

ORDINANCE NO. 2022-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 11, GENERAL PLANS AND SUBDIVISION, DIVISION 11-10.20: ADDITIONAL PROCEDURES FOR COMPREHENSIVE PLAN UPDATES, NEW ELEMENTS, AND MAJOR AMENDMENTS TO THE GENERAL PLAN, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City of Flagstaff wishes to amend Flagstaff City Code Title 11, General Plans and Subdivision, Division 11-10.20: Additional Procedures for Comprehensive Plan Updates, New Elements, and Major Amendments to the General Plan; and

WHEREAS, the Arizona Revised Statutes have been amended to modify the application review timeframes for Major Regional Plan Amendments (HB 2482); and

WHEREAS, the Planning and Zoning Commission held a public hearing on September 14, 2022, and provided a recommendation to City Council on the proposed City Code text amendment; and

WHEREAS, the Council has read and considered the staff report prepared by the Planning and Development Services section of the Community Development division and all attachments to those reports, and the Council finds that the proposed City Code text amendment to be in compliance with Arizona Revised Statutes.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. The foregoing recitals are incorporated as if fully set forth herein.

SECTION 2. The Flagstaff City Code, Title 11, General Plans and Subdivision, Division 11-10.20: Additional Procedures for Comprehensive Plan Updates, New Elements, and Major Amendments to the General Plan, is hereby amended as follows:

11-10.20.010 Comprehensive Plan Updates

A. A Comprehensive Plan update shall be initiated by the City and includes the adoption of a new General Plan or readoption of the City General Plan pursuant to A.R.S. Section 9-461.06.

B. The adoption of a new General Plan or readoption of the General Plan shall follow the common procedures for General Plan amendments (Section 11-10.10.020) and the procedures for a major plan amendment (Section 11-10.20.020), except that it need not be heard at a single public hearing held during the calendar year in which the application was filed.

C. The adoption of a new General Plan or re adoption of the General Plan shall be approved by resolution of the Council by an affirmative vote of at least two-thirds (2/3) of the members of the Council, and ratified by the voters pursuant to A.R.S. Section 9-461.06.

D. Pursuant to A.R.S. Section 9-461.06, a comprehensive update of the General Plan must be conducted and ratified by the citizens of Flagstaff at least once every ten (10) years. However, changing conditions may warrant a comprehensive update on a more frequent basis as determined by the Council.

~~E. All Comprehensive Plan updates are subject to the public participation procedures established in Section 10-20.30.060, Neighborhood Meeting.~~

F. Ratification.

1. Each new or readopted General Plan shall be submitted to the voters for ratification at the next regularly scheduled municipal election or at a special election scheduled at least one hundred twenty (120) days after the governing body adopted the General Plan pursuant to A.R.S. Section 16-204. The Council shall include a general description of the General Plan and its elements in the municipal election pamphlet and shall provide copies of the proposed General Plan to the public in at least two (2) locations that are easily accessible to the public, which may include posting on the City's official Internet website.

2. If a majority of the qualified electors voting on the proposition approves the new or readopted General Plan, it shall become effective as provided by law.

3. If a majority of the qualified electors voting on the proposition fails to approve the new or readopted General Plan, the current General Plan remains in effect until a new or readopted General Plan is approved by the voters pursuant to this section. The Council may resubmit the proposed new or readopted General Plan, or revise the new or readopted General Plan as provided by this section for subsequent submission to the voters. (Ord. 2015-13, Amended, 06/02/2015)

11-10.20.020 Major Plan Amendments and New Elements

A. Major Plan Amendment Criteria. Major amendments to the General Plan are substantial alterations of the City's land use mixture or balance as established in the City's existing General Plan land use element and which involve changes that have an impact on large areas of the General Plan and/or can affect other issues or policies. These amendments alter the substance or intent of major General Plan policies. The criteria for determining whether a proposed change, including an annexation or a specific plan, will be treated as a major plan amendment can be found in the General Plan.

B. Supplemental Procedures for Major Plan Amendments. In addition to the common procedures provided in Section 11-10.10.020, a major amendment to the General Plan shall be adopted in the following manner:

1. Application Deadline.

a. All applications for major plan amendments to the General Plan shall be **PRESENTED AT A CITY COUNCIL PUBLIC HEARING WITHIN TWELVE MONTHS OF THE DATE OF SUBMISSION OF A COMPLETE APPLICATION.** ~~heard by the Council at a single public~~

~~hearing during the calendar year in which they are filed. In order to provide sufficient time for comprehensive review of an application for a major plan amendment, the Director shall determine the application date each year for major plan amendment requests. The following typical submittal dates apply:~~

~~April 1st — Pre-application meeting deadline;~~

~~May 1st — Application deadline for completeness review of the application by the Review Authority;~~

~~July 1st — Application deadline for submittal of the final application;~~

~~October — Planning Commission public hearings commence;~~

~~December — Council public hearing.~~

~~b. Incomplete applications or applications submitted after the July 1st deadline established in subsection (B)(1)(a) of this section will not be processed.~~

SECTION 3. The amendment is consistent with and conforms to the goals of the Regional Plan (General Plan).

SECTION 4. The amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City, and will add to the public good as described in the General Plan.

SECTION 5. The amendment is internally consistent with other applicable provisions of this Zoning Code.

SECTION 6. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of the code adopted herein are hereby repealed.

SECTION 7. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code 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 portions thereof.

SECTION 8. Clerical Corrections

The City Clerk is hereby authorized to correct clerical and grammatical errors, if any, related to this ordinance, and to make formatting changes appropriate for purposes of clarity, form, or consistency with the Flagstaff City Code.

SECTION 9. Effective Date

This Ordinance shall be effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 4th day of October, 2022.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY