciences center.

7 C. The taxes imposed by this chapter do not apply to the gross
8 proceeds of sales or gross income from sales of food by a retailer to:

9 1. A regularly organized private or parochial school that offers an
10 educational program for grade twelve or under which may be attended in
11 substitution for a public school pursuant to section 15-802.

12 2. A child care facility that is licensed under section 36-882 or a
13 child care group home certified under section 36-897.01.

14 3. A facility which provides on a regular basis care and
15 supervision of persons who, because of age or a mental or physical
16 condition, are incapable of caring for themselves and where they are
17 unaccompanied by their custodians or guardians for periods of less than
18 twenty-four hours a day.

19 4. An organization which is tax exempt under section 501(c)(3) of
20 the internal revenue code and which provides the articles to persons with
21 a nominal charge or without a monetary charge.

22 5. A prison, jail or other institution under the jurisdiction of
23 the state department of corrections, the department of public safety, the
24 department of juvenile corrections or a county sheriff for consumption on
25 the premises.

26 D. Notwithstanding subsection A of this section, the taxes imposed
27 by this chapter do not apply to the gross proceeds of sales or gross
28 income from sales of low or reduced cost articles of food or drink to
29 eligible elderly, ~~disabled~~ or homeless persons **OR PERSONS WITH A**
30 **DISABILITY** by a business subject to tax under section 42-5074 that
31 contracts with the department of economic security and that is approved by
32 the food and nutrition service of the United States department of
33 agriculture pursuant to the supplemental nutrition assistance program
34 established by the food and nutrition act of 2008 (P.L. 110-246; 122 Stat.
35 1651; 7 United States Code sections 2011 through 2036a), if the purchases
36 are made with the benefits issued pursuant to the supplemental nutrition
37 assistance program.

38 Sec. 7. Title 42, chapter 6, article 1, Arizona Revised Statutes,
39 is amended by adding section 42-6015, to read:

40 **42-6015. Mobile food vendors; definitions**

41 **A. A CITY, TOWN OR OTHER TAXING JURISDICTION MAY LEVY A TRANSACTION**
42 **PRIVILEGE, SALES, USE, FRANCHISE OR OTHER SIMILAR TAX OR FEE AS PROVIDED**
43 **BY THE MODEL CITY TAX CODE ON A PERSON ENGAGING IN BUSINESS AS A MOBILE**
44 **FOOD VENDOR SUBJECT TO THE RESTAURANT CLASSIFICATION PURSUANT TO SECTION**
45 **42-5074 FOR SALES OF FOOD OR BEVERAGES FOR IMMEDIATE SERVICE AND**

1 CONSUMPTION AND THE RETAIL CLASSIFICATION PURSUANT TO SECTION 42-5061 FOR
2 SALES OF INCIDENTAL RETAIL ITEMS IF THE ADOPTED TAX:

3 1. APPLIES ONLY WITH RESPECT TO TRANSACTIONS THAT OCCUR WITHIN THE
4 JURISDICTIONAL BOUNDARIES OF THE CITY, TOWN OR TAXING JURISDICTION.

5 2. IS ADMINISTERED IN A MANNER THAT IS CONSISTENT WITH THE
6 TREATMENT OF RESTAURANTS OR SIMILAR ESTABLISHMENTS WHERE FOOD OR BEVERAGES
7 ARE PREPARED AND SERVED FOR CONSUMPTION ON OR OFF THE PREMISES.

8 3. IS ADMINISTERED, COLLECTED AND ENFORCED BY THE DEPARTMENT AND
9 REMITTED TO THE CITY, TOWN OR OTHER TAXING JURISDICTION IN A UNIFORM
10 MANNER.

11 B. THE TAXPAYER SHALL MAINTAIN RECORDS THAT SHOW SEPARATELY THE
12 TAXABLE RECEIPTS FROM TRANSACTIONS IN THE RESPECTIVE CITIES, TOWNS OR
13 OTHER TAXING JURISDICTIONS IN WHICH THE TAXPAYER CONDUCTS BUSINESS. IF
14 THE TAXPAYER FAILS TO COMPLY WITH THIS SUBSECTION, THE DEPARTMENT SHALL
15 COLLECT THE TAX BASED ON THE TAXPAYER'S TOTAL RECEIPTS, APPLYING THE
16 HIGHEST TAX RATE LEVIED BY ANY CITY, TOWN OR OTHER TAXING JURISDICTION.

17 C. FOR THE PURPOSES OF THIS SECTION:

18 1. "MOBILE FOOD UNIT" MEANS A FOOD ESTABLISHMENT THAT IS LICENSED
19 BY THIS STATE, THAT IS READILY MOVABLE AND THAT DISPENSES FOOD OR
20 BEVERAGES FOR IMMEDIATE SERVICE AND CONSUMPTION AND OTHER INCIDENTAL
21 RETAIL ITEMS FROM ANY VEHICLE AS DEFINED IN SECTION 28-101.

22 2. "MOBILE FOOD VENDOR" MEANS ANY PERSON WHO OWNS, CONTROLS,
23 MANAGES OR LEASES A MOBILE FOOD UNIT OR CONTRACTS WITH A PERSON TO PREPARE
24 FOODS AND VEND FROM, DRIVE OR OPERATE A MOBILE FOOD UNIT.

25 Sec. 8. Rulemaking; exemption

26 For the purposes of title 36, chapter 15, Arizona Revised Statutes,
27 as added by this act, the department of health services is exempt from the
28 rulemaking requirements of title 41, chapter 6, Arizona Revised Statutes,
29 for one year after the effective date of this act.

APPROVED BY THE GOVERNOR MAY 14, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 14, 2018.

Exhibit 2: Proposed Text Changes

TA20-02

21-202 Definitions ^{*32}

List of Defined Terms

Food Truck see Mobile Food Unit

Mobile Food Unit means a food establishment that is licensed by the State of Arizona, that is readily movable and that dispenses food or beverages for immediate service and consumption and other incidental retail items from any vehicle, except as provided in Section 14-107 (a) of the Peoria City Code.

Mobile Food Vendor means any person who owns, controls, manages or leases a mobile food unit or contracts with a person to prepare foods and vend from, drive or operate a mobile food unit.

Mobile Merchandise Vendor means any person who sells any type of tangible personal property at or adjacent to the person's mobile sales unit in which such tangible personal property is carried.

Mobile Merchandise Unit means any vehicle used for carrying tangible personal property for sale at or adjacent to the vehicle in which such tangible personal property is carried.

Exhibit 2: Proposed Text Changes

TA20-02

21-503 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
EATING & DRINKING ESTABLISHMENTS												
Catering Establishment ^{*11}	P	P	P	P	P	P	P	P	P	P	P	P
Food and Beverage Vendor Cart <u>Mobile Food Unit</u> #	A	A	A	A	A	A	A	A	A	A	A	A
Outdoor Dining and Seating Areas # ^{*18}	C	C	C	C	C	C	C	C	C	C	C	C
Restaurants, Drive Through or Drive-Up # ^{*22}	-	P♦	P♦	P♦	P♦	-	P♦	P♦	-	-	-	-
Restaurants ^{*18}	P	P	P	P	P	P	P	P	A	A	A	A
Tavern, Bar, Lounge # ^{*22}	-	-	C	C	C	C	C	C	-	-	-	-

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
GENERAL RETAIL												
Antiques, Crafts, and Collectibles Sales	-	-	P	P	P	P	P	P	-	-	-	-
Bait and Tackle Shops	-	-	P	P	P	P	P	-	-	-	-	-
Book, Stationery and Greeting Card Store	P	P	P	P	P	P	P	P	-	-	-	-
Candy and Ice Cream Store	P	P	P	P	P	P	P	P	-	-	-	-
Carpet and Floor Covering Store	-	-	-	-	P	P	P	P	-	-	-	-
Copy Center	P	P	P	P	P	P	P	P	P	P	P	P
Donation Center # ^{*11}	-	-	-	-	C	-	C	C	P	P	P	P
Florist	P	P	P	P	P	P	P	P	-	-	-	-
Gift, Novelty and Souvenir Shop	P	P	P	P	P	P	P	P	-	-	-	-
Hobby, Stamp and Coin Shop	P	P	P	P	P	P	P	P	-	-	-	-
Newsstand ^{*17}	P	P	P	P	P	P	P	P	P	A	A	A
Pawn Shop #	-	-	-	-	C	-	C	C	-	-	-	-
Permissible Consumer Fireworks Sales # ^{*23}	-	P	P	P	P	P	P	P	-	-	-	-
Pet Shop # ^{*16}	-	-	P	P	P	P	P	P	-	-	-	-
Plumbing, Heating, and Air-conditioning Sales and Service	-	-	-	-	-	-	P	-	-	P	P	P
Retail Decorative Rock Sales	-	-	-	-	C	-	P	-	-	P	P	P
Retail Sales of New and Used Merchandise, Indoor. Excludes Sale of Automobile, Boats RVs and Motorcycles ^{*15}	-	P	P	P	P	P	P	P	A#	-	-	-
Retail Liquor Store #	-	-	-	-	C	-	C	C	-	-	-	-
Small <u>Mobile</u> Merchandise Vendor Carts <u>Unit</u> #	A	A	A	A	A	A	A	A	A	A	A	A
Tobacco Retailer ^{*22}	-	P	-	-	P	P	P	P	-	-	-	-
Video Rental Store	P	P	P	P	P	P	P	P	-	-	-	-
Water and Ice Store	-	P	P	P	P	P	P	P	-	-	-	-

P = Permitted Use

C = Permitted Conditional Use. Conditional Use Permit required. See Section 21-322.

A = Accessory use

♦ = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit ^{*17}

= Subject to special limitations (see the following Section 21-505)

Exhibit 2:Proposed Text Changes

TA20-02

21-505 Limitations on Uses

A. Eating & Drinking Establishments

1. ~~Food and Beverage Vendor Cart and Small Merchandise Vendor Cart~~ Mobile Food/Merchandise Unit and all accessory equipment ("use") shall be subject to the following additional requirements:

a. Location

- 1) The vendor shall obtain written permission from the property owner or an authorized agent.
- 2) The use shall not be located within 250 feet of a single-family residentially zoned lot, not including common area tracts.
- 3) The use shall not cause the site to fall below minimum required parking for the site.
- 4) The use shall be located on a dustproof surface.
- 5) The use shall not obstruct pedestrian or vehicle circulation, or be located within drive aisles, fire lanes, loading zones, or any location that may cause hazardous conditions, or constitute a threat to the public health, safety and welfare.
- 6) The site shall be restored to its previous condition after each use. Permanent alterations to the site are prohibited.

b. Operation

- 1) The use shall not be present at the site or center for a period exceeding eight (8) consecutive hours within a 24-hour period. This period includes for set-up, operation and takedown.
- 2) Unless a Temporary Use Permit has been issued pursuant to Section 21-322, the operation shall not occur between the hours of 10:00 pm and 7:00 am, unless the mobile food unit is acting as an auxiliary kitchen for an existing bar, tavern, or restaurant, in which case the use shall be limited to the hours of operation for that primary business.
- 3) Mobile restrooms are prohibited.
- 4) The site shall be properly lit, provided that any temporary lighting be directed downward and shielded in a manner that the illumination source is not be visible from any adjacent property.

