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## Section 6-304 Zoning Map Amendments (including Overlay Districts) and Code Text Amendments.

- A. **Purpose.** The regulations and boundaries of zoning districts set forth in this Code may be amended whenever deemed necessary to best serve the public interest, and the health, comfort, convenience, safety, and general welfare of the City.
- B. **Applicability.** Amendments to the text or zoning map of this Code shall not be made except through the adoption of an amending ordinance by the City Council and following the procedure prescribed in this Code.
- C. **Procedure.** An application for zoning map or code text amendment shall be made as a written request submitted to the Community Development Director, or designee. The written request shall specify the nature of the amendment with pertinent details to explain or support the request. Requests for zoning map or code text amendments shall be taken to the applicable decision-making body, by the owner or owners of real property situated in the City or by any officer, department, board or commission of the City, or by the City Council, under its own motion. In addition the following are required:
  - 1. Code text amendments must receive authorization from the Community Development Director prior to being processed by any board, commission or the City Council.
  - 2. Zoning map amendments administrative completeness review will certify that the applicant has submitted a complete application containing all documents required to complete the entitlement process.
    - A. Within thirty (30) days of receipt, the Community Development Director, or designee, shall review an application for administrative completeness and shall accept the application as administratively complete or shall issue a comprehensive notice of deficiency identifying the items required to make the application complete. The notice of deficiency may subsequently incorporate an additional notice or notices of deficiency if the application requires other City department or official approval.
    - B. Suspension of time and resubmitted application. The administrative completeness review time frame and the overall time frame are suspended from the date of the notice or notices of deficiency until receipt from the applicant of information identified as deficient.
    - C. Within fifteen (15) days of receipt of the resubmitted application, the Community Development Director, or designee, shall determine if the resubmitted application is or is not administratively complete.
    - D. Approval, Denial and Extensions of Time. Upon the determination that an application is administratively complete, the decision-making authority shall approve or deny the application within one hundred eighty (180) days. The Community Development Director, or designee, may extend the approve or deny time frame as follows:
      - I. An extension of not more than thirty (30) calendar days for extenuating circumstances; or
      - II. An extension of thirty (30) calendar days upon applicant request for an extension.
    - E. Land that is or will be designated as a district of historical significance, or an area that is designated as historic on the National Register of Historic Places, and planned area *development* overlays are excluded from section 6-304(c)(2).
  - 3. A *development plan* review application may be processed concurrently with a zoning map amendment, pursuant to Section 6-306.

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4. The applicable recommending body shall review the request and make a recommendation to City Council in a public hearing. The recommendation of approval of any amendment by the recommending body shall be based on a finding of consistency and conformance with the General Plan and may include conditions of approval.
  5. City Council Review and Approval Criteria. The City Council shall conduct at least one (1) public hearing for zoning map and code text amendments. Approval by the City Council of an amendment shall be based on a finding that the zoning amendment is in the public interest and is consistent and conforms with the General Plan. Any approval may be subject to such conditions as the council deems applicable in order to fully carry out the provisions and intent of this Code. Zoning map amendments are subject to legal protest, pursuant to procedures in Section 6-502.

**D. Approval Criteria.**

1. The proposed zoning map amendment is in the public interest.
2. The proposed zoning map amendment conforms with the general plan land use and residential density map, and implements certain goals and objectives of the general plan.
3. The proposed zoning map amendment is compatible with the surrounding land uses, zoning designations and *development* standards.
4. The proposed zoning map amendment mitigates impacts on land use, water infrastructure, utilities or transportation.

**E. Reversion.** A complete building permit application shall be made on or before two (2) years from the date of City Council approval, or within a time stipulated as a condition of approval. If this condition is not met, the applicant shall be required to appear at a hearing before the City Council to determine by Council vote whether the zoning should revert to that in place at the time of application, or whether to extend, remove or determine compliance with the schedule.

1. A reversion, if directed by City Council at the administrative hearing, is subject to the same public hearing process as a zoning map amendment.
2. The Community Development Director, or designee, may grant a one (1) year extension of a Zoning Map Amendment or Overlay District decision through the following process:
  - a. For sites with an existing building that is seventy-five percent (75%) or more occupied, the Owner/Developer may file an extension application with the Community Development Director, or designee, that attaches documentation identifying existing tenants and vacancies. The Community Development Director, or designee, reserves the right to conduct a site inspection to verify occupancy. If the building has seventy-five percent (75%) or more of the tenant spaces occupied with residents (for residential properties) or active businesses (for commercial properties) then the Community Development Director, or designee, shall grant a one (1) year extension to a Zoning Map Amendment or Overlay District. This process may be repeated for additional one (1) year extension requests.
  - b. For vacant sites or for sites with an existing building that is less than seventy-five percent (75%) occupied, the Owner/Developer may file an extension application with the Community Development

Director, or designee, that identifies which site improvement(s) from the Community Development Department's list of acceptable site plan improvements the Owner/Developer agrees to place on the property to enhance its aesthetic value for community benefit. The Community Development Director, or designee, shall determine whether the site improvements the Owner/Developer selected are reasonable. In determining reasonableness, the Community Development Director, or designee, will consider the location and size of the parcel. If the

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Community Development Director, or designee, determines that the selected site improvements are reasonable, then the Community Development Director, or designee, shall grant a one (1) year extension to a Zoning Map Amendment; otherwise, the Community Development Director, or designee, shall deny the application. This process may be repeated for additional one (1) year extension requests. If the Owner/Developer continues to maintain the originally-approved temporary improvements upon receiving an extension, then such improvements shall serve to meet the requirements for an additional time extension so long as the Community Development Director, or designee, determines that such site improvements are reasonable.

3. The Owner/Developer may forego an extension to the Community Development Director, or designee, for any property and instead request an extension directly from the City Council at the next reasonably scheduled hearing date, pursuant to Section 6-305(F) above.

(Ord. No. 2005.83, 1-5-2006; Ord. No. 2006.82, 1-4-2007; Ord. No. O2014.72, 12-4-2014; Ord. No. O2018.33, 4-26-2018; Ord. No. O2024.59, 12-19-2024)

State law reference(s)—A.R.S. § 9-462.01, § 9-462.03, § 9-462.04, Zoning amendments, procedures.