CHAPTER 5. ADMINISTRATION

Section 5.1: Permit Application Requirements and Timeframes .......................................................... 33
  Section 5.1.A: Purpose ......................................................................................................................... 33
  Section 5.1.B: Administrative Permits .............................................................................................. 33
  Section 5.1.C: Permits Requiring Hearing ......................................................................................... 66
Section 5.2: Pre-Application Review .................................................................................................... 88
  Section 5.2.A: Purposes ......................................................................................................................... 88
  Section 5.2.B: Administration .............................................................................................................. 88
Section 5.3: Citizen Participation .......................................................................................................... 99
  Section 5.3.A: Purposes ......................................................................................................................... 99
  Section 5.3.B: Administration .............................................................................................................. 99
Section 5.4: Public Hearing Time and Notice ....................................................................................... 1242
  Section 5.4.A: Duties of the Director ................................................................................................. 1242
  Section 5.4.B: Duties of the Clerk of the Board ................................................................................ 1243
Section 5.5: Appeals: Board of Supervisors Review ............................................................................ 1444
  Section 5.5.A: Appeal of Decision of Planning and Zoning Commission ........................................ 1444
  Section 5.5.B: Board Action on Appeal ............................................................................................. 1444
Section 5.6: Administrative Adjustments ............................................................................................. 1545
  Section 5.6.A: Purpose ......................................................................................................................... 1545
  Section 5.6.B: Adjustments Allowed .................................................................................................. 1545
  Section 5.6.C: Permits, Findings and Administration .................................................................... 1646
Section 5.7: Conditional Use Permits .................................................................................................. 1747
  Section 5.7.A: Purposes ......................................................................................................................... 1747
  Section 5.7.B: Administration .............................................................................................................. 1747
Section 5.8: Variances ............................................................................................................................ 2323
  Section 5.8.A: Purposes and Authorization ...................................................................................... 2323
  Section 5.8.B: Administration ............................................................................................................ 2323
Section 5.9: Determination as to Uses Not Listed .................................................................................. 2727
  Section 5.9.A: Purposes ......................................................................................................................... 2727
  Section 5.9.B: Administration .............................................................................................................. 2727
Section 5.10: Interpretations ................................................................................................................. 2828
  Section 5.10.A: Purposes and Authorizations .................................................................................. 2828
  Section 5.10.B: Request for Interpretation ......................................................................................... 2828
Section 5.11: Substantive Policy Statement ............................................................................................. 2828
  Section 5.11.A: Purpose and Authority ............................................................................................. 2828
  Section 5.11.B: Administration ............................................................................................................ 2929
Section 5.12: Amendments to the Zoning Ordinance and Rezonings ..................................................... 2929
  Section 5.12.A: Purpose ......................................................................................................................... 2929
  Section 5.12.B: Administration ............................................................................................................ 2929
Section 5.13: Comprehensive Plan ......................................................................................................... 3232
  Section 5.13.A: Applicability of State Law ......................................................................................... 3232
Section 5.1. Permit Application Requirements and Timeframes ................................................. 2
  Section 5.1.A: Administrative Permits ................................................................. 2
  Section 5.1.B: Permits Requiring Hearing ........................................................... 4
Section 5.2. Pre-Application Review ..................................................................................... 6
  Section 5.2.A: Purposes .................................................................................. 6
  Section 5.2.B: Administration .............................................................................. 6
Section 5.3. Citizen Participation ......................................................................................... 7
  Section 5.3.A: Purposes ................................................................. 7
  Section 5.3.B: Administration ................................................................. 7
Section 5.4. Public Hearing Time and Notice ........................................................................ 10
  Section 5.4.A: Duties of the Director ................................................................. 10
  Section 5.4.B: Duties of the Clerk of the Board .............................................. 10
Section 5.5. Appeals: Board Review .................................................................................... 10
  Section 5.5.A: Appeal of Decision of Planning and Zoning Commission .......... 10
  Section 5.5.B: Board Action on Appeal ............................................................. 11
Section 5.6. Administrative Adjustments ............................................................................. 11
  Section 5.6.A: Purpose .................................................................................. 11
  Section 5.6.B: Administration .............................................................................. 11
Section 5.7. Conditional Use Permits .................................................................................. 12
  Section 5.7.A: Purposes .................................................................................. 12
  Section 5.7.B: Administration .............................................................................. 12
Section 5.8. Variances ......................................................................................................... 16
  Section 5.8.A: Purposes and Authorization .......................................................... 16
  Section 5.8.B: Administration .............................................................................. 17
Section 5.9. Determination as to Uses Not Listed ................................................................. 20
  Section 5.9.A: Purposes .................................................................................. 20
  Section 5.9.B: Administration .............................................................................. 20
Section 5.10. Interpretations ............................................................................................... 21
  Section 5.10.A: Purposes and Authorizations ...................................................... 21
  Section 5.10.B: Request for Interpretation .......................................................... 21
Section 5.11. Substantive Policy Statement .......................................................................... 22
  Section 5.11.A: Purpose and Authority ............................................................... 22
  Section 5.11.B: Administration .............................................................................. 22
Section 5.12. Amendments ................................................................................................. 22
  Section 5.12.A: Purpose .................................................................................. 22
  Section 5.12.B: Administration .............................................................................. 22
Section 5.1: Permit Application Requirements and Timeframes

Section 5.1.A: Purpose

The purpose for permit application requirements is to ensure that the proposed use conforms with the purposes, intent, and policies of the Comprehensive Plan and any applicable area, neighborhood, or other plan adopted by the Board of Supervisors, to establish information that is required from permit applicants for all Planning and Zoning permits, and to establish processing timeframes for each application type. Permit information is required to ensure that the proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general.

Section 5.1.A: Administrative Permits

1. The following information shall be submitted when applying for an Administrative Permit. The Director of Community Development may require additional information or plans, if they are necessary to enable a determination as to whether the circumstances prescribed for the granting of the Permit exist. The Director of Community Development may authorize omission of any or all of the plans and drawings required by this Section if they are not determined to be necessary.

a. A completed Coconino County Permit application form including, name, address, phone number and signature of the property owner; name, phone number, fax number and email address (if applicable) of applicant or contact person, if different from the property owner, Assessor’s Parcel Number, subdivision/unit/lot if applicable, site address/location, existing zoning, existing land use, lot size, written description of the permit request. A completed application form including name and signature of the applicant, mailing address, contact person, phone number, fax number and email address for contact person, Assessor’s Parcel Number, Subdivision, unit/lot number, site address/location, zoning, existing land use, lot size, description of the request, property owner’s authorization by their signature and permit fee.
b. Two copies, or a digital submittal, of a Site plan drawn to an engineering scale using accurate dimensions showing all property lines, improvements, uses, landscaped areas, location of all adjacent streets or right-of-ways providing access to the Site, Easements, traffic flow and parking areas.

c. A copy of all recorded Easement applicable to the request shall be provided.

d. A separate Building Permit application shall be submitted for all new construction and electrical installation. Required Building Permits shall be obtained prior to the initiation of construction.

e. A separate Lighting Permit application shall be submitted for any new exterior lighting as required by Section 4.3: Lighting.

f. A separate Sign Permit application shall be submitted for any new signage as required by Section 4.2: Signs.

g. Prior to the issuance of a Permit a bond or other accepted assurance may be required. This deposit shall be used to defray the costs of cleanup of the property by the County in the event the permittee fails to do same.

h. All open zoning Violations shall be addressed prior to acceptance of a permit application.

i. All other required permits and licensing as necessary (i.e. approvals from the Sheriff’s Office, Public Works or the Public Health District, Design Review Overlay, Conditional Use Permit, Variance, etc.) shall be obtained prior to the acceptance of a complete application.

2. Administrative Permit timeframes pursuant to ARS § 11-1605 are as follows:

a. Administrative completeness shall be determined within 30 calendar days of the submittal of an application. Applicants will be notified in writing of an incomplete application with a list of deficiencies. Notice in writing of application deficiencies shall suspend the administrative completeness timeframe until such time as all deficiencies have been addressed.

b. Substantive review of all Permit applications shall be completed within 30 calendar days from the determination that the Permit application is administratively complete. One written request for additional information may be made to the applicant during this review process.

c. The total time frame for the granting or denying of an administrative Permit is 60 days.

d. Timeframes are tolled and may be waived in accordance with A.R.S. §11-1601 et seq.

3. The following Uses shall require issuance of an Administrative Permit prior to initiating or constructing the Use:
Coconino County Zoning Ordinance
Chapter 5: Administration

a. Campgrounds in commercial zoning districts, Community Coops, Community Gardens, Floodplain Permits, Group Homes for the Disabled, Home Occupations, Marijuana Dispensaries, Medical Marijuana Cultivation Facilities, Metal Storage Containers, Recreational Vehicle Parks, Recreational Vehicles and Travel Trailers as a Permanent Residence, Temporary Use Permits, and Minor Changes to a Planned District Development plan.

b. Consult the applicable Section for performance standards and other requirements.

4. Issuance of Administrative Permits shall comply with the following:

a. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general.

b. The proposed use conforms with the purposes, intent, and policies of the Comprehensive Plan and any applicable area, neighborhood, or other plan adopted by the Board of Supervisors.

c. The proposed use conforms with the conditions, requirements, or standards of this Ordinance and any other applicable local, state, or federal requirements.

d. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

e. Permits shall be issued when compliance with this Ordinance is verified. If the Community Development Director determines that the proposed use does not comply with this Ordinance, the permit shall be denied.

f. All open zoning Violations shall be addressed prior to the acceptance of a Permit application.

g. No Permit shall be issued if the property is in Violation of other laws or impairs property rights. The Director of Community Development will determine if the Violation or impairment exists with appeal to Superior Court.

