

ZTA24-04 – Zoning Application Time Limits, Public Hearing Requirements, and Housing Needs Assessment

Brief Description

The purpose of the Zoning Text Amendment, ZTA24-04, is to align Unified Development Code Sections 35.6.202, 35.6.204, 35.6.207, and Section 35.6.215 with Arizona Revised Statutes (ARS) Senate Bill 1162 (SB1162).

SB1162 amends zoning laws in Arizona by requiring municipalities to adopt structured residential zoning practices, implement specific timelines for zoning applications, and conduct housing needs assessments.

The ARS SB1162 states, in its entirety:

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 9-462.04, Arizona Revised Statutes, is amended to read:

9-462.04. Public hearing required; definition

- A. If the municipality has a planning commission or a hearing officer, the planning commission or hearing officer shall hold a public hearing on any zoning ordinance. Notice of 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 shall be given at least fifteen days before the hearing in the following manner:
1. The notice shall be published at least once in a newspaper of general circulation published or circulated in the municipality, or if there is none, it shall be posted on the affected property in such a manner as to be legible from the public right-of-way and in at least ten public places in the municipality. A posted notice shall be printed so that the following are visible from a distance of one hundred feet: the word "zoning", the present zoning district classification, the proposed zoning district classification and the date and time of the hearing.
 2. In proceedings involving rezoning of land that abuts other municipalities or unincorporated areas of the county or a combination of a municipality and an unincorporated area, copies of the notice of public hearing shall be transmitted to the planning agency of the governmental unit abutting such land. In proceedings involving rezoning of land that is located within the territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461, the municipality shall send copies of the notice of public hearing by first class mail to the military airport. In addition to notice by publication, a municipality may give notice of the hearing in any other manner that the municipality deems necessary or desirable.

3. In proceedings that are not initiated by the property owner involving rezoning of land that may change the zoning classification, notice by first class mail shall be sent to each real property owner, as shown on the last assessment of the property, of the area to be rezoned and all property owners, as shown on the last assessment of the property, within three hundred feet of the property to be rezoned.
 4. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by paragraph 5 of this subsection:
 - a) A ten percent or more increase or decrease in the number of square feet or units that may be developed.
 - b) A ten percent or more increase or reduction in the allowable height of buildings.
 - c) An increase or reduction in the allowable number of stories of buildings.
 - d) A ten percent or more increase or decrease in setback or open space requirements.
 - e) An increase or reduction in permitted uses.
 5. In proceedings governed by paragraph 4 of this subsection, the municipality shall provide notice to real property owners pursuant to at least one of the following notification procedures:
 - a) Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly governed by the changes.
 - b) If the municipality issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the municipality shall include notice of the changes with such utility bills or other mailings.
 - c) The municipality shall publish the changes before the first hearing on such changes in a newspaper of general circulation in the municipality. The changes shall be published in a "display ad" covering not less than one-eighth of a full page.
 6. If notice is provided pursuant to paragraph 5, subdivision (b) or (c) of this subsection, the municipality shall also send notice by first class mail to persons who register their names and addresses with the municipality as being interested in receiving such notice. The municipality may charge a fee not to exceed \$5 per year for providing this service and may adopt procedures to implement this paragraph.
 7. Notwithstanding the notice requirements in paragraph 4 of this subsection, the failure of any person or entity to receive notice does not constitute grounds for any court to invalidate the actions of a municipality for which the notice was given.
- B. If the matter to be considered applies to territory in a high noise or accident potential zone as defined in section 28-8461, the notice prescribed in subsection A of this section shall

include a general statement that the matter applies to property located in the high noise or accident potential zone.

