

18.75.040 Zone change procedure.

A. General. In accordance with the provisions of the Arizona Revised Statutes, the town council, upon the review and recommendation of the planning and zoning commission, may from time to time change the zoning classification of parcels of, and within, the municipality. These changes in zoning classification are for the purpose of meeting the land use needs of the residents of the town in conformance with the town's general plan. Zone changes may be initiated by the town council, the zoning administrator, the owner of the property proposed for the zone change, or the agent of any of the foregoing, duly authorized in writing, or by petition of the person whose property would be affected by the zone change.

B. Application Requirements. An application for a zone change shall be made on a [form](#) provided by the zoning administrator. On the application form shall be indicated the legal description of the property, the present zoning classification, and the recommended use of this property by the town's general plan. With the application, the applicant shall submit a site plan (as defined) of the zone change property and surrounding area. The applicant shall present evidence to the zoning administrator of ownership or type of controlling interest in the property. This application shall be completed, verified by a notary public, and submitted along with the established fee to the zoning administrator at least 21 days prior to each of the public hearings by the planning and zoning commission and the town council.

C. Notice of Public Hearing. The notice of public hearing and notification procedures before the planning commission and the town council for a zone change shall conform to TTC [18.75.020](#).

D. Hearing and Recommendation by the Planning and Zoning Commission.

1. A zone change initiated by the town council or planning commission shall be referred to the planning and zoning commission for study and public hearing and a recommendation prior to any public hearings before the town council. In its deliberations on the matter, the commission shall consider oral or written statements from the applicant, the public, town staff, and its own members.

2. The planning commission's recommendations may include approval, conditional approval, denial, or postponement of any request; provided, that the applicant may not be postponed for more than two meetings. Once a recommendation is made by the planning and zoning commission, the zoning administrator shall schedule the zone change request for the next available town council meeting, subject to the notice requirements of this chapter.

E. Hearing and Decision by the Town Council.

1. A zone change not initiated by the town council or planning commission shall be referred to the council for study and public hearing after a recommendation by the planning commission in accordance with this section. In their deliberations on the matter, the commission and the council shall consider oral or written statements from the applicant, the public, town staff, and its own members.

2. The town council may approve, conditionally approve, deny, or postpone a decision on the request for a zone change. The application may not be postponed for more than two meetings. If approved, the zoning administrator shall revise the official zoning map accordingly. If the application is denied there may be no re-application for the same site for a period of 90 days.

a. All conditions specifically stated under any conditional use listed in this title shall apply and be adhered to by the owner(s) of the land, their successors or assigns.

b. All of the special conditions shall be consented to in writing by the applicant and/or property owner.

c. The conditional use permit may be subject to periodic review, and it may be required that the applicant/property owner submit status reports regarding the use.

d. The resolution granting the application, together with all consent forms, may be recorded in the office of the county recorder.

3. The planning commission may approve, conditionally approve, deny or postpone a decision on any application for a conditional use. Action on the application may not be postponed for more than two meetings. Appeals of a decision of the planning commission shall be taken as provided in TTC [18.75.060\(F\)](#). If an application is denied, the denial shall constitute a finding that the applicant has not shown that the conditions required for approval do exist. No application for a conditional use permit, the denial of which, wholly or in part, has not been appealed, shall be resubmitted for a period of six months from the date of the order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the planning commission.

F. Appeal of Planning Commission Decision.

1. Any aggrieved person or party, including but not limited to an applicant, adjacent property owner, town resident, town staff member, planning commission member or town council member, can appeal the decision of the planning commission.
2. Such appeal shall be forwarded to the town council for final determination and decision.
3. Such appeal shall be made within 15 calendar days of the decision of the planning commission, on a form as required by the zoning administrator. Applicable fees shall be as required by the town.
4. Such appeal shall be subject to the notice provisions of TTC [18.75.020](#).
5. If the appeal of the denial of an application is denied by the town council, the denial shall constitute a finding that the applicant has not shown that the conditions required for approval do exist. No application for a conditional use permit which has been denied wholly or in part shall be resubmitted for a period of six months from the date of the order of denial of such an appeal, except on grounds of new evidence or proof of change of conditions found to be valid by the council. Any re-submission on grounds of new evidence or changed conditions after denial of appeal shall be to the council.

G. Notification of Council Action. The applicant shall be notified in writing of the action taken by the planning commission, or in the case of an appeal, action taken by the council, within 30 days of its action. If the applicant has been granted, a zoning clearance form may be issued upon the signature of the zoning administrator, and any conditions, automatic termination date, or period of review shall be stated on the permit.

H. Violation. A violation of the conditions of a conditional use permit shall constitute a violation of the conditional use permit and of this title and shall be subject to the enforcement regulations of this title and applicable sanctions, including but not limited to revocation of the conditional use permit or the placement of additional conditions on the use by the planning commission and/or the council in the case of an appeal.

I. Modifications to Approved Structures. Any proposed additions, enlargements or modifications of the structures approved in any conditional use permit, or any proposed extension of the use into areas not approved in any such permit, shall be subject to the procedures described in TTC [18.75.060](#).

J. Nonconforming Conditional Uses. Any use that the town may allow as a conditional use, existing at the time the ordinance codified in this title or any amendments thereto become effective, shall be considered a nonconforming use unless such use has been established as a conditional use as provided in this title. [Ord. 60 § 3, 2001; Ord. 48 § 2, 1998. Code 1983 § 12-7-4.]