Definitions

21-201 Intent	1
21-202 Definitions	1

21-201 Intent ^{*23}

This Section 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.

21-202 Definitions ^{*32}

- 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: ^{*23}

List of Defined Terms

0 - 10

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. ^{*30}

A

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. ^{*7}

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”. ^{*14}

Adult Bookstore, Adult Retail Store or Adult Video Store means a commercial establishment, which meets both provisions, 1 and 2 below: ^{*14}

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. ^{*14}

Adult Motel means a hotel, motel or similar commercial establishment that: ^{*14}

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 sub rent 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. ^{*14}

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.

^{*14}

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 Section shall be designated as Adult Uses: ^{*14}

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. ^{*23}

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.

B

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. ^{*16}

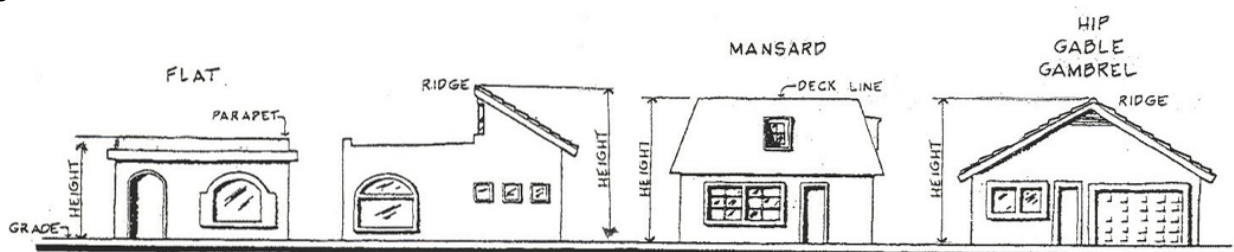
Board means the Peoria Board of Adjustment.

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. ^{*18}

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. ^{*25}



C

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. *26

Church, Synagogue Or Temple means a permanently affixed building, where one of the principal uses is for religious worship. *14

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. *27

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. *28

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. *28

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. *10

A **Complex/Center** is a development defined by shared facilities including but not limited to circulation, parking, and utilities that services the complex/center.

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. *14

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. *3

Construction means all structures, driveways, parking, vehicle storage, nonnative landscaping, water surfaces, decks, walks, and improved recreation facilities on the subject property. *23

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 Section. ^{*11}

D

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. ^{*22}

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. ^{*6}

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. ^{*6}

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. ^{*6}

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. ^{*36}

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. ^{*33}

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. ^{*11}

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. ^{*23}

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. ^{*19}

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. ^{*30}

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. ^{*26}

Donation/Recycling Drop-off Box means any container, storage unit, or structure, other than a primary building, accessory building, or shed, that is used for the collection of charitable or for-profit donated items by the general public, including but not limited to clothing, household goods, toys, books, and newspapers.

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. ^{*3}

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. ^{*7}

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. ^{*22}

Drop-off Lane means an on-site one-way queuing lane for dropping off or picking up passengers. ^{*19}

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. ^{*31}
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. ^{*31}
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. ^{*31}
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. ^{*31}

E

Effective Date means the date upon which this Section 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. ^{*12}

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

Exempt Land Use Law means a Land Use Law that: ^{*30}

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.

F

Family means: ^{*10, *30}

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. ^{*30}

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. ^{*7}

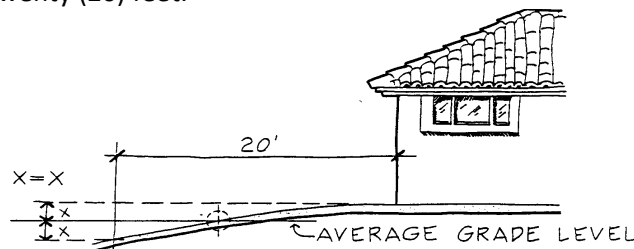
Floor Area, Net means the total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public. ^{*7}

Food Truck see Mobile Food Unit.

G

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 21-505.A.5. ^{*2}

Grade means the average level of the finished ground surfaces surrounding a building or structure, within a distance of twenty (20) feet. ^{*7}



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. ^{*10}

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. ^{*10}

Guest House 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.

H

Handicapped means a person whom: ^{*10}

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 A.R.S. §13 or U.S.C. §21.

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. ^{*11}

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. ^{*19}

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. ^{*14}

I

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. ^{*30}

J

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.

K – L

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.

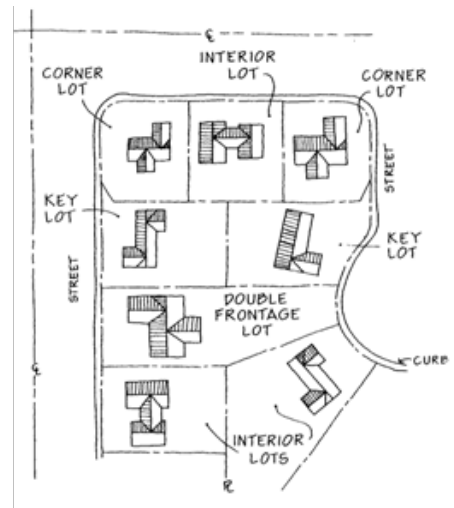
1. Land Use Law specifically includes (without limitation): approval of a general plan amendment or specific plan, a zoning change, a zoning text amendment, approval of a use permit, and adoption of an annexation ordinance.
2. Land Use Law specifically excludes (without limitation): administrative rules 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. ^{*30}

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. ^{*17}

Loading Space means the off-street area required for the receipt or distribution, by vehicles, of material or merchandise. ^{*19}

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. ^{*24}



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. ^{*39}

1. Calculations of lot coverage shall exclude up to the first two (2) feet of roof eave/overhang. There shall be no credit where less than a 2 foot eave/overhang exists.
2. Lattice or similar open air roof structures shall be calculated at fifty percent (50%) lot coverage

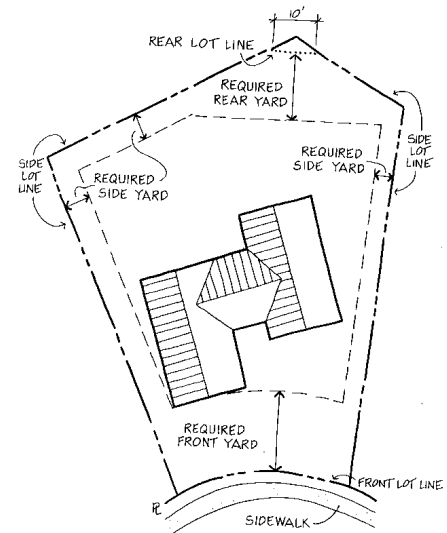
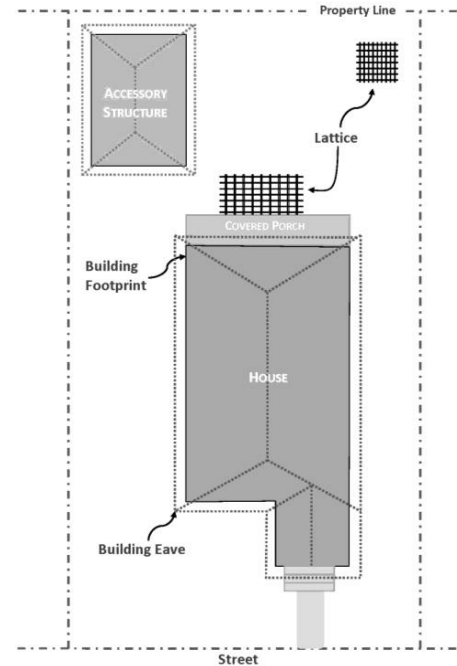
for the area covered by the open air roof structure for a maximum coverage of two hundred (200) square feet. Anything over two hundred (200) square feet is counted at 100% covered (there would be a maximum of a 100 square foot reduction).

(Graphic: House, Accessory Structure, and Covered Porch counted at 100% excluding the 2 foot eave. Open air roof structures are counted at 50% for the first 200 square foot area and 100% after that.)

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. *24

M

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. *19

Massage Establishment means any business or establishment where the practice of massage

therapy is engaged pursuant to A.R.S. §32-4201, et. seq. ^{*19, *38}

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. ^{*35}

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. ^{*35}

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. ^{*35}

Medical Marijuana Statute is the Arizona Medical Marijuana Act codified at A.R.S. §36-28.1. 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. ^{*35}

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. ^{*19}

Mobile Food Unit means a food establishment that is licensed by the State of Arizona, that is readily movable and that dispenses food or beverages for immediate service and consumption and other incidental retail items from any vehicle, except as provided in Section 14-107 (a) of the Peoria City Code.

Mobile Food Vendor means any person who owns, controls, manages or leases a mobile food unit or contracts with a person to prepare foods and vend from, drive or operate a mobile food unit.

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.

Mobile Merchandise Vendor means any person who sells any type of tangible personal property at or adjacent to the person's mobile sales unit in which such tangible personal property is carried.

Mobile Merchandise Unit means any vehicle used for carrying tangible personal property for sale at or adjacent to the vehicle in which such tangible personal property is carried.

N

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. ^{*33}

Non-Conformity, Legal, means any use, building, structure, lot, or site that was legally established prior to the adoption or amendment of this Zoning Ordinance or annexation into the City, but which would be prohibited, regulated, or restricted differently under the terms of this Zoning Ordinance or future amendments thereof. ^{*40}

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. ^{*18, *36}

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: ^{*14}

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: ^{*14}

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. ^{*10}

O

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. ^{*14}

Outdoor Display means display of retail merchandise and retail sales outside of an enclosed structure. ^{*21}

Outdoor Storage means exterior storage of material including items for sale, lease, processing and repair for a period greater than 24 hours. ^{*26}

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. ^{*26}

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. ^{*30}

P

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. ^{*7}

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. ^{*7}

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. ^{*7}

Pawnbroker means a person who is engaged in the business of advancing money on the security of pledged goods or is engaged in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed or variable price within a fixed or variable period of time. ^{*42}

Pawnshop means the location or premises at which a Pawnbroker is licensed to regularly conduct the pawnbroker's business. ^{*42}

Pawn Transaction means either the act between the Pawnbroker and a person pledging tangible personal property or extending credit on the security of pledged goods or the act of purchasing tangible personal property with an express or implied agreement or understanding that it may be redeemed or repurchased by the seller for a fixed or variable price within a fixed or variable period of time, except that a good faith outright purchase of tangible personal property is not a pawn transaction. ^{*42}

Permissible Consumer Fireworks means fireworks devices as defined by A.R.S. §36-1601.5(a) and (b). ^{*34}

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. ^{*30}

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. ^{*4, *30}

Plasma Center means a business, which provides compensation to patrons for plasma drawn from the human body. ^{*18}

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. ^{*19}

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. ^{*12}

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): ^{*29}

- 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". ^{*12}

Q – R

Railroad Use means the occupation and use of land, buildings and structures for purposes directly connected with rail transportation of Sections, 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. ^{*16}

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. ^{*13}

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. ^{*20}

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. ^{*20}

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. ^{*11}

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. ^{*19}

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. ^{*19}

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. ^{*5}

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. ^{*19}

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.

