
Exhibit B - City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

Section 1. Amend Chapter 21 - Zoning, Section 21-300 Administration and Procedures, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

ADMINISTRATION AND PROCEDURES

Sec. 21-301 through Sec. 21-330 are removed in its entirety and replaced with the following:

Sec. 21-300. GENERAL PROVISIONS AND STANDARDS.

Sec. 21-~~301. Purpose and Applicability.~~~~801-Intent.~~

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

A. Purpose of the General Provisions and Standards Section. The purposes of this Section are to:

1. Prescribe development and site regulations that establish a framework for diverse, comfortable, safe and sustainable neighborhoods;
2. Enhance existing community character and encourage transitions to more mixed- use community centers characterized by attractive urban design, high quality architecture, vibrant public spaces, and pedestrian amenities where appropriate;
3. Encourage orderly, well-planned development of individual sites;
4. Encourage development that fits seamlessly into attractive, viable neighborhoods and improves areas that are in transition;
5. Ensure appropriately designed and maintained site features that incorporate Community Policing Through Environmental Design (CPTED) principles and allow natural surveillance;
6. Ensure development functions efficiently and screens unsightly and utilitarian elements and uses from public view;
7. Contribute to the pedestrian environment by prescribing a safe, shaded network of walkways that connect destinations on-site to destinations on the public street, and to adjacent development.

B. Applicability. The standards apply, except where specifically stated, to development in all districts. These standards shall be used in conjunction with the standards for each zoning district located in Sections 21-400 Residential, 21-500 Non-Residential and Section 21-600, Special Uses, Districts and Overlays. When a conflict exists, the standards specific to a zoning district, or approved by a plan as part of an applicable special district or overlay, shall override these regulations.

Sec. 21-~~302~~⁸⁰². General Use Provisions.

A. *General Use Restrictions.*

- Principal Uses.* Only those uses and groups of uses specifically designated as permitted principal

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uses in zoning district regulations shall be permitted as principal uses; all other uses shall be prohibited, except as otherwise provided in this Ordinance.

2. *Conditional Uses.* Certain specified uses designated as permitted conditional uses may be permitted as principal uses subject to special conditions of location, design, construction, operation, and maintenance hereinafter specified in this ordinance or imposed by the City during the development review and approval process.
3. *Accessory Uses.* Uses normally accessory and incidental to permitted principal or conditional uses shall be permitted as hereinafter specified. No accessory use or structure shall be permitted in any zoning district until its principal use or structure is present or under construction with an approved building permit.
4. *Temporary Uses.* Certain temporary uses may be permitted by temporary use permit, subject to such special conditions as the City may impose in accordance with provisions of this Ordinance.
5. *Unspecified Uses.* The schedule of use listings within each zoning district is intended to establish the character of uses to be permitted, but may not include each and every allowable use. Unspecified uses may be permitted by the Community Development Director or designee thereof upon finding that such uses are similar in character to, and not typically more objectionable than, other uses specifically listed as permitted.

B. *Restrictions on Occupation for Dwelling Purposes.*

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

C. *General Yard and Setback Requirements.*

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

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(2) feet to any lot line.

6. *Projections into Required Yards in Residential Districts.* In residential zoning districts, projections shall meet the following standards:
- a. Any projection lying within three (3) feet of any lot line shall be subject to provisions of the International Residential Code (IRC), and shall be constructed with 1 Hour Protection as therein defined.
 - b. Window type refrigeration units not exceeding one and one-half (1.5) tons or a one and one-half (1.5) horsepower rating, suspended or roof evaporative coolers, and forced air furnaces shall not project or extend more than five (5) feet into any required yard and shall be no closer than two (2) feet from any lot line. Air conditioning units may be located entirely within a required side or rear yard provided such device conforms to the provisions of the City's Building Code.
 - c. Cornices, eaves, and other overhangs shall not project more than three (3) feet over any required yard and shall be no closer than two (2) feet to any lot line; however, any projection within three (3) feet of any lot line shall be subject to provisions of the International Residential Code (IRC), and thereby be constructed with 1 Hour Protection as therein defined.
 - d. Sills, leaders, belt courses, and similar ornamental features may project up to two (2) feet into any required yard provided that a minimum of five (5) feet remains in the side yard setback dimension.
 - e. Building projections, such as bay windows, chimneys, pilasters, green house windows, vestibules, built-in bookshelf and entertainment center projections, and similar functional projections may project a maximum of two (2) feet into a required yard provided that said projection is no closer than three (3) feet to any lot line. The projection shall have a maximum width of ten (10) feet, paralleling the nearest lot line, with a maximum width of twenty (20) feet of projection allowed per facade.
 - f. Terraces, patios, steps, or other similar un-roofed features not over three (3) feet in height above grade may project into any required yard provided that projections into required front yards shall not exceed ten (10) feet. Such projections shall be no closer than three (3) feet from any lot line.
 - g. Arched masonry entry features may be constructed as part of a fence surrounding the front yard. Such features shall not exceed seven (7) feet in height and shall not exceed three (3) feet in width. Such features shall adhere to the side yard setbacks of the principal building. No more than one such feature shall be permitted on a given lot.
 - h. A structure, which is a primary front entryway or porch may extend into a required front yard setback a maximum of three (3) feet, provided that such structure is not fully enclosed and is not more than eleven (11) feet in width.
 - i. A trellis or similar type lattice structure for the purpose of training vegetation may project into any required side or rear yard under the following conditions:
 - 1) Lattice structures not higher than six (6) feet without an attached roof member may be placed on the property line and utilized in the same manner and under the same conditions as a property line fence.
 - 2) Lattice structures that are higher than six (6) feet but no higher than eight (8) feet, with

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or without an attached roof member, may be located within three (3) feet of a side or rear property line.

- 3) Lattice structures over eight (8) feet high, with or without an attached roof member, must meet all minimum required yard setbacks for the principal structure.
- 4) For the purpose of this Section trellis and/or lattice structures shall meet the following dimensions:
 - a) Openings shall be no smaller than one (1) inch by one (1) inch and no longer than twelve (12) inches by twelve (12) inches.
 - b) Minimum dimensions of cross strips shall not exceed two (2) inches by two (2) inches.

D. *Height Exceptions.*

1. Church spires, belfries, cupolas and domes not for human occupancy; monuments; water towers; and noncommercial radio or television antennas located in any zoning district may be erected to a height not exceeding one hundred (100) feet.
2. Height regulations established elsewhere in this Ordinance shall not apply to the following when located in industrial districts: chimneys; smokestacks; derricks; conveyors; grain elevators; or similar structures wherein the industrial process involved customarily requires a height greater than otherwise permitted in this Ordinance.
3. Religious institutions, schools, public buildings and other similar public assembly uses may exceed the maximum height established by a particular zoning district, provided that the minimum front, side and rear setbacks shall be increased by one additional foot for each foot by which the height of the building exceeds the maximum building height.

