

ORDINANCE NO. 2017-32

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 20 OF THE PEORIA CITY CODE (1992) BY DESIGNATING SECTION 20-16 AS A RESERVED SECTION; BY DESIGNATING SECTION 20-17 AS A RESERVED SECTION; BY DESIGNATING SECTION 20-18 AS A RESERVED SECTION; BY DESIGNATING SECTION 20-19 AS A RESERVED SECTION; BY DESIGNATING SECTION 20-20 AS A RESERVED SECTION; BY AMENDING SECTION 20-37 PERTAINING TO DEVELOPMENT FEES; ADOPTING INFRASTRUCTURE IMPROVEMENTS PLAN; ADOPTING FEES; PROCEDURES; BY DESIGNATING SECTION 20-74 AS A RESERVED SECTION; BY DESIGNATING SECTION 20-75 AS A RESERVED SECTION; BY DESIGNATING SECTION 20-76 AS A RESERVED SECTION; IDENTIFYING THAT THE TABLES NAMED HEREIN WILL BE RENUMBERED AND/OR AMENDED BY A SEPARATE ORDINANCE AS TABLES IN CHAPTER 27 PERTAINING TO FEES; AND PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Chapter 20 of the Peoria City Code (1992) is amended by designating Section 20-16 as reserved section and which shall read as follows:

Sec. 20-16. Reserved.

SECTION 2. Chapter 20 of the Peoria City Code (1992) is amended by designating Section 20-17 as a reserved section and which shall read as follows:

Sec. 20-17. Reserved.

SECTION 3. Chapter 20 of the Peoria City Code (1992) is amended by designating Section 20-18 as a reserved section and which shall read as follows:

Sec. 20-18. Reserved.

SECTION 4. Chapter 20 of the Peoria City Code (1992) is amended by designating Section 20-19 as a reserved section and which shall read as follows:

Sec. 20-19. Reserved.

SECTION 5. Chapter 20 of the Peoria City Code (1992) is amended by designating Section 20-20 as a reserved section and which shall read as follows:

Sec. 20-20. Reserved.

SECTION 6. Chapter 20 of the Peoria City Code (1992) is amended by amending Section 20-37 pertaining to Development fees; adopting infrastructure improvements plan; adopting fees; procedures and which shall read as follows:

Sec. 20-37 Development fees; adopting infrastructure improvements plan; adopting fees; procedures.

(a) *Adopting or Amending the Infrastructure Improvements Plan.* The Infrastructure Improvements Plan shall be adopted or amended subject to the following procedures:

(1) *Major Amendments to the Infrastructure Improvements Plan.* Except as provided in paragraph 2 of this Subsection, the adoption or amendment of an Infrastructure Improvements Plan shall occur at one or more public hearings according to the following schedule, and may occur concurrently with the adoption of an update of the City's Land Use Assumptions as provided in Section 20-35 of this Chapter:

a. Sixty days before the first public hearing regarding a new or updated Infrastructure Improvements Plan, the City shall provide public notice of the hearing and post the Infrastructure Improvements Plan and the underlying Land Use Assumptions on its website; the City shall additionally make available to the public the documents used to prepare the Infrastructure Improvements Plan and underlying Land Use Assumptions and the amount of any proposed changes to the Cost per Service Unit.

b. The City shall conduct a public hearing on the Infrastructure Improvements Plan and underlying Land Use Assumptions.

c. The City shall approve or disapprove the Infrastructure Improvements Plan within 60 days, but no sooner than 30 days, after the public hearing. If the document was amended as a result of the public hearing, the revised Infrastructure Improvements Plan shall be posted on the City's public website at least 15 days prior to the meeting.

(2) *Minor Amendments to the Infrastructure Improvements Plan.* Notwithstanding the other requirements of this Section, the City may update the Infrastructure Improvements Plan and/or its underlying Land Use Assumptions without a public hearing if all of the following apply:

a. The changes in the Infrastructure Improvements Plan and/or the underlying Land Use Assumptions will not add any new Category of Necessary Public Services to any Service Area.

b. The changes in the Infrastructure Improvements Plan and/or the underlying Land Use Assumptions will not increase the Level of Service to be provided in any Service Area.

c. Based on a written analysis, the changes in the Infrastructure Improvements Plan and/or the underlying Land Use Assumptions would not, individually or cumulatively with other amendments undertaken pursuant to this Subsection, have caused a development fee in any Service Area to have been increased by more than five (5) per cent above the development fee that is provided in the current development fee schedule.

d. At least 30 days prior to the date that any amendment pursuant to this Section is adopted, the City shall post the proposed amendments on the City website.

(b) *Adopting or Amending the Fees.* Any adoption or amendment of a development fee schedule shall occur at one or more public hearings according to the following schedule:

(1) The first public hearing on the fee schedule must be held at least 30 days after the adoption or approval of the Infrastructure Improvements Plan as provided in Subsection A of this Section. The City must give at least 30 days' notice prior to the hearing, provided that this notice may be given on the same day as the approval or disapproval of the Infrastructure Improvements Plan.

(2) The City shall make the fee schedule available to the public on the City's website 30 days prior to the public hearing described in Paragraph 1 of this Subsection.

(3) The fee schedule may be adopted by the City no sooner than 30 days, and no later than 60 days, after the hearing described in Paragraph 1 of this Subsection. If the fee schedule was amended as a result of the public hearing, the revised fee schedule shall be posted on the City's public website at least 15 days prior to the meeting.

(4) The development fee schedule adopted pursuant to this Subsection shall become effective no earlier than 75 days after adoption of the fee schedule by the City.

(5) The adopted development fee schedule set forth in the section is identified in Chapter 27, Tables 27-19 (a), 27-19 (b), 27-19 (c), 27-19 (d), 27-19 (e), 27-19 (f), 27-19 (g) and 27-19 (h).

SECTION 7. Chapter 20 of the Peoria City Code (1992) is amended by designating Section 20-74 as a reserved section and which shall read as follows:

Sec. 20-74. Reserved.

SECTION 8. Chapter 20 of the Peoria City Code (1992) is amended by designating Section 20-75 as a reserved section and which shall read as follows:

Sec. 20-75. Reserved.

SECTION 9. Chapter 20 of the Peoria City Code (1992) is amended by designating Section 20-76 as a reserved section and which shall read as follows:

Sec. 20-76. Reserved.

SECTION 10. Chapter 20 of the Peoria City Code (1992) is amended by designating Section 20-77 as a reserved section and which shall read as follows:

Sec. 20-77. Reserved.

SECTION 11. Tables 20-37(a), 20-37(b), 20-37(c), 20-37(d), 20-37(e), 20-37(f), 20-37(g) and 20-37(h) will be renumbered and/or amended in Chapter 27, pertaining to Fees, by way of separate ordinance to be submitted to the Mayor and City Council for approval.

SECTION 12. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 13. This Ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,  
Arizona, this 13<sup>th</sup> day of June, 2017.

  
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Cathy Carlant, Mayor

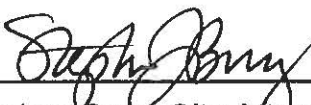
  
\_\_\_\_\_  
Date Signed

ATTEST:

  
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Rhonda Geriminsky, City Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Stephen Burg, City Attorney

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