^{*32}

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. ^{*7}

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. ^{*10}

S

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. ^{*15}

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. ^{*15}

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. ^{*15}

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. ^{*15}

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, Sectionboard, chipboard or masonite. ^{*8}

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. ^{*14}

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: ^{*14}

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: ^{*14}

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: ^{*14}

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. ^{*7}

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. ^{*1}

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. ^{*9}

T

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. ^{*18}

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. ^{*32}

Temporary Use or Building means a use or structure permitted under this Section 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. ^{*32}

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. ^{*12}

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.

U

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. ^{*13}

V

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

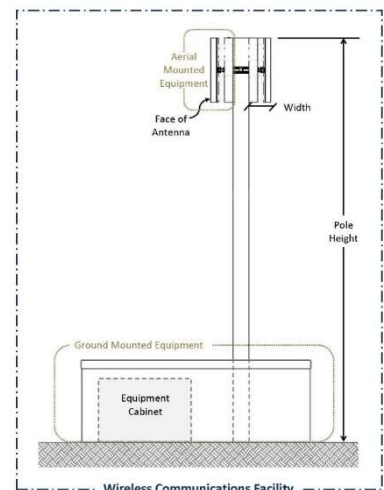
Vested Rights means rights to use, divide, sell, possess, or acquire real property established pursuant to Arizona statutory and common law that the City or any other governmental entity may not violate without good cause or in the absence of any public necessity, including those rights recognized as vested pursuant to a Protected Development Rights Plan approved by the City.

W

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. ^{*30}

Wireless Communication Facility (WCF) 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, wireless data, and similar communication purposes, including self-supporting lattice towers, and monopole or similar towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, Alternate Design WCF, and similar facilities. The term also includes the structure and any support thereto. ^{*12 *41}

WCF Aerial Mounted Equipment means all above grade equipment that is associated with the wireless communication facility aside from ground mounted equipment and the pole or



support structure anchoring the facility to the ground. This includes all appurtenances to the vertical structure of the wireless facility such as antennae, antenna arrays, microwave dishes, or similar equipment as well as materials mounted to vertical structures for co-location purposes. ^{*41}

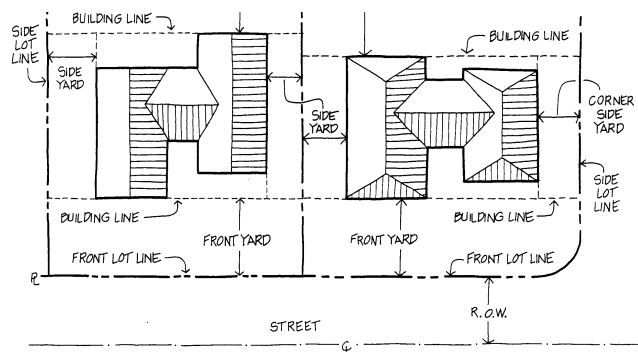
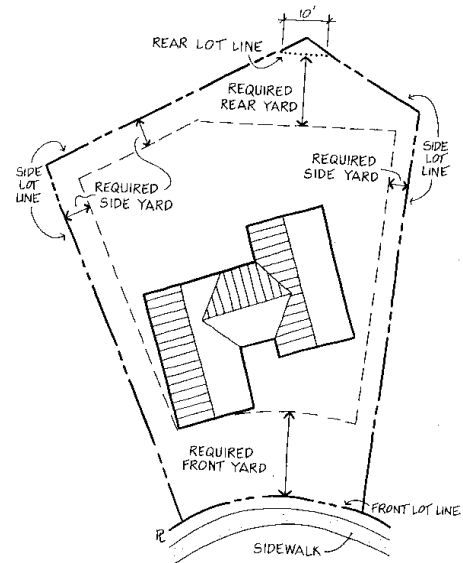
WCF Alternate Design Wireless Communication Facility means the concealment or camouflage of a WCF that is in character with the surrounding area. Examples include, but are not limited to, a flagpole near a building, a spire at a place of worship, a palm tree in an area with mature palm trees, a pine tree in an area with mature pine trees or a saguaro cactus in an area with other mature saguaro cacti. ^{*41}

WCF Ground Mounted Equipment means all equipment associated with the wireless facility located at or near the base of the vertical structure. This shall include equipment cabinets, generators, and any associated screening walls for said equipment. ^{*41}

Y - Z

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 Section.

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 Administrator means the Planning Manager. ^{*39}

References

Adopted by Ord. No.: 2018-12

Previous Ordinances:

- *1 79-72
- *2 87-39
- *3 88-09
- *4 92-14
- *5 93-06
- *6 93-25
- *7 94-74
- *8 95-15
- *9 96-21
- *10 97-41
- *11 97-100
- *12 98-15
- *13 98-18
- *14 98-34A
- *15 99-89
- *16 99-101
- *17 99-112
- *18 00-28
- *19 00-68
- *20 01-26
- *21 01-167
- *22 02-21
- *23 02-68
- *24 03-158
- *25 04-187
- *26 04-188
- *27 05-25
- *28 05-58A
- *29 06-16
- *30 07-14
- *31 07-22
- *32 2010-23
- *33 2010-24
- *34 2011-03
- *35 2011-05A
- *36 2013-16
- *37 2015-08
- *38 2016-01
- *39 2016-28
- *40 2016-29
- *41 2017-44
- *42 2018-12

Non-Residential Districts

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21-502 Zoning Districts	1
Office Commercial (O-1)	
Convenience Commercial (C-1)	
Planned Neighborhood Commercial (PC-1)	
Planned Community Commercial (PC-2)	
Intermediate Commercial (C-2)	
Central Commercial (C-3)	
General Commercial (C-4)	
Regional Commercial (C-5)	
Business Park Industrial (BPI)	
Planned Light Industrial (PI-1)	
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21-503 Land Use Matrix	4
21-504 General Regulations for O-1, C-1, PC-1, PC-2, C-2, and C-3	10
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21-503 Land Use Matrix	4
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21-505 Limitations on Uses	10
21-506 Property Development Standards	23

21-501 Intent

The non-residential districts are intended to collectively facilitate the development and operation of all types of employment-generating uses, including, but not limited to, retail and service establishments, neighborhood convenience stores, business parks and professional offices, research and development centers, storage warehouses and other light-industrial uses in a manner consistent with the Peoria General Plan.

21-502 Zoning Districts

A. Office Commercial District (O-1)

The O-1 District is intended to provide an environment conducive to the establishment of professional offices, medical and legal services, and ancillary retail uses. Certain other types of uses are permitted under conditions and standards that ensure their compatibility with surrounding uses as well as nearby residential districts. The O-1 Districts provide for land use transition between more intensive commercial developments and the less intensive residential neighborhoods.

B. Convenience Commercial District (C-1)

The C-1 District is intended to accommodate neighborhood-scale retail and service establishments that provide the incidental daily necessities for the local residential areas. This district constitutes the secondary level of neighborhood commercial development. In order to prevent the undesirable "strip" commercial development, it is intended that each development be contiguous

and limited in scale. The C-1 Districts should generally be restricted to the intersection of major arterial streets while providing one-mile separation from other non-adjacent commercial districts. The regulations and development standards are designed to preserve adjacent residential amenities and to prohibit encroachment by more intensive commercial uses.

C. Planned Neighborhood Commercial District (PC-1)

The PC-1 District is intended to accommodate small-scale retail and service establishments that provide the incidental daily necessities for the local residential areas. This district allows for planned neighborhood shopping centers typically having a principal tenant (i.e. supermarket) and an accompanying trade area generally limited to adjacent neighborhoods. It is further intended that PC-1 Districts be restricted to the intersection of selected arterial streets while generally providing one-mile separation from other non-adjacent commercial districts. The regulations and development standards are designed to preserve adjacent residential amenities and to prohibit encroachment by more intensive commercial uses.

D. Planned Community Commercial District (PC-2)

The PC-2 District is intended to accommodate large-scale planned commercial complexes providing comparison shopping goods and services to a community wide and regional trade area. It is further intended that such commercial centers shall be planned, developed and managed as integrated complexes under unified or condominium ownership.

E. Intermediate Commercial District (C-2)

The C-2 District is intended to provide a shopping center for the sale of convenience goods and personal services. In order to prevent the establishment of undesirable "strip" commercial development, it is intended that each development be contiguous and limited in scale. The C-2 districts should generally be restricted to the intersection of major arterial streets while providing one-mile separation from other non-adjacent commercial districts. The regulations and development standards are designed to preserve adjacent residential amenities and to prohibit encroachment by more intensive commercial uses.

F. Central Commercial District (C-3)

The C-3 District is intended to accommodate retail and service establishments in the original plat of Peoria, what is now called the 'Old Town' area. While the C-3 District is intended for buildings to be grouped together in compact arrangements in order to provide maximum shopping convenience and efficient use of off-street parking, the development standards contained herein recognize the existing characteristics of individually owned, small-lot business establishments. The regulations and development standards are designed to preserve adjacent residential amenities and to prohibit encroachment by more intensive commercial uses.

G. General Commercial District (C-4)

The C-4 District is intended to facilitate a wide range of retail, office, service establishments, and other uses not suitable to be located adjacent to residential zones but necessary to accommodate the larger community. This district is particularly suitable along Grand Avenue and Bell Road ^{*2} where uses are primarily related to auto-borne clientele and by nature, create a high degree of turning movement.

H. Regional Commercial District (C-5)

The C-5 District is intended to accommodate large-scale commercial establishments or developments that provide goods and services to a community-wide and regional trade area. These districts are typically located along major arterials (typically 110' of right-of-way) or other regional transportation corridors.

I. Business Park Industrial District (BPI)

The BPI District is intended to accommodate the development of office parks, support retail services, warehousing and certain light industrial uses in a comprehensively planned and attractive setting. The regulations and development standards contained within this district include generous screening, landscape buffering and performance standards to ensure compatibility with neighboring districts, particularly when located near residential districts.

