

ORDINANCE NO. 025-23

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE GLENDALE CITY CODE CHAPTER 35 (UNIFIED DEVELOPMENT CODE), ARTICLE 6 (ADMINISTRATION & PROCEDURES), SECTION 35.6.002 (PLANNING COMMISSION) AS IT RELATES TO THE PLANNING COMMISSION, BOARD OF ADJUSTMENT AND HISTORIC PRESERVATION COMMISSION.

WHEREAS, the Glendale City Charter provides that the council may, by ordinance, create boards or commissions as in its judgment are required or as are now or hereafter provided by law, and may grant to them such power and duties as are not consistent with the provisions of the charter.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That the Glendale City Code, Chapter 35 (Unified Development Code), Article 6 (Administration & Procedures), Section 35.6.002 (Planning Commission) be amended as follows:

35.6.002 - Planning Commission.

a. Mission. purpose. Pursuant to the City Charter of the City of Glendale, Article V, Section 1, the City does hereby create a planning commission. The Planning Commission provides analysis and recommendations to the City Council related to the City's General Plan, zoning, ordinance amendments, subdivisions, conditional use permits, and other matters affecting land use, and development within the City.

B. Organization. Bylaws. Unless otherwise set forth in this section, the bylaws in Chapter 2, Article VIII of the Glendale City code shall apply.

C. Composition. The Planning Commission shall consist of no less than five (5) nor more than seven (7) members appointed by the City Council. ~~Each member shall be appointed for a term of two years. In the event of the death or resignation of a member, the vacancy may be filled for the unexpired term. The members of the Planning Commission shall serve without compensation. Change of residence from the City by a member shall create a vacancy on the Planning Commission.~~ Members shall be residents of the City of Glendale or own real property, operate a licensed business of continuous operations in the City Of Glendale and demonstrate civic participation in community activities.

C. ~~Officers.~~ ~~The City Council shall select a Chairman of the Planning Commission who shall serve as Chairman for a term of one (1) year, and who shall preside at all meetings and be the head of the Planning Commission. The City Council shall select for a one (1) year term, a Vice Chairman to act in the absence of the Chairman.~~ The Development Services Director or designee shall act as Secretary to the Planning Commission, whose

[Additions are indicated by underline; deletions by ~~strikethrough~~.]

duties will be to record accurate minutes of the proceedings and any such other duties as may be assigned by the Planning Commission.

D. Powers, Duties and Responsibilities. Rules.

- ~~1. The Planning Commission shall adopt guidelines to establish rules and regulations for its governance consistent with the laws of this state, this ordinance and with the City Charter;~~
- ~~2. The Planning Commission shall meet at least once a month at such time and place as may be fixed by the Planning Commission;~~
- ~~3. Planning Commission members shall be subject to all applicable conflict of interest provisions of State law and the City Charter; and~~
- ~~4. A quorum consisting of four (4) members shall be present in order to conduct business. A concurring vote of the majority of the appointed members present shall be required to approve or deny a motion on any public hearing item.~~

~~E. Powers.~~The Planning Commission shall have all the powers which are now or may hereafter be given it by the general laws of the state and ordinances of the City to include at a minimum:

1. To hear requests for amendments of the text or official zoning map and recommend approval, denial, or approval with conditions to the City Council;
2. To hear requests and approve or deny conditional use permits as required by this ordinance;
3. To prescribe conditions or stipulations for any conditional use permit or amendment to this Zoning Ordinance as may be required to carry out the provisions and intent of this ordinance;
4. To hear appeals from any decision made by the Development Services Director or designee resulting from the design review process;
5. To hear requests to amend the General Plan text or maps and recommend approval, denial, or approval with changes to the City Council;
6. To exercise powers of the Airport Zoning Commission pursuant to Arizona Revised Statutes, § 28-8461 et seq.;
7. To make recommendations to City Council on the City's Capital Improvement Plans;
8. To hear requests for design review approval on certain freestanding identification signs as provided by Section 35.4.300 of this ordinance.

~~F. Recommendations in Writing.~~All recommendations made to the City Council by the Planning Commission shall be submitted in writing. A report of all business conducted by the Planning Commission shall be forwarded to City Council in the form of minutes of all regular business meetings and hearings.

~~G. Expenditure.~~ The Planning Commission shall have no authority to make expenditure on behalf of the City or to obligate the City for payment of any sums of money, except as herein provided, and then only after the City Council shall first authorize such expenditure.

