



City of Apache Junction
Development Services Department
300 E. Superstition Blvd.
Apache Junction, AZ 85119
(480) 474-5083
www.apachejunctionaz.gov



Rezoning & Planned Development, PD Major/Minor Amendment Application

City of Apache Junction
Development Services Department
<http://www.apachejunctionaz.gov/81/Development-Services>

REZONING PROCEDURES AND REQUIREMENTS

(Includes Major Amendment to a Planned Development)

These instructions are intended to provide the applicant with an overview of the application process and requirements. For more detailed or specific information, please refer to the City of Apache Junction Zoning Ordinance (see "City Code On-Line" at <http://www.apachejunctionaz.gov>). See Apache Junction City Code, Volume II, Land Development Code, § 1-16-6 Amendments to Zoning Code or Zoning Map for more information.

Step 1: Pre-Application Meeting The prospective applicant schedules an informal pre-application meeting with planning staff to discuss their proposed use/project and to review the application materials and be informed about the process.

Step 2: Submit Rezoning Application The applicant shall complete and submit an application for rezoning approval through the online portal at <https://www.mygovernmentonline.org/> and submit the required information for planning staff review. If the application and plans are not complete, the public hearing process and final action will be delayed.

Step 3: Planning and Zoning Commission Public Hearing Upon the scheduling of the public hearing and no later than fifteen (15) days prior to its occurrence, the city will notify all property owners within three hundred (300) feet of the subject property. The applicant will provide the mailing labels to be used, formatted per the instructions contained later in this document. Notification shall be in the form of a letter delivered via First Class U.S. Mail, a sign(s) posted adjacent to all public rights-of-way, and publication within a widely circulated newspaper throughout the City (i.e. The Arizona Republic). All notifications should contain, at minimum, the following information; description of the request, owner/applicant contact information, and public hearing time, date, and location.

Upon completion of the above-mentioned notification requirements, an Affidavit of Posting shall be submitted to the assigned Planner not less than ten (10) days prior to the public hearing. Failure to submit the requested information will result in the postponement of the public hearing item.

At the hearing, city planning staff will offer a recommendation to the commission. Staff may recommend denial of request if in conflict with the city of Apache Junction 2020 General Plan. Please review the 2020 General Plan. In evaluating the rezoning request, planning staff and the commission will consider the factors outlined in the zoning code such as adequacy of roadways; off-street parking; public facilities; potential nuisances arising from the emission of odors, pollutants or noise; potential blight to the neighborhood; compatibility with surrounding uses and structures; screening and buffering of uses and conformance with the 2020 General Plan. Staff may recommend approval, denial or approval with conditions. The commission may recommend approval, denial or approval with conditions to the city council. Applicants are requested to be present at the hearing.

A rezoning approval may be recommended to the city council at the discretion of the commission only upon a finding that the proposed use, operations and plan will not be detrimental to persons residing or working in

the area, to adjacent property, to the neighborhood, or to the public welfare in general. The burden of proof for satisfying these conditions rests with the applicant.

Step 5: City Council Rezoning applications and land split applications may be submitted together, but the applicant runs the risk of forfeiting all fees, costs and surveying expenses if the rezoning case is denied.

At the hearing, city staff will offer a recommendation to the city council. In evaluating your request, staff, the commission, and the council will consider such factors as: consistency with the city's 2020 General Plan, the land-use and environmental impacts on neighboring properties, the topography of the area, the adequacy of access in the area, and comments from the public and outside agencies. Please be advised that as a condition of approval, the property owner may be required to dedicate rights-of-way to the city through a deeding process. (See Apache Junction City Code, Volume II, Land Development Code, § 1-16-6 (H) (1) (a) for more information.)

The city council makes the final decision on all rezoning requests. If sufficient valid Protest Petitions have been filed against a rezoning request, then the rezoning must receive a minimum of three-fourths favorable vote from the council in order to pass. If rezoning is denied, or withdrawn after the commission hearing, the commission may not consider the same application for one year except in the case of changed circumstances.

Once the rezoning has been approved, it is valid for 24 months or the time stipulated in the schedule of development if the rezoning is for Planned Development. If substantial development has not taken place prior to the end of the approval period, the city may take action to revert the property to its former zoning classification.

