



Town of Huachuca City

The Sunset City

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ORDINANCE NO. 2019-06

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 18 "ZONING," CHAPTER 18.135 "AMENDMENTS," TO ADD NEW SECTION 18.135.035, ESTABLISHING A NEW CITIZEN REVIEW PROCESS FOR REZONING OF PROPERTY, CONDITIONAL USE APPROVAL, DEVELOPMENT PLAN AMENDMENTS AND CHANGES TO ZONING REGULATIONS.

WHEREAS, the Town Council of the Town of Huachuca City has adopted by Resolution No. 84-002 a code known as the Town Code of the Town of Huachuca City, Arizona [the "Code"], and has amended and republished the Code from time to time, as authorized by A.R.S. 9-240 (B) (28) and Town Ordinance No. 15-02; and

WHEREAS, pursuant to A.R.S. 9-462.01 (A), the Town is empowered to adopt and amend zoning regulations; and

WHEREAS, the Town Council has determined that it would be in the best interest of the health, safety and welfare of the Town's residents to revise the Town's zoning regulations to establish a citizen review process; and

WHEREAS, a public hearing was held on November 7, 2018, to receive public comment, pro and con, for adopting the following Code amendments; and

WHEREAS, as required by the Code, section 2.25.040, this Ordinance was first read at a public meeting of the Town Council on December 13, 2018, and at a subsequent meeting on January 10, 2019.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Huachuca City, as follows:

SECTION 1. The Code, Title 18 "ZONING," Chapter 18.035 "AMENDMENTS," is revised by adding new section 18.135.035 "Citizen Review Process" reading as follows:

18.135.035 Citizen Review Process.

The citizen review process shall apply to any application for a rezoning of property, conditional use permit, general development plan amendment, that impose any regulation not previously imposed, or that removes or modifies any such regulation previously imposed. This process involves holding neighborhood meetings to provide reasonable opportunity for the applicant, adjacent landowners and those other

potentially affected citizens to discuss and express their respective views concerning the application and any issues or concerns that they may have with the zoning application.

Prior to any public hearing as required in this chapter, the zoning administrator, in coordination with the applicant, shall establish a time, date and place for a neighborhood meeting. The zoning administrator, or representative, shall attend the meeting, but is not required to conduct the meeting. The zoning administrator, or representative, shall record minutes of the meeting to include a list of all individuals in attendance and general matters discussed.

The zoning administrator shall provide a written report regarding the results of the neighborhood meeting to the Planning and Zoning Commission and/or Town Council at such time they take action on the application or proposed text amendments. The report shall include a summary of the concerns, issues and problems expressed during the meeting and how the applicant proposes to address or resolve the concerns, issues or problems.

Written notice of the neighborhood meeting shall be given at least ten (10) days prior to the meeting and shall include the time, date and location of the meeting 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.

The applicant shall provide to the Town proof of mailing such notices by first class mail to:

1. Each property owner within 300 feet of all boundaries of the property subject to the application.
2. All other interested parties who have requested that they be placed on a notification list maintained by the zoning administrator.
3. Such other persons the zoning administrator reasonably determines to be other potentially affected citizens.

In addition to the above required notification, notice of the neighborhood meeting stating the date, time and place of the meeting and including a general explanation of the substance of the proposed application shall be:

1. Published in a local newspaper distributed to residents living within the Town;
2. Posted at the official posting locations for the Town; and
3. Posted on the subject property

On applications involving text amendments to the zoning regulations, a neighborhood meeting shall be held prior to the public hearing for the consideration of the proposed text amendments. Written notice of the neighborhood meeting shall be given at least ten (10) days prior to the meeting and shall include the time, date and location of the meeting and sufficient details regarding the substance of the proposed text amendments so as to allow citizens and other affected persons to determine how they

might be affected by the proposed text amendments. The form of notice to be used will vary according to the type of text amendment proposed, and any means deemed by the Town 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:

1. Publication in a local newspaper distributed to residents living within the Town;
2. Posting at the official posting locations for the Town;
3. Posting on the Town's website

After the neighborhood meeting, 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 meeting into account when it holds its public hearing on the proposed text amendments. When preparing its recommendation to the Town Council on the proposed text amendments, Planning and Zoning Commission shall report the issues and concerns raised during the neighborhood meeting.

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 shall be followed, except that it shall only indicate the name, address and phone number of the zoning administrator to whom an adjacent landowner or other potentially affected citizen may contact to express any issues or concerns that the landowner or citizen may have with the proposed zoning application or text amendment.
2. A staff report summarizing any issues or concerns so expressed shall be presented to the Planning and Zoning Commission and Town Council at such time as they take action on the application or proposed text amendments and to the applicant at a reasonable period of time prior to the public hearing.

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

SECTION 2. All ordinances, parts of ordinances, resolutions, parts of resolutions, policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.

SECTION 3. If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

SECTION 4. The Town Clerk is hereby directed, pursuant to the Code, sections 2.25.080 and 2.25.090, to post this Ordinance in three or more public places within the Town, and to publish this Ordinance as required by A.R.S. 9-812 and 39-204 (C)(3).

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 10TH DAY OF JANUARY, 2019.



Johann Wallace, Mayor

ATTEST:



Jennifer Fuller, Town Clerk

Approved as to Form:



Thomas Benavidez, Town Attorney