ORDINANCE NO. 2012-15

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 14-39 "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 June 21, 2012 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 June 1, 2012; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of June 21, 2012, 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) 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 14-39 "Administrative Procedures" 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 21st day of August, 2012.

Bob Barrett

Bob Barrett, Mayor

8/24/12

Date Signed

ATTEST:

for Linda L Beard

City Clerk

CITY OF PEORIA

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: Peoria Times
Pub. Dates: August 24, 2012 and August 31, 2012
Effective Date: September 24, 2012

ORD. 2012-15
August 21, 2012

EXHIBIT A

ARTICLE 14-39
ADMINISTRATIVE PROCEDURES

(Ord. No. ~~2011-03~~ 2012-XX)

14-39-6 NOTICES (Ord. No. 2010-24)

B. *Newspaper Ad*

1. For all cases requiring a newspaper ad, notice shall be published at least once in a newspaper of general circulation in the city. The notice shall include a general description of the subject property and a statement of the proposed application.

   a. For cases involving a public hearing, the ad shall be published at least fifteen (15) days prior to the hearing. Such public notice may be combined with public notice for other matters to be heard at the same public hearing.

   b. Newspaper ads for Zoning Ordinance Text Amendment cases shall also include ~~the text of the proposed amendment and~~ a general description of any regulations proposed to be amended. The text of the proposed amendment shall be provided either in the newspaper ad or through the City's website.

14-39-13 TEMPORARY USE PERMITS

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

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.

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-~~9~~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, ~~landscaped areas,~~ or traffic visibility at driveway entrances 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.; 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. For proposals that require posting, the Department shall render a decision no sooner than five (5) and no later than eight (8) working days from the date of posting. For proposals that do not require posting, the Department shall render a decision no later than five (5) working days from the date of submittal of the application.~~

2.~~3.~~ 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.~~4.~~ Issuance of Permits. To be issued a permit, the applicant shall sign an agreement with the City stating that upon cessation of the use or expiration of the permit, whichever occurs first, the premises will be promptly cleaned and restored to substantially the same condition existing prior to commencement of the temporary use.

4.~~5.~~ Time Limits and Renewal of Permits. All Temporary Use Permit approvals shall be subject to a time limit as set forth by the Department ~~or Board of Adjustment~~.

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. All other ~~A~~ 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. ~~granted for no longer than sixty (60) days, except for off-site construction yards or residential sales or construction offices which may be permitted for the duration of the project or as determined by the City. Continuation of the use beyond the stipulated time limit shall require the submittal and approval of a new application. Approval shall be made subject to any further conditions that the Department deems necessary to assure that all adverse impacts to the surrounding properties are minimized to the fullest extent possible. (Ord. No. 04-211)~~
c. 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.

~~6. When renewing Temporary Use Permits; the department shall adhere to the following:~~

~~a. Off-site construction yards and residential sales and construction offices lasting up to one (1) year may be renewed once or for a period as determined by the City. (Ord. No. 04-211)~~

~~b. All other renewals shall not exceed a period of sixty (60) days, in accordance with the following:~~

~~1) Temporary uses lasting up to thirty (30) days shall be not be renewed more than twice within a one (1) year period.~~

~~2) Temporary uses lasting thirty (30) to sixty (60) days shall not be renewed more than once within a one (1) year period.~~