

SECTION 2

ADMINISTRATION

2.1 ZONING ADMINISTRATOR

2.1.1 Establishment of the Office of the Zoning Administrator

There is established the office of Zoning Administrator. The Zoning Administrator shall be a regular, full-time employee of the City of Page and shall be appointed by the Page City Council.

2.1.2 Duties of the Zoning Administrator

The Zoning Administrator shall:

- A. Accomplish all administrative actions required by this Ordinance including, but not limited to, the giving of notice, scheduling of hearings, preparation of reports, receiving and processing appeals, and the acceptance and accounting of fees.
- B. Interpret the Zoning Ordinance to the public, City Departments, and other branches of government, subject to the general and specific policies established by the Council and the Commission. Interpretation of this Ordinance includes, but is not limited to, clarification of intent and the delegation of processing procedures and requirements.
- C. Undertake preliminary discussions with, and provide advice to, applicants who request zoning information and action.
- D. Enforce the provisions of the *City of Page Zoning Ordinance*.

2.2 BOARD OF ADJUSTMENT

2.2.1 Purpose

The Board of Adjustment is created to provide for relief from the terms of this Ordinance and to hear and decide appeals from decisions of the Zoning Administrator.

2.2.2 Council Acting as Board of Adjustment

In the absence of a Board of Adjustment or by desire of the Council, it may act as the Board of Adjustment. In such case, the Council shall meet as a Board of Adjustment and not take action as a Board at regular council meetings. The Council acting as a Board shall adhere to the applicable rules listed in this Section.

2.2.3 Appointment, Term of Office, and Removal

A Board of Adjustment is established and shall consist of 5 electors of the City, appointed by the Council. To provide continuity on the Board, the first appointments shall be as follows: 1 member for a 1 year term; 2 members for 2 year terms; and 2 members for 3 year terms. Thereafter, all appointments shall be for 3 year terms. Vacancies occurring other than through expiration of the term may be filled for the unexpired portion of the term, or as deemed appropriate by Council.

The term of all members shall extend until their successors are qualified, provided that 3 successive unexcused or unexplained absences from any regular or special meeting shall be grounds for termination at the pleasure of the appointing authority without the necessity of a hearing or notice. Such action shall be final.

Members of the Board may, after a public hearing, be removed by the Council for inefficiency, neglect of duty or malfeasance in office. The Council shall file a written statement of the reasons for the removal.

All members shall serve without pay. However, members may be reimbursed for actual expenses incurred in connection with their duties upon authorization by the Board and approval of the expenditures by the Council.

2.2.4 Organization, Meetings, Rules and Regulations

The Board shall elect a Chairperson and a Vice-Chairperson from its members, who shall serve in this capacity for 1 year and until their successors are elected and qualified. The Chairperson shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chairperson shall have the power to administer oaths and take evidence. In the absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson. Vacancies shall be filled for the unexpired term by a new election. In the case of the Council acting as Board, the Mayor shall act as Chairperson.

The Board shall adopt rules and regulations consistent with the provisions of this Ordinance for the conduct of its business, hearings, and procedures. The Board shall meet at times and a place as prescribed by its rules. All meetings of the Board shall be open to the public. No change shall be made in meeting times or place without a published 7 day notice. Any 3 members of the Board may make written request to the Chairperson for a special meeting. In the event the meeting is not called, the members may call a special meeting in a manner and form as provided in the Board rules.

The Council shall appoint a Secretary who shall keep minutes of the Board's proceedings, showing the action of the Board and the vote of each member upon each question or, if absent or failing to vote, indicating that fact. The Secretary shall also keep records of the Board's examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and kept as a public record.

In the case of the Council acting as the Board, a majority of the Council shall constitute a quorum. Otherwise, the presence of a majority of the Board shall constitute a quorum. The Board shall act by motion or resolution. The affirmative vote of a majority

of all members shall be required for passage of any matter before the Board. A member may abstain from voting only upon a declaration of a conflict of interest, in which case the member shall not participate in the deliberations of the matter in question. The Board may ask City departments for assistance in the performance of its duties, and it shall be the duty of each department to render assistance to the Board as may be reasonably required.

2.2.5 Powers, Duties and Limitations of the Board

The Board shall:

- A. Hear and decide appeals in which it is alleged there is an error in an order, requirement, or decision made by the Zoning Administrator in the enforcement of this Ordinance.
- B. Hear and decide appeals for Variances from the terms of the Zoning Ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location or surroundings, the strict application of the Ordinance will deprive the property of privileges enjoyed by other properties of similar classification in the same Zoning District. Any Variance is subject to conditions that will ensure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.
- C. Reverse or affirm, wholly or partly, or modify the order, requirement or decision of the Zoning Administrator and make an order, requirement or decision as necessary.
- D. Interpret boundaries of Zoning Districts.

The Board may not:

- E. Make any changes in the use permitted in any zoning classification or Zoning District, or make any changes in the terms of this Ordinance, provided the restriction in this paragraph shall not affect the authority to grant Variances.
- F. Grant a Variance if the special circumstances applicable to the property are self-imposed by the property owner.

