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TOWN OF JEROME

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ORDINANCE NO. 406

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING SECTIONS 301, 302 AND 304 OF THE TOWN OF JEROME ZONING ORDINANCE, AND ADDING NEW SECTION 306, TO PROVIDE FOR A CITIZEN REVIEW PROCESS AND NEIGHBORHOOD MEETINGS IN ACCORDANCE WITH A.R.S. 9-462.03, AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and Common Council desire to amend the Town of Jerome Zoning Ordinance to provide for a formal Citizen Review Process in accordance with A.R.S. 9-462.03; and

WHEREAS, the Planning and Zoning Commission has reviewed this ordinance, and has conducted a public hearing on the proposed amendment in accordance with the requirements of A.R.S. 9-462.04, and the Commission has recommended that the ordinance be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, as follows:

Section 1. Item 1 of Paragraph C, "Commission Action," of Section 301, "Amendments or Zone Changes," of the Jerome Zoning Ordinance is hereby amended as follows (additions in UNDERLINED CAPS, deletions in ~~strikethrough text~~):

1. Upon receipt of any complete application for ~~amendment~~, AND PRIOR TO HOLDING A PUBLIC HEARING ON, REZONING OR ORDINANCES THAT IMPOSE A NEW LAND USE REGULATION OR MODIFY AN EXISTING LAND USE REGULATION, A NEIGHBORHOOD MEETING SHALL BE REQUIRED IN ACCORDANCE WITH SECTION 306 OF THIS ZONING ORDINANCE. The Commission shall THEN fix a reasonable time for the hearing of the proposed zone change, amendment, or addition and shall give notice thereof to interested parties and to the public by publication of a notice in the official newspaper of the Town, and by posting the area included in the proposed change, not less than fifteen (15) days prior to the hearing. The notice shall set forth the time and place of the hearing including a general explanation of the matter to be considered and including a general description of the area affected. The Commission may for any reason, when it deems such action necessary or desirable, continue such hearing to a time and place certain. Within thirty (30) days after the close of the hearing, the Commission shall render its decision in the form of a written recommendation to the Council.

Jerome Town Hall Located at 600 Clark Street, Jerome Civic Center

The recommendation shall include the reasons for the recommendation.

Section 2. Item 1 of Paragraph D, "Commission Action and Findings," of Section 302, "Conditional Use Permits," of the Jerome Zoning Ordinance is hereby amended as follows (additions in UNDERLINED CAPS, deletions in ~~strikethrough text~~):

1. The Commission shall consider the application at their next regular meeting if the application was filed at least fifteen (15) days prior to such meeting. Otherwise it shall be carried over until the next regularly scheduled meeting. The Commission may reach a decision, continue the matter to a specified date (but not later than the next regularly scheduled meeting), or may set the matter for public hearing. PRIOR TO HOLDING A PUBLIC HEARING, A NEIGHBORHOOD MEETING MAY BE REQUIRED IN ACCORDANCE WITH SECTION 306 OF THIS ZONING ORDINANCE. If the Commission does set the matter for public hearing, notice thereof shall be given to the public by publication of a notice in the official newspaper of the Town and by posting the property included in the application not less than fifteen (15) days prior to the hearing. The notice shall set forth the time and place of the hearing and include a general explanation of the matter to be considered and a general description of the area affected.

Section 3. Item 5 of Paragraph F, "Review Procedures and Criteria," of Section 304, "Design Review," of the Jerome Zoning Ordinance is hereby amended as follows (additions in UNDERLINED CAPS, deletions in ~~strikethrough text~~):

5. The Design Review Board shall have thirty (30) days from the date of submission of a complete application to review the request and approve, conditionally approve, or reject, said request, and notify the applicant of his decision in writing. If, however, the Design Review Board wishes to hold a public hearing on the request, the Board shall fix a reasonable time for such hearing, but not more than forty-five (45) days from the date of submission of a complete application. PRIOR TO HOLDING A PUBLIC HEARING, A NEIGHBORHOOD MEETING MAY BE REQUIRED IN ACCORDANCE WITH SECTION 306 OF THIS ZONING ORDINANCE. The Design Review Board shall give notice of the hearing at which the application will be considered by publication of notice in the official newspaper of the Town and by posting the property affected not less than, fifteen (15) days prior to the hearing. The notice shall set forth the time and place of the hearing and include a general explanation of the matter to be considered. In such case, the Design Review Board shall render its decision within fifteen (15) days after the public hearing.

