



APACHE COUNTY — Community Development Department

P.O. Box 238 • St. Johns, AZ 85936 • Phone: (928) 337-7527 • Fax: (928) 337-7633

ZONE CHANGE APPLICATION

APPLICANT

Name _____

Mailing Address _____

Contact Person _____

Phone _____ Fax _____

Email _____

Status (Owner, Lessee, Agent, etc.) _____

PROPERTY INFORMATION

Assessor's Parcel # _____

Township _____ Range _____ Section _____

Subdivision _____

Unit # _____ Lot # _____

Address/Location _____

Lot Size _____

USE

Existing Zone _____

Requested Zone _____

Existing Use of the Property _____

Proposed Use of the Property _____

SUBMITTAL CHECKLIST

- Pre-application meeting with a staff planner of the Community Development Department.
- A Citizen participation plan (See 1106.B)
- A Citizen Participation Report (See 1106.C)
- A non-refundable filing fee \$600.00
- A *typewritten* narrative describing the request and conformance to the findings for a zone change. (*See page 2, Criteria*)
- Proposed site plan- scaled and dimensioned-detailing property boundaries; existing improvements and used; and proposed improvements and uses.
- A *typewritten* list of names and addresses of all property owners within 300 feet of subject property.

CERTIFICATION & SIGNATURE

Submittal of this application constitutes consent of the applicant in granting the Community Development Department access to the subject property during the course of project review. No further consent or notice shall be required.

I hereby certify that the information in this application is correct and agree to abide by the regulations of this jurisdiction.

Signature of Applicant

_____ Date _____

Signature of Property Owner (if not the applicant)

_____ Date _____

OFFICE USE ONLY

Received By _____ Date _____

Receipt # _____ Fee _____

Permit # _____

Related Cases _____

Appeal Filed By _____ Date _____

Receipt # _____ Fee _____

COMMISSION ACTION

Approved with Conditions Denied

Commissioner _____ Date _____

BOARD ACTION

Approved with Conditions Denied

Supervisor _____ Date _____

8/20/2018



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Guidelines for Requesting a Zone Change

CITIZEN PARTICIPATION PLANS

In order to address concerns prior to a formal public hearing, the citizen participation plan requires you to contact your neighbors and other affected property owners in the vicinity. Section 1106 of the Apache County Zoning Ordinance outlines the requirements for holding a community meeting and providing neighbors an opportunity to understand and provide comments about the project directly to you. A staff planner with the Department of Community Development will discuss the citizen participation planning requirements as part of the required pre-application meeting.

CRITERIA

Applicants for a zone change must provide an explanation of how their request meets the following criteria.

- a. That the change is consistent with the goals, objectives, and policies of the County Comprehensive Plan and the Zoning Ordinance.
- b. That the change is in the interest of, or will further the public health, safety, comfort, convenience, and welfare.
- c. That the change will not adversely affect the established character of the surrounding neighborhood nor be detrimental to adjacent properties.

APPLICATION FEES

Rezoning fee- \$600.00

PUBLIC HEARING SCHEDULE

The Planning and Zoning Commission meets on the first Thursday of every month. Application needs to be in 30 days prior to the meeting. Upon action by the Commission, the request is automatically forwarded to the Board of Supervisors for their final action. Applicants will be notified by mail of meeting dates and time. An incomplete application may delay the scheduling of a hearing of a zone change request. If there are items that need to be addressed, the applicant will be notified after the submitted material has been reviewed.

**Please call Planning and Zoning 24 hours
in advance of the meeting date
to ensure the meeting is still on schedule.
The phone number is (928) 337-7527.
Thank you for your cooperation.**



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Guidelines for Requesting a Zoning Change

**THIS INFORMATION HAS BEEN SELECTED
FROM THE APACHE COUNTY ZONING ORDINANCE.**



ARTICLE 11 Section 1105 AMENDMENTS

Section 1105. Amendments

- A.** Purpose. Whenever public necessity, convenience, and general welfare require, the zone map and the classification of property uses described in this Ordinance may be amended as follows:
 - 1. By the amendment of the text of the Ordinance, or
 - 2. By amendment of the land use map.
- B.** Initiation of amendments. Amendments to this Ordinance and the zone map may be initiated by:
 - 1. The verified application of the owner(s) or authorized agent(s) of the property that is proposed to be changed or rezoned,
 - 2. The adoption of a motion by the Board of Supervisors requesting the Commission to set the matter for hearing or recommendation, or
 - 3. The adoption of a motion by the Commission.
- C.** Amendments initiated by property owners:
 - 1. Application. Any property owner or authorized agent of a property owner desiring an amendment or change to the Zoning Ordinance altering the zoning district boundaries within an area previously zoned shall file an application for the amendment or change with the Community Development Department.
 - 2. Public hearing. Upon receipt of the application, the Community Development Department shall submit it to the Commission for report and recommendation. Prior to presenting its report and recommendation to the Board of Supervisors, the Commission shall hold a public hearing after giving at least 15 days' notice by publishing it once in a newspaper of general circulation in the seat of Apache County and by posting the area included in the proposed change. The posting shall be in no less than two places with at least one notice for each one-quarter mile of frontage along perimeter public rights-of-way so that the notices are visible from the nearest public right-of-way.

