

RESOLUTION NO. 23-19

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED “2023 AMENDMENTS TO CHAPTER 18.135: COMMISSIONS, COMMITTEES, BOARDS & OFFICERS, CHAPTER 18.140: COMMON PROCEDURES, AND CHAPTER 18.155: DEVELOPMENT REVIEW PERMIT,” REGARDING THE DUTIES AND POWERS OF THE PLANNING AND ZONING COMMISSION AND THE ZONING ADMINISTRATOR, RULES AND REGULATIONS RELATING TO DEVELOPMENT REVIEW PERMITS AND APPEALS OF ZONING DECISIONS AND AMENDING CHAPTERS 18.135, 18.140 AND 18.155 OF THE MARICOPA CITY CODE.

WHEREAS, the City Council previously adopted Ordinances which established rules and regulations related to duties and powers of the Planning and Zoning Commission and the Zoning Administrator, development review permits and appeals of zoning decisions; and

WHEREAS, staff for the City has provided some amendments to those Ordinances which update the rules and regulations related to duties and powers of the Planning and Zoning Commission and the Zoning Administrator, development review permits and appeals of zoning decisions; and

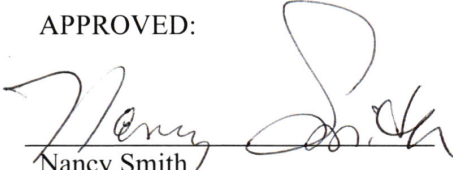
WHEREAS, the City Council believes that declaring such document a public record and adopting its provisions by reference will be in the City’s best interests.

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

That certain document filed with the city clerk and entitled “2023 Amendments to Chapter 18.135: Commissions, Committees, Boards & Officers, Chapter 18.140: Common Procedures, and Chapter 18.155: Development Review Permits,” regarding the update of rules and regulations related to duties and powers of the Planning and Zoning Commission and the Zoning Administrator, development review permits and appeals of zoning decisions and amending Chapters 18.135, 18.140 and 18.155 of the Maricopa City Code, is hereby declared to be a public record, and an electronic copy shall remain on file in the office of the City Clerk of the City of Maricopa for examination by the public.


PASSED AND ADOPTED by the City Council of the City of Maricopa, Arizona this 4th day of April, 2023.

APPROVED:



Nancy Smith
Mayor

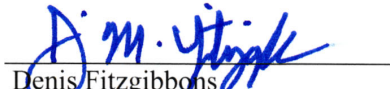
ATTEST:



Vanessa Bueras, MMC
City Clerk



APPROVED AS TO FORM:



Denis Fitzgibbons
City Attorney

EXHIBIT A

**2023 AMENDMENTS TO CHAPTER 18.135: COMMISSIONS, COMMITTEES,
BOARDS & OFFICERS, CHAPTER 18.140: COMMON PROCEDURES, AND
CHAPTER 18.155: DEVELOPMENT REVIEW PERMIT**

Chapter 18.135

COMMISSIONS, COMMITTEES, BOARDS, AND OFFICERS

Sections:

18.135.010	Specific purpose.
18.135.020	City council.
18.135.030	Planning and zoning commission.
18.135.040	Board of adjustment.
18.135.050	Development services director.
18.135.060	<i>Repealed.</i>
18.135.070	Zoning administrator.
18.135.080	<i>Repealed.</i>
18.135.090	Technical advisory committee.
18.135.100	Other agencies.
18.135.110	Summary of review authorities for permit types.

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.]

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.

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.]

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.

Table 18.135.110 Review Authorities

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

¹ 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.

18.140.140 Appeals.

A. *Purpose.* This section provides procedures to be used whenever an applicant or person is aggrieved by a decision by a decision-making body.

B. *Applicability.* A final decision on any discretionary permit is subject to appeal in accordance with this section. Table 18.140.140, Appeal Bodies and Time Limitations, summarizes the appeal timeline for each body issuing a discretionary permit.