REZONING/PLANNED DEVELOPMENT APPLICATION

SUBJECT INFORMATION	
PROJECT NAME:	
PROPERTY ADDRESS:	ASSESSOR'S PARCEL NO.
ACREAGE:	CURRENT ZONING DISTRICT: PROPOSED ZONING DISTRICT:
EXISTING GENERAL PLAN DESIGNATION:	
APPLICATION TYPE: ☐ REZONING ☐ PLANNED DEVELOPMENT ☐ PD MAJOR AMENDMENT ☐ PD MINOR AMENDMENT	
PROPERTY OWNER	
NAME:	
MAILING ADDRESS:	
EMAIL:	TELEPHONE:
APPLICANT	
NAME:	
MAILING ADDRESS:	
EMAIL:	TELEPHONE:
OWNER AUTHORIZATION	
I hereby certify that the above information is correct, and that I am authorized to file an application on said property, being either the owner or authorized agent to file on behalf of the owner. Anyone applying without authorization from the property owner(s) shall be subject to penalty under all applicable laws.	
_____ Property Owner Signature	_____ Date
_____ Applicant Signature	_____ Date
REZONING REVIEW TIMEFRAME	
ADMINISTRATIVE COMPLETENESS REVIEW: 5 DAYS	REVIEW OF SUBMITTAL: 30 DAYS

REZONING/PLANNED DEVELOPMENT SUBMITTAL CHECKLIST

PLEASE RETURN THIS APPLICATION WITH YOUR SUBMITTAL. SUBMITTALS WITHOUT THE INFORMATION BELOW WILL BE CONSIDERED INCOMPLETE AND WILL BE REJECTED. ALL SUBMITTAL MATERIALS MUST BE DELIVERED IN PDF FORMAT.

PLEASE NOTE: ALL REZONINGS AND PLANNED DEVELOPMENTS ARE REQUIRED TO HAVE A PRE-APPLICATION MEETING PRIOR TO A FORMAL SUBMITTAL.

- ☐ Project Narrative
- ☐ Site Plan
- ☐ Elevations and Floor Plans
- ☐ Landscape Plan
- ☐ Signage Exhibit (if applicable)
- ☐ Lighting Plan and cut sheets (if applicable)
- ☐ Legal Description
- ☐ Copy of deed establishing ownership
- ☐ Pinal County Assessor's Tax Parcel Map showing the subject property and surrounding parcels within a 300-foot radius of the property boundaries.
- ☐ Mailing Label Certification
- ☐ Mailing Labels (with Pinal and/or Maricopa County parcel maps)
- ☐ Public Participation Plan
- ☐ Signed and Notarized Proposition 207 Waiver (original document must be mailed in to the Development Services Office)
- ☐ Application Fees

Fees for Rezoning

Rezoning*	\$825 + (\$50 an acre; per acre fee not to exceed \$5500)
Rezone to Planned Development*	\$925 + (\$50 an acre; per acre fee not to exceed \$5500)
Major amendment to planned development*	\$925 + (\$50 an acre; per acre fee not to exceed \$5500)
Minor amendment to planned development*	\$250
Continuance of rezoning case by applicant	\$250
Legal advertisement cost	\$1000 or \$1500 (for PD rezoning)

*Add 4% technology fee to the application fee plus a \$25 GIS fee.

Project Narrative Requirements

A project narrative describing the proposed request is required for application submittal. The project narrative is the explanation for the project for not only staff, but also for the public, Planning and Zoning Commission, and City Council, and so it should be written so that these audiences will fully understand the proposal. Please include details such as, but not limited to, the location/address of request, description and purpose of the rezoning/ amendment, vicinity information, current site conditions, *conformance to the General Plan and an explanation regarding any unique aspects of the development.

Per § 1-4-3 Planned Development (PD) Overlay District of the Apache Junction Zoning Ordinance, a PD Rezoning granting deviations to the Zoning Ordinance standards may be approved by the City Council subject to their determination of the following criteria:

- a) If a better design can be achieved by not applying the strict provisions of the zoning district.
- b) If adherence to the strict provisions of the zoning district is not required in order to ensure health, safety and welfare of the inhabitants of the development.
- c) If adherence to the strict provisions of the zoning district is not required in order to ensure that property values of adjacent properties will not be reduced.

If the proposal is a Planned Development (PD) Rezoning or a PD Amendment, please answer the above questions in the project narrative.

