

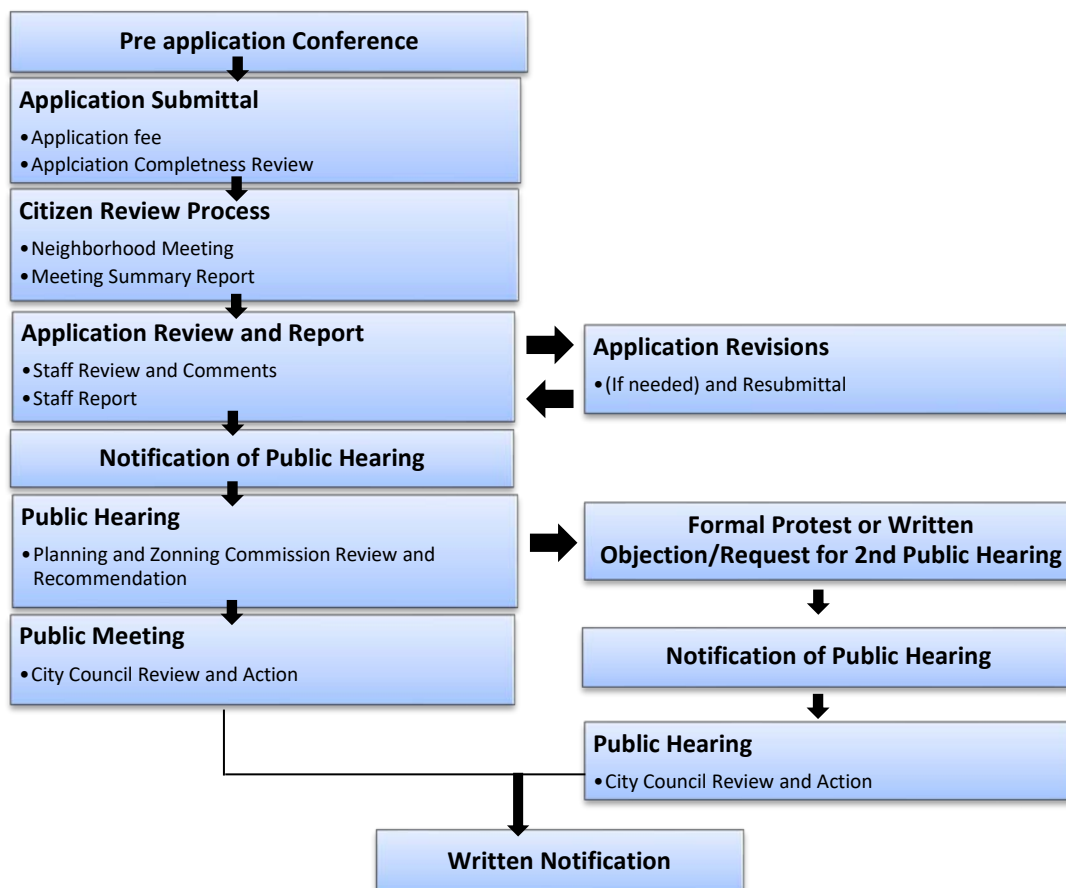
§ 152.090 AMENDMENTS TO ZONING MAP (REZONE)

(A) Purpose and applicability. The purpose of this section is to provide procedures consistent with applicable state requirements by which changes may be made to the official zoning map. This procedure shall apply to all proposals to revise a zoning district classification or zoning district boundary line shown on the official zoning map.

(B) Initiation of amendments. An amendment to the official zoning map may be initiated by:

- (1) City Council on its own motion;
- (2) The Planning and Zoning Commission;
- (3) The Zoning Administrator; or
- (4) The owner of the subject property or authorized agent.

(C) Rezone Application Process



(1) Pre-application conference.

Prior to the submission of an application for a zoning map amendment, all applicants are required to schedule a meeting with the Zoning Administrator, as set forth in § 152.086(A).

(2) Application submittal. ([see 152.086\(B\)](#))

A complete application for a zoning map amendment shall be submitted to the Zoning Administrator as required by § 152.086(B). At minimum a zoning map amendment application shall include:

- (a) Proof of ownership;
- (b) A written narrative identifying how the proposed zoning conforms with the general plan, fits in with the surrounding neighborhood, and why it is more appropriate for the property than the existing zoning;
- (c) A site plan showing the footprint of all existing and proposed buildings, parking configuration, location of all utilities and easements, and other details demonstrating conformance with all regulations and development standards applicable to the proposed zoning district;
- (d) A map showing adjoining zoning districts within 300 feet;
- (e) A list of all property owners within 300 feet; and
- (f) The applicant shall submit any other information identified in the pre-application meeting and all required information stated elsewhere in this code for an amendment to the zoning map.