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

F. *Exterior Lighting.*

1. *Purpose.* The Exterior Lighting regulations are intended to create awareness and maintain a high level of the City's physical and visual qualities by limiting light pollution, promoting energy conservation, reducing glare, and limiting pole height.
2. *Applicability.* All lighting within the Peoria City limits shall comply with the Dark Sky Ordinance set forth in the City Code, Chapter 20, Sections 20-60 through 20-67, and all amendments thereof. These regulations shall apply to all outdoor lighting including, but not limited to, search, spot, or floodlights for all structures, recreational areas, parking lots, landscape areas, or other outdoor lighting.
3. *Allowable Height.* The height of any freestanding light fixture shall not exceed sixteen (16) feet in a residential zoning district or twenty-five (25) feet in any other zoning district. Exempt from the height restrictions are the following uses:
 - a. Baseball, softball, soccer, volleyball, or football fields or similar uses.
 - b. Golf driving ranges.

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- c. Outdoor arenas and amphitheaters.
- d. Public parks.
- 4. *Adjacent to Residential Districts.* Lighting in any non-residential zoning district shall be shielded in a manner in which the light source is not visible from, nor are there spillover effects into, the residential zoning district. Additionally, any outdoor light fixture in a non-residential zoning district shall be a minimum of ten (10) feet from any adjacent residential zoning district.
- 5. *Within Residential Districts.* Any lighting on residential properties shall be directed downward and shielded in a manner that the illumination source shall not be visible from any adjacent property.
- 6. *Sign Lighting.* Any lighting used to illuminate wall or ground mounted signs shall be directed downward and shielded in a manner that the illumination source shall not be visible from any adjacent property.
- 7. *Submittal Requirements.* All new development submittals shall include an outdoor lighting plan for the entire site that describes compliance with the standards of this ordinance and the Dark Sky Ordinance set forth in the City Code, Chapter 20, Sections 20-60 through 20-67.

Sec. 21-~~303~~**806**. Performance Standards.

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

- A. *Noise.* No use shall create sound which is in violation of Chapter 13 of the City Code or any other applicable regulations.
- B. *Vibrations.* No use shall create inherently and recurrently generated ground vibrations that are perceptible without instruments at any point at or beyond the property lines of the property on which the use is located.
- C. *Smoke, Dust, Dirt, or Other Particulate Matter.* No use shall allow the emission of smoke, dust, dirt, or other particulate matter which may cause damage to property or vegetation, discomfort or harm to persons or animals, or prevent the reasonable use and enjoyment of property and rights-of-way, at or beyond the property lines of the property on which the use is located. Furthermore, no use shall be carried out so as to allow the emission of any substances in violation of any Federal, State, or City laws or permits governing the emission of such substances.
- D. *Odors and Fumes.* No use shall be carried out so as to allow the emission of objectionable or offensive odors or fumes in such concentration as to be readily perceptible at any point at or beyond the boundary of the property.
- E. *Toxic or Noxious Matter.* No use shall be carried out so as to allow the discharge of any toxic or noxious matter in such concentration as to cause damage to property or vegetation, discomfort or harm to

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persons or animals, or prevent the reasonable use and enjoyment of property or rights-of-way, at or beyond the property line of the property on which the use is located; or to contaminate any public waters or any groundwater.

- F. *Fire and Explosion Hazards*. No use shall be carried out so as to create a fire or explosion hazard to adjacent or nearby property or rights-of-way, or any persons or property thereon. Furthermore, the storage, use, or production of flammable or explosive materials shall be in conformance with the provisions of the City Code, Chapter 9 and with all other applicable regulations.
- G. *Liquid Waste*. No use shall be carried out so as to dispose of liquid waste of any type, quantity, or manner which is not in conformance with the provisions of the City Code, Chapter 25 and all other applicable regulations.
- H. *Solid Waste*. No use shall be carried out so as to allow the accumulation or disposal of solid waste which is not in conformance with Chapter 22 of the City Code, or which would cause solid waste to be transferred in any manner to adjacent or nearby property or rights-of-way.
- I. *Electromagnetic Interference*. No use shall be carried out so as to create electromagnetic radiation which causes abnormal degradation of performance of any electromagnetic receptor of quality and proper design as defined by the principles and standards adopted by the Institute of Electrical and Electronics Engineers, or the Electronic Industries Association. Furthermore, no use shall be carried out so as to cause electromagnetic radiation which does not comply with the Federal Communications Commission regulations, or which causes objectionable electromagnetic interference with normal radio or television reception.

Sec. 21-~~304~~808. Miscellaneous Provisions.

- A. *Unsuitable Site*. If the City determines a site to be an "Unsuitable Site" for a given development, for reasons of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low percolation rate or bearing strength, erosion susceptibility, or any other adverse features, transfer of density shall be permitted in accordance with the density formula established in the Peoria General Plan.
- B. *Moving of Buildings*. No building or structure which has been wholly or partially erected on any premises located within or outside the city, shall be moved to or be placed upon any other premises within the City until a permit for such removal and a zoning compliance certificate for such relocation shall have been issued by the Community Development Director or designee thereof. Any such building or structure shall conform to all provisions of this Ordinance in the same manner as any new building or structure. No such building or structure shall be used or occupied until an occupancy permit shall have been issued as herein provided. The moving of any building or structure shall, furthermore, comply with requirements of the City Code, Chapter 18, Section 18-6.
- C. *Dumping or Disposal*. The use of land for the dumping of scrap iron, junk, garbage, rubbish or other refuse or of ashes, slag or other industrial wastes or by-products shall be prohibited in every zoning district, except as may be otherwise provided in this Ordinance or other applicable regulations, and pursuant to provisions of the City Code, Chapter 17.
- D. *Essential Services Permitted*. Nothing in this Ordinance shall prevent the location of a public utility facility for any essential services herein defined. Such facility shall adhere to all development

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standards, including but not limited to setback, height, and landscaping requirements, for the given zoning district.

Sec. 21-305 through 21-309 Reserved

SEC. 21-310. SCREENING AND WALLS

Sec. 21-311~~804~~. Screening.

