

**SALT RIVER PIMA-MARICOPA**

**INDIAN COMMUNITY**

10005 East Osborn Road

Scottsdale, Arizona 85256

**ORDINANCE NUMBER: SRO-478-2016**

TO MAKE TECHNICAL AMENDMENTS TO CHAPTER 2, APPLICATION, REVIEW AND APPROVAL PROCESS ILLUSTRATION TABLE; CHAPTER 2, ARTICLE 2.4, SECTION 2.4.1 ILLUSTRATION TABLE; ARTICLE 2.5, SECTION 2.5.1, SECTION 2.5.2, AND SECTION 2.5.3; ARTICLE 2.7 ILLUSTRATION TABLE; ARTICLE 2.8, SECTION 2.8.1 ILLUSTRATION TABLE; ARTICLE 2.9, SECTION 2.9.1 AND SECTION 2.9.2 ILLUSTRATION TABLE; ARTICLE 2.10, SECTION 2.10.1 ILLUSTRATION TABLE, AND SECTION 2.10.2; AND ARTICLE 8.4, VARIANCE, USE DEFINITION OF THE ZONING ORDINANCE (SRO-467-2015) OF THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY AND ADOPTING A REVISED CHAPTER 2, APPLICATION, REVIEW AND APPROVAL PROCESS ILLUSTRATION TABLE; CHAPTER 2, ARTICLE 2.4, SECTION 2.4.1 ILLUSTRATION TABLE; ARTICLE 2.5, SECTION 2.5.1, SECTION 2.5.2, AND SECTION 2.5.3; ARTICLE 2.7 ILLUSTRATION TABLE; ARTICLE 2.8, SECTION 2.8.1 ILLUSTRATION TABLE; ARTICLE 2.9, SECTION 2.9.1 AND SECTION 2.9.2 ILLUSTRATION TABLE; ARTICLE 2.10, SECTION 2.10.1 ILLUSTRATION TABLE, AND SECTION 2.10.2; AND ARTICLE 8.4, VARIANCE, USE DEFINITION TO MODIFY TIMEFRAMES FOR THE LAND MANAGEMENT BOARD HEARING PROCESS AND REPORTING THEIR RECOMMENDATION TO COUNCIL, AND TO CHANGE THE TERM 'PUBLIC HEARING' TO 'COMMUNITY HEARING'

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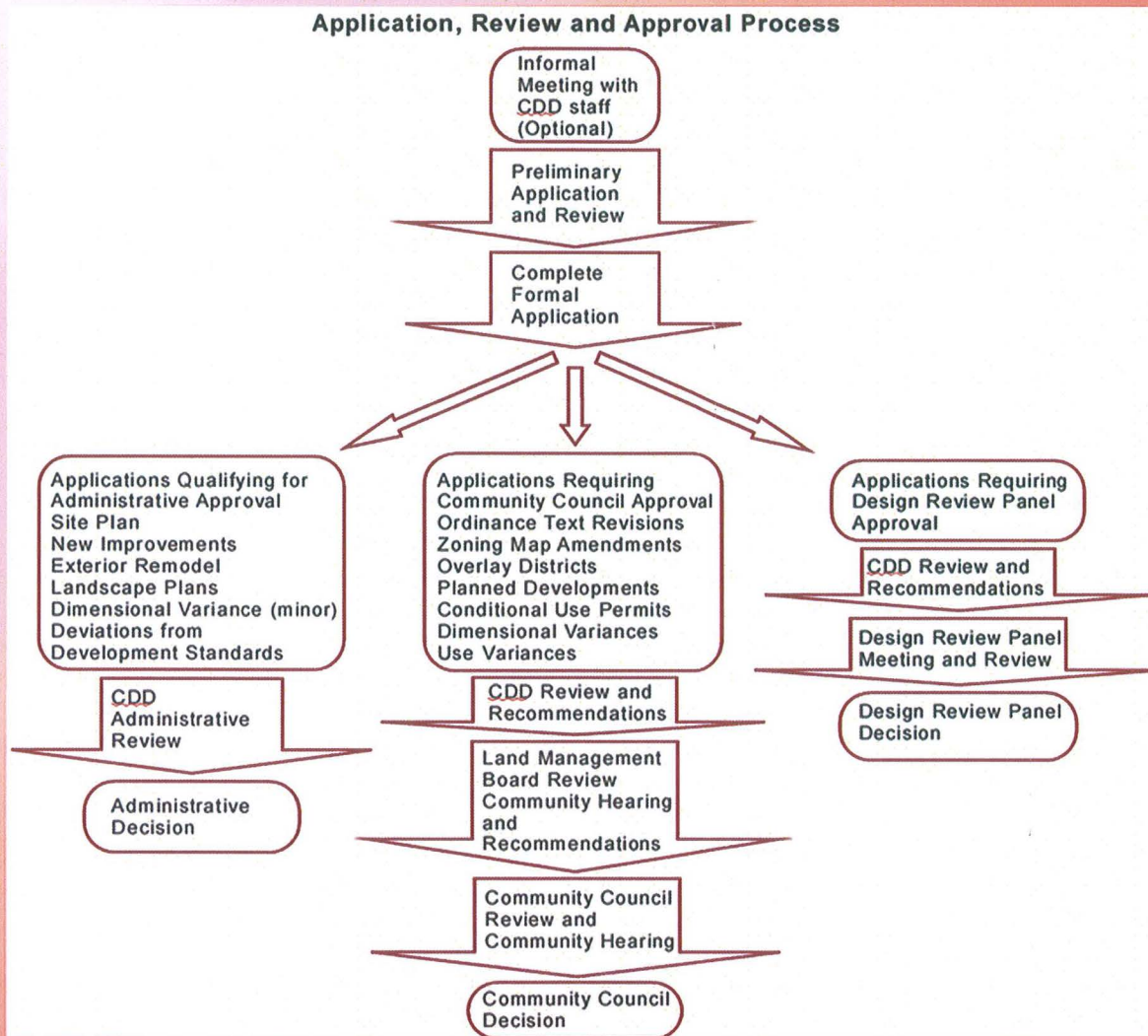
**BE IT ENACTED THAT:**