3. Notification. The Commission shall also send notice by first-class mail to each real property owner as shown on the last assessment of the property within 300 feet of the proposed amendment or change and each county or municipality that is contiguous to the area of the amendment or change. The notice sent by mail shall include, at a minimum, the date, time, and place of the hearing on the proposed amendment or change and a general explanation of the matter to be considered; a general description of the area of the proposed amendment or change; and notification that if 20 percent of the property owners by area and number within the zoning area file protest, an affirmative vote of three-fourths of all members of the Commission will be required to approve the rezoning.
4. Board of Supervisors. If the Commission has held a public hearing, the Board of Supervisors may adopt the recommendations of the Commission without holding a second public hearing if there is no objection, request for public hearing, or other protest. If there is an objection, a request for public hearing, or a protest, the Board of Supervisors shall hold a public hearing on the petition. The Board shall give at least 15 days' notice by publishing it once in a newspaper of general circulation in the seat of Apache County and by adequate posting of the area of concern in said petition at least 15 days in advance of the public hearing. After holding the public hearing, the Board of Supervisors may adopt the petitioner's proposed change provided that if 20 percent of the owners by number and by area of all property within 300 feet of the proposed change file a protest, such a change shall not be made except by a three-fourths vote of all members of the Board of Supervisors. The required number of votes shall in no event be less than a majority of the full members of the Board of Supervisors.
5. Zoning area. In calculating the owners by area for a protest, only that portion of a lot or parcel of record situated within 300 feet of the property to be rezoned shall be included. County property and public rights-of-way shall not be included in the calculation.

D. Amendments initiated by the Commission:

1. Amendments initiated by the Commission are subject to the same public hearing requirements as those set forth in subsection (C)(2).
2. Notice by first-class mail of proceedings that are not initiated by the property owner involving rezoning of land to a more restrictive zone 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 300 feet of property to be rezoned.
3. Proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses shall include notice to real property owners provided by one of the methods in subsections (D)(4) and (5):
 - a. A 10 percent or more increase or decrease in the number of square feet or units that may be developed,
 - b. A 10 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 10 percent or more increase or decrease in setback or open space requirements, or
 - e. An increase or reduction in permitted uses.
4. Prior to the first hearing on such changes, notice shall be sent by first-class mail to each real property owner, as shown on the last assessment, whose real property is directly affected by the changes; or the change shall be published in a display ad covering not less than one-eighth of a full page in a newspaper of general circulation in the county.
5. For amendments to Zoning Ordinance standards or uses, the Community Development Department will send notice by first-class mail or e-mail to persons who register their names and addresses with the Department as being interested in receiving such notice. A fee as set

- from time to time by the Board of Supervisors will be charged for the provision of this service payable initially upon registration and yearly thereafter.
- E. Amendments approved by the Board of Supervisors. A decision by the Board of Supervisors involving rezoning of land that changes the zoning classification of such land, or amends Zoning Ordinance standards or uses, shall not be effective until the dedication of required right-of-way but not prior to 31 days after final approval of the change in classification, standard, or use by the Board of Supervisors. Unless a resident files a written objection with the Board of Supervisors, the rezoning may be enacted as an emergency measure, which becomes effective immediately by a two-thirds majority vote of the Board of Supervisors.
 - F. Conditional zoning:
 - 1. The Board of Supervisors may approve a change of zone conditioned on a schedule for development of the specific use or uses for which rezoning is requested. When the Board of Supervisors adopts the zoning amendment, it may impose a schedule of development including, but not limited to, a date by which construction shall commence, or dates by which phases of development of the property for the use approved shall be substantially completed.
 - 2. The owner or developer of the property that was rezoned conditioned on compliance with a schedule of development shall submit to the Community Development Department a certified statement of compliance prior to the expiration of any time limits imposed by the Board of Supervisors. If the certified statement of compliance is not filed or the Community Development Department independently determines that the property has not been improved for the use for which it was conditionally approved, a public hearing shall be set before the Commission. The findings and recommendation of the Commission shall be forwarded to the Board of Supervisors for public hearing to determine compliance with the schedule of development, grant an extension, or cause the property to revert to its former zoning classification. Notification by registered mail of both the hearing before the Commission and the hearing before the Board of Supervisors shall be sent to the owner and applicant who requested the rezoning. Notice of public hearing shall be as set forth in subsection (C)(2).
 - G. Reconsideration of denied petition. If a petition for amendment is withdrawn by the applicant or denied by the Board of Supervisors, that petition shall not be refiled nor shall there be filed with the Board of Supervisors any other petition for the same amendment within a period of one year unless in the opinion of the Commission there is a change of circumstances warranting such filing.
 - H. Compliance with county plans. All applications for changes of zoning district boundaries that include property that totals 40 acres or more in size must be in compliance with the Apache County Comprehensive Plan and any adopted area plan.

