

ORDINANCE NO 2019-28

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AMENDING CHAPTER 3 OF THE PEORIA CITY CODE BY AMENDING SECTION 3-18 PERTAINING TO DESIGN REVIEW BOARD; ESTABLISHMENT AND MEMBERSHIP; AND AMENDING SECTION 3-19 PERTAINING TO DESIGN REVIEW BOARD; POWERS AND DUTIES; AND REPEALING SECTION 3-20 IN ITS ENTIRETY PERTAINING TO DESIGN REVIEW BOARD; APPEALS; AND PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

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

SECTION 1. Chapter 3 of the Peoria City Code is amended by amending section 3-18 pertaining to the Design Review Board; establishment and membership and which shall read as follows:

Sec. 3-18. - Design Review Board; Establishment and Membership.

(a) *Establishment.* There is hereby created ~~The Design Review Board is established as set forth in this section and any amendments.~~

(b) *Membership.* ~~The Design Review Board shall to be composed of seven (7) regular members and one alternate member, all members who shall be appointed by the Mayor with the approval of the City Council in accordance with the provision of this code. The members of the Board shall consisting of the following:~~

- (1) One member shall be a registered architect.
- (2) One member shall be a registered ~~L~~andscape ~~a~~rchitect.
- (3) One member shall be a registered professional engineer.
- (4) One member with a background or experience in land planning and/or urban design.
- (5) ~~Three private citizens~~ individuals who are residents of the City.
- (6) One alternate member meeting any of the qualifications contained in subsections (b)(1)—(b)(5).

(c) ~~All members shall serve without pay. However, members may be reimbursed their actual expenses incurred in connection with their duties upon authorization or ratification by the Council.~~

~~(d) Members shall be appointed in accordance with Section 3-6 of this Code, with the initial terms being staggered to meet the requirements of that section.~~

~~(e) Members of the Board appointed as alternates shall be able to participate in all proceedings, but shall not be able to vote, except in accordance with the provisions of this section. Upon a determination by the Chairman that a regular member(s) of the Board is disqualified from participating in a matter or is absent, the Chairman shall designate the alternate member present to sit in place of the absent or disqualified regular member. The designated alternate member shall exercise all powers and duties granted to a regular member during the meeting that they are so designated, except to be nominated to the position of chairman or vice chairman. In the event a matter before the board during which an alternate member is designated is continued to a subsequent meeting, the alternate member shall participate in all subsequent proceedings involving the matter.~~

~~(f) Alternate Board members shall not automatically succeed to the seat of a vacant board member, unless appointed by the Mayor with the approval of the Council in the manner provided by this Code.~~

SECTION 2. Chapter 3 of the Peoria City Code is amended by amending section 3-19 pertaining to the Design Review Board; powers and duties and which shall read as follows:

Sec. 3-19. - Design Review Board; Power and Duties.

(a) The Design Review Board shall have the following powers and duties:

- (1) The Design Review Board is authorized to hear appeals of the staff decision on any design review application prescribed herein. The ~~b~~Board may take action to uphold, modify or overturn in whole or in part the staff decision on the design review application.
- (2) Review standards for commercial and residential design in the City and recommend modifications and changes to the City Council and City Manager.
- (3) Work with assigned city staff on issues in the city's design review process and provide recommendations on modifications to the process to ensure community review and input on design review concepts.
- (4) Make recommendations to the Council and City Manager pertaining to design and development review issues.
- (5) Perform such other duties as may be prescribed by the Council.

SECTION 3. Chapter 3 of the Peoria City Code is amended by repealing Section 3-20 in its entirety pertaining to Design Review Board; Appeals and designating Section 3-20 as a reserved section and and which shall read as follows:

Sec. 3-20. - Reserved.- Design Review Board; Appeals.

~~(a) A final decision of the Community Development Department on a design review application may be appealed by the applicant to the Design Review Board within 14 calendar days of the date of the final decision.~~

- ~~(b) Appeals shall be filed with the Community Development Department on a form provided by the City. The appeal shall specifically indicate those items of the final decision by staff being appealed. The city may charge a fee in the amount provided in Chapter 27 of the city code for the appeal.~~
- ~~(c) All appeals shall be heard within 45 calendar days from the date of submission of the appeal. The appellant shall be informed by the Community Development Department of the date, time and location of the appeal hearing.~~
- ~~(d) A decision on the appeal will be made by the Design Review Board on the date of the hearing, unless continued at the discretion of the Board and shall be transmitted to the applicant in writing. The decision of the Design Review Board shall be final.~~

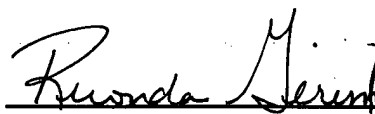
SECTION 4. Providing an Effective Date. This ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council for the City of Peoria, Arizona this 12th day of November, 2019.


Cathy Carlat, Mayor

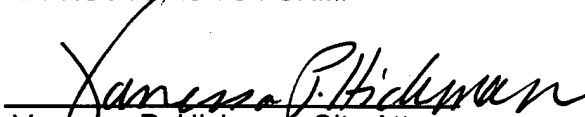
11-19-2019
Date signed

ATTEST:


Rhonda Geriminsky, City Clerk



APPROVED AS TO FORM:


Vanessa P. Hickman, City Attorney

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