

ORDINANCE NO. 500

AN ORDINANCE OF THE CITY OF CHANDLER COMBINING THE PLANNING COMMISSION WITH THE ZONING BOARD, MAKING A NEW BOARD CALLED THE PLANNING AND ZONING COMMISSION, LISTING THE POWERS AND DUTIES THEREOF, ELIMINATING THE SECTIONS DEALING WITH THE PLANNING COMMISSION AND THE ZONING BOARD AND ADDING DEFINITIONS TO REFER TO THE PLANNING AND ZONING COMMISSION.

BE IT ORDAINED by the City Council of the City of Chandler, Arizona, etc.:

"Section I. Section 1.2, Chapter I, of the City Code of the City of Chandler is hereby amended to read as follows:

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances of the city, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council or the context clearly requires otherwise:

CITY. The words "the city" or "this city" shall be construed as if followed by the words "of Chandler."

CODE. The words "the Code" or "this Code" shall mean "The Code of the City of Chandler, Arizona."

COMPUTATION OF TIME. The time in which any act provided by law is to be done is computed by excluding the first day and including the last unless the last day is a holiday and then it is also excluded.

COUNCIL. Whenever the word "council" is used, it shall be construed to mean the city council of the City of Chandler, Arizona.

COUNTY. The words "the county" or "this county" shall mean the County of Maricopa, in the State of Arizona.

DAY. A "day" is the period of time between any midnight and the midnight following.

DAYTIME, NIGHTTIME. "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

DEPARTMENT, BOARD, COMMISSION, OFFICE, OFFICER or EMPLOYEE. Whenever any "department, board, commission, office, officer or employee" is referred to, it shall mean a department, board, commission, office, officer or employee of the city, unless the context clearly indicates otherwise.

GENDER. The masculine gender includes the feminine and neuter.

IN THE CITY. The words "in the city" or "within the city" shall mean and include all territory over which the city now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

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JOINT AUTHORITY. All words giving a "joint authority" to three or more persons or officers shall be construed as giving such authority to a majority of such person or officers.

MONTH. The word "month" shall mean a calendar month.

NUMBER. The singular number includes the plural, and the plural the singular.

OATH. "Oath" includes affirmation.

OR, AND. "Or" may be read "and", and "and" may be read "or", if the sense requires it.

PERSON. "Person" includes any person, firm, association, organization, partnership, business trust, corporation or company.

"PLANNING COMMISSION, ZONING COMMISSION, ZONING BOARD, PLANNING BOARD."

The words "Planning Commission", "Zoning Board", "Planning Board", "Zoning Commission" shall mean and refer to the Planning and Zoning Commission of the City of Chandler, Arizona.

PRECEDING, FOLLOWING. The words "preceding" and "following" mean next before and next after, respectively.

PROPERTY. The word "property" shall include real and personal property.

REAL PROPERTY shall include lands, tenements and hereditaments.

SHALL, MAY. "Shall" is mandatory and "may" is permissive.

SIGNATURE or SUBSCRIPTION BY MARK. "Signature" or "subscription" includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

STATE. The words "the state" or "this state" shall be construed to mean the State of Arizona.

TENSES. The present tense includes the past and future tenses, and the future includes the present.

WEEK. A "week" consists of seven consecutive days.

WRITING. "Writing" includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing in the English language unless it is expressly provided otherwise.

YEAR. The word "year" shall mean a calendar year, except where otherwise provided.

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Section II. ARTICLE V, and the sections thereunder of the Code of the City of Chandler is hereby repealed, and said ARTICLE, and sections thereunder, are hereby reserved for future legislation.

Section III. Sub-section 104.06 of Section 104.00, ARTICLE I, of the Sub-Division Code of the City of Chandler is hereby amended to read as follows:

"104.06 - Commission: City of Chandler Planning and Zoning Commission."

Section IV. Section 201 of the Zoning Code of the City of Chandler amended by the addition thereto of the following sub-paragraph:

"7. Zoning Board, Zoning Commission, Planning Commission, Planning Board.

The terms "Zoning Board", "Planning Board", "Zoning Commission", "Planning Commission", "Board" and "Commission" when used in this Code shall mean and refer to the Planning and Zoning Commission established by this code."

Section V. ARTICLE XIX, and sections thereunder of the Zoning Code of the City of Chandler, is hereby amended to read as follows:

"ARTICLE XIX - PLANNING AND ZONING COMMISSION"

Section 1901 - Establishment; Members: The City Planning and Zoning Commission, as hereafter established, shall consist of seven or nine members, one of whom shall be a City Councilmember, and each of whom shall be appointed for a term of three years, except that the first members of such of such Commission shall be appointed as follows:

If the Commission consists of seven (7) members, three (3) members shall be appointed for three (3) years, two (2) for two (2) years and two (2) for one (1) year. If the Commission consists of nine (9) members, three (3) members shall be appointed for three (3) years, three (3) for two (2) years and three (3) for one (1) year.

