

## **Chapter 18.135**

### **COMMISSIONS, COMMITTEES, BOARDS, AND OFFICERS**

Sections:

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#### **18.135.010 Specific purpose.**

This chapter identifies the purpose, duties, organization, and powers of the city bodies, officials, and administrators charged in making decisions under various divisions and chapters of the zoning code. Subsequent chapters provide detailed information regarding various procedures, applications, and permits, including use permits, general plan text and map amendments, fees, and enforcement. When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall interpret and apply the provisions of this code as minimum requirements adopted to implement the policies and achieve the objectives of the general plan.

[Res. 21-09; Ord. 21-05 § 2; Res. 14-36 § 501.01; Ord. 14-12 § 1.]

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**18.135.020 City council.**

A. *Duties and Powers Related to Zoning.* The city council shall have the duty to carry out the provisions and intent of the general plan and this code. Specifically, the city council has the powers to do the following:

1. *Appointment Powers.* The city council shall have the power to appoint and remove members of the planning and zoning commission and the hearing officer.
  2. *Initiation Powers.* The city council or planning and zoning commission shall have the power to initiate legislation and hold public meetings and public hearings on the following:
    - a. General plan amendments;
    - b. Zoning code map or text amendments. The city council shall have the power to initiate applications with or without owner authorizations for either zoning code map or text amendments as provided by state law; and
    - c. Area specific plans.
  3. *Decision-Making Powers.* The city council shall have the power to make final decisions and hold public meetings and public hearings to review and approve, continue, deny, or approve with conditions the following requests:
    - a. General plan amendments;
    - b. Zoning code text and zoning map amendments;
    - c. Preliminary and final subdivision plats pursuant to MCC Title [17](#), Subdivisions;
    - d. Planned Area Development (PAD) districts and PAD plans in PAD zoning districts, and major amendments or major modifications to conditions of approved planned area development districts and plans, as defined in this code;
    - e. Area specific plans; and
    - f. Annexations.
  4. *Appeal Powers.* Refer to MCC Table 18.140.140.
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B. The city council may prescribe, in connection with a decision noted in subsections [\(A\)\(3\)\(c\)](#) and [\(A\)\(3\)\(d\)](#) of this section, conditions of approval as the council deems necessary, in order to fully carry out the provisions and intent of the general plan and this code, pursuant to MCC [18.140.100](#), Conditions of approval. Violations of any city council condition of approval shall be a violation of this code.

C. *Appeals.* Any person aggrieved by a decision of the city council under this code may file an appeal to the Pinal County superior court within 30 calendar days after the city council has rendered its final decision, in accordance with MCC [18.140.140](#), Appeals. [Res. 21-09; Ord. 21-05 § 2; Res. 14-36 § 501.02; Ord. 14-12 § 1.]

### **18.135.030 Planning and zoning commission.**

A. *Creation and Purpose.* The planning and zoning commission is created to hold public meetings and hearings, to provide analysis and recommendations to the city council regarding general land use policies where the commission has such advisory responsibility, and to render decisions where the commission has been assigned decision-making power by this code. The purpose of the planning and zoning commission is to support creation of a desirable environment throughout the city for residents, business, and industry in areas for which it is responsible by promoting harmonious, safe, attractive, and compatible development that is in the best interest of public health, safety, and general welfare.

B. *Duties and Powers.* The planning and zoning commission shall have the duty to carry out the duties outlined in Chapter [2.15](#) MCC

1. *Decision-Making Responsibilities.* The planning and zoning commission shall have the power to hold public meetings and public hearings to review and approve, continue, deny, or approve with conditions:

- a. Conditional use permits and modifications to such permits; and
- b. Preliminary Plats.

2. *Advisory Responsibilities.* The planning and zoning commission shall hold public meetings and hearings to advise and recommend to the city council:

- a. General plan amendments and major amendments;
  - b. Zoning map amendments (e.g., rezonings) for base and overlay zoning districts;
  - c. Zoning code text amendments;
  - d. PAD districts and PAD plans; and
  - e. Area specific plans.
4. The planning and zoning commission may recommend in connection with any application such conditions as the commission deems necessary in order to fully carry out the provisions and intent of this code.