45. Revocation

If a zoning permit or Conditional Use Permit is revoked, a new Administrative permit for the same owner and location may not be issued for a period of at least one year from the date of revocation.

5. Validity Limit
The Administrative Use Permit shall be valid for the use for which the permit was granted for the length of time indicated on the permit as long as the use is in compliance with the conditions of approval and other applicable ordinances.

Section 5.1. BC: Permits Requiring Hearing

1. The following information shall be submitted when applying for a Permit requiring public hearing. The Director of Community Development may require additional information or plans, if they are necessary to enable a determination as to whether the circumstances prescribed for the granting of a Permit exist. The Director of Community Development may authorize omission of any or all of the plans and drawings required by this Section if they are not necessary. 15 copies shall be provided for hearing by the Planning and Zoning Commission and 7 copies shall be provided for a hearing of the Board of Adjustment.

   a. A completed Coconino County Permit application form including, name, and address, phone number and signature of the property owner, applicant, name, phone number, fax number and email address of applicant or contact person, if different from the property owner, phone number, fax number and email address, Assessor’s Parcel Number, subdivision/unit/lot if applicable, site address/location, existing zoning, existing land use, lot size, written description of the permit request description, date of pre-application meeting, and permit fee and property owner’s authorization by their signature.

   b. When required, a Citizen Participation Plan and Report shall be completed in accordance with Section 5.3.

   c. A typewritten narrative describing the request and the precise manner of compliance with each of the applicable provisions of this Section Chapter, together with any other data pertinent to the findings prerequisite to the granting of a Permit.

   d. Documentation shall be provided in a written description as well with supplemental data to show compliance with the Coconino County Comprehensive Plan.

   e. A list of all owners of property located within three hundred feet (300’) of the exterior boundaries of the subject property; the list shall be keyed to a map showing the location of these properties.

   f. A site plan drawn to an engineering scale using accurate dimensions showing property boundaries; existing and proposed improvements and Uses; locations of driveways, pedestrian walks, landscaped areas, open space, fences, walls, off-street parking areas including ingress and egress, traffic flow, and Easements. The number of copies and size of required site plans that shall be provided for hearings are determined based on the Permit type and may be modified on a case by case basis by the Community Development Director.

   g. A copy of all recorded Easements applicable to the request.
h. A landscape plan detailing the locations of existing vegetation (both to be retained and to be removed), the location and design of landscaped areas, the number, varieties and sizes of proposed plant materials and other landscape features including sprinkler and irrigation systems as required by Section 4.4: Landscaping.

i. Architectural drawings including floor plans in sufficient detail to determine setback and parking requirements and elevations of all proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified. Color renderings or paint and material samples are required.

j. Signage plan detailing all existing and proposed Signs, including their location, size, materials, color and method of illumination as required by Section 4.2: Signs.

k. Lighting plan including location of all outdoor lighting fixtures and description of each (i.e. Lamp Type, Lumen output, Shielding) as required by Section 4.3: Lighting.

l. Plans and/or a preliminary report describing the proposed provisions for storm drainage, sewage disposal and such other public improvements and utilities as the Director may require in order to give a full evaluation of the project.

m. The application shall be accompanied by a fee established by resolution of the Board of Supervisors to cover to cost of handling the application as prescribed in this Section.

2. Timeframes for Permits requiring Hearings pursuant to ARS § 11-1605 are as follows:

   a. Administrative completeness pursuant to A.R.S. § 11-1605 shall be determined within 60 calendar days of the submittal of an application. Applicants will be notified in writing of an incomplete application with a list of deficiencies. Notice in writing of application deficiencies shall suspend the administrative completeness timeframe until such time as all deficiencies have been addressed.

   b. Substantive review of applications shall be completed within 120 calendar days from the determination that the application is administratively complete. One written request for additional information may be made to the applicant during this review process. To accommodate changing conditions or plans, the applicant may agree to respond to additional requests for information. The substantive review includes investigation and report on the case. The substantive review timeframe is suspended during the public hearing process. The public hearing process begins at the posting of the case and is complete upon mailing of the permit resolution per A.R.S § 11-1605 (c)(8)(c).

   c. The total time for the granting or denying of the Permit approval is 180 days.

   d. Timeframes are tolled and may be extended in accordance with A.R.S. §11-1601 et seq.
Section 5.2: Pre-Application Review

Section 5.2.A: Purposes

The purpose of a pre-application review is to determine application requirements and familiarize the applicants with the application requirements, the review process and procedures, to identify land use and development policies which may affect the development proposal, and to identify and address potential problems as early in the process as possible.

Section 5.2.B: Administration

1. Pre-Application Review Requirements

Pre-application reviews must occur within 6 months prior to the submittal of an application. The following applications are required to have a pre-application review prior to the submittal of an application: Conditional Use Permits, Zone Changes, Subdivisions, Design Review Overlay approval for cases that require a hearing, Zoning Code, Area Plan and Comprehensive Plan Amendments, Medical Marijuana Facilities, Variances and Abandonments.

2. Request for Pre-Application Review

Applicants shall request a pre-application review unless waived by the Director. No pre-application review request form is required. Applicants are strongly encouraged to develop a preliminary Site plan depicting property lines, locations of existing and proposed Structures, parking and landscaped areas, property constraints including significant topographic features or flood hazard areas to be utilized during review, and infrastructure. A narrative report is also recommended detailing the specific request and potential operation.

3. Pre-Application Review Meeting

The Director shall maintain a pre-application meeting schedule. The pre-application meeting includes, but is not limited to, representatives from planning, zoning, building, sustainable building, flood control, engineering, hydrology, and environmental services. Staff shall provide applicants with information on process requirements including, but not limited to, application submittal requirements, citizen participation plan and notification requirements, and background information or additional studies necessary to adequately assess a project. Whether or not a development proposal meets relevant ordinances and plan policies may be discussed, but final staff recommendation will not be made until a formal application is evaluated.

4. Pre-Application Review Waiver
The Director may waive the requirement for pre-application review upon formal request by the applicant.

Section 5.3: Citizen Participation

Section 5.3.A: Purposes

The purpose of the citizen participation process is to maximize the opportunity for citizen involvement in the rezoning and conditional use permit processes that are described in the following sections, and for Permits requiring a public hearing. This process is to ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and mitigate any real or perceived impacts their application may have on the community or on the neighborhood, to ensure that the citizens and property owners of Coconino 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 to facilitate ongoing communication between the applicant, interested citizens and property owners, County staff, and elected officials throughout the application review process. The citizen participation plan process 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 to resolve any neighborhood issues at an early stage in the process.

Section 5.3.B: Administration

1. Citizen Participation Plan and Citizen Participation Plan Report Requirements. Every subdivision (if applicable), zone change and conditional Use permit application shall include a Citizen Participation Plan that is developed in consultation with Planning and Zoning staff during the Pre-application meeting. The Citizen Participation Report will contain written results of a neighborhood community meeting. The Citizen Participation Plan and Citizen Participation Plan Report shall be prepared in accordance with the following:

a. Every zone change and conditional Use permit application shall include a citizen participation plan that must be completed prior to the submittal of an application.

b. 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 applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community or on the neighborhood;

2. Ensure that the citizens and property owners of Coconino 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 between the applicant, interested citizens and property owners, County staff, and elected officials throughout the application review process.

e. 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.

d. At a minimum, the citizen participation plan shall include the following:

14. Citizen Participation Plan. At a minimum, the Citizen Participation Plan shall include the following:

   a. A draft letter or notice of a Neighborhood Community Meeting, with flyers and other written material. The letter or notice shall notify which residents, property owners, interested parties and public and private agencies who may be affected by the application of the substance of the zone change, amendment or development proposed by the application. Planning and Zoning staff shall review the letter prior to mailing;

   b. How those interested in and potentially affected by an application will be notified that an application has been made;

   3. How those interested and potentially affected parties will be informed of the substance of the zone change, amendment, or development proposed by the application;

   4. How those interested and 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 at a Neighborhood Community Meeting, as outlined in Section 5.3.B.2;

   c. A mailing list of residents, property owners, interested parties, and public and private agencies who will receive the invitation, as determined by Section 5.3.B.2.d. Coconino County Community Development will generate the list;

   d. The applicant’s schedule for completion of the Citizen Participation Plan, and

   6. How the applicant will keep the County Community Development Department informed on the status of citizen participation efforts.

2.e. Neighborhood Community Meeting. Within six (6) months of submitting an application for a zone change or a conditional Use permit, Applicants for a subdivision (if applicable), zone change or a conditional Use permit must conduct a Neighborhood Community Meeting that meets the following requirements:

   a. The meeting must be conducted on site or in the general vicinity of the property involved in the application, subject to the approval of the Director. The meeting serves as a forum for information exchange between applicants and affected members of the public.
2b. Affected members of the public shall be noticed in writing of a Neighborhood Meeting not less than 10 days or more than 21 days prior to the meeting.

3c. An applicant may make a written request and receive a written determination whether; due to impractical circumstances, such as a site surrounded by federal lands, the requirement for a community meeting may be waived by the Director. 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 Director shall make their determination a part of the written record in the case.

df. 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 target area for notification will be determined after consultation with Department of Community Development staff. At a minimum, the target area shall include the following, and when applicable, notice shall conform to requirements set forth in A.R.S. § 11-813 and A.R.S. § 11-814:

1. (1) Property owners within the 300-foot public hearing notice area required or further as required by other sections of this Ordinance, or as determined by the Director;

2. (2) The head of any property owners’ association within the notice area required by other sections of this Ordinance; and

3. (3) Other potentially affected property owners outside of the legal notice area as determined by Community Development Department staff; and

4. (4) Other interested parties who have requested that they be placed on a list of interested parties maintained by the Community Development Department.

gg. These requirements apply in addition to any notice provisions required elsewhere in this Ordinance.

h. The applicant may not submit a citizen participation plan until after a pre-application review meeting and consultation with Community Development Department staff.