2.2.6 Appeal of a Zoning Administrator Decision

Appeals may be made to the Board of Adjustment concerning the interpretation or administration of this Ordinance by any person aggrieved by any decision of the Zoning Administrator. An aggrieved person shall have a direct interest in the property affected, such as the owner, mortgagee, or lessee.

Applications for any matter to be considered by the Board shall be filed with the Zoning

Administrator on forms furnished for this purpose within 15 calendar days after the action appealed from, and shall specify the grounds for the appeal. Within 5 working days after the appeal is filed, the Zoning Administrator shall transmit to the Board all information pertaining to the appeal.

The appeal stays all proceedings in the matter under appeal unless the Zoning Administrator certifies to the Board that, by reason of the facts stated, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the Board, or by a court of record on application and notice to the Zoning Administrator.

The Board shall conduct a public hearing on the appeal. Any party may appear at the hearing in person or by agent. Parties attending the hearing can present their case by oral or documentary evidence, submit rebuttal evidence, and conduct such cross-examination of witnesses as may be required for a full and true disclosure of the facts; provided that:

- A. The submission of documentary evidence shall not, by reason of its written form, prejudice the interest of any party; and
- B. The Board shall provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence, and in furtherance of this policy, may limit cross-examination.

2.2.7 Appeals From the Board of Adjustment

Any person aggrieved by a decision of the Board may, within 30 calendar days after the filing of the decision of the Board, petition the court for a writ of certiorari for review of the Board's decision. Allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board, and for good cause shown, grant a restraining order, and on final hearing may reverse or affirm, wholly or partly, or may modify the decision reviewed.

2.3 VARIANCE REVIEW PROCEDURES AND REQUIREMENTS

2.3.1 Purpose

Because of special circumstances applicable to a property, including its size, shape, topography, location or surroundings, there may be instances in which the strict application of the Zoning Ordinance will deprive the property of privileges enjoyed by other properties in the same zoning district. To ensure a fair application of this Ordinance, a Variance from the standards imposed may be granted by the Board of Adjustment.

2.3.2 Review Criteria

A Variance shall not be granted unless the Board determines that:

- A. Special conditions and circumstances exist which are peculiar to the

land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same Zoning District.

- B. A literal interpretation of this Ordinance would deprive the appellant of rights commonly enjoyed by other properties in the same Zoning District.
- C. The alleged hardship caused by literal interpretation of the provisions of this Ordinance includes more than personal inconvenience and financial hardship, and is not the result of actions by the appellant.
- D. Granting the Variance will not confer upon the appellant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same Zoning District.
- E. Granting the Variance will not interfere with or substantially injure the appropriate use of adjacent conforming properties in the same zoning district.
- F. The reasons set forth in the appeal justify the granting of the Variance, and that the Variance is the minimum Variance that will make possible the reasonable use of the land, building or structure.
- G. Granting the Variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting the Variance, the Board may impose conditions to ensure that the purpose of this Ordinance will be fulfilled. Failure to comply with such conditions, when made a part of the terms under which a Variance is granted, shall be a violation of this Ordinance.

No non-conforming use or violations of this Ordinance with respect to neighboring lands, structures or buildings, in the same Zoning District, and no permitted use of lands, structures or buildings in other Zoning Districts, shall be considered grounds for granting a Variance.

Every Variance shall be personal to the appellant and shall be transferable and run with the land only after completion and final inspection of any authorized structure.

Every Variance shall be personal to the appellant and shall be transferrable and run with the land only after completion and final inspection of any authorized structure.

Nothing shall be construed to empower the Board to change the terms of this Ordinance, to authorize uses which violate any other City Ordinance, to affect changes in the Zoning Map, or to add to the uses permitted in any Zoning District, or to grant a Conditional Use Permit.

Every decision of the Board shall be based upon findings of fact, and every finding of fact shall be supported in the record of its proceedings. The conditions required by this Ordinance to exist on any matter upon which the Board is authorized to pass under this

Ordinance shall be construed as limitations on the power of the Board to act. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed findings of fact, and shall not be deemed in compliance with this Ordinance.

2.4 PUBLIC HEARINGS

2.4.1 Applicability

Unless otherwise noted, all public hearings required by this Ordinance shall be governed by the procedures contained in this Section. The procedures in this Section shall be governed by any changes to *A.R.S. §9-462.04*.

2.4.2 Newspaper Notification

Notice of the time and place of the public hearing shall be published at least once in a newspaper of general circulation at least 15 days before the hearing. The notice shall include a general explanation of the matter to be considered, as well as a general description of the area affected, if applicable.

2.4.3 Posting

If the public hearing involves a property, notice of the Commission's meeting shall be provided by posting the property at least 15 days before the meeting date. After the property is posted by the Zoning Administrator, it shall be the responsibility of the applicant to maintain the posting until the public hearing.

2.4.4 Notification of Adjacent Municipalities or Counties

In proceedings involving rezoning of land which abuts other municipalities or unincorporated areas of the county, copies of the notice of public hearing shall be transmitted to the planning agency of the governmental unit abutting the land.

2.4.5 Notification by Mail

In proceedings not initiated by the property owner involving rezoning of land, notice by first class mail shall be sent to each real property owner, as shown on the last assessment of the property, of the area to be rezoned and to all property owners, as shown on the last assessment of the property, within 300 feet of the property to be rezoned.

