

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA

ORDINANCE NS319

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, AMENDING THE WILLCOX MUNICIPAL CODE, TITLE 17 ZONING, BY ADOPTING AS A NEW CHAPTER, THAT CERTAIN PUBLIC RECORD ENTITLED "CHAPTER 17.10 CITIZEN REVIEW PROCESS"

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA:

SECTION 1: That certain document known as "Chapter 17.10 CITIZEN REVIEW PROCESS," three (3) copies of which are on file in the Office of the City Clerk, Willcox, Arizona, having been made a public record by Resolution No. 2014-17, passed and adopted on September 18, 2014, is hereby adopted by reference, and made a part hereof as if fully set forth in this Ordinance.

SECTION 2: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the public record adopted by reference are hereby repealed.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the public record adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof.

SECTION 4: The effective date of this ordinance shall be thirty (30) days after adoption.

SECTION 5: Pursuant to A.R.S. §9-812, the City Clerk is directed to publish the text of this Ordinance for two (2) consecutive weeks in a newspaper of general circulation, and further, to post a copy of this Ordinance in three (3) or more public places within the City.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, this 18th day of September, 2014.

APPROVED/EXECUTED:

ROBERT A. IRVIN, Mayor

ATTEST:

VIRGINIA A. MEFFORD, City Clerk

APPROVED AS TO FORM:

ANN P. ROBERTS, City Attorney

DRAFT

ORDINANCE NS319

Published in the Range News on the _____ and _____.

Passed and Adopted by ___ of 7 Council Votes.

Posted on September ____, 2014.

Clerk's Initials _____

Chapter 17.10 CITIZEN REVIEW PROCESS

Sections:

17.10.010 Intent.

17.10.020 Applicability.

17.10.030 Citizen Review Session.

17.10.040 Applications involving rezoning, specific land use plans or planned developments, variances, amendments to the general plan or issuance of a conditional use permit.

17.10.050 Applications involving Text Amendments to the Zoning Regulations.

17.10.060 Public hearing.

17.10.070 Incomplete Process.

17.10.010 Intent.

The purpose of the citizen review process is to:

1. Ensure that citizens and property owners have sufficient time to learn the substance of zoning map amendments, zoning text amendments, applications for a rezoning of property, general development plan amendments, creation of a specific land use plan or planned developments, issuance of a conditional use permit or any other zoning application the substance of which is requesting the imposition, removal or modification any zoning regulation not previously imposed that may affect them; and,
2. Ensure that development applicants communicate with citizens regarding zoning changes to promote early and effective citizen participation, and that development applicants work with citizens to identify and address possible issues at an early stage in the process.

State law references - Amendment procedure, A.R.S. §9-462.03.

17.10.020 Applicability.

The citizen review process shall apply to any application for a rezoning of property, general development plan amendment, creation of a specific land use plan or planned development, issuance of a conditional use permit or any zoning application the substance of which is requesting the imposition, removal or modification any zoning regulation not previously imposed.

17.10.030 Citizen review session.

The Citizen Review Session shall be held in conjunction with a work session of the Planning and Zoning Commission prior to any required public hearing on the application. The date of the Citizen Review Session shall be held at least fifteen days prior to the Planning and Zoning Commission public hearing.

17.10.040 Applications involving rezoning, specific land use plans or planned developments, variances, amendments to the general plan or issuance of a conditional use permit.

1. The applicant, in coordination with the Development Services Department, shall establish a time, date, and place for a Citizen Review Session. The Administrator of Development Services shall attend the meeting and shall record minutes to include a list of all individuals in attendance and general matters discussed. The Administrator of Development Services shall provide a brief report regarding the results of the Citizen Review Session to the Planning and Zoning Commission and/or City Council at such time as they take action on the submitted application, if any.
2. Written notice of the Citizen Review Session shall be given at least ten (10) days prior to the work session and shall include the time, date and location of the Citizen Review Session and sufficient details regarding the substance of the proposed application so as to allow citizens and other affected persons to determine how they might be affected by the proposed application.
3. The applicant shall provide to the City proof of mailing such notice by first class mail to:
 - a. Each property owner within 300 feet of all boundaries of the property subject to the application;
 - b. All other interested parties who have requested that they be placed on a notification list maintained by the Development Services Department;
 - c. All affected school districts.
4. In addition to the above required notification, notice of the Citizen Review Process stating the date, time and place of the Citizen Review Session and including a general explanation of the substance of the proposed application shall be:
 - a. Published in a local newspaper distributed to residents living within the city;
 - b. Posted at the official posting locations for the city; and,
 - c. Posted on the subject property.
5. The Administrator of Development Services shall provide a written report stating the results of the Citizen Review Session at least (5) days prior to the public hearing. The report will be provided to the Planning and Zoning Commission and the City Council at the time their respective public hearings on the application are held. At a minimum, the Citizens Review Session final report shall include details of the techniques the applicant used to involve the public, including but not limited to:
 - a. Dates and locations of all Citizen Review Sessions held to discuss the application;
 - b. Dates mailed and the number of mailings, to include examples of the notification letters, meeting notices, newsletter or other publications;
 - c. The location of residents, property owners, and other interested parties receiving notices, newsletters or other written materials;
 - d. The number of people that participate in the process;

- e. A summary of the concerns, issues and problems expressed during the process including the substance of the concerns, issues and problems; and,
- f. How the concerns, issues and problems have been addressed or resolved after the Citizens Review Session.

17.10.050 Applications involving text amendments to the zoning regulations.

1. The Citizen Review Session shall be held at least five (5) days prior to the public hearing for the consideration of the proposed zoning text amendment.
2. Notice of the Citizen Review Session shall be given to landowners and other citizens potentially affected by the proposed zoning text amendments at least ten (10) days prior to the scheduled Citizen Review Session. This notice shall state the date, time and place of the Citizen Review Session and shall include a general explanation of the substance of the proposed text amendment to the zoning ordinances. The form of notice to be used will vary according to the type of text amendment proposed, and any means deemed by the City to provide the appropriate method of notice for the proposed text amendment shall be considered sufficient. The following forms of notice shall be considered sufficient:
 - a. Publication in a local newspaper distributed to residents living within the City;
 - b. Posting at the official posting locations for the City;
 - c. Posting on the City's Web site.
3. After the Citizen Review Session, the Planning and Zoning Commission may take all issues and concerns raised by landowners and other citizens potentially affected by the proposed text amendments at such session into account when it considers its recommendation to the City Council on the proposed text amendment and shall, prior to the Council's public hearing on the proposed text amendment, report to the Council the issues and concerns raised during the Citizen Review Session.

17.10.060 Public hearing.

All public hearings held in conjunction with the Citizen Review Process shall be administered pursuant to Arizona Revised Statutes §9-462.04.

State law references - Public hearing required, A.R.S. §9-462.04.

17.10.070 Incomplete Process.

If the applicant's Citizen Review Process and/or corresponding report do not meet the requirements of this Section, the applicant's application shall be considered incomplete and any scheduled public hearing will be cancelled.