23. Citizen Participation Plan Report. The applicant shall provide a written report on the results of their Citizen Participation Plan. This report shall be attached to the staff report submitted to the Planning and Zoning Commission. At a minimum, the Citizen Participation Plan Report shall include the following information:

a. This section applies only when a citizen participation plan is required by this Ordinance.

b. The applicant shall provide a written report on the results of their citizen participation effort prior to the notice of public hearing. This report shall be attached to the staff report submitted to the Planning and Zoning Commission.
c. At a minimum, the citizen participation report shall include the following information:

1a. Details of the techniques the applicant used to involve the public, including:
   i. (1) Dates and locations of all meetings where citizens were invited to discuss the applicant’s proposal;
   ii. (2) Content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters and other publications;
   iii. (3) The address list of residents, property owners, and interested parties receiving notices notified, as well as newsletters, or other written materials are located; and
   iv. (4) A sign in sheet from the Neighborhood Community Meeting listing the number of people notified about the meeting. The number of people that participated in the process, and the percentage of those notified that participated in the process.

2b. A written summary of concerns, issues, and problems expressed during the process, including:
   i. (1) The substance of the concerns, issues, and problems;
   ii. (2) How the applicant has addressed or intends to address concerns, issues and problems expressed during the process; and
   iii. (3) Concerns, issues and problems the applicant is unwilling or unable to address and why.

Section 5.4: Public Hearing Time and Notice

Section 5.4.A: Duties of the Director

The Director of Community Development shall set the time and place of public hearings required by this Ordinance to be held by the Planning and Zoning Commission and Board of Adjustment, as listed in this Section, provided that the Commission or Board may change the time or place of a hearing with 24 hours advance notice. However, the Planning and Zoning Commission or Board of Adjustment shall hold a public hearing within seventy-five (75) days after a complete application has been filed unless extended at the request of the applicant.

1. Public notice shall be given for the following hearings to be held by the Planning and Zoning Commission:
   a. Comprehensive Plan Adoption and Amendments
   b. Conditional Use Permits
c. Design Review Overlay Applications

d. Determinations of Uses Not Listed

e. Subdivisions

f. Rezonings

g. Zoning Ordinance Adoption and Amendments

h. Public Easement Abandonment

- to be held by the Planning and Zoning Commission or

2. Public notice shall be given for the following hearings to be held by the Board of Adjustment:

a. Variances

b. Interpretations of the Zoning Ordinance,

provided that the Commission or Board may change the time or place of a hearing with 24 hours notice. However, the Planning and Zoning Commission or Board of Adjustment shall hold a public hearing within seventy-five (75) days after a complete application has been filed unless extended at the request of the applicant. 3. Public Notice. A minimum of 15 days prior to a Planning and Zoning Commission or Board of Adjustment hearing, the Community Development Director shall provide notice by:

a. Mailing notices of public hearings to all persons who appear on the latest adopted tax roll of Coconino County as owning property within 300 feet of the exterior boundaries of the property that is the subject of the hearing.

b. Posting of the subject property to be considered at the hearing.

c. For Rezonings, Zoning Ordinance Adoption or Amendments, Comprehensive Plan Adoption or Amendments, the Director shall mail, post and publish notice in accordance with A.R.S § 11-805, § 11-813 and § 11-814.

Section 5.4.B: Duties of the Clerk of the Board

1. The Clerk of the Board shall set the time and place of public hearings required by this Ordinance to be held by the Board of Supervisors, provided that the Board may change the time or place of a hearing with 24 hours advance notice. The Board of Supervisors shall hold a public hearing on a rezoning request, a subdivision, a public easement abandonment, appeals, or an Zoning Ordinance amendment, or Comprehensive Plan adoption or amendment approved by the Commission not less than sixty (60) days after notice of such decision, a recommendation by the Planning and Zoning Commission, or an appeal has been filed with the Clerk of the Board, unless the applicant or appellant shall consent to an extension of time.
2. For Rezonings, Zoning Ordinance Adoption or Amendments, Comprehensive Plan Adoption or Amendments, the Clerk of the Board shall mail, post and publish notice in accordance with A.R.S § 11-805, § 11-813 and § 11-814. In accordance with A.R.S. § 11-813, notice of a public hearing for a Zoning Ordinance Amendment shall be given not less than 15 days nor more than 30 days prior to the date of the hearing by publication in a newspaper of general circulation.

In accordance with A.R.S. § 11-814, when the public hearing concerns a rezoning matter the property shall be posted at least fifteen (15) days prior to the hearing and notice of a public hearing shall be given not less than fifteen (15) days prior to the date of the hearing by publication in a newspaper of general circulation. Notices of public hearings before the Planning and Zoning Commission, Board of Adjustment, or Board of Supervisors shall be mailed to all persons whose names appear on the latest adopted tax roll of Coconino County as owning property within 300 feet of the exterior boundaries of the property that is the subject of the hearing.

Section 5.5: Appeals: Board of Supervisors Review

Section 5.5.A: Appeal of Decision of Planning and Zoning Commission

Where this Ordinance provides for appeal to the Board of Supervisors of an administrative decision of the Planning and Zoning Commission on a Conditional Use Permit, Design Review Overlay, or Determination of Uses Not Listed, the appeal shall be made within fifteen (15) days of the date of the decision by filing a letter of appeal, with the associated fee, with the Director of Community Development. The appeal shall state in writing the grounds for the appeal including specific conditions of concern, if applicable.

Section 5.5.B: Board Action on Appeal

The Board of Supervisors shall hold at least one public hearing on a decision of the Director or Planning and Zoning Commission which has been appealed. The hearing shall be held within ninety (90) days from the filing of the appeal unless an extension is requested by the applicant; the time and place of the hearing shall be set by notice given as prescribed in Section 5.4. The Board shall render a decision on an appeal within forty (40) days following the closing of the public hearing on the appeal unless an extension is requested by the applicant. Failure of the Board to act within the time period prescribed by this Section shall be deemed approval of the Planning and Zoning Commission action. The Board shall review appeals de novo. The Board may affirm, reverse or modify a decision of the Planning and Zoning Commission. The decision of the Board of Supervisors shall be final.
Section 5.6: Administrative Adjustments

Section 5.6.A: Purpose

The purpose of this Section is to grant authority to the Director of Community Development to take action on requests for minor modifications or adjustments to certain requirements of this Ordinance when such requests constitute a reasonable use of property not permissible under a strict, literal interpretation of the regulations.

Section 5.6.B: Adjustments Allowed

For the purpose of administering this Section, an Administrative Adjustment is any modification of the terms or requirements of this Ordinance, which, if granted, would allow the following:

1. A decrease of not more than 10% of the required minimum building site area, parcel or lot size, width or depth.
2b. A decrease of not more than 20% of the required width of a front, side or rear yard setback or the yard between buildings.
3e. A decrease of not more than 20% of the required front or rear yard.
4. An increase of not more than 20% in the permitted height of a fence or wall.
4e. An increase of not more than 10% of the permitted projection into Required Yards permitted in Section 4.5 of steps, stairways, landings, eaves, overhangs, masonry chimneys, and fireplaces into any required front, rear, side or yard between buildings.
5. An increase of not more than 10% of the permitted height or areas of signs.
6g. A decrease in the number of required parking spaces of not more than 10% or a decrease of one space if the total number of spaces is less than 10.
8. An increase of not more than 10% in the maximum allowable lot coverage.
7i. An increase of not more than 10% in the permitted height of buildings.
8. An increase of not more than 20% in the permitted height of the zone for Appurtenances such as religious symbols or watch towers.
9. A decrease of not more than 10% in minimum setbacks, parcel or Lot size for animal keeping. A corresponding reduction of one of the total number of horses or other livestock, goat, sheep, or swine shall be required with the requested reduction in setback, parcel or Lot size.
10. An adjustment to a parcel or lot size based on eminent domain action taken by a public agency, or a dedication and acceptance of a portion of a parcel or lot for public right of way. No fees shall be collected with this type of administrative adjustment.

11. All other administrative adjustments and waivers to standards as listed in this Ordinance for: Accessory Dwelling Unit location and size, Off-Street Parking Requirements, Off-street Parking paving, Parking Area design dimensions, Exempt Noncommercial Signs height, Landscaping standards, Walls and Fencing standards, Compatibility Setback standards, and Minor Changes to a Planned District Zone.

Section 5.6.C: Permits, Findings and Administration

1. Permits
   a. Administrative Adjustments and waivers shall require issuance of an Administrative Permit subject to the provisions of Section 5.1.B.
   b. In addition to the Administrative Permit, applicable Building, Environmental Quality and Engineering Permits may be required. Planning and Zoning review shall be conducted through the issuance of such permits.

2. Findings. In granting an Administrative Adjustment, the Community Development Director shall make the following findings of fact:
   a. The proposed Use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;
   b. The proposed Use otherwise conforms with the conditions, requirements, or standards of this Ordinance and any other applicable local, state, or federal requirements;
   c. For items listed in Section 5.6.B.11, the Director must find compliance with the standards listed in Sections LIST ALL OF THESE.

