

**ORDINANCE NO. 04-03**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MARICOPA, ARIZONA, INSERTING ARTICLE 16-2 TO THE MARICOPA CITY CODE ESTABLISHING THE MARICOPA PLANNING AND ZONING COMMISSION; SETTING FORTH THE MEMBERSHIP AND DUTIES OF THE COMMISSION AND THE FRAMEWORK FOR ORGANIZATION OF THE SAME; ESTABLISHING THE SEVERABILITY OF THE COMPONENTS OF THIS ORDINANCE AND ESTABLISHING AN EFFECTIVE DATE THEREOF**

**WHEREAS**, pursuant to A.R.S. § 9-461.01, the City of Maricopa may create a Planning and Zoning Commission to assist the City in the creation and amendment of its general plan, zoning code and related issues; and

**WHEREAS**, the City Council finds and believes that the creation of a Planning and Zoning Commission will promote the health, safety, order, beauty, prosperity and general welfare of the City, and will secure efficiency, economy and concerted effort in its growth and development;

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF MARICOPA, ARIZONA, AS FOLLOWS:**

**ORDINANCE SECTION I. Creation of Planning and Zoning Commission.** Chapter 16, Article 16-2 of the Maricopa City Code is hereby created for the purpose of establishing, pursuant to A.R.S. § 9-461.01 *et. seq.*, the Maricopa Planning and Zoning Commission. Chapter 16, Article 16-2 of the Maricopa City Code shall read, in its entirety, as follows:

<b>Article 16-2</b>	<b>Planning and Zoning Commission</b>
16-2-1	Establishment
16-2-2	Powers
16-2-3	Duties
16-2-4	Membership
16-2-5	Term of Office
16-2-6	Nonattendance/Removal
16-2-7	Organization

**Section 16-2-1            Establishment**

There is hereby established, pursuant to Arizona Revised Statutes ARS §9-461.01 *et seq.*, a planning agency known as the City of Maricopa Planning and Zoning Commission (“Commission”).

**Section 16-2-2 Powers**

The Commission is the planning agency for the City and shall have all powers necessary to enable it to fulfill its planning function in accordance with the Arizona Revised Statutes. The Commission shall provide an advisory function to assist the City Council in making decisions pertaining to amendments to the General Plan and this Ordinance, as well as applications for development approval. In no event is the Commission authorized to render a final decision approving, denying, or conditionally approving a change in the Zoning Ordinance or General Plan, or to render a final decision on an application for development approval; except as otherwise expressly authorized in this Ordinance.

**Section 16-2-3 Duties**

In addition to any other authority granted to the Commission by Arizona law, other ordinances of the City or by this Ordinance, the Commission shall have the following powers and duties:

1. To hold public hearings when necessary or when required by law.
2. To initiate, hear, review, and make recommendations to the City Council regarding applications for amendments to the General Plan or Area Specific Plans, in accordance with the provisions of this Ordinance. On an annual basis review and make recommendations to the Mayor and Council concerning the General Plan as well as plans for the development of any land outside the City's planning area, which in the opinion of the Commission, is substantially related to the planning of the City.
3. To make recommendations to the City Council on all matters concerning or relating to the creation or amendment of Zoning Ordinances, the boundaries thereof, the appropriate regulations to be enforced therein, and to undertake any other activities usually associated therewith and commonly known as "planning and zoning".
4. To initiate, hear and review applications for amendments to either the Zoning District Map and/or the text of the Zoning Ordinance, in accordance with the provisions of this Ordinance.
5. To serve as the advisory body to the City Council on such matters as applications for site plan review, conditional use permits, protected development rights plans, and any other permit or review process in accordance with the provisions of this Ordinance.
6. To hear, review and decide on subdivision preliminary plats, in accordance with the provisions of the City's Subdivision Ordinance.

7. To confer and advise with other city, county, regional, or state planning agencies and commissions.

**Section 16-2-4 Membership**

The Commission shall consist of seven (7) members, who shall be residents of the City at the time of their appointment and shall maintain residency within the City for the duration of the term to which they have been appointed. All members shall be appointed by a majority vote of, and serve without compensation, except reimbursement for actual and reasonable expenditures, and at the pleasure of, the City Council.

**Section 16-2-5 Term of Office**

The term of office of the members of the Commission shall be three (3) years, with the terms of members so staggered that the terms of no more than three (3) members shall expire on January 1<sup>st</sup> in any one-year. Upon expiration of their natural term, members shall, however, continue to hold office until their successors are appointed and qualified. In the event of a death, resignation, or removal from the Commission, a resident appointed by the Council shall fill the vacancy for the remainder of the un-expired term.

**Section 16-2-6 Nonattendance/Removal**

Members of the Commission shall serve at the pleasure of the Council and may be removed at any time at the will and pleasure of the City Council. Any member who accumulates three (3) successive un-excused absences during a calendar year from any regular or special meeting shall, unless good cause for the absences be established therefor, be removed by the Council.

**Section 16-2-7 Organization**

- A. Officers. The Commission shall elect a chairperson and vice-chairperson from among its own members at its first meeting in January each year. The chairperson shall preside at all meetings and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Commission. The vice-chairperson shall perform the duties of the chairperson in the latter's absence or disability.
- B. Meetings. The Commission shall hold at least one regular meeting in each month at such time and place as may be fixed 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 of the Commission 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 minutes of the proceedings, showing the vote of each member and records of its examinations and other official actions, shall be kept and filed in the Planning Office and the office of the City Clerk as a public record.

- C. Quorum. Four (4) members of the Commission shall constitute a quorum for the transaction of business. No matter may be considered by the Commission unless there are four (4) or more members present who are eligible/qualified to vote on the matter. The affirmative vote of at least the majority of the quorum present and voting shall be required to pass a motion. If a member has been present for the entire presentation of an issue that member may abstain from voting only because they have a conflict of interest. If a member has a conflict of interest he/she shall declare said conflict of interest prior to the presentation and shall abstain from all discussion and deliberation on the matter in question.
- D. Rules and Regulations. The Commission shall follow the general procedures of *Robert's Rules of Order* for the conduct of its meetings in the event of a procedural dispute. The Commission may make and publish by-laws to govern its proceedings and to provide for its meetings which shall not be inconsistent with the ordinances of the city and the laws of Arizona. The by-laws and any amendments thereto shall, prior to adoption, be reviewed by the City Attorney and approved by the City Council.

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**ORDINANCE SECTION II.** If any section, subsection, sentence, clause, phrase or portion 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 thereof.

**ORDINANCE SECTION III.** This Ordinance shall become effective thirty days (30) from the date of adoption by the City Council for the City of Maricopa.

**Passed and Adopted** by the Mayor and the City Council of the City of Maricopa this 3<sup>rd</sup> day of August, 2004.

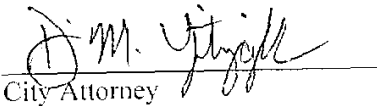
APPROVED:

  
Mayor

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
City Attorney