J. Planned Light Industrial District (PI-1)

The PI-1 District is intended to accommodate certain industrial structures and uses having physical and operational characteristics that might have potential adverse impacts on adjacent properties. The regulations and development standards are designed to permit those industrial uses which can be operated in a relatively clean, quiet and safe manner, and are compatible with adjoining industrial uses without causing adverse impacts, danger or hazard to nearby non-industrial uses.

K. Light Industrial District (I-1)

The I-1 District is intended to accommodate certain light industrial developments such as manufacturing uses which can be operated in a relatively clean, quiet and safe manner without causing adverse psychological influence or nuisance effects on surrounding property or similar reasons. The regulations and development standards are designed to accommodate, control and limit such special uses for their own protection as well as for protection of the character of surrounding districts.

L. Heavy Industrial District (I-2)

The I-2 District is intended to accommodate certain industrial structures and uses, including large-scale or very specialized industrial operations, having potential adverse environmental impacts on adjoining residential and commercial developments, and, to some extent, the nearby light industrial districts. The regulations and development standards are structured to permit uses involve processing of raw materials and the manufacturing, processing and compounding of semi-finished or finished products.

500 NON-RESIDENTIAL DISTRICTS

21-503 Land Use Matrix

The following Land Use Matrix (Table 21-503) 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 21-503 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
ADMINISTRATIVE & FINANCIAL												
Automatic Teller Machine (ATM)	P	P	P	P	P	P	P	P	P	P	P	P
Banks and Financial Institution	P	P	P	P	P	P	P	P	P	-	-	-
Bonding Companies & Non-Chartered Financial	-	-	-	-	C	C	C	C	-	C	C	-
Professional, Administrative or Business Offices	P	P	P	P	P	P	P	P	P	P	P	P
AUTOMOBILE RELATED												
Auto Auction	-	-	-	-	-	-	C	-	-	P	P	P
Auto Dismantling, Scrap Dealers, Recycling Centers	-	-	-	-	-	-	-	-	-	-	-	C
Auto Parking Lot or Garage as Principal Use	P	-	P	P	P	P	P	P	P	P	-	-
Auto Parts and Accessory Store	-	-	P	P	P	P	P	P	-	-	-	-
Auto Sound System Installation, Auto Glass Tinting and Repair and similar uses #	-	-	-	-	C	C	P	P	P	P	P	P
Autobody Repair and Painting Facilities #	-	-	-	-	-	-	P	-	-	P	P	P
Automobile Dealerships, Boat, RV, or Motorcycle Sales, including Outdoor Sales and Rental ^{*17}	-	-	-	-	-	-	P♦	P♦	-	-	P♦	P♦
Automobile Diagnostic and/or Service Establishment, include engine and transmission overhaul, repair facilities and similar services # ^{*17}	-	-	-	-	C	C	P♦	P♦	-	P♦	P♦	P♦
Automobile Rental Facility, limit to six (6) vehicles #	-	-	C	C	C	C	P	P	-	-	-	-
Automobile Towing and Impound Facilities ^{*17}	-	-	-	-	-	-	C	-	-	P♦	P♦	P♦
Boat & RV Repair	-	-	-	-	-	-	C	C	-	C	C	P
Car Wash, Automated; Self Service	-	-	-	-	C	C	C	C	-	-	P	P
Emissions Testing Facility	-	-	-	-	-	-	P	-	P	P	P	P
Gas Service Station #	-	-	C	C	C	C	C	C	-	-	-	-
Parking Space with Electric Vehicle Charging Equipment ^{*22}	A	A	A	A	A	A	A	A	A	A	A	A
Tire Sales, Repair and Mounting #	-	-	-	-	C	C	C	C	-	-	-	-
Truck Stop, including Wash ^{*17}	-	-	-	-	-	-	-	P♦	-	-	-	P♦

P = Permitted Use

C = Permitted Conditional Use. Conditional Use Permit required. See Section 21-322.

A = Accessory use

♦ = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit ^{*17}

= Subject to special limitations (see the following Section 21-505)

- = Not Permitted

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
EATING & DRINKING ESTABLISHMENTS												
Catering Establishment ^{*11}	P	P	P	P	P	P	P	P	P	P	P	P
Mobile Food Unit #	A	A	A	A	A	A	A	A	A	A	A	A
Outdoor Dining and Seating Areas # ^{*18 *29}	C	C	C	C	C	C	C	C	C	C	C	C
Restaurants, Drive Through or Drive-Up # ^{*22}	-	P♦	P♦	P♦	P♦	-	P♦	P♦	-	-	-	-
Restaurants ^{*18}	P	P	P	P	P	P	P	P	A	A	A	A
Tavern, Bar, Lounge # ^{*22}	-	-	C	C	C	C	C	C	-	-	-	-
ENTERTAINMENT AND RECREATION												
Adult Uses #	-	-	-	C	C	-	C	C	-	C	C	C
Convention, Exhibition Centers and similar uses ^{*17}	-	-	-	-	C	C	C	C	C	-	-	-
Dance, Theatrical, Art, Music Studio and similar uses ^{*17}	-	-	P	P	P	P	P	P	P	P	P	P
Golf Courses	-	-	-	-	C	-	P	P	-	-	-	-
Health and Exercise Center # ^{*11}	P	P	P	P	P	P	P	P	P	P	P	P
Indoor Recreation/Entertainment include Bowling Alleys, Game Rooms, Video Arcades, Ice & Roller Skating Rinks, Shooting Ranges, Pool & Dance Halls, Bingo Halls, and similar uses. Excludes Adult Uses; Taverns Bars, and Lounges	-	-	P	P	P	P	P	P	-	-	-	-
Recreation and Social Clubs #	-	-	P	P	P	P	P	P	P	-	-	-
Resorts	-	-	-	-	P	P	P	P	-	-	-	-
Outdoor Recreation including Tennis, Racquet Clubs, Miniature Golf and similar uses ^{*11}	-	-	-	-	C	-	P	P	-	-	-	-
Theater, indoor	-	-	P	P	P	P	P	P	-	-	-	-
Wedding and Reception Center # ^{*8}	C	C	-	C	C	C	C	C	-	-	-	-
Recreation and Social Clubs #	-	-	P	P	P	P	P	P	P	-	-	-
GENERAL INDUSTRIAL & MANUFACTURING												
Bulk Fuel Sales and Storage ^{*17}	-	-	-	-	-	-	-	-	-	-	-	P♦
Call Center	-	-	-	-	-	-	C	P	P	P	P	P
Cement and Asphaltic Concrete Batch Plants	-	-	-	-	-	-	-	-	-	-	-	C
Commercial Laundry and Dying Plant	-	-	-	-	-	-	-	-	-	P	P	P
Commercial Livestock Feeding, Hog Ranches, Poultry Hatcheries, Dairy Farms, Cattle Sales and Livestock Auctions	-	-	-	-	-	-	-	-	-	-	-	C
Commercial Slaughtering, Lard & Tallow Rendering, Meat Packing, Poultry & Game Dressing and Packing	-	-	-	-	-	-	-	-	-	-	-	C
Contractors Storage Yard, including outdoor storage of construction equipment and materials ^{*17}	-	-	-	-	-	-	C	-	-	P♦	P♦	P♦
Cotton Ginning and Baling, Wood Preserving by pressure impregnation, Rubber or Oil Reclaiming	-	-	-	-	-	-	-	-	-	-	-	C

P = Permitted Use

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A = Accessory use

♦ = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit ^{*17}

= Subject to special limitations (see the following Section 21-505)

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500 NON-RESIDENTIAL DISTRICTS

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
GENERAL INDUSTRIAL & MANUFACTURING - CONTINUED												
Data Center ^{*8}	-	-	-	-	-	-	-	-	P	P	P	P
Drilling, Production, Refining of Petroleum, Gas or Hydrocarbons	-	-	-	-	-	-	-	-	-	-	-	C
Electric Power Generating Plants, Transformer Stations and Substations, Gas Pumping Plants	-	-	-	-	-	-	-	-	-	-	-	P
Environmental Remediation Facility	-	-	-	-	-	-	-	-	-	-	C	C
Essential Public Service or Utility Installation	P	P	P	P	P	P	P	P	P	P	P	P
Incineration or Reduction of offal, garbage or refuse when conducted entirely within an approved enclosed facility	-	-	-	-	-	-	-	-	-	-	-	C
Machine Shops ^{*17}	-	-	-	-	-	-	-	-	P	P	P	P
Manufacturing, Fabrication and Processing of Goods	-	-	-	-	-	-	-	-	P	P	P	P
Manufacturing of chemical and allied products, petroleum and coal products, leather and tanning, wool pulling/scouring, explosives, fertilizers, detergents, soaps and animal fat by-products, sugar, starches, serums, toxins and viruses, oils and fats, animal and vegetable	-	-	-	-	-	-	-	-	-	-	-	C
Manufacturing of lumber and wood products, primary metal industries, fabricating metal products, machinery, and transportation equipment excluding ore reduction and smelting, production or refining of petroleum, gas or hydrocarbons	-	-	-	-	-	-	-	-	-	-	-	P
Medical Marijuana Manufacturing or Cultivation # ^{*24}	-	-	-	-	-	-	-	-	C	C	C	C
Mini-Storage Warehouses, RV, Boat, and Trailer Storage indoor, and/or screened only # ^{*17}	-	-	-	C	C	-	C	C	P	P	P	P
Moving Company Storage and Transfer Facility ^{*17}	-	-	-	-	-	-	P♦	-	-	P♦	P♦	P♦
Moving Truck, Trailer and Equipment Rental # ^{*17, *26}	-	-	-	A	A	-	P♦	P♦	-	P♦	P♦	P♦
Outdoor Storage, including Automobile, RV, Boat, and Trailer Storage.	-	-	-	-	-	-	C	C	-	P	P	P
Parcel Delivery Service ^{*17}	-	-	-	-	-	-	-	-	P	P	P	P
Printing and Publishing Facilities	-	-	-	-	-	-	-	P	P	P	P	P
Processing and Compounding to reform recyclable materials into a useable state	-	-	-	-	-	-	-	-	-	-	-	C
Railroad Shops and similar heavy service facilities	-	-	-	-	-	-	-	-	-	-	-	P
Recycling Collection Facility #	-	-	-	-	-	-	-	-	-	C	C	C
Donation/Recycling Drop-Off Boxes #	-	A	A	A	A	A	A	A	-	-	-	-
Research Laboratories #	-	-	-	-	-	-	-	-	P	P	P	P
Storage, Processing, and Sale of scrap metal and junk	-	-	-	-	-	-	-	-	-	-	-	P
Wholesaling, Warehousing, Distributing, Repair, Rental and Servicing of any commodity. Excludes live animals, explosives and storage of flammable liquids and gases.	-	-	-	-	-	-	-	-	P	P	P	P

P = Permitted Use

C = Permitted Conditional Use. Conditional Use Permit required. See Section 21-322.

