

TOWN OF PARADISE VALLEY

SUP Managerial Amendment Process

Town Council Study Session

October 25, 2018



KEY QUESTION

Q: Does the Council want to change the process for the approval of applications for managerial amendments to special use permits?



CURRENT ZONING ORDINANCE PROCESS FOR MANAGERIAL SUP AMENDMENTS

Zoning Ordinance §1102.8 .A :

1. The applicant must first complete the pre-application review process in accordance with Section 2-5-2(E) of the Town Code. A formal application can then be made to the Town in accordance with Section 1102.3 of this Article. The Town Manager or his designee will then review and either approve or deny the application, or reclassify the application to a different category of Special Use Permit amendment.
2. The Town Manager (or the Town Manager's designee) will be required to report all decisions on Managerial Amendments to the Town Council (for informational purposes only).



COMMENTS FROM THE COUNCIL AT THE SEPTEMBER 27, 2018 WORK STUDY SESSION

Council comments suggested changes be made to four parts of the proposed draft changes to §1102.8(A):

1. Which managerial decisions should be appealable by Council (only approved Managerial Amendments);
2. The number of Council members necessary and the process to place an item on a Council agenda for review/appeal (change from 1 to 3);
3. Timing considerations, including the Council's summer break (specify a set # of days for Council review); and
4. The scope of the review/appeal (1st determine whether the amendment request meets the ordinance criteria).



POTENTIAL CHANGE TO PROCESS FOR MANAGERIAL SUP AMENDMENTS

1. The applicant must first complete the pre-application review process in accordance with Section 2-5-2(E) of the Town Code. A formal application can then be made to the Town in accordance with Section 1102.3 of this Article. The Town Manager or his designee will then review the application, make a written determination to either approve or deny the application, or reclassify the application to a different category of Special Use Permit amendment.
2. ~~The Town Manager (or the Town Manager's designee) will be required to report all decisions on Managerial Amendments to the Town Council (for informational purposes only).~~ **The Town Manager (or designee) shall transmit all determinations approving a Managerial Amendment to the Town Council within two (2) business days of making the determination.**



POTENTIAL CHANGE TO PROCESS FOR MANAGERIAL SUP AMENDMENTS (CONT'D.)

3. The Town Manager's (or designee's) decision shall be final unless within 10 days after the Town Manager's (or designee's) written determination at least three members of the Town Council submit a written request to the Town Manager to appeal the determination approving the Managerial Amendment application.



POTENTIAL CHANGE TO PROCESS FOR MANAGERIAL SUP AMENDMENTS (CONT'D.)

4. The Town Council shall have the authority to decide appeals from the written determination of the Town Manager (or designee) approving a Managerial Amendment application. The appeal shall be set for consideration at the next regularly-scheduled a Town Council meeting within [redacted] days after the Town Manager's receipt of the third written appeal request by the Town Manager. The Town Council shall first decide, by a majority vote of the members present and not otherwise disqualified, to affirm whether the Town Manager's (or designee's) decision meets the criteria for a Managerial Amendment. (continued on next slide)



POTENTIAL CHANGE TO PROCESS FOR MANAGERIAL SUP AMENDMENTS (CONT'D.)

4. (continued from last slide) If the Council decides that the criteria have been met, then there shall be no further appeal and the Managerial Amendment is final. If the Council decides that the criteria have not been met, or the Town Council may affirm or deny the Managerial Amendment, in whole or in part, or reclassify the application to a different category of Special Use Permit amendment. A majority vote of the voting members shall be necessary to deny or modify the decision of the Town Manager (or designee); otherwise the written determination shall be affirmed.



NEXT STEPS

- Council direction on whether to make changes to the process for managerial amendments to SUPs
- Any changes to this process will need to be referred to the Planning Commission for a citizen review meeting and public hearing before the Council can have a public hearing to implement any modifications



QUESTIONS

