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ORDINANCE NO. 2016-01

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 14-2 "DEFINITIONS" AND 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 December 3, 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 November 13, 2015; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of December 3, 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 14-2 "Definitions" and 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.

Ordinance No. 2016-01
Page 2 of 5

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,
Maricopa County, Arizona this 5th day of January, 2016.

Cathy Carlat
Cathy Carlat, Mayor

1/13/16
Date Signed

ATTEST:

Rhonda Geriminsky
Rhonda Geriminsky, City Clerk



APPROVED AS TO FORM:

Stephen M. Kemp
Stephen M. Kemp, City Attorney

Published in: Peoria Times
Publication Date: January 15, 2015
Effective Date: 2/11/16

EXHIBIT A

(Proposed Changes – Case TA 15-0005)

ARTICLE 14-2 (“Definitions”)

14-2-2 DEFINITIONS

- 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 (Ord. No. 02-68):

Massage Establishment means any business or establishment where the practice of massage therapy is engaged pursuant to A.R.S. § 32-4201, et seq. ~~building, room, place, or establishment, other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor or osteopath with or without the use of therapeutic, electrical, mechanical or bathing devices. A Massage Establishment shall also include any bathing establishment operated in conjunction with the business. Massage establishments, as established herein, shall not include uses including but not limited to beauty parlors, salons, spas and health and exercise facilities where massage services may be available as an accessory use to a permitted principal use. (Ord. No. 00-28) (Ord. No. 2016-XX).~~

ARTICLE 14-9 (“Non-Residential Districts”)**14-9-3 LAND USE MATRIX**

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

Table 14-9-3 Land Use Matrix

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
PERSONAL SERVICES												
<u>Massage Establishment</u> #	<u>P</u>	-	-	-	-							
Plasma Center, Massage Establishment, Tattoo & Body Piercing Studio #	-	-	-	-	C	-	C	C	-	C	-	-

14-9-5 LIMITATIONS ON USES**K. Personal Services (Ord. No. 05-51) (Ord. No. 2016-)**

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. Massage Establishment (Ord. No. 2016-XX)

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