



PLANNING AND ZONING COMMISSION REPORT

Meeting Date: May 3, 2018

Agenda Item: 6R

Case Name: TA18-03: Definitions Text Amendment (Pawn Uses)

Case Number(s): TA18-03

General Application Information

Proposal:

City-initiated request to amend Section 21-202 (entitled "Definitions") of the Peoria Zoning Ordinance to align pawn related definitions with the Arizona Revised Statutes

Location:

N/A

Project Acreage:

N/A

Applicant:

City of Peoria

Project Description

This is a city-initiated request to update Section 21-202 (entitled "Definitions") of the Zoning Ordinance with revised language for the definition of Pawnshop and adding new definitions for Pawnbroker and Pawn Transaction to align with the definitions found in A.R.S §44-1621.

Key Items For Consideration:

- The proposed amendment provides an update and clarity to pawn-related terms in the Zoning Ordinance.
- The proposed language for the definitions aligns with A.R.S. §44-1621 pertaining to pawn related terms.
- The proposed zoning text changes are intended to provide clarity and are limited to definitions only; said changes will not affect location or regulatory criteria for pawnshop businesses.

Recommendations:

Recommend APPROVAL of Case TA18-03 to the Peoria City Council.

ATTACHMENTS:

Description

Staff Report

Exhibit A - Draft Code

BACKGROUND

Context

This is a city-initiated text amendment, to Section 21-202 “Definitions” of the Zoning Ordinance, related to pawn uses. The intent of the amendment is to update the City’s definition for *Pawnshop* to be consistent with the definition found within Arizona Revised Statutes (A.R.S.). Additionally, definitions for *Pawnbroker* and *Pawn Transaction* are proposed to provide additional clarity related to pawn services.

PROPOSAL

Goal/Purpose of Request

This text amendment is a continuation of the City’s Planning and Community Development Department ongoing effort to regularly update the Peoria Zoning Ordinance to maintain relevancy and consistency with current state and federal definitions and regulations.

DISCUSSION AND ANALYSIS

Staff recently received an inquiry seeking a determination as to whether or not a proposed use would be considered a pawnshop. In responding to the inquiry, aside from the outcome of the inquiry itself, it was determined that the City’s current definition for pawnshop lacked the same clarity that is found in the Arizona Revised Statutes’ definition. In comparing the two definitions, it was apparent that the City’s intent aligns with that of the State Statute; therefore, staff elected to propose this text amendment, which incorporates the State’s definition of *pawnshop* into the Zoning Ordinance. Additionally, staff included two new, but related, definitions from the State Statute pertaining to *pawnbrokers* and *pawn transactions*. These definitions are integral to the *pawnshop* definition and have been included verbatim in this proposed amendment.

The current definition for *Pawnshops* appeared in the City’s Zoning Ordinance in 2000 following the City Council’s adoption of ORD #00-28. At the time, City staff initiated a broad effort to include several definitions believed to be missing from the Zoning Ordinance, which were needed to address certain uses that were beginning to arise throughout the City. These uses included: Body Piercing Studios, Massage Establishments, Non-chartered Financial Institutions, Retail Liquor Stores, Plasma Centers, Tattoo Studios, and Pawnshops.

Ordinance #00-28 also included development standards to regulate these uses. These standards can be found in the Zoning Ordinance under Section 21-505 “Limitations on Uses” associated with Personal Services.

No changes are proposed to the development standards that regulate these uses, and staff is not recommending modifications to the zoning districts within which these types of uses are allowed. Instead, the focus of this update is limited to updating and adding definitions related to pawn services to clarify the terms and align with existing definitions within the Arizona Revised Statutes.

Conclusions

- The proposed amendment provides an update and clarity of pawn related terms.
- The language proposed for the definitions, matches what has been adopted in Section §44-1621 “Definitions” of the Arizona Revised Statutes.
- The proposed text changes are limited to definitions only, and do not affect locations or the regulating criteria for pawnshop businesses.

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission make the following recommendations to City Council:

- 1) Approval of case TA18-03 to the City Council, amending the Zoning Ordinance, Chapter 21 of the City Code, as identified in Exhibit A.