3. Administration and other Requirements
   a. Permits shall be issued when compliance with this Ordinance is verified. If the Community Development Director determines that the proposed use does not comply with this Ordinance, the permit shall be denied.
   b. Expiration of Approval. The administrative adjustment approval shall expire within one year of issuance if a building permit, when required, is not obtained, or if construction is not commenced.
   b. Reduced Interior Side and Rear Setbacks: At the discretion of the Director, in order to grant approval of an Administrative Adjustment allowing a reduction in minimum
interior side setback, a letter from the affected neighbor supporting the request must be submitted by the applicant.

c. Minor Change to a Planned District Zone: In order to grant an Administrative Adjustment for a Minor Change within a Planned District Zone, as per Section 2.10.5.b., the following additional requirements must be satisfied prior to approval of such Administrative Adjustment:

(1) Planning staff shall notify the Planning and Zoning Commission about the requested change as an update during their regular session. If the Planning and Zoning Commission finds the change constitutes a Major Amendment, then the Major Amendment process shall be required to process the request.

3. Decision of Director

If the Community Development Director denies an application for an Administrative Adjustment, or, if the applicant disagrees with the conditions imposed by the granting of an Administrative Adjustment, if any, the applicant may file for a Variance in accordance with Section 5.8, Variances. Any Minor Amendments to a Planned District Zone denied by the Director shall be referred to the Planning and Zoning Commission as a Major Amendment.

Section 5.7: Conditional Use Permits

Section 5.7.A: Purposes

In order to give the Use regulations the flexibility necessary to achieve the objectives of this Section, in certain zones conditional Uses are permitted, subject to the granting of a Conditional Use Permit. Because of their unusual characteristics, conditional Uses require special consideration so that they may be located properly with respect to the objectives of the zoning regulations and their effects on surrounding properties, including impacts to the transportation system, public health, safety and welfare, and the natural environment. In order to achieve these purposes, the Planning and Zoning Commission is empowered to grant and to deny applications for Conditional Use permits in such zones as are prescribed in the zone regulations and to impose reasonable conditions upon the granting of Conditional Use permits, subject to the right of appeal to the Board of Supervisors.

Section 5.7.B: Administration

1. Conditional Use Permits shall be subject to the provisions of Section 5.1. CB.

2. Investigation and Report

The Director of Community Development Director shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning and Zoning Commission and made available to the applicant prior to the public hearing.
3. Public Hearing

The Planning and Zoning Commission shall hold at least one public hearing on each application for a conditional use permit. The hearing shall be set and notice given as prescribed in Section 5.4 (Public Hearing Time and Notice). At the public hearing, the Commission shall review the application and drawings submitted therewith and shall receive pertinent evidence concerning the proposed Use and the proposed conditions under which Use would be operated or maintained, particularly with respect to the findings prescribed in Section 5.7.B.5.

4. Action of the Planning and Zoning Commission

Within forty (40) days following the closing of the public hearing on a Conditional Use Permit application, the Planning and Zoning Commission shall act on the application. The Commission may grant, by resolution, a Conditional Use Permit as the permit was applied for or in modified form, or the application may be denied. A Conditional Use Permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions or waivers as the Commission may prescribe as follows:

a. Conditions prescribed by the Commission may include but shall not be limited to:
   - Drainage, sewage, water and other utility requirements, requiring special yards, open spaces, buffers, fences and walls;
   - Requiring installation and maintenance of landscaping;
   - Protection of environmentally sensitive features;
   - Requiring street dedications and improvements;
   - Regulation of points of vehicular ingress and egress;
   - Regulation of traffic circulation;
   - Access from public rights of way; requirements for public safety and emergency services;
   - Regulation of signs;
   - Regulation of hours of operation and methods of operating;
   - Control of potential nuisances;
   - Prescribing standards for maintenance of buildings and grounds;
   - Prescription of development schedules and development standards; and
   - Such other conditions as the Commission may deem necessary to insure compatibility of the Use with surrounding developments and Uses and to preserve the public health, safety and welfare.

b. The Commission may grant waivers from the Zoning Ordinance in conjunction with the approval of a Conditional Use Permit for such property development standards and performance standards as: fences, walls, screening and landscaping; site area; width and depth; front, rear and side setbacks; lot coverage; height of structures; distance between structures; usable open space; signs; off-street parking facilities or parking lot standards; or frontage on a public street. The Planning and Zoning Commission shall make the following findings before granting a waiver from the Zoning Ordinance:

   (1) The proposed waiver will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;

   (2) The proposed Use otherwise conforms with the conditions, requirements, or standards of this Ordinance and any other applicable local, state, or federal requirements;
(3) That the granting of the waiver is the minimum that will accomplish this purpose and will not constitute the granting of a special privilege inconsistent with the limitations on other properties in the same zone.

5. Findings of Fact

The Planning and Zoning Commission shall make the following findings before granting a Conditional Use Permit:

4a. That the proposed location of the Conditional Use is in accord with the objectives of this Ordinance and the purpose of the Zone in which the site is located.

4b. That the proposed location of the Conditional Use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

4c. That the proposed Conditional Use will comply with each of the applicable provisions of this Ordinance, except for approved variances.

4d. That the proposed Conditional Use is consistent with and conforms to the goals, objectives and policies of the Comprehensive Plan or Specific Area Plan for the area.

6. Effective Date of the Use Permit

The decision of the Planning and Zoning Commission shall be effective fifteen (15) days at the close of business from the date of the decision and upon receipt by the Department of Community Development of a signed agreement to the conditions of approval, unless prior to the expiration of said fifteen (15) day period an appeal has been filed with the Board of Supervisors.

7. Appeal to Board of Supervisors

A decision of the Planning and Zoning Commission may be appealed within fifteen (15) days to the Board of Supervisors by the applicant or any other person as prescribed in Section 5.5 (Appeals: Board Review); or by appeal of an individual member of the Board without fee.

8. Determination by the Board of Supervisors

The Board of Supervisors shall hold a public hearing on a Conditional Use Permit as prescribed in Section 5.5.B if an appeal has been filed within the prescribed fifteen day appeal period. The decision of the Board shall be final.

9. Lapse of Conditional Use Permit
A Conditional Use Permit associated with construction shall lapse and shall become void one two years following the date on which the Conditional Use Permit became effective, unless prior to the expiration of one two years, a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application, or a Certificate of Occupancy is issued for the structure which was the subject of the Use permit application, or the site is occupied if no building permit or Certificate of Occupancy is required, unless a longer time frame is approved by the Planning and Zoning Commission. A request for extension may be submitted to the Planning & Zoning Commission which will be evaluated based on current circumstances including, but not limited to, percentage of project completed, estimated completion date, surrounding land use and citizen input.

A Conditional Use Permit shall also lapse if the use for which the permit is approved is terminated for a period of two (2) years. Recomencement of the Use after the two (2) year period of inactivity shall require filing a new application following the requirements and processes specified in Section 5.7.

Renewal of Conditional Uses

a. A Conditional Use Permit subject to expiration may be renewed, provided that prior to the expiration date, an application for renewal of the use permit is filed with the Department of Community Development. An expired Conditional Use Permit requires reinstatement as a new Conditional Use Permit application.

b. Upon application for renewal, a case review and site inspection shall be made to determine compliance with conditions of approval. Legal notice of application for renewal shall be posted on the property within public view, mailed to property owners within a minimum radius of 300 feet radius and advertised in a newspaper for a minimum of fifteen (15) days prior to determination of approval for renewal.

1. A Conditional Use Permit may be renewed administratively where:
   i. The current Conditional Use Permit remains valid and in full force; and
   ii. There have not been any complaints; and
   iii. The Use of the property remains the same as the approved Use; and
   iv. The use is in compliance with conditions of approval; and
   v. There are no active violations of the zoning code at the time of renewal; and
   vi. No modifications to the Use or conditions of approval are requested by the applicant or staff

2. A Conditional Use Permit may be renewed administratively where: Where the Conditional Use Permit is approved administratively, all prior conditions of approval
shall remain in full force and effect, except that the duration of the Conditional Use Permit renewal may be extended if requested by the applicant. The Director will evaluate each request for an extension of the renewal time period on a case by case basis.

Administrative renewal of a Conditional Use Permit must meet the following criteria:

1. The current Conditional Use Permit remains valid and in full force; and
2. There have not been any complaints lodged with the Department during the current term of the Conditional Use Permit or during the notice period for the application of renewal. Complaints lodged during the notice period must be resolved within 30 days from the date of the complaint or the case will be referred to the Planning and Zoning Commission for public hearing; and
3. The Use of the property remains the same as the approved Use; and
4. The use is in compliance with conditions of approval; and
5. There are no active violations of the zoning code at the time of renewal; and
6. No modifications to the Use or conditions of approval are requested by the applicant or staff, except a request for an extension of the renewal time period will be evaluated by the Director based on justification submitted by the applicant for the extension.

An application meeting the criteria for administrative renewal will be processed by the Community Development Director in the same manner as Renewal of Conditional Use Permits, except that a Public Hearing and Action of the Planning and Zoning Commission are not required.

d. A Conditional Use Permit must be renewed upon a hearing before the Planning and Zoning Commission where:
   i. (1) Any complaint is lodged with the Department during the current term of the Conditional Use Permit or during the notice period for the application of renewal; or
   ii. (2) Any conditions of approval are not met to the satisfaction of the Department; or
   iii. (3) A change in the described Use of the property has occurred; or
   iv. (4) A change in the predicted impacts of the use has occurred; or
   v. (5) There is a violation of the zoning code or any other applicable law, or
   vi. (6) A request to modify the Use or conditions of approval is made.
(7) Additional fees may apply to Conditional Use Permits renewed by the Planning and Zoning Commission.

e. An application for renewal of a Conditional Use Permit not eligible for renewal pursuant to Section 5.7.B.10 above may be granted or denied by the Planning and Zoning Commission subject to the modification of existing conditions of approval and/or the addition of new conditions of approval. A primary consideration of renewal is compliance with the original conditions of approval. Such applications shall be subject to the provisions of Section 5.7.

