

## SECTION 301. AMENDMENTS OR ZONE CHANGES.

### A. PURPOSE.

The Council may, from time to time as the public necessity, convenience, general welfare and good zoning practice requires, change the district boundaries or amend, change, repeal or supplement the regulations herein established. Such changes or amendments may be initiated by Council or the Commission on its own motion or by petition of one or more owners of real property within the area proposed to be changed.

### B. CITIZEN REVIEW AND PARTICIPATION.

1. For all zone change applications, the following citizen review and participation process is required:
  - a. The applicant or an appointed representative shall arrange a meeting with planning staff which identifies development issues as well as arrangements and scheduling for the neighborhood meeting described in subsection b below.
  - b. At least 30 calendar days prior to any public hearing, the applicant or an appointed representative shall conduct a neighborhood meeting designed to inform adjoining residents and property owners about the proposed zone change.
  - c. At least 15 calendar days prior to the scheduled neighborhood meeting, the City shall notify all property owners within 300 feet of the subject site by first class mail. The notification shall include the date, time and place for the neighborhood meeting, as well as a description of the proposed land use.
2. It is the responsibility of the applicant or their representative initiating the zone change to conduct the meeting and provide an opportunity for a question and answer period by the audience. It is also the responsibility of the same to identify a point of contact to the public for follow up questions and comments. A written summary of the meeting, including a list of attendees and the issues and concerns discussed, must be prepared by the applicant and a copy submitted to the Planning Department within 15 calendar days after the neighborhood meeting.

### C. PUBLIC HEARINGS REQUIRED.

1. The Planning and Zoning Commission shall hold a public hearing on any zoning ordinance. Notice of the time and place of the hearing, including a general explanation of the matter to be considered and general description of the area affected, shall be given at least 15 calendar days before the hearing in the following manner:

- a. The notice shall be published at least once in a newspaper of general circulation.
- b. In proceedings involving rezoning of land which abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notice of public hearing shall be transmitted to the planning agency of such government unit abutting such land.
- c. In proceedings that are not initiated by the property owner, involving rezoning of land which may change the zoning classification, notice by first class mail shall be sent to each property owner, as shown on the last assessment of the property, of the area to be rezoned and all property owners, as shown on the last assessment of the property, within three hundred (300) feet of the property to be rezoned.
- d. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by subsection E.
  - (1) A ten percent (10%) or more increase or decrease in the number of square feet of units that may be developed.
  - (2) A ten percent (10%) or more increase or reduction in the allowable height of buildings.
  - (3) An increase or reduction in the allowable number of stories of buildings.
  - (4) A ten percent (10%) or more increase or decrease in setback or open space requirements.
  - (5) An increase or reduction in permitted uses.
- e. In proceedings governed by subsection d of this section, the City shall provide notice to real property owners pursuant to at least one of the following notification procedures:
  - (1) Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly governed by the changes.

- (2) If the City issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the City shall include notice of such changes with such utility bills or other mailings.
- (3) The City shall publish such changes prior to the first hearing on such changes in a newspaper of general circulation. The changes shall be published in a “display ad” covering not less than one-eighth (1/8) of a full page.
  - f. If notice is provided pursuant to subsection e (2) or (3) above, the City shall also send notice by first class mail to persons who register their names and addresses with the City as being interested in receiving such notice.
  - g. In addition to the notification methods described above, the City may give notice of the hearing in such other manner as it may deem necessary or desirable.

#### D. APPLICATIONS FOR AMENDMENTS.

1. Applications for change of district boundaries or amendment of regulations shall be filed with the Zoning Administrator by an owner of real property within the area proposed to be changed. In the case of an application requesting a zoning district change which included other property in addition to that owned by the petitioner, the application shall include the signatures of the real property owners representing at least 75 percent of the land in the area proposed to be changed. Such application shall be filed on a form provided for the purpose, and shall include additional descriptive information required by the Department, a neighborhood meeting summary per subsection B (if applicable), and payment of a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the offices of the City Clerk. No part of the filing fee shall be returnable. Payment of filing fee shall be waived when the change or amendment is initiated by the Council or the Commission or when the petitioner is the City, County, State or Federal Government.
2. Within 30 calendar days of receipt of the application, the Department shall determine whether the application is administratively complete. If the Department determines the application is not administratively complete, the Department shall follow the procedures prescribed in A.R.S. Section 9-835(E) until the application is determined complete. The Department shall determine whether a resubmitted application is administratively complete within 15 calendar days after receiving the resubmitted application. Upon determination of administrative completeness, the Department shall forward the application to the Planning and Zoning Commission.

