

Town Code/Zoning Ordinance Noticing February 18, 2020 Planning Commission Work Session

The Town Code/Zoning Ordinance includes the parameters summarized below related to noticing for planning division application requests processed by the Town. Noticing for such applications cannot be less than the requirements in Arizona Revised Statutes or in the Town Code/Zoning Ordinance. The noticing provisions in the Town Code require Town Council approval to amend. The noticing provisions in the Town Zoning Ordinance require Planning Commission recommendation and Town Council approval to amend.

- There is a general reasonable provision for noticing on applications governed by the Town Code (e.g. plats, lot splits) that states “In all cases where any section of this Code shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.” (Town Code, Section 1-3-26)
- Some of the provisions in the Town Code require written notice which means “any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this Code, it shall be made in writing in the English language unless it is expressly provided otherwise.” (Town Code, Section 1-3-26)
- Referenced both in the Town Code and Zoning Ordinance is the Citizen Review Session. This is a required neighborhood meeting the applicant hosts and provides the Town feedback prior to the Planning Commission public hearing. The applications a Citizen Review Session applies are for a Rezoning, Major and Intermediate Special Use Permit, and text amendments to the Zoning Ordinance. (Town Code, Sections 2-5.2.F and 2-5-2.G; Zoning Ordinance, Sections 308 and 1102.C.3.4)
 - Citizen Review Session must be held at least 10 days prior to the Planning Commission public hearing.
 - The notice shall include the time, date, and location and sufficient details regarding the substance of the proposed application.
 - The notice is sent by the applicant by first class mail to: 1) Each property owner within 1000 feet of the boundary of the subject property; 2) All other interested parties who have requested that they be placed on a notification list maintained by the Community Development Department; and 3) Adjoining municipalities sharing borders with the property subject to the application.
 - For text amendments to the Zoning Ordinance, the form of notice to be used will vary according to the type of text amendment and is typically an ad in the newspaper, Town posting locations, and/or the Town website.

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- Rezoning, Cluster Plan, Minor, Major and Intermediate Special Use Permit, Conditional Use Permit, and Text Amendments to the Zoning Ordinance require a public hearing by the Planning Commission for recommendations (except for a Minor Special Use Permit and Conditional Use Permit the Planning Commission takes action, with such action appealable to Town Council) and a public hearing for Town Council action. (Zoning Ordinance, Sections 308, 908, 1102.C.4, 1102.8.B, 1102.8.C.3, 1102.8.D.2, and 1103.7)
 - Notice of the public hearing requires appropriate publication of a public notice of the time, place and date of such hearing in an official newspaper or a newspaper of general circulation in the Town of Paradise Valley at least 15 days prior to such hearing.
 - The posting of a notice of the time, place, and date of such hearing on the affected property for at least 7 days prior to the date of the hearing. For a Cluster Plan, the posting is at least 15 days prior to the date of the hearing.
 - For text amendments to the Zoning Ordinance if the Council hearing is for the purpose of changing the Residential District Classification or consideration of a Special Use Permit District Application or any amendment to an existing Special Use Permit District for any property, the time, place and date of the Council hearing shall be posted on the affected property at least seven (7) days prior to said hearing. For all other proposed amendments to this ordinance, the time, place and date of the Council hearing shall be posted in three (3) public places at least seven (7) days prior to said hearing.
- Major General Plan Amendment notice provisions. (Town Code, Section 2-5-2.J)
 - Amendments require notice at least 15 and not more than 30 calendar days before the public hearing by the Planning Commission and Town Council.
 - Such notice shall be published at least once in a newspaper of general circulation published or circulated in the Town. There is an option to not do a newspaper notice with a Major General Plan Amendment and post in at least 10 public places.
 - The Zoning Administrator may provide notice in other manners, in addition to publication required above, as the Zoning Administrator may deem necessary or desirable.
 - At least 60 days before a Major General Plan Amendment is noticed for a public hearing before the Planning Commission, the Zoning Administrator shall transmit the proposal to various adjacent municipalities and agencies per Arizona Revised Statute and any person or entity that requests in writing to receive a review copy of the proposal.
- Notice provisions for when the Zoning Administrator authorizes administrative relief to a residential property owner up to 10% of any development standard contained in the Zoning Ordinance, Article X, and for solar device installations and driveway gates on hillside. (Town Code, Section 2-5-3.E) [Town Staff approval process]
 - Notice shall be made by first class mail, postmarked at least 5 days prior to the proposed date of determination by the Community Development Director, to adjacent property owners determined by the Community Development Director.

Note: The above noticing provisions do not include provisions in the Town Code/Zoning Ordinance related to enforcement or revocation. The above provisions are for applications on private property.