

RESOLUTION NO. 2016-36

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA,
ARIZONA, ESTABLISHING AS A PUBLIC RECORD THE TERMS OF PROPOSED
AMENDMENTS TO SEDONA LAND DEVELOPMENT CODE, SECTION 304
(BOARD OF ADJUSTMENT).**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA that the terms set forth in that document attached hereto as Exhibit A and entitled "2016 Amendments to Land Development Code (Board of Adjustment)" constitute a public record to be incorporated by reference into Ordinance No. 2016-11.

At least one (1) paper copy and one (1) electronic copy of this public record shall be kept in the office of the City Clerk for public use and inspection.

PASSED AND ADOPTED this 13th day of December, 2016 by the Mayor and Council of the City of Sedona, Arizona.



Sandra J. Moriarty, Mayor

ATTEST:



Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:



Robert L. Pickels, Jr., City Attorney

Exhibit A

2016 Amendments to the Land Development Code (Board of Adjustment)

304 Board of Adjustment

304.01 Establishment and Delegation.

A. Pursuant to A.R.S. Section 9-462.06(A), the city council is established as the board of adjustment and delegates to a hearing officer the authority to hear and decide on matters within the jurisdiction of the board of adjustment as outlined in this section, except that the right of appeal from the decision of a hearing officer to the board of adjustment shall be preserved.

B. A list of qualified individuals to serve in the capacity of hearing officer shall be presented to and approved by the city council as may be necessary to ensure the efficient management of matters within the jurisdiction of the board of adjustment as outlined in this section. Selection of a hearing officer for any matter shall be made by the community development director based on an administratively predetermined rotation or priority system.

304.02 Duties. The Board has the following powers and duties:

A. Hearing, reviewing, and acting on applications for variance from all articles of this Code, except Articles 7 and 8 SLDC:

1. The power to grant variances does not extend to land use regulations;
2. The Board may not grant a variance if the special circumstance applicable to the property is imposed by the property owner or applicant;

B. Hearing, reviewing, and acting on appeals from the decisions of the Director regarding an interpretation of this Code;

C. A decision of the Board on a variance application may be appealed to the Superior Court by the applicant or any other aggrieved person as prescribed in A.R.S. Section 9-462.06;

D. Hearing, reviewing, and acting upon any property owner appeal pursuant to SLDC 404.09 and A.R.S. Sections 9-500.12 and 9-500.13, or any successor statutes;

E. Exercise other powers that may be lawfully granted by the Council with respect to this Code.