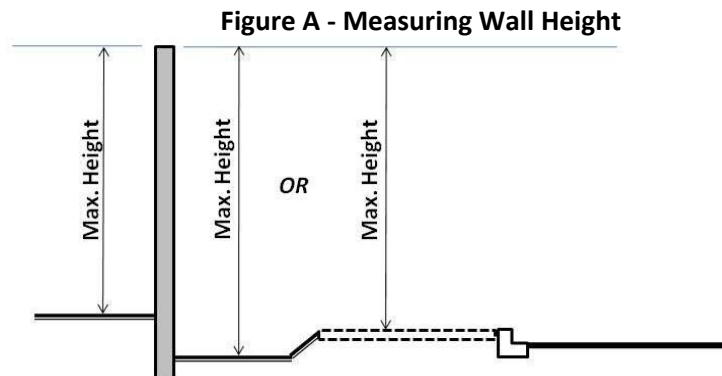
- A. *Intent.* The intent of this Section is to establish general development standards for screening between uses of differing character, density, or intensity and for screening certain uses and activities on a site from public view. The screening standards are intended to assure compatibility of uses, minimize deterioration of properties and property values, and to enhance the health and safety of the residents of Peoria.
- B. *Use of Screening.*
1. *Wall or Fence.* A masonry wall or fence a minimum of six (6) feet in height above grade, or as otherwise approved, shall be constructed and maintained between the following uses of differing intensity or character:
 - a. Single-family and multi-family developments.
 - b. Residential (single or multi-family) and non-residential uses.
 - c. Different non-residential uses.
 - d. Rear and/or side lot areas adjacent to public rights-of-way or landscape tracts.
 2. *Educational and Municipal Facilities.* Public elementary and secondary and similar private educational facilities, as well as municipal facilities, are exempt from the screening provisions of this Section.
 3. *Loading and Delivery Bays.* All loading and delivery bays shall be screened from street view in accordance with provisions of Section 21-~~900~~~~826~~.
 4. *Outdoor Storage.* All outdoor storage for Commercial and Industrial uses, and for materials, racking, equipment, vehicles, or other similar items, shall be screened from public view, public uses, and areas such as rivers, washes, equestrian and bike paths, parks, golf courses, and other public open spaces. Such screening shall consist of a wall or fence with a minimum height of six (6) feet, or a height that will adequately screen the stored items as determined by the Zoning Administrator~~Planning Manager~~ during the Site Plan review process. Agriculturally related activities are exempt from this provision.
 5. *Utilities.* All utility substations, wells, storage facilities, or other utilities shall be screened from public view. Such screening shall consist of a wall, fence, or landscape screen of a height adequate to screen the facility, as determined by the Zoning Administrator~~Planning Manager~~ during the Site Plan review process.
 6. *Mechanical Equipment.* All roof and ground-mounted mechanical equipment, except in single-family applications, shall be fully screened from public view unless otherwise specified elsewhere this Ordinance.
 7. *Parking.* Parking screening requirements are provided in Section 21-~~900~~~~815~~.

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Sec. 21-312~~895~~. Walls and Fences.

A. General Provisions.

1. *Permit Required.* No persons, firm or corporation, shall hereafter construct, or cause to be constructed or erected within the City of Peoria any fence or wall exceeding seven (7) feet in height without first making an application for and securing a permit from the City. In addition, no fence or walls shall be constructed within the street right-of-way without obtaining a permit from the Engineering Department. Wall height requests above eight (8) feet shall be reviewed for approval by the City Engineer.
2. *Locations.* All fences, walls, and gates shall be located entirely upon the private property of the persons, firms, or corporation constructing, or causing the construction of such fence unless the owner of the property adjoining agrees, in writing, that such fence or wall may be erected on the division line of the respective properties. This shall not apply to the initial wall construction by the homebuilder. Pedestrian gates may be installed by a private property owner to provide access to public open space with written approval from the Community Services Department.
3. *Maintenance.* Every fence or wall shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair, damage, or unsightliness, or constitute a nuisance, public or private. Any such fence or wall which is, or has become, dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect is a public nuisance and the Code Compliance Officer shall commence proper proceedings for the abatement thereof. Any wall, or a portion of any wall, which is removed for any purpose or by any means whatsoever, shall be restored to its original or upgraded condition relative to construction, material and finish whenever exposed to any street or any adjoining property.
4. *Measuring Fence and Wall Height.* The height of any fence or wall shall be calculated to the uppermost points as follows:
 - a. In required yards abutting a street, sidewalk, or trail, the height of the fence shall be measured from the required two (2) foot shelf at the base of the wall or from the top of curb or the top of sidewalk, path, or trail when such element is at a higher elevation than the shelf. (Figure A)

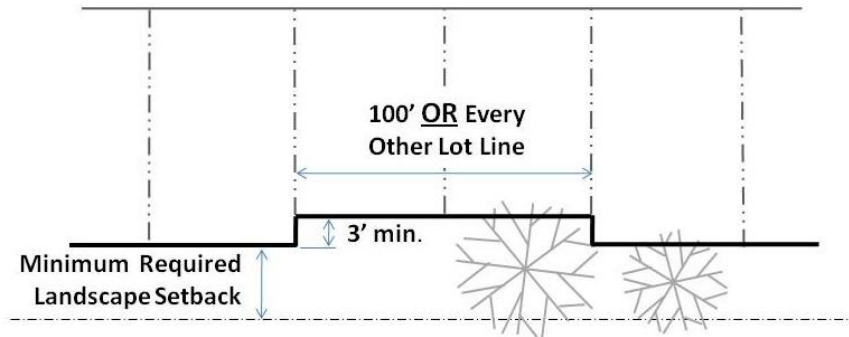


5. *Undulating Wall Required.* All fences and walls along arterial and collector streets with a continuous length greater than two hundred (200) feet shall use an undulating pattern at minimum intervals of one hundred (100) feet or at every other side lot line, whichever is less, to provide variety and visual interest. The undulation depth from the street line shall be minimum

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of three (3) feet. (Figure B) Alternative options may be approved during the Preliminary Plat or Site Plan Review Process.

Figure B - Perimeter Wall Undulation



6. *Finished Elevations.* Any fence or wall that is constructed to have only one elevation "finished", which shall be defined as not having its supporting members significantly visible, shall be erected such that the finished elevation of the fence is exposed to the adjacent street or public/semi-public area.
7. *Exemptions.* The following uses are exempt from the height restriction of three (3) feet within or bounding the front yard, as set forth in Section 21-~~312805~~.B.1.
 - a. An agriculture activity.
 - b. Residential and ranch uses in the Suburban Ranch Districts.
 - c. Schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants.
 - d. Temporary construction sites which are enclosed for security purposes.
 - e. Temporary construction yards for off-site construction.
 - f. Arched, masonry entry features in accordance with Section 21-~~312802~~ of this Ordinance.
8. *Barbed Wire Fences.* Barbed wire shall be prohibited in the City of Peoria except for the following:
 - a. Barbed wire shall be permitted in the General Agriculture and Suburban Ranch zoning districts.
 - b. Barbed wire shall be permitted for temporary construction sites or yards in all zoning districts provided that the barbed wire is located six (6) feet or more above grade.
 - c. Barbed wire shall be permitted for security purposes for commercial and industrial uses provided that the barbed wire is located six (6) feet or more above grade.

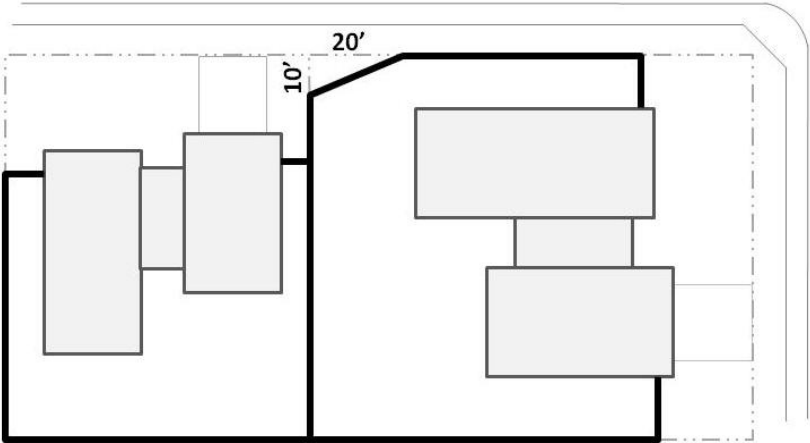
B. Residential Requirements.

