ORDINANCE NO. 2015-21

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1977 EDITION), BY AMENDING ARTICLE 14-9 "NON-RESIDENTIAL DISTRICTS", OF THE PEORIA ZONING ORDINANCE; PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Maricopa County, Arizona, held a public hearing on September 17, 2015 to consider a proposed amendment to the Peoria City Code, after notice in the manner provided by law; and

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance, and manner provided by law including publication of such in the Peoria Times on August 28, 2015; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of September 17, 2015 voted to recommend to the Mayor and Council of the City of Peoria, Arizona, that an amendment be made to the Peoria City Code (1977 edition) and Chapter 14 of the Peoria City Code; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, have considered the recommendation of the Planning and Zoning Commission of the City of Peoria, Arizona, and deem it to be in the best interest of the public health, safety and welfare of the residents of the City of Peoria, Arizona to amend Article 14-9 "Non-Residential Districts" of Chapter 14 of the Peoria City Code (1977 edition):

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona as follows:

SECTION 1. of Chapter 14 of the Peoria City Code (1977 edition) shall be amended to read as indicated on Exhibit A.

SECTION 2. Effective Date. This Ordinance shall become effective on the date provided by law.

SECTION 3. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 6th day of October, 2015.

Cathy Carlat, Mayor

10-8-15
Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: Peoria Times
Publication Date: October 16, 2015
Effective Date: November 8, 2015

EXHIBIT A

ARTICLE 14-9 NON-RESIDENTIAL DISTRICTS

(Ord. No. 02-68, ~~and~~ 2015-08, 2015-XX)

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14-9-1 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.

14-9-2 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.

14-9-3 LAND USE MATRIX

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
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 & Training Kennels (Ord. No. 03-171, Ord. No. 2015-XX) #	-	-	-	-	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 (Ord. No. 05-58A)	-	-	-	-	-	-	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
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 # (Ord. No. 05-51)	-	-	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, Massage Establishment, 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 (Ord. No. 05-58A)	P	P	P	P	P	P	P	P	-	-	-	-
Shoe Service & Clothing Alteration (Ord. No. 03-171)	-	-	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 & 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 & Air Charter Services (Ord. No. 05-58A)	-	-	-	-	-	-	-	-	-	P*	P*	P*
Bus Terminals (Ord. No. 05-58A)	-	-	-	-	C	C	C	-	-	P*	P*	P*
Marine Fuel Facility (Ord. No. 05-58A)	-	-	-	-	-	-	-	-	-	-	-	P*
Rail and Motor Freight Terminals & Facilities (Ord. No. 05-58A)	-	-	-	-	-	-	P	-	-	P	P	P
School Bus Parking and Maintenance Facilities # (Ord. No. 05-58A)	C	C	C	C	C	C	C	C	C	P*	P*	P*

= Permitted Use

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

14-9-5 LIMITATIONS ON USES

K. Personal Services (Ord. No. 05-51)

1. Body Piercing Studios, Massage Establishments, Tattoo Studios, Retail Liquor Stores, Plasma Center, Non Chartered Financial Institutions, and Pawnshops shall be subject to all of the following additional requirements: (Ord. No. 00-28)

   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, Massage Establishment, 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 (Ord. No. 05-51)

   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. <u>Boarding and Training Kennels</u>
   <u>In the C-2 Zoning District, the following limitations shall apply:</u>
   <u>1) Boarding shall be limited to household pets.</u>
   <u>2) The commercial breeding of animals shall be prohibited.</u>
   <u>3) The hours of operation for outdoor areas shall be limited to between the hours of 6 AM and 7 PM</u>
   <u>4) 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.</u>
   <u>5) All refuse shall be stored within an airtight container, or within a completely enclosed building.</u>
   <u>6) Facilities shall be constructed, maintained, and operated so that the smell of boarded animals does not create a nuisance off-site.</u>
   <u>7) 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.</u>