114. Modification of Conditional Use

a. Sections 5.1.B.C and 5.7.B.1 through 5.7.B.10 shall apply to an application for modification, expansion, or other change in a conditional use.

b. Revocation. Noncompliance with Conditional Use Permit Terms. Failure to comply with any of the conditions of approval or performance standards of a Conditional Use Permit is a violation of the Zoning Ordinance, and may result in enforcement action pursuant to Section 5.14 or the revocation of a Conditional Use Permit. Revocation shall require a public hearing before the Planning & Zoning Commission in accordance with public notice criteria. The Planning and Zoning Commission shall hold a public hearing within ninety (90) days of sending notice to both applicant and property owner, in accordance with the procedure prescribed in Section 5.7.B.3 (Public Hearing) and 5.7.B.4. If not satisfied that the regulation, general provisions, or conditions are being complied with, the Commission may revoke the Conditional Use Permit or take such action as may be necessary to ensure compliance with the regulation, general provisions, or conditions. The decision may include time frames for ensuring compliance or decommissioning the project unless an appeal has been filed within the prescribed fifteen (15) day appeal period, in which case Section 5.5.B (Board Action on Appeal) shall apply.

123. New Applications Following Denial

Following the denial of a Conditional Use Permit application or the revocation of a Conditional Use Permit, no application for a Conditional Use Permit for the same or substantially the same Conditional Use on the site shall be filed within one (1) year from the date of denial or revocation of the Conditional Use Permit.

134. Conditional Use Permit to Run with the Land

A Conditional Use Permit granted pursuant to the provisions of this Section shall run with the land and shall continue to be valid upon a change in ownership of the site or structure which was the subject of the use permit application.

145. Use Permit and Change of Zone Filed Concurrently

Application for a Conditional Use Permit may be made at the same time as an application for a change in zone boundaries including the same property, in which case the Planning and...
Zoning Commission shall hold the public hearing on the zoning reclassification and the Conditional Use Permit at the same meeting and may combine the required hearings. For the purposes of this Section, the date of the Commission decision on the Conditional Use Permit application shall be deemed to be the same as the date of enactment by the Board of Supervisors of an ordinance changing the zone boundaries, provided that if the Board modifies a recommendation of the Commission on a zoning reclassification, the Conditional Use Permit application shall be reconsidered by the Commission in the same manner as a new application.

16. Planning and Zoning Division Inspections

The Planning and Zoning Division may conduct periodic site inspections during the duration of the Conditional Use Permit to ensure compliance with conditions of approval.

Section 5.8: Variances

Section 5.8.A: Purposes and Authorization

1a. Variances from the terms of the Zoning Ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any Variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

2b. The power to grant Variances does not extend to Use regulations. Flexibility to the zoning regulations is provided in the Conditional Use provisions of this Ordinance.

3e. The Board of Adjustment may grant Variances to the regulations prescribed by this Section, in accord with the procedure prescribed in this Section, with respect to fences, walls, hedges, screening, and landscaping; site area, width, and depth; front, rear, and side yard setbacks; coverage, height of structures or appurtenances; distances between structures; usable open space; signs, off-street parking facilities, minimum lot size and setbacks for animal keeping, or frontage on a public street.

Section 5.8.B: Administration

1. Investigation and Report

The Director of Community Development shall make an investigation of each application that is the subject of a public hearing and shall prepare a report thereon which shall be submitted to the Board of Adjustment and made available to the applicant prior to the public hearing.
2. Public Hearing

The Board of Adjustment shall hold a public hearing on an application for a Variance. The hearing shall be set and notice given as prescribed in Section 5.4 (Public Hearing Time and Notice). At a public hearing, the Board shall review the application, statements, and drawings submitted therewith and shall receive pertinent evidence concerning the Variance, particularly with respect to the findings prescribed in Section 5.8.B.4 (Findings).

3. Action by the Board of Adjustment

Within forty (40) days following the close of the public hearing on a Variance application, the Board of Adjustment shall act on the application. The Board may grant, by resolution, a Variance as the Variance was applied for or in modified form, or the application may be denied. A Variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the Board may prescribe. Upon failure to act within the prescribed forty (40) day period, an appeal may be taken to the Superior Court as prescribed in ARS §11-807.

4. Findings of Fact

The Board of Adjustment may grant a Variance to a regulation prescribed by this Ordinance with respect to fences, walls, hedges, screening, or landscaping; site area, width, or depth; front, rear, or side yard setbacks; coverage, height of structures or appurtenances, distances between structures, usable open space, signs, off street parking facilities, minimum lot size and setbacks for animal keeping, or frontage on a public street, as the Variance was applied for or in modified form. If, on the basis of the application and the evidence submitted, the Board of Adjustment makes the following findings of fact that establish that the circumstances prescribed in paragraphs A, B, or C and in paragraphs D and E do apply:

4a. That the strict or literal interpretation and enforcement of the specified regulation is necessary for the preservation of substantial property rights and would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Ordinance.

2b. That there are preexisting exceptional or extraordinary circumstances or conditions applicable to the property, land or buildings involved that were not created or self-imposed by the applicant, and which do not apply generally to other properties in the same zone.

3c. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone.

4d. That the granting of the Variance as conditioned is the minimum that will accomplish this purpose and will not constitute the granting of a special privilege inconsistent with the limitations on other properties in the same zone.
5e. That the granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to the public or properties or improvements in the vicinity.

a. Signs  5. Additional Findings

a. Signs. The Board of Adjustment may grant a Variance to a regulation prescribed in this Ordinance with respect to signs as the Variance was applied for or in modified form, if, on the basis of the application and the evidence submitted, the Board of Adjustment makes findings of fact that establish that the circumstances prescribed in Section 5.8.B.4 (Findings) apply and the following circumstances also apply.

i. (1) That the granting of the Variance will not detract from the attractiveness or orderliness or orderliness of the surrounding neighborhood or infringe on the similar rights of others.

ii. (2) That the granting of the Variance will not create a hazard to public safety.

b. Parking  5. Additional Findings

The Board of Adjustment may grant a Variance to a regulation prescribed by this Ordinance with respect to off-street parking facilities as the Variance was applied for or in modified form, if, on the basis of the application and the evidence submitted, the Board of Adjustment makes findings of fact that establish that the circumstances prescribed in Section 5.8.B.4 apply and the following circumstances apply.

i. (1) That neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.

ii. (2) That the granting of the Variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.

iii. (3) That the granting of the Variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance.

5. Appeals to Superior Court

A decision of the Board of Adjustment on a Variance may be appealed within thirty (30) days to the Superior Court by the applicant or any other aggrieved person as prescribed in ARS 11-807.

6. Effective Date of Variance
A decision of the Board of Adjustment on a Variance shall be final thirty (30) days after the date of the decision and upon receipt by the Department of Community Development of a signed agreement to the conditions of approval, unless an appeal has been filed.

7. Lapse of Variance

a. A Variance shall lapse and shall become void one year following the date on which the Variance became effective unless the Board of Adjustment grants a specific timeframe for obtaining a building permit, or prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or a permit is issued authorizing occupancy of the site or structure which was the subject of the variance application, or the site is occupied if no building permit or Certificate of Occupancy is required.

b. A Variance may be renewed for an additional period of one year provided that prior to the expiration of one year from the date when the Variance or the renewal became effective, an application for renewal of the Variance is filed with the Director of Community Development.

c. A Variance shall also lapse if the use for which the Variance is approved is terminated for a period of one year. Recomencement of the use after the one year period of inactivity shall require filing a new Variance application according to the process and requirements listed in Sections 5.8.A through 5.8.B.10.

8. A Variance subject to expiration may be renewed, provided that prior to the expiration date, an application for renewal of the Variance is filed with the Board of Adjustment.

The Board of Adjustment may grant or deny an application for renewal of a Variance subject to the modification of existing conditions of approval and/or the addition of new conditions of approval. A primary consideration of renewal is compliance with conditions of approval.

9. Revocation

Failure to comply with any of the conditions of approval is a violation of the Zoning Ordinance and may result in the revocation of a Variance. Revocation shall require a public hearing before the Board of Adjustment Commission in accordance with public notice criteria. The Board of Adjustment shall hold a public hearing within ninety (90) days of sending notice to both applicant and property owner, in accordance with the procedure prescribed in Section 5.8.B.2 (Public Hearing). If not satisfied that the regulation, general provisions, or conditions are being complied with, the Board may revoke the Variance or take such action as may be necessary to ensure compliance with the regulation, general provisions, or conditions. The decision may include time frames for ensuring compliance or decommissioning the project.

10. New Application
Following the denial or revocation of a Variance application, no application for the same or substantially the same Variance on the site or substantially the same site shall be filed within one year from the date of denial or revocation of the Variance.

11. Variance Related to Plans Submitted

Unless otherwise specified at the time a Variance is granted, it shall apply only to the plans and drawings submitted as part of the application.

Section 5.9: Determination as to Uses Not Listed

Section 5.9.A: Purposes

In order to ensure that the zoning regulations will permit all similar Uses in each zone, the Director of Community Development [Director], upon his/her own initiative or upon written request shall determine whether a Use not specifically listed as a permitted or conditional Use in any zone shall be deemed a permitted Use or a conditional Use in any one or more zones on the basis of similarity to Uses specifically listed. The determination of the Community Development Director shall be adopted through the Planning and Zoning Commission consent agenda. The Director of Community Development may request the determination be made directly by the Planning and Zoning Commission. The procedures of this Section shall not be substituted for the amendment procedure as a means of adding new Uses to the list of permitted or conditional uses.

Section 5.9.B: Administration

1. Request for Determination

Requests for determination of similar Uses shall be made in writing to the Director of Community Development Director and shall include a detailed description of the proposed Use and such other information as may be required by the Director to facilitate the determination.

