

Article 5.7: Amendments to Zoning Code Text, a Zoning Ordinance or the Official Zoning Map

Section:

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5.701 Purpose and Applicability

The purpose of this article is to provide procedures consistent with applicable State requirements by which changes may be made to the text of the Zoning Code, a zoning ordinance and to the Official Zoning Map. This procedure shall apply to all proposals to change the text of the Zoning Code, a zoning ordinance, or to revise a zoning district classification or zoning district boundary line shown on the Official Zoning Map.

5.702 Initiation of Amendments

- A. ***Town Council.*** The Town Council may direct the Planning Commission to analyze, conduct a hearing, and make a recommendation to the Council for an amendment to the text of the Zoning Code, a zoning ordinance, or the Official Zoning Map.
- B. ***Planning Commission.*** The Commission may initiate consideration of an amendment by directing the Director of Planning to prepare an amendment to the text of the Zoning Code, a zoning ordinance, or the Official Zoning Map and to schedule a hearing on the proposed amendment pursuant to the procedures set forth in this article. Following the hearing the Commission may make a recommendation to the Town Council for action.
- C. ***Owner Initiation.*** A property owner or an agent authorized in writing may apply for an amendment to the Official Zoning Map or a zoning ordinance governing the property.

5.703 Procedures

- A. ***Pre-Application Review.*** All applications to amend the text of the Zoning Code, a zoning ordinance, or the Official Zoning Map shall be subject to pre-application review pursuant to the procedures set forth in Article 5.2: Common Procedures.
- B. ***Citizen Review.*** All applications to amend the text of the Zoning Code, a zoning ordinance, or the Official Zoning Map shall be subject to a citizen review process. The Director of Planning may establish additional procedures for the citizen review

process. The citizen review process shall at a minimum consist of a neighborhood meeting or a work session of the Planning Commission, as set forth below.

1. *Zoning Ordinance and Official Zoning Map Amendments.* The applicant shall schedule and conduct a neighborhood meeting in accordance with the procedures set forth in Section 5.204: Neighborhood Meeting.

2. *Text Amendments to the Zoning Code.*

a. A citizen review session shall be held at a work session of the Planning Commission scheduled at least 5 days prior to the public hearing at the Planning Commission for the consideration of any proposed text amendment. Landowners and other citizens potentially affected by the proposed text amendment shall have an opportunity to comment on the proposal.

b. Notice of the citizen review session shall be given to landowners, citizens potentially affected by the proposed text amendments, and any person or group who has specifically requested notice regarding the application, at least 10 days prior to the Planning Commission work session. The notice shall state the date, time, and place of the citizen review session and shall include a general explanation of the proposed text amendment. A copy of the notice shall be submitted to the Director of Planning. The form of notice to be used may vary according to the type of text amendment proposed. Any form of notice used by the Director for the proposed text amendment shall be considered sufficient. The form of notice given may include, but is not limited to, the following:

(1) Publication in a local newspaper of general circulation distributed to residents living within the Town.

(2) Posting at 4 public places within the Town designated by Town Council resolution governing posting of public notices.

(3) Posting on the official Town website.

c. The Planning Commission may take into account issues and concerns raised by landowners and other citizens potentially affected by the proposed text amendments when it considers its recommendation to the Town Council. Prior to the Town Council hearing on the proposed text amendment the Commission shall report on the issues and concerns raised during the citizen review session.

C. *Application.* Applications shall be filed in accordance with the application procedures set forth in Article 5.2: Common Procedures.

- D. **Notification.** Public notification shall be provided in compliance with Section 5.205: Notice of Public Hearings. When the proposed amendment involves land that abuts other municipalities or unincorporated areas of Maricopa County or a combination thereof, the Department shall send a copy of the Notice of Public Hearing to the planning agency of the adjacent governmental unit.
- E. **Staff Report.** The Director of Planning shall prepare and transmit to the Planning Commission a staff report. The report shall include an evaluation of the consistency and conformance of the proposed amendment with the General Plan and any applicable specific plan adopted by the Town Council. A copy of the staff report shall be made available to the public and any applicant prior to the public hearing.
- F. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing on any application to amend the text of the Zoning Code, a zoning ordinance, or the Official Zoning Map as set forth in Article 5.2: Common Procedures.
- G. **Planning Commission Action.** The Planning Commission shall render its decision in the form of a written recommendation to the Town Council. The recommendation shall include the reasons for the recommendation. The Commission may recommend approval, approval with modification and/or conditions, or denial of the proposed amendment. If the Commission fails to make a recommendation to the Town Council within 90 days after closing the public hearing, the Planning Commission shall be deemed to have recommended denial and the application shall be scheduled for public hearing and action by the Town Council.
- H. **Protest Procedures.** If the owners of 20 percent 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 there from, 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 three-fourths (3/4) of the members of the Town Council. The protest shall be filed in writing with the Town Clerk at least 5 days prior to the public hearing or any continued public hearing of the Town Council to allow time to verify the signatures on the protest.
- I. **Town Council Hearing.** The Town Council shall conduct a public hearing and take action as set forth in Article 5.2: Common Procedures.
- J. **Town Council Action.** The Town Council may approve, approve with modifications and/or conditions, or deny the application. Approval shall be by Ordinance.
- K. **Conditions of Approval.** In approving an amendment to a zoning ordinance or to the Official Zoning Map, the Town Council may impose conditions for the

dedication of rights-of-way and easements related to the effect of the rezoning, establish a schedule for development, or impose other conditions permitted by law, and, if the amendment is for a Planned Area Development Overlay, may impose additional conditions necessary to ensure that the proposed amendment:

3. Conforms to the General Plan and any applicable specific plan adopted by the Town Council; and
4. Will not be detrimental to public health, safety, and general welfare of persons living or working in the surrounding area or to the general welfare of the Town as a whole.

L. ***Failure to Meet Conditions within Specified Time Period.*** If the Town Council approves a Zoning Ordinance or 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 Town Council or Planning Commission may initiate an amendment to remove the condition or extend the time period and direct the Director of Planning to prepare an ordinance to do the same pursuant to the procedures set forth in Section 5.703 D-K., or
2. The Town Council or Planning Commission may initiate a rescission of the Zoning Ordinance 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 Director of Planning to notify the property owner by certified mail and prepare an ordinance to revert the zoning pursuant to the procedures set forth in Section 5.703 D-K., or
3. The property owner in writing may apply for an amendment to the zoning ordinance to amend or remove the condition pursuant to the procedures set forth in Sections 5.201 Application Process and 5.703 Procedures.

Will not be detrimental to public health, safety, and general welfare of persons living or working in the surrounding area or to the general welfare of the Town as a whole.

5.704 Findings

A. In considering amendments to a zoning ordinance or to the Official Zoning Map, the Planning Commission shall only recommend approval and the Town Council shall only approve the proposed amendment based on a determination that the amendment as proposed or as modified conforms with the General Plan, any

applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district.

- B. The Town Council in taking its action shall find the following:
1. *Public Notice:* All required public notice has been conducted in accordance with applicable state and local laws;
 2. *Public Meetings and Hearings:* All required public meetings and hearings have been held in accordance with applicable state and local laws.