[Additions are indicated by underline; deletions by ~~strikethrough~~.]

SECTION 2. That the Glendale City Code, Chapter 35 (Unified Development Code), Article 6 (Administration & Procedures), Section 35.6.003 (Board of Adjustment) be amended as follows:

35.6.003 - Board of Adjustment.

A. Mission Purpose. The Board of Adjustment is hereby created as a quasi-judicial body created to hear requests for relief from the terms of this ordinance and to hear and decide appeals from decisions of the Development Services Director or designee.

B. Bylaws. Unless otherwise set forth in this section, the bylaws in Chapter 2, Article VIII of the Glendale City code shall apply.

(1) Exparte Contact. Any Board Member who reviews written communications or engages in verbal communications regarding a matter before the board that are not part of the Board of Adjustment record shall disclose on the record such communication at the time of the public hearing.

~~C. Organization. Composition. The Board of Adjustment is hereby created and shall be composed of not less than five (5) nor more than seven (7) members. who shall be residents of the City and who shall serve without pay. Each member of the Board of Adjustment shall be appointed by the City Council for a period of two (2) years. In the event of the death or resignation of a member, the vacancy may be filled for the unexpired term. Change of residence from the City of a member shall create a vacancy on the Board of Adjustment.~~

~~C. Officers. The City Council shall select a Chairman from among the members of the Board of Adjustment who shall serve as such Chairman for a term of one (1) year and who shall have the power to administer oaths and take evidence. The City Council shall select a Vice Chairman for a one (1) year term to act in the absence of the Chairman. The Development Services Director or designee shall act as Secretary to the Board of Adjustment, whose duties are to keep accurate minutes of all proceedings and all other duties as maybe assigned by the Board of Adjustment.~~

D. Rules Powers, Duties and Responsibilities.

~~1. The Board of Adjustment shall adopt guidelines to establish rules of procedure for its governance consistent with provisions of this ordinance, laws of this state and the City Charter.~~

~~2. A quorum consisting of four (4) members shall be present in order to conduct business. A concurring vote of a majority of the appointed members present shall be required to reverse any order or decision of the Development Services Director being appealed to the Board, or to approve or deny a request for a variance from the terms and conditions of this ordinance.~~

~~3. Board of Adjustment members shall be subject to all applicable conflict of interest provisions of State law and the City Charter.~~

[Additions are indicated by underline; deletions by ~~strikethrough~~.]

~~E. Powers.~~—The Board of Adjustment shall have all the powers which are now or may hereafter be given it by the general laws of the State and the ordinances of the City including, but not limited to:

1. Hearing and deciding appeals from any decision or interpretation made by the Development Services Director or designee, except as otherwise provided in the administration and enforcement of this Code;
2. Interpreting on appeal or on its own motion, the location of any district boundary line shown on the official zoning map of the City;
3. Hearing and deciding requests for variances from the terms of this ordinance because of special circumstances applicable to a property, including its size, shape, topography, location, or surroundings, where the strict application of this ordinance would deprive such property of privileges enjoyed by other properties in the same zoning district;
4. Prescribing any conditions or stipulations for any variance or appeal as it may deem necessary to fully carry out the provisions and intent of this ordinance and which will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other similarly situated or zoned properties. Such conditions may include, but not be limited to, a period of time for the applicant to carry out the terms of a variance or appeal;
5. To exercise powers of the Airport Board of Adjustment pursuant to Arizona Revised Statutes, § 28-8473 et seq.

~~F. Ex Parte Contact.~~ Any board member who reviews written communications or engages in verbal communications which are not part of the Board of Adjustment record shall disclose such communication at the time of the public hearing.

SECTION 3. That the Glendale City Code, Chapter 35 (Unified Development Code), Article 6 (Administration & Procedures), Section 35.6.004 (Historic Preservation Commission) be amended as follows:

35.6.004 - Historic Preservation Commission.