2.4.6 Notice for a Change in Zoning Standards

In proceedings involving either a 10% or more increase in the square feet or units that may be developed, a 10% or more change in the allowable building height, a 10% or more change in setback or open space requirements, a change in the number of stories of buildings, or a change in permitted uses, the municipality shall provide notice to real property owners with at least one of the following notification procedures:

- A. 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.
- B. If the municipality issues utility bills, or other mass mailings that periodically include notices or other informational or advertising materials, the municipality shall include notice of the changes with the utility bill or other mailings.
- C. The municipality shall publish the changes prior to the first hearing on the changes in a newspaper of general circulation in the municipality. The changes shall be published in a “display ad” covering at least _ of a full page.

If notice is provided pursuant to B or C, the municipality shall also send notice by first class mail to persons who register their names and addresses with the municipality as being interested in receiving such notice.

2.5 SITE PLAN REVIEW PROCEDURES AND REQUIREMENTS

2.5.1 Purpose

The purpose of site plan review is to enable the Zoning Administrator to make a finding that the proposed development conforms with the provisions of this Ordinance and all other City ordinances, and to guide the Building Official in the issuance of building permits.

2.5.2 Applicability

The provisions of this Section shall apply to all permitted principal uses in any RM, CBD, SC, IP, or BP Zoning District, and to all conditional uses in all Zoning Districts, but excluding single-family and manufactured housing residences on platted lots. The provisions of this Section shall also apply to any Planned Development.

The provisions of this Section shall apply to new construction and additions or expansions exceeding 25% of the existing floor area of the principal structure.

The Building Official shall not issue any building permits until a Site Plan has been approved under the provisions of this Section if a Site Plan is required.

2.5.3 Application for Site Plan Review

A request for site plan review shall be filed with the Zoning Administrator on a form prescribed by the Administrator. The request for site plan review shall be accompanied by 10 copies of the Site Plan. The Site Plan may be filed in a digital format at the discretion of the Zoning Administrator. If hard copies are filed, each copy shall be on paper measuring not more than 24 by 36 inches, drawn to a scale not smaller than 100 feet to the inch and one 8.5" x 11" reduced copy of each page. The following items need to be included:

- A. Lot dimensions, including a legal description of the property.

- B. All buildings and structures; including their location, size, height, proposed use and types of exterior material.
- C. Yards and spaces between buildings; including location and dimensions.
- D. Walls, fences and screening; including location, height and type of material.
- E. Off-street parking: location, number of spaces, dimensions of parking areas, circulation patterns, type of paving for driveways, parking or storage areas.
- F. Access - pedestrian, vehicular, and service: points of ingress and egress.
- G. Signs: including the location, dimensions, area, materials and lighting.
- H. Loading: location, dimensions, number of spaces, internal circulation.
- I. Lighting: location, height, type, and general nature of lighting.
- J. Street dedications and improvements.
- K. Existing and proposed grades, drainage systems, structures and retention basins with topographic contours at intervals not exceeding 2 feet, if deemed necessary by the Zoning Administrator.
- L. Landscaping; including surfacing materials around buildings and in other open spaces, and irrigation system design.
- M. The size and location of all existing and proposed public and private utilities and their easements.
- N. Outdoor storage (and screening), if applicable; including the location, height, and dimensions.
- O. Refuse areas; including the location and dimensions.
- P. Any additional information which the Zoning Administrator may find necessary to establish compliance with this and other ordinances.
- Q. A fee in accordance with *Section 1.8, Fees*.

2.5.4 Site Plan Review Procedure

The general site plan review process is depicted in *Figure 2-1, Site Plan Review Process*. In reviewing a submitted Site Plan or proposed development, the Zoning Administrator shall determine whether the proposed building, structure, or

development:

- A. Adequately provides for vehicular and pedestrian safety by reason of properly arranged vehicular and pedestrian ingress and egress and that excessive traffic congestion will not be created.

The proposed lighting and/or proposed signs are in accordance with any light and sign provision of any ordinance of the City of Page.

- C. Protects adjoining properties and structures from excessive and unreasonable light, noise, vibrations, gases, odors, or other factors which will interfere with the use and enjoyment of surrounding properties.
- D. Will not be detrimental to or endanger the public peace, health, safety or general welfare of the surrounding properties, or unreasonably interfere with the use or enjoyment of property in the vicinity.

For Site Plans in RM, MHP, all commercial, and all industrial Zoning Districts, the Zoning Administrator shall have 20 working days from the date of submission of a completed site plan application to review the plan and approve, conditionally approve or reject the plan and notify the applicant of the decision in writing. If the Zoning Administrator determines that special conditions exist, the Site Plan shall be forwarded to the Commission for action at their next regular meeting. In such case, the Zoning Administrator must forward the Commission's decision to the applicant within 5 working days after Commission action. The decision shall describe in detail the reasons for denial, or in the event of conditional approval, the changes or additions which are necessary to make the Site Plan acceptable. For Site Plans in Planned Development and Gateway Zoning Districts, once the Site Plans have been reviewed by the Zoning Administrator, they shall be forwarded to the Planning Commission for action.