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= Subject to special limitations (see the following Section 21-505)

- = Not Permitted

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
GENERAL RETAIL												
Antiques, Crafts, and Collectibles Sales	-	-	P	P	P	P	P	P	-	-	-	-
Bait and Tackle Shops	-	-	P	P	P	P	P	-	-	-	-	-
Book, Stationery and Greeting Card Store	P	P	P	P	P	P	P	P	-	-	-	-
Candy and Ice Cream Store	P	P	P	P	P	P	P	P	-	-	-	-
Carpet and Floor Covering Store	-	-	-	-	P	P	P	P	-	-	-	-
Copy Center	P	P	P	P	P	P	P	P	P	P	P	P
Donation Center # * ¹¹	-	-	-	-	C	-	C	C	P	P	P	P
Florist	P	P	P	P	P	P	P	P	-	-	-	-
Gift, Novelty and Souvenir Shop	P	P	P	P	P	P	P	P	-	-	-	-
Hobby, Stamp and Coin Shop	P	P	P	P	P	P	P	P	-	-	-	-
Newsstand * ¹⁷	P	P	P	P	P	P	P	P	P	A	A	A
Pawn Shop #	-	-	-	-	C	-	C	C				
Permissible Consumer Fireworks Sales # * ²³	-	P	P	P	P	P	P	P	-	-	-	-
Pet Shop # * ¹⁶	-	-	P	P	P	P	P	P	-	-	-	-
Plumbing, Heating, and Air-conditioning Sales and Service	-	-	-	-	-	-	P	-	-	P	P	P
Retail Decorative Rock Sales	-	-	-	-	C	-	P	-	-	P	P	P
Retail Sales of New and Used Merchandise, Indoor. Excludes Sale of Automobile, Boats RVs and Motorcycles * ¹⁵	-	P	P	P	P	P	P	P	A [#]	-	-	-
Retail Liquor Store #	-	-	-	-	C	-	C	C	-	-	-	-
Mobile Merchandise Unit # * ¹⁵	A	A	A	A	A	A	A	A	A	A	A	A
Tobacco Retailer * ²²	-	P	-	-	P	P	P	P	-	-	-	-
Video Rental Store	P	P	P	P	P	P	P	P	-	-	-	-
Water and Ice Store	-	P	P	P	P	P	P	P	-	-	-	-
INSTITUTIONAL												
Art Gallery	P	P	P	P	P	P	P	P	-	-	-	-
Cultural Institutions	P	P	P	P	P	P	P	P	P	-	-	-
Day Care Centers or Pre-school Centers #	P	P	P	P	P	P	P	-	-	-	-	-
Group Care Facility or Community Residential Facility # * ¹⁷	-	-	-	-	C	-	P	P	-	-	-	-
Homeless Shelter and similar uses	-	-	-	-	-	-	-	-	-	-	P	P
Libraries and Museums	P	P	P	P	P	P	P	P	-	-	-	-
Non-profit Social services #	P	P	P	P	P	P	P	P	P	P	P	P
Nursing or Convalescent Home, Long term Care Facility #	P♦	P♦	-	-	C	-	P	P	-	-	-	-
Public Buildings #	P	P	P	P	P	P	P	P	P	P	P	P
Public/Private Schools, Charter Schools, College and University Facilities excluding College and University Campuses # * ²²	P	P	P	P	P	P	P	P	P	P	P	P
Public Utility Buildings, Structures, Uses, Facilities and Equipment #	P	P	P	P	P	P	P	P	P	P	P	P
Religious Institutions and similar places of worship #	P	P	P	P	P	P	P	-	-	-	-	-
Substance Abuse Detoxification and Treatment Centers	-	-	-	-	-	-	C	-	-	P	P	P

P = Permitted Use

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500 NON-RESIDENTIAL DISTRICTS

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
INTENSE RETAIL												
Appliance, Furniture, and Household Equipment Sales and Rentals ^{*20}	-	-	P	P	P	P	P	P	P	-	-	-
Accessory Outdoor Garden Centers ^{*20}		P♦	P♦	P♦	P♦	P♦	P♦	P♦				
Commercial Service Establishments combining retail, showroom with workshop # ^{*11}	-	-	-	C	C	C	P	P	-	-	-	-
Department Store	-	-	P	P	P	P	P	P	-	-	-	-
Equipment Sales, Rental and Storage Yard	-	-	-	-	-	-	P	P	P	P	P	P
Farmers Markets	-	-	-	-	-	-	P	-	-	P	P	P
Hardware and Home Improvement Store ^{*20}		P	P	P	P	P	P	P				
Hardware and Home Improvement Store with outdoor storage and/or garden center ^{*11}	-	-	C	C	C	C	C	C	-	-	-	-
Large-Scale Retail # ^{*14}	-	-	-	-	C	-	C	C	-	-	-	-
Medical Marijuana Dispensary # ^{*24}	-	-	-	-	C	-	C	C	-	-	-	-
Mobile Home Sales	-	-	-	-	-	-	C	-	-	P	P	P
Monument Sales and Engraving Shop	-	-	-	-	P	P	P	P	P	P	P	P
Office Supply and Machine Sales & Service	-	-	P	P	P	P	P	P	P	-	-	-
Outdoor Sales and Display Area # ^{*8} ^{*15}	P	P	P	P	P	P	P	P	-	P	P	P
Plant Nursery, Retail	-	-	-	-	C	-	P	-	-	P	P	P
Plant Nursery, Wholesale	-	-	-	-	-	-	P	-	-	P	P	P
Retail Sales of lumber and Building Materials #	-	-	-	-	-	-	C	-	-	P	P	P
Sales and Storage of grain, feed, seed, fertilizer, farm and garden supplies ^{*17}	-	-	-	-	C	C	P♦	-	-	P♦	P♦	P♦
Swap Meet, indoor	-	-	-	-	-	-	P	-	-	-	-	-
Swimming Pool and Spa Sales ^{*21}	-	-	-	-	C	-	P	-	P	P	P	P
Upholstery Shop ^{*17}	-	-	-	-	-	P	P	-	-	-	P	P
Wholesale Produce Storage or Market	-	-	-	-	-	-	C	-	C	P	P	P
LODGING												
Bed and Breakfast Inn #	-	-	-	-	-	C	-	-	-	-	-	-
Hotel or Motel #	-	-	-	P	P	P	P	P	P	-	-	-
Living quarter for night guards	-	-	-	-	-	-	A	-	A	A	A	A
MEDICAL												
Ambulance Service Facility	-	-	-	-	C	C	P	P	-	P	P	P
Emergency Medical Care Facility #	-	-	-	-	C	C	P	P	-	P	P	P
Hospitals	-	-	-	-	-	-	-	P	-	-	-	-
Medical, Dental, Optician or Health, Clinics and Laboratories	P	P	P	P	P	P	P	P	P	P	P	P
Veterinary Hospital # ^{*16}	-	-	-	-	C	C	C	C	P	P	P	P
Veterinary Offices and Clinics, excluding animal boarding # ^{*16}	-	-	-	-	C	C	C	C	P	P	P	P

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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
PERSONAL SERVICES												
Animal Shelter	-	-	-	-	-	-	C	-	-	C	C	C
Appliance Repair	-	-	-	-	-	-	P	-	-	P	P	P
Auction Houses and Estate Sales	-	-	-	-	-	-	P	-	-	P	P	P
Blueprint Shop	-	-	-	-	-	-	P	P	P	P	P	P
Boarding and Training Kennels # ^{*11, *27}	-	-	-	-	C	-	C	-	-	C	C	C
Cabinet and Carpentry Shop	-	-	-	-	-	-	P	-	-	P	P	P
Custom Dressmaking, Furrier, Millinery or Tailor Shop #	-	-	-	-	-	-	P	P	P	P	P	P
Day Labor Hiring Centers ^{*17}	-	-	-	-	-	-	C	-	-	C	C	C
Dry Cleaning and Laundry Establishment	-	P	P	P	P	P	P	P	P	P	P	P
Employment Agencies, not including Day Labor Hiring Centers	-	-	P	P	P	P	P	P	P	P	P	P
Laundromat, self-service	-	P	P	P	P	P	P	P	-	-	-	-
Locksmith	-	-	P	P	P	P	P	P	P	P	P	P
Massage Establishment #	P	P	P	P	P	P	P	P	-	-	-	-
Messenger Delivery Service	P	P	P	P	P	P	P	P	P	-	-	-
Palm Readers, Phrenologists, Fortune Tellers and Astrologers	-	-	P	P	P	P	P	P	-	-	-	-
Pest Control Service	-	-	-	-	-	-	P	-	-	P	P	P
Pet Grooming Shop # ^{*16}	-	-	P	P	P	P	P	P	-	-	-	-
Photographic Developing and Printing	P	P	P	P	P	P	P	P	P	P	P	P
Photographic Studio	-	-	P	P	P	P	P	P	-	-	-	-
Plasma Center, Tattoo & Body Piercing Studio #	-	-	-	-	C	-	C	C	-	C	-	-
Radio and Television Sales and Service	-	-	P	P	P	P	P	P	-	-	-	-
Recording Studio	-	-	-	P	P	P	P	P	P	P	P	P
Remote Mail Service ^{*17}	P	P	P	P	P	P	P	P	-	-	-	-
Shoe Service & Clothing Alteration ^{*11}	-	-	P	P	P	P	P	P	-	-	-	-
Sightseeing Tour Companies	-	-	P	P	P	P	P	P	P	P	P	P
Tanning Salon, Nail Salon, Barber Shop, Beauty Parlor and similar uses	-	-	P	P	P	P	P	P	P	P	P	P
Ticket and Travel Agency	P	P	P	P	P	P	P	P	P	-	-	-
Watch and Clock Repair Shop	-	-	-	-	P	P	P	P	P	P	P	P
TRANSPORTATION												
Aviation uses such as Aircraft Repair, Aircraft Sales and Air Charter Services ^{*17}	-	-	-	-	-	-	-	-	-	P♦	P♦	P♦
Bus Terminals ^{*17}	-	-	-	-	C	C	C	-	-	P♦	P♦	P♦
Marine Fuel Facility ^{*17}	-	-	-	-	-	-	-	-	-	-	-	P♦
Rail and Motor Freight Terminals and Facilities ^{*17}	-	-	-	-	-	-	P	-	-	P	P	P
School Bus Parking and Maintenance Facilities # ^{*17}	C	C	C	C	C	C	C	C	C	P♦	P♦	P♦

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- = Not Permitted

21-504 General Regulations for O-1 C-1, PC- 1, PC-2, C-2 and C-3

In Zoning Districts O-1, C-1, PC-1, PC-2, C-2, and C-3, the following general regulations shall apply:

- A. All activities, except as otherwise permitted herein, shall be conducted entirely within enclosed buildings.
- B. Outdoor storage of goods and materials shall be prohibited.
- C. Warehousing or indoor storage of goods or material beyond that normally incidental to permitted uses shall be prohibited.