1. *Height of Fences and Walls.* In all Residential Districts, no fence or wall within or bounding the front yard shall exceed a height of three (3) feet, and no fence or wall within or bounding a side or rear yard shall exceed a height of seven (7) feet, except as specified elsewhere within this Ordinance.

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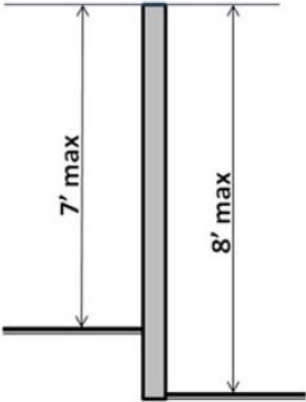
- 2. *Corner Lots and Key Lots (Figure C).*
 - a. On a corner lot contiguous to a key lot a fence or wall over three (3) feet in height may be placed on the property line except within a triangle measured ten (10) feet from the street line along the common lot line, and twenty (20) feet along the property line extending from the common lot line towards the front of the corner lot. The location of this clear zone may shift in areas where landscape tracts exist.
 - b. On a key lot contiguous to a corner lot, a fence or wall not exceeding seven (7) feet may be erected along that portion of a key lot contiguous with the rear yard of the corner lot, but such fence or wall shall not come closer to the front line of the key lot than ten (10) feet.

Figure C - Key Lots



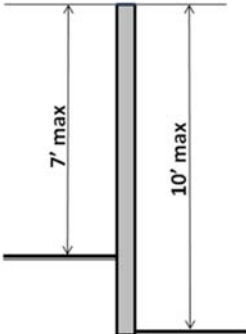
- 3. *Adjacent Residential Lots.* Where two residential lots abut one another, but have differing finished grades, the wall heights shall be limited to seven (7) feet in height on the high side and eight (8) feet in height on the low side. (Figure D)

Figure D - Residential to Residential



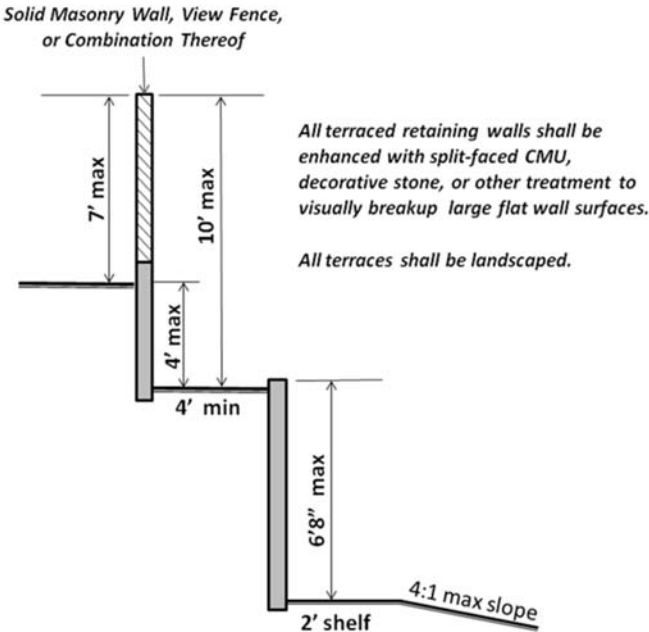
- 4. *Lots Adjacent to Streets.* The lot side of a wall shall not exceed seven (7) feet in height. The Street side shall not exceed ten (10) feet in height (Figure E).

Figure E - Residential to Street



1. *Retaining Walls.* For the purpose of this ordinance, any wall retaining a minimum of twelve (12) inches of earth shall be considered a retaining wall. If retaining requirements exceed ten (10) feet in height, then terracing shall be required. When terracing walls, the first wall at grade level shall not exceed seven (7) feet or be less than five (5) feet in height and each retaining wall above the first shall not retain more than four (4) feet of earth (Figure F). Terraced walls shall be offset a minimum of four (4) feet and each terrace shall be landscaped. Terraces and terraced walls shall be designed to include weep holes for drainage and sleeves for landscape irrigation. All terracing shall be subject to review by the City Engineer and/or the Building Official. Nothing herein is intended to relax the building code or other applicable city standards.

Figure F - Retaining Walls

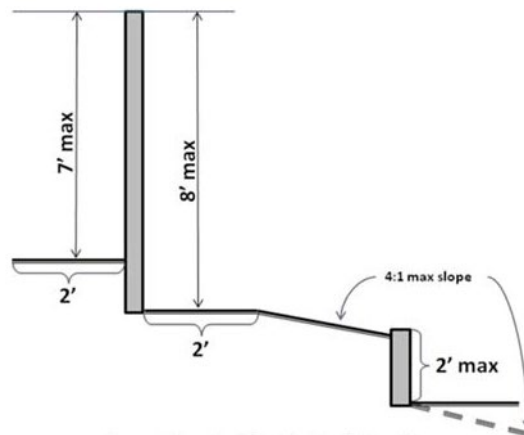


6. *Lots Adjacent to Retention Areas.* Walls adjacent to planned or natural retention areas, waterways, or similar features shall not exceed seven (7) feet in height on the lot side and shall not exceed eight (8) feet on the retention side as measured to the required two (2) foot shelf at the base of the wall. Maximum slope of the retention shall be no greater than 4:1. If

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additional retention depth is required, retaining walls may be added in the sloped banks of the retention area. Such walls shall not exceed two (2) feet in height and shall be offset by no less than four (4) feet. The maximum slope between walls shall not exceed 4:1 (see Figure G). All terraced walls shall be subject to review by the City Engineer and the Building Safety Division. All retaining walls are subject to review by the City Engineer or designee. Nothing herein is intended to relax the building code or other applicable City standards.

Figure G - Residential to Retention



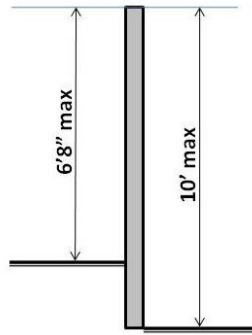
7. *Wall Waivers.* Waivers from the wall requirements may be granted by the [Zoning Administrator](#) ~~Planning Manager~~ if the applicant for the waiver has provided a Waiver of Proposition 207. A wall plan and narrative shall be submitted to the [Zoning Administrator](#) ~~Planning Manager~~ for review. Waivers may be granted based on the following:
 - a. Topography prohibits walls from conforming to wall requirements.
 - b. Waiver will not be detrimental to present or future surrounding property owners.
 - c. City Engineer recommends approval of waiver. If the waiver request is denied by the [Zoning Administrator](#) ~~Planning Manager~~, the applicant can file a Variance Request to be heard by the Board of Adjustment, in accordance with Section 21-~~161323~~ of this Ordinance.
8. *Gates Required.* In those instances where a fence or wall is erected as an enclosure which restricts access from the front to the rear yard, a gate with a minimum of three (3) feet in width shall be included to provide access. Gates located between parcel lines must first be approved of in writing by both property owners. For pedestrian gates located between private and City properties, written permission must first be obtained from the appropriate City department.
9. *Noise Attenuation Walls Required.* Where adjacent to a transportation corridor a masonry noise attenuation wall shall meet Engineering sound wall requirements and shall be a minimum wall height of six (6) feet with a minimum total effective height of eight (8) feet. Walls shall be constructed of a minimum of six (6) inch (thick) concrete block, or as otherwise approved by the City Engineer, and shall be placed adjacent to the transportation corridor for any residential subdivisions recorded after the effective date of this Ordinance. A transportation corridor shall be defined as all arterial streets, truck routes north of Union Hills Drive, Lake Pleasant Parkway, Loop 101, Loop 303, State Route 74, and the Burlington Northern Santa Fe Railroad.

