

Article 1

ADMINISTRATION AND PROCEDURES

Article 1-3

PROCEDURES

1-3-1 Amendments

A. Regulations set forth in this **Ordinance** and boundaries of Zoning **Districts** established by the City may be amended, supplemented, changed, modified or repealed when deemed necessary to best serve the public interest, health, comfort, convenience, safety and general welfare of the citizens of the City.

B. *APPROVAL AUTHORITY.* **Amendments** of this **Ordinance**; and **amendments** establishing or changing the zoning **district** applicable to property within the City through the **amendment** of the boundaries of a Zoning **District** (“Rezoning **Ordinances**”) and any **amendments** of any terms, conditions, stipulations or other type of requirements set forth in an **ordinance** amending the boundaries of a Zoning **District** (collectively referred to as “**amendments**” and individually referred to “**amendment**”) shall be decided by the City Council following receipt of recommendations from the Planning and Zoning Commission.

C. *APPLICATION PROCESS.* Applications for **amendments** shall be processed and reviewed in accordance with the procedures generally described below and more particularly described in the **Administrative Process Manual** and in this **Ordinance**, which procedures shall comply with the posting requirements, publication requirements and Citizen Review Process as required by law.

1. Applications for an **amendment** shall be filed with the Development Services Department on form(s) provided by the Development Services Department and shall include all of the information identified in the application form(s) and in the **Administrative Process Manual** and any other data that may be required by the **Zoning Administrator** needed for the review of the application.
2. Applications for an **amendment** shall be signed by the property owner(s) or an authorized agent of the property owner(s) and all applicable fees shall be paid when the application is submitted.

D. *REVIEW PROCESS FOR **AMENDMENTS** TO ZONING MAP.*

1. The Development Review **Committee** shall review the application submittal for an **amendment** of the boundaries of a Zoning **District**. Following the completion of the review by Development Review **Committee** and the Citizen Review Process specified in Section [1-3-8](#), the **Zoning Administrator** shall forward the application submittal with a recommendation for approval, approval with conditions or denial to the Planning and Zoning Commission for review at a public hearing for which due and proper notice has been provided in accordance with Section [1-3-9](#).
 2. Requests for **amendments** shall be considered by the Planning and Zoning Commission at a public hearing for the purpose of making a written recommendation to City Council. Following a public hearing at which parties of interest and citizens have been heard, the Planning and Zoning Commission shall issue a recommendation to be forwarded to City Council recommending approval, approval with conditions or denial of the **amendment** and the reasons for such recommendations. Such recommendation may or may not be consistent with the **Committee's** recommendations.
 3. The Development Review **Committee's** and Planning and Zoning Commission's reviews and recommendations shall be guided by the following considerations:
 - a. consistency with the goals, objectives, policies and future land **use** map of City's General Plan; consideration of current market factors, demographics, infrastructure, traffic, and environmental issues; and if conditions have changed significantly since the Plan was adopted;
 - b. suitability of the subject property's physical and natural features for the **uses** permitted under the proposed zoning **district**;
 - c. compatibility of all potential **uses** allowed in the proposed zoning **district** with surrounding **uses** and zoning in terms of such things as land suitability, environmental impacts, **density**, nature of **use**, traffic impacts, aesthetics, infrastructure, and potential impact on property values;
 - d. proposed zoning **district's** consistency with other land **uses** within the immediate area and whether **uses** allowed under proposed zoning **district** would be better suited to the subject property than the **uses** allowed under current zoning;
 - e. demand for the types of **uses** permitted in the proposed zoning **district** in relation to amount of land currently zoned and available to accommodate the demand;
 - f. demands for public services that will be generated by the **uses** permitted in the proposed zoning **district** and requirements for meeting such demands in terms of public infrastructure and facilities and other capital equipment, such as water supplies, water treatment, storage, and distribution facilities, wastewater treatment, recharge and
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distribution facilities, **streets**, bridges, **schools** and emergency services facilities and equipment;

g. potential adverse fiscal impacts that will result from providing services to areas not in proximity to where existing public services are provided;

h. general public's concerns;

i. whether the **amendment** promotes orderly growth and development; and

j. any other factors related to the impact of the **amendment** on the general health, safety and welfare of the citizens of the City and the general public.