2.5.5 Mitigating Special Conditions

In reviewing the Site Plan, the Zoning Administrator or the Commission may determine that special conditions require one or more of the following:

- A. Additional building setbacks;
- B. Additional landscaping;
- C. Additional on-site parking or loading spaces;
- D. Height and/or area limitations;
- E. Limited vehicular access;
- F. Walls, fences and screening devices;
- G. Noise attenuation measures;
- H. Off-site improvements in public rights-of-way adjacent to the property;
- I. Any other restriction necessary to protect adjacent properties.

Copies of the approved Site Plan shall be dated and signed by the Zoning Administrator. One copy of the approved Site Plan shall be mailed or hand-delivered to the applicant, one copy shall be filed with the City Building Official, and one copy with the Zoning Administrator.

2.5.6 Time Limit on Site Plan Approval

A site plan approval becomes void if a building permit has not been issued within 1 year from the date of approval. An extension of approval may be granted if the applicant files for an extension prior to the approval becoming void and the extension is granted by the Zoning Administrator. The Zoning Administrator may grant a one-time 3 month extension. Additional extensions must be approved by the Commission.

Applications for extensions of the time need to include justifications for the extension. The Commission will give consideration to the following:

- A. Progress of the project
- B. Funds spent on the project
- C. Good faith efforts
- D. Weather-related delays and other Acts of God
- E. Delays related to archaeological or environmental issues
- F. Fees, in accordance with *Section 1.8, Fees*

2.5.7 Violations/Termination

The Zoning Administrator shall notify the applicant of a violation or termination of a site plan approval, by mail, if the applicant has not commenced use of the building permit. The applicant shall be notified if they are in violation of the conditions of the Site Plan. If no attempt is made to change the circumstances of the violation within 10 days of notification, the building permit and site plan approval shall be revoked.

2.6 CONDITIONAL USE PERMITS

2.6.1 Purpose

The purpose of this Section is to permit Conditional Uses in appropriate Zoning Districts. This may only occur in specific locations and only when designed and developed in a manner which assures maximum compatibility with adjoining uses. This Section establishes principles and procedures essential to proper guidance and control of these uses.

2.6.2 General Regulations

The Commission is empowered to grant or deny applications for Conditional Use Permits and to impose reasonable conditions upon them.

Any building, structure or use existing on the effective date of this Ordinance which is reclassified from a Principal Use to a Conditional Use shall be considered to meet the conditions which would otherwise be imposed by this Ordinance. Its continuance shall not be subject to issuance of a Conditional Use Permit provided, to the extent that it fails to conform to the requirements of this Ordinance, it shall be considered non-conforming and its continuance shall be governed by all applicable non-conforming use regulations.

Every Conditional Use Permit shall be applicable only to the specific use and specific property for which it is issued. Upon completion and final inspection by the Building Official of any authorized permanent structure, signifying that all zoning and site development requirements imposed in connection with the Permit have been satisfied, the Permit shall run with the land. Conditional Use Permits not involving the construction of a permanent

structure shall have a time limit established by the Commission. The Commission shall require inspections by City staff for compliance with the terms of the Permit as part of any application for renewal. Maintenance of special conditions imposed by the Permit, as well as compliance with other provisions of this Ordinance, shall be the responsibility of the property owner.

2.6.3 Application

Application for a Conditional Use Permit shall be filed with the Zoning Administrator on a form prescribed by the Administrator. The application shall be accompanied by a detailed Site Plan prepared in accordance with *Section 2.5, Site Plan Review Procedures and Requirements*, showing all information necessary to demonstrate that the proposed use will comply with all special conditions as well as other regulations and requirements of this Ordinance. The applicant shall furnish the Zoning Administrator and/or the Commission any additional information they may consider relevant to investigation of the case. A general overview of the process is depicted in *Figure 2-2, Conditional Use Permit Process*.

2.6.4 Commission Action and Findings

The Commission shall consider the application at their next regular meeting if the application was filed at least 20 working days prior to the meeting. Otherwise, it shall be carried over until the next regularly scheduled meeting. The Commission may reach a decision, continue the matter to a specified date, or set the matter for public hearing.

Applications for a Conditional Use Permit may be approved if the Commission finds:

- That the use will not adversely affect the health, safety or general welfare of the public in the general vicinity of the proposed Conditional Use Permit.
- That the use is compatible with the area and does not negatively effect the properties in the general vicinity;

Satisfactory consideration shall also be given to the following:

- A. *Circulation*: Number and location of access points to the property and the proposed structures, with reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- B. *Parking and Loading*: Location of off-street parking and loading areas and the impact of the proposed use on existing parking areas.
- C. *Effect on Adjacent Property*: Levels of light, noise, glare, smoke, dust, vibration or odor.
- D. *Service Entrances and Areas*: Locations of refuse and service areas with particular reference to ingress and egress of service vehicles.

- E. *Utilities*: Location and availability of utilities.
- F. *Screening and Landscaping*: Installation of screening, fencing and landscaping where necessary to protect adjacent property or to screen uses from off-site areas.
- G. *Signs and Lighting*: Locations of exterior lighting and signs with reference to glare, traffic safety, economic or visual impact and compatibility with other properties in the area.
- H. *Open spaces*: Location of required yards, buffer areas, and other open spaces and preservation of existing trees, vegetation and other natural features.