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C. Commercial and Industrial Requirements.

1. Fences and walls in all Commercial and Industrial Districts shall not exceed ten (10) feet in height except that boundary line fences abutting Residential Districts shall not be greater than six (6) feet eight (8) inches in height, or except as specifically required as a condition of an approved Site Plan or Preliminary Plat or as otherwise specified in this Ordinance (Figure H).

Figure H - Residential to Non-Residential



2. In Industrial zoning districts, walls and fences on local streets except when adjacent to a Residential District, may exceed three (3) feet in height in the front and corner side yard building setback when located no closer than ten (10) feet to the street line except as may be specified elsewhere in this Ordinance.
3. Within the Light Industrial (I-1) and the Heavy Industrial (I-2) zoning districts the construction and use of electrical fences shall be permitted only as provided in this Section and subject to the following:
 - a. Electrical fences shall not be permitted on any property that contains a dwelling unit other than a caretakers' residence.
 - b. Electric fences shall not be located within required landscape and street side setbacks.
 - c. No electrical fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet in height and no more than three (3) to twelve (12) inches from the electrical fence.
 - d. No electrical fence may extend more than thirty-six (36) inches above the adjacent non-electrical fence.
 - e. No electrical fence may exceed a maximum height of twelve (12) feet.
 - f. The electrical charge produced by the fence upon contact shall not exceed energizer characteristics set forth in the International Electrotechnical Commission (IEC) Standard.
 - g. The energy source (energizer) for electric fences must be provided by a storage battery not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However, the solar panel may be augmented by a trickle charger.
 - h. Electric fences shall be clearly identified with warning signs that read "Warning - Electrical Fence" at intervals no less than sixty (60) feet. Signs shall also contain imagery, symbols, or the international sign for electricity that allow individuals to understand that the fence is electrically charged, e.g. lightning bolts.

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- i. Electrical fences shall contain a City approved Knox key switch capable of disconnecting the electric fence in its totality from all energizers. Such switch shall be clearly marked and easily observable and accessible from a primary path of entry for emergency and enforcement personnel.
 - j. The installation of electric fences are subject to the issuance and approval of a Miscellaneous Building Permit obtained through the Building Development Department of the City of Peoria.
- D. *Hillside Development.* Additional wall requirements for hillside areas are provided in Section 21-710 of the Zoning Ordinance.

Sec. 21-313 through 21-314 Reserved

Sec. 21-~~315~~⁸⁰³. Accessory Buildings and Uses.

Sec. 21-316 through 21-319 Reserved

Sec. 21-~~320~~⁸⁰⁹. Home Occupations.

- A. *General.* A Home Occupation is an accessory use of the primary dwelling unit permitted either by-right or by conditional use permit. Home occupations are generally conducted and located such that the average neighbor, under normal circumstances, would not be aware of their existence. The home occupation is generally carried on by a member of a family, residing on the premises, and is clearly incidental to the use of the structure for dwelling purposes and does not change the exterior character of the premises in any way.
- B. *Standards.* The standards set forth in this Section are intended to ensure compatibility of the Home Occupation use with the residential character of the neighborhood. The proposed use shall be clearly accessory or incidental to the residential use of the main building to qualify as a home occupation use under this Section.
1. *Home Occupation as Permitted Accessory Use.* A home occupation where permitted, except for Day Care Group Homes, shall be considered a permitted accessory use when it complies with the following regulations:
 - a. Changes or alterations to the exterior of the building(s) that are inconsistent with the residential character of the building(s) or with the character of the surrounding area shall not be allowed. Such changes or alterations include, but are not limited to, construction of parking areas or garages at a scale exceeding the scale of such structures in the surrounding area.
 - b. Signs advertising a home occupation shall be strictly prohibited.
 - c. Exterior display or storage of materials or equipment, or any other exterior indication of the home occupation, shall be prohibited.
 - d. Emissions of noise, light, dust, gas, vibration, odor, smoke, or any other noxious matter emanating from the home occupation at a scale greater than that normally associated with the residential use shall be prohibited.
 - e. The home occupation shall not involve more than one (1) business caller or visitor at a time and not more than two (2) visitors per hour, nor commercial deliveries or outside services beyond those normal and incidental to the residential uses in the district.

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- f. The home occupation shall be conducted by a resident or residents of the dwelling unit only. No outside employees shall be employed at the site and not more than one (1) employee may report to the site for off-site employment.
 - g. No unusual load shall be placed on power, sewer, water, or other utilities as a result of the home occupation use.
 - h. External activity resulting from the home occupation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
 - i. Storage of commercial vehicles used in conjunction with the home occupation is not permitted on the home occupation site. Up to two (2) commercial vehicles may be parked on the home occupation site if these commercial vehicles are used for both business and personal needs. Commercial vehicles must be parked in accordance with Section 21-~~900~~**823** of this Ordinance.
 - j. All home occupations shall be subject to the standards contained herein and shall be approved by the City prior to the initiation of any business activity.
 - k. A valid City sales tax and/or business license shall be obtained for the home occupation use.
2. *Home Occupation as Conditional Use.* A Conditional Use Permit for a home occupation shall be required in cases where any of the following conditions may result:
- a. The home occupation use requires or uses storage or space accessory to the principal residence, will utilize or require outdoor or open storage of materials or will require or result in the construction or installation of additional parking on-site.
 - b. The home occupation use will produce or make noticeable the appearance of a non-residential use or will cause the emission of noise, light, dust, gas, vibration, odor, smoke, or other noxious matter from the premise.
 - c. The home occupation will have more than one (1) business caller or visitor at any one time, more than two (2) visitors per hour, or more than one (1) commercial delivery per business day.
 - d. Pedestrian or vehicular traffic will increase beyond what is considered normal and incidental to the zoning district in which the use is located.
 - e. An increased load will be placed on any of the power, water, sewer or other utilities.
 - f. The home occupation use will require the services of a single employee or assistant who is not a resident of the household.
3. *Prohibited Home Occupations.* Home occupations expressly prohibited shall include, but not be limited to, the following:
- a. Personal service offices such as physicians, dentists, massage therapists, and barber and beauty shops.
 - b. Animal services such as commercial stables, dog grooming, veterinary offices, hospitals, and kennels.
 - c. Permanent real estate offices.
 - d. Restaurants.
 - e. Vehicle services such as repairing, painting, storage, washing, or sales, where vehicle is defined as any motorized or non-motorized means of transportation.

