

ORDINANCE NO. O2017-027

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO ZONING REGULATIONS, PROVIDING FOR CHANGES TO THE ZONING CODE TO PROVIDE REGULATIONS REGARDING THE VOICE OR VIDEO APPEARANCE BY A PLANNING AND ZONING COMMISSIONER

WHEREAS, from time to time it may be desirable to modify the zoning code keeping within the context of a dynamic and growing community; and,

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on July 10, 2017 in Zoning Case No.: ZONE-17923-2017 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on June 16, 2017 and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the text amendment in Zoning Case No.: ZONE-17923-2017 and finds that the zoning code text amendment supports the goals and objectives of the Yuma General Plan, and is in basic harmony with the goals and objectives of the City of Yuma Zoning Code.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Section 02.01 Planning and Zoning Commission, Subsection (G) Organization be amended to insert the following underlined text thereof:

(G) *Organization.*

(7) *Voice or video appearance.* A Planning and Zoning Commissioner shall have the opportunity to participate by voice or video during a regularly scheduled meeting subject to the following rules and regulations:

(a) Voice or video participation shall mean the participation of the Planning and Zoning Commissioner(s) at Planning and Zoning meetings by voice or video technology where the Planning and Zoning Commissioner is not physically present at the Planning and Zoning meeting.

- (b) Voice or video participation shall only apply to Planning and Zoning meetings held at Yuma City Hall, Yuma, Arizona.
- (c) A Planning and Zoning Commissioner wishing to participate through voice or video technology shall contact the Director of Community Development regarding the need to participate from an off-site location. Notice shall be provided no later than two (2) business days prior to the meeting to allow sufficient time to post the information on the agenda and to prepare the meeting room for such voice or video participation.
- (d) No more than two (2) Planning and Zoning Commissioners may participate by voice or video technology at any meeting. Unless approved by the Planning and Zoning Commission, no Commissioner may participate by video or voice technology more than three times in any calendar year.
- (e) When a Planning and Zoning Commissioner is participating by using voice or video technology at a meeting:

 - 1. The meeting facilities shall be arranged to provide the capability of the public audience to be able to hear such participating Commissioner. Facilities shall also be provided whereby the participating Commissioner can hear any comments made by other members of the Planning and Zoning Commission, by City staff and by the audience in attendance at the meeting.
 - 2. Communications shall be initiated with the Commissioner prior to the beginning of the Planning and Zoning meeting. The participating Commissioner will identify him or herself during roll call and state that he/she is attending the meeting through voice or video participation.
- (f) The meeting agenda shall reflect that a Planning and Zoning Commissioner will be participating through voice or video technology and voting procedures will remain as required by the City of Yuma Code (§154-02.01).

SECTION 2: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of the ordinance. Unless otherwise specifically provided for in this chapter, any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which such violation of this ordinance occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Adopted this _____ day of _____, 2017.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney