

---

### **35.6.207 Amendments to the Unified Development Code (Rezoning and Text Amendments).**

- A. General. Amendments to this Unified Development Code which change property from one zoning district to another, which impose regulations not previously imposed, which modify ordinance text, which amend or modify stipulations or conditions of approval, or which remove or modify the text or any regulation previously imposed shall be adopted in the manner set forth in this Section.
- B. Application Process. Applications for amendment shall conform with the provisions of Section 35.6.202. Applications shall be made in the office of the Development Services Department on an application form with required documentation specified on guidelines provided by the Development Services Department and accompanied with required fees. After the Development Services Department has determined that an application is complete, the application shall be routed for formal review and comment by staff, and a public hearing with the Planning Commission will be scheduled.
- C. Authorized Applicant
  - 1. An authorized applicant shall be one (1) of the following:
    - a. The owner of the property;
    - b. One (1) or more of several joint owners of property who own individually or as a group, a majority interest in the property;
    - c. One (1) or both of the property owners where property is held in joint tenancy;
    - d. Seventy-five percent (75%), or more, of the owners of property in the area covered by the application when the application covers more than one (1) property;
    - e. The Planning Commission or City Council on its own motion at a public meeting; or
    - f. The Historic Preservation Commission, the Planning Commission or City Council on its own motion at a public meeting, may initiate an amendment to establish or amend Historic Preservation District Zoning.
  - 2. The applicant for an amendment to change the text of the Zoning Ordinance shall be an interested party, or the Planning Commission or City Council on its own motion at a public hearing.
  - 3. All applications shall be signed by the authorized applicant or an agent of any authorized applicant when the authority of the agent is in writing, notarized, and file with the application except applications initiated by the Planning Commission or City Council. The signature of such agent shall have the same force and effect as if the application were signed by the principal.
- D. Public Notice. The Planning Commission shall not recommend, nor shall the City Council consider any amendment to this Zoning Ordinance, until the request is presented during a public hearing. No public hearing shall be conducted without first providing notice to the affected parties. Such notice shall be provided in accordance with Sections 35.6.204.
- E. Public Hearing. The Planning Commission may recommend approval, approval with conditions, or denial on an application for amendment. The recommendation will be forwarded to the City Council for public hearing and final action unless withdrawn by the applicant. All public hearings to consider an amendment to this Unified Development Code shall require notice as provided in this Article.
- F. Protests Against Amendment
  - 1. If the owners of twenty (20) percent or more of the area and number of lots, tracts and condominium units, excluding government owned property, included in a proposed change, or those immediately adjacent within one hundred fifty (150) feet therefrom, or of those directly opposite within one hundred fifty (150) feet from the street frontage of the opposite lots, file a protest in writing against a

- 
- proposed amendment, it shall not become effective except by a favorable vote of three-fourths ( $\frac{3}{4}$ ) of all members of the City Council.
2. If any members of the City Council are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths ( $\frac{3}{4}$ ) of the remaining membership of the City Council, provided that such required number of votes shall in no event be less than a majority of the full membership. For the purposes of this section, the vote shall be rounded to the nearest whole number.
  3. Written protests shall describe the property owned by the protestants with sufficient clarity to determine the location of the protestant's property on a map of the City with relation to the area under consideration. Where such property is not adequately described, the City Council may, at its discretion, disregard any such protest. The written protests shall include case number, description of request, the name(s), address of property owned by protesting party, signature, date and basis of protest. If a petition is used, the person circulating the petition shall include their name and their notarized signature.
  4. All such written protests or petitions shall be filed in the office of the Development Services Director no later than 12:00 noon on the Friday preceding the City Council meeting at which such amendment will be considered.
- G. Amendments Adopted by Ordinance. Amendments to the official Zoning Map or the Unified Development Code text shall be adopted by ordinance. Amendments to the text may be considered as an emergency ordinance to become effective immediately upon approval by the City Council. Amendments to the official Zoning Map shall not be considered as an emergency ordinance and shall become effective thirty (30) days after approval unless a later effective date is provided by action of City Council. An ordinance amending the official Zoning Map shall include a legal description of the property affected, which shall be provided by the applicant on a form and in a manner as required by the guidelines prepared by the Development Services Director or designee.
- H. Conditional Zoning
1. The City Council may approve a zoning change containing conditions which must be met by the applicant and may specify a period of time for the applicant to meet the conditions. In the event the time period expires and the conditions have not been met, the ordinance shall not become effective and may be rescinded as follows:
    - a. The Development Services Director or designee shall, by first class mail, notify the authorized applicant of its intention to hold a hearing to rescind the zoning change. The notice shall be made at least fifteen (15) days prior to the date of the scheduled hearing. At the hearing, the City Council shall consider evidence from all interested parties and after deliberation may rescind the ordinance or take an action to extend the time period.
- I. Findings
1. Amendment to the Unified Development Code text and official Zoning Map of the City of Glendale shall be approved only if:
    - a. The amendment is consistent with the policies and objectives of the Glendale General Plan;
    - b. The proposed amendment furthers the public health, safety and general welfare of the citizens of Glendale; and
    - c. If the amendment is to the official Zoning Map, the proposed change will include any conditions necessary to mitigate any adverse impacts on businesses, persons, or properties adjacent to the requested amendment.

