

ORDINANCE NO. 2015-08

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING ARTICLE 14-2 "DEFINITIONS", ARTICLE 14-3 "GENERAL PROVISIONS", ARTICLE 14-9 "NON-RESIDENTIAL DISTRICTS", AND ARTICLE 14-39 "ADMINISTRATIVE PROCEDURES" 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 November 11, 2014 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 October 24, 2014; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of November 11, 2014 voted to recommend to the Mayor and Council of the City of Peoria, Arizona, that amendments be made to the Peoria City Code (1977 edition); 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", Article 14-3 "General Provisions", Article 14-9 "Non-Residential Districts", and Article 14-39 "Administrative Procedures" of the Peoria City Code (1977 edition):

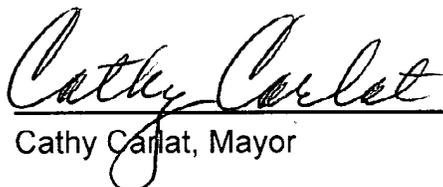
NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona as follows:

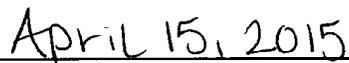
SECTION 1. of Article 14-2 "Definitions", Article 14-3 "General Provisions", Article 14-9 "Non-Residential Districts", and Article 14-39 "Administrative Procedures" of the Peoria Zoning Ordinance (1977 edition) shall be amended to read as indicated on Exhibit A.

SECTION 2. Effective Date. This Ordinance shall become effective on the date provided by law, which will be the earliest date that TUP applications will be accepted pursuant to this Ordinance. By December 31, 2015, all drop-off boxes shall be in conformance with this Ordinance.

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 7<sup>th</sup> day of April, 2015.

  
\_\_\_\_\_  
Cathy Carlat, Mayor

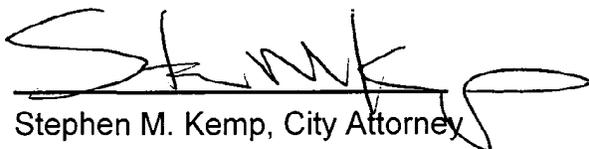
  
\_\_\_\_\_  
Date Signed

ATTEST:

  
\_\_\_\_\_  
Rhonda Geriminsky, City Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Stephen M. Kemp, City Attorney

Published in: Peoria Times  
Publication Date: April 17, 2015  
Effective Date:

## EXHIBIT A

# ARTICLE 14-2 DEFINITIONS

### CONTENTS

- 14-2-1 INTENT
- 14-2-2 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):

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

*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. (Ord. No. 04-188)

*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.

## ARTICLE 14-3

## GENERAL PROVISIONS

(Amended by ord. No. 2011-02 & 2011-03)

### CONTENTS

- 14-3-1 INTENT
- 14-3-2 GENERAL USE PROVISIONS
- 14-3-3 ACCESSORY BUILDINGS AND USES
- 14-3-4 SCREENING
- 14-3-5 WALLS AND FENCES
- 14-3-6 PERFORMANCE STANDARDS
- 14-3-7 SATELLITE DISH ANTENNAE
- 14-3-8 MISCELLANEOUS PROVISIONS
- 14-3-9 HOME OCCUPATIONS
- 14-3-10 MANUFACTURED HOUSING
- 14-3-11 MOBILE HOMES, TRAVEL TRAILERS, HOUSE TRAILERS, AND RECREATIONAL VEHICLES
- 14-3-12 GROUP HOMES, DAY CARE GROUP HOMES, GROUP CARE FACILITIES AND COMMUNITY RESIDENTIAL SETTING FACILITIES
- 14-3-13 WIRELESS COMMUNICATION FACILITIES
- 14-3-14 DONATION/RECYCLING DROP-OFF BOXES

#### 14-3-14 DONATION/RECYCLING DROP-OFF BOXES (Ord. No. 2015-08)

1. Donation/Recycling Drop-Off Boxes are subject to the issuance of a Business License and approval of a Temporary Use Permit (TUP) pursuant to Article 14-39 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.
2. 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 article.
3. Donation/Recycling Drop-Off Boxes shall be located on a paved surface.
4. Donation/Recycling Drop-Off Boxes shall not be located within the front or corner side setbacks, required landscaped areas or within required parking spaces.
5. 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.