- C. After the hearing, the planning commission or hearing officer shall render a decision in the form of a written recommendation to the governing body. The recommendation shall include the reasons for the recommendation and be transmitted to the governing body in the form and manner prescribed by the governing body.
- D. If the planning commission or hearing officer has held a public hearing, the governing body may adopt the recommendations of the planning commission or hearing officer without holding a second public hearing if there is no objection, request for public hearing or other protest. The governing body shall hold a public hearing if requested by the party aggrieved or any member of the public or of the governing body, or, in any case, if a public hearing has not been held by the planning commission or hearing officer. The governing body may consider the testimony of any party aggrieved when making its decision. In municipalities with territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461, the governing body shall hold a public hearing if, after notice is transmitted to the military airport pursuant to subsection A of this section and before the public hearing, the military airport provides comments or analysis concerning the compatibility of the proposed rezoning with the high noise or accident potential generated by military airport or ancillary military facility operations that may have an adverse impact on public health and safety, and the governing body shall consider and analyze the comments or analysis before making a final determination. Notice of the time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the planning commission as specified in subsection A of this section. A municipality may give additional notice of the hearing in any other manner as the municipality deems necessary or desirable. For the purposes of this subsection, "party aggrieved" means any property owner within the notification area prescribed by subsection A, paragraph 3 of this section.
- E. A municipality may enact an ordinance authorizing county zoning to continue in effect until municipal zoning is applied to land previously zoned by the county and annexed by the municipality, but not longer than six months after the annexation.
- F. A municipality is not required to adopt a general plan before the adoption of a zoning ordinance.
- G. If there is no planning commission or hearing officer, the governing body of the municipality shall perform the functions assigned to the planning commission or hearing officer.
- H. If the owners of twenty percent or more of the property by area and number of lots, tracts and condominium units within the zoning area of the affected property, excluding government owned property, file a protest in writing against a proposed amendment, the change shall not become effective except by the favorable vote of three-fourths of all members of the governing body of the municipality. If any members of the governing body 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 of the remaining membership of the governing body, provided that such required number of votes shall not

be less than a majority of the full membership of the legally established governing body. For the purposes of this subsection, the vote shall be rounded to the nearest whole number. A protest filed pursuant to this subsection shall be signed by the property owners, excluding government owned property, opposing the proposed amendment and filed in the office of the clerk of the municipality not later than 12:00 noon one business day before the date on which the governing body will vote on the proposed amendment or on an earlier time and date established by the governing body.

- I. In applying an open space element or a growth element of a general plan, a parcel of land shall not be rezoned for open space, recreation, conservation or agriculture unless the owner of the land consents to the rezoning in writing.
- J. Notwithstanding section 19-142, subsection B, a decision by the governing body involving rezoning of land that is not owned by the municipality and that changes the zoning classification of such land may not be enacted as an emergency measure and the change shall not be effective for at least thirty days after final approval of the change in classification by the governing body.
- K. For the purposes of this section, "zoning area" means both of the following:
 - 1. The area within one hundred fifty feet, including all rights-of-way, of the affected property subject to the proposed amendment or change.
 - 2. The area of the proposed amendment or change.

Sec. 2. Title 9, chapter 4, article 6.1, Arizona Revised Statutes, is amended by adding section 9-462.10, to read:

9-462.10. Residential zoning; amendment; applications; deadline; extensions; applicability

- A. On or before January 1, 2025, a municipality shall adopt an amendment to the municipality's zoning ordinance that requires the municipality to determine whether a zoning application is administratively complete within thirty days after receiving the application. If the municipality determines that the application is not administratively complete, the municipality shall follow the procedures prescribed in section 9-835, subsection E until the application is administratively complete. The municipality shall determine whether a resubmitted application is administratively complete within fifteen days after receiving the resubmitted application. After determining that the application is administratively complete, the municipality shall approve or deny the application within one hundred eighty days.
- B. Notwithstanding subsection A of this section, the municipality may extend the time frame to approve or deny the request beyond one hundred eighty days for either of the following reasons:
 - 1. For extenuating circumstances, the municipality may grant a onetime extension of not more than thirty days.
 - 2. If an applicant requests an extension, the municipality may grant extensions of thirty days for each extension granted.

- C. This section does not apply to land that is designated as a district of historical significance pursuant to section 9-462.01, subsection A, paragraph 10 or an area that is designated as historic on the national register of historic places or planned area developments.