2. Investigation and Report

The Director of Community Development Director shall make such investigations of the request as necessary to compare the nature and characteristics of the proposed Use with those Uses specifically listed and shall make a report of his findings to the Planning and Zoning Commission.

3. Determination

The determination of the Director of Community Development Director and/or the Planning and Zoning Commission shall be effective fifteen (15) days from the date of the decision unless an appeal is filed.
4. Appeal to Board of Supervisors

A decision of the Planning and Zoning Commission may be appealed within fifteen (15) days to the Board of Supervisors by the applicant or any other person, as prescribed in Section 5.5 (Appeals: Board Review), or by any member of the Board of Supervisors without fee.

5. Determination by Board of Supervisors

The Board of Supervisors shall make a determination as prescribed in Section 5.5.B (Board Action on Appeal) if an appeal has been filed within the prescribed fifteen (15) day appeal period or upon the initiative of the Community Development staff. The decision of the Board shall be adopted as a resolution and shall be final.

Section 5.10: Interpretations

Section 5.10.A: Purposes and Authorizations

The Board of Adjustment may interpret the Zoning Ordinance if the meaning of any word, phrase or section is in doubt, if there is a dispute over a staff interpretation or if the location of a district boundary is in doubt. Appeals to the Board of Adjustment may be taken by any person who feels that there is an error or doubt in the interpretation of the ordinance pursuant to ARS § 11-816.

Section 5.10.B: Request for Interpretation

All requests for interpretation shall be made in writing to the Director of Community Development and accompanied by a fee as established in the adopted fee schedule. Interpretations shall be submitted to the Board of Adjustment for review based on their next available calendared meeting.

Section 5.11: Substantive Policy Statement

Section 5.11.A: Purpose and Authority

Substantive policy statements are written expressions intended to inform the general public of the department’s current approach to, or opinion of, the requirements of the federal or state constitution, federal or state statute, administrative rule or regulation, or final judgment of a court of competent jurisdiction, including, where appropriate, the agency’s current practice, procedure or method of action based upon that approach or opinion. A substantive policy statement is advisory only and does not include internal procedural documents which only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties, confidential information or rules made in accordance with this Ordinance.
Section 5.11.B: Administration

1. Adoption

Substantive policy statements are adopted at the discretion of the Community Development Director. All substantive policy statements are reviewed on an annual basis and updated as required.

2. Access

Substantive policy statements are available for inspection at the Community Development office or on the Coconino County website.

3. Format

All substantive policy statements shall include the effective date, policy number, title, purpose, background, policy statement, and information pertaining to the approval of the substantive policy statement and any previous substantive policy statements affected or revised by the new substantive policy statement.

Section 5.12: Amendments to the Zoning Ordinance and Rezonings

Section 5.12.A: Purpose

The zoning map and zoning regulations may be amended by changing the boundaries of any zone or by changing any zone regulation or any other provision of this Ordinance in accord with the procedure prescribed in this Section.

Section 5.12.B: Administration

21. Initiation

a. A change in the boundaries of any zone may be initiated by a property owner or authorized agent of a property owner by filing an application for a change in zone boundaries as prescribed in this Section.

b. A change in the boundaries of any zone or change in the regulations may be initiated by the Planning and Zoning Commission or the Board of Supervisors.

32. Conformity with Comprehensive Plan

An application for a change in zone classification which does not conform to the land use designation as identified in the Comprehensive Plan shall not be processed until an
amendment to the Comprehensive Plan has been filed, as prescribed in Section 5.13.C.1 (Amendments to Comprehensive Plan).

43. Investigation and Report

The Director of Community Development shall make an investigation of the application or proposal and shall prepare a report thereon which shall be submitted to the Planning and Zoning Commission and to the applicant prior to the public hearing.

54. Public Hearing

The Planning and Zoning Commission shall hold at least one public hearing on each application for a change in zone boundaries or for a change of the zoning regulations. The hearing shall be set and notice given as prescribed in Section 5.4 (Public Hearing Time and Notice).

65. Public Hearing Procedure

At the public hearing, the Planning and Zoning Commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is consistent with the objectives of this Ordinance, the Comprehensive Plan and the development policies of the County.

76. Action by the Planning and Zoning Commission and Findings of Fact

a. Within forty (40) days following the closing of the public hearing, the Planning and Zoning Commission shall make a decision based on the following findings of fact:

   (1) That the change is consistent with the goals, objectives and policies of the Comprehensive Plan and this Ordinance.

   (2) That the change is in the interest of or will further will not be detrimental to the public health, safety, comfort, convenience and welfare.

   (3) That the change will not adversely affect the established character of the surrounding neighborhood nor be detrimental to adjacent properties.

b. Based on these findings, the Commission shall recommend that the application be approved, approved in modified form, or denied. Said recommendation shall be transmitted to the Board of Supervisors for final hearing and disposition.

87. Action by the Board of Supervisors

a. If the Planning & Zoning Commission has held a public hearing, the Board of Supervisors may adopt the recommendations of the commission through use of a consent calendar without holding a second public hearing if there is no objection, request for public hearing or other protest. If there is an objection the Board of Supervisors shall hold
at least one public hearing on an application or a proposal within ninety (90) days after the Planning and Zoning Commission hearing. The hearing shall be set and notice given as prescribed in Section 5.4 (Public Hearing Time and Notice). Within forty (40) days following the closing of a public hearing, the Board shall make a decision based on the findings required by Section 5.12.B.7.a.

(1) If the Board finds that the change is consistent with the findings required by Section 5.12.B.7.a, it shall approve an ordinance amending the zoning map or zoning regulations, whichever is appropriate.

(2) The Board may modify a decision of the Planning and Zoning Commission recommending the granting of an application or adoption of a proposal. However, prior to making a final decision on the amendment or proposal, the Board may, but shall not be required to, submit any or all modifications to the Commission for reconsideration at a public meeting. The Commission may, but is not required to, provide supplemental comments on the modifications to the Board. The Board may consider any supplemental comments from the Commission before making the findings required by Section 5.12.B.7.a and rendering a final decision. Failure of the Commission to report within 30 days after receipt of the Board request shall be deemed concurrency.

(3) If the Board finds that the change is not consistent with the findings required by Section 5.12.B.7.a, it shall deny the application or reject the proposal.

b. In accordance with A.R.S. § 11-814, if twenty percent (20%) of the owners of property by area and number within the zoning area (for the purpose of this Section “zoning area” means the area within three hundred feet of the proposed amendment or change) file a protest to the proposed change, the change shall not be made except by a three-fourths vote of all members of the Board. If any members of the Board are unable to vote on the question because of a conflict of interest, the required number of votes for the passage of the question is three-fourths of the remaining membership of the Board, except that the required number of votes in no event shall be less than a majority of the full membership of the Board. In calculating the owners by area, only that portion of a lot or parcel of record situated within three hundred feet of the property to be rezoned shall be included. In calculating the owners by number or area, County property and public Rights-of-Way shall not be included.

§ 8. New Application

Following the denial of an application for change in zone boundaries or a change in the zoning regulations, an application or request for the same or substantially the same change on the same or substantially same property shall not be filed within one year of the date of denial.

§ 9. Conditional Zoning
The Board may approve a change of zone conditioned on a schedule for development of the specific Use or Uses for which the rezoning is requested. If at the expiration of this period the property has not been improved for the Use for which it was conditionally approved, the Board after notification by registered mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to grant an extension, determine compliance with the schedule for development, or cause the property to revert to its former zoning classification.

140. Change of Zone Accompanied by a Subdivision Plat

When a zone change request is accompanied by a preliminary subdivision plat, the change of zoning shall not vest or become effective until recordation of a final plat.

Section 5.13: Comprehensive Plan

Section 5.13.A: Applicability of State Law

Except as otherwise specifically provided herein, the provisions of the Arizona Revised Statutes, Title 11 relating to the adoption, amendment, effect and all other aspects of comprehensive plans shall apply to Coconino County.

Section 5.13.B: Purposes

The purpose of this Section is to establish procedures by which the County’s Comprehensive Plan may be amended, and to establish associated application requirements and time frames for public hearing and approvals.

Section 5.13.C: Administration

1. Amendments to Comprehensive Plan or Specific Area Plans

   a. The Comprehensive Plan of Coconino County or any part or element thereof, including Area Plans for individual communities, the Regional Plan, or any Specific Plan for individual communities may be amended as frequently in any calendar year as may be determined by the Board of Supervisors to be in the public interest, per Section 5.13.C.4.

   b. An amendment to the Comprehensive Plan or any part or element thereof or any Specific Plan may be initiated by:

      (1). The Board of Supervisors;

      (2). The Planning and Zoning Commission;

      (3). The owner of the property in question.
(4) Any member or members of the public.

c. However, any amendment initiated by the property owner or member or members of the public shall be made by application. The following information shall be submitted when applying for an Amendment to change any Zoning Ordinance regulation the Comprehensive Plan:

(1) A completed Coconino County Plan/Ordinance Amendment application form including name and address of the applicant, name of contact person, phone number, fax number and email address, description of the request, and pre-application meeting date.

(2) A typewritten narrative describing the request and the precise manner of compliance with each of the applicable provisions of this Section, together with any other data pertinent to the findings prerequisite to the granting of an amendment.

(3) Documentation shall be provided in a written description as well with supplemental data to show overall compliance with the Coconino County Comprehensive Plan.

(4) A citation of the specific section(s) of the applicable Plan to be amended and specific language proposed.

(5) The application shall be accompanied by a fee established by resolution of the Board of Supervisors to cover the cost of processing the application as prescribed in this Section.