A. ~~Purpose.~~ Mission. Pursuant to the City Charter of the City of Glendale, Article V, Section 1, the City does hereby create a historic preservation commission. ~~The Historic Preservation Commission shall work with the Planning Commission and City Council on matters of historic preservation; take the initiative in bringing people together on historic preservation issues; review proposed alterations to historic properties, historic districts and archaeological resources through the Certificate of Appropriateness process; and develop, maintain and from time to time amend, a plan for historic preservation in the City. The Historic Preservation Commission shall survey historic properties including archaeological resources, recommend to the Planning Commission and City Council designations for Historic Preservation Districts, initiate designations for historic preservation districts and amendments, and establish guidelines for evaluation of historic properties, including~~

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~~archaeological resources; provide public information and education on preservation, coordinate resources and provide technical assistance, promote revitalization of the City through preservation, and make recommendations to the Planning Commission, City Council and citizens of the City regarding historic preservation. The Commission may also confer with other City, county, regional, state and national historic preservation boards and commissions. The Commission shall initiate plans for the restoration or rehabilitation of privately owned buildings and the preservation of archaeological resources. The Commission shall work with City departments to discourage and prevent unwanted demolition of historic buildings and structures and the destruction of archaeological resources.~~

B. Bylaws. Unless otherwise delineated with this section, the bylaws contained in Chapter 2, Article VIII shall apply.

~~C. Organization. Composition. The commission will ~~A Historic Preservation Commission shall consist of seven (7) members. The members are preferred to be persons who have demonstrated special interest, knowledge or experience in historic preservation. At least five (5) members are preferred to have a background in the following disciplines: architecture, history, architectural history, planning, archeology, or related historic preservation disciplines, such as cultural geography, or cultural anthropology. who are residents of the City. The members shall serve for terms of two (2) years, except that members of the first Historic Preservation Commission shall serve as designated by the City Council for the following terms: four (4) members for two (2) years and three (3) members for one (1) year. Any vacancy shall be filled by the City Council within a reasonable time after the vacancy occurs, for the unexpired term. The members of the Historic Preservation Commission shall serve without compensation.~~~~

~~C. Officers. The City Council shall select a Chairman of the Historic Preservation Commission who shall serve as Chairman for a term of one (1) year, and who shall preside at all meetings and be the head of the Historic Preservation Commission. The City Council shall select for a one (1) year term, a Vice Chairman to act in the absence of the Chairman. The Development Services Director or designee shall act as Secretary to the Historic Preservation Commission, whose duties will be to record accurate minutes of the proceedings and any such other duties as may be assigned by the Historic Preservation Commission.~~

D. Rules Powers, Duties and Responsibilities.

The Historic Preservation Commission will ~~shall~~ ~~adopt guidelines to establish rules of procedure for its governance consistent with provisions of this ordinance, laws of this State, and the City Charter.~~

~~2. A quorum consisting of four (4) members shall be present to do business. A concurring vote of the majority of the appointed members present shall be required to approve or deny any motion on any public hearing item.~~

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~~3. Historic Preservation Commission Members shall be subject to all applicable conflict of interest provisions of State law and the City Charter.~~

~~4. Qualifications. Members of the Historic Preservation Commission are preferred to be persons who have demonstrated special interest, knowledge or experience in historic preservation. At least five (5) members are preferred to have a background in the following disciplines: architecture, history, architectural history, planning, archaeology, or related historic preservation disciplines, such as cultural geography or cultural anthropology.~~

(a) work with the Planning Commission and City Council on matters of historic preservation; take the initiative in bringing people together on historic preservation issues; (b) review proposed alterations to historic properties, historic districts and archeological resources through the certificate of appropriateness process; (c) develop, maintain and from time to time amend, a plan for historic preservation in the City (the historic preservation commission shall survey historic properties including archaeological resources), (d) recommend to the Planning Commission and City Council designations for historic preservation districts; (e) initiate designations for historic preservation districts and amendments, and establish guidelines for evaluation of historic properties, including archaeological resources; (f) provide public information and education on preservation, coordinate resources and provide technical assistance, promote revitalization of the City through preservation, and make recommendations to the Planning Commission, City Council and Citizens of the City regarding historic preservation. Then commission may also confer with other city, county, regional, state and national historic preservation Boards and Commissions. The commission shall initiate plans for the restoration or rehabilitation of private owned buildings and the preservation of archaeological resources; (g) work with City departments to discourage and prevent unwanted demolition of historic buildings and structures and the destruction of archaeological resources.

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SECTION 4. That the provisions of this ordinance shall become effective thirty (30) days after passage of this ordinance by the Glendale City Council.

[Signatures on the following page]

[Additions are indicated by underline; deletions by ~~strikethrough~~.]

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 13th day of May, 2025.

Mayor Jerry P. Weiers

ATTEST:

Julie K. Bower, City Clerk (SEAL)

APPROVED AS TO FORM:

Michael D. Bailey, City Attorney

REVIEWED BY:

Kevin R. Phelps, Interim City Manager