Sec. 3. Title 9, chapter 4, article 6.4, Arizona Revised Statutes, is amended by adding section 9-469, to read:

9-469. Municipal housing needs assessment; annual report; applicability

- A. Beginning January 1, 2025 and every five years thereafter, a municipality shall publish a housing needs assessment that includes the following:
 - 1. The total population growth projected for the subsequent five-year period.
 - 2. The total job growth projected for the subsequent five-year period.
 - 3. The total amount of residentially zoned land with detail on land zoned as single-family and multifamily.
 - 4. The total need for additional residential housing units for rent and for sale in the municipality to meet:
 - a) Any deficiencies in housing the existing population.
 - b) Any deficiencies in housing the existing workforce.
 - c) Population growth projections.
 - d) Job growth projections.
 - e) Housing needs across all various income levels.
- B. Beginning January 1, 2025 and every year thereafter, each municipality shall submit an annual report to the Arizona department of housing accounting for the total number of proposed residential housing units submitted to the municipality, the total number of net new residential housing units submitted to the municipality and the total number of new residential housing units that are entitled, have been platted, have been issued a building permit and have received a certificate of occupancy by the municipality. The annual report shall include all of the following:
 - 1. The number of housing development applications received in the prior year.
 - 2. The number of lots and multifamily units included in all development applications in the prior year.
 - 3. The number of lots and multifamily units approved and disapproved or otherwise not approved in the prior year.
 - 4. A threshold percentage requirement of multifamily zoned land versus single-family zoned land needed to meet population demand in each municipality.
 - 5. The status and progress in meeting the municipality's housing needs.
 - 6. A plan that specifies how the municipality intends to satisfy the identified need for additional housing units within the municipality.
- C. A municipality that has conducted a housing needs assessment report as of January 1, 2021 shall amend all existing reports to include the information required in subsection a of this section.

- D. The Arizona department of housing shall compile the reports received pursuant to subsection b of this section and submit the reports to the governor, the president of the senate and the speaker of the house of representatives.
- E. This section does not require a municipality to fulfill the projections in the housing needs assessment required by subsection a of this section.
- F. This section does not apply to a municipality that is located on tribal land or a municipality with a population of less than thirty thousand persons.

The UDC was adopted on January 12, 2024, prior to SB1162 being signed by the Arizona State Governor on April 23, 2024. The proposed amendment to the UDC brings the UDC into conformance with SB1162. Draft language to be removed is stricken and draft language for adoption is in red.

The draft text amendment language is as follows:

DRAFT TEXT AMENDMENT (ZTA24-04)

35.6.202 Common Procedures

The preparation and filing of applications for land use permits, entitlements, amendments and other matters pertaining to this UDC shall comply with the following common procedures, unless an exception to the common procedure is expressly identified in subsequent sections of this UDC. Subsequent sections include additional provisions that are unique to each type of application, including staff and review board assignments and approval criteria.

A. Pre-Application

Prior to application for any general plan amendment, rezoning request, special district, conditional use permit, subdivision plat, variance, appeal, design review, or any other review or permit process, a preapplication review with the Development Services Department will be required. The purpose of the preapplication review is:

1. To familiarize the Development Services Department with the request;
 - a. To determine application requirements and familiarize the applicant with the review process and procedures;
 - b. To identify land use and development policies which may affect the outcome of the request;
 - c. To permit a cursory technical review at a conceptual stage to identify conflicts in objectives and to identify potential solutions for those conflicts; and
 - d. To identify the requirements for citizen participation and familiarize the applicant with related issues.

B. Complete Application

1. Completed applications shall be submitted to the Development Services Department on a form and in such a manner as established by the Development Services Director or designee.