(6) Other information determined to be necessary for the Director to make a recommendation on the requested action.

d. Any hearing held in conjunction with an amendment to the Zoning Ordinance -for the purpose of bringing zoning into consistency with the Comprehensive Plan or any part or element thereof a Specific Plan may be held at any time after the date on which an amendment to the Comprehensive Plan or any part or element thereof or any Specific Plan has been recommended for adoption by the Planning and Zoning Commission; provided, however, that no such amendment to the Zoning Ordinance shall be adopted by the Board of Supervisors until the Board has first adopted the appropriate amendment to the Comprehensive Plan or any part or element thereof applicable Specific Plan.

2. Types of Comprehensive Plan Amendments

a. Administrative Amendments. Administrative Amendments are minor corrections made under the authorization of the Community Development Director, such as:

(1) Updates to formatting, typographical errors, URLs, references to other reports or studies that may be amended, and similar edits,
b. Major Amendments. An amendment is a Major Amendment if it meets any of the following criteria:

(1) Changes to the text conflict with or alter one or more of the goals and policies in this Plan or,

(2) The proposal represents a substantial alteration to the county’s land use mixture and balance or,

(3) It adds a new element or substantially changes one or more chapters of the Comprehensive Plan prior to the required full 10-year update or,

(4) It adds a new Area Plan or a new Rural Planning Area or,

(5) It establishes a land use map, growth boundary, or activity center under County jurisdiction.

c. Minor Amendments. An amendment is a Minor Amendment if it meets any of the following criteria:

(1) Revisions or updates to an existing area plan or Rural Planning Area that meet the Comprehensive Plan’s vision, goals, and policies or,

(2) Changes mandated by any new state laws or,

(3) Text changes and corrections that do not compromise the intent or impact the substantive mixture and balance of the Plan or,

(4) Corrections to planning errors or a planning oversight or,

(5) A change to a map, location-based policy, or other specific policy within an area plan or,

(6) Any other changes that do not fall under the major amendment criteria listed above and are not administrative amendments.

3. Amendment Approval Criteria. Major and Minor Amendments must meet the following approval criteria:

a. The amendment constitutes an overall improvement to the county.

b. The amendment will not adversely impact a portion of the county or the existing character (visual, physical, environmental, and functional) of the immediate area.
c. The amendment is supported by “Our Vision for the Future” and other goals and policies of the Plan.

d. The requested change benefits the county or a specific community.

e. Conditions have changed substantially since the last update; such conditions may involve surrounding land uses.

f. The subject property or concept was misinterpreted or overlooked in the Plan.

g. The amendment will effectively help implement the Plan’s other goals or vision.

h. The identified site is appropriate for the proposed use.

24. Amendment Review Timeframes

a. Administrative completeness pursuant to ARS § 11-605 shall be determined within 60 calendar days of the submittal of an amendment application. Applicants will be notified in writing of an incomplete application with a list of deficiencies. Notice in writing of application deficiencies shall suspend the administrative completeness timeframe until such time as all deficiencies have been addressed.

b. Substantive review of all amendment applications shall be completed within 250 calendar days from the determination that the amendment application is administratively complete. One written request for additional information may be made to the applicant during this review process. The substantive review includes investigation and report on the case, public hearing, action of the Planning & Zoning Commission, and action by the Board of Supervisors. The applicant may waive the timeframe constraints of this review.

a. Major Amendments shall be heard once per calendar year, and shall be considered by the Planning and Zoning Commission at its regular meeting in October of that year. The application deadline for Major Amendments shall be May 1 of each year.

d. Minor Amendments may be considered at any time of the year.

35. Investigation and Report

The Director of Community Development Director shall make an investigation of the application or proposal and shall prepare a report thereon which shall be submitted to the Planning and Zoning Commission and to the applicant prior to the public hearing.

46. Public Hearing

The Planning and Zoning Commission shall hold at least one public hearing on each application for a Major or Minor amendment to the Comprehensive Plan, change in zone boundaries, or for a change of the zoning regulations. The hearing shall be set and notice given as prescribed in Section 5.4 (Public Hearing Time and Notice).
57. Public Hearing Procedure

At the public hearing, the Planning and Zoning Commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is consistent with the objectives of this Ordinance, the Comprehensive Plan and the development policies of the County. The Planning and Zoning Commission shall forward their recommendation for a Major or Minor amendment to the Board of Supervisors.

68. Action by the Board of Supervisors

If the Planning & Zoning Commission has held a public hearing, the Board of Supervisors shall hold at least one public hearing on an application or a proposal for a Major or Minor amendment within ninety (90) days after the Planning and Zoning Commission hearing. Minor Amendments are subject to a simple majority vote of the Board of Supervisors. Major amendments are subject to a 4/5 vote of the BOS. may adopt the recommendations of the commission through use of a consent calendar without holding a second public hearing if there is no objection, request for public hearing or other protest. If there is an objection the Board of Supervisors shall hold at least one public hearing on an application or a proposal within ninety (90) days after the Planning and Zoning Commission hearing. The hearing shall be set and notice given as prescribed in Section 5.4 (Public Hearing Time and Notice in accordance with A.R.S. §11-805). Within forty (40) days following the closing of a public hearing, the Board shall make a decision on the amendment.
ENFORCEMENT
Section 5.14: Enforcement

Section 5.14.A: Purpose & Scope

This section identifies what constitutes a violation of this Ordinance, establishes penalties and remedies, and authorizes enforcement procedures.

Section 5.14.B: Violation

Pursuant to A.R.S. § 11-815:

a1. It shall be a violation of this Ordinance to erect, construct, reconstruct, alter or use a building or any other structure without first obtaining a building permit.

b2. It shall be a violation of this Ordinance, and considered a public nuisance per se to make any Use of any Lot, parcel, or piece of property in such a way as to conflict with the provisions of this Ordinance.

e3. Each day during which an illegal erection, construction, reconstruction, alteration, maintenance, or Use continues is a separate offense.

Section 5.14.C: Enforcement

1. Zoning Inspection and Investigation

   a. The Board of Supervisors, Director of Community Development Director, County Attorney, County Sheriff, Zoning Inspector, Hearing Officer, and all officers of Coconino County otherwise charged with the enforcement of the law are responsible for the enforcement of the provisions of this Ordinance

   b. Zoning Inspector / Compliance Manager

      (1). The Zoning Inspector, also known as the Compliance Manager, shall administer and enforce this Ordinance. The Zoning Inspector shall:

      (2). Receive and investigate allegations of violations of this Ordinance.

         i. aa. Make necessary inspections to secure compliance with the provisions of this Ordinance.

         ii. bb. Make investigations in connection with any matter referred to in this Ordinance and render written reports thereof when requested by the Board of Supervisors, or when the interests of Coconino County so require.

         iii. cc. Issue such notices or orders as may be necessary for the purpose of enforcing compliance with the provisions of this Ordinance.
iv. Keep careful and comprehensive records of all alleged violations of this Ordinance, including comprehensive notes as to the condition and existing Uses of the subject property, location, property owner and address, and specific section(s) of the Ordinance corresponding to the alleged violation. The Zoning Inspector shall further retain on file, copies of all papers for such time as may be required by law.

(3) May perform any duties as assigned to the Deputy Zoning Inspector, as outlined in Section 5.14.C.1.c.

c. Deputy Zoning Inspector

(1) Deputy Zoning Inspectors, also identified as Code Enforcement Officers, shall be appointed by the Coconino County Board of Supervisors as needed to assist the Zoning Inspector. The Deputy Zoning Inspector shall:

i. Investigate and report on all allegations of zoning violations as assigned by the Zoning Inspector.

ii. Determine whether a condition or existing Use constitutes a violation of this Ordinance.

iii. When the Deputy Zoning Inspector confirms that a condition or existing Use constitutes a violation of this Ordinance, the Deputy Zoning Inspector may:

a. Serve notice of the violation to the Alleged Violator. The notice shall cite:

1. The nature of the violation,
2. The section of the Ordinance violated,
3. Information of possible penalties if violation is not ceased,
4. Steps necessary to bring the subject property into compliance with this Ordinance, and
5. A reasonable timeframe in which all necessary actions should be completed to correct the noticed violation.

b. Re-inspect the subject property upon the expiration of the reasonable timeframe provided in accordance with Section 5.14.C.1.c.1.iii.a.5.

c. Provide a reasonable timeframe for remedy of violations, for those violations not remedied within the timeframe provided in e of violation setting a final deadline for compliance.

1. The final deadline for compliance shall not exceed four (4) weeks.
extend the final deadline for compliance may be extended, where the property owner demonstrates, with reasonable documentation, an effort to correct the existing violation(s).

Issue citations for violations of this Ordinance not corrected by the final deadline provided in accordance with Section 5.14.C.1.c.1.iii.c.1. The citation shall include:

1. The nature of the violation.
2. The section(s) of this Ordinance which has/have been violated.
3. Possible penalties that can be assessed by the Hearing Officer.

Serve, together with the citation, a notice to appear before the Hearing Officer, in accordance with A.R.S. § 11-815(E). The notice to appear shall:

1. Include the specific date and time at which the alleged violator must appear at the Zoning Violation Hearing.
2. Include information regarding the right to be represented by counsel or other designated representative and that failure to provide timely written notification of an election to be represented by counsel or other designated representative constitutes a waiver of that right.
3. If the Deputy Zoning Inspector is unable to personally serve the notice, the notice may be served by any form of mail requiring a signed and returned receipt, or in the same manner prescribed for alternative methods of service by the Arizona Rules of Civil Procedure, provided that a notice by means other than personal service must be affected at least thirty (30) days before the hearing.

Present evidence showing the existence of a violation, or testimony showing the existence of a violation when the County Attorney presents evidence on behalf of the Zoning Inspector, in accordance with A.R.S. § 11-815(F).

