

ORDINANCE NO. 2018-35

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 21 OF THE PEORIA CITY CODE (2017 EDITION), BY AMENDING SECTION 21-503 LAND USE MATRIX AND SECTION 21-505.B.3 LIMITATIONS ON USES, OF THE PEORIA CITY CODE; 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 October 4, 2018 to consider proposed amendments 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 September 14, 2018; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of October 4, 2018 voted to recommend to the Mayor and Council of the City of Peoria, Arizona, that amendments be made to the Peoria City Code (2017 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 Section 21-505.B.3 ("Limitations on Uses") of Chapter 21 of the Peoria City Code (2017 edition) pertaining to outdoor dining and seating area requirements.

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

SECTION 1. Chapter 21 of the Peoria City Code (2017 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 13th day of November, 2018.

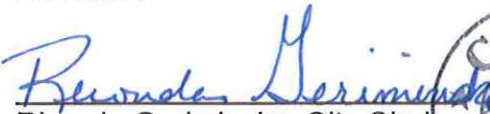


Cathy Carlat, Mayor

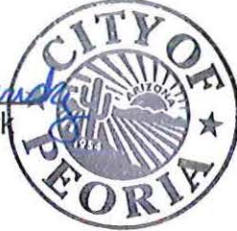


Date Signed

ATTEST:



Rhonda Geriminsky, City Clerk



APPROVED AS TO FORM:



Vanessa P. Hickman, City Attorney

Published in: Peoria Times

Publication Date: November 23, 2018

Effective Date: December 27, 2018

Exhibit A

(Case TA 18-04)

SECTION 21-500 (“Non-Residential Districts”)

SECTION 21-503 - 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 |
|---|-----|-----|------|------|-----|-----|-----|-----|-----|------|-----|-----|
| EATING & DRINKING ESTABLISHMENTS | | | | | | | | | | | | |
| Catering Establishment ^{*11} | P | P | P | P | P | P | P | P | P | P | P | P |
| Mobile Food Vendor Cart # | A | A | A | A | A | A | A | A | A | A | A | A |
| Outdoor Dining and Seating Areas # ^{*18} | C | C | C | C | C | C | C | C | C | C | C | C |
| Restaurants, Drive Through or Drive-Up # ^{*22} | - | P♦ | P♦ | P♦ | P♦ | - | P♦ | P♦ | - | - | - | - |
| Restaurants ^{*18} | P | P | P | P | P | P | P | P | A | A | A | A |
| Tavern, Bar, Lounge # ^{*22} | - | - | C | C | C | C | C | C | - | - | - | - |

- P = Permitted Use
- C = Permitted Conditional Use. Conditional Use Permit required. See Section 21-322.
- A = Accessory use
- ♦ = Any uses located within 200 feet of a residential district shall be subject to a Conditional Use Permit ^{*17}
- # = Subject to special limitations (see the following Section 21-505)
- = Not Permitted

SECTION 21-505.B.3 - Limitations on Uses

B. Eating & Drinking Establishments

3. Outdoor Dining and Seating Areas: ^{*18, *22}

- a. No Conditional Use Permit is required when the exterior wall or area of the patio or seating area is located at least two-hundred (200) feet from the nearest residentially-zoned lot, not including common area tracts.
- a- b. Such areas shall be located immediately—adjacent to the restaurant or establishment to which it is an accessory use.
- b- c. The use shall not interfere with pedestrian access, fire lanes, driveways, or traffic visibility at driveways or street intersections.
- e.—Such areas shall not exceed 25% of the gross floor area (GFA) of the establishment. The Planning and Zoning Commission may waive this requirement if it is found that sufficient mitigating measures are provided to eliminate potential adverse impacts on adjacent properties.
- d. Through the Conditional Use Permit (CUP) process, the conditions considered for imposition by the Planning and Zoning Commission may include, but are not limited to, a restriction on operating hours, additional screening, re-location of the outdoor dining and seating area, noise and visual mitigation and other measures appropriate to the relevant circumstances.