Thereafter their successors shall serve a full term, and each member shall serve until his successors shall have been duly appointed and qualified. The City Attorney shall serve as an advisory member of the Board. The Mayor, with the approval of the City Council, may appoint such additional advisory members to the Board as may in his discretion be necessary. No advisory member shall have the right to vote although they may participate in all discussions and give advice on any matter which may come before the Commission. Any vacancy in office during the term shall be filled by the Mayor, with Council approval, for the unexpired term. Advisory members, other than the City Attorney, shall serve at the pleasure of the Mayor and Council.

Section 1902 - Officers: Meetings, Administration of Oath and Compelling Attendance of Witnesses, Quorum:

The regular Commission members shall elect a chairman and Vice-Chairman from among their number. All meetings of the Commission shall be public and shall be regularly held, and special meetings may be held at the call of the chairman, and at such other times as the Commission may determine. The Commission shall establish the time and date of its meetings through Rules and Regulations and hereinafter permitted. The chairman or, in his absence, the vice-chairman, may administer oaths and compel the attendance of

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witnesses. A secretary to the Commission shall be appointed by the City Manager from among the administrative staff of the City. A majority of the regular Commission members shall constitute a quorum at any meeting.

Section 1903 - Rules, Regulations and Records:

The Commission shall have power to make and publish rules and regulations with the approval of the Council to govern its proceedings and to carry into effect the provisions of this Code. The secretary shall keep minutes of the proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall keep records of the Commission's examinations and other official actions. Minutes of the Commission and every decision and other action of the Commission shall be filed forthwith, upon approval of Commission, in the office of the Commission, if any, and in the office of the City Clerk, and the same shall be a public record.

Section 1904 - Powers and Duties: The powers and duties of the Commission shall be as follows:

1. To establish zones or districts limiting the use, height, area and bulk of buildings and structures; to perform all functions assigned to it under Article XXV of this Code relating to Amendment; and to hear and to make recommendations to the City Council on any and all matters and things which may come before it relating to the zoning or re-zoning of property.

2. To recommend and make suggestions to the Council and all other public authorities, plans for the regulations of the future growth, development and beautification of the City and its immediate environs in respect to its public and private streets, parks, playgrounds and vacant lots, and make plans consistent with future growth and development in order to secure to the City and its inhabitants sanitation, proper service of utilities and transportation facilities, and the betterment of housing conditions, the improvement of traffic conditions and any and all other things necessary and proper to carry out the intent of this Article.

3. To hold hearings on applications for exceptions as to use and variances as to Zoning Regulations and requirements of the Zoning Code and make recommendations to the City Council thereon.

4. To do, exercise and perform any and all such other powers and duties as may be assigned to it by the City Council or given to it under any law of the State or ordinance or Code of this City.

Section 1905 - Variances and exceptions: The Commission may approve applications for variances of and exceptions to the strict application of the terms of this Code as are in harmony with its general purpose and intent, when the board finds that the granting of such variations and exceptions will serve not merely as a convenience to the applicant, but are necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variation or exception from the provisions of this Code, created and set forth in the following instances:

1. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown on record at the time of passage of this Code.

2. To hear and decide special exceptions to the terms of this Code upon which the board is required to pass.

3. To make a variance where, by reason of any exceptional situation, surroundings or conditions of a specific piece of property or by reason of exceptional narrowness,

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shallowness of shape of a specific piece of property of record or by reason of exceptional topographical conditions the strict application of any provision of this code would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property and amount to a practical confiscation of property as distinguished from a mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this Code.

4. To interpret the provisions of this Code where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts, which map is made a part of this Code.

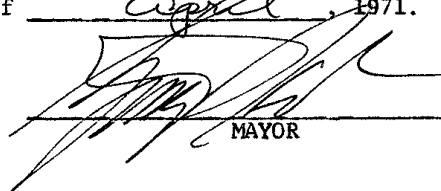
Section 1906 - Applications for variances and exceptions; findings of Commission.

Applications for variances and exceptions shall be made in accordance with and are subject to the same procedures as those applying to applications for amendments under Article XXV of this Code.

Section VI. All ordinances, code sections or resolutions in conflict herewith are hereby repealed.

INTRODUCED AND TENTATIVELY APPROVED BY THE MAYOR AND CITY COUNCIL this 22nd day of April, 1971.

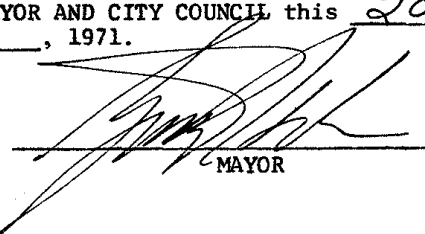
ATTEST:


MAYOR

Helen Halvorson
CITY CLERK

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL this 20th day of May, 1971.

ATTEST:


MAYOR

Helen Halvorson
CITY CLERK

C E R T I F I C A T I O N

I HEREBY CERTIFY THAT THE above and foregoing Ordinance No. 500 was duly passed and adopted by the Common Council of the City of Chandler, Arizona, at a regular meeting held May 20, 1971, and that a quorum was present thereat.

Helen Halvorson
CITY CLERK

Published: May 26, June 2, 1971.