## E. COMMISSION ACTION.

1. Upon receipt of any complete application for amendment, the Commission shall fix a reasonable time for the hearing of the proposed zone change, amendment or addition and shall give notice thereof to interested parties and to the public in the time and manner provided for as specified in Subsection C. and by posting the area included in the proposed change, not less than 15 calendar days prior to the hearing. It shall be the responsibility of the applicant to maintain the posting. the notice shall set forth the time and place of the hearing including a general explanation of the matter to be considered and including a general description of the area affected. The Commission may for any reason, when it deems such action necessary or desirable, continue such hearing to a time and place certain. Within 30 calendar days after the close of the hearing, the Commission shall render its decision in the form of a written recommendation to the Council. The recommendation shall include the reasons for the recommendation.
2. Prior to publishing a petitioned Zoning Map change, the Commission may, on its own motion, delimit or extend the boundaries of such area, so as to constitute a more reasonable zone district boundary.
3. The Commission may, on its own motion, propose any amendments to this Ordinance and map. After holding a public hearing as required by this Section, the Commission shall either:
  - a. Transmit such proposal to the Council which shall thereupon proceed as set forth herein for any other amendment or;
  - b. Vote to quash the Commission initiated proposal, in which case no further action need be taken by the Commission or Council.
4. The Commission may recommend to the Council that the time limit be established for the development of the proposal for which a rezoning is conditionally approved.

## F. COUNCIL ACTION

1. Once the Commission has held a public hearing, the Council may adopt the recommendations of the Commission without holding a public hearing if there is no objection, request for public hearing or other protest. The Council shall hold a public hearing if requested by the party aggrieved or any member of the public or of the governing body. Notice of the time and place of the hearing shall be given in

the time and manner provided for the Commission as specified in Subsection C. In addition, the City may give notice of the hearing in such other manner as it may deem necessary or desirable.

2. If the owners of twenty (20) percent or more of the property by area and number of lots tracts and condominium units within the zoning area of the affected property, excluding government-owned property, file a protest in writing against a proposed amendment, the change shall not become effective except by the favorable vote of three fourths (3/4) 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 (3/4) of the remaining membership of the council, providing that such required number of votes shall in no event be less than a majority of the full membership of the legally established governing body. Such protest shall be signed by the property owners, excluding government-owned property, 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 City Council will vote on the proposed amendment. For the purpose of the Subsection, the vote shall be rounded to the nearest whole number.
  - a. For the purposes of the Section, “zoning area” means both of the following:
    - (1) The area within one hundred and fifty 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.
3. The Council may approve the proposal or changes as recommended by the Commission, reject them, approve them with additional modifications and/or conditions, or refer the matter back to the Commission for further consideration and action. For zoning applications that do not affect land within a district of historical significance per ARS 9-462.01, an area designated as historic on the National Register of Historic Places, or a Planned Area Development, the Council shall approve or deny the application no later than 180 calendar days after the Community Development Department has determined the application to be administratively complete. This time frame may be extended beyond 180 calendar days for either of the following reasons:
  - a. For extenuating circumstances, the City may grant a one-time extension of not more than 30 calendar days.
  - b. If the applicant requests an extension, the City may grant extensions of 30 calendar days for each extension requested.

4. At the time of rezoning, the Council may establish a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, a public hearing shall be scheduled with the Planning and Zoning Commission to determine compliance with the schedule for development and to provide a recommendation to the City Council whether to extend the schedule for development or cause the zoning to revert to its former classification. A public hearing shall then be scheduled with the City Council to either take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification. The property owner and applicant who requested the rezoning shall be sent notification by certified mail regarding all scheduled public hearings on these matters.
5. The Council may require the dedication of streets and utility easements as a condition of rezoning.

#### **G. RECONSIDERATION OF DENIED AMENDMENTS.**

In the event that a petition for an amendment is denied by the Council, or is withdrawn after the Commission hearing, the Commission shall not consider the petition or any other petition for the same amendment of this Ordinance as it applies to the same property described in the original petition, or any part thereof, within a period of one (1) year from the date of such denial action, unless the conditions upon which the original denial was based have changed.

#### **H. EXPECTATIONS.**

In the event that a request for amendment concerns only the amendment of general requirements of this Ordinance, no signature of affected property owners or posting of property shall be required; provided, however, that all other provisions of this Section shall be complied with.

[Amended December 3, 2024 - Ordinance Number 752]