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- f. Sales of Permissible Consumer Fireworks.
 - g. Marijuana Dispensing, Cultivation or Manufacturing, except as provided in A.R.S. § 36-2852.
4. *Violations.* The City may deem any violation of the above conditions as just cause for the termination of the home occupation. In such cases, the City may issue a Cease and Desist Order, and, if the violation continues, file a criminal complaint in City Court.

Sec. 21-~~321~~**810.** **Manufactured Housing.**

- A. *Applicability.* Manufactured homes shall be homes built and manufactured in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974.
- B. *General Requirements.* Manufactured homes may be installed in any single-family residential zoning district. Such installation must meet all requirements of the Peoria Zoning Ordinance and applicable State regulations. The Community Development Director or designee thereof may require such enclosures, roof overhang, and roofing or siding materials as may be necessary for compatibility with other residential structures in the area.

Sec. 21-322 through 21-324 Reserved

Sec. 21-~~325~~**811.** Construction Trailers, Sales Office, and ~~Mobile Homes, Travel Trailers, House Trailers, and Recreational Vehicles.~~

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

AB. *Outside RMH-1 and RMH-2 Districts.*

- 1. ~~Permits in~~ *I-1, I-2 and Agricultural Districts.* Construction trailers and ~~M~~mobile homes, ~~travel trailers, recreational vehicles, or house trailers~~ may be placed in zoning districts I-1, I-2, or Agriculture Districts, provided a permit is obtained from the Planning Department prior to establishing the trailer or mobile home on the property. ~~Community Development Director or designee thereof.~~ Such permits shall not exceed one (1) year in duration and shall be renewable. No permit or renewal thereof shall be issued unless proof is presented that the construction trailers and/or mobile home, ~~trailer, or vehicle~~ is necessary for, or related to, the industrial or agricultural uses of the property.
- 2. *Special Permits in All Other Districts.*
 - a. The Zoning Administrator ~~Community Development Director~~ may issue ~~special permits a~~ Temporary Use Permit (TUP) for placement of ~~travel trailers, house trailers off-site~~ construction trailers, sales office, or mobile homes in other zoning districts for the following purposes:
 - 1) Sales office for the sale of those products characterized as being "open" land uses, such as automobiles, mobile home, or travel trailer sales.
 - 2) Construction field office for use by contractors while a permanent building is under construction.

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- 3) Quarters for the night watchman or caretaker in industrial, commercial, or residential zones, provided no person other than the night watchman or caretaker shall occupy the unit.
 - 4) Quarters for the night watchman or caretaker in a mobile home sales lot, provided no person other than the night watchman or caretaker shall occupy the unit.
 - 5) Temporary place of business for the owner or lessee during the course of construction of a new building on the site.
 - 6) Temporary residence during reconstruction of a residential unit following damage by fire, flood, or other similar casualty.
- b. *Fee.* A fee established by the City Council shall be required for all permits issued pursuant to this Section; such fee shall be in addition to all other applicable fees.

c. *Duration.*

- 1) The Temporary Use Permit shall be valid for one (1) year, unless otherwise determined by the Zoning Administrator or designee.
 - 2) Any temporary or mobile structures shall be removed prior to Certificate of Occupancy.
3. *Development Standards outside RMH-1 and RMH-2 Districts.* In addition to all other requirements of this Ordinance, construction trailers ~~travel trailers, house trailers, recreational vehicles~~, or mobile homes located outside an RMH-1 or RMH-2 district shall comply with the following:
- a. The unit shall be equipped with wheels that remain on the unit; however, the wheels may be blocked for stability.
 - b. Setbacks shall be subject to all regulations of the applicable zoning district.
 - c. No permanent room addition shall be attached to the unit nor shall the unit be attached to any permanent structure.
 - d. The unit shall contain a water closet and lavatory connected with the City sewer, unless other acceptable sanitary provisions are made as set forth in the City Plumbing Code.
 - e. The unit shall comply with applicable building and fire codes. ~~the Uniform Electrical Code, and be connected with a minimum of one hundred (100) ampere service on a suitable temporary pole approved by the serving agent, observing all necessary wire clearances.~~
 - ~~f. Permit shall be approved for one (1) year and may be granted for a longer period of time as determined by the Community Development Director or designee.~~
 - ~~g. Any temporary or mobile structures shall be removed prior to Certificate of Occupancy.~~

Sec. 21-326 through 21-329 Reserved

Sec. 21-~~330~~⁸¹². Group Homes, Day Care Group Homes, Group Care Facilities, and Community Residential Setting Facilities.

Sec. 21-331 through 21-339 Reserved

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Sec. 21-340. Antenna and Wireless Communication Facilities

Sec. 21-~~341~~⁸⁰⁷. Satellite Dish Antennae.

- A. *Intent.* The intent of the regulations set forth in this Section, "Satellite Dish Antennae," is to protect and promote the health, safety, and welfare of the residents of the City of Peoria and the aesthetic quality of life as set forth in the goals, objectives, and policies of the Peoria General Plan, while at the same time not unduly restricting the placement of equipment and hence access to communications provided by Satellite Dish Antennae.
- B. *Definition.* For purposes of this Section, a *Satellite Dish Antenna* shall mean a dish antenna that is usually a parabolic, spherical, conical, bowl, disc, or saucer-shaped accessory structure, which includes the main dish and covering, feedhorn, low noise amplifier, structural supports, and all other components thereof, for the purpose of transmitting and/or receiving communications via electromagnetic waves by line of sight with a geosynchronous orbiting satellite.
- C. *Applicability.* These regulations shall apply to all satellite dish equipment situated in the City of Peoria except as may be otherwise provided in the Telecommunications Act of the Federal Communications Commission.
- D. *All Residential Zoning Districts.*
1. *General.*
 - a. The satellite dish shall only be utilized for the personal enjoyment of the occupants of the dwelling unit.
 - b. The satellite dish shall not be utilized for any commercial purpose.
 2. Satellite dishes measuring four (4) feet or less in diameter may be mounted on the roof or side of the residence or accessory building, or on the ground, and shall be exempt from screening requirements.
 3. Satellite equipment measuring more than four (4) feet shall be subject to the following:
 - a. Issuance of a Conditional Use Permit.
 - b. Shall not be placed in front yards or corner side yards.
 - c. Shall be placed in rear or side yards only and shall be set back from the lot line by a distance equal to or greater than the diameter of the dish.
 - d. Shall be screened so as to not be visible from any public street or right-of-way, or from adjacent property.
- E. *Non-Residential Districts.* Satellite dish equipment in non-residential zoning districts shall comply with the following requirements:
1. Satellite dish equipment in Non-Residential Districts shall be considered a permitted accessory use and subject to all provisions thereof, in accordance with Sections 21-501 through 21-506.
 2. Satellite dishes measuring four (4) feet or less in diameter may be mounted on the roof or side of a principal or accessory building or on the ground and shall be exempt from screening requirements.