2. In accordance with A.R.S. §9-835, the Development Services Department shall publish an application schedule, which prescribes the necessary deadline for submitting specified application types in advance of being reviewed by the appropriate decisionmaking body pursuant to this UDC or the A.R.S. Complete Application.
3. The Development Services Department will evaluate an application for completeness. An application shall contain an application form, any information specifically required by this ordinance, such additional information specified by the Development Services Director or designee, and when required, a fee. An application must be made by the property owner or his authorized agent. An applicant will be notified within ten (10) working days if the application is incomplete. If incomplete, no review or public hearing will be scheduled, **AND THE APPLICANT WILL BE ISSUED AN OFFICIAL WRITTEN NOTICE CONTAINING A COMPREHENSIVE AND SPECIFIC LIST OF DEFICIENCIES. ONCE THE NOTICE IS ISSUED, THE APPLICATION REVIEW WILL BE SUSPENDED UNTIL RESUBMITTAL. UPON RESUBMITTAL, IT WILL BE DETERMINED WHETHER THE DEFICIENCIES HAVE BEEN RESOLVED AND THE APPLICATION DETERMINED COMPLETE WITHIN TEN (10) WORKING DAYS.** ~~If an application fee has been paid, such fee will be refunded if the Unified Development Code application continues to be incomplete thirty (30) days after an initial incomplete submittal.~~
4. When an application is determined to be complete, it will be scheduled for a review or public hearing as required by this UDC. If the review authority (Commission, Board, City Council, or staff) determines additional information is required to adequately evaluate an application, any such additional information shall be submitted by the applicant not later than sixty (60) days from notification of the applicant unless a specific date is otherwise established by the review authority. Failure to provide additional information in the time specified will result in the application being deemed incomplete, the file closed and no refund of application fees made.
5. **THE CITY SHALL APPROVE OR DENY THE APPLICATION WITHIN ONE HUNDRED EIGHTY (180) DAYS OF DETERMINING THE APPLICATION COMPLETE WITH THE FOLLOWING EXCEPTIONS:**
 - a. **STAFF MAY GRANT A ONE-TIME EXTENSION OF NOT MORE THAN THIRTY (30) DAYS FOR EXTENUATING CIRCUMSTANCES; OR**
 - b. **STAFF MAY GRANT EXTENSIONS IN THIRTY (30) DAYS INCREMENTS AT THE REQUEST OF THE APPLICANT.**
 - c. **ZONING APPLICATIONS FOR LAND IN A DESIGNATED DISTRICT OF HISTORICAL SIGNIFICANCE PURSUANT TO A.R.S. § 9-462.01, A PROPERTY OR AREA ON THE NATIONAL REGISTER OF HISTORIC PLACES, PLANNED RESIDENTIAL DEVELOPMENTS (PRDS), OR PLANNED AREA DEVELOPMENTS (PADS).**
- ~~5.~~ 6. When a project requires approvals under more than one section of the UDC, the individual applications may be processed concurrently at the option of the Development Services Director or designee, and with the approval of the applicant; provided, however, rezoning applications may not be approved simultaneously with Major General Plan Amendments. Rezone applications can only be approved sequentially after Major GPA adoption; the rezone application will be cancelled if the Major GPA is not adopted. Minor

GPAs may be processed concurrently with other applications. The concurrent processing of applications shall be in all cases at the applicant's risk.

6) 7. At the discretion of the Development Services Director or designee, or where otherwise required by this UDC, A.R.S., or Federal law, an application filed in compliance with this UDC may be referred to any public agency that may be affected by or have an interest in the proposed land use activity.

C. Citizen Participation

1. Citizen Participation Plan. Every application which requires a public hearing shall include a citizen participation plan which must be implemented prior to the first public hearing.

a. The purpose of the citizen participation plan is to:

- i. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community;
- ii. Ensure that the citizens and property owners of Glendale have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and
- iii. Facilitate ongoing communication between the applicant, interested citizens and property owners, City staff, and elected officials throughout the application review process.

b. At a minimum the citizen participation plan shall include the following information:

- i. Which residents, property owners, interested parties, political jurisdictions and public agencies may be affected by the application;
- ii. How those interested in and potentially affected by an application will be notified that an application has been made;
- iii. How those interested and potentially affected parties will be informed of the substance of the change, amendment, or development proposed by the application;
- iv. How those affected or otherwise interested will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing;
- v. The applicant's schedule for completion of the citizen participation plan;
- vi. How the applicant will keep the Development Services Department informed on the status of their citizen participation efforts.