*C. Organization.*

1. The provisions of Chapter [2.15](#) MCC shall apply for the composition, number, and qualifications of the planning and zoning commission.
  2. Hearings of the planning and zoning commission shall be scheduled at a time and place as declared by the planning and zoning commission. Special meetings of the commission may be called by the chairperson, or by any three members of the planning and zoning commission. Meetings shall be open to the public, with only such exceptions as may be permitted by state law with respect to executive session, and public input shall be permitted in all public meetings on matters before the commission. The public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings showing the vote of the body, records of the commission's deliberations, and other official actions shall be kept by the city clerk as a public record.
  3. The planning and zoning commission shall adopt rules of procedure consistent with the provisions of the city code for the conduct of its business and procedure.
  4. A quorum consists of four members of the planning and zoning commission. The concurring vote of the majority of the quorum of the planning and zoning commission shall be necessary to act on any matter on its agenda. In the event that planning and zoning commission members are not sufficiently available to make a quorum, there shall be no meeting. Robert's Rules of Order shall govern any other motion.
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5. The development services director, or a designated representative, shall serve ex officio as secretary of the planning and zoning commission.

D. *Appeals.* Planning and zoning commission recommendations to the city council are not final decisions. Any person aggrieved by a final decision of the planning and zoning commission may file an appeal to the city council in accordance with MCC [18.140.140](#). [Res. 21-09; Ord. 21-05 § 2; Res. 14-36 § 501.03; Ord. 14-12 § 1.]

### **18.135.050 Development services director.**

A. *Creation and Purpose.* The director of the development services department (the “director”), or his designee, directs the work of the department and the planning and zoning division and leads the department in fulfilling its mission.

B. *Duties and Powers.*

1. The development services director shall have the duty to carry out the provisions and intent of the general plan and this code. The development services director, or designee, shall have the power to do the following:

- a. Serve as staff of the planning and zoning commission and the hearing officer;
- b. Issue administrative regulations for the submission and review of applications subject to the requirements of this code and A.R.S. § [9-831](#) et seq.;
- c. Process and make recommendations to the planning and zoning commission and the city council on all applications, amendments, appeals and other matters upon which the council has the authority and the duty to act under this code;
- d. Investigate and make reports to the planning and zoning commission on violations of permit terms and conditions when the city has initiated revocation procedures;
- e. Appoint and oversee the hearing officer and zoning administrator; and
- f. Delegate administrative and enforcement functions as they so deem to members of the development services department staff. [Res. 21-09; Ord. 21-05 § 2; Res. 14-36 § 501.05; Ord. 14-12 § 1.]

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**18.135.060 Hearing officer.**

A. *Creation and Purpose.* The Hearing Officer is created to hold public hearings to provide relief from the terms of this code by variance applications and to hear and decide appeals from decisions of the zoning administrator.

B. *Duties and Powers.* The Hearing Officer shall have the duty to carry out the provisions outlined in Chapter 2.15 MCC and this code.

1. The Hearing Officer shall hold a public hearing or public meeting to review and approve, continue, deny, approve with conditions, or to the extent applicable, enter the appropriate order, the following:

a. Appeals from decisions made by the Zoning Administrator or designee, regarding the following:

i. Waivers;

ii. Temporary use permits; and

iii. Modifications to waivers and temporary use permits.

iv. Zoning permits;

v. Development Review Permits;

vi. Modifications to approved zoning permits, development review permits, and zoning permits.

vii. Any other decision made by the zoning administrator or designee.

2. The Hearing Officer shall not:

a. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning code provided the restriction in this subsection shall not affect the authority to grant variances pursuant to this code; or

b. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

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3. The Hearing Officer may, in connection with any application, impose conditions as the Hearing Officer deems necessary in order to fully carry out the provisions and intent of this code. Violation of any Hearing Officer condition shall be a violation of this code.

4. Authorize a reduction of the off-street parking and loading requirements of this code, if it should find that in the particular case the peculiar nature of the building or premises, or an exceptional situation or condition, would mitigate the need for the parking spaces specified. The Hearing Officer shall consider such requests only after the remedies available in this code have been exhausted.