Table 18.140.140 Appeal Bodies and Time Limitations

Application or Action	Appeal Submittal Deadline	Decision-Making Body	Appeal Body
Zoning Permit	10 days	Zoning Administrator	Hearing Officer
Conditional Use Permit	20 days	Planning and Zoning Commission	City Council
Temporary Use Permit	10 days	Zoning Administrator	Hearing Officer
Development Review Permit	Major(1): 20 days	Major(1): Zoning Administrator Minor(1): Zoning Administrator	Major(1): Hearing Officer Minor(1): Hearing Officer
Waiver from Dimensional Standards	10 days	Zoning Administrator	Hearing Officer
Variances	10 days	Hearing Officer	City Council
Permit Revocation	n/a	Original decision-making body	Original decision-making body
Interpretations	10 days	Zoning Administrator	Hearing Officer
Heritage Area Development Review Permit	Major(1): 20 days	Major(1): Zoning Administrator Minor(1): Zoning Administrator	Major(1): City Council Minor(1): Hearing Officer

Application or Action	Appeal Submittal		Appeal Body
	Deadline	Decision-Making Body	
Final Plat – Residential Subdivision	10 days	City Council	Superior Court
Final Plat – Commercial	10 days	City Council	Superior Court
Preliminary Plat – Residential Subdivision	10 days	P&Z Commission	City Council
General Plan Text and Map Amendments	30 days	City Council	Superior Court
Zoning Code and Map Amendments	30 days	City Council	Superior Court
Planned Area Development Districts	30 days	City Council	Superior Court

¹ 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.

C. *Rights of Appeal.* Appeals may be filed by the applicant, by the owner of property, or by any other person aggrieved by a decision that is subject to appeal under the provisions of this code.

D. *Procedures.*

1. *Proceedings Stayed by Appeal.* The timely filing of an appeal may stay all proceedings in the matter appealed including but not limited to the issuance of demolition permits, building permits, and business licenses.

2. *Filing of Appeals.* All decisions of the director, zoning administrator, Hearing Officer, and planning and zoning commission may be appealed to the appropriate body as specified in Table 18.140.140 by filing a written appeal not later than 5:00 p.m. on the appeal due date. If the date occurs on a weekend, then the appeal shall be filed on the Monday after the deadline. If the date occurs on a holiday when the city offices are closed, the deadline is the next business day. All appeals must be accompanied by payment of the required fee unless specifically waived.

3. *Submittal Requirements and Criteria.* The appeal shall set forth, in concise language, the following:

- a. Date of appeal;
- b. Name of appellant and the individual representing appellant;
- c. Address to which notices shall be sent;
- d. Telephone number of representative;
- e. Name of applicant, if different from appellant;
- f. Action or decision being appealed and the date of such action or decision;
- g. Address and description of real property involved; and
- h. The specific grounds for appeal. The appeal shall be limited to the issue(s) raised in the petition.

4. *Public Notice.* In addition to providing notice in the same manner required for the action that was the subject of the appeal, notice shall be provided to all persons who spoke on the matter at any prior hearings on the same matter, if such persons provided their names and addresses at the time they spoke at the prior hearing. The names and addresses shall be maintained by the city clerk.

5. *Action.* The appeal body shall review the appeal, the record, including the application, plans, related project materials that were the subject of the original decision, any additional materials as may be presented at the appeal hearing, and any written correspondence submitted after the appeal has been filed. The appeal body shall conduct a public hearing, after which it may affirm, reverse, or modify the previous decision.

E. *Standards of Review.* When reviewing any decision on appeal, the same standards and criteria shall apply as were required for the original decision.

F. *Failure to File an Appeal.* Failure to file an appeal with the appropriate appeal body by 5:00 p.m. on the due date shall preclude the filing of an appeal after the due date and renders any such appeal invalid.

18.140.060 Public hearing notification.

A. *Purpose.* This section is intended to provide the public information about upcoming public hearings on land use issues and to provide property owners and interested organizations that may be impacted by a project of a pending action on a land use application. Public hearings shall be preceded by public notice in accordance with this section and state law.

B. *Applicability.* Notice is required for all applications that require a public hearing before the city council, planning and zoning commission, hearing officer, or zoning administrator.

1. When multiple applications are under review for the same project, the city may simultaneously issue notice for multiple applications. The requirement that provides for greater notice shall apply.
2. The zoning administrator may require additional notification if necessary to meet the requirements of this code and the A.R.S.