c. The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. The target area for early notification will be determined by the applicant after consultation with the

Development Services Department. At a minimum, the target area shall include the following:

- i. Property owners within the public hearing notice area required by other sections of the ordinance codified in this section;
 - ii. The head of any homeowners association or registered neighborhood within the public notice area required by other sections of the ordinance codified in this section;
 - iii. Other interested parties who have requested that they be placed on the interested parties notification list maintained by the Development Services Department.
 - d. These requirements apply in addition to any notice provisions required elsewhere in the ordinance codified in this section.
 - e. The applicant may submit a citizen participation plan and begin implementation prior to formal application at their discretion. This shall not occur until after the required pre-application meeting and consultation with the Development Services Department staff.
2. Citizen Participation Final Report
 - a. This section applies only when a citizen participation plan is required by the ordinance codified in this section.
 - b. The applicant shall provide a written report on the results of their citizen participation effort prior to the notice of public hearing. This report will be attached to the Development Services Department's public hearing report.
 - c. At a minimum, the citizen participation final report shall include the following information:
 - i. Details of techniques the applicant used to involve the public, including:
 - a. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
 - b. Content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters and other publications;
 - c. Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located; and
 - d. The number of people that participated in the process.
 - ii. A summary of concerns, issues and problems expressed during the process, including:
 - a. The substance of the concerns, issues, and problems;
 - b. How the applicant has addressed or intends to address concerns, issues and problems expressed during the process; and
 - c. Concerns, issues and problems the applicant is unwilling or unable to address and why.

The following are the proposed revisions to Section 35.6.204.C:

35.6.204 Public Notice

No public hearing shall be conducted without first providing notice to the affected parties.

- A. Newspaper. Notice shall be placed in the newspaper of general circulation of the area, or newspaper designated by the City Council for legal public notices, advertising the type and nature of the public hearing at least fifteen (15) full calendar days prior to the date of the scheduled public hearing, not including the day of the hearing or the day of the notice publication. However, text changes to this Unified Development Code shall be published in a "display ad" covering not less than one-eighth ($\frac{1}{8}$) of a full page.
- B. Site Posting. Notice shall be posted in at least one conspicuous location per street frontage of the subject property. For subject properties that are greater than forty (40) acres in area with street frontage(s), postings shall be placed along each street frontage so as to ensure at least one posting for each quarter-mile (1,320 feet). For applicable sites with no street frontage, postings shall be installed on the property in locations clearly visible to abutting residents so as to ensure at least one posting for each quarter-mile (1,320 feet). To enhance notification of required neighborhood meetings at preliminary stages of the application process, applicants shall install a sign on the property along each street frontage and in locations clearly visible to abutting residents so as to ensure at least one posting for each quarter-mile (1,320 feet). All signs shall set forth the purpose, time, date, and place of the neighborhood meeting.
 1. Site posting(s) shall be located outside of the public right-of-way, unless documented permission from the Development Services Director or designee, has been granted. Such permission shall be generally supported for properties within the Centerline Overlay District.
 2. Site posting(s) shall be placed on the property and updated with public hearing information at least twenty (20) full calendar days prior to the date of the first scheduled public hearing. This twenty-day posting period shall not include the day of the hearing or the day of the posting. Site posting(s) for required neighborhood meetings shall be placed at least ten (10) days prior to the date of the scheduled meeting.
 3. Site postings shall include the City-issued application number, summary of the request, applicant contact information, City contact information, and hearing dates, times, and location.
 4. The size and format of the site posting(s) shall be in accordance with policies established and/or modified by the Development Services Department.
 5. The applicant shall maintain all postings and ensure legibility throughout the duration of the posting period.
 6. Site postings shall be removed from the subject property within thirty (30) days of the final hearing for the associated application.
- C. Property Owner Notification. All property owners, including homeowners' associations, within the notification distance stated in Table 6.200-2 of this Section shall be sent notice by first class mail, postmarked at least fifteen (15) days prior to the date of the scheduled public hearing.