*C. Organization.*

1. The provisions of Chapter 2.15 MCC shall apply for the composition, number, and qualifications of the Hearing Officer.

2. Hearing Officer meeting shall be open to the public. The public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings, records of the Hearing Officer discussion and other official actions shall be kept by the city clerk as a public record.

4. The Hearing Officer shall adopt rules of procedure consistent with the provisions of the city code for the conduct of its business and procedure.

5. The development services director, or a designated representative, shall serve ex officio as the secretary of the hearing officer.

*D. Appeals.* Refer to MCC 18.140.140.

### **18.135.070 Zoning administrator.**

*A. Creation and Purpose.* The zoning administrator is appointed by the development services director. The zoning administrator is created to interpret the meaning and intent of the general plan and this code and enforce the provisions contained therein.

*B. Duties and Powers.*

1. The zoning administrator shall have the duty to carry out the provisions and intent of the general plan and this code. The zoning administrator shall have the power to hold a

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public hearing to review and approve, continue, deny, or approve with conditions the following:

- a. Zoning permits;
- b. Minor development review permits;
- c. Temporary use permits;
- d. Waivers;
- e. Minor modifications to waivers and temporary use permits;
- f. Modification to zoning permits, temporary use permits and minor development review permits.

2. The zoning administrator shall interpret the code as needed. Interpretation of this code includes, but is not limited to, clarification of intention, determination of zoning classifications of land uses not specified in this code, and the delegation of processing procedures and requirements. The zoning administrator shall keep a record of interpretations made pursuant to this section. The record of interpretations shall be available to the public.

3. The zoning administrator shall serve on the technical advisory committee and advise on matters relating to development and subdivision plat applications.

4. The zoning administrator may carry out any functions and duties specified in this code; and

5. The zoning administrator shall delegate administrative functions as deemed necessary to execute the intent of this code to members of the development services department staff.

C. *Appeals.* Any person aggrieved by a decision of the zoning administrator under this code may file an appeal to the Hearing Officer in accordance with MCC [18.140.140](#), Appeals.

Decisions shall be heard de novo by the Hearing Officer as applicable. [Res. 21-09; Ord. 21-05 § 2; Ord. 19-05 § 2; Res. 14-36 § 501.07; Ord. 14-12 § 1.]

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### **18.135.080 Heritage District Advisory Committee.**

*Repealed by [Res. 21-09](#).*

### **18.135.090 Technical advisory committee.**

A. *Creation and Purpose.* The technical advisory committee is created to act in an advisory capacity to the planning and zoning commission regarding all development applications and applications for subdivision plats and improvements.

B. *Duties and Powers.* For the purpose of this code, the technical advisory committee shall have the power to review all applications for development permits and subdivision plats and improvements and make recommendations to the zoning administrator, hearing officer, planning and zoning commission and city council. Such review shall be based on the criteria as specified in this code and in MCC Title [17](#), Subdivisions.

C. *Organization.* The technical advisory committee shall consist of city staff members, local utilities, governmental agencies, school districts, and other organizations as deemed appropriate for their expertise.

### **18.135.090 Transit Advisory Committee.**

A. *Creation and Purpose.* The transit advisory committee is created to act in an advisory capacity to the City Council regarding grant funding monitoring for transit operations.

B. *Duties and Powers.* For the purpose of this code, the transit advisory committee shall have the power to review grant funding for transit operations.

C. *Organization.*

1. The provisions of Chapter [2.15](#) MCC shall apply for the composition, number, and qualifications of the transit advisory committee.
  2. The transit advisory committee shall elect a chairperson and vice-chairperson from among its own regular members annually, coinciding with appointment dates.
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3. The transit advisory committee shall be open to the public. The public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings showing the vote of the body, records of the board's deliberations and other official actions shall be kept by the city clerk as a public record.
4. The transit advisory committee shall adopt rules of procedure consistent with the provisions of the city code for the conduct of its business and procedure.
5. A quorum consists of four members of the committee. The concurring vote of the majority of the quorum of the transit advisory committee shall be necessary to act on any matter on its agenda, except that consent agenda items may be approved or continuances administratively granted as provided for in this section. In the event that members are not sufficiently available to make a quorum, there shall be no meeting. Robert's Rules of Order shall govern any other motion.
6. The development services director, or a designated representative, shall serve ex officio as the secretary of the transit advisory committee.