21-505 Limitations on Uses

A. Automobile Related

1. Automotive Diagnostic and/or Service Establishments, including those that perform automotive repairs, engine and transmission overhaul, lubrication; tire repair and/or replacement and wheel balancing and alignment; muffler repair or replacement; brake service, repair or replacement; shall be subject to the following additional requirements: ^{*11}
 - a. No outdoor displays or storage shall be permitted, except for merchandise normally sold from the premises that is displayed during normal business hours. No temporary parking of vehicles waiting for repair shall be permitted except in the garage or in C-4, C-5, PI-1, I-1, and I-2 zoning districts. The parking area shall be fully screened from public view.
 - b. All activities shall be performed entirely within an enclosed building. High-speed washing, body repair, machining of auto parts, painting, vehicle or trailer rental shall be expressly prohibited.
 - c. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in landscaping. All exterior design shall be compatible with surrounding developments.
2. Autobody Repair and Painting, Tire Sales, Repair and Mounting, and Auto Sound System Installation, Auto Window Tinting, Auto Glass Repair and similar uses shall have no outdoor displays other than merchandise normally sold from the premises that is displayed during normal business hours. No outdoor storage shall be permitted.
3. Auto Sound System Installation, Auto Window Tinting, Auto Glass Repair and similar uses shall be conducted within enclosed buildings.
4. Automobile Rental Facility, excluding moving truck, trailer and equipment rental, shall be subject to all of the following additional requirements:
 - a. No more than six (6) vehicles shall be stored on site in association with the office location.
 - b. The facility shall be located within a developed commercial center or building.
 - c. Automobile storage shall be limited to hard surfaced areas.
 - d. The automobile storage area shall not occupy required parking spaces or access lanes.
5. Gas Service Stations shall be subject to all of the following additional requirements: ^{*11, *22}
 - a. Minimum frontage of one hundred-eighty (180) feet on one arterial street is required.

- b. No part of any building, canopy, fuel dispenser, or accessory equipment shall be within 200 feet of any residentially zoned property.
- c. A minimum of 500 feet of separation is required between gas service stations located on the same side of the street. Gas Service Stations separated by arterial streets are not subject to this requirement.
- d. All of the following development standards shall apply:
 - 1) The minimum side and rear building setback including canopies, from a property line abutting a residential zoning district: thirty (30) feet.
 - 2) The minimum side and rear building setbacks including canopies, from a property line abutting a non-residential zoning district: ten (10) feet.
 - 3) The minimum street setback for buildings, fuel dispensers, accessory equipment, and canopies: twenty-five (25) feet.
 - 4) All fuel pump mechanism and any accessory equipment dispensing fuel shall be covered by canopies.
 - 5) Under canopy mounted lights shall be flush with the underside of the canopy.
 - 6) Fuel tanks larger than 1,000 gallons must be located underground. Above ground tanks shall be screened from street view, shall not exceed 6-feet in height, and shall be setback at least 25-feet from any public street.

B. Eating & Drinking Establishments

- 1. Mobile Food/Merchandise Unit and all accessory equipment (“use”) shall be subject to the following additional requirements:
 - a. Location
 - 1) The vendor shall obtain written permission from the property owner or an authorized agent.
 - 2) The use shall not be located within 250 feet of a single-family residentially zoned lot, not including common area tracts.
 - 3) The use shall not cause the site to fall below minimum required parking for the site.
 - 4) The use shall be located on a dustproof surface.
 - 5) The use shall not obstruct pedestrian or vehicle circulation, or be located within drive aisles, fire lanes, loading zones, or any location that may cause hazardous conditions, or constitute a threat to the public health, safety and welfare.
 - 6) The site shall be restored to its previous condition after each use. Permanent alterations to the site are prohibited.
 - b. Operation
 - 1) The use shall not be present at the site or center for a period exceeding eight (8) consecutive hours within a 24-hour period. This period includes for set-up, operation and takedown.
 - 2) Unless a Temporary Use Permit has been issued pursuant to Section 21-322, the operation shall not occur between the hours of 10:00 pm and 7:00 am, unless the mobile food unit is acting as an auxiliary kitchen for an existing bar, tavern, or

restaurant, in which case the use shall be limited to the hours of operation for that primary business.

- 3) Mobile restrooms are prohibited.
 - 4) The site shall be properly lit, provided that any temporary lighting be directed downward and shielded in a manner that the illumination source is not be visible from any adjacent property.
2. Restaurants with Drive-Through: ^{*22}
- a. All drive-through lanes, menu boards, speaker box, and other related elements shall be located at least 50 feet from any residentially zoned property or use. Speakers at a drive-through shall not be audible from residentially zoned property. Sound shall be mitigated through the use of sound attenuation walls, landscaping, or other measures.
 - b. The drive-through lane shall be separated from parking areas and driving lanes by a minimum 5-foot wide landscaping island or other alternative as approved by the Planning Manager.
 - c. Drive-through canopies and other appurtenances shall be architecturally compatible with the principal building.
 - d. Through the Conditional Use Permit (CUP) process, the conditions considered for imposition by the Planning and Zoning Commission may include, but are not limited to, a restriction on operating hours, additional screening, relocation of the drive-through, modification of the minimum drive-through stacking requirements, noise and visual mitigation, and other measures appropriate to the relevant circumstances.
3. Outdoor Dining and Seating Areas: ^{*18, *22, *29}
- a. No Conditional Use Permit is required when the exterior wall or area of the patio or seating area is located at least two-hundred (200) feet from the nearest residentially-zoned lot, not including common area tracts
 - b. Such areas shall be located adjacent to the restaurant or establishment to which it is an accessory use.
 - c. The use shall not interfere with pedestrian access, fire lanes, driveways, or traffic visibility at driveways or street intersections.
 - d. Through the Conditional Use Permit (CUP) process, the conditions considered for imposition by the Planning and Zoning Commission may include, but is not limited to, a restriction on operating hours, additional screening, re-location of the outdoor dining and seating area, noise and visual mitigation and other measures appropriate to the relevant circumstances.
4. Tavern, Bar, or Lounge:
- a. The exterior building wall shall not be located within one-thousand (1,000) feet of the property lines of a state designated Local Alcohol Reception Center.
 - b. The exterior building walls of the use shall be located at least two-hundred (200) feet from a residentially zoned property.

- c. Through the Conditional Use Permit (CUP) process, the conditions considered for imposition by the Planning and Zoning Commission may include, but are not limited to, a restriction on operating hours, additional screening, relocation of any outdoor patio areas, live entertainment standards, noise and visual mitigation, and other measures appropriate to the relevant circumstances.

C. Entertainment & Recreation

1. Adult Uses, which are subject to the provisions of Special Conditional Use Permits section of this Ordinance ^{*4} shall be subject to all of the following additional requirements:

In the development and execution of this Section, the City recognizes that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area. Adult Uses subject to these regulations and development standards are as follows:

Adult Arcade

Adult Bookstore, Adult Retail Store or Adult Video Store

Adult Cabaret

Adult Motel

Adult Motion Picture Theater

Adult Theater

Nude Model Studio

Sexual Encounter Center

Any combination of classifications listed above.

- a. Any person who intends to establish any of the Adult Uses shall submit an application in the same manner as all other Conditional Uses.
- b. For purposes of this Section, the maintenance of two or more Adult Uses in a single building that are not at least 51% owned by the same entity shall be treated as two separate Adult Uses for purposes of applying the locational provisions of this Section.
- c. An Adult Use shall meet the locational criteria prescribed in this Section. The Board of Adjustment shall not have the jurisdiction to grant variances from these locational criteria. For the purpose of measuring separation distances required in this Section, the measurements shall be taken in a straight line from the closest exterior building walls of an Adult Use to the affected structures, property line or district boundary line, as the context indicates, without regard to intervening structures, objects, or jurisdictional boundaries.
- d. The exterior building wall of Adult Use shall not be located within one thousand (1,000) feet of the exterior property lines of any one or more of the following uses:
 - 1) Preschool, kindergarten, elementary, or secondary school.

- 2) Public library, service club, neighborhood or community public park, or publicly owned and operated swimming or aquatics facility.
 - 3) A state designated Local Alcohol Reception Center.
 - 4) A community residential facility or release facility.
 - 5) Tavern, bar, lounge or an establishment that sells beer or intoxicating liquor for consumption on the premises.
 - 6) Vacant land acquired and owned by the state or a political subdivision for one of the purposes identified in (1) to (5) of this Subsection.
 - e. The exterior building wall of an Adult Use shall not be located within five hundred (500) feet of an existing residential district boundary line. A residential district for the purposes of this Section shall include the following zoning districts: AG, SR-43, SR-35, R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, R1-7, R1-6, RM-1, RMH-1, RMH-2, or residentially designated property within a P.A.D., P.U.D. or P.C. zoning district.
 - f. An Adult Use shall not be located within one thousand (1,000) feet of any other Adult Use, measured from exterior building wall to exterior building wall.
 - g. An Adult Use lawfully operating is not rendered in violation of these provisions by the subsequent location of a preschool, kindergarten, elementary, or secondary school, public library, service club, neighborhood or community public park publicly owned and operated swimming or aquatics facility; community residential facility or release facility. An Adult Use lawfully operating is not rendered in violation of these provisions by the subsequent rezoning of land to a residential zoning district.
 - h. For the purposes of calculating the locational requirements in this Section, the distance shall be measured from the exterior surface of the walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted to a point which is the required distance apart, in a straight line, not taking into account any buildings, natural or artificial obstructions or structures including the rights-of-way of any public or private roadway or easements.
 - i. For the purposes of calculating the locational requirements in this Section, the distance measured shall include those areas of unincorporated Maricopa County that are entirely surrounded by the City of Peoria or the City of Peoria and some other incorporated City. The locational requirements in this Section shall also apply to the itemized list of sensitive uses regardless of whether their distance from a proposed Adult Use places them within a county island of unincorporated Maricopa County, unincorporated Maricopa County or an adjacent incorporated City.
 - j. Prior to the granting of a Special Conditional Use permit for any Adult Use, the Planning and Zoning Commission may impose only those conditions or limitation upon the establishment, location, construction, maintenance or operation of the Adult Use specifically authorized under Section 21-321 and this Section.
 - k. No person may resubmit an application for an Adult Use which City has been denied in whole or in part for a period of one (1) year from the date of the denial.
 - l. An applicant may appeal a denial of a Special Conditional Use permit by the City Council in accordance with A.R.S. §12-7.6.
2. Health and Exercise Center shall be subject to the following conditions: ^{*11}

