

ORDINANCE NO. 3640

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING SECTION 35-200 OF ARTICLE II, SECTION 35-1705 OF ARTICLE XVII AND SECTIONS 35-2601.1 AND 35-2602 OF ARTICLE XXVI, CHAPTER 35, CODE OF THE CITY OF CHANDLER; RELATING TO ZONING NOTIFICATIONS.

WHEREAS, in accordance with A.R.S. 9-462, the legislative body may adopt by ordinance, any change or amendment to the regulations and provisions as set forth in the Chandler Zoning Code; and,

WHEREAS, this amendment, including the draft text, has been published as an 1/8-page display ad in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, date and place of public hearing; and,

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code, on December 1, 2004;

BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION 1. Section 35-200, Article II, Chapter 35, Chandler City Code, is hereby amended by adding definitions of "Area Plan" and "Neighborhood Organizations, Registered" to read as follows:

Area Plan: A plan that is more specific than the General Plan, and which is designed to help implement the goals, policies, and strategies of the General Plan for specific defined areas. Area plans may contain a mix of uses such as commercial (retail, offices), residential (single-family and multi-family) and public facilities (parks). Area plans may also include broad goals, objectives and policies for specific areas that are appropriate for inclusion in the General Plan. Written notification of an Area Plan shall comply with the standards described in Section 35-2601.2 of Article XXVI.

Neighborhood Organizations, Registered: An organization located within the corporate limits of the City of Chandler that is associated with a specific subdivision, and which may be tasked with the enforcement of Covenants, Conditions and Restrictions for the subdivision, or organized for other purposes, and which have registered with the Neighborhood Program Coordinator.

SECTION 2. Section 35-1705 of Article XVII, Chapter 35, Chandler City Code, is hereby amended by adding a subsection (4) to read as follows:

(4) Written notification of a Preliminary Development Plan shall comply with the standards described in Section 35-2601.2 of Article XXVI.

SECTION 3. Section 35-2601.1 of Section 35-2601, Article XXVI, Chandler City Code, is hereby amended to read as follows:

35-2601.1. Citizen review process.

A. Prior to any public hearing, as required under section 35-2602 of this Article XXVII, **on any area plan application, on any preliminary development plan application,** or on any application for any zoning ordinance that changes any property from one zoning district to another, that imposes any regulation not previously imposed, or that removes or modifies any such regulation previously imposed, the Zoning Administrator shall provide written notice of the application to the applicant or his representative on the application, all landowners of property adjacent to the property that is the subject of the zoning ordinance, **area plan, or preliminary development plan within six hundred (600) feet of the subject property, and the address of any registered neighborhood organizations located within one-quarter (1/4) mile of the subject property,** and to such other persons as the Zoning Administrator reasonably determines to be other potentially affected citizens.

B. The written notice shall also include a general explanation of the substance of the proposed zoning ordinance and shall state the date, time and place scheduled for a neighborhood meeting, at which any adjacent landowner or those other potentially affected citizens, as determined under section 35-2601.1 A., will be provided a reasonable opportunity to express any issues or concerns that the landowner or citizen may have with the proposed zoning ordinance before the public hearing required under section 35-2602.

C. The written notice shall be given at least fifteen (15) days before the neighborhood meeting in the following manner:

1. The notice shall be published once in a newspaper of general circulation published or circulated in the City of Chandler, **unless waived by the Zoning Administrator.**
2. The notice shall be posted upon the sign required in section 35-2602 A.4. below, unless waived by the Zoning Administrator.
3. The notice shall be mailed in accordance with the same procedures as required in section 35-2602 A.2., and delivered in accordance with 2602 A.4.

D. The Zoning Administrator, upon consultation with the applicant, shall establish a time, date and place for the neighborhood meeting that provides a reasonable opportunity for the applicant, ~~adjacent landowners~~ and those other potentially affected citizens, as determined under section 35-2601.1 A. to discuss and express their respective views concerning the application and any issues or concerns that they may have with the zoning or rezoning ordinance proposed by the application. The Zoning Administrator or a member of the planning staff shall attend the meeting, but is not required to conduct the meeting. The Zoning Administrator or planning staff shall report the results of the neighborhood meeting to the Planning and Zoning Commission and City Council at such time as they take action on the application.

E. At the discretion of the Zoning Administrator, an alternative citizen review process may be used that does not involve a neighborhood meeting. The alternative process shall consist of the following:

1. The written notice described in this section 35-2601.1, except that the notice shall only indicate the name, address and phone number of the member of the planning staff to whom an adjacent landowner or other potentially affected citizen, as determined under section 35-2601.1 A., may contact to express any issues or concerns that the landowner or citizen may have with the proposed rezoning.

2. A staff report summarizing any issues or concerns so expressed, which shall be presented to the Planning and Zoning Commission and City Council at such time as they take action on the application, and the applicant at a reasonable period of time prior to the public hearing.

SECTION 4. Paragraph (2) of Subsection A, Section 35-2602, Article XXVI, Chandler City Code is amended to read as follows:

(2) In addition to publication, copies of the notice shall be mailed to owners of any property, in whole or part, within ~~three hundred (300) feet~~ **six hundred (600) feet of the boundary of the subject property, and the address of any Registered Neighborhood Organization within one-quarter (1/4) mile** of the boundary of the property being considered for rezoning (~~notice zone~~). A listing of property owners within ~~said notice zone~~, **six hundred (600) feet of the subject property,** consistent with current records of the Maricopa County Assessor's Office at the time of application and complete with their mailing addresses, **and a list of Registered Neighborhood Organizations within one-quarter (1/4) mile,** shall be provided on address labels to the City by the applicant for use in such mailing. Failure of the applicant to complete an accurate list of property owners, **and Registered Neighborhood Organizations** ~~in the notice zone~~ may, in the opinion of the Zoning Administrator, invalidate the application. Failure of a property owner, or minority of property owners, **or Registered Neighborhood Organizations** to receive this notice, however, shall not invalidate the application

if, in the opinion of the Zoning Administrator, a reasonable effort to notify all parties has been made. Receipt of these mailing labels shall be a prerequisite to scheduling of public hearings by the City. These requirements may be waived by the Zoning Administrator if circumstances so warrant.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this 16th day of December, 2004.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this _____ day of _____, 2005.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3640 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2005, and that a quorum was present thereat.

CITY CLERK

Approved as to form:

CITY ATTORNEY

Published: