

## MARANA ORDINANCE NO. 2022.003

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RELATING TO LAND DEVELOPMENT; REVISING MARANA TOWN CODE TITLE 17 (LAND DEVELOPMENT), CHAPTER 17-2 (ADMINISTRATIVE BODIES AND OFFICERS), SECTION 17-2-2 (BOARD OF ADJUSTMENT) TO PROVIDE THAT THE MEMBERS OF THE PLANNING COMMISSION SHALL SERVE AS THE MARANA BOARD OF ADJUSTMENT; DISSOLVING THE SITTING BOARD OF ADJUSTMENT; AND DESIGNATING AN EFFECTIVE DATE

WHEREAS A.R.S. § 9-462.06 provides that cities and towns in Arizona are required to have a board of adjustment, to hear and decide appeals of the zoning administrator's interpretations of the zoning ordinance and to consider applications for variances from the zoning ordinance; and

WHEREAS pursuant to A.R.S. § 9-462.06, a board of adjustment must consist of five to seven members appointed by the council of the municipality, or the council itself may take on the duties of the board of adjustment; and

WHEREAS when the Town of Marana's first zoning ordinance was adopted by Ordinance No. 77-6 on August 29, 1977, the Town Council was established as the Marana Board of Adjustment; and

WHEREAS the Council continued to act as the Marana Board of Adjustment until May 6, 2003, when a separate seven-member Marana Board of Adjustment was established by the adoption of Ordinance No. 2003.07; and

WHEREAS citizen members of the separate Marana Board of Adjustment have served well and faithfully over the years; however, in nearly 18 years, cases were on the agendas of only 14 Board meetings and the vast majority of Board meetings have been canceled due to a lack of case; and

WHEREAS the Mayor and Council of the Town of Marana find that the revisions adopted by this ordinance are in the best interest of the Town of Marana and the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Marana Town Code Title 17 (Land Development), chapter 17-2 (Administrative bodies and officers), section 17-2-2 (Board of adjustment) is hereby

amended as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

### 17-2-2 Board of adjustment

A. Establishment; ~~purpose~~. There is hereby established a board of adjustment for the town. The board of adjustment shall consist of the members of the planning commission.

B. Appointment; vacancies; term. ~~The board of adjustment shall consist of seven members, who shall serve at the pleasure of the council, each of whom shall be a resident of the town. Members shall serve staggered terms, with four members, initially serving a term of two years, and three members initially serving a term of four years. Thereafter, each member of the board shall be appointed to serve a term of four years. Vacancies on the board of adjustment shall be filled by a majority vote of the council to fill the remaining term of office.~~

~~C.~~B. Officers; public meeting and minutes; bylaws; quorum; procedure.

1. ~~Immediately upon formation and every two years thereafter, following the seating of new board members, the board of adjustment shall elect a chair person with~~ The chair of the planning commission shall serve as the chair of the board with the power to administer oaths and take evidence.

2. The meetings of the board of adjustment shall be subject to the requirements of the Arizona open meeting laws. The minutes of the board's proceedings shall show the vote of each member. Records of the board's examinations and other official actions shall be filed with the secretary to the board of adjustment as a public record.

3. The board of adjustment shall follow and adhere to any rules of procedure established for the board by the council.

4. The board of adjustment shall adopt all rules and procedures necessary or convenient for the conduct of its business, consistent with applicable law and any rules of procedure established for the board by the council.

~~D.~~C. Powers and duties.

1. Variances. The board of adjustment shall hear and decide appeals for variances, as provided by state law.

2. Interpretations. The board of adjustment shall hear and decide appeals from zoning decisions of the planning manager, as provided by state law.

3. Other matters. The board shall consider any other matter referred by the council.

~~E.~~D. Compensation. The members of the board of adjustment shall serve without compensation; however, members may be reimbursed for actual expenses incurred in conjunction with their duties and authorized and approved by the council.

SECTION 2. The sitting Marana Board of Adjustment is hereby dissolved.

SECTION 3. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.


SECTION 4. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 5. 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, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. This ordinance shall be effective the 31<sup>st</sup> day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, Arizona, this 15th day of February, 2022.

  
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Mayor Ed Honea

ATTEST:  
  
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Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:  
  
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Jane Fairall, Town Attorney

