

ORDINANCE 95-A107
ESTABLISHMENT OF A CITIZEN BOARD OF ADJUSTMENT
FOR PLANNING & ZONING

AN ORDINANCE OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, ESTABLISHING A CITIZEN BOARD OF ADJUSTMENT FOR ZONING AND RELATED MATTERS AS PROVIDED BY LAW, AND SUPERSEDING ORDINANCE 89-A33 WHICH PLACED THE ELECTED TOWN COUNCIL AS THE BOARD OF ADJUSTMENT

Section 1: Deletion of Prior Board of Adjustment Ordinance. Ordinance 89-A33, establishing the Town Council as the Board of adjustment, is hereby repealed. The ordinance describing the Board will no longer constitute Section 112 of the Planning & Zoning Ordinance (Ord 87-A23), but shall operate and be published as a separate ordinance.

Section 2: Membership. The Board of Adjustments ("Board") shall consist of seven (7) members appointed for a term of three years, effective immediately upon appointment and adoption of this ordinance, and expiring April 1, 1998, except that for the initial appointment, there shall be three classes of members, at least two in each, in staggered terms of one, two, and three years. Members shall be appointed from the electorate of the Town of Camp Verde, and be residents of the Town for a minimum of one (1) year, and not employed by the Town, nor an elected official of any governmental agency, nor an immediate family member of such employee or official.

Vacancies in office shall be filled by majority vote of the Town Council within thirty (30) days of the vacancy.

Section 3: Organization, Public Meeting Procedures, and Voting shall be conducted as provided in the Boards and Commissions Ordinance (Ord 92-A75), except as may be modified herein or by ARS 9-462.06 (as amended) or other provision of law.

Section 4: Duties. The Board shall:

(a) Hear and decide appeals from the Town Zoning Administrator, or such official as the Town appoints to make final decisions concerning the enforcement of the municipal zoning ordinances, in which it is alleged there is an error in an order, requirement, interpretation, or decision of the Administrator concerning a zoning ordinance or procedure.

(b) Hear and decide appeals for variances from the terms of the zoning ordinance, only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located. Variances shall not be granted if the special circumstances applicable to the property are self-imposed by the property owner, or if the owner seeks relief of a zoning requirement which the owner perceives to be an economic

hardship. The Board may not make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning ordinance, but this limitation shall not affect its authority to grant variances pursuant to ARS 9-462.06, this ordinance, or as otherwise provided by law.

Section 5: Appeals.

(a) Appeals to the Board may be taken by persons aggrieved or by any officer, department head, or board or bureau of the Town affected by a decision of the zoning Administrator, within forty-five (45) days of the final written decision of the Administrator, by filing both with the Administrator and the Board a notice of appeal at its next regular or special meeting specifying the grounds thereof, and the Administrator shall immediately transfer all records pertaining to the action appealed from to the Board. An appeal to the Board stays all proceedings in the matter appealed from, unless the Administrator certifies to the Board that, in his or her opinion by the facts stated in the certificate, a stay would cause imminent peril to life or property. Proceedings shall not be stayed by the Board if the appeal requests relief which has previously been denied. The Board shall fix a reasonable time to hear the appeal, not more than thirty (30) days from the filing of the notice, and shall give notice of hearing by both publication as required by ARS 9-462.04 and posting the notice in conspicuous places close to the property affected. The Board may reverse or affirm, wholly or in part, or modify the order, requirement or decision of the zoning Administrator appealed from, and make such order, requirement, decision or determination as necessary.

(b) Appeals from the decision of the Board by a person aggrieved by its decision, or a taxpayer, officer or department of the Town affected by the decision, may be taken at any time within thirty (30) days after the Board has rendered its written decision by filing a complaint for a special action in Superior Court. Filing the complaint does not stay proceedings on the decision sought to be reviewed, unless so ordered by the Court.

Section 6: Hearing Officer for Appeals of Dedication or Exaction Requirements. As required by ARS 9-500.12, the Chairman of the Board of Adjustment, or the acting chairman in his or her absence, is hereby designated as the Hearing Officer to whom a property owner may appeal the imposition of an exaction or dedication by the Town as a condition for the use, improvement, or development of real property. The appeal shall be in writing and filed with or mailed to the Hearing Officer within thirty (30) days after the final determination is made. The Hearing Officer shall schedule a public hearing not less than 10 nor more than 30 days after receipt, unless the property owner agrees to a shorter time period. The Town at the appeal has the burden to show there is an essential nexus between the dedication or exaction and a legitimate governmental interest and that the proposed dedication or exaction is roughly proportional to the impact of the proposed use, improvement or development. The Hearing Officer shall decide the appeal within five (5) working days. The property owner may further appeal this decision to Superior Court within thirty (30) days.

This section does not apply to a dedication or exaction required in a legislative act, such as rezoning, that does not give discretion to an administrative agency or official of the Town to determine the nature or extent of the dedication or exaction.

PASSED AND ADOPTED in open meeting by the Town Council, Town of Camp Verde, Arizona, on this 12th day of July, 1995, to be effective when publication is completed.

Approved: A Carter Rogers, A. Carter Rogers, Mayor

*ATTEST: Dane Bullard
Dane Bullard, Clerk*

Approved as to Form:

[Signature], Town Attorney