(3) Citizen review process. ([See 152.086\(C\)](#))

The applicant shall schedule and conduct a neighborhood meeting in accordance with the procedures set forth in § 152.086(C).

(4) Application review and report.

Upon receipt of a complete zoning map amendment application, the Zoning Administrator shall review the proposed zoning map amendment and prepare a staff report for transmittal to the Planning and Zoning Commission in accordance with § 152.086(D).

(5) Notification. [\(See 152.086\(E\)\)](#)

Public notification shall be provided in compliance with § [152.086\(E\)](#).

(6) Planning and Zoning Commission review and recommendation.

The Planning and Zoning Commission shall review the application in a public hearing, and recommend approval, approval with conditions, or denial of the subject application.

(7) Protest procedures.

If the owners of 20% or more either of the area of the lots included in a proposed zoning change, or of those immediately adjacent in the rear or any side thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite lots, file a protest in writing against the proposed amendment, it shall not become effective except by the favorable vote of $\frac{3}{4}$ of the members of the City Council. The protest shall be filed in writing with the City Clerk at least five days prior to the public hearing or any continued public hearing of the City Council to allow time to verify the signatures on the protest.

(8) City Council review and action.

The City Council shall review the application in a public meeting; or a public hearing if any member of the public provides written objection to the recommendation of the Planning and Zoning Commission; and approve, approve with modifications, or deny the application. Approval shall be by ordinance. If a public hearing is held, public notification shall be provided in compliance with § [152.086\(E\)](#).

(9) Written notification.

The decision to approve, approve with conditions, or deny shall be communicated in writing to the applicant in compliance with § [152.086\(G\)](#).

(D) Issues for consideration. In determining whether to approve, approve with conditions, or deny proposed official zoning map amendments, issues for consideration shall include but not be limited to:

- (1) Consistency (or lack thereof) with the general plan, and other adopted plans;
- (2) Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;
- (3) Suitability of the subject property for uses permitted by the proposed zoning district;

- (4) Suitability of the subject property for uses permitted by the existing district; and
- (5) Availability of sewer and water facilities.

(E) Revocation or modification. If the City Council approves an amendment to the official zoning map with a condition that is required to be completed within a specific time period and the condition is not satisfied within that time period, the following actions may be taken:

- (1) The City Council or Planning and Zoning Commission may initiate an amendment to remove the condition or extend the time period and direct the Zoning Administrator to prepare an ordinance to do the same pursuant to the procedures set forth in § 152.090(C)(5) through (8);
- (2) The City Council or Planning and Zoning Commission may initiate a rescission of the zoning map amendment to revert the zoning to its prior zoning classification for failure to comply with the conditions of the rezoning ordinance, pursuant to A.R.S. § 9-462.01(e) and direct the Zoning Administrator to notify the property owner by certified mail and prepare an ordinance to revert the zoning pursuant to the procedures set forth in § 152.090(C)(5) through (8); or
- (3) The property owner in writing may apply to amend or remove the condition pursuant to the procedures set forth in § 152.090(C)(5) through (8).

(F) Appeals. An appeal from any final decision regarding a City Council action shall be filed with Superior Court within 30 days of the decision. If no appeal is filed in writing within 30 days, the decision shall be considered final.

(Ord. 648-18, passed 11-28-2018)

§152.086 (B) Application submittal (administrative completeness review)

(1) Applications

Completed applications shall be submitted to the Community Development Department on a form and in such a manner as established by the Zoning Administrator.

(2) Application schedule

In accordance with A.R.S. § 9-835, the Community Development Department shall publish an application schedule, which prescribes the necessary deadline for submitting specified application types in advance of being reviewed by the appropriate decision-making body pursuant to this chapter or the A.R.S.

(3) Authority to file applications

Any of the following persons or entities may submit an application:

- (a) The owner of the property;
- (b) An agent representing the owner, duly authorized to do so in writing by the owner.

(4) Payment, waiver and refund of application fees

(a) Schedule of fees. The city shall establish fees for all application and permit types. The fee schedule shall be adopted by resolution of the Council. Payment of the fee is required in order for an application to be complete. No application or permit shall be processed without payment of the applicable fee.