ATTACHMENTS

Exhibit A: Proposed Section 21-202 Definitions

REPORT PREPARED BY

Sean Allen
Senior Planner
623-773-7337
sean.allen@peoriaaz.gov

Definitions

21-201 Intent

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21-202 Definitions

21-201 Intent ^{*23}

This Section is intended to clarify the meaning of any term used within the regulations and development standards for which the common definition may not serve the purpose of the regulations, or which is not a commonly used term outside of the context of this Zoning Ordinance.

21-202 Definitions ^{*32}

- 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: ^{*23}

List of Defined Terms

0 - 10

207 Claim means a claim for just compensation, as permitted by A.R.S. §12-1136, as amended, for diminution in the fair market value of real property resulting from the enactment of a Land Use Law by the City that is not an Exempt Land Use Law, and that reduces Existing Rights to use, divide, sell, or possess private real property as of the date of the enactment. ^{*30}

A - O

P

Parking Area, Public means an open area, other than a street or alley designated for use, or used, as temporary parking of four (4) or more vehicles when available for public use, whether free or for compensation or as an accommodation for clients or customers. ^{*7}

Parking Lot means an area other than for single-family dwellings used for the off-street parking of more than two motor vehicles, including parking spaces, access and maneuvering aisles.

Parking Space, Off-street means a space designated for the temporary parking of a motor vehicle not on the right-of-way or alley but accessible from a street or alley. ^{*7}

Parties In Interest means a term identifying the owners of property within one hundred fifty (150) feet, exclusive of street, or specified property.

Paved Parking Space or Surface means an area covered by an impervious dust free surface of asphalt or concrete designed to City specifications. ^{*7}

Pawnbroker means a person who is engaged in the business of advancing money on the security of pledged goods or is engaged in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed or variable price within a fixed or variable period of time.

~~**Pawnshop** means any establishment in that is carried on the business of pawn brokerage, or the business of loaning money, receiving as security for payment thereof pawns or pledges of property, or the business of purchasing personal property and reselling or agreeing to resell, trade or exchange such Sections to vendors, their personal representatives, or their assignees at a price agreed upon at or before the time of such purchase whether such business be the principal or sole business so carried on or be merely incidental to, or in connection with, or a branch or a department of some other business.~~ ^{*18}means the location or premises at which a Pawnbroker is licensed to regularly conduct the pawnbroker's business.

Pawn Transaction means either the act between the Pawnbroker and a person pledging tangible personal property or extending credit on the security of pledged goods or the act of purchasing tangible personal property with an express or implied agreement or understanding that it may be redeemed or repurchased by the seller for a fixed or variable price within a fixed or variable period of time, except that a good faith outright purchase of tangible personal property is not a pawn transaction.

Permissible Consumer Fireworks means fireworks devices as defined by A.R.S. §36-1601.5(a) and (b). ^{*34}

Planned Shopping Center means a business development of two acres or more not divided by a street and characterized by an organized and concentrated grouping of retail and service outlets served by a common circulation and parking system.

Planning Manager means the director of the Department, or the director's designee. ^{*30}

Plans Review Committee means that committee charged with the express intent to review and make recommendations on major site plans to the Commission, review and approve minor site plans and to review and approve other development plans as authorized by the City Council. The Plans Review Committee shall be composed of personnel assigned to the Department, or any other personnel as appointed by the Planning Manager or City Manager. ^{*4, *30}

Plasma Center means a business, which provides compensation to patrons for plasma drawn from the human body. ^{*18}

Plot Plan means a fully dimensioned line drawing of a specific site identifying the location of all proposed structures, including outdoor display, in relation to abutting streets and existing structures. ^{*19}

References

Adopted by Ord. No.: 2016-29

Previous Ordinances:

- *1 79-72
- *2 87-39
- *3 88-09
- *4 92-14
- *5 93-06
- *6 93-25
- *7 94-74
- *8 95-15
- *9 96-21
- *10 97-41
- *11 97-100
- *12 98-15
- *13 98-18
- *14 98-34A
- *15 99-89
- *16 99-101
- *17 99-112
- *18 00-28
- *19 00-68
- *20 01-26
- *21 01-167
- *22 02-21
- *23 02-68
- *24 03-158
- *25 04-187
- *26 04-188
- *27 05-25
- *28 05-58A
- *29 06-16
- *30 07-14
- *31 07-22
- *32 2010-23
- *33 2010-24
- *34 2011-03
- *35 2011-05A
- *36 2013-16
- *37 2015-08
- *38 2016-01
- *39 2016-28
- *40 2016-29