- a. The total building floor area shall not exceed 5,000 square feet in the O-1, C-1, PC-1, and PC-2 Districts.
 - b. Hours of operation in the O-1, C-1, PC-1, and PC-2 shall be limited to 5:00 a.m. to 7:00 p.m. ^{*13}
 - 3. Recreation, Social Clubs and similar establishments shall have vehicular access to the site only from arterial or collector streets.
 - 4. Wedding Reception Centers shall be subject to both of the following additional requirements:
 - a. Maximum building height shall be thirty (30) feet or two (2) stories, whichever is greater.
 - b. Outdoor events between the hours of 10:00 p.m. and 7:00 a.m. shall require a temporary use permit.
- D. General Industrial & Manufacturing
- 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 21-818.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. Moving Truck, Trailer, and Equipment Rental shall be subject to the following additional requirements:
 - a. In the C-2 and PC-2 Zoning Districts, Moving Truck, Trailer, and Equipment Rental shall be allowed as an Accessory Use to Mini-Storage Warehouses-, RV, Boat, and Trailer Storage indoor, and/or screened only, Hardware and Home Improvement Store, and Hardware and Home Improvement Store with outdoor storage and/or garden center.
 - 1) No more than six (6) vehicles shall be stored on site in association with the Moving Truck, Trailer, and Equipment Use.
 - 2) Outdoor storage of vehicles and equipment associated with the Moving Truck, Trailer, and Equipment rental shall be fully screened from public view or located a minimum of 200 feet from the right of way.
 - 3) Outdoor storage of vehicles and equipment associated with the Moving Truck, Trailer, and Equipment rental shall not occupy required parking spaces or access lanes.
 - 4) Moving trucks, trailers, and equipment shall be stored in a designated area of the site. For multi-tenant sites, or sites with multiple uses, the designated area shall be proximate to the associated principal use.
 - 5) No fueling shall occur on-site in conjunction with this use.
 - 6) Moving trucks and trailers which require a Commercial Drivers License for their operation shall be prohibited.
 - 7) A Site Plan application (or Site Plan Amendment application for sites with a previously approved Site Plan) shall be required.

E. General Retail ^{*11, *23}

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: ^{*19}
 - 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. ^{*19}

- 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. ^{*19}
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: ^{*23}
 - a. Signage shall be displayed at the point-of-sale in accordance with Peoria City Code Section 9-421-50
 - b. Sales may only occur in buildings classified with a mercantile building occupancy code.
- F. Institutional Uses
1. Day Care Centers or Pre-school Centers shall be permitted in accordance with State Department of Health Care Services regulations. ^{*1}
 2. Group Care Facility or Community Residential Setting Facility in accordance with Section 21-812.C. ^{*10}
 3. Non-profit Social Services shall be permitted provided that their primary activities are administrative and clerical rather than residential in nature.
 4. Nursing or Convalescent Home, Long Term Care Facility and Hospices shall have all vehicular access from an abutting arterial or non-residential collector street. The site shall contain a net land area of at least one thousand (1,000) square feet per dwelling unit. ^{*3}
 5. Public utility buildings, water pumping plants and storage tanks and electric substations wherein service to district residents requires location within the district shall have no repair or storage facilities.
 6. Religious institutions, similar places of worship and related facilities shall have vehicular access reviewed and approved by the City Engineer.
 7. Public/charter schools, private schools, colleges, universities or instructional, business, technical or vocational schools shall have direct vehicular access to an arterial or collector street. ^{*5}
- G. Large-Scale Retail (LSR) ^{*14}
- Large-scale retail must adhere to all requirements of this Section in addition to all other applicable requirements of this Ordinance. In the event of conflicting requirements, the more restrictive shall govern.

1. Definitions

a. **Large-Scale Retail (LSR)** means the following:

- 1) **Single Establishment.** Any retail establishment accommodating one-hundred thousand (100,000) square feet (G.F.A.) or more for either a single tenant or for multiple tenants sharing a common building entrance and common interior space; and/or
- 2) **Site.** A site containing multiple retail establishments with more than five-hundred thousand (500,000) square feet (G.F.A.) of interior space in the aggregate.

b. **Site** means that area as shown on the site plan for which the Conditional Use Permit is issued, inclusive of all amendments.

c. **Vacancy** means ceasing of the type and/or level of use as established in the Conditional Use Permit. Said vacancy shall apply to the principal LSR establishment, and/or any portion thereof, and/or accessory facilities or operations.

2. Applicability of Provisions

a. Provisions of this ordinance shall apply to 1) any single LSR establishment, as defined above, and 2) the entire site on which any LSR meeting the criteria set forth above for "Single Establishment" LSR or "Site" in the LSR definition.

b. Except as provided above, in Subsection 2.a., provisions herein do not apply to the following buildings, so long as said buildings are not accessory to a Single Establishment LSR, as defined above: individual pad buildings, shop buildings, or similar commercial establishments.

3. Location. Large-Scale Retail development is permitted only with a Conditional Use Permit in only those areas with a Land Use designation of Community Commercial (CC) or Regional Commercial (RC) in the General Plan.

4. Vacancy. During any period of vacancy, the property owner must maintain the property in a safe, sanitary, and aesthetically pleasing condition.

a. All landscaping must be maintained professionally.

b. The site must remain externally lit in the same manner as when the facility was fully operational, to maintain the premises in a safe condition and to avoid the appearance of neglect.

c. All architectural elements, including but not limited to building exteriors, roofs, signs, walkways, accessory structures, monuments, etc., must be maintained in good repair and functional condition as when the facility was fully operational.

d. Within thirty (30) days of vacating a facility, all signage for said facility must be removed from the building(s) and premises. Any walls or areas behind signs must be repainted; or, in the case of internally lit monument signs, a blank panel must be used as a temporary sign replacement.

H. Intense Retail

1. Commercial Service Establishment combining retail, office, showroom with workshop, such as interior decorator, custom dressmaking or tailor, photographer, minor household appliance repair and similar activities shall be subject to the following conditions: ^{*11}

- a. Maximum size of building shall not exceed 15,000 thousand square feet. No more than fifty percent (50%) of the usable floor area shall be used for workshop activities.
 2. Outdoor Display and Sales Area shall be subject to all the following requirements: ^{*20}
 - a. No merchandise shall be located beyond eight (8) feet from the principal building of the business.
 - b. A four (4) foot unobstructed walkway containing at least seven (7) feet of vertical clearance shall be maintained at all times.
 - c. Outdoor Display shall not be located in or interfere with any landscaped area, setback area, required yard, required parking space, parking aisle, easement or drainage facility.
 - d. Outdoor Display shall be limited to products and services sold or provided inside the principal building.
 - e. Outdoor Display shall be limited to an area equal to 10% of the gross floor area of the principal building.
 - f. The setback of an outdoor display area from any residentially-zoned property shall be twenty five (25) feet. Such setback shall include a six (6) feet block wall at the property line separating the commercial and residential use districts.
 - g. All merchandise and equipment used in an outdoor display shall be removed and stored inside the principal building at the close of business.
 - h. Outdoor Display in the Old Town Mixed Use Districts (OTMU) shall be subject to the following additional conditions: ^{*20}
 - 1) Outdoor Display may be conducted on a public sidewalk where the principal building of the use is located immediately adjacent to the public sidewalk, subject to the liability and insurance requirements of the City Engineer.
 - 2) Evidence of insurance shall be submitted and approved by the City Engineer prior to placement of any merchandise or materials in the public right-of-way.
 - 3) No merchandise shall be located beyond three (3) feet from the principal building of the business.
 - i. Swimming Pool and Spa Sales with outdoor swimming pool display shall be subject to the following conditions: ^{*11}
 - 1) All outdoor swimming pool and spa models shall be displayed on a horizontal position.
 - 2) No models displayed outdoor shall be located in the required setback or landscaped areas.
 - 3) All sales services shall be conducted in the principal building.
 - 4) Outdoor storage and display of equipment and pool supplies are prohibited.
 3. Retail Sales of Lumber and Building Materials shall have no outdoor storage, repair, processing or manufacturing activities.
- I. Lodging
1. Bed and Breakfast Inns shall be subject to all the following additional requirements: ^{*6}
 - a. Maximum building height shall be thirty (30) feet or two (2) stories, whichever is greater.

- b. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in lawns or landscaping.
 - c. Short-term lodging for the purposes of a Bed and Breakfast Inn shall be for a period not exceeding fourteen (14) consecutive days.
 - d. Meals shall be restricted to registered guests.
- 2. Hotels and Motels shall be subject to all of the following additional requirements:
 - a. All direct vehicular access shall be from an abutting arterial or collector street.
 - b. Paved areas shall be reduced to the smallest area commensurate with the efficient operation and function of the site.
- J. Medical
 - 1. Emergency Medical Care Facilities shall have all direct vehicular access from an abutting arterial street. The site shall contain a net land area totaling at least four (4) acres for the first one hundred beds or less, plus one additional acre for each additional twenty-five beds. ^{*3}
 - 2. Veterinary Hospitals shall have no outdoor runs, pens or enclosures. Veterinary Hospitals shall not be located closer than one hundred (100) feet to any street, residential district or existing restaurant, hotel or motel.
 - 3. Veterinary Offices and Clinics (excluding animal boarding) shall be subject to all of the following additional requirements:
 - a. Clinic activities shall be restricted to the medical care and treatment of small animals during regular office hours. The confinement of such animals on the premises shall be limited to essential and occasional overnight care.
 - b. The boarding and breeding of animals shall be prohibited.
 - c. Clinic activities shall be completely contained within enclosed buildings; the building or suite containing the clinic shall be designed and constructed to achieve a Sound Transmission Control Value of 50 or greater. ^{*16}
 - d. All refuse shall be stored within a completely enclosed building.
 - e. Outdoor runs or exercise pens shall be prohibited.
- K. Personal Services ^{*16 *28}
 - 1. Body Piercing Studios, Tattoo Studios, Retail Liquor Stores, Plasma Center, Non Chartered Financial Institutions, and Pawnshops shall be subject to all of the following additional requirements: ^{*7}
 - a. All vehicular access shall be from arterial streets.
 - b. The uses shall not be located on a lot with a property line within one thousand (1,000) feet measured in a straight line in any direction of the lot line of a Body Piercing Studio, Non Chartered Financial Institution, Pawnshop, Retail Liquor Store, Plasma Center and Tattoo Studio, Adult Use, Correctional Facility or State Local Alcohol Reception Center.
 - c. For purposes of calculating the locational requirements of this Subsection, the distance shall include those areas of Maricopa County surrounded by the City of Peoria and some other city on three or more sides. The locational requirements shall also apply to the uses

regardless of whether their distance from such other use includes area within Maricopa County or some other incorporated city and regardless of whether the other use is located in Maricopa County of some other incorporated city.

