

ORDINANCE NUMBER 2018-20

**AN ORDINANCE OF THE TOWN OF PARADISE VALLEY,
ARIZONA AMENDING THE PARADISE VALLEY TOWN
CODE, CHAPTER 2, ARTICLE 2-5, SECTION 2-5-2, ADDING
A NEW SUBSECTION J, PROCEDURE FOR GENERAL
PLAN AMENDMENTS**

WHEREAS, Arizona Revised Statutes, §9-461.05(A) requires municipalities to include provisions in their adopted general plans that identify changes or modifications to the plan that constitute amendments and major amendments to the general plan, and;

WHEREAS, Arizona Revised Statutes, §9-461.06(G) specifies that certain amendments to the general plan shall be considered a “major amendment,” particularly:

“major amendment” means a substantial alteration of the municipality’s land use mixture or balance as established in the municipality’s existing general plan land use element. The municipality’s general plan shall define the criteria to determine if a proposed amendment to the general plan effects a substantial alteration of the municipality’s land use mixture or balance as established in the municipality’s existing general plan land use element,”

and;

WHEREAS, the Town’s existing general plan, at Section 9.4, defines which changes to the Town’s land use mixture are “major amendments” to the general plan; such changes being land use map changes that would provide for a “greater density classification” along with any changes to the circulation map that would change a particular roadway to a “higher capacity classification,” and;

WHEREAS, Section 9.4 of the Town’s general plan provides that once a proposed amendment is defined as “major” it is subject to a higher standard of procedural review and public scrutiny and that the same review requirements specified for the adoption of a general plan itself shall apply, with the exception of ratification by popular election, and;

WHEREAS, Section 9.4 of the Town’s general plan also provides that proposed general plan amendments that are not considered major amendments will be processed as minor amendments in accordance with State and Town regulations concerning timing, notice, public hearing, and action, and;

WHEREAS, subsection 9.4.1.1 of the Town’s existing general plan states that the Town shall identify and implement a transparent application process for the consideration of General Plan amendments, and;

WHEREAS, the Town does not currently have any process identified in the Town Code, or otherwise, regarding the process and timing requirements related to applications to amend the general plan, whether major or minor in nature, and;

WHEREAS, the Town Council desires to implement a transparent application and review process for both major and minor amendment applications;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA:

Section 1. Chapter 2, Article 2-5, Section 2-5-2, Planning Commission, is hereby amended by adding a new Subsection J, procedure for General Plan Amendments, (with deletions shown as ~~strikethroughs~~ and additions shown in **bold type**):

CHAPTER 2 MAYOR AND COUNCIL

Section 2-5-2 Planning Commission

[Note: no changes are made to sections A through I of Article 2-5, Section 2-5-2.]

J. General Plan Amendments

1. **General Legal Requirements:** Pursuant to Arizona Revised Statutes (ARS) §9-461.05(A) the Town is required to include provisions in the general plan that identify changes or modifications to the general plan that constitute amendments and major amendments to the Town’s general plan. The Town’s existing general plan (hereinafter “General Plan”) states that the Town shall identify and implement a transparent application process for the consideration of General Plan amendments. The provisions set forth below satisfy the requirements of state law and the General Plan.
2. **Applicants:** The elements of the General Plan may be amended, supplemented or modified. Requests to amend the General Plan, whether major or minor, may be initiated by the Planning Commission, Town Council or the property owner of real property that is the subject of the application. The Zoning Administrator shall receive and process all General Plan amendment requests.
3. **Major Amendments/Annual Deadline:** A “Major General Plan Amendment” is any application that: a) proposes a change in the General Plan land use map that requests a “greater density classification” (as defined in the General Plan) for any property in the Town; or b) requests a change to the circulation map that would change a particular roadway to a “higher capacity classification” (as defined in the General Plan). An applicant may apply on an annual basis and be part of the annual process for the consideration of Major General Plan Amendments. The annual deadline for

the filing an application for a Major General Plan Amendment is the fourth Thursday of May of each year.

4. **Minor Amendments/Deadline:** A “Minor General Plan Amendment” is any application to amend the General Plan that is not a Major General Plan Amendment. There is no formal deadline for a Minor General Plan Amendment, thus such applications may be filed at any time.

5. **Required Hearings/Notices:** All Major General Plan Amendments and all Minor General Plan Amendments shall receive a set of hearings first before the Planning Commission and then before Council (per ARS §9-461.06(E) and (G)). All Major General Plan amendment applications must be heard at a single public hearing in the calendar year in which the application is made (per ARS §9-461.06(H)). The Planning Commission shall hold public hearings as required by law to make recommendations to the Town Council on all matters concerning or relating to General Plan amendments.
 - (a) The Planning Commission shall hold at least one (1) public hearing before making a recommendation on a Major General Plan Amendment request.

 - (b) Notice of the time and place of the Planning Commission hearing along with a general summary of the Major General Plan Amendment request and the availability of studies and summaries related to the hearing shall be given at least fifteen and not more than thirty calendar days before the hearing. Such notice shall be published at least once in a newspaper of general circulation published or circulated in the Town, or if there is none, the notice shall be posted in at least ten (10) public places in the Town.

 - (c) The Zoning Administrator may provide notice in other manners, in addition to publication required above, as the Zoning Administrator may deem necessary or desirable.

 - (d) At least sixty (60) days before a Major General Plan Amendment is noticed for a public hearing before the Planning Commission, the Zoning Administrator shall transmit the Major General Plan Amendment proposal to the Planning Commission and the Town Council and submit a copy for review and further comment to:
 - i. The Planning Agency of Maricopa County;
 - ii. Each county or municipality that is contiguous to the corporate limits of the Town of Paradise Valley;
 - iii. The Regional Planning Agency within which the Town of Paradise Valley is located;
 - iv. The agency that is designated as the General Planning Agency for the State; and

- v. Any person or entity that requests in writing to receive a review copy of the proposal.
 - (e) The Town Council shall hold at least one (1) public hearing before adopting any Major General Plan Amendment, subject to the provision of notice the same as that for the Planning Commission hearing specified in subsection b of this section. Major General Plan Amendments may only be enacted by an affirmative vote of at least two-thirds of the members of the Town Council (per ARS §9-461.06(H)).
 - (e) Minor General Plan Amendments may be heard at any time and do not require formal notice. Further, minor amendments may be enacted by the action of a majority of the Town Council acting by motion or resolution at a duly constituted meeting at any time of the year.
6. **Other Duties and Recommendations:** The Community Development Department shall maintain, and when necessary, develop a new general plan or propose amendments to the existing general plan for Town Council consideration and action. The Community Development Department (per ARS §9-461.07) shall also undertake the following actions to encourage effectuation of the General Plan:
- (a) Investigate and make recommendations to the Town Council upon reasonable and practical means for putting into effect the General Plan or part thereof in order that it will serve as a pattern and guide for the orderly growth and development of the Town and as a basis for the efficient expenditure of its funds relating to the subjects of the General Plan.
 - (b) Render an annual report to the Town Council on the status of the plan and progress in the application of the General Plan.
 - (c) Endeavor to promote public interest in and understanding of the General Plan and regulations relating to it.
 - (d) Consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens generally with relation to carrying out the General Plan.

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance 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 3. This Ordinance shall become effective in 30 days.

Section 4. In accordance with Article II, Sections 1 and 2, Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona, this 15th day of November, 2018.

Michael Collins, Mayor

SIGNED AND ATTESTED TO THIS _____ day of November, 2018.

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew M. Miller, Town Attorney