

# ARTICLE 14-37

## ADMINISTRATIVE AND DECISION MAKING BODIES

(Ord. No 02-80)

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#### 14-37-1 INTENT

The intent of this Article is to outline the roles played by the decision-making bodies involved in the zoning processes, and to set forth the procedures for application, review, and approval of land development requests governed by this Ordinance.

#### 14-37-2 CITY COUNCIL

- A. *Authority.* Pursuant to provisions of the Peoria City Charter and limitations imposed by the State of Arizona, the Peoria City Council is vested with all the powers of the City.
- B. *General Powers and Duties.* The organization, powers, and duties of the City Council shall be as prescribed in Article II of the City Charter with all amendments thereof. The Council exercises broad approval authority and approves many types of land-use proposals contained in this ordinance. The Council has the power to create or abolish boards, commissions, or committees and may grant to them such powers and duties as are consistent with the provisions of the City Code.

#### 14-37-3 PLANNING AND ZONING COMMISSION

- A. *Establishment.* The City has established the Planning and Zoning Commission pursuant to Chapter 20, Section 20-16, of the Peoria City Code (1992 edition) and in accordance with ARS §9-461.

- B. *Membership.* The Planning and Zoning Commission shall be composed of seven members and one alternate who shall be appointed by the Mayor with the approval of the City Council in accordance with the provisions of the City Code.
- C. *General Powers and Duties.* The Planning and Zoning Commission acts as an advisory board to the City Council on land use and zoning matters. The Planning and Zoning Commission shall hold public hearings as required by law and make recommendations to the City Council on all matters concerning or relating to General Plan amendments, zoning district map amendments, zoning ordinance text amendments, and other matters affecting land use and development within the City.

**14-37-4 ZONING ADMINISTRATOR AND ENFORCEMENT OFFICIAL**

- A. *Authority.* The Community Development Director or designee(s) thereof shall carry out all responsibilities or the office(s) of the Zoning Administrator and Enforcement Official as defined in A.R.S. §9-462 and as set forth hereafter.
- B. *General Powers and Duties.* Powers and duties of the Community Development Director acting in capacity of the Zoning Administrator and Enforcement Official shall include, but not be limited to, the following:
  - 1. Administration and interpretation of this ordinance, including clarification of the intent, review of land uses described and included in a zoning district, and delegation of responsibilities for administering procedures and requirements of the ordinance;
  - 2. Preparation of application guidelines, forms, and administrative procedures; and
  - 3. Enforcement of this ordinance.

**14-37-5 BOARD OF ADJUSTMENT**

- A. *Establishment.* The City has established the Board of Adjustment pursuant to A.R.S. §9-462 and the City Code, Chapter 20, Section 20-31, and all amendments thereof.
- B. *Membership.* The board of Adjustment shall be composed of five (5) members and one alternate who shall be appointed by the Mayor with the approval of the City Council.
- C. *General Powers and Duties.* The Board of Adjustment shall hear and decide appeals from decisions of the Community Development Department concerning the interpretation of provisions of this Ordinance and minor variances, shall hear appeals from decisions of administrative hearing officers, shall act on applications for temporary use permits and variances (other than those variances determined to be minor), and shall exercise such other powers as granted by Council.

**14-37-6 DESIGN STANDARDS ADVISORY BOARD**

- A. *Establishment.* The City has established the Design Standards Advisory Board pursuant to the City Code, Chapter 20, Section 20-76, and all amendments thereof.
- B. *Membership.* The Design Standards Advisory Board shall be composed of five (5) members who shall be appointed by the Mayor with the approval of the City Council.
- C. *General Powers and Duties.* The Design Standards Advisory Board shall review and make recommendations concerning review standards for non-residential and residential design, work with City staff and provide recommendations concerning the review process, and perform other duties as prescribed by City Council.

**14-37-7 DESIGN REVIEW APPEALS BOARD**

- A. *Establishment.* The City has established the Design Review Appeals Board pursuant to the City Code, Chapter 20, Section 20-75, and all amendments thereof.
- B. *Membership.* The Design Review Appeals Board shall be composed of five (5) members who shall be appointed by the Mayor with the approval of the City Council.
- C. *General Powers and Duties.* The Design Review Appeals Board shall hear and render a decision on all appeals of decisions of the Community Development Department of design review.

**14-37-8 HISTORIC PRESERVATION BOARD**

- A. *Establishment.* The City has established the Historic Preservation Commission pursuant to the City Code, Chapter 20, Section 20-30, and all amendments thereof.
- B. *Membership.* The Historic Preservation Commission shall be composed of five (5) members who shall be appointed by the Mayor with the approval of the City Council.
- C. *General Powers and Duties.* Pursuant to the City Code, Chapter 20, Section 20-34, and all amendments thereof, the Historic Preservation Commission shall review and make recommendations to the City Council on matters concerning significant historic, architectural, and cultural landmark's within the City.

**14-37-9 ADMINISTRATIVE HEARING OFFICER**

- A. *Authority.* Pursuant to A.R.S. §9-462.08 and in accordance with Chapter 20, Section 20-41 of the City Code (1002), the City has the authority to establish administrative hearing officer(s) and delegate to the hearing officer(s) the authority to conduct hearings.
- B. *Appointment.* Hearing officers shall be appointed by the City Manager on the basis of technical training and experience which qualifies them to conduct hearings and make findings and conclusions on the matters heard.

C. *Land Use Hearing Officer.* Pursuant to Subsection A of this Section, the City has established a Land Use Hearing Officer. The Land Use Hearing Officer shall hear appeals for the following: (Ord. No. 03-03)

1. Decisions of the Community Development Department regarding administration of the requirements of the Hillside Development Overlay District as described in Article 14-22A and in accordance with Article 14-39, "Administrative Procedures," Section 14-39-14, "Hillside Appeals."
2. Determinations for exactions or dedications required by the City as a condition of granting approval for the use, improvement, or development of real property, in accordance with this Ordinance and all amendments thereto.
3. Other matters as the Council may provide by Ordinance

**14-37-10 PLANNING AGENCY**

A. *Establishment.* The City has established the Community Development Department to carry out the functions of the Planning Agency, pursuant to A.R.S. §9-461-01 and the City Code, Chapter 20, Section 20-1, and further described herein.

B. *General Powers and Duties.* The Community Development Department shall perform but not be limited to, the following functions:

1. Develop and maintain a General Plan.
2. Develop such specific plans as may be necessary to implement the General Plan.
3. Develop and administer a zoning code which will serve as an implementation vehicle for the General Plan and specific area plans.
4. Perform such other planning functions as directed by the City Manager, Mayor and City Council.