Section 4. There is hereby created NEW Section 306, "Neighborhood Meetings," of the Jerome Zoning Ordinance, as follows:

SECTION 306. NEIGHBORHOOD MEETINGS

A. PURPOSE

NEIGHBORHOOD MEETINGS PROVIDE AN OPPORTUNITY FOR INFORMAL COMMUNICATION BETWEEN AN APPLICANT, NEIGHBORING RESIDENTS AND PROPERTY OWNERS WHO MAY BE AFFECTED BY DEVELOPMENT PROJECTS, USE PERMITS, REZONING OR ORDINANCES THAT IMPOSE A NEW LAND USE REGULATION OR MODIFY AN EXISTING LAND USE REGULATION. THE PURPOSES OF THE NEIGHBORHOOD MEETING ARE TO INFORM THE AFFECTED PUBLIC ABOUT THE PROJECT AND ENCOURAGE COMMUNICATION AMONG THE APPLICANT AND NEIGHBORING RESIDENTS AND PROPERTY OWNERS.

B. GENERAL REGULATIONS

1. PRIOR TO ANY PUBLIC HEARING BY THE PLANNING AND ZONING COMMISSION ON REZONING OR ORDINANCES THAT IMPOSE A NEW LAND USE REGULATION OR MODIFY AN EXISTING LAND USE REGULATION, THE APPLICANT OR AN APPOINTED REPRESENTATIVE OF THE APPLICANT SHALL ARRANGE A MEETING WITH THE PLANNING STAFF TO IDENTIFY DEVELOPMENT ISSUES AS WELL AS TO DISCUSS ARRANGEMENTS AND SCHEDULING FOR THE NEIGHBORHOOD MEETING DESCRIBED IN SUBSECTION 4 BELOW.

2. WHEN REQUIRED PURSUANT TO SECTION 302.D.1 OF THE JEROME ZONING ORDINANCE, PRIOR TO ANY PUBLIC HEARING BY THE PLANNING AND ZONING COMMISSION ON A USE PERMIT, THE APPLICANT OR AN APPOINTED REPRESENTATIVE OF THE APPLICANT SHALL ARRANGE A MEETING WITH THE PLANNING STAFF TO IDENTIFY DEVELOPMENT ISSUES AS WELL AS TO DISCUSS ARRANGEMENTS AND SCHEDULING, IF REQUIRED, FOR THE NEIGHBORHOOD MEETING DESCRIBED IN SUBSECTION 4 BELOW.

3. WHEN REQUIRED PURSUANT TO SECTION 304.F.5 OF THE JEROME ZONING ORDINANCE, PRIOR TO ANY PUBLIC HEARING BY THE DESIGN REVIEW BOARD ON A DEVELOPMENT PROJECT, THE APPLICANT OR AN APPOINTED REPRESENTATIVE OF THE APPLICANT SHALL ARRANGE A MEETING WITH THE PLANNING STAFF TO IDENTIFY DEVELOPMENT ISSUES AS WELL AS TO DISCUSS ARRANGEMENTS AND SCHEDULING, IF REQUIRED, FOR THE NEIGHBORHOOD MEETING DESCRIBED IN SUBSECTION 4 BELOW.

4. A NEIGHBORHOOD MEETING DESIGNED TO INFORM ADJOINING RESIDENTS AND PROPERTY OWNERS ABOUT THE PROPOSED DEVELOPMENT PROJECT, USE PERMIT, ORDINANCES THAT IMPOSE A NEW LAND USE REGULATION OR MODIFY AN EXISTING LAND USE REGULATION, OR REZONING WILL, IF REQUIRED TO BE HELD, BE ARRANGED BY THE ZONING ADMINISTRATOR. THE MEETING SHOULD BE HELD IN A PLACE THAT IS GENERALLY ACCESSIBLE TO NEIGHBORS THAT RESIDE NEAR THE SUBJECT SITE.