Section 1106. Citizen Review Process

- A. Purpose. The purpose of the citizen participation plan is to achieve the following:
 - 1. Ensure that applicants pursue early and effective citizen participation in conjunction with their application, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community or neighborhood;
 - 2. Ensure that the citizens and property owners of the county 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
 - 3. Facilitate ongoing communication among the applicant, interested citizens and property owners, county staff, and elected officials throughout the application review process.

- B. Citizen Participation plan.** Every zone change and conditional use permit application shall include a citizen participation plan that must be implemented prior to the first public hearing. The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.
1. Requirements. At a minimum, the citizen participation plan shall include the following:
 - a. Which residents, property owners, interested parties, and public and private agencies may be affected by the application;
 - b. How those interested in and potentially affected by an application will be notified that an application has been made;
 - c. How those interested and potentially affected parties will be informed of the substance of the zone change, amendment, or development proposed by the application;
 - d. How those interested and potentially affected parties 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;
 - e. The applicant's schedule for completion of the citizen participation plan; and
 - f. How the applicant will keep the Community Development Department informed on the status of citizen participation efforts.
 2. Neighborhood meeting. Applicants must conduct a neighborhood community meeting prior to submitting an application for a zone change or a conditional use permit.
 - a. The meeting must be conducted in the general vicinity of the property involved in the application. The meeting serves as a forum for information exchange between applicants and affected members of the public.
 - b. An applicant may make a written request and receive a written determination whether, due solely to impractical circumstances, the requirement for a community meeting should be waived by the Community Development Department. At a minimum the request must explain why the applicant's citizen participation plan provides other adequate, alternative opportunities for citizens to express any concerns, problems, or issues they may have with the proposal in advance of the public hearing. The Community Development Department shall make its determination a part of the written record in the case.
 3. Notification area. 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 applicant will determine the target area for notification after consultation with the Community Development Department. At a minimum, the target area shall include the following:
 - a. Only that portion of a lot or parcel of record situated within 300 feet of the property to which the application applies (county property and public rights-of-way not included in calculating the owner by number or area);
 - b. The head of any property owners' association within the notice area required by other sections of this Ordinance;
 - c. Other potentially affected property owners outside of the legal notice area as determined by the Community Development Department; and
 - d. Other interested parties who have requested that they be placed on a list of interested parties maintained by the Community Development Department.
 4. Pre-application meeting. The applicant may submit a citizen participation plan and begin implementation prior to formal application at the applicant's discretion. This shall not occur until after a pre-application meeting and consultation with the Community Development Department.
- C. Citizen Participation report.** Subsections (C) through (C)(2)(c) apply only when a citizen participation plan is required by this Ordinance. The applicant shall provide a written report on

the results of the applicant's citizen participation effort prior to the notice of public hearing. This report shall be attached to the staff report submitted to the Commission. At a minimum, the citizen participation report shall include the following information:

1. Details of the 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;
 - d. The number of people who participated in the process; and
 - e. The percentage of those notified who participated in the process; and
2. A summary of perceived or real 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 perceived or real concerns, issues, and problems expressed during the process; and
 - c. Perceived or real concerns, issues, and problems the applicant is unwilling or unable to address, including an explanation of such reason.

FEE

A non-refundable filing fee will be required for the following permits:

- | | |
|---|----------|
| 1. Conditional Use Permit: | \$500.00 |
| 2. Additional Residence on Parcel: | \$300.00 |
| 3. Variance: | \$300.00 |
| 4. Rezoning: | \$600.00 |
| 5. Amendment to Conditional Use Permit: | \$500.00 |

Failure to obtain a permit will result in double fees.