C. *Notification Requirements.* Notification shall be provided in the following manner:

1. *Mailed Notice.* The applicant shall mail notices provided by the applicant by first class mail, in both English and Spanish.

a. Time period:

i. Public hearings: Not less than 15 or more than 30 days before the date of the public hearing.

b. Recipients:

i. The applicant, the owner, and any occupant of the subject property; and

ii. All property owners of record and tenants of property within a minimum 600-foot radius of the subject property.

c. *Notification List.* The applicant shall provide a list of property owners and occupants within the prescribed area of notification and shall sign an affidavit verifying that the list has been prepared in accordance with the procedure outlined in this section.

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- i. *Property Owner Notice.* The last known name and address of each property owner as contained in the records of the Pinal County Assessor shall be used;
 - ii. *Tenant Notice.* The address of the residential and commercial tenants shall be determined by visual site inspection or other reasonably accurate means;
 - iii. All neighborhood and community organizations that have previously filed a written request for notice of projects in the area where the site is located; and
 - iv. Any person or group who has filed a written request for notice regarding the specific application.
 2. *Newspaper Notice.* The development services department shall review the notice prior to the applicant publishing in at least one newspaper of general circulation in the city.
 - a. Time period: At least 15 days before the date of the public hearing.
 3. *Posted Notice.* Notice shall be provided on the proposed site. The sign shall be colored and waterproof with all information evenly spaced and organized in a readable manner. The size of the poster may be increased by the zoning administrator. The sign shall include the proposal, project description, time, date, location of neighborhood meeting, the names and telephone numbers citizens may call with complaints and applicant and city contacts, including name and telephone number. The sign shall be placed on the property in a location determined by the development services department.
 - a. Time period: At least 15 days before the date of the public hearing.
 - b. Size requirements: 24 inches by 36 inches.
 4. *General Plan and Zoning Code Amendments.* All notification procedures outlined in A.R.S. §§ [9-462.03](#) and [9-462.04](#) must be met. Any general plan or zoning code amendments must meet the following requirements:
 - a. *Newspaper Notice.* Notice shall be provided by a “display ad” covering not less than one-eighth of a full page in a newspaper of general circulation in the city (A.R.S. § [9-462.04\(A\)\(5\)](#)).
 - b. *Posted Notice.* If there is no newspaper of general circulation published or circulated in the city, then notice shall be posted on the affected property and in at least 10 public
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places in the municipality. The posted notice shall be printed in such a manner so that the following are visible from a distance of 100 feet: the word "zoning," the present zoning district classification, the proposed zoning district classification, and the date and time of the hearing (A.R.S. § [9-462.04\(A\)\(1\)](#)).

5. *Electronic Notice.* Notice will be provided by electronic means such as emailed notice, posted notice on the city's website and social media, or other means determined by the zoning administrator. This type of notice may be substituted for advertised notice. Any persons or organizations may request that electronic notice be substituted for mailed notice through a request to the zoning administrator. Electronic notice shall not substitute for any notification required by state law.

D. *Contents of Notice.* All notices shall include the following information:

1. The location of the real property, if any, that is the subject of the application;
2. A general description of the proposed project or action;
3. The names of the applicant and the owner of the property that is the subject of the application;
4. The location and times at which the complete application and project file, including any environmental review, if required, may be viewed by the public;
5. A statement that any interested person or authorized agent may appear and be heard;
6. A statement describing how to submit written comments;
7. The date, time, location, and purpose of the public hearing;
8. The identity of the hearing body or officer; and
9. For city council hearings, the planning and zoning commission recommendation, if any.

E. *Failure to Receive Notice.* Notwithstanding the notice requirements of this section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the city for which the notice was given.

F. *Summary of Notification Requirements.* Table 18.140.060 summarizes the notification requirements under this code for each application or action, including the type of notice, the notice requirement and the applicable projects for which such notice is required.