Chapter 2, Application, Review and Approval Process Illustration Table; Chapter 2, Article 2.4, Section 2.4.1 Illustration Table; Article 2.5, Section 2.5.1, Section 2.5.2, and Section 2.5.3; Article 2.7 Illustration Table; Article 2.8, Section 2.8.1 Illustration Table; Article 2.9, Section 2.9.1 and Section 2.9.2 Illustration Table; Article 2.10, Section 2.10.1 Illustration Table, and Section 2.10.2; and Article 8.4, Variance, Use Definition **of the Zoning Ordinance (SRO-467-2015) of the Salt River Pima-Maricopa Indian Community, as codified in Chapter 25 of the SRP-MIC Code of Ordinances is hereby amended and a revised** Chapter 2, Application, Review and Approval Process Illustration Table; Chapter 2, Article 2.4, Section 2.4.1 Illustration Table; Article 2.5, Section 2.5.1, Section 2.5.2, and Section 2.5.3; Article 2.7 Illustration Table; Article 2.8, Section 2.8.1 Illustration Table; Article 2.9, Section 2.9.1 and Section 2.9.2 Illustration Table; Article 2.10, Section 2.10.1 Illustration Table, and Section 2.10.2; and Article 8.4, Variance, Use Definition **is enacted as follows:**

## Chapter 2 Application, Review and Approval Processes

The purpose of this Chapter is to establish the required application, review and approval processes and procedures related to this ordinance. The timeframes provided for the various processes are approximate and actual processing times may vary from those stated.

This sketch illustrates the application, review and decision processes addressed in this Chapter.



Upon a decision of approval through the required zoning approvals, construction plans may be submitted for a building permit.



## **Article 2.4      Administrative Approval Process**

### **Section 2.4.1    Eligibility**

- A. Applications that may be eligible for administrative approval as determined by the Zoning Administrator include:
1. Applications requiring design review per Section 2.12.1 that:
    - a. Are small in scale and have minimal impact on the Community character.
    - b. Conform to the applicable zoning district and overlay district development standards and the intent of the SRP-MIC Design Standards and Guidelines.
    - c. Have no adverse impacts on adjacent properties and are not detrimental to the Community's health, safety or welfare.
  2. Modifications to approved development plans.
  3. Dimensional variances that represent a fifteen (15) percent or smaller variation from a development standard.
  4. Dimensional variances in the A/P zoning district that represent a twenty (20) percent or smaller variation from a development standard.
  5. Modifications to conditions of an administrative or Design Review Panel approval that do not change the basic intent of the original approval and do not substantially change the character or impacts of the development.
  6. Deviations from a development standard as permitted in Article 2.11.
- B. The applicant may elect to have the application processed through the Design Review Panel or Community Council as applicable in lieu of the administrative approval process.