6. 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.

<b>Donation Box Allotment</b>			
Lots or Complexes/Centers Size	1 acre	1-3 Acres	3 + Acres
Number of Boxes Allowed	1 Box	2 Boxes *	4 Boxes *
<b>No more than 2 (two) Donation Bins shall be clustered together in any one location</b>			

7. 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.
8. 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.
9. Donation/Drop-Off Boxes shall have a capacity no greater than six (6) cubic yards.
10. 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.
11. 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

12. 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.
13. Donation/Recycling Drop-Off Boxes not located or maintained in compliance with this Article may be subject to revocation of the Business License and the Temporary Use Permit (TUP).
14. 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.
15. 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 "Nuisances", of the Peoria City Code and may be removed pursuant to those provisions.
16. 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.

# ARTICLE 14-9 NON-RESIDENTIAL DISTRICTS

(Ord. No. 02-68)

## CONTENTS

14-9-1	INTENT
14-9-2	ZONING DISTRICTS
	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
	Light Industrial I-1
	Heavy Industrial I-2
14-9-3	LAND USE MATRIX
14-9-4	GENERAL REGULATIONS FOR O-1, C-1, PC-1, PC-2, C-2, AND C-3
14-9-5	LIMITATIONS ON USES
14-9-6	PROPERTY DEVELOPMENT STANDARDS

### 14-9-3 LAND USE MATRIX

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

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

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
<b>GENERAL INDUSTRIAL &amp; MANUFACTURING - CONTINUED</b>												
Recycling Collection Facility #	-	-	-	-	-	-	-	-	-	C	C	C
Recycling Collection Point	-	A	A	A	A	A	A	A	-	-	-	-
Donation/Recycling Drop -Off Boxes#	=	A	A	A	A	A	A	A	=	=	=	=

## **ARTICLE 14-39 ADMINISTRATIVE PROCEDURES**

(Ord. No. 2011-03, 2012-05, 2012-16)

### **CONTENTS**

14-39-1	INTENT
14-39-2	INTERPRETATION
14-39-3	ENFORCEMENT
14-39-4	VIOLATIONS
14-39-5	FEES
14-39-6	NOTICES
14-39-7	EXPIRATION OF APPLICATIONS
14-39-8	REZONINGS
14-39-9	INITIAL ZONINGS
14-39-10	TEXT AMENDMENTS
14-39-11	SITE PLAN REVIEW
14-39-12	CONDITIONAL USE PERMITS
14-39-13	TEMPORARY USE PERMITS
14-39-14	APPEALS TO BOARD OF ADJUSTMENT
14-39-15	ADMINISTRATIVE RELIEF
14-39-16	HILLSIDE APPEALS
14-39-17	DESIGN REVIEW APPEALS

### **14-39-13 TEMPORARY USE PERMITS**

#### *A. Intent.*

1. In addition to regulating uses which are permanent in nature, it is the intent of this Ordinance to provide for certain temporary uses for limited periods of time. Allowing temporary uses, as herein provided for, is not intended to permit uses otherwise prohibited by the Zoning Ordinance or to allow permanent uses to be established.
2. The purpose of this Section is to establish the procedures and outline the review criteria to be used by the Department when considering an application for a Temporary Use Permit. All Temporary Uses shall be conducted so as not to be detrimental to the surrounding properties and shall be subject to the standards and regulations contained herein. The Department shall not grant a Temporary Use Permit until adequate assurances have been provided ensuring compliance with the provisions of this Ordinance and all other applicable City codes.