(b) Fee waiver or deferral. No fee shall be required when the applicant is the city.

(c) Refund of fees.

1. Recognizing that filing fees are utilized to cover city costs of public hearings, mailing, posting, transcripts, and staff time involved in processing applications, no refunds shall be issued due to a disapproval of an application.
2. In the case of an application withdrawal, the Zoning Administrator may authorize a partial refund based upon the costs incurred to-date and determination of the status of the application at the time of withdrawal.

(5) Application completeness review

Each application filed with the Community Development Department shall be initially processed as follows:

(a) Completeness review. The Zoning Administrator shall review an application for completeness and accuracy before it is accepted as being complete and officially filed.

The Zoning Administrator will consider an application complete when:

1. All necessary application forms, documentation, exhibits, materials, maps, plans, reports and other information specified in the application form, and any additional information required by the Zoning Administrator have been provided and accepted as adequate.
2. All necessary fees have been paid and accepted.

(b) Notification of applicant. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this chapter. If an application is determined to be incomplete, the Zoning Administrator shall provide written or electronic notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a resubmittal.

(c) Expiration of application. If a pending application is not deemed complete within six months after the first filing with the Community Development Department, the application shall expire and be deemed withdrawn. Thirty days prior to that date the planning staff shall notify the applicant in writing that the application will become inactive. Any refunds of fees shall be processed according to § 152.086(B)(4).

(d) Extension of application. The Zoning Administrator may grant one six-month extension upon written request of the applicant. After expiration of the application, and extension, if granted, a new application, including applicable fees, plans, exhibits and other materials will be required to commence processing of a new project application on the same property.

(6) Additional information

After the application has been accepted as complete, the Zoning Administrator and/or any decision-making body may require the applicant to submit additional information in order to evaluate fully whether an application complies with the requirements of this chapter, state, or federal law.

(7) Concurrent applications

When a project requires approvals under more than one section of the zoning code, the individual applications may be processed concurrently at the option of the Zoning Administrator and with the approval of the applicant; provided, however, rezoning applications may not be approved simultaneously with major general plan amendments. Rezone applications can only be approved sequentially after major GPA adoption; the rezone application will be cancelled if the major GPA is not adopted. Minor GPAs may be processed concurrently with other applications. The concurrent processing of applications shall be in all cases at the applicant's risk.

(8) Referral of application.

At the discretion of the Zoning Administrator, or where otherwise required by this chapter, A.R.S., or federal law, an application filed in compliance with this chapter may be referred to any public agency that may be affected by or have an interest in the proposed land use activity.

§152.086 (C) Citizen review process.

(1) Purpose

The purpose of the citizen review process is to provide a means for the applicant, surrounding residential neighbors, and registered neighborhood and homeowner's association representatives to review a preliminary development proposal and solicit input and exchange information about the proposed development. This citizen review process is intended to result in an application that is responsive to neighborhood concerns and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands or denials. The applicant is responsible for all costs associated with the citizen review process.

(2) Applicability

In accordance with A.R.S. § 9-462.03, all of the following application types shall conduct a neighborhood meeting, unless as may be otherwise specified in this section, the city code, or A.R.S.

- (a) General plan amendments;
- (b) Zoning text amendments;
- (c) Zoning map amendments (rezoning);
- (d) Conditional use permits (optional);
- (e) Variances (optional); and
- (f) Major modification to an approved plan or condition of approval (when original approval requires neighborhood meeting).

(3) Meeting schedule

The applicant shall be responsible for scheduling and facilitating the meeting. The applicant is required to hold one meeting, prior to the first public hearing on an application for a specific project but may hold more if desired. The required meeting shall be held **at least 15 calendar days before the first public hearing** on the application. Attendance at the meeting by Community Development Department staff is not required and will be determined by the Zoning Administrator on a case-by-case basis.

(4) Meeting location

Neighborhood meetings shall be held at a location near the subject property. The meeting shall be held on a weekday evening, or weekends at any reasonable time and in a publicly accessible location.