Table 18.140.060 Notification Requirements

Application or Action	Chapter	Decision-Making Body	Type of Notice	Notice Requirements	Applicable Projects
Zoning Permit	18.145	Zoning administrator	n/a	n/a	All requests requiring a zoning permit
Conditional Use Permit	18.150	Planning and zoning commission	Hearing Notice	Mailed: 15 days, 600 ft. owners and occupants Poster: 15 days Ad: 15 days	All projects requiring a conditional use permit under this code
Temporary Use Permit	18.150	Zoning administrator	Notice	Mailed: 15 days, 600 ft. owners and occupants Poster: 15 days	
Development Review Permit	18.155	Major(1): Zoning administrator	Major(1): Notice	Major(1): Mailed: 15 days, 600 ft. owners and occupants Poster: 15 days	Major(1): • Otherwise required by code
		Minor(1): Zoning administrator	Minor(1): n/a	Minor(1): n/a	Minor(1): • Otherwise required by code
Changes to an Approved Development Review Permit	18.155	Major(1): Zoning administrator	Major(1): Notice	Major(1): Mailed: 15 days, 600 ft. owners and occupants Poster: 15 days	
		Minor(1): Zoning administrator	Minor(1): n/a	Minor(1): n/a	
Waiver from Dimensional	18.165	Zoning Administrator	n/a	n/a	

Application or Action	Chapter	Decision-Making Body	Type of Notice	Notice Requirements	Applicable Projects
Standards					
Variances	18.160	Hearing Officer	Hearing Notice	Mailed: 15 days, 600 ft. owners and occupants Poster: 15 days Ad: 15 days	All Variance Applications
Permit Revocation	18.140.130		Notice	Mailed: 15 days, 600 ft. owners and occupants Poster: 15 days Ad: 15 days	All Revocations
Heritage Area Development Review Permit	18.155	Major(1): Zoning administrator	Major(1): Notice	Major(1): Mailed: 15 days, 600 ft. owners and occupants Poster: 15 days	Major(1): • Otherwise required by code
		Minor(1): Zoning administrator	Minor(1): n/a	Minor(1): n/a	Minor(1): • Otherwise required by code
General Plan Text and Map Amendments	18.170	Recommendation: planning and zoning commission Final Action: City council	Hearing Notice	Mailed: 15 days, 600 ft. owners and occupants Poster: 15 days Ad: 15 days	All general plan applications, including those initiated by the city council or planning and zoning commission
Zoning Code and Map Amendments	18.175	Recommendation: Planning and zoning- commission Final Action: City council	Hearing Notice	Mailed: 15 days, 600 ft. owners and occupants Poster: 15 days Ad: 15 days	All zoning code applications, including those initiated by the city council or planning and

Application or Action	Chapter	Decision-Making Body	Type of Notice	Notice Requirements	Applicable Projects
					zoning commission
Planned Area Development Districts	18.180	Recommendation: Planning and zoning commission Final Action: City council	Hearing Notice	Mailed: 15 days, 600 ft. owners and occupants Poster: 15 days Ad: 15 days	All PAD applications, including those initiated by the city council or planning and zoning commission

¹ 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.

Chapter 18.155

DEVELOPMENT REVIEW PERMIT

Sections:

18.155.010	Purpose.
18.155.020	Applicability.
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18.155.060	Scope of development review.
18.155.070	Required findings.
18.155.080	Conditions of approval.
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18.155.100	Appeals.

18.155.010 Purpose.

This chapter establishes objectives, standards, and procedures for conducting and issuing development review permits for the purpose of identifying, maintaining, strengthening, and enhancing a neighborhood and zoning district's cohesive and distinctive physical characteristics. These regulations shall be carried out in a manner that encourages creative and appropriate solutions while avoiding unnecessary delays in project approval. The specific purposes of development review are to:

- A. Promote excellence in site planning and design and the harmonious appearance of buildings and sites;
 - B. Ensure that new and modified uses and development will conform to all of the regulations and standards of this code and be compatible with the existing and potential development of the surrounding area; and
 - C. Supplement other city regulations and standards in order to ensure control of aspects of design that are not otherwise addressed. [Ord. 14-12 § 1; Res. 14-36 § 505.01.]
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18.155.020 Applicability.