5. AT LEAST 15 DAYS PRIOR TO A SCHEDULED NEIGHBORHOOD MEETING, THE ZONING ADMINISTRATOR SHALL NOTIFY ALL PROPERTY OWNERS WITHIN 300 FEET OF THE SUBJECT SITE BY FIRST CLASS MAIL, AND THE ACTUAL PROPERTY SHALL BE POSTED WITH THE MEETING DATE AND TIME. THE MAILED NOTIFICATION SHALL INCLUDE THE DATE, TIME AND PLACE FOR THE NEIGHBORHOOD MEETING, AS WELL AS A DESCRIPTION OF THE PROPOSED LAND USES, PROJECT OR CONDITIONAL USE PERMIT.
6. AT THE NEIGHBORHOOD MEETING, IT IS THE RESPONSIBILITY OF THE APPLICANT OR THEIR REPRESENTATIVE TO PROVIDE AN OPPORTUNITY FOR A QUESTION AND ANSWER PERIOD BY THE PARTICIPANTS, AND IDENTIFY A POINT OF CONTACT TO THE PUBLIC FOR FOLLOW-UP QUESTIONS AND COMMENTS.
7. THE APPLICANT SHALL PREPARE A WRITTEN SUMMARY OF THE MEETING, INCLUDING A LIST OF ATTENDEES, THEIR ADDRESSES, AND THE ISSUES AND CONCERNS DISCUSSED, AND SUBMIT A COPY OF THE SUMMARY TO THE ZONING ADMINISTRATOR WITHIN 15 DAYS AFTER THE NEIGHBORHOOD MEETING. THE SUMMARY SHALL BE MADE AVAILABLE, UPON REQUEST, TO ANY MEETING ATTENDEE. ATTENDEES MAY, AT THEIR DISCRETION, ALSO SUBMIT THEIR COMMENTS TO THE ZONING ADMINISTRATOR.
8. IF THE APPLICATION IS SUBSTANTIALLY MODIFIED FROM WHAT WAS PRESENTED AT THE INITIAL NEIGHBORHOOD MEETING, THE ZONING ADMINISTRATOR MAY REQUIRE THAT ONE OR MORE ADDITIONAL NEIGHBORHOOD MEETINGS BE HELD IN COMPLIANCE WITH THIS SECTION TO PRESENT THE MODIFIED APPLICATION.
9. FOR REZONINGS OF PROPERTY INITIATED BY THE TOWN, THE TOWN SHALL BE DEEMED THE APPLICANT AND SHALL CONDUCT A NEIGHBORHOOD MEETING AS REQUIRED BY SUBSECTIONS 2 THROUGH 5 OF THIS SECTION 306 B. FOR ORDINANCES THAT IMPOSE A NEW LAND USE REGULATION OR MODIFY AN EXISTING LAND USE REGULATION, THE TOWN'S OBLIGATIONS UNDER THIS SECTION 306 SHALL BE SATISFIED BY COMPLYING WITH THE NOTICE AND HEARING REQUIREMENTS OTHERWISE IMPOSED BY THIS ZONING ORDINANCE.

C. FEE

A FEE SHALL BE ASSESSED TO THE APPLICANT IN AN AMOUNT ESTABLISHED BY RESOLUTION OF THE COUNCIL AND PAID IN THE OFFICES OF THE TOWN CLERK. NO PART OF THE FEE SHALL BE RETURNABLE. PAYMENT OF THE FEE SHALL BE WAIVED WHEN THE PETITIONER IS THE TOWN, COUNTY, STATE OR FEDERAL GOVERNMENT.

Section 5. Following its adoption, this Ordinance shall be published by the Town Clerk in accordance with the requirements of A.R.S. § 39-203 *et seq.*

Section 6. All ordinances or parts of ordinances that are in conflict with the provisions of this Ordinance are hereby repealed to the extent of their inconsistency herewith.


Section 7. Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Town Code as a whole or any part thereof other than the part so declared invalid.

Section 8. In order to preserve the public peace, health and safety, an emergency is hereby declared to exist, and this Ordinance shall become immediately effective upon its approval by no less than three-fourths of the members of the Town Council, taken by ayes and nays, and its approval by the Mayor.


PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, THIS ____ DAY OF _____ 2013.


Nikki Check, Mayor

ATTEST:


Candace Gallagher, Town Manager/Clerk

APPROVED AS TO FORM:


William J. Sims, Esq.
Town Attorney

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| Date of First Reading: 09/10/2013 | Date of Adoption: 10/8/13 | | | |
| | Ayes | Nays | Absent | Abstain |
| | 7 | 0 | 1 | 0 |
| Date Published: | | | | |
| Date Posted: | | | | |