The Commission may designate conditions in connection with the Conditional Use Permit to secure the intent of this Ordinance and may require guarantees and evidence that the conditions are being or will be complied with.

The permit shall be denied, if the Commission finds that the application and supporting data does not indicate that all applicable requirements of this Ordinance will be met. Notice of denial, including the reasons, shall be mailed to the applicant at the address in the application. The Commission's action shall be reported to the Council.

If the Commission approves the application, it shall direct the Zoning Administrator to issue a Conditional Use Permit establishing conditions governing the use, make the approved Site Plan a part of the record of the case, and report its actions to the Council. Failure of the applicant to comply with the conditions and safeguards which are a part of the terms under which a Conditional Use Permit is granted shall be a violation of this Ordinance and shall be cause for revocation of the Permit.

2.6.5 Time Limits

Conditional Use Permits become effective after approval by the Commission, provided the applicant has complied with all applicable stipulations, City, County, and State codes, laws and regulations but, in the event an appeal is filed, the permit shall not become effective until a decision is made by the Council.

Any Conditional Use Permit approved by the Commission shall commence not later than 6 months from the date of approval, otherwise it shall become void.

The Commission may impose a time limitation for Conditional Use Permits. At the end of this time limit, the Commission may reconsider the application. No person may reapply for the same or similar Conditional Use Permit on the same or substantially the same parcel within a period of one year from the date of denial or revocation of the permit.

2.6.6 Revocation

The Zoning Administrator shall notify the applicant by mail if in violation of the CUP. If no attempt to change the violation is made within 10 working days of notification, the Commission shall reconsider the application.

Any Conditional Use Permit issued by the Planning and Zoning Commission shall be considered void if construction does not conform to the originally approved Site Plan. Any deviations requested from the originally approved Site Plan shall be processed as a new permit.

2.6.7 Appeal of Planning and Zoning Commission Decisions on Use Permits

Any person may file an appeal with the Council over a decision of the Commission regarding the granting or denying of Conditional Use Permits. If no appeal is filed with the Council within 15 calendar days after Commission action, the action shall be final.

When written appeal is filed with the City Clerk, the Council shall evaluate the request at their next regular meeting and may approve, deny or set the matter for a public hearing as established in *Section 2.4, Public Hearings*.

Notice shall be given to the Commission of the appeal and the Commission shall submit a report to the Council explaining the reasons for its action. The Commission shall be represented before the Council by the Commission Chairperson or a designee.

The Council shall, within 15 calendar days after their regular meeting or public hearing, either uphold the action of the Commission, reverse that action, or make a decision of its own findings.

If the Council upholds granting a use permit, it may designate conditions in connection with the permit to ensure the intent of this Ordinance and require guarantees that the conditions will be followed.

The Council's decision shall be final and shall become effective immediately. Notice of the decision shall be mailed to the applicant at the address shown in the application.

2.7 ZONING ORDINANCE AND ZONING MAP AMENDMENTS

2.7.1 Purpose

As the *City of Page General Plan* is implemented, there will be a need for changes in Zoning District boundaries and other regulations of this Ordinance. As the General Plan is reviewed and revised periodically, other changes in the regulations of this Ordinance may be warranted. These amendments shall be made in accordance with the provisions and procedure prescribed in this Ordinance and *Section §9-462* of the *Arizona Revised Statutes*. An amendment may be initiated by the 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.

2.7.2 Petition to Amend the Zoning Ordinance

Petitions for change of district boundaries or amendment of regulations shall be filed with the Planning and Zoning Department. The general procedure is shown in *Figure 2-3, Zoning Ordinance Amendment Process*. In the case of a petition requesting a zoning

district change which includes property in addition to that owned by the petitioner, the petition shall include the affirmative signatures of the real property owners representing at least 75% of the land in the area proposed to be changed. A Zoning District change petition shall be filed on a form provided for the purpose and shall include:

- A. A map showing the property for which the change of zone is requested, which includes the adjoining properties and the public streets and ways within a radius of 300 feet of the exterior boundaries. All easements existing on the property must be shown.
- B. A list of all property owners within 300 feet, exclusive of streets, of the property proposed for rezoning.
- C. Reasons justifying the petition.
- D. A true statement revealing any conditions or restrictions of record which would affect the permitted uses of the property if rezoned as requested and the date (if any) of expiration.
- E. Photographs, drawings, and other supporting documents as the applicant may desire to present.
- F. A fee in accordance with *Section 1.8, Fees*.

2.7.3 Tentative Plan At Time Of Rezoning

Requests for rezoning to any district which requires tentative site plan approval in accordance with *Section 2.5, Site Plan Review Procedures and Requirements*, shall be accompanied by a tentative development plan which shall show the following:

- A. Proposed street system.
- B. Proposed block layouts.
- C. Proposed areas for parks, parkways, playgrounds, recreation areas and other open spaces.
- D. Off-street parking space.
- E. Types and uses of structures.
- F. Locations of structures, garages and/or parking spaces.
- G. A tabulation of the total number of acres in the proposed project and a percentage designated for each type of land use.
- H. Preliminary plans and elevations of the proposed structures.

- I. Other items as deemed appropriate by the Zoning Administrator.