*Conformance to the General Plan is determined by if the proposed zoning aligns with the General Plan Land Use designation, as well as how the proposal aligns with the goals and policies of the General Plan.

If a rezoning proposes to change the zoning of a property to a zoning district outside the scope of the General Plan Land Use Designation, a General Plan Amendment will be required to process the rezoning.

If the subject rezoning is for an area under 10 acres, only a Minor General Plan Amendment is required, which will be included in the overall zoning process. A Minor General Plan request may be approved by the City Council after consideration has been given to specific criteria. Please provide responses to the following General Plan Amendment Finding of Fact within the project narrative:

1. Whether the amendment proposes a land use designation that the Land Use Plan Map does not adequately provide optional sites to accommodate.
2. Whether the amendment constitutes an overall improvement to the General Plan, will not solely benefit a particular landowner or owners at a particular point in time, and is consistent with the overall intent of the 2020-2050 General Plan.
3. Whether the proposed amendment is justified by an error in the 2020-2050 General Plan as originally adopted.
4. Whether the proposed change is generally consistent with goals, objectives, and other elements of the 2020-2050 General Plan.

Project Narrative Requirements (Continued)

5. Whether the proposed change is justified by a change in community conditions or neighborhood characteristics since adoption of the Plan.

6. Whether the amendment will adversely impact a portion of, or the entire community by:

- a) Significantly altering acceptable existing land use patterns, especially in established neighborhoods.
- b) Significantly reducing the housing to jobs balance in the Planning Area.
- c) Substantially decreasing existing and future water supplies.
- d) Replacing employment with residential uses.
- e) Requiring additional and more expensive improvements to infrastructure systems and/or proximity to municipal facilities and/or services than are needed to support the prevailing land uses and which, therefore, may impact the level of service for existing and proposed developments in other areas.
- f) Increasing traffic (without mitigation measures) on existing roadways beyond the planned level of service, and that negatively impact existing and planned land uses.
- g) Affecting the existing character (i.e., visual, physical and functional) of the immediate area.
- h) Increasing the exposure of residents to aviation generated noise, safety and/or flight operations.
- i) Materially diminishing the environmental quality of the air, water, land, or cultural resources.
- j) Significantly altering recreational amenities such as open space, parks, and trails.

If the subject rezoning is for an area of 10 or more contiguous acres, a Major General Plan Amendment will be required, which has separate procedures, fees, and a separate application.

Information for Mailing Labels

- Labels should be Avery Address Labels #5160 or comparable, approximately 1" x 2-5/8" each, 30 labels to a sheet.
- Labels shall include all property owners within a 300 feet radius of subject property:

- Label Sample:

Line 1:	100-01-001A	<i>[Assessor Parcel No.]</i>
Line 2:	John Doe	<i>[Name]</i>
Line 3:	123 Elm St.	<i>[Address/PO Box]</i>
Line 4:	Apache Junction, AZ 85118	<i>[City/State/Zip]</i>

- Please print or type all information on the labels.

NOTE: Property owner information must be obtained from the Pinal County Assessor's records at <https://pinal.maps.arcgis.com/apps/webappviewer/index.html?id=7ab8c3bf67a84f97a1e64dcf435b8b27>.

Mailing Label Certification

I/We, _____,

hereby certify that this is a complete list of property owners within 300 feet of the property proposed for rezoning or other permit approval as obtained from the Pinal County Assessor's Office on: (date obtained)

_____.

I/We further certify that this list is not older than thirty (30) days at the time of filing of said application.

PLEASE PRINT

Property Owner Name

Signature

Street Address

City, State, Zip

Telephone

Property Owner Name

Signature

Street Address

City, State, Zip

Telephone

Agent Name

Signature

Street Address

City, State, Zip

Telephone

Public Participation Process

Intent: Pursuant to Arizona Revised Statutes, any public hearing request for a General Plan amendment, rezoning, specific plan and planned development shall follow the Public Participation Process and prepare a public Participation Plan. These requests require a complete application through the Development Services Planning and Zoning Section.