#### **Administrative Approval**

1. Preliminary Review and determination of eligibility
2. Formal Application and CDD Review
3. Zoning Administrator's Decision

*Larger dimensional and all non-dimensional variance applications require Community Council approval through the Community hearing process.*

## **Article 2.5 Community Council Approval Process**

Applications requiring approval by the Community Council shall be determined after the preliminary application and formal application review processes described in Articles 2.2 and 2.3 and the Community hearing process by the Land Management Board and Community Council as described in this Article.



### **Section 2.5.1 Community Hearing Notification**

- A. Community notice as described in this section shall precede Community hearings by the Land Management Board and Community Council. Community hearing notices shall contain:
  - 1. The name of the applicant or owner.
  - 2. A description of the subject property location.
  - 3. A description of the proposed request.
  - 4. The designation of the hearing body.
  - 5. The time, date and place of the hearing.
  - 6. Applicant and Community staffs contact information.
- B. Notification Delivery - minimum requirements: Notice of the hearing mailed or delivered in person at least seven (7) calendar days prior to the date of the initial hearing to:
  - 1. The applicant.
  - 2. The landowners and all authorized spokespersons of the allottee landowners of the land that is the subject of the application.
  - 3. The allottee landowners of record of land within one-half (1/2) mile radius of the site that is the subject of the application or the authorized spokesperson for such landowners.
- C. The CDD Director shall be responsible for providing notification of the Land Management Board hearing.
  - 1. When multiple applications are under review for the same project, the Community may combine the Community notice for the various applications.
  - 2. Notice in addition those listed in this Section may be provided at the discretion of the CDD Director.
- D. The Community Council, Land Management Board, Design Review Board or the CDD Director may require additional Community input through neighborhood or district meetings prior to acting on the application. The applicant will be notified prior to the date of the neighborhood meeting.
- E. When more than six (6) months have passed since the most recent hearing, Community notification shall be provided before any new Community hearing.

### **Section 2.5.2 Land Management Board (LMB) Community Hearing**

- A. Applications requiring Community Council approval shall be reviewed by the LMB at a Community hearing prior to the Community hearing by the Community Council, unless otherwise waived pursuant to Chapter 17 Sec.17-5 and 17-5, as may be amended.
- B. Upon completion of the preliminary and formal application review processes, the CDD staff shall forward the application staff report and related submitted information to the LMB.



- C. Within fifteen (15) calendar days from the time the application is transmitted to the LMB, the LMB shall set a Community hearing and within thirty (30) calendar days shall hold a Community hearing at which the applicant shall present the proposal and address any questions.
- D. Questions and comments related to the application may be made in person or in writing to the LMB.
- E. At the Community hearing the LMB may continue the application to a future date to review or obtain additional information.
- F. The LMB shall consider the same findings to be considered by the Community Council applicable to the application.
- G. After the conclusion of the Community hearing the LMB shall:
  - 1. Within thirty (30) calendar days, make its recommendation to approve, approve with conditions or revisions, or deny the application, and forward a report containing information supporting the recommendation to the Council, the CDD Director, and the applicant.

### ***Section 2.5.3 Community Council Community Hearing***

- A. Within twenty (20) business days after the receipt by the Community Council of the report of the LMB, the application shall be placed on an available date of a regular Community Council agenda for a Community hearing, allowing adequate time for preparation of required documents, legal review and Community notice.
- B. The Community Council may, at its discretion, approve, approve with conditions or revisions, or deny the application, or may continue the application to a future date or set a meeting date at which it will make its decision.
- C. Notice of Decision.
  - 1. The Community Council will provide written notice of its decision to the applicant within ten (10) business days after the decision.
  - 2. The notice of decision shall contain a brief summary of the decision and any conditions of approval.
- D. Decisions of the Community Council are final.

## **Article 2.7        Zoning Map Amendments (Rezoning)**

- A. The Official Zoning Map may be amended from time to time to meet the needs of the Community through the adoption of an ordinance by the Community Council.
- B. Applications for zoning map amendments initiated by or on behalf of the landowners require consent from the landowners of the subject property in accordance with the Indian Land Consolidation Act (ILCA) unless the application is initiated by the CDD Director, Land Management Board, or the Community Council.



## **Article 2.8    Conditional Use Permits**

### **Section 2.8.1    Applicability**

This Article applies to uses that require a conditional use permit approved by the Community Council.