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3. Satellite dishes measuring four (4) feet or more shall be screened in a manner so as not to be visible from a public street, public right-of-way, or any adjacent property. All screening shall be consistent with provisions set forth in the City's [Community Design Guidelines](#) ~~Design Review Manual~~.

Sec. 21-~~342813~~. Wireless Communication Facilities.

- A. *General Requirements.* All Wireless Communication Facilities, hereinafter referred to as WCF shall meet each of the following general requirements.
1. WCFs must meet or exceed all current state and federal standards and regulations.
 2. WCFs shall be constructed, maintained, and modified in compliance with all adopted Peoria building codes.
 3. To ensure compliance with the National Environmental Policy Act (NEPA), a Finding of No Significant Impact (FONSI) issued by the FCC may be required for new WCFs and co-locations.
 4. A WCF shall be removed by the provider or the property owner within six (6) months of cessation of use, along with returning the area to its condition prior to the construction of the WCF.
 5. A WCF shall not be located within one thousand three hundred and twenty (1,320) feet of a City, State, or Nationally designated historical site.
 6. Commercial advertising or signage on the WCF or associated aerial or ground mounted equipment is prohibited.
 7. Artificial lighting of a WCF is prohibited, unless required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC).
 8. WCFs located within a residential zoning district shall be allowed a single microwave dish not in excess of twenty-four (24) inches in diameter. WCF located within non-residential zoning districts shall be allowed a maximum of two (2) microwave dishes which shall not exceed forty-eight (48) inches in diameter per microwave dish unless otherwise approved through a Conditional Use Permit. Such dishes shall be appropriately integrated into concealment efforts to minimize the visual presence of the microwave equipment.
 9. Screening of ground mounted equipment shall adhere to the rules and regulations set forth in accordance with the screening provisions found in Section 21-804.
 10. Colors and materials of the WCF shall be compatible with the surrounding environment as determined by the City, except as otherwise required by the FAA;
 11. One (1) parking space is required per WCF and shall be designed to meet City standards; this includes maneuvering and access.
 12. A WCF shall not Alter the Mountain Top Ridge Line as defined in Section 21-~~641711~~.
 13. A WCF located in the right-of-way shall be exempt from the standards contained within this ordinance; however they must comply with all standards and practices established by the Engineering Director including but not limited to all applicable agreements and permits.
 14. Co-locations on a utility pole not located in the right-of-way or co-locations located on a public/quasi-public property shall not be required to meet the setback requirements set forth in this section; provided that the ground equipment does not expand the perimeter of the utility facilities. Quasi-public property includes, but is not limited to:

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- a. Schools, to include private, public, charter;
- b. College or University Campus;
- c. Power substations; or,
- d. Water pumping plants and storage tanks.

B. Development Standards.

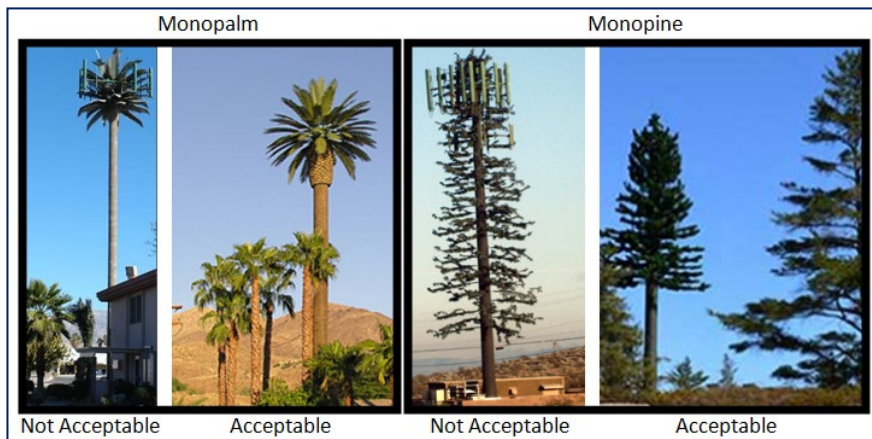
1. Permitted Principal Use.

- a. A Facility shall be deemed a Permitted Principal Use if the following development standards are met:

Development Standards	Zoning District	Distance to Residential Property Line	Maximum Height ^c	Distance to Non-Residential Property Line	Equipment Enclosure	Antenna Distance from Pole	Alternate Design WCF ^d
Permitted Principal Use	Residential ^b	>110% ^a	50'	>50% ^a	450 SF	6% ^a	Required
	Non-Residential	>130% ^a	65'				

Notes:

- ^a Percentage (%) figures listed shall be based on the height of the pole from adjacent finished grade. Distance is measured from the edge of the tower.
- ^b In instances where residential and non-residential uses occupy the same footprint, residential standards shall apply.
- ^c If facility WCF is located on or within a height exempt structure per Section 21-8802, the height will be measured to the top of the antennae. For ground mounted WCFs height shall be measured from finished grade to the top of the structure including any associated concealment materials.
- ^d Fronds, branches, or other methods of concealment shall completely conceal any antennae or other associated Aerial Mounted Equipment.



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b. *Rooftop and wall-mounted equipment:*

- 1) Shall follow the height restrictions as listed in the above permitted principal use development standards table; unless otherwise permitted in the height exception provision of Section 21-~~83~~02.
- 2) Shall be integrated into the design of the building.
- 3) Shall be fully screened from public view.

c. The co-location of aerial mounted equipment on an existing WCF:

- 1) Shall not constitute a substantial change unless otherwise identified within Section 21-~~340813~~.C of the City Code.
- 2) Shall not be more than an overall height of eighty (80) feet.
- 3) Shall not otherwise inhibit stealth aesthetics.

2. *Permitted Conditional Use.*

- a. Any facility which does not meet the Permitted Principal development standards shall require a Conditional Use Permit, and shall be in accordance with the following development standards:

Development Standards ^d	Zoning District	Distance to Residential Property Line	Maximum Height ^c	Distance to Non-Residential Property Line	Distance Between Non-Alternate Design WCF (Monopole)
Permitted Conditional Use	Residential ^b	>110% ^a	65'	>5'	1,320'
	Non-Residential	>130% ^a	80'		
<p>Notes:</p> <p>^a Percentage (%) figures listed shall be based on the height of the pole from adjacent finished grade. Distance is measured from the edge of the tower.</p> <p>^b In instances where residential and non-residential occupy the same footprint, residential standards shall apply.</p> <p>^c If facility is located on or within a height exempt structure per Section 21-802, the height will be measured to the top of the antennae. For ground mounted WCFs height shall be measured from finished grade to the top of the structure including any associated concealment materials.</p> <p>^d All conditions not specifically identified within this section shall be approved through the Conditional Use Permit process.</p>					

b. *Rooftop and wall-mounted equipment.*

- 1) Shall follow the height restrictions as listed in the above conditional use development standards table; unless otherwise permitted in the height exception provision of Section 21-~~83~~02.
- 2) Shall be integrated into the design of the building.