A development review permit is required for uses or developments identified in Division 2, Base Zoning Districts, Division 3, Overlay Districts, and/or any other section of this code that requires development review. The provisions of this section may apply to projects that do not require review under MCC Title [17](#), Subdivisions, depending on the scope of the project and if a subdivision will be requested or required concurrently or in the future. Appropriate procedures should be identified at a preliminary review meeting. When there are projects that are subject to both sets of regulations, the most restrictive shall govern. Where there is a conflict between a general requirement and specific requirement, the specific requirement shall apply. The development review permit process is intended to replace the prior zoning code site plan review procedures. Site plan approval under the previous code shall expire within one year of the adoption of this code, or at a time specified as a condition of approval, whichever comes first. [Ord. 14-12 § 1; Res. 14-36 § 505.02.]

18.155.030 Application requirements.

Applications and fees for development review permits shall be submitted in accordance with the provisions set forth in MCC [18.140.020](#), Application Submittal and Review. In addition to any other application requirements, the application for a development review permit shall include data or other evidence in support of the applicable findings required in this chapter. [Ord. 14-12 § 1; Res. 14-36 § 505.03.]

18.155.040 Minor development review permit.

A. *Applicability.* A minor development review permit is required for all new and modified buildings or structures, or for expansions to a building or structure that result in an increase less than 5,000 gross square feet or 20 percent of the existing building area, alter more than 10 percent of the surface area of the exterior portion of any facade, or as otherwise required in this code. A minor development review permit is not required for individual single-unit dwellings or second dwelling units on separately owned lots.

B. *Determination.* The zoning administrator shall conduct review of all minor development permits and shall approve, conditionally approve, or deny applications based on required findings and criteria in this chapter. An approved minor development review permit may include attachments of other written or graphic information, including but not limited to statements, numeric data, site plans, floor plans, elevations, sections, material samples, as a record of the proposal's conformity with the applicable regulations of this code.

C. *Referral to Planning Commission.* The zoning administrator may direct that a request be heard by the planning and zoning commission based on a review that includes, but is not limited to, the following factors:

1. Previous decisions by the city regarding the site on which the proposal is located;
2. The probable impact of the requested use on its immediate surroundings; and
3. The consistency of the requested use with the projected land uses and policies of the general plan.

D. *Conditions.* A minor development review permit may have conditions of approval imposed, consistent with MCC [18.155.080](#). [Ord. 14-12 § 1; Res. 14-36 § 505.04.]

18.155.050 Major Development review permit.

A. *Applicability.* A major-development review permit is required for all new and modified buildings or structures, or for alterations to a building or structure that result in over 5,000 additional gross square feet, facade alterations that encompass more than 10 percent of the surface area, or as otherwise required in this code.

B. *Public Notification.* The issuance of a major development review permit may require that the existing development site be brought into substantial conformance with the terms and standards of this code. Notice of the proposed development review permit shall be posted on the subject property for a period of 15 days. Notice shall also be mailed to property owners within 600 feet of the property boundaries proposed for the use, in accordance with MCC [18.140.050\(F\)\(1\)](#). Additional notification may be required at the zoning administrator's discretion.

Determination. The zoning administrator shall conduct review of all major development review permits and shall approve, conditionally approve, or deny applications based on required findings and criteria in this chapter. An approved major development review permit may include attachments of other written or graphic information, including but not limited to statements, numeric data, site plans, floor plans, elevations, sections, material samples, as a record of the proposal's conformity with the applicable regulations of this code.

C. *Conditions.* A major development review permit may have conditions of approval imposed, consistent with MCC [18.155.080](#). [Ord. 14-12 § 1; Res. 14-36 § 505.05.]

D. *Referral to Planning Commission.* The zoning administrator may direct that a request be heard by the planning and zoning commission based on a review that includes, but is not limited to, the following factors:

1. Previous decisions by the city regarding the site on which the proposal is located;
2. The probable impact of the requested use on its immediate surroundings; and
3. The consistency of the requested use with the projected land uses and policies of the general plan.