- A. Pre-Application Meeting: A pre-application review by the Planning and Zoning staff is required prior to application of any request for a rezoning.
- B. Public Hearing Application: Planning and Zoning staff will evaluate an application for completeness. A complete application shall contain at least the following information:
- An Application form.
 - An Applicant's Public Participation Plan.
 - Statement the application complies with the Major Amendment requirements where applicable.
 - Any additional information specified by the Development Services Director.
 - An application fee and any other required fee.
- C. Applicant's Public Participation Plan shall include:
- Report cover page.
 - Description of the project and possible impacts
 - How the applicant will inform the public about the proposed project and allow for public input.
 - Issues that were raised through citizen contact.
 - How the applicant will address issues raised by staff and the public.
 - Applicants are not precluded from incorporating additional elements into their public participation program.
- D. Implementation of Public Participation Plan: Prior to the first public hearing on the application, applicant must have implemented their Public Participation Plan, including holding a neighborhood meeting. At a minimum, notification regarding the project and neighborhood meeting shall include:
- Property owners within the public hearing notice area of at least 300 feet as identified through the Pinal County Mapping website at:
<https://pinal.maps.arcgis.com/apps/webappviewer/index.html?id=7ab8c3bf67a84f97a1e64dcf435b8b27>.
 - Nearest school district(s)
 - The head of any homeowners' association or registered neighborhood group within the public notice area.
 - Other interested parties who have requested that they be placed on the interested parties' notification list maintained by the Planning and Zoning staff.

Public Participation Process Continued

E. Applicant's Public Participation Final Report:

1. Applicants shall provide a written report for approval on the results of their citizen participation effort prior to the notice of public hearing. This report will be attached to the Planning and Zoning staff's public hearing case report.
2. At a minimum, the Public Participation Final Report shall include the following information:
 - Dates and locations of all meeting where citizens were invited to discuss the proposal.
 - Content, dates mailed, and number of mailings, including examples of letters, meeting notices, newsletters, and other publications.
 - The location of residents, property owners, and interested parties receiving notices, newsletters, or other publications.
 - The number of people that participated in the process.
 - Summary of concerns, issues, and problems expressed during the process including the substance of the concerns, issues, and problems and how the concerns were addressed or resolved.

F. Site Posting Requirements:

1. The applicant for a rezoning will erect, not less than 15 days prior to the first public hearing date, a sign on the subject property providing notice of the nature of request, date, time, and place of the scheduled hearing. The size, format, placement, and procedure shall be described by the Development Services Department.

Proposition 207 Waiver

If multiple owners need to sign the waiver,
make additional copies.

State law dictates that only the original document of the signed
and notarized Proposition 207 Claim Waiver can be recorded.
Copies or electronic files will not be accepted.

Please mail the original document to the City of Apache Junction
Development Services Department at 300 E. Superstition
Boulevard, Apache Junction, AZ 85119.

When Recorded Return to:
City of Apache Junction
Development Services Department
300 E Superstition Blvd.
Apache Junction, AZ 85119

DIMINUTION IN VALUE AND JUST COMPENSATION CLAIM WAIVER/INDEMNIFICATION/ACKNOWLEDGEMENT

I/We, _____, as owners of property identified as Pinal County Assessor Parcel No. _____, which is the subject of Apache Junction City Council, Planning & Zoning/Board of Adjustment or other Case No. _____, hereby waive any and all potential diminution in value and just compensation claims or lawsuits that could be pursued against the City of Apache Junction ("City"), its elected officials, appointees and employees as a result of the Planning and Zoning Commission/Board of Adjustment/Council's action in the above-referenced matter. This waiver is authorized pursuant to A.R.S. § 12-1134(I). I/We also hereby warrant and represent I/We am/are owner(s) of the above-referenced property and that no other person has any ownership in such property.

Printed Name of Owner

Printed Name of Owner

Signature of Owner

Signature of Owner

Date

Date

State of Arizona)
) ss
County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20__ by _____
_____.

My Commission Expires:

Notary Public

Affidavit for Posting Notice

Case Number: _____

Project Name: _____

Project Address: _____

Sign Company Name: _____

I confirm that the site has been posted by me or my agent for the case listed above as required by the City of Apache Junction and a photo and/or map of the sign posting location on the property is attached.

Applicant Name: _____

Applicant Signature: _____

Date of Sign Posting: _____

STATE OF ARIZONA)
) ss.
COUNTY OF PINAL)

Acknowledged and sworn to before me this _____ day of _____
20____.