(5) Notification requirements

Notice of the meeting, which shall state a brief description of the application and include the date, time, and place of the meeting, shall be provided by the applicant as follows:

(a) Mailing a notice **not less than ten calendar days prior to the date of the neighborhood meeting** to:

1. All real property owners, as shown on the latest Coconino County assessment records, within 300 feet of the outer boundary of the subject property. This notification area may be expanded if the general plan or other policy adopted by the City Council requires notification within a larger area or the Zoning Administrator determines the potential impact of the project extends beyond the required notification boundary;
2. Residents, registered neighborhoods, and homeowners' associations that may be impacted as a result of the application, and other neighborhood entities identified by the city;
3. Interested parties which have requested that they be placed on a contact list for this application; and
4. Potentially interested parties that have been identified by the city.

(6) Meeting summary.

The applicant shall submit to the Community Development Department **seven calendar days** before the first public hearing on the matter a written summary of the meeting. The following information shall be included in the meeting summary, at a minimum: date, time, and location of the meeting; a copy of the mailing list and meeting sign-in sheet, a summary of how the applicant has addressed or proposes to address the issues, concerns, and objections identified during the meeting.

§152.086 (E) Public notice requirements.

Public notification required under this chapter, shall be subject to the following requirements, unless as may be otherwise specified in the city code or as set forth in A.R.S. Any changes to Arizona Law notice requirements shall have control over this provision in the manner of providing notice.

(1) Summary of notice requirements.

The notices shall be:

- (a) Published on newspaper
- (b) Mailed to the property owners within 300 feet
- (c) Posted on the lot
- (d) Neighborhood meeting notice- **Applicant's responsibility**

(2) Content of public notice.

All required notifications as specified in Table 6.2-1 shall include; the date, time, and place of the hearing; a general explanation of the matter to be considered; a general description of the area affected; and indicate where additional information on the matter may be obtained. If the matter to be considered applies to territory in a high noise or accident potential zone as defined in A.R.S. § 28-8461, the notice shall include a general statement that the matter applies to property located in the high noise or accident potential zone.

(3) Specific notice requirements.

Notice as specified in Table 6.2-1, shall be provided as follows:

- (a) **Published notice.** A public hearing display ad (per A.R.S. § 9-462.04) shall be placed by the city, at least once in a local newspaper of general circulation within the city. The advertisement shall be published at least 15 calendar days prior to the public hearing.
- (b) **Mailed notice.** A notice of public hearing shall be sent by the city, via U.S. first class mail, at least 15 calendar days prior to the public hearing. The applicant shall be responsible for providing the city with mailing labels containing the names and addresses of:
 - 1. The applicant or representative and owners of the subject property;
 - 2. All real property owners, as shown on the latest Coconino County assessment records, within 300 feet of the outer boundary of the subject property. This notification area may be expanded if other policy adopted by the City Council

requires notification within a larger area or the Zoning Administrator determines the potential impact of the project extends beyond the required notification boundary;

3. Residents, registered neighborhoods, and homeowners' associations that may be impacted as a result of the application, and other neighborhood entities city as determined by the Zoning Administrator;
4. Interested parties which have requested that they be placed on a contact list for this application;
5. Interested parties that have been identified by the city;
6. If the proposed project involves land that abuts other municipalities or unincorporated areas of Coconino County or a combination thereof, notice of the public hearing shall be sent to the planning agency of the adjacent governmental unit.
7. If the proposed project involves land that is located within the territory in the vicinity of a military airport or ancillary military facility as defined in A.R.S § 28-8461, notice of the public hearing shall be sent to the military airport.

(c) Posted notice. A notice of public hearing shall be posted by city on the lot, parcel, or tract of land that is the subject of the application. A minimum of one posting shall be placed in a manner that is clearly visible from the most heavily traveled public right-of-way adjoining the subject property and shall be placed at least 15 calendar days prior to the public hearing. Such notice shall be composed of weatherproof materials and shall be printed so that the following are visible from a distance of 100 feet: the application type, the application request (i.e. for a zoning map amendment display the present zoning district classification and the proposed zoning district classification) and the date, time, and location of the hearing. The city shall update the sign as needed and maintain the sign in good condition throughout the required posting period. The posting shall be removed no later than ten days after the public hearing and final action.

(d) Neighborhood meeting. A notice of neighborhood meeting shall be provided as specified in § 152.086(C)(5).

- (e) Multiple notices. When multiple applications are under review for the same project, the responsible noticing body as specified in this section may simultaneously issue notice for multiple applications.
- (f) Validity of notice. The validity of the public hearing proceedings shall not be affected by the failure of any person to receive notice or by the presence of minor defects in the notice. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notices' primary intent to inform affected parties of the project and the time, date, and place of a public hearing or meeting.