Due to the potential impact of a project that may extend beyond the required minimum notification distance, required notification distances shall be increased by 30%, if at least one of the following conditions exist:

- A zoning or land use request would result in conversion of a single-family residence designation to a multi-family residence designation or non-residential designation (and vice versa).
- A zoning or land use request may result in the need to change an existing roadway classification, revise an existing roadway alignment, or warrant the installation of a traffic signal.

Further, the required notification area shall be extended to all parcels located within the Plat(s) associated with parcels that fall within the required notification distance.

ZONING THAT ABUTS OTHER MUNICIPALITIES AND/OR UNINCORPORATED AREAS OF THE COUNTY OR IS IN THE NOTIFICATION DISTANCE (TABLE 6.200-2 OF THIS SECTION) OF A MILITARY AIRPORT OR ANCILLARY FACILITY AS DEFINED IN A.R.S. § 28-8461, THE NOTICE SHALL BE SENT FIRST CLASS MAIL TO THE PLANNING AGENCIES AND/OR MILITARY AIRPORT AND/OR FACILITY.

ZONING NOT INITIATED BY THE PROPERTY OWNER REQUIRES THE CITY TO PROVIDE NOTICE BY FIRST CLASS MAIL TO REAL PROPERTY OWNERS WITHIN NOTIFICATION DISTANCE (TABLE 6.200-2 OF THIS SECTION) IF THE ZONING MAY CHANGE THE ZONING CLASSIFICATION AND/OR IS DIRECTLY GOVERNED BY ANY COMBINATION OF THE FOLLOWING CHANGES:

- **TEN PERCENT OR MORE INCREASE OR REDUCTION IN THE NUMBER OF SQUARE FEET OR UNITS THAT MAY BE DEVELOPED.**
- **TEN PERCENT OR MORE INCREASE OR REDUCTION IN THE ALLOWABLE HEIGHT OF BUILDINGS.**
- **TEN PERCENT OR MORE INCREASE OR REDUCTION IN SETBACK OR OPEN SPACE REQUIREMENTS.**
- **INCREASE OR REDUCTION IN THE ALLOWABLE NUMBER OF STORIES OF A BUILDING.**
- **AN INCREASE OR DECREASE IN PERMITTED USES.**

1. Property ownership information, for the purposes of notification, shall be collected from the Maricopa County Assessor's information. Additional interested parties may be included in the notification as a courtesy.
2. Measurement of the notification distance shall be taken from the exterior boundaries of the property subject to the application as shown on the last assessment of the property.
3. The size and format of the notification mailer shall be in accordance with policies established by the Development Services Department.

4. IN HIGH NOISE OR ACCIDENT POTENTIAL ZONES AS DEFINED BY A.R.S. § 28-8461, THE NOTICE SHALL INCLUDE A GENERAL STATEMENT THAT THE MATTER IS IN A HIGH NOISE AND/OR ACCIDENT POTENTIAL ZONE.

~~4~~ **5.** The public hearing notification process shall be managed and executed by the City. All associated notification and postage fees shall be calculated and submitted to the applicant for collection at the time of the first formal submittal.

- D. Notwithstanding the notice requirements set forth in this Section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given. No public hearing shall be conducted without first providing notice to the affected parties.
- E. Continuances. Items scheduled for public hearing which have been continued, for any reason, to a date-specific hearing by the same body and occurring within sixty (60) days of the original hearing, are not required to be re-noticed. The Development Services Director or designee may require re-notification as a courtesy should unique circumstances exist in which re-notification would benefit the community. Items remanded to a lower-tier hearing body for reconsideration shall be re-noticed in accordance with this Section.

The following are the proposed revisions to Section 35.6.207.F:

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 ~~either of the lots~~ **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 (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 (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.