2. Pet Grooming Shop ^{*16}

- a. The building or suite containing the pet grooming shop shall be designed and constructed to achieve a Sound Transmission Control Value of 50 or greater.

3. Boarding and Training Kennels

In the C-2 Zoning District, the following limitations shall apply:

- a. Boarding shall be limited to household pets.
- b. The commercial breeding of animals shall be prohibited.
- c. The hours of operation for outdoor areas shall be limited to between the hours of 6:00 a.m. and 7:00 p.m.
- d. All indoor facilities shall be completely enclosed and buildings shall be designed and constructed to achieve a Sound Transmission Control Value of 50 or greater.
- e. All refuse shall be stored within an airtight container, or within a completely enclosed building.
- f. Facilities shall be constructed, maintained, and operated so that the smell of boarded animals does not create a nuisance off-site.
- g. A Boarding Facility Management Plan shall be provided with the Conditional Use Permit Application indicating the specific operational plans for the facility, including management of noise and odor on the site.

4. Massage Establishment ^{*28}

- a. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m.

L. Transportation

1. School bus parking and maintenance facilities shall provide primary access from an arterial or collector street. Parking areas for school buses shall be screened from adjacent streets or property lines by an eight-foot high solid wall. ^{*11}

M. Medical Marijuana Dispensaries and Manufacturing or Cultivation Facilities ^{*24}

1. General Requirements

- a. For the purposes of measuring separation distances, the measurements will be taken in a straight line from the exterior wall of the building or suite housing the use without regard to intervening buildings or political boundaries.
- b. Medical Marijuana remnants or by-products shall be disposed of according to an approved plan and not placed within the facility's exterior refuse containers.
- c. There shall be no emission of dust, fumes, vapors or odors into the environment from the premise.

- d. Signage for Dispensary and/or Medical Marijuana Cultivation facilities shall be limited to the name of the business only, and no advertising of the goods and/or services shall be permitted.
 - e. Medical Marijuana Dispensaries and Cultivation Facilities shall be located in a permanent building on an established foundation adhering to Peoria building codes and shall not include any temporary, portable, or self-powered mobile facilities.
 - f. An active Security Management Plan shall be approved by the Police Department. The Plan shall include, but is not limited to, the following:
 - 1) Security cameras shall be installed and maintained in good condition, and used in an on-going manner. Recordings shall be retained for a minimum of 60 days and comply with any additional standards defined by the Security Management Plan.
 - 2) The business space shall be alarmed with an alarm system that is operated and maintained by a recognized security company.
 - 3) A security guard shall be provided at the main entrance during all hours of operation. For the purposes of this Section, "security guard" shall mean licensed and duly bonded security personnel registered pursuant to A.R.S. §32-601.
2. Medical Marijuana Dispensaries
- a. Vehicular access into the center or site containing the dispensary shall be from an arterial roadway.
 - b. The use shall not be located within 2,640-feet of another Medical Marijuana Dispensary or Medical Marijuana Manufacturing or Cultivation Facility.
 - c. 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.
 - d. 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.
 - e. The use shall not be located within 500-feet of the property line of a residentially-zoned property.
 - 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 Dispensary shall have operating hours not earlier than 8:00 a.m. and not later than 9:00 p.m.
 - h. The Cultivation of Marijuana is prohibited.
 - i. Delivery services are prohibited.
 - j. Drive-through services and sales are prohibited.
 - k. Alcoholic beverages shall not be sold, stored, distributed or consumed on the premises.
 - l. The Dispensary shall not have outdoor seating areas, but shall have adequate indoor seating to prevent outside loitering.

- m. The business entrance and all window areas shall be illuminated during evening hours and shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding etc.
 - n. The windows and/or entrances shall not be obstructed and must maintain a clear view into the premises during business hours.
 - o. 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.
 - p. Tenant improvement plan shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes.
3. Medical Marijuana Manufacturing or Cultivation Facility.
- 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. The use shall not be located within 2,640-feet of another Medical Marijuana Manufacturing or Cultivation Facility.
 - d. 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.
 - e. The use shall not be located within 500-feet of the property line of a residentially-zoned property.
 - f. There shall be no signage advertising the location of Medical Marijuana Dispensaries or retail sales of Medical Marijuana on the premises.
 - g. The Community Development Director may require additional ventilation and air filtration necessary to ensure compatibility with adjacent uses.

21-506 Property Development Standards

- A. The following property development standards shall apply in zoning districts O-1, C-1, PC- 1, PC-2, C-2, C-3, C-4 and C-5:

Property Development Standards	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5
Minimum Lot/site Area (acreage)	N/R	N/R	3	20	N/R	N/R	N/R	10
Minimum Lot Width (FT)	50	N/R	N/R	N/R	N/R	N/R	N/R	N/R
Minimum Lot / Site Depth (FT)	N/R	120	250	660	N/R	N/R	N/R	660
Minimum Frontage on One Arterial (FT)	N/R	N/R	450	660	N/R	N/R	N/R	660
Maximum Lot Coverage (percentage)	N/R	N/R	30%	N/R	N/R	100%	N/R	N/R
Maximum Building Height (FT)	30	30	30	60	48 ^a	48	48 ^a	60
Front Setback (FT)	15	15	60	120	15	N/R	15	40
Corner Setback (FT)	15	15	60	120	15	N/R	15	40
Rear Setback (FT)	20	20	20	60	20	N/R	20	30
Interior Rear/Side Setback (FT)	N/R	N/R	60	60	N/R	N/R	N/R	N/R

500 NON-RESIDENTIAL DISTRICTS

Setback from Residential Zones (FT) ^{*17}	30	30	30	120	30	N/R	30	120
Accessory Building Height and Setbacks (FT) ^{*8}	•	•	•	•	•	•	•	•

N/R No minimum requirements

- ^a Building Height: Maximum thirty 30 feet high within thirty 30 feet of any residential district. The height may be increased by one 1 foot per each three 3 feet of additional setback to a maximum of forty-eight 48 feet. ^{*17}
- All regulations and development standards applicable to the principal building shall apply, except for covered parking canopies which shall comply with the standards established in Section 21-825 of the Zoning Ordinance. ^{*12}

B. The following property development standards shall apply in zoning districts BPI, PI-1, I-1, and I-2:

Property Development Standards	BPI	PI-1	I-1	I-2
Minimum Size of Lot by Use				
Area (acreage)	N/R	N/R	N/R	N/R
Width (FT)	80	80	80	80
Minimum Setbacks for Principal Buildings				
Front Setback (FT)	30	40	20	60
Least Side (FT)	20	0	0	0
Total Sides (FT)	40	20	20	30
Interior Setback (FT) ^{*13}	N/R	N/R	N/R	N/R
Rear Setback (FT)	25	25	25	40
Corner Side (FT)	20	20	20	30
Setback from Residential Zoning Districts (FT) ^a	30	50	50	50
Maximum Lot Coverage				
Percentage - by all Buildings	N/R	40%	N/R	N/R
Maximum Building Height				
Principal Building Height (FT)	48 ^b	48 ^b	48 ^b	60 ^b
Accessory Building Height and Setbacks (FT) ^{*8}	•	•	•	•

N/R No minimum requirements.

- ^a The setback shall be applied to sides which abut or are adjacent to a residential zoning district, as established in Section 21-415.A. or as designated residential on a PAD or PCD. Where a side is adjacent to a residential zoning district, said setback shall be applied when the abutting right-of-way is a collector or lower classification as identified on the Peoria General Plan and Street Classification Map.
- ^b Building Height: Where a setback from residential zoning district applies, the building shall be limited to a maximum height of thirty 30 feet at the setback line. The building height may be increased by one (1) foot per each three 3 feet of additional setback to the maximum height as prescribed by the applicable district.
- All regulations and development standards applicable to the principal building shall apply, except for covered parking canopies which shall comply with the standards established in Section 21-825 of the Zoning Ordinance. ^{*12}

References

Adopted by Ord. No.: 2018-35

Previous Ordinances:

- *1 83-16
- *2 94-27
- *3 97-41
- *4 98-34
- *5 99-89
- *6 99-101
- *7 00-28
- *8 02-21
- *9 02-68
- *10 02-85
- *11 03-171
- *12 04-23
- *13 04-188
- *14 05-16
- *15 05-36
- *16 05-51
- *17 05-58A
- *18 06-07
- *19 06-16
- *20 07-22
- *21 07-36
- *22 2010-23
- *23 2011-03
- *24 2011-05A
- *25 2015-08
- *26 2015-12
- *27 2015-21
- *28 2016-01
- *29 2018-35

Food Vendor Virtual Open House via Microsoft Teams

February 23, 2021 from 3:00 pm to 4:00 pm

Sign-In Sheet

Name	Company
Kelly Madrid	City of Peoria
Robert Koch	City of Peoria
Mark Hilt	City of Peoria
Eric Slivinski	Tropical Sno
Scot Andrews	Peoria Chamber of Commerce
Mark Egger	City of Peoria
Chris Jacques	City of Peoria
Eric Hanna	City of Peoria
Gary Bethards	City of Peoria
Karen Calivas	City of Peoria
Jennifer Fostino	City of Peoria

Questions

Scot Andrews

1. Interested in input for bricks and sticks

Staff responded that a number of constituents have communicated their thoughts and concerns to City Council members per the City subcommittee, which were taken into consideration when drafting the proposed amendments in terms of hours, orientation, etc. Staff has also reached out to the general public input through monthly economic briefs, website updates, and reaching out to interested parties.

2. I worked in restaurant industry for 20 years, I think in terms of day/part. Thoughts on extending hours to 2 day/parts (8 hours) for breakfast, lunch, and dinner.

After much deliberation with the City subcommittee and input from mobile food vendors and brick and mortar restaurants, six hours was chosen to encompass two meals as the standard appears to be that for most mobile vendors.

Staff asked Eric Slivinski what his typical operation hours were and he responded with seven hours, but six hours will work as well.

3. Last talk about street facing marketing vs not.

Staff responded that brick and mortar businesses are prohibited from having a drive through window facing a public street; therefore the same requirement is being held for mobile vendors. Staff also stated, from a safety concern, orientating service windows away from public streets it reduced the chance of patrons standing in line to order would not obstruct sidewalks and pedestrian circulation.

Comments

- Eric Slivinski commended the City of Peoria for revising the Zoning Ordinance and reaching out to the Mobile Food Vendor community for input. He is pleased with the City's direction and will continue to participate in the discussions.