4. Following the completion of the Planning and Zoning Commission's review, the **Zoning Administrator** shall forward the application submittal and the Planning and Zoning Commission's recommendation to the City Council for final review and decision.

a. The City Council may approve, approve with conditions, or deny the application for **amendment**. Such recommendation may or may not be consistent with the recommendations of the Planning and Zoning Commission. The City Council may decide the application for an **amendment** without a second public hearing if the City Council intends to adopt the recommendations of the Planning and Zoning Commission without change and there has been no written request for a public hearing by the applicant, by a person appearing in opposition to the **amendment** at the Planning and Zoning Commission or by any person who filed a written protest to the **amendment** in accordance with state law. If a public hearing is requested as provided herein, the City shall hold a public hearing before deciding the application for **amendment**. If the City Council does not intend to adopt the recommendations of the Planning and Zoning Commission without change, the City Council shall continue the matter until a public hearing can be scheduled before the City Council decides the matter.

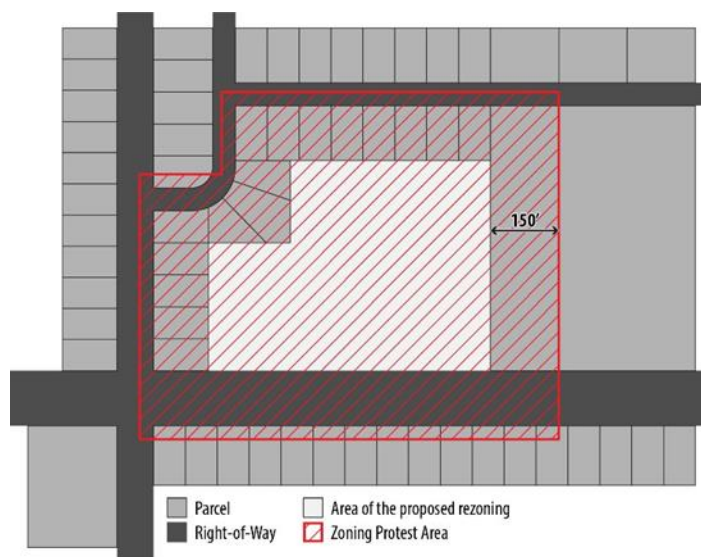
b. Adoption of an **amendment** may be subject to such conditions as the City Council deems applicable to enforce this **Ordinance**. If one condition is a schedule for development of specific **uses** for which zoning is requested, and at expiration of that period the property has not been developed according to said schedule, it may be reverted to its former zoning classification by action of the City Council after conducting a public hearing for which public notice has been posted and published in accordance with the requirements of Arizona law.

c. If the owners of twenty percent or more of the property by area and number of lots, tracts and condominium units within the zoning area of the affected property file a protest in writing against a proposed amendment, the change shall not become effective except by the favorable vote of three-fourths of all members of the Council. If any members of the Council are unable to vote on such a question because of a conflict of interest, then the

required number of votes for passage of the question shall be three-fourths of the remaining membership of the Council, provided that such required number of votes shall not be less than a majority of the full membership of the Council. For the purposes of this subsection, the vote shall be rounded to the nearest whole number. A protest filed pursuant to this subsection shall be signed by the property owners opposing the proposed amendment and filed in the office of the City Clerk not later than 12:00 noon one business day before the date on which the Council will vote on the proposed amendment.

d. For the purposes of section 1-3-1(D)(4)(c) above, “zoning area” means both of the following:

1. The area within one-hundred fifty (150) feet, including all rights-of-way, of the affected property subject to the proposed amendment or change.
2. The area of the proposed amendment or change.



5. If an application for **amendment** to amend the boundaries of a Zoning **District** or to amend any terms, conditions, stipulations or other type of requirements set forth in and **ordinance** amending the boundaries of a Zoning **District** is denied by the City Council, or the application is withdrawn after the Planning and Zoning Commission hearing, the Planning and Zoning Commission shall not consider an application for the same **amendment** within one (1) year from the date of the original hearing.