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- 3) Shall be fully screened from public view.
 - c. All monopoles shall be constructed to allow for co-location by other wireless providers. The applicant shall demonstrate that the engineering of the tower and the placement of ground mounted facilities will not preclude other providers. The owner of the proposed tower must certify in writing that the tower will be available for use by other wireless communication providers on an economically reasonable and non-discriminatory basis.
 - d. The co-location of aerial mounted equipment on an existing WCF:
 - 1) Shall not constitute a substantial change unless otherwise identified within Section 21-~~340813~~.C of the City Code.
 - 2) Shall not be more than an overall height of ninety-five (95) feet.
 - 3) Shall not otherwise inhibit stealth aesthetics.
- C. *Administrative Procedures.*
1. *Permitted Principal Use.*
 - a. All facilities categorized as a permitted principal use are subject to site plan review process as set forth in Section 21-~~156320~~.
 2. *Permitted Conditional Use.*
 - a. All facilities categorized as a permitted conditional use are subject to the following processes as set forth in Section 21-~~155321~~ and Section 21-~~156321~~:
 - 1) Site Plan Review; and,
 - 2) Conditional Use Permit.
 - b. The Applicant shall be provided the opportunity to execute a Waiver of Proposition 207 as to only the property leased by the Applicant. In addition to any other grounds the City may have, the City expressly reserves the right to recommend denial of such applications in the event the Applicant elects not to execute a Waiver of Proposition 207.
 3. The following criteria shall identify what constitutes a substantial change to a facility. All modifications deemed substantial shall refer to 21-~~340813~~.B Development Standards:
 - a. An increase in the originally approved WCF height by more than twenty (20) feet or ten percent (10%), whichever amount is greater;
 - b. An increase in the Width more than twenty (20) feet from the Edge of the Tower to the Face of the Antennae.
 - c. An increase in the height of Ground Mounted Equipment by more than ten percent (10%) or ten (10) feet, whichever amount is greater;
 - d. An increase in the Width of a non-tower structure by six (6) feet or more;
 - e. The installation of more than the standard number of Equipment Cabinets needed, not to exceed four (4);
 - f. Excavation outside the current boundaries of the WCF;
 - g. Proposed changes that would defeat the existing concealment elements of the WCF; and,

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- h. Proposed changes that do not comply with prior approval of the WCF unless the non-compliance is within the thresholds outlined in this section.
 - 4. Any proposed facility that does not meet the standards identified within this section shall be prohibited.
 - 5. No facility shall be installed, erected, modified, repaired, or altered without receiving all necessary permit approvals.
- D. *Exemptions from Section 21-~~155320~~ and Section ~~156321~~*
- 1. Routine maintenance of a WCF; and,
 - 2. Modifications to a WCF that are not considered a substantial change as specified in Section 21-~~340813~~.A.
 - 3. WCFs that are owned and operated by a governmental entity for the purposes of public safety or governmental operations.

Sec. 21-~~350814~~. Donation/Recycling Drop-Off Boxes.

- A. Donation/Recycling Drop-Off Boxes are subject to the issuance of a Business License and approval of a Temporary Use Permit (TUP) pursuant to Section 21-~~160322~~ and upon receipt of notarized written authorization by the property owner or authorized agent. An authorized agent must provide written evidence he/she has the authority to approve and locate a drop-off box on the parcel.
- B. Donation/Recycling Drop-Off Boxes may be permitted as an accessory use to all permitted non-residential uses within a residential zoning district pursuant to this Section.
- C. Donation/Recycling Drop-Off Boxes shall be located on a paved surface.
- D. Donation/Recycling Drop-Off Boxes shall not be located within the front or corner side setbacks, required landscaped areas or within required parking spaces.
- E. Donation/Recycling Drop-Off Boxes shall not obstruct pedestrian or vehicular circulation, or be located within the public right-of-way, drive aisles, fire lanes, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to the public health, safety, and welfare.
- F. There shall be no more than one (1) Donation/Recycling Drop-Off box on lots or complexes/centers less than one (1) acre in size, no more than two (2) Donation/Recycling Drop- Off Boxes on lots or complexes/centers of one (1) to three (3) acres in size, and no more than four (4) Donation/Recycling Drop-off Boxes on lots or complexes/centers greater than three (3) acres in size. No more than two donation boxes shall be clustered together in any one location. A property may contain one 12 yard container in lieu of two (2) six cubic yard containers.

Donation Box Allotment			
Lots or Complexes/Centers Size	1 Acre	1—3 Acres	3 + Acres
Number of Boxes Allowed	1 Box	2 Boxes ^a	4 Boxes ^a
^a No more than two (2) Donation Bins shall be clustered together in any one location.			

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- G. Each Donation/Recycling Drop-Off Box shall have a firmly closing and locking lid, shall be clearly marked to identify the specific items and materials to be collected for donation, and shall be clearly marked to identify the City of Peoria Temporary Use Permit number with contrasting paint. The numbers shall be a minimum of two (2) inches high and located on the deposit face of the box.
- H. The name and local telephone number of the entity obtaining the TUP shall be affixed to the box on an area no larger than one (1) foot by one (1) foot.
- I. Donation/Drop-Off Boxes shall have a capacity no greater than six (6) cubic yards.
- J. All donated items must be collected and stored in the Donation/Recycling Drop-Off Box and all contents cleared no less than once a week. Any items or materials left outside of the Donation/Recycling Drop-Off Boxes shall be removed within 24 hours of discovery or notification, whichever occurs first. If a container is damaged or vandalized, it must be repaired or removed within 5 business days of discovery or notification. If there is a public health, safety or welfare concern pursuant to the authority granted to the City, the container must then be removed within 24 hours of discovery or notification.
- K. It is the joint responsibility of the property owner or authorized agent and the entity obtaining the TUP to keep the area around the donation boxes free of litter and debris, and remove any graffiti within 24 hours of discovery or notification, whichever occurs first.
- L. It is the responsibility of the entity obtaining the TUP to maintain the donation box painted or otherwise un-rusted and un-dented and in good condition.
- M. Donation/Recycling Drop-Off Boxes not located or maintained in compliance with this Section may be subject to revocation of the Business License and the Temporary Use Permit (TUP).
- N. The City may consider prior permit revocations, prior notices of violation, and fraudulent application information when granting or denying new Temporary Use Permits for Donation Drop-Off Boxes.
- O. Any Donation/Recycling Drop-Box (including its contents) which is determined to be unauthorized, unpermitted, or is otherwise in violation of this ordinance shall be deemed a public nuisance as defined in Chapter 17 of the Peoria City Code and may be removed pursuant to those provisions.
- P. The property owner shall control the Temporary Use Permit. The permittee or drop box operator does not control the Temporary Use Permit unless he/she is also the property owner. As such, the property owner or authorized agent may rescind his/her authorization for the donation/drop-off box at any time and the permit shall be revoked. Nothing in this Ordinance prohibits a property owner from removing a donation/drop-off box regardless of whether said box is permitted or not permitted. A property owner retains the right to remove and dispose of an unwanted donation/drop-off box at any time.