#### **Conditional Use Permit**

1. Preliminary Review
2. Formal Application and Review
3. Community Notice
4. Land Management Board Community Hearing
5. Community Notice
6. Community Council Community Hearing
7. Council Decision

## **Article 2.9    Dimensional Variances**

### **Section 2.9.1    Applicability**

- A. All development that varies from the dimensional standards of this ordinance requires prior approval through the processes described in this Article, except as specifically provided elsewhere in this ordinance.
- B. Applications for dimensional variances must include applicable consents from the landowners of the subject property in accordance with the Indian Land Consolidation Act (ILCA), unless the applicant has written authorization by the landowners to make such applications.

#### **Variance - Administrative**

1. Preliminary Review
2. Formal Application and CDD Review
3. Zoning Administrator's Decision

### **Section 2.9.2    Review Process**

- A. Dimensional variances from the standards of this ordinance are eligible for administrative approval in accordance with Section 2.4.1 and may be approved by the Zoning Administrator per Article 2.4.
- B. Dimensional variances from the standards of this ordinance not eligible for administrative approval require approval by the Community Council through the application processes described in Articles 2.2, 2.3 and 2.5.

#### **Variance - Council Approval**

1. Preliminary Review
2. Formal Application and Review
3. Community Notice
4. Land Management Board Community Hearing
5. Community Notice
5. Community Council Community Hearing
6. Council Decision



## Article 2.10 Use Variances

### Section 2.10.1 Applicability

- A. A specific use that is not listed as allowed, allowed with conditions, or allowed with a conditional use permit in a particular zoning district may be allowed through a use variance. The purpose of a use variance is to address a specific type of use at one specific location. It is not a substitute for rezoning.
- B. Application for a use variance must include applicable consents from the landowners of the subject property in accordance with the Indian Land Consolidation Act (ILCA), unless the applicant has lawful authorization from the landowners to make such application.

Use Variance
1. Preliminary Review
2. Formal Application and Review
3. Community Notice
4. Land Management Board Community Hearing
5. Community Notice
6. Community Council Community Hearing
7. Council Decision

### Section 2.10.2 Review Process

- A. Use Variances are approved by the Community Council following the processes described in Articles 2.2, 2.3 and 2.5.
- B. In addition to the Community notice requirements in Section 2.5.1 notification of the hearing will include:
  1. Within C-2, C-3, MB, LI, or NR zoning districts, adjacent master lease holders within three-hundred (300) feet of the parcel where the use variance will be located; and
  2. Within AR, C-1 or OS zoning districts home site and business owners within one half (½) mile of the parcel where the use variance will be located.

- A Use Variance permits development of a particular use that is otherwise not allowed, allowed with conditions or with a Conditional Use Permit, to occur on the subject property in conformance with any related plans, conditions of approval, regulations of the zoning district, applicable overlay districts, and applicable development standards.
- A Use Variance does not otherwise rezone the property.
- The granting of a use variance within any zoning district does not change the list of land uses permitted in that district and does not apply to any other location.

*Applicants for a use variance must address any adverse impacts the use may have on the surrounding area, such as:*

- Nuisance arising from noise, smoke, odor, dust, vibration, light trespass, glare or electromagnetic static.
- Hazards to persons and property from possible explosion, contamination or fire.

## ***Article 8.4        Specific Definitions***

As used in this Zoning Ordinance, the terms and phrases shall have the meaning ascribed to them in this Article unless the context in which they are used clearly requires otherwise.

**VARIANCE, USE:** Permission granted by the Community Council after a Community hearing to establish a particular land use in a specific location that is otherwise not permitted in the subject location by this zoning ordinance. A use variance is site specific and applies to a specific use; it does not rezone the subject property or allow the permitted use in any other location within the zoning district.

## C\_E\_R\_T\_I\_F\_I\_C\_A\_T\_I\_O\_N

Pursuant to the authority contained in Article VII, Section 1(k), of the Constitution of the Salt River Pima-Maricopa Indian Community (as amended), ratified by the Tribe on February 28, 1990, and approved by the Secretary of the Interior on March 19, 1990, the foregoing Ordinance was adopted this 9<sup>th</sup> day of December, 2015, in a duly called meeting of the Community Council at Salt River, Arizona, at which a quorum of 9 members was present, by a vote of 9 for; 0 opposed; 0 abstaining; and 0 excused.

### SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY COUNCIL



Martin Harvier, Vice-President

#### ATTEST:



Erica Harvier, Secretary

Approved as to Form by the  
Office of the General Counsel  
Theresa Rosier  
December 8, 2015