6. Commencing vertical construction in the rezoned area within two (2) years of City Council approval of a rezone request. Failure to commence shall be cause for the City Council to rescind the zoning, unless an extension of time is granted by the City Council.

E. REVIEW PROCESS FOR TEXT **AMENDMENT**.

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1. The Development Review **Committee** shall review the application submittal for an **amendment** to this **Ordinance**. Following the completion of the review by Development Review **Committee**, the **Zoning Administrator** shall forward to the Planning and Zoning Commission the application submittal along with a recommendation to approve, to approve subject to modifications, or to deny the application for the Planning and Zoning Commission's review at a public hearing for which due and proper notice has been provided in accordance with Section [1-3-9](#).
 2. Requests for **amendments** to this **Ordinance** shall be considered by the Planning and Zoning Commission for the purpose of making a written recommendation to City Council. Following a public hearing, the Planning and Zoning Commission shall issue a recommendation to be forwarded to City Council recommending approval of the **amendment** as proposed, recommending approval of the **amendment** subject to modifications or recommending denial of the **amendment**. Such recommendation may or may not be consistent with the **Committee's** recommendations.
 3. The Development Review **Committee's** and Planning and Zoning Commission's reviews and recommendations shall be guided by the following considerations:
 - a. Documentation indicating inconsistencies in terms of the **Ordinance** or problems and/or conflicts in implementation of specific sections of the **Ordinance** that will be resolved by the **amendment**;
 - b. Whether **amendment** is needed to respond to changes in the law, statutory or case law;
 - c. Whether **amendment** is needed to address zoning and/or development issues or to improve processes for addressing such issues;
 - d. Whether **amendment** will to promote implementation of goals and objections of the City's General Plan;
 - e. Any other factors related to the impact of the **amendment** on the general health, safety or welfare of the citizens of the City and the general public.
 4. Following the completion of the Planning and Zoning Commission's review, the **Zoning Administrator** shall forward the application submittal and the Planning and Zoning Commission's recommendation to the City Council for final review and decision.
 - a. The City Council may decide the application for **amendment** without a second public hearing unless a public hearing is requested in writing by the applicant, by any person appearing in opposition to the **amendment** at the Planning and Zoning Commission or by any person who filed a written protest to the **amendment** in accordance with Arizona Law.
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If a public hearing is requested as provided herein, the City shall hold a public hearing before deciding the application for **amendment**.

b. Following and consideration of the application submittal and public hearing, if held, the City Council shall render a decision on the application for **amendment** and either approve, approve with modifications, or deny the application for **amendment**. Such action may or may not be consistent with the Planning & Zoning Commission's recommendation.

F. *INITIATION OF AN **AMENDMENT**.*

1. An application for an **amendment** to amend the boundaries of a Zoning **District** or to amend or enforce of any terms, conditions, stipulations or other type of requirements set forth in an **ordinance** amending the boundaries of a Zoning **District** may be initiated by any of the following:

a. All of the owners of the subject property by application executed by all of the owners of the subject property and their respective spouses if any; or, an agent of all of the property owners authorized to **sign** on behalf of all of the property owners and their respective spouses, when the authority is in writing and filed with the application;

b. The Planning and Zoning Commission or City Council by its own motion at a public meeting; or,

c. **Zoning Administrator** for the purpose of rezoning property to bring such land into conformance with the General Plan; rezoning of City-owned property; or reversion of the zoning on any property which fails to comply with a condition of approval or schedule of development.

2. An application for an **amendment** to the text of this **Ordinance** may be initiated by any of the following:

a. The Planning and Zoning Commission or City Council by its own motion at public meeting; or,

b. The **Zoning Administrator** to promote implementation of goals and objections of the City's General Plan; to respond to changes in the law, statutory or case law; to address zoning and/or development issues or processes; to address inconsistencies in terms of the **Ordinance** or problems and/or conflicts in implementation of specific sections of the **Ordinance**; or to implement new standards or practices that would benefit the community.