2. Hearings
   a. Hearing Officer
      
      The Hearing Officer is appointed by the Coconino County Board of Supervisors to hear and decide all civil proceedings established by this Ordinance.
   b. The Hearing Officer shall:
      1. Preside over Zoning Violation Hearings
(2) Decide all objections as to the relevance of evidence or testimony presented during a Zoning Violation Hearing.

(3) Determine responsibility for alleged zoning violations.

(4) Impose civil penalties for zoning violations, pursuant to Section 5.14.C.2.d.2.i.b or with Section 5.14.C.4.a.3.i.

(5) Include in all findings of responsibility, pursuant to Section 5.14.C.2.d.2.i.b or Section 5.14.C.2.d.8.ix, a non-compliance and daily penalty schedule to accrue should the violation(s) not be abated by the compliance date specified by the Hearing Officer.

c. The Hearing Officer may:

(1) Continue Zoning Violation Hearings at the request of either party for good cause shown.

aa. The Hearing Officer shall not continue a hearing without first giving notice to both parties.

bb. The Hearing Officer shall notify both parties in writing of the new hearing date.

(2) Question witnesses or representatives of either party during a Zoning Violation Hearing.

(3) Attach a recurrence penalty to a parcel for a maximum of two (2) years from the hearing date. Said penalty shall be levied according to the recall procedure in Section 5.14.C.2.e if a violation of the same section of this Ordinance, as addressed in the Hearing Officer’s findings, occurs within the specified time period.

d. Zoning Violation Hearings

(1) Every action or proceeding brought before the Hearing Officer for a violation of this Ordinance shall be commenced by the filing of a copy of the notice to appear, as provided by Section 5.14.C.1.c.1.iii.e, and a copy of the citation, as provided by 5.14.C.1.c.1.iii.d, with the Hearing Clerk.

(2) The alleged violator shall, no later than 15 days after service of citation, submit an admission or denial of responsibility.

aa. When an alleged violator submits an admission of responsibility:

a. The Hearing Officer shall waive the initial fee of $100.
b. The Hearing Officer shall enter a finding of responsibility against the alleged violator providing 30 days to remedy the violation(s), unless extraordinary circumstances warrant an extension.

c. The Hearing Officer shall vacate the Zoning Violation Hearing.

ii. When an alleged violator submits a denial of responsibility:

a. The Hearing Officer shall promptly notify the alleged violator of the right to be represented by counsel.

b. The alleged violator must then notify the Hearing Officer in writing at least ten (10) days prior to the hearing date of his or her choice to be represented by counsel.

(3). Failure to respond with either an admission or denial of responsibility is deemed admission by default.

(4). If the alleged violator submits a denial of responsibility, the alleged violator, or his or her representative or attorney must appear at the Zoning Violation Hearing.

(5). If the alleged violator, or his or her representative or attorney, fails to appear at the Zoning Violation Hearing, the violation(s) alleged in the citation shall be deemed admitted and the Hearing Officer shall enter a finding of responsibility against the alleged violator and impose a penalty pursuant to Section 5.14.C.4.a.2 of this Ordinance.

(6). The County need not be represented by counsel at the Zoning Violation Hearing. Should the County elect to secure counsel, the County must, in writing, notify the Hearing Officer and the alleged violator at least fifteen (15) days prior to the hearing.

(7). No later than ten (10) days prior to the hearing, both parties shall disclose a list of witnesses and prepared exhibits to the opposing party and shall place prepared exhibits on file with the Hearing Clerk.

(8). At the Hearing Officer’s discretion, a failure to comply with Section 5.14.2.d.7 may result in either the granting of a continuance to permit inspection, or the Hearing Officer shall deny the admission of the evidence.

(9). The order of the Zoning Violation Hearing shall be as follows:

iaa. The Hearing Officer shall call the case and briefly describe the procedures to be followed.

bbii. Opening Statement by the County

ciii. Opening Statement by Alleged Violator
Testimony of the County’s Witnesses
d
Testimony of Alleged Violator’s Witnesses
e
Testimony of other attendees, at the discretion of the Hearing Officer
f
Closing Statement by the County
h
Closing Statement by the Alleged Violator
i
Upon conclusion of the Zoning Violation Hearing, or within ten (10) days thereof, a decision shall be made by the Hearing Officer. The decision of the Hearing Officer shall include the findings and judgment of the Hearing Officer.

The Zoning Violation Hearing shall be governed by the following:
i
The Arizona Rules of Civil Procedure and Evidence shall not apply to a Zoning Violation Hearing. Any evidence offered may be admitted subject to a determination by the Hearing Officer that the offered evidence is relevant.
ii
Audio recordings of the hearing shall be made and kept on record with the Hearing Officer for a period of one (1) year.
iii
Either party may elect to utilize a court reporter during the Zoning Violation Hearing, at that own party’s expense. Transcripts shall be obtained by each party directly from the court reporter and at the requesting party’s expense.
iv
If the Zoning Inspector or Deputy Zoning Inspector does not appear at the time set for the hearing, the Hearing Officer shall dismiss the citation without prejudice.
ve
The Hearing Officer may set aside a finding entered upon a failure to appear, pursuant to Section 5.14.C.2.d.5, if it is determined by the Hearing Officer that the alleged violator was not served a citation, or for any other reason where necessary to prevent an injustice.

e. Recall Hearings

(1) Recall of a case may occur when the conditions and/or compliance time frame have not been met by the alleged violator. The citation and Zoning Violation Hearing are considered to be open until complete compliance has been reached as outlined in the Hearing Officer’s decision.

(2) Notice of a recall hearing shall be made according to Section 5.14.C.1.c.1.iii.e.

(3) Recall hearings to determine whether a violation has recurred shall be conducted according to Section 5.14.C.2.d.
3. Appeals

a. Appeals to the Board of Supervisors

The Alleged Violator or the County may appeal to the Board of Supervisors the final decision of the Hearing Officer. A written notice of appeal shall be filed with the Hearing Officer within seven (7) days after the hearing officer’s finding.

i. The notice of appeal shall identify the finding appealed from. It shall be signed by the appellant or the appellant’s counsel, and shall contain the names, addresses, and telephone numbers of all parties and their attorneys. When a party appeals, the Hearing Clerk shall send a copy of the notice of appeal to the other party or the other party’s attorney.

ii. Appeals shall be limited to the record of the proceeding before the Hearing Officer, and no new evidence may be introduced. The record of the proceedings shall include all materials in the Hearing Officer’s file, all evidence admitted at the hearing, and the official record as per Section 5.14.C.2.d.10 of this Ordinance.

iii. Upon receiving the notice of appeal, the Hearing Clerk shall, within thirty (30) days prepare and transmit the record and provide notice of the transmittal to the parties.

iv. The parties may stipulate that the appeal may be heard on less than a complete record or upon stipulated facts. The designation of the stipulated record shall be in writing, filed with the Hearing Officer within fifteen (15) days after the notice of appeal.

v. Upon sending the record to the Board of Supervisors, the Hearing Officer shall notify both parties that they have five (5) days from the date of the letter to submit memoranda stating their positions to be submitted to the Clerk of the Board of Supervisors. The memoranda shall not exceed five (5) pages in length.

vi. Public notice of the appeal before the Board of Supervisors shall be posted at least twenty-four (24) hours prior to the hearing. The Hearing Officer shall mail a notice of the hearing to both parties not less than ten (10) business days prior to the hearing.

vii. The Chairperson of the Board of Supervisors shall preside at the appeal and shall decide on all questions pertaining to procedure.

viii. At the hearing before the Board of Supervisors, arguments by the parties shall be limited to five (5) minutes for each party unless extended by the Chairperson of the Board of Supervisors.

ix. After consideration of the parties’ arguments, the record, and any submitted memoranda, the Board of Supervisors shall make a determination as to whether the
(10) x. If the Board of Supervisors finds that the Hearing Officer abused his or her discretion, the Board of Supervisors may:

a. Increase, decrease, or modify any sanction imposed by Hearing Officer; and
b. Affirm the decision of the Hearing Officer; or
c. Affirm in part and reverse in part and remand for further proceedings; or
d. Reverse the decision of the Hearing Officer and remand for further proceedings; or
e. Vacate the decision of the Hearing Officer.

b. Appeals to Superior Court

Decisions by the Board of Supervisors may be appealed to the Coconino County Superior Court pursuant to A.R.S. § 12-910.

4. Penalties & Remedies

a. Pursuant to A.R.S. § 11-815:

(1) The County may withhold all Building Permits and Zoning permits for properties on which a Use of the property, Building, or any other Structure exists which does not meet the standards of this Ordinance.

(2) If a zoning violation is found to exist pursuant to Section 5.14.C.2.d.2.i.b or Section 5.14.C.2.d.8.ix, the Hearing Officer shall impose a civil sanction not to exceed the maximum fine established in Section 5.14.C.4.a.3 for each violation, for each day the violation continues.

(3) Violations of this Ordinance shall may be punished by:

aai. Civil or criminal fines penalties, per day, per violation, amounts of up to:

a. Seven hundred fifty dollars ($750.00) for an individual, pursuant to A.R.S. § 13-802(B); or

b. Ten thousand dollars ($10,000) for any enterprise, corporation, association, labor union, or other legal entity, pursuant to A.R.S. § 13-803(A)(3).

bbe. Four (4) months imprisonment, pursuant to A.R.S. § 13-707(A) (2), in extreme circumstances.
ccii. Should the daily penalty balance for violation(s) on a single Lot or parcel exceed $1,500.00 for agricultural and residential Uses or $3,000.00 for commercial and industrial Uses, the matter shall be forwarded to the County Attorney’s Office for further legal action.

ddiii. Civil penalties assessed by the Hearing Officer shall not relieve the alleged violator from responsibility for correcting any violation(s).

eeiv. Payment of penalties shall be made to the Community Development Department.