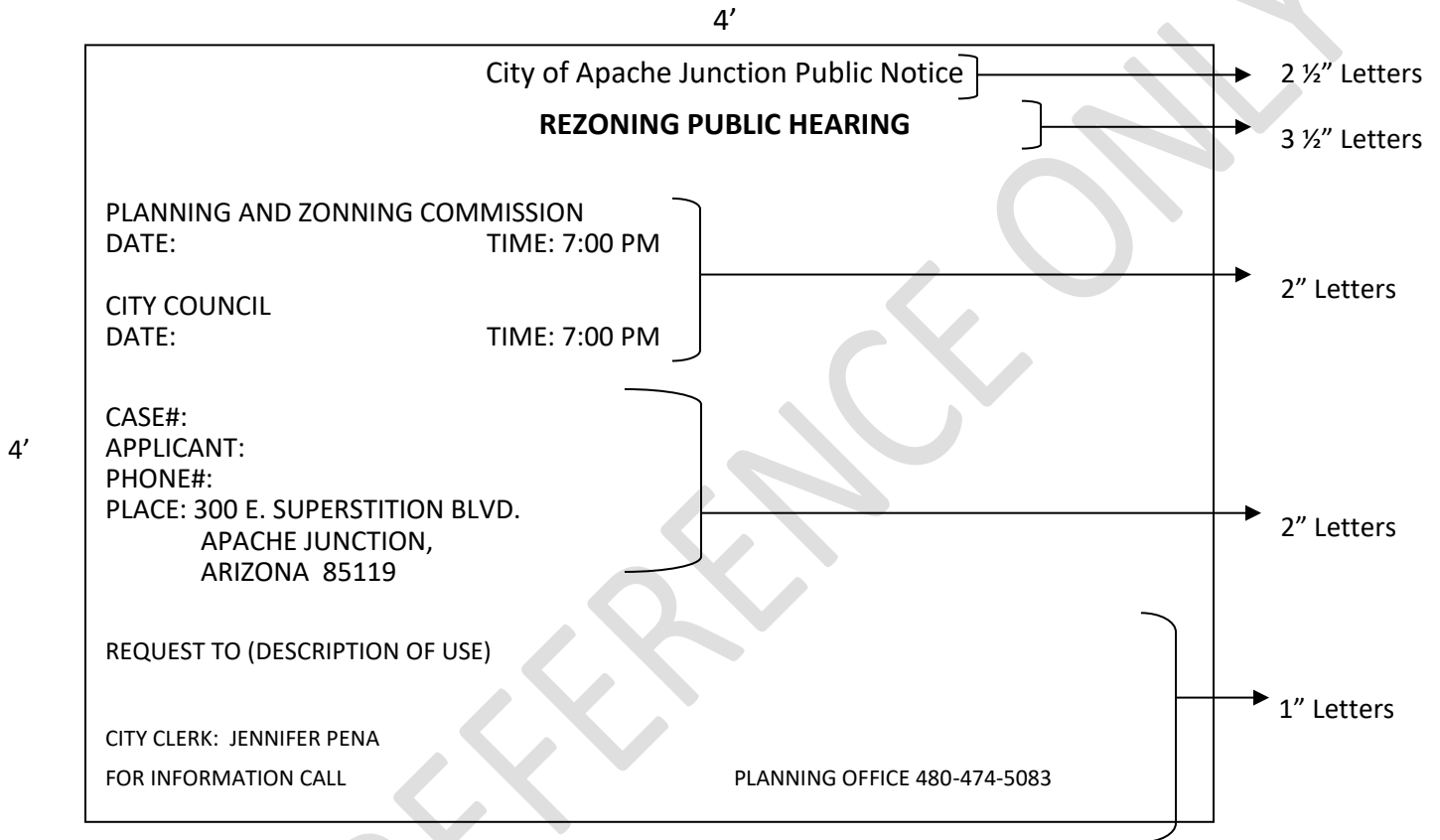
(NOTARY PUBLIC)

My Commission Expires: _____

Sign Posting

The applicant is responsible for posting and maintaining a 4' x 4' Plywood or Aluminum sign. Provide a notarized affidavit of sign posting with photo of sign and date of posting at least 15 days prior to the Public Hearing.

Criteria for Posting Sign:



- Applicant must remove sign within 10 working days after the city council Public Hearing.
- Height of sign must be 6 feet from finished grade to the top of the sign (Wooden Stakes to be used)
- **FONT SHOULD BE LEGIBLE AND LETTERS BOLDED AND CAPITALIZED.**
- **COLORS: Body must be white and lettering to be flat black**