The following is proposed addition of a new section of the UDC 35.6.215:

35.6.215 HOUSING NEEDS ASSESSMENT AND ANNUAL REPORT

PURPOSE

THE PURPOSE OF THIS SECTION IS TO DEFINE THE REQUIREMENTS FOR THE HOUSING NEEDS ASSESSMENT AND ANNUAL REPORT PURSUANT TO A.R.S. § 9-469 AND TO SUPPORT THE CITY'S EFFORT IN ADDRESSING HOUSING NEEDS AND GROWTH. THE REGULATIONS IN THIS SECTION

ARE IN ADDITION TO OTHER CODES AND REQUIREMENTS OF THE CITY. ALL REQUIREMENTS WILL BE SUBMITTED BY DATES ESTABLISHED IN STATE STATUTES.

- A. THE CITY SHALL PUBLISH A HOUSING NEEDS ASSESSMENT EVERY FIVE (5) YEARS DETAILING ANY DEFICIENCIES IN HOUSING THE EXISTING POPULATION AND WORKFORCE, POPULATION AND JOB GROWTH PROJECTIONS, AND THE HOUSING NEEDS ACROSS ALL INCOME LEVELS. THE HOUSING NEEDS ASSESSMENT SHALL INCLUDE:**
- 1. THE TOTAL POPULATION GROWTH PROJECTED FOR THE SUBSEQUENT FIVE-YEAR PERIOD.**
 - 2. THE TOTAL JOB GROWTH PROJECTED FOR THE SUBSEQUENT FIVE-YEAR PERIOD.**
 - 3. THE TOTAL AMOUNT OF RESIDENTIALLY ZONED LAND WITH DETAIL ON LAND ZONED AS SINGLE-FAMILY AND MULTIFAMILY.**
 - 4. THE TOTAL NEED FOR ADDITIONAL RESIDENTIAL HOUSING UNITS FOR RENT AND FOR SALE IN THE CITY TO MEET:**
 - a. ANY DEFICIENCIES IN HOUSING THE EXISTING POPULATION.**
 - b. ANY DEFICIENCIES IN HOUSING THE EXISTING WORKFORCE.**
 - c. POPULATION GROWTH PROJECTIONS.**
 - d. JOB GROWTH PROJECTIONS.**
 - e. HOUSING NEEDS ACROSS ALL VARIOUS INCOME LEVELS.**
- B. THE CITY SHALL SUBMIT AN ANNUAL REPORT TO THE ARIZONA DEPARTMENT OF HOUSING DETAILING THE TOTAL NUMBER OF PROPOSED RESIDENTIAL HOUSING UNITS AND TOTAL NUMBER OF NET NEW RESIDENTIAL HOUSING UNITS SUBMITTED TO THE CITY, TOTAL NUMBER OF NEW RESIDENTIAL UNITS THAT ARE ENTITLED AND HAVE BEEN PLATTED, ISSUED A BUILDING PERMIT, AND RECEIVED A CERTIFICATE OF OCCUPANCY. THE ANNUAL REPORT SHALL INCLUDE:**
- 1. THE NUMBER OF HOUSING DEVELOPMENT APPLICATIONS RECEIVED IN THE PRIOR YEAR.**
 - 2. THE NUMBER OF LOTS AND MULTIFAMILY UNITS INCLUDED IN ALL DEVELOPMENT APPLICATIONS IN THE PRIOR YEAR.**
 - 3. THE NUMBER OF LOTS AND MULTIFAMILY UNITS APPROVED AND DISAPPROVED OR OTHERWISE NOT APPROVED IN THE PRIOR YEAR.**
 - 4. A THRESHOLD PERCENTAGE REQUIREMENT OF MULTIFAMILY ZONED LAND VERSUS SINGLE-FAMILY ZONED LAND NEEDED TO MEET POPULATION DEMAND.**
 - 5. THE STATUS AND PROGRESS IN MEETING THE CITY'S HOUSING NEEDS.**
 - 6. A PLAN THAT SPECIFIES HOW THE CITY INTENDS TO SATISFY THE IDENTIFIED NEED FOR ADDITIONAL HOUSING UNITS WITHIN THE CITY.**