B. *General.* Every Temporary use on private property shall require a Temporary Use Permit as herein stipulated.

1. Structures utilized for the Temporary Uses of outdoor sales and/or displays that exceed seven (7) days in duration shall be limited only to the following: tents, canopies, and/or membrane structures. (Ord. No. 2012-05)

C. *Permitted Temporary Uses.* The City may grant a Temporary Use Permit for any of the following uses.

1. Carnivals, circuses, or similar special events.
2. Outdoor sales events, such as Christmas tree sales, pumpkin sales, or similar holiday-related events.
3. Outdoor sales of consumer permissible fireworks. (Ord. No. 2011-03)
4. Temporary municipal uses. (Ord. No. 05-22)
5. Off-site retail sales of souvenirs, gifts, and food incidental to a sporting or cultural event.
6. Tent revival or fellowship meetings.
7. Craft shows, home and garden shows, festivals, or similar events.
8. Outdoor concerts, paid admission events, and events involving the distribution of alcoholic beverages.
9. Such other uses as the City may deem to be within the intent and purpose of this Section.
10. Donation/Recycling Drop -Off Boxes.

D. *Application.* A property owner or duly authorized agent may submit an application for a Temporary Use Permit. The applicant shall obtain the official application materials from the Department. Submittal requirements shall be as outlined on the official form and any other requirements that the Department deems necessary to understand the proposal, including Site Plans prepared in accordance with Section 14-39-11, "Site Plan Review," of this Article. The applicant shall submit the official application and associated materials, together with the applicable fee, to the Department.

E. *Posting.* Temporary Uses which, in the opinion of the Department, meet all the following criteria shall not require posting:

1. The use and/or structure complies with all applicable codes and Ordinances;
2. The use and/or structure does not interfere with pedestrian access ways, fire lanes, driveway entrances, or traffic visibility at driveways or street intersections;
3. Parking on the property is adequate to serve any existing permanent use and the temporary use;
4. The temporary use shall not be conducted between the hours of 10 P.M. and 7 A.M., excluding Donation/Recycling Drop-Off Boxes; and,
5. The City Engineer, or designee thereof, approves vehicular access for the proposed temporary use.

Temporary uses which, in the opinion of the Department, do not meet all of the above criteria shall be posted. For such temporary uses, the City shall post the subject property within five (5) working days following submittal of the application

F. *Review and Approval*

1. Application for a Temporary Use Permit shall be reviewed by the Department who shall approve, conditionally approve, or disapprove the application. Approval shall be given only when in the judgment of the City such approval is consistent with the intent and purpose of this Section of this Ordinance.

In considering the application, the Department may include, but are not be limited to, the following conditions:

- a. Regulation of parking, dust control measures, and site lighting.
- b. Regulation of hours of operation.
- c. Regulation of site ingress and egress.
- d. Assurance of compliance with building, fire, electrical, and all other appropriate codes.
- e. Such other conditions deemed necessary to carry out the intent and purpose of this Section.

- f. All signage proposed for the temporary use or event shall be in compliance with Article 14-34, "Signs." All signage shall obtain a separate sign permit. (Ord. No. 04-211)
2. The Department shall notify the applicant, in writing, of the decision to approve or deny the application, and shall state any conditions for approval or reasons for denial in said letter.
3. Issuance of Permits. To be issued a permit, the applicant shall sign an agreement with the City stating that within 72 hours of cessation of the use or expiration of the permit, whichever occurs first, the site shall be restored to the same condition prior to commencement of the temporary use.
4. Time Limits and Renewal of Permits. All Temporary Use Permit approvals shall be subject to a time limit as set forth by the Department.
  - a. Temporary Use Permits for off-site construction yards or residential sales may be permitted for the duration of the project, or as determined by the City.
  - b. Temporary Use Permits for Donation/Recycling Drop-Off Boxes may be permitted for a renewable duration not to exceed twelve (12) months, or as determined by the City. Each renewal requires a new Temporary Use Permit application and fee.
  - c. All other Temporary Use Permits shall be limited to a maximum of thirty (30) consecutive days per event, and the cumulative total of all Temporary Uses shall not exceed ninety (90) days per calendar year per lot. Not more than twelve (12) Temporary Use Permits shall be granted per lot or complex per calendar year.
  - d. Each occurrence of a Temporary Use and each distinct Temporary Use on a property shall require separate submittal and approval of a Temporary Use Permit Application.