Any Site Plan approved in accordance with *Section 2.5, Site Plan Review Procedures and Requirements*, must conform to the tentative development plan presented at the time of the rezoning request.

2.7.4 Time-Frame/Schedule

At the time of rezoning, the Commission and/or the Council may establish a schedule for development of the specific use 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 rezoned, it shall revert to its former zoning classification without legislative action.

2.7.5 Hearing Before the Planning and Zoning Commission

The Commission shall fix a reasonable time for a public hearing of the proposed amendment. Within 30 calendar days after completing 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 Commission's action.

Prior to publishing a petitioned zoning change, the Commission may change the boundaries of the area to constitute a more reasonable Zoning District boundary.

The Commission may propose any amendments to the Zoning Ordinance and Zoning Map. After holding a public hearing the Commission shall either:

- A. Transmit the proposal to the Council, which shall proceed as 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.

2.7.6 Hearing Before The City Council

After 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 or request for public hearing. The Council shall hold a public hearing if requested by the party aggrieved or any member of the public or of the governing body.

If the owners of 20% or more of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side extending 150 feet there from, or of those directly opposite extending 150 feet from the street frontage of the opposite lots, filed a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of 75% of all members of the Council. If any Council member is unable to vote on the question because of a conflict of interest, the required number of voters for passage shall be 75% of the remaining membership of the Council, providing that the required number of votes shall not be less than a majority of the full Council membership.

If the Council's recommendation is to overrule the recommendation of the Commission, the

decision shall require the vote of 75% of all Council members voting on the question.

The Council shall not make changes in any proposal recommended by the Commission until the proposed changes have been referred back to the Commission for a report. Failure of the Commission to report back to the Council within 30 calendar days from the date of receipt of the recommended changes shall result in approval of the proposed change.

2.7.7 Reconsideration Of Denied Amendments

If 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 one year from the date of the denial, unless the conditions upon which the original denial was based have changed. This paragraph shall not be interpreted as limiting the Commission's power to amend the Zoning Ordinance and Zoning Map pursuant to this Section.

2.7.8 Exceptions

In the event that a request for amendment concerns only the amendment of general requirements or permitted uses, no signature of affected property owners shall be required; provided that all other provisions of this Section are followed.

2.8 DEVELOPMENT AGREEMENTS

2.8.1 Purpose

To promote the public safety, health, and general welfare by encouraging prudent planning, the City of Page may, by resolution or ordinance, enter into Development Agreements relating to property in the municipality and to property located outside the municipality. If the Development Agreement relates to property outside the municipality, it will not become operative unless annexation proceedings to annex the property to Page are completed within the time period specified by the Development Agreement.

2.8.2 Conformance with the General Plan

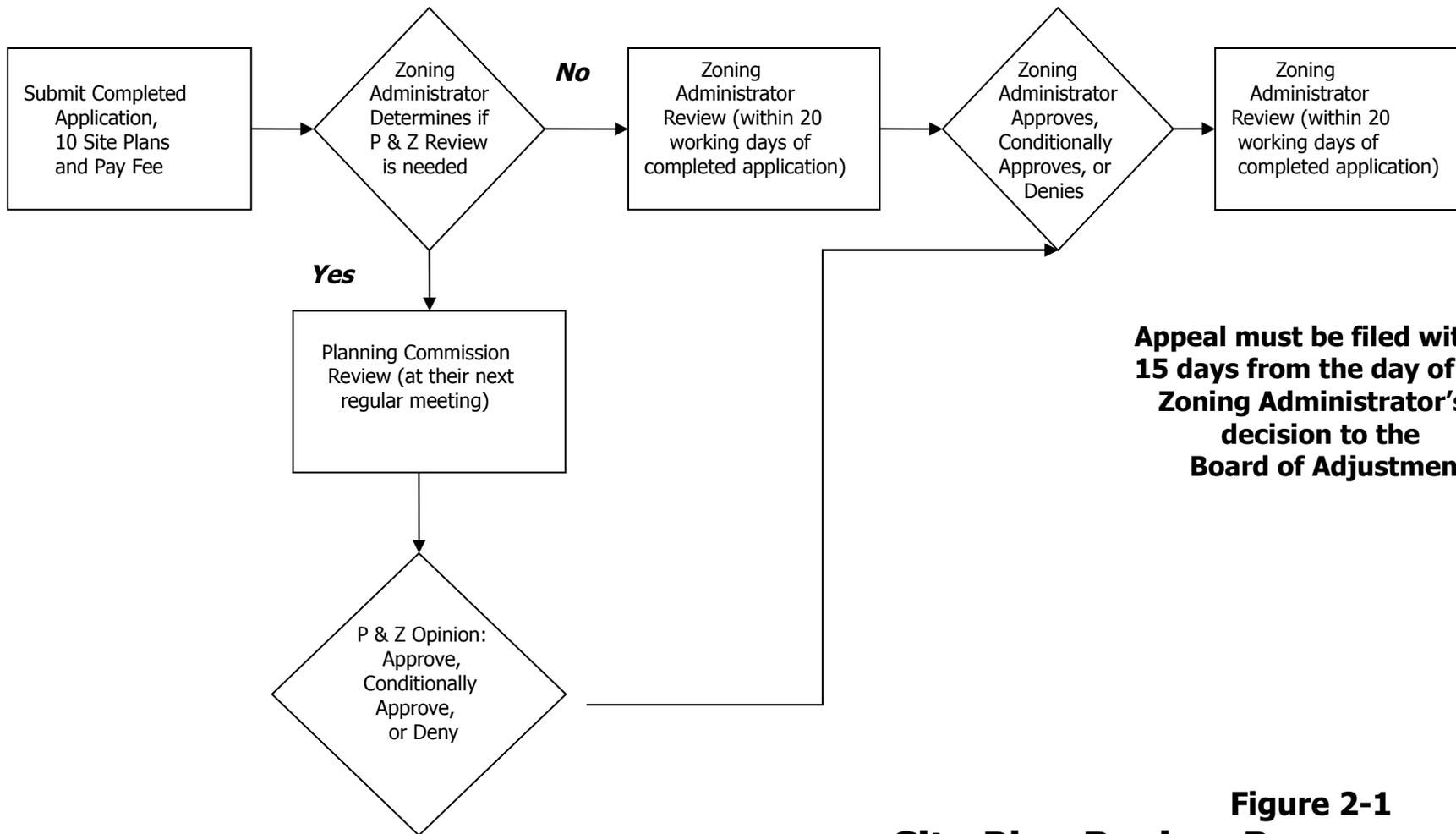
A Development Agreement shall be consistent with the *City of Page General Plan* on the date that it is executed.