- 
- J. Change of Classification of Requested Zone District. In the event an application is made for an amendment to change the official Zoning Map from a more restrictive district to a less restrictive district, the Planning Commission or City Council may approve the application or grant the amendment for a district which is more restrictive than requested in the application and less restrictive than the existing classification, without the necessity of a new or amended application and without the necessity of giving new or additional notice.
- K. Re-application. In cases where the amendment has been denied, no application for an amendment for the same or substantially the same request and, in the case of a map amendment on the same or substantially the same property shall be filed within one hundred eighty (180) days from the date of denial of the amendment.
- L. Adequate School Facilities
1. The provisions of this section shall apply only to applications for residential rezoning which will increase the projected number of students for any school district's school attendance area as a result of the proposed rezoning. The applicability of this section includes applications for rezoning which change zoning classifications from non-residential to residential classifications and rezonings which change residential zoning classifications to a higher density residential classification. A school district's school attendance areas shall be the attendance boundaries adopted for each public school by the applicable school district.
  2. No rezoning application shall be considered complete under Section 35.6.202 until the applicant provides a letter from the appropriate school district which certifies any of the following, or the time period for the school district's response to a request for certification has expired under subsection 4 below:
    - a. That the school district has adequate school facilities to accommodate the projected number of new students within the school district's attendance area; or
    - b. That the school district will have adequate school facilities by a planned capital improvement to be constructed within one (1) year and located within the school district's attendance area; or
    - c. That the school district has determined an existing or proposed charter school can provide adequate school facilities; or
    - d. That the applicant and the school district have entered into an agreement to provide, or help to provide, adequate school facilities within the school district's attendance area in a timely manner; or
    - e. That the school district does not have adequate school facilities to accommodate projected growth attributable to the rezoning.

The projected number of new students resulting from the application for rezoning shall be based upon a student per-household ratio methodology adopted by the appropriate school district. If a school district fails to adopt a student per-household ratio methodology for projecting the number of new students resulting from an applicant's rezoning application, then the school district shall base its certification upon an authoritative source accepted within the education community.
  3. For purposes of this section, adequate school facilities shall be determined by the appropriate school district in accordance with the minimum school facility adequacy guidelines adopted by the School Facilities Board pursuant to A.R.S. § 15-2011, and any subsequent amendments made thereto, as applied to each individual school site's attendance area for each individual school serving the property being considered for rezoning.
  4. Applications for rezoning subject to this section shall follow the following procedures:

- 
- a. At the time of filing an application for rezoning subject to this section, all applicants for rezoning shall provide a copy of a letter delivered to the superintendent(s) of all applicable school districts which contains an offer to meet with school district representatives to discuss the school district's certification required by subsection 2 above.
  - b. After the filing of the rezoning application, the City shall deliver by certified or registered mail a copy of the application and a site location map to each affected school district located within the area requested to be rezoned. In addition, the City shall request the school district to provide the required certification provided for in subsection 2 above, on a form to be provided by the City, within thirty (30) days to the City of Glendale care of the Development Services Director. For good cause, the thirty (30) daytime period may be extended at the request of the applicant or the school district. In the event the City does not receive certification from the school district within thirty (30) days, or any extension thereof, it shall be deemed that there are adequate school facilities for the proposed rezoning. The school district's response time to a request for certification shall be determined by the date of mailing of the request for certification from the City. For purposes of computing the thirty (30) day certification time period, the date of mailing from which the designated period of time begins to run shall not be included. In the event the last day for receipt of the certification occurs on a Saturday, Sunday or legal holiday, the applicable certification time period runs until the end of the next work day.
  - c. After providing the certification required by subsection 2, or the school district's failure to respond to the request for certification within thirty (30) days, or any extension thereof, the application shall proceed to be processed in accordance with Section 35.6.207 of the zoning ordinance and all other applicable ordinances.
  - d. In the event that the appropriate school district certifies that there are not adequate school facilities for the proposed rezoning, the Development Services Director or designee shall notify the applicant in writing that the school district has determined that it does not have adequate school facilities for the rezoning.

(Ord. No. O25-10, § 1, 3-25-25)