18.155.060 Scope of development review.

Development review shall be based on consideration of the requirements of this chapter as they apply to the design of the site plan, structures, landscaping, signs, and other physical features of a proposed project, including but not limited to:

- A. Building proportions, massing, and architectural details;
 - B. Site design, orientation, location, and architectural design of buildings relative to existing structures, outdoor areas, walkways, trails, and streets on or adjacent to the property;
 - C. Topography, and other physical features of the natural and built environment;
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- D. Size, location, design, development, and arrangement of circulation, parking, pedestrian ways, and other paved areas;
- E. Exterior colors and materials as they relate to each other, to the overall appearance of the project, and to surrounding development;
- F. Height, materials, colors, and variety of fences, walls, and screen plantings;
- G. Location and screening of mechanical equipment and refuse storage areas;
- H. Location and design of exterior lighting features;
- I. Location and type of landscaping, including selection and size of plant materials, design of hardscape, and irrigation; and
- J. Size, location, design, color, lighting, and materials of all signs. [Ord. 14-12 § 1; Res. 14-36 § 505.06.]

18.155.070 Required findings.

When conducting development review, the Zoning Administrator shall evaluate applications to ensure that they satisfy the following criteria, conform to the policies of the general plan and any applicable specific or PAD plan, the regulations and standards in this code, and are consistent with any other policies or guidelines the city council may adopt for this purpose. To obtain development review approval, projects must satisfy these criteria to the extent they apply:

- A. The overall design of the project, including its scale, massing, site plan, exterior design, and landscaping, will enhance the appearance and features of the project site and surrounding natural and built environment.
 - B. The project site plan is appropriate to the function of the project and will provide a suitable environment for occupants, visitors, and the general community.
 - C. Project details, colors, materials, and landscaping are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.
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- D. The project is compatible with neighboring development by avoiding big differences in building scale and character between developments on adjoining lots in the same zoning district and providing a harmonious transition in scale and character between different districts.
- E. The project contributes to the creation of a visually interesting built environment that includes a variety of building styles and designs with well-articulated structures that present varied building facades, rooflines, and building heights within a unifying context that promotes increased pedestrian activity and compatibility among neighboring land uses within the same or different districts.
- F. The streetscapes, including trees, lighting, and pedestrian furniture, are consistent with the character of commercial districts and adjacent residential neighborhoods.
- G. Street frontages are attractive and interesting for pedestrians and provide for greater safety by allowing for surveillance of the street by people inside buildings and elsewhere.
- H. The proposed landscaping plan is suitable for the type of project and site conditions and will improve the appearance of the community by enhancing the building and site design; and the landscape plan incorporates plant materials that are drought tolerant, will minimize water usage, and are compatible with Maricopa's microclimate. [Ord. 14-12 § 1; Res. 14-36 § 505.07.]

18.155.080 Conditions of approval.

The Zoning Administrator may impose reasonable conditions on a development review permit that are related and proportionate to what is being requested by the application in order to ensure that the standards and requirements of this code are met, including but not limited to:

- A. Modification of materials;
 - B. Additional building setbacks;
 - C. Additional landscaping;
 - D. Height and area limitations of structures;
 - E. Limited vehicular access;
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- F. Walls, fences and screening devices;
- G. Noise attenuation construction;
- H. Any other restriction necessary to protect adjacent properties, preserve neighborhood character, or mitigate adverse impacts; or
- I. Any other conditions that are found to be necessary to ensure that the provisions of the general plan and this code are met. [Ord. 14-12 § 1; Res. 14-36 § 505.08.]

18.155.090 Expiration and extension – Modification – Revocation.

- A. A development review permit granted pursuant to this chapter shall expire if it has not been exercised or if a building permit has not been issued within two years of the date of the approval, or within the time stipulated, whichever is longer. A one-time extension may be approved by the planning and zoning commission, upon recommendation by the zoning administrator, after a completed application to extend, and fee is submitted.
- B. A minor modification of a development review permit granted pursuant to this chapter may be approved by the initial approval authority, or as otherwise specified in this code. If the modification is deemed a changed plan, including changes in conditions of approval, it shall be treated as a new application.
- C. A development review permit granted pursuant to this chapter may be suspended, revoked, or modified, upon a finding that any condition, stipulation, or term of the approval of the permit has been violated.

18.155.100 Appeals.

A development review permit is subject to appeal in accordance with MCC [18.140.140](#).