### **18.135.100 Other agencies.**

A. *Ak-Chin and Gila River Indian Communities.* Any proposal that abuts or is within 300 feet of the Ak-Chin Reservation or the Gila River Reservation or involves any land under the jurisdiction of the Ak-Chin or Gila River Indian Tribe or their designees must be referred to the respective Indian Tribal Council for review and comment. Nothing in this code shall be interpreted to interfere with the sovereignty and powers of the Ak-Chin Indian Community, the Gila River Indian Community, or their designee(s). Refer to MCC [18.05.050](#) for additional regulations applying to the development of land within two and one-half miles of the Ak-Chin Tribal Community.

B. *Other Governmental Agencies.* Any development proposal that abuts property owned or under the jurisdiction of a government agency, including but not limited to federal lands, Arizona State Land Department, lands covered by an intergovernmental agency agreement, or any other body that has jurisdiction must be referred to the applicable agency or body for review.

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**18.135.110 Summary of review authorities for permit types.**

Table 18.135.110 summarizes review authorities for each permit type, including the advisory body, the decision-maker, and the appeal body. Decisions of the Hearing Officer are final, and the only appeal is to the City Council.

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**Table 18.135.110 Review Authorities**

| Application or Action                                                     | Chapter                    | Advisory Body                                   | Decision Maker                                                   | Appeal Body                                            |
|---------------------------------------------------------------------------|----------------------------|-------------------------------------------------|------------------------------------------------------------------|--------------------------------------------------------|
| Zoning Permit                                                             | <a href="#">18.145</a>     | n/a                                             | Zoning Administrator                                             | Hearing Officer *                                      |
| Conditional Use Permit                                                    | <a href="#">18.150</a>     | Zoning Administrator                            | Planning and Zoning Commission                                   | City Council                                           |
| Temporary Use Permit                                                      | <a href="#">18.150</a>     | Zoning Administrator                            | Zoning Administrator                                             | Hearing Officer                                        |
| Development Review Permit<br>Major (5,000 square feet and above)<br>Minor | <a href="#">18.155</a>     | Major: Zoning Administrator<br>Minor: n/a       | Major: Zoning Administrator<br>Minor: Zoning Administrator       | Major: City Council<br>Minor: Hearing Officer          |
| Changes to an Approved Development Review Permit                          | <a href="#">18.155</a>     | Major(1): Zoning Administrator<br>Minor(1): n/a | Major(1): Zoning Administrator<br>Minor(1): Zoning Administrator | Major(1): Hearing Officer<br>Minor(1): Hearing Officer |
| Waiver from Dimensional Standards                                         | <a href="#">18.165</a>     | n/a                                             | Zoning Administrator                                             | Hearing Officer                                        |
| Variances                                                                 | <a href="#">18.160</a>     | Zoning Administrator                            | Hearing Officer                                                  | City Council                                           |
| Permit Revocation                                                         | <a href="#">18.140.130</a> | Zoning Administrator                            | Original decision-making body                                    | Original decision-making body                          |
| General Plan Text and Map Amendments                                      | <a href="#">18.170</a>     | Planning and Zoning Commission                  | City Council                                                     | Superior Court                                         |
| Zoning Code and Map Amendments                                            | <a href="#">18.175</a>     | Planning and Zoning Commission                  | City Council                                                     | Superior Court                                         |
| Planned Area Development Districts                                        | <a href="#">18.180</a>     | Planning and Zoning Commission                  | City Council                                                     | Superior Court                                         |

<sup>1</sup> Refer to MCC [18.155.040](#) for definition of a minor development review permit and MCC [18.155.050](#) for definition of a major development review permit.

\* Note that any decision by the Hearing Officer is appealed to the superior court.