2.8.3 Applicability

A Development Agreement may be executed between the City of Page, a landowner, or any other person having an interest in real property that may specify or relate to any of the following:

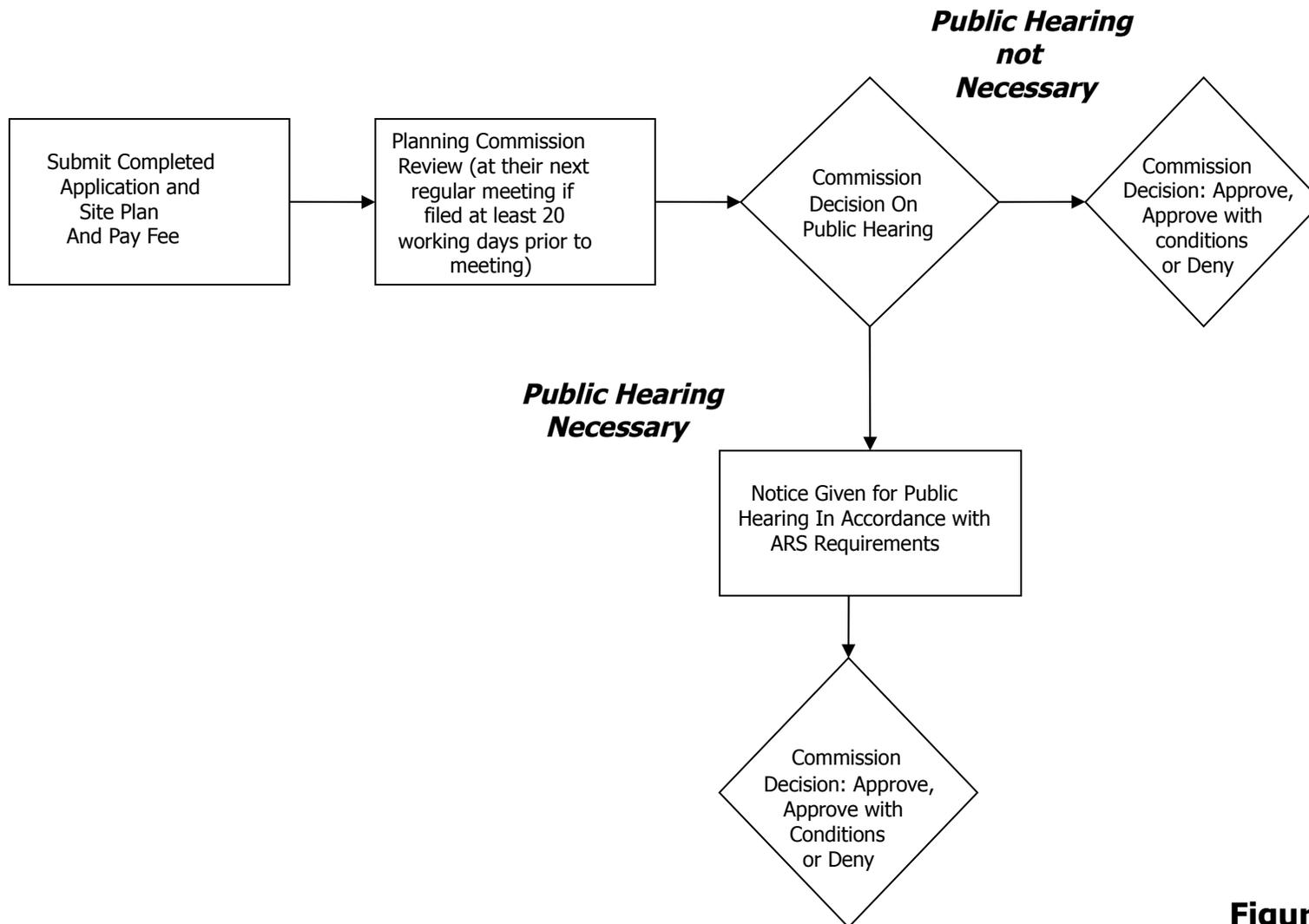
- A. The duration of the Development Agreement.
- B. The permitted uses of property subject to the Development Agreement.
- C. The density and intensity of uses and the maximum height and size of proposed buildings within the property.

- D. Provisions for reservation or dedication of land for public purposes and provisions to protect environmentally sensitive lands.
- E. Provisions for preservation and restoration of historic structures.
- F. The phasing of construction on the property.
- G. Conditions, terms, restrictions and requirements for public infrastructure and the financing of public infrastructure and subsequent reimbursements over time.
- H. Conditions, terms, restrictions and requirements for annexation of property by the municipality and the phasing of annexation of property by the municipality.
- I. Conditions, terms, restrictions and requirements relating to the governing body's intent to form a special taxing district.

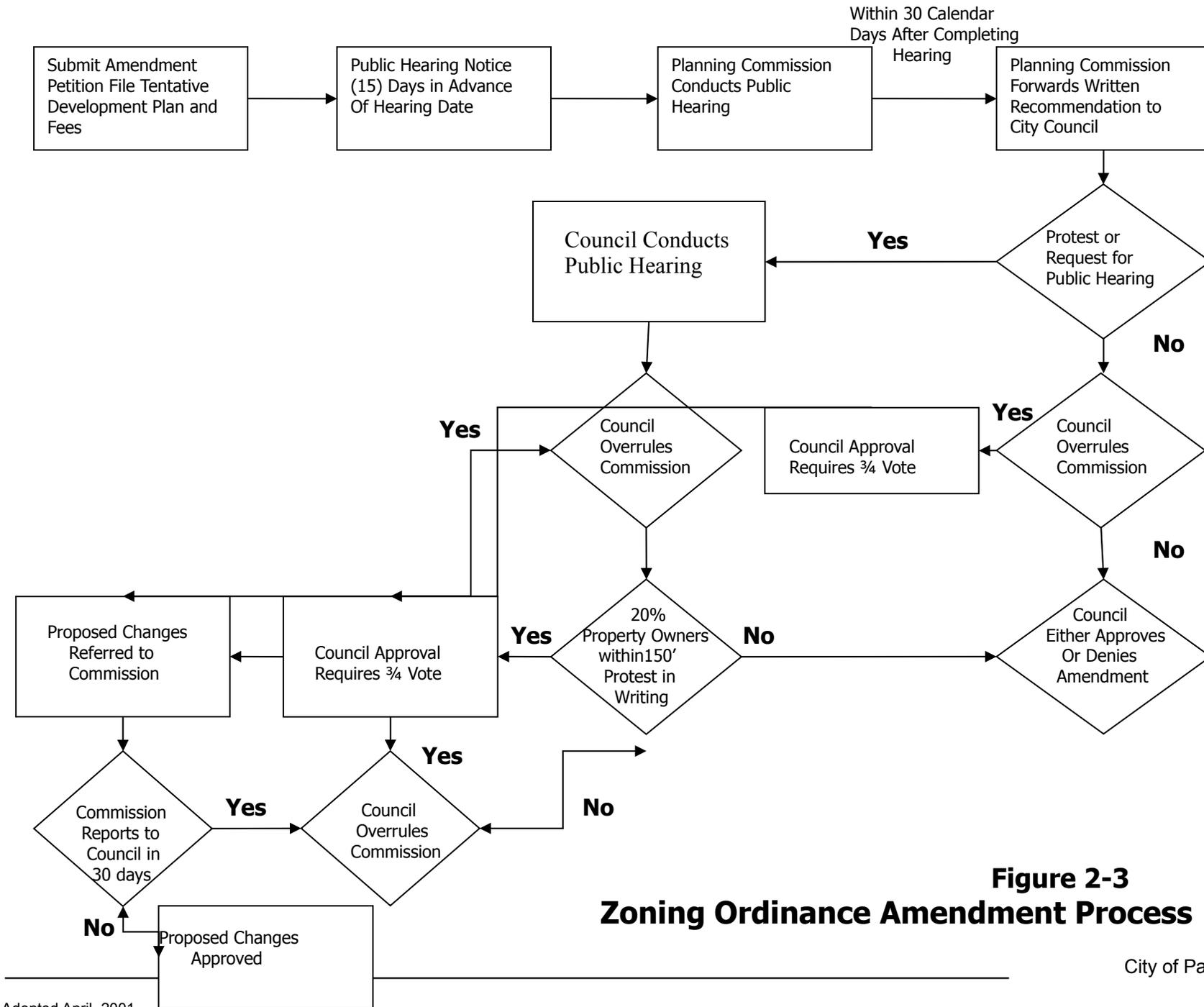


Appeal must be filed within 15 days from the day of the Zoning Administrator's decision to the Board of Adjustment

**Figure 2-1
Site Plan Review Process**



**Figure 2-2
Conditional Use Permit Process**



**Figure 2-3
Zoning Ordinance Amendment Process**

